LAWS
OF
NORTH-CAROLINA.

At a General Assembly, begun and held at Raleigh, on Monday the Sixteenth day of November, in the Year of our Lord One Thousand Eight Hundred and Seven, and in the Thirty-Second Year of the Independence of the said State.

BENJAMIN WILLIAMS, Esq. GOVERNOR.

CHAP. I.

An Act to amend an act, entitled "An act for the more uniform and convenient administration of justice within this State," and one other act supplementary thereto, passed the last session of the General Assembly.

WHEREAS the mode pointed out by the first section of the afo amending act, of selecting jurors from the tax returns, is often attended with great injury to the administration of justice:

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enabled by the authority of the same, That it shall be the duty of the Justices of the several county courts within this State, in the appointment of jurors, to select and chuse such only as are well qualified to discharge the important trust and duty of jurors.

II. And be it further enacted, That the Justices of the several county courts within this State, at their sessions which may next happen after the passing of this act, are hereby required carefully to examine the jury lists already made out, and diligently enquire if any persons qualified to be jurors as above mentioned, are omitted, and whether any persons not qualified to be jurors as above-mentioned, have been inserted; and if they find that any have been omitted, they shall add them to the jury list to be drawn as directed by the said act, and if they find that any have been inserted not possessing the requisite qualifications, they shall direct the name of such person to be stricken out from the jury list; and to obtain full information on this subject, the said courts may examine the sheriffs, clerks, or any other persons, on oath or affirmation.

III. And be it further enacted, That the jury list so made up as before said, shall exist for the space of two years in its operation, instead of three years, as prescribed by the said act.

IV. And be it further enacted, That the several superior courts within this State shall hereafter have concurrent jurisdiction with the several county courts within their respective counties, of all pleas and proceedings of the State, and of all actions of slander, with full power and authority to pass thereon the county courts, to carry the same into complete effect.

Read three times and ratified in General Assembly, the 16th day of December, 1807.

JOSEPH RIDDICK, S. S.

JOSHUA G. WRIGHT, S. H. C.

CHAP. II.

An Act to amend an act, entitled "An act to amend an act passed at Hillsborough in the year one thousand seven hundred and eighty-two, for establishing courts of equity, and to regulate proceedings in appeals from the courts of pleas and quarter sessions to the superior courts of law."

BE 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 defendant or de-
fendants, in any action of debt, covenant or assumpsit, shall appeal from the judgment of any court of pleas and quarter sessions to a superior court, and shall not, upon the trial of such appeal, diminish the sum recovered by the plaintiff or plaintiffs in the courts of pleas and quarter sessions, it shall and may be lawful for the said superior court (if it appear that the appeal was taken for the purpose of delay) to give judgment in behalf of the plaintiff or plaintiffs, not only for the amount of the verdict rendered in said court, but also for a sum in addition thereto, not exceeding four per centum per annum, on the principal sum recovered, from the time of the judgment in the inferior court, to the time of entering up the same in the superior court; which additional sum shall be considered as a penalty, and shall not draw interest in cases where interest is allowed on judgments.

II. And be it further enacted, That when any plaintiff or plaintiffs shall appeal from the judgment of any court of pleas and quarter sessions to a superior court, and shall not recover in said superior court a greater sum than that recovered in the court of pleas and quarter sessions, independently of the interest accrued since the former judgment, he, she, or they shall not recover the cost of the appeal, but shall be liable, at the discretion of the superior court, to pay the same.

III. And be it further enacted, That all acts and clauses of acts that come within the purview and meaning of this act, are hereby repealed.

CHAP. III.

An Act to authorize the Treasurer, in the name of the State of North-Carolina, to subscribe in the Banks of Cape-Fear and Newbern, for the number of shares, which the State has reserved the right of subscribing for, in each of the said Banks.

RE it 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 be, and he is hereby authorized to subscribe in either or both of said banks, at such time as he shall deem it expedient, and he and the Directors of said banks, or either of them, shall agree on, for two hundred and fifty shares of bank stock, on the following terms and conditions, to wit: That he pay at the time of subscribing, out of any monies of the currency of the State in the Public Treasury, one third of the amount of said shares; that he pay at the expiration of twelve months thereafter one other third of the said amount, and at the expiration of twelve months after the payment of the last mentioned third, the remaining third and full amount of said shares; and that for the deferred payments he pay an interest at the rate of four per centum per annum, from the time of subscribing: Provided however, that after paying the last installment to either of the aforesaid banks, the Treasurer shall be authorized to borrow therefrom the amount of the said installments from time to time, on the terms on which loans are made therein, until the dividends received be sufficient to pay off the sum borrowed.

II. And be it further enacted by the authority aforesaid, That the Treasurer, together with the Comptroller and Secretary, or any two of them, be authorized and empowered to appoint three additional Directors of each or both of the banks, in which subscriptions shall be made as aforesaid, and the Directors for each or either of said banks so appointed, shall possess the same qualifications, have the same power, and be subject to the same rules, regulations and restrictions as the other directors, which shall be chosen by the stockholders.

III. And be it further enacted, That in case the Directors of said banks respectively, or either of them, shall accept of the above stated terms, and the subscriptions shall be made by the Treasurer for the number of shares first above stated, then and in that case the bank-notes of the bank or banks in which the said subscriptions shall be made, shall be, and are hereby declared to be receivable in payment of all public dues, and at the public treasury.

IV. And be it further enacted, That it shall be lawful for the president and directors of each of the aforesaid banks to establish offices of discount, or offices of discount and deposit, at or near places where the said banks are fixed, or where, by their respective charters, branches may be established; provided that not more than two such offices, other than aforesaid, shall be established and kept in existence by either of the banks at the same
time, and that the management of such offices be committed to such persons, and under such agreements, and subject to such regulations as the President and Directors respectively may deem proper, not contrary to the Constitution of this State, or of the United States, or of the aforesaid Corporations. Provided also, that no office of discount, or of discount and deposit, shall be established by either of the said banks, unless they accede to the terms of subscription proposed by this act on the part of the State.

V. Be it further enacted, That the said banks, in consequence of any subscription by the Treasurer in behalf of the State, shall have power to issue notes only in the same ratio as that established by their respective charters, that is to say, in the ratio of three for one, on the amount of its capital stock actually subscribed and paid for, over and above the monies deposited for safe keeping.

CHAP. IV.

An Act to repeal an act, entitled "An act to repeal all laws and clauses of laws heretofore passed, authorizing the Secretary of State to issue land warrants for military services," passed in 1805.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said act be and the same is hereby repealed and made void to all intents and purposes.

II. And be it further enacted by the authority aforesaid, That thereafter no military land warrant shall issue but under the authority of the General Assembly, declared by resolution empowering the Secretary of State to issue such warrant, unless the person in whose name application is made for such warrant appears on the muster rolls, and to be fairly entitled to such warrant; in which case the Secretary of State may issue a warrant without a resolution, as before mentioned.

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

CHAP. V.

An Act to amend an act, entitled "An act directing the mode of proceeding against the real estates of deceased debtors, where the personal estate is insufficient for the payment of the debt."

BE 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 suits where executors or administrators of any deceased person shall omit to plead fully administrated, no affords, or not sufficient affords to satisfy the plaintiff's demand, or where they shall plead the said pleas, or any of them, and the same shall be found against such executors or administrators, and they shall be, or afterwards become insolvent, so that the creditor cannot procure satisfaction for his demand, the creditor may have the same remedy against the real estate of such deceased debtor in the hands of the heirs or devisees, and the same process as is provided by the aforesaid act; and if judgment be rendered against the heirs or devisees, or any of them, execution shall and may issue against the real estate of the deceased debtor in the hands of such heirs or devisees; Provided, that no creditor shall be entitled to the remedy aforesaid against the heir or devisee, who shall be guilty of any negligence or collusion in prosecuting his suit, whereby the executor or administrator shall become insolvent, to the detriment of the heir or devisee, which negligence or collusion such heir or devisee may shew on an issue joined under the direction of the court before whom the trial shall be had.

II. And be it further enacted by the authority aforesaid, That when any heir or devisee of real estate against whom judgment may pass, shall transfer or alien the same, such heirs or devisees shall be liable to the creditors in their proper estate to the value of such estate so transferred or aliened, which value shall be ascertained by the jury impanelled to try the issues joined on the proceedings between the said parties, and execution shall and may issue accordingly.

III. And be it further enacted by the authority aforesaid, That when any creditor of a deceased person claims to have judgment against the real estate of such debtor in the hands of the heirs or devisees, by reason of the executors
or administrators failing to plead the pleas aforesaid, or on account of the in-

folvency of the executors or administrators as herein before mentioned, the 

heirs or devisees of such deceased debtors shall and may be permitted to sue, 

as heretofore, that the executors or administrators have assets, and on an in-

fue between them and the creditor, that the executor or administrator are not in-

solvent, but have property sufficient to pay part or the whole of the debt de-

manded, and costs; and if both the said issues shall be found in whole, or in 

part, for the heirs or devisees, judgment shall be rendered accordingly, other-

wise for the creditor.

And be it further enacted by the authority aforesaid, That nothing here-

in contained shall be construed to repeal the aforesaid act, or any part thereof, 

this act being intended only to extend the remedy provided by said act for 

creditors against the real estate of their deceased debtors; nor shall the provi-

sions contained in this act affect the remedy which any creditor has, or may 

have in equity, against the real estate of any deceased debtor, or in any manner 

change the rules of decision in equity in any such case.

CHAP. VI.

An Act to expedite the organization of the quota of Militia required from this State by 

the General Government, and to provide for uniformity and dispatch in making and 

receiving returns in future, and to amend the laws now in force relative to the Militia.

WHEREAS inspection returns and muster rolls of that part of the mili-

tia which is to constitute the quota to be furnished by this State, as part of 

the detachment of the militia of the United States, authorized to be raised by 

an act of Congress, dated the twenty-fourth day of February, one thousand 
eight hundred and seven, have not been made by all the officers required to do:

BE 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 captain or com-

manding officer of a troop or company neglects to make just and true returns 

with a muster-roll, as required by the proper officer or officers, of his quota of 

any detachment now ordered or hereafter to be ordered, more than sixty days 

after the rising of the present General Assembly, or within sixty days, in future, 

after he receives orders for the same, he shall, upon conviction thereof before 

a court-martial, forfeit and pay the sum of ten pounds; that if any lieutenant-

colonel or commanding officer of a regiment fail or neglect to make such re-

turns and muster rolls, when thus required, within ninety days after the rising of 

the present General Assembly, or ninety days after receiving orders for returns 

on any future requisition, he shall, on conviction thereof before a court-martial, 

or in like manner, fail to make such returns within one hundred and twenty 

days after the rising of the present General Assembly, or one hundred and twenty 

days after receiving orders for returns on any future requisition, he shall, on 

familiar conviction, forfeit and pay the sum of thirty pounds; that in case any lieutenant-
colonel or commanding officer of a regiment fail or neglect to make such re-

turns and muster rolls, when thus required, within ninety days after the rising of 

the present General Assembly, or ninety days after receiving orders for returns 

on any future requisition, he shall, on conviction thereof before a court-martial, 

or in like manner, fail to make such returns within one hundred and fifty days after the rising of the present General Assembly, or one hundred and fifty days after receiving orders for returns on any future requisition, he shall, on familiar conviction, forfeit and pay the sum of forty pounds. And it is hereby declared to be the duty of every officer to whom returns ought to be made, to order courts martial within ten days after such failure is 

known to him, under double the penalty which would have been forfeited in 

case of conviction of the neglecting officer, to be recovered by prosecution 

before a court martial, or by any person suing for the same, before any juris-

diction having cognizance thereof; and for the second offence of any officer 

failing to order or to make detachment returns, or to order courts martial as 

above required, he shall be tried by a competent court-martial and be cashiered.

11. And be it further enacted by the authority aforesaid, That in case any 

officer fails to make the proper return of his quota of the present detachment, 

within the times herein specified for his performing the same, after the rising of 

the present General Assembly, the officer to whom such return ought to be 

made is hereby authorized and required to hire an express and send to said de-

faulter, who shall defray the hire or expense of such express, the amount of 

which to be certified by the person sending him; and if the officer to whom
such express is sent refuses to pay the said hire, immediate recovery shall be had by application to any justice of the peace or jurisdiction having cognizance thereof, who is empowered and required to give judgment and grant execution, without allowing appeal or stay of execution; and any proper officer is bound, on application, to take all lawful ways and means to raise the money without delay.

II. And be it further enacted by the authority aforesaid, That if no immediate opportunity offer for forwarding orders or returns, the certainty of which ensues a speedy delivery thereof, which can be easily ascertained and proved, that then it shall be the duty of the officer issuing the orders to lodge the same properly directed, in the post-office, marked on the back, "public service," under which he shall write the name of himself and officer; and in case of proof being made that any officer knew there was a letter so directed to him in the post-office, and refused or neglected to take out the same within ten days, or declined to pay the postage, such officer shall be deemed unworthy of his commission, and be cashiered by a court-martial to be ordered without delay for the purpose of trying him; the proceedings of which court-martial shall be published in the State Gazette.

IV. And be it further enacted, That no officer who has voluntarily tendered his military services to the detachment of the militia now under requisition, or who shall hereafter offer as a volunteer to serve in any detachment ordered out under the laws or constitution of the United States, shall by such offer, or any service in consequence thereof, forfeit his commission or lose his rank in any troop, company, regiment, brigade, division or militia department of this State, to which he belonged or commanded, except those who have risen to a higher grade.

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

VI. And be it further enacted, That so much of the laws now in force as require the Governor to appoint an adjutant-general from among the major or brigadier-generals, be and the same is hereby repealed: and hereafter the Governor may appoint any suitable person, being a citizen of this State, to be adjutant-general, who shall take rank as a brigadier-general in the militia of this State; and the said adjutant-general shall be allowed annually by the public treasurer all necessary expenses incurred in the discharge of the duties imposed on him by law, which expenses shall be stated and certified by the said adjutant-general to the said public treasurer, and be by him paid accordingly.

CHAP. VII.

An Act to raise a Revenue for the payment of the Civil List and Contingent Charges of Government for the year one thousand eight hundred and eight.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the year one thousand eight hundred and eight, a tax of eight pence on every hundred acres of land within this State, and a tax of two shillings on every hundred pounds value of town lots with their improvements, as well on those not established by acts of Assembly, as on those that have been so established, and a tax of two shillings on every poll, shall be levied, collected and accounted for in the same manner as such taxes have heretofore been levied, collected and accounted for.

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

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

IV. And be it further enacted, That each and every person who shall hereafter peddle or hawk goods in any of the counties of this State, shall first ob-
Sheriffs duty to obtain a licence from the clerk of some county of this State under his seal of office; and the person so peddling or hawking shall pay the clerk before obtaining said licence, the sum of ten pounds to the use of the State, to be accounted for by the clerk in the same manner as tax fees are accounted for; and any licence so obtained shall authorize said peddler to peddle and hawk goods in any and every county in this State for the term of one year; and if any person shall peddle or hawk goods in any county of this State without licence, he shall forfeit and pay the sum of thirty pounds, to be recovered by the sheriff or any other person of the county in which he shall so peddle, before any justice of the peace in the name of the Governor, one half to the use of the said sheriff or other person, and the other half to the use of the State.

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

VI. And be it further enacted, That every person who shall come into this State on board any vessel, with goods and merchandise on board thereof, which shall not be subject to the payment of duties imposed by the laws of the United States, and retail thereout said goods or merchandize, shall pay ten pounds, to be collected by the sheriff of the county, wherein such vessel may be anchored, and by him accounted for in the same manner as other taxes are by this act directed.

VII. And be it further enacted, That the sheriff of the several counties within this State shall be, and are hereby authorized and directed to collect the taxes herein imposed on vessels arriving in any of the ports of this State, as soon as the said vessel shall break bulk for the purpose of retailing said goods thereout; and the said sheriff shall also immediately proceed to collect the tax on all stores by this act directed, from all persons who shall or may be considered as transient merchants.

