

L A W S

OF

NORTH-CAROLINA.

At a General Assembly, begun and held at the City of Raleigh, on Monday the nineteenth Day of November, in the Year of our Lord One Thousand Eight Hundred and Ten, and in the Thirty-Fifth Year of the Independence of this State.

1810

BENJAMIN SMITH, ESQ. GOVERNOR.

CHAP. I.

An Act to raise a Revenue for the payment of the civil list and contingent charges of Government, for the year one thousand eight hundred and eleven.

BE 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 year one thousand eight hundred and eleven, a tax of eight-pence on every hundred acres of land within this State, and a tax of two shillings on every hundred pounds value of town lots with their improvements, as well on those not established by law as those that have been established, and a tax of two shillings on every poll, shall be levied, collected and accounted for, in the same manner as such taxes have heretofore been levied, collected and accounted for.

Tax on lands,
town-lots and
polls.

II. *And be it further enacted,* That a tax on all stud-horses and jack-asses within this State, of the full sum which the owner or keeper of such stud-horse or jack-ass shall ask, demand or receive for the season of one mare, shall be levied, collected and accounted for as above.

On stud-
horses, &c.

III. *And be it enacted,* That all free males, between the ages of twenty-one and fifty, and all slaves, between the ages of twelve and fifty years, shall be subject to a poll tax: *Provided,* that all slaves be listed in the county wherein they reside, and the tax shall be collected accordingly.

Who are sub-
ject to pay a
poll tax.

IV. *And be it enacted,* That each and every person who shall hereafter peddle or hawk goods, wares or merchandize, in any of the counties in this State, not of the manufacture of this State, shall pay to the Sheriff of each county in which he, she or they may so peddle or hawk goods, the sum of forty shillings, and shall obtain a receipt from such Sheriff for the same, which receipt so obtained shall authorize such person or persons to hawk and peddle goods in such county, and no other, for the term of one year; which tax so received by the Sheriff, shall be accounted for by him in like manner as other taxes. And if any person or persons shall hereafter peddle and hawk goods as aforesaid in any county of this State, without having first paid to the Sheriff of such county the aforesaid tax of forty shillings, and obtained a receipt for the same, he, she or they so offending, shall forfeit and pay the sum of ten pounds. And the several Sheriffs of this State are hereby authorized and required to collect the same by distress and sale of the goods or property of such delinquent; and the forfeiture or penalty so levied, shall be applied, one half to the use of the State and the other half to the use of the Sheriff who shall collect the same.

Tax on ped-
lars.

V. *And be it further enacted,* That all merchants, either wholesale or retail, shall pay a tax; if a wholesale merchant, the sum of five pounds, and if a retailing merchant, the sum of two pounds ten shillings, on each and every store in this State, at which they shall sell any goods, wares or merchandize to the amount of two hundred pounds in any one year. And all merchants or owners of stores as aforesaid, shall give in his, her or their store or stores, as the case may be, with a list of their taxable property, under the same rules and regulations that other taxable property is given in; which tax shall be levied, collected and accounted for, in the same manner as other

Tax on mer-
chants.

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taxes are: *Provided always*, that no retailers of spirituous liquors by the small measure, shall be liable to pay, in addition to the tax imposed on such retailers, the tax also imposed on stores, unless such retailer shall sell goods, wares and merchandize, other than such liquors, to the amount herein before stated.

Tax on billiard tables.

VI. *And be it further enacted*, That the owners of billiard tables, shall hereafter give them in at the same time, and in the same manner as other taxable property, and they shall be subject to a tax of thirty pounds; to be levied and collected by the Sheriff of the county in which such billiard-table or tables are kept, and to be by him accounted for, in like manner as other taxes.

*Read three times, and ratified in General Assembly, }
the 22d day of December, 1810.*

JOSEPH RIDDICK, S. S.
WILLIAM HAWKINS, S. H. C

Copied,
WILLIAM WHITE, Secretary.

CHAP. II.

An Act to regulate the Supreme Court.

Supreme court to be held twice a year.

BE, it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in future, the Supreme Court shall be held on the first Monday in January and July, in each and every year.

A chief justice to be chosen.

II. *And be it further enacted*, That the Judges, at the first meeting of the Supreme Court alter the ratification of this act, are authorized, empowered, and hereby required to chuse one of their body to preside in the said court, who shall be styled Chief Justice, and hold his office during good behavior.

Judges to deliver their opinions at length.

III. *And be it further enacted*, That it shall be the duty of the said Judges to deliver their opinions or judgments, with the reasons at full length on which they are founded. And the said Judges shall receive a compensation for the extra duty enjoined on them by the provisions of this act, the sum of fifty pounds; to be paid by the Public Treasurer, under the same rules, regulations and restrictions as are prescribed in the payment of the Judges at this time.

Attorney-General to attend this court.

IV. *And be it further enacted*, That it shall be the duty of the Attorney-General to attend on the said court at their several sittings, for the purpose of managing the business on the part of the State, and that he shall receive the sum of twenty pounds for the additional duty required of him by the provisions of this act; to be paid by the Public Treasurer, under the same rules, regulations and restrictions as heretofore prescribed by law.

Governor to procure a seal.

V. *And be it further enacted*, That the Governor, as soon as convenient, shall procure a seal for the Supreme Court, with suitable devices and motto thereon.

Sheriff of Wake to attend this court.

VI. *And be it further enacted*, That it shall be the duty of the Sheriff of Wake county, by himself or his deputy, regularly to attend the Supreme Court, and shall be paid for the same by the county court of Wake.

Causes how to be removed to this court.

VII. *And be it further enacted*, That any party to any suit now depending, or hereafter may be commenced, in any of the superior courts, who may desire to remove any legal question in his cause, after the same shall be decided in said superior court, shall have a right to carry the same to the Supreme Court, upon such party entering into bond with approved security, in the same manner, and under the same rules, regulations and restrictions, as are now required from persons appealing from a decision of the county court to the superior court of law. And the Supreme Court shall adjudge costs to be paid by the party cast, and execution shall and may issue from the said court for the same, in like manner as they are issued from the superior courts.

CHAP. III.

An Act to authorise any Judge of the Superior Court, or any two Justices of the Peace, on satisfactory evidence adduced, to commit to any Jail within this State, any Fugitive who has committed any offence in any other State, for the space of six months, unless sooner demanded by said State, agreeably to the directions of an Act of Congress in such case made and provided.

Preamble.

WHEREAS, agreeably to the present mode pointed out by the act of Congress for demanding fugitives from other States, the ends of justice may be often defeated: For remedy whereof,

How fugitives shall be dealt with.

Be 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 January next, any Judge of the Superior Court of Law and Equity, or any two Justices of the Peace, on satisfactory evidence adduced, that any fugitive has committed within the United States any petty larceny or other offence, the punishment whereof shall extend to affect life, limb or member, shall have full power and authority to commit such fugitive to any jail within this State, for the space of six months, unless sooner demanded, agreeably to the directions of an act of Congress in such case made and provided.

II. *And be it further enacted*, That if no demand is made within said term of time, then said fugitive shall again be liberated; any law, usage or custom to the contrary notwithstanding.

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CHAP. IV.

An Act more effectually to prevent delay in the Administration of Justice.

BE 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 several acts of the General Assembly heretofore passed, as requires the transcript of any suit, either civil or criminal, together with depositions and other written evidences filed, to be transmitted fifteen days before the sitting of any court to which the same may be removed, be, and the same is hereby repealed and made void: *Provided nevertheless*, that in case of removal, the Clerk of the court from which said cause is removed, shall have full power and authority to issue subpoenas for witnesses, returnable to the court to which the said cause shall be ordered to be transmitted for trial; any law to the contrary notwithstanding.

Part of former act repealed.

Clerk to issue subpoenas.

CHAP. V.

An Act to redeem the Paper Currency now in circulation, and to establish a Bank, by the name and title of the "State Bank of North-Carolina."

BE it enacted, That a Bank shall be established in the State of North-Carolina, the capital stock whereof shall not exceed one million six hundred thousand dollars, divided into shares of one hundred dollars each.

The capital.

II. *Be it further enacted*, That the Bank so established, shall consist of one central or Principal Bank, to be fixed at the city of Raleigh, the capital of which shall be three hundred thousand dollars, and the several Branch Banks hereinafter named, viz. at Edenton, the capital stock whereof shall be two hundred thousand dollars; at Newbern, with a capital stock of three hundred thousand dollars; at Wilmington, with a capital stock of three hundred thousand dollars; at Fayetteville, with a capital stock of two hundred thousand dollars; at Tarborough, with a capital stock of one hundred thousand dollars; and at Salisbury, with a capital stock of two hundred thousand dollars. It shall and may be lawful for the Treasurer to cause to be subscribed for and in behalf of the State, the sum of two hundred and fifty thousand dollars, which sum shall be reserved for the use of this State, to be paid for in stock of the United States, and the residue in gold or silver, at such time or times as it may be convenient for the State to pay the same. The Stock so subscribed and paid for on account of the State, consisting either in money or certificates of the United States, shall be distributed and divided among the Principal and Branch Banks, in proportion to the capital stock allotted and set apart for each establishment. Subscriptions shall be opened on the first day of April next, and remain open for sixty days, at the following places, viz. at Raleigh, under the superintendence of John Haywood, Henry Seawell, William Peace, William Boylan, Joseph Gales, William Polk, Theophilus Hunter, Benjamin Brickell, James Mebane, James Turner, Stephen Outerbridge, Duncan Cameron and Beverly Daniel; at Edenton, under the superintendence of Josiah Collins, Samuel Tredwell, Matthias E. Sawyer, Frederick Norcom, Joseph Bozman, Joseph B. Skinner, William T. Mufe, Isaac Barber and Joseph Blount; at Newbern, under the superintendence of William Sheppard, John S. West, Eli Smallwood, William Blackledge, Moses Jarvis, Afa Jones, Jeremiah Mastin, William Croon, Vine Allen, Henry Selby, William Orr, Thomas Holliday, Jesse Slocumb; at Wilmington, under the superintendence of Nathaniel Hill, John Lord, Robert Cochran, Hanson Kelly, Owen Kenan, Thomas F. Davis, John Owen, James B. White, Daniel Kenan, Edward Ward, junior, John G. Scull; at Fayetteville, under the superintendence of Robinson Mumford, junior, Thomas Davis, David Anderson, Henry Branfon, John M'Millan, Simeon Belden, Charles Chalmers, John Eccles, John Kelly, Oliver Pearce, Hugh Campbell, Duncan M'Lerran, Duncan M'Rae, Elifha Siedman, Robert Holliday; at Salisbury, under the superintendence of Francis Locke, Doctor William Moore, Samuel S. Savage, John Fulton, James Locke, Alexander Gray, Charles F. Bagge, John Nesbit, George Mumford, Lewis Beard, Richard Trotter, Gottleib Shoer, John Kelly; at Tarborough, under the superintendence of Thomas Blount, Edward Hall, Amos Johnston, William Amis, Simmons J. Baker, Robert Williams, Jacob Battle, Thomas B. Hill, H. J. Pride, John Hilliard, William Arrington. A majority of the said Commissioners, at each or any of the above mentioned places, shall be competent to perform the duties of their appointment; and if the number of shares allotted for each place shall not be subscribed within the term of sixty days, they shall keep the said books open for six months, and no longer. But the Corporation by this act created, may, at any future time, open

To consist of a principal & several branch banks.

Books to be opened.

Commissioners.

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When the
Bank shall go
into opera-
tion.

books to receive subscriptions for the remaining shares unsubscribed, at such time and place, and under the superintendence of such persons, as they may deem advisable and expedient. But in the mean time, it shall be the duty of the Commissioners of the respective Branch Banks, as soon as they shall actually have received twelve thousand five hundred dollars, to give notice of the same to the Commissioners of the Principal Bank at Raleigh, who shall forthwith notify the same in all the papers published in Raleigh; and the same persons shall, at the same time, notify the time and place within the city of Raleigh, at the distance of thirty days from the time of such notification, for proceeding to the choice of nineteen Directors; and it shall be lawful for such choice then and there to be made: And the nineteen persons who shall be then and there chosen, shall be the first Directors, and shall be capable of serving until the first Monday in December thereafter, by virtue of such choice, or until their successors shall be duly elected; and the said Directors shall forthwith commence the operation of a Bank in each of the towns previously enumerated, whose Commissioners shall have given them notice of the requisite sums being actually received for the use of the Corporation.

How the
shares are to
be paid for.

III. *And be it further enacted*, That three fourths of the amount of the share or shares subscribed for by the several and respective subscribers, shall be paid in gold or silver, and the last and remaining fourth, or any lesser part thereof, the subscribers shall pay in the paper currency emitted by this State; one fourth of which said payments to be made at the time of subscribing, to the Commissioners; one fourth within sixty days after the Bank shall go into operation; one fourth within one hundred and twenty days, and one fourth within twelve months, to the Bank Directors for the time being: *Provided always*, that it shall be lawful for any subscriber to pay the whole of his subscription, or any greater part than is hereby required, before the time limited for the same; and each and every subscriber so paying in advance, shall have a discount at the rate of six per centum per annum on such advance, computing the same from the commencement of the operation of the said Bank.

Paper cur-
rency not to
be a tender to
or from the
bank.

IV. *And be it further enacted*, That the paper currency now in circulation, and which was emitted by law in 1783 and 1785, on the faith and credit of this State, shall, immediately after the said Bank goes into operation, cease to be a legal tender in payment of all debts due to, or owing from the said Bank, and notification thereof shall be made by the proclamation of his Excellency the Governor in the papers published in the city of Raleigh.

Judgments in
favor of, and
against the
Bank, to be
granted in
gold or silver.

V. *And be it further enacted by the authority aforesaid*, That all courts of justice within this State, when any suit may be brought before them, on any debt due by bill, bond, note or otherwise, against the President and Directors of the State Bank of North-Carolina, by any person or persons, or by any bodies politic or corporate; or when any suit may be brought by the President and Directors of the State Bank of North-Carolina, against any person or persons, bodies politic or corporate, who shall or may be indebted to the Bank aforesaid, by bill, bond, note or otherwise, it shall and may, in such cases, be lawful, and the courts are hereby authorized and empowered to grant judgments in gold or silver, in the same manner as if no tender law existed. And the Sheriffs are hereby required, in all such cases where executions shall have been awarded, to collect the amount in gold or silver, and make due return of the same.

State divi-
dends to go to
the redemp-
tion of the pa-
per currency.

VI. *And be it further enacted*, That the dividend accruing upon the shares in the said Bank, owned by the State, shall be applied towards the redemption of the paper currency of this State paid into the Bank by virtue of this act.

The subscri-
bers incorpo-
rated.

VII. *And be it further enacted*, That 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 of "The President and Directors of the State Bank of North Carolina," and shall so continue until the first day of January, in the year one thousand eight hundred and thirty; 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, rents, tenements, hereditaments, goods, chattels and effects, to an amount not exceeding in the whole, two millions five hundred thousand dollars, including the capital stock aforesaid, and the same to sell, grant, demise, alien or 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 whatever; and also to make, have and use a common seal, and the same to break, alter and 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, not being contrary

to the laws of this State or of the United States; and for the making whereof, general meetings of the stockholders may be called by the Directors, in the manner hereinafter specified; and generally to do and execute all acts, matters and things, which a corporation or body politic in law, may, or can lawfully do or execute; subject to the rules, regulations, restrictions and provisions hereafter prescribed and declared.

VIII. *Be it further enacted*, That the Directors of the Central or Principal Bank, for the time being, shall have power to appoint thirteen Directors for each Branch Bank, and such officers, clerks and servants under themselves, as well as at the several Branches, as shall be necessary for executing the business of the said Corporation, and to allow them such compensation for their services, respectively, as shall be reasonable; and shall be capable of exercising such other powers and authorities for the well governing and ordering the affairs of the said Corporation, as shall be described, fixed and determined, by the laws, regulations and ordinances of the same.

IX. *Be it further enacted*, That the following rules, restrictions, limitations and provisions, shall form and be the fundamental articles of the constitution of the said Corporation, viz.

Directors of the Principal Bank to appoint those of the Branches.
Constitution of the Corporation.

First. The number of votes to which each stockholder shall be entitled, except the State, shall be according to the number of shares he shall hold, in the proportions following, that is to say: for one share, and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote. But no person, copartnership or body politic, shall be entitled to a greater number than thirty votes. The Treasurer, at all elections for Directors, shall, on behalf of the State, have the same number of votes to which the greatest number of stockholders may be entitled, possessing an equal number of shares with those owned by the State at the time of such election. And after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of election. Stockholders actually resident within the State, and none other, may vote in elections, and at general meetings of the stockholders, by proxy.

Second. None but a stockholder, being a citizen of the State, shall be eligible as a Director.

Third. None shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the President for his extraordinary attendance at the Bank, as shall appear to them reasonable.

Fourth. Not less than seven Directors, at the Principal Bank, and five Directors at each one of the Branch Banks, shall constitute a board for the transaction of business; of whom their respective Presidents shall always be one, except in case of sickness or necessary absence, in which case, his place may be supplied by any other Director whom he, by writing under his hand, shall nominate for the purpose.

Fifth. A number of stockholders, not less than sixty, who together shall be proprietors of two 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 ten weeks notice in a public gazette of the place where the Principal Bank is kept, and specifying in such notice the object or objects of such meeting.

Sixth. Every Cashier or Treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the Directors, in a sum not less than ten thousand dollars, with condition for his good behaviour.

Seventh. The lands, tenements, hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as 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.

Eighth. The total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note or other contract, shall not exceed the sum of four millions eight hundred thousand dollars, over and above the sum then actually deposited in the Bank for safe-keeping, unless the contracting of any greater debt shall have been previously authorized by a law of the State. In case of excess, the Directors

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The Consti-
tution.

under whose administration it shall happen, shall be liable for the same in their natural and private capacities, and an action of debt may in such case be brought against them, or any of them, their or any of their heirs, executors or administrators, in any court of record of the State, by any creditor or creditors of said Corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding. But this shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same, from being also liable for and chargeable with the said excess. Such of the said Directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, with or before some Notary Public, and to the stockholders at a general meeting, which they shall have power to call for that purpose.

Ninth. The said Corporation may sell any part of the public debt whereof its stock shall be composed, but shall not be at liberty to purchase any public debt whatever; nor shall directly or indirectly deal or trade in any thing except bills of exchange, 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.—Neither shall the said Corporation take more than at the rate of six per centum per annum for or upon its loans or discounts.

Tenth. No loans shall be made by the said Corporation for the use, or on account of the Government of the United States, to an amount exceeding one hundred thousand dollars, or of any particular State to an amount exceeding fifty thousand dollars, or of any Foreign Prince or State, unless previously authorized by a law of the State.

Eleventh. The stock of said Corporation shall be assignable and transferable, according to such rules as shall be instituted in that behalf by the laws and ordinances of the same.

Twelfth. The bills obligatory and of credit, under the seal of said Corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, 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 thereof 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 the said Corporation, signed by the President and countersigned by the principal Cashier or Treasurer thereof, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the said Corporation, shall be binding and obligatory upon the same, in the like manner, and with the like force and effect, as upon any private person or persons, if issued by him or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable, in like manner as if they were so issued by such 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.

Thirteenth. Half-yearly dividends shall be made of so much of the profits of the Bank, as shall appear to the Directors advisable; and once in every three years, the Directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of all the affairs relative to the Bank, and divide the surplus profits.

Fourteenth. It shall be the duty of the Directors of the Principal Bank, to cause discounts to be granted and deposits to be received by the Directors of the several Branch Banks, upon the same terms and in the same manner as shall be practised at the Principal Bank, due regard being had to the amount of capital actually possessed by the several establishments: They may require the Cashier of each Bank to furnish them, from time to time, as often as they may think necessary, not exceeding once a week, with statements of the amount of the capital stock of their particular office, and of the debts due the same, of the monies deposited therein, of the notes in circulation, and of the cash in hand. Nothing, however, shall be construed in this section, to give a right to the Directors of the Principal Bank, for removing the capital stock, or any part thereof, of one Branch to that of another, or to the Principal Bank, or to establish any Branch Bank other than that is now, or may be hereafter established by law. The officer at the head of the Treasury Department of the State, shall be furnished, from time to time, as often as he may require, not exceeding once in three

months, with a statement of the amount of the capital stock of said Corporation, and of the debts due to the same, of the monies 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 statements: *Provided*, that this shall not be construed to a right of inspecting the account of any private individual or individuals with the Bank.

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X. *Be it further enacted*, That the bills or notes of the said Corporation, originally made payable, or which shall have become payable on demand, in gold or silver coin, shall be receivable in all payments to the State. Notes receivable at the Treasury.

XI. *Be it further enacted by the authority aforesaid*, That no other Bank shall be established, by any future law of this State, during the continuance of the Corporation hereby created; for which the faith of this State is hereby pledged. No other Bank to be established.

XII. *Be it further enacted*, That if any person shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or willingly aid or assist in falsely making, altering, forging or counterfeiting, any bill or note issued by order of the President, Directors and Company of the State Bank of North-Carolina, and signed by the President and countersigned by the Cashier thereof; or any order or check on the said Cashier or Corporation for the payment of money, with intention to defraud the said Corporation, or any other body politic or person; or shall utter or publish as true, any false, altered, forged or counterfeited bill or note, purporting to have been issued by order of the President, Directors and Company of the State Bank of North-Carolina, and purporting to have been signed by the President and countersigned by the Cashier thereof; or any order or check on the Cashier or Corporation for the payment of money, with intention to defraud the said Corporation, or any other body politic or person, knowing the same to be falsely altered, forged and counterfeited, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted according to the due course of law, shall be sentenced to be imprisoned and kept at hard labour, for a period not less than three years, nor more than ten years; or shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars. Punishment for counterfeiting, &c.

XIII. *Be it further enacted*, That the stockholders of the Banks of Newbern and Cape Fear, heretofore incorporated, may and shall have a preference in the subscription to be opened under the provisions of this act, at Newbern, Wilmington and Fayetteville, for five days, to any one individual or corporate bodies; and they are hereby authorized, either as individuals, or as bodies corporate, to subscribe first on the books at the before mentioned places, for the full amount of the capital stock now owned and possessed by the said Banking Companies of Newbern and Cape Fear. Nothing in this clause, however, is to be construed to extend such preference longer than five days, or to prevent other individuals from subscribing for the balance of the stock allotted to the several Branches of Newbern, Wilmington and Fayetteville, after the expiration of the term of five days, or for the whole sum, should the stockholders of the Banks of Newbern and Cape Fear decline such subscription: *Provided always*, that nothing in this clause shall be construed to authorize the President and Directors of the last named Banks, to subscribe the amount of the stock owned by this State in their Banks to the State Bank of North-Carolina. A preference given in the subscription to the Banks of Newbern & Cape Fear.

XIV. *And be it further enacted*, That no note shall be negotiable at the Bank, unless it be so expressed on the face. What notes will be negotiable at the Bank.

XV. *And be it further enacted*, That no note shall be issued by the State Bank of North-Carolina for a less sum than one dollar. No note to issue for less than a dollar.

CHAP. VI.

An Act to amend an Act, passed in the year 1809, entitled "An Act to regulate the Banks of Newbern and Cape Fear, 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 upon the failure of the President and Cashier of either of the Banks of Newbern and Cape Fear, to comply with the requisites of the first section of the said act, judgment shall and may be rendered against the President, Directors and Company of the Bank, so refusing, on motion in the superior court of Wake County, in the same manner as judgments are by law had against delinquent Sheriffs. Process to be had against the Banks if they fail to pay their tax.

II. *Be it further enacted*, That from and after the passing of this act, it shall be the duty of the Directors of Newbern and Cape Fear Banks, on the part of the State, from time to time, or as often as they may think proper, to examine the cash in the vaults of the said Banks. And it shall be the duty of the Directors aforesaid, in their annual report to the General Assembly, to state whether the amount in said vaults corresponds with the Books of the said Banks. Duty of the Directors in behalf of the State.

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CHAP. VII.

An Act to revive and continue in force, an Act passed at Raleigh in the year 1803, entitled "An Act for establishing a Mutual Insurance Society against Fire on buildings, goods and furniture in this State."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in order to accomplish the object of the before recited act, books be opened in the several counties of this State, on the first day of March next, as follows, to wit: at Wadesborough, in the county of Anson, under the direction of Joseph Pickett and Todd Robinson; at Jefferson, for the county of Ashe, under the direction of Alexander Smith and John Bowers; at Washington, for the county of Beaufort, under the direction of Edward Quinn and William Rofs; at Windsor, for the county of Bertie, under the direction of Joseph H. Bryan and Joseph Blount; at Morganton, for the county of Burke, under the direction of Thomas Walton and John Caldwell; at Asheville, in the county of Buncombe, under the direction of George Swain and Andrew Erwin; at Elizabeth, for the county of Bladen, under the direction of John Ellis and Isaac Wright; at Smithville, for the county of Brunswick, under the direction of Benjamin Blaney and John Conyers; at Concord, for the county of Cabarrus, under the direction of Joseph Young and John Garretson; at Newbern, for the county of Craven, under the direction of John Sears, John Oliver and William Sheppard; at Beaufort, for the county of Carteret, under the direction of Bryan Hellen and Jechoniah Speckett; at Edenton, for the county of Chowan, under the direction of Henderson Standin and Nathaniel Bond; at Fayetteville, for the county of Cumberland, under the direction of Simeon Belden and John Mac Millan; at Whiteville, for the county of Columbus, under the direction of J. B. White and Isaac Powell; at Jonesborough, for the county of Camden, under the direction of Nathaniel Dains and Nathan Snowden; at Caswell Court house, for the county of Caswell, under the direction of William S. Webb and Barzillai Graves, junior; at Pittsborough, for the county of Chatham, under the direction of Zachariah Harman and William Dismukes; at the Court-house for the county of Duplin, under the direction of Andrew McIntire and Joseph Gillespie; at Tarborough, for the county of Edgecomb, under the direction of Theophilus Parker and Bennett Barrow; at Lewisburg, for the county of Franklin, under the direction of George Tunstall and James Yarbrough; at Greensboro', for the county of Guilford, under the direction of Abraham Geren and Joseph Davis; at the Court house for the county of Gates, under the direction of Wells Cowper and Daniel Southall; at Oxford, for the county of Granville, under the direction of Willis Lewis and James Vaughan; at Snowhill, for the county of Greene, under the direction of Thomas Holliday and James G. Sheppard; at Halifax, for the county of Halifax, under the direction of William Burt and Jesse Rhymes; at Winton, for the county of Hertford, under the direction of Joseph F. Dickinson and Jabez Wheeler; at Wayneville, for the county of Haywood, under the direction of John Welch, senior and Solomon Battle; at Germantown, for the county of Hyde, under the direction of Joseph Masters and John Clark; at Stateville, for the county of Iredell, under the direction of James Irwin and John Nesbit; at Trenton, for the county of Jones, under the direction of William H. Conner and Hardy Bryan; at Smithfield, for the county of Johnston, under the direction of William Saffer and Robert Helm; at Lincolnton, for the county of Lincoln, under the direction of David Reinhardt and James Bivings; at Kinston, for the county of Lenoir, under the direction of John Garling and John Washington; at the Court-house for the county of Martin, under the direction of Samuel Hyman and Richard Williams; at Charlotte, for the county of Mecklenburg, under the direction of William Davidson and William Allison; at Henderson, for the county of Montgomery, under the direction of James Perry and George W. Davidson; at Faganville, for the county of Moore, under the direction of Atlas Jones and Archibald M'Neil; at the Court-house for the county of Northampton, under the direction of Francis Dancy and Lawrence Smith; at the Court-house for the county of Nash, under the direction of George Boddie and Archibald Griffin; at Wilmington, for the county of New Hanover, under the direction of John Bradley and Thomas Cowan; at Swanborough, for the county of Onslow, under the direction of William Ferrand and Brice Pender; at Hillsborough, for the county of Orange, under the direction of William Whitted and John Street; at Elizabeth City, for the county of Pasquotank, under the direction of Charles Grice and Nathan Trueblood; at Hartford, for the county of Perquimons, under the direction of John Wood and Gabriel White; at Greeneville, for the county of Pitt, under the direction of George Green and Reddin Sheppard; at Roxborough, for the county of Person, under the direction of James Williams and William Jeffreys; at Lumberton, for the county of Robeson, under the direction of Alexander Rowland and Charles Moore; at Salisbury, for the county of Rowan, un-

Book of subscription to be opened in every county.

The commissioners.

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der the direction of Albert Torrens and Daniel Crest ; at Rutherfordton, for the county of Rutherford, under the direction of Joseph Hamilton and George Walton ; at Ashborough, for the county of Randolph, under the direction of Joshua Craven and Benjamin Elliott ; at Rockingham, for the county of Richmond, under the direction of John Clark and Walter Leak ; at Wentworth, for the county of Rockingham, under the direction of James H. Scales and James Campbell ; at Rockford, for the county of Surry, under the direction of Matthew M. Hughes and Joseph Williams, junior ; at Germanton, for the county of Stokes, under the direction of Isaac Dalton and Andrew Bowman ; at the Court-house for the county of Sampson, under the direction of Thomas King and John Bryant ; at Columbia, for the county of Tyrrell, under the direction of Charles Hopkins and Zebulon Tarkinton ; at Warrenton, for the county of Warren, under the direction of William A. K. Falkener and Peter R. Davis ; at Raleigh, for the county of Wake, under the direction of Joseph Gales, William Boylan and William Glendinning ; at Wayneborough, for the county of Wayne, under the direction of John Bledsoe and Philip Hooks ; at Plymouth, for the county of Washington, under the direction of Lemuel Clark and Reuben Carrol ; at Wilkesborough, for the county of Wilkes, under the direction of John Findley and James Waugh, for the purpose of receiving subscriptions for insurance against fire on buildings, goods and furniture, in the State of North-Carolina ; such books to be opened on the first day of March next, and kept open until the Society shall otherwise direct ; that on the twentieth day of June, returns shall be made by the several persons heretofore named, to Joseph Gales, William Boylan and William Glendinning, of the city of Raleigh, of a transcript of the amount of the subscriptions made on their books, distinguishing in such returns, the amount on buildings, goods and furniture respectively ; and on the event of the sum so subscribed exceeding the sum of two hundred thousand dollars, it shall be the duty of the said Joseph Gales, William Boylan and William Glendinning, to give public notice thereof in each of the newspapers published in the city of Raleigh, and to appoint a meeting of the subscribers, in person or by proxy, constituted by delivery of the certificate of subscription, the production of which shall be deemed sufficient (until provision be made by the society) in the city of Raleigh, on the first day of September next ; and if the subscription at or before the said meeting, or so soon thereafter as they shall amount to the said sum of two hundred thousand dollars at least, the said subscribers shall be considered as a body politic and corporate.

Returns to be made to Raleigh on the 20th of June.

When the society shall go into effect.

Former act continued.

II. *And be it further enacted*, That the aforesaid recited act, except such parts thereof as are herein provided for or altered, be, and the same are hereby continued in full force, in the same manner as if the same had been carried into operation at the time therein specified.

What shall be paid at the time of subscribing.

III. *And be it further enacted by the authority aforesaid*, That the said Agents or Commissioners by this act appointed, shall, at the time of receiving any subscription for insurance, on delivering a certificate thereof, demand and receive from the person or persons so subscribing, the sum of one dollar for every thousand by him, her or them so subscribed, and shall deliver to the person so subscribing, a certificate stating the amount subscribed, together with the sum received, which sums of money, by them so received, shall be transmitted with the returns to the Commissioners (in Raleigh) for the county of Wake.

CHAP. VIII.

An Act regulating the Inspection of Flour in this State.

Preamble.

WHEREAS the laws heretofore passed for the inspection of flour in this State, have been found defective,

Inspectors of flour to be appointed.

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 an Inspector of flour shall be appointed at each of the following places, to-wit : Fayetteville, Wilmington, Newbern, Edenton, Washington, Tarborough and Plymouth.

How to be appointed.

II. *And be it further enacted by the authority aforesaid*, That the courts of the several counties in which the places aforesaid are situate, shall, at the first court of pleas and quarter sessions which shall be held in said counties after the first day of January in each and every year, not less than ten acting Justices being present, nominate and appoint a person of good repute, and who is a skilful judge of the quality of flour, at each of the places aforesaid ; and in case of the death of any person so appointed, or his refusal or neglect to act, the Justices of said counties, respectively, or any three of them, shall, as soon as conveniently may be thereafter, meet together and appoint

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some other person in the room of the one so dead, refusing or neglecting to act, who shall execute the duties of his office until the next court held for the county where such vacancy may have happened; and at such court, the Justices shall appoint, in manner before directed, some person to be Inspector of flour for the residue of the year.

Flour to be
of due fine-
ness.

III. *And be it further enacted*, That all bolted wheat flour, and every cask thereof, brought to any of the places before mentioned for sale or exportation, shall be made by the miller or manufacturer thereof, merchantable and of due fineness, and without any mixture of coarser flour, or flour of any other grain than wheat.

Flour casks
to be well
made, &c.

IV. *And be it further enacted*, That all flour casks which shall be brought to any of the before mentioned places for sale or exportation, shall be well made with good seasoned materials, tightened with ten hoops, sufficiently nailed with four nails in each chine hoop, and three nails in each upper bilge hoop; and the flour barrels shall be made of the following dimensions, to wit: the staves shall be twenty-seven inches in length, and the head seventeen and one-half inches in diameter; and half barrels of the following dimensions, to-wit: the staves shall be of the length of twenty-three inches, and the diameter of each head twelve and one-half inches.

Millers to
brand their
flour.

V. *And be it further enacted*, That every miller of flour for sale or exportation, shall provide and keep a distinguishable mark or brand, containing the initials of his christian name and his surname at length, with which he shall brand every barrel of flour, and mark thereon the nett and tare weight, before the same shall be removed from the place where it was bolted, under the penalty of forty cents for every cask of flour not hooped, marked and branded and nailed as aforesaid, to be recovered from such miller who shall neglect to comply with the directions of this act, or from the person who shall bring such flour to any of the places aforesaid for sale; and in case said penalty should be recovered from the person bringing such flour for sale, such person shall and may recover the same from the miller or bolter from whom he purchased or received the same: *Provided* it appears, that he gave notice to said miller or bolter that he intended to carry the same to one of the places aforesaid for sale or exportation, and that he requested said miller or bolter to secure and brand said barrels.

What each
barrel & half
barrel shall
contain.

VI. *And be it further enacted*, That every miller or bolter shall put into each barrel the full quantity of one hundred and ninety six pounds of flour, and shall put into half-barrel the full quantity of ninety-eight pounds of flour; and if any one of them shall put into any cask a less quantity than is directed by this act, he shall forfeit and pay for the deficiency of each pound the sum of ten cents.

Inspectors
may unpack
flour.

VII. *And be it further enacted*, That the Inspector, upon suspicion, or at the request of the purchaser, shall, and he is hereby required to unpack any cask of flour, and if there shall be a less quantity than above directed, the miller, bolter or teller, shall pay the charges of unpacking and repacking, over and above the penalties aforesaid; but otherwise, the charges shall be paid by the Inspector, or by the purchaser, if the trial be made at his request.

Manner in
which flour
shall be exa-
mined.

VIII. *And be it further enacted*, That each and every cask of flour brought to any of the before mentioned places for sale, or to be from thence laden or shipped for exportation, or which in said places shall be manufactured for sale or exportation, shall be submitted to the view and examination of the Inspector of such place, who shall inspect and try the same by boring through the cask from one head, with an instrument not exceeding half an inch in diameter, and equal in length with a barrel of flour, to be by him provided for the purpose; and if he shall judge that the same is well packed and merchantable, according to the directions of this act, he shall plug up the hole and brand the cask in the quarter with the name of the place in which he is Inspector, with a public *Brand-mark*, to be by him provided for that purpose, and shall also brand and mark the degree of fineness which he, on inspection, shall determine the same to be of; which degree shall be distinguished as follows, to-wit: superfine, fine, middling, ship-stuff. For which trouble, the Inspector shall have and receive from the owner of such flour, the sum of five cents for each cask by him thus inspected. And no Inspector shall pass any flour which shall prove on examination to be unmerchantable, agreeable to the true intent and meaning of this act, but shall cause the same to be marked on the bilge *condemned*, or secure it for further examination, if required; which examination the owner shall procure to be made within twenty days, and the Inspector shall and may demand and receive from the owners thereof, the same rate and prices as if the same had been passed. And it shall not be lawful for any person to export or lade on board of any ship or vessel for exportation out of this State, any barrel of flour marked *condemned* by an Inspector; or to export or lade on board of any ship or vessel for exportation out of this State, any casks or barrels of flour

not inspected and branded as aforesaid, on pain of forfeiting ten dollars for every cask or barrel of flour exported or put on board of any ship or vessel for exportation.

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And whereas it may so happen, that evil disposed persons may pack flour and meal in old casks, which have been previously branded agreeably to this act, by which means that valuable commodity may be injured at foreign markets:

IX. *Be it therefore enacted by the authority aforesaid,* That if any person shall pack flour or meal of any kind whatever in a cask which has been inspected and branded with the name of a miller, such person shall forfeit and pay the sum of twenty dollars for every barrel so packed for sale; to be recovered before any Justice of the Peace, one half to the use of the informer, the other half to the miller who has been injured by such false packing, and be further liable to the action of the party aggrieved.

Penalty for
packing flour
in old casks.

X. *And be it further enacted,* That every Inspector of flour, before he enters on the execution of his office, shall make oath or affirmation, "that he will, without favour, affection, malice or partiality, inspect all flour brought to him, and which he shall be required to examine; that no flour shall be passed or branded by him without his inspecting the same; that he will not brand, or cause to be branded as passed, any cask or casks of flour, that do not appear to him, to the best of his skill and judgment, to be sufficiently clean, well ground, sweet and merchantable; that he will mark on all casks of flour the degree thereof, according to the directions of this act; that he will carefully examine the casks in which flour brought for inspection shall be contained; and that he will not pass or brand any such casks, unless they be of such size, goodness and thickness as by this act required."

Oath to be
taken by the
inspectors.

XI. *And be it further enacted,* That no Inspector of flour shall, directly or indirectly, purchase any flour by him condemned, or any other flour whatsoever, other than for his own use, under the penalty of seven dollars for every barrel by him purchased.

No inspector
to be a pur-
chaser of flour

XII. *And be it further enacted,* That if any person shall alter the mark branded on any cask of flour by an Inspector; or shall mark or brand any cask of flour which has not been inspected, with any mark or brand similar to, or in imitation of any Inspector's mark or brand; or after an Inspector shall have passed any cask of flour as merchantable, shall pack into such cask any other flour; or after any cask of flour shall be branded "condemned," shall unpack and repack the same in other casks for exportation, such person shall forfeit and pay the sum of seven dollars for every cask.

Penalty for
altering the
brand of an
inspector.

XIII. *And be it further enacted,* That the courts of the several counties in which the before mentioned places are situate, may, upon conviction, at any time remove from office, any Inspector of flour, for neglect of duty, malfeasance or corrupt practices, and appoint another Inspector to fill such vacancy for the residue of the year.

Inspectors
may be re-
moved from
office.

XIV. *And be it further enacted* That each and every forfeiture and penalty, by this act imposed (except those mentioned in the ninth section of this act) shall and may be recovered in an action of debt, before any jurisdiction having cognizance thereof, to the use of the person suing for the same.

How forfeit-
ures shall be
recovered.

XV. *And be it further enacted,* That all acts and parts of acts coming within the meaning and purview of this act, shall be, and are hereby repealed and made void.

Former acts
repealed.

XVI. *And be it further enacted,* That the several directions of this act, except so much as is contained in the second section, shall commence and be in force from and after the first day of March next.

When this act
shall take ef-
fect.

CHAP. IX.

An Act to amend an Act, entitled "An additional Act to an Act, entitled 'Feme Coverts how to pass Lands.'"

WHEREAS by the removal of persons from this State, and the right of females to inherit lands equally with males, it happens that the inheritance of many lands in this State is in feme coverts who are residents of other States or Governments, and the method prescribed by the before-recited act for taking the acknowledgment of feme coverts to conveyances of lands lying in this State, hath been found inconvenient to purchasers and others, and often impracticable, by reason of the death of the feme covert, or other accident:

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 where any conveyance for lands in this State, shall be made by husband and wife residing in any of the United States, other than this State, or in any of the Territories of the United States, and by them personally acknowledged before some one of the Judges of the courts of supreme jurisdiction in said State or Territory; or where the wife shall personally acknowledge such conveyance before two or more Commissioners duly authorized to take such acknowledgment, under a commission issued from some court of record in said State or Ter-

Manner in
which the ac-
knowledge-
ment of feme
coverts shall
be taken, in
any of the U.
States.

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ritory, the wife being first privily examined before said Judge or Commissioners whether she doth voluntarily assent thereto, and an attestation of such acknowledgment endorsed on or affixed to said deed or commission by the said Judge or Commissioners, and the certificate of the Governor of the said State or Territory duly authenticated and annexed to said deed that the Judge before whom such acknowledgment was taken was, at the time of taking thereof, one of the Judges of the courts of supreme jurisdiction in said State or Territory, or that the court which issued such commission is a court of record, and the person signing said commission is clerk of said court, such deed shall, upon being exhibited to the court of pleas and quarter sessions of the county where such lands lie, or one of the Judges of the superior courts, be ordered to be registered, with the certificates and commission endorsed thereon, or annexed thereto; and when so registered, shall be valid in law to convey all the estate and title which such feme covert may or shall have in any such lands, tenements or hereditaments so conveyed, and shall be received in evidence in courts of law and equity, without further proof.

How taken
when resid-
ing in foreign
parts.

II. *Be it further enacted*, That any deed for the conveyance of lands in this State, or any power of attorney to convey lands in this State, made by husband and wife who reside in foreign parts, or without the limits of the United States, which shall be personally acknowledged before the Mayor, or other Chief Magistrate of any city, town or corporation, the wife being first privily examined by such Mayor or Chief Magistrate, whether she doth voluntarily assent thereto, and an attestation thereof endorsed thereon or affixed thereto, shall, upon being exhibited to the court of pleas and quarter sessions of the county where such land lies, or one of the Judges of the superior courts of this State, be ordered to be registered, and shall be registered in the same manner as if such deed or power had been proved or acknowledged in open court of the county where the lands lie, and shall be valid in law to pass the estate and title of the wife to all such lands, tenements and hereditaments, so conveyed or to be conveyed; and when registered as aforesaid, shall be received in evidence, without further proof.

How powers
of attorney
made in fo-
reign parts
shall be pro-
ved.

III *Be it further enacted*, That any power of attorney to convey lands in this State, made by any person or persons in foreign parts, which shall be personally acknowledged or proved before the Mayor or Chief Magistrate of any city, town or corporation, and an attestation thereof endorsed thereon or affixed thereto, shall, upon being exhibited to the court of pleas and quarter sessions of the county where the lands lie, or one of the Judges of the superior courts of this State, be ordered to be registered, and shall be registered in the same manner as if such power had been proved or acknowledged in open court of the county where the lands lie; and when so registered, shall be received in evidence in any of the courts of this State, without further proof of the execution thereof.

CHAP. X.

An Act to amend the fifth section of an Act, entitled "An Act directing the mode of proceeding against the Real Estate of deceased Debtors, where the personal estate is insufficient for the payment of the debts," passed at Newbern in October, 1784.

Collateral is-
sues to be
tried at or be-
fore the 2d.
term.

BE 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 collateral issue shall be ordered to be made up between the executors or administrators and the heirs or devisees, in pursuance of the said fifth section of the above recited act, the same shall be tried at or before the second term thereafter of the court where the said issue shall be ordered, and in default thereof, judgment shall be rendered against the lands of said deceased debtor, in favour of the original plaintiff, agreeable to *scire facias*, unless on sufficient cause shewn to the court, further time shall be given for the trial of said issue.

CHAP. XI.

An Act to compel persons to give security in certain cases.

Bond and se-
curity to be
given in cer-
tain 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 future, when any person or persons shall obtain a writ of *Recordari facias loquelam*, or writ of false judgment, to remove any proceedings which shall be had before a magistrate, to any of the superior courts in this State, the person or persons so applying (if the defendant or defendants below) shall be required to give bond with good and sufficient security for the payment of the judgment and costs which may be recovered against such person or persons in the superior court; which bond shall be transmitted by the said magistrate, with the writ and other papers, to the court to which they are returnable. And the magistrate before whom the cause was tried, is hereby authorized and required to take such security, in the same manner as security is taken on appeals to the county court.

II. *And be it further enacted*, That in all cases where Certioraris are directed to the county courts, the clerk of the court is hereby required to take security, in the same manner, and under the same regulations, that security is taken on appeals from the county to the superior court.

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CHAP. XII.

An Act to point out the method in which Injunction Bonds shall be proceeded upon which are given agreeably to the directions of an Act of Assembly in such case made and provided, passed in the year 1800

WHEREAS inconveniencies are experienced by there being no particular method pointed out in which bonds shall be proceeded upon which are given to the several Clerks and Masters in Equity, in case of an injunction obtained: For remedy whereof,

Preamble.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing this act, that in all cases where bonds are given on the obtaining of an injunction, and said injunction should be dissolved, that the said bond shall be proceeded upon in the same manner, and under the same rules and restrictions, that bonds are proceeded upon in cases of appeals from the county to the superior courts; any law, usage or custom to the contrary notwithstanding.

How injunction bonds are to be proceeded upon.

CHAP. XIII.

An Act prescribing the manner in which the Public Printing shall in future be regulated.

WHEREAS it is represented to this General Assembly, that the public printing can be obtained for a much less sum than heretofore allowed for that service: And whereas it is the duty of the Legislature to consult economy in the expenditure of the public money:

Preamble.

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Public Printer to print a sufficient number of the journals of each session of the General Assembly to supply each member thereof with one copy, and the offices of the Governor, Treasurer, Secretary and Comptroller, with each a copy, and one other copy for each of the Clerks of the General Assembly; a sufficient number of the acts passed at each session to serve each member of the General Assembly with one copy, also one copy for each of the public offices and clerks as aforesaid, one copy for every Judge and Clerk of the Superior Courts, one for the Attorney and Solicitor General each, one for every Clerk and Master in Equity, and one copy for every Justice of the Peace, County Court Clerk, Sheriff and Coroner throughout the State, and one copy of the public laws for the Executive of each State in the Union. It shall also be the duty of the Public Printer to print for the use of the two Houses of the General Assembly whilst in session, copies for every member thereof of the rules of their respective Houses, and of such public bills, resolutions; reports or messages, as they may from time to time direct, as well as a copy of the titles of the laws passed at the close of each session, certificates for the attendance of the members, and alphabetical lists of the names of the members for the use of the clerks. And it shall be the further duty of the Public Printer to publish in some newspaper printed in the city of Raleigh, as soon as may be after the close of each session, all the acts of a public nature which have been passed, as well as any proclamation which may at any time be issued by his Excellency the Governor of the State.

Printer's duty

II. *And be it further enacted*, That it shall be the further duty of the Public Printer to have the laws and journals of each session printed and delivered within ninety days from the close of every session, and when thus finished and addressed to every Member of Assembly, Judge, Justice of the Peace, and others entitled to receive them, that he cause them to be packed up in parcels for each county, and delivered by trusty persons employed for the purpose to the Clerks of every County Court in this State; and within the same time shall be distributed, such acts of Congress as shall be transmitted for the use of this State; or in the absence of such Clerk, to some proper person in his behalf, whose receipt for the same he shall deliver to the Comptroller, before he shall be considered as having fulfilled the duties of his office.

III. *And be it further enacted*, That the Public Printer shall be allowed the sum of four hundred and fifty pounds annually, in full compensation for the aforesaid enumerated services.

His salary.

IV. *And be it further enacted*, That all acts and clauses of acts which come within the meaning and purview of this act, be, and the same is hereby repealed and made void.

Former acts repealed.

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CHAP. XIV.

An Act to prevent the recovery at law of any Bet or Wager made on a Horse-race.

Preamble.

WHEREAS the practice of horse-racing has been found unproductive of those good consequences expected to flow from it; and on the contrary, is productive of many evils to the good citizens of this State: For remedy whereof,

Bonds, &c.
given on a
horse-race to
be void.

Be 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 January next, every promise, agreement, note, bill, bond or other contract, to pay, deliver or secure money or other thing, won or obtained by wagering or betting on a horse-race, or to repay or secure money or other thing, lent or advanced for that purpose at the time of such betting or adventuring, shall be void; and any conveyance or lease of lands, tenements or hereditaments, sold, demised or mortgaged; and every sale, mortgage or other transfer of slaves or other personal estate, to any person, or for his use, to satisfy or secure money so won, lent or advanced, on due proof made before any jurisdiction having cognizance thereof, shall be, and is hereby declared void.

Former acts
repealed.

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

CHAP. XV.

An Act to amend the second section of an Act, passed in the year 1808, to mitigate the severity of Executions.

Articles not
to be taken in
execution, &c.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in all cases of executions against the goods and chattels, and in the case of insolvent debtors applying for discharge, one wheel and cards, also one loom, the property of the defendant or insolvent, shall always be deemed and held exempt from seizure, and be excepted, like working tools and arms for muster, in the oath to be taken by the insolvent; any law, usage or custom to the contrary notwithstanding.

CHAP. XVI.

An Act making it the duty of the Attorney-General, the Solicitors both in the County and Superior Courts, to take up the State Docket regularly, as the suits are entered on the same.

State docket
to be taken up
regularly.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the Attorney-General, the Solicitors both in the superior and county courts within this State, to take up the State Docket regularly, as the suits are entered on the same, unless otherwise ordered by the court; and not as heretofore, subject to be taken up at the will of the Attorney acting for and on behalf of the State.

II. *And be it further enacted,* That the suits on the State Docket shall be tried or continued, in the same manner as suits on the civil list of the docket; any law, usage or custom to the contrary notwithstanding.

CHAP. XVII.

An Act to amend an Act of the last session, entitled "An Act granting to the several Counties in this State, all fines, forfeitures, amercements and tax-fees, for the purpose of paying the expence of State prosecutions and contingent charges of the Counties."

Preamble.

WHEREAS it often happens that State prosecutions are tried in different counties from those wherein they originate, as well by removal as by the force of the twelfth section of the "Act for the more uniform and convenient administration of justice," which retains all prosecutions depending in the old district superior courts, to the counties wherein those courts were holden, whereby doubts may arise as to the counties liable to pay the charges of such prosecutions:

Counties
where offences
are committed to pay
costs.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, in all cases where the counties are liable to pay costs, those counties wherein the offences shall have been charged to be committed, shall pay them: And all fines, forfeitures and amercements shall be accounted for and paid to the Trustee of the county wherein the offence may have been charged to be committed, whereon such fine, forfeiture or amercement shall have arisen.

Tax-fees in
equity to be
paid to the
county trustee

II. *And be it further enacted,* That tax-fees on suits in Equity shall be paid over to the County Trustee, in like manner as tax fees on suits at law.

CHAP. XVIII.

1819

An Act relating to Bonds given by Sheriffs and Clerks of the Superior Courts and Courts of Pleas and Quarter Sessions.

BE 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 suits on Sheriffs, Superior Court Clerks, and Clerks of the Courts of Pleas and Quarter Sessions bonds, if the right of action has already accrued, shall be commenced and prosecuted within three years after the passage of this act, and not afterwards. And all such suits, in case the right of action shall accrue hereafter, shall be commenced and prosecuted within six years after the said right of action shall have accrued, and not afterwards, saving nevertheless the rights of infants, feme coverts, and persons *non compos mentis*, so that they sue within three years after their disabilities are removed.

When suits on clerks and sheriffs bonds shall be bro't.

CHAP. XIX.

An Act regulating the mode of appointing Jurors for the County Courts of Pleas and Quarter Sessions of this State.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the jurors of the courts of pleas and quarter sessions, shall, in future, be appointed in the same manner, and drawn out of the same box, as jurors to the superior courts of law and equity within this State: *Provided however, and be it further enacted,* that should the name of any Justice of the Peace be drawn for the county court, the same shall be returned into the box from which it was taken, and another ticket drawn out in his place.

Jurors to county courts to be appointed as jurors to super. courts.

CHAP. XX.

An Act extending the Law respecting Insolvent Debtors to free Persons of colour.

WHEREAS doubts have arisen whether free persons of colour are entitled to the benefits arising to the citizens of this State under the act respecting insolvent debtors: For remedy whereof,

Preamble.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the laws now in force in this State granting any privilege to insolvent debtors, are hereby extended to all free persons of colour, under the same rules, regulations and restrictions, to all intents and purposes, as the acts now are to insolvent debtors; any thing to the contrary notwithstanding.

Law extended to free persons of color.

CHAP. XXI.

An Act allowing further time for registering Grants, proving and registering Deeds, Mesne Conveyances, Powers of Attorney, Bills of Sale and Deeds of Gift.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That all grants for land in this State, all deeds of mesne conveyances, powers of attorney under which any lands, tenements or hereditaments, have been or may be conveyed, bills of sale, deeds of gift already proved as deeds of conveyance are required to be proven, or which may hereafter be proved, shall and may, within two years after the passing of this act, be admitted to registration, under the same rules and restrictions as heretofore appointed by law; and said grants, deeds, mesne conveyances, powers of attorney, bills of sale and deeds of gift, shall be as good and valid as if they had been proved and registered within the time heretofore allowed; any law, usage or custom to the contrary notwithstanding.

Two years longer allowed for registering grants, &c.

II. *And be it further enacted,* That whenever a deed for the conveyance of lands within this State, has been or may be executed in any part or place without this State, and the subscribing witness or witnesses are also without the State, that then and in that case, it shall and may be lawful for the court of pleas and quarter sessions of the county in which such lands lie, to direct a dedimus to two or more Commissioners in the State where the subscribing witness or witnesses reside, empowering them, or either of them, to take the acknowledgment or probate of such deed, and to return the same, with a certificate of such probate or acknowledgment, to the said court; whereon such dedimus and certificate of probate or acknowledgment, and the deed itself, shall be admitted to registration, which registration shall be good and effectual, to all intents and purposes: *Provided always,* that in case of the death of a subscribing witness or witnesses to any deed or other instrument requiring registration, satisfactory proof of the hand-writing of such deceased witness, together with proof of the hand-writing of the grantor, shall be sufficient for that purpose.

Manner of proving deeds executed out of the State.

1810

CHAP. XXII.

An Act to revive and continue in force an Act passed in the year 1808, directing the manner and time in which Surveys of Land were to be made and returned into the Secretary's Office.

Farther time
allowed for
surveys to be
made.

BE 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 bona fide entries of land in this State, which have been paid for, as by law directed, shall have until the first day of December, eighteen hundred and twelve, for surveys to be made and returned into the Secretary's office; any law to the contrary notwithstanding.

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

*Read three times, and ratified in General Assembly, }
the 21st day of December, 1810.*

JOSEPH RIDDICK, S. S.
WILLIAM HAWKINS, S. H. C.

Copy,
WILLIAM WHITE, Secretary.

CHAP. XXIII.

1810

An Act to incorporate a Company for the purpose of clearing out and rendering Navigable Meherrin River.

