THE LAWS
OF
NORTH-CAROLINA,
ENACTED IN THE YEAR
1821.

Transmitted, according to Law, to
Joe. Samuel Hillman.
One of the Members of Assembly for the county of
Greeneville.

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1821.
LAWS OF NORTH-CAROLINA,

Enacted by a GENERAL ASSEMBLY, begun and held at Raleigh, on the nineteenth day of November, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-fifth year of the Independence of the said State.

GABRIEL HOLMES, ESQ. GOVERNOR.

CHAPTER I.

An act to provide a revenue for the payment of the civil list and contingent charges of government for the year one thousand eight hundred and twenty-two.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the year one thousand eight hundred and twenty-two, there shall be levied and collected, from all the real property, with the improvements thereon, within this state subject to taxation, the sum of six cents on every hundred dollars value thereof.

II. Be it further enacted, That each and every person, who shall peddle in any county in this state, and not on a navigable stream, good, wares or merchandize, not of the growth or manufacture of this state, or any wooden clock, or the machinery or materials thereof, which shall not be of the manufacture of this state, or jewelry, which machinery or clock, shall be manufactured of materials not of the growth, produce or manufacture of this state, shall pay the sheriff of each and every county in which he, she or they shall so peddle goods, wares or merchandize, or jewelry, the sum of twenty dollars on every cart, wagon, or other vehicle, employed in the transportation of said goods, wares or merchandize; Provided, That no license to peddle shall authorize such pedler to sell goods at auction: Provided, That should two or more persons employ one cart, wagon, or other vehicle, to transport their goods, wares or merchandize, each and every of them shall pay the aforesaid tax on said cart, wagon, or other vehicle, by them employed; nor shall any thing in this act be construed to authorize two or more persons, under the pretense of being partners in trade, to peddle goods, wares or merchandize under the same license; which tax shall be accounted for by the sheriff in like manner as other taxes; and, upon paying such tax, and obtaining a receipt therefor, such person shall be authorized and permitted to hawk and peddle goods, wares and merchandize, wooden clocks, or the machinery or materials, which shall not be of the
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Manufacture of this state, or jewelry, as aforesaid, in such county, and no other, for the term of one year thereafter: and every person who shall peddle goods, wares or merchandize, not of the growth or manufacture of this state, except vegetables or other provisions of the produce of the United States, on any navigable waters in this state, shall pay the sheriff of each and every county in which he shall so peddle, fifty dollars, as a tax to the state, to be levied and accounted for as above; and, on payment thereof, shall be authorized and permitted to peddle goods aforesaid in such county, and no other, for the term of one year thereafter: and each and every person who shall peddle in any county without previously having paid the tax thereon, and having obtained a license, as hereinafter directed, or who shall refuse or neglect, upon the request of the sheriff, or his lawful deputy, or any justice of the peace, to shew a license therefor, shall pay a tax of one hundred dollars, to be collected by the sheriff of the county where such failure takes place, by distress and sale of the property of such delinquent, and to be applied, one half to the use of the state, and the other half to the use of the sheriff. Provided nevertheless, That nothing in this act contained shall extend to tax persons who sell books only: And provided, Nothing herein contained shall exempt the person or persons thus licensed from being liable to the duties imposed on those who sell goods, wares or merchandize, or wooden clocks, or the machinery or materials thereof which shall not be of the manufacture of this state, at auction.

III. Be it further enacted, That the Comptroller shall issue to the several sheriffs' blank licenses to peddle goods within this state, who shall, upon application of any person or persons desirous to hawk and peddle goods, countersign and issue the same to the person so applying, upon his paying the taxes so imposed; and that all licenses so issued by the Comptroller, and delivered to any sheriff, shall stand as a charge against said sheriff for the amount of said licenses; and the sheriff shall be entitled, in the settlement of his public accounts, to a credit for all licenses not issued and countersigned, which he shall return to the Comptroller; and that the Comptroller shall issue and deliver to the members of this General Assembly, to be delivered to the respective sheriffs, not less than eight licenses for each county, before the rise of the General Assembly; and should any sheriff, who shall have received any licenses as aforesaid, resign, or the term of his service expire, without having issued the licenses so delivered to him, he shall deliver the same to his successor; and the receipt of such successor shall be allowed said sheriff in his settlement with the Comptroller.

IV. Be it further enacted, That every merchant or jeweller, who shall sell goods, wares and merchandize, not the growth and manufacture of this state, in any retail store, shall pay the following tax, to wit: If the amount of his capital stock in trade
shall be between four hundred and two thousand dollars, a tax of six dollars; if between two thousand and five thousand dollars, a tax of eight dollars; if the amount of his capital stock in trade, as aforesaid, shall be between five thousand and ten thousand dollars, a tax of twelve dollars; if the amount of his capital stock in trade, as aforesaid, shall be between ten thousand and fifteen thousand dollars, a tax of fifteen dollars; and if the amount of his capital stock in trade, as aforesaid, shall be above fifteen thousand dollars, a tax of twenty dollars; and every wholesale merchant shall pay a tax of twenty-five dollars; and every commission merchant, a tax of fifteen dollars; and every such merchant or jeweller, if a resident of this state, having a store, on the first day of April in each year, shall apply to the sheriff of the county in which he shall have such store, and tender an affidavit, stating the amount of the capital stock which he has employed in trade in such store, and shall pay the tax on the aforesaid store, and receive from the sheriff a license to keep such store; but any merchant, unwilling to make such affidavit, may obtain such license on paying the tax of twenty dollars. And any such merchant keeping a store of goods, not of the growth and manufacture of this state, without such license, shall forfeit and pay the sum of fifty dollars, to be levied, collected and accounted for in the same manner as other taxes. And every person, whether resident or transient, who shall open such store, at any time after the first day of April, shall be subject to the same tax for the residue of the year, unexpired after the first day of April, and shall apply to the sheriff for a license, under the same rules as apply to those who were in business on the said first day of April, under the same penalties, to be collected in the same manner as the other penalties hereby imposed. And all wholesale and commission merchants, shall take out licenses in the same manner, and under the same regulations, restrictions and penalties, as retail merchants and jewellers, except that they need not tender the affidavit, stating the amount of capital stock. And it shall be the duty of the comptroller, to issue to the sheriff of each county, blank licenses, for merchants, to be used and accounted for in the same manner as is prescribed by law in the case of peddlers.

V Be it further enacted, That the owners of billiard tables, shall, hereafter, give them in, in the same manner as other taxable property, and shall pay for each billiard table a tax of two hundred dollars; and after the first day of April next, no billiard table shall be erected or kept up, until such tax shall be paid to the sheriff of the county in which said table is erected or kept up, and a license to erect or keep up the same shall be first granted by said sheriff: And if any table is erected or kept up without such license, the sheriff of the county, where the same is so erected or kept up, shall seize and destroy the same; and the person erecting or keeping up the said table, shall be
subject to indictment; and, on conviction, shall be fined not less than fifty dollars, and imprisoned at the discretion of the court.

VI. Be it further enacted. That each and every person, or company of stage players, slight of hand performers, rope dancers, tumblers, and wire dancers, or company of circus riders or equestrian performers, and each and every person or company, who shall exhibit artificial or natural curiosities of any kind or sort, for a reward, shall, previously to performing or exhibiting in any county in this state, pay to the sheriff thereof thirty dollars, as a tax to the state, to be accounted for by the sheriff, as other taxes: And on paying such tax, the sheriff who receives the same, and it is hereby declared to be his duty, shall give a license to exhibit in his county; which license shall contain a list of such animals or personal performances, or other articles to be exhibited; then and in that case, such company or person shall be authorized and permitted to perform or exhibit, as aforesaid, in such county, and no other, for the space of one year thereafter; and each and every itinerant stage player, slight of hand performer, rope dancer, tumbler or wire dancer, or company of circus riders or equestrian performers, or exhibitors of artificial or natural curiosities, who shall perform or exhibit in any county in this state, without previously having paid the tax herein directed, shall be liable to a forfeiture of sixty dollars, to be collected by the sheriff, by distress and sale of the property of such delinquent, and be applied, one half to the use of the state, and the other half to the use of the sheriff.

VII. Be it further enacted, That a tax of five dollars be, and the same is hereby laid on all turnpike roads, where toll is received, gates, which have been, or which hereafter may be, at any time, erected across any public road in this state; and the owners of such gates or turnpike roads, shall give in the same, at the same time they give in their taxable property, and the tax shall be levied, collected and accounted for in the same manner as other taxes.

VIII. Be it further enacted, That all persons who shall bring negro slaves from another state into this state, for sale, shall pay the sheriff of some one county, the sum of ten dollars upon each negro slave so brought; and it shall be the duty of the respective sheriffs in this state, and their deputies, to collect the tax hereby imposed; but if the said person or persons, shall produce to the sheriff of any one county the certificate of the sheriff of any other county, duly authenticated, under the seal of the clerk of the county in which such sheriff resides, that he has paid the tax hereby imposed, he or they shall be permitted to proceed without the payment of any further tax. And it shall be the duty of the sheriff and his deputy, of each county in which any negro slave shall be taken by any person or persons whatsoever, to seize such negro slave, until the tax hereby imposed, be paid, or until he or they shall produce to the
sheriff an affidavit, subscribed by him or them, before some Justice of the Peace, within this state, duly authenticated by the certificate of the clerk, and seal of the court of the county; setting fourth that the slave or slaves so seized, were not by him or them or any other person with his or their privity and consent, bought in evasion or elusion of the revenue laws of this state; and every person guity of making any false affidavit for such person, shall, on conviction, be deemed guilty of wilful and corrupt perjury: and the owners or possessors of all such slaves so seized, shall pay to the sheriff, or his deputy, all expense that may accrue in consequence of seizing, keeping and feeding such slaves; and the slaves so seized, may be detained by the sheriff until such payment; and in default thereof, the said sheriff may sell the same at public auction, at the Court-House of the county, upon twenty days previous notice; which sale shall convey an absolute title to the purchaser.

IX. Be it further enacted, That for the year one thousand eight hundred and twenty-two, a tax of twenty cents on each and every free poll, and a tax of twenty cents on each and every black poll, shall be levied, collected and accounted for under the same rules, regulations, and restrictions, as poll taxes here-tofore have been collected and accounted for.

X. Be it further enacted, That all free males, between the ages of twenty-one and forty-five years, and slaves between the ages of twelve and fifty years, shall pay a poll tax, and all slaves shall be listed in the county wherein they reside.

XI. And be it further enacted, That every person using the profession of a broker, or opening an exchange or lottery office, whether as agent, factor or principal, dealing in the sale of bills of exchange, or the purchase of the bills of any bank incorporated by this state, or in the sale or purchase of tickets in any lottery not authorized by this state, shall be subject to an annual tax of one thousand dollars. Such person using such profession, or any branch of it, shall apply to the sheriff of the county in which he shall intend or desire to pursue or use such profession, & shall pay said tax, and obtain from the said sheriff a receipt therefor. And if any person, after the 1st day of February next, shall pur 

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sue or exercise such profession, not having paid such tax, he shall be subject to indictment in any court of record of this state, and, on conviction, shall be fined, not less than one thousand dollars, and be imprisoned at the discretion of the court.