VIII. And be it further enacted, That no sinking fund tax shall be collected for the year one thousand eight hundred and eight.
ture thereof will, by law, provide for the confirmation and establishment of
the said titles, in a manner which will afford a satisfactory and adequate relief.
And to this end, the said Commissioners will recommend the establishment of
an impartial tribunal for the special purpose of enquiring into and ascertaining
the various descriptions of such claims, and of determining on each according to
their respective merits, and as reason and equity may require; which tribunal
the said Commissioners will also recommend to be composed of three persons to be appointed and paid by each State, but they shall convene and
hold their meetings in the State of Georgia, and their decisions shall be conclu-

ARTICLE III. There having been great dissensions between the people
residing in the adjoining counties of Buncombe and Walton, and the said
dissensions having produced many riots, routs, affrays, assaults, batteries,
trespasses, woundings and imprisonments, as well on the one side as on the other,
and it being of primary importance that peace and tranquility should be re-
stored, and all animosity and ill-will forever buried between the people who,
from their local situations, will, in all probability, be constrained to continue
in the vicinity of each other; and as the several outrages committed on both
sides proceeded more (as the underlined are implied) from a mistaken zeal
to support the Government to which they thought they were constitutionally
bound, than from a wish to injure their neighbours or disturb the public peace,
the undersigned agree to recommend, in the most earnest manner, to the Le-
gislature of their respective States, to pass laws of amnesty, forgiveness and
oblivion for all such offences (under the degree of capital) as may have been
committed within the said counties of Buncombe and Walton, respectively,
subsequent to the tenth of December, in the year 1803, and which shall have
arisen from, and had relation to the disputes which existed concerning the ju-
risdiction of the two States.

And whereas the said Commissioners, with like authority, did, on the 27th day of June, in the year aforesaid, at Southard's Gap, enter into Articles in
addition and supplementary to the Convention agreed on between the Com-
missoners of Georgia and North-Carolina, at Buncombe court-house, on the 18th day of June, in the year aforesaid, which Articles are as follow:

The Commissioners of the States of Georgia and North-Carolina having
discovered, by repeated astronomical observations made on the Blue Ridge,
and elsewhere, that the 35th degree of North Latitude is not to be found on
any part of said ridge of mountains, east of the line established by the Ge-
eral Government as the temporary boundary between the white people and
the Indians; and having no authority to proceed over that boundary for the
purpose of ascertaining the said 35th degree of North Latitude, and of run-
ning and marking the line accordingly, and being desirous that all causes of
collusion and irritation between the jurisdictions and people of the two States
may be effectually and completely prevented, have agreed to the following
Articles, in addition and supplementary to the Convention agreed to at Bun-
combe court-house, on the 18th day of the present month, viz.

ARTICLE I. The Commissioners of Georgia, for and on the part of their
State, acknowledge and admit, which acknowledgment and admission are
founded on the aforesaid astronomical observations, that the State of Georgia
hath no claim to the soil or jurisdiction of any part of the territory north or
west of the ridge of mountains which divides the eastern from the western
waters, commonly called the Blue Ridge, and east or south of the present
temporary boundary line between the white people and the Indians; and that
they will conseqently recommend to the Legislature of the State of Georgia
to repeal, at their next ensuing session, the act to establish the county of Wal-
ton, and to abrogate and annul all executive and ministerial or other proceed-
ings for the organization thereof.

ARTICLE II. The Commissioners on the part of the State of North-Ca-
rolina, promise and agree to recommend to their Government, and particu-
lary to the Magistrates, Sheriffs and other officers, civil and military, in the
county of Buncombe, to execute the laws concerning forfeitures and penalties,
1807.

and in any other respect where the State may be concerned (under the degree of felony) upon and towards the people who have adhered to the State of Georgia in the late disturbances concerning jurisdiction, with mildness and clemency; and if the said officers can do it consistently with their obligations of official duty, that they forbear to institute suits and to disstrain or execute for forfeitures and penalties incurred as aforesaid, between the tenth day of December, in the year eighteen hundred and three (1803) and the date of this Agreement, until the sense of the Legislature shall be had and known thereon.

In order, therefore, that said Conventional Agreement, and the Articles additional and supplementary thereto, may be carried into full and complete effect:

The Conventions confirmed.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said Conventional Agreement, and the Articles in addition and supplementary thereto, and all and every article and clause thereof, be, and the same are hereby fully ratified and confirmed.

CHAP. IX.

An Act to pardon certain offenses committed in that part of Buncombe county formerly claimed by the State of Georgia.

BE 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 crimes and misdemeanors, the punishment whereof is not by law capital, which have been committed between the tenth day of December, in the year our Lord one thousand eight hundred and three, and the twenty-seventh day of June last past, within that part of the county of Buncombe which was formerly claimed by the State of Georgia, and called the county of Walton, be, and the same are hereby pardoned, released, and put into total oblivion.

II. And be it further enacted, That this act shall be in force from and after the passage of an act by the Legislature of this State, ratifying and confirming the Conventions entered into by and between the Commissioners on the part of that State, and the Commissioners on the part of this State, on the 18th day of June, and 27th day of June, A.D. 1807.

CHAP. X.

An Act to amend the Penal Laws, so far as respects the trial of slaves charged with capital offenses.

BE 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 slaves charged with criminal offenses, the punishment of which is capital, shall be tried at the regular terms of the county courts of the county in which such offenses are alleged to have been committed, and under the same rules, regulations and restrictions as by law now directed.

II. Be it further enacted, That so much of the laws now in force as authorize courts to be specially convened for the trial of slaves charged with capital offenses, be, and the same are hereby repealed and made void.

CHAP. XI.

An Act to give the right of Appeal in trial of Caves and Suspensions.

BE 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 the trial of caves or grants of lands, the judgment of the jury may be appealed to the superior court of his county, under the same rules, regulations and restrictions as are now by law established for prosecuting appeals to the superior courts.

CHAP. XII.

An Act to allow Interest on Judgments recovered in actions brought on contract.

BE 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 which shall hereafter be brought to recover money due by contract hereafter to be made,
except on penal bonds, it shall be the duty of the jury to distinguish by their
verdict, the sum due as principal, from the sum allowed for interest; and
the principal sum due on all such contracts, shall carry interest, from the time
of rendering judgment thereon until the same shall be paid and satisfied; and
the judgments in such actions shall be rendered according to the provisions of
this act.

*CHAP. XIII.*
An Act providing relief for securities 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 where there are two or
more securities for the performance of any contract whatsoever, and it shall
so happen that one or more of them may have been, or shall be compelled
to perform and satisfy the same, or any part thereof, and the principal be in-
solvent or out of the State, he, she or they may have and maintain his, her
or their action against the other security or securities, for a just and
reasonable proportion of the sum which he, she or they may be compelled
to pay as aforesaid, whether of principal, interest or costs, to be recovered before
any court of record or justice of the peace, having jurisdiction thereof;
any law or custom to the contrary notwithstanding.*

*CHAP. XIV.*
An Act for the relief of purchasers at executions.

*WHEREAS such frequently occur where property sold on execution,
proves not to have been the property of the person against whom such execu-
tions have issued, by reason of which the innocent purchaser loses the same,
without any remedy at law to be reimbursed, which not only proves injurious
to such purchaser, but frequently operates to discourage the sale of property
for such full prices as the same ought to bring: 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, where any property, either real or personal, shall be sold on any ex-
ecution of fieri facias, venditiones exponas, or order of sale, issued from any
court of law or equity in this State, or from any justice of the peace, such
justice having jurisdiction and authority to issue the same, by any officer law-
fully authorized to make such sale, and such property so sold be not the proper goods and chattels, lands and tenements as the case may be of the person against whom such execution, venditiones exponas, or order of sale, may have issued, by reason of which the purchaser at such sale may have been deprived of the same property, or may have been compelled to pay damages in lieu thereof to the real owner, then, and in every such case, it shall be lawful for such purchaser, his execu-
tors or administrators, to sue such person against whom such execution, ven-
ditiones exponas, or order of sale, may have so issued, or the persons legally
representing him, in an action on the case, in any court of law in this State,
and recover such sum as he may have paid for such property, with interest
thereon from the time of such payment: Provided always, that such property,
if the same be personal property, be presented at such sale, and actually deliv-
ered to such purchaser.*

*CHAP. XV.*
An Act declaring what evidence of title to lands, in certain cases, shall be good.

*WHEREAS many citizens of this State who claim title to lands pur-
chased from the original proprietors, to whom large tracts of land were granted
by the King of Great-Britain before the late revolution, are unable to pro-
duce either the original grants from the Crown to the said proprietors, or re-
gistered copies thereof: And whereas there is good reason to believe that the
said grants, and the registration thereof, were destroyed at Wilmington, by
the enemies of this State during the late war:*
Be 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 trials at law, where the title of either plaintiff or defendant shall be derived from Henry Eulalie M'Culloch or Henry M'Culloch, out of their trusts number one and three, it shall not be required of such party to produce, in support of his title, either the original grant from the Crown to the proprietors, or a registered copy thereof; but in all such cases, the grant or deed executed by such reputed proprietors, or by his, her or their lawful attorney, or a certified copy thereof, shall be deemed and held legal and sufficient proof of the title of such proprietors, in as full and absolute manner, as though the said original grants were produced and given in evidence; any law, usage or decision to the contrary notwithstanding.

CHAP. XVI.

An Act prescribing the duties of the Clerks of the County Courts and Registers in this State, in certain cases, 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 when any deed or other instrument of writing shall be offered for probate in any of the county courts in this State, it shall, and is hereby expressly declared to be the duty of the clerks of said courts to receive, with his own, the register's fees on all and every such deeds and other instruments of writing admitted to probate for registration; and shall, within twenty days after the rise of each and every county court, deliver over to the registers of their respective counties, on application, all such deeds and other instruments of writing which have been admitted to probate for registration, together with the registers fees on the same.

II. And be it further enacted, That it shall be the duty of the registers within the several counties in this State, within twenty days after the rise of each and every county court as aforesaid, to apply at the clerks office of their respective counties, for all deeds and other instruments of writing as aforesaid admitted to probate for registration; and in case of neglect by either clerk or register in performing the duties aforesaid, the person so neglecting shall forfeit and pay the sum of five pounds for every such offence, to be recovered by warrant before a justice of the peace, one half to the use of the poor of the county in which such recovery may be had, the other half to the use of any person suing for the same; and be further liable for all damages the party injured by such neglect may sustain.

III. And be it further enacted, That it shall be the duty of the several county court clerks within this State, at the next court of pleas and quarter sessions which shall be held after the first day of May next, to deliver over to the registers of their respective counties, all deeds and other instruments of writing (if any) on which the registers fees have been paid, that have been heretofore admitted to probate for registration, under the penalty of fifty pounds, to be recovered before any jurisdiction having cognizance thereof, to the sole use of the person suing for the same.

IV. And be it further enacted, That the public registers in each county in this State, for registering divisions of land, shall receive the sum of one shilling for each lot or dividend therein described, agreeably to the plat of said division, and the same fees for every copy thereof. And it shall be the duty of each and every public register in this State, to leave at each and every county court of pleas and quarter sessions within their respective counties, all grants or state patents which have been delivered to them for registration, one week previous to the sitting of such court, and on which their fees have been paid, ready to be delivered to the owner thereof.

V. And be it further enacted, That all acts and parts of acts that come within the purview and meaning of this act, be, and the same are hereby repealed and made void,
CHAP. XVII.

An Act to cede to the United States of America the jurisdiction of certain land for the purposes therein mentioned, and to allow further time to the General Government for finishing the Fort at or near the mouth of Cape Fear River.

WHEREAS the harbour of Old Topsail Inlet is at present in an unguarded state, and is generally nineteen feet water on the bar of said harbour, which renders it necessary that the United States should have the jurisdiction of certain land convenient thereto, in order that a Fort may be erected thereon for the defence of the said port and harbour:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That five acres of land, in the county of Carteret, on the west side and adjoining Old Topsail Inlet, be, and the same is hereby ceded to the United States of America, for the purpose of erecting a Fort thereon for the defence of the said port and harbour.

II. And be it further enacted, That Bryant Helen, Jeconias Pickens and James Stanton be, and they are hereby appointed commissioners to survey, lay off and mark the boundaries of the said five acres, and shall return a correct plan thereof to the office of the Secretary of State; and the said plan fo by them returned, shall be deemed full and sufficient evidence of the boundaries aforesaid: Provided, that the land ceded by virtue of this act is subject to the following condition: That the said Fort shall be erected thereon within three years from the passing hereof. And provided also, that nothing herein contained, shall be construed to debar any of the officers of this State from serving any process or levying executions within the limits ceded by this act, in the same manner and to the same effect, as if this act had never been passed.

And whereas, from different causes and circumstances, the Fort at Smithville is not perfectly completed, although it is so far done as to be ready for the mounting of cannon,

III. And be it further enacted by the authority aforesaid, That all the grants and provisions hereforemade respecting the same, shall continue and be in full force: Provided, the said Fort is finished within the year 1808; any law, usage or custom to the contrary notwithstanding.

CHAP. XVIII.

An Act to repeal and supply the place of the fourth section of an act passed in the year one thousand seven hundred and ninety-one, entitled "An act to provide a proper Seal for the State, and the several Courts of Record."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in all cases where the seal annexed to a grant issued by the State, is, or shall be lost or destroyed, the Governor for the time being may, on the certificate of the Secretary of State that such grant was fairly obtained, cause the seal of the State to be affixed to such grant, and the same so affixed shall give the said grant the same validity as the seal first affixed thereto.

II. And be it further enacted, That the fourth section of the before recited act be, and the same is hereby repealed.

CHAP. XIX.

An Act to amend an act, passed in the year 1791, entitled "An act to improve the Inspection of Flour and other commodities, in this State, and to alter the Inspectors fees in other instances."

WHEREAS no penalty is by the said act imposed on those who violate the provisions enjoined by the first section thereof:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That if any miller or manufacturer of flour shall put up flour in any barrel, for the purpose of sale or exportation, which barrel does not contain one hundred and ninety-six pounds nett flour, well ground, bolted and packed, or shall not brand on each barrel of flour the nett weight of the same, in figures, and also the first letters of his christian name, and his surname at full length; or shall put up flour for sale or exportation as aforesaid, in a barrel not made of good seasoned oak or oak.
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aff wood, twenty-six inches in length, bouded with ten good hoops, and
with heads seventeen inches in width, every such miller or manufacturer for
offending against any of the said provisions, shall forfeit and pay the sum of
five pounds, to be recovered before any jurisdiction having cognizance thereof,
by any person suing for the same.

II. And be it further enacted, That when a person shall fell any barrel or
barre! of flour not containing the full quantity by law required, the purcha-
ser, unless there shall be a special contract to the contrary, shall be allowed to
recover the value of the deficiency in an action on the case, for money had
and received, before any jurisdiction having cognizance of the same.

CHAP. XX.

An Act to amend an act, entitled " An act to prevent the selling of spirituous liquors
and other articles at church or meeting-house yards on days of divine worship,"
passed in the year one thousand eight hundred.

BE 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 may recov-
er in his own name, to the use of the poor, the penalty inflicted by the act
aforefoaid.

II. And be it further enacted by the authority aforesaid, That if any person
shall be intoxicated at a church, meeting-house, or any other place appointed
for divine worship, in the time people shall be there assembled for the pur-
pulse of divine worship; or shall, at such time and place, quarrel, fight, or be guilty
of any other disorderly behavior, he shall forfeit and pay to the use of the
poor of the county in which the offense shall be committed, the sum of two
pounds ten shillings, to be recovered by and in the name of any person who
shall sue for the same, before any justice of the peace of the said county: Provided,
the warrant for the said penalty shall be issued within ten days after the
offense was committed; and provided also, that if either party shall think them-
selves aggrieved by the judgment of the justice before whom such trial shall
be had, may have the right of appeal to the succeeding county court; and in
all such cases, it shall be the duty of the county attorney to appear and pro-
secute in behalf of the State.

III. And be it further enacted, That an act passed at the last session of the
General Assembly, entitled " An act to prevent the selling of spirituous li-
quors and other articles at church or meeting-house yards on days of divine
worship," be, and the same is hereby repealed.

CHAP. XXI.

An Act to amend an act concerning proving Wills and granting Letters of Administra-
tion, and to prevent frauds in the management of Intestate Estates.