WHEREAS the opening and rendering navigable the river Meherrin, from the lower falls in Greensville County, Virginia, to Murfreesborough, in this State, is an object of importance to the interior commerce of a large portion of this State and Virginia, and many persons in both States are willing to subscribe large sums of money for the purpose of effecting so desirable an object, and it is just and proper that they, their heirs and assigns, should be empowered to receive reasonable tolls in satisfaction for the money advanced by them in carrying the said work into execution, and the risk they run. And whereas by a resolution of the last General Assembly of Virginia, five Commissioners were appointed, any three of whom were empowered to wait on the Legislature of this State, and to enter into reasonable and reciprocal stipulations relative to the opening of the river aforesaid; which resolution, though not carried into effect in consequence of the indisposition of the Commissioners, evidences a disposition on the part of that State to co-operate in so laudable an undertaking:

Be 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 restriction, duty or impost shall be laid on any commodity which is the growth, produce or manufacture of the State of Virginia, brought down the said river for sale or exportation, and that the same may be sold or exported without re-inspection; and that the waters of the said river, and all its branches, as far as the same are in this State, shall be considered as a common highway, free for the use and navigation of vessels belonging to the State of Virginia, or any of its citizens, and that they shall not be therein subject to the payment of any toll or charge whatever for the purpose of raising revenue; but it is to be understood, that in those articles where it is expressed that no duty or impost is to be laid for the purpose of raising revenue, it is not to be understood that the imposition of tolls for the purpose of improving the navigation of the said river is prevented.

II. *And be it further enacted,* That it shall and may be lawful to open books in the counties of Northampton and Hertford, under the management of Green Turner and John Pipkin, in Northampton, and William H. Murfree and Timothy Ridley, in Hertford, for receiving and entering subscriptions to the amount of ten thousand dollars, for the purpose of opening said river from the lower falls in Greensville, in Virginia, to Murfreesborough, in this State, which subscriptions shall be made personally or by power of attorney. That the said books shall be open for the purpose of receiving subscriptions, on the first day of April next, and continued open until the first day of April, 1813, if necessary; but as soon as three thousand dollars are subscribed, the acting Commissioners shall call a general meeting of the subscribers at the tavern of Jesse Doles, in the county of Northampton, of which notice shall be given by the said Commissioners in some gazette in this State, at least twenty days before the said meeting; and such meeting shall and may be continued from day to day until the business is finished: And the acting Commissioners shall, at the time and place aforesaid, lay before such of the subscribers as shall meet according to the said notice, the books by them respectively kept containing the state of said subscriptions; and if three thousand dollars should, on examination, appear not to have been subscribed, then the said Commissioners are empowered to take and receive subscriptions to make up the deficiency. And a just and true list of all the subscribers, with the sum subscribed by each, shall be made out and returned by the said Commissioners, or any four or more of them, under their hands, into the superior court of Northampton, and to be there recorded. And in case more than the said sum of ten thousand dollars shall be subscribed, then the same shall be reduced by said Commissioners, or a majority of them, by beginning at and striking off from the largest subscription or subscriptions, and to continue to strike off a share from all subscriptions under the largest, and above one share, until the sum is reduced to the capital aforesaid, ten thousand dollars, or until a share is taken from all subscriptions above one share, and lots shall be drawn between subscribers of equal sums to determine the number in which such subscriber shall stand on a list to be made for striking off as aforesaid. And the said capital sum shall be reckoned and divided into two hundred shares of fifty dollars each, of which persons subscribing may take or subscribe for one or more whole shares, and not otherwise: *Provided,* that unless three thousand dollars shall be subscribed, all subscriptions made in consequence of this act shall be void.

III. *And be it further enacted,* That in case three thousand dollars of the said capital, or a greater sum, shall be subscribed, the said subscribers, and their heirs and assigns, from the time of their first meeting, shall be, and are hereby declared incorporated into a Company, by the name of *The Meherrin Navigation Company*, and may be sued and sue as such, plead and be impleaded, before any jurisdiction of this State; and may elect and appoint a President, Directors, Treasurer, and all other necessary officers; and from time to time make such rules and regulations and by-laws, for the conducting the said Navigation, as they shall think proper, for the space of one hundred and ninety-nine years: *Provided,* they shall not be repugnant to, or inconsistent with the laws and constitution of this State, or the United States.

IV. *And be it further enacted,* That it shall be lawful for the said Company to demand toll of every article carried down or up the whole distance of their Navigation, and so in proportion for every part thereof, not exceeding the following rates, that is to say:

RATES OF TOLL.

Commodities transported.	cents.
For every pipe or hogshead of wine, containing more than sixty five gallons	five
— every hogshead of rum or other spirits	forty
— every hogshead of tobacco	thirty
— every hogshead of molasses,	thirty
— every hogshead or butt of malt liquor	thirty
— every cask between sixty-five and thirty-five gallons one half of a pipe or hogshead, every barrel one fourth part, and every smaller cask or keg in proportion to the quality and quantity of their contents.	
— every dozen malt liquor	two
— every dozen bottled wine	two
— every bushel peas, wheat, beans, rice or flax-seed	half

RATES OF TOLL.

Commodities transported.	cents.
For every bushel of Indian corn, or other grain or salt	half
— every barrel of pork	eight
— every thousand shingles, from eighteen to twenty-four inches	six
— every thousand three feet shingles	ten
— every thousand clap-boards or pails	ten
— every cord of fire-wood,	four
— every hundred feet of plank or scantling	one&half
— every hundred feet of all other timber	two&half
— every hundred weight of brown or clayed sugar	five
— all other produce, goods, wares or merchandize, one fourth of one per centum.	
— every hundred weight of machined cotton	twenty
— every barrel of beef	six

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1810

Commodities transported.	RATES OF TOLL. cents.
For every barrel of fish	six
— every barrel of flour	eight
— every barrel of tar, pitch, turpentine or rosin	two&half
— every barrel of linseed oil or spirits of turpentine	ten
— every ton of hemp, flax, pot-ash or bar iron	fifty
— every ton of pig iron or castings,	seventeen
— every ton of copper, lead, or other ore, other than iron	forty
— every ton of stone or iron ore, other than the ballast of the vessel	eight
— every chaldron of coal	twelve&half
— every hundred bushels of lime or shells	twenty-five
— every thousand bricks or tiles	forty
— every hundred of pipe staves	five

Commodities transported.	RATES OF TOLL. cen. s.
For every hundred of hogshead staves or pipe or hogshead heading	three
— every hundred of barrel staves or barrel heading,	one&half
— every boat or vessel exceeding one ton burthen, which has not commodities on board to yield so much, except an empty vessel or boat returning, whose load has already paid the toll, in which case she is to pass free of toll	fifty
— every canoe, boat or vessel, under one ton burthen, which has not commodities on board to yield so much, except as in the last article excepted,	twelve&half
— every hundred weight of seed cotton	five
— every thousand hoop poles	three

And the said Company may demand toll on all goods and commodities which may be transported through said Navigation, or any part thereof, at such place or places as they shall think proper; and if any person refuse to pay the lawful toll, the collector may deny passage; and any person refusing to pay and shall pass through the Navigation, it shall be lawful for the collector to seize vessel, cargo, or any thing else, wherever found, and sell the same, or so much as may be necessary, giving ten days notice, at public auction for ready money, to pay the toll, and the overplus shall be rendered to the owner, after paying the necessary expenses for seizure and sale.

V. *And be it further enacted*, That the navigation and works of said Company, done in pursuance of this act, when completed, shall forever thereafter be considered as a public highway, free for the transportation and passage of all goods, wares, commodities or produce whatever, paying toll as before directed.

VI. *And be it further enacted*, That it shall be lawful for any of the proprietors to transfer his share or shares, by deed executed before two witnesses and registered, after proof of execution in the Company's books, and not otherwise, except by devise, which devise shall be exhibited to the Company, before the devisees shall be entitled to draw any part from said toll: *Provided*, no transfer be made for part of a share; and that no share shall be transferred, or held in trust for the use or benefit, or in the name of another, whereby the Company may be made to answer any such trust; but every such person appearing as aforesaid to be a proprietor, shall as to the rest of the Company, be considered to every intent a proprietor; but between any trustee and the person for whose benefit the trustee was created, the common remedy may be pursued.

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

VIII. *And be it further enacted*, That if the said Company shall not complete the navigation of said river within five years after the passing of this act, all preference in favour of said Company with respect to said Navigation, shall be forfeited.

IX. *And be it further enacted*, That any person who shall fall trees or roll logs, or in any manner obstruct the navigation of said river, shall be subject to a penalty of five pounds for each and every offence, recoverable before any Justice of the Peace; if a slave, shall have twenty-five lashes well laid on his bare back. *Provided nevertheless*, that nothing in this act contained, shall be so construed as to exact toll on articles, or any species of produce, put on board of any boat or vessel at or below Princeton, in Northampton County; and *provided moreover*, that this act shall be considered only as in force from and after the passing of a corresponding act by the Legislature of the State of Virginia.

CHAP XXIV

An Act concerning the Dismal Swamp Canal Company.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the President and Directors of the Dismal Swamp Canal Company, and they are hereby authorised, to demand and receive, in lieu of the tolls heretofore allowed by law, tolls according to the following table and rates, to-wit: Every pipe of wine one hundred cents, every hog-head of rum or other spirits fifty cents, every hogshead of tobacco thirty-four cents, every hogshead of molasses twenty five cents, every bushel of wheat, peas, rice or flax-seed, two cents; every barrel of pork twelve and a half cents, every barrel of beef ten cents, every barrel of fish six and a quarter cents, every barrel of flour ten cents, every barrel of tar, pitch, rosin or turpentine, six and a quarter cents; every cask of linseed oil or spirits of turpentine twenty five cents, every ton of flax, hemp or pot-ashes, one hundred and fifty cents; every ton of bar iron fifty cents, every ton of pig iron or castings fifty cents, every ton of stone or iron ore, other than ballast of the vessel eight cents; every ton of copper, lead or other ore, other than iron ore, forty-two cents; every chaldron of coals ten cents;

every hundred bushels of lime or shells fifty cents, every thousand of bricks or tiles forty-two cents, every hundred of pipe staves twenty cents, every hundred of hogshead staves, or pipe or hogshead heading, twelve and a half cents; every hundred of barrel staves or barrel heading eight cents, every thousand shingles, from eighteen to twenty-four inches, eighteen and three-quarter cents; every thousand, from twenty-four inches to three feet, fifty cents; every thousand clapboards or pales fifty cents, every cord of firewood twenty-five cents, every hundred cubic feet of plank or scanting one hundred cents, every hundred cubic feet of all other timber (excepting masts or bowsprits the length whereof exceeds fifty feet) seventy five cents; every hundred cubic feet of masts or timbers, the length whereof exceeds fifty feet, one hundred and fifty cents; every hundred pounds of brown sugar four cents, all other produce, goods or merchandize, one fourth per centum; every boat or vessel exceeding one ton burthen, whether laden or empty, if she passes in or out the outer locks, shall, for the entire passage, pay per ton twenty cents; every boat or vessel under five tons burthen, whose employment is confined to transportation upon the canal only, without passing through the locks, which has not commodities on board to yield so much (except an empty boat returning whose load has been already paid for, in which case she is to pass free of toll) for each trip shall pay seventy-five cents; every boat or vessel under one ton burthen, which has not commodities on board to yield so much, twenty-five cents; every man (except foot travellers, who shall pass free) horse, ox in draft, and wheel passing the causeways, except the loads they carry yield so much, or empty waggons or carts returning whose load has paid toll, twelve and a half cents; every head of black cattle six and a quarter cents, every hog or sheep two cents. *Provided*, that nothing in this act contained, shall be so construed as to deprive any subsequent Legislature of the right to diminish the said tolls.

II. *And be it further enacted*, That as soon as the consent of the Legislature of Virginia shall be obtained, it shall and may be lawful that the President and Directors of the Dismal Swamp Canal Company be allowed, and they are hereby allowed the further time of two years than that heretofore granted by their acts of incorporation, for the purpose of completing their work; any thing in the said acts of incorporation to the contrary notwithstanding. This act shall commence and be in force from and after the passing thereof.

CHAP. XXV.

An Act to facilitate and open the Navigation of Neuse River, from Benjamin Smith's falls, in Johnston County, to Newbern.

WHEREAS the inhabitants of the Counties of Johnston, Wayne, Lenoir and Craven, would derive great advantages by rendering Neuse River navigable for boats capable of carrying their naval stores and produce to market, without experiencing the delays and losses consequent on the present obstructed navigation of said river:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said river between the aforesaid places, shall be called and known by the name of *Neuse River*, and that John S. West, William Hollister, Eli Smallwood, of Craven County; Bryan Whitfield, John Galing, John Washington, of Lenoir County; John Davis, Uriah Bass, Jesse Slocumb, Joseph Everitt, of Wayne County; Joseph Boon, senior, Colonel John Williams, William Sasser, Henry Guy, Samuel Norsworthy and John Atkinson, of Johnston County, are hereby declared to be a body corporate, by the name of *The Neuse River Navigation Company*, and by that name shall be capable to sue and be sued, plead and be impleaded, before any jurisdiction within this State having cognizance thereof; and they may elect and appoint all officers necessary, and from time to time make such rules, regulations and by-laws, for the management and conducting the said Navigation as they may deem expedient: *Provided however*, that such shall not be repugnant to, or inconsistent with the laws and constitution of this State, or of the United States.

II. *And be it further enacted*. That from and after the passing of this act, the aforesaid Neuse River Navigation Company are hereby vested with full power and authority to raise, by way of lottery, any sum not exceeding four thousand five hundred dollars, to be applied for the purpose of opening the navigation of said river, between the aforementioned places, by such scheme as the aforesaid Commissioners, or a majority of them, may think proper to devise.

III. *And be it further enacted*, That no person or persons shall hereafter fall any trees across, or roll any log into the aforesaid river, or otherwise obstruct the said navigation, under the penalty of five pounds for each and every such offence, to be recovered before any jurisdiction having cognizance thereof, one half to the person suing for the same, and the other half to be applied for the purpose of improving the navigation of the said river.

IV. *And be it further enacted*. That as soon as the aforesaid Neuse River is cleared and made navigable, it shall become a public highway, and the county courts of Johnston, Wayne, Lenoir and Craven, shall appoint such number of hands and overseers as they may deem necessary to work thereon, to keep the aforesaid river clear and navigable.

V. *And be it further enacted*. That in case of death, refusal to act, or removal of any of the aforesaid Commissioners, appointed by this act, the remaining commissioners of the county in which such death, refusal to act, or removal, may happen, are hereby fully authorised to appoint others to supply such vacancy, who are hereby vested with the same powers as those by this act appointed.

VI. *And be it further enacted*, That the aforesaid Neuse River Navigation Company, or a majority of them, shall, before they sell or cause to be sold any tickets, by virtue of the authority hereby granted, give bond with two sufficient freeholders security, payable to the Governor for the time being, and his successors, which bond shall be void, on condition that the said Commissioners shall well and truly perform the trust hereby reposed in them, that is to say, that the said lottery shall be conducted fairly, and according to the scheme which they, or a majority of them, shall adopt, and pay to every fortunate adventurer in said lottery the prize or prizes which he, she or they shall draw therein, subject however to such reductions and restrictions as the said Commissioners shall make known in the publication of the scheme of said lottery.

VII. *And be it further enacted*, That the said bond shall be filed with the clerk of the superior court of Lenoir County, who shall keep the same as a part of the records of said court; and any person thereby

1810aggrieved, may, without assignment, bring suit on said bond, in the name of the Governor, and recover damages accordingly.

VIII. *And be it further enacted*, That when the said Company shall have completed the Navigation aforesaid, they shall render a correct statement of the monies expended to the Clerk of the superior court of Lenoir County, and he shall file the same in his office, and keep the same as a part of the records of the said court.

IX. *And be it further enacted*, That if any person shall be sued for any thing done in pursuance of this act, he may plead the general issue, and give this act and the special matter in evidence, and in a verdict against the plaintiff, non-suit or discontinuance, recover costs of suit; any law to the contrary notwithstanding.

X. *And be it further enacted*, That the Commissioners aforesaid shall hold their first meeting in the town of Kinston, and a majority of them may proceed upon the duties of their appointment.

XI. *And be it further enacted*, That nothing in this act contained, shall be so construed as to authorise and empower the said commissioners, or their successors in office, or any other person, to pull down, remove, or in any wise injure, any mill or mill dam, which has been erected on, or in said river, by virtue of any public or private act of Assembly. *And provided further*, that nothing in this act shall be construed so as to prevent Freeman Killingsworth from erecting a dam on said river for the purpose of building Iron Works in the County of Johnston, on his erecting a lock or gate, so as to admit the free passage of boats and fish up and down said river.

CHAP. XXVI.

An Act to facilitate and open the Navigation of Broad River, in Rutherford County, from the South-Carolina line, to the mouth of Green River.

WHEREAS it is represented to this General Assembly, that the South-Carolinians have done a great deal towards rendering Broad River navigable, and have actually cleared the same within twenty-five or thirty miles of the line; and as it is highly necessary to encourage inland navigation,

Be 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, Hugh Quinn, Jonathan Hampton, William Sadler, John Moore, Richard Lewis, Noble Hamilton, James L. Terrel and Major Ross Alexander, are hereby declared to be a body corporate, by the name of *The Broad River Navigation Company*, and by that name shall be capable to sue and be sued, plead and be impleaded, before any jurisdiction having cognizance thereof; and they may elect and appoint all officers necessary, and from time to time make such rules, regulations and by-laws for the management and conducting the said Navigation, as they may deem expedient. *Provided, however*, that such shall not be repugnant to, or inconsistent with the laws and constitution of this State, or of the United States.

II. *And be it enacted*, That the aforesaid Broad River Navigation Company are hereby vested with full power and authority to raise any sum, not exceeding two thousand dollars, to be applied for the purpose of opening the navigation of said river, from the South-Carolina line to the mouth of Green River, by way of lottery, by such scheme as the aforesaid Commissioners, or a majority of them, may think proper to devise.

III. *And be it enacted*, That in case of death, refusal to act, or removal of any of the aforesaid Commissioners appointed by this act, the remaining Commissioners are hereby fully authorised and empowered to appoint others to supply such vacancy, who are hereby vested with the same powers as those by this act appointed.

IV. *And be it enacted*, That before the aforesaid Broad River Navigation Company shall sell, or cause to be sold, any tickets, by virtue of the authority hereby granted, they, or a majority of them, shall give bond with two sufficient freeholders security, payable to the Governor for the time being, and his successors in office, conditioned to be void on the due and faithful discharge of the trust hereby reposed in them, that is to say, that the said lottery shall be faithfully conducted, and the money so raised, they shall fully and faithfully account for, and to pay to every fortunate adventurer in said lottery, the prizes which he, she or they may draw therein on demand, subject however to such deductions and restrictions as the said Commissioners shall make known in the publication of the scheme of said lottery, which bond shall be filed with the Clerk of the superior court of Rutherford County, who shall keep the same as a part of the records of said court; and any person thereby aggrieved, may bring suit on said bond without assignment, in the name of the Governor, and recover damages accordingly.

V. *And be it enacted*, That as soon as the said Company shall have completed the navigation of said river as aforesaid, it shall become a public highway, and the county court of Rutherford shall appoint such number of hands and overseers to work thereon, to keep the same clear and navigable, as they may deem necessary; and the said Company shall render a correct statement of the money expended thereon to the Clerk of the superior court of Rutherford County, who shall file the same in his office, and keep it as a part of the records of said court.

VI. *And be it further enacted*, That if any person shall be sued for any thing done in pursuance of this act, he may plead the general issue, and give this act and the special matter in evidence, and in verdict against the plaintiff, non-suit or discontinuance, recover cost of suit; any thing to the contrary notwithstanding.

CHAP. XXVII.

An Act to facilitate the Navigation of Goshen, in Duplin County, from its junction with the North-East River, to the Rock Landing, near William Beck's.

WHEREAS Goshen runs through a large tract of the most valuable lands in the lower part of this State, and the inhabitants labour under many inconveniencies for want of Navigation:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, William Dickson, John Beck, David Hooks, William Beck, Esquire, Andrew Hurst, James Wright, Sampson Grimes, Stephen Miller, James Pearsall, Bryan Boarden, Bryan Glisson and Samuel Dunn, are hereby declared to be a body politic and corporate, by the name of *The Goshen Navigation Company*; and by that name shall be em-

powered to sue and be sued, plead and be impleaded, before any jurisdiction in this State having cognizance thereof, and may appoint such officers from time to time as they may think necessary, and may make such by-laws as they may think proper to make: *Provided*, they are not inconsistent with the constitution and laws of the State, or the constitution of the United States.

II. *And be it further enacted*, That from and after the passing of this act, the aforesaid Navigation Company are vested with full power and authority to raise, by way of lottery or lotteries, a sum not exceeding five thousand dollars, to be applied to the purpose of opening said Navigation as aforesaid, by such scheme or schemes as the Commissioners, or a majority of them, may think proper to advise.

III. *And be it further enacted*, That the aforesaid Commissioners, or a majority of them, shall have full power to appoint such other Commissioners as they may think most advisable.

CHAP. XXVIII.

An Act for opening and improving the Navigation of Swift Creek, in the County of Edgecomb.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Wiggins, Frederick Phillips, Dempsey Bryan, Henry Jenkins and William Jones, be, and they are hereby constituted and appointed trustees for opening and improving the navigation of Swift Creek, from Exum Lewis's mill on said creek, to its junction with Tar River; and they are hereby authorised to take and receive subscriptions for that purpose; and if any person or persons shall neglect or refuse to pay or to furnish the several sums of money or number of days work, by him or them respectively subscribed for the purposes of this act, it shall be lawful for the said trustees to recover the same, in the name of the trustees aforesaid, by warrant before a single magistrate. The said trustees, or a majority of them, shall have power to contract and agree with any person or persons for clearing and improving the navigation of the creek aforesaid, in such manner as to them shall seem most proper, and to remove all obstructions which shall in any wise injure the said navigation.

II. *And be it further enacted*, That the said trustees, or a majority of them, as often as they may think necessary, shall nominate and appoint one or more of their number, willing to undertake the same, to be receiver or receivers of all monies subscribed by virtue of this act. And the said receiver or receivers shall be accountable for the due appropriation of the same to such person or persons as the said trustees, or a majority of them, shall direct.

III. *And be it further enacted*, That if any person or persons shall obstruct the navigation of said creek, by the falling of a tree or trees, or the rolling of a log or logs into the same, and shall not remove the same within forty-eight hours; or shall erect any dam, hedge or other stoppage, whereby the navigation of the said creek shall be impeded, it shall be deemed a nuisance; and every freeman of full age so offending, or the parent, master or owner of every child, apprentice, servant or slave so offending, shall forfeit and pay the sum of five dollars for every such offence, to be recovered by the said trustees, by warrant, before a single magistrate. And all penalties recovered by virtue of this act, shall be applied by the said trustees towards improving and keeping open the navigation of the said creek. And in case of the death, resignation, removal or disability of any of the said trustees, it shall be lawful for the remaining trustees to supply the vacancy. This act shall commence and be in force from and after the first day of February next.

CHAP. XXIX.

An Act to authorise and empower Caleb Ethridge, Mitchell Simmons and Philip Dozier, of Currituck County, to cut a Canal on Cowenjock, in said County.

WHEREAS the cutting of a Canal from Cowenjock, up the old canal formerly begun by James Ethridge and others, in Currituck County, and extending the same on the north side of Canon's Ridge, and thence westwardly through the said swamp to the turn of the road that runs across the East Ridge, between Samuel Whitehour and Philip Douges plantation, would be of great utility to the inhabitants, as well for a convenient road, as the draining a large body of swamp land: 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 Caleb Ethridge, Mitchell Simmons and Philip Dozier, be, and they are hereby vested with full power and authority to receive subscriptions and donations from such public spirited men as may be inclined to aid such a laudable undertaking, and dispose of the same as they may think proper, for the purpose of draining the said swamp and making a road.

II. *And be it further enacted*, That the commissioners herein named, shall be known and stiled *The Great Swamp Road Company*, and shall have full power to sue and be sued, and plead and be impleaded, for any money subscribed, or any other contract made or done, in behalf of said road and canal.

III. *And be it further enacted*, That the said company, or a majority of them, shall have full power and authority to remove all obstructions that shall or may be detrimental unto said road or canal. And if any person shall designedly injure the said road or canal, such person or persons shall be answerable to the said company for double the amount of damage thereby sustained, to be recovered by an action of trespass, before any jurisdiction having cognizance thereof.

IV. *And be it further enacted*, That the said commissioners are hereby vested with full power to appoint an additional number of commissioners to assist them in completing the said road and canal, and to do all things which may appear to them beneficial in effecting the purposes of this act.

CHAP. XXX.

An Act to renew an Act passed in the year 1807, entitled "An Act to render Navigable Colly Swamp, in Bladen County."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the above recited act be renewed and continued in full force and virtue: *Provided*, that the company named in said act, incorporated and stiled *The Colly Swamp Company*, do meet at the house of William Bevan, at Colly lower Bridge, on or before the first day of June next, to devise or form such regulations as to them may seem expedient to carry into effect the navigation of said swamp.

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CHAP. XXXI.

An Act to authorise Ebenezer Pettigrew to cut a Canal from South Fork Creek to Lake Phelps.

BE 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 Ebenezer Pettigrew, and his heirs and assigns, to carry on the Canal which he has lately began, from South Fork Creek, by the most direct or convenient course, to Lake Phelps: *Provided*, he does not injure any useful improvements. And whereas it may so happen, that the necessary course of the canal may pass through the lands of persons under the age of twenty-one years, or through some tract the title of which may be disputable, and others may refuse to sell and dispose of a quantity sufficient for the passage of the said canal:

Be it therefore enacted by the authority aforesaid, That when the direct and necessary course of the said canal shall pass through the lands of any person or persons under the age of twenty-one years, or where the title is disputed, or where the owner refuses to sell so much land as may be necessary, that it shall and may be lawful for the said Ebenezer Pettigrew, his heirs or assigns, to exhibit his petition to the county court wherein the land lieth, setting forth the owner or claimant of the said lands, and the quantity required for the passage of the said canal; whereupon the court shall order the surveyor of the county, with six honest freeholders by them appointed, to view, lay off, and value on oath, as much of the said land as shall be sufficient for the passage of the said canal; that is to say, they shall estimate the value of a section, or small strip of such land, of the breadth of forty feet, and of the necessary length, according as the canal may pass; and they shall consider what damage the tract of land in question may sustain by the cutting a canal through it in the manner proposed and shall determine what sum of money the owner or owners of the soil ought to receive from the proprietor of the canal, which shall be returned under their hands and seals. *Provided nevertheless*, that the said owner or owners, or guardians, shall have such reasonable notice of such petition and order, as the court shall deem necessary, to attend at such survey and valuation: *And provided also*, that the passage of the said canal shall not interfere with, or take in any houses, orchards or other improvements. And the petitioner shall pay down in court for the land so laid off and obtained, the valuation money, and procure a record to be made thereof, which shall be a good and effectual seizin in law, to create to the said petitioner, his heirs and assigns, a fee-simple in such lands; and the monies when paid into court, shall be received by the clerk, and paid to the owner or owners, or guardian or guardians, in case of infants: *And provided nevertheless*, that the said canal shall be cut and finished within seven years, otherwise such land so laid off shall revert to the original owner or owners, or their assigns; any thing herein contained to the contrary notwithstanding.

CHAP. XXXII.

An Act to amend the several Acts heretofore passed relative to the Navigation of Rockfish Creek, in Cumberland County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, any person or persons who shall violate any of the acts heretofore passed relative to the navigation of Rockfish Creek, in Cumberland County, shall, for each and every such violation, forfeit and pay the sum of five pounds, lawful money of North-Carolina, to be recovered, upon due proof thereof before a single Justice of the Peace having jurisdiction of the same, in the name of the person suing for the same, and to the use of the poor of said county, together with costs.

II. *And be it further enacted,* That in all cases of any person or persons persisting in continuing such violation as aforesaid, he, she or they shall forfeit and pay the like sum of five pounds for each ten days that he, she or they shall so continue such violation, to be recovered and applied in like manner as above: *Provided however*, that no recovery shall be had against any person or persons for such continuation, unless it shall appear that the person or persons charged had notice of such violation or neglect, by some person or persons having an interest in said Navigation, and specially directed to remove the same, at least ten days before suit brought.

III. *And be it further enacted,* That in all cases, the party injured shall have his, her or their action for damages, as heretofore; any thing to the contrary notwithstanding.

IV. *And be it further enacted,* That nothing herein contained shall be so construed as to apply to any person or persons who have heretofore erected dams on said creek, until the first day of August next.

CHAP. XXXIII.

An Act to alter and enlarge an Act, entitled "An Act to encourage Enoch Sawyer to make a Road through Pasquotank River Swamp, opposite his plantation."

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the above recited act as relates to Enoch Sawyer as a keeper and owner of a public ferry across Pasquotank River, be, and the same is hereby attached to him as a keeper and owner of a public bridge, at the same place, and this transfer, together with all the provisions and conditions of the said recited act, shall be, and the same are hereby attached to the said Enoch Sawyer, his heirs, executors and administrators, for fifty years, and no longer.

II. *And be it further enacted,* That no other bridge shall be established within three miles, or on the plantation of the said Enoch Sawyer, during the continuance of this act; any law, usage or custom to the contrary notwithstanding.

III. *And be it further enacted,* That the said Enoch Sawyer, his executors, administrators and assigns, shall keep the said bridge and road in good and sufficient repair during the said term, under the penalty of five pounds for every neglect, one-half to the informer, the other half to the support of the poor in the county in which the information and recovery may be made.

CHAP. XXXIV.

An Act to amend an Act, passed at Raleigh in the year one thousand eight hundred and seven, entitled "An Act to establish a Turnpike Road, leading from the west end of Mattamuskeet Lake, to the main public road at John Jordan's, on Rose Bay, in Hyde County."

WHEREAS it is represented to this General Assembly, that a considerable sum of money has been expended already on the said road, and that it would be of great utility to the public, and that by reason of the difficulty of seasons and lowness of the lands, they have not been able to complete the work:

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the*¹⁸¹⁰ *authority of the same, That the President, Directors and Company of the turnpike road aforesaid, shall be allowed till the first day of January, one thousand eight hundred and fourteen, to complete the said road, and to finish the work necessary to be done thereon.*

II. *And be it further enacted, That the said President and Directors, by themselves or any person by them appointed, shall have full power and authority to enforce the payment of any instalment which may be hereafter laid, by a warrant from a single Justice of the Peace, in the name of The Rose Bay Turnpike Company, for any sum under the jurisdiction of a Justice of the Peace, and may bring suit in the county court, in the same manner, for any sum which shall exceed the jurisdiction of a Justice out of court.*

III. *And be it further enacted That no stockholder now holding shares in said turnpike road, shall be at liberty to forfeit or disclaim his share or shares, until he shall signify the same to the said Company, at their meeting, either by himself or in writing, and shall pay up all delinquencies of instalments which have been heretofore laid*

IV. *And be it further enacted, That any person making use of any part of the said road, so as to make it necessary to pass through any one of the gates in said road, shall be compelled to pay the full toll allowed in the former act.*

V. *And be it further enacted, That any person who shall make use of the said road, and go round any of the gates, or by any means conceal themselves to evade the payment of the toll allowed in the former act, shall forfeit and pay to the said Company, the sum of forty shillings, to be recovered by a warrant before any Justice of the Peace.*

CHAP. XXXV.

An Act appointing Commissioners to view and report upon the state and condition of the Turnpike Road in Buncombe County, owned by Philip Hoodenpyle and Job Barnard

WHEREAS the Commissioners heretofore appointed to examine and make report of the state and condition of the turnpike road in the county of Buncombe, owned by Philip Hoodenpyle and Job Barnard, to the court of pleas and quarter sessions of said county, have failed or neglected to 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 Zebulon Baird, William Nelson, junior, and William Garrison, be, and they are hereby appointed, or a majority of them, Commissioners, whose duty it shall be, under the penalties herein prescribed, to view and examine the road aforesaid, and make report to the court of pleas and quarter sessions of said county, at each session of said court, of the state and condition of said road. And it shall be the duty of the said court to direct the attorney prosecuting on behalf of the said county, to prepare a bill of indictment against the said Philip Hoodenpyle and Job Barnard, or either of them, if it shall appear from the report of the said Commissioners, or a majority of them, that the road is not kept in good and sufficient order; and, on conviction, shall suffer such fine as the said court shall impose, together with costs of suit.

II. *And be it further enacted, That if either of the said Commissioners, upon due notice of their appointment and acceptance of the same, at the first court to be held after the first day of April next, shall fail to examine and report, as herein directed, the state and condition of the said road, he or they so failing, shall be subject to a fine of five pounds for each and every offence, recoverable by warrant before any Justice of the Peace of said county, to the sole use and benefit of any person who shall sue for the same. And the said Commissioners shall be entitled each to ten shillings for every day they shall necessarily be employed in viewing and examining said road; to be paid by the proprietors thereof, or either of them, and recoverable, in case of non-payment, by warrant before any Justice of the Peace of said county.*

III. *And be it further enacted, That in case of the death, removal, or refusal to act, of any or all of the said Commissioners, that then and in that case, the court of pleas and quarter sessions of said county, seven Justices at least being present, may and shall appoint some person or persons in the room and stead of those dying, refusing to act, or removing away, who shall possess the same powers, and be subject to the same penalties, and entitled to the same emoluments, as those herein appointed.*

And whereas it is further represented to this General Assembly, that the ground over which the said turnpike road passes, is of such a nature as to render the opening of it twenty feet wide extremely expensive, and almost impracticable:

IV. *Be it therefore further enacted, That so long as the said Philip Hoodenpyle and Job Barnard, or either of them, shall keep, in the opinion of the said Commissioners, the said road in good and sufficient order, and of its present width, they shall not be liable to any suit or indictment that may be instituted against them on account of the width of said road; any law to the contrary notwithstanding.*

V. *And be it further enacted, That all acts or clauses of acts which shall come within the meaning of this act, are hereby repealed and made void.*

CHAP. XXXVI.

An Act repealing certain parts of the Road Law, so far as respects Buncombe and Haywood Counties.

WHEREAS the road law of this State is very oppressive to many of the good citizens of Buncombe and Haywood Counties, in subjecting the Overseers of the same to fines and costs for not clearing out the roads in said counties, and not keeping the same in the repair and order as the law directs; it being impossible in many places to fulfil the same, owing to the mountainous situation of said counties: For remedy whereof,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, so much of the road law as relates to the width of roads, so far as respects Buncombe and Haywood Counties, be repealed; and hereafter the Overseers of roads in said counties shall clear out the same, not less than ten feet in the most difficult parts, and where the country will allow of it, the road shall be cleared out as heretofore directed by law; any law to the contrary notwithstanding.

II. *And be it further enacted, That this act shall not be construed to affect any turnpike road or roads heretofore authorised or established in the Counties of Buncombe and Haywood.*

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CHAP. XXXVII.

An Act to amend an Act, passed in the year 1809, entitled "An Act to exempt the citizens on the East Side of Alligator River, from working on the Roads on the West Side of said River," 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 all persons who have not resided on the east side of Alligator River, in the County of Tyrrell, with their families, for the term of twelve months previous to the passage of this act, shall not be deemed exempted from working on the roads on the west side of said river; any law to the contrary notwithstanding.

CHAP. XXXVIII.

An Act to authorise Samuel Street to build a Bridge over Neuse River, where he now keeps a public Ferry.

WHEREAS it appears to this General Assembly, that a Bridge across the River Neuse, ten miles above Newbern, where Samuel Street now keeps a public ferry, would be of great utility :

Be 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 said Samuel Street, his heirs, executors, administrators or assigns, to erect and build a good strong and substantial Bridge over the River Neuse, in the County of Craven, where the said Samuel Street now keeps a public ferry, which bridge shall have one wide arch of thirty feet for rafts and vessels to pass through, with a draw so constructed as, when drawn up, shall permit all vessels of every description a free passage through the same, which gate or draw shall be so drawn up when necessary, by and at the expence of the said Samuel, or his successors. And after building the said bridge and completing the same, as aforesaid, it shall and may be lawful for the said Samuel Street, his heirs, executors, administrators or assigns, to keep a sufficient gate thereon, or at any other place on the road leading northwardly from said bridge, and within half a mile of the same; and shall take and receive from all persons passing over the said bridge, at 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, one dollar; for every foot passenger five cents, for single horses not attached to any carriage, or rode by any person, ten cents, for all net cattle, other than calves or yearlings, five cents, and for all calves, yearlings, hogs and sheep, two cents.

II. And be it further enacted, That when said bridge is so built and completely erected as aforesaid (provided it shall be completed within five years after the passing of this act) it shall not be lawful for any person whatsoever to keep any ferry across said river, or to build any bridge across said river, or set any person or persons, carriage or carriages, cattle, hogs or sheep, over the said river, for fee or reward, within five miles of the same, under the penalty of five dollars for each and every offence, to be recovered by a warrant by the said Samuel Street, his heirs, executors, administrators or assigns, before any Justice of the Peace in this State, to the sole use of the proprietor of said bridge at the time the offence may have been committed.

III. And be it further enacted, That when the said bridge shall be built and erected as aforesaid, the said Samuel Street, his heirs, executors, administrators and assigns, shall, during the continuance of this act, keep the same in good order and fit for passing over; and in case of any neglect, he shall be subject to the same pains and penalties as other keepers of public ferries and bridges are liable to by the laws of this State.

IV. And be it further enacted, That this act shall be in force fifty years from and after its passage, and no longer.

CHAP. XXXIX.

An Act to prevent any person or persons from obstructing the passage of Fish up Crooked Creek, in Camden County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall not be lawful for any person or persons to set a net, or drag a net or seine across said Crooked Creek, in the county of Camden, from the first day of April until the last day of May, in each and every year, from and after the passing of this act.

II. And be it further enacted, That any person or persons, upon conviction of violating this act, for each and every offence, shall forfeit and pay forty shillings, to be applied to the sole use and benefit of him or them, suing for the same, before any jurisdiction having cognizance thereof; any law, usage or custom to the contrary notwithstanding.

CHAP. XL.

An Act to amend an Act, passed in the year 1808, entitled "An Act to prevent any person or persons from working seines, skinning with nets, or of setting nets, in Tar and Pamlico Rivers, on Sunday and Sunday nights, and on Thursday and Thursday nights, in every week, from the 15th of January to the 25th of March, in each and every year."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the regulations contained in the said act shall be, and is hereby extended from the mill-dam at the Great Falls to the Fork Point below Washington; and shall be continued open from the fifteenth of January to the tenth of April, in each and every year, instead of the twenty-fifth of March, as hertofore; and shall be governed by the same rules, regulations and restrictions as contained in the above recited act; any law, usage, or custom to the contrary notwithstanding.

CHAP. XLI.

An Act to regulate the Fisheries on Welch's Creek.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the county courts of Martin and Washington to direct the Surveyor of their respective counties to stake out Welch's Creek, from the mouth to Ward's Bridge, leaving one-third of the channel of said creek open for the free passage of fish up the same; and when the said creek is staked out by the surveyors as aforesaid, no person or persons shall haul their seine, extend a net, or set a weir beyond the bounds reserved for the free passage of fish as aforesaid, or otherwise obstruct the same, under the penalty of twenty-five pounds for each and every offence, to be recovered by

action of debt, before any court having cognizance thereof, one half to the use of the person that shall sue for the same, the other half to the use of the poor of the county where such recovery shall be effected. 1810

II. *And be it further enacted*, That no person or persons shall work a seine, set a net or weir on the said creek on Sunday or Sunday nights, from the first day of March until the tenth day of May, in each and every year hereafter, under the penalty of ten pounds, for each and every offence, to be recovered by action of debt, before any jurisdiction having cognizance thereof, to the use of any person who shall sue for the same.

CHAP. XLII.

An Act for the regulation of Fisheries on Yeopim Creek, in Perquimons County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Perquimons, be, and they are hereby authorized and directed, on application being made to them by any citizen of said county, to appoint any number of Commissioners, not exceeding five, to lay off and stake out one-third part of the main channel of Yeopim Creek, from Smith's Point to the head of said creek.

II. *And be it further enacted*, That after the same is laid off and staked out, it shall not be lawful for any person or persons to hawl or work a seine or set a weir in any part of the channel so staked out, or remove any stake or stakes so set up by the Commissioners, or in any manner obstruct the same. And every person violating the true intent and meaning of this law, shall forfeit and pay for every offence the sum of ten pounds, to be recovered by warrant before any Justice of the Peace of said county, one-half to the person prosecuting the same, and the other half to the wardens of the county, to be applied to the use of the poor.

III. *And be it further enacted*, That the said Commissioners shall receive not exceeding ten shillings each per day for performing the services herein mentioned, to be paid by the person or persons making application for the appointment of such Commissioners; any law, usage or custom to the contrary notwithstanding.

CHAP. XLIII.

An Act to amend an Act passed in the year 1809, entitled "An act to amend the several acts heretofore passed relative to the removal of obstructions to the passage of fish up the several rivers within this State," so far as relates to the Pee Dee and Yadkin Rivers.

WHEREAS doubts have arisen respecting the channel or part of the said river which ought to be left open for the passage of fish; for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the courts of the several counties through which the said river passes or to which the said river is a boundary, at the first court which shall be held in their said counties after the first day of January next, and at the first court which may be held after the first day of January in each and every year thereafter, to appoint three persons to act as commissioners of the river for the following year, whose duty, or any two of them, it shall be to examine the said rivers, and where there are dams or other obstructions, to point out the spot which in their opinion is the channel of said river, and cause the same to be staked off, or otherwise marked off, the breadth of sixty feet to the Shallow Ford, from thence to the Wilkes line forty feet, and from thence to Fort Defiance fifteen feet; and it is hereby declared to be the duty of the person or persons owning such dams to remove the same on or before the first day of March following, and to keep the same open and free from obstructions until the first day of May, and to keep the said channel open from the first day of March to the first day of May in each and every year thereafter: *Provided nevertheless*, That the county courts of Rowan and Montgomery shall not be compelled to appoint commissioners in the manner and for the purpose herein mentioned, unless they should deem the same expedient and necessary.

II. *And be it further enacted*, That if any person or persons shall refuse or neglect to remove such obstructions ordered by the commissioners or a majority of them to be removed, he, she or they so offending, shall forfeit and pay the sum of twenty five pounds for every twenty-four hours such obstructions are allowed to remain, to be recovered by action of debt before any Justice of the Peace of said county, one half to be applied to the use of the county, and the other half to the use of the person suing for the same.

III. *And be it further enacted, by the authority aforesaid*, That it shall be the duty of the court appointing such commissioners, to allow them a compensation, not exceeding two dollars per day, for their services, while performing the duties required by this act: *Provided*, That the said commissioners shall not be allowed for more than six days each in any one year.

IV. *And be it further enacted*, That all sums of money hereafter recovered in consequence of a violation of the above recited act, shall be applied one half to the use of the county in which such recovery is made, and the other half to the use of him or them suing for the same.

CHAP. XLIV.

An Act to amend several Acts heretofore passed relative to the removal of obstructions to the passage of fish up Cape-Fear River.

WHEREAS the several Acts heretofore passed for the removal of obstructions to the passage of fish up the said river have failed to answer the purpose thereby intended; for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That previous to the first day of February next, all owners of dams, hedges, stops or traps, where they extend to or across the main channel of Cape-Fear river, shall cause the said obstructions to be removed, leaving at least one third part of the main channel aforesaid open, and continue the same open at all times thereafter for the free passage of fish up the same; and every person failing to remove the said obstructions, in the manner and by the time herein specified, shall forfeit and pay the sum of twenty-five pounds for every twenty-four hours that he, she or they may continue the same, to be recovered by a warrant before any Justice of the Peace, and applied to the sole use of the person suing for the same.

II. *And be it further enacted*, That from the first day of February to the first day of May, in each and every year, no person owning or having an interest in any seine or dipping nets of any description what-

1810ever, for the purpose of catching fish on the said Cape-Fear, shall be permitted to hawl their seine or seines opposite a dam or hedge, so that the said seine when stretched shall stop up more than two thirds of said river, or use their dipping nets, or suffer others to make use of them for the purposes aforesaid, on the Sabbath day (to wit) Sunday of each and every week, until the expiration of the time herein specified; nor shall any person or persons whatsoever fish at any stand or fishing place on the said river on the days aforesaid, under the penalty of twenty-five pounds for each and every offence, to be recovered in the same manner and applied to the same use as prescribed in the first section of this act, any law, usage or custom to the contrary notwithstanding.

CHAP. XLV.

An Act to regulate the Fisheries on Roanoke and Cashie 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 in future, no person or persons shall work a seine or set a net in either of the Rivers Roanoke or Cashie, or the mouths or thoroughfares thereof, on Wednesday or Wednesday nights, Sunday or Sunday nights, from the first day of March until the tenth day of May, in each and every year hereafter: That if any person or persons shall work a seine or set a net, contrary to the true intent and meaning of this act, he or they shall, for each and every offence, forfeit and pay the sum of fifty pounds, current money of this State, to be recovered by action of debt before any court having jurisdiction thereof, one-half to the use of the person who shall sue for the same, the other half to the use of the poor of the county where such recovery shall be effected.

II. *And be it further enacted by the authority aforesaid,* That if any slave or slaves shall be convicted before any Justice of the Peace of having violated the provisions of this act, he or they shall receive thirty lashes on his or their bare backs; and the master or owner of such slave or slaves, shall be bound to pay the costs of such prosecution: *Provided nevertheless,* That nothing in the above act shall be construed so as to affect the fisheries above the mouth of Cahukey on the south, and the mouth of Sandy Run on the north side of the said River Roanoke.

CHAP. XLVI.

An Act appointing Commissioners and a Surveyor, to run the dividing line between the Counties of Wake and Franklin.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Reading Jones, John Hinton, junior, Benjamin F. Hawkins and James Yarbrough, junior, be, and they are hereby appointed Commissioners, and Micajah Bullock Surveyor, to ascertain and run the dividing line between the counties of Wake and Franklin.

II. *And be it further enacted,* That the said Commissioners, together with the said Surveyor, shall, as soon as may be convenient, proceed to run out the said dividing line, and mark the same, and make return of their proceedings to the office of the Secretary of State, under their hands and seals; and the Secretary of State is hereby required to record the same in his office; and each of the said Commissioners, and the Surveyor, shall receive for their services forty shillings for each and every day they shall be engaged in the business aforesaid, to be paid jointly by the Trustees of the said counties, on affidavit of their services.

III. *And be it further enacted,* That in all controversies which shall hereafter arise respecting the dividing line between the said counties, the return of the said Commissioners shall be conclusive, any law to the contrary notwithstanding.

CHAP. XLVII.

An Act to establish the line between the Counties of Brunswick and Columbus, and to extend the time for running the lines on Eagle's Island, between Brunswick and New-Hanover 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 Waccamaw River, from the South-Carolina line up to the Stake, shall be considered as the true and established boundary between the said counties; and that the county courts of Brunswick and Columbus shall, together or separately, have the power and authority to order the said river, from bank to bank, cleared out, and to enforce the working thereupon on the inhabitants of their own counties, respectively, whenever they, or either of them, think proper; and also that process issued from the courts of Justices of either of the said counties, may and shall be served and executed on any person passing along, and within the banks of said river; any law, usage or custom to the contrary notwithstanding.

And whereas the Commissioners appointed to superintend the running of the division-lines on Eagle's Island, between the Counties of Brunswick and New-Hanover, have not accomplished the same in the time prescribed by an act passed at the last session:

Be it enacted by the authority aforesaid, That twelve months longer be allowed for effecting the said business.

CHAP. XLVIII.

An Act for establishing a Manufacturing Company in the county of Randolph.

WHEREAS the unjust and oppressive conduct of the nations of Europe towards the commerce of the United States, renders it peculiarly the duty of the Legislature at this time to promote and encourage the efforts of the citizens to produce among ourselves a supply of those articles of Manufacture for which we now depend on foreign nations; and it is represented to this General Assembly that the people of the County of Randolph are desirous to make trial of the practicability of establishing and conducting to advantage several species of Manufactures within the said county:

Be it therefore enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same, That books shall be opened at Ashborough, in the County of Randolph, on the fifteenth day of May next, under the superintendence of William Bell, Alexander Gray, Benjamin Elliott, Whitlock Arnold, Andrew Befer, John Brown, Isaac Lane, Jesse Harper, William Thornburg, William Armstead, Samuel Hill, Hugh Moffitt and Joshua Cox, and at such other places within the said county as the said persons shall direct, for the purpose of receiving subscriptions towards constituting a stock for conducting manufacturing establishments in said county; and the subscriptions shall be made in shares of twenty five dollars each, and the whole stock shall not exceed sixteen hundred of the said shares; that

as soon as two thousand dollars shall be subscribed, the subscribers to the said stock, their successors and assigns, shall be, and are hereby created a corporation or body politic, by the name and style of *The Manufacturing Company of the County of Randolph*, and by that name shall be, and are hereby made able and capable in law to purchase and hold, to them and their successors, lands, rents, goods and effects of what nature or quality soever, and the same to sell or dispose of, to sue and be sued, implead and be impleaded in courts of record and elsewhere, to have and use a common seal, and the same to alter at pleasure; and also to establish and execute such bye laws and regulations, not inconsistent with the laws and constitution of this State or the United States, as shall seem necessary and convenient for the government of said corporation, and for promoting the objects of its establishment.

II. *And be it further enacted*, That the subscriptions to said stock shall be paid in five equal parts, as follows: five dollars on each share at the time of subscribing, and the residue in sums of five dollars on each share at the distance of three calendar months from each payment.

III. *And be it further enacted*, That for the well ordering of the affairs of the said corporation, there shall be eight Directors, residents of the said town and county, to be chosen by the Stockholders or proprietors of the capital stock of the said corporation, on the first Monday in January in every year, by plurality of votes actually given; and those who shall be duly chosen at any election, shall be capable of serving as Directors until the first Monday of January next ensuing the time of such election; and the said Directors, at their first meeting after such election, shall choose one of their number as President.

IV. *And be it further enacted*, That as soon as one thousand dollars shall have been actually received on account of the subscriptions to the said stock, notice thereof shall be given by the persons under whose superintendence the same shall have been made, by advertising the same in at least six public places in the said town of Ashborough and county of Randolph; and notice shall in like manner and at the same time be given by the said persons of the time and place within the said town, at the distance of twenty days from the time of such notification, for proceeding to the election of Directors; and it shall be lawful for such election to be then and there made; and the persons chosen at such election shall be the first Directors, and shall be capable of serving, by virtue of such notice, until the first Monday in January next ensuing the time of making the same, and shall forthwith thereafter commence the operations of the said company within the said county of Randolph.

V. *And be it further enacted*, That in case it shall at any time happen that an election of Directors shall not be made upon the day when by this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful at any other day to hold and make an election of Directors in such manner as shall have been regulated by the laws and ordinances of the said corporation. *And it is further provided*, That in case of the death, resignation, permanent residence out of the county, or removal by the Stockholders of a Director, his place may be filled up by a new choice, to be made by the other Directors, for the remainder of the year for which he shall have been elected.

VI. *And be it further enacted*, That the Directors for the time being, shall have full power to appoint and employ such Treasurer, Clerks, Servants and Labourers, as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their services respectively as shall be reasonable; and shall be capable of exercising such other powers and authorities for the well governing and ordering of the affairs of the said corporation, as shall be described, fixed and determined by the laws and regulations of the same.

VII. *And be it further enacted*, That the following rules, restrictions, limitations and provisions, shall form and be fundamental articles of the constitution of the said corporation, viz. The number of votes to which each Stockholder shall be entitled, shall be according to the number of shares he shall hold, that is to say, one vote for each share. Stockholders may vote by proxy, the proxy being a Stockholder. None but a Stockholder shall be eligible as a Director. No Director shall be entitled to any emolument for his services as a Director. The Stockholders may allow a salary or compensation to the President. Not less than five Directors shall constitute a Board for the transaction of business, of whom the President shall always be one, unless in the case of sickness or necessary absence, in which case his place shall be supplied by any other Director whom he, by writing under his hand, shall nominate for the purpose. A number of Stockholders, not less than ten, who shall together be proprietors of not less than fifty shares, shall have power at any time to call a general meeting of the Stockholders, for purposes relative to the institution, giving at least ten days notice by public advertisement in the county of Randolph, and specifying in such notice the object or objects of such meeting. The stock of said corporation shall be assignable and transferable, according to such rules as shall be instituted in that behalf by the laws and regulations of the same. Yearly or more frequent dividends shall be made of the profits derived from the employment of the said stock as shall appear to the Directors advisable. If there shall be a failure in the payment of any part of any sum subscribed by any person, co-partnership or body politic, the party failing shall lose the benefit of any dividend which may have been declared after such failure, and prior to the time of making such payment.

CHAP. XLIX.

An Act to divide the Militia of Burke County into three Regiments.

BE it 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 Burke County, be, and the same are hereby divided into three regiments, as follows, to-wit: All that part composed of the following Captains districts, viz. Mark Brittain's, William Dinkworth's, James Dysert's, James Marlo's, Alfred Perkins's, Israel Pickens's, and James Ascue's, shall be called the first regiment. All that part composed of the following Captains districts, viz. John Smith's, Benjamin Newlin's, William Greenaway's and Joel Coffie's, shall be called the second regiment. And all that part composed of the following Captain's districts, viz. Baker's, Thomas Davenport's, Joseph Dobson's, Hodge Rabourne's and Merit Burgin's, shall be called the third regiment.

II. *And be it further enacted*, That the first regiment as aforesaid, shall hold their regimental and battalion musters in the town of Morganton; that the second regiment as aforesaid, shall hold their regimental and battalion musters at Tucker's election ground; and that the third regiment shall hold their regimental and battalion musters at John M. Greenlee's, Turkey Cove, any law to the contrary notwithstanding.

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CHAP. L.

An Act to divide the sixth Brigade of the Militia 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 sixth brigade of the Militia of North-Carolina, be, and the same is hereby divided in the following manner, that is to say: The Counties of Orange, Randolph and Chatham, shall compose the sixth brigade; and the Counties of Wake, Granville, Person and Caswell, shall constitute a new and distinct brigade, to be stiled the sixteenth brigade; any law to the contrary notwithstanding.

CHAP. LI.

An Act to annex a Militia Company in the County of Wayne to Waynesborough Battalion.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the militia company of the County of Wayne, residing within the limits of the following boundaries, be, and they are hereby annexed to the Waynesborough Battalion, to-wit: Beginning at Crawford's Bridge on Little River, then up the said river to the Johnston County line, then with the said line to the Juniper Swamp, then down the said swamp to the Burn Swamp, then with the said swamp to the head of the Wolf Branch, then with the said branch to the head of Nauhanty, then south to the old road leading to Peter Peacock's, then with the said road to the beginning; any law, usage or custom to the contrary notwithstanding.

CHAP. LII.

An Act to establish a separate Regiment in the County of Orange.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Haw River Battalion, in the County of Orange, be, and it is hereby established into a separate and distinct Regiment; and the field officers of said regiment, when appointed and commissioned, shall conduct said regiment, and be governed by the same rules, regulations and restrictions as have been heretofore prescribed by law for the regulation and government of all other regiments established within this State, and shall hold their regimental musters, and be reviewed at the place where they have heretofore held their battalion musters.