XII. Be it further enacted, That each sheriff, upon settling his accounts with the Comptroller, county Trustee, and county Wardens, within their respective counties for the preceding year, shall make and subscribe an affidavit, that he has duly accounted in his settlement for all taxes received by him under or received by this act, upon any occupation, article, or thing, not included in the list of taxable property furnished by the clerk of his county, and shall append to said affidavit, a list of all such taxes so by him received, and the names of the persons from whom he re-
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Sheriff to take oaths received the same, and set forth opposite to each item, the occupation, article or thing, for which the said taxes were received.

XIII. And it further enacted, That in addition to the oath required to be taken by the sheriff on settling with the Comptroller, said sheriff shall swear, that if he collects any delinquent tax beyond those accounted for in said settlement, he will render a true account thereof to the Comptroller within one year after such collection; and if it shall be discovered that any sheriff, or any person by virtue of having been a sheriff, shall collect delinquent taxes, and not account for the same as herein required, each sheriff or other person shall be liable to pay four fold the amount of the sum collected and not accounted for, to be recovered in the name of the state before any jurisdiction having cognizance thereof.

CHAP. II.

An act respecting the arrangements of the circuits among the Judges of the Superior Courts.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Judges of the Superior Courts, or a majority of them, shall hereafter have power to allot the circuits among themselves; and it shall be their duty to cause a notification of such allotment to be published in the State Gazette, by the first day of February, and the first day of August, preceding each and every circuit for which such allotment shall be made;

Provided, That no Judge shall be allotted the same circuit twice in succession.

II. Be it further enacted, That the Judges may exchange with each other for any Court or Courts in their circuits.

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

CHAP. III.

An act to provide for the execution of process where there shall be no proper officer in the county to execute the same.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That hereafter, if by death, resignation or other cause, there should be no sheriff nor coroner in any county in this state to whom any process, original mesne, or final, shall or ought to be directed, from any Superior Court of Law and Equity in this state, the Judge holding said Court, the fact being made to appear to him shall authorize and command the sheriff of any county adjoining the one to which said process shall or ought to be directed to serve and execute said process, who shall have the same powers, and receive the same fees, as the proper sheriff of the county should or might have and receive in such cases.

II. And be it further enacted, That if any process, original mesne, or final, issuing from any Superior Court of Law and
Equity in this state against the sheriff of any county, or his
property, or those or their property, where by law he cannot
serve, or execute said process, shall or ought to be directed to
the coroner of said county, and there shall be no coroner, or
he shall resign or refuse to act, and this being made to ap-
ppear to the Judge holding said Superior Court of Law and E-
quity, the said Judge shall authorize and command the sheriff
of any county adjoining the one to which said process shall or
ought to be directed, to serve and execute the said process,
who shall have the same powers, and receive the same fees as
the coroner would or might have and receive.

III. Be it further enacted, That if any process, original mesne
or final, issuing from any Superior Court of Law and Equity
in this state, against the coroner of any county, or his prop-
erty, or those or their property, where, by law, the coroner can
not serve or execute the said process, shall or ought to be di-
rected to the sheriff or other coroner of said county, and there
shall be no sheriff, or he shall resign or refuse to act, and there
shall be no other coroner in said county, or he shall resign or
refuse to act, the Judge holding said Superior Court of Law
and Equity, the same being made to appear to him, shall au-
thorize and command the sheriff of any county adjoining the
one to which the said process shall or ought to be directed,
to serve and execute the said process, who shall have the same
powers, and receive the same fees as the sheriff of the county
should or might have and receive.

IV. Be it further enacted, That if between any two terms of
any Superior Court of Law and Equity in this state, there shall
be no proper officer in any county in this state, to which any
process, original mesne or final, of said Court shall or ought to
be directed, who can lawfully serve or execute the said pro-
cess, any Judge of the Superior Courts of Law and Equity, or
any Judge of the Supreme Court, the same being made to ap-
pear to him, shall authorize and command the sheriff of any
county, adjoining the one to which the said process shall or
ought to be directed, to serve and execute said process, who
shall have the same powers, and receive the same fees as the she-
riff of the county should or might have and receive.

V. And be it further enacted, That if, from any of the cause-
s, if, from any mentioned in this act, the process, whether original mesne or
final, of any Court of Pleas and Quarter Sessions in this state,
shall or cannot be served or executed, any one of the Judges of
the Superior Courts of Law and Equity, or any Judge of the
Supreme Court, shall, it being made to appear to him that such is
the case, issue his flat to the sheriff of any county adjoining the
one to which the said process shall or ought to be directed, au-
thorizing him and commanding him to serve and execute said
process when placed in his hands; and the Clerk of said Court
shall direct the process to the sheriff so authorized, who shall
have the same powers and receive the same fees as are provided
by law for serving and executing such process in other cases.
VI. And be it further enacted, That all sheriffs, executing process under the provisions of this act, shall incur the same penalties, and be liable in the same manner as the proper sheriffs of the county.

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

CHAP. IV.

An act to amend the several Inspection Laws in this state so far as respects Turpentine.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of January next, it shall not be lawful for any sworn Inspector of Turpentine, in this state, to condemn any Turpentine whatsoever; if it be clear of any fraudulent mixture to render it unmerchantable: he shall make a difference in his bill with respect to hard and soft Turpentine, or of dippings and scrapings, designating the character of each barrel by a brand. If it be clean of the mixtures aforesaid, it shall pass as good clear Turpentine.

II. And be it further enacted, That if any Inspector as aforesaid, give any bill contrary to the directions of this act, he shall forfeit the sum of one hundred dollars, one half to the informer, and the other half to the party grieved.

III. And be it further enacted, That as much of the Inspection Laws of this state, as come within the perview and meaning of this act, is hereby repealed.

CHAP. V.

An act for incorporating a company to deepen the swash, called Blair's Channel, in Pamptico Sound.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Frederick Naested, Silvester Brown and Thomas Wadsworth, of Newbern, Richard Grist and Eli Hayte, of Washington, and George Blair, junr. and James Iredell, Esqrs. of Edenton, be, and they are hereby appointed commissioners for receiving subscriptions for a capital stock for the purpose of removing and deepening the swash, called Blair's Channel, in Pamptico Sound, and improving the navigation thereof: and the said commissioners, or either of them, shall open a book or books, at such times and places, as they or either of them, may think proper; Provided, That such subscriptions shall not exceed the sum of fifty thousand dollars, and shall be in shares of one hundred dollars each. And when seventy shares of said stock shall be subscribed, the said subscribers, their successors, & assigns, shall be, and are hereby created, and made a corporation and body politic, in law and in fact, by the name and style of the "Blair's Channel Swash Company," and shall so continue, subject to the proviso hereinafter contained, for fifty years; and by that name and style aforesaid, they shall be, and
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hereby are made able and capable, in law, to have, purchase, receive and enjoy to themselves, and their successors, such boats and vessels, and their tackle and appurtenances, machinery and other articles, necessary and proper for the objects of their creation; and to sell and dispose of the same, to sue and be sued, implead and be impleaded, defend and be defended, in Courts of Record, or any other place whatsoever; and also to ordain, establish, and put in execution, such bye-laws, ordinances, and regulations, as shall seem necessary for the government of said corporation. For the well ordering of the affairs of said corporation, there shall be five directors elected yearly by the stockholders, at a general meeting to be held at the Court House in Newbern, on the first Monday in January of each year; Provided, That if it at any time happen that an election of directors should not be made at the time aforesaid, the directors last appointed shall continue in office until an election shall be regularly held, as herein required—said Directors shall have power to fill up any vacancy that may happen in their body; to elect one of their own body as President for one year, to appoint such officers and servants as they may think proper, to take such bonds for the faithful discharge of their duties, as said President and Directors may think proper, and, at their pleasure, such officers and servants to remove; and all meetings of the stockholders of said company shall be held in Newbern: At all meetings, each stockholder shall be allowed one vote for every share of stock owned by him—any stockholder may vote by proxy, constituted under his hand. While the whole stock is unsubscribed, said President and Directors may at any time open books for further subscriptions of stock, upon such terms as they may deem right. Shares shall be transferable as the stockholders may direct, and may be forfeited and sold for non-compliance with the bye-laws of the company, by order of the President and Directors. All shares subscribed for, shall be made payable at such times, and in such instalments, as the President and Directors shall ordain, direct and require.

11. Be it further enacted, That said company, their agents or servants, shall have power and authority, by any vessels, machines or labourers, to work upon the swash of Blair's Channel, in Pamlico Sound, and to remove or reduce the said swash; and when they shall by their lahores have deepened the water so that vessels drawing seven feet water can pass over said swash and through said Channel, said company shall have power to demand and collect a toll on all vessels passing the same, at the following rates: vessels whose burthen shall be 70 and 85 tons inclusive, for every inch of their draft of water above seven feet, 75 cents; between 85 and 95 tons inclusive, for every inch above the same draft, one dollar; between 95 and 110 tons inclusive, for every inch above the same draft, one dollar thirty cents; between 110 and 125 tons inclusive, for every inch above the same draft, one dollar fifty cents; between 125 and 150 tons inclusive, for every inch above the same draft.
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one dollar seventy-five cents; above 150 tons, for every inch
above the same draft, two dollars: for which toll, the master
and owner of said vessel shall be liable; and such vessel may
be detained by the authorized servant of said company, until
such toll is paid.

III. Be it further enacted, That unless said company shall,
within three years from the passing of this act, improve and
depth the navigation of Blair's Channel, so that vessels, draw-
ing seven feet water, can pass through the same, all privileg-
and rights hereby granted to said company shall cease and de-
termine, save only the right to dispose of the property they may
hold, and to sue for and collect moneys due them; and saving
also to persons having causes of action against said company
the right to sue for the same.

IV. Be it further enacted, That so much of this act as gives
authority to demand and receive toll, shall not take effect until
the assent of the Congress of the United States is obtained
thereto. And the Governor of this State is hereby required to
take measures for obtaining said assent, when he shall be satis-
fied the works and improvements hereby authorized are in pro-
gress.

CHAP. VI.

An act to provide an additional fund for internal improvement.

WHEREAS the fund heretofore set apart for internal improve-
ment is found entirely insufficient; for remedy whereof,

Be it enacted by the General Assembly of the State of North-
Carolina, and it is hereby enacted by the authority of the same,
That in addition to the fund for internal improvement, hereto-
fore pledged for that purpose by an act, entitled "an act to cre-
ate a fund for internal improvement, and to establish a board
for the management thereof," there is hereby further pledged
and created, a fund, to consist of the dividends of the stock own-
ed by this state in the Banks of Newbern and Cape-Fear, sub-
ject, however, to the following conditions: that the fund hereby
created shall be subject to the same restrictions and to the fu-
ture application of the General Assembly, in the same manner
as the fund heretofore created: Provided, That no payment
shall be made of any appropriation to any corporation for the
purpose of internal improvement, created exclusively by the
authority of this state, unless such corporation shall put itself
under the direction of the Board of Internal Improvement.

II. And be it further enacted, That the Board of Internal Im-
provement be, and they are hereby directed to make application
to each of the navigation companies created by the authority
of this state, for an exact statement of the amount of their cap-
ital stock subscribed, the amount paid by subscribers to the
said company, the amount due from subscribers, designating
from whom, the sum due from each, the nature and extent of
their contracts made for improvement, and in what manner the
money which has been collected has been disposed of, together with such information as it may be in the power of the company to afford, touching the solvency of the several defaulting subscribers.

