ACTS

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

AT ITS

SESSION,

COMMENCING ON THE 25TH OF DECEMBER, 1827;

RALEIGH:

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1827.
LAWS OF NORTH-CAROLINA,

Enacted by a General Assembly, begun and held at Raleigh, on the twenty fifth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fiftieth year of the Independence of the said State.

HUTCHINS G. BURTON, ESQ. GOVERNOR.

CHAPTER I.

An act to allow further time for the payment of the purchase money on entries for vacant land, made in the year one thousand eight hundred and twenty-four, which lapses on the fifteenth day of December, one thousand eight hundred and twenty-six.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a further time, until the rise of the present session of the General Assembly, be allowed for the payment of the purchase money to the State, on all entries for vacant land in the year one thousand eight hundred and twenty-four; and that when the purchase money aforesaid shall have been paid, it shall vest in the persons who shall have entered their lands in the said year, the same rights as if they had paid the purchase money before the fifteenth day of December, one thousand eight hundred and twenty-six: Provided, nevertheless, that all entries made since the fifteenth day of December aforesaid, shall in no wise be affected by the provisions of this act; and that the Public Treasurer be, and he is hereby authorised to receive the purchase money on all such entries until the rise of the present session of the General Assembly; and that the Secretary of State be, and he is hereby authorised and directed to issue grants on all such entries in every case, where it shall appear by the Comptroller’s certificate, that the purchase money to the State has been paid within the time prescribed by this act.

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

CHAPTER II.

An act concerning Executors, Administrators and Guardians.

Be 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 suit shall thereafter be brought upon any bond given by any executor, administrator or guardian, for the faithful performance of his or her duty as such, it shall be the duty of the court, at the appearance term of said suit, on motion of either party, to refer suits upon bonds to other party, to refer the same to any person or persons, to whom referred, both parties agree to have it referred; and if they cannot agree on persons to whom it shall be referred, then the court may refer it to the clerk, or any other person; and such person or persons, or clerk, to whom any reference shall be made under this act, shall take an account under the same rules, regulations and restrictions as are now provided for taking an account in a Court above eviden
CHAPTER III.
An act to revive and continue in force an act, passed in the year one thousand eight hundred and twenty-four, "to alter and amend an act for the relief of such persons as became purchasers of the Cherokee lands, sold under the authority 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 an act "to alter and amend the act of the General Assembly of one thousand eight hundred and twenty-three," which was passed in the year one thousand eight hundred and twenty-four, be, and the same is hereby revived and continued in force until the next meeting of the General Assembly of this State; and that this act shall be in force from and after the ratification thereof.

CHAPTER IV.
An act to alter the time of the annual meeting of the General Assembly.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the meeting of the General Assembly of this State shall be annually, hereafter, on the third Monday in November.

II. And be it further enacted, That an act, entitled "An act to alter the time of the annual meeting of the General Assembly," passed at the last session, be, and the same is hereby repealed.

CHAPTER V.
An act to alter an act, passed in one thousand eight hundred and twenty-three, entitled "An act to amend an act, passed at the last session of the General Assembly, entitled "An act to provide a revenue for the payment of the civil list and contingent charges of 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 any person, who shall peddle goods, wares or merchandize, not the growth or manufacture of this State, except vegetables or other provisions of the produce of the United States, on the south side of Albemarle Sound, and the waters emptying therein, Roanoke excepted, shall pay to the sheriff of each and every county in which he may so peddle, the sum of five dollars, annually, as a tax to the State, to be levied, collected, and accounted for as other public taxes.

II. Be it further enacted, That all laws, and clauses of laws, coming within the meaning and purview of this act, so far as relates to the waters mentioned in the above clause, be, and the same are hereby repealed.
CHAPTER VI.
An act concerning the entry of land in this State.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall not be lawful for any entry taker, in the several counties of this State, to receive any entry or entries of vacant and unappropriated marsh and swamp lands in this State, except in cases where the quantity of land does not exceed fifty acres in one body, and that situate between the lines of tracts heretofore granted; and every entry made contrary to the intent and meaning of this act, shall be null and void: and that this act shall be in force immediately from and after its ratification.

CHAPTER VII.
An act to make private acts printed by the Printer of the State, evidence in the Courts of this State.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all private acts, which have been or may hereafter be passed by the General Assembly, and printed by the Printer of the State, shall and may be read in evidence in all cases, and in all Courts of this State, from the printed statute book.

II. And be it further enacted, That any of the private acts heretofore passed, and published by Francis X. Martin in his collection of private acts, shall and may be read in evidence from said collection; or a copy of any private act certified by the Secretary of State, shall likewise be received in evidence in any of the Courts aforesaid; any law or usage to the contrary notwithstanding.

CHAPTER VIII.
An act to prevent litigation, by regulating costs in actions of assault and battery.

Be 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 actions of assault and battery, which shall hereafter be commenced, and prosecuted in any of the Superior or County Courts of this State, if the jury, upon the trial of the issues, or the assessment of damages upon a writ of inquiry, do find or assess the damages under four dollars, the plaintiff shall recover more costs than damages; any law, usage or custom to the contrary notwithstanding.

CHAPTER IX.
An act relating to the exercise of the right of challenge in certain cases.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in all State prosecutions for capital felonies, and other inferior offences, the defendant or defendants shall have the aid and assistance of counsel in selecting a jury by whom he, she or they are to be tried; any law, usage or custom to the contrary notwithstanding.

This act to take immediate effect.

Prohibits the entering of vacant swamp & marsh land, except in certain cases.

May be read in evidence from the printed statute book in all cases and in all courts of this State.

Private acts published by F. X. Martin may be read, or a copy certified by the S. of State, received in evidence.

Where the damages assessed are less than $4, plaintiff not to recover more costs than damages, any law, usage or custom to the contrary notwithstanding.

Defendant allowed counsel in selecting a jury.
CHAPTER X.

An act to prevent frauds and perjuries 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 from and after the first day of January, one thousand eight hundred and twenty-eight, no action shall be brought whereby to charge any executor or administrator upon any special promise, which may be made after the first day of January, one thousand eight hundred and twenty-eight, to answer damages out of his own estate, or to charge the defendant upon any special promise to answer the debt, default, or miscarriage of another, unless the agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and signed by the party charged therewith, or some other person thereunto by him lawfully authorised; any law or usage to the contrary notwithstanding.

CHAPTER XI.

An act limiting the time within which certain offences shall be prosecuted, and prescribing the duties of Grand Jurors relative thereto.

Be 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 trespasses and other misdemeanors, except the offences of perjury, forgery, malicious mischief, and deceit, the prosecution shall commence within three years after the commission of the said trespasses and misdemeanors, and not after; and no bill of indictment shall be found, or presentment made by the Grand Jury of any county in this State, where the offences aforesaid shall have been committed three years next before the finding of the said indictment, or making the said presentment: Provided, that in case any person or persons committing any of the said offences or misdemeanors shall abscond from without the county, in which the offence was committed, or conceals him or herself, or the said offences shall have been committed in a secret manner, then the said trespasses and misdemeanors shall and may be prosecuted within three years after the return or apprehension of the offender, or discovery of the offence: Provided always, that when any prosecution shall be commenced within the time prescribed by this act, and judgment shall be arrested for any defect in the indictment, or a nolle prosequi shall be entered, that the computation of time in such cases shall be made from the time such prosecution shall have terminated, and not otherwise.

CHAPTER XII.

An act to repeal part of the third section of an act, entitled "An act to extend the jurisdiction of a Justice of the Peace," passed in the year one thousand eight hundred and twenty.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the above recited act as requires the defendant to plead in abatement, is hereby repealed; and that all suits here-
after commenced in this State, either in the County or Superior Courts, on bonds, promissory notes, or liquidated accounts, under the sum of one hundred dollars, shall be dismissed by said Court.

CHAPTER XIII.

An act to prohibit the trading with Slaves, except in the manner therein prescribed.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of May next, if any person or persons shall buy of, traffic with, or receive from any slave or slaves, any cotton, tobacco, wheat, rice, oats, corn, rye, pork, bacon, beef, leather, raw hides, iron, castings, farming utensils, nails, meal, flour, spirituous liquor or wine, peas, salt, fish, flax, flaxseed, hogs, cattle, sheep, wool, lumber, slaves, tar, pitch, turpentine, fodder, shingles, hoops, white oak heading, and potatoes; or if any person or persons shall sell, barter with, or deliver to any slave or slaves, any goods, wares, and merchandize, or other article of personal property, every person so offending, shall for each offence, forfeit and pay the sum of one hundred dollars, to be recovered in the name of the said Court, and applied, one-half to the use of the party suffering for the same; the other half to the wardens of the poor of the county: Provided, however, that it shall and may be lawful for any person or persons, in the day time only, Sundays excepted, viz: between the rising of the sun and the setting thereof, to buy of, traffic with, or receive from any slave or slaves any such article or articles as aforesaid, for which he, she, or they may have a permission in writing, from his, her, or their owner or manager, to dispose of the same: and further, it shall and may be lawful for any person or persons, in the day time aforesaid, to sell and deliver to any slave or slaves, any goods, wares, or merchandize, or other thing (spirituous liquors always excepted) in exchange for, or payment of the money, or article, or articles, which the said slave or slaves may have been, by the written permission aforesaid, authorised to sell.

II. Be it further enacted, That the foregoing offences shall moreover be indictable in the County or Superior Courts of Law, and the defendant, on conviction, shall be fined, or imprisoned at the discretion of the Court; the fine, however, not to exceed fifty dollars, or the imprisonment, three months; and if it shall appear on the trial, that the defendant is a licensed retailer of spirituous liquor, by the small measure, he or she shall also forfeit his or her retailing license, and shall be incapable of taking a new license, for the space of two years, from and after the date of his or her conviction.

III. Be it further enacted, That if any person shall fraudulently give, or cause to be given to any slave, the property of another, forging a permission in writing, to sell, trade, or traffic in any article of personal property, without the consent or authority of the master, owner, or the person having the management of such slave,
persons or articles.

Punishment of slaves who trade with their fellows for prohibited articles.

Punishment of free negroes who violate this act.

What shall be taken in evidence against persons who keep stores, tippling shops or other houses for trading.

Appeals allowed. Proviso.

Repealing clause.

he, she, or they so offending, shall, upon conviction before any Justice of the Peace in the county where such offence is committed, forfeit and pay the sum of one hundred dollars; one half to the use of the person suing for the same, and the other half to the use of the wardens of the poor of said county.

IV. Be it further enacted, That if any slave or slaves shall buy or receive any of the aforesaid prohibited property from any slave or slaves, or shall sell or deliver any of the same to a slave or slaves, contrary to the true meaning of this act, he, she or they, on conviction thereof before any justice of the peace, shall receive on his, her or their bare backs, not exceeding thirty-nine lashes, to be well laid on, by any constable of the said county, or other person appointed for that purpose.

V. Be it further enacted, That if any free negro or mulatto shall trade with any slave or slaves, either by buying from, or selling to him, her or them, any article or articles of property contrary to the true meaning of this act, he or she may be prosecuted by indictment in the County or Superior Court, and, on conviction, shall receive not exceeding thirty-nine lashes on his or her bare back.

VI. Be it further enacted, That any slave or slaves shall be found in any store house, ware house, tippling shop, or other place fitted up for trading, unless sent by his, her or their owner, overseer or employer, after the hour of nine o'clock at night, or before daybreak in the morning, or on the Sabbath day; or if any slave or slaves shall be found, at any time, in any of the aforementioned places, unless sent as aforesaid, where he, she or they shall have been permitted to remain for the space of fifteen minutes, with the door of the aforementioned places closed; or if any slave or slaves shall be seen to carry into any of the aforementioned places any article or articles supposed for sale, and not bring the same out; or if he, she or they shall bring out of the said places any article or articles, which may have been purchased therein, shall be taken and received as presumptive evidence against the person or persons owning or keeping the store house, ware house, tippling shop, or other place fitted up for trading, of a violation of this act, to be rebutted, however, like other presumptions, by other circumstances in favor of the accused.

VII. And be it further enacted, That either of the parties or master of the slave, being dissatisfied with the judgment of the justice or the verdict of the jury, may pray an appeal therefrom as in other cases: Provided, that no suit or indictment shall be prosecuted for any violation of this act, unless such suit or indictment be commenced within twelve months after such violation.

VIII. And be it further enacted, That the act, passed in the year one thousand eight hundred and nineteen, entitled "An act to prevent fraudulent trading with slaves," be, and the same is hereby repealed, saving the rights of the wardens of the poor, and of individuals, which may have accrued under said act.
CHAPTER XIV.

An act to validate all Grants issued by the Secretary of State, from the twenty-ninth day of November, one thousand eight hundred and twenty-six, to the twenty-ninth day of December, one thousand eight hundred and twenty-six.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all grants, issued by the Secretary of State, from the twenty-ninth day of November, one thousand eight hundred and twenty-six, to the twenty ninth day of December, one thousand eight hundred and twenty-six, be, and the same are hereby validated and declared good and effectual to pass all the right of the State in and to the lands therein mentioned; any law to the contrary notwithstanding.

CHAPTER XV.

An act further to amend an act, entitled "An act making the protest of a Notary Public evidence in certain cases," passed in the year one thousand eight hundred and twelve.

Be it 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 is so amended as to make the protest of a Notary Public evidence of a demand upon the acceptor or drawee of a bill of exchange, in all actions at law against the drawer or endorser of any bill of exchange, if such demand is set forth in said protest.

CHAPTER XVI.

An act to authorize the President and Directors of the Literary Fund to raise money by way of lottery, 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 President and Directors of the Literary Fund be, and they are hereby authorized to raise, by way of lottery, fifty thousand dollars; of which a sum not exceeding twenty-five thousand dollars shall be applied by them toward aiding Archibald D. Murphey, of Orange county, in collecting materials for, and publishing the history of North Carolina: But before the said money shall be advanced to him, he shall enter into bond to the Governor, and his successors in office, in the sum of twenty thousand dollars, conditioned that if he shall die before the publication of the history aforesaid, his executors or administrators shall, within one year after his decease, file in the Secretary's office, for the use of the State, all the papers, documents, records, pamphlets, and other materials, which he hath collected, or shall collect for said history, including his manuscript of said history.

II. Be it further enacted, That the residue of the money authorized to be raised by this act, shall constitute and form a part of the Literary Fund; and the President and Directors of said Fund are authorized to sell, upon such terms as they, or a majority of them, may deem expedient, to one or more persons, the privilege of raising, by way of lottery, the money aforesaid.

III. Be it further enacted, That no part of the said twenty-
five thousand dollars shall be paid to said Archibald D. Murphy, until he shall relinquish all right or claim to the privileges granted to him by an act, passed at the last session of the General Assembly, entitled "An act to encourage the publication of a historical and scientific work on this State," and that said twenty-five thousand dollars, or so much thereof as the President and Directors of the Literary Fund may, in their discretion, think he will be entitled to, shall be advanced only as the work progresses.

CHAPTER XVII.

An act prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That as soon as may be convenient after the passage of this act, the Governor shall appoint one or two commissioners, as may be deemed necessary, whose duty it shall be to superintend and direct the manner in which all the said lands, which have not been heretofore surveyed, and which, in the estimation of the commissioners or commissioner, shall be worth fifty cents an acre, shall be surveyed and laid off into sections, containing from fifty to three hundred acres of land; that he or they shall further cause the principal surveyor to note down, in each of the said sections, the quality of the land contained therein, stating that it is of the first, second or third quality; and, in all cases where it can be done with convenience, or the situation of the land will admit of it, such portion of the adjoining mountainous lands shall be included in each section as may be deemed sufficient for buildings, fences, fuel, and other necessary improvements: Provided, that no reservation secured by treaty to any Indian, shall be surveyed or sold.

II. Be it further enacted, That one principal surveyor, of skill and integrity, shall be appointed by the Governor, with full power and authority to appoint as many deputy surveyors, chain-carriers and markers, and to employ as many pack horses, as may be thought necessary by the commissioner or commissioners to complete said survey in the most speedy and effectual manner; for whose conduct the said principal surveyor shall be responsible: and the principal surveyor shall give bond and security in the sum of ten thousand dollars, payable to the Governor for the time being, for the faithful discharge of the several duties imposed by this act. It shall further be the duty of the principal surveyor, under the direction of the commissioner or commissioners aforesaid, to cause each section by him surveyed to be measured and marked, and the corners to be clearly designated on trees, or otherwise, with the number of each section.

III. Be it further enacted, That each commissioner shall give bond and security, payable to the Governor and his successors in office, in the sum of fifty thousand dollars, for the faithful discharge of the several duties imposed on him or them by this act.

Governor to appoint commissioners.

Duty of commissioners.

Proviso.

Governor to appoint one principal surveyor, who is to appoint deputies, chain-carriers, &c., and be responsible for their conduct.

Principal surveyor to give bond and security.

Further duty of principal surveyor.

Commissioners to give bond and security.
IV. Be it further enacted, That previous to the sale, the commissioner or commissioners shall designate all the lands, to be surveyed under the directions of this act, into three classes, according to quality; that which is of the first quality, to belong to the first class; the second quality, to the second class; and the third quality, to the third class: and if, during the time of the sale hereinafter provided for, any section of land noted to be postponed until the first class, shall not command the sum of two dollars per acre in the market, the said commissioner or commissioners shall postpone the sale of such section until further directed by the Legislature; in like manner, lands of the second class, not commanding one dollar, and lands of the third class, not commanding fifty cents per acre, shall be postponed as aforesaid, and report thereof made to the Governor.

V. Be it further enacted, That the third, fifth, sixth, seventh, ninth, tenth, twelfth, thirteenth, fifteenth, sixteenth, and eighteenth sections of an act, passed in the year one thousand eight hundred and nineteen, entitled “An act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians,” be, and the same are hereby declared to be in force, and applicable to the commissioner or commissioners, surveyor and sale which may be held agreeably to this act.

VI. Be it further enacted, That the Governor be, and he is hereby authorised to draw on the Treasurer for any sum not exceeding two thousand dollars, to be paid to the commissioner or commissioners, to enable them to commence the said business, and by them to be applied towards paying charges and expenses incident to the performance of the duties enjoined on said commissioner or commissioners, and for which said commissioner or commissioners shall give the State credit on a final settlement of his or their accounts.

VII. Be it further enacted, That the persons already settled on said lands, waiting for the sale thereof, shall be entitled to the benefit of the crops, which they may have planted or sown, previous to the sale herein before directed.

VIII. And be it further enacted, That if any person shall bid Bidders who off lands at the above recited sale, and shall not comply with the terms of such sale within twenty-four hours thereafter, if so required to do by the commissioner or commissioners, he, she, or his, to forfeit their bid, and the commissioner or commissioners may, in such case, receive the bid of the next highest bidder, in the same manner, as if he had been the highest bidder: Provided always, that such bid is not below the minimum price of said land, and that the commissioner or commissioners may, in their discretion, sue for, and recover of the highest bidder, who has refused to comply with the terms of sale, the difference between his bid and the bid of the next highest, in case the commissioner or commissioners should receive the same.

IX. And be it further enacted, That at the time of said sale, the commissioner or commissioners shall have power to sell lots

The document contains a series of acts and provisions related to land sales, surveying, and related legal matters involving commissioners and the sale of specific sections of land. It discusses the classification of land based on quality, the process of postponing sales, and the authority granted to the Governor and commissioners. The acts also address the rights of persons already settled on lands waiting for sale, the conditions under which bidders may or may not receive their bids, and the power of the commissioner or commissioners to sell lots.
town of Franklin, No. 8, No. 9, No. 13 and No. 19, in the town of Franklin, on the same terms of credit, and under the same rules and regulations herein prescribed for the sale of the aforesaid lands.

CHAPTER XVIII.
An act to appropriate five thousand dollars for the purpose of improving the navigation of the Cape-Fear River below 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 sum of five thousand dollars, be, and the same is hereby appropriated out of the fund for Internal Improvement, for the purpose of improving the navigation of Cape-Fear River, below Wilmington.

CHAPTER XIX.
An act making compensation to coroners in certain cases.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when any coroner shall, hold an inquest over the body of any white person, or free person of colour, found dead within his county, he shall be entitled to receive, for decently intering said body, from the county trustee, on the order of the County Court, seven justices being present, such sum as said court may deem sufficient, not exceeding ten dollars: Provided the friends of the deceased shall refuse or neglect to inter the said body; which said sum so allowed and paid said coroner, shall be a charge against the estate of said deceased, which the county trustee paying the same, or his successor in office, shall use all lawful ways and means to recover.

II. And be it further enacted, That where the coroner shall hold an inquest over the body of any negro slave found dead in his county, he shall receive from the county trustee upon the order of the County Court, seven justices being present, such compensation as said court may order and direct, not exceeding ten dollars for decently intering the body of said slave: Provided, the master or owner of such slave shall fail or refuse to inter the body of such slave, which sum said master or owner shall pay back to said trustee, who is hereby authorised to warrant said master or owner and recover the amount so, as afore- said, paid to said coroner.

III. And be it further enacted, That nothing herein contained, shall be so construed as to prevent the coroner from receiving such other fees, as are now allowed by law.

CHAPTER XX.
An act supplemental to an act, passed at the last session of the General Assembly, entitled "An act to cede to the United States a certain tract of land, called Bogue Banks."

Whereas, it appears that, in pursuance of the before recited act, four hundred and five acres, and fifty-nine hundredths of an acre of land, on Bogue Banks, in Carteret county, has been laid off and ceded to the United States, for the purpose of building
fortifications thereon; and that the said land has been valued by a jury, and the valuation, amounting to the sum of twelve hundred and eighty-seven dollars, has been paid by the United States, into the Treasury of North Carolina, for the use of the owners of said land; but owing to the neglect of the jury in not designating each claimant's rateable proportion of the said sum of twelve hundred and eighty-seven dollars, the Treasurer is unable to make a distribution of the said sum to the satisfaction of the said claimants; 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 Court of Pleas and Quarter Sessions for the county of Carteret are hereby authorised and directed, at the first Court which shall be held after the passing of this act, to appoint five commissioners to view the before mentioned tract of land, and to cause the same to be surveyed if necessary, so as to ascertain the proportion of the said sum of twelve hundred and eighty-seven dollars to which each claimant may be justly entitled, having due regard to the quantity and value of the lands of the respective claimants; and the apportionment of the said commissioners, or a majority of them, under their hands and seals, shall be filed with the Public Treasurer, whose duty it shall be to pay over to the respective claimants or their legal representatives, the several sums allotted to each by the commissioners aforesaid.

II. And be it further enacted, That the commissioners aforesaid shall be allowed for their services in this behalf such sum as the said Court of Pleas and Quarter Sessions for the county of Carteret may direct, not exceeding one dollar and fifty cents each per day, for every day they shall be necessarily engaged in the duties required by this act, to be paid by the Public Treasurer upon the certificate of the clerk of the said court.

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

CHAPTER XXI.

An act to prevent free persons of colour from migrating into this State, for the good government of such persons resident in the State, and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that it shall not be lawful hereafter for any free negro or mulatto to migrate into this State; and if he or she shall do so contrary to the provisions of this act, and being thereof informed, shall not, within twenty days thereafter, remove out of the State, he or she, being thereof convicted in manner hereinafter directed, shall be liable to a penalty of five hundred dollars; and upon failure to pay the same, within the time prescribed in the judgment awarded against such person or persons, he or she shall be liable to be held in servitude, and at labor for a term of time not exceeding ten years, in such manner, and upon such terms as may be prescribed by the court awarding such sentence;
and the proceeds arising therefrom, shall be paid over to the
county trustee for county purposes: Provided also, that in case
any free negro or mulatto shall pay the penalty of five hundred
dollars according to the provisions of this act, it shall be the
duty of such free negro or mulatto to remove him or herself out
of this State within twenty days thereafter, and for every such
failure, shall be subject to the like penalty, as is prescribed for
a failure to remove in the first instance.

II. And be it further enacted, That if any free negro or mu-
latto shall come into this State as aforesaid, he or she may be
arrested upon a warrant from any justice of the peace, and car-
rried before any justice of the peace, who is to examine in-
to the case, & bind such ne-
groes over to the next County court.