CHAP. LIII.

An Act to establish a separate Regiment in the County of Robeson.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the upper Battalion in the county of Robeson, be, and is hereby established into a separate and distinct Regiment; and the field officers, when appointed and commissioned, shall conduct said regiment, and be governed by the same rules, regulations and restrictions, as have been, or shall be prescribed by law, for the regulation and government of all other regiments within this State.

II. And be it further enacted, That the said regiment shall muster in future, at the house of Malcom M'Neill, where the said Battalion formerly mustered; any law to the contrary notwithstanding.

CHAP. LIV.

An Act for the better regulation of the Town of Plymouth, in the County of Washington.

WHEREAS it is found that the inhabitants of the town of Plymouth labour under many difficulties for the want of competent laws to regulate the same: For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners shall have full power and authority to lay a tax on all property in the said town, not exceeding five shillings upon every hundred pounds value of real property, nor exceeding five shillings upon every free taxable poll who resides in said town. And it is hereby expressly declared to be the duty of the sheriff of said county, or the town-constable or sergeant, to collect the same, at the same time, and under the same rules and restrictions as other taxes are collected, and shall be entitled to the same fees as for collecting other taxes, and shall pay over to the treasurer of the Board of Commissioners, all such monies as he has received, on or before the first day of October in each and every year, under the penalty of five pounds, to be recovered by the treasurer of the Board of Commissioners, upon motion in open court, at the first court in the County of Washington after such default shall happen.

II. And be it further enacted, That the said Commissioners, and their successors in office, shall be a body politic and corporate, and by the name of *The Commissioners of the town of Plymouth*, and shall have power and authority to appoint a treasurer, and regulate the salaries of their officers; any law or custom to the contrary notwithstanding.

CHAP. LV.

An Act to amend the several Acts heretofore passed for the regulation of the Police of the Town of Halifax.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all and every white male or males of lawful age, who shall possess five hundred pounds value of property in the town of Halifax or its liberties, and shall have been a resident or residents thereof twelve months immediately preceding the day of election, shall be deemed capable of being elected a Magistrate of Police, or a Commissioner or Commissioners of said town.

II. And be it further enacted, That each and every person or persons so elected, shall, within ten days thereafter, unless prevented by sickness or unavoidable accident, duly take the oath of qualification before some Justice of the Peace (who shall certify the same with his seal) under the penalty of ten pounds, to be by the Magistrate of Police, or either of the Commissioners of the preceding year, recovered and collected by action of debt, and deposited in the hands of the town-treasurer for the use and benefit of said town.

III And be it further enacted, That the Commissioners, so elected and qualified, shall meet on the third Saturday of each and every month, at such place as may be agreed on by themselves, to transact the business of the Board; and each and every Commissioner failing so to attend, unless prevented by

sickness, unavoidable accident, or other good cause, shall, for every such failure, forfeit and pay the ¹⁸¹⁰sum of twenty shillings, to be recovered, collected and applied as above.

IV. *And be it further enacted*, That in case either or any of the Commissioners so chosen shall die, remove out of the town, or be rendered incapable to act, a majority of the remainder or remainders of them, shall, and they hereby have full power to elect other or others, to fill such vacancy or vacancies, who shall, in all cases, qualify and be subject to the same penalties and forfeitures as above, and vested with the same powers and authorities; any thing to the contrary notwithstanding.

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

CHAP. LVI

An Act for the better regulation of the Town of Trenton, in Jones County.

WHEREAS the Commissioners, Trustees and Directors, appointed in the year 1784, for establishing a town in Jones County, are all dead or removed, and have failed to appoint successors for the regulation of said town of Trenton:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William H. Conner, John M'Daniel, Adonijah Perry, Hardy Bryan and Thomas Simmons, be, and the same are hereby appointed Commissioners for the town of Trenton, in the County of Jones, who are hereby vested with the same powers and authorities for the regulation of the said town of Trenton, as those who have heretofore been appointed by law.

CHAP. LVII.

An Act to appoint Commissioners for the Town of Bath, in the County of Beaufort, in addition to those heretofore appointed.

WHEREAS the streets of Bath are fenced up, and otherwise obstructed; for remedy whereof,

Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same, That Moses Windby, senior, Jonathan Marsh, and Gursham Homer, be appointed Commissioners, in addition to those heretofore appointed by law, for the town of Bath and county aforesaid; and it shall be the duty of them, or a majority of them, to advertise in the most public manner in the town aforesaid, for all persons who have fenced up or by any other means obstructed the streets in said town of Bath, to remove such fencing or other obstructions on or before the first day of May next, under the penalty of the Act of Assembly in such case made and provided.

II. *And be it further enacted*, That if the said obstructions should not be removed on or before the first day of May next, the person or persons refusing and neglecting to comply with the requisitions of this Act, shall forfeit and pay the sum of five dollars, to be recovered before any jurisdiction having cognizance thereof, and to be applied to the said Commissioners for the purpose of keeping the streets of the said town of Bath in repair.

III. *And be it further enacted*, That for each and every month after the first day of May next, that any person or persons shall continue fenced up or otherwise obstructed any of the streets of said town, and shall continue to neglect or refuse to remove the same, after being notified as aforesaid, he, she or they shall forfeit and pay the sum of two dollars, to be recovered and applied as aforesaid, any law to contrary notwithstanding.

CHAP. LVIII.

An Act to appoint Commissioners for the Town of Swansborough, in addition to those heretofore appointed by law.

BE it enacted by the General Assembly of the State of North Carolina, That Charles Carrol, Reading Jones and Brice Bender, be, and are hereby appointed Commissioners for the town of Swansborough, with the same powers and authorities now held and exercised by those heretofore appointed by law.

II. *Be it further enacted*, That the Commissioners herein and heretofore appointed, shall have power to prevent, and cause to be removed, any obstructions which may impede the free passage of vessels up and down the river on which the town aforesaid is situate.

III. *And be it further enacted*, That the freeholders in the said town shall, on the first day of January in each and every year, after the year one thousand eight hundred and eleven, elect by ballot five Commissioners to act for one year, who shall possess and exercise the same powers as are held and possessed by those hereby and heretofore appointed.

IV. *And be it further enacted*, That if any person shall hereafter impede the free navigation of the river, as aforesaid, by placing obstructions therein, or otherwise, he shall be fined a sum not less than five pounds for each offence, to be recovered before any jurisdiction having cognizance of the same.

CHAP. LIX.

An Act to regulate the Police of the Town of Greensborough, in the County of Guilford, 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 David Gillaspie, David Caldwell, junior, Simeon Geren, Joseph Davis, Abraham Geren and Henry Humphreys, be, and they are hereby appointed Commissioners of the Police in and for the town of Greensborough in the County of Guilford, and that a majority of said Commissioners shall have power to transact business and to fill vacancies which shall occur by death or resignation.

II. *And be it further enacted*, That the said Commissioners, before entering upon the duties of their office, shall, before some Justice of the Peace in and for said county of Guilford, take and subscribe an oath well and truly to discharge the duties of a Commissioner of Police in and for the town of Greensborough aforesaid, during his continuance in office; which said oath shall be recorded by a Secretary, to be chosen by the said Commissioners, or a majority of them, whose duty it shall be to record the proceedings of the said Commissioners, in a well bound book to be kept for that purpose.

III. *Be it further enacted*, That the said Commissioners, or a majority of them, shall have power to enact bye-laws for the well ordering of the Police in the town of Greensborough aforesaid, to impose fines and penalties for breaches of said bye-laws: *Provided*, That no such bye-laws be contrary to the laws of the State or constitution of the said State or of the United States.

IV. *Be it further enacted*, That the sheriff and constables of Guilford county aforesaid, shall be bound to aid and assist to carry the bye-laws to be enacted by the said commissioners of police into effect, and to execute all process to them or either of them directed for that purpose.

1810 V. *Be it further enacted*, That the said commissioners, or a majority of them, shall annually elect one of their own body to act and serve as Superintendent of Police in said town for the space of one year from the time of his election, who shall sign all the proceedings of the said commissioners, and shall cause all the regulations and bye laws by them enacted to be copied and put at the court house door of said county, at least twenty days before such regulations or bye-laws shall take effect.

VI. *And be it further enacted*, That Thomas Dick, George Swain and John Hannah, be, and they are hereby appointed commissioners, for the purpose of demanding a settlement with the several accounting officers of said county, to wit, the clerk, sheriff, county trustee, treasurer of public buildings, wardens of the poor, or any other person or persons whatever, who have been entrusted with, or have had the management of the monies collected for the use of said county, by fines, forfeitures, trays or taxation, since the year 1796.

VII. *And be it further enacted*, That it shall be the duty of each of the said accounting officers, within thirty days after a written notice is served on him, to render a just account and fair statement, on oath, of the receipts and disbursements of the money by him or them received for the use of the said county, for the year or years respectively in which he or they had the collection and management thereof, under the penalty of five hundred pounds, to be recovered from each and every officer neglecting or refusing to render a full statement on oath as aforesaid, which recovery shall be had by the commissioners aforesaid by an action of debt, instituted in the superior court of the county of Guilford, and to be applied to the use of said county.

VIII. *And be it further enacted*, That if it should appear to the said commissioners, on examination of the receipts and disbursements of any of the said accounting officers, since the year 1796 as aforesaid, that either of the said officers had failed to pay over to the use of said county any sum of money by him or them received for that purpose, it shall be the duty of the said commissioners to report the same to the next succeeding superior court of the county aforesaid after such investigation, therein specifying the year or years in which they were delinquents and the amount of such delinquency; and upon the reception of such report, it shall be the duty of the court aforesaid to enter up judgment against such delinquent officer and his securities in a summary way, and such report shall be prima facie evidence against him or them.

IX. *And be it further enacted*, That the said commissioners be, and they are hereby authorised to call upon any of the aforesaid officers for any books, papers, vouchers or documents in their possession, which may to them appear essential in such investigation; and if any of the officers to whom such application is made should fail to deliver such books, papers, vouchers or documents for examination as aforesaid, within ten days thereafter, he or they shall forfeit the sum of five hundred pounds for each and every refusal or failure, to be recovered by the commissioners aforesaid, in the superior court of the county of Guilford, to be applied to the use of said county.

X. *And be it further enacted*, That the said commissioners shall be, and each of them are hereby allowed the sum of fifteen shillings for each and every day they are necessarily engaged in discharging the duties enjoined by this act, to be paid by the county trustee out of any monies not otherwise appropriated.

XI. *And be it further enacted*, That on the death, removal or refusal to act, of any of the commissioners hereby appointed, the county court aforesaid be, and they are hereby authorised and directed, at the first term which may happen thereafter, to appoint others to supply their place or places, and when so appointed, shall have the same power and authority as those appointed by this act.

XII. *And be it further enacted*, That it shall be the duty of the said commissioners, previous to entering upon the discharge of the duties herein prescribed, to take an oath before some Justice of said county, well and truly to discharge the duties herein enjoined on the said commissioners.

XIII. *And be it further enacted*, That the said commissioners be and they are hereby authorised and directed to issue a summon or summons, directed to the Sheriff or any Constable in said county, commanding him to cause to appear before them at such time and place therein stated, any person or persons to give evidence in any cause in which they may deem the same necessary in the examination herein contemplated; and in case of the refusal or non-attendance of such witness or witnesses, at such place and time appointed by said commissioners, shall each be held responsible for the payment of twenty-five pounds for each and every neglect or failure, to be recovered by action of debt, in the name of the commissioners, before any jurisdiction having cognizance thereof, to be applied to the use of the county aforesaid; any law to the contrary notwithstanding.

CHAP. LX.

An Act to authorise James B. White to lay off a Town on his own Lands in the County of Columbus.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Isaac Powell, John Wingate, senior, Arthur Simpson, William Burney and Warren Baldwin, be, and they are hereby appointed Commissioners for the purpose of laying off a town on the lands of the said James B. White, in the county aforesaid, at the place fixed on to erect the public buildings for said county; which town, when laid off by said Commissioners, or a majority of them, shall be called and known by the name of Whitesville, and the lots thereof shall be for the sole benefit and free disposal of the said James B. White.

CHAP. LXI.

An Act to establish and confirm a Town by the name of Waynesville, in the County of Haywood, and for other purposes therein mentioned.

WHEREAS, by an act of the General Assembly, passed at Raleigh in 1808, entitled "An act erecting the western part of Buncombe into a separate and distinct county, and also a part of Brunswick and a part of Bladen counties into a separate and distinct county," there were Commissioners appointed to fix on a suitable place at or near the centre of the county of Haywood, whereon to erect the public buildings of said county; and whereas the said Commissioners did fix on a spot of ground then the property of Colonel Robert Love, about eighty poles a south westwardly direction from the said Love's dwelling-house, as the most suitable place for the purpose aforesaid: And whereas the said Robert Love has, by deed conveyed to said Commissioners a certain portion of land, including the spot aforesaid; and whereas the said Commissioners have laid off said lands to them conveyed by the said Robert Love,

into a town, by the name of Waynesville, consisting of a public square, thirty half-acre lots, a main street and cross street. And whereas the said Commissioners have sold a number of said lots by them so laid off, to the highest bidder, for the sole purpose of applying the money arising from such sales to the defraying the expenses of erecting the public buildings of said county.

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 proceedings of the said Commissioners herein before mentioned, be, and the same are hereby ratified and confirmed, in as full and ample a manner as if the before recited act had made it their special duty so to have acted.

II. *And be it further enacted by the authority aforesaid*, That the said commissioners, or a majority of them, are hereby vested with full power and authority to sell any lots by them yet unsold in the said town of Waynesville, and the money arising from such sales to apply, or any part thereof which may be required, to the defraying the expense of the public buildings of said county.

III. *And be it further enacted by the authority aforesaid*, That if the money arising from the sale of said lots, should be more than sufficient to defray the expense of said public buildings, the commissioners aforesaid, or a majority of them, are hereby authorised and empowered to appropriate such surplus money or monies to any use they may think most advisable for the benefit of the said town.

IV. *And be it further enacted by the authority aforesaid*. That the proceedings of the said commissioners, in adjourning the court from Mount Prospect to John Howell's, and from thence to Colonel Robert Love's, are hereby ratified and confirmed.

CHAP. LXII.

An Act to incorporate the Trustees of the Springfield Academy, in the County of Halifax.

WHEREAS, in Republican Governments, the education of youth is an object of the first importance, inasmuch as the preservation of their numerous institutions depends on the enlightened and virtuous attachment of the great body of the people; and whereas such an object cannot be more effectually attained than by the establishment of Academies and other learned Societies:

Be 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 Ailen Eaton, Wood Jones Hamlin, Isaac Edwards, senior, Jesse Nicholas Faulcon, Samuel Thorne, Gilliam Newsom, James Wright Aston, Richard Jones, Lewis Willis and William Edwards Webb, Esquires, be, and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of *The Trustees of the Springfield Academy, in the County of Halifax*, and by that name shall have perpetual succession and a common seal, and that they the said trustees, and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to demand and receive all monies, goods and chattels, which shall be given them for the use of the said Academy, and shall apply the same according to the will of the donors; and by gift, purchase or devise, to receive, retain and enjoy, to them and their successors for ever, any lands, rents, tenements or hereditaments, of whatsoever kind, in special trust, that the same, or the profits thereof, shall be applied to, and for the use and benefit of the said Academy.

II. *And be it further enacted*, That the said trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to bargain, alien and convey to the purchasers, any such lands, rents, tenements or hereditaments, as aforesaid, when the condition of the grant, or the will of the deviser does not forbid it: And further, that they the said trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to sue and be sued, answer and be answered, in all courts of record whatsoever; and they shall have power to open and receive subscriptions, and in general to do all such things as are usually done by bodies politic and corporate.

III. *And be it further enacted*, That the said trustees and their successors, or a majority of them, shall have full power and authority to appoint a President, Secretary and Treasurer of their Board, and a President or Principal of said Academy, and such Professors, Tutors and other officers, as to them shall appear necessary and proper: And they shall have the further power to make all such by-laws and regulations for the government of the said Academy, as are usually made in Seminaries of Learning, and as to them may appear necessary: *Provided*, the same be not inconsistent with the constitutional rights of the citizen.

IV. *And be it further enacted*, That on the death, refusal to act, resignation or removal out of the aforesaid county of Halifax, of any of the trustees for the time being, it shall be lawful for the remaining trustees, or a majority of them, and they are hereby authorised and empowered to elect and appoint one or more trustees in the place of such trustee or trustees dead, refusing to act, resigned or removed; and the said trustee or trustees so appointed, shall be vested with the same trust powers and authority as the original trustees are by virtue of this act.

And whereas, from a want of the necessary funds, the laudable intentions of the said trustees may be ultimately rendered of no effect:

V. *Be it therefore enacted by the authority aforesaid*. That the said trustees and their successors, or a majority of them, shall be, and they are hereby authorised and empowered to raise, by way of lottery, and by such scheme or schemes as they may think most advisable, a sum not exceeding two thousand dollars, under the special trust and confidence that the same shall be applied towards the establishment and benefit of the said Academy.

VI. *And be it further enacted*, That the said lottery or lotteries shall be publicly drawn in the town of Halifax, under the direction and superintendence of such persons, at such time or times, and under such rules, regulations and restrictions as the said trustees may deem most conducive to the interests of the said institution.

CHAP. LXIII.

An Act authorising the Trustees of Vine Hill Academy, in the County of Halifax, to raise by Lottery the sum of Five Hundred Dollars.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the trustees of the Vine Hill Academy for the time being shall be, and they are hereby authorised and empowered to raise by lottery, and such scheme or schemes as they

1810 may think most adviseable, a sum not exceeding five hundred dollars, under special confidence that the same shall be appropriated to the use and benefit of the said Academy.

II. *And be it further enacted*, That the said lottery or lotteries shall be conducted and drawn, under the superintendence and direction of such person or persons, at such time or times, and under such rules, regulations and restrictions, as they the said trustees may deem most beneficial to the interests of the said institution.

CHAP. LXIV.

An Act to establish an Academy in Carteret County.

WHEREAS the diffusion of useful knowledge, by establishing Seminaries for the education of youth, is productive of general benefit, and essential to the permanence of a Republican Government:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Nathaniel Pinkham, Elijah Piggett, Jeconias Piggett, Belcher Fuller, John Hill, John Roberts and David Ward, shall be, and are hereby declared a body politic and corporate, to be known and distinguished by the name of *The President and Trustees of the Carteret Academy*, and by that name shall have perpetual succession; and they or their successors, or a majority of them, by the name aforesaid, shall be capable and able in law, to receive and possess any quantity of lands and tenements, goods or monies, that may be given to the use of the said Academy, and apply the same according to the will of the donor.

II. *And be it further enacted*, That the said trustees shall sell and dispose of any lands, tenements, goods or chattels, that may be given to the use of the said Academy, when the will of the donor does not forbid it; and further, that the said trustees, by the name aforesaid, to-wit, the President and Trustees of the Carteret Academy, shall be able and capable to sue and be sued, plead and be impleaded, in any court within the State, and shall have power to do all such things as are incident to, and usually exercised by bodies politic for the promotion of the object contemplated, and not incompatible with the constitution of this State.

III. *And be it further enacted*, That the said trustees, or a majority of them, shall have power to elect a President, Secretary and Treasurer, also to appoint such Professors and Tutors as they may deem proper; and that they may make all such laws and regulations for the government of said Academy as may be necessary for the preservation of the same.

IV. *And be it further enacted*, That the said trustees, or a majority of them, are hereby authorised and empowered to purchase such quantity of lands as they may deem expedient for building the Academy thereon; and in case of death, refusal or inability to act of any of the trustees now appointed, the remaining trustees, or a majority of them, may elect others to supply their places, and shall also have power to elect additional trustees, so that the whole number does not exceed seven at any one time.

CHAP. LXV.

An Act to incorporate the Trustees of the Nutbush Mineral Springs Academy on the Land of John Simms, in the County of Warren.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Honorable James Turner, the Honorable Leonard Henderson, William Hawkins, Dr. John Hare, William Robards, Dr. Joseph W. Hawkins, Richard Bullock, Buckner Davis, Dr. Thomas Simms, Solomon Green, John D. Hawkins, William Green, William B. Langly and Dr. James H. Keys, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of *The Trustees of the Nutbush Mineral Springs Academy*, and by that name shall have perpetual succession; and that they, or a majority of them, by the name aforesaid, shall be able and capable in law, to take, demand, receive and possess, all monies, goods, chattels, lands and tenements that may be given them for the use of the said Academy, and the same to apply as they, or a majority of them, may deem most advantageous to said Academy.

II. *And be it further enacted*, That the said trustees, or a majority of them, shall have power to make such laws and regulations for the government of said Academy, and the preservation of order and good morals therein, as are usually made in such Seminaries, and to them may seem proper.

CHAP. LXVI.

An Act to establish an Academy on the Lands of William M. Sneed, in the County of Granville.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Leonard Henderson, Joseph Taylor, senior, Stephen Sneed, William Hawkins, William Robards, Frank N. W. Burton, John Hare, James Hamilton, Micajah Bullock, Jeremiah Bullock, Charles Taylor, John Howard, Edmond Taylor, William Bullock, Henry Yancey, Thomas Hunt, Maurice Smith, Henry Young, James Ridley, senior, Joseph Taylor, junior, John Washington, Thomas Webb, Nathaniel Robards, Daniel Jones, junior, John Nuttall, Thomas Person, Southern Higgs, Joseph B. Littlejohn, Thomas B. Littlejohn and William M. Sneed, be, and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of *The Trustees of the Montpelier Academy*, and by that name shall have perpetual succession; and they, or their successors, or any twelve of them, by the name aforesaid, shall be able and capable in law, to take, have and receive, possess, enjoy and demand, any property real or personal, and any monies or other things that shall be given for the use of said Academy, and the same to apply according to the will of the donor, and by gift, purchase or devise, to take, have, possess, demand and enjoy, to them and their successors for ever, any lands, tenements or rents, of what kind or nature soever, in special confidence that the same, or the profits thereof, shall be applied to and for the purpose of establishing, supporting and endowing the said Academy.

II. *And be it further enacted*, That the trustees aforesaid, or any twelve of them, shall have power, and authority to make such by-laws and regulations as they may think proper, for the government and regulation of the several matters appertaining to said institution, and to enlarge or decrease the number of said trustees, not exceeding forty, nor be less than ten.

III. *And be it further enacted by the authority aforesaid,* That the said board of trustees, or any twelve of them, shall have full power and authority to raise a sum of money, not exceeding one thousand pounds, by one or more lotteries, by such scheme or schemes as they shall think proper, to be applied towards erecting the necessary buildings and the purchase of books and other property, as shall be deemed necessary for the establishment and support of said institution.

CHAP. LXVII.

An Act to establish an Academy at Swansborough, in Onslow County, and for other purposes.

WHEREAS the diffusion of useful knowledge, by establishing Seminaries of Learning for the education of youth, is productive of general benefit, and essential to the permanence of a Republican Government :

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Nathaniel Loomis, Lemuel Doty, William French, Christopher Dudley, William Ferrand, William Jones, George W. Nobles, of Onslow County; and John Roberts, John Hill, Zaccheus Green, Lebins Hunter and William Hill, junior, of Carteret County, be, and they are hereby declared to be a body politic and corporate, to be known by the name of *The Trustees of the Swansborough Academy*, and by that name shall have perpetual succession; and they or their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to take, demand and receive any property real or personal, and any money or things that shall be given for the use of the said Academy, and the same apply according to the will of the donor; and by gift, purchase or devise, to take, have, possess, receive, enjoy and retain, to them and their successors for ever, any lands, rents or tenements, of what kind or nature soever, in special confidence that the same, or the profits thereof, be applied to the use and benefit of said Academy. And the trustees aforesaid, or a majority of them, shall have power and authority to make such rules and by-laws as may appear to them necessary for the promotion of said Seminary: *Provided*, they are not repugnant to the constitution of this State, or of the United States.

II. *And be it further enacted,* That the trustees of the said Academy hereby established, or a majority of them, be, and they are hereby vested with full power and authority to raise, by way of lottery or lotteries a sum of money not exceeding four thousand dollars, for the purpose of completing the necessary buildings, and for the general benefit and promotion of said Academy.

III. *And be it further enacted,* That the trustees aforesaid shall appoint three men of skill and probity, not belonging to their body, for the purpose of conducting such lottery or lotteries, agreeably to such scheme or schemes as the said trustees, or a majority of them may think proper to devise, who shall have full power and authority to adopt such rules and regulations as may appear to them necessary for conducting the same.

CHAP. LXVIII.

An Act to establish an Academy in Waynesborough, and 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 John Davis, Joseph Edwards, Isaac Handley, Uriah Bass, Jesse Sibunb, Probert Collier, Joseph Everitt, John M'Kinney, Asa Jernigan, Sampson Lane, John Copender, Ephraim Daniel, James Bradberry, William Exum and John Hooks, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of *The Trustees of Waynesborough Academy*, and by that name shall have perpetual succession; and they and their successors, or a majority of them, by the name aforesaid, shall be capable in law, to receive and possess any quantity of lands or tenements, goods or monies, that may be given to the use of the said Academy, and apply the same to the will of the donor; and the trustees and their successors, or a majority of them, are hereby empowered to ask, demand, sue for, receive and recover from all persons, any sum or sums of money or other property, real as well as personal, to which they may be entitled by donation, purchase or otherwise, with full power to apply and use the same as to them shall seem best.

II. *And be it further enacted,* That the aforesaid trustees of Waynesborough Academy, or a majority of them, be, and they are hereby appointed and vested with full power and authority to raise by way of lottery, a sum of money not exceeding five hundred pounds, for the purpose of enabling the aforesaid trustees of Waynesborough Academy to establish said Academy.

III. *And be it further enacted,* That the trustees of the said Academy shall appoint three men of skill and probity belonging to their body for the purpose of conducting such lottery, agreeably to such scheme as the said trustees, or a majority of them, may think proper to devise.

IV. *And be it further enacted,* That the said trustees may elect and appoint all necessary officers, and from time to time make such rules, regulations and by-laws for the management and government of said Academy as they may deem expedient: *Provided however*, that such shall not be repugnant to, or inconsistent with the laws and constitution of this State, or of the United States; and that the said trustees shall also pay to every fortunate adventurer in said lottery, the prizes which he, she or they shall draw therein, on demand, subject however to such reductions and restrictions as the said commissioners shall make known in the publication of the scheme of said lottery.

CHAP. LXIX.

An Act to establish an Academy 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 John Allison, Archibald Honston, James Pickins, R. W. Smith, Stephen Alexander, George Phifer, John Phifer and James Carragan, shall be, and they are hereby declared to be a body corporate, to be known and distinguished by the title of *The Trustees of the Poplar Tent Academy in the County of Cabarrus*, and the said trustees shall appoint annually out of their own body, a President, a Treasurer and a Secretary of the corporation; and they the said trustees shall keep a public seal, and the same may alter or amend at pleasure: They shall be capable of suing or being sued at law; they may purchase lands, and the same dispose of at pleasure; they may receive donations or legacies, or money, lands and other property; in general, they may do all such things as are usually

1810 done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue in said Academy.

II. *And be it further enacted*, That on the death or resignation of any trustee, or in case any trustee should refuse to serve, the remaining trustees, considering the seat of such deceased, resigning or absent member, as vacant, shall, at their next meeting, elect some fit person to serve in his place.

CHAP. LXX.

An Act to revive and amend an Act to establish an Academy in the County of Currituck, passed in the years 1789 and 1790.

WHEREAS nearly the whole of the trustees named in the above recited acts, are either dead or refuse to act: 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 Joseph Ferebee, Samuel Ferebee, Brickhouse Bell, John Williams, Samuel Williams, Samuel Robinson, Dennis Dzier, Willoughby Dozier, Peter Barnard, Thomas C. Ferebee and Joseph Relph, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of *The Trustees of Currituck Academy*, and by that name shall have perpetual succession; and that they the trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess, all monies, goods and chattels that shall be given for the use of the said Academy, and the same apply according to the will of the donors; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors for ever, any lands, rents, tenements and hereditaments, of what kind or nature soever, in special trust and confidence, that the same, or the profits thereof, be applied to and for the use and purposes of establishing and endowing the said Academy; and all purchases by them made of real and personal estate, in their names as trustees aforesaid, and all contracts entered into by them as trustees aforesaid, are hereby declared to be good and valid to all intents and purposes,

II. *And be it further enacted by the authority aforesaid*, That the said trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to bargain, sell, grant, demise, alien or dispose of and convey, any such lands, rents, tenements or hereditaments, as aforesaid, when the will of the grantor doth not forbid the same: And further, that the said trustees and their successors for ever, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and be sued, plead and be impleaded, answer and be answered, in any court of record in this State.

III. *And be it further enacted by the authority aforesaid*, That the said trustees and their successors, or a majority of them, shall have, and are hereby declared to have, full power to make and ordain such laws and regulations for their own government, and for the regulation and government of said Academy, and the preservation of order and good morals therein, as are usually made in such Seminaries, and as to them may appear necessary, and shall be able and capable to act and do all things whatever for the promotion of said seminary in as full and ample manner as any body politic or corporate can or may do by law.

IV. *And be it further enacted by the authority aforesaid*, That upon the death, resignation, inability, or refusing to act of any of the trustees aforesaid, or to increase their number, it shall and may be lawful for the remaining trustees, or a majority of them, to elect others in room of such trustee dying, resigning, refusing to act, unable to attend, or to increase the number aforesaid, as the case may be; and that the trustee or trustees so elected, shall have equal power and authority with the trustees hereby appointed.

V. *And be it further enacted by the authority aforesaid*, That all acts and clauses of acts which come within the meaning and purview of this act, are hereby repealed and made void.

CHAP. LXXI.

An Act to amend an Act, entitled "An Act to establish an Academy 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 the individuals, subscribers to the Wilmington Academy, shall be, and they are hereby declared to be authorised and empowered, at any meeting which shall be called by the President of the trustees of said Academy, after the first day of January next, to elect out of their own body ten persons as trustees to said Academy, in addition to those already appointed; and the persons so elected shall form part of the body corporate created by the above recited act, and shall possess all the power and authority possessed by the trustees appointed by name in said act. *Provided nevertheless*, that any five trustees shall be considered and held competent to form a board for the transaction of business relative to said Academy, or to make rules and regulations for the government thereof: *Provided also*, that in the event of the absence of the President at any meeting, the members attending the same may elect one of their body to act as President *pro tempore*, and during such absence.

CHAP. LXXII.

An Act to amend an act to establish a Seminary of Learning in Elizabeth Town, in Bladen 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 Bartram Robeson, Matthew Byrne, Amos Richardson, James M'Rue, S. Richardson, Jonathan Smith, David Lloyd, Richard Galvin, John Owen, John B. Brown, Samuel Andres, Thomas Brown, junior, Edmond Fitz Randolph, John Nicholson, John Mac Millan, James Cromartie, William Hendon, Richard Parish, Dr. A. M'Dowell, John Waddill, Matthew Kelly, William Sreety, William Johnston, Magnes Draughon, Arthur Council, John Mac Neil, John Brown, senior, William J. Cowan, Josiah Hendon, Robert Harvey, James Sater, senior, Patrick Kelly, James Moore, William Robeson, Alexander White, Street Ashford, Thomas White, be, and they are hereby constituted and appointed Trustees to superintend the government of the Seminary of Learning in the town of Elizabeth, with full power and authority to receive all donations, legacies or devises which may be made to them as trustees aforesaid, for the purpose of regulating and supporting the Seminary hereby instituted by the name of *The Elizabeth Town Academy*; and the trustees and their successors, or a majority of them, are hereby empowered to ask, demand, sue for, recover and receive from all persons, any sum or sums of money or other property, real as well as personal, to which they may be entitled by donation, purchase or otherwise, with full power to apply and use the same as to them shall seem best for the advancement of said Seminary and the promotion of virtue and learning.

II. *And be it further enacted*, That when any of the trustees named in this act (or any preceding act ^{of 1810} for the government of said Academy) shall die, remove, resign or refuse to act, a majority of them remaining shall have full power and authority to appoint others in the room of those dead, removed, resigned or refusing to act, and to extend the number as far as they may think expedient, with the power of appointing their President, and restricting, if they think proper, the time of his continuance in office, and also the power of determining by their own vote what number shall constitute a quorum to do business, with the power of enacting such bye-laws for their own regulation and the government of the Academy, as to them shall appear expedient; that the said trustees and their successors are hereby appointed a body politic and corporate, by the name of *The Trustees of the Elizabeth Town Academy*, and shall be able and capable to act in all things whatsoever for the promotion of said Seminary, in as full and ample manner as any body politic or corporate can or may by law; all laws and clauses of laws to the contrary notwithstanding.

CHAP. LXXIII.

An Act to establish an Academy at Plymouth, in Washington County.

WHEREAS the education of youth has a tendency to inculcate virtuous principles, and is essential to the happiness and prosperity of a Republican Government, and therefore worthy of legislative aid:

Be 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 Armistead, Asa Hardison, Ezekiel Hardison, James McDonald, Reuben Carnal, Benjamin Fessenden, Josiah Flower, Ebenezer Pettigrew, Job Cumstork, Samuel Blount, James Jones, Miles Hardy, Thomas B. Haughton and Thomas Johnston, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of *The Trustees of the Plymouth Academy*, and by that name shall have perpetual succession, and they and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess, all monies, goods and chattels that shall be given for the use of the said Academy, and the same apply according to the will of the donor; and by gifts, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors for ever, any lands, rents or tenements, of what kind or nature soever, in special trust or confidence, that the same, or the profits thereof, to be applied to and for the purposes of establishing and endowing said Academy, and shall be capable of suing or being sued, of pleading or being impleaded, for any money which may be given or subscribed for the use of this institution.

II. *And be it further enacted*, That the said trustees, or a majority of them, shall have power to appoint such Professors and Tutors as to them shall appear necessary, also a Treasurer and Secretary, upon such conditions, and with such restrictions as they may deem proper. And the said trustees, or a majority of them, shall have power to make all such laws and regulations for the government of the said Academy, and for the preservation of order and good morals therein, as they may deem necessary.

III. *And be it further enacted*, That upon the death, removal, inability, refusal to act, or resignation of any of the said trustees, it shall be lawful for the remaining trustees, or a majority of them, to elect other trustee or trustees, in the room of such as die, resign, remove or refuse to act, and the trustee or trustees so elected, shall have equal power and authority with the trustees hereby appointed.

IV. *And be it further enacted*, That the said body of trustees shall be, and are hereby declared to be vested with full power and authority to raise a sum not exceeding one thousand dollars, by one or more lottery or lotteries, by such scheme or schemes as they shall think proper, to be applied towards defraying the expenses of completing said Academy.

V. *And be it further enacted*, That the said trustees shall have, and they are hereby declared to have full power to appoint, from time to time, commissioners to manage such lottery or lotteries as may be established, and to make such rules and regulations respecting the sale of tickets, or the payment of prizes, as they may deem necessary; any law or custom to the contrary notwithstanding.

CHAP. LXXIV.

An Act to establish an Academy in Camden County.

WHEREAS establishing Seminaries of Learning, for the purpose of educating youth, is essential to the happiness and prosperity of the community, and therefore worthy of legislative aid:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Enoch Sawyer, Isaac Lamb, Miles Gandy, Malachi Sawyer, Nathaniel Downs, Josiah Grandy, Nathan Snowden, John Kelly, Gideon Lamb, Thomas Bell and Dempsey Sawyer, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of *The Trustees of the Jonesborough Academy*, and by that name shall have perpetual succession; and they or their successors by the name aforesaid, or a majority of them, shall be able and capable in law to make, demand, receive and possess all monies, goods and chattels that shall be given for the use of the said Academy, and the same apply accordingly to the will of the donor; and either by gift, purchase or devise, to take, have and receive, possess, enjoy and retain, to them and their successors forever, any lands, rents, tenements of what kind or nature soever, in special trust or confidence, that the same or the profits thereof, to be applied to and for the purpose of establishing and endowing the said Academy; and shall be capable of pleading and being impleaded for any money which may be given or subscribed for the use of this institution.

II. *And be it further enacted*, That the said trustees, or a majority of them, shall have power to appoint such Professors and Tutors as to them shall appear necessary, also a Treasurer and Secretary, upon such conditions and with such restrictions as they may deem proper; and the said trustees, or a majority of them, shall have power to make all such laws and regulations for the government of the said Academy, and for the preservation of order and good morals therein, as they may deem necessary.

III. *And be it further enacted*, That upon the death, removal, inability or refusal to act, or resignation of any of the said trustees, it shall be lawful for the remaining trustees, or a majority of them, to elect other trustee or trustees in the room of such as die, resign, remove or refuse to act, and the trustee or trustees so elected, shall have equal power, authority and capacity with the trustees hereby appointed.

1810 IV. *And be it further enacted*, That the said board of trustees shall be, and are hereby declared to be vested with full power and authority to raise a sum not exceeding three thousand dollars, by one or more lottery or lotteries, by such scheme or schemes as they shall think proper, to be applied towards defraying the expenses of the building and completing said Academy.

V. *And be it further enacted*, That the said trustees shall have, and they are hereby declared to have, full power to appoint, from time to time, commissioners to manage such lottery or lotteries as may be established, and to make such rules and regulations respecting the sale of tickets or the payment of prizes, as they may deem necessary; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXV.

An Act to establish an Academy in Wilkes 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 Montfort Stokes, John Brown, senior, John Bryant, Richard Ransom Gwinn, Chapman Gordon, Edmond Jones, William Hulme, Ambrose Carlton, James Wellborn, John Fletcher and John Findley, shall be, and they are hereby declared to be a body politic and corporate, to be known by the name of *The Trustees of Wilkesborough Academy*, and by that name shall have perpetual succession; and that they the trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess, all monies and chattels that shall be given for the use of said Academy, and the same apply as they, or a majority of them, may deem most advantageous to the said Academy; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors for ever, any lands, rents, tenements and hereditaments, of what kind or nature soever, in special trust and confidence that the same, or the profits thereof, be applied to and for the use of said Academy.

II. *And be it further enacted*, That the said trustees, or a majority of them, shall have power to make such bye-laws and regulations for the government thereof and the preservation of order and good morals therein, as are usually made in such seminaries of learning, and as to them may appear necessary.

III. *And be it further enacted*, That when they, or a majority of them, may deem it necessary, they shall have full power and authority to nominate and appoint other trustees, whose power and authority shall be equal to those herein appointed.

CHAP. LXXVI.

An Act to prevent Horse-Racing in the town of Wilkesborough, and for other purposes relative to the said Town.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall not be lawful for any person or persons to run any horse or horses through the main street in the Town aforesaid, under the penalty of five dollars for each and every such offence, one half to the use of the person suing for the same, and the other half to the use of the county aforesaid, to be recovered before any jurisdiction having cognizance thereof.

II. *And be it further enacted by the authority aforesaid*, That when the lot-holders of said town shall think proper to elect commissioners, agreeable to an act of Assembly in such case made and provided, the commissioners being elected as aforesaid, may proceed to pass such bye-laws as they may deem proper for the better regulation of said town: *Provided*, no bye-law by them adopted shall be considered to be in force until approved and ratified by the court of said county; any law to the contrary notwithstanding: *Provided*, that they shall not pass any law inconsistent with the laws of the State.

CHAP. LXXVII.

An Act to authorise the Commissioners of the Town of Hillsborough, in the County of Orange, to raise by way of lottery or lotteries a sum not exceeding five thousand dollars, for the purpose of building a Church for the use of said Town.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Hillsborough, in said county, or a majority of them, be, and they are vested with full power and authority to raise, by way of lottery or lotteries, a sum not exceeding five thousand dollars, for the purpose of building a church for the use of said town.

II. *And be it further enacted*, That the commissioners of said town shall appoint seven men of skill and probity, not belonging to their body, for the purpose of conducting such lottery or lotteries, agreeable to such scheme or schemes as the said commissioners, or a majority of them, may think proper to devise, who shall have full power and authority to adopt such rules and regulations as may appear to them necessary for conducting the same.

CHAP. LXXVIII.

An Act to alter the time of holding the County Courts 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 from and after the first day of January next, the county courts of Tyrrell shall be held on the second Monday in April, July, October and January, in each and every year; and that all suits, matters and things depending in said court, and not decided at their session in December, 1810, shall stand adjourned until the second Monday in April ensuing, as aforesaid; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXIX.

An Act to alter the times of holding the Courts of Pleas and Quarter Sessions of the Counties of Haywood and New-Hanover.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the fourth Monday in March next, the courts of pleas and quarter sessions for the county of Haywood, shall be held on the third Monday in each of the several months in which they are now by law held in each and every year, instead of the fourth Monday as heretofore; and all process and proceedings of any nature whatsoever, which are now depending, or which may hereafter be issued, in which the county court of Haywood has cognizance, shall stand adjourned and be returnable accordingly; any law, usage or custom to the contrary notwithstanding.

II. *Be it further enacted*, That from and after the third Monday in February next, the court of pleas and quarter sessions for the county of New-Hanover, shall be held on the second Monday in May, August, November and February, in each and every year; and from and after the third Monday in February next, the said court shall stand adjourned, and all proceedings made returnable to the second Monday in May next; any law to the contrary notwithstanding.

CHAP. LXXX.

1810

An Act to alter and regulate the time and manner of holding the County Courts of Pleas and Quarter Sessions in the County of Moore, and to make compensation to Jurors for 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 courts of pleas and quarter sessions which have formerly been held on the third Monday in May and November, shall in future be held on Wednesday of each superior court term in said county, and all judicial process shall be returnable accordingly, and all executions issuing from said courts shall be made returnable to the third Monday in August and February.

II. And be it further enacted, That if the business of the superior court is not finished before Wednesday, then it shall be the duty of the sheriff, or his lawful deputy, to open and adjourn the county court until Thursday, at ten o'clock, A. M. and when it shall so happen that a justice of the peace is drawn to serve as a juror in the superior court, it shall be the duty of the county court to appoint another person to serve as a juror instead of any justice of the peace who is drawn.

III. And be it further enacted, That all jurors composing the original panel, and who may hereafter serve at the superior or county courts of said county, shall be allowed the sum of six shillings for every day they attend, and the same for every thirty miles travelling to and from said courts, which sum shall be levied and collected as other county taxes; and it shall be the duty of the clerks of the superior and county courts of said county, to grant to each juror a certificate setting forth his attendance and mileage; and the said clerks shall be entitled to the sum of six-pence for each certificate by them granted; any law to the contrary notwithstanding.

CHAP. LXXXI.

An Act to alter the sitting of the County Court of Pleas and Quarter Sessions for 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 from and after the next sitting of the county court of pleas and quarter sessions for Mecklenburg county, said court shall be adjourned until the fourth Monday in May, Anno Domini one thousand eight hundred and eleven, to which time all writs and process shall be made returnable, and the regular meetings of the court aforesaid shall thereafter be on the fourth Monday in August, November, February and May, in each and every year.

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

CHAP. LXXXII.

An Act to alter the time of holding the County Court of Pleas and Quarter Sessions for the County of Rowan.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the court of pleas and quarter sessions to be held for the county of Rowan on the first Monday in February next, the said court shall be held on the second Monday in the months of May, August, November and February, in each and every year; and the said courts to be held on the first Monday in February next, on their adjournment, shall adjourn the said court to the second Monday in May following, to which time all matters and things pending in said court shall stand adjourned; and all process issuing therefrom shall be made returnable accordingly; and that all acts and clauses of acts coming within the purview and meaning of this act, be, and the same are hereby repealed and made void.

CHAP. LXXXIII.

An Act to authorise the Wardens of the Poor of the County of Johnston, to take Bonds with approved security from those who receive from them Parishioners to maintain.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the wardens of the poor of the county of Johnston, be, and they are hereby authorised and required to take bond with approved security from those who receive from them parishioners to maintain, for the due care and humane treatment of such parishioners; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXXIV.

An Act to amend an Act, entitled "An Act authorising the County Court of Wilkes to lay a Tax for the purpose of building a Jail 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 the county court of Wilkes to lay a tax for the years 1811, 1812 and 1813, should a majority of the acting Justices deem it expedient and necessary, not exceeding two shillings on every poll, not exceeding eight-pence on every hundred acres of land, and not exceeding two shillings on every hundred pounds value of town lots, with their improvements; and when said tax is laid, it shall be levied, collected and accounted for in like manner as other taxes.

II. And be it further enacted, That when the sheriff of said county shall collect the taxes aforesaid, he shall pay the monies so collected over to the undertaker of said building, and his receipt shall be a sufficient voucher in his settlement with the county trustee.

III. And be it further enacted, That the commissioners hereafter named, shall let out said building to the lowest bidder, advertising at least three months previous to letting out said building, describing therein particularly the length, breadth, how to be built, and of what kind of materials.

IV. And be it further enacted, That Montfort Stokes, James Hackett, Richard R. Gwinn, John Findley and James Waugh, are hereby appointed commissioners for fixing on a proper place within the bounds of the public square of the town of Wilkesborough whereon to build said jail; and when the building of said jail is let out as aforesaid, they shall take bond with sufficient security from the undertaker or undertakers of said public building, to complete the same agreeable to the plan laid down as aforesaid.

V. And be it further enacted, That in future, it shall be the duty of the county trustee to ask, demand and sue for all monies due and owing to the said county of Wilkes, on account of the sale of lots in said town of Wilkesborough, also all delinquent officers who have not settled with the county

1810 court aforesaid; and when the trustee shall have collected any money on account of the sale of lots as aforesaid, and arrearages, it shall be appropriated towards defraying the expences of building a new jail in said County, and not otherwise.

VI. *And be it further enacted*, That it shall be the duty of the county court clerk to furnish all the necessary papers in his office, so as to enable the said county trustee to call on all persons in arrear to the county aforesaid, and when collected, the said trustee shall pay it over to the person or persons undertaking to build the jail as aforesaid.

VII. *And be it further enacted*, That the said commissioners, as herein appointed, shall, on or before the tenth day of May next, proceed to let out the building of the jail aforesaid to the lowest bidder; and the undertaker or undertakers thereof shall build the same agreeably to the plan agreed upon, and within the time set forth in the publication of their proposals.

VIII. *And be it further enacted*, That when the county trustee of Wilkes shall pay off any claim against said county, he shall set up, in some conspicuous part of the court-house, the amount of the sum so paid, together with the date thereof, the name of the person who first obtained said claim, and to whose credit it was passed.

IX. *And be it further enacted*, That all claims against said county, when paid off, shall be punched and filed in the clerk's office by the county trustee, and kept for public inspection.

X. *And be it further enacted*, That the sheriff of said county, on collecting the county taxes, shall receive nothing but actual cash, and shall pay over the same to the county trustee; and the said trustee shall not be at liberty to purchase in any county claim, except by the direction of a committee to be appointed by the county court aforesaid.

CHAP. LXXXV.

An Act to authorize the Court of Pleas and Quarter Sessions for the County of Randolph to lay a further tax to defray the expence of building a Jail 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 county court of Randolph (a majority of the justices being present) is hereby authorised, whenever they may deem it necessary, to lay a tax not exceeding four shillings on the poll, one shilling and four pence on every hundred acres of land, and four shillings on every hundred pounds value of town property, in any one year, for the purpose of raising an additional sum of money to defray the expence of building a new Jail; and if the said tax so levied for one year be found insufficient to answer the purposes aforesaid, it shall and may be lawful for the county court aforesaid to continue the same from year to year, until a sufficient sum is raised for that purpose, in order that the intention of this act may be carried into effect.

CHAP. LXXXVI.

An Act to empower the Wardens of the Poor for the county of Hertford, to lay and collect a tax for the support of the Poor of said County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the wardens of the poor of the county of Hertford, are hereby authorised and empowered, annually, to lay and collect a tax, not exceeding four shillings on the poll, one shilling and four pence on every hundred acres of land, and four shillings on every hundred pounds value of town property, which tax the sheriff of the said county shall collect, under the same rules and regulations as the public taxes are collected, and be paid over by him to the wardens aforesaid, for the use of the poor of said county.

II. *And be it further enacted by the authority aforesaid*, That all laws coming within the purview and meaning of this act, are hereby repealed and made void.

CHAP. LXXXVII.

An Act to authorise the Wardens of the Poor for the County of Jones, to lay an additional tax for the better support of the Poor of said County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the wardens of the poor for the county of Jones, be, and they are hereby empowered to lay an additional tax, annually, on the inhabitants of said county, not exceeding one shilling on every poll, four pence on every hundred acres of land, and one shilling on every hundred pounds value of town property in said county, for the better support of the poor of said county; and the taxes to be raised in pursuance of this act, shall be collected, accounted for and applied in the same manner as heretofore prescribed by law.

CHAP. LXXXVIII.

An Act authorising the County Court of Moore, if they think it expedient and necessary, to lay a tax for the purpose of building a Jail 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 Moore, if they should deem it necessary, to lay a tax for the year eighteen hundred and eleven, eighteen hundred and twelve, and eighteen hundred and thirteen, not exceeding two shillings on every poll, six pence on every hundred acres of land, two shillings on every hundred pounds value of town lots with their improvements; and when said tax is laid, it shall be levied, collected and accounted for as all other taxes are.

II. *And be it further enacted*, That when the sheriff of said county shall collect the taxes aforesaid, he shall pay the monies so collected to the treasurer for that purpose, and by him applied as the under named commissioners may direct, for the purpose of building said jail.

III. *And be it further enacted*, That the commissioners hereafter named, shall let out said building to the lowest bidder, as soon as they shall deem a sufficient sum collected for the purpose of building said jail.

IV. *And be it further enacted*, That David Kennedy, Murdoch Martin, William Patterson, David Reid and William Buie, are hereby appointed commissioners for fixing on a proper place within the bounds of the public square of Fagsville, where to build said jail; and when said jail is let out as aforesaid, they shall take bond, with sufficient security, from the undertaker of said public buildings, to complete the said jail agreeable to the plan laid down by the commissioners aforesaid; any law to the contrary notwithstanding.

V. *And be it further enacted*, That all the money now in the hands of said treasurer, belonging to the 1810 county, and not otherwise appropriated, shall be put to the use of building said jail.

CHAP. LXXXIX.

An Act to repeal an Act, entitled "An Act to make compensation to Jurors who may hereafter serve in the Superior or County Courts of Pasquotank."

WHEREAS it appears that the before recited act answers no valuable purpose; 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 act be repealed and made void.

CHAP. XC.

An Act to provide for the payment of Jurors of the county of Bertie.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the jurors of the original pannel, hereafter summoned and attending the superior court and court of pleas and quarter sessions for the county of Bertie, shall be entitled to receive eight shillings for each and every day's attendance as jurors aforesaid, and at the rate of eight shillings for every thirty miles travelling to and from said courts; certificates of their attendance shall be made out by the clerks of the respective courts, upon oath, and the clerks shall be entitled to receive six-pence for each and every certificate made out and delivered by him.

II. *And be it further enacted*, That it shall be the duty of the county trustee of said county, to pay each and every juror attending as aforesaid, upon the juror's producing his certificate and demanding payment thereof, out of any monies not otherwise appropriated.

CHAP. XCI.

An Act allowing additional compensation to Jurors attending the court of Pleas and Quarter Sessions for the County of Craven.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the jurors who shall hereafter attend the court of pleas and quarter sessions for the county of Craven, shall be allowed the same pay for their mileage and attendance, as jurors to the superior court of said county are allowed by law: *Provided*, That nothing in this act contained, shall entitle talesmen to receive pay for attending said court.

II. *And be it further enacted*, That all jury tickets hereafter granted to jurors for attending the superior courts for the county of Craven, and duly sworn to before, and certified by the clerk of the said superior court, shall entitle the holders thereof to demand and receive from the county treasurer of the county of Craven, payment of said tickets; and it is hereby declared to be the duty of the said county treasurer to pay the same; any law or usage to the contrary notwithstanding.

CHAP. XCII.

An Act to regulate the mode whereby settlements in future shall be made with the Sheriffs and other officers, for the County and Parish Taxes 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 Joseph Davison, William McClelland and Andrew McKinzey, Jr., and they are hereby appointed commissioners, for the purpose to demand and receive a settlement of every former county trustee, treasurer of public buildings, wardens of the poor, or any other person or persons whatever, who have been entrusted with, or have had the management of the county or parish tax in the county of Iredell, since the first day of January, one thousand seven hundred and ninety-six, to the first day of January, one thousand eight hundred and ten.

II. *And be it further enacted*, That the aforesaid commissioners appointed by this act, shall, at their first meeting after the first day of January next, issue summons, signed by them respectively, and countersigned by their secretary, to all delinquent holders and receivers of monies as aforesaid, or in case of the death of any such officers, to their legal representatives, to appear before the said commissioners, at a time and place therein specified, and render a true account of the appropriations of all monies by them collected or received during the aforementioned period; and where any of the officers aforesaid shall have removed from the county of Iredell, the commissioners shall and may issue their summons to the sheriff of any county within this State; but in case any such officer or officers shall be resident within the county of Iredell, the summons, as to him or them, shall be directed to the coroner thereof, whose duty it shall be to execute the same at least fifteen days previous to the meeting of said commissioners, and to make return at the time and place therein mentioned, for which they shall be allowed the same fees, and be subject to the same penalties for non-compliance, as if such process had issued from a court of record.

III. *And be it further enacted*, That it shall be the duty of the said commissioners to procure all testimony, whether oral or written, which may come within their knowledge, and for that purpose shall have the same power to compel the attendance of witnesses by subpoena, which is now exercised by courts of record within this State: *Provided*, such subpoena be signed, countersigned and directed to sheriffs or coroners as above restricted, whose duty it shall be to execute the same on witnesses residing in the county of Iredell five days, and on others within any other county in this State ten days before the meeting of the commissioners.

IV. *And be it further enacted*, That the county treasurer to be appointed by the commissioners shall also act in the capacity of secretary to them, whose duty it shall be to attend the regular and stated meetings of the board of commissioners, to record in a well bound book their proceedings, to countersign all process issued by the board, and regularly in his book to note the endorsements returned on said process.

V. *And be it further enacted*, That at the first county court which shall be held in the said county, after the investigation is fully completed, it shall be the duty of the secretary to the commissioners to exhibit his book to the court, signed by the commissioners and countersigned by himself, in order to be filed in the clerk's office as evidence against officers in arrears to the county; and it shall be the duty of the county court, immediately after receiving the same, to require their clerk to issue, in the name of the chairman, a notice or scire facias to such delinquent officer or officers, directed to the sheriff of the county where any such delinquent shall reside, and to the coroner of Iredell county, if any such delinquent

1810 *BE* it enacted by the General Assembly of the State of North-Carolina, requiring such delinquent or delinquents to appear at the next ensuing term of said court, to shew cause why judgment should not be entered against him or them for the amount reported by the commissioners; and if on the service and return of such precept, the defendant or defendants do not appear and make defence, final judgment by default shall be entered; and in every case the report of the commissioners shall be prima facie evidence.

VI. *And be it further enacted*, That it shall be the duty of the attorney acting in behalf of the State for said county, to prosecute all suits instituted under this act, who shall be allowed the same fees as in similar cases; and no process issuing pursuant to this act, shall be abated or set aside for any informality.