BE it enacted by the General Assembly of the State of North-Carolina, and
it is hereby enacted by the authority of the same, That in all cases which may
hereafter happen, where the testator or testatrix may appoint any person or
persons as his or her executor or executors, who reside out of the State of this
State; or where a man may marry a woman who is appointed executrix
of the estate of a deceased person, and he resides out of the State, or is about
to remove or make away with the estate of the testator, to the injury of his
creditors and representatives, that, in any of the above cases, either at
the time of the qualification of such executor or executors, upon application
made to the county court by any creditor or representative of the estate, it
shall be made appear by sufficient testimony, in open court, to the satisfac-
tion of said court, that such injury is likely to ensue, such executor or executors,
as above stated, shall be obliged to give bond and security for the faithful ad-
mistration of the estate, as is required by law in cases of administration on the
estates of deceased persons, agreeably to the above mentioned act of As-
sembly, passed in the year one thousand seven hundred and fifteen, and chap-
ter 48. And there shall be the same remedy upon such bond given to the
party grieved, as upon the bond of an administrator in like cases.
II. And be it further enacted, That the several courts aforesaid shall be, and they are hereby invested with full power and authority, by such rules and orders as they may think proper to make, to compel the said executor or executors to enter into bond and security as aforesaid: and upon due notice, by citation or otherwise, should they, or any of them, fland out and refuse to do, the said courts respectively shall and may order and decree that the power and authority of the executor or executors, as aforesaid, be null, and thenceforth all the power and authority of the said executor or executors shall cease, and the said courts shall and may then grant administration with the will annexed, or otherwise, as the case may require, to such person or persons as they may deem meet.

CHAP. XXII.

An Act to regulate the charges of Sheriffs, Coroners, Constables and other officers, in certain cases.

WHEREAS there is no law within this State making an allowance to officers whose duty it is to hold in custody any property, the keeping of which necessarily occasions expense: 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 it shall be the duty of the several courts of pleas and quarter sessions, at the first term which shall be held in their respective counties after the first day of January in each and every year, to settle the charges of the aforesaid officers for keeping, watering and feeding any horse, cattle, hogs or sheep, taken into their custody under legal process; and the said officers, or any of them, may maintain his or their action against the debtor whose property has been so held in custody for the amount of the charges thereby incurred, before any court or justice of the peace having jurisdiction of the sum due therefrom.

II. And be it further enacted, That every officer claiming under this act, shall make out his account, and, if required, give the debtor, his agent or factor, a true copy thereof, signed with his own hand, and shall return the said account, with the execution or other process under which the property has been seized, to the justice or to the court to whom the said execution or process is returnable; and shall then and there also swear to the correctness of the several items therein set forth, otherwise he shall not be permitted to make any recovery from the debtor.

III. And be it further enacted, That if any of the aforesaid officers who has levied an execution, or other process, upon property, shall permit the same to remain with the possessor thereof, it may be lawful for such officer to take a bond for the forthcoming thereof to answer the said execution or process; but the said officer shall nevertheless remain liable, as heretofore, in all respects to the claims of the plaintiff.

CHAP. XXIII.

An Act to divide the first and second divisions of the Militia of this State into three divisions.

WHEREAS it hath been ascertained with certainty, that the first and second divisions of Militia of this State contain men more than sufficient to make three divisions, agreeably to the regulations of the militia laws of this State; and it being proper that the officers should be proportioned to the men,

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the first and second divisions of Militia contained within the bounds of the said divisions shall be divided into three divisions, in the following manner, to-wit: The first division shall be composed of the counties of Currituck, Camden, Pasquotank, Perquimans, Chowan, Gates, Herfard, Bertie, Washington and Tyrrel: And that the sixth division shall be composed of the counties of Hyde, Beaufort, Pitt, Craven, Carteret, Lenoir, Greene, Wayne, Johnston, Duplin, Jones, D
Onslow, New-Hanover and Brunswick: And that the second division shall be composed of the counties of Bladen, Cumberland, Sampson, Moore, Anson, Richmond and Robeson.

II. And be it further enacted by the authority aforesaid: That each division shall compose the following brigades: The first brigade for the first division, shall be composed of the counties of Currituck, Camden, Pasquotank, Perquimans, Chowan and Gates: That the thirteenth brigade for the first division, shall be composed of the counties of Hertford, Bertie, Washington and Tyrrell: That the second brigade for the sixth division, shall be composed of the counties of Hyde, Beaufort, Pitt, Craven and Carteret: That the twelfth brigade for the sixth division, shall be composed of the counties of Lenoir, Greene, Wayne and Johnston: And that the third brigade for the sixth division, shall be composed of the counties of Duplin, Jones, Onslow, New-Hanover and Brunswick: And that the fourth brigade for the second division, shall be composed of the counties of Bladen, Cumberland, Sampson and Moore: And that the fourteenth brigade for the second division, shall be composed of the counties of Anson, Richmond and Robeson.

III. And be it further enacted: That the divisions and brigades aforesaid, shall be officered agreeable to the militia laws of this State: Provided, that nothing herein contained shall be construed so as to affect the appointments heretofore made within the divisions or brigades aforesaid.

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

CHAP. XXIV.

An Act to annex part of the Militia composing the eighth brigade of the fourth division to the ninth brigade of the fifth division of the Militia of this State, and to establish one other brigade, to be denominated the fifteenth brigade.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county of Surry shall be added to the ninth brigade of the Militia of this State, and that hereafter the counties of Surry, Wilkes and Ashe shall compose the ninth brigade of Militia.

II. And be it further enacted, That that part of the ninth brigade consisting of the counties of Burke and Buncombe, shall compose the other brigade, to be called and known by the fifteenth brigade.

III. And be it further enacted, That each brigade shall be entitled to one regiment of cavalry.

IV And be it further enacted, That the fifteenth brigade shall compose a part of the fifth division, and shall be officered in like manner as other militia of this State.

V. And be it further enacted, That nothing in the above recited act shall be so construed as to affect the present drafts or volunteers who have offered their services in the ninth brigade, to do their duty as now arranged in the first detachment, to be called into the service of the United States; any law, usage or custom to the contrary notwithstanding.

VI. And be it further enacted, That all acts and parts of acts, that come within the purview and meaning of this act, be, and the same are hereby repealed and made void.

Read three times and ratified in General Assembly, the 14th day of December, 1807.

JOSEPH RIDDICK, S. S.
JOSEPH G. WRIGHT, S. H. C.
An Act to open and make navigable Fishing Creek, from Wyatt's Bridge to Hilliard's Mill.

WHEREAS it has been made appear to the General Assembly, that the navigation of Fishing Creek, from Wyatt's Bridge to Hilliard's Mill, would be of public utility, and that Isaac Hilliard, James Moore, Guilford Nicholson, Benjamin Mason and Francis Tate, have subscribed the sum of one thousand-five hundred dollars, for the purpose of opening and making the same navigable:

Be it 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-named Isaac Hilliard, James Moore, Guilford Nicholson, Benjamin Mason and Francis Tate, and such other persons as they shall admit into their company, for the purpose of making Fishing Creek navigable, from Wyatt's Bridge up to Hilliard's Mill, are hereby declared to be a body corporate, by the name of The Upper Fishing Creek Navigation Company, and by that name shall be capable to sue and be sued, plead and be impleaded, before any jurisdiction within this State having cognizance thereof; and they may elect and appoint all officers necessary, and from time to time make such rules, regulations and by-laws for the management and conducting of said navigation, as they shall think proper:

Provided, they shall not be repugnant to, or inconsistent with the laws or constitution of this State, or of the United States.

II. And be it further enacted, That for the expense and trouble the company may be at in clearing out said part of said creek, and doing various things which may be necessary for the navigation of said part of said creek, the navigation thereof, locks, canals, roads, and every thing appertaining to the same, with all the profits arising from the same, or any part thereof, shall be the property of the company, and they are hereby vested in said company, and their heirs and assigns, for ninety-nine years, as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and shall be exempt from the payment of taxes, imposition or assessments; and the toll that the said company may demand for every article carried down or up the whole distance of their navigation, and in proportion for any part thereof, shall not exceed the following rates, viz: for every pipe of wine, seven cents; for every head of rum, seventy-five cents; for every cask or barrel, containing from thirty to fifty gallons, thirty cents; for every cask or keg, six and a quarter cents; for every bushel of corn, wheat, or grain of any kind, three cents; for every bushel of salt, six cents; for every barrel of beef or pork, twenty-five cents; for every barrel of flour, fifteen cents; for every ton of hemp, flax, put ash, bar or manufactured castings, or pig iron, copper or lead, or for any ton weight of any other article whatever, one hundred and fifty cents; for every hundred bushels of lime or shells, one hundred and fifty cents; for every hundred barrel or hog head of tobacco, sixty cents; for every thousand hogsheads, twenty-five cents; for every hundred barrel staves or heading, three cents; for every cubic foot of lumber of any kind, twenty cents; for every gross hundred weight of all other commodities or packages, eight cents.

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

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

Provided always, no transfer shall be made of any part of said navigation, or any part thereof, except by devise, which devise shall be exhibited to the company before the rest of the company, be considered to every intent as a proper gift, and the devisees shall be entitled to draw any profits from said navigation, or any part thereof, unless by special act of this General Assembly.
An Act to render navigable Colly Swamp, in Bladen County.

WHEREAS the opening and clearing out of Colly Swamp, would be of great utility to the inhabitants in the neighbourhood of the said Swamp:

Therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the enact, That the Colonel Samuel Andre, William Beatty, esquire, William Johnston, esquire, Benjamin Lock, James Larkin, Captain John Ross, and Elisah Andre, esq., and they are hereby appointed, incorporated and styled The Colly Swamp Company, with full power to receive subscriptions and donations from such public spirited persons as may be inclined to aid such a laudable undertaking, and dispose thereof as they may think best, for the purposes aforesaid; and they, by the same name and style, may sue and be sued, plead and be impleaded, in any court in the State, and make such rules and regulations for their own government as they shall think proper, not inconsistent with the constitution or laws of this State.

II. And be it further enacted, That the said company shall meet at the house of William Bivan, at Colly Marriott Bridge, in the county of Bladen, on the first day of February next, or in any time within forty days thereafter, to devise or form such regulations as to them may seem convenient for the speedy effecting the said work, and in case of refusal to act, death or removal of any one of the said company, the majority of them, when convened, are hereby, in all cases whatsoever, constituted a quorum, and shall appoint such person or persons to fill all such vacancies, and the commissioners or persons so appointed, shall have the same power, and exercise the same authorities as the others may or can exercise by the act.

III. And be it further enacted, That the said company shall have full power to remove all obstructions that they, or a majority of them, may deem necessary for the safe and easy passage of boats; and if any person or persons shall act, or do any thing designedly to injure or obstruct the said work; and when the same is completed, the said Colly Swamp shall be and remain for the transportation of all goods, wares and merchandize, free and clear of all duties.

IV. And be it further enacted, That the said company shall continue their books of subscription and donations open, and shall, when they may judge they have a sufficient number subscribed, proceed with the afore-said work; and when the same is completed, the said Colly Swamp shall be and remain a public highway for the transportation of all goods, wares and merchandize, free and clear of toll.

V. And be it further enacted, That the said commissioners, for the trouble and expenditures they may incur by carrying this act into effect, shall be allowed five per cent, out of all monies by them collected and appropriated agreeably to the tenor of this act.

An Act to amend the several laws heretofore passed to improve the navigation of Cape Fear River, and of Deep and Haw Rivers.

WHEREAS the navigation of Cape Fear River, from Averasbourgh up to the confluence of Deep and Haw Rivers, and of each of the said rivers as far as the same can be effected, would be of public utility; and it is found by experience, that the sums raised by the sale of three hundred and twenty shares, at twenty-five dollars each, agreeably to an act of Assembly, passed at Raleigh in the year 1790, entitled "An act to improve the navigation of Cape Fear River and of Deep and Haw Rivers," is insufficient to carry the object of that act into effect:

Be it 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 Cape Fear and Haw and Deep River Navigation Company, shall have full power and authority to open books of subscription for four hundred and eighty shares, in addition to those already authorised by Law, and shall hold the same open, at such place or places as they, or a majority of them, may think proper, until the whole of the said shares shall be subscribed for and taken up.

II. And be it further enacted by the authority aforesaid, That the said Navigation Company, their heirs, executors, administrators or assigns, shall have, hold and enjoy, a complete title in fee simple in and to the said Navigation, and hold the same as real estate, for and during the term of ninety nine years, and for that term be further entitled to all such privileges and advantages as they have heretofore held, or now hold, under the several laws of this State, respecting the navigation of said rivers.

An Act to establish a Turnpike Road, from the west end of Mattamuskeet Lake, to John Jordan's, in Rose Bay, in Hyde County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful to open books of subscription, under the direction of Hugh Jones and Stephen Jasper, in said county, for the purpose of receiving subscriptions for one hundred shares of fifty dollars each; and said books shall be opened on or before the last Monday in February next, and kept open until the tenth day of May inclusive, unless the said shares should be sooner subscribed; and on the tenth day of May next, there shall be a meeting of the subscribers at the courthouse in Germantown, in said county, and if it shall appear that fifty shares, or more, shall be subscribed; then
and from thenceforth, the said subscribers and their assigns shall be, and are hereby constituted a body politic and corporate, by the name and style of "The Rose Bay Turnpike Company," for and during the term of ninety-nine years thereafter, and shall be able and capable in law, of contracting, suing and being sued, as a right of law to all and every estate, right, and interest whatsoever.

II. And be it further enacted, That at the meeting of said subscribers, and at every future meeting, they shall proceed to appoint a President and three Directors, by ballot, and every subscriber shall have one vote for each share he shall have subscribed, as far as ten shares, and one vote for every five shares thereafter, either by himself or proxy; and the President and Directors may appoint a Secretary and Treasurer, and prescribe their duties; and the said Treasurer shall give bond and security to the said corporation in the sum of five thousand dollars, for the faithful and honest discharge of his duty. And it shall be the duty of the President and Directors to carry into effect all such by-laws, rules and regulations, as the said corporation shall, from time to time, establish, not inconsistent with this act, or the laws of this State, or the United States.

III. And be it further enacted, That the said subscribers, at their meetings aforesaid, and at any subsequent meeting, shall make and establish all such rules, regulations and by-laws, as shall appear to them right and just, and from time to time amend, alter or revoke, all such laws, rules and regulations, and shall appoint the times of their future meetings.

IV. And be it further enacted, That the shares subscribed as aforesaid, shall be paid by installments, in such manner and at such times, as the said corporation shall direct: Provided, that any such installment shall not exceed ten dollars for every six months. And if any stockholder shall fail or neglect to pay any installment thereof, agreeably to the times of the said company, for one month after the same shall become due, and notice thereof given, his said share or shares shall be forfeited to the company.

V. And be it further enacted, That the road aforesaid shall begin at the west end of Mattamuskeet Lake, extending the way the road is now laid off to the main public road at John Jordan's, and shall be deemed a public highway. And the said company shall cause the said road to be well and sufficiently made, at least sixteen feet wide, with a ditch or ditches sufficiently large to drain and carry off the water, so as to prevent its running over or standing on said road; and the work shall be begun in one year, and be completed within four years from the passing of this act.

VI. And be it further enacted, That when the said road shall be in such good order, that any man may pass with safety on horseback, the said company shall be entitled to demand and receive, during the aforesaid term of ninety-nine years, at some convenient place or places on said road, the following rates of toll, that is, from each person passing on foot, ten cents; for a man and horse, twenty-five cents; for every two-wheel carriage, with its team and contents, one dollar; for every single or led horse, fifteen cents, and no other property shall be subject to pay toll.

VII. And be it further enacted, That all the emoluments, profits and advantages arising to the said company, shall be paid in equal dividends to each stockholder, in proportion to his number of shares, at least once in twelve months.

VIII. And be it further enacted, That the said corporation shall also, after finishing and completing said road, continue to keep it in good and sufficient repair, during the time they are entitled to collect the toll; and should the company fail or neglect so to do, the county or superior court may proceed against them as against any overseer of a public road; and the said company shall also be liable to the damage of any person who may be injured in consequence of the insufficiency of the said road.

CHAP. XXIX.
An Act to authorize certain persons therein mentioned to erect a Draw-Bridge across Trent River, in Jones County, and to repeal the fourth section of an act, passed at Raleigh, in the year 1806, entitled "An act to incorporate a company for the improvement of the navigation of Trent 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 Joseph Sanderson, Joseph Hatch, Josiah Howard and Benjamin Simmons, squires, be, and they are hereby appointed commissioners, with full power and authority to build a draw-bridge across Trent River, in Jones county, at or near a place called Trent Ferry, by subscription or otherwise, as they may deem most expedient to effect the same.

II. And be it further enacted, That the draw shall be so constructed as to be easily drawn, that vessels of any burthen which can come up said river, may pass through without being obstructed by said draw.