Free negroes coming into
this State to be
arrested and
carried before
a justice of the
peace, who is
to examine in-
to the case, &
bind such ne-
groes over to
the next coun-
ty court.

Negro to give
security, or,
failing to do
so, to be com-
mitted to jail.

If it appear to
the court that
such negroes has
violated this
act, they shall
enter judgment against him for the aforesaid
penalty.

If unable to
pay, said ne-
gro to be hired
out.

To leave the
state within 30
days after their
term of ser-
vice shall have
expired.

Persons who
may bring any
free negro into
this State, to
forfeit $500.

Proviso.

III. Be it further enacted, That if after the expiration of the
term of service for which such free negro or mulatto shall have
been held in servitude, he or she shall remain in this State for
thirty days, such free negro or mulatto shall be liable to the same
penalties and punishment as are prescribed in the first and se-
cond sections of this act.

IV. Be it further enacted, That any person, who shall bring
into this State by water or land, any free negro or mulatto, he
or she shall forfeit and pay for every such person, so brought in
to the State, the sum of five hundred dollars, to be recovered by
action of debt in the name of the chairman of the County Court
for the time being, and his successors in office, where such of-
ence shall be committed, for the use of the county: Provided,
that this act shall not extend to masters of vessels, bringing into
this State any free negro or mulatto employed on board, and be-
longing to said vessel, and who shall therewith depart, nor to
any person travelling in or through this State, having any free
negro or mulatto as a servant, and who shall, with such per-
son, depart out of the State.
V. Be it further enacted, That if any free negro or mulatto in any county of this State, who is able to labor, shall be found spending his or her time in idleness and dissipation, or who has no regular or honest employment or occupation, which he or she is accustomed to follow, it shall and may be lawful for any citizen to apply to a justice of the peace of said county, and upon affidavit obtain a warrant to arrest such person and bring him or her before some justice of said county: and if, upon examination of the cause, it shall appear to said justice that the said free negro or mulatto comes within the provisions of this act, the said justice shall commit him over to Court, and shall fail to give security, such free negro or mulatto shall be bound out to the jail of the county until the next County Court thereafter: and it shall be the duty of the said court, if, upon examination of the case, he or she shall come within the meaning of this act, to require such free negro or mulatto to enter into bond, with sufficient security, in such sum as may be considered by the court reasonable, payable to the chairman of the County Court for the time being and his successors in office, conditioned for his or her good behaviour and industrious, peaceable department for one year; and in case he or she shall fail to give such security, or shall not pay the cost and charges of the prosecution, it shall be lawful for the said court, and they are hereby required to hire out such free negro or mulatto for a term of time to service and labor, which to them may seem reasonable and just, and calculated to reform him or her to habits of industry and morality, not exceeding three years for any one offence.

VI. Be it further enacted, That all sums of money, which may arise under the provisions of this act from the hire of free negroes or mulattoes, shall be paid to the county trustee for county uses.

VII. And be it further enacted, That the justices of the Courts of Pleas and Quarter Sessions, in each of the counties of this State, shall have power, in cases where it may appear expedient, to bind out the children of free negroes or mulattoes, where the parent, with whom such children may live, does or shall not habitually employ his or her time in some honest industrious occupation.

VIII. Be it further enacted, That all persons with whom any free negro or mulatto may be held to service under this act, Duty of those shall, and they are hereby required to provide him or her with good and sufficient clothing and food, treat him or her with humanity, and teach him or her some mechanical trade, or some useful and industrious employment during the term for which such free negro or mulatto may be compelled to serve: he or she shall not be removed from the county by such master or any other person, and shall be produced to the County Court at the expiration of the term of service aforesaid, or whenever there- to required by them: and if any such master or mistress shall violate this act, he or she may be indicted for such offence in any
tress, an indictable offence.

court of the county, where such offence may be committed, and, on conviction thereof, may be fined or imprisoned at the discretion of the court; and in case such free negro or mulatto shall run away before the expiration of his or her term of service, he or she shall be compelled to serve after the said expiration such a length of time as he or she shall have absented him or herself.

IX. Be it further enacted, That in all cases arising under this act, the free negro or mulatto, who is charged with an offence, upon application to the court for that purpose, shall have a right to have the facts of his or her case tried by a jury upon an issue or issues made up under the direction of the court for that purpose.

X. Be it further enacted, That all free mulattoes descended from negro ancestors to the fourth generation inclusive, though one ancestor of each generation may have been a white person, shall come within the provisions of this act.

XI. And be it further enacted, That it shall be the duty of the several county attorneys in this State to give in charge this act to the grand jurors, and it is hereby made their duty to present all cases in their county arising under this act within the knowledge of either of them; and the said attorneys are hereby required in all cases arising under the provisions of this act, to prosecute for and on behalf of the State: and it shall be the duty of the several courts of this State before whom any proceedings may be had under this act, so to construe the same as to prohibit the evils intended to be remedied, and they are hereby authorised and required to make all necessary rules and regulations, according to the usual course of justice, which may be required for the purposes and objects of this act.

CHAPTER XXII.

An act to amend the laws regulating the sale of lands and slaves, so far as respects the counties of Anson, Onslow, Wake, Craven, Mecklenburg; Orange, Cumberland, Nash, Stokes, Guilford, Rowan, Davidson, Columbus, Beaufort, Person, Caswell, Carteret, Brunswick, Pitt, Hyde, Halifax, Randolph, Wayne, Greene, Robeson, Chatham, Franklin, Warren, Bladen, Duplin and 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 the sheriff and other returning officers of said counties, be, and they are hereby authorised to make sale of lands and slaves on the first day of the Superior Courts of Law and Equity for said counties; any law or usage to the contrary notwithstanding.

CHAPTER XXIII.

An act to explain an act of the General Assembly, passed in the year one thousand eight hundred and twenty-two, entitled "An act to authorise the County Courts to require administrators and others to give other and counter security, upon the petition of their securities."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the provisions of the before recited act, do and shall ex-
CHAPTER XXIV.

An act to aid the Clubfoot and Harlow Creek Canal Company in the completion of their Canal.

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

That the Public Treasurer is hereby authorised to advance, out of the funds set apart for internal improvement, to the Clubfoot and Harlow Creek Canal Company, on loan, the sum of twelve thousand dollars; one half to be repaid at the expiration of ten years, the other half at the expiration of fifteen years, with interest; the interest on which to be paid annually, so far as the dividends of the said Company will enable them to do it: Provided, that before the said money is advanced, the Treasurer shall require the President and Directors of said company, under their hands and corporate seal, to convey to the said Treasurer in trust for the State, the Canal and other property belonging to the Company, for the purpose of securing the repayment of the loan with interest: Provided further, that before obtaining the loan hereby made, the President and Directors of the said Company shall give satisfactory bond to the Public Treasurer faithfully to apply the loan hereby granted to the discharge of all bona fide debts, herebefore contracted, for work done on the said canal, and in the finishing and completing the same.

II. And be it further enacted, That the loan authorised by this act, shall in no event be paid by the Public Treasurer, unless he shall first receive the direction of the Board of Internal Improvement approving of the expediency of the same; whose duty it shall be to examine the said Canal.

CHAPTER XXV.

An act to aid the opening and completing the State road from Huntsville, in Surry county, to the Virginia line, by way of Bowers' Store, in Ashe, 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 John Roberts, of Surry county, and Richard Gentry and David Edwards, sen't', of Ashe county, be, and they are hereby appointed commissioners to view and lay off the road from Huntsville, in Surry county, by way of Bowers' Store, in Ashe county, to the Virginia line, where it will intersect with the State road leading from the lead mines, in Wythe county, and the salt works and plaister bank, in Washington county, Virginia, by the way of the mouth of Wilson's Creek, and to designate on what part of the said road it is most important to make the appropriation hereinafter set apart for that purpose.

II. And be it further enacted, That it shall be the duty of the said commissioners, or a majority of them, and they are hereby authorised and empowered to contract for opening the said road.
on such terms and conditions as they shall deem most advanta-
geous to the public good and speedily completion of the said
road: and when said road is so completed, it shall be a public
road and highway, free for the citizens of this State and all oth-
ers; and the Superior Court of Surry county shall have juris-
diction of that part of the said road lying in Surry county, and
the Superior Court of Ashe county shall have jurisdiction of that
part of the said road lying in Ashe county.

III. And be it further enacted, That it shall be the duty of the
said commissioners to transmit to the Board of Internal Im-
provement, at their next annual meeting, all their acts, doings and
contracts, made or done under the provisions and by virtue of
this act.

IV. And be it further enacted, That the sum of five hundred
dollars shall be paid out of the fund set apart for internal im-
provement, by the board of managers thereof, whenever a suffi-
ciency of the said funds shall become due and paid into the Treasury;
and the said commissioners shall be entitled to receive each one
dollar for each day they may be necessarily engaged in running
and laying off the said road as aforesaid.

V. And be it further enacted, That after laying out the sum ab-
ove mentioned, it shall be the duty of the said commissioners to
designate and appoint a suitable number of overseers in each coun-
ty, and to call on all persons subject to work on roads in the coun-
ties aforesaid, within three miles of the road hereby directed
to be laid out, who shall be compelled to complete the same, as
directed by the said commissioners.

VI. And be it further enacted, That each and every person
failing to appear, after having five days' notice of the time and
place of working said road, with such tools as may be required
by said overseer, shall be subject to pay, for each and every day
they may so fail, the sum of one dollar, to be collected as other
fines for not working upon the public highways in this State.

VII. And be it further enacted, That said commissioners shall
take bond, with sufficient security, for the faithful performance
of any lot or part of said road, so bid off by any person; and it
shall be the duty of said commissioners to settle their accounts
with the Board of Internal Improvement within twelve months
after the road is completed.

VIII. And be it further enacted, That no money shall be
drawn out of the Treasury by virtue of this act, except the Board
of Internal Improvement shall sanction their contracts.

IX. And be it further enacted, That it shall not be lawful for
either of the commissioners to become a contractor, or to be in
any wise interested in any contract to be made under the provi-
sions of this act.

CHAPTER XXVI.

An act to amend the road laws.

Be it enacted by the General Assembly of the State of North-
Carolina, and it is hereby enacted by the authority of the same.
That no able bodied white man, between the age of eighteen and forty-five years, shall be exempt from working on the public roads, in consequence of his having been exempted from the performance of military duty by a court martial.

II. And be it further enacted, That the justices of the County Courts of Pleas and Quarter Sessions, seven being present, shall possess the sole power and authority to hear and determine who shall be exempt from working on the public roads from disability; any law to the contrary notwithstanding.

CHAPTER XXVII.

An act to perpetuate the evidence of the claim of the State of North-Carolina to such shares or stock in the several Banks and other corporations, as have been, or hereafter shall be purchased for the use of the said State.

Whereas it is customary for the Public Treasurer, whenever the State of North-Carolina has, by purchase or subscription, become the owner or proprietor of shares or stock in any of the Banks, roads or navigation companies, to exhibit the certificates or other evidence of such purchase to the Comptroller, in order to settle and balance the Public Treasurer's account for the monies expended in such purchase; and whereas it is the usual practice in examining the Comptroller's statement to punch and mutilate all the vouchers composing the items of the said account, thereby endangering the investments made by the State in such corporations; 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 Public Treasurer, and lie is hereby directed to deliver to the Secretary of State all the certificates or other evidences of shares or stock in any of the incorporated companies in which the State is interested; and it shall be the duty of the Secretary of State to register the same in a well bound book to be kept for that purpose, and to endorse such registration on the back of each certificate or other evidence of the claim of the State, which shall be returned to the Public Treasurer.

II. And be it further enacted, That it shall be the duty of the Comptroller, and he is hereby directed, as soon as his accounts shall be passed upon by the General Assembly, to endorse upon each certificate or other evidence of public stock, that the same has been allowed by the General Assembly as a credit to the Public Treasurer, and the date of such allowance, and to return such certificate or other evidence to the Public Treasurer for safe keeping.

III. And be it further enacted, That whenever any certificate or other evidence of the claim of the State of North-Carolina to shares or stock in any of the incorporated companies shall be lost or destroyed, a certified copy thereof from the Secretary's office, shall be as good and valid to all intents and purposes, as if the original had never been lost or destroyed; any thing to the contrary notwithstanding.
CHAPTER XXVIII.

An act prescribing the time in which presumption of payment, satisfaction or abandonment of claims shall arise.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the presumption of payment or satisfaction on all judgments, contracts and agreements heretofore to be made, shall arise within ten years after the right of action on the same shall accrue, under the same rules, regulations and restrictions as now exist in law in such cases.

II. And be it further enacted, That the presumption of payment, or abandonment of the right of redemption on mortgages, and of other equitable interest, shall arise within ten years after the forfeiture of said mortgage or last payment on the same, or the right of action shall accrue on any equitable interest or claim, under the like rules, regulations and restrictions.

III. And be it further enacted, That all judgments heretofore rendered, contracts, agreements or mortgages heretofore made, and which shall have remained for ten years, and less than twenty years after the right of action on the same have accrued, the presumption in law shall arise within three years from the passage of this act, unless the said three years shall exceed the term of twenty years from the accrual of said right; and in such case, the same shall arise at the expiration of said twenty years, as heretofore arising by law.

IV. And be it further enacted, That all judgments, contracts or agreements, mortgages and other equitable interest heretofore made, and where the right of action or claim on the same has accrued within less than ten years, the presumption of payment, satisfaction or abandonment of the claim or right shall arise within thirteen years from the accrual of the right of action on the same, under like rules, regulations and restrictions; any law or usage to the contrary notwithstanding.

CHAPTER XXIX.

An act to amend an act, passed in the year one thousand eight hundred and twenty-five, entitled "An act to prevent persons, who have been, or may be appointed commissioners, on the part of the State, for any purposes, from becoming contractors.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That no person who now is, or hereafter may be appointed a commissioner, or director, to discharge any trust, wherein the State may be in any manner interested, shall become an undertaker, or make any contract for his own benefit, under such appointment, or be in any manner concerned or interested in making such contract, or in the profits thereof, either privately or openly, singly or jointly, with another; and if such person shall do so, he shall be deemed guilty of a misdemeanour, and upon conviction, by indictment, in any court having cognizance thereof, shall be subject to fine and imprisonment, at the discretion of the court.
CHAPTER XXX

An act concerning the swamp and marsh lands in this State, and for other purposes.

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

That the Board for Internal Improvement shall cause to be surveyed one or more of the large marshes or swamps situate between the Virginia line and Roanoke river, between the Virginia line and Albemarle Sound, between the Roanoke river and Albemarle Sound, and the Tar river and Pamptico Sound, between the Roanoke and Tar rivers, between the Tar and Neuse rivers, between the Neuse and Cape-Fear rivers, between the Cape-Fear and Lumber rivers, and between Lumber river and the South Carolina line; and determine whether it be practicable to drain all or either of said marshes or swamps, the probable cost of such draining, the quality of land that, by such draining, will be reclaimed for cultivation, and the quantity of vacant land, as nearly as the same can be conveniently ascertained; and they shall make a report to the General Assembly, upon the foregoing subjects, and upon others connected therewith, which in their opinion may seem to illustrate the practicability, expediency and utility of draining said marshes and swamps; and how far said drainings, or any of them, can be made subservient to the purposes of inland navigation; and they shall inquire and make report, whether the proprietors of said lands, generally, be willing to contribute a reasonable proportion of the costs, which may be incurred in said drainings.

II. Be it further enacted, That for the purposes aforesaid, the Board for Internal Improvement be, and they are hereby authorized to employ one or more competent surveyors; and maps of their respective surveys shall be made out and laid before the General Assembly by the Board for Internal Improvement.

III. And be it further enacted, That to enable the Board to carry into effect the foregoing provisions of this act, they are hereby authorised, from time to time, to draw on the Public Treasurer for such sums of money as may be necessary for that purpose, to be paid out of the fund heretofore set apart and pledged to internal improvement; and such drafts, when paid by the Treasurer, shall be allowed to him in the settlement of his accounts.

And whereas, it is an object of great importance to the health and prosperity of a large portion of the good people of this State, that the marsh and swamp lands should be drained, if the same can be done at a reasonable expense, and it is desirable that a fair experiment be made on some one of the large swamps and marshes aforesaid:

IV. Be it further enacted, That the Board of Internal Improvement be, and they are hereby authorized and directed to select, for that purpose, from the aforesaid marshes or swamps, one that shall contain either the whole or one half of its land vacant, and the owners of the residue shall agree to pay their rateable part of the expense which may be incurred; and after
making all surveys necessary for determining the plan of said
draining, to cause said plan to be executed, in such manner as
to them shall seem expedient, whether the same be by the hire of
labourers or by contract: and the Board shall make a special re-
port to the General Assembly upon the work so by them com-
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Board to make a special report to the General Assembly.

Further provisions.

Authorises $50,000 to be raised by lot-
tery.

Proviso.

Defendants, upon trial, may shew
that they are securities, &c. for the
payment of the principal or surety.

Officer to levy first on the property of
the principal.

CHAPTER XXXI.

An act for the protection of sureties.

Be 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 trial of all actions at law, upon contracts hereafter
made, it shall be competent for either of the defendants to shew
in evidence, that he, she, or they is or are surety or sureties;
and if it be satisfactorily shewn, it shall be the duty of the jury
in their verdict, or of the justice of the peace, in his judgment,
to discriminate the principal and surety, which shall be endorsed
on the execution by the clerk or justice of the peace issuing it.

II. And be further enacted, That when any execution en-
dorsed as aforesaid, shall come into the hands of any officer, for
collection, it shall be his duty to levy the same on the goods and
chattels, and lands and tenements of the principal, or so much
thereof as shall be sufficient to satisfy said execution, and for
want of such sufficiency of the principal, also on the goods and
chattels, and lands, and tenements of the surety or sureties, and
make sale thereof as the law does or may direct: Provided, nev-
evertheless, That in all such levies, a sale shall first be had on all
the property of the principal levied on before that of the surety
or sureties; any law, usage or custom to the contrary notwithstanding.

CHAPTER XXXII.

An act directing the time within which suits shall be brought upon Constables' bonds.

Be 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 constables' bonds, if the right of action has al-
ready accrued, shall be commenced and prosecuted, within three

rateable share of expense.
years after the passage of this act, and not afterwards: and all debts accruing to such suits, in case the right of action shall accrue hereafter, in case the shall be commenced and prosecuted, within six years after the shall accrue, shall be commenced and prosecuted, within six years after the shall have accrued, and not afterwards: hereafter. Saving, nevertheless, the rights of infants, mere coverts, persons non compos mentis, and persons beyond seas, so that they sue within three years after their disabilities are removed.

CHAPTER XXXIII.
An act to amend an act, passed in one thousand eight hundred and twenty-two, entitled "An act, declaring what hogshead and barrel staves shall be merchantable." It is hereby enacted by the authority of the said: What hogshead staves shall be merchantable.

That all red oak hogshead staves, three inches wide, including sap, shall be merchantable; and that so much of the before recited acts as requires them to be three and an inch inches, be, and the same is hereby repealed.

Read three times and ratified in General Assembly, this 12th day of February, A. D. 1827.

S. H. C.
B. YANCY, S. S.

A true copy. WM. HILL, Sec'y.

In General Assembly, sixth January, 1827.

Resolved, That the Public Printer be, and he is hereby required to procure from the Secretary of State, an authentic copy of an act, passed in the year one thousand eight hundred and twenty-four, entitled "An act, regulating the fees of clerks of the County and Superior Courts of this State," an act to amend an act, passed in the year one thousand eight hundred and twenty-three, entitled "An act to amend the militia laws of this State relative to Cavalry," and an act to extend the provisions of an act, passed in the year one thousand eight hundred and twenty-two, entitled "An act granting further time to perfect titles to land within this State," and that he print and incorporate said acts with the acts of the present session.

[The following are the acts referred to in the above resolution]:—Printers.

An act fixing certain fees of the Clerks of the County and Superior 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 several Clerks of the County and Superior Courts of Clerks to receive, at the rate of ten cents by the copy sheet, in addition to the fees heretofore allowed by law, for every copy sheet.

An act to amend an act, passed in the year 1823, entitled "An act to amend the militia laws of this State, relative to the Cavalry."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the above recited act, as requires that each troop of Cavalry, shall consist of thirty-two dragoons, be, and act repealed, the same is hereby repealed.
II. **And be it further enacted**, That from and after the
passing this act, each troop of Cavalry shall have enrolled, and
consist of not less than twenty-four dragoons, exclusive of non-
commissioned officers, under the same rules and regulations as
heretofore prescribed by law; any law to the contrary notwith-
standing.

An act to extend the provisions of an act, passed in the year 1822, entitled "An
act granting further time to perfect titles to lands within this State."

Be it enacted by the General Assembly of the State of North-
Carolina, and it is hereby enacted by the authority of the same,
That the provisions of the above recited act shall be extended
to the first day of January, one thousand eight hundred and
twenty-six; any law to the contrary notwithstanding.

Read three times and ratified in General
Assembly, this 5th day of Jan. 1825.

A. MOORE, S. II. C.
B. YANCY, S. S.

A true copy, WM. HILL, Secretary.
CHAPTER XXXIV.

An act to authorize the Commissioners of Fayetteville to select a Special Justice for said town, and to amend the fifth section of an act, entitled "An act for the better regulation of the town of Fayetteville," passed in the year one thousand eight hundred and twenty-one.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commissioners of Fayetteville shall annually select and appoint, from among the body of justices of the county of Cumberland, a special justice for the town of Fayetteville, who shall hold his office for one year; and in case a vacancy should occur in said office during the year, from any cause, they shall be empowered to fill the same, who shall be entitled to receive such fees for his services, as the said commissioners may from time to time establish: Provided, that he shall not demand or receive any fees from any person residing beyond the limits of Fayetteville.

II. And be it further enacted, That such special justice, shall qualify as before the magistrate of police of said town, and shall have power, as clerks of Courts have, to collect his fees by issuing execution therefor.

And whereas doubts have arisen, to whom the collector of the taxes for the said town should strike off any lot or lots, which, upon being set up by him for the town taxes due thereon, will not command a bid for less than the whole; for remedy whereof,

III. Be it enacted, That the collector of the taxes for the said town shall have the same power and authority to sell lots and lands in the town of Fayetteville, for the town taxes that may be due thereon, that the sheriffs of the counties have to sell lands for the public taxes: Provided, that in selling any lot or lots for the town taxes, he shall set up the whole of the same to be sold to the person who will pay the whole of the taxes assessed thereon, together with the charges for advertising according to law, for the smallest part thereof, and not for the smallest number of acres: And provided further, that if no person will bid a smaller quantity than the whole, then the whole of the lot so set up, shall be considered a bid for the commissioners of Fayetteville, and the collector shall strike off the same to them accordingly, subject to the right of redemption by the owner or owners as in other cases; and in case it shall not be redeemed, he or his successor in office shall execute to the commissioners, and their successors in office, for the use of said town, a good and sufficient conveyance of the same.

IV. And be it further enacted, That the town collector shall be subject to the same rules, regulations, liabilities and restrictions, in conducting and perfecting such sales, as the sheriffs are in selling lands for the public taxes: and the owner of any lot sold by him, shall have a right to redeem the same in the same manner, and in the same time, that owners of lands sold for the public taxes have a right to redeem them; and the purchaser of any lot sold as aforesaid shall complete his survey, and the collector shall be bound to make him title thereto, within the time, and after the manner of sheriffs who have sold lands for the public taxes.

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

An act to appoint commissioners to build a new court house in the county of Surry, 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 John Wright, George D. Holcomb, James McCraw, Jonathan Whitaker and Litle Hickerson, be, and they are hereby appointed commissioners, with full power and authority to expose to public sale, at such time and upon such terms, first advertising the same for one month, as to them may seem most advisable, the court house, and such parts of the public square in the town of Rockford as they may think necessary and proper, and most conducive to the public good.