III. And be it further enacted, That the President and Directors of the Board of Internal Improvement ascertain, as soon as may be practicable, of the said navigation companies, whether they are disposed to put the plan and direction of their public works under the care and control of the Board of Internal Improvement of this state, and that they make a report thereof at an early period of the session of the next General Assembly.

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

CHAP. VII.

An act to authorize the distribution of copies of the late Revision of the Laws of North-Carolina, made under the authority of an act passed in the year 1817, entitled “an act for the revision of the acts of the General Assembly.”

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Secretary of State cause to be distributed one hundred and eighty copies of the late revision of the laws of this State, made by the commissioners appointed for that purpose, under the authority of an act passed in the year eighteen hundred and seventeen for the revision of the acts of the General Assembly, in the manner following, viz: one copy to each Clerk of the Courts of Pleas and Quarter Sessions in this State, for the use of said Court, and one copy to each Clerk of the Superior Courts, for the use of said Superior Courts, to be distributed with the acts of the present General Assembly; one copy to the Executive Department of each state; one copy to the University; one copy to the Western College of North-Carolina; one copy to be deposited in the Governor’s office, for the use of the Governor; one copy to be deposited in the Secretary of State’s Office, for the use of the Secretary; one copy to be deposited in the office of the Public Treasurer, for the use of the Public Treasurer; one copy to be deposited in the office of the Comptroller of the State, for the use of said Comptroller; one copy to be deposited in the Office of the Clerk of the Supreme Court, for the use of said Court; four copies to be deposited in the Office of the Clerk of the Senate, for the use of the Senate; six copies to be deposited in the Office of the Clerk of the House of Commons, for the use of said House; five copies to be deposited in the State Library; one copy to be sent to the Congressional Library, for the use of Congress; and one copy for each Judge of the Supreme and Circuit Courts which, on his or her death, resignation or removal, shall be delivered over to his or her successor.

II. And be it further enacted, That it shall be the duty of the respective Clerks, safely to keep the said copies for the use of their
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Preamble.

An act to repeal an act, passed in the year one thousand eight hundred and twenty, entitled "an act for the relief of honest debtors."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That an act, passed in the year one thousand eight hundred and twenty, chapter thirty-third, entitled "an act for the relief of honest debtors," be, and the same is hereby repealed and made void: any law to the contrary notwithstanding.

CHAP. IX.

An act to amend the first section of an act, passed in the year one thousand eight hundred and fifteen, entitled "an act concerning the navigation of the Cape-Fear river."

Whereas the said act, in the first section thereof, provided that all the rights, privileges and franchises granted to the Roanoke company by the fourth and as far as the eighteenth section of an act, passed in the year eighteen hundred and twelve, entitled "an act for the improving the navigation of Roanoke river from the town of Halifax to the place where the Virginia line intersects the same," be, and are hereby granted to the Cape-Fear Navigation Company, and the said sections shall constitute and form a part of the charter of said Company, as applied to the Cape Fear river; and whereas the fourth clause of the above recited act requires that all sales of stock for balances due and owing the said Company shall be made in the town of Halifax, in this state; and also requires one month's notice to be given in some one newspaper published in the town of Petersburg, in the state of Virginia; as well of such sales as directions at what times and in what proportions the subscribers shall pay the sums by them subscribed; which renders the mode of selling stock belonging to the said Cape Fear Navigation Company highly inconvenient and expensive: 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 so much of the fourth section of the above recited act as requires the sale of stock to be made in the town of Halifax, and notice to be advertised in the town of Petersburg be, and the same is hereby repealed so far as the same respects the Cape Fear Navigation Company, and shall no longer be deemed and held applicable to the same; and that all sales of stock subjected to the said Cape Fear Navigation Company, shall from and after the passage of this act take place and be held in the town of Fayetteville; and that the President and Directors of the Cape-Fear Navigation Company shall give one month's notice as heretofore, except the publication in some one newspaper published in the town of Petersburg aforesaid.
II. And be it further enacted by the authority aforesaid, That the President and Directors of the said Cape-Fear Navigation Company be, and are hereby authorized by one month’s public advertisement in the newspapers prescribed in the above recited act, as amended by the foregoing section hereof, to repeat their call upon such of the stockholders as have failed to pay each of the installments upon the stock for which they may have subscribed, or of which they may have become proprietors, to have been hitherto required; although in such former requisition, advertisement may not have been made in any Petersburg paper; and such notice shall be held, and is hereby declared to be, as good and available against any defaulting stockholder, in any suit or motion brought or made against him, for any balance after the sale of his stock, according to the directions of the above recited act thus amended, as if advertisement had been regularly made in some paper in the town of Petersburg pursuant to the provisions of said act.

CHAP X.
An act to extend the time for registration of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift.

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

CHAP XI.
An act making it an indictable offence to injure or deface the Statue of General Washington.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That if any person or persons hereafter shall knowingly spit upon, or in any way stain or designedly injure, or in any manner deface the Statue of General Washington, erected by the General Assembly of this state, he she, or they shall be guilty of an indictable offence, and, upon conviction, shall be fined and imprisoned at the discretion of the Court before whom the trial may be had.

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

An act to repeal part of an act, passed in the year eighteen hundred and eighteen, respecting the Supreme Court.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the eighth section of an act, entitled "an act supplemental to the act concerning the Supreme Court," passed in the year one thousand eight hundred and eighteen, which authorizes the Governor to issue a letter missive, requiring one or more of the Judges of the Superior Courts to attend and sit as a Judge of the Supreme Court, in certain cases, be and the same is hereby repealed.

II. And be it further enacted, That the Supreme Court does and shall possess the same power to grant new trials, as well upon matters of fact as law, as the Superior Courts of Law now have, except in criminal cases.

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

CHAP. XIII.

An act to authorize the employment of an Architect for the state.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Governor be, and he is hereby authorized and empowered to employ an Architect for the state, whose duty it shall be to superintend the Public Buildings in the city of Raleigh.

II. And be it further enacted by the authority aforesaid. That the Treasurer, upon the warrant of the Governor, is hereby authorized to pay the said Architect, at a rate not exceeding one thousand six hundred dollars per annum for the time he may actually be engaged in the service of the state, or for such time as the Governor may think it expedient to retain him.

CHAP. XIV.

An act to amend an act supplemental to the act concerning the Supreme Court.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the reporter of the decisions of the Supreme Court, to cause the decisions of the Court to be printed within three months from the close of the term in which such decisions are made, and within said period to deposit the copies reserved for the state in the office of the Secretary of State, to be distributed as by law directed; and the salary of the reporter shall only be payable upon the certificate of the Secretary of State, that said copies have been deposited with him agreeable to this act.

II. Be it further enacted, That should the office of reporter become vacant, and no suitable person should offer to fill the same, the Judges of the Supreme Court, or either of them, shall notify the Clerk of said Court of such vacancy, and it shall then
be the duty of said Clerk to prepare the decisions for the press, and, at his option, either to publish the same on his own account, as the reporter is authorized to publish them, or as agent for the state to contract with some printer in this state, or in any other state, to print the same; and the said Clerk, for his own services in preparing the decisions of one year for the press, and a compensation to the printer, to be paid by him for publishing the same, shall be entitled to receive the salary of the reporter, and the Clerk, upon depositing with the Secretary of State the copies reserved by law for the state, within six months after the term of decision, shall, upon the certificate of the Secretary of State to that effect, be entitled to receive the compensation by law allowed to the reporter.

CHAP. XV.

An act directing a Court of Oyer and Terminer to be held for the county of Craven.

WHEREAS it is represented to this General Assembly, that a number of persons, as well free persons as slaves, are confined in the Jail of Craven county, charged with offences whereof the Superior Court of Law of said county have jurisdiction, whose cases could not be tried or disposed of at the late Term of said Court; and whereas the speedy trial of said persons is demanded by justice to the state and to the prisoners, and by a regard to the interests of the county, which is chargeable with the expense of guarding the prison, and will ultimately be charged with a great portion of the expense of prosecution and imprisonment.

Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the Governor is hereby empowered and required to issue a commission to any one of the Judges of the Superior Courts of Law of this state, empowering and requiring him to hold a Court of Sessions of the Peace, Oyer and Terminer and General Jail Delivery, in the town of Newbern, in the month of January next, for the trial of all such offenders as may be imprisoned in the Jail of Craven county, or who, being charged with crimes, and or may be under recognizance for appearance before the next Superior Court of Law of Craven county, or against whom indictments have been found in said county, or removed to said Court from other counties, or against whom indictments may be found at said Court of Oyer and Terminer hereby authorized, and to hear, try and determine all crimes and misdemeanors of what nature and kind soever, wherewith such offenders, or any of them, now stand charged, or shall be charged, by indictment in said Court of Oyer and Terminer, and to give judgment and award execution thereon agreeably to the laws of the state: the said Court shall be held from day to day, until the business of which cognizance is hereby given shall be tried and determined; and shall have as full jurisdiction of the cases herein before mentioned as the Superior Court of Law of Craven county.
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has or could have or exercise; and the defendants, in all cases therein tried and convicted, shall have the same right of appeal to the Supreme Court as is granted to defendants tried and convicted in the Superior Courts of Law.

II. Be it further enacted by the authority aforesaid. That the Judge to issue a venire facias to the sheriff of Craven county, commanding him to summon forty-eight jurors, being freeholders, five days previous to the sitting of said Court, to attend the same; and the jurors so summoned shall be subject to the same rules, regulations and penalties, to which jurors are liable who are summoned to attend the Superior Courts of Law; and in case such jurors are not summoned in due time, or in default of the attendance of said jurors so summoned, then the sheriff shall summon of the by-standers other persons, being freeholders, to constitute the Grand and Petit Jurors of said Court; who, if they fail, or refuse to attend, shall be subject to the same penalties as defaulting Talismen Jurors of the Superior Courts of Law.

III. Be it further enacted, That the clerk of the Superior Court of Law of Craven county, the sheriff of said county, and the solicitor for the second Judicial Circuit, shall attend the said Court, and perform their respective duties, as they are bound to attend and perform the same in the Superior Courts of Law in this state.

IV. Be it further enacted, That all cases, cognizance of which is given to the Court hereby directed to be held, and which may remain undecided, shall be transferred to the Superior Court of Law of Craven county, there to be proceeded on as it such cases had been continued from a Term of said Superior Court.

V. Be it further enacted by the authority aforesaid. That the Clerk, &c. to perform the same duties as in the Superior Courts.

Compensation to judge, solicitor, jurors and witnesses.

An act to amend an act, passed in the year seventeen hundred and eighty-four, chapter twenty-sixth, entitled "an act to prevent the exportation of unmerchantable commodities, and for other purposes."

Whereas the fourteenth section of the above recited act, relating to the article of Saw Mill Lumber, is vague and uncertain in its provisions, and consequently inadequate to the accomplishment of the ends intended by its enactment.