VII. *And be it further enacted*, That the commissioners and secretary shall be allowed the sum of twenty shillings for each and every day they may be necessarily engaged in the investigation, provided, they shall not exceed six days, and to be paid in the same manner as other county charges are usually settled; and the sheriff and coroners, serving pursuant to this act, shall be paid in like manner.

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

CHAP. XCIII.

An Act to amend an Act, passed last session of the General Assembly, entitled "An Act to regulate the mode whereby settlements in future shall be made with the Sheriffs and other officers, for the County and Parish Taxes, in Richmond County."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners appointed by the above recited act, shall, at their first meeting after the first day of January next, issue summonses signed by them respectively, and countersigned by their secretary, to all officers designated in the above recited act, or in case of the death of any such officers, to their legal representatives, to appear before the said commissioners, at a time and place therein specified, and render a true account of the appropriation of all monies by them collected or received since the first day of January, 1796, to the first day of January, 1810; and where any of the officers aforesaid shall have removed from the county of Richmond, the commissioners shall and may issue their summonses to the sheriff of any county in this State; but in case any such officer or officers shall be resident in the county of Richmond, the summons, as to him or them, shall be directed to the coroner thereof, whose duty respectively it shall be to execute the same, at least fifteen days previous to the meeting of said commissioners, and make return at the time and place therein mentioned, for which they shall be allowed the same fees, and be subject to the same penalties for non-compliance, as if such process had issued from a court of record.

II. *And be it further enacted*, That it shall be the duty of said commissioners to procure all testimony, whether oral or written, which may come within their knowledge; and for that purpose, shall have the same power to compel the attendance of witnesses by subpoena which is now exercised by courts of record in this State: *Provided* such subpoena be signed, countersigned and directed to the sheriffs or coroners, as above restricted, whose duty it shall be to execute the same on witnesses residing in the county of Richmond five days, and on all others within any county in this State, ten days before the meeting of the commissioners.

III. *And be it further enacted*, That the treasurer heretofore appointed, shall also act in the capacity of secretary to them, whose duty it shall be to attend the regular and stated meetings of the board of commissioners, to record in a well bound book their proceedings, to countersign all process issued by the board, and regularly, in his book, to note the endorsements returned on said process.

IV. *And be it further enacted*, That at the first county court which shall be held in the said county after the investigation is fully completed, it shall be the duty of the secretary to the commissioners to exhibit his book to the court, signed by the commissioners and countersigned by himself, in order to be filed in the clerk's office, as evidence against officers in arrears to the county. And it shall be the duty of the county court, immediately after receiving the same, to require their clerk to issue, in the name of their chairman, a notice or scire facias to such delinquent officer or officers, directed to the sheriff of the county wherein such delinquent shall reside, and to the coroner of Richmond county, if any such delinquent shall reside in the last mentioned county, requiring such delinquent or delinquents to appear at the next ensuing term of said court, to shew cause why judgment should not be entered against him or them for the amount reported by the commissioners; and if on the service and return of such precept, the defendant or defendants do not appear and make defence, final judgment by default shall be entered, and in every case the report of the commissioners shall be prima facie evidence.

V. *And be it further enacted*, That it shall be the duty of the attorney acting in behalf of the State for said county, to prosecute all suits instituted under this act, who shall be allowed the same fees as in similar cases; and no process issuing pursuant to this act, shall be abated or set aside for any informality.

VI. *And be it further enacted*, That the commissioners and secretary shall be allowed the sum of twenty shillings for each and every day they may be necessarily engaged in the investigation; to be paid in the same manner as other county charges are usually settled, and the sheriffs and coroners serving pursuant to this act, shall be paid in like manner.

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

CHAP. XCIV.

An Act to amend an Act passed in the year 1803, entitled "An Act erecting the west part of Buncombe into a separate and distinct County, and also part of Brunswick and Bladen Counties into a separate and distinct County," so far as respects the manner of appointing Jurors in the County of Columbus to attend the Superior Courts of the County of Bladen.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the justices of the court of pleas and quarter sessions for the county of Columbus, hereafter, at the court next preceding the superior court of the county of Bladen, shall appoint twelve good and lawful men at their discretion, as jurors to attend the said superior courts of the county of Bladen: any law to the contrary notwithstanding.

CHAP. XCV.

An Act making further compensation to Witnesses in the County of Brunswick.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all witnesses who shall attend the several inferior and superior courts of law

and equity, which may hereafter be held for the county of Brunswick, by virtue of a legal subpoena, shall receive for each day's attendance the sum of eight shillings, and the same sum for every thirty miles travelling to and from the same, besides lawful ferriage; any law to the contrary notwithstanding.

CHAP. XCVI.

An Act making further compensation to the Jurors who attend the Superior or County Courts of Cumberland County:

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, each and every juror who shall be summoned, and regularly attend the superior courts, or the courts of pleas and quarter sessions in Cumberland county, shall be allowed the sum of ten shillings for each and every day's attendance, and for every thirty miles which he shall travel in going to and returning from said courts, the sum of ten shillings; for which each and every juror as aforesaid shall obtain from the clerk of the respective courts, a certificate, in the same manner, and under the same rules as certificates are now obtained, which certificates shall be paid in the same manner as heretofore pointed out by law; any law to the contrary notwithstanding.

CHAP. XCVII.

An Act to amend an Act passed at the last Session of the General Assembly, entitled "An Act to amend an Act, entitled An Act to make compensation to Jurors in Richmond County."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, the sheriff of said county, on being presented with jurors' tickets, in payment of county taxes, in manner contemplated by the above recited act, shall, and he is hereby directed to pay to the holder of such ticket the balance which may be due to him thereon, after discharging his county taxes: *Provided nevertheless,* That the aforesaid sheriff shall not be compelled to make such payment, unless he shall have in his hands money for the payment of county claims, sufficient to discharge the aforesaid balance, and not otherwise appropriated; any law, usage or custom to the contrary notwithstanding.

CHAP. XCVIII.

An Act making compensation to the Jurors who may hereafter attend the Superior and County Courts of Chatham County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the jurors hereafter duly summoned, and attending the superior or county courts of the county of Chatham, shall receive the sum of six shillings for each and every day they attend said courts as such, and six shillings for every thirty miles travelling to and from said courts.

II. And be it further enacted, That the county court aforesaid shall have power, and they are hereby required (a majority of the acting justices being present) to lay a tax, not exceeding one shilling on each and every poll, four pence on each and every hundred acres of land, and one shilling on every hundred pounds value of town property, for the purpose of paying the jurors aforesaid, to be collected by the sheriff and accounted for by him as other county monies; any law, usage or custom to the contrary notwithstanding.

CHAP. XCIX.

An Act to make compensation to Jurors who may be summoned and serve as Talesmen, in the Counties of Carteret 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 passing of this act, all persons, being duly summoned, who serve as talesmen in the county court of Carteret, shall be allowed ten shillings for each day they may be engaged in serving as aforesaid; which shall be paid in the same manner, and under the same rules, regulations and restrictions as are prescribed for the payment of other county court jurors in said county.

II. And be it further enacted by the authority aforesaid, That jurors who shall be summoned and serve as talesmen in the county court of Richmond, shall be allowed five shillings for each day they may be engaged in serving as aforesaid; which shall be paid in the same manner, and under the same rules, regulations and restrictions as are prescribed for the payment of county court jurors in said county of Richmond.

CHAP. C.

An Act to authorise Robert Martin to build a suitable House for the Clerks Offices on the Public Square in Wilkesborough.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Montfort Stokes, James Waugh and Richard R. Gwinn, are hereby appointed commissioners for the purpose of laying off one-eighth part of an acre of land, beginning at the north-west corner of the said public square, running east with said line, so as to make the lot of land above-mentioned in an oblong square; and when laid off, the plot thereof shall be filed in the clerk's office of said county.

II. And be it further enacted, That the chairman of the said county court is hereby authorised and empowered to convey a title in fee-simple of the lot so laid off to Robert Martin, his heirs and assigns: *Provided,* the said Robert Martin shall sufficiently bind himself to build a fit and convenient house, adjoining the one-eighth part of an acre of land above mentioned for keeping the clerks offices in.

III. And be it further enacted, That the house to be built for the purposes above-mentioned, shall be at least twenty-four feet long and twelve feet wide, and finished agreeable to a plan to be laid off by the commissioners above named, and when finished, shall forever remain for the use of the several clerks of the county and superior courts, and their successors in office; any law to the contrary notwithstanding.

CHAP. CI.

An Act to prevent the practice of Horse-Racing in the Streets of the Town of Germanton, in Stokes County.

WHEREAS it has been represented to this General Assembly, that the practice of horse-racing has been prevalent in the town of Germanton, and attended with bad consequences: Therefore,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, any person or persons who shall run any horse-race in the streets of the town of Germanton, in the county of Stokes, shall be liable to pay the sum of five pounds, to be recovered before any justice of the peace for said county, to be applied to the use of the person suing for the same.

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CHAP. CII.

An Act making compensation to the owners of outlawed and executed Slaves, for the County of Duplin.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That if any slave shall be tried in the county of Duplin, and shall be found guilty by the jury, of any crime, the punishment whereof shall extend to life, the said jury shall fix and ascertain the value of the said slave, and shall give the valuation in at the time they return their verdict, which valuation shall be certified by the chairman of the court, and given to the owner of the slave, who shall be entitled to receive two thirds of such valuation from the sheriff of said county of Duplin.

II. *And be it further enacted,* That when any slave shall be legally outlawed in the county of Duplin, and said slave shall be killed in consequence thereof, the value of such slave shall be ascertained by a jury, which shall be empannelled at the succeeding court of said county, and a certificate of such valuation shall be given by the clerk of the court to the owner of said slave, who shall be entitled to receive two thirds of such valuation, from the sheriff of said county of Duplin.

III. *And be it further enacted,* That the jury who shall try and return the valuation of any negro, by them convicted and valued, shall previously enquire whether the owner of said slave did not feed, cloath and treat him or her with the humanity consistent with his or her situation.

IV. *And be it further enacted,* That the court of the county of Duplin is hereby authorised and required, when necessary, to lay a tax on all black polls in said county of Duplin, sufficient to defray the charge of having a slave or slaves executed or killed under this act; and the sheriff of said county shall collect such tax, under the same regulations and restrictions as are prescribed for the collection of county taxes, and shall pay to the owner or owners of slaves valued under this act, when collected, two thirds of the valuation which shall be certified by the chairman of the court, which certificate, together with the owner's receipt, shall be a sufficient voucher for him in the settlement with the court; and the said sheriff shall account with the court for any surplus money which shall remain in his hands after paying the aforesaid two thirds of the valuation of any slave or slaves executed as aforesaid; the aforesaid surplus shall be appropriated to the use of the poor of said county; any law, usage or custom to the contrary notwithstanding.

CHAP. CIII.

An Act to repeal an Act, passed at Raleigh in the year 1796, entitled "An Act making compensation to the owners of outlawed or executed Slaves, for the Counties of Bladen, Halifax, Granville, Cumberland, Perquimons, Beaufort and Pitt," so far as the same relates to the Counties of Cumberland and Bladen.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, so much of the act passed at Raleigh in the year 1796 entitled "An act making compensation to the owners of outlawed or executed slaves for the counties of Bladen, Halifax, Granville, Cumberland, Perquimons, Beaufort and Pitt," as concerns the counties of Cumberland and Bladen, so far as it makes provision for the payment or compensation to the owners of outlawed or executed slaves in said counties, be, and the same is hereby repealed.

CHAP. CIV.

An Act to compel the Register of the County of Iredell to keep his Office at the Court-House during the sitting of the Courts 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 Register of the county of Iredell shall, in future, keep his office at Statesville, during the sitting of each and every court in each year, under the penalty of ten pounds, to be recovered by action of debt, one half to the informer; any law, usage or custom to the contrary notwithstanding.

CHAP. CV.

An Act to authorise the County Court of Pleas and Quarter Sessions for the County of Mecklenburg, at their next meetings, to appoint five of their number who shall be stiled a Committee of Roads.

WHEREAS inconveniencies have arisen on the subject of roads, from the frequent changes of magistrates during the sitting of a county court, one set revoking orders made by another: For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That at the next sitting of the county court of pleas and quarter sessions for the county of Mecklenburg, a majority of the acting justices being present, they shall proceed to elect, by ballot, five of their own body, residing in different parts of said county, who shall be stiled a Committee of Roads, whose duty it shall be to meet at some convenient place, at or near the court-house, on the Tuesday of each and every county court, and who may continue to sit from day to day, during the sitting of the court, if their business should require it, to hear all petitions relative to roads, the building of bridges; and that the decision of said committee shall be final in all cases, except any person interested may be dissatisfied, and in that case it shall be the duty of the said committee to refer to the said court any such matter with which any person may be dissatisfied; any law, usage or custom to the contrary notwithstanding.

CHAP. CVI.

An Act to amend an Act, entitled "An Act to prevent the several species of Hunting therein mentioned," so far as respects Columbus County.

WHEREAS the penalty inflicted by the above recited act, against persons discovered in the woods with a gun and fire-light in the night time, has been found too great to answer the purposes intended; for remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, if any person or persons in said county shall be discovered in the woods with gun and fire light in the night time, he shall, on conviction before any justice of the peace for said county, on a warrant regularly executed and returned, be fined by said justice any sum not exceeding five pounds current money of the State, one half to the informer, the other half to be applied to the use of the county.

II. *And be it further enacted*, That if any slave shall be discovered hunting in said county, as above. 1810 mentioned, the master of such slave, or person in whose service he may be, shall, upon due conviction of such slave, before any justice of the peace of the county, forfeit a sum not exceeding two pounds ten shillings, to be levied by warrant immediately to be issued by such justice for that purpose; and if any person shall be duly convicted of sending his slave to hunt with a gun, in the night by fire-light, he shall be subject to the same penalties as are prescribed against fire hunters: *Provided*, that suit be brought in each and every case within thirty days after the offence is committed; any law, usage or custom to the contrary notwithstanding.

CHAP. CVII.

An Act prescribing the mode of holding and conducting Elections in future in the County of Duplin, and for other purposes.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the elections hereafter held in said county shall be held at the following places and time, to wit: At the house of Benjamin Hodges, on Goshen; at the house of Shadrach Stallings, at the house of David Williams, at the house of Thomas Evans, at the house of James Labier, senior, at the house of Henry Newkirk, at the house of Owen O'Daniel, at the house of Edward Albinson, at the house of Lewis Jones, and at the court-house of said county; all of which elections shall be held at the aforesaid places on the second Thursday in August in each and every year, for the purpose of electing Members of the General Assembly; which shall be conducted under the same rules, regulations and restrictions as have been heretofore prescribed by law.

II. *And be it further enacted*, That the elections for Electors to vote for President and Vice-President of the United States, and Members of Congress, shall be held at the aforesaid places, at such times, and under such rules, regulations and restrictions as are prescribed by law in such cases.

III. *And be it further enacted*, That it shall be the duty of those persons who may be appointed to superintend the elections in said county, on closing the poll at the time fixed on by law, to count out the votes which may be received, and to return to the sheriff of the county, or his lawful deputy, at or before two o'clock on the succeeding day at the court-house in the same, a correct statement of the votes given in as aforesaid, together with a list of the voters names, under the penalty of fifty pounds, to be recovered by any person who shall sue for the same.

IV. *And be it further enacted*, That it shall be the duty of the sheriff, or his lawful deputy, to attend at the court-house on the day succeeding such elections, to receive the returns so directed to be made, and in presence of the inspectors, to compare the statements together, and on ascertaining to whom the greatest number of votes belong, immediately to make proclamation and declare them elected; any law, usage or custom to the contrary notwithstanding.

CHAP. CVIII.

An Act to establish the mode of Elections in future in the County of Buncombe, and to establish two other separate Elections in said County; and to alter the time of opening the several Elections in Rowan County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future the elections for members of the General Assembly of this State for said county, shall be held on the second Thursday in August in each and every year, at the several places heretofore established by law for that purpose, and shall not be held on Friday at the court-house as usual.

II. *And be it further enacted*, That it shall be the duty of the county court, at the court next preceding the day of election, to appoint one justice of the peace and two freeholders to attend at each place of election in said county, whose duty it shall be, to attend at the places for which they are respectively appointed, for the purpose of receiving the ballots; but before they enter on the duties herein enjoined, they shall be sworn to conduct the same honestly and impartially and according to law.

III. *And be it further enacted*, That if it should so happen that the court should neglect to appoint a justice and two freeholders, or if those appointed should die, remove or refuse to act, any justice present may appoint two freeholders to act with himself and administer the oath required to be administered to inspectors of elections.

IV. *And be it further enacted*, That it shall be the duty of the justice and freeholders so appointed and qualified, to open the polls of the different elections in said county at ten o'clock and closed at four o'clock of the same day, except that at the court-house, which shall be opened at ten and closed at sun set, and shall, when they are respectively closed as herein directed, immediately proceed to count out the ballots, a correct statement of the votes in favour of each candidate, together with a list of the voters' names, shall be by them returned to the sheriff, or his lawful deputy, at the court house, on Friday the day following, on or before three o'clock; and it is hereby declared to be the duty of the sheriff, or his deputy, to attend at the court house at the time aforesaid, in order to receive the returns so made, and when received, they shall immediately cast up the poll and declare the persons having the greatest number of votes duly elected.

V. *And be it further enacted by the authority aforesaid*, That two other separate elections be, and they are hereby established in said county; one of which to be holden at the house of William Nelson, junior, at the Warm Springs, and the other at Aaron Patton's smith's shop, on Swannannoe river; which shall be held on the same day, opened and closed at the same time, and governed by the same rules, regulations and restrictions as are prescribed by this act for the other separate elections in said county.

VI. *And be it further enacted*, That the election for electors to vote for President and Vice-President of the United States, and for members of Congress, shall be held at the different separate election in said county, at the times respectively which have heretofore been pointed out by law for that purpose, and shall be governed by the same rules and regulations as have been heretofore observed in such cases.

VII. *And be it further enacted*, That if any person should give an illegal vote at any of the said elections, and be thereof convicted, he shall forfeit and pay the sum of five pounds, one half to the person suing for the same, and the other half to the use of the county, to be recovered by warrant, before any justice of the peace.

VIII. *And be it further enacted*, That from and after the passing of this act, it shall be the duty of the sheriff of Rowan county, and his deputies, to open the poll at each and every place of holding an election

1810 in said county, for members of the General Assembly, a member of Congress, and an elector of President and Vice-President of the United States, at nine o'clock of the forenoon of the day now prescribed by law for holding said elections, and shall continue the poll open until sun-set of the same day, and no longer; any act, clause or clauses of acts to the contrary notwithstanding.

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

CHAP. CIX.

An Act to amend an Act passed in the year 1806, relative to the Elections 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 in future, the votes for members of Congress, electors of President and Vice-President of the United States, and members of Assembly, which shall be received at the places appointed by law, shall be counted out on the days on which they are taken, not before four o'clock nor after seven o'clock, a list of which, with the voters' names, certified by the persons authorised to conduct the said elections, under their hands and seals, shall be returned on the succeeding day, to the sheriff, or his lawful deputy, at the court-house, who shall, in the presence of one justice of the peace and two freeholders, proceed to compare the same, and the persons having the greatest number of votes shall be declared elected.

II. *Be it further enacted*, That the persons commanded by Captain Creed Dudley, who may be qualified to vote as aforesaid, shall hereafter vote at the court-house of said county, on the same day on which the other elections in said county are directed to be held.

III. *And be it further enacted*, That so much of the act of 1806, as authorises the holding an election at the court house on the day subsequent to that on which the other elections in said county are required to be held, is hereby repealed.

CHAP. CX.

An Act to alter the mode of Elections in the County of Hyde, and to grant one other separate Election in said County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the several elections in the county of Hyde shall be held at the times and places hereinafter mentioned, viz. The sheriff shall, either by himself or his lawful deputy, in each and every year hereafter (to elect members to the General Assembly, and at the times appointed by law, to elect representatives to Congress, and an elector to vote for a President and Vice-President of the United States) open and hold the election formerly held at the house of the Widow Goodrys, at Jack's creek, on the first Thursday in August, at the same place; and the election formerly held at Lumberton at the Loghouse Landing, shall be opened and held on the Saturday following; and the sheriff, or deputy, shall open and hold one other separate election at the house of Joseph Swindells, on the north side of Mattamuskeet Lake in said county, on the Monday following the election at Lumberton; and the election formerly held at the Lake Landing, shall be opened and held on the Wednesday following, at the same place; at all which elections, the sheriff, or his lawful deputy, so holding the said elections, shall carefully, and agreeably to law, receive the ballots and put them into their proper box, which boxes shall be sealed up and returned, with the list of the voters' names, signed by the inspectors, to the court-house, on the Friday after the second Thursday in August, where the election shall be opened and held; and the votes taken at the several separate elections, shall be, at the close of the election, added to those taken at the court-house, and the persons having the greatest number of votes shall be declared duly elected.

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

CHAP. CXI.

An Act to establish the mode of Elections in the County of Camden, and also to establish two separate Elections.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That two separate elections be, and are hereby established in the county of Camden, one at the house of Roger Stares, in the upper end of the said county; and the other to be held at the house of Thomas Watson, in the lower end of said county, which shall be opened and held on the second Thursday in August in each and every year, for the purpose of electing members of the General Assembly of this State.

II. *And be it further enacted*, That the election at the court-house of said county, shall hereafter be held on the aforesaid second Thursday in August in each and every year, and not on Friday as heretofore.

III. *And be it further enacted*, That it shall be the duty of the county court next preceding the day of any election, to appoint one justice of the peace and two freeholders to act as inspectors of the polls at each place of election herein mentioned, whose duty it shall be to attend at the places for which they are appointed on the day mentioned in this act, and after being sworn to act faithfully and impartially, shall open the polls of such election at twelve o'clock, and close the same at sun-set.

IV. *And be it further enacted*, That the inspectors shall immediately after the close of the polls, proceed to count out the votes, a correct statement of which, together with a list of the voters names, shall by them, or some one of them, be returned at or before two o'clock on Friday, the day following, to the sheriff of said county, or his lawful deputy, at the court-house. And it is hereby declared to be the duty of the said sheriff, or his deputy, to attend at the court-house on the said Friday after the second Thursday, to receive the returns so made by the inspectors; and on their being made to the sheriff, he shall, in the presence of the inspectors, proceed to add the number of votes together thus to him returned, and those having the greatest number of votes shall be deemed duly elected; and the sheriff shall immediately, at the court-house door, make proclamation accordingly.

V. *And be it further enacted*, That if it should so happen that the court of said county should neglect to appoint inspectors, or any of them should die or refuse to act, it shall be lawful for one justice of the peace and two freeholders to appoint them; and when so appointed, they shall have the same powers, and be subject to the same restrictions, as if they had been appointed by the court.

VI. *And be it further enacted*, That it shall be the duty of the clerk of said court to deliver copies of the appointment of said inspectors to the sheriff, whose duty it shall be to notify them as soon as possible, and he shall also advertise the said elections at least twenty days previous thereto.

VII. *And be it further enacted*, That the election for elector to vote for a President and Vice-President of the United States and for members of Congress, shall be held at the separate places of election established by this act, in the same manner, and at the same times as are prescribed already for that purpose.

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

CHAP. CXII.

An Act to alter the mode of Elections in the County of Washington.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the several elections in the county of Washington, to elect members to represent that county in the General Assembly, shall in future be opened and held at the places pointed out by law, on the second Thursday in August in each and every year.

II. *And be it further enacted*, That it shall hereafter be the duty of the court of said county, next preceding the day of any election, to appoint one justice of the peace and two freeholders, to act as inspectors of the polls, whose duty it shall be to attend at the places for which they are appointed, on the day mentioned in this act for holding said elections, which elections shall be held in the same manner, and under the same rules, regulations and restrictions as are observed in other cases of elections within this State.

III. *And be it further enacted*, That the inspectors shall, immediately after the close of the polls, proceed to count out the votes, a correct statement of which, together with a list of the voters' names, shall be by them, or some one of them, returned, at or before twelve o'clock on the Friday after the second Thursday in August, at the court-house; and on the returns being made to the sheriff, or his deputy, he shall, in the presence of the inspectors, proceed to add the number of votes to him returned, with those taken at the court-house, and the persons having the greatest number of votes shall be deemed duly elected, and the sheriff shall immediately, at the court-house door, make proclamation accordingly.

IV. *And be it further enacted*, That if it should so happen that the court of said county should neglect to appoint the inspectors as aforesaid, or any of them should die or refuse to act, then and in that case, it shall and may be lawful for any justice of the peace and two freeholders to appoint inspectors, and when so appointed, they shall have the same power and be subject to the same restrictions, as if they had been appointed by the court.

V. *And be it further enacted*, That it shall be the duty of the clerk of said court to deliver copies of the appointment of said inspectors, to the sheriff, whose duty it shall be to notify them of their appointment; and the sheriff is hereby required to advertise said election, in every captain's district, and at the court-house door, at least twenty days previous thereto.

VI. *And be it further enacted*, That the elections for members of Congress, and for electors to vote for President and Vice President of the United States, shall be held in said county at the aforementioned places, and in the same manner subject to the same rules, regulations and restrictions as other elections in this State.

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

CHAP. CXIII.

An Act to amend the Laws for holding the annual Elections for the County of Martin.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That at the separate elections opened and held in and for the county of Martin, at the following places, to-wit: At Hamilton, at the house of David Cooper, on the Wednesday before the second Thursday in August in each and every year; at Jameston, on the second Thursday in August in each and every year; at Williamston, on Friday after the second Thursday in August in each and every year, it shall be the duty of the inspectors at the places aforesaid, at the close of the polls as by law directed, to seal up the ballot boxes, and shall proceed with the boxes and the several lists of voters by them taken, to the court-house in the town of Williamston; and on the Friday as aforesaid, at sunset, the seals shall be taken off the ballot boxes as aforesaid, and the tickets or ballots counted out.

II. *And be it further enacted*. That elections for electors to vote for a President and Vice-President of the United States, and elections for members of Congress, for the county aforesaid, shall, in future, be held and conducted in the same manner as elections to represent that county in the General Assembly of this State; any law to the contrary notwithstanding.

CHAP. CXIV.

An Act to establish one other separate Election in the County of Carteret, and on Occacok Island, and to remove one other separate Election in said County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, a separate election shall be held on Occacok Island, in Carteret county, on the second Thursday in August in each and every year hereafter, at the dwelling-house of Edmond Dailey, Esq. under the same rules, regulations and restrictions as are already established by law for separate elections in said county.

II. *And be it further enacted*, That the separate election heretofore held at the house of David Wallace, on Portsmouth, be, and it is hereby removed and established at the house of Thomas Grace, to be held on the same day, and governed by the same rules and regulations as were prescribed heretofore for the government of the same; any law to the contrary notwithstanding.

CHAP. CXV.

An Act to establish two other separate Elections in the County of Rockingham.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, there shall be two other separate elections held in the county of Rockingham aforesaid, on the second Thursday in August in each and every year successively, one to be held at the house of Philip Rose, in the town of Leaksville, on the north side of Dan River, and the other to be held at the house of, or at the most suitable place within the vicinity of Nathaniel D. Murry, to be fixed on by John Lowe, Ebenezer Patrick, Moses Lomas, George

1810 *LEmons* and the aforesaid Nathaniel D. Murry, who are hereby appointed commissioners for that purpose; which elections shall be held on the same day, and under the same rules and regulations that govern the other separate elections in said county; any law to the contrary notwithstanding.

CHAP. CXVI.

An Act to establish a separate Election at the house of Charles Allen, junior, in the County of Warren.

BE it 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 Warren county, or his lawful deputy, shall open and hold an election at the house of Charles Allen, junior, in said county, on Tuesday immediately preceding the second Thursday and Friday in August, in each and every year, for the purpose of receiving votes for members of the General Assembly, representatives in Congress, and electors to vote for President and Vice-President of the United States; which election shall be opened at twelve o'clock, and continue open until sun-set, unless sooner agreed on by the candidates present, and to be conducted under the same rules and regulations as all other elections in this State; and votes taken at the place and on the day aforesaid, shall be sealed up and transmitted by the sheriff to the court-house, and counted out and added to those taken at the days of the annual election; any law to the contrary notwithstanding.

CHAP. CXVII.

An Act granting to the Inhabitants of the County of Haywood one other separate Election 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 in future, it shall be lawful for an election to be opened and held at the house of Benjamin Clark, on Beaver Dam Creek, in the county of Haywood, on the same day on which the other elections are now by law to be holden in said county, and subject to the same rules, regulations and restrictions that the other separate elections in said county are held.

CHAP. CXVIII.

An Act to alter the place of holding one of the separate Elections in the County of Randolph.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the separate election heretofore held at the house of Frederick Farmer, in the county of Randolph, shall in future be opened and held at the house of William Ingram in said county, under the same rules, regulations and restrictions as have been heretofore prescribed by law for conducting the several separate elections in said county; any law, usage or custom to the contrary notwithstanding.

CHAP. CXIX.

An Act to alter the place of holding two separate Elections in the County of Wilkes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the election heretofore held at the house of William Dula, shall in future be held at James Ray's shop; and the election heretofore held on Roaring River, shall in future be held at the house of William Blackburn, a place known by the name of Trap Hill, under the same rules, regulations and restrictions as heretofore established by law; any law, usage or custom to the contrary notwithstanding.

CHAP. CXX.

An Act to establish one other separate Election in the County of Surry.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a separate election be, and is hereby established at the house of John Hall, in Hallsborough, in the county of Surry, which shall be opened, conducted and closed in the same manner, and under the same rules, regulations and restrictions, as are prescribed for the government of all other separate elections in said county; any law to the contrary notwithstanding.

CHAP. CXXI.

An Act to establish one other separate Election in the County of Chatham.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for an election to be held annually for representatives in the General Assembly, and for a representative to Congress, and for electors of President and Vice-President of the United States, whenever it may be necessary for such elections to be held on the second Thursday in August, at the house of John Farrington, in the county of Chatham, under the same rules, regulations and restrictions as other elections are held in said county; any law, usage or custom to the contrary notwithstanding.

CHAP. CXXII.

An Act granting a separate Election to the inhabitants of Moore County.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Murdoch Martin, Lauchlin M'Neill, Kenneth Clark, Allen Morrison and John M'Kennon, be, and they are hereby appointed commissioners to appoint and lay off a suitable place for holding a separate election, on M'Lennon's creek, for the purpose of electing members of the General Assembly, members of Congress, and electors to vote for a President and Vice-President of the United States; and said election shall be held on the days that are or may be appointed by law, in each and every year, under the same rules, regulations and restrictions, as other separate elections in said county; any law, usage or custom to the contrary notwithstanding.

CHAP. CXXIII.

An Act to establish one other separate Election in the County of Stokes.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That one other separate election be, and is hereby established in the county of Stokes, at the house of Boling Fisher, which shall be held on the same day, and opened, closed and conducted, in the same manner, and under the same rules, regulations and restrictions, as all other elections in said county; any law, usage or custom to the contrary notwithstanding.

CHAP. CXXIV.

An Act regulating the upper and lower separate Elections in the County of Ashe.

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BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the upper separate election, in Ashe county, heretofore opened and held at Whittington's Old Place, shall in future be opened and held at the dwelling house of Carter Whittington, under the same rules and regulations as the said separate election has heretofore been held; and that the lower separate election in Ashe county, heretofore opened and held at the dwelling-house of William Harris shall in future be opened and held in the barn of the said William Harris, and be conducted under the same rules and regulations as said separate election has heretofore been conducted; any law to the contrary notwithstanding.

CHAP. CXXV.

An Act for the relief of William Gilmour, of the Town of Halifax.

WHEREAS, in virtue of an Act of Assembly, passed at Fayetteville in the year 1786, entitled "An Act for the better regulation of the town of Halifax, and extending the liberties thereof, and for altering the mode of laying and levying taxes on the town of Edenton," the commissioners of the said town of Halifax, in extending their boundaries, have included within the limits thereof, a certain tract or parcel of land, containing by estimation five acres, more or less, the property of William Gilmour; and whereas it is the request of the said William Gilmour, that henceforth the said tract or parcel of land may be detached from the said town, and become to all intents and purposes separate and distinct therefrom,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said tract or parcel of land, with all its appurtenances, shall be, and the same is hereby declared to be forever severed from the limits and jurisdiction of the said town; and that the commissioners thereof shall be, and they are hereby divested of all power and authority to lay any tax or taxes thereon; any law, usage or custom to the contrary notwithstanding.

CHAP. CXXVI.

An Act to authorise Alexander Smith, of Ashe County, to raise by way of Lottery, the sum of Fifteen Hundred Dollars.

BE 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 Smith, of Ashe county, be, and he is hereby authorised and empowered to raise, by way of lottery, a sum not exceeding fifteen hundred dollars, for the purpose of enabling the said Alexander to establish and carry on a manufactory for making steel and nails, in the county aforesaid.

II. And be it enacted, That John O. Johnston, Eli Cleveland, Thomas Gallaway and Joshua Cox, be, and they are hereby appointed commissioners of said lottery, to raise the sum aforesaid, by such scheme as they may think proper to devise: whose duty it shall be, to pay to every fortunate adventurer in said lottery, the prize or prizes which he, she or they shall draw therein, on demand, subject however to such reduction and restrictions as the said commissioners shall make known in the publication of the scheme of said lottery.

III. And be it further enacted, That the said Alexander Smith shall, previous to the selling of any tickets in said lottery, give bond, payable to the Governor for the time being, and his successors in office, with two sufficient freeholders security, in the sum of two thousand pounds, conditioned for the true and faithful performance of said lottery, and the appropriation of the monies arising from the lottery to the purposes herein before specified, which bond shall be deposited in the superior court clerk's office, in the county aforesaid, and any person thereby injured, may bring suit thereon, without assignment, and recover damages accordingly.

CHAP. CXXVII.

An Act for the relief of George Cloud, Sheriff of Stokes County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That George Cloud, sheriff of Stokes county, be, and he is hereby vested with full power and authority to raise, by way of lottery, a sufficient sum of money to remunerate him for the public money which was stolen from him in the year 1806, whilst on his way to, or at Raleigh: *Provided,* that the principal prizes in said lottery shall consist of real or personal property belonging to the said George Cloud; and provided also that the said prizes shall be subject to no deduction.

CHAP. CXXVIII.

An Act to amend an Act, passed in the year 1807, entitled "An Act to amend an Act, passed in the year 1796, entitled An Act authorising the Members of the Episcopal Church in the Town of Newbern to appoint Trustees, and for other purposes."

WHEREAS, by the first recited act, it is declared lawful for the wardens of the said church to make and ordain such rules and regulations as may be proper for keeping up good order and decorum in this church, and by the last recited act, it is declared who shall, and who shall not be entitled to vote for wardens of the said church, but no provision is made by either of the acts above recited, to exclude any person who has once been qualified to vote, from voting for such wardens, nor to compel obedience to the rules and regulations made by said wardens; and for remedy whereof,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no person shall be qualified to vote for wardens of said church after having been suspended, excommunicated, or cut off from the rites and fellowship thereof by the united voice of a majority of such of its members as may be legally entitled to vote for wardens as aforesaid, until he shall have been reunited to the said church or congregation, by the consent of a majority of such members as are authorised by this act to expel him; any law, usage or custom to the contrary notwithstanding.

And whereas the aforesaid church is a Protestant Episcopal Church and has been always called and known by the name of *Christ's Church*, and is not so named in either of the above recited acts,

III. Be it further enacted, That it shall in future be called and known by the said name of *Christ's Church*.

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CHAP. CXXIX.

An Act to secure Property to a Religious Society therein mentioned.

BE it enacted by the General Assembly of North-Carolina, That Philip Bruce, John Buxton, John Whitaker, Eli B. Whitaker, Edward J. Jones, Jesse Cobb, Edward Hall, Joel Rivers, Robert Jones, senior, Hill Jones, William Bellamy, Benjamin W. Lucas, James Judge, Francis Tate, Henry Bradford, John Early, Edmund Jones, Robert Jones, junior, Joseph J. Williams, Geraldus Toole, Lawrence O'Bryan, Henry Austin, Eli Porter and Willie Connor, be, and they are hereby constituted a body corporate, to be called and known by the name of *The Benevolent Society*, who are hereby vested with all the powers and authorities which are given to Religious Societies by an act passed in the year 1796, entitled "An act to secure property to Religious Societies or Congregations of every denomination," and also by another act passed in the year 1809, entitled "An act to amend an act passed in 1796, entitled An act to secure property to Religious Societies or Congregations of every denomination;" any law to the contrary notwithstanding.

CHAP. CXXX.

An Act to divorce Nathaniel Bryan, of the County of Bladen, from his Wife Eleanor.

BE 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, Nathaniel Bryan, of the county of Bladen, be, and he is hereby divorced from his wife Eleanor, in as full and ample a manner, to all intents and purposes, as if the rites of matrimony had never been solemnized between them, and they are hereby divorced accordingly; any law to the contrary notwithstanding.

CHAP. CXXXI.

An Act to confirm the Marriage, and legitimate the Children of Jeremiah Vaughn and Nancy Fox.

WHEREAS doubts have arisen as to the legality of the marriage of Jeremiah Vaughn, of the county of Warren, with Nancy Fox, of the county of Greenville, and State of Virginia, in consequence of the licence having been obtained in the county of Northampton, in this State, and the marriage ceremony performed in the county of Greenville, and State of Virginia, by William Garnera, Methodist Preacher of the Gospel, living in the county of Northampton aforesaid: For remedy whereof,

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the marriage of the said Jeremiah Vaughn with the said Nancy Fox, as aforesaid, shall be considered, and the same is hereby declared to be legal and valid, to all intents and purposes; and the children of the said marriage, which now are, or may hereafter be, shall be considered the lawful issue thereof, and be as capable of inheriting and taking property of any kind from either of their parents, or any other person, as if there had been no defect in the celebration of the said marriage.

CHAP. CXXXII.

An Act to alter the Names of the Persons therein mentioned, and to legitimate a part 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 name of Laban Henly, of Craven county, and his two sons John and William, be, and the same are hereby altered to that of Laban Morris, John Morris and William Morris; and the name of Ned (a man of colour) of Richmond county, to that of Edward Gauntlett; and the name of Nancy Brinkly, of Gates county, to that of Nancy Harvey; and the name of Isabella Clary Stallions, of Nash county, to that of Isabella Clara Hamilton; and the name of William Smith, of Sampson county, to that of William Smith Herring; and the name of James Harrison, of Granville county, to that of James Stark; and the name of Sharp Blount Poppin, of Hyde county, to that of Sharp Blount Lucas; and the name of Elizabeth Skinner, of Greene county, to that of Elizabeth Smilar; and the name of Eunice Ryley, of Guilford county, to that of Eunice Wilson; and the names of Elizabeth Temple and Robert Temple, of Johnston county, to that of Elizabeth Massengill and Robert Massengill; and the name of Celah Williams, of Nash county, to that of Celah Crowell; and the name of Alonzo Willons, of Johnston county, to that of Alonzo Smith; and the name of Mary Perry, of Haywood county, to that of Mary Gooch; and the name of Reddin Monk, of Duplin county, to that of Reddin Barfield; and the name of Priscilla Hall, of Randolph county, to that of Priscilla Jones. Grissy Hill, Tabitha Hill, Rachel Hill and Lucy Hill, of Wake county, to that of Grissy Lassiter, Tabitha Lassiter, Rachel Lassiter and Lucy Lassiter; Mary Swinbroad, of Onslow county, to that of Mary Pitt. And the aforesaid persons shall be called and known by the names as above altered; and shall be able, respectively, to sue and be sued, plead and be impleaded, in any court of law or equity, and shall possess and enjoy the same privileges as if they had borne the names as above altered from their nativity.

II. *And be it further enacted,* That the following persons, who are mentioned in the first section of this act, to-wit: Celah Crowell, the reputed child of John Crowell; Elizabeth Massengill and Robert Massengill, the reputed children of Henry Massengill; Eunice Wilson, the reputed child of Michael Wilson; Elizabeth Smilar, the reputed child of David Smilar; Sharp Blount Lucas, the reputed child of Samuel Lucas; Isabella Clary Hamilton, the reputed child of Thomas Hamilton; Nancy Harvey, the reputed child of Sally Brinkly, the petitioner; Alonzo Smith, the reputed child of John A. Smith, shall forever hereafter be legitimated and made capable to possess, inherit and enjoy, by descent or otherwise, any estate, either real or personal, to all intents and purposes, as if they had been born in actual wedlock.

CHAP. CXXXIII.

An Act to secure to the persons therein mentioned such property as they 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 from and after the passing of this act, Mary Crowder, of Buncombe county, wife of Elijah Crowder; Susanna Herring, wife of Frederick Herring; Nancy James, of Surry county, wife of George James; Sarah Wren, of Nash county, wife of Howel Wren; Barbara Wilkinson, of Duplin county, wife of John Wilkinson; Betsy Wilker, wife of Joseph Walker; Susanna Holtshaw, of Robeson county, wife of Nathan Holtshaw; Eddy Davis, of Pitt county, wife of Lewis Davis; Eva Low, of Rowan county, wife of Thomas Low; Mildred Davis, of Buncombe county, wife of William Davis; Martha

Pannal of Granville county, wife of William Pannal; Elizabeth Bezzell, wife of Isaac Bezzell, of Sampson¹⁸¹⁰ county; Rachel M'Gonnigold, wife of Eli M'Gonnigold, of Guilford county; Barbara M'Nauton, of Cumberland county, wife of Neill M'Nauton; Sarah Carven, of Currituck county, wife of Thomas Carven; Patsy Bloom, of Stokes county, wife of Lewis Bloom; Rosanna Capehart, of Burke county, wife of John Capehart; Lucie Edwards, wife of Michael Edwards, of Warren county; Eleanor Hudson, wife of Jacob Hudson, of Cabarrus county, be, and they are hereby entitled, respectively, to hold, possess and enjoy, in their sole right, all such estate, either real or personal, as they may hereafter acquire by industry, purchase, gift or otherwise, in as full and ample a manner as if they had never been married to their respective husbands herein named, free and clear from the claims of their said husbands or any of their creditors; and they, respectively, shall have full power and authority to prosecute or defend any suits, either in law or equity, in their own names, in the same manner as if they had never been married to their respective husbands; any law to the contrary notwithstanding.

CHAP. CXXXIV.

An Act to authorise Timothy M'Keaver, of the County of Guilford, to retail spirituous liquors in any County within this State; on his paying annually the present tax on Tavern License in the County in which he resides.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Timothy M'Keaver, of the county of Guilford, be, any he is hereby authorised to retail spirituous liquors in any county within this State, on his paying; annually, the tax on tavern license in the county in which he resides; any law, usage or custom to the contrary notwithstanding.

CHAP. CXXXV.

An Act to repeal the several Acts of the General Assembly heretofore passed, establishing Fairs within this State.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the several acts heretofore passed establishing fairs within any of the counties within this State, be, and the same are hereby repealed and made void; any thing to the contrary notwithstanding.

CHAP. CXXXVI.

An Act to empower the County Court of Wayne to appoint Overseers and Hands to maintain and keep up certain Bridges 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 county court of Wayne, shall have power to appoint overseers and hands to maintain and keep up Longby's and Pearson's bridges across Nauhuntee Creek, in said county, who shall possess the same power, and be subject to the same duty and penalties as the overseers and hands appointed to work on public roads.

CHAP. CXXXVII

An Act authorising Lewis Carlton, Ambrose Carlton and John Bradley to set up a Gate or Gates on the road leading from the said Lewis Carlton's Mills to the main road leading from King's Creek to the head of the Yadkin River.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said Lewis Carlton, Ambrose Carlton and John Bradley, are hereby authorised and empowered to erect and keep up a gate or gates, on the road leading from the said Lewis Carlton's Mills, into the main road running up from King's Creek to the head of the Yadkin River; any law to the contrary notwithstanding.

CHAP. CXXXVIII.

An Act to authorise Robert Webb, of the County of Richmond, to erect a Gate on his own land, and on the road leading to his Ferry 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 Robert Webb, of the county of Richmond, be, and he is hereby authorised to erect a gate on the road leading to his ferry in Richmond county, for the purpose of receiving ferriage at the same.

CHAP. CXXXIX.

An Act to authorise Sampson Lane, of the County of Wayne, to erect a Gate on the road leading through his plantation.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Sampson Lane, of the county of Wayne, be, and he is hereby authorised to erect a gate on his own land, and on the road leading through his plantation in said county; any law, usage or custom to the contrary notwithstanding.

CHAP. CXL.

An Act to incorporate Hall Lodge, No. 53, in the County of Currituck.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the officers and members who at present are, or in future may be of Hall Lodge, number fifty-three, of Currituck county and State of North-Carolina, are hereby constituted and declared to be a body corporate, under the name and title of *Hall Lodge, No. 53*, and by such name shall have perpetual succession, and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws, rules and regulations, as shall not be inconsistent with the constitution of this State or of the United States.

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

JO. RIDDICK, S. S.

WILLIAM HAWKINS, S. H. C.

*Read three times and Ratified by the General Assembly
of North Carolina, December 15th, A. D. 1810*

A COPY,

WILLIAM WHITE, Secretary,

ESTIMATE of ALLOWANCES made to the Members of the General Assembly, at the Session of 1810.

Members of the Senate.	Miles	Days	Ferri- uge.	£. S. D.	Members of the Senate.	Miles	Days	Ferri- uge.	£. S. D.
The Honorable Joseph Riddick, Speaker of the Senate,	300	34	9	65 9	Micajah M'Gee,	92	34	2	55 14
Richard Atkinson,	110	34		56 10	Alexander M'Millan,	200	34	7s6d	61 7 6
William Arrington,	110	34		56 10	James Mebane,	94	34		55 14
Jesse Alexander,	380	34	5	70 5	Benjamin May,	160	34		59
Samuel A. dres,	224	32	6	59 10	Allen M'Lennon,	90	34	2	55 12
Benjamin Blackell,	66	26		42 6	George Ourlaw,	230	33	9	61 9
James Brigot,	180	34		60	Ebenezer Pettigrew,	300	34	7	66 7
James Blackman,	100	34		56	Benjamin Smith,	264	17	10	40 4
William Carson,	460	34	5	74 5	Robert W. Smith,	320	34	4	67 4
Edmund Deberry,	220	34	2	62 2	John Reid,	350	34	10	68
Thomas Devane,	200	34		61	Willis Riddick,	310	34	9	66 19
Henry B. Dobson,	220	34		62 4	Col. A. Shaw,	110	34	5	56 15
John Davis,	120	34		57	William V. Speight,	150	34		58 10
William Edmunds,	200	34	1s6	61 1 6	Benjamin Simmons,	24	34	5	63 5
Belcher Fuller,	330	34	17	68 17	Jeremiah Sade,	200	34	7s6d	61 7 6
Thaddeus Freshwater,	400	34	9	71 9	John E. Spicer,	280	34	5	65 5
Jacob Fisher,	260	34	11	64 11	Nathaniel Scales,	160	34		59
Frederic Grist,	220	34		62	David Tate,	450	34	25	74 15
Azariah Graves,	150	34		58 10	Henry I. Toole,	140	34		58
George Graham,	350	34	5	68 15	Thomas Tayler,	90	34		55 10
Richard Hoskins,	330	34	25	68 15	Richard Williams,	400	34		71
Charles Hooks,	150	34	5	58 15	Thomas Williams,	440	30	20	68
James Hart,	340	34	16	68 16	John Williams,	68	33		52 18
Michael Harvey,	160	34	4	59 4	Robert Williamson,	574	34	6	80 4
William Hinton,	20	34		52	John S. West,	240	34	5	63 5
Philemon Hawkins,	100	34		56	James B. White,	240	33	5	61 15
John B. Jasper,	340	34	17	68 17	Matthew C. Whitaker,	130	34		57 10
Gooden Lamb,	420	34	19	72 19	Thomas Wynns,	240	34		63
Samuel Lindsay,	140	34	2s6d	58 2 6	John Welch,	640	34	2s6d	83 2 6
Benjamin Lee,	200	33	2	59 12	Thomas Wright,	310	34		66 10
James Marshall,	240	34	4	63 4	James Wellborn,	360	34		69

Members of the House of Commons.

William Hawkins, (Speaker)	100	34		56	Zephaniah Horton,	564	34	5	79 9
Isaac T. Avery,	460	34	6	74 6	William Johnston,	230	31	20	59
William Armfield,	180	34		60	Daniel Jones,	60	34		54
Vine Allen,	234	34	5	62 19	David Jones,	230	34		62 10
John Adams,	290	34	5	65 15	Kimbrough Jones,	5	34		51 5
Michael Buoch,	328	34	24	68 12	William W. Jones,	260	32		61
Thomas Bell,	320	34	19	72 19	Edmund Jones,	410	34		71 10
Philip Brittain,	590	34	10	81	Andrew Jones,	210	34	5	61 15
Jesse Bernard,	460	30	19	68 19	William R. Johnson,	110	30		50 10
Thomas Boyd,	260	34	5	64 5	Francis Kilpatrick,	180	34		60
Thomas Brown,	112	34	5	56 17	Thomas Lenoir,	620	34		82
Christopher Bryan,	230	34	5	62 15	Thomas Leonard,	300	34	10	66 10
Brickhouse Bell,	420	34	20	73	Thomas Lanier,	70	34		54 10
Mark Bynum,	60	34		54	Thomas Love,	640	34	5	83 5
Paul Barringer,	300	34	11	66 11	Josiah Lindon,	190	34	10	61
Hutchings G. Burton,	360	33		67 10	Joseph Lamb,	230	34		62 10
James C. Bryan,	240	34	5	63 5	Samuel M'Quire,	322	34	24	68 6
Isaac Barber,	330	34	9	67 19	Charles M'Dowell,	460	34	6	74 6
William Buie,	90	32	2	52 12	Eppes Moody,	80	33		53 10
Levi Bateman,	564	34	5	69 9	Alexander Mosely,	150	34		58 10
Samuel Blount,	278	34	5	65 3	David Mebane,	90	34		55 10
Hugh Brown,	170	34	5	59 15	Georg Mumford,	270	34	2	64 12
Kedar Ballard,	300	34	10	66 10	James Matthis,	160	34		59
Cullen Blackman,	104	31		51 14	William Miller,	110	34		56 10
David Cuthbertson,	300	34	4	66 4	David Miller,	432	34		72 12
James W. Clark,	120	34		57	Wynne Nance,	240	34	5	63 5
Andrew Caldwell,	340	34	12	68 12	John S. Nelson,	346	34	20	69 6
Jesse Copeland,	330	34	9	67 19	Samuel Norsworthy,	34	34		52 14
Alexander R. Caldcleugh,	220	34		62	Isaac Nelson,	230	34	2	62 12
Elias Carr,	170	34		59 10	James Owen,	170	34	3	59 13
George Camp,	500	34	10	76 10	Nathaniel Pinkham,	430	34	70	76
John A. Cameron,	110	34	6	56 16	John Puffer,	300	34	2	66 2
Joseph Chambers,	260	34	6	64 6	John Peebles,	200	33	6	59 16
Daniel Carthy,	234	34	5	62 19	John Paine,	110	34		56 10
David Carter,	400	31	20	67 10	Joseph Parsons,	210	34	2	61 12
Michael Collins,	100	34		56	Halcott J. Pride,	160	34		59
George L. Davidson,	340	34	12	68 12	William T. Relfe,	400	34	9	71 9
George W. Davidson,	240	34	4	63 4	Thomas Russ,	324	34	3	67 7
William Douglas,	195	34		60 15	George L. Ryan,	230	34	12s6	63 2 6
James Deanes,	100	34		56	John Roberts,	400	34	5	71 5
Jethro Darden,	240	16	4	36 4	David Reid,	90	34	7	55 17
Benjamin Edmunds,	160	34		59	Isaac Ramey,	165	34		56 5
Benjamin Evans,	160	27		48 10	Hardy Royal,	120	15		28 10
Boon Felton,	240	34	5	53 5	Thomas Speller,	240	33	9	61 19
Hardy Flowers,	100	34		56	Nathan Stedman,	78	34	2	55
Thomas Frank,	300	34	10	66 10	James Shepherd,	240	33	5	61 15
Josiah Flower,	260	34	5	64 5	Marmaduke Scott,	400	34	19	71 19
Israel Folsom,	66	34		54 6	Hardee Smith,	200	34		61
Martin Gambill,	440	34		73	Neil Smith,	220	34	3	62 8
Thomas G. Imore,	102	30	2	50 4	Henry Seawell,	34	34		51
Daniel Glisson,	180	34	5	60 5	Matthias E. Sawyer,	300	34	72	69 12
Henry Guy,	60	34		54	Denpsey Sawyer,	420	31	19	68 9
Daniel Gold,	460	34	10	74 10	John Thompson,	90	34		55 10
Amos Gandy,	100	34		56	Henry Thompson,	72	34		54 12
Solomon K. Goodman,	180	34		60	William Thomas,	230	34	2	62 12
Joseph S. Gentry,	200	34		61	Robert Vanhook,	110	34		56 10
John G. Christ,	160	34	1	59 1	James Williams,	230	34	5	62 15
Thomas Henderson,	360	34	15	69 15	Nathan Williams,	130	34		57 10
Humphrey Hudgins,	280	34	10	65 10	William E. Webb,	160	34		59
Daniel Hoke,	40	34	8	71 8	David Wright,	146	34	5	58 11
Peter Hoyle,	410	34	8	71 18	Jonas Williams,	160	34		59
Robert Hannah,	162	34	1	59 3	Edward Williams,	300	34	5	66 5
Solomon Hassel,	376	34	5	70 1	Edward Ward, jun.	300	34	5	66 5
Nicholas Horn,	300	34	4	66 4	Henry G. Williams,	180	32		57
Matthew M. Hughes,	340	34	4	68 4	Joseph Wilson,	230	34	4	62 14
William Hulme,	414	34		71 14					

The following BILL, in the form in which it was rejected by the casting vote of the Speaker of the Senate, is published with the Acts of the present Session, by order of the General Assembly, for public information.

A Bill to amend the Penal Laws of this State.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That no crime what ever committed by any free person against this State, except murder of the first degree, shall be punished with death within the same.

II. *And be it further enacted,* That all murder which shall be perpetrated by means of poison, or lying in wait, or by any other kind of wilful, deliberate and premeditated killing, or which shall be committed in the perpetration, or attempt to perpetrate any arson, rape, robbery or burglary, shall be murder of the first degree; and all other kinds of murder shall be deemed murder of the second degree: And the jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, ascertain in their verdict whether it be murder of the first or second degree. But if any person shall be convicted on confession, the Court shall proceed to the examination of witnesses to determine the degree of the crime, and to give sentence accordingly.

III. *And be it further enacted,* That every person convicted of murder of the first degree, his or her aiders, abettors or counsellors shall suffer death, by hanging by the neck.

IV. *And be it further enacted.* That every person duly convicted of the crime of murder in the second degree, shall be sentenced to undergo a confinement in the Jail or Penitentiary House hereinafter mentioned, for a period of time not less than five, nor more than twenty years, and shall be kept therein at hard labor or solitude, and shall in all things be treated and dealt with as is hereinafter directed. Any person convicted of a rape, or as being accessory thereto before the fact, shall be sentenced to undergo a similar punishment, for a period of time not less than ten, nor more than twenty-five years, under the same conditions as are hereinafter directed. Every person convicted of the crime of arson, or as accessory thereto, shall be sentenced to undergo a similar punishment for a period of time not less than five, nor more than fifteen years, under the same conditions as are hereinafter directed.