II. Be it further enacted, That the said commissioners, or a majority of them, are hereby authorised and empowered to execute to the purchaser or purchasers of the said court house and public square a good and sufficient title in fee simple, upon the said purchaser or purchasers first complying with the terms of the sale as agreed upon and established by the said commissioners.

III. Be it further enacted, That the said commissioners, or a majority of them, are hereby authorised and required to purchase, within the limits of the town of Rockford, or as near as can be obtained, a suitable site whereon to erect a new court house, together with as much ground adjoining thereto as they may think necessary for the public use and convenience of the citizens of said county; for which they shall take a good and sufficient title in fee simple, executed to themselves as commissioners, for the benefit of the county.

IV. Be it further enacted, That the said commissioners, or a majority of them, shall (as soon after the said purchase is made as may be convenient) proceed to let out to the lowest bidder, or to such other person as they may think proper, the building of a new court house for said county; which court house shall be built of such materials, and of such size and dimensions, and upon such plan and construction, as the said commissioners, or a majority of them, may agree upon: Provided, nevertheless, that the said court house shall contain suitable offices for the clerks and sheriff of said county, and such other apartments as may conducive to the safe-keeping of the public records, and to the facility, comfort and despatch of the public business.

V. Be it further enacted, That before the commissioners shall proceed to let out the new court house hereby authorised to be built, they shall advertise the same for at least six weeks in some one or more newspapers printed in this State; and when the same shall be let out, they shall take from the contractor or undertaker, a bond, with good and sufficient security, for the faithful performance of the work.

VI. Be it further enacted, That the monies arising from the sale of the old court house and public square, and all monies which may have been collected under the provisions of an act, passed in the year one thousand eight hundred and twenty-one, authorising commissioners to build clerks' offices in said county, shall be applied to the payment of the contract hereby authorised to be made for building a new court house; and that so much of the said act of one thousand eight hundred and twenty-one, as authorises the building of clerks' offices in said county, be, and the same is hereby repealed.

VII. Be it further enacted, That the sheriff or other officer of said county, holding the monies collected under the act of one thousand eight hun
dred and twenty one, above recited, shall pay over the same to the commissioners hereby appointed for building the new court house.

VIII. Be it further enacted, That the Court of Pleas and Quarter Sessions for the said county are hereby authorised and required, at the first court which shall happen after the first day of March next, to lay a tax on all the taxable property within said county, not exceeding twenty cents on each poll, and seven cents on each hundred dollars worth of land and town property; which tax shall be annually collected for three years, if necessary, for the purpose of making up the amount necessary to be raised for completing the said court house; which taxes shall be collected and accounted for by the sheriff of said county, under the same rules, liabilities and penalties, as other taxes are collected and accounted for.

IX. Be it further enacted, That the taxes hereby authorised to be laid and collected, shall be paid over by the sheriff to the commissioners appointed under this act for building a new court house, and by them paid over to the undertaker of said court house, if built according to contract, of which the said commissioners shall be the judges; any law to the contrary notwithstanding.

CHAPTER XXXVI.
An act to establish and regulate a Turnpike Road in the county of Haywood, to be called the Tennessee River Turnpike Road.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Jesse R. Siler and Thomas Tatham, of Haywood county, be, and they are hereby appointed commissioners to view and lay off, on the best ground the intervening country will afford, a turnpike road, from or near the mouth of Tuckaseigey river to the Tennessee line, in Poindexter's gap of the Smoky mountain.

II. Be it further enacted, That the road so laid off shall be vested for twenty years in Joseph Welsh, Joseph Early, Humphrey Posey, Andrew Miller, John J. Posey, Samuel Smith, Edward L. Poindexter, Jonathan Philips, John Tatham, and William Bryson, on the following conditions, to wit: first, that the said contracting parties shall open and make said road sixteen feet in width clear of obstructions, (except where side cutting may be necessary, in which case the road shall be ten feet wide;) second, they shall construct all necessary bridges, at least ten feet wide: the declivities of said road shall not exceed one foot perpendicular, to eight feet horizontal, and recourse shall be had to this steepness as seldom as possible.

III. Be it further enacted, That upon the persons before named making it appear to the satisfaction of said commissioners, that the said road is fully completed agreeably to the specifications contained in the second section of this act, then they shall be authorised to erect a gate, and receive the following tolls, to wit: for a man and horse, twelve and a half cents; for loose horses and mules, six and a quarter cents; for hogs and sheep, one cent each; for beef cattle, six and one quarter cents, per head; for road waggons, one dollar each; for four wheeled pleasure carriages, one dollar each; and for carriages, and vehicles of every other description, fifty cents each.

IV. Be it further enacted, That should either of the commissioners appointed by this act, die, remove, or refuse to act, his or their place shall be filled by the appointment of others by the Superior Court of Haywood county; which commissioner or commissioners thus appointed, shall have all the authority and powers of the commissioners appointed by this act.
V. Be it further enacted, That it shall be the duty of the commis-
sioners appointed by this act, under the penalty of fifty dollars, recoverable
before any jurisdiction having cognizance thereof, by an action of debt in the
name of the county attorney for the time being of the county in which
the road is situated, (whose duty it is hereby declared to be to sue for the
same to the use of the county,) to make report in writing of the situation of
the said road to the grand jury of each and every Superior Court of said
county; and for all services rendered under this act, the commissioners shall
receive from the aforesaid contracting parties, a compensation at the rate of
one dollar for each and every day spent in performing the same.

VI. And be it further enacted, That it shall not be lawful for either
of the proprietors of the aforesaid turnpike road, to sell or otherwise dis-
pose of his interest under this act, except it be by and with the consent of a
majority of those concerned in interest with him, evidenced by a written in-
strument under the seal of all the parties concerned, and duly recorded and
registered in the same manner that deeds of bargain and sale of lands are
now recorded and registered.

VII. Be it further enacted, That the aforesaid contracting parties
shall have power and authority to make and establish such bye laws for
their own government as they may deem necessary, not inconsistent with
the Constitution and laws of this State.

VIII. Be it further enacted, That should any person attempt clan-
destinely to pass said road, without paying the toll allowed in the third
section of this act, the said company shall have power to sue and recover
from such person or persons (before any jurisdiction having cognizance there-
of) the sum of twenty dollars for every such offence.

IX. Be it further enacted, That the twenty years for which the fore-
going privileges have been granted, shall be computed from the time that the
road is put in the state of improvement contemplated by this act: Provided,
nevertheless, that if said road shall not be completed in two years from the
passage of this act, all the privileges therein granted shall cease.

X. And be it further enacted, That the company aforesaid shall have
the liberty to erect a toll gate on said road, upon the vacant lands of the
State, until the same shall be brought into market or offered at public sale.

CHAPTER XXXVII.

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

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of March, one thousand eight hundred and twenty-eight, it shall not be lawful for the Courts of Pleas and Quarter Sessions of Martin county to order or direct a jury to be summoned to attend the June term of said county; but that the said term shall be exclusively reserved for the purpose of transacting all such business as shall not require the intervention of a ju-
ry; any law to the contrary notwithstanding.

II. And be it further enacted, That all suits, which may stand for
trial, and remain untried, or which may be put to issue at March term,
one thousand eight hundred and twenty-eight, of said County Court, where
the intervention of a jury shall be necessary to try them, shall be continued
over to, and stand for trial at the September term, one thousand eight hun-
dred and twenty-eight, of said County Court, and every year thereafter.
III. And be it further enacted, That all writs and process of every description may be issued and made returnable to said June court as hereforesp; and all pleas, orders and judgments, which shall be necessary and proper, may be entered therein in the same manner as if this act had not been passed, except where a jury shall be necessary, in order to enter such judgment; and the suits put to issue at said June court, shall stand for trial at September County Court following in each and every year.

CHAPTER XXXVIII.
An act to establish Cedar Grove Academy, in the county of Chatham, and to incorporate the trustees thereof.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Thomas Snipes and John Snipes, of the county of Chatham, and Jesse Nevill, Bryant Stroud and Caleb Lindsey, of the county of Orange, be, and they are hereby declared to be a body politic and corporate, known and distinguished by the name and style of the Trustees of Cedar Grove Academy, and by that name and style shall have perpetual succession and a common seal; and they, or a majority of them, or their successors, shall be able and capable in law to take, demand, receive and possess money, goods and chattels, lands and tenements, for the use of said academy, and apply the same according to the will of the donor.

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

III. And be it further enacted, That whenever any of the aforesaid trustees shall die, remove, resign, or by any other means become incapable of performing their duties as trustees of said institution, a majority of those remaining shall elect some fit and suitable person or persons in his or their stead, who shall have the same powers as their predecessors.

CHAPTER XXXIX.
An act to incorporate the Ebenezer Library Society, 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 the members of a society lately established in the county of Randolph, for the purpose of promoting religion and aiding the progress of learning and science, be, and they are hereby incorporated into a body politic and corporate, by the name and style of "the Ebenezer Library Society," and by that name, may sue and be sued, plead and be impleaded, have succession and a common estate in such books, pamphlets and papers, or other property as they may acquire, either by purchase, donation, or otherwise.

II. And be it further enacted, That the members of said society, and their successors, shall have full power and authority to make all such rules, regulations and bye laws, for the management and safe-keeping of the books and other property of said society, as they may from time to time think expedient, not inconsistent with the Constitution and laws of this State, or of the United States.
CHAPTER XI.
An act to alter the names of John Baptist William Cook, and Mary Frances Cook, children of John B. Mansard and Penelope Cook, of Pasquotank county, and to legitimize 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 John Baptist William Cook, and Mary Frances Cook, children of John B. Mansard and Penelope Cook, born out of wedlock, shall hereafter be known and distinguished by the names of John Baptist William Mansard and Mary Frances Mansard, and by those names shall be able and capable of prosecuting and defending any suit either in law or equity to all intents and purposes, and in the same manner as if born in lawful wedlock; and they are hereby declared capable of inheriting any estate, real or personal, which may be devised or descend to them, in the same manner as if born in lawful wedlock; any law to the contrary notwithstanding.

CHAPTER XII.

An act to appoint commissioners for the town of Kinston, in the county of Lenoir.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Croom, Nathan G. Blount, Walter P. Allen, Blount Coleman, John C. Washington, Frederick Jones and Abner Pearce, be, and they are hereby appointed commissioners for the town of Kinston, with full power and authority to make such bye laws, rules and regulations as they may deem expedient, not inconsistent with the laws and Constitution of this State; and whereas several persons in the said town, from ignorance of its limits, have partially encroached on the commons thereof, by the erection of buildings thereon; and whereas it would prove injurious rather than beneficial to said town to compel said persons to remove their buildings from said commons:

II. Be it therefore enacted, That the above commissioners, or a majority of them, shall be, and they are hereby authorised and empowered to sell to such persons in the aforesaid town, as have erected buildings of any description on the commons of said town, the ground on which such buildings have been erected, and apply the money arising from such sales to the improvement of said town, in such manner as they, or a majority of them, may think proper; and such commissioners, or a majority of them, shall convey, by their deed, all ground sold conformably to the provisions of this act to the purchasers thereof in fee simple.

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

CHAPTER XLII.

An act to alter the boundary line between the first and second regiments of Buncombe militia.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all persons, liable to do militia duty in the first regiment of Buncombe county militia, residing within the following bounds, viz. beginning at the mouth of Hominy creek, and running with the north east boundary line of Jones' company, to Moore's creek; thence down said creek to the mouth, crossing Hominy creek; from thence a direct line along the highest ridge to Alexander's Gap of the Beaver Dam Mountain; from thence along the highest ridge of said mountain
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to the head of M'Dowell's creek; and from thence down said creek to French Broad River; and thence down said river to the Long Shoals; from thence down the Alexander road to M. Hiett's old place; and from thence down French Broad River to the beginning, be, and the same are hereby attached to the second regiment of the militia of said county.

CHAPTER XLIII.

An act to allow talisman jurors in the County and Superior Courts of Orange county to receive pay for their services.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That at the first term of the Court of Pleas and Quarter Sessions for the county of Orange, to be held after the first day of January in each and every year, the justices of said Court, a majority of them being present, shall have full power and authority to make such order or decree, as they may deem necessary and expedient, for paying persons that may hereafter be summoned to attend any of the Superior or County Courts of Orange, as talisman jurors.

II. Be it further enacted, That the County Court of Orange, a majority of the justices being present, shall have power and authority to impose a tax for the payment of such talisman jurors as shall be summoned as aforesaid, to be collected and accounted for by the sheriff of said county, as other county taxes are collected and accounted for.

CHAPTER XLIV.

An act to amend the several acts of the General Assembly now in force relative to the public roads 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 Horace B. Satterwhite and Lewis Carlton, be, and they are hereby appointed commissioners of the public road leading from Wilkesborough to the foot of Laurel Hill, by way of Holman's ford, in the county of Wilkes; and that Montfort Stokes, of Wilkes, and Joseph N. Bogle, of Iredell, be, and they are hereby appointed Commissioners of the public road leading from Wilkesborough over the Brushy Mountain at Greer's Gap to the widow Bogles'; in Iredell county.

II. And be it further enacted, That the Commissioners hereby appointed shall have the same power and authority relative to the roads on which they are appointed respectively, as the Commissioners heretofore had and exercised under the several acts of the General Assembly now in force for regulating and improving the roads before mentioned.

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

CHAPTER XLV.

An act to amend an act, passed in the year one thousand eight hundred and twenty-four, entitled "An act to appoint commissioners for the village of Chapel Hill, in Orange 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 an election for five commissioners for the village of Chapel Hill, as authorised and provided for in the before recited act, shall be held on the last Saturday in February, A. D. one thousand eight hundred and twenty seven; and such commission-
ers so elected, shall serve until the first Thursday in February, A.D. one thousand eight hundred and twenty-eight.

II. And be it further enacted, That on the said first Thursday in February, A.D. one thousand eight hundred and twenty-eight, and on the first Thursday in February in each and every year thereafter, the citizens resident in the village of Chapel Hill shall elect commissioners for said village agreeably to the provisions of the before recited act; and so much of the before recited act, as requires that the election of said commissioners shall be held on the first Thursday in each and every year, is hereby repealed.

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

CHAPTER XLVI.
An act to empower the commissioners of the town of Tarborough, to sell a part of the town commons.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Tarborough be, and they are hereby authorised and empowered to lay off one acre of ground of the commons of said town, in such situation as they may deem most eligible, and sell the same, upon such terms as they may deem most advisable, to the trustees of the Tarborough Academy, for the purpose of erecting thereon a building for the use of said Academy; and the money arising from such sale, shall be appropriated to such purposes as the commissioners, or a majority of them, may think proper.

CHAPTER XLVII.
An act to regulate the Courts of Pleas and Quarter Sessions of the county of Buncombe.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions of the county of Buncombe may and shall have authority, at that term of the said Court at which the sheriff is elected, to make such classification and arrangement of justices to hold said Court during the year, as may be best calculated to promote the correct and speedy administration of justice.

II. Be it further enacted, That where any justice or justices so appointed to preside at any Sessions of said Court, shall fail or neglect to do the same, without shewing such good and sufficient cause as shall be satisfactory to the succeeding Court, he or they shall be fined by the same in a sum not less than ten, nor more than twenty dollars; which fine shall go to the use of the county.

III. And be it further enacted, That all acts and clauses of acts authorising the appointment of select justices to hold the Courts of said county, and regulating said Courts, be, and the same are hereby repealed.

CHAPTER XLVIII.
An act to amend the several acts, passed in the year one thousand eight hundred and twenty three, incorporating Morganton 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 any five of the Trustees of Morganton Academy, shall form a quorum for the transaction of business, and shall have full power and authority to do and perform
any matter or thing which, by the above recited acts, a majority of the said Trustees were authorised to do and perform; and that this act shall be in force from and after the ratification thereof.

CHAPTER XLIX.

An act to amend an act, passed at the last session of the General Assembly, entitled "An act to appoint commissioners for the town of Bath, in the county of Beaufort, and for the better regulation of said town."

Whereas, by the provisions of the above recited act, it is made the duty of the commissioners of said town to remove all obstructions in the streets of said town, by a day specified in said act; and whereas, it has been ascertained that many of the buildings in said town are on the streets thereof, the removal of which would operate to the manifest injury and inconvenience of the inhabitants; and whereas, it has also been ascertained that the streets of said town may be curtailed and narrowed, and still be sufficiently wide for every necessary purpose:

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 commissioners of said town, immediately after the ratification of this act, or a majority of them, shall cause the streets, on which buildings are erected, to be narrowed, so as to clear said buildings; to have the lines of said streets run and marked; and to have a survey of the same made out and registered in the Register's office of said county; and the said commissioners shall have the ground left open, after the survey of said streets fairly valued, and offer it to the person opposite whose lot it may lie; and if he or she accept it at such valuation, the said commissioners shall convey the same to such persons; if not, that the said ground shall be considered as public property, and be left open as said streets, until the said commissioners shall think proper to sell the same at public auction to the highest bidder, (which they are hereby authorised to do,) at such times and places as they shall think most advisable; and the proceeds arising from the valuation of said lots, if accepted by the persons, to whom they may be offered, or from the sale thereof, the said commissioners shall apply to the improvement of said town: Provided, that if any person, to whom any of the public ground as aforesaid shall be offered at valuation, be an infant, non compos mentis, feme covert, or absent beyond seas, that then it shall be the duty of said commissioners to lay such annual tax upon said ground, not exceeding fifty cents for every hundred square feet, to be paid by such person; which tax shall be continued until such disability shall be removed.

And whereas an act was passed in the year 1715, when the town of Bath, then the seat of the colonial government, was a place of considerable importance, which provided, among other things, that hogs and shoats should not run at large in the streets of said town, a regulation which the present situation of the place does not require, and which likewise produces much inconvenience to the inhabitants thereof; for remedy whereof,

II. Be it further enacted, That the above recited section of the act of 1715 be repealed, so far as relates to the inhabitants of said town; and that in future it shall be lawful for the hogs and shoats belonging to said inhabitants to run at large in the streets of said town, provided they are kept with a sufficient ring in the nose; and that if any hog or shoat should be found in the streets of said town, without such ring, such hog or shoat shall be forth-
with taken up, and sold (notice having first been given to the owner of such hog or shoot) under the direction of said commissioners; and the money arising from such sale to be applied to the improvement of said town.

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

CHAPTER L.

An act to prohibit the justices of the Courts of Pleas and Quarter Sessions for the counties of Brunswick, Currituck and Moore, from allowing extra service money to the county officers.

Whereas the justices of the Courts of Pleas and Quarter Sessions are by law authorised and empowered, in addition to the regular salaries and fees which appertain to the offices of clerk, sheriff, county attorney, county trustee and other officers of the county, to allow such further sum as they may think just and proper, by way of compensation for extra services, which said power, so far as relates to the counties of Brunswick, Currituck and Moore, is found of evil tendency: 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 it shall not be lawful for the justices of the Courts of Pleas and Quarter Sessions for the counties of Brunswick, Currituck and Moore to make any allowance of money by way of compensation to the clerks of the said courts, sheriffs, county trustees, county attorneys, or other county officers, for or on account of any extra services performed by them; any law, usage or custom to the contrary notwithstanding.

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

CHAPTER LI.

An act to alter the name of Henry Brown, of Robeson county, and to legitimate him.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, Henry Brown, of Robeson county, an illegitimate son of Jacob Blount and Elizabeth Brown, shall be known and called by the name of Henry Blount; and by that name, may sue and be sued, plead and be imploated, and receive and take property by descent or distribution.

II. And be it further enacted, That the said Henry Brown be, and he is hereby declared legitimate, and capable in law to take and inherit property as heir to the aforesaid Jacob Blount, in as full and ample a manner, as if he had been born in lawful wedlock; any law to the contrary notwithstanding.

CHAPTER LII.

An act to legitimate Peggy Orrell, the child of Windsor White, of Beaufort county, and to alter the names of Lovey Hassel and Sidney Hassel, children of said White, 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 from and after the passing of this act, the names of Lovey Hassel and Sidney Hassel, illegitimate children of Windsor White, shall be altered to that of Lovey White and Sidney White, and by those names shall be known and distinguished, and shall be capable to sue and be sued, plead and be imploated, in any Court within this State.
II. And be it further enacted, That the said Lovey and Sidney, together with Peggy Orrell, also a child of said White, be, and they are hereby legitimated, and made capable of taking by descent or distribution, any estate, real or personal, in the same manner, as if they had been born in lawful wedlock; any law to the contrary notwithstanding.

CHAPTER LIII.

An act to amend an act, entitled "An act to amend an act, passed in the year one thousand eight hundred and fifteen, entitled 'An act to incorporate the town of Charlotte, in the county of Mecklenburg.'"

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That at each and every election, which may hereafter be held in said town for the appointment of the commissioners thereof, all freemen of the age of twenty-one years, who shall have resided in said town twelve months immediately preceding such election, shall be entitled to vote for said commissioners.

II. And be it further enacted, That the person appointed by said commissioners to collect the town tax shall enter into bond and security, in the sum of one thousand dollars, payable to the commissioners and their successors in office, for the faithful collecting and accounting for said tax.

CHAPTER LIV.

An act to repeal an act, passed in the year one thousand eight hundred and twenty-four, entitled "An act to regulate the patrol of the counties of Ashe and New-Hanover," so far as respects the county of New-Hanover.

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

CHAPTER LV.

An act to authorise the County Courts of Guilford, Davidson and Chowan to appoint a committee of Finance.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the justices of the peace for Guilford county, and the justices of the County Court of Davidson and of Chowan are hereby authorised, if they deem it expedient, at the first court which shall be holden for said counties after the first day of March next, and annually thereafter, a majority of the justices being present, to appoint three persons of skill and probity, to act as a committee of Finance, whose duty it shall be to examine all the records, papers and documents which have relation to any county monies in the offices of the Clerks of the Superior and County Courts, and of the Clerk and Master in Equity, and to audit and settle all accounts between the said counties, and the sheriff, county trustee, or any other officer, or commissioner, who may have heretofore held money belonging to the counties aforesaid; and the said committee are hereby authorised and empowered to call on each of the said clerks at their offices, to lay before them for inspection, such records, documents and papers as aforesaid, and to call on said sheriffs, county trustees, or other officer or commissioner, to meet them at the court house of said counties, to audit and settle their respective accounts at some designated time.

II. And be it further enacted, That it shall be the duty of said committee to make a full investigation of all the financial concerns of said county of
Guilford, from the first court after March, 1826, up to the first court after March, 1827; and in the county of Davidson, from January court, 1823, up to March, 1827; and in the county of Chowan, from March term, 1823, up to June term, 1827; and to make a similar investigation annually thereafter; and to make a return to said courts, setting forth a full and fair statement of their investigation, designating therein all monies due from the counties aforesaid to individuals, as well as those sums due by individuals to the counties; and each member of said committee shall receive an allowance not exceeding one dollar and fifty cents per day for each day they shall be necessarily employed on said committee; which said allowance the County Courts of said counties are hereby authorised and required to make, a majority being present, to be be paid out of the county fund.

III. Be it further enacted, That if said clerks, sheriff, county trustee, or other officer, who may hold any county money, shall fail, neglect or refuse duly to account for the same, the committee of Finance shall give such person ten days previous notice, in writing, of the time at which they will attend to make said settlement; and every officer receiving such notice aforesaid, and failing to attend and make such settlement as is required by this act, shall forfeit and pay the sum of one hundred dollars, to be recovered before any jurisdiction having cognizance thereof; which said suit shall be brought in the name of the chairman of the court, and shall be prosecuted at the expense of the counties, unless the said County Court shall release said officer from said forfeiture, which said court is hereby authorised to do.

IV. And be it further enacted, That every person appointed, by the authority of this act, a member of the committee of Finance aforesaid, shall, previous to his entering upon the duties of his appointment, take the following oath, to wit: “I, A. B. do solemnly swear (or affirm as the case may be) that I will faithfully discharge the duties imposed on me, by law, as a member of the committee of Finance for my county, in all business that may come before me, without doing injustice to the county, or to individuals, to the best of my skill and ability: so help me God.”