Be 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 Inspectors of Saw Mill Lumber shall hereafter be governed by the following rules, viz: all sound plank, with square edges, not less than one inch thick, and not split more than three feet from the end, shall be merchantable, provided that the
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split part shall not be considered as merchantable, nor deemed as of any value; all sound scantling which is square edged for half its length, and the bark not more than two inches wide, shall be merchantable; any Inspector or Inspectors who shall at any time hereafter inspect Saw Mill Lumber, by any rule or rules different from those prescribed in the clause foregoing, (unless authorized so to inspect by the parties for whom he or they may be inspecting) shall forfeit the sum of fifty dollars, one half to the informer or person suing for the same, and the other half to the county where such forfeiture shall be incurred: Provided, That nothing herein contained shall affect any contract heretofore made for Lumber deliverable at Wilmington.

II. And be it further enacted by the authority aforesaid That Penalty for no refuse staves or heading which shall, after the first of February next, be inspected under the inspection laws now in force in this state, shall be shipped on board any ship or vessel under the penalty of twenty-five dollars per thousand for any staves being refuse. shipped contrary to the provisions of this act, and that any shipper or shippers who shall put on board any ship or vessel, with intent to export the same, any staves or heading, which upon inspection shall have been deemed refuse, such shipper or shippers shall be liable to the penalty in the clause prescribed, to be recovered before any jurisdiction having cognizance thereof, one half to the person suing for the same, the other half to the wardens of the poor of the county, whence such staves or heading may have been shipped. Provided nevertheless, That if the shipper or shippers of any refuse staves or heading shall make compensation to the seller or sellers of said refuse staves or heading, or obtain his or their consent to their being shipped on board said ship or vessel, then and in that case, the shipper or shippers of such ship or vessel shall be fully authorized, and are hereby empowered to receive said refuse staves or heading on board his or their ship or vessel without incurring the penalty aforesaid.

III. And be it further enacted. That should any person, who is not a legal Inspector of Lumber, presume to act as such, or as counter thereof, and receive pay for the same, either from the buyer or the seller, such person shall be deemed guilty of a misdemeanor, and on legal conviction thereof, before any competent jurisdiction, shall be fined the sum of one hundred dollars, one half to the use of the county where such offence may be committed, and the other half to the use of the informer.

IV. Be it further enacted, That this act shall extend only to shippers and freighters on the Cape-Fear river, and the several ports belonging to the same.

CHAP. XVII.

An act to promote the administration of justice.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful
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for any Judge of the Superior Courts of Law and Equity, on sufficient cause being shewn on affidavit, made in open Court, to remove any cause depending in any of the Superior Courts of Law and Equity to an adjoining county for trial, although such cause may have been removed before; any law to the contrary notwithstanding.

CHAP. XVIII.

An act to promote the administration of justice in this state, by requiring the production of papers 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 the several Superior Courts of Law in North Carolina shall have full power, in the trial of actions before them, on motion and due notice thereof being given, to require the parties to produce books or writings in their possession or power which contain evidence pertinent to the issue, in cases and under circumstances, when they might be compelled to produce the same by the ordinary rules of proceeding in chancery; and if a plaintiff shall fail to comply with such order to produce books or writings, or shall not satisfactorily account for such failure, it shall be lawful for the said Courts, respectively, on motion, to give the like judgment for the defendant as in cases of nonsuit. And if a defendant shall fail to comply with such order to produce books or writings, or shall not satisfactorily account for such failure, it shall be lawful for the said Courts, respectively, on motion as aforesaid, to give judgment against him or her by default.

CHAP. XIX.

An act directing the time and place of sale of lands and slaves under execution.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter all sales of slaves or land made by any sheriff, coroner, constable, or by any clerk and master in equity, under any execution or decree, shall be made at the court-house of their respective counties; and such sales may commence and be made on any Monday in any week, and if the property levied on under any execution, for want of time, shall not be all sold on the Monday, or if property levied on under other executions cannot be offered by reason that the sale first commenced is not completed for want of time, all such sales may be adjourned to the next day, and the property remaining unsold on the Tuesday, may, under the same circumstances, be sold on the next day, and all sales not then completed, may be adjourned to the Monday of the ensuing week; and all such sales shall commence between the hours of ten and four o'clock on each sale day; Provided nevertheless, That nothing herein contained shall be construed to alter in any manner the rules and restrictions under which sales are by law directed to be conducted, and executions required to be returned.

Proviso.
II. And be it further enacted, That hereafter it shall be law-ful for a sheriff, coroner or constable to sell slaves, under any process to him or them directed, by giving ten days’ previous notice of the time and place of such sale.

III. And be it further enacted, That any sheriff, coroner, constable or clerk and master in equity, who shall make any sale contrary to this act, shall forfeit and pay the sum of two hundred dollars, to be recovered by any person suing for the same, one half to his own use, and one half to the use of the county in which the offence is committed.

IV. And be it further enacted, That the provisions of this act, and the provisions of the act of one thousand eight hundred and twenty, entitled “An act directing the manner in which property levied on by sheriffs and constables shall be sold hereafter,” shall not apply to the counties of Currituck, Carteret and Tyrrell, and that so far as regards the counties aforesaid, the before recited act is hereby repealed.

V. And be it further enacted, That the land and slaves lying and being in the third or Haw river regiment, in Orange county, shall be sold under the directions of this act at the place of the usual regimental muster of the said regiment; and all lands and slaves, owned by persons not residing in said regiment, shall be sold at the court-house.

CHAP. XX.
An act regulating the fees of Notaries.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That notaries public, for every protest and notice of a bill of exchange, bill obligatory, or promissory note, made at the instance of the President and Directors of any Bank, shall be entitled to a fee of twenty-five cents; and for every protest, certifying notice of the dishonor or non payment of a bill of exchange, bill obligatory, or promissory note made, to charge the endorser or endorsers, on such bill of exchange, bill obligatory or promissory note, at the instance of the President and Directors of any Bank, the sum of twenty-five cents; which fees may be taxed in the bill of costs of any suit in which such protest may be used as evidence.

CHAP. XXI.
An act to consolidate into one, the several acts of the General Assembly of this State relative to the appointment of Trustees of the University, for the government thereof, 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 Haywood, Benjamin Smith, William Polk, Henry Potter, Archibald D. Murphey, Duncan Cameron, Joseph Caldwell, Thomas Wins, Edward Jones, James Webb, Henry Seawell, Calvin Jones, John D. Hawkins, Robert H. Jones, Jeremiah Slade, Joseph H. Bryan, Robert Williams, William Gaston,
Thomas Brown, Francis Locke, M. M'Farland, M. *Brace, Atlas Jones, Lewis Williams, William M. Pheeters, Frederick Nash, Thomas Ruffin, James W. Clark, John Stanly, Bartlett Yancey, Leonard Henderson, John Branch, William Miller, Simmons J. Baker, George E. Badger, Kemp Plummer, Thomas Bennetan, Willie P. Mangum, James Mebane, John Witherspoon, John B. Baker, Jane Iredell, William Martin, Joseph B. Skinner, James C. Johnston, Enoch Sawyer, Alfred Moore, John D. Toomer, John Owens, Gabriel Holmes, Romulus M. Saunders, Lewis D. Schweinitz, and Thomas P. Devereaux, are hereby declared to be Trustees of the University of this State, and the successors of the Trustees appointed by an act of the General Assembly of this State, passed in the year one thousand seven hundred and eighty-nine, entitled "an act to establish a University in this State," and that the appointment of the Trustees aforesaid is hereby confirmed, and they are declared to have all the power and authority herebefore conferred by law on the Trustees of the said institution.

II. And be it further enacted, That the Board of Trustees of the University shall consist of sixty five members, all of whom shall be resident citizens of this State.

III. And be it further enacted, That the additional number of Trustees hereby authorized shall be elected by joint ballot of both houses of the General Assembly; and that, hereafter, when any vacancy or vacancies shall happen in the said Board, by death, resignation, refusal to act, removal out of this State or other cause, it shall be the duty of the President of the Board to communicate, or cause to be communicated by the Secretary, to the General Assembly, the said vacancy or vacancies, and thereupon, they shall elect, by joint ballot of both houses, a suitable person or persons to fill the same.

IV. And be it further enacted, That the Board of Trustees shall have power to remove the appointment and remove a Trustee for improper conduct, stating the cause of such removal on their journal: Provided, the same shall be done at an annual meeting of the Board, and that there shall be present at the doing thereof at least twenty of the members of the Board.

V. And be it further enacted, That the Governor of this State for the time being shall be, and he is hereby declared to be President of the Board of Trustees of the University, and, as such, shall preside at all the meetings of said Board at which he may be present; and if, by indisposition or other cause, the Governor shall be absent from any meeting of the Board, he may appoint, in writing, some other person, being a Trustee, to act as President for the time being, and who shall preside accordingly: and if at any time the Governor shall be absent at the meeting of the Board, and shall not have appointed, as aforesaid, a President, it shall be lawful for the Board to appoint a President for the time being, who shall preside as such.
VI. And be it further enacted, That there shall be an annual meeting of the Board of Trustees during the session of the General Assembly, in the city of Raleigh, and at such time and place as the President of the Board may appoint; and at any of the annual meetings of the Board, any number of Trustees, not less than seven, shall constitute a quorum, and be competent to exercise full power and authority to do the business of the Board: and the said Board, or the President thereof, shall have power to appoint special meetings of the Trustees at such time and place as in their opinion the interest of the institution may require; but no special meeting shall have power to revoke or alter any order, resolution or vote of an annual meeting.

VII. And be it further enacted, That in case the office of Secretary or Treasurer of the Board of Trustees of the University shall be vacant from any cause whatever, in the recess of the Board, the President shall appoint a suitable person to fill the same, until the annual meeting of the Board of Trustees, at which time the said Board shall elect a proper person to fill the said vacancy.

VIII. And be it further enacted, That the second section of an act, passed in the year one thousand eight hundred and five, entitled "An act appointing the Governor for the time being President of the Board of Trustees of the University," and that so much of the several acts of the General Assembly of this State, as is inconsistent with this act, be, and the same are hereby repealed; and that this act shall be in force from and after the ratification thereof.

CHAP. XXII.

An act to amend an act, passed in the year eighteen hundred and twenty, entitled "An act for the purpose of aiding the opening the state road from Jonathan Woodsey's blacksmith shop to the Tennessee line, in the counties of Wilkes and Ashe" WHEREAS the sum set apart by the above recited act is found insufficient for the completion of said road; 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 a further sum, not exceeding one thousand dollars, be, and the same is hereby appropriated out of any monies which may be paid into the fund set apart for internal improvements, and not otherwise appropriated, and that George Werner, Gideon Lewis and William Judd, be, and they are hereby appointed commissioners, whose duty it shall be to receive the said sum, and lay out the same, or so much thereof as may be necessary for the speedy completion of said road in such manner as they, or a majority of them, may deem most expedient.

If. And be it further enacted, That it shall be the duty of said commissioners to transmit to the Board of Internal Improvement, at their annual meeting in December next, a full and fair statement of their proceedings under the provisions of this
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That no payment shall be made by the Public Treasurer in pursuance of the provisions of this act, until the same shall be authorized by the recommendation of the President and Directors of the Board of Internal Improvement.

CHAP. XXII.