V. *And be it further enacted,* That every person convicted of robbery or burglary, or as accessory thereto before the fact, shall restore the thing robbed or taken to the owner or owners thereof, or shall pay to him, her or them, the value thereof, and be sentenced to undergo a similar confinement for a term not less than two, nor more than five years, under the same conditions as are hereinafter directed.

VI. *And be it further enacted,* That every person convicted of horse-stealing, or as accessory thereto before the fact, shall restore the horse, mare or gelding stolen to the owner or owners thereof, or shall pay to him, her or them the full value thereof, and also undergo a similar confinement for a period not less than six, nor more than twelve years, under the same conditions as are hereinafter directed.

VII. *And be it further enacted,* That every person convicted of simple larceny of the value of ten pounds and upwards, or as accessory thereto before the fact, shall restore the goods and chattels so stolen to the owner or owners thereof, or shall pay to him, her or them, the full value thereof, or so much thereof as shall not be restored, and shall be sentenced to undergo a similar confinement for a period not less than one, nor more than five years, under the same conditions as hereinafter directed.

VIII. *And be it further enacted,* That if any person shall feloniously steal and carry away any goods or chattels under the value of ten pounds, being thereof duly convicted, shall be deemed guilty of petit larceny, and shall restore the goods or chattels so stolen, or pay the value thereof to the owner or owners thereof, and shall be sentenced to undergo a similar confinement for a period not less than three months, nor more than two years, under the same conditions as are hereinafter directed.

IX. *And be it further enacted,* That if any person shall receive or buy any property that shall be feloniously stolen or taken from any person, knowing the same to be stolen or taken as aforesaid, or shall harbor or conceal any such felon, knowing him or her to be so, such person or persons shall be taken and deemed as accessories to the said felony, and may be prosecuted as for a misdemeanor, (although the principal offender be not convicted) and every person so convicted shall be sentenced to undergo a similar confinement for a time not less than three months, nor more than two years, under the same conditions as hereinafter directed.

X. *And be it further enacted,* That if any person shall feloniously steal and carry away any obligations or bonds, bills of exchange, promissory notes for the payment of money, paper bills of credit, certificates granted by or under the authority of this State or of the United States, or any of them, he, she or they shall on conviction thereof, be punished in the same manner as for robbery or larceny of goods and chattels of the value of ten pounds and upwards.

XI. *And be it further enacted,* That every person who shall be duly convicted of having falsely forged and counterfeited any gold or silver coin which shall be passing or in circulation within this State, or of having falsely uttered, paid, or tendered in payment, any such forged and counterfeited coin, knowing the same to be such, or of having aided, abetted or commanded the perpetration of either of the said crimes—or who soever shall, by printing, writing, engraving, or by any other ways or means, counterfeit any of the bills of credit, emitted by an act of the General Assembly of this State, passed at Hillsborough, in the year 1783, entitled “An act for emitting one hundred thousand pounds in paper currency, for the purposes of Government for 1783, for the redemption of paper currency now in circulation, and advancing to the continental officers and soldiers part of their pay and subsistence, and for levying a tax and appropriating the confiscated property for the redemption of the money now to be emitted,” and also by virtue of one other Act of the General Assembly of this State, passed at Newbern in the year 1785, entitled “An Act for emitting one hundred thousand pounds paper currency, for the purposes therein expressed,” or any part, word, letter, name, emblem or device of the same—or shall make any die, press, type, or other instrument for emitting or counterfeiting any of the said bills of credit, or any part, letter, name or device thereof—or shall alter or deface any of the bills aforesaid, with intention to change the value or denomination thereof, or shall knowingly pass or utter any counterfeit likeness of any of the said bills, or shall be concerned in printing, signing or passing any counterfeit notes of any of the Banks of the United States, or of the Banks of any of the said States, knowing them to be such, or of altering any of the genuine notes of either of the said Banks, shall be sentenced to undergo a confinement in the Jail and Penitentiary House hereinafter mentioned, for a term of time not less than five nor more than twelve years, under the same conditions as are hereinafter prescribed, and shall be fined a sum not less than one hundred pounds, for the use of the party injured.

XII. *And be it further enacted,* That any person convicted of the crime of wilful and corrupt perjury, or subornation of perjury, shall be sentenced to undergo a similar punishment, by confinement for a period of time not less than seven, nor more than twenty-one years, under the same conditions as are hereinafter directed, and shall also pay a fine not less than one hundred pounds for the use of the State.

XIII. *And be it further enacted,* That if any person, on purpose and of malice aforethought, by lying in wait, shall unlawfully cut out or disable the tongue, cut out an eye, slit the nose, run off the ear, nose or lip, or cut or bite off or disable any limb or member of another, with intention to maim or disfigure such person, while fighting or other-

wise, every such offender, his or her aiders, abettors or counsellors, shall, on conviction thereof, be sentenced to undergo a similar confinement for a term not less than three nor more than ten years, under the same conditions as are hereinafter mentioned, and shall pay a fine not less than one hundred pounds, for the use and benefit of the party injured.

XIV. *And be it further enacted,* That any person convicted of any voluntary man slaughter, shall be sentenced to undergo a similar confinement for any time not less than three nor more than ten years, under the same conditions as are hereinafter directed, and shall give security for his or her good behavior for seven years after his discharge; and for a second offence shall be sentenced, on conviction thereof, to undergo an imprisonment at hard labor and solitary confinement during life, or such other time, not less than ten years, as the jury may decide.

XV. *And be it further enacted* That when any person shall be charged with involuntary man-slaughter, in consequence of an unlawful act, it shall and may be lawful for the Attorney General, Solicitor-General, or other person prosecuting the pleas of the State, with leave of the Court, to waive the felony and to proceed against and charge such person with a misdemeanor, and to give in evidence any act of man-slaughter; and such person or persons, on conviction, shall be fined and imprisoned as in cases of misdemeanor; or the Attorney General, or the person prosecuting the pleas of the State, may charge both offences in the same indictment, in which case the jury may acquit the party of one, and find him guilty of the other charge.

XVI. *And be it further enacted,* That if any person, convicted of any crime that now is capital, or a felony of death without benefit of clergy, shall commit any such offence a second time, and be thereof duly convicted, he or she shall be sentenced to undergo an imprisonment in the Jail or Penitentiary House hereinafter named, at hard labour, for the term of twenty years, and be confined in the solitary cells, at such times and in such manner, as the Court in their sentence may direct.

XVII. *And be it further enacted,* That if any person, convicted and sentenced to hard labor and solitary confinement, by virtue of this Act, shall escape or be pardoned, and afterwards shall be guilty of any of the offences that now are capital, or a felony of death without benefit of clergy, such person, on conviction thereof, shall be sentenced to undergo a similar punishment, for the term of twenty years, and be confined in the solitary cells, at such times and in such manner as the Court may direct.

XVIII. *And be it further enacted,* That if any person, convicted and sentenced to hard labor and solitary confinement, for the crimes of forgery or counterfeiting or for wilful and corrupt perjury or subornation of wilful and corrupt perjury, as by this Act directed, shall commit any of the offences a second time, and be thereof legally convicted such offender shall be sentenced to undergo a similar punishment for thirty years, and shall be confined in the solitary cells, at such times and in such manner as the Court shall direct, and shall be fined not less than one hundred pounds, for the use of the State.

XIX. *And be it further enacted,* That all claims to dispensation from punishment, by the benefit of clergy, shall be, and the same is hereby abolished and disallowed; and every person convicted of any felony heretofore deemed clergyable, shall undergo an imprisonment at hard labour and solitary confinement, for any time not less than two nor more than seven years, to be dealt with as hereinafter directed, except in those cases where some other specific penalty is prescribed by this act.

XX. *And be it further enacted,* That the jury before whom any offender may be tried, shall decide upon, and in their verdict ascertain, the time within the respective periods prescribed by this act, during which such offender shall undergo confinement in the Jail or Penitentiary House hereinafter mentioned, according to the directions of this act.

XXI. *And be it further enacted,* That no person, indicted for any crime, the punishment whereof is altered by this act, shall lose the benefit of any challenge which he or she would have been entitled to, had this act not have been passed, nor be liable to be tried in any other Courts than those in which they now are or may be tried for the same offences.

XXII. *And be it further enacted,* That every other felony, misdemeanor or offence whatsoever, not provided for by this act, may and shall be tried and punished as heretofore.

XXIII. *And be it further enacted,* That every person convicted of any of the crimes aforesaid, and who shall be confined in the Jail or Penitentiary House hereinafter mentioned, shall be placed and kept in the solitary cells thereof on low and coarse diet, for such part or portion of his or her imprisonment as the court in their sentence may direct and appoint: PROVIDED, that it be not more than one twelfth, nor less than one twenty-fourth part thereof. And the inspectors of the said Jail, who shall be appointed for that purpose, shall have power to direct the infliction of the said solitary confinement, at such intervals, and in such manner as they shall judge best.

XXIV. *And be it further enacted,* That the Governor, Secretary and Treasurer of the State, are hereby authorised and empowered, as soon as may be, to purchase, or cause to be purchased, as much land in the city of Raleigh, or within four miles thereof, and to take a deed or deeds therefor, for the use of the State, as will be sufficient for erecting a Jail and Penitentiary House, and to contract for the building of the said Jail, which shall be constructed of brick, stone, lime and wood, at their discretion, upon such plan as will best prevent danger from fire, with convenient and separate apartments, sufficient to contain seventy five convicts at least, with a yard sufficiently large adjoining thereto, for the convicts occasionally to walk and labor in, surrounded by walls sufficient to prevent escapes, with a sufficient number of cells to be constructed under the said Jail, or within the walls of the yard; each cell to be eight feet long, six wide, and eight feet high, without unnecessary exclusion of air and light, and to prevent all external communication.

XXV. *And be it further enacted,* That for the purpose of defraying the expence of purchasing the land and building the Jail, cells and walls, a tax of six-pence on every poll; two-pence on every hundred acres of land; six-pence on every hundred pounds value of town property, and a tax of twenty shillings on all four wheel carriages of pleasure, shall be levied and collected for the year 1811, by the Sheriffs of the several counties in this State, and accounted for under the same rules, regulations and restrictions, and at the same time public taxes are accounted for; and for carrying on the said buildings without delay, the Governor is hereby authorised to draw on the Treasurer for any sum, to be paid out of any unappropriated monies, not exceeding the amount of the taxes laid and to be collected by this Act, and from time to time to lay before the General Assembly an account of the expenditure of the same.

XXVI. *And be it further enacted,* That every person convicted of any of the crimes punishable by imprisonment and labor herein specified, after sentence of the Court, shall be conveyed by the Sheriff of the county where the offender was tried and convicted, at the expence of the State, to the said Jail, and there kept during the time of their confinement in such manner as is herein provided; and every Sheriff who shall neglect to remove and safely deliver to the keeper of said Jail such convict, shall be deemed guilty of a misdemeanor in office, and on conviction thereof shall be fined a sum not less than five hundred pounds, for the use of the State.

XXVII. *And be it further enacted,* That as soon as the said jail shall be fit for the reception of convicts, the Governor shall appoint a proper person, with one or more assistants if necessary, and take bond with sufficient security of the said Keeper, for the faithful discharge of his duty, and make such rules and regulations for the government of said jail as to him may seem necessary; and to cause such quantity of raw materials to be purchased to be manufactured by the convicts, as may be required for that purpose; and also to appoint an Inspector to superintend the said jail, and to see that justice be done by the keeper to the convicts, and that proper care be taken of the materials, whether raw or manufactured, and that fair accounts be kept of the purchase and sales thereof; which said appointments and regulations shall be in force until the end of the next General Assembly which shall happen thereafter.

XVIII. And be it further enacted, That this act shall extend and be applied to free persons only.

XIX. And be it further enacted, That so much of this act as respects the purchase of land, and building on the aforesaid jail, cells and walls, shall be in force from the passing thereof: that the other parts remain pending in their operation until the Governor shall issue his proclamation declaring the said jail fit to receive any five convicts, at which time every part thereof shall commence and be in full force: PROVIDED, That notwithstanding the twenty-fourth section of this act shall be so construed as to prevent the Governor, Secretary or Treasurer from fixing on any of the lands in or adjoining the city of Raleigh, belonging to the State, for the purposes mentioned in the said section.

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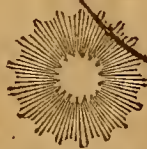
THE
LAWS
OF THE
General Assembly
OF
NORTH-CAROLINA,
PASSED IN THE YEAR 1811.

Transmitted by order of the General Assembly, to

The Clerk of the County Court

~~One of the Justices of the Peace for the county of~~

Pergumans



RALEIGH,

PRINTED BY T. HENDERSON, STATE PRINTER.

1812.

L A W S

OF

NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held at RALEIGH, on the Eighteenth Day of November, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of said State.

1811.

WILLIAM HAWKINS, ESQUIRE, GOVERNOR.

CHAPTER I.

An Act in addition to the Act, entitled "An Act to redeem the Paper Currency now in circulation, and to establish a Bank by the name and title of the State Bank of North-Carolina," passed in the year one thousand eight hundred and ten.

WHEREAS the subscriptions to the capital stock of the State Bank of North-Carolina, have fallen short of the sum authorized to be subscribed thereto by the above recited act, and it becomes necessary in consequence thereof, to modify the conditions upon which by the said Act, the Charter of Incorporation was granted, in order to enable the State, through the agency of the Bank, to effect one of the principal objects had in view in its establishment, the redemption of the Paper Currency :

Preamble.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the President and Directors of the State Bank of North-Carolina shall not be bound to pay to the State full dividends upon the whole sum of two hundred and fifty thousand dollars of the stock of the said Bank, reserved by the above recited Act to the use of the State, and upon which by the said act the state is entitled to full dividends; but it is hereby declared to be lawful for the said President and Directors, out of the full dividends to be declared on the said sum of two hundred and fifty thousand dollars held by the State in their stock, to retain at the end of each year, for the general benefit of the Stockholders, including the State, a sum equal to four per centum, upon such part of the said stock as shall not have been actually paid for by the State on the day when the dividend is declared, out of which the retainer is made.

Four per cent. served out of dividends on unpaid shares of the State.

II. And as an additional consideration on which to engage the agency of the Bank in the redemption of the Paper Money of the State, *Be it further enacted*, That on condition the President and Directors of the said Bank shall take up and entirely withdraw from circulation, in the manner herein after prescribed, the whole of the Paper Money issued by the State, by virtue of the Acts passed for the purpose in the year one thousand seven hundred and eighty three, and one thousand seven hundred and eighty-five, on or before the eighteenth day of December one thousand eight hundred and seventeen, and not permit the same, nor any part thereof to return again into circulation, after having once been in their possession, either by payments made, or to be made on account of the fourth instalment of the capital stock of the said Bank, or in any other manner whatever; it is hereby declared that the Charter of Incorporation of the said Bank shall be extended until the first day of January which shall happen in the year one thousand eight hundred and thirty-five, upon the same terms as the said Charter is now held, and with the same engagement on the part of the State that no other Bank shall be established by any future law of the State during the term of this extension; and the faith of the State is hereby pledged, as a further consideration for the said redemption, that no tax nor imposition shall be laid on the capital stock of the said Bank, nor on the dividends to be declared thereon.

Charter extended, in case the Bank takes up the Paper Currency.

No other bank shall be established during this extension, and no tax laid on the stock or dividends.

III. *And be it further enacted*, That in order to the complete performance of the condition on which the grant and exemption in the next preceding section are made in favour of the Stockholders of the said Bank, it shall be the duty of the President

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Paper Money
to be redeemed
by the bank.

Governor to
make Procla-
mation that Pa-
per money will
cease to be a
tender, except
to the bank, af-
ter A. D. 1817.

Proviso in case
of failure.

Dividends ac-
cruing to the
State, applied
to the redemp-
tion of the Pa-
per money.

Books to be
opened for fur-
ther subscrip-
tions.

Treasurer au-
thorized to de-
posit the public

and Directors of the said Bank to cause public notice to be given by advertisement in all the Papers published in the City of Raleigh, for six weeks next immediately preceding the eighteenth day of December, in the year one thousand eight hundred and sixteen, that they will for the term of one year, commencing on that day and following next thereafter, take up and exchange all the Paper Currency of the State which shall be presented for the purpose of being taken up and exchanged, at the Principal Bank or any of its Branches, by giving in exchange therefor in the Notes of the said Bank, or gold or silver, at the option of the holder of the paper money, the full sum to which the Paper Money so to be presented shall amount after the rate of one dollar for ten shillings of the said Paper Money: And it shall further be the duty of the said President and Directors, actually to take up all the Paper Money of the State, which shall within the said term of one year be presented for exchange as aforesaid, and to give in exchange therefor, in the notes of the said Bank, or in gold or silver, at the option of the holder of the Paper Money, after the rate of one dollar for ten shillings of the Money to be presented for exchange as aforesaid; and upon its being made to appear to the satisfaction of the Governor of the State, by the said President and Directors, at any time within six months after the eighteenth day of December, which shall happen in the year one thousand eight hundred and seventeen, that the said President and Directors have faithfully complied with the preceding terms, and have given the required notices, at the times and in the manner above prescribed, and have actually exchanged for and taken in, all the Paper Money of the State, which shall have been presented to the said Bank, or any of its Branches, in pursuance of the notices above prescribed, and faithfully paid therefor, in the manner and after the rate also above prescribed, it shall be lawful for the Governor of the State, to make known the same by proclamation, and in the said Proclamation to declare, that the said Paper Money shall thenceforward cease to be a tender: And it is hereby further declared, that on the date of the said proclamation, the said Paper Money shall cease to be a tender in all cases whatever, except in payments to be thereafter made to the said State Bank of North-Carolina--in all which payments to the said Bank, it is hereby declared it shall thereafter be a tender; and when received by the said Bank, shall not again return into circulation by any means whatever, but remain in its vaults until redeemed and destroyed in the manner hereinafter prescribed: *Provided always*, That if the fund established for the redemption of the said Paper Money, shall not effect the entire redemption thereof before the Charter of the said Bank shall expire, or by common consent of the Stockholders, or otherwise, be dissolved, then and in that case, the said Paper Money shall again be considered as a tender in all payments whatever as heretofore.

IV. *And be it further enacted*, That the Dividends accruing upon the whole sum reserved and held by the State, in the Stock of the said Bank, after deducting therefrom four per centum per annum, on the amount of the said Stock, not paid for by the State, (in the manner prescribed in the first section of this act) shall invariably and from time to time, as the said Dividend shall be declared and paid, be applied to the redemption of the Paper Money remaining in the vaults of the Bank; which Paper Money, when so redeemed and actually paid over to the State, or its agent, the Public Treasurer, shall by the said Treasurer, in the presence of the Comptroller and Secretary of State, and also in the presence of the President of the Bank, be burnt and destroyed.

V. *And be it further enacted by the authority of the same*, That the President and Directors of the State Bank of North-Carolina, at such time or times as shall be convenient to them, and under the direction of such persons as they may appoint, shall cause Books to be opened, at all or any of the places where, by the Act of Incorporation, Books were directed to be opened, for the purpose of receiving further subscriptions to the Capital Stock of the said Bank; and if subscriptions shall not have been made to the full amount of said Capital Stock, previous to the first day of January, one thousand eight hundred and twenty, then and in that case, it shall be the duty of the said President and Directors, forthwith to cause Books to be again opened as aforesaid, for the purpose of receiving subscriptions to the Capital Stock of the said Bank, to the full amount authorised by their Charter; which Books shall be kept open six months, or until the whole of the said Stock shall be subscribed: And if it shall happen, when the Books shall be opened as aforesaid, that a greater sum shall be subscribed at any place than is permitted by the Charter to be employed at such place, it shall be lawful for the President and Directors to reduce such subscriptions, according to a scale by them to be established for the purpose.

VI. *And be it further enacted*, That it shall be lawful for the Public Treasurer to cause to be deposited in the Bank, the money which may at any time be in the

Treasury of the State; and when deposits shall be made in the notes of the New-bern or Cape-Fear Banks, or of any other Bank; it shall be lawful for the State Bank to answer the checks or drafts to be made upon such deposits, by re-paying the notes actually deposited, or by notes of the State Bank, at the option of the Directors.

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money in the Bank.

VII. *And be it further enacted*, That in addition to the number of Directors required for the Principal Bank, by the act to which this is an addition, the Public Treasurer of the State shall, *ex officio*, be a Director of the Principal Bank. Public Treasurer appointed a Director.

VIII. *And be it further enacted by the authority aforesaid*, 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 State Bank of North-Carolina, or any order or check on the 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 President and Directors of the State Bank of North-Carolina, or any order or check on the said Bank or Corporation, or any Cashier thereof; or shall pass, utter or publish, or attempt 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 President and Directors of the State Bank of North-Carolina, or any false, forged or counterfeited order or check upon the said Bank or Corporation, or any Cashier thereof, knowing the same to be falsely forged or counterfeited; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any falsely altered bill or note, issued by order of the President and Directors of the State Bank of North-Carolina, or any falsely altered order or check on the said Bank or Corporation, 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, every such Person shall be deemed and adjudged guilty of felony; and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labour for a period not less than three years, nor more than ten years; or shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars: and the operation of this section shall be without limitation of time. Punishment for counterfeit ing or altering or passing or attempting to pass notes or checks.

IX. *And be it further enacted*, That the twelfth section of the above recited Act shall be, and the same is hereby repealed. 12th Sec. former act repealed.

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

Read three times, and ratified in General Assembly, the 21st day of December, A. D. 1811.

JOSEPH RIDDICK, Speaker of the Senate.

JOHN STEELE, Speaker of the House of Commons.

A Copy, WILLIAM HILL, Secretary.

CHAP. II.

An Act to amend an Act, entitled "An Act to regulate the inspection of Flour in this State," passed in the year one thousand eight hundred and ten.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That whenever any person may think himself aggrieved by the improper decision of any Inspector of Flour within this State, it shall be lawful for the owner thereof, or his agent, to secure it for further examination, which examination he shall cause to be made within sixty days thereof, by applying to a Justice of the Peace, whose duty it shall be to issue a warrant directed to three indifferent persons, well skilled in the manufacture of Flour; one of whom shall be named by the owner or possessor of the Flour, one by the Inspector, and the third by the Magistrate; which said three persons, having first taken the oath or affirmation in the before recited act, directed to be taken by the Inspector, shall proceed carefully to view and examine the said Flour; and if they, or any two of them, shall differ in opinion with the Inspector, as to the quality of said Flour, it shall be the duty of the Inspector to brand and mark the same according to their judgment, and moreover shall pay all costs attending the said examination; but if they shall be of opinion that the judgment of the Inspector is correct, the owner or possessor of said Flour shall pay costs. Owners of flour permitted to have it re-examined.

II. *And be it further enacted*, That each Inspector, appointed agreeable to the before recited act, shall have and receive from the owner or owners of all Flour by him inspected, the sum of three cents for each cask, and no more; and for cooper- Who shall pay the cost of re-examining.

III. *And be it further enacted*, That if the quantity of Flour brought to any place of inspection within this State, should at any time be so great that the Inspec-

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1811. Inspector authorised to appoint assistants in certain cases. tor cannot examine the same with sufficient dispatch; or if by reason of sickness he should be incapable of discharging the duties of his office, in such cases it shall be lawful for him to appoint one or more persons of good repute and skill in the quality of Flour, to assist him in the execution of his office: such assistants having taken the oath or affirmation prescribed by the before recited act, shall be authorised to inspect and brand Flour in the same manner as the Inspector himself might do; *Provided*, that the said Inspector shall be liable for all misconduct in office of his said deputies, and for costs in case of appeal as aforesaid.

Penalty of \$5 each barrel for exporting un-inspected flour. IV. *And be it further enacted*, That if any master, owner or commander of any ship, vessel, boat or craft, shall receive any barrel or barrels of Flour on board his ship, vessel, boat or craft, for exportation or transportation from one town or port, being a place of inspection, to another, which is not inspected, approved and branded, as in the said act is directed, shall forfeit and pay the sum of five dollars for each and every cask so received, recoverable in an action of debt before any jurisdiction having cognizance thereof, to the use of the person suing for the same.

Degrees of Flour. V. *And be it further enacted*, That the several degrees of Flour shall in future be distinguished as follows, to wit: Superfine, Fine, Cross-Middling, Middling and Ship-Staff.

Re-inspection. VI. *And be it further enacted*, That any cask of Flour which has been inspected and branded at any one place of inspection in this State, shall not be subject to re-examination or inspection in another, unless after such inspection it shall have remained for the space of sixty days before it is exported; and in all cases, the certificate of the Inspector shall be conclusive evidence of the time when the Flour was inspected.

Inspectors not to trade in Flour. Penalty 100 pounds. VII. *And be it further enacted*, That no Inspector of Flour within this State, or their deputies, shall directly or indirectly vend, barter, sell, exchange or trade in Flour, bread or other articles made of Flour, under the penalty of one hundred pounds, to be recovered by action of debt, bill, plaint or information, by any person who will sue for the same to effect in any Court of Record in this State, the one half to the use of the person so suing, and the other half to be paid to the Treasurer of the State for public use: and every person or persons so offending and thereof convicted, shall be, and they are hereby disabled from acting thereafter in their respective offices.

County Courts to appoint Inspectors. VIII. *And be it further enacted by the authority aforesaid*, That the County Courts in the several Counties in this State, from which Flour is or may be hereafter exported, are hereby authorised and empowered to appoint Inspectors of Flour for exportation; and said Inspectors so appointed, shall be governed by the same rules and regulations, and subject to the same penalties as other Inspectors of Flour are by law.

CHAP. III.

An Act to raise a Revenue for the payment of the Civil List and contingent charges of Government, for the year one thousand eight hundred and twelve.

Tax on lands, town lots and polls. *BE 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 year one thousand eight hundred and twelve, a tax of ten pence on every hundred acres of land within this State, and a tax of two shillings and six pence on every hundred pounds value of town lots, with their improvements, as well on those not established by law as those that have been established, and a tax of two shillings and six pence on every poll, shall be levied, collected, and accounted for, in the same manner as such taxes have been heretofore levied, collected and accounted for.

On stud-horses and jacks. II. *And be it further enacted*, That a tax on all stud-horses and jack asses within this State, of the full sum which the owner or keeper of such stud-horse or jack-ass shall ask, demand or receive for the season of one mare, shall be levied, collected and accounted for as above.

Who is subject to pay a poll tax. III. *And be it enacted*, That all free males between the ages of twenty-one years and fifty years, and slaves between the ages of twelve and fifty years, shall be subject to a poll tax: *Provided*, that all slaves be listed in the county wherein they reside, and the tax shall be collected accordingly.

Tax on Pedlars. IV. *And be it enacted*, That each and every person who shall hereafter peddle or hawk goods, wares or merchandize in any of the counties in this State, not of the manufacture of this State or of the United States, shall pay to the Sheriff of each county in which he, she or they may so peddle or hawk goods, the sum of three pounds, and shall obtain a receipt from such Sheriff for the same, which receipt so obtained, shall authorise such person or persons to hawk and peddle goods in such county and no other, for the term of one year; which tax so received by the Sheriff, shall be accounted for by him in like manner as other taxes: And if any per-

son or persons shall hereafter peddle and hawk goods as aforesaid in any county of this State, without having first paid to the Sheriff of such county the aforesaid tax of three pounds; and that all hawkers and pedlers of goods, wares and merchandizes on any navigable stream in this State, shall pay to the Sheriff of each and every county in which they shall so hawk or peddle, the sum of ten dollars, and obtain a receipt for the same; he, she or they so offending, shall forfeit and pay the sum of twenty-five pounds—And the several Sheriffs of this State are hereby authorised and required to collect the same by distress and sale of the goods or property of such delinquent, and the forfeiture or penalty so levied, shall be applied one half to the use of the State, and the other half to the use of the Sheriff who shall collect the same.

1811.

Sheriffs to collect said taxes

V. *And be it further enacted*, That all merchants, either wholesale or retail, shall pay a tax, if a wholesale merchant, the sum of six pounds, and if a retailing merchant, the sum of three pounds, on each and every store in this State, at which they shall sell any goods, wares or merchandize to the amount of two hundred pounds in any one year; and all merchants or owners of stores as aforesaid, shall give in his, her or their store or stores, as the case may be, with a list of their taxable property, under the same rules and regulations as other taxable property is given in; which tax shall be levied, collected and accounted for, in the same manner as other taxes are: *Provided always*, that no retailers of spirituous liquors by the small measure, shall be liable to pay in addition to the tax imposed on such retailers, the tax also imposed on stores, unless such retailer shall sell goods, wares or merchandize other than such liquors, to the amount herein before stated.

Tax on wholesale and retail merchants.

VI. *And be it further enacted*, That the owners of billiard-tables shall hereafter give them in at the same time and in the same manner as other taxable property, and they shall be subject to a tax of thirty pounds, to be levied and collected by the Sheriff of the county in which such billiard-table or tables are kept, and to be by him accounted for in like manner as other taxes.

Tax on billiard tables.

CHAP. IV.

An Act to repeal an Act passed in the year one thousand eight hundred and two, entitled "An Act for dividing the State into districts, for the purpose of electing Representatives to Congress;" and an Act passed in the year one thousand eight hundred and three, entitled "An Act directing the manner of appointing Electors to vote for President and Vice-President of the United States."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the before recited acts be and they are hereby repealed and made void.

Former acts repealed.

II. *And be it further enacted*, That it is hereby declared to be the duty of the next General Assembly to elect by joint ballot of both Houses, such number of Electors to vote for President and Vice-President of the United States, as this State may be entitled to, agreeable to the late census of this State.

Electors to vote for President and Vice-President to be elected by the Assembly.

CHAP. V.

An Act further to regulate the Supreme Court.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall not hereafter be lawful for the Clerk of the Supreme Court to make any entry upon the records of the said Court, that any cause depending therein is decided; nor to give to any person or persons whatever, any certificate of such decision; nor to issue execution for the cost in any such suit, until after the Chief Justice, or some Judge or Judges, members of the said Court, shall have delivered publicly and in open Court, the opinion of the said Court, stating at length the ground and argument upon which such opinion shall be founded and supported, and shall have also delivered a written copy of the same opinion to the Clerk, which shall afterwards be filed among the records of the said Court and published in the reports heretofore directed by law to be published, of the decisions made by the said Court.

The Clerk not permitted to make entry on the records, or give certificate or issue execution, until he receives a written opinion from the Court

II. *Be it further enacted*, That the second section of an act passed in the year one thousand eight hundred and eight, entitled "An act to amend the several acts now in force relative to the Supreme Court," be, and the same is hereby repealed and made void.

2d Sec. of former act repealed.

CHAP. VI.

An Act to regulate the proceedings on Presentments or Indictments, in the Superior Courts of Law of this State.

WHEREAS exceptions, in themselves merely formal, are frequently taken against bills of Indictment or Presentment, and they are either quashed or judgment arrested; in consequence of which, the execution of justice is delayed, and many

Preamble.

1811. offenders escape punishment: For remedy whereof,

Bills of Indictment in the Superior Courts not to be quashed for informality, &c.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of March next, in all criminal prosecutions, which may be had by Indictment or Presentment, in any of the Superior Courts of Law, it shall be sufficient to all intents and purposes, that the bill shall contain the charge against the criminal, expressed in a plain, intelligible and explicit manner; and that no bill of Indictment or Presentment shall be quashed, or judgment arrested, for or by reason of any informalities or refinements, when there appears to the Court sufficient in the face of the indictment to induce them to proceed to judgment.

CHAP. VII.

An Act in addition to an Act, passed at the last Session of the General Assembly, entitled "An Act to revive and continue in force an Act passed at Raleigh in the year one thousand eight hundred and three," entitled "An Act for establishing a Mutual Insurance Society against Fire on Buildings, Goods and Furniture in this State."

Preamble.

WHEREAS by the above recited act, it is made necessary before the proposed Mutual Insurance Society shall be organized and go into operation, that there shall be received by the Commissioners appointed for the several counties in the State, proposals for insuring a sum exceeding two hundred thousand dollars: And whereas though the subscription at present falls short of that sum, it is represented to this General Assembly, that it might be attended with good effects to the citizens of this State, to carry the said Society into effect with the present subscriptions, and such others as may hereafter be made thereto:

Commissioners authorized to call a meeting of subscribers in order to form a constitution.

BE it enacted by the General Assembly of the State of North-Carolina, That William Boylan, Joseph Gales and William Glendinning, Commissioners appointed by the act aforesaid for the county of Wake, for receiving subscriptions to the said Mutual Insurance Society, be and they are hereby authorized to call a meeting by public advertisement in the Raleigh newspapers of the present subscribers to the said Mutual Insurance Society, and of such others as may hereafter become subscribers thereto, for the purpose of forming a constitution and of organizing the said Society, agreeably to the provisions of the act aforesaid, passed in the year one thousand eight hundred and three, and to an act passed in the year one thousand eight hundred and four, amendatory of the said act, on such day or days, and at such place in the city of Raleigh, as they may deem most convenient; and that such constitution and organization shall be in all respects as valid as if the same had been made at the time and in the manner prescribed by the above-mentioned acts; any thing to the contrary notwithstanding.

CHAP. VIII.

An Act to amend the several Acts of the General Assembly of this State, which prevents any person from holding or exercising any office or appointment under the authority of this State, who holds any office or appointment under the authority of the United States.

Justices of the Peace and Militia officers may hold civil offices under the authority of the U. States.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for any Justice of the Peace, or any officer of the militia of this State, who now is or may be hereafter appointed, to accept and exercise any civil office or appointment of profit or trust, under the authority of the United States, the duties of which appointment shall be confined to this State; any law to the contrary notwithstanding.

CHAP. IX.

An Act to amend an Act, entitled "An Act to prevent the exportation of unmerchantable commodities," passed in the year one thousand seven hundred and eighty-four.

Inspectors of ton timber to be appointed by the 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, That the Justices of the County Courts of Pleas and Quarter-Sessions, in and for the several counties recited in the before mentioned act, are hereby authorized and required to nominate and appoint in open Court, one or more fit and proper person or persons residing in said county, to inspect the article of ton timber; and every inspector so appointed, before he enters upon or executes his office, shall enter into bond with good and sufficient security, under the same rules, penalties, regulations and restrictions, as are laid down in the before recited act, and shall be entitled for his services to the sum of ten cents per ton.

Penalty for officiating without appointment.

II. *And be it further enacted,* That if any person shall officiate as inspector of any article mentioned in said act, without being legally qualified, he shall for every offence forfeit and pay the sum of thirty pounds, to be recovered before any jurisdiction having cognizance thereof, to the use of the county in which such person resides.

III. *And be it further enacted*, That this act shall be in force from and after the passing thereof. 1811.

CHAP. X.

An Act more effectually to compel Collectors of Taxes to account for Monies by them received in that capacity.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Deputy-Sheriffs and all other persons that shall hereafter be employed by the Sheriff of any county in this State to collect the public, county and parish Taxes, shall, *before* they enter on the collection of either of the aforesaid Taxes, take an oath in open Court, or before any two Justices of the Peace of the county where such Deputy-Sheriff or Collector may reside, faithfully and honestly to account for all monies that shall or may be received by them in the capacity of Collectors.

Deputy sheriffs and all other collectors of taxes to take an oath before they shall commence collecting.

II. *And be it further enacted by the authority aforesaid*, That all hawkers and pedlers of goods, retailers of goods from on board any vessel, and retailers of spirituous liquors (who shall not have obtained licences from the Court) shall, severally, when they have paid the tax by law on the n respectively imposed, be bound to file or cause to be filed with the Clerk of the County Court of the county in which the tax shall be paid, within thirty days after such payment shall be made, the Sheriff's, Deputy-Sheriff's or other Collector's receipt therefor; and it shall be the duty of the Clerk of the County Court, upon receiving such receipt, to give the person filing the same, an acknowledgment or certificate under his hand and the seal of his Court, that he has received from the person who has paid such tax, or his agent, the Sheriff's, Deputy-Sheriff's, or other Collector's receipt therefor, and therein state particularly for what purpose the said tax shall appear from the receipt so filed to have been paid, and the time when it was paid: And it shall further be the duty of the Clerks of the several counties, to make due return to the Comptroller's office of the amount appearing from the receipts so to be filed with him to have been received by the Sheriff, his Deputies and Collectors, at the same time and under the same regulations and restrictions, as he makes return of the list of taxables within his county.

Pedlers and others required to file Sheriff's receipts with the Clerk of the County Court.

Clerks to make returns to the Comptroller.

III. *And be it further enacted*, That if any person who shall have paid any of the above-mentioned fines, shall fail or neglect to file or cause to be filed the Sheriff's, Deputy-Sheriff's or other Collector's receipt therefor, as above prescribed, for more than thirty days after he has paid the said tax, he shall be liable to have the same tax again collected from him, and be further liable to such penalties as are or may be prescribed by law for refusing or neglecting to pay in the first instance.

In case of failure to file receipts as above, liable to pay again.

CHAPTER XI.

An Act to provide for the punishment of persons guilty of certain offences therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, if any person or persons shall feloniously steal, take and carry away, or take by robbery, any Bank note, check or order for the payment of money, issued by or drawn on any Bank or other society or corporation within this State, or within any of the United States; or any Treasury warrant, debenture, certificate of stock or other public security; or any order, bill of exchange, bond, promissory note or other obligation either for the payment of money or for the delivery of specific articles, being the property of any other person or persons or of any corporation, (notwithstanding any of the said particulars may be termed in law a chose in action,) such felonious stealing, taking and carrying away or taking by robbery, shall be deemed and construed to be felony of the same nature and in the same degree; and with or without benefit of clergy, in the same manner as it would have been if the offender or offenders had feloniously stolen or taken by robbery, money, goods or property of like value with the money or specific articles due or expressed on the face of such Bank note, check, or order, Treasury warrant, debenture, certificate of stock, public security, order, bill of exchange, bond, promissory note, or other obligation as aforesaid, or secured thereby and remaining unsatisfied: And such offender or offenders, for each and every such offence, being thereof legally convicted, shall suffer such punishment and be subject to the same pains, penalties and disabilities, as he, she or they should or might have suffered, if such offender or offenders had feloniously stolen or taken by robbery, money, goods, or other property of the like value with the money or specific articles due or expressed on the face of such Bank note, check, order, Treasury warrant, debenture, certificate of stock, public security, bill of exchange, bond, promissory note, or other obligation respectively or secured thereby and remaining unsatisfied; any law, usage or custom to the contrary notwithstanding.

Stealing of bank or promissory notes made felony.

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1811.

II. *Be it further enacted*, That from and after the passing of this act, if any person or persons shall knowingly and designedly, by means of any forged or counterfeit paper, in writing or in print, or by any false token or other false pretence or pretences whatsoever, obtain from any person or persons, or corporation within this State, any money, goods, property or other thing of value, or any Bank note, check, or order for the payment of money issued by or drawn on any Bank or other society or corporation within this State, or any of the United States; or any Treasury warrant, debenture, certificate of stock or other public security; or any order, bill of exchange, bond, promissory note, or other obligation either for the payment of money or for the delivery of specific articles, with intent to cheat or defraud any person or persons, or corporation of the same, shall be held and deemed guilty of fraud and deceit, and being thereof legally convicted in any Court of competent jurisdiction, such offender or offenders shall be punished by fine and imprisonment not exceeding twelve months; putting in the pillory; publick whipping not exceeding thirty-nine lashes on his or her bare back; all or any of them at the discretion of the Court, due regard being had to the nature and circumstances of the offence.

Passing forged notes, checks, &c. deemed fraud.

Penalty.

III. *Be it further enacted*, That from and after the passing of this act, if any person or persons shall make or cause to be made, any counterfeit similitude or likeness of a Spanish milled dollar, English guinea, or any foreign coin of gold or silver, which is in common use and received in the discharge of contracts by the citizens of this State, or shall utter or pass the same, knowing it to be counterfeit, and shall be legally convicted of either of the said offences in any Superior Court of Law of this State, the person or persons so found guilty, shall on the first conviction, receive thirty-nine lashes on his or her bare back, and on the second conviction of the above described offences, or either of them, shall receive thirty-nine lashes on his or her bare back, and be imprisoned for a length of time not exceeding twelve months, and be branded in the right cheek with the letter C.

Penalty for passing counterfeit gold or silver coin.

IV. *And be it further enacted*, That from and after the passing of this act, if any person or persons shall have in his or their possession, any instrument or instruments for the purpose of making any counterfeit similitude or likeness of a Spanish milled dollar, English guinea, or other foreign coin, made of gold or silver, which is in common use and received in the discharge of contracts by the citizens of this State, and shall be duly convicted thereof in any Superior Court of Law of this State, the person or persons so offending, shall receive thirty-nine lashes on his or their bare back, and be further liable to be fined at the discretion of the Court, in the sum of five hundred dollars, and be imprisoned not more than twelve months.

Punishment for having in possession instruments for making counterfeit money.

CHAP. XII.

An Act to Ratify on behalf of the State of North-Carolina, a proposed amendment of the Constitution of the United States, relative to titles of nobility or honour, presents, pensions, offices or emoluments from any Foreign Power.

BE it 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 amendment of the Constitution of the United States, proposed by the Congress of the United States, in the manner prescribed by the fifth article of the Constitution, viz. "If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honour, or shall without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatsoever, from any Emperor, King, Prince or Foreign Power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them," be, and the same is hereby ratified on behalf of the State of North-Carolina, to become when ratified by the Legislatures of three-fourths of the several States, part of the Constitution of the United States.

Amendment to the Constitution of the United States, preventing citizens from accepting titles of nobility, &c.

CHAP. XIII.

An Act to make the stealing of standing or growing Corn, Maize, Cotton and Rice, larceny.

BE it enacted by the General Assembly of the State of North-Carolina, That the stealing or feloniously taking and carrying away any growing, standing or ungathered Corn or Maize, Cotton or Rice, shall hereafter be held and deemed larceny; and every person who shall hereafter steal or feloniously take, pluck, sever and carry away, any Corn, Maize, Cotton or Rice, growing, standing or remaining ungathered in any plantation, field or other ground, shall on conviction thereof be deemed guilty of larceny, and suffer punishment as in other cases of larceny.

Stealing standing corn, &c. made larceny.

CHAP. XIV.

1811.

An Act making further provisions for perfecting titles to Land within the State of Tennessee.

WHEREAS by the Act of this Legislature, passed in the year one thousand eight hundred and three, entitled "An act to authorize the State of Tennessee to perfect titles to land reserved to this State by the cession act," authority was given by this state, upon condition Congress would assent thereto, to the state of Tennessee to perfect titles to the land lying in that state and reserved to North-Carolina by the said act of cession, under certain limitations: And whereas Congress in giving their assent to the said act by an act passed on the eighteenth of April, in the year one thousand eight hundred and six, entitled "An act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to vacant and unappropriated lands within the same," restrained the exercise of the authority yielded by North-Carolina to Tennessee, to the territory lying on the North and East side of the following line, that is to say: Beginning at the place where the Eastern or main branch of Elk river shall intersect the southern boundary line of the state of Tennessee, from thence running due North until the said line shall intersect the northern or main branch of Duck river, thence down the waters of Duck river to the military boundary line, as established by the seventh section of an act of the state of North-Carolina, entitled "An act for the relief of the officers and soldiers of the continental line, and for other purposes," (passed in the year one thousand seven hundred and eighty three;) thence with the military boundary line West to the place where it intersects the river Tennessee; thence down the waters of the river Tennessee to the place where the same intersects the northern boundary line of the state of Tennessee;—and it has thereby become the duty of North-Carolina in order that justice may be done to the fair claimants under her, to appoint a Surveyor of the lands lying South and West of the said line:

Preamble.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the proper officers of this State shall proceed to perfect titles to all or any part of the land lying South and West of the above described line, for which surveys shall be returned by General Thomas Love, who has been appointed Surveyor of the said land, or by any other Surveyor to be hereafter appointed by this State for the purpose of surveying the said land.

Officers of this state to proceed to perfect titles.

A surveyor appointed who shall make returns, &c.

And be it further enacted, That no assent that may hereafter be given by Congress to the provisions of the act of this General Assembly above recited, passed in the year one thousand eight hundred and three, shall be considered as interfering with this act, or the titles to be perfected under the same.

Assent of Congress not to interfere with this act.

CHAP. XV.

An Act directing to whom the Secretary of State shall issue Military Land Warrants, 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 not hereafter be lawful for the Secretary of State to issue any Military Land Warrant except under the following restrictions: 1st. Any person claiming a Military Land Warrant in his own right, shall produce at least one deposition shewing that he is the person entitled to such warrant, together with the certificate of two Justices of the Peace that the deponent is a person of credit; and also the certificate of the Clerk of the court of pleas and quarter-sessions of the county where such Justices reside, certifying that they are acting Justices, with the seal of the Court annexed. 2d. When application is made on behalf of any person claiming to be entitled to a Military Land Warrant, the person so applying, shall, in addition to the evidence above mentioned, also produce a power of attorney from the claimant or claimants, acknowledged by him or them in some Court of Record, or proven by two witnesses at least, with the seal of the Court annexed; a copy of which shall be filed in the Clerk's office, for which the said Clerk shall receive the sum of ten shillings.

Warrants not to be issued except proper credentials are produced.

II. *And be it further enacted,* That whenever a guardian shall apply for a Military Land Warrant, to which his ward may be entitled, he shall produce from the proper records, a certified copy of his appointment as guardian, signed by the Clerk of the Court wherein he was appointed, with the seal of the Court annexed.

Guardians must produce Certificates.

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

1811.

CHAP. XVI.

An Act to amend the fifth section of an Act, passed anno domini seventeen hundred and ninety-six, entitled "An Act to remedy certain inconveniences under the present Land Laws.

Preamble.

WHEREAS it is provided by the before recited Act, that every person claiming Lands in either of the counties of Wilkes, Burke or Buncombe, under colour of an entry made in Washington or Greene, shall, previous to the making of a survey thereof, produce to the Court of the county in which the Land lieth, a majority of the Justices being present, his warrant, and make it appear by his own oath, and other testimony where it can be procured, that the purchase-money for the Land claimed, hath been paid to the Entry taker, and thereupon the warrant shall be countersigned by the Clerk, and thereafter be held a good warrant: And whereas it hath so happened in many instances, that the original claimants are now dead, and of course the requisites of said act cannot be literally complied with. For remedy whereof,

Proof of the payment of the purchase money shall be sufficient.

BE it enacted by the General Assembly 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 sufficient in all cases when the before recited original claimants are dead, for their representatives to prove the payment of the purchase-money, by the oath of one or more credible persons; any thing in the before recited act to the contrary notwithstanding.

CHAP. XVII.

An Act to fix the age at which persons shall be capable of disposing of Chattels by will.

Capable at 18 years of age.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, no person shall be capable of disposing of Chattels by will, until he or she shall have attained the age of eighteen years. This act shall be in force from and after the passage thereof.

CHAP. XVIII.

An Act declaring that Stills shall be considered as Personal Estate.

Preamble.

WHEREAS it has been represented to this General Assembly, that doubts have arisen in some cases, whether Stills erected for the purpose of distilling spirits, should be considered as real or personal estate. For removing such doubts,

Stills made personal property.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Stills erected for the purpose of distilling spirits, shall hereafter be considered as personal estate, to all intents and purposes.

CHAP. XIX.

An Act to regulate the collection of Clerk's and Sheriff's Fees.

Preamble.

WHEREAS by the existing laws, the Clerks of the several Courts of Record, Sheriffs, and other officers, are permitted to collect fees due to them upon judgments, rendered at any length of time after the same have accrued: and whereas it frequently happens that improvident persons are compelled to pay the same fees twice, in having by length of time lost all evidence of former payments. For remedy thereof,

Fees to be collected or suits commenced in 3 years.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all fees which now are or hereafter may become due to the Clerk of any Court of Record within this State, or to any Sheriff or other officer, by sentence, judgment or decree of any Court aforesaid, the same shall be collected or suit commenced therefor, within three years from the passing of this act, or within three years from the time of such judgment rendered, without an execution issued thereon, or within three years from the issuing of the last execution, and not after: *Provided nevertheless,* That this act shall not extend to fees which may be due and owing from persons residing out of this State; any law, usage or custom to the contrary notwithstanding.

An Exception

CHAP. XX.

An Act more effectually to compel the Sheriffs of the several Counties within this State, to account with the Wardens of the Poor and Treasurer of their respective Counties, for Taxes on unlisted Property.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, it shall be the duty of the Sheriffs in the several counties in this State, and

they are hereby required to settle with the Wardens of the Poor and the Treasurer of their respective counties, for the taxes on the unlisted property in their said counties, under the same rules, regulations and restrictions, as the said Sheriffs are bound by law to account with the Comptroller of this State; any law, usage or custom to the contrary notwithstanding. 1811. Sheriffs to account for taxes on unlisted property.

CHAP. XXI.

An Act to amend an Act, passed in the year one thousand seven hundred and ninety-two, entitled "An Act to compel certain officers therein mentioned, to publish the application of the public monies and allowances for insolvents," so far as regards County Trustees.

WHEREAS by the provisions of the before recited act, no more than two hundred pounds can be recovered of any County Trustee, who may fail to account for the monies in his hands, when a much greater sum is in many instances received by persons acting in that capacity. For remedy whereof, Preamble.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of Justices of the Peace, composing the Court of pleas and quarter-sessions in the several counties of this State, at the annual election of a County Trustee, to compel said Trustee at the time of his appointment, to enter into bond with security to the Chairman of the Court, in such sum as the Court may think sufficient to cover all monies which may be paid to the said Trustee for the use of the county. County Trustee required to give bond for as much as he may probably receive.

II. And be it further enacted, That if any Trustee thus appointed, shall fail or neglect to enter into bond as before directed, his appointment shall be void, and the Court may proceed to a new election—Provided, that this act shall not extend to the county of Rutherford. Appointment to be void in case of failure to give bond.

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

CHAP. XXII.

An Act to revive and continue in force an Act passed in the year one thousand eight hundred and eight, entitled "An Act to amend an Act, passed in the year one thousand eight hundred and four, entitled 'An Act to revive and continue in force the Acts and clauses of Acts heretofore passed, declaring certain entries lapsed, notwithstanding the purchase-money may have been paid, in case they are not surveyed and returned into the Secretary's office within a limited time.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all bona fide entries of Land in this State, which have been paid for as by law directed, shall have until the first day of December, one thousand eight hundred and thirteen, for surveys to be made and returned into the Secretary's office. Time for making surveys extended to Dec. 1813.

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

Read three times and ratified in General Assembly, }
the 23d day of December, A. D. 1811. }

J. RIDDICK, Speaker of the Senate.

J. STEELE, Speaker of the House of Commons

Copy, WILLIAM HILL, Secretary.

An Act to open the Navigation of New River, in Onslow county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Christopher Dalley,* Nathaniel Loomis, Lemuel Doty, William Montfort, Edward Ward, jun. Gabriel Hancock, Charles Sneed, John E. Spier,* Daniel Nixon, John Pollock, James Foy, sen. and George W. Nobles, Esquires, be, and they are hereby appointed Commissioners to receive donations and open subscriptions, for the purpose of clearing out New River, from Sneed's Ferry, in Onslow county, to the bar at the mouth of New River inlet in said county: And the said Commissioners; or a majority of them, and their successors in office, are vested with all the powers and authorities necessary to sue for and recover all monies or other property that may be granted to them by gift, or subscribed to them for the purpose of enabling them to clear out said river.

II. *And be it further enacted,* That the Commissioners appointed by this act, shall in open court of the county of Onslow, take the following oath:—"I, A. B. do solemnly swear (or affirm as the case may be) that I will according to the best of my skill and ability, execute the trust reposed in me, and will faithfully appropriate and account for all monies that shall come to my hands by virtue of my appointment of Commissioner for the opening of New River.—So help me God."

III. *And be it further enacted,* That in case of refusal, death, removal or resignation of any Commissioner hereby appointed, or who may hereafter be appointed by virtue of this act, the County Court of Onslow at all times shall have full power and authority to fill all such vacancies as may happen by the refusal, removal, death or resignation of the said Commissioners.—And the Commissioners appointed by this act, shall have full power and authority to make their own rules and regulations for the purpose of carrying on the work and clearing out said river: *Provided always,* That they shall at all times, or as soon as may be, after they establish or make any rule or regulation for the above purpose, advertise the same upon the Court-house door in time of Court; and they shall enter in a book to be kept by them for that purpose, the whole of their proceedings; which book shall be open to view and inspection of any person that may wish to enquire into the conduct of the said Commissioners.

IV. *And be it further enacted,* That the said Commissioners shall appoint a Treasurer, who shall give bond and security to the satisfaction of the Commissioners, and shall also take an oath before some Justice of the Peace of the county of Onslow, that he will faithfully perform the duties of his appointment according to the best of his knowledge; and said Commissioners shall have full power and authority whenever they or a majority of them shall deem it necessary, to remove the said Treasurer from office without any charge whatever; and the Treasurer shall, upon the demand of the Commissioners, deliver up to them all the cash, bonds, notes, subscription papers and all other property in his hands as Treasurer, and in case of refusal or non-compliance with said demand, within thirty days after such demand made, he shall forfeit and pay double the sum or value of all that may be in his hands belonging to said Commissioners.

V. *And be it further enacted,* That the Commissioners shall appoint an Agent, whose duty it shall be to oversee the men employed in labour, or working on said river; which Agent shall have power to discharge all persons who in his opinion do not work according to the expectations of the Commissioners, and to give orders on the Treasurer for sums of money due to the workmen: And the said Agent shall take an oath before a Justice of the Peace for Onslow county, that he will issue such orders in favour of the workmen, accordingly to the sums respectively due to them; and may be removed by a majority of the Commissioners, when to them it may seem necessary.

VI. And the said Commissioners shall have full power and authority to remove all obstructions to the navigation of said river; to cut a way through marshes or points of sand where it may be deemed expedient; and all damages done to individuals in completing the said navigation, shall be assessed by a jury to be appointed by the County Court, and paid by the commissioners out of the funds subscribed for the opening of said river; and execution may issue from the County Court of Onslow, against the said Commissioners, for the amount of the damages so assessed—and if the funds subscribed are not sufficient to pay the said damages, the private property of the said Commissioners shall be liable for the payment of the same, upon a scire facias issuing against them after a return on the first execution, that there are no funds belonging to the company to be found.

VII. *And be it further enacted,* That the said river when opened, shall remain forever free and open for all persons who may wish to pass up or down said river.

CHAP. XXIV.

An Act to facilitate and open the navigation of Cape-Fear river, from the mouth of Cross-Creek in Cumberland county, to Wilmington.