III. And be it further enacted, That if there shall not be a sufficient sum received by subscription to complete the building aforesaid, and the aforesaid commissioners should build the same, or cause the same to be built, the said commissioners are hereby empowered and authorized to receive the following toll, viz. for every four-wheel carriage, forty cents; for every two-wheel carriage, the sum of twenty-five cents; for every man and horse, ten cents, until the balance be made up to said commissioners; after which, said bridge to be free from toll: Provided nevertheless, that no subscriber for building said bridge shall be subject to pay toll at any time.

IV. And be it further enacted, That the fourth section of the above-recited act, be, and the same is hereby repealed and made void.

CHAP. XXX.
An Act to confirm the provisions of an act, passed by the Legislature of Virginia, entitled "An act authorizing Thomas Wilson to erect a Wing-dam, from his land in the county of Mecklenburg, extending from the south bank of Roanoke River into the same," passed the first day of January, 1807.

WHEREAS it appears from the above-recited act, that Thomas Wilson, merchant, of the city of Richmond, is empowered to erect a dam in Roanoke River, from his lands in the county of Mecklen-
An Act to appoint Commissioners to fix on a suitable and central place in the County of Guilford, for erecting the Court-house and other public buildings, and for other purposes therein mentioned.

WHEREAS it is represented to this General Assembly, by petition from a large number of the inhabitants of Guilford county, that the present court house and prison are falling into decay, and that new buildings have become necessary:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William Armfield, Esq. Doctor David Caldwell, jun. Charles Bruce, Hugh Forbes, Nathan Mendeshall, Jacob Clapp and George Swaine, be appointed commissioners to contract with workmen for building a court-house, prison and stocks, on such convenient spot, contiguous to, or at the centre of said county, as they, or a majority of them, shall think most suitable; and for defraying the expense of said buildings.

II. And be it further enacted by the authority aforesaid, That the said commissioners shall have full power and authority to sell, at public auction, the present court-house of the said county of Guilford, together with the public ground whereon it stands; and also to purchase a quantity of ground, not less than thirty acres, at such place as may be fixed on for erecting the public buildings in said county of Guilford, and the said commissioners shall have full power and authority to lay off the said ground in lots of a convenient size, and the same (except so much as is necessary for the public buildings) to the highest bidder, and faithfully appropriate the money arising from the sale aforesaid, to discharge the expense of building a new court-house, as appointed by this act; which money, together with that voluntarily subscribed by the inhabitants of said county, shall only be appropriated in building and completing the same.

III. And be it further enacted by the authority aforesaid, That the said commissioners shall have full power and authority to sell the goal of the said county of Guilford, together with the public lot wherein it stands, at public auction, and appropriate the money arising from such sale towards discharging the expense of building a new goal, as appointed by this act.

IV. And be it further enacted by the authority aforesaid, That the said commissioners, or a majority of them, shall have full power and authority, for and on behalf of the said county of Guilford, to execute theoveryeases, in fee simple, for all such lots or public ground as they are authorised to sell by this act.

V. Be it further enacted, That, until a new court-house, prison and stocks be erected by the commissioners, the court shall continue to be called, and held at the old court-house in the town of Martinsville, and then it shall be adjourned from thence to the place where the commissioners shall erect the new one, and ever after continue to be there held, called and adjourned, from time to time.

CHAP. XXXII.

An Act to provide for building a new Goal in the County of Bladen.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Captain James Bradley, Charles Carroll, John Ellis, General Thomas Brown and Isaac Wright, be, and they hereby are appointed commissioners to contract with a person or persons to build a goal in said county, in the town of Elizabeth, of such dimensions as they, or a majority of them, may think proper; and when the expense thereof is ascertained, they shall certify the same to the court of the said county.

II. And be it further enacted, That it shall be the duty of the said county court, a majority of them being present, immediately to proceed to lay a tax for the purpose of defraying said expense, not exceeding two shillings on each and every poll, and not exceeding eight-pence on each and every hundred acres of land, and two shillings on every hundred pounds value of town property, forty shillings on every tavern licence, fifty shillings for every man, and the price of the season of one mare for all stud horses, to be collected and accounted for at the same time, and in the same manner, and by the same persons that collect the public tax of said county.

III. And be it further enacted, That the commissioners aforesaid are authorised and empowered to sell the present goal and lot, at auction, on a credit of twelve months, and the money raised the same; and the money arising the same towards building the new goal; and that the commissioners aforesaid shall have full power and authority to fix on a proper place within the said town, wherein they may erect the said goal.

IV. And be it further enacted, That the said county court is hereby authorised to lay a tax annually, not exceeding the sum aforesaid, for the purpose of completing the said goal.

V. And be it further enacted, That the surplus money collected, (if any,) shall be disposed of in such manner as a majority of the acting justices of said county may direct.

VI. And be it further enacted, That the commissioners aforesaid, when the business is completed, shall lay a full statement of their trouble and expense before the said county court, who are hereby authorised to allow them a reasonable compensation for their trouble, to be paid them out of the monies arising from said taxes.
An Act to provide for the repairing, and rebuilding, if necessary, the Goal in the county of Chowan.

WHEREAS it is represented to this General Assembly, that the goal in the county of Chowan is so defective, as to render it doubtful whether it can be repaired sufficient to answer the requisite 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 Josiah Collins, John Skinner, John Little, James Hathaway, and Baker Hookis, or a majority of them, be, and they are hereby appointed commissioners to examine the said goal, and determine on the expediency of repairing it, or building a new goal; and in case they determine on the latter, they, or a majority of them, are authorised to sell and appropriate the amount, or to use the materials of it, if practicable, towards building a new goal and goaler's house, of such dimensions, and in such manner, as they think proper, and inclosing the yard thereof. And when the expenses are ascertained, they shall certify the same to the first court of said county that shall happen thereafter.

II. And be it further enacted, That the county court is hereby authorised to lay a tax annually, not exceeding the sum aforesaid, for the purpose of completing the said goal, goaler's house and inclosure, until the same shall be fully paid for.

IV. And be it further enacted, That the commissioners, or a majority of them, shall appoint a treasurer, who shall enter into bond, with sufficient security, to the chairman of said county court, for the faithful discharge of his duty, in accounting for and passing such monies as may come to his hands, to the person or persons who may undertake to repair or build said goal; and the said treasurer, for his services, shall be allowed two and one half per cent. on all monies by him paid out.

V. And be it further enacted, That the said commissioners, or a majority of them, shall, when the said goal, goaler's house and inclosure is completed, receive the same, if finished agreeable to contract, and shall exhibit a statement of their trouble and expenses to the said county court, which is hereby authorised to allow them a reasonable compensation therefor, to be paid out of the monies arising from said tax; and the surplus money, if any, shall be disposed of in such manner, and for such county purposes, as a majority of the acting justices of said county may direct.

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

An Act authorising the Court of Pleas and Quarter Sessions of the County of Craven to build a new Jail, and also to erect a Poor house for said County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter sessions for the county of Craven, be, and they are hereby authorised, provided two-thirds of the acting justices of said court be present, to order and direct that the lot in the town of Newbern, wherein the public jail now stands, and also the said jail, with all its materials, be sold, upon such terms, and in such manner, as they think most advantageous for said county; and at the time of making such order, the said court shall appoint four persons who, with the treasurer of public buildings for said county, shall be commissioners for carrying the said order into effect, and for that purpose, have full power, by a deed executed by them, or a majority of them, to convey a full and absolute right and title, in fee simple, to the purchaser or purchasers thereof.

II. And be it further enacted, That the commissioners aforesaid shall have power to purchase in the town of Newberen, or within the vicinity thereof, a piece of land not exceeding two acres, for the purpose of erecting thereon a new jail; provided, that no contract for the purchase thereof shall be valid, until it receive the sanction of said court.

III. And be it further enacted, That the said court shall be authorised, and they are hereby authorised, provided, that such land, or so much thereof as may be required, be purchased, in the manner now prescribed by law for repairing, altering and improving public buildings; and when the same shall be, in their judgment, sufficient for the safe-keeping of prisoners, they shall and may direct the jailor of said county to remove, with all his prisoners, thereunto, and the same shall thenceforth be deemed and held the public prison of the county of Craven.

IV. And be it further enacted, That the said court be authorised, and they are hereby authorised, two thirds of the acting justices being present, to cause to be erected a poor-house for the said county, and a proper quantity of land to be purchased therefor, not exceeding two acres, and shall have authority, in case the same shall appear expedient, to unite the plan thereof with that of the jail aforesaid.

An Act for the support and employment of the Poor of Cumberland County.

WHEREAS the erecting of a house or houses for the employment of the poor of said county, and such idle persons as refuse to exercise any lawful calling for their support, would be the means of relieving the inhabitants of said county from a considerable part of the expense of their maintenance: Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said wardens shall be, and are hereby authorised to erect within the town of Fayetteville, or within one mile of its vicinity, a house or houses for the residence and employment of persons of the above descriptions, in which there shall be two separate apartments, one for the employ-
1807ment of such persons as shall be able to contribute towards their own support by their labour, and shall be called a Work-house, and another for the reception and lodging of such poor as shall be unable to labour, to be called the Almshouse. And the said wardens shall appoint a director of said house or houses, and purchase such furniture, implements and materials for work, as they, from time to time, may deem requisite, and shall and may remove to, and distribute in such house or houses, all the poor of said county, which shall not, at the time of erecting the same, be chargeable on said county; and shall and may, from time to time, under such rules and regulations as they may establish, commit to said house or houses, any person or persons residing within the said county, that are by this act liable to be sent thither, and direct and enforce, by such rules and regulations as they may establish, the labour and employment of all persons who shall be committed to the work-houses. And in order to enable the said wardens to erect the necessary buildings.

II. Be it enacted, That they shall and may, in addition to the taxes which the wardens of said county have by law authority to lay and collect, and are hereby authorised to lay and collect, and whenever they shall deem the same necessary, lay and collect a tax of one shilling on every hundred pounds value of town property, one shilling on each poll, and fourpence on each and every hundred acres of land in said county, for each and every year hereafter, to be levied and collected by the sheriff of said county, and accounted for, to and with the said wardens, under the same regulations and penalties as the said tax is authorised and bound to levy, collect and account for the said taxes. And if the said wardens shall think any part of a public lot in the town of Fayetteville a proper place to erect any building which they are hereby authorised to erect, they, with the consent and approbation of the commissioners of said town, may, for that purpose, appropriate such part thereof as they and the said commissioners shall agree on, and lay off.

III. And be it further enacted, That a book or books shall be kept of the earnings of each person committed to the work-house, and the nett amount of the earnings of each individual shall be applied to and for the support of said house, and the use of such individuals, or his or her family, as the said wardens, by some general regulation, may order.

IV. And be it further enacted, That upon complaint made by any warden of the poor of said county to any justice of the peace, that any person is loitering about the county, following no visible trade or occupation whereby to acquire an honest livelihood, or that any loose or disorderly persons have been seen eating, drinking and keeping company with slaves, or that any person has been swathing about, and endeavouring to maintain themselves by gambling, or other undue and unlawful means; or that any person keeps a house of ill-fame, resorts to for the purpose of prostitution and lewdness, it shall and may be lawful for said justice of peace to issue his warrant against any person so complained of, directed to any lawful officer in said county, to bring him or her before some two justices of the peace for said county; and if upon hearing the party, they shall judge the charges well founded, they shall, and are hereby authorised to bind such person over to the next county court, there to have a re-hearing, and if it shall appear to the satisfaction of the court and jury, that the charges exhibited against said person are true, then and in that case the court shall have full power, and are hereby authorised to sentence such person to the work-house for any time not exceeding six months, to be kept at hard labour, unless he or she shall find security, at the discretion of said court, in any sum not exceeding two hundred pounds, for his or her good behaviour. And in case of conviction for keeping a lewd or disorderly house, such person shall not be authorised afterwards to keep a house for lodgers in said county, without the consent of the wardens of the poor. And whereas many disorderly persons, by their idleness may fall sick, and become chargeable to the parish in Cumberland county, and may be unwilling or unable to reimburse the expenses which may have been incurred in their cure and recovery,

V. Be it enacted, That in case any such person shall incur any such expense in manner aforesaid, and be unable to or unwilling to pay such expense, such wardens shall and may detain such person in the work-house until the earnings of such person shall have reimbursed the expense incurred, or, until he or she shall consent to be bound out to some service; in which case, the wardens are hereby authorised to bind, by indenture or deed poll, every such person to some master or mistress, who for the shortest term of time, will pay the said expense, or to any other person to whom any person liable to be put out as aforesaid shall be desirous of being bound.

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

CHAIR. XXXVI.

An Act to establish a Poor-house in the County of Duplin.

BE IT ENACTED by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the wardens of the poor in the county of Duplin, or a majority of them, as soon as they may deem it necessary after the passing of this act, to make application to the court of pleas and quarter sessions in said county, and the court is hereby directed and empowered to lay a tax, not exceeding two shillings on every poll, and eight-pence on every hundred acres of land, to be collected and accounted for as other taxes are in said county; which tax, when collected, shall be paid into the hands of the wardens aforesaid, who are required immediately thereafter to lay out the same to the best advantage in procuring a piece of land, either by purchase or otherwise, and to build or cause to be built thereon, a house or houses, sufficient for the reception of the poor of said county, under which denomination shall be comprehended all such persons of either sex, as shall be adjudged by the said wardens incapable, through old age or other infirmities, to procure subsistence for themselves. And the said wardens shall appoint a select committee of said house or houses, and shall be to preserve good order, see that they are humanely treated and sufficiently provided for, with good clothing and
CHAP. XXXVIII.

An Act empowering the County Court of Mecklenburg to lay a further county tax for completing and finishing the Public Buildings 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 to authorize the County Court of Pasquotank to lay a tax for the purpose of building a Prison and Stocks, and finishing the Courthouse in the said county, and for other purposes therein mentioned.

III. And be it enacted, That the county court shall and may appoint three discreet per-sons to act as commissioners of the public buildings, whose duty it shall be to employ some proper person or persons to finish the Court-house and county stocks, and such and sufficient prison, with three or four several apartments therein, agreeable to act of 1795, c. 63. and a gaol ol the same and upon said thereof. And the said commissioners shall superintend the said public buildings until they shall be completed, and shall have power, from time to time, to contract with some person or persons to supply materials to build a new Courthouse, Prison and Stocks, in the County of Pasquotank, to dra.w drafts upon the county treasurer for the amount of the expenditures, and shall make a fair statement of their progress, from time to time, and report make thereon to the said court, until the whole business shall be completed. And the county treasurer shall also, from time to time when required, give an account of the saidmade on the commissioner, and of the monies collected and on hand, or otherwise.

IV. And be it further enacted, That the monies raised by the sale of the former poor-house at Newport, and that collected by the warden of the said poor, agreeable to an act of 1805, intitled for the purpose of building a new poor-house, shall be applied to the use of building the public buildings at Elizabeth City; and the county treasurer shall be at liberty to call upon the sheriff of the county, or others in whose hands the same may be, under the direction of the court, and to be applied to the purposes above mentioned.

V. And be it further enacted, That the surplus money collected, if any, shall be disposed of, in such manner as the majority of the acting justices of the said county may direct; and that the commissioners, when the business of the public buildings is completed, shall be allowed by the county court, a reasonable compensation for their trouble, to be paid them out of the monies arising from the said tax.

VI. And be it enacted, That the power of the commissioners, appointed under an act, entitled "An act to authorize the county court of Pasquotank to lay a tax for the purpose of building a prison and stocks, and finishing the Court-house in the said county," passed in the year 1805, is hereby repealed and made void.

CHAP. XXXVIII.

An Act to amend an act, passed last session of the General Assembly, to build a new Courthouse, Prison and Stocks, in the County of 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 John Bolender, John Hoyle, Joseph Morris, John Rambour, sen. John Morris, Lawrence Henderson and Philip Casler, be, and they are hereby declared to have full power to contract with some person or persons to supply materials to build a new courthou.se, prison and stocks, in the county aforesaid, and town of Lincoln, and the said Court-house shall be placed at the centre of the public square, and the prison and stocks shall be applied to the uses before mentioned.

II. And be it further enacted, That so much of the above recited act as comes within the meaning and purview of this act, 'tis, and the same is hereby repealed and made void.

CHAP. XXXIX.