An act to incorporate a Company, entitled "The Roanoke Inlet Company," and for other purposes:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Josiah Collins, Enoch Sawyer, E. A. Rhodes, Thomas Turner, Samuel Hyman, Wells Cowper, William B. Lockhart, James Morgan, Andrew Joiner, William Eaton, Peter R. Davis, Joseph H. Bryan, William McKissick, James Holden, Beverly Daniel, John M. Roberts, Richard Grist, Peter P. Lawrence and Jeremiah Wynn, be, and they are hereby appointed commissioners for receiving subscriptions to the amount of two hundred thousand dollars, for the purpose of opening an inlet at the lower end of Albemarle Sound, near a place called Nagg's Head, and improving the navigation of said sound, with its branches; and the said commissioners, or any five of them, shall prepare books, and cause the same to be opened at such place, and under the direction of such persons, as they may appoint: and the said books shall be opened on or before the first day of May next, and shall continue open until the first day of August next, should the said sum of two hundred thousand dollars not to be subscribed for sooner; but, in that event, the books shall remain open at least thirty days: when the subscription shall have been filled as before provided, the said books shall be returned to the said commissioners at the town of Edenton, when or before, as they deem most advisable, they shall advertise a general meeting of the subscribers, (by giving at least twenty days' notice,) to be held in the said town of Edenton, either personal or by proxy; and such meeting may, if necessary, continue from day to day until the business thereof shall be finished: and if it shall appear that one hundred and fifty thousand dollars shall have been subscribed, including the sum subscribed by the State, the said subscribers, their heirs and assigns, from the time of the said first meeting, shall be, and they are hereby declared to be incorporated into a company, by and under the name of the Roanoke Inlet Company, and may sue and be sued as such, plead and be impleaded. defend and be defended. have perpetual succession and a common seal; and such of the subscribers, or their proxies, as may be present at the said meeting, or a majority of them, are hereby empowered and directed to elect a President and four Directors, for the purpose of conducting and managing all the concerns of the said company for and during the term of one year, and thence until the next general meeting of the stockholders; and in counting the votes at each and every general meeting of said stockholders, each member shall be allowed one vote for every
share; as far as three shares, and one vote for every three shares as far as thirty shares, then one vote for every five shares, above thirty shares, by him or her held at the time of the general meeting; and every proprietor, by writing under his or her hand, executed before one subscribing witness, and acknowledged or proved before a Justice of the Peace, may depute any member to act as a proxy for him or her at any general meeting, and the presence and acts of such proxy shall be as effectual, to all intents and purposes, as the presence and acts of his or her principal could be.

II. Be it further enacted, That if one hundred and fifty thousand dollars shall not have been subscribed at or before the said general meeting of the stockholders, the said commissioners shall be at liberty again to open books for receiving further subscriptions, and shall give notice thereof in two newspapers printed in this State; and when the said sum of one hundred and fifty thousand dollars shall have been subscribed, the stockholders in general meeting, may proceed, to elect a President and Directors of the said company as aforesaid; and if more than two hundred thousand dollars shall be subscribed, the said commissioners may, if they think proper, reduce such subscriptions according to a scale by them to be established for the purpose.

III. And be it further enacted, That the capital sum aforesaid shall be divided into shares of one hundred dollars each; any person may subscribe for one or more shares, but not part of a share; the capital sum aforesaid may be enlarged from time to time at the discretion of the stockholders, or a majority of them, or their proxies, in general meeting assembled. Should the said capital sum be insufficient to complete the navigation aforesaid, the President and Directors may open books from time to time to receive subscriptions to increase the capital stock of said company: And whereas shares may be sold by the President and Directors for balances due thereon; Be it further enacted, That the books of the said company shall be good evidence of such sale, and of the purchase of said shares.

IV. Be it further enacted, That the shares shall be paid for at such times and places, and by such instalments, as the President and Directors of said company shall direct, they first advertising the same, in at least two newspapers printed within this State, thirty days before the time when payment is required; and if any person or persons holding any share or shares of the said capital stock shall fail to pay for the same in the manner prescribed by the President and Directors as a non-payment aforesaid, the said President and Directors may proceed to enforce said payments by legal process, or declare the same to be forfeited as they may think proper.

V. Be it further enacted, That the first general meeting of said company shall be in the town of Edenton, and thereafter at the place the stockholders in general meeting shall order or direct.
VI. Be it further enacted, That the said President and Directors shall have full power and authority to levy and collect a toll of twenty cents per ton, on each and every vessel, passing in or out of said inlet, from the owner or owners, commander or commanders thereof, in such manner or way as the President and Directors shall prefer.

VII. Be it further enacted, That any master, commander, owner, or owners of said vessel, which shall have passed in at said Inlet, or those which shall have cleared out, at the Custom House, or if coasters, those which appear ready for sailing, shall not have paid, and, on demand, neglect or refuse to pay to the person authorised to receive the same, the said twenty cents for each and every ton the said vessel shall measure, agreeably to the Federal Tonnage of the United States, then the said captains, commander, owner, or owners, with the said vessel, her tackle and apparel, shall be liable to forfeit and pay to the said company, or to their agent, forty cents for each and every ton the said vessel shall measure; which said double tax shall be recoverable as other debts of the same amount are in this State, and by and with the consent of Congress, shall be recoverable before any Federal Court, within the United States, or within the Territories thereof, and the evidence of said debt shall be an account stated, signed, and proved, before a Notary Public by the collector of said toll.

VIII. Be it further enacted, That it shall and may be lawful for the President and Directors, or a majority of them, to agree with the owners of any lands which they shall deem necessary for making embankments, and lots whereon houses are required to be built, for the use of the persons and team employed by said President and Directors for the purchase thereof; and in case of disagreement, or in case the owner thereof should be a minor, covert, under age, non compos or out of the state, on application to any two Justices of the Peace of the county in which the land shall be, the said Justices shall issue their warrant under their hands to the Sheriff of the county to summon a Jury of twelve men of his county, who shall be free-holders therein, not related to either party, nor in any manner interested, to meet on the land to be valued on a day to be expressed in the warrant, not more than twenty days thereafter; and the Sheriff, on recovering the said warrant, shall forthwith summon the said Jury, and when met, the Sheriff shall administer an oath or affirmation to each one of the said twelve Jurymen, that he will fairly, justly and impartially value the said land necessary for the use of the said company, and all damages the owner or owners thereof shall sustain, according to the best of his skill and judgment, and that in such valuation he shall not spare any person through affection, nor any person grieved through malice, hatred or ill will; and the inquisition therein taken shall be signed by the sheriff and the said twelve Jurors, and returned by the sheriff to the office of the Clerk of the County Court of his county, to be by him recorded; and on every such valuation, the Jury
are hereby directed to describe and ascertain the bounds of the lands by them valued, and their valuation shall be conclusive on all persons, which shall be paid by the said President and Directors to the owner of the land, or to his or her legal representative; and, on payment thereof, the said company shall be seised in fee of such lands, as if conveyed by the owner to them and their successors by legal conveyance.

IX. Be it further enacted, That the said President and Directors, or their agents, shall be, and they are hereby authorized to raise embankments across the Croatan and Roanoke Sounds, at such places as they may think most advisable for the purpose of turning the water through the contemplated inlet, and further, to raise an embankment across the Currituck Sound, should they deem it necessary, in opening or keeping open said inlet.

X. Be it further enacted, That if the said navigation shall not have been improved or completed, as contemplated by the provision of this act, within ten years, from and after the passing thereof, all exclusive privileges granted to the said incorporated company, shall cease and determine on the expiration of the said term of ten years.

XI. Be it further enacted, That it shall not be lawful for the President and Directors aforesaid, or their agents, to entirely stop the navigation through the Croatan Sound, until the contemplated inlet shall be of sufficient width and depth to admit vessels drawing the same water as is now on the Swash near Ocracoke inlet; but there shall be a space of at least forty feet left open in the embankment, across said Sound, at a place where the water is at least ten feet deep, which shall be continued open until the channel through the said contemplated inlet shall be of the width and depth aforesaid.

XII. Be it further enacted, That this act shall go into operation when (and not before) the Congress of the United States shall confirm or assent thereunto; and that the Governor of this state be, and he is hereby directed to forward to the Congress therein assembled, to endeavor to procure the consent of the said Congress to all the foregoing clauses contained in this act; and that the said Governor further instruct our Senators and Representatives to solicit the aid of the general government to effect the objects of this act.

CHAP. XXIV.

An act to amend an act, passed in the year eighteen hundred and twenty, entitled “an act to improve and repair the turnpike road lately owned by Nathan Horton, in the county of Wilkes.”

Whereas the above recited act does not authorize the commissioners therein named to call out a sufficient number of hands to work on the said road; 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 said commissioners, or a majority of them, be, and are hereby authorized to appoint, Commissioners to appoi...
they are hereby authorized and empowered to appoint such number of overseers on the said road as they may deem expedient, whose duty it shall be to call on all hands liable by law to work on public roads, within the bounds of the districts of the three forks of New river, and Cove creek, commanded by Captains M. Bride and Ingram, to work on the said road; and the hands thus called on and legally notified to attend, and failing to perform the work required by law of hands working on public roads, shall forfeit and pay the sum of one dollar per day, to be recovered before any Justice of the Peace having cognizance thereof, by warrant, at the suit of said overseer, and applied by him in hiring other persons to perform said work.

II. And be it further enacted, That the hands belonging to or within the bounds of Captain Ingram's company, or the three forks of New river district, shall work on that part of said road from the Deep Gap to Nathan Horton's; and the hands in Captain M. Bride's company, or Cove creek district, shall work on that part of the said road from the top of the Mountain at Howard's Place, westwardly; and when the said road is finished and received by said commissioners, or a majority of them, then the same shall forever after be deemed a public highway, and be kept up as other public highways in this state.

III. And be it further enacted, That a sum not exceeding one thousand dollars, be appropriated for the purpose of enabling said commissioners to have the said road completed as aforesaid, out of the fund set apart by law for Internal Improvements, as soon as there shall be a sufficient sum paid into the public Treasury belonging to the said fund, not otherwise appropriated; Provided, That no appropriation by this act directed shall be paid by the Public Treasurer, until the contract for repairing and amending the said road shall be approved of and the payments directed by the Board of Internal Improvement; And provided also, That this proviso shall extend to the act passed by this present General Assembly, respecting an appropriation for the road leading from Jonathan Woodey's Blacksmith shop to the Tennessee line.

CHAP. XXV.

An act to amend the first section of an act, passed in the year one thousand eight hundred and sixteen, entitled "an act concerning the navigation of the Catawba river."

Whereas the said act, in the first section thereof, provides that all the rights, privileges and franchises granted to the Roanoke Company by the fourth and as far as the eighteenth section of an act, passed in the year eighteen hundred and twelve, entitled "an act for the improving the navigation of Roanoke river from the town of Halifax to the place where the Virginia line intersects the same," be, and are hereby granted to the Catawba Company; and the said sections shall constitute and form a part of the charter of said Company, as applied to the
Catawba river; and whereas the fourth clause of the above recited act requires that all sales of stock, for balances due and owing the said Company, shall be made in the town of Halifax, in this state, and also requires one month's notice to be given in some one newspaper published in the town of Petersburg, and one or more newspapers published in the city of Raleigh, which renders the mode of selling stock belonging to the said Catawba Company highly inconvenient and expensive; 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 so much of the fourth section of the above recited act as requires the sale of stock to be made in Halifax, and notice to be advertised in newspapers published in the towns of Petersburg and Raleigh, be, and the same is hereby repealed, so far as the same respects the Catawba Navigation Company, and shall no longer be deemed and held applicable to the same; and that all sales of stock subjected to the said Catawba Navigation Company shall, from and after the passage of this act, take place and be held in the town of Lincolnton; and that the President and Directors of the Catawba Navigation Company shall hereafter give one month's notice of the time of such sale, by publishing the same in the Western Carolinian, or some other newspaper published in this state.