WHEREAS the existing obstructions in Cape-Fear river render its navigation difficult, and it is of importance that means shall be adopted to render it easy and safe; for the purpose of effecting so desirable an object,

Be it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act Hugh Campbell, John Huske, John M'Millan, James Mitchell, Paris J. Tillinghast, jr. John Dickson, John Kelly and William M'Lennan, of Cumberland county; James Owen, David Gillespie, James Smith, James Purdie, Isaac Wright, Thomas Brown, jr. and John Nicholson, of Bladen county; Captain William Hall and Maurice Moore of Brunswick county; and Duncan Moore and Col. Samuel Ashe of New-Hanover county, be, and the same are hereby declared to be a body politic and corporate, to be called and known by the name of "The Cape-Fear Navigation Company;" and by that name shall be able and capable in law to have, purchase, possess, receive, enjoy and retain to themselves and successors, lands, tenements, goods and chattels, and the same to sell, grant, demise, alien and dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend or be defended, in Courts of Record, or in any other place whatever; and that they may elect and appoint all such officers as may be necessary, and from time to time make such rules, regulations and bye-laws, for the management and

*. Evidently intended for Christopher Dudley and John E. Spier.—(Printers)

well conducting said navigation as they may deem expedient: *Provided however*, That such shall not be repugnant to or inconsistent with the Laws and Constitution of this State or of the United States. 1811

II. *And be it further enacted*, That in case of the death, refusal to act, resignation, or removal, of any of the aforesaid Commissioners appointed by this act, it shall and may be competent for, and the duty of the remaining Commissioners, or of a majority of them as soon after as shall be convenient to appoint others to supply the vacancy occasioned by such death, refusal to act, removal, or resignation, and the person or persons so appointed are hereby vested with the same powers as those by this act appointed.

III. *And be it further enacted*, That from and after the passing of this act, the said Cape-Fear Navigation Company are hereby vested with full power and authority, to raise by way of lottery, in one or more lotteries, any sum of money not exceeding ten thousand dollars, to be applied to opening and completing the navigation of said river, between the aforementioned places, by such scheme or schemes as the said Company, or a majority of them, shall think expedient.

IV. *And be it further enacted*, That the said Cape-Fear Navigation Company shall, before they sell or cause to be sold, any tickets by virtue of the authority hereby granted, enter into bond made payable to the Governor for the time being, and his successors in office, which bond shall be void upon condition that the said Company shall well and truly perform the trust hereby reposed in them, viz: That the said lottery or lotteries shall be conducted fairly, and according to the scheme or schemes which they shall adopt and make public; and pay every fortunate adventurer in said lottery or lotteries, such prize or prizes as he, she, or they may draw therein, subject however to such deductions and restrictions as said company shall make known in the publication of their schemes.

V. *And be it further enacted*, That the said bond shall be filed in the office of the Clerk of the Superior Court of the county of Cumberland, who shall keep the same among the records of said office; and any person aggrieved in drawing said lottery or lotteries, may bring suit thereon, without assignment, in the name of the Governor, and recover damages accordingly.

VI. *And be it further enacted*, That the said Company shall hold their first meeting in the town of Fayetteville, on the first Monday in March next, at which time they shall enter upon the duties of their appointment: Their subsequent meetings shall be regulated by their own adjournments.

VII. *And be it further enacted*, That any person who shall hereafter fell trees, or roll logs into the said river Cape-Fear, or in any other manner obstruct the navigation thereof, shall be subject to a penalty of five pounds for each and every offence, recoverable in an action of debt, before any justice of the peace having cognizance thereof, to the use of the person suing for the same. If the person offending be a slave, he or she shall, upon conviction, have twenty-five lashes well laid on, on his or her bare back.

VIII. *And be it further enacted*, That the several sums of money to be raised by virtue of this act, shall be appropriated by the said Cape-Fear Navigation Company, to the purposes of opening and facilitating the navigation of said river, and that the said Company are hereby vested with full power and authority to cut away points of land, and remove all or any obstructions of any kind whatever, that may tend to injure the navigation of said river.

IX. *And be it further enacted*, That as soon as the said Cape-Fear Navigation Company shall have fully and fairly laid out and expended whatever sums of money they may be able to raise by virtue of this act, it shall then be the duty of the several County Courts of the counties of Cumberland, Bladen, Brunswick, and New-Hanover to appoint a suitable number of Overseers, with a sufficient proportion of hands under them, and it shall be the duty of said Overseers and hands to work upon the said river Cape-Fear, to remove all obstructions, occasioned by falling of timber, rafting of trees, or any other accidental obstruction, that may from time to time be found to exist in said river: And it is hereby made the duty of the several county attorneys, in the said several counties, to take notice of the existence of this act, and to prosecute all Overseers appointed by virtue of this act, who shall refuse or neglect to keep the proportion of river assigned to them free and clear from obstructions.

X. *And be it further enacted*, That if any person or persons shall be sued for any thing done in pursuance of this act, he, she, or they, may plead the general issue, and give this act and the special matter in evidence, and in a verdict against the plaintiff, nonsuit, or discontinuance, recover costs of suit, any thing to the contrary notwithstanding.

CHAP. XXV.

An Act to Incorporate a Company for the purpose of cutting a navigable Canal from Roanoke river to Meherrin river, and from the waters of Chowan river in this State, to some of the waters of James river in the state of Virginia, or to the Dismal Swamp Canal.

WHEREAS the opening of a navigable Canal from Roanoke river to Meherrin river, and from the waters of Chowan river in this state, to some of the waters of James river in the state of Virginia, or to the Dismal Swamp Canal, so as to form by the most practicable plan a water communication between the said river Roanoke and James river, or the Dismal-Swamp Canal, is an object of great importance to the interior commerce of a large portion of this state and of Virginia; and many persons in both states are willing to subscribe large sums of money for the purpose of effecting those beneficial works, and it is just and proper that they, their heirs and assigns, should be empowered to receive reasonable tolls in satisfaction for the money advanced by them in carrying the said works into execution, and the risk they run:— And whereas by a resolution of the General Assembly of Virginia, passed on the thirteenth day of February, one thousand eight hundred and eleven, eleven commissioners were appointed, any three of whom were empowered to wait on this General Assembly, to enter into reasonable stipulations relative to opening the canals aforesaid; subject, however, to the approval, alteration or rejection of the respective Legislatures of Virginia and North-Carolina: and Patrick R. Gilmer, George Tucker, and Isaac H. Cole, Esquires, three of the said commissioners, have accordingly attended the present General Assembly, and on a conference with the said gentlemen by a joint committee of the Senate and House of Commons, the following stipulations have been mutually agreed upon and approved by the said commissioners, on the part of Virginia, and by the said committee of both Houses, to wit:—First—The state of Virginia agrees that no restriction, duty or impost shall be laid on any commodity, which is the growth, produce or manufacture of the state of North-Carolina, brought through the said canals or either of them, for sale or exportation, and that the same may be sold or exported without re-inspection. Secondly—The state of

1811 Virginia agrees that the waters of Roanoke and all its branches, and all other waters communicating with Albermarle Sound, as far as the same are in Virginia, shall be forever considered as a common high-way, free for the use and navigation of vessels belonging to the state of North-Carolina or any of its citizens, and that they shall not be therein subject to the payment of any toll or charge whatever, imposed for the purpose of raising revenue. Thirdly—The state of North-Carolina agrees that the waters of Roanoke river and all its branches, above the place from which the canal shall be cut, and all the other waters communicating with Albermarle Sound, as far as the same shall form a part of the said navigation proposed to be opened by this act, are in North-Carolina, shall be forever considered as a common high-way, free for the use and navigation of vessels belonging to the state of Virginia or any of its citizens, and that they shall not be therein subject to the payment of any toll or charge whatever, imposed for the purpose of raising revenue. Fourthly—The state of North-Carolina agrees that no restriction, duty or impost shall be laid on any commodity which is the growth, produce or manufacture of the state of Virginia, passing through the aforesaid waters or any of them to the said canals, or through the said canals or either of them, for sale or exportation, and that the same may be sold or exported without re-inspection. In those articles where it is expressed that no duty or impost is to be laid for the purpose of raising revenue, it is not to be understood that the imposition of tolls for the purpose of improving the navigation of the said waters is prevented. Fifthly—The said states agree to appoint each three commissioners, who shall have power and authority to employ an Engineer, or some person of competent skill and ability, to survey the country through which it may be necessary to conduct the navigation, under the direction of the said commissioners or a majority of them, and to lay before them plans and sections of the different routes, and estimates in detail of the different parts of the several works; upon which the said commissioners or a majority of them shall have power and authority to determine on that route which, all things considered, shall be deemed most eligible: And for the purpose of compensating the said Engineer, and publishing the before-mentioned plans and estimates, the said commissioners may receive such sums of money as individuals may be disposed to advance towards defraying the expence of employing an Engineer and publishing a report and estimates, to be paid out of the first subscriptions to the Roanoke Canal Company; and the receipt of the said Commissioners or their agents, shall be considered as a payment of the amount therein mentioned, towards the share or shares which the holder of such receipt may have subscribed.—Sixthly—As soon as the before-mentioned Commissioners have determined on the most eligible route for the proposed canals, and have ascertained their probable cost, the amount of the said cost shall be divided into shares of one hundred dollars each; and the said Commissioners or a majority of them, shall have power and authority to apportion the said shares among the counties of Patrick, Henry, Pittsylvania, Halifax, Mecklenburg, Brunswick, Greenville, Southampton, Botetourt, Bedford, Franklin, Campbell and Charlotte, and the Borough of Norfolk, in the State of Virginia; and the counties of Surry, Stokes, Rockingham, Caswell, Person, Granville, Warren, Halifax, Northampton, Hertford, Bertie and Gates, in the State of North-Carolina; making the said apportionment as near as may be, according to their respective distances from market and population—*Provided*, That no citizen of one county shall be precluded from subscribing in any other county, nor a citizen of one state from subscribing in the other. Seventhly—And the said States agree that they will pass laws, prohibiting under reasonable penalties, their respective citizens from impeding in manner the navigation of the river Roanoke and Dan, and that there shall be a free, unobstructed channel left throughout the whole course of the said rivers, in the deepest part of the same, not less than thirty feet wide. Lastly—The citizens of each of the said two States may have the use of the inspection of the other for the purpose of re-inspecting any damaged commodities which have passed through the said canals or either of them, on paying the price of the labour of re-inspection, and no more.—And whereas this General Assembly are of opinion that the said stipulations are made upon just and mutual principles of the interest of both States:

BE it therefore enacted, That the said stipulations are hereby approved, confirmed and ratified, by the General Assembly of the State of North-Carolina, and that every part thereof shall be obligatory on this State and the citizens thereof, and shall be forever faithfully and inviolably preserved and kept by this Government and all its citizens, according to the true intent and meaning thereof.

II. *And be it further enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful to open books in the counties of Surry, Stokes, Rockingham, Caswell, Person, Granville, Warren, Halifax, Northampton, Hertford, Bertie and Gates, under the management of the following persons, to wit: In Surry, under the management of George Kinconnon; in Stokes, under the management of Thomas Armstrong; in Rockingham, under the management of Mark Harden; in Caswell, under the management of Andrew Harrison, jun.; in Person, under the management of Alexander Cunningham; in Granville, under the management of Willis Lewis; in Warren, under the management of John Snow; in Halifax, under the management of William E. Webb; in Northampton, under the management of Greene Turner; in Hertford, under the management of William H. Murfree; in Bertie, under the management of Joseph H. Bryan; and in Gates county, under the management of Wills Cooper; and under the management of such persons and at such places in the before-mentioned counties and borough in Virginia, as shall be appointed by that State, for the receiving and entering subscriptions to the amount proposed to be raised by the Commissioners, for the purpose of accomplishing the said canals; which subscriptions shall be made personally or by a power of attorney: That the said books shall be opened for receiving subscriptions, at such times and places within the several counties, as the Commissioners or a majority of them shall appoint, and continue open for the term of two years, unless the subscription shall be sooner filled up; and at the expiration of the said term, or so soon as the subscription shall be filled up, there shall be a general meeting of the subscribers at Williamsborough, in the state of North-Carolina; of which meeting, notice shall be given by the said managers, or any three of them, in the Gazettes of both the aforesaid States, at least one month before the said meeting; and such meeting shall and may be continued from day to day, until the business is finished; and the acting managers shall at the time and place aforesaid, lay before such of the subscribers as shall meet according to the said notice, the books of them respectively kept, containing the state of the said subscription; and if one half of the capital sum aforesaid should on examination appear not to have been subscribed, then the said managers are empowered to take and receive subscriptions to make up the deficiency; and a just and true list of all the subscribers, with the sums subscribed by each, shall be made out and returned by the said managers or any four or more of them, under their hands

into the Superior Court of Warren, and into such Court as the state of Virginia may direct to be there recorded: And in case more than the sum so required to be raised shall be subscribed, then the same shall be reduced to that sum by the said managers or a majority of them, by beginning at and striking off from the largest subscription or subscriptions, and continuing to strike off a share from all subscriptions under the largest and above one share, until the sum is reduced to the amount of the capital proposed, or until a share is taken from all subscriptions above one share; and lots shall be drawn between subscribers of equal sums, to determine the numbers in which such subscribers shall stand on a list to be made for striking off as aforesaid; and if the sum subscribed still exceeds the capital aforesaid, then they shall strike off by the same rule, until the sum subscribed is reduced to the capital aforesaid, or until all the subscribers are reduced to one share; and if there still be an excess, then lots shall be drawn to determine the subscribers who are to be excluded, to reduce the subscription to the capital aforesaid; which striking off shall be certified in the list aforesaid: And the said capital sum shall be reckoned and divided into such number of shares at one hundred dollars each, as shall be determined on by the Commissioners aforesaid; of which every person subscribing, may take or subscribe for one or more whole shares, and not otherwise: *Provided*, That unless one half of the capital shall be subscribed, all subscriptions made in consequence of this act shall be void; and in case one half and less than the whole of the said capital shall be subscribed as aforesaid, then the President and Directors are hereby empowered and directed to take and receive the subscriptions which shall be first offered in whole shares as aforesaid, until the deficiency shall be made up; a certificate of which additional subscriptions shall be made under the hands of the President and Directors or a majority of them for the time being, and returned to and recorded in the Courts aforesaid.

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

IV. *And be it enacted*, That the said President and Directors so elected, and their successors, or a majority of them assembled, shall have power and authority to agree with any person or persons, on behalf of the said company, to cut the said canals and to erect such locks and to perform such other works as they shall judge necessary for the navigation of the said canals, and carrying on the same from place to place, and from time to time, and upon such terms and in such manner as they shall think fit; and out of the money arising from the subscriptions and tolls to pay for the same, and to repair and keep in order the said canals, locks, and other works necessary thereto, and to defray all incidental charges, and also to appoint a Treasurer and Clerk, and such other Officers, toll-gatherers, managers, and servants, as they shall judge requisite, and to agree for and settle their respective wages or allowances, and settle, pass and sign their accounts, and also to make and establish rules of proceeding, and transact all the other business and concerns of the said Company, in and during the intervals between the general meetings of the same; and they shall be allowed as a satisfaction for their trouble therein such sum of money as shall, by a general meeting of the subscribers, be determined. *Provided always*, That the Treasurer shall give bond in such penalty and with such security as the said President and Directors or a majority of them shall direct, for the true and faithful discharge of the trust reposed in him, and that the allowance to be made to him shall not exceed three dollars in the hundred for the disbursements by him made: And that no officer in the said Company shall have a vote in the settlement or passing of his own account.

V. *And be it further enacted*, That the said President and Directors and their successors, or a majority of them, shall have full power and authority from time to time, as money shall be wanting, to make and sign orders for that purpose, and direct at what time and in what proportion the proprietors shall advance and pay off the sums subscribed, which orders shall be advertised at least one month in the Virginia and North-Carolina Gazettes: And they are hereby authorized and empowered to demand and receive of the several proprietors, from time to time, the sums of money so ordered to be advanced for the carrying on and executing or repairing, and keeping in order the said works, until the sums subscribed shall be fully paid, and to order the said sums to be deposited in the hands of the Treasurer, to be by him disbursed and laid out as the said President and Directors, or a majority of them, shall order and direct: And if any of the said Proprietors shall refuse or neglect to pay their said proportions within one month after the same is so ordered and advertised as aforesaid, the said President and Directors, or a majority of them, may sell at auction and convey to the purchaser, the share or shares of such proprietor so refusing or neglecting payment, giving at least one month's notice of the sale in the Virginia and North-Carolina Gazettes; and after retaining the sum due and charges of sale out of the money produced thereby, they shall refund and pay the surplus (if any) to the former owners: and if such sale should not produce the full sum ordered and directed to be advanced as aforesaid, with the incidental charges, the said President and Directors, or a majority of them, may in the name of the Company sue and recover the balance by motion, on ten days previous notice: And the said purchaser or purchasers shall be subject to the same rules and regulations as if the said sale or conveyance had been made by the original proprietor. And to continue the succession of the said President and Directors, and to keep up the same number,

VI. *Be it enacted by the authority aforesaid*, That from time to time, on the expiration of the term for which the said President and Directors were appointed, the proprietors of the said Company, at the next general meeting shall either continue the said President and Directors or any of them, or shall choose others in their stead; and in case of the death, removal, resignation or incapacity of the President or any of the Directors, may and shall in manner aforesaid, elect any other person or persons to be President and Directors in room of him or them so dying, removing, resigning, or becoming incapable of acting, and may at any of their general meetings, remove the President or any of the Directors, and appoint

1811 others for and during the remainder of the term for which such person or persons were at first to have acted.

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

VIII. *And be it enacted,* That the presence of proprietors having a majority of shares shall be necessary to constitute a general meeting, and that from and after the first meeting of the subscribers the general meeting shall be held on the first Monday in May in every year, at such convenient places as shall from time to time be appointed by the said general meeting; but if a sufficient number should not attend on that day, the proprietors who do attend may adjourn such meeting from day to day, till a general meeting of the proprietors shall be had, which may be continued from day to day until the business of the Company is finished; to which meeting the President and Directors shall make report, and render distinct and just accounts of all their proceedings, and on finding them fairly and justly stated, the proprietors then present, or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said Company's books; and at such yearly general meeting, after leaving in the hands of the Treasurer such sum as the proprietors, or a majority of them shall judge necessary for repairs and contingent charges, an equal dividend of all the nett profits arising from the tolls hereby granted, shall be ordered and made to the proprietors of the said Company in proportion to their several shares: And on any emergency in the interval between the said yearly meetings, the President or a majority of the Directors may appoint a general meeting of the proprietors of the Company at any convenient place, giving at least one month previous notice in the Virginia and North-Carolina Gazettes, which meeting may be adjourned and continued as aforesaid.

IX *And be it enacted,* That for and in consideration of the expences the said proprietors will be at, not only in cutting the said canals, erecting locks and performing other works necessary for this navigation, but in maintaining and keeping the same in repair—the said canals' locks and other works, with all their profits, shall be and the same are hereby vested in the said proprietors, their heirs and assigns for one hundred and ninety-nine years, to be computed from the completion of the said work as tenants in common in proportion to their respective shares, and for the said term of one hundred and ninety-nine years shall be exempt from the payment of any tax, imposition or assessment whatsoever; and it shall and may be lawful for the said President and Directors respectively, and at all times for the term aforesaid, to demand and receive at some convenient place near one of the extremities of said canals, for all commodities transported through them, Tolls according to the following table and rates, (to wit):

Commodities transported.	Rates of toll for the Roanoke Canal.		Rates of toll for the Chowan Canal.		Commodities transported.	Rates of toll for the Roanoke Canal.		Rates of toll for the Chowan Canal.	
	CENTS.	CENTS.	CENTS.	CENTS.		CENTS.	CENTS.	CENTS.	CENTS.
For every pipe or hoghead of wine containing more than sixty five gallons, seventy-five		fifty			or shells	thirty-three		twenty-five	
—every hoghead of rum or other spirits	fifty	forty			—every thousand bricks or tiles	fifty		forty	
—every hoghead of tobacco	forty-two	thirty-three			—every hundred of pipe staves	twelve & half		eight & half	
—every hoghead of molasses	thirty-three	twenty-five			—every hundred of hoghead staves				
—every hoghead or butt of malt liquor	thirty-three	twenty-five			or pipe of hoghead heading	eight		six	
—every cask between sixty-five and thirty-five gallons one half of a pipe or hoghead, every barrel one fourth part, and every smaller cask or keg in proportion to the quantity or quality of their contents.					—every hundred of barrel staves				
—every dozen bottled wine	two	one & half			or barrel heading	six		four	
—every dozen bottled malt liquor	two	one & half			—every thousand shingles from 18 to 24 inches	eight		six	
—every bushel of wheat, peas, beans, rice or flax-seed	one & half	one			—every thousand three feet shingles	seventeen		twelve & half	
—every bushel of Indian corn or other grain or salt	one & half	one			—every thousand clap boards or poles	seventeen		twelve & half	
—every barrel of pork	twelve & half	eight & half			—every cord of fire wood	eight		six	
—every barrel of beef	eight & half	five & half			—every hundred cubic feet of plank or scantling	seventy-five		fifty	
—every barrel of fish	eight	six			—every hundred cubic feet of all other timber	sixty-three		forty-two	
—every barrel of flour	twelve & half	eight & half			—every hundred weight of brown or clayed sugar	eight & half		five & half	
—every barrel of tar, pitch, turpentine or rosin	five	three			—all other produce, goods, wares or merchandize, one fourth of one per cent				
—every cask of linseed oil or spirits of turpentine, the same as molasses.					—every boat or vessel exceeding one ton burthen which has not commodities on board to yield so much, except an empty vessel or boat returning, whose load has already paid toll, in which case she is to pass free of toll	eighty		fifty-five & half	
—every ton of hemp, flax, pot-ash or bar-iron	seventy-five	fifty			—every canoe, boat or vessel under one ton burthen which has not commodities on board to yield so much, except as in the preceding article excepted,	thirty three		twenty-five	
—every ton of pig-iron or castings	twenty-five	seventeen			—every hundred weight of indigo	twenty-five		seventeen	
—every ton of copper, lead, or other ore, other than iron,	fifty	forty							
—every ton of stone or iron ore, other than the ballast of the vessel	twelve & half	eight & half							
—every chaldron of coals	seventeen	twelve & half							
—every hundred bushels of lime									

And in case of refusal to pay the tolls at the time of offering to pass the places as aforesaid, and previous to passing the same, the Collectors respectively may lawfully refuse passage to whoever refuses payment; and if any vessel shall pass without paying the toll, then the said Collectors respectively may lawfully seize such vessel and sell the same at auction for ready money, advertising the said sale previously one month; the money arising from which, so far as it is necessary, shall be applied towards paying the said tolls and all expences of seizure and sale, and the balance, if any, shall be paid to the owner; and the person having the direction of such vessel, shall be liable for such tolls, if the same are not paid by the sale aforesaid.

X. *And be it further enacted,* That as soon as the said Company shall have so far completed their works as that the canals are ready for the transportation of produce, they shall advertise the same in four of the public prints of this State; and that the Legislature may within twenty-five years thereafter, and once in every twenty-five thereafter, alter the rates of toll hereby established—*Provided,* That the Legislature shall not at any time reduce the rate of tollage, unless the profits arising from it shall exceed fifteen per cent upon the capital stock: *Provided further,* That the Legislature of the state of Virginia shall consent thereto.

XI. *And be it further enacted,* That the President and Directors of said Canal Company, shall every twenty-fifth year after their works are completed, and their canals ready for the transportation of produce, make return to this General Assembly and the General Assembly of the state of Virginia, of the amount of toll received by them for the preceding years; which return shall be sworn to before some one of the Judges of the Superior Courts of this State and the State of Virginia, or in open Court in some one of the counties of pleas and quarter-sessions of this State and of the State of Virginia.

XII. *And be it enacted,* That the said canals and works to be erected thereon by virtue of this act, when completed, shall forever thereafter be esteemed and taken as public highways, free for the transportation of all goods, commodities or produce whatever, on payment of the tolls imposed by this act; and no other toll or tax whatever, for the use of the water of the said canals and works thereon erected, shall at any time hereafter be imposed, without the consent of the Legislature of both Virginia and North-Carolina.

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

XIII. *Be it enacted,* That it shall and may be lawful for the said President and Directors, or a majority of them, to agree with the owners of any land through which the said canals are intended to pass, for the purchase thereof; and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, or non compos, or out of the State, on application to any two Justices of the county in which such lands shall be, the said Justices shall issue their warrant under their hands, to the Sheriff of their county, to summon a jury of eighteen inhabitants of his county, of property and reputation, being freeholders, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrants, not less than ten nor more than twenty days thereafter—And the Sheriff, on receiving the said warrants, shall forthwith summon the said jury; and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every jurymen that shall appear, that he will fairly, truly and impartially value the land, (not exceeding the width of ninety feet) and all damages the owners thereof shall sustain by cutting the said canal through such lands, according to the best of his skill and judgment; and that in such valuation, he will not spare any person through favor or affection, nor any person grieve, through malice, hatred or ill will; and the inquisition thereon taken, shall be signed by the Sheriff and some twelve or more of the jury, and returned by the Sheriff to the Clerk of his county, to be by him recorded: And on every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued; and the valuation shall be conclusive on all persons, and shall be paid by the said President and Directors respectively, to the owner of the land or his legal representatives; and on payment thereof, the said Company shall be seized of such lands as if conveyed by the owner to them and their successors, by legal conveyance, until the completion of the said works, and thence-forward for the term of one hundred and ninety-nine years; and after the expiration of this term, the said land, together with all the messuages, tenements and appurtenances, shall revert to the State of North-Carolina and Virginia respectively, in which the same may lie: *Provided nevertheless,* That if any future damage shall arise to any proprietor of land in consequence of opening such canals or erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as such new damage may arise or happen, by application to, and a warrant from any two Justices of the county where the land lies, to have further damages valued in like manner, and to receive and recover the same of the said President and Directors: But nothing herein shall be taken or construed to entitle the proprietor of any such lands to recover compensation for any damages which may happen to any mills or other works or improvements which shall be begun or erected by such proprietor, after such valuation, unless the said damage is wilfully and maliciously done by the said President and Directors, or some person by their authority.

XIV. *And be it enacted,* That the said President and Directors or a majority of them respectively, are hereby authorised to agree with the proprietor or proprietors for the purchase of a quantity of land, not exceeding one acre for each canal, at or near the receipt of the tolls aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement or any of the disabilities aforesaid, or the proprietor being out of the State, then such land may be valued, condemned and paid for as aforesaid; and the said Company shall, on payment of the valuation of the said land, be seized thereof as aforesaid.

And whereas some of the places through which it may be necessary to conduct the said canals, may be convenient for erecting mills and other water works, and the persons possessors of such situation, may design to improve the same—and it is not the intention of this act to interfere with private property, but for the purpose of improving and perfecting the said navigation:

XV. *Be it enacted,* That the water or any part thereof, conveyed through the said canals, shall not be used for any purpose but navigation, unless there shall be sufficient to answer both the purposes of navigation and water works aforesaid; in which case, the said President and Directors are hereby empowered and directed to enter into reasonable agreements with the proprietors of such situations, concerning the just proportion of the expences of making the said canals capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water works aforesaid.

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

XVII. *And be it further enacted,* That if the said capitals fixed upon by the Commissioners as aforesaid, shall prove insufficient, it shall and may be lawful for the said Company from time to time, to in-

1811crease their capital by the addition of so many whole shares as shall be judged necessary by the proprietors, members of such Company, or a majority of them, who shall be present at any general meeting: and the said President and Directors or a majority of them, are hereby empowered and required, after giving at least one month's notice thereof in the Virginia and North-Carolina Gazettes, to open books at the before-mentioned places, for receiving and entering such additional subscriptions, in which the proprietors for the time being, shall and are hereby declared to have the preference of all others for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose: And the said President and Directors are hereby required to observe in all other respects, the same rules therein as are by this act prescribed for receiving and adjusting the first subscriptions, and in like manner to return under the hands of any three or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the Courts aforesaid, to be there recorded; and all proprietors of such additional sums shall and are hereby declared to be from thence-forward incorporated into the said company.

XVIII. *And be it further enacted*, That Peter Woodliff, Eaton Pugh, and Francis Jones, Esquires, are appointed Commissioners to act with three Commissioners to be appointed by the State of Virginia, to contract with an Engineer; and in case of the death or removal of any one of the above-named Commissioners, the vacancy shall be supplied by the appointment of the Executive.

XIX. *And it is hereby declared and enacted*, That the tolls herein before allowed to be demanded and received are granted and shall be paid on condition only that the said Company shall make the respective Canals each twenty feet wide, and such depth below the surface of the earth as will render them navigable in dry seasons, by vessels drawing three feet water, with sufficient locks where the same shall be necessary.

XX. *And it is hereby enacted and provided*, That in case the said Company shall not begin the said works in one year from and after the closing of their books for receiving subscriptions, or if the said Company shall not complete the navigation and works as aforesaid within ten years after closing the said books as aforesaid, then shall all the interest of the said Company so failing and all preference in its favour as to the navigation and tolls of the Canals to be opened by it as aforesaid, be forfeited and cease: *Provided*, That if the said Company shall at the expiration of the said ten years have completed two-thirds of the said Canals, they shall have a further time of three years for finishing the same. Every part or parts of any acts of Assembly which come within the purview and meaning of this act shall be and the same are hereby repealed. This act shall commence and be in force from and after the passing of a like act by the General Assembly of Virginia, and the faith and honour of this state are hereby solemnly pledged and engaged to the General Assembly of the state of Virginia and the government and citizens thereof, that this law shall never be repealed by the Legislature of this state without the consent of the state of Virginia.

CHAP. XXVI.

An Act to facilitate and open the Navigation of Neuse River, from Benjamin Smith's Falls, in Johnston county, to Newbern, and for other purposes

WHEREAS the inhabitants living near said river would derive great advantages by rendering said river navigable for boats, capable of carrying their naval stores to market without experiencing the delays and losses consequent on the present obstructed navigation of said river:

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, James Deans, Probert Collier, Nicholas Washington, Jesse Slocumb and John Coor Pender, of Wayne county, John Atkinson, Joseph Boon, sen'r. Edwin Smith, John Williams and Samuel Norsworthy, of Johnston county, are hereby declared to be a body corporate, by the name of "The Neuse River Navigation Company," and by that name shall be capable to sue and be sued, plead and be impleaded before any jurisdiction having cognizance thereof, and that they elect and appoint all officers necessary, and from time to time make such rules, regulations and bye-laws, for the management and conducting the said navigation, as they may deem expedient: *Provided, however*, That such shall not be repugnant to or inconsistent with the Laws and Constitution of this State or of the United States.

II. *And be it further enacted*, That the aforesaid Neuse River Navigation Company are hereby vested with full power and authority to raise by way of Lottery any sum not exceeding five thousand dollars, to be applied in opening the navigation of said river as aforesaid, by such scheme as the aforesaid Commissioners, or a majority, may think proper to devise.

III. *And be it further enacted*, That in case of death, refusal to act or removal of any of the aforesaid Commissioners appointed by this act, the remaining Commissioners are hereby fully authorised and empowered to appoint others to fill such vacancies, who are hereby vested with the same powers as those by this act appointed.

IV. *And be it further enacted*, That before the aforesaid Neuse River Navigation Company shall sell, or cause to be sold, any tickets by virtue of the authority hereby granted, they or a majority of them shall give bond with two sufficient free-holders security, payable to the Governor for the time being and his successors in office, conditioned to be void on due and faithful discharge of the trust hereby reposed in them—that is to say, the said Lottery shall be faithfully conducted, and the money so raised they shall faithfully account for, and to pay to every fortunate adventurer in said Lottery the prizes which he, she or they may draw therein on demand, subject, however, to such deductions and restrictions as the said Commissioners shall make in the publication of the scheme of said Lottery; which bond shall be filed with the Clerk of the Superior Court of Johnston county, who shall keep the same as a part of his records of said Court, and any person thereby aggrieved may bring suit on said bond without assignment, in the name of the Governor and may recover damages accordingly.

V. *And be it further enacted*, That as soon as the said Company shall have completed the navigation of said river as aforesaid, it shall become a public highway, and the County Courts of Johnston, Wayne, Lenoir and Craven shall appoint such number of hands and overseers to work thereon to keep the same clear and navigable as they may deem necessary; and the said Company shall render a correct statement of the money expended thereon to the Clerk of the Superior Court of Johnston county, who shall file the same in his office and keep it a part of his records of said Court.

VI. *And be it further enacted*, That no person or persons shall hereafter fall any trees across or roll¹⁸¹¹ any logs into the said river, or otherwise obstruct the said navigation, under the penalty of ten pounds for each and every such offence, to be recovered before a single Justice of the Peace by an action of debt, one half to the use of the person suing for the same, the other half to be applied for improving said navigation; and if a slave, shall receive twenty-five lashes on his bare back.

VII. *And be it further enacted*, That the aforesaid Commissioners, or a majority of them, shall have full power and authority to remove any obstruction which does or may impede the navigation of said river, any law to the contrary notwithstanding.

VIII. *And be it further enacted*, That one half of all fines and forfeitures that may hereafter accrue by virtue of an act of the General Assembly, passed in the year 1809, entitled "An act to prevent any person from hauling seines, skimming with nets or setting of nets, on certain days therein named in said Neuse river," shall be applied for the purpose of improving the navigation of said river, and said money shall be deposited in the hands of said Commissioners, to be by them applied as aforesaid, and so much of the before recited act is hereby repealed and made void.

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

CHAP. XXVII.

An Act to authorize the opening of a Canal or water communication from Currituck Sound to the Atlantic Ocean, at or near the place formerly called Cathey's Inlet.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That Keneth Clark of Windsor, in Bertie county, and Willis Gallup of the county of Currituck, be and they are hereby authorized to open a Canal or water communication between Currituck Sound and the Atlantic Ocean, at or near the place formerly called Cathey's Inlet, across the land of the said Willis Gallup in the said county of Currituck.

II. *And be it further enacted by the authority of the same*, That the said Keneth Clark and Willis Gallup and their heirs, be and they are hereby authorized, after the said Canal shall be opened, to demand and receive as a toll the sum of five dollars for each vessel passing through the said Canal, and drawing not more than five feet water; and on those drawing more than five feet, ten dollars each.

CHAP. XXVIII.

An Act to amend an act passed at the last Session of the General Assembly, entitled "An act to facilitate the navigation of Goshen in the county of Duplin, from its junction with the North East river to the Rock Landing, near William Beck's."

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Commissioners appointed by the above recited act for the purpose of facilitating the navigation of Goshen, shall on or before the third Monday in January next, deliver to the Chairman of the Court of Duplin county, a bond with good and sufficient security in the sum of ten thousand dollars, to be void on condition that the said Commissioners do well and truly perform the trust reposed in them by the above recited act; that the said lottery shall be conducted fairly and according to the scheme which they or a majority of them has or may adopt, and pay to every fortunate adventurer in said lottery the prize or prizes which he, she or they shall draw therein, subject however to such reductions and restrictions as the said Commissioners shall make known in the publication of the Scheme of said Lottery: And in case that they fail to draw the said Lottery, that they shall pay to the holders of tickets by them sold, the amount which they had received for the same.

And be it further enacted, That in case of death, removal or refusal to act of any of the aforesaid Commissioners, those remaining are hereby fully authorized to appoint others to supply such vacancy, who are hereby vested with the same powers as those appointed by the above recited act.

CHAP. XXIX.

An Act to appoint Commissioners for the purpose of opening a Canal to connect the waters of Lockwood's Folly and Elizabeth river, in the county of Brunswick, 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 Joshua Potts, Benjamin Blaney, Robert Potter, William Wingate, Thomas Russ, Joseph Russ, William Gibbs, Joseph Hewett and John Julius Gause, be and they are hereby authorized and empowered to enter into such rules and regulations, and adopt such measures as a majority of the said Commissioners may deem most expedient, for the purpose of opening a Canal to connect the waters of Lockwood's Folly and Elizabeth rivers in the county of Brunswick, by such route or directing as they may think proper to devise.

And be it further enacted, That when the direct and necessary course of the said canal shall pass through the lands of any person or persons under the age of twenty-one years, or where the title is disputed, or where the owner refuses to sell so much land as may be necessary, that it shall and may be lawful for the said Commissioners or a majority of them to exhibit their petition to the County Court of Brunswick aforesaid, stating the owner or claimant of the said lands, and the quantity required for the passage of the said Canal: Whereupon the court shall order the Surveyor of the said county, with six disinterested freeholders by them appointed, to view, lay off, and value on oath as much of the said land as shall be sufficient for the passage of the said Canal; that is to say, they shall estimate the value of a section or small strip of said land of the breadth of forty feet, and of the necessary length according as the Canal may pass: And they shall consider what damage the tract of land in question may sustain by the cutting a canal through it in the manner proposed, and shall determine what sum of money the owner or owners of the soil ought to receive from the Commissioners aforesaid, which shall be returned under their hands and seals. *Provided nevertheless*, That the said owner or owners or guardians shall have such reasonable notice of such petition and order as the court shall deem necessary, to attend at such survey and valuation: *And provided also*, that the passage of the said canal shall not interfere with or take in any houses, orchards or other improvements. And the petitioner shall pay down in court for the said land so laid off and obtained, the valuation money, and procure a record to be made thereof, which shall be a good and effectual seizen in law to create to the said Commissioners a fee simple in such lands for the use and purpose of completing the canal aforesaid; and the monies when paid into Court shall be received by the Clerk and paid to the owner or owners, or guardian or guardians as the case may be; *and provided*

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nevertheless, That the said canal shall be cut and compleated within five years, otherwise such land so laid off shall revert to the original owners or their assigns; any thing herein contained to the contrary notwithstanding.

II. *And be it further enacted*, That for the purpose of defraying the expences in cutting the said canal, and for carrying this act into compleat effect, the Commissioners aforesaid or a majority of them, are hereby vested with full power and authority to raise any sum not exceeding five thousand dollars, to be applied for the purpose of opening the said canal, by one or more lottery or lotteries by such scheme or schemes as the aforesaid Commissioners or a majority of them may think proper to devise; and the said Commissioners shall before they sell or cause to be sold any tickets by virtue of the authority hereby granted, give bond with two sufficient free-holders security, payable to the Governor for the time being and his successors, which bond shall be void, on condition that the said Commissioners shall well and truly perform the trust hereby reposed in them, that is to say, that the said lottery or lotteries shall be conducted fairly and according to the scheme or schemes which they or a majority of them shall adopt, and to pay to every fortunate adventurer in said lottery or lotteries the prize which he, she, or they shall draw therein, subject however, to such reductions and restrictions as the said Commissioners shall make known in the publication of the scheme or schemes of said lottery or lotteries.

III. *And be it further enacted*, That the said bond shall be filed with the Clerk of the Superiour Court of Brunswick county, who shall keep the same as a part of the records of said court: and any person thereby aggrieved, may without assignment, bring suit on said bond in the name of the Governor, and recover damages accordingly.

IV. *And be it further enacted*, That when the said canal is compleated, the said Commissioners shall render a correct statement of the money expended to the County Court aforesaid, and the Clerk shall file the same in his office, as a part of the records of said court.

CHAP. XXX.

An Act to incorporate a company for the purpose of clearing out and rendering navigable Newport river, from a place named Barber's Landing, unto the fork of said River 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 William Borden, Joseph Borden, Leonard Mann and John Roberts, are hereby made a body corporate, by the name of the "Newport Navigation Company," and by that name shall be capable in Law to sue and be sued, plead and be impleaded, before any jurisdiction within this state having cognizance thereof, and may elect and appoint all officers necessary, and from time to time make such rules, regulations and bye-laws for the management and conducting of the said navigation, as they may deem expedient: *Provided*, That such shall not be repugnant to or inconsistent with the Laws and Constitutions of this State or of the United States.

II. *And be it further enacted*, That in case of death, refusal to act or removal of any of the aforesaid Commissioners appointed by this act, the remaining Commissioners are hereby authorised to appoint others to supply such vacancies, who are hereby vested with the same powers as those by this act appointed.

III. *And be it further enacted*, That the said Newport Navigation Company, when they shall have the said navigation compleated, shall have full power by this act to demand and receive the following tolls: For every barrel of Tar, Turpentine, Pitch, Rosin or Spirits of Turpentine—ten cents; for every thousand Shingles, Barrel Staves and Heading—twenty cents; for every thousand feet of Lumber—forty cents; for every thousand feet of Plank or Boards—thirty cents; for every thousand Bricks—twenty-five cents; for every thousand Hogshead Staves and Heading—twenty-five cents; for every large Flat—fifty cents.

IV. *And be it further enacted*, That the said Newport Navigation Company, their heirs and assigns, shall have all the profits and incomes arising by tolls from the said river for the term of sixty years, *Provided*, The same be compleated within five years from the passage of this act.

CHAP. XXXI.

An Act to render navigable Colly Swamp, in Bladen 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 Col. Samuel Andres, William H. Beattie, Elisha Andres, William Johnston, Benjamin Lock, James Larkins, John Russ and Benjamin Evans, be and they are hereby appointed, incorporated and stiled "The Colly Swamp Company," and by the same name and style may sue and be sued, plead and be impleaded in any Court in the state, and make such rules and regulations for their own government as they shall think proper; and in case of the death, removal or refusal to act of either of the said Company, the majority of the acting members thereof are hereby empowered to appoint such other person or persons to fill such vacancy.

II. *And be it further enacted*, That a majority of said Company shall constitute a quorum to transact business, and shall have full power to receive subscriptions and donations from such public spirited persons as may be inclined to aid such laudable undertaking, and dispose of the same as they may think proper for the purposes aforesaid.

III. *And be it further enacted*, That the said Company shall have full power to remove all obstructions that they may deem necessary for the safe passage of boats; and if any person or persons shall act or do any thing to injure said navigation, such person or persons shall be answerable to the said Company in double the damages thereby sustained.

IV. *And be it further enacted*, That the said Company shall keep open their books of subscription and donations until such time as they shall judge that they have a sufficiency subscribed, and then shall proceed to open said navigation; and the same when completed shall be and remain a public highway for the transportation of all craft, goods, wares and merchandize, free of toll.

V. *And be it further enacted*, That said Company, for the trouble and expenditures they may incur by carrying this act into effect, shall be allowed five per cent out of all monies by them collected and appropriated agreeably to the tenor of this act.

VI. *And be it further enacted*, That this act shall be in force from and after the passing thereof, and all laws and clauses of laws coming within the meaning and putview thereof be hereby repealed.

CHAP. XXXII.

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An Act to incorporate the Broad River Navigation Company, and also the inhabitants of Rutherfordton, of the county of Rutherford, 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 Samuel S. Ross, Robert M'Affee, Hugh Quin, William Sadler, and Noble Hamilton, be and they are hereby declared to be a body corporate and politic, and shall be known by the name of "Broad River Navigation Company, of the county of Rutherford;" and they are hereby declared to have full power and authority by the name aforesaid, to sue and be sued, plead and be impleaded, in all cases where the same may be necessary; and they shall also have full power and authority to adopt such rules and regulations, and pass such bye-laws for the purpose of completing the said navigation, as a majority of the said Commissioners may think proper; *Provided,* such laws, rules or regulations, are not incompatible with the Constitution of this State or the United States: And the said Commissioners shall be sworn in open Court, to perform the duties herein enjoined, faithfully and impartially, and also to apply the monies received as by this act directed.

II. *And be it further enacted,* That the said Commissioners, or a majority of them, shall have power to receive by subscriptions and donations, either in money or property, for the purpose of clearing out said river; and when they or a majority of them shall deem it necessary, may apply to the County Court of said county; and the said Court is hereby authorised and required to direct that the citizens within three miles of said river, on each side, shall work on the said river in clearing out the same, in the same manner as is directed by the road law; and the said river shall forever be and remain a public highway, free for all persons to pass and re-pass at pleasure.

III. *And be it further enacted,* That in case of death, removal, or refusal to serve, of any of said Commissioners, the County Court shall have power to fill any vacancy that may happen in case of death, removal, or refusal to serve, of any of the said Commissioners; and the said Commissioner or Commissioners so appointed, shall be vested with the same power and authority as if they had been appointed by the General Assembly.

IV. *And be it further enacted,* That the free holders and free citizens of the town of Rutherfordton, in the county of Rutherford, shall meet at some convenient place in said town, on the first Monday in January, in each and every year, and elect five Commissioners, residents of said town, who shall be styled "The Union Society of Rutherfordton;" and they shall be authorised and empowered to make bye-laws and adopt such rules for the regulation and government of said town, as may be necessary for the good order and police of said town, so that the same be not inconsistent with the Laws and Constitution of this State and the United States.

V. *And be it further enacted,* That the Commissioners so appointed, shall have power to lay a tax on all property in the said town of Rutherford, in the same manner as the laws of the State direct—*Provided,* they do not lay a poll tax more than seventy-five cents, and at the same rates on every hundred pounds value of town property: *Provided also,* that they shall not tax any retailer of spirituous liquors, who pay a license to the State, who is not an inhabitant of said town.

VI. *And be it further enacted,* That from and after the passing of this act, it shall be the duty of the sheriffs and constables in the county of Rutherford, when they or any of them do levy an execution upon land, slaves or horses, to sell the same at the court-house aforesaid, on the second Monday of the first month happening thereafter—and the second Monday of each and every month in each year, is hereby set apart for that purpose, and shall be considered as sale days: *Provided nevertheless,* That the same notice shall be given at least forty days previous thereto, of the sale of real estate, and ten days notice of the sale of personal property; and the sale shall be conducted under the same rules and restrictions as heretofore prescribed in such cases; and the said sales shall be made upon the public square, between the hours of ten and four o'clock.

VII. *And be it further enacted,* That all laws and clauses of laws, coming within the meaning and purview of this act, be and the same are hereby repealed, so far as relates to the county of Rutherford.

CHAP. XXXIII.

An Act to amend an Act passed in 1804, entitled 'An Act to prevent the felling of Timber in Uhara and Deep rivers, within the county of Randolph.'

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the before recited act is hereby declared to extend to and be in full force in the county of Montgomery, as far as respects the river Uhara.

II. *And be it further enacted,* That any person or persons who shall violate any of the provisions of this act or the before recited act, shall forfeit five dollars for every such offence, to be recovered by any person suing for the same, to his sole use: *Provided nevertheless,* That neither this nor the before recited act shall be construed to prevent the felling any timbers in said river, below the lowest mill on said river.

CHAP. XXXIV.

An Act to authorize and empower the Field Officers and Captains of militia of their respective counties, to alter the place or places for holding regimental and battalion musters.

WHEREAS numerous applications are made to this General Assembly for the alteration of regimental and battalion musters, which consume a considerable part of the time of the Legislature, and are attended with great expence to the state: For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act the Field Officers and Captains of each and every regiment within this state, or a majority of them, shall have and be vested with full power and authority to alter the place or places of holding their regimental or battalion musters, to such other place or places within their respective regiments as may in their opinion be more convenient.

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

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CHAP. XXXV.

An Act directing the Commanding Officers of the regiments of Militia of the county of Buncombe, Rutherford and Burke, to review each regiment separately.

BE 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 hereafter be the duty of the Brigadier-General to review each regiment in said counties separately, at the usual places of holding their regimental musters; and the said reviewing officers shall be governed by the same rules and regulations heretofore prescribed by law in such cases.

CHAP. XXXVI.

An Act to divide the Militia of Surry county into two separate and distinct regiments

BE it 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 companies on the north side of the Yadkin river, commanded by captains Underwood, Witcher, Deatheridge, Lovel, Thomason, and Badget, shall compose the first regiment, and shall be entitled to hold their regimental musters at the house of John Hyons, or within two miles thereof, at some convenient place, as the commissioned officers or a majority of them may think proper, and shall be under the same rules, regulations and restrictions as are directed by the Militia Laws of this State.

II. *And be it further enacted,* That the companies on the south side of said river, under the command of captains Martin, Hutley, Wright, Brown, Stoe and Speer, shall compose the second regiment, and shall be entitled to hold their regimental musters on the south side of said river, at the cross-roads where the battalion muster was formerly held, or within two miles thereof, as the commissioned officers of said regiment or a majority of them may think proper; and shall be under the same rules, regulations and restrictions, as are directed by the Militia Law of this State.

CHAP. XXXVII.

An Act to amend an Act, passed at the last General Assembly entitled 'An Act to annex a militia company in the county of Wayne, to the Waynesborough Battalion.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the above recited act as go to say, 'from the head of the Wolf Branch to the head of Naughunty,' &c. be and the same is hereby repealed and made void.

II. *And be it further enacted by the authority aforesaid,* That the boundary from the head of the Wolf Branch, are as follows, to wit—down the Wolf Branch to its mouth; then south to the road leading from Peter Peacock's, and with said road to the beginning of the before recited act; any law, usage or custom to the contrary notwithstanding.

CHAP. XXXVIII.

An Act to establish the place of holding the reviews of the regiment of Cavalry attached to the sixth brigade of the third division of the Militia of North-Carolina.

WHEREAS Chatham, Orange and Randolph counties compose the said regiment, and the officers thereof have heretofore held their reviews at Hillsborough, which is very inconvenient to a large majority of those who compose the said regiment—For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the cavalry officers of the regiment attached to the sixth brigade of the third division of the Militia of North-Carolina, shall review their said regiment at such place as a majority of the officers of said regiment may think proper—*Provided,* the place so fixed on be at or within two miles of the south-west corner of Orange county: And the same shall be governed by the rules, regulations and restrictions heretofore prescribed by law.

CHAP. XXXIX.

An Act to divide the militia of Guilford county into two regiments.

BE it enacted by the General Assembly of the State of North-Carolina, That the companies commanded by the captains Jesse Field, James Nealy, William Mears, John F. Gibson, Robert Gilmore, Evan Parsons, William Clapp and Obed Macy, Joseph Aydlott and William Doak, of the cavalry, shall compose the second regiment in the county aforesaid.

II. *And be it further enacted,* That the first and second regiments of said county, shall hereafter hold their general and regimental musters at or as near the court-house in said county, as may be convenient, and shall be governed by the same rules, regulations and restrictions, as the Militia of this State.

III. *And be it further enacted,* That the fourth section of an act passed in one thousand eight hundred, to establish a battalion muster in the south-east part of said county, be repealed and made void; any law, usage or custom to the contrary notwithstanding.

CHAP. XL.

An Act to divide the militia of Stokes county into two regiments.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the militia of Stokes county shall be divided into two regiments, in the following manner, to wit: The companies now commanded by captains Goode, Shifer, Webb, Cardwell, Clements, Eason, Kiser and Edwards, shall compose the north or first regiment of the militia of said county; and the companies commanded by captains Fulp, Studart, Loyd, Markland, Miller, Houser, Vest, Moody, Vankoy and Shores, shall compose the south or second regiment of the militia of said county.

II. *And be it further enacted,* That a majority of the field officers in each regiment, when so divided, shall have full power to fix on the places for holding their regimental musters, under the same rules, regulations and restrictions, as other regimental musters are held in this State.

III. *And be it further enacted,* That this act shall not prevent the adjutant of the regiment of Stokes from collecting all fines which heretofore have been imposed on any person in court martial.

IV. *And be it further enacted,* That the fines so collected, shall be paid over to the judge advocate of the different regiments from which they were collected, and be applied as all fines heretofore directed by the Militia Law of this State.

CHAP. XLI.

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An Act to establish the battalion mustered at James Atkins' in Cumberland county, into a separate regiment.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the battalion of the militia of Cumberland county, mustered at the plantation of James Atkins, in said county, shall be hence-forward established into a separate and distinct regiment, to be known by the name of the second regiment of the militia of Cumberland county, and shall be officered accordingly; which regiment, on general reviews, shall attend at Fayetteville, and shall at all times take their station on the left.

II. *And be it further enacted,* That the polls of the separate elections in said county shall be closed at four o'clock, and the polls of the election at the court-house in Fayetteville, in future shall be closed at five o'clock, at which times and places, the Sheriff and his several deputies shall proceed to count out the votes given at the said places of election, and certify the same as is by law directed; which alteration of time shall be advertised by the Sheriff of said county, at the time of his advertising the annual election.

III. *And be it further enacted,* That such laws as come within the meaning and purview of this act, be and they are hereby repealed and made void.

CHAP. XLII.

An Act to divide the first regiment of the militia of the county of Rutherford, into two regiments.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the first regiment of the militia of Rutherford county shall be divided into two regiments, by a line beginning on the second regimental line, near Elias Alexander's; thence with the Ridge road leading towards Rutherfordton, as far as Garland Dickerson's; thence with what is called the Cove road, on the ridge between the waters of Glaghorn's and Shepherd's creek, into the main road, about one mile above the court-house; thence with said road passing Charles Lewis's; thence to Lunsford Bagwell's, George Russell's, the widow Russell's, Jesse Brigg's, John Whiteside's, and thence to Shelton's Gap, where it joins the Buncombe county line: and the militia south-west of said line, shall be erected into a separate regiment, and shall be called and known by the name of the third regiment of the Rutherford militia, and officers shall be appointed; and the said regiment shall be under the same rules, regulations and restrictions, as other regiments of the militia of this State.

CHAP. XLIII.

An Act to establish a Seminary of Learning in the county Moore, by the name of the 'Euphronean Academy.'

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Murdoch M'Millan, Archibald M'Bryde, Murdoch M'Kenzie, William Tyson, Thomas Tyson, Benjamin Williams, Wm. Martin and Atlas Jones shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the Trustees of the Euphronean Academy, and by that name shall have perpetual succession; and they or their successors by the name aforesaid, or a majority of them, shall be able and capable in law, to make, demand, receive and possess, all monies, goods, and chattels that shall be given for the use of the said Academy, and the same to apply according to the directions of the donor, and by gift, purchase or devise to take, possess, and enjoy to them and their successors forever, any lands, tenements, or hereditaments in trust, that the same or the profits thereof be applied to and for the purpose of establishing and endowing the said Academy.

II. *And be it further enacted,* That the said Trustees or a majority of them by the name aforesaid, shall be able and capable in law, to grant, bargain, sell and convey any such lands, tenements or hereditaments as aforesaid, when such conveyance is not inconsistent with the terms of the donation; and further, that the said Trustees, their successors or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or court of equity in this State.

III. *And be it further enacted,* That the said Trustees and their successors, or a majority of them, shall have and are hereby declared to have full power to make and ordain such laws and regulations for their own government, and for the regulation and government of said Academy as to them may appear necessary; and shall be able and capable to do all things whatever for the promotion of said seminary in as full and ample manner as any body politic or corporate, can or may do by law.

IV. *And be it further enacted,* That upon the death, or resignation, inability or refusing to act of any of the Trustees aforesaid, it shall be lawful for the remaining trustees or a majority of them, to elect others to supply their place, who shall have equal power and authority with the Trustees hereby appointed.

CHAP. XLIV.

An Act to establish an Academy in Mecklenburg county.

WHEREAS the education of youth is of the greatest importance to 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 Reverend James Wallis, Doctor Cunningham Harris, John Patterson, and Henry Foster, Esquires, and Messrs. John Simmeson, John M'Kee, William Stewart, John Still, James Cunningham and James Willie, be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the Trustees of 'New Providence Academy,' and by that name shall have perpetual succession; and they and their successors, by the name aforesaid, or a majority of them shall be able and capable in law, to take, demand, receive and possess, all monies, goods and chattels that shall be given to the use of the said Academy, and the same apply according to the will of the donor, and by gift, purchase or devise to take, have, receive, possess, enjoy and retain, to them and their successors forever, any lands, rents or tenements of what kind or nature soever, in special trust and confidence that the same or the profits thereof, be applied to and for the purpose of establishing and endowing said Academy, and shall be capable of pleading and being impleaded in and for any lands, tenements, rents, monies or donation which may be devised or subscribed for said institution.