V. And be it further enacted, That it shall hereafter be the duty of the several clerks, sheriff, county trustee, and all other officers or commissioners, who may have claims or demands on the counties aforesaid, to deliver the same to the said committee of Finance for their examination and inspection, whose duty it shall be to make out two fair and correct statements of each settlement by them made, by virtue of their appointment, one of which, after being submitted to, and passed upon by the court, shall be filed with the clerk of the County Court, and the other be kept by the committee for their own use.

VI. And be it further enacted, That it shall be the duty of the clerks of said County Courts to furnish said committees with a statement of all sums allowed by the County Courts to individuals, setting forth the several amounts, and to whom made.

CHAPTER LVI.

An act appointing commissioners to lay out a road from Lincolnton to Rutherfordton.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Theodoric F. Burchett, Jacob Michael and Daniel Hoke, be, and they are hereby appointed com-
mission to survey, lay out, and mark a public road, the best and most convenient route from Lincolnton to Rutherfordton, and to appoint overseers of the different parts of said road; to open and keep said road in repair; and such appointment shall give to said overseers all the powers and authorities, and subject them to the same liabilities, as if they had been made by their County Courts; and all persons living within three miles of the road so laid out and marked, who are not exempt from working on public roads, shall be bound to assist in opening and keeping in repair said road, and under the orders of their respective overseers; and such road shall be of the width, and kept in the repair prescribed by law for public roads, and be held, deemed and taken, to every intent, a public highway.

II. And be it further enacted, That the said commissioners shall file with the clerks of the County Courts of Lincoln and Rutherford a chart of the said road, with a list of the overseers, in each county, and set forth the points between which each overseer shall be bound to work; and such list shall be taken, upon all trials, good evidence of the appointment of such overseers as are named therein.

III. Be it further enacted, That said commissioners shall assess the damages which shall be sustained by individuals, over whose lands said road shall run, which shall be paid by the county where the lands are situate, the said commissioners returning the amount thereof, and to whom allowed, in writing, with the chart of said road.

IV. Be it further enacted, That each of the said commissioners shall receive two dollars for each and every day he shall be employed in laying out said road, and may employ axe-men and chain-carriers, if necessary; and shall make out a statement of the amount of the whole expense, including axe-men and chain-carriers, and file the same; which amount the counties of Lincoln and Rutherford shall pay in equal proportions.

CHAPTER LVII.

An act to alter an act, entitled "An act to establish and incorporate an academy in the town of Greensborough, in the county of Guilford," passed in the year one thousand eight hundred and sixteen.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for the trustees of the Greensborough Academy to elect or appoint any other trustee for said Academy, until the present number of the trustees of said Academy shall be reduced below the number of thirteen, either by death, removal from the county or from the board of trustees, inability, refusal to act or resignation; that when the present number of said trustees shall be reduced below thirteen, then it shall be lawful for the then existing trustees, two thirds of them concurring, to elect one or more persons as trustees of said Academy, so as to make and keep the number of said trustees thirteen; that any trustee of said Academy may hereafter be removed by the concurring vote of two thirds of the then existing trustees.

II. Be it further enacted, That from and after the passage of this act, seven trustees of said Academy shall be a board to transact the business of said Academy, and their acts shall be as good and valid as if done by a majority of the trustees, as is required by the before recited act.

III. And be it further enacted, That all such clauses and parts of the before recited act as are inconsistent with this act, and come within the meaning and purview of this act, be, and the same are hereby repealed.
CHAPTER LVIII.

An act to incorporate the Nashville male and female academies.

Be 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 Buddie, Henry Blount, James S. Battle, Nicholas J. Drake, Isaac Hilliard, jr. Archibald Lamon, John Ricks, Joseph Phillips, Isaac Sessions, James N. Mann, and Colonel Joseph Arrington, and their successors, be, and they are hereby declared to be a body politic and corporate, to be known by the name and style of "the Trustees of the Nashville Male Academy," and by that name may have perpetual succession, and shall be able and capable, in law, to have, hold and possess any lands and tenements, goods, chattels and money that may be given them, and apply the same according to the will of the donor, and dispose of the same, when not forbidden by the terms of the gift; may sue and be sued, plead and be impleaded in any court of law in this State; shall have power to appoint other and more trustees to fill the place of those that may die, remove, resign or become incapable of acting; and establish such laws and regulations for the government of said institution as may be necessary for the preservation of order and good morals; elect a professor or professors, tutors and other officers, and to do and perform all other acts and things as are incident to, and usually exercised by bodies politic and corporate.

II. And it is further enacted, That five of said trustees shall be a number sufficient to form a quorum, and transact business.

III. And it is further enacted, That John H. Drake, sen'r, Samuel W. W. Vick, Bartholomew F. Moore, Jonathan Wood, Benjamin B. Hunter, John N. Bennett, Archibald Davis, Edwin D. Whitehead, Bennett Bunn, George Cooper, and John H. Drake, jr. be, and they are hereby declared to be a body politic and corporate, by the name of "the Trustees of the Nashville Female Academy;" and the said trustees and their successors shall and may have and exercise all and singular the rights, powers and authorities given to the trustees of the Nashville Male Academy, by the first section of this act, in as full and as ample manner as if the same were here again particularly set forth and recited.

CHAPTER LIX.

An act to amend an act, passed in the year one thousand eight hundred and twenty, entitled "an act for the better regulation of the County Courts of Rutherford, Burke and Lincoln."

Whereas, by the provisions of the above recited act, the justices of the several counties therein named are required to elect from among themselves five fit and proper persons to hold the said Courts; and whereas it is found by experience that three special justices will be amply sufficient to perform all the services necessary to be performed, and that the additional two is productive of much expense to the counties of Burke and Rutherford, without rendering services equivalent thereto;

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall be the duty of the justices of the counties of Burke and Rutherford, at the first court to be held for said counties after the first day of January, one thousand eight hundred and twenty eight, (a majority being present,) to elect from among themselves, three fit and proper persons to hold the said courts, whose duty it shall be to per-
form the services in the same manner, and under the same rules and regulations, as by the above recited act five were required to perform them, and who shall receive for the same, the same compensation, each, per day, as was allowed under the provisions of the before recited act.

II. Be it further enacted, That the said justices so elected shall hold their appointments for the term of two years, and may be eligible to a re-election at the expiration of the said term; and the justices of the said counties of Burke and Rutherford are hereby required to make the appointments, as by this act required, at the expiration of the term of service of the special justices as aforesaid.

III. And be it further enacted, That in case of death, sickness, absence, resignation, removal, or refusal to act, of any of the special justices as by this act required to be elected, the remaining justices shall have power to appoint from their body proper persons to fill such vacancy, which appointment shall expire at the usual time of election.

IV. And be it further enacted, That the three justices so elected as by this act required, shall have power to do and perform all matters and things which seven justices by the existing laws may do and perform; any law to the contrary notwithstanding.

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

CHAPTER IX.

An act to establish Mocksville Academy, in the county of Rowan, and to incorporate the trustees thereof.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Thomas M'Neily, James F. Martin, William F. Kelly, A. G. Carter, A. R. Jones, John A. Chaffin and Richmond M. Pearson, 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 Mocksville Academy," and by that name shall have perpetual succession and a common seal; and they, or a majority of them, by the name aforesaid, shall be able and capable in law to receive subscriptions and donations, possess all monies, goods and chattels that shall be given for the use of the said Academy, and by gift, purchase, and devise, take, possess, and enjoy to them or their successors, any lands, tenements, and hereditaments in trust, and for the purposes of establishing and endowing said Academy.

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

III. And be it further enacted, That the said trustees and their successors, or a majority of them, shall have power to make, ordain and establish such laws, rules, and regulations for their own government, and for the regulation of said Academy, as to them may appear necessary and proper: And upon the death, resignation, refusal to act, or removal out of the State of any of the trustees aforesaid, the remaining trustees, or a majority of them, shall have power to fill such vacancies as may thereby be occasioned: and
the trustees so appointed shall have the same powers as those mentioned in the first section of this act.

CHAPTER LXI.
An act appointing commissioners to lay out a road from Salisbury to Lincolnton.

Be 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 Torrence, John F. Brevard, and John Andrews, be, and they are hereby appointed commissioners to lay out a road from Salisbury to Lincolnton, the most convenient and best route, or so much and such part thereof as the public interest and convenience shall require, to be laid out, altered or changed from any route or routes now used as public highways; and such road, when so laid out, shall be opened and kept up in the manner now prescribed by law for opening and keeping up public roads.

II. Be it further enacted, That the said commissioners shall file with the clerks of the Court of Pleas and Quarter Sessions in the respective counties through which said road shall pass, a chart of the same, and shall receive a per diem allowance of two dollars each for their services, to be paid in equal proportions by the counties through which said road shall pass; the said commissioners first apportioning their claims and filing them with the report required by this act.

III. Be it further enacted, That the said commissioners shall appoint overseers and designate the part or parts of the road the respective overseers shall open and keep up, and shall assess damages, setting forth the amount and to whom allowed, and report the same in writing to the respective County Courts, which shall be paid by the counties where the lands are situate.

IV. Be it further enacted, That the County Courts shall order and direct notices to be given to the several overseers in the same manner as now prescribed by law, and shall order and direct the expense and damages to be paid by the county trustees agreeably to the report and estimate of said commissioners.

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

CHAPTER LXII.
An act concerning net stakes in Pamlico River and Core Sound, 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 in future, all such persons as shall put down stakes in Pamlico River, below the bridge at Washington, in the county of Beaufort, or in Core Sound, in Carteret county, for the purpose of fishing for shad or other fish, shall remove the same out of the river and sound on or before the fifteenth day of April in each and every year; and in case any person or persons so offending, shall fail to comply with the provisions of this act, he, she or they shall forfeit and pay for each and every neglect in so doing, the sum of twenty dollars, to be recovered before any jurisdiction having cognizance thereof.

II. And be it further enacted, That if any slave shall violate the provisions of this act, and being lawfully convicted thereof, shall receive on his or her bare back not less than twenty lashes, and his or her master or mistress, or the guardian of any minor owning said slave, shall pay the cost of such prosecution.
CHAPTER LXIII.
An act to establish an Academy upon the lands of Joseph W. Hawkins, in the county of Warren, 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 there shall be an academy established upon the lands of Joseph W. Hawkins, in the county of Warren, in a house which he has erected for that purpose, to be known by the name of the "Warren Academy."

II. And be it further enacted, That William Williams, William Robards, Thomas H. Kean, Solomon Green, Michigan T. Hawkins, John D. Hawkins and Joseph W. Hawkins, be, and they are hereby appointed trustees of said academy hereby established; and the said trustees, or a majority of them, shall have power to make such rules and regulations for the well ordering and good government of said academy, as they, or a majority of them, may deem expedient; to appoint other trustees, or fill vacancies when the same may happen, and to do whatsoever matter or thing which trustees of other academies in this State are allowed to do, for the encouragement thereof.

III. And be it further enacted, That all teachers of said academy, during the term they shall attend the same, shall be exempt from military duty of all kinds, except in case of rebellion or invasion.

CHAPTER LXIV.
An act to declare valid certain deeds registered in the counties of Wayne and Randolph.

Whereas the registers of the counties of Wayne and Randolph have, in some instances, registered deeds in their offices, and omitted to register also the certificate of probate of the said deeds, and the original deeds being lost, persons holding under them have their titles brought into doubt; 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 all copies of deeds from the registers' books of the counties of Wayne and Randolph, which have been heretofore registered in said books, duly certified as copies from said books, by the register of said counties, may be read in evidence as other copies from said books may by law be read in evidence, without the copy of the certificate of probate of said deed: Provided, the register certify that there is no certificate of probate recorded in his books.

CHAPTER LXV.
An act allowing mileage to the special justices of the county of Richmond.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the justices of the Court of Pleas and Quarter Sessions for the county of Richmond, be, and they are hereby authorised, a majority of the justices of said county being present, to allow to their special justices a sum, at the rate of not more than one dollar, nor less than a half dollar, for every twenty miles travelling to, and from said court.

CHAPTER LXVI.
An act to alter the name of Charlotte Fell, of Lenoir county, and to legitimate her.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Charlotte Fell, of the county of Lenoir, the illegitimate daughter of Benjamin Burns, shall here-
after be known and distinguished by the name of Charlotte Burus, and by that name shall be capable to sue and be sued, plead and be impleaded, in any Court of this State; and by that name shall be legitimated, and made capable to take, inherit, possess, and enjoy any estate, real or personal, which may be devised, or descend to her, in all full and ample a manner, to all intents and purposes, as if the said Charlotte had been born in lawful wedlock; any law to the contrary notwithstanding.

CHAPTER LXVII.

An act to divide the third regiment of Burke county militia.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all that part of the militia of Burke county who reside west of the Blue Ridge, and being at present part of the third regiment, shall hereafter compose a separate regiment, to be called the fourth regiment of Burke.

II. And be it further enacted, That the field officers of the same are hereby authorised to locate the parade ground at some convenient place within the bounds of said regiment.

CHAPTER LXVIII.

An act concerning the records of the Superior Court of Columbus 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 at the first Court which shall happen for the county of Columbus, after the first day of March next, it shall be the duty of the justices of the Court of Pleas and Quarter Sessions of said county, and they are hereby authorised and required to employ a suitable person to transcribe in a well bound book, to be provided for that purpose, the minutes of the Superior Court of Law of said county, who shall be allowed such compensation for his services as said justices (a majority of them being present on the bench) shall deem adequate, to be paid by the county trustee, out of the funds of said county.

II. And be it further enacted, That the said minutes, so transcribed, shall be evidence in all cases where the original minutes would be evidence; any law to the contrary notwithstanding.

CHAPTER LXIX.

An act to empower Joseph Huston, of Iredell county, to erect and keep up gates across certain roads 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, it shall and may be lawful for Joseph Huston, or his legal representatives, to erect and keep up two gates across the roads leading to his ferry; one across the new road leading from the mountain road, near Nicholas Norton's, to his ferry; and one across the road leading from the Island Ford of the Catawba river to said ferry, under the same rules, regulations and restrictions as have been established, or hereafter may be established, by law, for erecting and keeping up gates across public roads: Provided, nevertheless, that said gates shall be erected upon the lands of the said Joseph Huston: And provided also, the said Joseph Huston shall be exempt from any tax now imposed, or hereafter may be imposed, by law, upon persons erecting gates across public roads.
II. Be it further enacted, That the said Joseph Huston shall keep a good and sufficient boat at his ferry, for the accommodation of all passengers, and be subject to such rates of ferriage as the County Courts of Iredell shall impose.

CHAPTER LXX.

An act to appoint commissioners to run and establish the dividing line between the counties of Burke and Lincoln.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Matthew Baird, of the county of Burke, and John Yoder, of the county of Lincoln, be, and they are hereby appointed commissioners for the purpose of running and establishing the dividing line between the counties aforesaid, in conformity with the boundary described in the act of one thousand seven hundred and eighty-four; the said commissioners shall cause to be filed in the clerk's office of their respective County Courts, a plat or survey of the said line; which line, when thus run and marked, shall be established as the boundary line between said counties.

II. And be it further enacted, That the said commissioners shall be allowed a reasonable compensation for the same, which shall be paid by the counties of Burke and Lincoln in equal proportions.

CHAPTER LXXI.

An act to incorporate Roanoke Chapter, number four, (No. 4,) of "Excellent and Most Excellent Royal Arch Masons," in 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 the High Priest, King, Scribe, and other officers, and companions of Roanoke Chapter, (No. 4,) number four, of Excellent and Most Excellent Royal Arch Masons, in the town of Halifax, be, and they are hereby constituted a body politic and corporate, by the name and style of "Roanoke Chapter, (No. 4,) number four, of Excellent and Most Excellent Royal Arch Masons," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, hold and dispose of such property as they may acquire, and, in general, exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of the like nature.

CHAPTER LXXII.

An act to amend an act, passed in the year 1825, entitled "An act directing the manner in which constables shall be hereafter appointed in the county of Sampson."

Be 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 elections which may take place under the provisions of the before recited act, and the person so elected and returned to the County Court of said county shall fail or neglect to give bond and security as required by the said act, or where no person shall receive a plurality of the votes given in at said election, or where the captain of any company in the said county shall neglect or refuse to appoint judges of the said election, or where by any other means the said election is not held according to the provisions of the before recited act, then and in those cases it shall be the duty of the County Court of said county to make an appointment of constable for said company, and to take from him the necessary bonds, and administer the necessary oaths of office, as is now required by the existing laws of this State.
II. And be it further enacted, That the several captains of companies within said county shall, at their first muster which shall happen after the first day of January in each and every year, or at any other muster which shall take place between the said first day of January and the day of election, or at the election, appoint three discreet and suitable persons to hold said elections, which shall be conducted and held in every other respect according to the provisions of the before recited act.

CHAPTER LXXIII.

An act to amend an act, passed in the year 1825, entitled "An act granting to the Superior Court of the county of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury may be necessary."

Whereas inconvenience has been found to arise from the operation of the before recited act in its full extent: 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 Court of Pleas and Quarter Sessions for the county of Brunswick be, and the same is hereby restored to the right and power of hearing, trying and determining all civil causes, where the intervention of a jury may be necessary, in as full and ample a manner as any other Court of Pleas and Quarter Sessions within this State, and in as full and ample a manner as though the before recited act had never been passed.

II. And be it further enacted, That at the term of the said Court of Pleas and Quarter Sessions, to be held for the said county of Brunswick, on the third Monday of May next, it shall be the duty of the justices of said court to cause a jury to be drawn, and the sheriff of said county shall, and he is hereby directed to summons the persons drawn as jurors to attend the sitting of said court at their August term then next ensuing, for the purpose of hearing, trying and determining all such civil causes as may be then and there submitted to them.

III. And be it further enacted, That the justices of the said Court of Pleas and Quarter Sessions for the county of Brunswick aforesaid shall forever be, and they are hereby empowered to cause a jury to be drawn, and summoned to attend for the purpose of hearing, trying, and determining all such civil causes as may be submitted to them at such term or sitting of said court, as the said justices may, from the state of the docket, deem a jury proper and necessary for the despatch of public business.

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

CHAPTER LXXIV.

An act for the better regulation of the town of Concord, in the county of Cabarrus.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the free white men of the town of Concord and its vicinity, as hereinafter mentioned, be, and they are hereby authorised and empowered to convene at the court house in said town on the first Monday in March in each and every year, and elect, by ballot, five commissioners (who shall be freeholders) and a magistrate of police, who shall hold their respective appointments for the term of one year, and no longer, unless re-elected: and in case of the death, removal, or refusal to act, of any commissioner, it shall be the duty of the magistrate of po-
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lice, upon ten days' notice given by him, to hold an election for commissioner or commissioners, (as the case may be,) who shall hold their appointments until the next annual election; and in case of the death or removal of the magistrate of police, the commissioners shall elect one of their own body to fill such vacancy, until the next annual election.

11. Be it further enacted, That the said commissioners, or a majority of them, be, and they are hereby authorised and empowered to make such by-laws and regulations for the good government of said town as they may think proper, not inconsistent with the laws and constitution of this State, and of the United States.

111. Be it further enacted, That the commissioners who may be elected as aforesaid shall be, and they are hereby authorised and empowered to lay such taxes upon the citizens of said town as they may think proper, not exceeding fifty cents on each poll, nor exceeding twenty-five cents on every hundred dollars worth of town property.

IV. Be it further enacted, That the commissioners who may be elected for the town of Concord as aforesaid, and their successors, shall have power to elect or appoint a town constable, whose duty it shall be to collect such taxes as may be laid by the said commissioners, and to do and perform all such other duties, relating to the prosperity and well being of said town, as they by their laws shall direct: and if any person be elected or appointed by the commissioners aforesaid as town constable, and shall refuse to act as such, he shall be liable to a penalty of fifty shillings, to be recovered by warrant before the magistrate of police, and to be applied to the benefit of said town.

V. Be it further enacted, That all persons living and residing within one quarter of a mile from the court house in said town, shall be entitled to the same privileges, and liable to the same penalties, rules and regulations, as the citizens residing within the limits of said town, as established by the act of Assembly of one thousand eight hundred and six.

Whereas, since the incorporation of the said town of Concord, sundry lots have been laid out adjacent to the west end of the said town, none of which have been heretofore considered as embraced within the jurisdiction of the corporation of said town:

VI. Be it therefore enacted by the authority aforesaid, That all those lots laid out, adjoining to the west end of said town, and which have been conveyed by Alexander F. Russell to Keah P. Harris, Daniel Coleman and William Brown, be, and they are hereby declared to be incorporated within the limits of the said town of Concord, in the same manner, to all intents and purposes, and shall be subject to the same rules, regulations and restrictions as those heretofore incorporated; any law to the contrary notwithstanding.

VII. Be it further enacted, That the said magistrate of police and commissioners so to be elected by virtue of this act, shall, before entering upon the duties of their office, take and subscribe the following oath, viz. "I, A. B. do solemnly swear, that I will, to the best of my skill and ability, discharge the duties of magistrate of police (or commissioner as the case may be) for the town of Concord, without favour, affection or partiality; so help me God."

VIII. Be it further enacted, That the town constable shall give bond, with two sufficient securities, in the sum of five hundred dollars, for the faithful performance of his duty, payable to the magistrate of police and his successors in office, for the use and benefit of the said corporation; and the said con-
stable, before entering upon the duties of his office, shall take and subscribe an oath for the faithful discharge of his duty, and shall be entitled to the same fees for his services as are now established by law for other constables to receive; and, in addition thereto, shall be entitled to receive the sum of twenty-five cents for every written notice which he may serve in obedience to the instructions of the magistrate of police, or a majority of the said commissioners, to be paid out of the town treasury.

IX. Be it further enacted, That the commissioners shall have power to appoint or elect a secretary and Treasurer, who shall enter into bond, with approved security, in the sum of five hundred dollars each for the faithful performance of their duty, and duly accounting for all fines and forfeitures by them received, which they are hereby required to do at all times, when directed by the said commissioners.

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

CHAPTER LXXV.

An act to establish a poor house in the county of Wayne.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the wardens of the poor of the county of Wayne, or a majority of them, as soon as they may deem it necessary after the passage of this act, to make application to the Court of Pleas and Quarter Sessions of said county, and the said Court is hereby authorised and empowered, if deemed necessary by a majority of the justices, to lay a tax not exceeding ten cents on every poll, five cents on every hundred dollars worth of land and town property, to be collected and accounted for as other taxes, with the wardens of said county; which taxes, 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 by purchase or otherwise, a quantity of acres not less than fifty, and not to exceed one hundred and fifty, within five miles of the town of Waynesborough, in Wayne county, and to build, or cause to be built thereon a house or houses for the reception of the poor of said county, under which denomination shall be comprehended all such persons of either sex as shall be adjudged by the wardens incapable, from old age or infirmity, to procure subsistence for themselves; and the said wardens shall appoint a keeper or overseer of the poor aforesaid, whose business it shall be to preserve good order, and to see that they are humanely treated, and provided with suitable diet, clothing, lodging and fuel, and to enforce such regulations, as may be established, from time to time, for the well ordering and governing the said poor, which regulations the said wardens are hereby empowered to make.

II. Be it further enacted, That it shall be lawful for the said County Court to renew the imposition of said taxes from year to year, if necessary, either to complete said building or buildings, or for defraying the expenses that may be occasioned by keeping up the same; and the said overseer, for his services, shall be allowed for each year, such sum or sums, as the wardens may deem adequate for his services, to be paid out of the taxes laid for that purpose.

III. Be it further enacted, That the overseer or manager of said poor is
hereby required to keep at moderate labour all such of those under his care as he shall judge capable of labour, and at the end of each and every year, shall account to the wardens of said county, on oath, for all such sum or sums as may have arisen from the labour of said poor, and have the same deducted from the amount of their expenses; any law to the contrary notwithstanding.

IV. And be it further enacted, That it shall be the duty of the said wardens to apply all such surplus funds as may be on hand, to the carrying into effect the object of this act.

CHAPTER LXXVI.