CHAP. XXVI.

An act in addition to the acts relative to insolvent debtors.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That whenever any person shall be taken or charged on mesne process or execution, for debt or damages, and shall be actually confined within the walls of a prison by reason thereof, it shall be the duty of the jailor to furnish such person with necessary food during his confinement, should the prisoner require the same; and the jailor shall be authorised to demand the same fees therefor as are by law allowed for the keeping of other prisoners, and may, if the prisoner be unable to discharge them, recover the same from the party at whose instance such prisoner was charged or taken on mesne process or execution as aforesaid; Provided always, That it shall not be obligatory on the jailor to furnish such food, nor shall be allowed to recover from the creditor fees for furnishing the same, for a longer term than twenty days.

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

CHAP. XXVII.

An act to amend an act, entitled "An act to amend an act, passed in the year one thousand eight hundred and sixteen entitled "An act concerning the navigation of Tar river."

Be it enacted by the General Assembly of the State of North
A.D. 1821.

President and Directors authorised to collect money from stockholders; and if they fail to pay, their shares to be sold.

Sales to be in Louisburg.

Carolina, and it is hereby enacted by the authority of the same, That the President and Directors, and their successors, or a majority of them, shall have power, from time to time, when it shall be necessary, to collect money from stockholders, to make and sign orders for that purpose, and direct at what times, and in what proportions, the subscribers shall pay the sums by them subscribed, which orders shall be advertised in some newspaper published in the city of Raleigh; and if any of the subscribers, their heirs or assigns, shall fail to pay their proportions required, within one month after the same is advertised, the President and Directors, or a majority of them. may sell at auction, and convey to the purchasers, the shares of the subscribers so failing, giving at least one month's notice of the sale in the newspaper aforesaid; and all such sales shall be in the town of Louisburg, and county of Franklin; and after retaining the sum due, together with the interest thereon, and charges of sale, out of the money produced thereby, they shall refund and pay the surplus, if any, to the former owners; and if such sale shall not produce the full sum ordered and directed to be advanced aforesaid, with interest and incidental charges, the said President and Directors, or a majority of them, may, in the name of the company, sue for, and recover the balance by motion in any court of competent jurisdiction, on ten days' previous notice; and the said purchaser or purchasers shall be subject to the same rules and regulations, and entitled to the same profits and privileges, as if the sale or conveyance had been made by the original proprietor.

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

CHAP. XXVIII.

An act to repeal an act, passed in the year one thousand eight hundred and twenty, entitled "An act to provide for the payment of costs when a slave is convicted of a capital crime."

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

CHAP. XXIX.

An act to explain and amend an act, passed at the last General Assembly, entitled "An act limiting the time within which judgments before a Justice of the Peace may be revived."

Whereas doubts exist as to the meaning and effect of the said act; for removal 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 meaning and intention of the said act, so far as the same regards judgments rendered by a Justice of the Peace prior to the passing thereof, is that the proceedings to
revive or to enforce the said Judgments, might be instituted within three years from and after the passing said act.

II. And it is hereby further enacted, That the Plaintiffs, in all Judgments rendered by a Justice of the Peace prior to the said act, may, by suit or action, or other legal mode, enforce said Judgments as they might have done before the passing of said act, at any time within three years from the passing thereof, any thing in said act to the contrary notwithstanding.

CHAP. XXX.
An act to amend an act, passed in the year one thousand seven hundred and ninety-six, entitled "an act to remedy certain inconveniences arising under the present land laws."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the annual returns of entries of lands required by the above recited act to be made to the Treasurer, shall hereafter be made to the Secretary of State, under the same regulations and penalty for neglect as required and imposed in the said recited act.

II. Be it further enacted by the authority aforesaid, That the Treasurer shall, and he is hereby required to deliver to the Secretary of State all returns of entries of land which may have been made to his office, and now remain there, to be deposited in the office of the Secretary of State, to be preserved as other public records.

CHAP. XXXI.
An act to repeal part of an act, passed in the year one thousand eight hundred and sixteen, entitled "an act to compel retailers of spirituous liquors by the small measure to take a licence from the County Court, 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 lawful for the Court of Pleas and Quarter Sessions of Currituck County to grant license to any person to retail spirituous liquors by the small measure, on the public ground at the Court House in Currituck County, at all public times in said County, although no person resides on the public ground, under the same regulations and restrictions that licenses to retail are now granted by the before mentioned act; any law to the contrary notwithstanding.

CHAP. XXXII.
An act to amend an act, passed at the last session of the General Assembly, entitled "an act prohibiting white men from cultivating the lands reserved to the Cherokee Indians."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That any white man who shall have purchased from this State, at the sales made by Commissioners under the acts of the General Assembly, lands reserved for certain Cherokee Indians,
may purchase or extinguish the right of the Indians, to whom said lands were reserved, to the land so sold by the authority of this State: any thing in the above recited act to the contrary notwithstanding.

II. Be it further enacted, That the penalty incurred by any persons, in buying, renting, leasing or cultivating lands from Indians, which lands such persons had previously purchased from this State, as herein before mentioned, is hereby remitted and discharged.

III. Be it further enacted, That nothing in this act contained shall give title to any land to any person, unless such person, his heirs or assigns, shall fully comply with all the terms of the sale made by this act.

CHAP. XXXIII.
An act to compel the due execution of Process by Sheriffs and Coroners.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That every sheriff or coroner who shall fail duly to execute and return all process to him directed, shall be subject to a penalty of one hundred dollars for each neglect, to be paid to the party grieved, by order of such Court, upon motion and proof that the process was delivered to him twenty days before the sitting of the Court to which the same is returnable, unless such sheriff or coroner can shew sufficient cause to the Court for his failure at the Court next succeeding such order; and said sheriff or coroner, for every such neglect duly to execute and return process, delivered to him as aforesaid, shall be further subject to indictment in any Court of Record, and, on conviction, shall be fined or imprisoned at the discretion of the Court.

CHAP. XXXIV.
An act to annex part of Bladen County to the County of Columbus.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all that part of the County of Bladen which lies south west of a line hereafter to be run, beginning on the Brunswick line where the Lake Road leading to Wilmington crosses, thence on the north side of said road to the drain of Buckhead Bay, thence a direct line to where the road leading from Manly Westbrook's to Gabriel Holmes's crosses Saspan drain, thence a direct line to where the line that divides Bladen and Columbus Counties is supposed to run, thence along said line to Samuel Swindol's plantation, and thence on the south west side of said plantation to the mouth of Snake Swamp, be, and the same is hereby annexed to, and shall hereafter form a part of Columbus County; and all that part of the county lying north east of the said line shall form a part of Bladen County.

II. And be it further enacted, That David Gillaspie and Samuel B. Andrews, of Bladen County, and William Gore, senr. and Luke R. Simmons, of Columbus County, be, and they are
Laws of North Carolina.

Hereby appointed commissioners to run and mark the line aforesaid, which line, when so marked, shall be, and is hereby established as the dividing line between the said Counties of Bladen and Columbus; and that all citizens living south west of the same shall hereafter be considered and deemed citizens of the said County of Columbus.

III. And be it further enacted. That the above commissioners have power to call on one surveyor in each County to help run and mark the dividing line between the said Counties; and each surveyor and commissioner to receive pay from his County where he is chosen, and to receive such sum as shall be allowed by the County Courts for their services in running and marking said line.

CHAP. XXXV.

An act making the affirmation of the people commonly called Dunkards evidence in criminal cases.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the solemn affirmation of the people commonly called Dunkards shall be admitted as evidence in all criminal prosecutions in any of the Courts of this State; and, upon conviction of having wilfully and corruptly affirmed falsely, they shall suffer and be subject to all the pains and penalties of wilful and corrupt perjury: any law, usage, or custom, to the contrary notwithstanding.

CHAP. XXXVI

An act to amend an act, passed in the year one thousand eight hundred and twenty, entitled “an act granting further time to perfect titles to lands within this State.”

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the time for perfecting titles on all entries on vacant lands within this State, made since the year one thousand eight hundred and six, and upon which the purchase money shall or may have been paid in due time, shall be, and the same is hereby extended to the first day of January, one thousand eight hundred and twenty-three; Provided, that nothing contained in this act shall affect the rights of persons, claiming under grants bona fide issued, since the year one thousand eight hundred and six, or under entries bona fide made since the same period.

CHAP. XXXVII.

An act to amend an act, entitled “an act to re-enact and amend an act passed in the year one thousand eight hundred and thirteen, entitled an act to incorporate a company to be called the Clubfoot and Harlow’s Creek Company,” and to increase the capital stock of said Company.

Whereas by an act of the General Assembly, passed in the year one thousand eight hundred and eighteen, Commissioners were authorized to open books for subscriptions for stock in the Clubfoot and Harlow’s Creek Canal Company, for any number of shares not less than one hundred and thirty-two.

A.D. 1821.

Surveyors to assist commissioners to run line.
A.D. 1821. And whereas said Commissioners did accordingly open books as directed, but from mistaken estimates of the cost of the undertaking, did not determine on stock sufficient to complete the contemplated work; and whereas the canal is partly finished, and it is highly important to the interest of the State that the same should be completed as speedily as possible,

Be 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 Mann, Otway Burns, Joseph Borden, Jacob Piggott and Elijah Piggott, be, and they are hereby appointed Commissioners to receive subscriptions for stock, in the Club-foot and Harlow's Creek Canal Company; that the said Commissioners, or a majority of them, shall determine for what number of shares the books shall be opened; Provided, that such number, together with the number of shares heretofore subscribed shall not exceed two hundred and forty shares, of one hundred dollars each. That the said Commissioners, or a majority shall give at least twenty days notice by advertisement in some newspaper published in the town of Newbern, of their intention to open books as by this act directed. That the said Commissioners, or a majority, shall cause books to be opened for receiving subscriptions in the town of Beaufort, on the fourteenth day of January next, and shall keep the same there open thirty days, unless the whole number of shares for which the books are opened shall be sooner subscribed; that if the whole number of shares for which the books are opened shall not be subscribed at Beaufort, then the said Commissioners, or a majority, shall cause books to be opened, for the purpose of receiving subscriptions for the remaining shares, at Newbern on the first day of March next, under the direction of themselves, or agents by them appointed, and shall keep the same there open thirty days, unless the said remaining shares shall be sooner subscribed.

II. And be it further enacted. That the Treasurer of the State, under the direction of the President and Directors of the Board of Internal Improvement, be, and he is hereby authorized to subscribe in behalf of the State, for any number not exceeding fifty shares in the stock of the said Company, additional to the shares heretofore subscribed and owned by the State.

III. And be it further enacted. That the stock subscribed as aforesaid, shall be taken under the same rules, regulations, and provisions, as are prescribed by the aforesaid act of one thousand eight hundred and eighteen, for stock, other than that taken by those who received shares as an equivalent for interests surrendered.