II. *And be it further enacted,* That upon the death, removal, inability, refusal to act or resignation of any of the said justices, it shall be lawful for the remaining Trustees, or a majority of them, to elect other Trustee or Trustees in the room of such as die, resign, remove, or refuse to act; and the Trus-

tee or Trustees so elected shall have equal power, authority, and capacity with the Trustees herein appointed.

III. *And be it further enacted*, That the said Trustees or a majority of them, shall have full power and authority to make all such bye-laws and regulations for the government of said academy, and for the preservation of order and good morals therein, as they may deem proper and necessary, provided they are consistent with the Constitution and laws of this State and of the United States.

XLV.

An Act to authorize the Trustees of the Nutbush Mineral Spring Academy, on the lands of John Sims, in the county of Warren, to raise a sum not exceeding one thousand dollars by lottery or lotteries.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Trustees of the Nutbush Mineral Spring Academy, on the lands of John Sims, in the county of Warren, be authorised to raise a sum of money not exceeding one thousand dollars by a lottery or lotteries, to be appropriated to the use and benefit of said Academy.

II. *And be it further enacted*, That the said Trustees shall appoint five persons as managers, whose duty it shall be to superintend the said lottery or lotteries, and who, before they enter upon the discharge of their duties, shall give bond and security in the County Court of Warren, in such a sum as shall be fixed by said Court, for the due performance of their trust.

CHAP. XLVI.

An Act to establish an Academy on the lands of Thomas B. Littlejohn, adjoining the Court-house in Granville 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 Leonard Henderson, Joseph Taylor, sen. Stephen Sneed, William Hawkins, William Robards, Frank N. W. Burton, John Hare, Willis Lewis, James Hamilton, Micajah Bullock, Jeremiah Bullock, Charles Taylor, John Howard, Edmund Taylor, William Bullock, Henry Yancey, Thomas Hunt, Maurice Smith, Henry Young, James Ridley, sen. Joseph Taylor, jun. John Washington, Thomas Webb, Nathaniel Robards, Daniel Jones, jun. John Nuttall, Thomas Person, Southern Higgs, Joseph B. Littlejohn, Thomas B. Littlejohn, and William M. Sneed, he, and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of the Trustees of the Oxford Academy, and by that name shall have perpetual succession, and they or their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to receive and possess any property, real or personal, that shall be given for the use of the said Academy, and the same to apply according to the will of the donors; and by gift, purchase or devise, to take, have, possess, demand and enjoy to them and their successors forever, any lands, tenements or rents of what kind or nature soever, in special confidence that the same or the profits thereof shall be applied to and for the use of the said Academy.

II. *And be it further enacted*, That the Trustees aforesaid, or a majority of them, shall have full power and authority to make such bye-laws and regulations as they may think proper, for the government and regulation of the said institution; and in case of the death, refusal to act, or removal out of the aforesaid county of Granville of any of the Trustees for the time being, the remaining Trustees or a majority of them, may elect others to supply their places.

III. *And be it further enacted*, That the Trustees of the said Academy or a majority of them, shall have full power and authority to raise, by one or more lotteries, a sum of money not exceeding two thousand pounds, for the purpose of erecting the necessary buildings, and for the general benefit and promotion of the said Academy.

CHAP. XLVII.

An Act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe.

WHEREAS it is represented to this General Assembly that there are a number of roads which have been opened and considered as public roads in said counties, which are but seldom used; and the mountainous situation of the country and other natural obstructions, render it impossible to keep them in good repair the full width and in the manner specified by the present laws of this state—For remedy whereof,

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the County Courts of Buncombe, Haywood, Burke, Wilkes and Ashe, (a majority of the acting Justices being present,) be and they are hereby authorised and directed, at the first Court which shall happen in each of said counties after the passing of this act, to proceed to fix on and determine the width which the several roads in said counties shall be kept open and in good repair: And as soon as they have fixed on and determined as aforesaid, they shall cause the Clerk to make a record of the same, and such roads shall forever thereafter be considered and deemed county roads; and all indictments or presentments against overseers of roads in the counties aforesaid, shall be exclusively tried and determined by the Courts of Pleas and Quarter Sessions for said counties.

II. *And be it further enacted*, That it shall be the duty of the Clerks of said Courts, as soon as may be, to issue orders to the several overseers of roads in said counties, which have heretofore been appointed or which hereafter may be appointed, specifying therein the width which said road shall be kept open and in good repair, according to the order of the Court.

III. *And be it further enacted*, That if either of said County Courts should by any means fail and neglect to comply with the requisites of the first section of this act, at the first Courts which shall happen in said counties after the passing hereof, it shall be lawful for such Court or Courts at any time thereafter, (a majority of the acting Justices of the Peace of said county being present,) to fix on and determine the width of roads, and do all other things by that section required of them to be done.

IV. *And be it further enacted*, That all overseers of the county roads in said counties, and the hands ordered by said Courts to work under them, shall be subject to the same rules and regulations and liable to the same fines and penalties for not keeping said county roads in such repair as the Courts may direct, as they now are or would be, for neglecting or refusing to work on public roads.

V. *And be it further enacted*, That this act shall not be construed to affect the two main public roads in said counties of Haywood and Buncombe, one of which leads from the Saluda Gap by Asheville to the Warm Springs, and the other leading from the Swannanoë Gap by Asheville to Haywood Court-house, or

to alter the present laws by which they are governed, only that presentments or indictments against overseers of the said roads shall be tried in the County Courts of said counties as specified in the first section of this act.

VI. *Be it further enacted by the authority aforesaid,* That nothing heretofore contained in this act shall be so construed as to affect Hugh and Mitchell Davidson's turnpike road in the county of Haywood:— But for the better regulation of said road in future, *It is hereby enacted,* That Hezekiah Ellison be and he is hereby appointed a commissioner, whose duty it shall be to view said road at least once in every three months, and report the condition of the same to the Court of the said county; and if on the report of the said commissioner, it shall at any time appear to the satisfaction of said Court that the said road is not kept in as good repair as when received by the commissioners first appointed for that purpose, it shall then and in that case, be lawful for said Court to proceed to fine the said Hugh and Mitchell Davidson or their successors as other overseers of roads in said county.

VII. *Be it further enacted,* That the said commissioner is hereby authorised to demand of the said Hugh and Mitchell Davidson or their successors, the sum of one dollar for each and every day he is necessarily engaged in viewing said road, and on their refusing to pay the same, it is hereby declared to be recoverable by action of debt, before any jurisdiction having cognizance thereof.

VIII. *Be it further enacted,* That in case of the death, inability or refusal to act, of the commissioner hereby appointed, it shall then and in that case be lawful for the County Court of said county to appoint one to act in his place, who when so appointed shall be vested with the same privileges and entitled to the same emoluments and subject to the same rules, regulations and restrictions as if he had been appointed by this act.

XIX. *Be it further enacted,* That no indictment or presentment against the said Hugh and Mitchell Davidson or their successors as overseers of said road, shall originate elsewhere than in the County Court of Haywood.

CHAP. XLVIII.

An Act to authorise Duncan M'Farland, of Richmond county, to open and keep in repair two turnpike roads in said county.

WHEREAS an easy and speedy communication between the different parts of this state present objects of the greatest importance, by affording readier and cheaper means whereby the produce of our state may be conveyed to market; to facilitate such communications, by promoting the establishment of permanent and good roads and securing to the undertakers of such a prospect of a reasonable compensation for their expenditures,

BE 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 Duncan M'Farland, of Richmond county, his heirs or assigns, be and they are hereby authorised to open and keep in repair, two roads in said county, to wit: One leading from M'Farland's turnpike, on Lumber river, to Haley's Ferry, on Pee Dee river, and another leading from or near the said turnpike by Laurel Hill to the South Carolina line, at or within six miles of where the stage road leading from Fayeeteville to the Long Bluff crosses the said line.

II. *Be it further enacted,* That on application of the proprietor, his heirs or assigns, the Sheriff of the said county shall within ten days after such application, summon three disinterested free-holders, unconnected with the proprietor, who shall act as commissioners to lay off the said roads, in the nearest and best directions between the above-mentioned stations and with the least injury to the lands of individuals as they may deem expedient, and where the said roads or either of them shall pass through the lands of any person the said free-holders shall assess the damage which such person shall have sustained, and shall make report of their proceedings to the next County Court to be holden for said county, to be filed in the Clerk's Office, for which service the said commissioners shall receive the sum of one dollar per day for the time which each of them shall be employed in laying off the aforesaid roads, and likewise the Sheriff shall receive the sum of two dollars per day for summoning and attending with them on the different routs, to be paid by the proprietor: And if any person through whose land either of the said roads shall pass or the proprietor of the road be dissatisfied with such damages, the County Court shall, on application of either party at the term to which the report is made returnable, direct an issue to be made up and tried by a jury at bar or on the premises—but if such applicant shall not recover a verdict more favourable to him, he shall pay the cost accruing on such suit, to be recovered as other costs.

III. *Be it further enacted,* That in order to remunerate the proprietor, his heirs or assigns, for his or their labour or expenditures in compleating and repairing the aforesaid roads, the following rates of toll are established and may be received at the gate or gates, by them erected for that purpose, to wit: On the road leading by the said M'Farland's turnpike bridge to Haley's ferry, three gates; and on the road leading from, at or near the said turnpike road to the South Carolina line, three gates; and shall receive for man and horse, five cents; for a two wheel carriage or rolling hogshead, twelve and an half cents; for every four wheeled carriage, twenty-five cents; for every head of cattle, horses, mules or asses, two and an half cents; but no gate shall be erected under the penalty of fifty dollars, to be applied to the use of the person suing for the same, until it shall be certified to the County Court by three free-holders and two Justices of the Peace, that the said road is opened and passable with safety for carriages of any description; which certificate shall be on oath of the free-holders, and filed in the Clerk's office.

IV. *Be it further enacted,* That the following description of persons may at any time pass and re-pass the said turnpike gates without the payment of any toll whatever: Persons going to or returning from any place of public worship; persons going to or returning from any election or muster, or the performance of any military duty; clergymen of every denomination, and physicians; persons going to or from any grist mill, or attending to the ordinary concerns of their families.

V. *And be it further enacted,* That it shall be the duty of the said proprietor, his heirs or assigns, to keep the said roads in good repair, that is to say: To have the same opened thirty feet wide, and all stumps shall be cut level, and other obstructions removed, at least fifteen feet in the middle of said road, and the causeways and bridges thereon shall be of the same width.—On failure thereof the said proprietor shall be liable to all damages which may happen in consequence of the said road being out of repair, and may be proceeded against in like manner as overseers of public roads, after the term allowed him or them to compleat the said roads.

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VI. *And be it further enacted*, That if any person or persons shall wilfully or mischievously break down or injure any gate set up on the aforesaid roads, or wantonly knock down any sign board or mile post, or by any means obstruct a free passage on said roads or any part thereof, the proprietor of said roads or any of them, shall be entitled to recover the sum of fifty dollars for every such offence, before any jurisdiction having cognizance thereof, which fines or forfeitures shall be applied to the repair of the aforesaid road or roads.

VII. *And be it further enacted*, That if any person shall forcibly pass or attempt to pass, or go round any of the aforesaid gates which may be erected, without first having paid the legal toll, such person or persons shall forfeit and pay the sum of five dollars, to be recovered by the proprietor of said turnpike before any jurisdiction having cognizance thereof; and if any person or persons, with his, her or their horse team, shall turn out of said roads or either of them with an intent to evade the payment of the toll, and shall again enter on said road or roads, such person or persons shall pay treble the toll which should have been previously paid at such gate, to be recovered by the proprietor before any jurisdiction having cognizance thereof.

VIII. *And be it further enacted*, That no person shall be detained at any gate erected on either the aforesaid roads more than fifteen minutes after having made a tender of his, her or their toll, under the penalty of one dollar for every fifteen minutes which they may be necessarily detained thereafter, to be applied to their own use.

IX. *Be it further enacted*, That no person or persons who is or are exempt from paying toll on any or either of said roads shall be detained at any gate or gates a longer time than fifteen minutes, under the penalty of five dollars for every such offence, to be recovered of the said Duncan M'Farland, his heirs or assigns, proprietor or proprietors of said road or roads, before any Justice of the Peace for Richmond county, to be applied to the use of the person suing for the same.

X. *And be it further enacted*, That it shall not be hereafter lawful for the County Court of Richmond to direct the laying off of any public road, running parallel therewith, within five miles below or above the aforesaid turnpike roads, or within the limits of that distance to any of the said roads: *Provided always*, That nothing herein contained shall be construed to affect any road in said county which has heretofore been deemed and considered a public road.

XI. *And be it further enacted*, That it shall be the duty of the said Duncan M'Farland and every future proprietor or proprietors of said roads or either of them, annually at the first term of the Superior Court to be holden for said county, after the first day of January in each and every year, to render a fair statement on oath, either by themselves or agents, to be filed in the Superior Court Clerk's office of said county, of all the monies which they may have received as toll from persons which have passed the said gates respectively, and likewise of all the expenditures in making and keeping in repair the said roads, under the penalty of one hundred dollars, to be recovered before any jurisdiction having cognizance thereof, one half to be applied to the use of the county and the other half to any person suing for the same: And whenever the nett proceeds of toll collected shall amount to a sum sufficient to reimburse the capital expended in making and keeping the said road in repair and twelve per cent. interest per annum thereon, to be ascertained by the Superior Court of law for said county on application of any person, then the same shall become free roads and toll shall no longer be collected thereon.

XII. *Be it further enacted*, That the said roads shall be opened and in repair pursuant to the requisitions of this act within five years from the first day of January next, otherwise this act shall expire.

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

CHAP. XLIX.

An Act to authorise certain Commissioners therein named to raise by way of Lottery a sum of money to build a bridge across Uharie River, in the County of Randolph.

WHEREAS it is deemed necessary that there should be a bridge built across Uharie River, at Lassiter's Ford, in the county of Randolph, for the better convenience of the inhabitants thereof:

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Lax, sen. Micajah Lassiter, William Ingram, Whitlock Arnold, Colin Steed, Jesse Shaw and William Thornborough, Esq's. be, and the same are hereby authorised and empowered to raise by way of lottery or lotteries a sum of money not exceeding eight hundred dollars for the purpose of building a bridge across the said river.

II. *And be it further enacted*, That the Commissioners aforesaid, before they enter on the duties of their office, shall give bond with good and sufficient securities in the sum of sixteen hundred dollars, payable to the Chairman of the County Court of Randolph, and his successors in office, for the faithful performance of their duty; and for the due and effectual payment of the prizes thereof, according to such scheme or schemes as they or a majority of them shall think proper to adopt.

III. *And be it further enacted*, That the acting Commissioners aforesaid or a majority of them, are hereby authorised and empowered to contract with some person or persons to build and compleat the said bridge: *Provided always*, That the said bridge when built, shall be deemed a publick highway, and free for all persons whatsoever to pass the same.

CHAP. L.

An Act to authorise a Lottery for the purpose of building a bridge over Tar River, at Greenville, in the county of Pitt.

BE it enacted by the General Assembly of the State of North-Carolina, That Robert Williams, Jordan Sheppard, James Sheppard, George Greene, Richard Evans, Arthur Forbes, David Smith, M. Mordecai, John Mooring, George Eason and Frederick Bryant, of the county of Pitt, be, and they are hereby appointed Commissioners for the purpose of carrying into effect the objects in this act after mentioned.

II. *Be it further enacted*, That the said Commissioners or a majority of them, are hereby authorised to raise by way of one or more lotteries, any sum not exceeding two thousand dollars.

III. *Be it further enacted*, That the said Commissioners or a majority of them, shall before they sell or cause to be sold any tickets by virtue of the authority hereby granted, give bond and security to the satisfaction of the County Court of Pitt, payable to the chairman thereof and his successors, conditioned

for the fair conducting of said lottery or lotteries, according to such scheme or schemes as they shall adopt or make publick, and for payment, at or within the times set forth in such scheme or schemes, of the prizes which shall be drawn; which bond may be put in suit without assignment for the benefit of any person injured by their misconduct or refusal to pay such prizes, at the time and in the manner set forth in such scheme or schemes as they the said Commissioners may promulge.

IV. *And be it further enacted*, That the said Commissioners or a majority of them, as soon as the drawing of the said lottery or lotteries are compleated, shall contract with an artist competent to perform the work, to build a bridge across Tar River, at such place within the limits of the town of Greenville, as the said commissioners or a majority of them may deem most convenient, and the profits arising from the said lottery or lotteries shall be applied to pay the cost of the same: *Provided always*, the said bridge when built, shall be a common highway and free for all persons to pass over.

V. *And be it further enacted*, That the aforesaid bridge shall be made of open arches, so as not to obstruct the passage of fish or boats.

CHAP. LI.

An Act to amend an act passed in the year one thousand eight hundred and nine, entitled "An Act to establish a Turnpike Road on a road leading from Buncombe Court-House, over the Saluda Gap to the South Carolina 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 Samuel King, sen. Andrew Erwin, Samuel Willson, George Story and Thomas Rhodes, be, and they are hereby appointed Commissioners for the purpose of carrying the above recited act into effect in the room and stead of those appointed by the second section of the said act; and it is hereby declared that the commissioners appointed by this act, shall be vested with the same power and authority as those appointed in the section of the above recited act as aforesaid; and the acts and decisions of a majority of the said Commissioners shall be in all cases considered binding and effectual as far as relates to the performance of duties thereby enjoined.

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

CHAP. LII.

An Act to vest in Robert Perry the exclusive benefit which may hereafter arise from a Turnpike which was heretofore granted to his father, Jesse Perry, in the county of Perquimans.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the benefit which may hereafter arise from the turnpike road, which was heretofore granted to Jesse Perry of the county of Perquimans, be and the same is hereby vested in his son Robert Perry, his heirs or assigns, fully and absolutely for the term of fifty years from the passing of this act; and shall be allowed the following toll, to wit: for every chair and horse, two shillings and sixpence; for every man and horse, one shilling and sixpence; for every cart and one horse, two shillings and sixpence; for every cart and two horses, three shillings; for all four wheel carriages of pleasure, the sum of one shilling per wheel, and one shilling per horse; and all waggons at the same rates; single horse one shilling; cattle, sixpence each, and hogs and sheep, three pence each; any law, usage or custom to the contrary notwithstanding.

II. *And be it further enacted*, That in case the said Robert Perry, his heirs or assigns, shall neglect or refuse to have the said road in condition for the safe passage of persons on horse or in carriages, within the term of five years from the passage hereof, all his right and title to the said road in him invested by this act shall cease.

CHAP. LIII.

An Act to alter the times of holding the County Courts of Pleas and Quarter-Sessions for the county of Carteret.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in future, the Courts of Pleas and Quarter-Sessions to be held for the county of Carteret, shall be held at the court-house in Beaufort, on the third Mondays in February, May, August and November, in each and every year hereafter, under the same rules and regulations as are already established by law for said Courts; and all causes now pending in said Courts of Pleas and Quarter-Sessions, shall stand adjourned until the third Monday in May next, and all process and proceedings shall be made returnable accordingly: And so much of the law now in force as authorizes the Court of Pleas and Quarter-Sessions to be held on the third Monday in March, June, September and December, be and the same is hereby repealed and made void.

CHAP. LIV.

An Act to repeal an Act passed in the year one thousand eight hundred and ten, entitled "An Act to regulate the time and manner of holding the County Courts of Pleas and Quarter-Sessions in the county of Moore, and to make compensation to Jurors for said County, and for other purposes."

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the first and second sections of the act passed in the year one thousand eight hundred and ten, entitled "An act to alter and regulate the time and manner of holding the County Courts of Pleas and Quarter-sessions in the county of Moore, and to make compensation to jurors for said county," be, and the same are hereby declared to be repealed and made void; and also that the third section of the said act above recited, shall from and after the third Monday in May next, be, and the same is hereby declared to be repealed and made void.

II. *And be it further enacted*, That the Court of Pleas and Quarter-Sessions for the county of Moore, a majority of the acting Justices of said county being present, shall have full power and authority to allow to each juror of the original pannel, who may attend any of the Courts of said county, in case they shall deem the same expedient, a sum not exceeding six shillings for each day's attendance, and the same for every thirty miles travelling to and from said Courts, as a compensation for their service; and that the monies so allowed, shall be levied and collected as other county taxes.

III. *And be it further enacted*, That in case jurors of said county of Moore shall be allowed compensation for their services by virtue of the second section of this act, it shall be the duty of the Clerks of the Superior and County Courts of said county, to grant to each juror a certificate, setting forth the

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number of days he has attended Court, and the number of miles he has travelled, when he shall have returned to his place of residence: for each of which certificates by them granted, the said Clerks shall be entitled to receive seven and an half cents.

CHAP. LV.

An Act to regulate the County Courts of Richmond county.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That no issues in civil or criminal cases, shall be tried by the Court of pleas and quarter-sessions of Richmond county, except at the terms of said Court held in June and December, in each year.

II. *Be it further enacted,* That the said Court, at the terms to be held in March and September, shall possess all the powers which they formerly exercised, except trying causes by jury at bar, and impannelling a grand jury.

III. *Be it further enacted,* That this act shall be in force from and after the term of said Court which shall happen in March next; any law to the contrary notwithstanding.

CHAP. LVI.

An Act to regulate the County Courts of Buncombe and Rutherford, in future.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future the County Court of Buncombe shall be held on the first Monday in January, the first Monday after the fourth Monday in March, the first Monday in July, and the first Monday after the fourth Monday in September, in each and every year; and that no jury shall be summoned to attend said Court, except at January and July terms.

II. *Be it further enacted,* That the witnesses in civil cases and on behalf of the State, defendants in criminal cases, and their securities, shall be bound to appear at no other term than January and July, in each and every year; any law to the contrary notwithstanding.

III. *And be it further enacted,* That it shall be the duty of the County Court at the next January sessions, to adjourn Court until the first Monday after the fourth Monday in March, and shall after that time hold their sessions agreeable to the directions of this act, and not otherwise.

IV. *And be it further enacted,* That the County Court of Rutherford shall not direct any jury to be summoned to attend at April or October Courts. All jury causes shall stand adjourned from January Court until July Court, and from July until January Court, in each and every year; any law or custom to the contrary notwithstanding.

CHAP. LVII.

An Act to alter the time of holding the County Court of Pleas and Quarter Sessions in the county of Caswell.

BE 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 County Court of Pleas and Quarter Sessions to be held for the County of Caswell on the fourth Monday in January next, the said Courts shall be held on the second Monday in January, April, July and October, in each and every year, and the said Court to be held on the fourth Monday in January next, shall continue and adjourn all suits and other business then remaining before said court unfinished, to the second Monday in April next following, and all process issuing from said Court shall be made returnable accordingly.

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

CHAP. LVIII.

An Act to provide for the payment of witnesses in the County of Hyde.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That every witness who may have been legally summoned to give evidence in any suit now depending in the County or Superiour Courts of the county of Hyde, or who may be hereafter summoned to give evidence in any suit now depending or which hereafter shall be pending in the County or Superiour Courts of the said county, shall be allowed eight shillings per day, for each and every day he may attend either of the said Courts as a witness, and ten shillings for every thirty miles travelling to and from the said Courts, together with all such tolls and ferriages as such witness may be compelled to pay in travelling to and from the said Courts; which allowances shall be collected, recovered and proved in the same manner and under the same rules and restrictions, as witness tickets are now collected.

CHAP. LIX.

An Act making compensation to such persons as shall hereafter serve as Talis-Jurors in the several Courts of Robeson 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 each and every person who shall hereafter be summoned as a Talis-Juror in the courts of Pleas and Quarter Sessions or in the Superiour Court of Robeson County, and shall actually serve as such during the day for which he or they were summoned, or during the time the Court shall sit, shall be allowed the same pay as is already provided by law for original Jurors, and shall obtain certificates from the Clerk for his or their attendance in the same manner, and under the same rules, regulations and restrictions as other jurors do; any law, usage or custom to the contrary notwithstanding.

CHAP. LX.

An Act making additional compensation to Witnesses who may hereafter attend the several Courts for the county of Halifax.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That each and every person who shall hereafter be compelled by process to attend any of the Superior Courts or Courts of Common Pleas and Quarter Sessions, which may be held for the county of Halifax, as a witness in any prosecution, action or suit, shall be allowed the sum of ten shillings current money for each day's attendance, and the like sum for every thirty miles travelling in going to and returning from the said Courts, together with all lawful ferriage or toll by them expended in crossing rivers and other water courses—which attendance, mileage, ferriage or toll shall be proven by the persons serving, and collected and paid over to them or their lawful attorneys in the same manner and under the same rules, regulations, penalties and restrictions as are now by law provided.

II. *And be it further enacted*, That all persons who heretofore may have attended any of the Courts held for the aforesaid county of Halifax as a witness in any prosecution, action or suit which is yet undetermined, and who shall not have proven their attendance, mileage, ferriage or toll previous to the passage of this act, shall be at liberty to prove the same at the term of the Court next ensuing the passage thereof or at any other Court that may happen before or at the final determination of such prosecution, action or suit, in which probate they shall under the same regulations and restrictions be allowed the same pay or compensation as is herein before allowed to those who may hereafter attend as witnesses aforesaid.

CHAP. LXI.

An Act directing the number of Jurors who shall hereafter be drawn to attend the Superior Courts of Lincoln and Mecklenburg counties.

WHEREAS the business of the Courts above-named, is in many instances delayed through the non-attendance of jurors drawn on the original pannels—and whereas the summoning so many talismen has a vexatious influence on many of the citizens of the said counties who attend the Courts on their own private business—For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall hereafter be the duty of the County Courts of the said counties of Lincoln and Mecklenburg, at their respective sessions next before the setting of any Superior Court to be held for the said counties, to draw forty-eight instead of thirty jurors, to attend each and every Superior Court of the said counties.

CHAP. LXII.

An Act to exempt certain persons from serving on juries in the county of Hyde.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of May next, no person who shall have arrived at the age of sixty years, or who may hereafter arrive at that age, shall be compelled to serve as a juror in any Court to be held within the county of Hyde.

CHAP. LXIII.

An Act to repeal the third section of an Act, passed in the year one thousand eight hundred and nine, entitled 'An Act to amend an Act, entitled 'An Act to make compensation to jurors in Richmond county.'

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the third section of the above recited act be, and the same is hereby repealed and made void.

CHAP. LXIV.

An Act for the better regulation of the town of Wilmington, and to lay a tax to build a Jail in New-Hanover county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the town of Wilmington, be, and they are hereby authorised to enlist at their discretion, such number of persons for the purpose of forming a regular guard and night watch, as they may from time to time think proper, subject to such rules of discipline and punishment for neglect of duty or misbehaviour, as the said Commissioners shall establish—*Provided*, That the punishment be confined to fine and imprisonment.

II. *And be it further enacted*, That for the purpose of enabling the said Commissioners to support such guard, they are hereby empowered to lay an additional annual tax, as follows: On each and every horse kept within the town, not exceeding fifty cents per head; and on all four-wheel carriages, not exceeding two dollars; on all two-wheel carriages for hire or pleasure, not exceeding one dollar; on all drays and carts employed for hire, not exceeding two dollars; on all transient persons keeping stores or shops in the said town, twenty-five dollars.

III. *And be it further enacted*, That the said Commissioners shall have power to make such rules, orders and regulations respecting carts and drays kept for hire, as to them shall seem necessary and proper.

IV. *And be it further enacted*, That if any person or persons shall obstruct the drains leading through the said town, or the owners of lots through which they pass, refuse or neglect to open the same within thirty days after notice from the said Commissioners to do so, the Commissioners aforesaid are authorised to levy a fine of ten dollars on the person or persons so offending; and the like fine on any person who shall refuse or neglect to comply with their ordinances respecting dogs or other animals running at large in the said town, or to kill such dog or other animal so running at large, when danger is apprehended from canine madness.

V. *And be it further enacted*, That the Commissioners aforesaid, are authorised generally to levy a fine not exceeding ten dollars, on every person who shall refuse or neglect to comply with their ordinances.

VI. *And be it further enacted*, That the Commissioners aforesaid are authorised to lay and collect the following tax: For every permission to keep an ordinary, two dollars; on every permission to retail liquors by the small measure, to settled inhabitants paying a town-tax, one dollar; on every permission to transient persons to retail liquors by the small measure, two dollars.

VII. *And be it further enacted*, That on all trials whatever, before the said Commissioners, for any breach of the rules and ordinances established by them for the government and police of said town, they or any two of them are hereby invested with the powers and authorities of Justices of the Peace, and any one of them shall have authority and power to commit in any case whatever, where the peace is broken, or any disorderly outrage is about to take place.

VIII. *And be it further enacted*, That the Sheriff of New-Hanover county, hereafter to be appointed, shall enter into bond and security, in the sum of two thousand five hundred dollars, conditioned that he faithfully collect and account for the town taxes.

IX. *And be it further enacted*, That for the purpose of building a new Jail, or repairing the old one, in the county of New-Hanover, as may by a majority of the acting Justices of the Court of pleas and quarter-sessions of that county, be deemed most expedient, a tax of one shilling on each poll, a tax of four pence on every hundred acres of land, and a tax of one shilling on every hundred pounds value of

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town property in the county of New-Hanover, be and is hereby levied and shall be collected in the year one thousand eight hundred and thirteen, by the Sheriff of said county, at the same time and in the same manner, and under the same rules, regulations and restrictions, and with the same emoluments, that county contingent taxes are levied and collected; and shall pay and account for the same with the Treasurer of Public Buildings for the county of New-Hanover aforesaid: And it shall be the duty of the said Treasurer of Public Buildings, and he is hereby required to enter up judgment against such Sheriff, on his failing to account and finally to settle in due time, in any Court of record having cognizance thereof.

X. *And be it further enacted*, That the County Court of New-Hanover, a majority of acting Justices being present, is hereby authorised and required to levy and collect a further tax to enable the Commissioners for building the Jail aforesaid, to compleat the said Jail, *Provided*, the tax by this act laid shall be insufficient.

CHAP. LXV.

An Act to appoint commissioners to contract with Thomas B. Littlejohn for fifty acres of land to erect a town upon, 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 Colonel Robert Burton, Colonel Charles Eaton, Doctor John Hare, Robert Jeter, and Benjamin Hilliard be, and they are hereby appointed Commissioners, who, or a majority of them, are hereby invested with full power and authority to purchase (on condition that they can obtain it at a fair and equitable price, taking the local situation and other circumstances into consideration) of Thomas B. Littlejohn, fifty acres of land around the court-house in Granville county; which land when purchased by said Commissioners shall be by them laid off into a town by the name of Oxford, in such manner and in lots of such size as they or a majority of them may think proper: *Provided*, That if the said Commissioners or either of them shall die or refuse to act, then and in that case it shall be the duty of a majority of the acting Justices of the Peace of the county aforesaid, at their next term after having been fully apprized of such death, or refusal to act, if either should occur, to fill such vacancy or vacancies.

II. *Be it further enacted*, That the said Commissioners herein named or a majority of them, or the Commissioners who may be appointed in pursuance of this act, or a majority of them, are hereby invested with full power and authority to purchase and receive titles for the said fifty acres of land, and to sell and make titles to the same in as full and ample a manner as other titles in law.

III. *Be it further enacted*, That the said Commissioners or a majority of them are hereby authorized and directed to lay off or cause to be laid off, the said fifty acres of land in such manner that the court-house of said county shall be as nearly in the centre of said town as practicable: *Provided*, the eastern boundary of said fifty acres shall not extend on the north side of the road leading from the court-house to Merittsville, more than the width of a street east of the spring path leading from the jail to the spring, which spring shall be included in the purchase, and reserved with the necessary quantity of ground around it for public convenience: *And provided further*, that the buildings belonging to said Littlejohn near the Court-house, and the necessary quantity of ground around them for yards, a garden, and horse lot shall be excepted though within the limits of the said town.

IV. *Be it further enacted*, That the said Commissioners or a majority of them are hereby authorised and directed to sell on or before the twenty-fifth day of June next the said lots at public vendue, on a credit not exceeding twelve months, giving at least thirty days notice of such sale, and to take bonds with good and sufficient security from the purchasers payable to the county trustee, which bonds the said commissioners are hereby directed to deliver over to the said county trustee whose duty it shall be to collect the said bonds, and to pay the monies arising therefrom, or so much thereof as shall be sufficient to meet the demands of the said Thomas B. Littlejohn for the purchase of said fifty acres of land: *Provided*, That in case the said Thomas B. Littlejohn should be willing to receive in payment bonds taken by said commissioners for the sale of said lots, it shall then and in that case be the duty of the county trustee to endorse and deliver to said Littlejohn as many of said bonds as will satisfy the demands of said Littlejohn for the purchase of said fifty acres of land.

V. *Be it further enacted*, That if said lots do not sell for a sum sufficient to discharge the bond or bonds which may be given by the said Commissioners or a majority of them for the said fifty acres of land, then and in that case the County Court of Pleas and Quarter Sessions of said county of Granville, at their next term succeeding the sale of said lots shall and are hereby authorised and directed to lay a tax to meet the deficiency; which tax shall be collected as other taxes, and paid into the hands of the County Trustee, and by him to be applied to the purpose for which the same was laid.

VI. *Be it further enacted*, That the said Commissioners or a majority of them, are hereby required and directed to reserve five lots, containing one acre each, in the most eligible situation for stores or taverns, to be disposed of at such time and in such manner as a majority of the acting Justices of the Peace for said county may direct—*Provided*, That neither of said lots shall be sold to any person or persons on any other terms than conditioned, that if such purchaser or purchasers do not within two years from the day of their purchase, cause buildings to be erected on each of said lots, to the full value of three hundred pounds: *And provided further*, That if they or either of said purchasers of any of said lots, shall fail to comply with the first provision in this section, such lot or lots, after two years shall have expired, shall revert to and again become the property of the said county of Granville, and again be disposed of in the same manner as directed in the first provision of this section.

VII. *Be it further enacted*, That the Commissioners herein named, and those who may be appointed in pursuance of this act, shall receive two dollars for each and every day they may be employed in discharging the duties prescribed to them by this act; and they are hereby invested with power and authority to employ a surveyor to lay off said land and town, who shall receive the sum of four dollars for each and every day he may be engaged in performing the said work; which money shall be paid by the County Trustee for the said county of Granville.

CHAP. LXVI.

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An Act to amend an act, entitled "An act for the better regulation of 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 persons residing without the limits of the town of Fayetteville, who shall in future claim the benefit of this act, shall render to the town Clerk of the Commissioners of Fayetteville in writing, the ear marks of their hogs—and if the hogs of such persons shall in future be found running at large within the limits of said town, they may be taken up and pounded by the town constable, who shall within twenty-four hours thereafter give notice to the owner of said hogs, that they are taken up and pounded, and shall for such service be entitled to and receive two shillings for every head of hogs so pounded from the owner thereof, and shall in case of the failure or refusal of such owner to pay, be entitled to recover the same by warrant before a Justice of the Peace. And if the owner of said hogs so pounded shall not remove the same, upon such notice being given within thirty-six hours thereafter, the town constable may proceed to sell said hog or hogs so pounded at auction, without further notice at the town house, and one third of the price thereof shall pay to the Town Treasurer and the residue thereof to the owner of said hog or hogs.

II. *And be it further enacted,* That if any person residing within the limits of said town shall kill, maim or wound any hog or hogs of persons residing without the limits of the town, who shall have rendered the ear marks of his hogs as by this act is required, such persons shall be liable to an action on the case for damages to the person aggrieved; any law, usage or custom to the contrary notwithstanding.

III. *And be it further enacted,* That hereafter it shall not be lawful for the Commissioners of the Town of Fayetteville as aforesaid, to purchase in their corporate capacity, out of the funds of the town, any estate real or personal, unless there be at least five of their number present and consenting to such purchase, nor shall it be lawful for the said Commissioners to sell any estate real or personal, which now does or hereafter may belong to them in their corporate capacity, or which does or may belong to the town, unless the whole number of the Commissioners be present, consenting and agreeing to such sale; at the time when the order for such sale shall be made in their board.

CHAP. LXVII.

An Act to explain and amend the first section of an act passed in one thousand eight hundred and six, so far as respects the division of the city of Raleigh into three Wards

WHEREAS it is found and discovered that the division of the city as prescribed by the aforesaid act of one thousand eight hundred and six, is unequitable, and the boundaries of each Ward not so precisely described as to prevent disputes, and that said division into Wards is not, nor neither can be as was intended, viz. that the Eastern and Western Wards should receive all the taxes, and leave the main street north from the State-House, called Halifax street, for the Middle Ward to keep in order; and as the division now is, the Commissioners of the Eastern Ward do collect and receive all the taxes on the east of said street, and those on the west receive all on the west of said street, leaving the naked street to the Middle Ward to keep in order. Although the Commissioners of the Eastern and Western Wards acknowledge there is no equity for them to receive the taxes and leave the naked street for the Middle Ward to keep repaired, consider that they are bound to act agreeably to the law of one thousand eight hundred and six. The Commissioners of the Middle Ward have always been willing to act justly, to give them the taxes and they will keep the streets in repair: For remedy whereof,

Be it enacted, That the division of the three several wards shall be in the following manner, to wit: first, the Middle Ward shall be bounded on the north and south by the town commons land, or to the utmost limits of the town to the north and south; the centre of Wilmington and Salisbury streets from one end of the town to the other shall be the boundary lines of the Middle Ward; and all that part of the town from the centre of Wilmington street to the east, shall be the Eastern Ward; and all the other part of the town from the centre of Salisbury street to the west, shall be the Western Ward; and hereafter each Ward shall work to the centre of each of said streets, and that shall be considered the boundary lines from and after the passing of this act.

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

III. *Be it further enacted,* That a majority of the Commissioners of each Ward when convened, shall, and they are hereby incorporated and known by the name of 'The General Board of Commissioners,' and they are hereby authorised to do and transact all such business as a body corporate, in as full and compleat a manner as the several separate wards now do.

IV. *And be it further enacted,* That in case of the absence, resignation or death of the Intendant of Police, that any Justice of the Peace whose residence is in town, shall, and they are hereby authorized and empowered to act in said Intendant's capacity, in as full and compleat a manner, as the said Intendant could or might do, were he himself personally present.

V. *And be it further enacted,* That this act shall be in force from and after the first day of January, one thousand eight hundred and twelve.

CHAP. LXVIII.

An Act to establish a Town on the lands of William Blackburn, in the county of Wilkes.

WHEREAS it is represented to this General Assembly, that it would conduce to the convenience and interest of the inhabitants of the county of Wilkes, to establish a town in said county, on the lands of William Blackburn; and that the said William Blackburn hath signified his assent to dispose of a part of his lands in said county, for the purpose aforesaid:

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Samuel Johnson, John Sparks, George Whisley, he, and they are hereby appointed Commissioners for the purpose of laying off a Town on the lands of William Blackburn, in the county of Wilkes, now known by the name of 'The Trap;' which Town shall be known by the name of Johnsonville: And the said Commissioners are hereby authorised and directed to appropriate fifty acres of land of the said Blackburn, in the county aforesaid, to the purpose aforesaid, and to divide the same in lots of one acre or half an acre each, as to the said Commissioners shall seem most advisable, intersected at convenient distances by streets and alleys—Which lots so laid off, the said

Commissioners shall sell at public sale to the highest bidder, on a credit of twelve months, after having given notice of such sale at least thirty days previous thereto, in three or more public places in said county; and for the proceeds of the sales of said lots, it shall be the duty of the Commissioners hereby appointed, to take bonds, with good and sufficient security, payable to the said William Blackburn; and shall deliver the said bonds to him as a full compensation for the land appropriated to the said Town, upon his, the said Blackburn's joining with the said Commissioners in making all proper and legal conveyances which shall by the said Commissioners be deemed necessary to transfer to and vest in the respective purchasers of said lots, a fee simple estate in the same: *Provided always*, That any act or acts done by a majority of the Commissioners appointed by this act, shall be as good and valid to all intents and purposes, as if done by all of them.

CHAP. LXIX.

An Act to establish a Town at Greene Court-house.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Benjamin Evans, William Holliday, Blaney Harper, sen. Richard Allen, and Thomas Holliday, be, and they are hereby appointed Commissioners to lay off for a Town at the Court-house aforesaid, as much land as they may deem necessary, not exceeding forty-five acres, into lots of one acre or half acre, as to them may appear advisable, with the intersection of convenient streets and allies; and when so laid off, the said Town shall be called and known by the name of Snow Hill.

II. *And be it further enacted*, That when the said Commissioners shall have laid off the said Town as aforesaid, they shall sell and dispose of the said lots at public sale, giving at least thirty days previous notice of such sale, at three of the most public places in said county, on a credit of six months, the purchaser giving bond with approved security: And the money arising from the sale of such lots, after defraying all incidental expences, shall be paid unto the proprietor or proprietors of said lands, who are by this act, together with the Commissioners, invested with the sole power of executing conveyances for the said lots: And in all matters and things relative to the said Town, a majority of the said Commissioners shall constitute a quorum, with power to make and establish all such rules and regulations as to them may appear most conducive to the interest of said Town.

III. *And be it further enacted*, That this act shall not be construed so as to interfere with the lands now laid off for the use of the Court-house and other public buildings, except as to a street or streets.

CHAP. LXX.

An Act to establish a Town on the lands of Richard Cunningham and Jesse Lester, in the county of Surry.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Obediah Martin, Benjamin Martin, Daniel Dejarnatt, William M^r Bryde and Richard Wilbourn, be, and they are hereby appointed Commissioners for the purpose of laying out a Town on the lands of Richard Cunningham and Jesse Lester, in the county of Surry; which Town shall be known by the name of Martinsborough: And the said Commissioners or a majority of them, are hereby authorised and directed to appropriate as many acres as may appear to them expedient, of the lands of the said Cunningham and Lester, in the county aforesaid, for the purpose of laying off the said Town; and they are also required to divide the same into lots of one acre or half an acre each, as to them may appear most advisable, intersected at convenient distances by streets and alleys: Which lots so laid off, the said Commissioners shall sell at public sale to the highest bidder, on a credit of twelve months, after having given notice of such sale, at least thirty days previous thereto, in three or more public places in said county: and for the proceeds of the sale of said lots, it shall be the duty of the said Commissioners to take bonds, with good and sufficient security, payable to the said Richard Cunningham and Jesse Lester, and shall deliver the said bonds to them, as full compensation for the land appropriated to the said Town, upon the said Richard Cunningham and Jesse Lester joining with the said Commissioners in making all proper and legal conveyances, or jointly by themselves, vesting and transferring in the respective purchasers of said lots, a fee simple estate in the same: *Provided always*, That any act or acts done by a majority of said Commissioners, shall be good and valid to all intents and purposes as if done by all of them.

CHAP. LXXI.

An Act to amend an Act, passed in the year one thousand seven hundred and ninety, entitled 'An Act to establish a Town at the place fixed on for the Court-house in the county of Stokes.'

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Charles Banner, Isaac Dalton, and Jeremiah Gibson, be, and they are hereby appointed Commissioners of the town of Germanton, in the room of those appointed by the above recited act, who have since deceased: And the said Commissioners hereby appointed, are vested with the same power and authority, and governed by the same rules, regulations and restrictions, as were prescribed by the above recited act, for the present Commissioners of said town.

CHAP. LXXII.

An Act to amend an Act, entitled 'An Act for the better regulation of the town of Edenton,' passed at Raleigh in the year one thousand seven hundred and ninety-eight

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That at all future elections of Commissioners for the town of Edenton, only three persons shall be chosen, who shall be and are hereby * with as full powers as Commissioners appointed under the before recited act, passed in one thousand seven hundred and ninety-eight; and during their continuance in office as Commissioners, shall be exempt (except in cases of insurrection or invasion) from all other publick services.

II. *And be it further enacted*, That the Commissioners shall have power to pass such ordinances, regulating or interdicting any intercourse by land or by water, between the town of Edenton and any place in which there may exist a contagious disease, as they may deem proper, for the security of the said town; and also full power of enforcing compliance with, and of observance of, all such ordinances, by laying fines and penalties not exceeding fifty pounds for each offence, together with expence of the Commissioners in carrying such ordinances into execution, to be recoverable before any jurisdiction having cognizance thereof.

* The word *vested* omitted in the original.—(Printer.)

III. *And be it further enacted*, That should any Commissioner be absent from town or sick, inso-¹⁸¹¹ much as to be unable to attend to his duties as Commissioner, it shall be lawful for any Magistrate residing in the town, to act as Commissioner in his place, during such absence or sickness.

IV. *And be it further enacted*, That if the Sheriff of Chowan county neglects to open the polls on the first Monday of April in each and every year, for the annual election of Commissioners, as required by the act of one thousand seven hundred and ninety-eight, it shall be his duty to do it within twenty days thereafter, (first giving ten days notice) at the place and in the manner directed by the said act, under the penalty of seventy-five pounds, recoverable by action of debt in the court of Chowan county, by and in the name of the Commissioners of the town of Edenton, whose duty it shall be to sue for the same for the use of the town; and that, in the event of no election of Commissioners at the annual periods before directed, the Commissioners of the preceding year shall continue in office and perform the duties thereof, until the next annual election shall take place according to law.

V. Whereas there were no Commissioners elected on the first Monday in April last—*Be it further enacted*, That the Commissioners last elected, may act as Commissioners from and after the passing of this act, until the next annual election.

VI. *Be it further enacted*, That so much of the before recited act, passed in seventeen hundred and ninety-eight, as comes within the purview and meaning of this act, be, and the same is hereby repealed.

CHAP. LXXIII.

An Act to amend an Act, passed in the year one thousand seven hundred and eighty-six, for establishing a Town in Wayne county, by the name of Waynesborough.

BE 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, Cullen Blackman, Isaac Handby, John Davis, Joseph Edwards, Nicholas Washington and Henry Brownrigg, be, and they are hereby appointed the only true and lawful Commissioners to superintend and regulate all the business of the said town of Waynesborough; and they are hereby invested with full power and authority to bring suits for and recover all former balances, due to or from the former Commissioners or Trustees appointed for the aforesaid town by the aforesaid act, passed in one thousand seven hundred and eighty-six; and they are also empowered to give this law in evidence; and they are hereby required to pay all balances due from the former Trustees named in the aforesaid act, so far as effects come into their hands.

II. *And be it further enacted by the authority aforesaid*, That the Commissioners aforesaid, to wit: Cullen Blackman, Isaac Handby, John Davis, Joseph Edwards, Nicholas Washington and Henry Brownrigg shall be, and they are hereby invested with full power and authority to meet together as often as they find it necessary, to make deeds where none have been made, and where they have been made and not recorded, to take them up and make new ones; also to make all such laws and decrees as they shall think advisable, for the improvement and advantage of the said town: And all the acts and deeds of a majority of the Commissioners in this act recited, shall be and they are hereby made binding on all parties concerned, both in law and equity; any law to the contrary notwithstanding:—And it is also provided, that a majority of the Commissioners aforesaid, shall have power to appoint others in case of vacancies, who shall possess the same powers as those do who are appointed by this act.

III. *And be it further enacted by the authority aforesaid*, That the above named Commissioners shall have full power and authority to sell and convey such part of the town commons in Waynesborough, as they or a majority of them may deem convenient, on such terms as may seem most advisable to them, for the benefit of said town; and the money arising from the same sales, shall be paid over to the County Trustee of Public Buildings, for the purpose of building or repairing the court house in said town.

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

CHAP. LXXIV.

An Act to empower the Commissioners of the town of Hillsborough to lay an additional tax on the inhabitants of said town, for the purpose of repairing the streets.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Commissioners of the town of Hillsborough, or a majority of them, be, and they are hereby empowered to lay an additional tax on the inhabitants of said town, not exceeding ten shillings on the poll, ten shillings on every hundred pounds value of town property, and five shillings on every wheel attached to a carriage of pleasure; for every unimproved lot (if the valuation shall not exceed twenty-five pounds) the sum of two shillings and sixpence; and where the valuation exceeds the sum of twenty-five pounds for every unimproved lot, the proprietor shall pay at the rate of ten shillings for every hundred pounds value as aforesaid: And the said Commissioners or a majority of them, are authorised to continue the said tax annually, until a sufficient sum of money is raised thereby, to enable the Commissioners aforesaid to defray the expences of repairing and keeping in good order the streets of the said town; and the said tax when collected, shall be applied in the manner which a majority of the said Commissioners may deem the most advisable and conducive to the interest and improvement of said town, and of carrying the purposes of this act into effect: *Provided nevertheless*, That this act shall not be construed to authorise the Commissioners aforesaid to lay any tax whatever on female slaves.

CHAP. LXXV.

An Act to authorise and empower the Commissioners of the town of Fayetteville to raise by lottery, a sum of money for the purpose of conducting water from Haymount to the interior of the 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 Fayetteville, for their time being, and their successors in office, be, and they are hereby vested with full power and authority to raise by way of lottery, in one or more lotteries, any sum of money not exceeding six thousand dollars, to be by them applied to the purpose of conducting in any way which to them or to a majority of them shall seem most expedient, water from Haymount to the interior parts of the said town.

II. *And be it further enacted*, That the said Commissioners, in conducting the water as aforesaid, shall pay due regard to public convenience, and shall have the pipes and erect the reservoir or reservoirs in

such place or places as are best suited to provide against the dangers of fire; and they are hereby vested with full authority to receive donations in money, lands or other things to be applied to the purposes aforesaid.

III. *And be it further enacted*, That nothing herein contained shall be so construed as to authorise said Commissioners to disturb or damage private property in conducting the water as aforesaid, without consent of the owner or proprietor of said property.

CHAP. LXXVI.

An Act to authorise the Commissioners of the town of Beaufort, in the county of Carteret, to lay a tax on the inhabitants of said town, for the purpose of building a Market-house.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the town of Beaufort, in the county of Carteret, be, and they are hereby authorised to lay a tax on the inhabitants of the said town, for the purpose of raising a sufficient sum of money to defray the expences of building a Market-house in said town; which house shall be erected in or near the Court-house square, and when so erected, no person shall sell any kind of provision within the limits of said town, except at the Market-house aforesaid: And the said Commissioners or a majority of them, are hereby authorised and directed to adopt such measures as may appear to them the most expedient for the purpose of carrying this act into effect.

CHAP. LXXVII.

An Act to appoint Commissioners to lay off and establish the dividing lines between the counties of Beaufort and Washington.

WHEREAS the dividing lines between the counties of Beaufort and Washington have not heretofore been described by actual survey:

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That Langly Respiss, William Boyd and John Latham, of the county of Beaufort, and Joseph Garrett, Samuel Blount and John D Patterson, of the county of Washington, be, and are hereby appointed Commissioners with full power and authority to lay off and mark the dividing lines between said counties.

II. *Be it further enacted*, That a majority of the Commissioners shall have full power to do any and every thing which the whole could do, were they present; and in case of failure to attend by a majority, any three of the aforesaid Commissioners may appoint others to act in the place of those who may be absent.

III. *Be it further enacted*, That the said Commissioners or a majority of them, shall appoint such surveyor or surveyors, chain-carriers and other attendants, as shall be necessary for running, marking and establishing the said lines, and shall make or cause to be made, returns of their proceedings to each of the County Courts of said counties, to be deposited with and recorded by the Register of each county; and the said lines when so established and laid off, shall forever thereafter be established and confirmed as the dividing lines between the said counties of Washington and Beaufort.

IV. *And be it further enacted*, That the said Commissioners, Surveyors, chain-carriers and other attendants respectively, shall receive such compensation for their services as the Courts of Pleas and Quarter-Sessions may deem just, to be paid out of any monies levied and collected, or hereafter to be levied and collected for the use of the said counties of Beaufort and Washington.

CHAP. LXXVIII.

An Act to alter the line between the counties of Snrly and Stokes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That after the county line intersects the southern boundary of the lands formerly belonging to Samuel Kirby, senior, now Joseph Wilson, it shall run thence along the southern and western boundaries of said land, to the Yadkin river; thence up the river until it intersects the present line between the two counties.

CHAP. LXXIX.

An Act to carry into effect an Act passed in the year one thousand seven hundred and ninety-three, entitled 'An Act to add part of Burke and Wilkes counties to 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 William Tate and George Lee Davidson, Esquires, be, and they are hereby appointed Commissioners to extend the line between the counties of Burke and Iredell, from the Three-cornered Island, in the Catawba river, to the bent of Lower Little river, in James Foxe's land, agreeable to the act of one thousand seven hundred and ninety-three, for establishing the same.

II. *And be it further enacted*, That the said Commissioners shall cause the said line to be marked, and shall return a fair plat of the same, signed by themselves, to their respective County Courts, and shall be allowed by them an adequate compensation for the same.

CHAP. LXXX.

An Act to annex part of Brunswick county to the county of Columbus.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all that part of Brunswick county bounded as follows, to wit—Beginning at Waccamaw river, at the mouth of Juniper creek, on the Columbus line, and running up Juniper creek to a swamp called Big Swamp, and up the Big Swamp to a branch called Clear Branch, and up the Clear Branch to the head; thence a direct course to the Waccamaw river, at the mouth of a large creek, and thence join the Columbus line or river to the beginning—be, and the same is hereby annexed to the county of Columbus.

CHAP. LXXXI.

An Act to amend an Act, entitled 'An Act to annex part of Bladen to the county of Columbus,' passed in the year one thousand eight hundred and nine.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James B. White and Samuel Smith, of the county of Columbus, and Thomas Brown, senior, and David Gillespie, of the county of Bladen, be added to the Commissioners appointed by the before recited act, to extend and mark the dividing line between the counties of Bladen and Columbus, under the same rules, regulations and restrictions, as said Commissioners were empowered to act.

CHAP. LXXXII.

1811

An Act to authorise the County Court of Columbus to choose the Wardens of the Poor for said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the County Court of Columbus, and it is hereby authorised and required, seven acting Justices being present, to elect the Wardens of the Poor for the said county; which election shall take place at the first Court which shall happen in said county, after the first day of February next, and every three years thereafter.

II. *And be it further enacted,* That the said Wardens of the Poor, when so elected, shall be vested with the same powers, and be subject to the same rules, regulations and restrictions, as the Wardens of the Poor heretofore elected for said county.

CHAP. LXXXIII.

An Act to regulate the Overseers of the Poor in the county of Northampton.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Sheriff of Northampton county, to advertise and hold an election at the court-house in the county aforesaid, on Easter Monday next, for the purpose of electing one Overseer of the Poor for each Captain's district in said county, who shall be a free-holder and shall reside in the district for which he shall be elected; and whose duty it shall be to take charge of the poor in their respective districts, and to let them out to the lowest bidder, giving ten days public notice of the time and place when and where they will be let, and make return thereof to the ensuing Court of Wardens, stating the name of each parishioner, to whom let, and for what sum.