An Act to authorize the County Court of Mecklenburg to lay a further county tax for completing and finishing the Public Buildings 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 John Bowden, John Hoyle, Joseph Morris, John Rambour, sen. John Morris, Lawrence Henderson and Philip Casler, be, and they are hereby declared to have full power to contract with some person or persons to supply materials to build a new Courthouse, prison and stocks, in the county aforesaid, and town of Lincoln, and the said Court-house shall be placed at the centre of the public square, and the prison and stocks shall be applied to the uses before mentioned.
An Act to authorise the County Court of Currituck to lay a tax for the purpose of defraying certain expences therein mentioned.

WHEREAS there are in the county of Currituck two causeways made across large, and otherwise impassable marshes, the keeping of which in repair necessarily requires a large quantity of timber: And whereas the lands lying on these marshes are of inconsiderable value, were it not for the timber, the cutting of which for the use of the said causeways, is injurious to the owners, if they receive no remuneration therefor: For remedy whereof,

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 county court of Currituck are hereby authorised and required to lay an annual tax, not exceeding two-pence on every poll, and two-pence on every hundred acres of land, to be collected and accounted for as all other taxes in said county, for the purpose of paying annually to the owner or owners, the value of such timbers as may be cut off their lands for the keeping up and repairing the causeways aforesaid; which value shall be ascertained by commissioners to be appointed by the court of said county, and on the report of the commissioners, the court shall direct an order or orders to be made out in the name of the owner or owners of such lands or timber, in whose behalf the said commissioners shall have reported. And the order or orders so obtained, shall be received by the sheriff in payment of the county and parish taxes of the persons obtaining the same; but if the order or orders amount to more than the said taxes of those who obtain such order or orders, then the balance, after deducting the taxes aforesaid, shall be paid by the county treasurer.
the county. And it shall be the duty of the attorney or solicitor acting in behalf of the State, to support
and defend all suits which may be brought to recover the said fine, or any other incurred by virtue of
this act.

II. And be it further enacted, That the said county commissioners, or their successors in office, are
vested with full power and authority to call to an account all former commissioners, collectors, sheriffs,
trustees or county treasurers of public buildings, wardens of the poor, or any other person or
persons who has had, or may have, the management of their said county and parish tax, whose duty it
shall be to render a just account, by a fair statement, to the said commissioners, within thirty days after
a demand is made in writing. And in case any trustee, county treasurer, sheriff, warden, or any other
person or persons who have had the management of any monies appertaining to the said county, shall fail,
refuse or neglect to render such statement, or pay up the balance, the county treasurer is hereby empow-
ered to proceed against such delinquents and obtain judgments for the balances which may appear due,
in the same manner as is directed by law for the public treasurer to obtain judgments against delinquent
sherrifs for the non-payment of public taxes.

III. And be it further enacted, That the money, when collected and in the hands of the treasurer, shall
be applied solely to the purpose for which the said tax was first intended, and shall be liable to the draughts
or order of the commissioners for the time being, which orders and draughts shall be sufficient vouchers
for the county treasurer in the settlement of his accounts.

IV And be it further enacted, That to enable the county treasurer to procure testimony, commence and
prosecute suits for the recovery of any balances aforesaid, and for full compensation for his trouble and
expenses, he shall be entitled to receive a commission of ten per cent. on all monies received from any
delinquents as aforesaid, and on all other monies two and a half per cent.

V. And be it further enacted, That when any vacancy happens, by resignation or otherwise, it shall
be the duty of the county treasurer to signify such vacancy in writing to the county court of said county,
whose duty it shall be to appoint another county commissioner within the district where such vacancy shall
happen, and the said commissioner shall be entitled to receive the same pay as the commissioner for-
ently appointed: Provided always, that the time charged shall not exceed six days.

VI. And be it further enacted, That all laws or clauses of law which direct that a county trustee or
treasurer of public buildings shall be appointed within the aforesaid county of Richmond, or any other
counties of the General Assembly which come within the meaning and purview of this act, be, and the same
are hereby repealed and made void.

CHAP. XLIV.
An Act to alter the time for appointing Sheriffs in the county of 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 in future, it shall be lawful for the county court of Lincoln, at their April
term in each and every year, to appoint their sheriff, which appointment shall take place under the same
rules, regulations and restrictions, as all other elections of a similar nature within this State.

II. And be it further enacted, That the sheriff who shall be elected at the ensuing April term, shall
collect, settle and fully account for all the public taxes of said county, for the year 1807. And the present
sheriff (unless he be re-elected at the time here-in specified) shall be released and exonerated from
the collection and payment of the taxes for the aforesaid year; any law, usage or custom to the contrary
notwithstanding.

CHAP. XLV.
An Act to limit the number of Constables 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 no more than two constables shall be in each captain's company or district
in the county of Ashe, which constables shall be appointed by the county court of said county: Provided
always, that seven acting justices of said county are present when said appointment takes place; which
constables shall enter into bond with two sufficient securities in the sum of five hundred pounds, and be
under the same rules and regulations as are prescribed by law for the performance of the duty of consta-
bles; any law, usage or custom to the contrary notwithstanding.

CHAP. XLVI.
An Act pointing out the mode of making compensation to Patrols in Randolph County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the
authority of the same, That from and after the passing of this act, all patrols who shall be appointed for
the county of Randolph, shall be exempt from the payment of any county or parish tax, and from work-
ing on roads, for the year in which they may respectively serve, which shall be considered as a full com-
ensation for their said services; any law to the contrary notwithstanding.

CHAP. XLVII.
An Act to amend an act, entitled "An act for the government of Elizabeth City."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the
authority of the same, That the limits and boundaries of the said town of Elizabeth City, shall be extended
so as to run up the Pasquotank river, north and south of the town, through the middle or midst of the
two branches lying on each side of the town, until it strikes a line running westwardly, so as to include
the improvements that are at present within the said limits, together with the lot laid off for the Baptist
An Act to incorporate the town of Plymouth, and for other purposes therein mentioned.

An Act to incorporate the town of Plymouth, and for other purposes therein mentioned.

CHAP. XLVIII.

An Act to incorporate the town of Plymouth, and for other purposes therein mentioned.
An Act to appoint Commissioners for the better regulation and good government of the town of Asheville, in Buncombe County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James Patton, John Patton, George Swain and Z. halo Baird, be, and they are hereby appointed commissioners of the town of Asheville, in Buncombe county, in addition to those heretofore appointed. And the said commissioners, or a majority of them, shall have full power and authority to adopt such rules and by-laws for the good government of said town as they may, from time to time, deem expedient and necessary, so that the same are not inconsistent with the laws or constitution of this State; any law to the contrary notwithstanding.

CHAP. L.

An Act to appoint Commissioners for the town of Hertford, in Perquimans County, and for other purposes.

WHEREAS it is represented to this General Assembly, that a majority of the commissioners of the town of Hertford, in Perquimans county, have died or removed from the same, and that it is essential for the good government of said town, that others be appointed in their room: 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 John Clay, John Wood, Thomas Granbury, Josiah Sambourn and Robert H. Wheaton, be, and they are hereby appointed commissioners for the said town of Hertford, who shall have the same power and authority, and be governed by the same rules, regulations and restrictions as were prescribed for the commissioners heretofore appointed for the government of the town aforesaid.

II. And it is further enacted, That the commissioners of the said town be, and they are hereby authorized and directed to sell, at public sale, all the lots in the said town which remain unsold by the commissioners thereof, and to pay the money arising from such sale to the person or persons justly entitled to receive the same, under the original proprietor Jonathan Phelps, should it not exceed forty shillings for each lot so sold; but should it exceed that sum, then such excess to be applied to the use and benefit of the said town.

CHAP. LII.

An Act to appoint Commissioners for the town of Saratoga, in Duplin County, and to enlarge the authority of the commissioners of the town of Wilmington, and to exempt the Commissioners of Navigation for the port of Wilmington on from serving as Jurors.

WHEREAS it is represented to this General Assembly, that a majority of the commissioners of said town are dead, and the remainder unwilling to serve: 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 James Hall, John Houston, Samuel Houston, Jacob Williams, Stephen Miller, Isaac Kinnegay and Owen O'Doe, be appointed commissioners for the said town of Saratoga, in Duplin county, and the said commissioners shall have the same powers and authorities as those heretofore appointed.

II. And it is further enacted by the authority aforesaid, That the commissioners of the town of Wilmington shall have, and are hereby declared to have, full power and authority to prevent hogs, goats and other animals from running at large in said town, by such rules and regulations as they may, from time to time, ordain and establish for that purpose, or by imposing such taxes on said animals, or any of them, as they may deem proper. And the said commissioners shall also have power to make such rules and regulations for the government of slaves hiring out as day laborers in said town, under any of the acts of the General Assembly made for the regulation of said town, as they shall deem proper; and from time to time alter the nature of the bonds with which they shall give for that purpose, and the price or sum which they shall, from time to time require to be paid for the same.

Whereas the commissioners of navigation for the port of Wilmington, are by law compelled to adjust all matters of dispute between the pilots of Cape Fear River and Bar, and between said pilots and masters of vessels, which renders it necessary for them to convene and meet together whenever called upon, 

III. Be it enacted, That the said commission shall be, and are hereby declared to be exempt from serving as jurors in any of the courts which shall be held in the town of Wilmington.

CHAP. LIII.

An Act to lay off a Town on the lands of John Wootton in Bladen 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 John Wootton, Richard Palk, Abraham Powell, Thomas Wootton and Uriah Flowers, be, and they are hereby appointed commissioners for the purpose of laying off a town on the lands of the said John Wootton, in Bladen county, known by the name of Fair Buft, on Drowning Creek, which town, when laid off by the said commissioners, shall be called and known by the name of Wootton, and the lots thereof shall be for the sole benefit and free disposal of the said John Wootton.

II. And it is further enacted, That a separate election shall hereafter be held at the house of Elias Nichols, on Porter's Swamp, on the second Thursday in August in each and every year, under the same rules, regulations and restrictions that other elections are held in said county.
An Act to provide for the election of Commissioners for the town of Smithville.

WHEREAS no election has taken place in the town of Smithville since the expiration of the term for which the last commissioners were elected, and it is now without the superintendence of such persons:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the town-clerk, or any one of the former commissioners, to give notice, on or before the first day of January next, by advertisement at the school-house and two other public places in the said town, that an election for five commissioners will be held at said school house, on the third Saturday of the same month; which commissioners shall thenceforth continue in office for the period or length of time already appointed, namely two years, and have the same powers, privileges and authorities, as if they had been elected at the time heretofore appointed by law.

And be it further enacted, That the lot so laid off, shall be disposed of by the said John Billingsly, to his own benefit; any thing to the contrary notwithstanding.

An Act to establish a Town in the County of Montgomery, on the lands of John Billingsly.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a town shall be established on the lands of John Billingsly, at his store in Montgomery county, which shall be called and known by the name of Edinburg.

II. And be it further enacted, that the inhabitants of said town shall have power and authority to open and clear the streets of said town, by removing any buildings, fences or other obstructions that may encroach upon the same: In the execution of which duty the said commissioners are authorized to use their discretion, to as not to do any person an injury, unless the convenience of the public require it.

III. And be it further enacted, That it shall be the duty of the inhabitants of said town to clear and keep down the weeds and bushes on the public lots in said town.

An Act to regulate the town of Germantown, in Hyde County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Ormond Tooney, John Umford and Israel Wilkinson, be, and they are hereby appointed commissioners of the said town of Germantown, to, bo, together with the other commissioners of said town, shall have power and authority to open and clear the streets of said town, by removing any buildings, fences or other obstructions that may encroach upon the same: In the execution of which duty the said commissioners are authorized to use their discretion, so as not to do any person an injury, unless the convenience of the public require it.

II. And be it further enacted, That the inhabitants of said town shall be exempt from working on the main road, but shall work on the streets of the said town, in like manner as they have heretofore been bound by law to work on the main road, and shall, on failure, be subject to the same penalties.

III. And be it further enacted, That it shall be the duty of the inhabitants of said town to clear and keep down the weeds and bushes on the main road.

An Act to appoint Commissioners for the town of Williamston.

WHEREAS it is represented to this General Assembly, that a great part of the commissioners for the town of Williamston, in the county of Martin, is either dead or removed from said town; and it being uncertain whether those remaining have power to supply the vacancy by appointing others:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the freedholders in the town aforesaid, shall meet at the court-house in said town, on the last Saturday in March next, and there, under the direction of one justice of the peace and two freedholders, shall elect by ballot five freedholders, residents of the town aforesaid, commissioners for the town aforesaid.

II. Be it enacted, That the commissioners so appointed shall have full power to adopt such rules, regulations and by-laws as may appear necessary for the regulation and good government of said town: Provided such rules and by-laws be not inconsistent to the laws and constitution of this State.

III. Be it further enacted, That in case of the death, removal, or refusing to act, of any of the above commissioners, such vacancy may be supplied in the manner above directed; any law to the contrary notwithstanding.

An Act to amend an Act, passed in the year one thousand seven hundred and ninety-three, for laying off a Town in the county of Wilkes.

WHEREAS the commissioners appointed to lay off the said town, did fail to designate some of the back lots and cross streets by setting up substantial and lasting posts; and by a late survey made from the original plan, it does appear that Jesse Robinett hath erected buildings of considerable value across one of the cross streets leading from the main street, south east: Therefore,
An Act for the better regulation of the town of Charlotte, in Mecklenburg County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Davidson, Archibald Trice, James Faires, William Allison and William Carson, be, and they are hereby appointed commissioners, with full powers and authority to make such rules and regulations for the better government of the said town, as they, or a majority of them, shall or may agree upon; and they are hereby fully authorized and empowered to make such by-laws and rules for the better government thereof, and have full powers to enforce the same: Provided, such rules, regulations or by-laws, shall not be inconsistent with the constitution or laws of this State, or of the United States.

II. And be it further enacted, That in case of death, removal or refusal to act, of any of said commissioners, that the remaining one shall have full power and authority to appoint another, or others, in his or their stead, who shall have full powers and authority to act as those appointed by this act, or any of them.

III. And be it further enacted, That the slaves so licensed as aforesaid, shall be always subject to such rules and regulations as the commissioners of the said town shall, from time to time establish, and may have their licences taken away by said commissioners whenever their misconduct shall, in the opinion of the commissioners render it necessary.

IV. And be it further enacted, That when the street shall be laid off as aforesaid, it shall be considered a public street, and the one closed as aforesaid to be the private property of the said Jesse Robinett, his heirs and assigns, and the same shall be as good and valid in law as if the same had been done by the commissioners aforesaid: Provided, that the said Jesse Robinett shall carry this act into effect on or before the first day of May next; any law to the contrary notwithstanding.

CHAP. LVIII.

An Act for the better regulation of the town of Newbern.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Newbern, be, and are hereby authorized, to fix, by an ordinance, the number of slaves which they may judge necessary to be employed as ordinary labourers and daily workmen in said town, provided the number aforesaid does not exceed one hundred; and that to such slaves as they may deem diligent, sober and honest, they may, within the limits of the ordinance aforesaid, on application of the owners or possessors of such slaves, give licence, whereby they shall be permitted, within the town aforesaid, to hire their own time, and shall also give to the slaves so licensed, certain badges to be by them publicly worn, so that every one may know and distinguish them.

II. And be it further enacted, That no person who shall employ a slave, so licensed, to perform any lawful labour within the limits of the said town, shall be liable to any penalty therefor; nor shall the owner or possessor of a slave thus licensed, be subject to a prosecution for permitting him thus to hire his time.

III. And be it further enacted, That the commissioners of the town aforesaid may demand and receive a sum not exceeding ten shillings, from the owner of every slave to whom such licence and badge are given, to be applied to the use and benefit of the said town.

IV. And be it further enacted, That the slaves so licensed as aforesaid, shall be always subject to such rules and regulations as the commissioners of the said town shall, from time to time establish, and may have their licences taken away by said commissioners whenever their misconduct shall, in the opinion of the commissioners render it necessary.

CHAP. LIX.

An Act to repeal part of an act, passed in the year one thousand eight hundred and three, entitled "An act to authorize the Commissioners of the town of Hillsborough to rent out 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 so much of the said act as gives authority to the commissioners of the town to rent out that part of the common known by the name of the Race Ground, bounded on the west by the road leading from the market-house, on the north by Lockhart's land, on the east by Walter's land, and on the south by town lots, be, and the same are hereby repealed: Provided, that the lease now unexpired shall not be affected by this act.

CHAP. LXI.