And whereas, by the aforesaid act, William Gaston, in behalf of himself, and his infant children, Alexander Gaston, Susan Jane Gaston, and Hannah Margaret Gaston, was permitted to subscribe for one fourth of the whole number of shares, for which said books were opened, and for which shares subscribed neither he nor they paid, nor were required to pay at any time,
any price, the same being deemed an equivalent in lieu of the
interest by him and them respectively surrendered in and to said
Canal and its appurtenances; and whereas it appears but equi-
table and just, that the claim of the said William Gaston, and the
Infants aforesaid, should be extended in like manner to this in-
crease of capital stock,
IV. Be it further enacted, That whenever the books opened
for the purpose of receiving subscriptions for stock, as aforesaid,
shall be closed, the said William Gaston, for himself, and the said
Infants, Alexander, Susan Jane, and Hannah Margaret, shall be
authorized to add to the stock actually subscribed under this act
as aforesaid, and subscribe in behalf of him and them so many
shares, as together with his and their shares taken under the
aforesaid act, of one thousand eight hundred and eighteen, will
make one fourth part of the whole stock of said Company, for
which shares subscribed, neither he nor they shall pay nor be re-
quired to pay at any time any price, the same being deemed an equi-
valent in lieu of the interests by him and them respectively sur-
rrendered in and to said Canal and its appurtenances; and that the
said William Gaston, and his assigns during his life, and after-
wards his said children, Alexander, Susan Jane and Hannah
Margaret, shall have and enjoy all the rights, interests and privi-
leges, which the other stockholders have or can enjoy.
V. And be it further enacted, That the aforesaid subscrip-
tion by the State, be made upon the condition, that the company
agree to place the direction of the plans and operations of their
works under the control of the Board of Internal Improvement
of the State.

CHAP. XXXVIII.
An act concerning the lands lately obtained by treaty from the Cherokee
Indians.

Be it enacted by the General Assembly of the State of North-
Carolina, and it is hereby enacted by the authority of the sam-
That the Governor be, and he is hereby autho- rized to direct the
sale of so much of the lands acquired from the Cherokee Indians
as have been surveyed, and yet remain unsold, at such time and
place as he may deem proper, under the direction of a commis-
ioner to be by him appointed for that purpose, after having first
advertised the same for at least one month, in the papers of this
city, in the Western Carolinian, of Salisbury, and in such other
papers as he may think proper; which sale shall be kept open for
two weeks and no longer.

II. Be it further enacted, That the commissioner so appointed
shall give bond with security in the sum of thirty thousand dol-
ars, payable to the Governor, for the faithful performance of his
duty, and that he receive asa compensation for his services the sum
of five dollars for each and every day he attends said sale, and
the sum of four dollars for every thirty miles from his residence
place to the place of sale, and back again; and should it be deemed ne-
cessary for him to attend at Raleigh for the settlement of his ac-
A. D. 1821.

Certain sections continued in force.

III. Be it further enacted, That the provisions of the seventh, tenth, twelfth, thirteenth, sixteenth and eighteenth sections of an act, passed in the year one thousand eight hundred and nineteen, entitled "an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians," be, and the same are hereby continued in force.

IV. Be it further enacted. That, if during the sale, any section of Land noticed to be of the first quality, shall not command in market the sum of three dollars, and in like manner lands of second quality not commanding two dollars, and lands of third quality not commanding one dollar and fifty cents, the commissioner shall postpone the sale of such lands until further directed by the Legislature; and where the commissioner discovers that any section of land is likely to bring less than its value, either for the want of competition, or from a combination among the bidders, he shall bid off the same for the state.

V. Be it further enacted. That the commissioner aforesaid shall ascertain what sections or pieces of lands are in dispute between the Indians claiming under the treaties and the persons holding under the state, and report the same to the Treasurer, who, upon this or any other correct information, shall bear to proceed in the collection of the bonds due from such persons until the controversy shall be decided by the proper tribunal; and in the event the persons holding under the state are ejected by the Indians, then, upon due proof of that fact, the Treasurer shall refund to such persons ejected whatever sums of money they may have paid to the state, with interest thereon from the time of such payments, and further to deliver over to them the bonds held for the balance of the purchase money.

VI. Be it further enacted, That the commissioner appointed under this act shall, before the days of sale aforementioned, proceed and locate the site for a town on the four hundred acres of land reserved for that purpose by the fourth section of an act passed in eighteen hundred and nineteen, entitled "an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians;" and he shall Further survey and mark out the lots of said town, not exceeding twenty in number, of one acre each, including a public square in the most suitable place; and he said commissioner, at the time of selling the lands, shall, when exposed to public sale, on the same terms and conditions, a number not exceeding eight lots, selecting such ones as he may deem most advisable to sell; Provided, that not more than two of the corner lots next to the public square shall be sold, and the proceeds of the sale of said lots shall be returned to the Treasurer, subject to the future disposition of the Legislature.

VII. Be it further enacted. That the town located and laid out as aforesaid shall be known by the name of Franklin, in honor of Jesse Franklin, the late Governor of this state.
CHAP. XXXIX.

An act to enable Infants who are seized or possessed of estates in fee, in trust, or by way of mortgage, to make conveyance of such estates.

Whereas many inconveniences do and may arise, by reason that persons under the age of one and twenty years, having estates in lands, tenements or hereditaments, only in trust for others, or by way of mortgage, cannot (though by the direction of the court of equity, or mortgagee) convey any sure estate in any such lands, tenements or hereditaments, to any other person or persons; for remedy thereof,

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

That it shall and may be lawful to and for any such person or persons, under the age of one and twenty years, by the direction of the Court of Equity of the County in which such lands, tenements or hereditaments are situate, signified by an order made upon hearing all parties concerned, on the petition of the person or persons for whom such infant or infants shall be seized or possessed in trust, or of the mortgagor or mortgagees, or guardian or guardians of such infant or infants or person or persons entitled to the monies secured by or upon any lands, tenements or hereditaments, whereof any infant or infants, are or shall be seized or possessed by way of mortgage, or of the person or persons entitled to the redemption thereof, to convey and assure any such lands, tenements or hereditaments, in such manner as the said Court of Equity shall by such order so to be obtained, direct to any other person or persons; and such conveyance or assurance so to be had and made as aforesaid, shall be as good and effectual in law, to all intents and purposes whatsoever, as if the said infant or infants were, at the time of making such conveyance or assurance, of the full age of one and twenty years: any law, custom or usage to the contrary in any wise notwithstanding.

II And be it further enacted by the authority aforesaid, That all and every such infant or infants, being only trustee or trustees, mortgagee or mortgagees as aforesaid, shall and may be compelled by such order so as aforesaid to be obtained, to make such conveyance or conveyances, assurance or assurances as aforesaid in like manner as trustees or mortgagees of full age are compellable to convey or assign their trust, estates or mortgages.

CHAP XL.

An act to amend an act, passed in the year 1777, for establishing Courts of Law, and regulating proceedings therein.

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

That whenever any appeal shall be granted, or writ of error allowed from the county courts of pleas and quarter sessions, to the superior courts of law, that it shall be the duty of the Clerk of the county court aforesaid, to file a transcript of the record of the suit, on which the appeal shall be granted or the
A.D. 1821. writ of error allowed, on or before the first day of the term of
the next Superior Court, after the same shall be granted or al-
lowed, if there shall be ten days between the first day of the
term of the said County Court and the next term of the said
Superior Court, and the said writ of error or appeal shall stand
for trial at said next term of the Superior Court; and if it shall
so happen, that there shall be less than ten days, then the said
appeal or writ of error shall be continued, and it shall be the du-
ty of the Clerk aforesaid to file the transcript of the record a-
foresaid on or before the first day of the second term of the
Superior Court next after the appeal granted or writ of error
allowed.

II. And be it further enacted by the authority aforesaid, That
the Clerk of the County Court shall have full power and authori-
ty to issue writs of subpœnas to summon witnesses in all cases of
appeals and writs of error, returnable to the same term of the
Superior Court of Law to which such appeals or writs of error
shall be allowed.

III And be it further enacted by the authority aforesaid That,
if any Clerk of the County Court shall fail to file a transcript
within the time prescribed by the first section of this act, he
shall pay a fine of twenty pounds to the party appealing or pro-
secuting the writ of error, and shall further be liable to an ac-
tion on the case on behalf of any person injured by his neglect
of duty.

IV. And be it further enacted by the authority aforesaid, That
in case the Clerk shall fail to file the transcript aforesaid, with-
in the time prescribed by the first section of this act, that ne-
evertheless the appellee may have the power to bring up the
transcript, and on motion have his Judgment affirmed in the
same manner and with the same damages heretofore allowed in
cases in which appeals have not been prosecuted by those
praying them.

V. Be it further enacted, That nothing in this act contained
shall prevent either plaintiff or defendant from carrying up all
appeals as heretofore; nor to prevent either plaintiff or defen-
dant from having the Judgment in the Court below affirmed, as
heretofore provided by law.

CHAP. XLI.

An act to confirm the boundary line between this State and the State of
Tennessee, and for other purposes.

Whereas the States of Tennessee and North Carolina, by
their respective commissions duly authorized for that purpose,
have run and marked the boundary line between the said states,
in conformity with their several instructions, and being legally
authorized by the states to which they respectively belong; be-
ginning where McDowell, Vance and Matthews terminated their
line, between the two States in the year one thousand seven
hundred and ninety-nine, and agreeably to the act of the Gen-
eral Assembly, entitled "an act for the purpose of ceding to
the United States of America, certain western lands therein de-
scribed, passed in one thousand seven hundred and eighty-nine; and in the eleventh article, called the Declaration of Rights, of the constitution of the State of Tennessee; which said dividing line, as run by the respective commissioners, beginning at a stone set up on the north side of the Catalouche Turnpike Road, and marked on the east side N. C. one thousand eight hundred and twenty-one, and on the west side Ten. one thousand eight hundred and twenty-one; running thence a south-westwardly course to the Bald Rock, on the summit of the great Iron or Smokey Mountain, and continuing south-westwardly on the extreme height thereof to where it strikes Tennessee river, about seven miles above the old Indian Town Tellasee, crossing Porto's Gap, at the distance of twenty-two miles from the beginning, passing Meigs's boundary line, at thirty-one and a half miles, the Equinot'ey Path at fifty-three miles, and crossing Tennessee river, at the distance of sixty-five miles from the beginning, from Tennessee river to the main ridge, and along the extreme height of the same to the place where it is called Unaca'yy or Unaka Mountain, striking the old Trading path leading from the Valley Towns to the Overhill Towns, near the head of the West Fork of Tellico river, and at the distance of ninety-three miles from the beginning; thence along the extreme height of the Unaca'y or Unaka Mountain to the south west end thereof at the Unaca'y or Unaka Turnpike road, where a corner stone is set up, marked N. C. on the east side, and Ten. on the west side, and where a hickory tree is also marked on the north side N. C. 101 M. and the south side Ten. 101 M. being one hundred and one miles from the beginning; from thence a due course south, two miles and two hundred and fifty-two poles, to a spruce pine on the north bank of Highwassee river, below the mouth of Cane Creek; thence up the said river the same course about one mile, and crossing the same to a maple marked W. D. and R. A. on the south bank of the river; thence continuing the same course due south eleven miles and two hundred and seventy-three poles to the southern boundary line of the States of North-Carolina and Tennessee, making in all one hundred and sixteen miles and two hundred and twenty poles from the beginning; and striking the southern boundary line twenty-three poles west of a tree in said line marked 72 M. to a square on the east side N. C. 1821, on the west side Ten. 1821, and on the south side G. The whole distinctly marked with two chops and a blaze on each fore and aft tree, and three chops on each side line tree and mile marked at the end of each mile; which line was run under the joint superintendence of commissioners appointed by the States of North-Carolina and Tennessee, and a surveyor on the part of the commissioners of each state aforesaid.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That said boundary line, as described in the foregoing preamble, be, and the same is hereby fully established, ratified and
A. D. 1821.

confirmed as the boundary line between the States of North-
Carolina and Tennessee forever.