An act to prevent the falling of timber in, or obstructing the run of Abbot’s creek, in Davidson county, and Pigeon river, in Haywood county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That if any person or persons shall fell timber in, or otherwise obstruct the run of Abbot’s creek, in Davidson county, between the mouth thereof and Peter Tice’s mill, or in that part of Pigeon river, in Haywood county, from where the State road crosses the same, to the upper end of the plantation where Wm. Cooper formerly lived, he, she, or they shall forfeit and pay the sum of ten dollars for each and every offence, to be recovered before any jurisdiction having cognizance thereof, one half to the use of the informer, and the other half to the use of the poor of said county: Provided, that nothing herein contained shall be so construed as to prevent owners of land on said creek from erecting water fences across the same or building mills thereon, nor shall any person incur the penalty herein prescribed, who shall fall timber in, or obstruct the run of said creek, in clearing and improving their lands: Provided, be, she or they shall remove the same within ten days.

CHAPTER LXXVII.

An act for the relief of Samuel Jones, late sheriff 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 Samuel Jones, late sheriff of Rowan, be, and he is hereby authorised to collect the arrears of taxes due for the years one thousand eight hundred and twenty-one, twenty-two, and twenty-three, according to the rules and regulations now in force for the collection of taxes by sheriffs in office; Provided, nevertheless, that no collection of taxes shall be made under this act from the estates of persons who have died since the said taxes were due, or from such persons as have moved from the county, or as will make oath that they have paid said taxes, and lost their receipts: Provided, that nothing in this act contained shall authorise the said Samuel Jones to collect taxes on property or polls within the county of Davidson.

CHAPTER LXXVIII.

An act to alter the names of the 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 name of Judith Williamson, the illegitimate daughter of William Dickenson and Julia Dickenson, of the county of Wayne, be altered to that of Judith Dickenson; and that the name of Narcissa Killingsworth, of said county, the illegiti-
mate daughter of Blake Hooks and Peggy Hooks, be altered to that of Narcissa Hooks.

II. And be it further enacted, That the said Judith and Narcissa, be, and they are hereby declared to be legitimatized, and forever shall be 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 lawful wedlock.

CHAPTER LXXIX.
An act to amend an act, passed in the year one thousand eight hundred and twenty-one, entitled "An act to establish Clinton Academy, in Sampson county, and to incorporate the trustees thereof."

Whereas, by the before recited act, no provision is made for the future election of trustees of said Academy: 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 trustees of said Academy in the before recited act named, or any three of them, may at any time hereafter, after ten days public advertisement at the court-house in Sampson, order a meeting of said trustees, and that three of them, when convened in pursuance of said meeting, shall form a board and quorum competent to transact any business relative to said Academy, and shall have full power and authority at any and all times to appoint such trustees, in addition to those named in the above recited act, as to them shall seem meet and proper.

CHAPTER LXXX.
An act respecting the Court of Pleas and Quarter Sessions 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 all criminal jurisdiction in the Court of Pleas and Quarter Sessions of Moore county, be, and the same is hereby abolished; and that it shall be the duty of the justices of the said county to draw only twenty-four jurors to attend the said Courts; any law to the contrary notwithstanding.

CHAPTER LXXXI.
An act to establish two separate elections 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 two separate elections be, and they are hereby established in the county of Hyde, one at Germanton, and the other at Samuel Clark's Mills, in said county; which election 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.

CHAPTER LXXXII.
An act to repeal, in part, an act passed in the year one thousand eight hundred and twenty-four, entitled "An act to regulate the patrol of Richmond 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 so much of the above recited act as relates to the county of Cabarrus, be, and the same is hereby repealed.
CHAPTER LXXXIII.

An act to appoint commissioners for the town of Nixonton, in Pasquotank county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Pool, senr. Chappin Saltisnall, Miles Elliot, Francis Shaw and Robert Bailey, be, and they are hereby appointed commissioners for the town of Nixonton, in Pasquotank county, who are vested with the same powers and authorities for the regulation of the said town of Nixonton, as those who have heretofore been appointed by law.

CHAPTER LXXXIV.

An act authorising the Courts of Pleas and Quarter Sessions of the county of Richmond to pay certain officers therein mentioned, and to regulate the poll tax 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 in future it shall and may be lawful for the Courts of Pleas and Quarter Sessions for the county of Richmond, a majority of the justices of the peace of said county being present, at the second term of their sessions, to allow each warden of the poor of said county a sum not exceeding one dollar per day for every day they may serve in their official capacity, and two cents for every mile they shall travel to and from the court house, in discharge of said office.

II. And be it further enacted, That said court shall have power to regulate the poll tax thereof, in such a manner as to meet this, and all other contingent expenses of said county; any law to the contrary notwithstanding.

CHAPTER LXXXV.

An act to incorporate the Newborn Marine and Fire Insurance Company.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all such persons as shall hereafter be stockholders of the said company, shall be, and they are hereby declared to be a body corporate and politic, in fact and in name, by the name and style of "the Newborn Marine and Fire Insurance Company;" and by the said name, they and their successors shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and by the same name be capable of purchasing, holding or conveying any estate, real or personal, for the use of the said corporation, subject to the restrictions hereinafter mentioned.

II. And be it further enacted, That the capital stock of said company shall be two hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, payable in such instalments as the President and Directors, appointed as hereinafter directed, shall direct.

III. And be it further enacted, That the corporation hereby created shall have power and authority to make insurance upon vessels, goods, wares and merchandise, freight, bottomry, respondentia interest, and all other marine risks; and also to make contracts of insurance with any person or persons, body politic or corporate, against loss by fire, of any houses or buildings, whatsoever, and of any goods, chattels, machinery, merchandise or person
al estate whatsoever, for such term or terms of time, within the limitation of this act, and for such premium or consideration as may be agreed on between the said corporation and the person or persons agreeing with them for such insurance; they may also lend money on bottomry and respondentia.

IV. And be it further enacted, That the stock and affairs of said corporation shall be managed by twelve Directors, who shall be stockholders and residents within this State, and after the first election hereinafter provided for, shall be elected on the second Monday in January in each and every year, at such time of the day, and at such place in the town of Newbern, as the board of Directors for the time being shall appoint, and shall hold their offices for one year, and until others shall be chosen to supply their places, and no longer; and notice of the time and place of such annual election shall be published for the space of one week preceding the same in a public newspaper printed in the said town; and every such election shall be held under the inspection of three or more stockholders in the said company, not being Directors, to be previously appointed for that purpose by the board of Directors, and shall be made by ballot by a plurality of the votes of the stockholders present, allowing one vote for every share; and stockholders not present may vote by proxy, such proxy being granted directly to the person representing them at such election.

V. And be it further enacted, That Moses Jarv's, William Hollister, Samuel Simpson, John Sneed, John Justice and Sylvester Brown, shall be commissioners, whose duty it shall be, on the first Monday in March next, at the court house in Newbern, to open books to receive subscriptions in the capital stock of said corporation, and public notice shall be given by the said commissioners of the time and place of the opening of such books in a public newspaper printed in said town; and as soon as four hundred shares shall be subscribed, to give a like notice for a meeting of the stockholders, to choose Directors; and the said commissioners shall be inspectors of the first election of Directors of the said Insurance Company, and shall certify, under their hands, the names of those duly elected, and deliver over the subscription books; and the time and place of holding the first meeting of the Directors shall be fixed by the said commissioners; and the Directors to be chosen at such meeting, or at such annual elections, shall as soon as may be after every election, choose out of their own body one person to be President, who shall preside until the next annual election thereafter, or until another President is chosen; and in case of the death or resignation of the President, or any Director, such vacancy or vacancies may be filled for the remainder of the year, wherein they may happen, by the board of Directors; and in case of the absence of the President, the board shall have power to appoint a President pro tempore, who shall have and exercise such powers and functions as the bye laws of said corporation may provide: Provided, that the Directors first elected shall hold their offices until the second Monday in January next ensuing said first election.

VI. And be it further enacted, That the President and Directors of said company, at any future time or times, shall be authorised to open books to receive subscriptions for any part of the shares of the stock of said company not subscribed at the opening of the books in March next, at such time and at such place, and on such terms, as they may think proper, either as to advanced price or as to time of payment.

VII. And be it further enacted, That in case it shall at any time happen
that an election of Directors shall not be made on any day, when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall and may be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the bye-laws of the said corporation, not inconsistent with this act.

VIII. And be it further enacted, That the stock of said corporation shall be transferable and assignable.

IX. And be it further enacted, That five of the Directors of said corporation shall form a board, and be competent to transact the business of the corporation; and they shall have full power and authority to make and prescribe such bye-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the transfer of shares, and touching the duties and conduct of their officers and servants, and the election of directors, and all other matters whatsoever, which may appertain to the business of Marine and Fire Insurance; and shall also have power to appoint a secretary, and so many clerks and servants, for carrying on said business, as to them shall seem meet; and to establish and fix such salaries and allowances to them, and also to the President, as to the said board shall appear proper: Provided always, that such bye-laws, rules and regulations shall not be repugnant to the constitution and laws of this State, or of the United States, or any provisions of this act.

X. And be it further enacted, That all policies of insurance and other contracts which are authorised by this act, which shall be made or entered into by the said corporation, may be made either under, or without the seal thereof, and shall be subscribed by the President, or such other officer as shall be designated for that purpose by the bye-laws of the said corporation, and attested by the Secretary; and being so signed, executed and attested, shall be binding and obligatory upon the said corporation, according to the tenor, intent and meaning of this act and of such policies and contracts; and the assured may thereupon, in case of loss arising, maintain an action on the case, against said corporation, and all such policies and contracts may be so made, signed, executed and attested, and the business of the said corporation may be otherwise conducted and carried on, without the presence of a Board of Directors, by the President and a Director, or by a committee to be appointed for such purposes; and the acts of such President and Director, or of such committee, if done under, and in conformity to the bye-laws of said corporation, shall be binding and obligatory on it to all intents and purposes.

XI. And be it further enacted, That it shall be the duty of the President and Directors, on the first Mondays of January and July in each and every year, to make a dividend of so much of the profits of the corporation as to them, or a majority of them, shall appear advisable; and in case of any loss or losses, whereby the capital stock of said corporation shall be impaired or lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of said corporation, shall have been added to the capital.

XII. And be it further enacted, That before the said corporation shall assume any risk, in pursuance of this act, not less than twenty thousand dollars of the capital stock shall be paid in, or shall have been secured to be
paid, either in the stocks of the United States, or in the stock of any incorporated Bank of this State, or upon bond, or upon mortgage, upon unincumbered real estate in this State.

XIII. And be it further enacted, That the said corporation shall hold no real estate, except such as may be requisite for the convenient transaction of its business, or such as may be, bona fide, mortgaged to the said company, by way of security, or such as may be conveyed to it, in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales, upon judgments or decrees, which it shall have obtained for such debts.

XIV. And be it further enacted, That this act shall be in force immediately from and after the ratification thereof, and shall continue in force for and during twenty-one years next ensuing.

XV. And be it further enacted, That it shall not be lawful for the said corporation to emit or issue any note or notes, bonds or bills of credit, or to discount any note, bond or bill, or to receive any money or deposite, or to carry on any banking business whatever.

CHAPTER LXXXVI.

An act concerning the Courts of Pleas and Quarter Sessions for 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 passage of this act, it shall not be lawful for the Courts of Pleas and Quarter Sessions for the county of Hyde to appoint and direct a jury to be summoned to attend any other terms of the said Court, in each and every year, except May and November terms; and that February and August terms of said Court, in each and every year, shall be set apart, exclusively, as Courts of Probate, and for the transaction of all such business as will not require the intervention of a jury.

II. And be it further enacted, That the said Courts of Pleas and Quarter Sessions shall hold their August Sessions at Germanton, or within five miles thereof, and their February Sessions at such suitable place in said county, as said Court shall select, and appoint for that purpose.

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

CHAPTER LXXXVII.

An act to authorize the building of a toll bridge over Chowan river, at the town of Winton, and to incorporate a company for that purpose.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Doctor John B. Baker, Abraham Cross and Isaac Pipkin, of Gates county, and John Vann, Redick Cross, John A. Anderson, Garrison M. Smith and Isaac Pipkin, of Hertford county, or any three of them, be, and they are hereby appointed commissioners for receiving subscriptions to the amount of thirty thousand dollars, for the purpose of building a bridge over Chowan river, at the town of Winton; and the said commissioners, or a majority of them, shall prepare books, and cause the same to be opened at such places, and under the direction of themselves, or such persons as they may appoint, on or before the first day of April next, and they shall continue open until the first day of July next, unless the said capital sum shall be subscribed before that time; at which time the said books shall be returned to the commissioners afore-
said in the town of Winton; and at the same time there shall be a general meeting of the subscribers, personally or by proxy, which meeting may continue from day to day until the business thereof be finished; and if it shall appear that ten thousand dollars, or more, of the capital stock shall have been subscribed, the said subscribers, their heirs and assigns, from the time of the said first meeting, shall be, and they are hereby declared to be incorporated into a company by and under the name and style of the Winton Ferry and Bridge Company: and may sue and be sued as such, plead and be impleaded, defend and be defended, and have succession for and during the period hereinafter limited, and a common seal: and such of the said subscribers as may be present at the said meeting, or a majority of them, are hereby empowered and directed to elect a President and four Directors for conducting the business and concerns of the said company for one year, and until the next meeting of the stockholders. Every proprietor of stock, by writing under his or her hand, executed before some justice of the peace, may depute any other stockholder to vote for him or her at any general meeting; and the votes and acts of such proxy shall be as effectual, to all intents and purposes, as if the proprietor himself was personally present at the doing thereof.

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

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

IV. And be it further enacted, That the said President and Directors shall have power to build a gate or gates, on the said bridge, to be erected as aforesaid, and to ask, demand and receive from persons passing over said
bridge, the following toll, to wit: for four wheel carriages of pleasure, seventy-five cents; for waggons, sixty cents; for two wheel carriages of pleasure, twenty-five cents; for carts, twenty cents; for a horse and man, ten cents; single horses, five cents; cattle per head, three cents; hogs and sheep, two cents; and for foot passengers, five cents.

V. And be it further enacted, That the said President and Directors are hereby bound to keep the said bridge in good and sufficient repair, under the penalty prescribed by law in cases of roads and bridges.

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

VII. And be it further enacted, That the corporation hereby created, shall terminate, and be at an end at the expiration of forty years, to be computed from the passage of this act.

VIII. And be it further enacted, That the President and Directors of said bridge shall annually, at the first Court to be held in Hertford county after the first day of January in every year, return, upon oath, to the Court of Pleas and Quarter Sessions of Hertford county, an account of the proceeds of the tolls of said bridge during the preceding year, and after defraying the expenses and charges of said year; and if the nett proceeds of said toll shall exceed twenty per centum of the capital stock of said company, said President and Directors shall pay the excess of twenty per centum to the county trustees of Hertford and Gates counties, to be applied to the use of said counties in equal moieties: Provided, that nothing herein contained shall prevent said President and Directors from reducing their rates of toll as they shall think proper: Provided always, that the tolls of the said bridge shall not exceed the rates of ferriage now allowed by law to the owner of ferries at the said town of Winton.

CHAPTER LXXXVIII.

An act to establish a poor house in the county of Pitt.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the wardens of the poor of the county of Pitt, or a majority of them, as soon as they may deem it necessary after the passage of this act, to make application to the Court of Pleas and Quarter Sessions of said county, and the said Court is hereby authorised and empowered, if they shall deem it necessary, a majority of them being present, to lay a tax not exceeding twenty cents on every poll, and six cents on every hundred dollars worth of land and town property, to be collected and accounted for as other taxes, with the wardens of the poor of said county; which taxes, 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 in said county; which may be done by purchase or otherwise, and to build thereon, or cause to be built a suitable building or buildings for the reception of the poor of said county, under which denomination shall be comprehended all such persons of either sex (with the exception of such persons as the said wardens shall deem expedient otherwise to maintain) who shall be adjudged by said wardens incapable, from old age or infirmity, to procure subsistence for themselves; and the said wardens shall appoint a keeper or overseer of the poor aforesaid, whose duty it shall be to preserve good order, see that they are humanely treated, and provided
with suitable diet, clothing, lodging and fuel, and to enforce 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.

II. And it is further enacted, That it shall and may be lawful for the said County Court to renew the said taxes from year to year, if necessary, either to complete the said building or buildings, or for defraying the expenses that may be incurred by the said establishment; and the said overseer, for his services, shall be allowed for each year, such sum or sums, as the said wardens shall deem adequate for his services, to be paid out of the tax as above stated.

III. And it is further enacted, That the overseer aforesaid is hereby empowered and required to keep at reasonable labour all such of the said poor, who may be committed to his care, who he may find capable to labour, and at the end of each and every year, shall account to the wardens of said poor, on oath, for all sums which may have arisen from the labour of the said poor, and have the same deducted from the amount of their expenses; and that it shall be the duty of said wardens to apply all such surplus sums as shall be on hand, to the carrying into effect the object of this act.

CHAPTER LXXXIX.
An act to incorporate Raleigh Chapter, No. 10, of Royal Arch Masons, in the city of Raleigh.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the High Priest, King and Scribe, and other officers, and companions of Raleigh Chapter, No. 10, of Royal Arch Masons, in the city of Raleigh, be, and they are hereby constituted a body politic and corporate, by the name and style of "Raleigh Chapter, No. 10, of Royal Arch Masons," and by that name shall have perpetual succession, may sue and be sued, plead and be implored, have a common seal, hold and dispose of such property as they may acquire, and, in general, exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of the like nature.

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

CHAPTER XCI.
An act providing for free papers in Montgomery county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the County Court of Montgomery, at the first Court which shall be held for said county after the first day of July next, and annually thereafter, shall have full power and authority, a majority of the acting justices of said county being present, to contract with the proprietor or proprietors of any one or more pub.
lic ferries, conveniently situated in said county, on Pee Dee river, to keep a
free ferry or ferries at their respective landings, on all public days, for the
conveyance of any of the citizens of said county across said river in going
to, and returning from any of the Courts of said county, the elections, gen-
eral musters and musters of review, or any other public duties requiring their
attendance at the court house of said county.

II. And be it further enacted by the authority aforesaid, That at the end
of the year for which such contract was made, the County Court shall grant
to the proprietor of each ferry as aforesaid, a certificate of allowance for
such sum as may have been agreed on, such proprietor making it appear to
the satisfaction of the Court that he has strictly complied with the terms of
the contract; which certificate of allowance shall be paid off by the county
trustee, in the same manner as other county claims.

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

CHAPTER XCV.
An act to incorporate Joseph Warren Lodge, No. 92, Stantonsburgh, in Edge-
combe county.

Be it enacted by the General Assembly of the State of North-Carolina, and
it is hereby enacted by the authority of the same, That the master, wardens,
and members of the Joseph Warren Lodge, No. 92, Stantonsburgh, in Edge-
combe county, and their successors, be, and they are hereby constituted a
body politic and corporate, by the name of "Joseph Warren Lodge, No.
92," and by that name shall have perpetual succession, and a common seal,
may sue and be sued, plead and be impleaded, acquire and transfer pro-
erty, and pass all such bye-laws and regulations for their own govern-
ment, as shall not be inconsistent with the Constitution and laws of the United
States, and of this State.

CHAPTER XCVI.
An act to authorise William Boylan, of Wake county, to erect a bridge across Deep river.

Be it enacted by the General Assembly of the State of North-Carolina, and
it is hereby enacted by the authority of the same, That William Boylan, of
Wake county, his heirs and assigns, be, and they are hereby authorised and
empowered to erect and keep up a toll bridge across Deep river, at or near
his ferry and mills, formerly known by the name of Ramsay's Mills, in Chat-
ham county.

II. And be it further enacted, That as soon as said bridge shall be comple-
eted, the said William Boylan, his heirs and assigns, shall be authorised to
ask, demand and receive the following toll for the crossing of the same, viz.
for every four wheeled carriage of pleasure, seventy-five cents; for every
waggon with four horses, fifty cents; for every waggon with one or two
horses, and every two wheeled carriage of pleasure, twenty-five cents; for
every cart, twenty cents; for every man and horse, ten cents; for every
horse, five cents; and for every head of cattle, sheep or hog, three cents:
Provided, that the erection of said bridge shall not in any wise interfere
with the ancient ford at that place.

CHAPTER XCVII.
An act to establish an Academy upon the lands of John D. Hawkins, in the county of Frank-
lin, 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 there shall be an A-
academy established on the lands of John D. Hawkins, in the county of Franklin, in a house which he has erected for that purpose, to be known by the name of the Spring Grove Academy.

II. Be it further enacted, That William Robards, William Williams, Joseph W. Hawkins, John D. Hawkins, John O'Bryan, James Houze and Thomas H. Kean, be, and they are hereby appointed trustees of said academy hereby established; and the said trustees, or a majority of them, shall have power to make such rules and regulations for the well ordering and good government of said academy as they, or a majority of them, may deem expedient; to appoint other trustees to fill vacancies, where the same may happen, and to do whatever matter or thing which trustees of other academies in this State are allowed to do, for the encouragement thereof.

III. And be it further enacted, That all teachers of said academy, during the term they shall attend the same, shall be exempt from military duty of all kinds, except in cases of rebellion or insurrection.

CHAPTER XCV.

An act to render valid certain official acts of Elihu Chambers, of the county of Haywood, and Ezekiel Brown, of the county of Davidson.

Whereas Elihu Chambers, of the county of Haywood, was duly elected, by the Court of said county, surveyor, in the year one thousand eight hundred and twelve, and by virtue of said appointment has continued to exercise and perform all the duties of surveyor for said county up to the first day of August, one thousand eight hundred and twenty-six, without having renewed his bond once in every three years, in manner prescribed by act of Assembly in such cases made and provided.

And whereas Ezekiel Brown, of the county of Davidson, was duly elected, by the Court of said county, surveyor, in the year one thousand eight hundred and twenty-three, and by virtue of said appointment has continued to exercise and perform all the duties of surveyor for said county up to the third Monday in January, one thousand eight hundred and twenty-seven, without having renewed his bond for the last year, in manner prescribed by act of Assembly in such cases made and provided: and whereas, in consequence of such omission, much mischief and inconvenience may hereafter arise to the citizens of the said counties of Haywood and Davidson: 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 all surveys, plots, returns and other official acts, made and done by the said Elihu Chambers, of Haywood county, or the said Ezekiel Brown, of the county of Davidson, be; and they are hereby declared to be as good and valid in law, to all intents and purposes, in as full and ample a manner, as if the said Elihu Chambers and said Ezekiel Brown had renewed their respective bonds agreeable to the provisions of the act of Assembly.

II. And be it further enacted, That all patents which have been, or which may hereafter be issued and granted on surveys made by the said Elihu Chambers in the county of Haywood, or on surveys made by the said Ezekiel Brown in the county of Davidson, during the times aforesaid, be, and the same are hereby declared to be good and valid in law, as if the said Elihu Chambers and the said Ezekiel Brown had renewed their bonds agreeable to the provisions of the act of Assembly; any law to the contrary notwithstanding.
III. And be it further enacted, That nothing in this act contained shall be construed to interfere with any conflicting legal or equitable claim or right heretofore obtained by any individual.

CHAPTER XCVI.

An act for the better protection of the City of Raleigh from losses by Fire.

Be 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 Fire Company be established in the City of Raleigh, in the following manner: The Intendant of Police and Commissioners of said City, shall, in the month of January in every year, enrol the free white male inhabitants of said City of twenty-one years of age and upwards, (those only to be excepted, who shall, from age or infirmity, be unable to perform the duties of a member of a Fire Company,) and being thus enrolled, the said Intendant and Commissioners shall publicly invite such citizens as choose to volunteer their services to form a Fire Company for the said City, to consist of forty members; and if a sufficient number do not offer themselves as volunteers before the last Saturday in February, the said Intendant and Commissioners shall, on that day, draft from the enrolment which they have made, such number of men as shall be wanting to make up said Company, who shall serve one year; and in all future drafts, those who have already served in said Company, shall be excused, until all the enrolled citizens shall have performed their tour of duty.