An Act to empower the Commissioners of the town of Warrenton, to sell the Public Ground therein specified.

BE it 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 Warrenton, or a majority of them, be, and they are hereby empowered to sell so much of the public ground whereon the court-house stands in the said town, as lies to the north of a line drawn from the street west of William Ruffin's house, to include the western point of incroachment to N-west street, which line shall run parallel with the cross-street, to the person or persons whose lots adjoin the same, and the monies arising therefrom to be applied in such manner, and for such purposes as a majority of said commissioners may think proper to apply the same; and the said commissioners, or a majority of them, may convey the said piece of ground, by deed or deeds under their hands and seals, to the purchaser or purchasers, in fee simple.
An Act to authorize the Trustees of the University of North-Carolina, in certain cases, to appoint a President of the Board of Trustees aforesaid. 

WHEREAS, by the laws now in force, fifteen trustees are necessary to constitute a board, in the absence of the President, whereunto the interests of the institution may suffer from the want of a body legally authorized to transact its business: 

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, any number of the trustees, not less than seven, at any of the annual meetings of the trustees of the University of North Carolina, shall be and constitute a quorum, and be competent to appoint a President pro tempore, in case of the death, resignation, absence or indisposition of the President; and when a President pro tempore is so appointed, they shall possess and exercise all and every the powers and authorities invested in the trustees of the University of North-Carolina by the several acts of the General Assembly now in force, or which may hereafter be in force in this State.

CHAP. LXIII.

An Act empowering the Commissioners of the town of Edenton to convey part of the Town Commons to the Trustees of the Edenton Academy.

WHEREAS, by an act of the General Assembly, passed in one thousand seven hundred and eighty-five, the commissioners of the town of Edenton were empowered to convey to the trustees of Smith's Academy, for the use thereof, a lot or parcel of ground out of the town common, not exceeding six acres, and an academy having been since erected in the said town, and incorporated by the name of Edenton academy, whereby doubts have arisen whether the commissioners of the said town can convey to the trustees of the said Edenton Academy any title to the said lot of ground by virtue of the said act: For remedy whereof.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the said town be, and they are hereby authorized and empowered to convey to the trustees of the said Edenton Academy, the aforesaid lot of ground, to be held by them and their successors forever, for the sole use and benefit of that institution, in as full and ample a manner as they might or could have done, under the before recited act to the trustees of Smith's Academy; any thing contained in the before-mentioned act to the contrary notwithstanding.

CHAP. LXIV.

An Act to establish an Academy in Elizabeth City.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Charles Grice, esquire, Bailev Jackson, Timothy Cotter, Abner Whitney, W. T. Mudie, Isaac Overman William Hamilton, Doctor William Martin, William Gregory and Marmaduke Scott shall, and they are hereby declared to be a body polite and corporate, to be known and distinguished by the name of The Trustees of the Elizabeth City Academy, and by that name shall have perpetual succession; and that they the trustees, and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess, all monies and chattels that shall be given for the use of the said academy, and the same apply, as they or a majority of them may deem most advantageous to the said academy; and by gift purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors forever, any lands, rents, tenements and hereditaments, of what kind or nature soever, in special trust and confidence, that the same, or profits thereof, be applied to and for the use of said academy.

And be it further enacted, That the said trustees, or a majority of them, shall have full power and authority to make such laws and regulations for the government of said academy, and the preservation of order and good morals therein, as are usually made in such seminaries, and as to them may appear necessary; and also to nominate and appoint (when a majority of them may deem it necessary) other trustees, whose power and authority shall be equal in all respects to those herein appointed.

And be it further enacted, That the said trustees shall be at liberty to join and accept of the subscriptions of the academy at Nixonton; and the trustees of the latter academy shall and may become trustees of the academy at Elizabeth City. And three-fourths of the said trustees, in case of death, absence or inability of any of the members, may appoint others in their room and stead; and any five in number shall be at liberty to constitute a board, and do all the intermediate and necessary business of the said seminary for the advancement and progress of literature.

CHAP. LXV.

An Act to incorporate the Trustees of the Indian Woods Academy, in 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 John Mcrae, John Beed, Jonathan Spivey, Aaron Spivey and Moses Gilliam, shall, and they are hereby declared to be, a body polite and corporate, to be known and distinguished by the name of The Trustees of the Indian Woods Academy, and by that name shall have perpetual succession; and that they and their successors, by the name aforesaid, shall be able and capable in law to take, demand, receive and possess all monies, lands or other donations which may be given for the use of the said academy, and the same apply as they, or a majority of them, may deem most advantageous.
II. And be it further enacted, That the said trustees, or a majority of them, shall have full power and authority to make such rules and regulations for the government of the said academy, and the preservation of order and good morals as are usually made in such seminaries; and also to fill all vacancies which may happen by the death, resignation or removal out of the county of the present board of trustees, whose powers, when appointed, shall be, and are hereby declared equal in all respects to the present board.

**CHAP. LXVI.**

An Act to establish an Academy in Trenton, in the county of Jones.

WHEREAS, establishing seminaries of learning for the purpose of educating youth, is essential to the happiness and prosperity of the community, and therefore worthy of legislative attention:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James Shire, Simmons Harrison, John Beeton, Anthony Hatch, Frederic Foster, Needham Simons and Abraham Dudley, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of The Trustees of the Trenton Academy, and by that name shall have perpetual succession; and that they the trustees, shall have four hundred pounds for the use of said academy, and the same apply as they, or a majority of them, may deem most advantageous to the said academy; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors forever, any lands, rents, tenements and hereditaments, of what kind or nature soever, in special trust and for the uses and purposes aforesaid, or a majority of them, shall have full power and authority to make such rules and regulations for the government of the said academy, and the preservation of order and good morals therein, as are usually made in such seminaries, and also to fill all vacancies which may happen by the death, resignation or removal out of the county of the present board of trustees, whose powers, when appointed, shall be, and are hereby declared equal in all respects to the present board.

II. And be it further enacted, That the said trustees, or a majority of them, shall have full power to make such laws and regulations for the government of said academy, and the preservation of order and good morals therein, as are usually made in such seminaries, and also to fill all vacancies which may happen by the death, resignation or removal of the county of the present board of trustees, whose powers, when appointed, shall be, and are hereby declared equal in all respects to the present board.

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

**CHAP. LXVII.**

An Act to authorize the Trustees of Mount Clio Academy, in Robeson County, and the Trustees of Portsmouth Academy, in Carteret County, to raise a certain sum by way of Lottery, not exceeding four hundred pounds each, to complete the building of said 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 from and after the passing of this act, the trustees of Mount Clio Academy, in Robeson county, and the trustees of Portsmouth Academy, in Carteret county, be, and they are hereby vested with full power and authority to raise a sum, not exceeding four hundred pounds for the benefit of each academy, by one or more lottery or lotteries, by such scheme or schemes as they may think proper to devise.

II. And be it further enacted, That John Mayo, David Wallace, jun. Samuel Whitehurst, George R. Dixon, James Taylor and John Wallace, esquires, be, and they are hereby appointed trustees for the said Portsmouth Academy, who shall have full power and authority to enter into such rules, and adopt such regulations and by laws as may be deemed necessary for the promotion of learning, and the good of said academy: Provided, the same are not inconsistent with the laws or constitution of this State.

**CHAP. LXVIII.**

An Act to amend an act, passed in the year one thousand seven hundred and ninety-three, entitled "An act to establish a Seminary of Learning in the town of Lumberton and Ruff Swamp, in the county of Robeson." It is hereby enacted by the authority of the same, That Joseph Regan, James M'Queen, Francis L. Haines, Alexander Rowland and Charles Moore, be, and they are hereby appointed commissioners, or a majority of them, to call to account and settle with the trustees of Lumberton Academy, who had the management of the lottery authorized by law for the benefit of the said academy. And if the trustees, when called upon by the commissioners hereby appointed in virtue of this act, should fail to render them full satisfaction touching and concerning the appropriations of the money by them raised by way of lottery as aforesaid, it shall be the duty of the said commissioners, and they are hereby empowered and directed to institute suit against them for such sum of money as appears to them to have remained in their hands unappropriated as aforesaid; and the money, when recovered, shall be applied to the use of the said academy; any law, usage, or custom to the contrary notwithstanding.

**CHAP. LXIX.**

An Act to amend an act of the last session of the General Assembly, entitled "An act to establish an Academy in the County of Rushford." It is hereby enacted by the authority of the same, That Felix Walker, Mentor Morgan, David Doyle, William Green, Drury Do-
An Act to establish a Boundary Line between Ashe and Burke Counties.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the boundary line between the counties of Ashe and Burke, shall be established and known by the following boundaries, to wit: Beginning at the Blowing Rock on the Blue Ridge, near the Walton Spring, running thence a due west course, crossing some of the head waters of Watauga River, to the top of the ridge dividing the head waters of Watauga River and Elk Creek, then along the extreme height of said ridge to the Grandfather Mountain, thence along the extreme height of the ridge that divides the waters of Toe River from those of Watauga and Elk Creek, to the Tennessee line, leaving all the area north of said line, and the head waters of Watauga south of the said due west line, in Burke, and all the waters of Elk, and the waters of Watauga, north of the said line, in the county of Ashe.

And be it further enacted, That James Murphy,quire, of Burke county, and Benet Brand, of Ashe county, are hereby appointed commissioners to extend and mark the line from the Blowing Rock, west to the top of the ridge between Watauga waters and Elk waters, and no more. And the said commissioners may employ two surveyors, for the purpose of ascertaining the said line; and the said commissioners, surveyors and chain-carriers, shall be paid a reasonable price for their several services, to be allowed by their respective county courts when the work is done.

And be it further enacted, That should either of the commissioners hereby appointed die, refuse to act or remove, between the time of ratifying this act and the first day of October next, then it shall be the duty of the county court of the commissioner who may die, refuse to act or remove, or both of them, to appoint other commissioners in their stead, who are hereby invested with the same powers as those by this act appointed.

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

An Act to annex a part of the County of Burke to 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, the dividing line between the said counties of Burke and Rutherford shall begin at a white oak tree that stands near the forks of the public road above James Jones's, in the line heretofore run between said counties and the public road that leads up second Broad River, shall be the line between said counties, as far as Joseph Goodbread's, thence a south-west course to the dividing ridge that divides the waters of Cove and Crooked Creeks, thence the ridge that divides the waters of Catawba and Broad Rivers, to the Buncombe county line. And the line as so pointed out shall be the dividing line between the said counties of Burke and Rutherford; any law, usage or custom to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That this act shall not be construed to so as to affect or hinder the officers of the county of Burke from recovering and receiving the public or county tax due from any person or persons, who by this act are added to the county of Rutherford; but the county of Burke is still to retain full power and authority to recover and receive from all those people their proportionable part of all the taxes that the county may at this time be due and owing to individuals in the said county; Provided, that they shall not be liable to pay any part of any tax that may be laid upon the citizens in the county of Burke, for the purpose of paying any debts or contract that may be hereafter entered into.

An Act to amend an act, passed in the year 1796, entitled "An act authorizing the members of the Episcopal Church in the town of Newbern to appoint Trustees, and for other purposes."

WHEREAS, by the said act, it is declared lawful for all free white men, being, or professing themselves members of the said church, who, for twelve months next before any election have been inhabitants of the county of Craven or town of Newbern, to vote for wardens of the said church, but no mode is pointed out by which those holding the election are to ascertain who are, or who do profess themselves members thereof: 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 wardens of the said church for the time being, on the first Monday in February in each and every year, at the said church, to keep open a book, from ten o'clock in the morning until sun-set of the same day, in which book the members of the said church shall be invited to enrol their names, under the following declaration: "I the subscribers do solemnly profess ourselves members of the Episcopal Church of the town of Newbern."

And that only such persons shall
An Act to regulate the Inspection of Ton Timber in the town of Wilmington.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners named in the above recited act, shall, and they are hereby authorized and required to meet on or before the first day of March, in each and every year hereafter, for the purpose of carrying into effect the duties required by said recited act.

II. And be it further enacted, That the said commissioners appointed by the before-mentioned act, shall have full power and authority to examine and cause obstructions to be removed, from the South-Carolina line to Decker's Falls, in Montgomery county.

III. And be it enacted by the authority aforesaid, That James Hough, Edward Winfield, Wm. Henry, Edward Lilley, George Davidson, John Kindle, Walter Leak, Benjamin Covington and Eli Terry be, and they are hereby appointed commissioners, in the place of Thomas Threadgill, Montfort DeGarto, Morris Blewitt, James Turner, John Lilley, John Randle, Philip Mask, Thomas Hlewett and Peter H. Cole, and they are hereby authorized to perform the duties imposed on the former commissioners by a law passed in the year 1860, entitled "An act to amend the several laws passed relative to the moving or transporting fish up the several rivers in this State, so far as respects the river Pee Dee."

CHAP. LXXV.

An Act to amend an act, entitled "An act to amend the several laws heretofore passed, relative to the removing obstructions to the passage of fish up the several Rivers in this State, so far as respects the river Pee Dee." 

BE it 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 named in the above recited act, shall, and they are hereby authorized and required to meet on or before the first day of March, in each and every year hereafter, for the purpose of carrying into effect the duties required by said recited act.

II. And be it further enacted, That the said commissioners appointed by the before-mentioned act, shall have full power and authority to examine and cause obstructions to be removed, from the South-Carolina line to Decker's Falls, in Montgomery county.

II. And be it enacted by the authority aforesaid, That James Hough, Edward Winfield, Wm. Henry, Edward Lilley, George Davidson, John Kindle, Walter Leak, Benjamin Covington and Eli Terry be, and they are hereby appointed commissioners, in the place of Thomas Threadgill, Montfort DeGarto, Morris Blewitt, James Turner, John Lilley, John Randle, Philip Mask, Thomas Hlewett and Peter H. Cole, and they are hereby authorized to perform the duties imposed on the former commissioners by a law passed in the year 1860, entitled "An act to amend the several laws passed relative to the moving obstructions to the passage of fish up the several rivers in this State, so far as respects the river Pee Dee."

CHAP. LXXV.

An Act to describe the boundary of the county of Warren, and John Rutherford, to bring into this State certain slaves 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 Barnett Beasley, of the county of Warren, be authorized and permitted to bring into this State, from the State of Virginia, without incurring any penalty therefore, two negro slaves, named Sam and Abley, which he lately purchased in the said State, at the sale of the estate of William Baugh, deceased, in which the said Barnet Beasley's wife was interested; and any act of Assembly of this State to the contrary notwithstanding.

Whereas John Rutherford is desirous of returning to his plantation in New-Hanover county, a certain number of slaves which were sent to the Bahamas Islands;

II. Be it further enacted, That John Rutherford be authorized to return to this State, the slaves which were sent from the county of New-Hanover, together with the increase of the female slaves, without incurring any penalty therefor: Provided, that at the time of their return, an affidavit be lodged with the clerk of New-Hanover county, that the said slaves are the same, and except the increase of the female males, no other than what were carried from said county.

CHAP. LXXV.

An Act to authorize Samuel Morgan, of Nottoway county, and Commonwealth of Virginia, to bring into this State certain slaves into this State.

WHEREAS it is represented to this General Assembly, that Samuel Morgan, of Nottoway county, and county of Nottoway, has purchased a valuable real estate in the county of Person, and intends in a short time to remove to, and live on the same, and the said Samuel Morgan being desirous of bringing into this State a part of his slaves, for the purpose of cultivating his lands aforesaid, previous to his removal: For the relief of the said Samuel,

Be 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 said Samuel Morgan to bring into this State any part or number of his slaves as are his property at the time of the passing thereof, without incurring any penalty or forfeiture by so doing: Provided, that the said Samuel shall, within twenty days after he shall have come into this State, make oath before some justice of peace for said county of Person, that the slaves so brought by him are his own property, and were not intended for sale at the time of their removal into this State.
An Act to confirm the Marriage of James Smith with Mary Norfleet.

WHEREAS James Smith, of the county of Halifax, was married to Mary Norfleet, of the same county, in the month of January, in the year of our Lord one thousand eight hundred; but the marriage ceremony was performed by Simmons Jones Baker, esquire, who had been a justice of the peace of the said county, but had then been more than twelve months living in the county of Martin, from which doubts have arisen as to the legality of the said marriage; and the legitimacy of the issue thereof: For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the marriage of the said James Smith to the said Mary Norfleet, as afore

said, shall be considered, and the same is hereby declared to be legal and valid to all intents and purposes. And the children of the said marriage, which now are or may hereafter be, shall be considered the lawful issue thereof, and be as capable of inheriting and taking property of any kind from either of their parents, or any other person, as if there had been no defect in the celebration of the said marriage.