II. *Be it further enacted,* That the said Overseers of the Poor, when so elected, shall be qualified and hold their offices in the same manner, and be governed by the same rules not otherwise herein expressed, as is by law directed; and each and every Overseer as aforesaid, who shall fail or neglect to qualify as such, shall forfeit and pay the sum of twenty pounds, to be recovered in the name and for the use of the poor of said county, in an action of debt: and the said Overseers of the Poor shall at their first meeting, elect a person properly qualified (not of their own body) to act as Clerk, and a person qualified as aforesaid, to act as Treasurer to the Court of Wardens; which said officers shall take the oath for the qualification of public officers, and also take and subscribe to the following oath before some Magistrate, in a book to be procured for that purpose, to wit: "I, A. B. do swear that I will discharge the office of (Clerk or Treasurer, as the case may be) of the Court of Wardens, honestly and faithfully, and that I will account for all monies by me received in virtue of my office, and in all things strictly adhere to the law for the government of the poor for Northampton county, to the best of my skill and ability—so help me God;" and shall give bond in the sum of one thousand pounds, with such security as shall be approved by the Court of Wardens, payable to the Chairman of the County Court for the time being, and to his successors in office, for the faithful discharge of the duties imposed on them by this act; and if the person or persons shall fail or neglect to qualify and give bond and security as above directed, (provided it is in their power to do so) shall forfeit and pay the sum of fifty pounds, to be recovered in an action of debt, in the name and for the use of the poor of said county; and the Clerk of the Court of Wardens shall have and receive for his services a reasonable compensation, besides receiving pay for all stationary and books necessary for his appointment, to be paid out of the poor tax; and the Treasurer of the Court of Wardens shall be entitled to retain for his services, a sum not exceeding five per cent. on all monies which shall come into his hands by virtue of his office.

III. *Be it further enacted,* That it shall be the duty of the Clerk of the Court of Wardens to keep a fair and distinct record of all and every the proceedings of the said Court of Wardens; to keep and record in a well bound book to be procured for that purpose, the names of each and every of the parishioners, and the sums for which they are respectively kept, and by whom kept; to issue orders to the persons entitled to the same, or to their agents; to keep in a separate book the amount of the annual tax laid by the Wardens of the Poor for the support thereof.

IV. *Be it further enacted,* That it shall be the duty of the Treasurer hereby appointed, to keep a fair and distinct account of the taxes laid annually for the support of the poor, to be furnished him by the Clerk of the Court of Wardens, which shall be an account against the Sheriff, and shall settle annually with the Sheriff: And it is hereby made the duty of the County Solicitor to give this act in charge to the grand jury at each inferior Court next after the first day of January in each and every year; and the said Treasurer and Clerk of the Wardens shall not only be liable to the pains and penalties herein before and herein after mentioned, but shall be liable to an indictment or presentment by the grand jury of the County Court aforesaid, and on conviction, shall suffer such further penalty as the Court may think proper to inflict: *Provided,* That the same does not extend further than being fined twenty-five pounds.

V. *And be it further enacted,* That the said Clerk of Wardens, by the directions of the Court, shall at each inferior Court for said county, after the first day of January in each and every year, lay before the Justices of the said Court, a statement of the taxes laid by the said Court of Wardens for the support of the poor, together with a certified list of the number of parishioners, and the sums for which they are kept respectively, and by whom kept, under the penalty of fifty pounds, to be recovered and applied as before herein directed: And it shall also be the duty of the Treasurer of the Court of Wardens, at the same time, to lay before the Justices aforesaid, a statement of his account against the Sheriff, whether paid in whole or in part; which said accounts or copies thereof, shall be set up in the court-house, in the most conspicuous place therein.

VI. *And be it further enacted,* That it is hereby expressly made the duty of the Treasurer aforesaid, to call on all former Sheriffs or collectors of the poor-tax, or Treasurer or Wardens of the Poor, when a balance may appear to be due to the said county, for a settlement; and in case such former Sheriff or collector, or any Sheriff or collector hereafter to be appointed to collect the poor-tax aforesaid, shall fail to account for and settle the taxes which he has collected or received agreeably to law, the Treasurer aforesaid shall give to such Sheriff or collector, ten days previous notice, in writing, that he intends moving for judgment against him for the amount of such tax, at the next succeeding Court; and on failure of such Sheriff or collector to pay and settle with the Treasurer as aforesaid, on motion, judgment shall be entered against such Sheriff or collector, and execution thereon awarded.

VII. *And be it further enacted,* That from and after the organization of the Court of Wardens by the

1811 act established, the power of the Overseers of the Poor and of the Court of Wardens which now exists in said county, shall cease and determine; any law to the contrary notwithstanding.

VIII. *And be it further enacted*, That whenever the Overseers of the Poor shall think it advisable, they shall apply to the County Court, which is hereby authorised to lay a tax for the purpose of building a poor-house for the reception of the poor of said county; and the Overseers of the Poor are hereby empowered to enter into and make such contracts and regulations for the government thereof, as a majority shall think proper.

CHAP. LXXXIV.

An Act to establish a Poor House in the county of Orange.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Wardens of the Poor, in the county of Orange, or a majority of them, as soon as they may deem it necessary after the passing of this act, to make application to the Court of Pleas and Quarter Sessions in said county, and the Court is hereby directed and empowered to lay a tax, if they think proper, a majority of the acting Justices of said county being present, not exceeding one shilling on every poll, and four pence on every hundred acres of land, and one shilling on every hundred pounds value of town property, to be collected and accounted for as other taxes are in said county; which tax when collected shall be paid into the hands of the Wardens aforesaid, who are required immediately thereafter to lay out the same to the best advantage in procuring a piece of land either by purchase or otherwise, and to build or cause to be built thereon, a house or houses, sufficient for the reception of the poor of the said county, under which denomination shall be comprehended all such persons of either sex as shall be adjudged by the Wardens incapable through old age or infirmities to procure subsistence for themselves; and the said Wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, see that they are humanely treated and sufficiently provided with suitable diet, cloathing and fuel, and to enforce all such regulations as shall be established from time to time for the well ordering and governing said poor: Which regulations the said Wardens are hereby authorised to make, and it shall be lawful for said Court to continue the imposition of said tax from year to year, if necessary, either to complete the aforesaid building, or to defray the expences which may be occasioned by the keeping up thereof: And the said keeper or overseer for his services shall be allowed each year such sum as the Wardens may deem adequate, to be paid out of the tax as above directed: And the keeper or overseer of said poor is hereby required to keep at moderate labour such of the poor under their care as they shall judge capable to labour; and at the end of each and every year shall account to the Wardens of said county, on oath, for all sums which may have arisen from the labour of such poor, and have the same deducted from the amount of their expences; any law to the contrary notwithstanding.

CHAP. LXXXV.

An Act to establish a Poor House in the county of Tyrrel.

BE 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 Wardens of the Poor in the county of Tyrrel, or a majority of them, as soon as they may deem it necessary after the passing of this act, to make application to the Court of Pleas and Quarter Sessions in said county, and the Court is hereby directed and empowered to lay a tax not exceeding one shilling on every poll, four pence on every hundred acres of land, and one shilling on every hundred pounds value of town property, to be collected and accounted for as other taxes are in said county; which tax when collected shall be paid into the hands of the Wardens aforesaid, who are required immediately thereafter to lay out the same to the best advantage in procuring a piece of land, either by purchase or otherwise, and to build or cause to be built thereon, a house or houses, sufficient for the reception of the poor of the said county, under which denomination shall be comprehended all such persons of either sex as shall be adjudged by the Wardens incapable through old age or infirmities to procure subsistence for themselves: And the said Wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, see that they are humanely treated and sufficiently provided with suitable diet, cloathing and fuel, and to enforce all such regulations as shall be established from time to time for the well ordering and governing the said poor; which regulations the said Wardens are hereby empowered to make: And it shall be lawful for the aforesaid Court to renew the imposition of said tax from year to year, if necessary, either to complete the aforesaid building or to defray the expences which may be occasioned by the keeping up thereof: And the said keeper or overseer for his services shall be allowed each year such sum as the Wardens may deem adequate, to be paid out of the tax laid for that purpose: And the keeper or overseer of said poor is hereby required to keep at moderate labour such of the poor under their care as they shall judge capable to labour, and at the end of each and every year shall account to the Wardens of said county, on oath, for all such sums as may have arisen from the labour of such poor, and have the same deducted from the amount of their expenditures; any law to the contrary notwithstanding.

CHAP. LXXXVI.

An Act to empower the County Court of Chowan to lay an additional tax to defray the expences of the poor of said county.

WHEREAS the taxes allowed by law is not sufficient to defray the expences of the poor of said county,

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the County Court of Chowan is hereby authorised and empowered to lay an additional tax of two pence on every hundred acres of land, and six pence on every poll, and six pence on every hundred pounds value of town property, to be collected and applied as other taxes for the poor of said county.

CHAP. LXXXVII.

An Act to authorise and empower the Wardens of Halifax county, to lay and collect a tax for the support of their 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 the Wardens of the Poor for the county of Halifax, shall be and they are hereby authorised and empowered to lay a tax not exceeding four shillings on the poll, one shilling and four

pence on every hundred acres of land, and four shillings on every hundred pounds value of town property; which¹⁸¹¹ tax the Sheriff of the said county shall collect, under the same rules and regulations as the public taxes are collected, and be paid over by him to the Wardens aforesaid, for the use of the poor of said county.

II *And be it further enacted*, That this act shall be in force from and after its passage; and that all acts and clauses of acts coming within the meaning and purview thereof, are hereby repealed and made void.

CHAP. LXXXVIII.

An Act to amend an Act, entitled "An Act to regulate the Fisheries on Roanoke and Cashie rivers," passed in the year one thousand eight hundred and ten.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the above recited act shall be construed to extend to all the Seine-Fisheries which now are or may be hereafter established on Roanoke river, above the mouth of Kelukcy creek.

II. *And be it further enacted by the authority of the same*, That the several seines on Roanoke and Cashie rivers shall cease to hawl at day-break on Wednesday and Sunday, and may commence hawling at day-break on Thursday and Monday in each and every week, during the time prohibited by the above recited act.

CHAP. LXXXIX.

An Act to regulate the Fisheries on all the water-courses emptying into Roanoke and Cashie 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 from and after the passing of this act, it shall be considered that all Fisheries on the water-courses emptying into Roanoke and Cashie rivers, shall be under the same regulations and restrictions as the Fisheries on Roanoke and Cashie.

CHAP. XC.

An Act to prevent any person or persons from obstructing the passage of Fish up Moyock creek, in 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 it shall not be lawful for any person or persons to set a net, or wave more than one half across said Moyock creek, in the county of Currituck, from the first day of April until the last day of May, in each and every year, from and after the passing of this act.

II *And be it further enacted*, That any person or persons, upon conviction of violating this act, for each and every offence, shall forfeit and pay five pounds, to be applied to the sole use and benefit of him or them suing for the same, before any jurisdiction having cognizance thereof; any law, usage or custom to the contrary notwithstanding.

CHAP. XCI.

An Act for the removal of obstructions to the passage of Fish in Mountain creek, in the county of Rutherford.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That on or before the first day of February next, the proprietors of all dams, traps, hedges, and other obstructions to the passage of Fish up Mountain creek, in the county of Rutherford, from the mouth to the main fork below Hamilton's and Bowman's mills, shall cause the same to be removed by forming a slope therein, sufficient for the passage of Fish as aforesaid; and the same shall be kept open from the first day of February, until the first day of May, in each and every year.

II. *And be it further enacted*, That each and every person who shall violate the true intent and meaning of this act, shall forfeit and pay the sum of five pounds for each and every offence, to be recovered by warrant before any Justice of the Peace, one half to be applied to the use of the county, and the other half to the use of the person suing for the same.

CHAP. XCII.

An Act to repeal an Act, entitled "An Act to lay off and ascertain the boundaries of the several Fisheries on Chowan river," passed at Raleigh in the year one thousand eight hundred and five.

WHEREAS the above recited act has not produced the effect which was expected and intended by the said law:

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 above recited act be, and the same is hereby repealed and made utterly void.

CHAP. XCIII.

An Act to restrain all persons from throwing fish-garbage into the waters of the Frying-Pan, in Tyrrel county, and Great Alligator river.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, if any person or persons shall clean herrings and throw the garbage into the Frying-Pan or Great Alligator river, in Tyrrel county, or cause it to be done, he, she or they shall forfeit any pay for each and every such offence, the sum of five pounds, to be recovered before any Justice of the Peace of said county, one half to the use of the informer, and the other half to the use of the poor of said county; any law or usage to the contrary notwithstanding.

CHAP. XCIV.

An Act to emancipate certain persons therein mentioned.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That Prince, a Negro man, formerly the property of James Baird, late of the county of Lincoln, and Rose, the wife of the said Prince, be, and the said slaves are hereby emancipated and made capable of exercising, holding and enjoying all such rights as if they and each of them had been born free—*Provided always*, That the property which any person or persons, other than such person or persons as claim by, from or through the said James Baird, shall not be impaired by this act, nor shall this act extend to defeat the creditors of the said James Baird of their just debts, but the said Prince shall remain liable to satisfy the same.

II. *And be it further enacted*, That this act shall not take effect, or be considered in force, until the heirs or representatives of the said James Baird shall enter into bond with security, payable to the Chairman of the County Court of Lincoln, in such sum of money as may be by the said Court required, to be void on condition that the Negroes intended to be emancipated by this act, do never become a public charge; and that they shall also stand bound by the said bond for their good behaviour.

CHAP. XCV.

An Act to emancipate certain persons therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the following Negroes, the property of William Williams, Esquire, of Martin county, to wit, Boson, Penny, and Freeman Hill, are hereby emancipated and made free, and shall be entitled to all the privileges of free persons of colour within the State, in the same manner and to all intents and purposes as if they had been born free: *Provided*, That the emancipation of the said Negroes shall not injure or prejudice the claim or claims which any person or persons, except William Williams of Martin, may have to the said Negroes.

1811 II. *And be it further enacted*, That the said Boson and Penny be hereafter known by the name of Boson Hill and Penny Hill.

III. *And be it further enacted*, That this act shall not be in force until the said William Williams shall have entered into bond with sufficient security, to the Chairman of Bertie county court, in the sum of two hundred and fifty pounds, conditioned that the said Negroes nor either of them, shall become chargeable to the county of Bertie, or any county in the State.

CHAP. XCVI.

An Act to emancipate James, a man of colour of the county of Lenoir.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James, a man of colour of the county of Lenoir, and the property of Richard W. Caswell, late of this State and now of the State of Tennessee, be, and the said James is hereby emancipated and set free, and made capable of taking, holding and disposing of property, and of enjoying all such privileges as persons of colour born free in this State, do enjoy; and the said James shall hereafter be known by the name of James Charlton—*Provided always*, That this act shall not operate so as to defeat the rights of any person or persons to the property in said James, except the right of the said Richard W. Caswell, and such persons as may claim by, through, from or under him.

II. *And be it further enacted* That nothing in this act contained, shall be so construed as to authorise the emancipation of the said Negro man James, until Francis Kilpatrick and James Bright, or one of them, shall have entered into bond in the sum of two hundred and fifty pounds, with good and sufficient security, made payable to the Chairman of the County Court of Lenoir and his successors in office, that the said James shall never become a charge to any of the counties in this State, and making themselves responsible for his good behaviour.

CHAP. XCVII.

An Act to emancipate a Negro called Silvia.

BE 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 certain Negro girl named Silvia, belonging to the estate of Abraham Bass, late of the county of Nash, be, and she is hereby emancipated and made capable of taking, holding and possessing property of every kind, and of enjoying all such privileges as all other free persons of colour.

II. *And be it further enacted*, That the above named girl shall be known and called by the name of Silvia Spears: *Provided always*, That this act shall not affect the right which any person or persons may have to the service of and property in said girl Silvia, except such person or persons as may claim by, from or through the said Abraham Bass.

III. *And be it further enacted*, That nothing in this act contained shall be construed so to authorise the emancipation of the said girl Silvia, until Thomas Hamilton shall have entered into bond with sufficient security, in the sum of two hundred and fifty pounds, made payable to the Chairman of the County Court of Nash and his successors in office, to be void on condition that the said Silvia shall never become a charge or burthen to any of the counties of this State.

CHAP. XCVIII.

An Act to divorce Young Utley, of the county of Wake, from his wife Polly

BE 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, Young Utley, of the county of Wake, be, and he is hereby divorced from his wife Polly, in as full and ample a manner to all intents and purposes as if the rites of matrimony had never been solemnized between them, and they are hereby divorced accordingly.

CHAP. XCIX.

An Act to divorce Amos Dumas, of the county of Richmond, from his wife Drusilla.

BE 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, Amos Dumas, of the county of Richmond, be, and he is hereby divorced from his wife Drusilla, in as full and ample a manner to all intents and purposes as if the rites of matrimony had never been solemnized between them, and they are hereby divorced accordingly.

CHAP. C.

An Act to divorce Elizabeth Bezzell, of the county of Sampson, from her husband Isaac Bezzell.

BE 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, Elizabeth Bezzell of the county of Sampson, be, and she is hereby divorced from her husband Isaac Bezzell, in as full and ample a manner to all intents and purposes as if the rites of matrimony had never been solemnized between them, and they are hereby divorced accordingly—*Provided*, That nothing herein contained shall render illegitimate the children begotten during wedlock.

CHAP. CI.

An Act to secure to the persons therein mentioned, such property as they 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 from and after the passing of this act, Mary Hammonds of the county of Iredell, Orpah Daniel of the county of Rowan, Eleanor Miles of the county of Person, Margaret Hatcher of the county of Buncombe, Elizabeth Tender of the county of Surry, Ann L. Williams of the county of Hertford, Hannah Sutton of the county of Rowan, Elizabeth Weston of the county of Hertford, Janet Ingram of the county of Montgomery, Sally Adams of the county of Franklin, Jemima Blackwell of the county of Stokes, Jane Runtall of the county of Rutherford, Nancy Fitzgerald of the county of Caswell, Philis Yarborough, wife of William Yarborough of the county of Franklin, Mary Yarrell, wife of Matthew Yarrell of the county of Martin, Sarah Taylor, wife of Alfred Taylor, and Elizabeth Arnold, wife of William Arnold, and Nancy Sexton, wife of Thomas Sexton, of Randolph county, be, and they are hereby respectively entitled to hold, possess and enjoy in their sole right, all such estate, either real or personal, as they may hereafter acquire by industry, purchase, gift, or otherwise, in as full and ample a manner as if they had never been married to their respective husbands herein named, free and clear from the claims of their said husbands herein named, or any of their creditors; and they respectively shall have full power and authority to prosecute or defend any suits either in law or equity, in their own names, in the same manner as if they had never been married—any law to the contrary notwithstanding.

CHAP. CII.

An Act to secure to Leah Dudley, wife of Christopher Dudley, junior, of the town of Wilmington, 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 from and after the passing of this act, Leah Dudley, wife of Christopher Dudley, junior, of the town of Wilmington, be, and she is hereby entitled and empowered to hold, possess and enjoy in her own right, all such estate, either real or personal, as 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 the said Christopher Dudley; free and clear from the claims of her said husband, or any of his creditors; and she shall have full power and authority to prosecute or defend any suit either in law or equity, in her own name, in the same manner as if she had never been married—any law to the contrary notwithstanding.

CHAP. CIII.

An Act to alter the mode of holding elections in the county of Edgecombe.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That hereafter, all elections to be held in each and every year in the county of Edgecombe, for Members of the General Assembly, and for Representatives of this State in the Congress of the United States, and for Electors of President and Vice-President of the United States, shall be held on the last Thursday of July in each and every year, in each and every Captain's district respectively, at such place within each district respectively, as the County Court which shall be held for the said county, on the fourth Monday in May in each and every year, shall point out: but should the Court fail to make such appointment, the elections shall be held at the place in each district where the Captain of the district last mustered his men.

II. *Be it further enacted,* That it shall be the duty of the County Court which shall be held for the said county on the fourth Monday in May in each and every year, to appoint one Justice of the Peace and two free-holders for each Captain's district, to act as inspectors, whose duty it shall be to attend at the place of election for which they are appointed, and receive the ballots, the Justice having first administered to the free-holders the oath directed by law to be administered to inspectors of election.

III. *And be it further enacted,* That it shall be the duty of the Justice and free-holders so appointed and qualified, to open the poll at twelve o'clock on the day and at the places appointed for holding the elections, and shall close the same at four o'clock, and shall immediately proceed to count out the votes, a correct statement of which, under their hands and seals, together with a list of the voters' names, shall be by them or some one of them, returned at or before three o'clock on the first Saturday which shall happen after the last Thursday in July as aforesaid, in each and every year, at the court-house in Tarborough, to the Sheriff of the said county or his lawful deputy: And it is hereby declared to be the duty of said Sheriff to attend either in person or by his lawful deputy, at the court-house of the said county, on the day hereby specified for making the returns, to receive the returns so made by the inspectors; and on the returns being made to the Sheriff or his lawful deputy, he shall, in presence of the inspectors, proceed to add the number of votes thus to him returned; and the person or persons having the greatest number of votes, shall be deemed lawfully elected; and the Sheriff shall immediately at the court-house door, make proclamation thereof.

IV. *And be it further enacted,* That should it so happen that the Court of said county should neglect to appoint inspectors as aforesaid, or should any of those who were appointed, die, be absent, or refuse to act, then and in that case it shall and may be lawful for any one Justice of the Peace and two free-holders to supply the vacancy: And in case no Justice attends, it shall be the duty of the Captain of the district in which such vacancy may occur, to perform the several duties required by this act to be performed by a Justice of the Peace; and the inspector or inspectors so appointed, shall have the same powers, and be subject to the same restrictions as if they had been appointed by the Court.

V. *And be it further enacted,* That it shall be the duty of the Clerk of the Court of the said county, to deliver copies of the appointments of said Justices and inspectors, to the Sheriff of said county, whose duty it shall be forthwith to notify them, and to advertise said elections in every Captain's district and at the court-house door, at least twenty days previous to the day of holding said elections.

VI. *And be it further enacted,* That if any person shall vote at more than one election, or twice at the same election, or if any person who is not lawfully entitled to vote, shall vote at any of the said elections, he or they shall, on conviction before any Justice of the Peace of said county, forfeit and pay the sum of five pounds, one half to the person prosecuting for the same, and the other half to the use of the poor of said county.

VII. *And be it further enacted,* That all acts and clauses of acts coming within the meaning and purview of this act, and not contrary thereto, be, and the same are hereby repealed and made void.

CHAP. CIV.

An Act directing how Elections shall in future be held and conducted in Mecklenburg county.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That all the elections for Members of the General Assembly in said county, shall be held on the second Thursday in August; which said elections shall be opened at twelve o'clock, and continue open until sunset on said day, and shall be held at the following places, viz. at the court-house in Charlotte, for the first battalion of the first regiment; at the dwelling-house of Joseph Maxwell, for the second battalion of said regiment; at the dwelling-house of Joseph Faires, for the first battalion of the second regiment; and at the dwelling-house of John Ray, for the second battalion of said regiment.

II. *And be it further enacted,* That it shall be the duty of the County Court next preceding the day of election, to appoint one Justice of the Peace and two reputable free-holders, to act as inspectors of the poll at each place of election herein mentioned, whose duty it shall be to attend at the places for which they are appointed, on the day mentioned in this act; and after being sworn to conduct said election faithfully and impartially, shall open and hold said election as herein directed, and immediately after the elections are closed, the boxes containing the ballots shall be sealed up in presence of the inspectors; and the said boxes, with a certified list of the voters' names, shall be transmitted by the said Justice or one of the inspectors, to the court-house in Charlotte, and delivered to the Sheriff of said county, at or before ten o'clock on Friday succeeding the said second Thursday in August; and the said Sheriff or his lawful deputy, shall proceed at ten o'clock on said day, to read and count the said ballots; and when the whole are counted out, to add the whole together that each person voted for may have, and proclaim the persons having the greatest number, duly elected.

III. *And be it further enacted,* That in case the County Court shall fail or neglect to appoint the said Justice and inspectors, or when so appointed, they or any of them should die, remove or refuse to act, then and in either case, any two Justices of the Peace may fill and make such appointments, or whatever of them may be wanting, who shall perform the duties required of them by this act.

IV. *And be it further enacted,* That whenever the elections for Representatives to Congress, or election for Elector for President and Vice-President of the United States, shall happen, the said elections shall be held and conducted as directed by this act.

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

CHAP. CV.

An Act to amend an Act, passed at the last session of the General Assembly, entitled 'An Act to establish the mode of Elections in future in the county of Buncombe.'

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That one other separate election be, and is hereby established in the county of Buncombe, at the dwelling;

1811 house of Asa Edny, on Clear creek, for the purpose of electing Members of the General Assembly; which shall be opened and held annually, on the second Thursday in August, by the Sheriff or his lawful deputy, and conducted by the same rules, and under the same regulations and restrictions as are prescribed for the government of all other separate elections in said county.

II. *And be it further enacted*, That the elections for Representatives to Congress, and Electors to vote for a President and Vice-President of the United States, shall be held at the place aforesaid, at such times as are already prescribed by law for holding such elections, and governed in the same manner, and under the same regulations and restrictions.

III. *And be it further enacted*, That it shall be the duty of the Sheriff or his lawful deputy, to attend at each of the separate elections established in said county and conduct the same, with two inspectors, who may be appointed by the Court for that purpose, instead of a Justice of the Peace, as heretofore prescribed: And it is hereby declared to be the duty of the Sheriff or his lawful deputy as aforesaid, to administer the customary oath to the inspectors, to open, conduct and close the same, and make due return of the number of the votes in favour of each candidate, together with a list of the voters' names, under their hands and seals, to the Sheriff at the court-house the day following, within the time and in the manner prescribed by the above recited act: And if it should so happen that two candidates should have an equal number of votes on comparing all the polls together, it shall be the duty of the Sheriff to give the casting vote, and declare the person duly elected.

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

CHAP. CVI.

An Act to establish one other separate Election in the county of Wake.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Fanning Jones, William Ward, Richard Olive, Wyatt Harred, and Nathan Upchurch, be, and they or a majority of them are hereby appointed commissioners to fix on a proper and suitable place for holding a separate election on or near the Chatham road, leading from Edward Pride's to Prince's Bridge on New-Hope, for the purpose of electing Members of the General Assembly, Members of Congress, and Electors to vote for President and Vice-President of the United States: And the said election shall be holden on the same days in each and every year that other elections are holden for like purposes, and shall be conducted under the same rules, regulations and restrictions that other elections are in said county.

II. *Be it further enacted*, That the Justices of said county shall at their Court of Pleas and Quarter-Sessions next preceding the election, appoint one Justice of the Peace and two other proper persons to conduct said election, who shall be bound to make their returns to the Sheriff of said county, in the same manner and at the same time that other returns are made from the several elections for said county; any law to the contrary notwithstanding.

CHAP. CVII.

An Act to alter the place of holding one of the separate elections in Rutherford county, and to establish another separate election in said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the separate election heretofore held at the house of James Doyle, in Rutherford county, shall in future be held at the house of Henry Montague, in said county.

II. *And be it further enacted*, That one other separate election be, and is hereby established at the house of Samuel S. Ross, in said county of Rutherford; which said elections shall be held on the same day, opened, closed, and conducted in the same manner, and under the same rules, regulations and restrictions as all other separate elections in said county; any law, usage or custom to the contrary notwithstanding.

CHAP. CVIII.

An Act to alter the place of holding a separate Election in the county of Bladen.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separate election heretofore established at the house of Bartram Robeson, in the county of Bladen, for the purpose of electing Representatives to Congress, Representatives to the General Assembly, and Electors to vote for President and Vice-President of the United States, be in future held at the head of Singletary's Hollow, in said county, under the same rules, regulations and restrictions as other separate elections are held in said county.

CHAP. CIX.

An Act to establish another separate Election in the county of Rowan.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be opened and held by the Sheriff or his lawful deputy, of the county of Rowan, a separate election at the Brick-house at Thompson's mill, on the same day which the other separate elections in said county are held in each and every year, for the purpose of electing Members of the General Assembly of this State.

II. *And be it further enacted*, That an election shall be held for Representatives to Congress, and Electors to vote for a President and Vice-President of the United States, which shall be held at the place aforesaid, at such times and under such rules and regulations as are now or may hereafter be prescribed by law.

III. *And be it further enacted*, That the election hereby established, shall be opened, closed and conducted in the same manner, and under the same rules that are specified for the government of other separate elections heretofore established by law in said county.

CHAP. CX.

An Act to amend an Act, entitled 'An Act to establish the mode of Elections in future in the county of Sampson,' passed at Raleigh A. D. one thousand eight hundred and four.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the poll-keepers in the said county of Sampson are hereby authorised to close the polls at the several places of election therein, at four o'clock in the evening; any thing in the said act to the contrary notwithstanding.

CHAP. CXI.

An Act to appoint Commissioners for fixing on a more suitable and convenient place for holding the separate Election which has been heretofore established and held at the house of Bowling Fisher, in the county of Stokes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Peter Hairston, James Davis, Hugh Martin, Bowling Fisher and John Ward, be, and they are hereby appointed Commissioners, and they or a majority of them are hereby authorised and directed to fix on a suitable and convenient place for holding the separate election which has been heretofore established and held at the house of Bowling Fisher, in the county of Stokes; and when the place shall be so fixed on by a majority of the said Commissioners as aforesaid, an election shall be annually held at such place on the same day, in the same manner, and under the same rules, regulations and restrictions as have governed the elections heretofore held at the house of the said Bowling Fisher; any law to the contrary notwithstanding.

CHAP. CXII.

An Act to alter the names of certain persons therein mentioned.

BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the name of James Pierce Nuzum, of the county of Duplin, be, and the same is hereby altered to that of James Pierce Smith: That the name of John Smith, of Craven county, be, and the same is hereby altered to that of John Samuel Smith: That the names of Daniel Morris and Sarah Morris, of the county of Randolph, be and the same are hereby altered to the names of Daniel Cobb and Sarah Cobb: That the name of William Roach, of the county of Person, be, and the same is hereby altered to that of William Mutry: That the name of Thomas Collins, of Gates, be, and the same is hereby altered to that of Thomas Outlaw: That the name of Thomas Love, of Camden county, be, and the same is hereby altered to that of Thomas Nicholas: That the name of Marmaduke Boon, of Robeson county, be, and the same is hereby altered to that of Marmaduke Etheridge: That the names of Benjamin Lowe and Sarah Low, of Bladen county, be altered to the names of Benjamin Simms and Sarah Simms: That the name of Elizabeth Pitman, of Edgecombe county, be altered to that of Elizabeth Peelle: by which names the persons shall respectively be called and known, sue and be sued, implead and be impleaded, and enjoy to all intents and purposes the same advantages as if they had borne the names as now altered from their respective nati- vities.

CHAP. CXIII.

An Act to alter the names of and to legitimate George Washington Boon, Albert Boon and John Edmunson Boon, sons of Nancy Boon, deceased, of Franklin county.

WHEREAS it is represented to this General Assembly that it is the wish of William Green, of Franklin county, the reputed father of the aforesaid children, that they should be legitimated and placed in the same situation with respect to inheriting his real estate, or taking by distribution his personal estate as his other children are who were born in lawful wedlock:

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the aforesaid George Washington Boon, Albert Boon, and John Edmunson Boon, illegitimate children of Nancy Boon, dec. of Franklin county, be, and the same are hereby legitimated and made capable, both in law or equity, or any other manner, to inherit from their said father William Green, of Franklin county, all real estate, and take by distribution any personal estate which they might or could, were they the lawful children of the said William Green.

II. And be it further enacted, That the said George Washington Boon, Albert Boon, and John Edmunson Boon, be forever hereafter called and known by the names of George Washington Green, Albert Green, and John Edmunson Green, and be capable of suing and being sued, and to plead and be impleaded, in and by their respective names hereby given them, any law to the contrary notwithstanding: *Provided nevertheless,* That nothing in this act contained shall be construed to give to the said illegitimate children any right of inheritance or claim by distribution from any of the legitimate children of the said William Green.

CHAP. CXIV.

An Act to alter the names of sundry persons therein mentioned, 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 Willis Patterson, Nancy Patterson, and Sally Patterson, reputed children of William Horton and Holley Patterson, of the county of Wake, be and the same are hereby altered to those of Willis Horton, Nancy Horton and Sally Horton: That the name of William Hendrick, reputed son of Nathan Williams, of the county of Nash, be and the same is hereby altered to that of William Williams: That the name of George Clarkson, of the county of Currituck, reputed son of Charles Valentine Herbert, be and the same is hereby altered to that of George Augustus Herbert: That the name of William Garland, reputed son of Lewis Welborne, of the county of Johnston, be and the same is hereby altered to that of William Welborne: That the name of Wesley Murphy, reputed son of William Spright, of the county of Gates, be and the same is hereby altered to that of Wesley William Spright: That the name of William Eeel, reputed son of Nathan Osborn, of Martin county, be and the same is hereby altered to that of William Osborn: That the name of Mark Worrel, reputed son of James Coleyear, of Wayne county, be and the same is hereby altered to that of Mark Coleyear: That the name of Marshall Hodges, reputed son of Francis and Rosanna Kinsaul, of the county of Pitt, be and the same is hereby altered to that of Marshall Kinsaul; and that the name of Cynthia Davis, reputed child of Samuel Wilson, and Jane Davis, of Beeklenburg county, be and the same is hereby altered to that of Cynthia Wilson: That the name of Seth Macy, of Stokes county, reputed son of Seth Coffin, be and the same is hereby altered to that of Seth Coffin. By which several names the parties aforesaid shall respectively be called and known, sue and be sued, implead and be impleaded in all Courts of Law and Equity in this state; and they are hereby legitimated and made capable of inheriting by, from or through their respective parents, and of enjoying all such privileges and advantages as if they and each and every of them had been born in lawful wedlock.

CHAP. CXV.

An Act to alter the name of Henry Irwin Burges, of Halifax county, to that of Henry Lewis Irwin.

BE it 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 Henry Irwin Burges, of Halifax county, be and the same is hereby altered to that of Henry Lewis Irwin; and the aforesaid Henry Irwin Burges shall be called and known by the name as above altered, and shall be able to sue and be sued, plead and be impleaded in any Court of Law or Equity, and shall possess and enjoy the same privileges as if he had borne the name as above altered from his nativity.

CHAP. CXVI.

An Act to authorise the counties therein mentioned, to elect a Comptroller and other officers, and directing the duties of the several officers respecting the finance of said counties.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Justices of the Peace for the counties of Rutherford and Lincoln, shall upon the third day of the first Court in each and every year, elect their Sheriff, Treasurer, Comptroller, and Treasurer of Public Buildings—The bonds as heretofore directed by law, are still required as usual, and the Comptrollers shall be sworn in open Court, that they shall faithfully discharge the duties as by this act directed, to the best of their knowledge.

II. And be it further enacted, That the Clerk of the Superior and County Courts shall within thirty days after each and every Court respectively, transmit to the Comptroller a list of all the tax-fees, fines and forfeitures, that shall or may be coming to the county, together with the persons' names, and the sum to be paid by each person; and the Comptroller shall make an entry of the same in his book, and shall report the copy thereof to the County Treasurer, in the space of thirty days after he receives the Clerk's return.

III. And be it further enacted, That the Ranger shall within thirty days after the rising of each Court, make return to the Comptroller of all the strays entered with him, together with the bonds filed; and when any person proves a stray away out of the possession of the taker-up, before any Justice of the Peace, the Justice shall transmit to the Comptroller the probate aforesaid, in order to cancel the bond of the taker-up of the said stray: And the Comptroller shall at the expiration of one year after the time that any stray is taken up, and not proven away from the person

1811 having possession of the stray, make report to the County Treasurer of the same due to the county, once in every three months; and the County Treasurer shall call upon all persons reported against by the Comptroller, in the space of three months; and if he neglects or omits calling upon any person or persons by suit, indebted to the county, and the money be lost in consequence of such neglect or omission, that then and in that case, the Treasurer shall be liable upon his bond to the county for all such sum or sums of money as shall be lost by his neglect.

IV. *And be it further enacted*, That the Wardens of the Poor shall by their clerk, make a return every three months to the Comptroller, the amount of all sums of money laid on the county by them, and also an account of all monies paid to them for the use of the poor; they shall also annually report the tax that may be laid by them on the county, to the Comptroller, within thirty days after it shall be laid.

V. *And be it further enacted*, That no due-bill issued by the Wardens, shall be received by the County Treasurer, unless the same shall have been enrolled by the Comptroller; and when the Treasurer pays any person other than the person to whom the bill was issued, he shall in no case pay more to the person presenting the due-bill, than the sum paid to the person first holding the due-bill, and that sum to be proven to the satisfaction of the Treasurer, by the oath of the person presenting, or the person in whose name the due-bill was issued.

VI. *And be it further enacted*, That the Sheriff, the Clerk of the Superior Court, the Clerk of the County Court, the Treasurer of Public Buildings, the County Treasurer, and the Commissioners of Public Buildings, shall each of them settle their several accounts with the Comptroller, before the first Monday of October, in each and every year, or be liable to pay for such neglect or omission, the sum of fifty pounds, to be paid to the county; and the Comptroller shall report against those who may refuse or neglect to settle with him as is by this act directed.

VII. *And be it further enacted*, That the County Solicitor shall attend to the suits in the Superior Court, where the county is in danger of paying costs of any indictment, and see that the county be not charged with any unlawful cost; and the County Court shall grant him an extra allowance for the same.

VIII. *And be it further enacted*, That in future the Clerks of the County and Superior Courts shall insert in each ticket that they shall give to any person, where the county has to pay, the following words, viz. "This ticket shall be presented to the Comptroller within six months after this date, for enrollment, or be forever barred;" and no officer for the county shall receive them in any wise except they have been enrolled at the time prescribed by this act.

IX. *And be it further enacted*, That the Treasurer shall not be allowed in settlement with the Comptroller, any more for any due-bill signed by the Wardens, than what he has credited the Sheriff or other person paying in such due-bill; and all due-bills and county claims, and witness tickets, shall be received by the Sheriff and County Treasurer, in any discharge of any execution, when the money is coming to the county; and the Treasurer's receipt shall be filed with the execution in the Clerk's office.

X. *And be it further enacted*, That if in any case, any of the persons above named, shall omit or neglect to settle with the Comptroller as by this act directed, the Comptroller shall issue a summons, countersigned by a Justice of the Peace, directing such officer or officers so neglecting to settle, to attend at a certain place and on a certain day, in order to settle his or their several accounts with the Comptroller; and if he refuses or neglects to attend, shall pay forty shillings for such refusal or neglect.

XI. *And be it further enacted*, That the Comptroller shall at the April Court in each and every year, make out a fair statement of the county finances, and report to the Court of said county, and one other copy to the County Treasurer, and he shall set up one other copy upon the wall of the court-house, in some public part of said house; and should he neglect or refuse, he shall be liable to pay fifty pounds for neglect or omission.

XII. *And be it further enacted*, That when any guard is called out to guard the jail, or any militia be called into the service of the county in any respect, the officer commanding, in all cases, shall prove his pay-roll before some Justice of the Peace, and it shall be countersigned by the Sheriff and the commanding officer of the regiment that ordered the men into service. The Comptroller shall audit his accounts and issue warrants on the Treasurer for each man's pay in a separate warrant, and file away his pay-roll and deliver the same over to the committee, to be kept in the Clerk's office: The Jailor shall also have his account adjusted in the same manner.

XIII. *And be it further enacted*, That the Comptroller and County Treasurer shall be allowed each of them not exceeding the sum of twenty-five pounds, and the Clerk shall be allowed not exceeding the sum of twenty pounds for his extra fees, and the Sheriff not exceeding the sum of forty pounds for his extra fees, and no more.

XIV. *And be it further enacted*, That all fines and forfeitures incurred by this act, shall be recovered before any jurisdiction having cognizance thereof; and all suits brought for poor or county monies, shall be in the name of the Chairman of the county respectively, and their successors in office.

CHAP. CXVII.

An Act to regulate the mode whereby settlements shall be made with delinquent Sheriffs and other officers, for monies due by them for county and parish taxes for the county of Anson.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Charles Vevion, James Hough, and David Cuthbertson be, and they are hereby appointed Commissioners, and vested with full power and authority to demand a settlement from all delinquent Sheriffs, County Trustees, Wardens of the Poor, Clerks of the County Court and other officers, from the first day of January, one thousand eight hundred and four, until the first day of January, one thousand eight hundred and twelve.

II. *And be it further enacted*, That the aforesaid Commissioners appointed by this act, shall at their first meeting after the first day of January next, issue summons, signed by them respectively, to all delinquent holders of monies as aforesaid, or in case of the death of any such officers, to their legal representatives, to appear before the said Commissioners, at a time and place therein specified, and render a true account of the appropriations of all monies by them collected or received during the before-mentioned period; and when any of the officers aforesaid shall have moved from the county of Anson, the Commissioners shall issue their summons to the Sheriff of any county within the State; but in case any such officer or officers shall be residents within the county of Anson, the summons as to him or them shall be directed to the Coroner thereof, whose duty it shall be to execute the same at least fifteen days previous to the meeting of the said Commissioners, and to make return at the time and place therein mentioned; for which they shall be allowed the same fees, and be subject to the same penalties for non-compliance, as if such process had issued from a Court of Record.

III. *And be it further enacted*, That it shall be the duty of the said Commissioners to procure all testimony, either oral or written, which may come within their knowledge, and for that purpose shall have the same power to compel the attendance of witnesses by subpoena, as is now exercised by Courts of Record within this State.

IV. *And be it further enacted*, That all subpoenas by them issued, shall be directed to the Coroner, whose duty it shall be to execute the same at least five days previous to the meeting of said Commissioners.

V. *And be it further enacted*, That at the first County Court which shall happen after the said Commissioners shall have completed their investigations, it shall be their duty to exhibit in open Court, a list of all balances due from any officer or officers, signed by the said Commissioners respectively; and it shall be the duty of the said Court, immediately after receiving the same, to require their Clerk to issue, in the name of the Chairman, a scire facias or scire facias to such delinquent officer or officers and their respective securities, directed to the Sheriff of the county wherein such delinquent shall reside; but in case the said scire facias shall be issued against the Sheriff for the time being, then it shall be the duty of the Clerk to issue the same to the Coroner of the county, requiring such delinquent or delinquents to appear at the next ensuing term, to shew cause why judgment shall not be rendered against him or them for the amount reported by said Commissioners; and if on the service and return of such process, the defendant or defendants shall fail to appear and make defence, final judgment by default shall be

entered; and in every case the report of the Commissioners shall be prima facie evidence, on which the said Court¹⁸¹¹ shall give judgment, unless it shall be rebutted by evidence on the part of the defendant or defendants.

VI. *And be it further enacted*, That it shall be the duty of the Attorney, acting on behalf of the State for said county, to prosecute all suits instituted under this act, who shall be allowed the same fees as in other cases of scire facias; and no process issuing under this act, shall be abated or set aside for any informality.

VII. *And be it further enacted*, That each of the said Commissioners shall be allowed the sum of twenty shillings for each and every day they shall be necessarily employed in the investigation, provided they shall not exceed six days, to be paid in the same manner as other county charges are paid; and the Sheriffs and Coroners serving process pursuant to this act, shall be paid in like manner.

CHAP. CXVIII.

An Act to provide for building a new Gaol in the town of Lincolnton, in the county of Lincoln.

WHEREAS the present Gaol in said town of Lincolnton is unfit for the reception and safe-keeping of criminals: *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 it shall be the duty of the County Court, (a majority of the acting Justices being present,) at the first Court to be held after the first day of April next, to set apart some spot of ground where the Gaol shall be built, on the public square or elsewhere within the limits of said town, as they may deem most expedient, and make out an order, directed to the Commissioners of Public Buildings, hereafter by this act appointed.

II. *And be it further enacted*, That Joseph Graham, Peter Forney, John Wilfong, Andrew Hoyle, and Vardery M'Bee, be, and they are hereby appointed Commissioners of Public Buildings for the county of Lincoln, and they are hereby directed to contract with some person or persons to supply materials and to build a new Gaol on the public square in said town, or on such other place within the limits of said town, as a majority of the acting Justices may direct, and of such dimensions as a majority of the Commissioners may think proper; and when the expence thereof shall be ascertained, they shall certify the same to the County Court.

III. *And be it further enacted*, That it shall be the duty of the said County Court (a majority being present) immediately to proceed to lay a tax from year to year, for the purpose of defraying said expence, not exceeding two shillings on each and every poll, and not exceeding eight pence on every hundred acres of land, two shillings on every hundred pounds value of town property, and not exceeding forty shillings on every tavern, and not exceeding fifty shillings on every store, and not exceeding the price of the season of one mare on all stud horses, to be collected and accounted for at the same time, and in the same manner, and by the same persons that collect the publick tax, and to be paid into the hands of the Treasurer of Public Buildings of said county.

IV. *And be it further enacted*, That the Commissioners aforesaid are authorised and empowered to sell the present Gaol at auction, on a credit of twelve months, and the money arising therefrom to be appropriated towards building the new Gaol.

V. *And be it further enacted*, That the Commissioners aforesaid, when the business is compleated, shall lay a fair and full statement of their trouble and expence before said County Court, who are hereby authorised to allow them a reasonable compensation for their trouble, to be paid out of the money arising out of said tax.

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

CHAP. CXIX.

An Act authorising the County Court of Buncombe to lay a tax to encourage the destruction of Wolves in said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful for the County Court of Buncombe to lay such a tax on the inhabitants of said county as they may deem expedient, for the purpose of destroying the wolves in said county; which tax shall be levied, collected and accounted for in the same manner, and subject to the same rules, regulations and restrictions as other taxes.

II. *And be it further enacted*, That after the passing of this act, any person or persons living in said county, who will produce the scalp or scalps of a wolf or wolves, which he or they will make oath before any Justice of the Peace for said county, that he or they killed the same in said county subsequent to the passing of this act, then and in that case it shall be the duty of said Magistrate to give the person or persons so making oath, a certificate, specifying the wolf or wolves so killed, and whether grown or not.

III. *And be it further enacted*, That any person or persons who may obtain such a certificate as aforesaid, may produce it to the County Trustee for said county, who is hereby directed and required to take up the same, by paying for each grown wolf killed and specified as above, the sum of twenty shillings, and for each young wolf, the sum of fifteen shillings; and said Trustee shall be allowed for these certificates in his settlement with the County Court aforesaid.

CHAP. CXX.

An Act to incorporate Perseverance Lodge, No. 59, in the town of Plymouth, in the county of Washington.

BE it enacted by the General Assembly of the State of North-Carolina, That the Master, Wardens and Members of Perseverance Lodge, No. 59, in the town of Plymouth, in the county of Washington, be, and the same are hereby created a body politic and corporate, by the name of Perseverance Lodge, No. 59; by which name they may sue and be sued, implead and be impleaded, take, hold, alien and dispose of property, and have continual succession and a common seal.

II. *And be it further enacted*, That the said body corporate may make all such bye-laws for their own government as they may deem necessary—*Provided*, the same do not contravene the Constitution and Laws of this State or of the United States.

CHAP. CXXI.

An Act for the temporary appointment of a Clerk for the Court of Pleas and Quarter Sessions for the County of Wake.

WHEREAS the office of the Clerk of the Court of Pleas and Quarter Sessions for the county of Wake hath become vacant since the last term of said Court, by the resignation of the late Clerk thereof, and there being no provision by law for supplying such place in the recess of the Courts: For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Justices of the Peace for the County of Wake, or not less than eleven of them at least, to convene at the court-house in the city of Raleigh on the 21st day of the present month (December) or within ten days thereafter, then and there to elect and appoint, by a majority of the Justices so convened, some fit person to hold the office of Clerk of said Court, until the first day of the next succeeding term thereof; and the Clerk so chosen shall give bond for the faithful performance of his duties in office; and shall be subject to the same penalties and entitled to the same rights and emoluments during his said temporary appointment, as are prescribed by law relatively to Clerks of such Courts.

II. *And be it further enacted*, That this act shall take effect from and after the passing thereof.

CHAP. CXXII.

An Act to restore Joel Senter, of Lincoln county, to citizenship, who was convicted of Petit Larceny.

BE 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, Joel Senter, of Lincoln county, be restored to citizenship in as

1811 full and ample a manner to all intents and purposes as if he had never been convicted of any crime whatsoever: And the said Senter shall be admitted as a competent witness in all Courts of record in this state; any law to the contrary notwithstanding.

CHAP. CXXIII.

An Act to exempt Willis Wills, of the County of Orange, from the payment of public taxes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Willis Wills be, and he hereby is exempted and freed from the payment of all taxes, either on his person or property, either real or personal, to which he might hereafter be liable had this law never been passed.

CHAP. CXXIV.

An Act declaring how certain monies in the county of Haywood shall be appropriated.

BE 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 monies arising from the sale of town lots in said county, in the town of Waynesville by the Commissioners thereof, over and above what is sufficient to defray the expense of the public buildings of said county; and all monies collected by virtue of a tax laid by the seventh section of an act entitled "An act erecting the west part of Buncombe into a separate and distinct county, and also a part of Brunswick and a part of Bladen Counties into a separate and distinct county," which have not heretofore been otherwise appropriated, shall be paid over to the County Trustee of said county of Haywood, and shall by him be applied and accounted for as other county taxes of said county: Any law heretofore passed to the contrary notwithstanding.

CHAP. CXXV.

An Act to repeal an act, entitled "An act for the relief of William Gilmour of the town of Halifax," passed at Raleigh in the year one thousand eight hundred and ten.

BE it 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 repealed and made void.

CHAP. CXXVI.

An Act directing how patroliers shall in future be appointed in Mecklenburg County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the commissioned officers of each militia company in the county of Mecklenburg (whose bounds are allotted off) at each company muster, to appoint as Patrolliers such number of fit persons as they may think proper, not exceeding six for each company, whose duty it shall be to perform and do all the duties enjoined by law on patrolliers until the succeeding company muster.

CHAP. CXXVII.

An Act to authorize John Lynn, of Lincoln county, to retail spirituous liquors in said county, free from taxes for the same.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, John Lynn, of the county of Lincoln, be, and he is hereby authorized to retail spirituous liquors in the county of Lincoln free from the payment of any tax for the same.

CHAP. CXXVIII.

An Act to restore the privileges of a citizen to Jesse Robinett and Michael McDowell of the county of Wilkes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the privileges of a citizen be and is hereby restored respectively to Jesse Robinett and Michael McDowell of the county of Wilkes; and they are hereby declared to be able and capable in law to depose and testify in all cases where the same may be necessary, in as full and ample a manner to all intents and purposes as if they, the said Jesse Robinett and Michael McDowell, had never been convicted of the crime of conspiracy and false imprisonment.

CHAP. CXXIX.

An Act authorising the County Court of Jones to appoint a proper person to transcribe such of the records in the Register's office as the Court may deem 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 the county court of Jones, after examining the records belonging to the Register's office of said county, shall have full power and authority, if they should deem it necessary, to appoint a capable person to transcribe a part or the whole of said books, and allow him such sum for so doing, out of the county tax, as may be adequate to his time and trouble; which appointment shall be made by a majority of the acting Justices of said county.

II. *And be it further enacted,* That after the said records shall be transcribed in books well bound and procured for that purpose, the said transcripts in said books, after the same shall be inspected by persons appointed by the said court, and by the said court approved, shall be and they are hereby declared to be as valid to all intents and purposes as the originals; and transcripts and copies therefrom shall be received in evidence in as full and ample manner as copies and transcripts from said originals.

CHAP. CXXX.

An Act empowering the County Court of Robeson to lay and collect an additional tax.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That for the purpose of defraying the contingent charges of Robeson county, the court of pleas and quarter-sessions of said county be authorized to lay an additional tax, not exceeding one shilling on every poll, one shilling on every hundred pounds value of town property, and four pence on every hundred acres of land; which tax shall be collected and accounted for by the Sheriff of said county, in the same manner and under the same rules, regulations and restrictions as other county and public taxes are; any thing to the contrary notwithstanding.

CHAP. CXXXI.

An Act to authorise the County Court of Nash to appoint Commissioners to contract with some person or persons for building Public Houses on the public ground at Nash court house, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Nash, a majority of the acting Justices being present, be, and they are hereby authorised whenever they may deem it expedient, to appoint three commissioners, whose duty it shall be to contract with some person or persons for the building a public House or Houses on the public ground at Nash court house, in such manner as they may think most conducive to the interest of said county; and any quantity of ground may be appropriated to that purpose, not exceeding one acre and a half.

II. *And be it further enacted,* That the county court aforesaid, is hereby authorised to grant license for retailing spirituous liquors on the public ground aforesaid, to such persons, for such length of time, and under such rules, regulations and restrictions, as they may think proper to appoint and prescribe.

CHAP. CXXXII.

An Act to alter the mode of appointing Constables in the county of Wilkes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the persons composing each captain's company in the county of Wilkes, shall, at their company musters next preceding the first day of May, in each and every year, appoint by ballot, one person in each company, proper to fill the office of Constable; which persons so elected, shall be recommended to the Justices of the county court, and by them commissioned as Constables for one year from the time of qualification, upon their entering into bond and security, in the manner now required by law; and no person shall after the first day of May next, be appointed a Constable in said county, unless he shall have been recommended in the manner herein prescribed; any law to the contrary notwithstanding.

CHAP. CXXXIII.

1811

An Act to authorize the County Court of Franklin to lay an additional tax for the purpose of building a 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 the county court of Franklin, at their sessions next after the first day of January next, a majority of the Justices of said county being present, are hereby authorised to lay in addition to the taxes which they are now authorised to lay, a further tax, not exceeding two shillings on every poll, two shillings on every hundred pounds worth of town property, eight pence on every hundred acres of land, and the price of a season on every stud horse or jack-ass, kept for the purpose of covering mares; which tax shall be collected by the sheriff of said county by the same means, and in the same manner that other taxes are, before the first day of November next, and paid over by him under the direction of the county court to such person as they may appoint; and the monies to be collected by virtue of this act shall be appropriated to the building of a court-house in the county of Franklin.

CHAP. CXXXIV.

An act authorising and empowering Alfred Rowland, late sheriff of Robeson county, to make title to certain lands sold by him for the taxes due thereon to the purchasers thereof.

WHEREAS by virtue of his office Alfred Rowland, late Sheriff of Robeson county, sold certain lands in said county for the taxes due thereon, and did not before the expiration of his term of office, make and execute titles to the purchasers, one of whom is the present Sheriff of said county :

BE it therefore enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That Alfred Rowland, late sheriff of Robeson county, be, and he is hereby authorised, empowered and required to make, execute and deliver to Alexander Rowland, the present Sheriff of Robeson county, deeds of conveyance for all such lands as were by the said Alfred Rowland, during his sheriffalty, sold for the taxes due thereon, and bid off at public sale by the said Alexander Rowland; and that the said conveyance or conveyances, when executed and delivered, shall have the same force and validity to pass the fee simple, as can be passed by sheriff's deeds; any law, usage or custom to the contrary notwithstanding—*Provided however,* That the persons claiming the aforesaid lands when they were sold for the said taxes, shall have the same time for the redemption, under the same rules, regulations and restrictions, and in the same manner, as is heretofore provided by law.

Read three times and ratified in General Assembly,
the 20th day of December, A. D. 1811.

J. RIDDICK, Speaker of the Senate.

J. STEELE, Speaker of the House of Commons.

MA COPY—WILLIAM HILL, Secretary.

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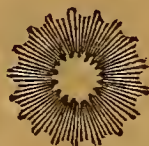
THE
LAWS
OF
THE STATE
OF
NORTH-CAROLINA,
ENACTED IN THE YEAR
1812.

Transmitted according to law to

The Chief Sup. Court

One of the Justices of the Peace for the County of

Perquimans



RALEIGH.

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THE
LAWS
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PASSED IN THE YEAR

1812.

As amended according to law to

Pub. Sup. Court

of the Peace for the County of

Orange County



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