II. Be it further enacted, That immediately after the proper number of men have been obtained to form said Fire Company, the Intendant of Police shall call a meeting of the men thus volunteered and drafted, at the Court house in the City of Raleigh, for the purpose of electing a Captain and four other Officers of different grades, to be determined by the Board of Commissioners of said City, and chosen from said Company; and in case such election does not take place at such meeting, the said Board of Commissioners shall appoint such officers, who shall serve until the next annual election; and in case of vacancies, occasioned by death or otherwise, they shall be filled by the Company, or by the Board of Commissioners, as aforesaid.

III. Be it further enacted, That the Captain of said Fire Company shall call his Company together for the purpose of exercise with the Engine, as often as he may deem it necessary, which shall be, at least, once in every two months, or, on failure to do so, he shall be subject to a fine of ten dollars for every such default. And in case of the absence from the city of the Captain, inability, or other cause, he cannot attend to his duty, the calling out of the men for exercise or any other duty of the Captain, shall devolve on the officer next in command, who shall be subject to like penalties, in case of failure to perform his duty; and on the failure of any member of the Company to perform his duty, he shall forfeit one dollar for every such offence.

IV. Be it further enacted, That it shall be the duty of the Captain of the Fire Company to see that care be taken of the Engine, Hose, Hooks, Ladders, and other apparatus belonging to the City; and whenever any repairs are necessary to the Engine, or to any other of the articles used by the Company, he shall immediately give notice thereof to the Intendant of Police or one of the Commissioners, who shall lay the subject before the Board at its next meeting, so that the Engine and other apparatus may always be in good order for service; should any Captain fail in his duty in this respect, he will be subject to a fine of ten dollars.
V. Be it further enacted, That whenever an alarm of fire shall be given, all the free male inhabitants of the city shall attend with their fire buckets, and render every assistance in their power to extinguish such fire, and to take care of any property that may be endangered thereby; such as are members of the Fire Company, performing their duty under their proper officers, and others obeying the directions of those in authority; any one failing to perform his duty on such an occasion, to be subject to a fine of five dollars for every such offence.

VI. Be it further enacted, That in cases of fire in said city, it shall be competent for a majority of the Commissioners of the city, who may be present, if they deem it necessary to stop the progress of such fire, to cause any house or houses to be blown up or pulled down, for which they shall not be responsible to any one.

VII. Be it further enacted, That in case another Fire Engine, or other Fire Engines, shall hereafter be procured for the use of the said city, another Company or other Companies may be formed, upon a similar plan, and subject to the same rules and regulations which are provided for the company now proposed to be formed for managing the same.

VIII. Be it further enacted, That such men as are actually members of any Fire Company in said city, who may be subject to militia duty, shall be exempted from mustering during the period of such service, except the country should be at war.

IX. Be it further enacted, That all fines incurred under this act shall be recovered by warrant before the Intendant of Police of said city, or before any Justice of the Peace for Wake county.

X. Be it further enacted, That all acts, or clause of acts, coming within the meaning of this act, be, and the same are hereby repealed.

CHAPTER XCVII.

An act to incorporate Oak Forest Academy, 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 Archibald Buie, Duncan Hughes, Alexander M'Byrne, John Gillis, John M'Dermid, Peter Johnson, Archibald Smith, John M'Neill, Malcom Patterson, Peter M'Arthur, and their successors, be, and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of "the Trustees of the Oak Forest Academy," and by that name they shall be capable in law or equity to receive, acquire, hold and possess lands, tenements, goods or chattels, and dispose of the same for the benefit of said institution; by that name they may sue and be sued, plead and be imploaded, in any of the Courts of this State; a majority of the trustees shall have power, from time to time, to appoint other trustees, and to establish such bye-laws and regulations for the government of said institution as may be necessary for the advancement of good morals and the acquisition of learning: Provided, they be not at variance with the laws of the State.

CHAPTER XCVIII.

An act prescribing the time and place of electing the members of the General Assembly for the county of Martin, and members of Congress.

Be 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 annu
al elections in Martin county, for members of the General Assembly, and
the election for members of Congress, shall be held on the second Thursday
of August, in each captain's district in said county, at the usual places of
holding company musters, except the district of Williamson, which shall
be held at the court house in said county.

II. And be it further enacted, That it shall be the duty of the Court of
Pleas and Quarter Sessions, at the Court preceding the election, to appoint
one justice of the peace and two freeholders, in each captain's district, to
hold said election; and in case of death or refusal to act, it shall be compe-
tent for one justice of the peace and two freeholders to supply any such va-
cency; and in case there should be no justice of the peace present, it shall be
competent for three freeholders to make such appointment.

III. And be it further enacted, That it shall be the duty of the sheriff
of said county to give ten days notice in each captain's district, of the time
and place of holding said elections.

IV. And be it further enacted, That it shall be the duty of the
keepers or inspectors of said elections to open the polls at eleven o'clock,
and carefully to count the votes by five o'clock of the same day, at which
time the polls shall be closed; and it shall be the duty of said keepers and
inspectors to make a return of the state of the polls by two o'clock in the
afternoon on Friday, at the court house in Williamson, when it shall be the
duty of the sheriff of said county carefully to compare the said polls, and de-
clare who is elected.

V. And be it further enacted, That the inspectors of said elections, before
proceeding to act as such, shall be qualified before some justice of the peace
of said county; and in case there should be no justice of the peace present,
the sheriff or his deputy appointed to hold said election, is hereby authorised
and required to administer said oath to the inspectors aforesaid; and all laws
coming within the purview of this act are hereby repealed.

CHAPTER XCIX.

An act authorising the County Court of Haywood to contract with Joseph Kilpatrick to open a
pack-way from his house, on Fines Creek, to the top of the Rich Mountain.

Be it 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
Haywood, a majority of the justices being present, shall have full power and
authority to contract with Joseph Kilpatrick, of said county, to open a pack-
way from the house of said Kilpatrick, on Fines Creek, to the top of the Rich
Mountain, at the State line, and to allow him therefor such tolls as may be
by the said Court deemed reasonable, to be levied on all persons using the
same, for a term not exceeding twenty years.

II. Be it further enacted, That it shall be the duty of said Court to
enter on the minutes thereof the contract so entered into with the said Joseph
Kilpatrick; in which shall be explicitly set forth the specifications of the
manner in which the said pack-way is to be opened, the state of repair in
which it shall be kept, and the rate of tolls to be levied therefor.

III. Be it further enacted, That the said court shall have power and au-
thority to appoint one or more commissioners, whose duty it shall be, at sta-
ted periods to be prescribed by said court, under the penalty of fifty dollars,
to be recovered to the use of the county, in the name of the county attorney,
whose duty it is hereby made to sue for the same, to report the condition
thereof in writing to the grand jury of the succeeding court.
IV. Be it further enacted, That the said court shall have no authority to enter into any contract which shall allow greater privileges to the citizens of Haywood county than to any other travellers passing said road.

CHAPTER C.
An act to authorise the commissioners of the town of Halifax to sell the academy lots, and their appurtenances, in said borough.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That an act, passed in the year one thousand eight hundred and twenty-four, entitled "An act to amend an act, entitled 'An act to establish an academy in the town of Halifax,' passed in the year eighteen hundred and twenty-one," be, and the same is hereby repealed.

II. Be it further enacted, That the commissioners of the town of Halifax for the time being, or a majority of them, are hereby authorised, at their discretion, to sell and convey in fee simple the academy lots, and their appurtenances, in said town; and the money arising from such sale shall be liable, in their hands, to the claims of those who subscribed the funds with which said lots and academy were purchased and constructed, in a just and rateable proportion to their respective contributions.

CHAPTER CII.
An act to amend an act to incorporate a company to build a bridge across Tar river, near the town of Washington, in Beaufort county, and to make a road through a swamp adjacent thereto.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be necessary for the stockholders in said company to elect more than seven persons as directors, a majority of whom shall be competent to the transaction of business.

II. Be it further enacted, That so much of the before recited act as requires the election of twelve directors, be, and the same is hereby repealed.

CHAPTER CIII.
An act to repeal an act, entitled "An act for the better regulation of the town of Lumberton, in the county of Robeson," passed in the year 1824.

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

CHAPTER CIV.
An act concerning the town of Oxford.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the commissioners of the town of Oxford, and of each of them appointed agreeably to law, at all times to superintend the police of said town, and to maintain order and peace among its inhabitants and others within its limits, and to suppress and punish all riots, disorders and unlawful assemblies, and other breaches of the peace and violations of law; and the better to enable them to effect these objects, the said commissioners, and each of them, are hereby invested, during their continuance in office, with all the powers and authority of a justice of the peace out of Court of the county of Granville, so far as may be necessary to the execution of the duties prescribed by law,
and the constables of said town shall have all the power and authority of ordinary constables of said county in executing all process issued by the commissioners, or either of them, within the limits of Granville county, and of calling to their aid the posse comitatus: The commissioners of said town shall further have the power to commit to the jail of said county, all prisoners and persons offending against the penal laws of the State, or of the town, in the same manner and upon the like limitations, restrictions and liabilities as are now imposed by law on ordinary justices of the peace.

CHAPTER CIV.

An act concerning 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 office of clerk and master in equity for the county of Bladen, when the same shall become vacant by resignation or otherwise, shall be united to the office of clerk of the Superior Court of Law for said county.

II. Be it further enacted, That it shall be the duty of the Superior Court of Law of Bladen, when a vacancy occurs as aforesaid, to take of its clerk the official bonds, and administer to him the oaths which are required of clerks and masters; and thereupon the said clerk shall perform the duties, receive the fees for services, and be subject in all respects to the laws in force regulating clerks and masters in equity.

III. Be it further enacted, That it shall not be lawful for the Court of Pleas and Quarter Sessions of the county of Bladen to appoint more than one constable in each county's district.

IV. Be it further enacted, That it shall be the duty of the regimental court martial of Bladen county, upon its appearing to them that sixty-four or more persons have enrolled themselves for that purpose, to organize a militia company in such part of the county as may be designated by the persons thus enrolling themselves: Provided, that the same can be done without reducing either of the present companies below sixty-four.

CHAPTER CV.

An act to authorise Isaac Lane, late Sheriff of Randolph county, and Thomas V. Hathaway, administrator of James B. Bent, late sheriff of Chowan county, and Jeremiah D. Askew and John Deans, administrators of Jesse Deans, deceased, late sheriff of Hertford county, and Alfred M. Gatlin, executor of Isaac Lamb, deceased, late sheriff of Camden county, and Abraham Forrest, sheriff of Montgomery county, to collect the arrearages of taxes due them in said counties.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Isaac Lane, late sheriff of Randolph county, and Thomas V. Hathaway, administrator of James R. Bent, late sheriff of Chowan, and Jeremiah D. Askew and John Deans, administrators of Jesse Deans, deceased, late sheriff of Hertford, and Abraham Forrest, sheriff of Montgomery county, be, and they are hereby authorised and empowered to collect the arrearages of taxes due them in said counties for the years twenty-three and twenty-four; which collection shall take place under the same rules, regulations and restrictions as are already prescribed for the collection of the public taxes: Provided always, that the authority hereby granted, shall not extend to the collection of taxes from the executors or administrators of the estates of deceased persons, from those who have removed out of the county, or from those who shall voluntarily make oath that he, she or they have paid the same.
II. And be it further enacted, That the provisions of this act shall be extended so as to authorize Alfred M. Gatklin, executor of Isaac Lamb, deceased, late sheriff of Camden county, to collect arrears of taxes due said sheriff for the years one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-three.

CHAPTER CVI.

An act to appoint commissioners to lay out a road from Lincolnton to Statesville. 

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Daniel Hoke and Enos Sherrill, of Lincoln county, and Joseph Davidson, of Iredell county, be, and they are hereby appointed commissioners to lay out and mark a road from Lincolnton to Statesville, and to appoint overseers of the different parts of said road, to open and keep said road in repair; and such appointments shall give to the respective overseers all the powers and authorities, and subject them to the same liabilities, as if they had been appointed by the County Court.

II. Be it further enacted, That the said commissioners shall file with the clerk of the County Court, a report in writing, specifying the route they shall have laid off said road, and the overseers by them appointed for such part of said road.

CHAPTER CVII.

An act to alter the times of holding the Courts of Pleas and Quarter Sessions in Duplin county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the third Monday in July next, the Court of Pleas and Quarter Sessions of Duplin county shall commence on the fourth Monday in November, February, May and August, in each and every year; any law to the contrary notwithstanding.

II. And be it further enacted, That the election of sheriff, and the appointment of other county officers, which have been heretofore made on the third Monday in July, shall hereafter take place on the fourth Monday of May, one thousand eight hundred and twenty-eight, and annually thereafter; any law to the contrary notwithstanding.

CHAPTER CVIII.

An act to incorporate an Academy on the lands of Seth Jones, in the county of Wake, by the name and under the title of "Pomona 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 Doctor Bennett Biddie, Doctor John Y. Young, Colonel Allen Rogers, Major Charles L. Hinton, Rev. Andrew Hartfield, William Roles and Seth Jones, of the county of Wake, be, and they hereby constituted a body politic and corporate, by the name and title of "the Trustees of Pomona Academy," and by that name may sue and be sued, plead and be impleaded, shall have perpetual succession and a common seal, and, in general, shall have, exercise and enjoy all such rights, powers and privileges as are usually exercised and enjoyed by the trustees of any incorporated academy within this State.

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

An act to compel the clerks of the Superior and Court Courts, the clerk and master in equity, and the register in the county of Pasquotank to keep their offices at the court house of said county, or within a half mile thereof.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That from and after the first day of May next it shall be the duty of the clerks of the Superior and Court Courts, the clerk and master in equity, and the register of the county in the county of Pasquotank, to keep their offices at the court house of said county, or within a half mile thereof; and the said clerks, clerk and master in equity, and register, for neglect or refusal, for every year, to comply with the requisitions in this act contained, shall each be subject to a penalty of five hundred dollars, to be sued for by the county trustee, and recoverable before any jurisdiction having cognizance thereof.

CHAPTER CX.

An act to repeal an act, passed in the year one thousand eight hundred and twenty-five, entitled "An act to repeal an act, passed in the year one thousand eight hundred and twenty-two, entitled "An act making compensation to the jurors of the Superior and Court Courts of Moore, Carteret and Bertie," so far as relates to 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 above recited act be, and the same is hereby repealed, so far as it relates to the county of Bertie.

CHAPTER CXI.

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

CHAPTER CXII.

An act to divide the Richmond Militia into two separate 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 Richmond county be, and the same is hereby divided into two regiments; the first to be composed of the following companies, and to include all persons subject to duty in the same, viz. the Rockingham, Wolf Pit, Black Jack, Rifle, Fairground and Steel's companies; the second regiment to be composed of the following companies, viz. M'Neill's, Farley's, M'Ech'in's and Williamson's companies.

CHAPTER CXIII.

An act to legitimate certain persons therein named.

Be 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, Louisa Lodge and Dolly Lodge, children of Josiah Lodge by his present wife Dolly; William Adams, son of William Adams by his wife Winifred; and Joel Pender and Evelina Pender, children of James
LAWs OF NORTH CAROLINA.

Pender by his wife Martha, born out of wedlock, of the county of Edgecombe; and Alexander Murdoch, son of Robert Murdoch and Mary his wife, of Randolph county, be, and the same are hereby legitimated, and made capable of taking by descent and distribution, as if they had been born in lawful wedlock: any law to the contrary notwithstanding.

II. And be it further enacted, That the name of Dicey Cartwright, daughter of Solomon Riddick and his wife Mary Ann, be altered to that of Dicey Riddick; and that the said Dicey be legitimated and entitled to take property by descent or distribution, in the same manner she would have been, if she had been born in wedlock.

CHAPTER CXIV.

An act to establish a poor house 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 it shall and may be lawful for the wardens of the poor for the county of Washington, or a majority of them, at the first court which shall happen after the first day of May next, or any succeeding court, to make application to the Court of Pleas and Quarter Sessions of the aforesaid county, and the said court is hereby authorised and required, a majority of the justices of said county being present, to lay a tax, not exceeding the public tax, on land, town property and polls, to be collected and accounted for as other taxes are with the wardens of said county; which taxes, 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, by purchase, or otherwise, at some suitable and convenient place in said county, to be selected by the wardens aforesaid, and to build or cause to be built thereon a house or houses for the reception of the poor of said county, under which denomination shall be comprehended all such persons of either sex as shall be adjudged by the wardens incapable, from 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 provided with suitable diet, clothing and fuel, and to enforce all such regulations as may be established from time to time for the well ordering and governing of the poor in said county; which regulations said wardens are hereby empowered to make.

II. And be it further enacted, That the said keeper or overseer shall be allowed for his services, each year, such sum as the wardens aforesaid shall deem adequate, to be paid out of the taxes laid for that purpose; and the keeper or overseer of said poor is hereby required to put to moderate labor such of the poor under his care as he shall judge capable to labor, 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 labor of said poor, and have the same deducted from the amount of their expenditures; any law to the contrary notwithstanding.

CHAPTER CXV.

An act to appoint commissioners to lay off a town on the lands of Joseph H. Bryan, in the county of Northampton, at the place now called the Court House.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Collin W. Barnes,
William Moody, William B. Lockhart, John Peele and John B. Jordan are hereby appointed commissioners, with full power and authority to lay off and establish a town on the lands of Joseph H. Bryan, at the court house in the county of Northampton, by the name of Jackson; and the said commissioners, or a majority of them, are hereby authorised, if they deem it expedient, as soon as may be, to lay off and make a fair plan of said town, in half acre lots, on the land aforesaid: Provided, nevertheless, that in laying off the said town, the said commissioners herein appointed shall not expose to sale, or have control over any part of the houses or improved land; but wherever any improvement is erected, the said Bryan shall have the right of retaining said improvements, with suitable grounds around them, although they may be within the limits of said town, and form a part thereof.

II. Be it further enacted, That when the lots as aforesaid shall be laid off, the commissioners shall expose the same to public sale, on such credit as they and the said Bryan may agree on, and under such restrictions as shall not affect the rights and privileges of the present occupant, during the continuance of his present lease; they first advertising the same in some newspaper published in this State, at least six weeks before the day of sale: and they, or a majority of them, shall give the purchasers a deed in fee simple for the lots so purchased; and the monies arising from the sale of said lots shall be applied to the use of the said Joseph H. Bryan, after defraying all necessary expense: Provided, the consent of the said Joseph H. Bryan be first obtained: And provided also, that the said Joseph H. Bryan shall, before the sale of said lots, execute to the commissioners aforesaid a good and sufficient title, in fee simple, to the lands upon which the said town is to be established.

III. And be it further enacted, That the commissioners aforesaid, by virtue of this act, as soon as they have obtained a deed as aforesaid from Joseph H. Bryan, and shall have laid off and sold the lots as aforesaid, shall exhibit a fair plat of said town to the Court of Pleas and Quarter Sessions of the county of Northampton; and that the deed shall be proven in said county, and registered, and the plat shall be filed among the records of said county for safekeeping.

CHAPTER CXVI.

An act appointing commissioners to erect a building in the town of Lincolnton for the accommodation of jurors.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That John Yoder, John Zimmerman, Daniel Hoke, Peter Fórney and Andrew Hoyle, be, and they are hereby appointed commissioners, and as such are authorised and empowered to fix upon a site on the public square in the town of Lincolnton to erect a suitable building for the accommodation of jurors and other county purposes; and if a majority of the said commissioners shall deem the same expedient and necessary, they shall and may contract with any person or persons to erect said building, of such dimensions and of such materials and upon such terms as to them, or a majority of them, may seem proper and expedient.

II. Be it further enacted, That the balance of the unappropriated funds arising from the sales of lots and public lands in the town of Lincolnton, and its vicinity, as also the unexpended balance of said funds heretofore appropriated, are hereby set apart as a fund to be applied to the erection of said
building; the balance to be raised by a public tax, which the County Court is hereby authorised and required to levy, and the sheriff is hereby required to collect and pay over to the said commissioners.

III. Be it further enacted, That the said commissioners shall make out a plan of said building, and the amount necessary to erect and complete the same, and file it with the clerk of the County Court of Lincoln county.

CHAPTER CXVII.

An act to appoint commissioners to run and mark the dividing line between Duplin and Wayne counties.

Whereas there have been disputes as respects the boundary line between the counties of Wayne and Duplin:

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 Ezekiel Stocumb and Stephen Smith, of Wayne county, and Daniel Glisson, senior, and John Watkins, of the county of Duplin, be, and they are hereby authorised, with the assistance of two surveyors, one from each of the counties aforesaid, to run and mark the line dividing the counties of Wayne and Duplin, according to the boundary which has been supposed to exist between the two counties respectively; and the said commissioners, within three months after running the same, shall make out and deposite in the clerk's office of each county, a fair plat of said line; which plats shall be recorded by the clerks of the Courts of Pleas and Quarter Sessions of the counties aforesaid: and the line so run and marked, shall be deemed and held the true line dividing said counties.

II. And be it further enacted, That the commissioners and chain carriers, for their trouble in superintending and marking said line, shall receive such compensation as the County Courts of each county may allow them, to be paid by the county trustees: Provided always, that the ascertaining the dividing line aforesaid shall not affect any title or titles to lands in either of the counties.

III. And be it further enacted, That all laws and clauses of laws which come within the meaning of this act, be, and the same are hereby repealed.

CHAPTER CXVIII.

An act to compel the register and other officers therein named, to keep their offices at the courthouse in the counties of Lincoln and 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 first day of May next, the register, entry-taker, clerks of the County and Superior Courts, clerk and master in equity, in the counties of Lincoln and Wilkes, shall, by themselves or their authorised deputies, keep their respective offices in the towns of Lincolnton and Wilkesborough.

II. Be it further enacted, That upon neglect or refusal of the officers aforesaid to comply with the provisions of this act, they, or any of them, shall be subject to pay a penalty of one thousand dollars for so neglecting or refusing, to the wardens of the poor of said county; and for which penalty it shall be the duty of the solicitor of the Superior Court, for the time being, to bring suit in the name of the wardens of the poor as aforesaid.

III. And be it further enacted, That the officers as aforesaid, on neglecting to comply with the requisitions of this act, shall be liable to indictment for a misdemeanor in office; and, upon conviction, shall be removed from office, and subject to such fine as the Court may impose.
CHAPTER CXIX.

An act to repeal an act, passed in the year eighteen hundred and twenty-five, entitled "An act to change the time of laying the county taxes of Craven county, and appointing receivers of lists of taxable property 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 an act, passed in the year eighteen hundred and twenty-five, entitled "An act to change the time of laying the county taxes of Craven county, and appointing receivers of lists of taxable property in said county," be, and the same is hereby repealed.

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

CHAPTER CXX.

An act allowing jurors in the County and Superior Courts of Lincoln county to receive pay for their services.

Be 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 jurors of the original panel, who may attend any of the County or Superior Courts of Lincoln county, shall be entitled to receive one dollar for every day's attendance, and four cents for every mile they may have, severally, to travel to and from court; and it shall be the duty of every juror, claiming the said pay, to prove before the clerk of the court his attendance and mileage as aforesaid, and obtain the clerk's certificate thereof, which the said clerks are hereby directed to issue on application; and the said certificate being produced to the county trustee, he shall pay off the same, and be allowed therefor in the settlement of his public accounts.

II. And be it further enacted, That it shall be the duty of the County Court of Lincoln aforesaid to lay a tax, annually, sufficient to defray the expenses incurred by the said county, under the provisions of this act; and the said taxes shall be collected and accounted for by the sheriff of said county under the same rules, regulations and penalties as other county taxes.

III. Be it further enacted, That all acts, coming within the purview of this act, be hereby repealed.

CHAPTER CXXI.

An act to establish Bachelors' Academy, in the county of Martin, and to incorporate the trustees thereof.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John B. Calland, John D. Hymas, Francis E. Ward, Frederick W. Mayo, John Filpot, Joseph R. Ballard, Nelson L. Taylor, Thomas H. Weathersby, Jacob J. Watts, Lewis Harrell, John Bryan, James Mayo, Henry Watts and William W. Ward, be, and they are hereby declared to be a body politic and corporate, known and distinguished by the name and style of "The Trustees of Bachelors' Academy," and by that name and style shall have perpetual succession and a common seal, and they, or a majority of them, or their successors, shall be able and capable in law to take, demand, receive and possess money, goods and chattels, lands and tenements; for the use of the said Academy, and apply the same according to the will of the donor.