An Act to empower William Gill, of Granville County, to sell certain lands therein mentioned.

WHEREAS it is represented to the General Assembly, that Robert Thomas, late of said county, by his last will and testament did direct, that his lands in the county of Granville, should be sold for the purpose of purchasing land elsewhere; and whereas for want of two or more subscribing witnesses to the said pose of purchasing land elsewhere, and for want of a minister of the Gospel, as also for want of two or more subscribing witnesses to the said will, as by law required to carry the same into effect, has not been done: 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 William Gill, of the county of Granville, in conformity to the will of Robert Thomas, deceased, shall have full power and authority to sell and dispose of said lands, and to make the same for the true intent and meaning of the said will, and shall appropriate the proceeds of the sale of said lands, according to the directions of the will, as fully as if the same had been attested by two or more witnesses: Provided, that said William Gill give bond and security to the chairman of the county court of Granville, in such sum as said court shall deem proper, conditioned for his faithful application of the money arising from such sale as aforesaid.

An Act to vest in America Jones, of Wake County, certain rights.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That the claim, which this State hath in and to the county of Wake, being due of the estate of America Jones, deceased, be, and the same is hereby granted and made over to America Jones, of the same county; and the said America Jones, her executors or administrators, may, in her or their own names, commence and prosecute a suit or suits for the recovery of the said residue.

II. And be it further enacted by the authority aforesaid, That the said America Jones, her executors or administrators, shall, before the payment of the said residue to her or them, enter into bond with good security to the chairman of the county court of Wake and his successors in office, in double the amount of the said residue, conditioned that she or they will pay any debts or debts which may thereafter be legally made against the estate of the said America Jones; and that she or they will pay the said residue, or so much thereof as may not be recovered by causes, to the next of kin of the said America Jones, upon the recovery of the said residue, or so much thereof as may not be recovered by causes, to the next of kin of the said America Jones, upon the recovery of the said residue, or so much thereof as may not be recovered by causes, to the next of kin of the said America Jones, upon the recovery of the said residue, or so much thereof as may not be recovered by causes, to the next of kin of the said America Jones, upon the recovery of the said residue, or so much thereof as may not be recovered by causes, to the next of kin of the said America Jones, upon the recovery of the said residue, or so much thereof as may not be recovered by causes, to the next of kin of the said America Jones, upon the recovery of the said residue, or so much thereof as may not be recovered by causes, to the next of kin of the said America Jones, and all suits, plea, process and proceedings of what kind or nature soever, shall be returned and determined, under the same rules, regulations and restrictions as heretofore prescribed by law.

An Act to alter the time of holding the County Courts in the several counties therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter sessions for the county of Rockingham, shall be held on the last Monday in February, May, August and November, in each and every year, to which times respectively, all suits, process and pleadings shall be continued and returned, any thing to the contrary notwithstanding: Provided, the change made by this act, shall not take effect until after the court to be held for the said county on the third Monday in February next.

II. And be it further enacted, That the court of pleas and quarter sessions for the county of Surry, shall, after the third Monday in February next, be held on the first Monday in May, August, November and February, in each and every year, to which times respectively, all suits, pleas, process and proceedings of what kind or nature soever, shall be returned and determined, under the same rules, regulations and restrictions as heretofore prescribed by law.
II. And be it further enacted by the authority aforesaid, That it shall be the duty of the justices com-
pacting the county courts of those counties where the county and superior courts shall or may happen in
the same week, to direct the sheriffs of their respective counties, to summon the jurors that are directed
be summoned for the superior courts, to attend the county courts, under the same fines and penalties
as by law directed: Provided always, where it shall so happen that a justice of peace is drawn to serve as
a juror at the superior court, the county court shall appoint one other person to serve as a juror in the
county court, in the place of each justice so drawn. And all witnesses summoned to attend any of the
county courts, where the county and superior courts shall happen in the same week, in any of the counties
of Buncombe, Rutherford or Lincoln, shall be summoned to attend on such days as the court of said
counties shall and may direct.

III. And be it further enacted, That the sheriffs in the counties of Buncombe, Rutherford and Lincoln,
shall have power and authority to open the county court of their respective counties, at ten o'clock upon
the first day of the term, where the superior court happens in the same week, or at any other time of the
same day, and to adjourn from day to day until the business of the superior court may be finished.

IV. And be it further enacted, That all laws and parts of laws that come within the purview and mean-
ing of this act, are hereby repealed and made void; any law, usage or custom, to the contrary not-
withstanding.

V. And be it further enacted by the authority aforesaid, That from and after the county courts of pleas
and quarter sessions, to be held for the county of Caswell, on the last Monday in January next, the said
court shall be held on the fourth Monday in the months of March, June, September and December, in
each and every year; and the said court to be held on the last Monday in January next, shall continue
adjoining all suits and other business then remaining before the said court unfinished, to the fourth
Monday in March next following, and all process issuing from said court shall be made returnable ac-
cordingly.

VI. And be it further enacted by the authority aforesaid, That in future, the county courts of pleas and
quarter sessions for the county of Person, shall be held in each and every year as follow, to-wit: on the
second Monday in February, the Wednesday next after the second Monday in May, the second Monday in
August, the Wednesday next after the second Monday in November, to which times respectingly,
all business before the said court shall be continued, and all process be made returnable; any law to the
contrary notwithstanding.

CHAP. LXXXII.
An Act to repeal an act, passed in 1806, entitled "An act to alter the time of holding the Courts of Pleas
and Quarter Sessions in the Counties therein mentioned," as far as it respects the County of Onslow.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the
authority of the same, That from and after the second Monday in March next, as much of the before-recited act
as respects the county of Onslow, is, and is hereby repealed and made void. And that after the aforesaid
second Monday in March, the courts of pleas and quarter sessions in the said county of Onslow, shall be
held as formerly, viz. on the second Monday in April, July, October and January, in each and every
year; any law to the contrary notwithstanding. And all matters and things depending in said court,
shall, from the period when it shall be held after the said second Monday in March next, after the passing
of this act, be continued and stand adjourned to the time herein before fixed for holding said court.

CHAP. LXXXIII.
An Act to alter the time of holding the County Courts of Pleas and Quarter Sessions in the county of Tyrrell.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the
authority of the same, That from and after the court of pleas and quarter sessions to be held for the
county of Tyrrell, the fourth Monday in January next, the said courts shall be held on the first Monday in
May, August, November and February, in every year; and the said court to be held on the fourth
Monday in January next, shall be adjourned until the first Monday in May following, and all process
issuing therefrom shall be made returnable accordingly.

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

CHAP. LXXXIV.
An Act to amend an act, entitled "An act making compensation to the Jurors who may hereafter attend the
County Court of Rowan.

WHEREAS the above-acted act makes no provision for empowering the justices of the peace for
said counties to lay a tax for the purposes therein: For remedy whereof,
Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the
authority of the same, That the justices of the county court of Rowan, at the court to be held on the
first Monday in February, in each and every year, shall lay a tax not exceeding sixpence on each poll,
two-pence on each hundred acres of land, and sixpence on every hundred pounds value of town lots, to
be collected and accounted for as other county taxes, for the purpose of paying the superior and county
court jurors, who may attend the same. And the jurors who may attend the superior courts, shall be al-
bowed the same pay that is allowed to the county court jurors by the above-recited act.
An Act making compensation to the Jurors of Halifax Superior Court and New-Hanover Superior and County Courts.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the jurors who may attend the superior courts of Halifax, shall receive for their services the sum of eight shillings for every day they may attend, and the same for every thirty miles travelling to and from said courts; any law to the contrary notwithstanding.

II. And be it further enacted, That the jurors attending the county and superior courts in the county of New-Hanover, shall be entitled to receive the sum of ten shillings per day, for each and every day they shall be obliged to attend the said courts.

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

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separate election heretofore held at MaconviUe, shall, in future, be held on the second Thursday in August in each and every year; which shall be held for the same purposes, conducted in the same manner, as all other elections in this State, viz., at the store of Benjamin Brickell.

II. And be it further enacted, That the separate election heretofore established at the house of William Dunn, shall hereafter be held at that place on the day prescribed by this act for holding the separate elections hereby established. And no election shall hereafter be held on Monday at the court-house as usual, neither shall the votes taken at the separate elections be counted out on that day, but shall be sealed up by the inspectors, and transmitted to the court-house on Friday, the day following, and shall be added to the votes taken there on that day. And it shall be the duty of the county court of Franklin, at the term next preceding the day of election, annually, to appoint one justice of the peace and two freeholders, to conduct each separate election established in said county; and upon their failing to attend and perform the duties of their appointment, any justice of the peace and two freeholders are hereby empowered to appoint others in their room, who shall have the same powers, and be subject to the same restrictions, as all other inspectors in this State.

An Act to amend an act, entitled "An act to establish the mode of Elections in the county of Granville,", and to establish one other separate Election in said County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separate election heretofore established at the house of William Dunn, shall, in future, be held on the Tuesday preceding the second Friday in August, in each and every year; and the separate election heretofore held at Jacob Odum's, shall, in future, be held the Wednesday preceding the second Friday in August, in each and every year.

II. And be it further enacted by the authority aforesaid, That there shall be one other separate election in said county, established and held at the house of Hardiman Abington, on the Thursday preceding the said second Friday in August, in each and every year.

III. And be it further enacted by the authority aforesaid, That the said separate elections shall be held under the same rules and regulations which separate elections in said county have been held heretofore; any law, usage or custom to the contrary notwithstanding.

An Act to establish the mode of Elections in future in 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 from and after the passing of this act, all elections held in the aforesaid county of Bertie, for members to represent the said county in the General Assembly of this State, shall commence at the house of William Hodges, on the first Monday in August in each and every year, and continue open one day; at which election, it shall and may be lawful for all persons constitutionally qua-
An Act to establish one other separate Election in the county of Duplin.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, an election shall be held at the house of Thomas Worley and Captain Jonathan Jacobs, to attend and give their votes: The three latter of these elections to be held under the same rules, regulations and restrictions as prescribed for the election at William Hodge's.

And be it further enacted, That on the Friday following the first Monday in August, in each and every year, there shall be an election held at the court-house in Windsor, where it shall and may be lawful for any citizen of the county to attend and give their votes, all such persons as reside within the election districts before recited in this act, swearing on the Holy Evangelists of Almighty God, that they have not voted at any separate election in the county that year, and upon conviction of having voted more than once, to be liable to pay the sum of twenty pounds, recoverable before any jurisdiction having cognizance of the same, half of which shall go to the person suing for the same, and the other half to the wardens of the poor, for the use and benefit of the poor of the county, and be further liable to an indictment for perjury: The election at Windsor to be conducted under the same rules, regulations and restrictions, as prescribed for the other elections; each of which elections shall be advertised by the sheriff at three public places in each election district, at least twenty days previous to their commencement, and shall be opened at each and every place by this act pointed out, by twelve o'clock; and at the close of the poll at Windsor, the inspectors shall call on the sheriff for a list of the votes taken at the four preceding elections, which shall be added to those taken at Windsor, and he that has the greatest number shall be, and is hereby declared duly elected.

And be it further enacted, That all elections held for representatives to Congress and electors to vote for a President and Vice-President of the United States, shall be held at the same places, and under the same rules, regulations and restrictions, as other elections in this county.

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

CHAP. XCI.
An Act to establish one other separate Election in Mecklenburg County, and to alter the time of holding those heretofore established.

Be 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, one other election shall be held at the dwelling-house of Robert Hood, on M'Caiuin's Creek, to be held and conducted under the same rules and regulations as hereinafter prescribed.

And be it further enacted, That in future, all the separate elections in said county, shall be opened and held on the second Thursday in August, in each and every year, and at the following places, viz., at the dwelling-house of John Ray, for those in the first battalion of the second regiment; at the dwelling-house of Robert Hood, for those in the second battalion of said regiment; at the dwelling-house of Margaret Davidson, for those in the second battalion of the first regiment of the militia of said county.

And be it further enacted, That the separate elections in said county shall be conducted and held in the same manner, in every respect, as the constitution and general election law of this State requires and directs, and shall continue open until sun-set on said day, at which time the sheriff, his deputy, or other persons authorised and qualified by him to hold said elections, shall, in presence of the inspectors of the polls, seal up the boxes wherein the ballots have been taken, and carefully convey the same, so sealed up, to the court-house, in Charlotte, on or before three o'clock in the afternoon on the second day of election.

And be it further enacted, That all the ballots so taken at said separate elections, and those taken in Charlotte, shall be drawn by the sheriff, or other returning officer, shall be fairly added together, and the person having the greatest number of votes when so added, shall be declared duly elected.

And be it further enacted, That whenever the elections for representatives to Congress shall be, it shall be on the same day as herein before directed; and whenever an election for electors to vote for a President and Vice-President of the United States happens, it shall be held and conducted in like manner. Provided, that no one herein contained shall prevent any person who does not vote at the separate-election in whose bounds he may reside, to give his suffrage at the court house in said county.
An Act to amend an act, entitled "An act to establish the mode of Elections in future in the county of Richmond."

WHEREAS the before recited act does not provide for the appointment of separate inspectors to conduct elections in said county for a representative to 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 from and after the ratification and passage of this act, it shall be the duty of all justices of the peace, the sheriff, or three respectable freeholders, to receive and secure the same, in the same manner as other records, only that a separate apart of the said elections shall be opened at twelve o'clock and closed at three o'clock.

II. And be it further enacted, That the inspectors shall, immediately after the close of the polls, proceed to count and state the number of tickets to each candidate; a correct statement, with the list of votes duly certified, together with the poll tickets or scarabs with which the electors voted, shall be returned on the next day, and compared at the court-house in said county, by the sheriff or deputies, in presence of three justices, or three respectable freeholders, whose duty it shall be to receive and secure the same, in the same manner as other records, only that a separate apartment in his office shall be provided for the express purpose, under the penalty of a misdemeanor in office.

III. And be it further enacted, That when the county court shall neglect to appoint inspectors, as provided for by this act, the inspector who may have been appointed by virtue of the same, shall fail to attend, or refuse to act, in any such case, it shall be the duty of the captain, or any other commissioned officer in his district where such elections are held, to appoint an inspector or inspectors, and to administer an oath to any inspectors, clerks or poll-keepers, who undertake to conduct such elections, faithfully, impartially, and according to the best of their skill and ability, to conduct the election for a representative to Congress, wherever no justice of the peace will perform the duty.

And when the sheriff of said county, or his legal deputy, shall fail to attend any election, the captain, or any commissioned officer in the district, may appoint a discreet person to conduct such election, who shall act as deputy sheriff, whose duty it shall be to do and perform the requisites directed by this act, under the penalty of one hundred pounds, payable one half to any person who may sue for the same, the other half to the use of the county. And when any person shall be found to be insolvent, the officer or officers who made such appointment, shall be liable for the payment of any fine or forfeiture which may be incurred and recovered by reason of this act.

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

CHAP. XCVII.

An Act to alter the mode of holding Elections 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 in future, the elections for members of the General Assembly of this State, in the said county, shall be held on the second Thursday in August, in each and every year, at each of the several muster grounds of the militia companies in said county, that elections for members of Congress shall be held at the places aforesaid, on the second Thursday of August, in the years in which members of Congress are by law directed to be elected.

II. And be it further enacted, That it shall be the duty of the county court, at the court preceding the day of election, to appoint one justice and two freeholders for each county's district, whose duty it shall be to attend at the place of election for which they are appointed, and receive the ballots, the justice having first administered to the freeholders the oath directed by law to be administered to inspectors of elections.

III. And be it further enacted, That it shall be the duty of the justice and freeholders, so appointed and qualified, to open the poll at twelve o'clock, on the day and at the place appointed for holding the election, and shall close the same at three o'clock, and shall then proceed to count the ballots, and declare the persons having the highest number of votes elected.

IV. And be it further enacted, That if it should so happen, that the court should neglect to appoint a justice and two freeholders, or if those appointed should die, remove or refuse to act, any justice present may appoint two freeholders, and administer the oath required by law to be administered to inspectors of
An Act to alter the place of holding one of the separate Elections in Randolph County, and to alter the time of holding the County Courts of Bladen and 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 the separate election herefore held at the house of Christian Luther, in the county of Randolph, shall hereafter be held at the house of Richard Graves, which shall be held at the same time, and under the same rules, regulations and restrictions as have been heretofore established and observed in conducting the same.