II. And be it further enacted, That the said trustees, or a majority of them, and their successors, shall be able and capable in law to sue and be sued, plead and be impleaded in any Court of this State, and to do all
IV. The sum of the county; act man of necessity Quarter ty, lands of to their law and taxes of act cited to rent a tie, and propositions be, and the same is hereby repealed.

III. And be it further enacted, That the court of Pleas and Quarter Sessions, a majority of the acting justices being present, be, and they are hereby authorised to carry the provisions of the before recited act into effect, in the same manner, and under the same rules, regulations and restrictions, as the wardens of the poor of said county were authorised and empowered to do.

III. And be it further enacted by the authority aforesaid, That the wardens of the poor of said county, be, and they are hereby authorised and empowered to rent a suitable house or houses for the reception of the poor of said county, until the said poor house shall be finished; and the Court of Pleas and Quarter Sessions for said county, a majority of the justices being present, shall have power and authority to lay such a tax annually as may be necessary to pay the rent of such house or houses, on land, polls and town lots in said county; which tax so laid shall be collected and accounted for as other taxes of said county.

IV. And be it further enacted, That the sheriff of said county shall enter into bond at the same time that he enters into his other official bonds, in the sum of one thousand pounds, with sufficient security, payable to the Chair-
man of the County Court and his successors in office, for the faithful collection and paying over the said taxes laid, or to be laid under this act; any law to the contrary notwithstanding.

CHAPTER CXXXIII.

An act to establish Cambridge Academy, in the county of Lenoir, and incorporate the trustees thereof.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Abraham Croom, Charles Westbrook, Moses Westbrook, John Kennedy, Isaac Croom, junr. Hardy B. Croom, Lewis C. Desmond, Jacob Parrott and Jesse Kennedy, and their successors, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of "the Trustees of Cambridge Academy," and by that name shall have perpetual succession, and shall be capable in law to acquire, receive, enjoy and possess any quantity of lands and tenements, goods, chattels and monies in trust for the benefit of said academy; that they may sue and be sued, plead and be impleaded, in any
court of law or equity within this State; that they shall have the power to fill the places of such as may die, remove or resign, and to establish such rules, bye-laws and regulations for the government of said institution as may be necessary for the preservation of order and good morals, elect a professor or professors, tutor or tutors, and other officers, and do and perform all such acts and things as may be necessary to the prosperity of said institution, and as are usually performed by bodies politic, for the accomplishment of the objects hereby contemplated: and that any five of the above named trustees shall form a quorum for the transaction of all business appertaining to the interest of said academy.

CHAPTER CXXIV.

An act to authorise the building of a steam boat, to be used on the river Roanoke, and the waters of Albemarle and Pamlico sounds, and the waters of James' river and the Chesapeake bay, and to incorporate a company for that purpose.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Cadwallader Jones and Andrew Joyner, or either of them, be, and they are hereby appointed commissioners for receiving subscriptions, to the amount of fifteen thousand dollars, for the purpose of building a steam boat, to be used on the waters of Roanoke, Pamlico and Albemarle sounds, and the waters of James' river and the Chesapeake bay; and the said commissioners, or either of them, shall prepare books, and cause the same to be opened at such places, and under the directions of themselves or such persons as they or either of them may appoint, on or before the first day of April next, and they shall continue open until the first day of December next, unless the said capital stock be subscribed before that time; at which time the said books shall be returned to the said commissioners, at such place as they may hereafter designate; and at which time and place, there shall be a general meeting of the said subscribers, personally or by proxy; which meeting may continue from day to day, until the business thereof be finished; and if it shall appear that ten thousand dollars thereof or more of the said capital stock have been subscribed, then the said subscribers, their heirs and assigns, from the time of the said first meeting, shall be, and they are hereby declared to be incorporated into a company, by and under the name and style of "the Roanoke Steam Boat Company," and may sue and be sued as such, plead and be impleaded, defend and be defended, and have perpetual succession and a common seal; and such of the said subscribers as may be present at the aforesaid meeting, or a majority of them, are hereby empowered and directed to appoint a President and three Directors, for conducting the business and concerns of the company for one year, and until the next meeting of the stockholders thereafter. Every stockholder, by writing under his hand, executed before any justice of the peace in this State or Virginia, may depute any other stockholder to vote for him or her at any general meeting; and the votes of such proxy and his acts shall be as valid, as if the stockholder himself had been personally present at the doing thereof.

II. Be it further enacted, That the capital stock aforesaid shall be divided into shares of fifty dollars each, and any person may subscribe for one or more shares, but not for a part of a share. The shares shall be paid for at such times and places, and by such instalments, as the President and Directors of said company shall direct, they first advertising the sum to be paid in
each instalment for at least twenty days in some newspaper, published in this State; and if any person or persons, holding any shares in the said company, shall fail to pay for the same in the manner and at the time prescribed by the President and Directors, then and in that case they may enforce the collection thereof by legal process against the person or property of such stockholder, or they may expose to sale the share or shares which such person may hold in the said company, by giving ten days public notice thereof in some newspaper as aforesaid; and if the said shares shall not sell for a sum sufficient to pay the instalments due thereon, the sum deficient may be recovered of the person or persons who may own the said stock, before any tribunal having jurisdiction of the amount; and the books of the said company shall be evidence of the sale and transfer of the said stock to the purchaser.

III. Be it further enacted, That if more than fifteen thousand dollars of the capital stock as aforesaid shall be subscribed, the commissioners shall strike off from the said subscription until the capital stock shall be reduced to fifteen thousand dollars: and in striking off subscriptions, they shall begin and strike off a share from the largest subscriptions in the first place, and continue to strike off one share from all subscriptions under the largest and above one share, until the same shall be reduced to the capital aforesaid.

IV. And be it further enacted, That this act shall be in force from and after its ratification; and the charter hereby created shall continue in force for seven years from and after the first day of December next, and no longer.

CHAPTER CXXV.

An act to regulate the time of appointing overseers of roads in the county of Anson.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That from and after the first day of July next, all overseers of roads for the county of Anson shall be appointed by the County Court, at the next term of the said Court in each and every year: Provided, however, that all vacancies, by death or removal, may be filled at any term of said Court.

II. And be it further enacted, That if any hand or hands, liable to work on roads, shall be placed on two or more road orders in said county at the same time, he or they shall be liable to work only under that order which shall first be made.

III. And be it further enacted. That if, between two terms of appointing overseers of roads, as provided for by the first section of this act, any person or persons liable to work on roads, shall become a resident or residents of any overseer's district, he or they, on being duly cited, shall be compelled to work on the road of such district in like manner as those on the road order.

IV. And be it further enacted, That in cases where the overseers' districts have not been particularly designated by the County Court aforesaid, each and every district shall be construed to extend so far from the road, in every direction, as it is from such road to the residence of that hand, on the road order for said road, who lives at the greatest distance therefrom; and all hands, within such bounds, who are not particularly designated in any road order, or who shall remove into said bounds between any two terms of appointing overseers, shall be compelled to work on said road accordingly; and if any person as aforesaid shall live at such a distance from two roads as night.
by the provisions of this act, compel him to work on both, then and in that case, he shall be compelled to work on that road which he shall be first summoned by the overseer.

CHAPTER CXXVI.

An act to incorporate Spring Field Academy, in the county of Hertford, and appoint the trustees thereof.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Doctor Atenia Bardwell, Starkey S. Harrell, Starkey Sharp, Watson Lewis, Abner Harrell, David O. Askew and John G. Wilson, of Hertford county, be, and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of Spring Field Academy; and by that name may sue and be sued, plead and be impleaded, shall have perpetual succession and a common seal, and in general shall have, exercise and enjoy all, such rights, powers and privileges as are usually exercised and enjoyed by the trustees of any incorporated academy in this State.

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

CHAPTER CXXVII.

An act authorising Jonathan Cooper, of the county of Bertie, to erect a gate on the public road leading from Salmon creek to Spruill's ferry; William Fewel, of the county of Rockingham, to erect a gate on the public road crossing Dan river at his plantation, called Lacy's ford; William Porter, of the county of Rockingham, to erect a gate on the public road crossing Dan river at his plantation, leading to the town of Madison; and Nimrod Lunsford, of the county of Burke, to erect a gate on the public road leading from Oxford's ford, on the Catawba river, to Wilkes 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 from and after the passing of this act, it shall and may be lawful for Jonathan Cooper, of the county of Bertie, to erect and keep a gate on his own land on the public road leading from Salmon creek to Spruill's ferry.

II. And be it further enacted, That William Fewel, of the county of Rockingham, be, and he is hereby authorised to erect and keep a gate, on his own land, on the public road crossing Dan river, at his plantation.

III. And be it further enacted, That William Porter, of the county of Rockingham, be, and he is hereby authorised, to erect and keep up a gate on his own land on the public road leading to the town of Madison, and crossing Dan river at his plantation.

IV. And be it further enacted, That Nimrod Lunsford, of the county of Burke, be, and he is hereby authorised to erect and keep up a gate on his own land on the public road leading from Oxford's ford, on the Catawba river, to Wilkes court-house.

V. And be it further enacted, That David Burden, of the county of Carteret, be, and he is hereby authorised to erect and keep up a gate across the public road leading by his house to Newport river.

VI. And be it further enacted, That the gates hereby authorised to be erected, shall be under the same rules, regulations and restrictions as have been, or hereafter may be established, for erecting and keeping up any gate or gates across any of the public highways of this State; any law to the contrary notwithstanding.
LAWS OF NORTH CAROLINA.

CHAPTER CXXVIII.

An act for the better regulation of the Courts of Pleas and Quarter Sessions for the counties of Nash and 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 the justices of the Courts of Pleas and Quarter Sessions for the counties of Nash and Northampton may, and they are hereby authorised, at the first term of said courts after the first day of February next, and at the first term of said courts after the first day of February in each and every year thereafter, to elect from among themselves five fit persons to hold the said courts of said counties; three of whom shall be a competent number to hold the said courts, and discharge the duties thereof.

II. And be it further enacted, That the five persons so elected, or a majority of them, shall be competent to do and perform any business, matter or thing, which, by the present laws, seven justices are authorised to perform: and they shall, in all cases, be governed by the same rules, regulations and restrictions as govern other County Courts in the State: and the said justices, so elected, shall be entitled to receive each a sum not exceeding three dollars, nor less than one dollar, per day, which sum shall be fixed by a majority of the justices of said counties, for their services, during the time they are employed in the discharge of their duties in said courts; which shall be paid by the county trustee, upon the certificate of the clerk of said courts, shewing how many days any such justice, so to be elected as by this act required, shall have holden the said courts.

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

IV. And be it further enacted, That in all elections under and by this act, it shall be necessary that a majority of the acting justices of said county shall be present at the time; and that this act shall be in force from and after the first day of February next.

CHAPTER CXXIX.

An act to alter the names of Margaret Kennady, Washington Kennady, Persons Kennady, and John Shearman Kennady, of the county of Granville, and to legitimize 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 Margaret Kennady, Washington Kennady, Persons Kennady and John Shearman Kennady, the illegitimate children of John Williams and his wife Jemima, late Jemina Kennady, shall hereafter be known and distinguished by the names of Margaret Williams, Washington Williams, Persons Williams and John Shearman Williams, and by these names shall severally be hereafter known and distinguished, and be made capable to sue and be sued, plead and be implanted in any Court in this State: and by these names shall be made capable to take, inherit, possess and enjoy any estate, real or personal, which may be devised or descend to them in as full and ample a manner, to all intents and purposes, as if they had been born in lawful wedlock.
CHAPTER CXXX.
An act to change the time and regulate the manner of holding the Courts of Pleas and Quarter Sessions in the county of Haywood.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That the Spring and Fall sessions of Haywood County Court shall in future be opened and held on the Monday of each week in which the Superior Courts are now, or may hereafter be required to be held in said county; and all suits now pending, or which may be returnable to said Courts of Pleas and Quarter Sessions, shall stand continued and be returned to the said courts on the Monday of each Superior Court week as aforesaid.

II. Be it further enacted, That the Court of Pleas and Quarter Sessions of said county shall have power and authority, at the April sessions of said court in eighteen hundred and twenty-seven, and annually thereafter, (a majority of the justices of said county being present,) to arrange and classify the justices of the peace for holding the County Courts, at which juries are required to attend, in such manner as they may deem best calculated to promote the correct and speedy administration of justice.

CHAPTER CXXXI.
An act to amend an act, passed in the year one thousand eight hundred and twenty-five, entitled "An act to establish and regulate a turnpike road in the counties of Rutherford and Buncombe."

Whereas, by the provisions of the before recited act, Samuel Edney, Asa Edney and Thomas Case were authorised to make a turnpike road from David Jackson's, in Rutherford county, crossing the Blue Ridge at or near Mills' Gap, to intersect with the Saluda road near Thomas Murray's, in Buncombe county; and whereas the said persons have, according to the provisions of the before recited act, opened and made the said road as laid out by the commissioners appointed for that purpose; and whereas it is found inconvenient and troublesome to the said Samuel Edney, Asa Edney and Thomas Case, in their joint capacity, to attend to the repairs of the said road necessarily required from time to time; and whereas the division of the same would greatly promote their convenience, without producing any injury to the public:

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 all that part of the turnpike road, made by Samuel Edney, Asa Edney and Thomas Case, agreeably to the provisions of the before recited act, which lies between David Jackson's, in Rutherford county, and the foot of Hungary Hill, on the west side of Hungary Creek, shall be vested in Thomas Case; and all that part of the said road lying between the last mentioned point and the top of the dividing ridge in Hooper's Gap, shall be vested in Samuel Edney, sen'r; and all that part of the said road lying between the last mentioned point and the Saluda road, shall be vested in Asa Edney.

II. Be it further enacted, That the said Thomas Case, Samuel Edney and Asa Edney shall be bound, in their individual capacity, to keep their respective shares of the said road, as designated by this act, in good and sufficient repair, in the same manner and under the same penalties and restrictions as they, in their joint capacity, were required to do by the provisions of the before recited act.

III. And be it further enacted, That in all other respects the said road shall be regulated and governed, and the individuals in whom it is vested shall be
CHAPTER CXXXII.

An act to authorize the justices of the Courts of Pleas and Quarter Sessions of Camden and Currituck counties to class their justices, 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 justices of the Courts of Pleas and Quarter Sessions of Camden and Currituck counties are hereby authorised, at any Court of Pleas and Quarter Sessions by them held, to class their body into four classes, and to make it the duty of each class, or three of them at least, to attend each Court of Pleas and Quarter Sessions held during each year, in rotation, as they may direct and appoint: Provided nevertheless, that no such appointment shall be binding and compulsory, unless a majority of the justices of the said counties be present when such classification is made.

II. And be it further enacted, That the said justices of the counties aforesaid are hereby authorised to appoint a standing board of auditors, consisting of five, whose duty it shall be, or a majority of them, to audit and pass upon all such accounts as are produced before the court by guardians against their wards; and the report made by such board of auditors shall be equally binding as if made in open court: Provided, it be returned to the court receiving the accounts for inspection.

III. And be it further enacted, That any Court of Pleas and Quarter Sessions held in Camden and Currituck counties, are hereby authorised, at any term, to dispense with issuing a venire to summons a grand jury for the succeeding court at their discretion; but such succeeding court are hereby authorised, should they think it necessary, to issue a venire, and summons a grand jury instanter, who shall be impannelled, and be a grand jury to all intents and purposes.

IV. And be it further enacted, That the classification and appointment of the justices mentioned in this act, is not intended to preclude other justices of the said courts from holding said courts; but that the last mentioned justices shall go on the bench, and be part of said courts, in the same manner as if this act had not been enacted; and all laws, coming within the meaning and purview of this act, are hereby repealed.

CHAPTER CXXXIII.

An act supplemental to an act, passed in one thousand eight hundred and twenty-four, entitled "An act for the better regulation of the town of Greensborough, in Guilford county."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Greensborough, or a majority of them, be, and they are hereby authorised and required annually to lay and collect, or cause to be collected by some person appointed by them, for that purpose, a tax on all the taxable property, and polls within the limits of said town, sufficient to keep the streets of said town, and the public pumps in those streets, in good order and repair; which tax, so levied and collected, shall be expended by the said commissioners, or a majority of them, in keeping the streets and public pumps of said town in repair.
LAWs OF NORTH CAROLINA.

CHAPTER CXXXIV.

An act to divorce certain persons therein named.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Eliza Hope Cox, of Craven county, be, and she is hereby divorced from her husband Longfield Cox; that Susannah Tindell, of Haywood county, be, and she is hereby divorced from her husband James Tindell; that Eliza Dare, of Guilford county, be, and she is hereby divorced from her husband John Dare; that John Fugate, of Wilkes county, be, and he is hereby divorced from his wife Patsy Fugate.

II. Be it further enacted, That the several persons herein before mentioned shall be, and they are hereby declared to be fully and absolutely divorced from their respective husbands and wives, in as full and ample a manner, to all intents and purposes, as if the rites of matrimony had never been solemnized between them; any law to the contrary notwithstanding.

CHAPTER CXXXV.

An act to authorize Maurice Smith, of Granville county, to erect and keep up on his own land, two gates across the public road leading from Spring Grove meeting house to Grant's old mill, on Grassy 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 Maurice Smith, of the county of Granville, be, and he is hereby authorized and empowered, to erect on his own lands, in said county, two gates across the public road leading from Spring Grove meeting house to Grant's old mill, under the same rules, regulations and restrictions, and upon the payment of such taxes, as are now, or hereafter may be established and imposed by law.

CHAPTER CXXXVI.

An act to establish a poor house in the county of Anson.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the wardens of the poor for the county of Anson, at the first Court which shall be holden in said county after the first day of May next, to make application to the Court of Pleas and Quarter Sessions for said county, and the said Court is hereby authorised, a majority of the acting justices being present on the bench, to lay a tax not exceeding twenty cents on the poll, and ten cents on every hundred dollars worth of land and town property, to be collected and accounted for as other taxes, for the purpose of purchasing a suitable site, and erecting necessary buildings for the reception of the poor of said county; which tax shall be collected and accounted for with the wardens of the poor of said county, under the same rules, regulations and restrictions as are now prescribed by law for the collection of the poor taxes: and which tax shall be continued from year to year, until a sufficient sum shall be raised to accomplish the objects of this act.

II. And be it further enacted, That the justices of said Court shall, at the first Court of Pleas and Quarter Sessions which shall be holden in said county after the first day of May next, appoint three commissioners, who shall have full power and authority to purchase a tract of land, in the county aforesaid, not exceeding two hundred acres, and take a good and sufficient title in fee simple, to the wardens of the poor of the county of Anson, and their successors in office, for the use of the poor of said county; and it shall
be the duty of the wardens of the poor of said county, as soon as a sufficient sum shall be raised for that purpose, to erect, under the inspection of the commissioners aforesaid, or a majority of them, suitable buildings on the aforesaid tract of land, for the reception of the poor of said county, under which denomination shall be comprehended all such poor persons of either sex as shall be adjudged by the wardens incapable, from infancy, old age, or infirmity, to procure subsistence for themselves; and the said wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, see that they are humanely treated, and provided with suitable diet, clothing and fuel, and to enforce such regulations as may be established from time to time for the well ordering and governing the said poor; which regulations the said wardens are hereby empowered to make: and the overseer shall be allowed for his services, for each year, such sum as the wardens shall deem adequate for his services, to be paid out of the taxes laid for the support of the poor of said county.

III. And be it further enacted, That the said overseer shall keep at moderate labour, either in the cultivation of the lands purchased as aforesaid, or in the performance of such mechanical operation, according to the ability of said pauper, all such of the poor under his direction as shall be capable of labour, and shall keep a regular account of his receipts and disbursements, and the profits arising from the labour of said poor, which he shall annually return, on oath, to the wardens of the poor of said county.

IV. And be it further enacted, That the said wardens of the poor shall, annually, at the first Court of Pleas and Quarter Sessions which shall be helden after the first day of May, in each and every year, return to said Court an account current of their receipts and disbursements, including therein an accurate account of the nett proceeds arising from the labour of the poor under their care; the amount of the taxes laid for the support of the establishment, and the expenses of building and repairing said poor house; and it shall be the duty of the clerk to file said account in his office, and to set up a copy thereof in some conspicuous part of the Court room; any law or usage to the contrary notwithstanding.

CHAPTER CXXXVII.

An act to authorise Benjamin W. Williams, of Moore county, to erect a bridge across Deep river.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Benjamin W. Williams, of Moore county, his heirs and assigns, be, and they are hereby authorised and empowered to erect and keep up a toll bridge across Deep river, at a place formerly known by the name of Gillchrist's ferry.

II. And be it further enacted, That as soon as said bridge shall be completed, the said Benjamin W. Williams shall be authorised to ask, demand and receive the following toll for the crossing the same, viz. For every four wheeled carriage of pleasure, seventy-five cents; for every wagon with four horses, fifty cents; for every wagon with one or two horses, and every two wheeled carriage of pleasure, twenty-five cents; for every cart, twenty cents; for every man and horse, ten cents; for every horse, five cents; and for every cow, sheep or hog, three cents.

III. And be it further enacted, That the said Benjamin W. Williams is hereby authorised to keep a gate on the road leading to said bridge, on his paying the usual tax thereon.
CHAPTER CXXXVIII.
An act to alter the time of holding the Courts of Pleas and Quarter Sessions for the county of Brunswick.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Court of Pleas and Quarter Sessions for the county of Brunswick shall be held at the periods hereinafter mentioned, to wit: on the third Monday in February, May, August and November, in each and every year; any law, usage or custom to the contrary notwithstanding.

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

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

Whereas the operation of the before recited act is found to be extremely injurious and oppressive in many of the counties of this State, inasmuch as the claims allowed under the said act have exhausted a great portion of the taxes raised for beneficial county purposes: 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 counties of Guilford, Surry, Wilkes, Ashe, Bladen, Lincoln and Haywood shall be, and they are hereby exempt from the operation of the before recited act, and the same is hereby repealed so far as respects the aforesaid counties; any thing to the contrary notwithstanding.

CHAPTER CXL.
An act to alter the time of holding the elections of members of Assembly and members of Congress, in the county of Greene.

Whereas the times of holding said elections in the county of Greene, interferes with the sitting of the County Court 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 elections of members of Assembly and members of Congress in the county of Greene, shall hereafter be held in the several places which are, or may be appointed in said county for that purpose, on the first Friday in the month of August; any law to the contrary notwithstanding.

CHAPTER CXLII.
An act concerning certain officers of the county of Davidson.

Whereas the term of time for which the clerk of the Court of Pleas and Quarter Sessions, the solicitor, register, surveyor, and entry-taker of Davidson county, expires on the fourth week in January, one thousand eight hundred and twenty-seven; and whereas the Courts of Pleas and Quarter Sessions of said county does not meet until the third Monday in March thereafter:

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 clerk of the Court of Pleas and Quarter Sessions, the solicitor, register, surveyor and entry-taker of Davidson county, be, and they are hereby continued in office, with the same powers and privileges they now exercise, until the last day of the County Court, to be opened and held for said county of Davidson.
on the third Monday of March, one thousand eight hundred and twenty-seven, or until such other day of said term as the said court shall elect, according to law, the officers aforesaid: Provided, that the persons whose terms of office are hereby prolonged, shall, on or before the fourth Monday of January, one thousand eight hundred and twenty-seven, execute bonds, with securities, as by law required, for the faithful performance of the duties of their respective offices; which bonds and securities shall be approved by Jesse Hargrave, Wm. R. Holt and Alexander Caldeleugh, or any two of them, and deposited with them for safe-keeping until the meeting of the next County Court.

11. Be it further enacted, That this act shall take effect from and after the ratification thereof; any law to the contrary notwithstanding.

CHAPTER CXLII.