II. And be it further enacted, That from and after the second Monday of February next, the county courts of Bladen shall be held on the first Monday of May, August, November and February, in each and every year, and from and after the second Monday in February next, all writs and other process shall be made returnable, and all the proceedings of the said court shall stand adjourned to the said Monday in May next.

III. And be it further enacted, That from and after the first Monday in February next, the county courts of Brunswick shall be held on the Monday preceding the first Monday of May, August, November and February, in each and every year, and from and after the said first Monday in February next, all writs and other process shall be made returnable, and all the proceedings of the said court shall stand adjourned to the said Monday preceding the first Monday of May next; any law to the contrary notwithstanding.

An Act for the better regulation of the separate Elections in the County of Rowan.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all laws and clauses of laws which come within the purview and meaning of this law, be, and the same are hereby repealed and made void.

An Act granting a separate Election in Stokes County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be a separate election held in the town of Vienna, in the county of Stokes, in each and every succeeding year, on the same day, and under the same rules, regulations and restrictions that governed the other separate elections in said county.

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

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, the election herefore held at the house of Darley Ryan, on Fish River, in the county of Surry, shall be held at the place where Airs Headspeth formerly lived, on the Yadkin River, near the mouth of Mitchell's River; and the election herefore held at Gentry's mill, in said county, shall hereafter be held at Hamptonville; where elections shall be held at the same time, and under the same rules, regulations and restrictions that governed them herefore; any law to the contrary notwithstanding.

An Act to amend the several acts herefore passed, granting separate Elections to the inhabitants of Lincoln County, so far as respects the election of Judges.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the sheriff of the county of Lincoln, or his deputy, shall open and hold an election at the several places herefore established by law in said county, for the purpose of electing judges to vote for a President and Vice-President of the United States, on the day herefore established by law for that purpose, under the same rules, regulations and restrictions as other elections are held within this State for the same aforesaid.

II. And be it further enacted, That it shall be the duty of the county court of Lincoln, next before any election to be held for the purpose aforesaid, to appoint two suitable persons to superintend said election, and should the county court fail so to do, the sheriff, or his deputy, is hereby authorised to make such appointment on the day of election.

III. And be it further enacted, That all acts and parts of acts which come within the meaning and purview of this act be, and the same are hereby repealed.
An Act to grant two separate Elections in the County of Rutherford, and to alter the place of holding one other Election in the County of Tyrrel.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be an election held, by the sheriff of the county of Rutherford, at the dwelling-house of John Hoyles, and one other election at the dwelling-house of Richard Bradley, in Mansfield's Cove, for the purpose of electing members of the General Assembly of the United States, to Congress, and electors to vote for a President and Vice President of the United States, and said elections shall be held on the days and at the places therein mentioned.

II. And be it further enacted, That the separate election hereforeheld at the house of Zacharias Wolthrops, shall hereafter be held at the dwelling-house of Marthel Mills; any law, usage, or custom to the contrary notwithstanding.

Chap. C.

An Act to establish a separate Election at the House of William White, Esquire, in the County of Burke, 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 be the duty of the sheriff of the county of Burke, or his lawful deputy, to open and hold an election at the house of William White, esquire, in the county of Burke, on the second Thursday in August, in each and every year, for the purpose of receiving votes for members of the General Assembly of this State, which elections shall be opened, conducted, and closed, in the same manner, and under the same rules, regulations and penalties as are prescribed for all other elections established in said county.

II. And be it further enacted, That all other elections herefore established in said county, shall in future be held at their usual places, on the foresaid second Thursday in August, in each and every year; and the election held at the conclusion of the day, only as held on Thursday, the days herein specified for holding all other elections in said county, and all of which shall hereafter be held in the same manner, and governed by the same rules, as have been herefore prescribed for the separate elections in said county.

III. And be it further enacted, That the inspectors shall, immediately after the close of the polls of the election for which they are appointed, proceed to count out the votes, a correct statement of which, together with a list of the voters names, shall be by them returned, once before four o'clock of the succeeding day, to the sheriff of said county, or his lawful deputy, at the court-house. And it is hereby declared to be the duty of the sheriff or deputy to attend at the court-house, on the day succeeding the day of election, to receive the returns so made by the inspectors and such returns being made to the sheriff, he shall, in presence of the inspectors, proceed to add the number of votes then to him returned, together with the number making the greatest number shall be deemed duly elected, and the sheriff shall immediately, at the court-house door, make proclamation accordingly.

IV. And be it further enacted, That the elections for members of Congress, and for electors to vote for a President and Vice-President of the United States, shall be held at the same places established by this act, and at the several places herefore appointed by law, at the time, and under the same rules, regulations and restrictions, as have been prescribed by law.

V. And be it further enacted, That it shall be the duty of the register of said county of Burke, on or before the first day of April next, to keep his office at, or within four miles of the court-house of said county, under the penalty of fifty pounds, to be recovered before any jurisdiction having cognizance thereof, one half to be applied to the use of the county, and the other half to the use of the person suing for the same.

VI. And be it further enacted, That if in future the sheriff of Burke county shall receive county claims in discharge of county tax, at their first presentation to the numbers first payable, under the penalty of ten pounds, to be recovered to the use of the county, before any justice having cognizance thereof, then the county treasurer shall receive the claims so received by the sheriff, on settlement with him the said sheriff.

VII. And be it further enacted, That the claims so received by the treasurer of said county, shall be good vouchers on settlement with the county court; any law, usage or custom to the contrary notwithstanding. 

Chap. CII.

An Act to regulate the mode of Elections in the County of Tyrrel.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of an act passed in the year one thousand eight hundred and five, as establishes a separate election at the house of John Baturam, in the county of Tyrrel, be, and it is hereby repealed and made void; and said elections herefore established at the house of Samuel Meggitt and Joseph White, shall hereafter be held on Thursday, the day immediately preceding the annual election in said county.

II. And be it further enacted, That it shall hereafter be the duty of the court of said county, at the court-house, preceding the day of any election, to appoint one justice of the peace and two freeholders to attend each separate election, who shall be sworn as inspectors of the polls which shall be held, under the same rules, regulations and restrictions, as heretofore prescribed by law.

III. And be it further enacted, That the inspectors shall, immediately after the close of the polls, proceed to count out the votes, a correct statement of which, under their hands and seals, together with a list of the voters names, shall be by them, or either of them returned at or before two o'clock the next day, to the sheriff of said county, or his lawful deputy, at the court-house. And it is hereby declared to be the duty of the said sheriff, or his deputy, to attend at that time and place, on the day succeeding the day of the said separate elections, to receive the returns so made by the inspectors; who, in presence of the inspectors, proceeded to add the number of votes then to him returned, together, and the persons having the greatest number of votes, be declared duly elected; and the sheriff shall immediately, at the court-house door, make proclamation accordingly.

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

V. And be it further enacted, That it shall be the duty of the clerks of said court, to deliver copies of the appointment of said inspectors to the sheriff, whose duty it shall be to notify them, as soon as may be, of their appointment.

VI. And be it further enacted, That the election for members of Congress and for electors to vote for a President and Vice-President of the United States, shall be held in said county at the aforementioned places, on the days appointed for that purpose, under the former rules and regulations; any law, usage or custom to the contrary notwithstanding.
An Act to establish a separate Election in that part of Buncombe County formerly called Walton County. WHEREAS the south-western extremity of Buncombe County, formerly called Walton, is between fifty and sixty miles from the court-house in Asheville, and near forty miles from the upper election ground on French Broad; and it is necesario for said inhabitants of the aforesaid vicinity to attend at either of the above-named places to give in their suffrages; Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the sheriff of Buncombe county shall cause a separate election to be held at William Button's mill, on Catawba's Creek, on the same day, under the same rules, regulations and restrictions as other separate elections are held in said county; and the votes taken at the said separate election, shall be added to those taken at the court-house, and form part of the election of the said county of Buncombe; any law to the contrary notwithstanding.

AN ACT TO ALTER THE NAMES OF THE PERSONS HEREIN MENTIONED. BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the names of Mary Whitley, Nancy Whitley and Peggy Whitslly, of Robeson county, be, and they are hereby altered to the names of Mary El'equence, Nancy Elocquence and Peggy Elocquence; And the names of Thomas Ammons, Drusilla Ammons, Howell Ammons, Alexander Ammons, Sena Ammons, Susanna Ammons, William Ammons, of Harnett county, be, and they are hereby altered to the names of Thomas Grantham, Drusilla Grantham, Howell Grantham, Alexander Grantham, Sena Grantham, Benjamin Grantham, John Grantham, Susanna Grantham and William Grantham; And the names of Willie Hill, of Robeson county, be, and they are hereby altered to the names of Isaac Williams, of Randolph county, to that of Isaac Davis; and the names of Willie Fryer, of Edgecomb; to that of Willia Pitt; and the names of Thomas Jefferson Weeks, of the town of Fayetteville; to that of Thomas Jervis Mathews; and the names of George Smith and Mary Elizabeth Smith, of Stokes county, to that of George Wolf and Mary ElizabthWolf; and the names of James Evils, Margaret Evils, Jane Evils, Thomas Evils and Alexander Evils, of Mecklenburg county, to that of James M'Cook, Margaret M'Cook, Jane M'Cook, Thomas M'Cook and Alexander M'Cook; and the names of Mary Anna Hinton Williford, of Edgecomb county, to that of Mary Ann Hinton Gray; and the name of John Cox, of Edgecomb county, to that of John Hearn; and the name of Elias Cranford, of Edgecomb county, to that of Elias Lloyd White; and the name of John Dildy, of Gates county, to that of John Matthews; and the name of Buquias Walls, of Guilford county, to that of Burgess Williams, and the name of John Jones; to that of John Jones; and the names of Robert White and Ann White, of Camden county, to that of Robert Morgan and Ann Morgan; and the name of Lucinda Wright, of Mecklenburg county, to that of Lucinda Pitts; and the names of Asia Freeman and Sion Freeman, of Surry county, to those of Asia Early and Sion Early; and the name of William Wall, to that of William Bryant; and the names of Sarah Page and Elizabeth Carter, of Halifax county, to those of James Vaughan and Elizabeth Vaughan; and the name of Pleasant Long, of Person county, to that of Pleasant Headley; and the name of William Ward Pollock, of Duplin county, to that of William Pollock; and the name of Daniel William Martin, to that of Daniel William Morgan Martin; and the names of Reading Neal and Abraham Gray, of Hyde county, to those of Reading Jackson and Abraham Letteredhills. And the aforesaid persons shall be called and known by the names as above altered, and shall be able respectively to sue and be sued, plead and be impleaded, in any court of law or equity, and shall possess and enjoy the same privileges, as if they had borne the names as above altered from their nativity.

And it is further enacted, That the following persons, who are mentioned in the first section of this act, viz. Mary Whitley, Nancy Whitley, Peggy Whitslly, Thomas Ammons, Drusilla Ammons, Howell Ammons, Alexander Ammons, Sena Ammons, Susanna Ammons, William Ammons, of Harnett county, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Sally Ogle, wife of Hiram Ogle; Nancy Stokes, wife of David Stokes; Susanna Farr, of Amson county, wife of Robert Farr; Ann B. Manier, of Granville county, wife of Daniel I. Manier; Nancy Harris, of Richmond county, wife of William Harris; Hannah Morgan, of Wake county, wife of William Morgan; Polly Salisbury, of Pitt county, wife of William Salisbury; Mary Morgan, wife of Benjamin Morgan; Sally Carthwright, of Wake county, wife of Joseph Carpenter; Elizabeth Morrison, of Bladen county, wife of Archibald Morrison; Olyra Massey, of Wake county, wife of Samuel Massie; Mobel Mathews, of Wake county, wife of Riddick Mathews; Aratilla Massie, of Granville county, wife of William Coffin; Rebecca Cain, wife of Eliza Cain, of Chatham county; Sally Williams, wife of John Williams, of Granville county; Elizabeth Williford, of Orange county, wife of Benjamin Williams, of New Hanover county; and the names thereof, as enumerated in the first section of this act, shall, and they are hereby enacted by the authority of the same, That from and after the passing of this act, the sheriff of Wake county shall cause a separate election to be held in the said county of Wake; and the votes taken at the said separate election, shall be added to those taken at the court-house, and form part of the election of the said county of Wake; any law to the contrary notwithstanding.
An Act securing to Rebecca Farrow, all such property as she now has, or may hereafter acquire, free from any law to the contrary notwithstanding.

WHEREAS it is represented to this General Assembly, that George N. Nixon, of Perquimans county, a man of colour, was emancipated by the court of said county, and hath since purchased two of his children, born slaves, by the names of Fanny Nixon and Henderson Nixon, of Perquimans County.

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It is hereby enacted, by the authority of the same, That James Cortney, of Lincoln county, be, and he is hereby restored to the rights and privileges of a citizen, and shall be able and capable in law to possess and enjoy, all the rights and privileges of free persons of mixed blood in this State, in as full and ample a manner as the several laws heretofore enacted will permit.

Read three times and ratified in General Assembly, the 18th day of December, 1807.

JOSEPH RIDDICK, Sp. S.  
JOSHUA G. WRIGHT, Sp. H.C.

RALIEGH: PRINTED BY J. GALES, PRINTER TO THE STATE /
An ACT declaring what gifts of slaves shall be valid.

For the prevention of frauds.

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

No gift of

AN ACT to amend an act for the more uniform and convenient ad-

ministra- 

tion of justice, and for the better protection of individuals, and of the State, 

and to prevent frauds in the conveyance of slaves, and the escape of negroes, is hereby

enacted, that all gifts of slaves shall be valid only when the gift is made at least one year after the full age of the donee, coming of sound mind, discretion, or emancipation, of negroes, within three years after the execution thereof, it the donee be in the actual possession of the slave or slaves so seized, and transferred; but if, under any special agreement made at the time of the gift, the donee shall remain in possession of the slave or slaves so given, then the writing transcribing or conveying the 

slave or slaves, shall be proven or acknowledged as aforesaid, and registered within the same time, in the county where the donor resides.

1. And be it further enacted, That on all trials, where any such writing shall be introduced to support the 

title of either party, the due and fair execution of such writing shall be proved by a witness subscribing the writing to 

and attesting the execution of such writing; but if such witness shall be dead or removed out of the State, the writing 

may be given in evidence.

2. And be it further enacted, That if any person or persons be, at the time of passing this act, within the 

age of twenty-one years, and shall make a gift of slaves, he shall make an execution of the same, and give a 

warrant for the same within three years after the passing of this act, otherwise the same shall be forever null. Provided, however, that such gifts to be valid, the gift described, with the 

title by which any slave or slaves is transferred shall be proven or acknowledged, as cases may arise.

3. And be it further enacted, That in all such cases, where the gift of slaves is made by any person or persons, under any 

special agreement made at the time of the gift, or by virtue of any other conveyance, the said grantee shall, before and upon the execution thereof, make due and 

prosecute his or her suit for any sums or damages, or to which he or she may be entitled, by virtue of 

such parol agreement, and not afterwards. Provided, that when any person shall have put into the actual 

possession of his or her child or children, any slave or slaves, and shall hold or use such slave or slaves to remain 

in the possession of such child or children at the time of the execution of such writing, the same shall be considered 

as a conveyance to such child or children, and be 

enforceable upon the laws now in force relating to advancements made to children by a parent in his lifetime.

IV. And be it further enacted, That this act shall commence and be in force from and after the first 

day of April next.

[This Act was omitted last Year.]

CONTENTS.

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Read three times and ratified in General Assembly, Dec. 10, 1809.

 expands the authority of the commissioners of Wilkesboro, &c, to

lay a tax upon the slavery of John Jordan, in Bladen county, ib.

To provide for the election of commissioners for Smithville, ib.

To establish a turnpike road from the west end of Mattamuskeet Lake, to Fear River, and of Deep and Haw Rivers, " ; >&•

To open and make navigable fishing Creek, from Wyatt's Bridge, &c IB.

To regulate the charges of Sheriffs, Coroners, &c. in certain cases, 13

for the relief of purchasers at execution sales, in certain cases ib.

To allow interest on judgments recovered in actions on contract, ib.

To give the right of appeal in trial of Caveats and Suspensions, ib.

To amend an act to amend an act passed in 1802, for establishing 

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