An act to legitimate and alter the name of Nancy Caroline Thomas, of Onslow county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act Nancy Caroline Thomas, of Onslow county, an illegitimate daughter of Lawrence House and Peggy House, shall be known and called by the name of Nancy Caroline House, and by that name may sue and be sued, plead and be implooded, and receive and take property by descent or purchase.

11. And be it further enacted, That the said Nancy Caroline Thomas be, and she is hereby declared legitimate, and capable in law to take and inherit property as heir to the aforesaid Lawrence House and Peggy House, in as full and ample a manner as if she had been born in lawful wedlock; any law to the contrary notwithstanding.

CHAPTER CXLIII.

An act to secure to Rebecca Rufin, of Halifax county, 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 Rebecca Rufin, of Halifax county, wife of Grey Rufin, be, and she is hereby entitled to hold, possess and enjoy, in her sole right, any estate, either real or personal, which she may hereafter acquire, by industry, purchase, gift or otherwise, in as full and ample a manner as if she had never been married to her said husband: and she is hereby authorised to prosecute or defend any suit in her own name, in any Court within this State, in the same manner as if she had never been married to the said Grey Rufin aforesaid; any law to the contrary notwithstanding.

CHAPTER CXLIV.

An act to repeal an act, passed in the year one thousand eight hundred and fifteen, Chapter thirty-third, for the destruction of Wolves in the county of Ashe.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That an act, passed in the year one thousand eight hundred and fifteen, authorising a premium to be given for wolf scalps taken in the county of Ashe, be, and the same is hereby repealed.

CHAPTER CXLV.

An act to amend the sale law in Rutherford county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the
passage of this act, in addition to the places of sale now authorised by law in the county of Rutherford, for the sale of personal estate, negroes excepted, there may be a sale once in each month at the house of Standeford Jones, and one other at the house of Martin Shuford; any law to the contrary notwithstanding.

CHAPTER CXLVI.
An act to amend an act, passed in the year 1824, entitled "An act to allow pay to the jurors of the Superior and County Courts of 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 so much of the above recited act as gives to the jurors of the said county the sum of one dollar for every twenty miles travelling to and from the said courts, be, and the same is hereby repealed; and in future the jurors of the said county shall be entitled to receive the sum of one dollar for every thirty miles travelling to and from the said courts, to be paid in the same manner as is prescribed by the provisions of the before recited act.

CHAPTER CXLVII.
An act to repeal part of the first section of an act, passed in the year one thousand eight hundred and eleven, chapter thirty-sixth, entitled "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 so much of the before recited act, which requires the regimental musters in said regiment to be held at the house of John Rions, or within two miles, be, and the same is hereby repealed; and that said musters shall hereafter be held at the house of Isaac Copeland, or such other place as a majority of the officers of the said regiment may think proper; any law to the contrary notwithstanding.

CHAPTER CXLVIII.
An act respecting the allowance of claims, and appropriating the public money of Davidson county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be competent for eleven of the acting justices of the peace of the county of Davidson to pass upon all claims against the county, or appropriate the county monies in the manner authorised by law, instead of requiring, for that purpose, a majority of the acting justices of said county as heretofore prescribed by law.

CHAPTER CXLIX.
An act to repeal an act, passed at the last session of the General Assembly, allowing compensation to the grand jurors of the county of Ashe.

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

CHAPTER CL.
An act to amend an act, passed in the year 1825, entitled "An act to establish a poor house in the county of Burke."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the before recited act which requires the wardens of the poor to locate the poor house within five miles of Morganton, be, and the same is hereby repealed.
CHAPTER CLI.

An act to incorporate the "Franklin Library Society of Buffalo," in Lincoln county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the individuals who are at present associated, or may hereafter associate themselves in the county of Lincoln, with a view of establishing a public library, be, and the same are hereby incorporated into a body politic and corporate, by the name of "the Franklin Library Society of Buffalo;" and, as such, shall have perpetual succession, may sue and be sued, be capable of acquiring and holding real and personal estate, have ability to make and ordain laws and regulations for their own government, and elect their own officers, and, generally, to do, receive and perform all such matters and things, as rightfully belong to, or are usually incident to bodies corporate or politic within this State; any law or usage to the contrary notwithstanding.

CHAPTER CLII.

An act to establish a poor house 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 passage of this act, the old court-house and jail, in the town of Germanton, and county of Hyde, be vested in the wardens of the poor of said county, and their successors in office, for the benefit of the poor of said county; and that it shall and may be lawful for said wardens, or a majority of them, and they are hereby authorised and empowered, at the first court which shall happen after the first day of May next, to make application to the Court of Pleas and Quarter Sessions of said county, and the said court is hereby authorised and required, a majority of the acting justices of the county being present on the bench, to lay a tax, not exceeding twenty cents on every poll, and ten cents on every hundred dollars worth of land and town property, to be collected and accounted for as other taxes are with the wardens in said county; which taxes, 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 fitting up the old jail and court-house aforesaid, and to make such alterations and repairs thereon, as said wardens, or a majority of them, shall deem necessary for the reception of the poor of said county, under which denomination shall be comprehended all such persons of either sex as shall be adjudged by the wardens incapable, from old age and 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 provided with suitable diet, clothing and fuel, and to enforce all such regulations as may be established from time to time for the well ordering and governing of the poor in said county; which regulations said wardens are hereby empowered to make.

II. And be it further enacted, That it shall be lawful for said County Court to renew the imposition of said taxes from year to year, either to complete the repairs of, and alterations in said buildings, or defraying the expenses for keeping up the same; and the said overseer, for his services, shall be allowed, for each year, such sum as the wardens shall deem adequate for his services, to be paid out of the tax to be laid for that purpose.

III. Be it further enacted, That the overseer or manager of the poor in
said county is hereby required to keep at moderate labour all such of the poor under his care as he shall deem capable of labor, and at the end of each and every year shall account to the wardens of said county, on oath, for all such sum or sums which may have arisen from the labor of said poor, and have the same deducted from the amount of their expenses; any law to the contrary notwithstanding.

CHAPTER CLIII.
An act to establish New-Hope Academy, in the county of Edgecombe, and to incorporate the trustees thereof.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Micajah Pettaway, Reddick Barnes, Martin Thorn, William O. Carter, James Pender, Stephen Robbins, Thomas Gill and Egbert H. Williams, be, and they are hereby declared to be a body politic and corporate, known and distinguished by the name and style of "The Trustees of New-Hope Academy," and by that name and style shall have perpetual succession; and they, or a majority of them, or their successors, shall be able and capable in law to sue, be sued, plead and be impounded, in any Court of this State, and to do all such acts and things as may be necessary and proper to be done by bodies corporate, for the advancement and promotion of science in said institution, not inconsistent with the laws of the State.

III. And be it further enacted, That whenever any of the aforesaid trustees shall die, remove, resign, or by any other means become incapable of performing their duties as trustees of said institution, a majority of those remaining shall elect some fit and suitable person or persons in his or their stead, who shall have the same powers as their predecessors.

CHAPTER CLIV.
An act requiring Mills river, in the county of Buncombe, to be kept open for the passage of fish.

Be 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 owners of fish traps, and all persons who may hereafter construct fish traps on Mills river, in the county of Buncombe, be, and they are hereby required, under the penalty of fifty dollars, recoverable in an action of debt, to the use of the wardens of the poor for the county of Buncombe, by any person suing for the same, to keep open one third part of the width of said river, for the passage of fish up the same.

II. Be it further enacted, That the penalties of this act shall not be incurred by any person at present owning a fish trap on the said river, who shall cause one third part of the width of the same to be opened by the first day of April next, and to remain open thereafter.
An act to authorize the setting of guns in the night time, in the Great Dismal Swamp, in the county of Pasquotank.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the citizens of Pasquotank county to set guns in the Great Dismal Swamp of said county, in the night time, viz. between sunset and sunrise, for the purpose of destroying bears and beasts of prey.

II. And be it further enacted, That every person desirous of setting guns in the said swamp, shall, before doing the same, give at least ten days notice thereof, by advertising the same in the neighbourhood, under penalty of fifty dollars for each neglect, to be recovered before any justice of the peace, by any person suing for the same; any law to the contrary notwithstanding.

Read three times and ratified in General Assembly, this 12th day of February, A.D. 1827.

JA. IREDELL, S. H. C.
B. YANCY, S. S.
RESOLUTIONS,
Passed by the General Assembly of 1826—27.

Resolved by the Senate and House of Commons of the General Assembly of North-Carolina, That his Excellency the Governor of the State be requested to make a respectful application to the British government for liberty to procure, for the use of the State, from the office of the Board of Trade and Plantations, in London, copies of such papers and documents as relate to the colonial history of North-Carolina.

Resolved further, That the application aforesaid be made through the American Minister in London; and that he be requested to lend his aid to carry the foregoing resolution into effect, and to obtain for the agent, who may be employed in this service, the necessary facilities of procuring such copies.

Resolved, That John C. Baker, John Julius Gause, Samuel Potter, Sterling B. Everett and John Brown, Jr. be, and they are hereby appointed commissioners, for the purpose of ascertaining the practicability of connecting Lockwoods Folly River with Elizabeth River, by means of a navigable canal; and, if it be deemed practicable, to mark out the line of said canal, and report to the next General Assembly their proceedings and opinions relative thereto.

Resolved, That a sum of not exceeding one hundred dollars, be, and the same is hereby appropriated out of the fund set apart for internal improvements, for defraying the expenses of said survey.

Whereas it is represented to this General Assembly, that there are sundry plats and certificates of survey, on which patents were issued previous to the Revolution, and other papers belonging to his office, now in the town of Newbern, which, for the benefit and convenience of persons owning lands under such patents, ought to be placed in the office of Secretary of State:

Resolved, therefore, That the Secretary of State be, and he is hereby directed to endeavor to procure and file in regular order in his office, all such original plats and certificates of survey, on which patents may have issued as aforesaid, and any other papers; from which, when so filed, he shall be, and is hereby authorised to make and certify copies, as in other cases.

And be it further resolved, That the Secretary of State shall be allowed all necessary expenses incurred in effecting the object above mentioned; and should it be necessary for him to go to Newbern on said business, he shall be allowed three dollars per day for every day he may be necessarily absent from home, in going to and returning from Newbern, and in collecting and arranging said papers.

Resolved, That the Board of Internal Improvement be requested to ascertain, and report to the next Legislature, the amount of stock originally subscribed in each of the different navigation companies within this State, the amount subscribed on behalf of the State, and the amount actually paid on such stock, as well by the State as by individuals; also the value in cash of such stock; also to ascertain the terms on which all or any of the navigation companies in the State will surrender their charters to the State.

Resolved, That the Public Treasurer advance to John MacRae, of the town of Fayetteville, on loan, the sum of five thousand dollars, to aid and assist him in the publication of a Map of the State of North-Carolina; and that the Public Treasurer be, and he is hereby directed, at the time of making the said loan to the said John MacRae, to require of him to give bond, with good and sufficient security, for the repayment of the said sum of five thousand dollars, without interest, at the times herein after
RESOLUTIONS.

stipulated; that is to say, for the repayment of two thousand dollars, at the expiration of two years, and of the balance, at the expiration of four years from the time said loan was made to the said John MacRae, and that the Treasurer be allowed for the same in the settlement of his public accounts.

Resolved further: That on the completion of the said Map, the said John MacRae shall deposit with the Public Treasurer three copies thereof, for the use of the State, two of which shall be placed in the chambers of the Senate and House of Commons, and the other in the house erected for the residence of the Governor.

Resolved further: That the Public Treasurer be, and he is hereby authorized and directed to take bonds, every four months, of the said John MacRae, with good and sufficient security, for the repayment of the aforesaid sum of five thousand dollars, on the terms as herein before prescribed; and if he shall neglect or refuse to give bond and security, and renew the same as aforesaid, then and in such event, the Treasurer shall immediately commence suit, and collect the amount thereof: Provided, nevertheless, that before the Public Treasurer shall advance any money under this resolution, it shall be the duty of the said John MacRae to enter into bond, with satisfactory security, which bond shall be deposited with the Public Treasurer, to complete the Map for which the loan is made within the term of four years.

Resolved, That his Excellency the Governor be, and he is hereby authorized to receive proposals for purchasing the right of all such persons as claim lands under titles derived from Indians, to whom reservations were made by the treaties of 1817 and 1819; and that said proposals, containing the facts in each case, be submitted by his Excellency the Governor to the next General Assembly.

Whereas the State possesses a reversionary interest in the lands allotted to the Tuscawara Indians, by an act of the General Assembly, passed at Newbern on the fifteenth of October, one thousand seven hundred and forty-eight; and whereas, by a sale of the said reversion, a considerable sum may be raised and applied to an increase of the Literary Fund:

Resolved, That his Excellency the Governor be, and he is hereby requested to receive proposals from the present proprietors, or others, for the said reversion or fee, and make report thereof to the General Assembly at its next annual meeting.

Resolved further: That Simmons J. Baker, of the county of Martin, William R. Smith, of the county of Halifax, and William Britton, of the county of Bertie, be appointed commissioners, to go upon the said lands, and to ascertain the quantity and quality of each tract, with its fee simple value, per acre, at the time of examination, and report to the next General Assembly; and that the expenses attending the execution of such commission be paid by the proprietors of said land.

Resolved, That the Secretary of State purchase, either in this State or elsewhere, as he may think best, the Stationary required for the offices of State and for the General Assembly, for the ensuing year, and that the Treasurer advance the Secretary a sum necessary to make such purchases, not exceeding three hundred dollars; and that the rule of the House, requiring all resolutions and reports, the object of which is to draw money out of the Treasury, to be read three times, be dispensed with in this case.

The representation of the Public Treasurer, touching the course of the Board of Internal Improvement in regard to his voucher, number fifteen, which purports to be a payment of fifty dollars made to Henry Potter in the year one thousand eight hundred and twenty-five, in compensation for services rendered to the said Board, through work and labor done and performed by him in writing up the books of account, which relates to the named concerns of the fund set apart for internal improvements, of which fund the said Board have the superintendence and care for the time being, being read and considered,

Resolved, That the said Board be, and it is hereby directed to pass the said voucher to the credit of the Public Treasurer, in his account with it, as at present
RESOLUTIONS.

Resolved, That the Public Treasurer be, and he is hereby authorized to empower some person, in whom he has confidence, to renew the bonds given by Thomas Welsh, Andrew Welsh, Mark Coleman and William Welsh, for the purchase of Cherokee land; and that upon sufficient security for the payment of the balance being given, the said bonds heretofore taken in this behalf, shall be cancelled and delivered up to the said Thomas Welsh: Provided, that the costs (if any) of renewing the said bonds, as herein directed, shall be paid by the said Thomas Welsh.

Resolved, That Lauriston B. Hardin be appointed to take charge of the State House during the recess of the Legislature, whose duty it shall be to take into possession the keys, to keep the doors locked, except when he may think proper to open them for the accommodation of visitors, or for the purpose of airing the apartments, and to take the necessary measures for the preservation of the furniture and fixtures belonging to the State House; and that it shall be the duty of the Comptroller, before the said Lauriston B. Hardin shall enter upon the duties of his appointment, to take bond and security of the said Lauriston B. Hardin, in the sum of two thousand dollars, conditioned for the faithful performance of the duties as aforesaid.

Resolved further, That the said Lauriston B. Hardin shall receive, as a compensation for his services in the performance of said duties, a salary of one hundred dollars per annum.

Resolved further, That the said Lauriston B. Hardin procure suitable coverings for the chandeliers and curtains in the Chambers of the Senate and House of Delegates, and cause such other and proper measures to be taken for the preservation of the furniture of the State as he may deem necessary; and that he also cause the statue of Washington to be cleaned, and the State House secured or washed whenever their situation may require it; to cause such repairs made on the State House and public square from time to time as may be found actually necessary for the preservation of the same; and to have the leaves and other trash, that may accumulate on said square, raked up and carried off once a year; and that the Treasurer advance the same necessary to carry into effect the objects of this resolution; for which he shall be allowed in the settlement of his public accounts.

Resolved, That Lauriston B. Hardin be appointed Librarian to the State Library, with a salary of seventy-five dollars per annum, and that the rule requiring resolutions appropriating money, to be read three times, be dispensed with, so far as regards this resolution.

Resolved, That the said Lauriston B. Hardin shall make out, and deposite with the Secretary of State, a list of all books now belonging to the Library, and of all such as may hereafter be purchased.

Whereas the last General Assembly of this State appointed the Honorable John Steed and the Honorable Bartlett Vance commissioners to collect information, and prepare a plan thereby to affect the establishment of a Lunatic Asylum, in this State, with instructions to report such a plan for the same, to the present General Assembly, as they might deem advisable, with an estimate of the expenditures necessary to its execution, and whereas, owing to the eminent illness and afflication of the first named gentleman, a report upon the important object entrusted to the said commissioners cannot be made pursuant to the tenor of the above referred resolution:

Be it therefore resolved, That the Honorable James Ireland and the Honorable Bartlett Vance be, and they are hereby appointed commissioners, with instructions to report upon the said before referred resolution to the next General Assembly of this State.

Whereas Abram Forrest, sheriff of Montgomery county, was prevented, by indisposition, from making a settlement with the Comptroller for the year one thousand eight hundred
Resolved, That in case the said Abraham Forrest shall make a full settlement with the Comptroller, and shall pay to the Public Treasurer the full amount of all taxes he is by law liable to account for and pay, for the year one thousand eight hundred and twenty-five, within two months, he shall be released and discharged from the said judgment obtained against him, upon payment of costs; and that he shall be allowed for his mileage, commissions and insolvencies, as prescribed by law.

Resolved, That the Secretary of State be, and he is hereby authorised and directed to issue to Francis Moore, of Wilkes county, a warrant in the sum of five hundred dollars for the purchase of five acres of vacant land, adjacent to his vineyard, lying on the Brushy mountain, for the purpose of enabling said Moore to make an experiment in regard to the cultivation of the vine; which grant the Secretary of State shall issue so soon as he is furnished with a survey and plat of the same.

Resolved, That the Public Treasurer be, and he is hereby directed to pay to Humphrey Posey the sum of one hundred and fifty dollars, and to cancel the unpaid bond or bonds given by the said Humphrey Posey for the purchase of seventy-five acres of land, in Haywood county.

Provided, that the said Humphrey Posey execute a release of his claim to the said tract of seventy-five acres of land.

Resolved, That Archibald D. Murphy, of Orange county, he permitted to have the use of such books in the Public Library, as he may think will aid him in compiling the History of this State, upon his giving to the Librarian a receipt therefor.

Resolved, That the Secretary of State be, and he is hereby directed annually to contract, under sealed proposals, as practised at present, for such fire-wood as may be necessary for the use of the General Assembly; which contract shall include the cutting the wood of a proper length for the different fire-places used in the several rooms and offices during the session.

Resolved by the General Assembly of the State of North-Carolina, That Edward Griffin, sheriff of Martin county, and his successors, be, and they are hereby discharged and released from the payment of one hundred pounds, part of the judgment lately recovered in Wake County Court against the said Edward, for his having failed to settle with the Comptroller, and pay into the Treasury the public taxes, at the time prescribed by law, upon his making settlement with the Comptroller in the same manner as all other sheriffs are by law required to make settlement; in which settlement the sheriff shall be allowed his indemnity, and legally allowed insolvency.

Resolved, That the Secretary of State issue to Richard Bullock, heir of Joshua Bullock, deceased, a warrant for eight hundred and eighty-eight acres of land, it being for the military services of the said Joshua Bullock, deceased, as an Ensign in the Revolutionary war.

Resolved, That Sherwood Fort be placed upon the pension list of the State, at the rate of fifty dollars per annum; and that the Public Treasurer be directed to pay the same.

Resolved, That Jesse Clark, of Mecklenburg county, be placed on the pension list; and that the Public Treasurer be directed to pay him annually the sum of fifty dollars.

Resolved, That Elizabeth Reeves be placed on the pension list of this State; and that she be allowed annually, and during her natural life, the sum of forty dollars; which sum shall be paid to her for one thousand eight hundred and twenty-six, as well as for each succeeding year, on the warrant of the Comptroller.

Read three times and ratified in General Assembly, this 10th day of February, 1827.  

William Hill, Secretary.
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<td>To repeal, in part, the act of 1821, regulating the patrol of Richmond county,</td>
</tr>
<tr>
<td>Appointing commissioners for the town of Nixonton,</td>
</tr>
<tr>
<td>Authorising the County Courts of Richmond to pay certain officers therein mentioned, and regulating the poll tax thereof,</td>
</tr>
<tr>
<td>Incorporating the Newbern Marine and Fire Insurance Company,</td>
</tr>
<tr>
<td>Concerning the County Courts of Hyde county,</td>
</tr>
<tr>
<td>To authorise the building of a toll bridge over Chowan river, at Winton, and to incorporate a company for that purpose,</td>
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<tr>
<td>Establishing Academy in Pitt county,</td>
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<tr>
<td>Incorporating Raleigh Chapter, No. 10,</td>
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<tr>
<td>Restoring to credit Willis Bradley,</td>
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<tr>
<td>Providing for free ferries in Montgomery county,</td>
</tr>
<tr>
<td>Incorporating Joseph Warren Lodge, No. 22,</td>
</tr>
<tr>
<td>To secure William Boylan to erect a bridge across Deep river,</td>
</tr>
<tr>
<td>Establishing an academy upon the lands of John D. Hawkins,</td>
</tr>
<tr>
<td>Declaring valid certain deeds recorded in the counties of Wayne and Randolph,</td>
</tr>
<tr>
<td>Allowing mileage to the special justices of the peace of Johnston county,</td>
</tr>
<tr>
<td>Altering the name of, and legitimating Charlotte Fell,</td>
</tr>
<tr>
<td>Dividing the 3d regiment of Burke county,</td>
</tr>
<tr>
<td>Concerning the records of the Superior Court of Columbus county,</td>
</tr>
<tr>
<td>Empowering Joseph Huston to erect and keep up gates across certain roads therein mentioned,</td>
</tr>
<tr>
<td>Appointing commissioners to run and establish the dividing line between the counties of Burke and Lincoln,</td>
</tr>
<tr>
<td>Incorporating Reamoke Chapter, No. 4.</td>
</tr>
<tr>
<td>To amend the act of 1823, directing the manner in which constables shall be appointed, &amp;c. in Pitt county,</td>
</tr>
<tr>
<td>To amend the act of 1825, granting to the Superior Court of Brunswick original and exclusive jurisdiction in all cases where the intervention of a jury may be necessary,</td>
</tr>
<tr>
<td>For the better regulation of the town of Concord,</td>
</tr>
<tr>
<td>Establishing a poor house in Wayne county,</td>
</tr>
<tr>
<td>To prevent the falling of timber in, or obstructing the run of Abbott's creek and Pigeon river,</td>
</tr>
<tr>
<td>For the relief of Samuel Jones,</td>
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<tr>
<td>To alter the names of, and legitimate the persons therein mentioned,</td>
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<tr>
<td>To amend the act of 1821, establishing and incorporating Clinton Academy,</td>
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<tr>
<td>Respecting the County Court of Moore county,</td>
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<tr>
<td>Establishing two separate elections in Halifax county,</td>
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Repealing part of the 1st section of the act of 1811, dividing the militia of Surry county into two regiments.
Respecting the allowance of claims, and appropriating the public money of Davidson county.
Repealing the act of last session, allowing compensation to the grand jurors of Ashe county.
To amend the act of 1825, establishing a poor house in Burke county.

Incorporating the Franklin Library Society of Buffalo, 81
Establishing a poor house in Hyde county, ib
Establishing and incorporating New Hope academy, 82
Requiring Mills river, in Buncombe county, to be kept open for the passage of fish, ib
To authorize the setting of guns in the night time, in the Great Dismal Swamp, ib
Establishing and incorporating New Hope academy, 83
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A Statement of the Net Amount of that Branch of the Revenue which is receivable by the Sheriff, for the year 1825.

The foregoing Statement is formed from Returns filed in the Comptroller's Office of North-Carolina, this first day of November, one thousand eight hundred and twenty-six.

JO. HAWKINS, Comptroller.