II. Be it further enacted, That a line run and known by the
name of Montgomery's line, beginning six hundred and sixty-
one yards due south of the termination of the line run by com-
misioners on the part of this state and the State of Georgia, in
the year one thousand eight hundred and nineteen, ending on a
creek near the waters of Shooting creek waters of the Highwas-
see, then along Montgomery's line till it strikes the line run by
commissioners on the part of North Carolina and Tennessee, in
one thousand eight hundred and twenty-one, to a square post mark-
ed on the east side N. C. 1821, on the west side Ten 1821, and on
the south side G, be, and the same is hereby declared to be
the boundary line between this State and the State of Georgia, so
soon as the above line shall be ratified on the part of the State
of Georgia, and the Executive of this State officially informed
thereof, then, the above line shall be and forever remain the di-
viding line between the two States of North-Carolina and Geor-

GA: any law to the contrary notwithstanding.

CHAP. XLII.

An act to amend the acts making provision for the poor.

Be it enacted by the General Assembly of the State of North-
Carolina, and it is hereby enacted by the authority of the same,
That if any person chosen by the Wardens of the Poor of a
County to fill a vacancy in their body, shall refuse to qualify and
serve, he shall be liable to the same penalty as is by law
imposed on those who refuse to qualify and serve, when elect-
ed at a general election of Wardens of the Poor.

CHAP. XLIII.

An act providing further punishment for harboring or maintaining runaway
slaves.

Be 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 addition to the penalty already imposed by law, any per-
son who shall entice or persuade any slave to absent him or her-
self from the service of his or her owner, or from the service of
any other person legally entitled to the service of such slave, or
who shall harbor or maintain any runaway slave, shall be sub-
ject to indictment for such offence, and, being thereof convicted,
shall be fined at the discretion of the Court, not exceeding one
hundred dollars, and be imprisoned not exceeding six months.

CHAP. XLIV.

An act to increase the salary of the Secretary of State, and for other pur-
poses.

Be it enacted by the General Assembly of the State of North-
Carolina, and it is hereby enacted by the authority of the same,
That from and after the first day of January next the salary of
the Secretary of State shall be, and the same is hereby increas-
ed to the sum of eight hundred dollars.
II. Be it further enacted. That thirty days shall hereafter be allowed, from the rise of each General Assembly, to furnish the Public Printer with copies of the Laws; and that the Secretary of State be allowed the same sums for furnishing such copies as were paid the former Secretaries of State for like services.

III. Be it further enacted, That it shall be lawful for the Secretary of State to inclose grants by mail to any person requesting him so to do, first entering the same on the receipt book kept in his office.

CHAP. XLV.

An act imposing an annual tax on Stud Horses and Jack Asses.

Be 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 tax on all Stud Horses and Jack Asses within this state, of the highest sum which the owner or keeper of such Stud Rates of Horse or Jack Ass shall ask or receive for the season of one mare, shall be levied, collected and accounted for; and all Stud Horses and Jack Asses which are not stationed in any one county, and all those that may be brought from another state to stand for a less term than the season in this state, shall pay the sheriff of some county the amount of the season, as soon as the season of such Stud Horse or Jack Ass shall commence, or produce a certificate from a Justice of the Peace from the county from whence such Horse or Jack Ass came. (if in the state,) that such Stud Horse or Jack Ass has been enlisted for taxation: and it shall be the duty of the sheriff to collect the said tax; and on failure of the owner or keeper of such Stud Horse or Jack Ass to pay the same when demanded, it may be lawful for the sheriff to detain for the same by seizing such Stud Horse or Jack Ass, and make sale thereof for the tax.

II. And be it further enacted. That all owners or keepers of Stud Horses and Jack Asses, shall enlist the same for taxation as Stud horses & other taxable property is enlisted; and on failure of such owner or keeper to enlist such Stud Horses or Jack Asses as aforesaid, they or either of them shall be liable to pay a double tax for such Horse or Jack Ass.

CHAP. XLVI.

An act to amend and explain the forty-second section of an act, passed in the year one thousand seven hundred and seventy-seven, entitled "an act for establishing Courts of Law, and for regulating the proceedings therein."

WHEREAS doubts have arisen as to the proper construction of that part of the forty-second section of the act of the General Assembly, passed in the year one thousand seven hundred and seventy-seven, entitled "an act for establishing Courts of Law, and for regulating the proceedings therein," which provides that all negroes, Indians, mulattoes, and all persons of mixed blood, descended from negro or Indian ancestors, to the
fourth generation inclusive, (though one ancestor of each generation may have been a white person,) whether bond or free, shall be deemed and taken to be incapable in law to be witnesses in any case whatsoever, except against each other; and whereas the decisions of the Courts upon the said provision, have been various and contradictory,

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 in all pleas of the state, where the defendant may be a negro, Indian or mulatto, or person of mixed blood, descended from negro or Indian ancestors, to the fourth generation inclusive, (though one ancestor of each generation may have been a white person,) whether such defendant be bond or free, the evidence of a negro or negroes, Indian or Indians, mulatto or mulattoes, and all persons of mixed blood, descended from negro and Indian ancestors to the fourth generation inclusive, (though one ancestor of each generation may have been a white person,) whether the person or persons whose evidence is offered, be bond or free, shall be admissible and the witness competent, subject nevertheless to be excluded upon any other grounds of incompetency which may exist.

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

CHAP. XLVII.

An act supplemental to an act, passed at the present General Assembly, entitled "an act directing a Court of Oyer and Terminer to be held for the county of Craven."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in case the Judge commissioned by the Governor to hold the Court by the said act directed to be held, should not attend and open the Court on the day by the commission appointed, the sheriff of Craven county shall open and adjourn the said Court, from day to day, until the third day; and should the Judge not attend, the commission shall expire.

II. Be it further enacted by the authority aforesaid, That if the Solicitor for the second circuit should not attend said Court, the Judge shall appoint some attorney to act as Solicitor, who shall receive the compensation by law allowed to Solicitors.

III. Be it further enacted, That this act, and the act to which this is a supplement, shall be in force from the ratification of this act.

CHAP. XLVIII.

An act to amend an act, passed in eighteen hundred and sixteen, entitled "an act concerning the Navigation of Neuse river," an act to amend an act, passed in the year eighteen hundred and twelve, entitled "an act for opening and improving the Navigation of Neuse river."

Whereas, by the above recited act, certain sections of the Roanoke Navigation act, are incorporated into the charter of
the Neuse River Navigation Company, whereby doubts may arise whether the Neuse River Navigation Company are not bound to publish in the newspapers designated in said sections; for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in all advertisements or publications required to be made in newspapers by the Neuse River Navigation Company it shall be held competent and legal, if the same shall have been made in some one of the newspapers published in the city of Raleigh; any law to the contrary notwithstanding.
PRIVATE ACTS.

CHAP. XLIX.
An act to amend an act, passed in the year 1798, entitled "an act for the further 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 are hereby authorized to class the free white male taxables, inhabitants of said town, into companies of five or more, for the purpose of watching said town at night; and it shall be the duty of the said commissioners to appoint some individual of each company captain of the watch for the night, and duly to notify the said captain and company of the place of meeting, and the time at which they shall commence the performance of their duties; and if any person, duly notified, shall fail to attend at the hour and place appointed, and duly to watch during the night, such delinquent, without sufficient excuse, to be judged of by the said commissioners, shall forfeit the sum of twenty shillings; and it shall be the duty of the several captains so appointed by the commissioners, in the course of the day immediately succeeding their respective watch nights, to report to the Intendant of Police, under the penalty of five dollars for each and every neglect, the names of those members of their respective companies who may have failed to comply with the requirements of this act: Provided always, That it may be lawful for any person, subject to the duty of watching, to discharge himself therefrom in the manner provided by the before mentioned act.

II. And be it further enacted, That the Intendant of Police in said town is hereby authorized to issue his warrant, directed to the sheriff or any constable of Craven county, to bring the offenders against this act before him; and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said Intendant is hereby authorized to give judgment and issue execution for the penalties mentioned in this act, with costs.

CHAP. L.
An act to incorporate a Male and Female Academy in 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, John Irwin, William Smith, Robert McKeeua, Robert L. Dinkins, David R. Dink, Thomas G. Polk, James Dinkins, William B. Porter, Samuel Neale, Henry Hoover, Guy Maxwell, Jonathan Harris, John Patterson, William Craig, Miles J. Robinson, Joseph Wilson, George Graham, Matthew Wallis, John Dow, Joab Alexander, Michael McLeary, William Carson, John Rea and Augustus Alexander, and their successors in office, are hereby incorporated Trustees to purchase land, and to erect and establish a Male Academy and a Female Academy in the town of Charlotte, Mecklenburg county, to be known and distinguished by the names of Liberty Male Academy and Charlotte Female Academy; and the said Trustees, or any ten of them, are hereby authorized and empowered to open subscrib-
tions for stock not exceeding thirty thousand dollars, to be subscribed in
shares of one hundred dollars each, for the purpose of erecting and main-
taining said institutions; and, when, in the opinion of the said Trustees,
or their successors in office, a sufficient sum is obtained, they are hereby in
vested with full power and authority to sue and be sued, plead and be im-
pleaded, and to have perpetual succession and a common seal, and to make
all rules, regulations and restrictions for the management of the said institu-
tions; and in case any of the said Trustees shall die, resign or remove out
of the county, or refuse to act, then the majority of the said Trustees, or
any ten of them, have hereby full power and authority to appoint others,
so as to keep their number complete, from time to time, as the same shall
become necessary; and should any profits arise from the stock subscrib-
ed after the Academies are erected, the same shall be divided among the
Stockholders, in proportion to the Stock subscribed and paid by each res-
pectively; and that the Trustees and their successors shall cause dividends
to be made annually after the Academies are completed: Provided, noth-
ing herein contained shall be construed, to allow the said corporation to
employ its funds to any banking purposes whatever.

CHAP. LI.

An act to amend an act, passed in the year one thousand eight hundred and ten, entitled
"an act to amend an act, passed in the year one thousand eight hundred and nine, en-
titled "an act to amend the several acts heretofore passed relative to the removal of
obstructions to the passage of fish up the several rivers within this State," so far as
relates to the Pedee and Yadkin rivers.

Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, That all commis-
sioners hereafter appointed under the provisions of the before recited act, for the
purposes therein mentioned, who shall fail or neglect to comply with the
requisitions of said act, shall forfeit and pay the sum of fifty dollars; one
half to the use of the county where such failure or neglect so happens, and
the other half to the use of the person suing for the same, so far as res-
pcts the counties of Montgomery and Rowan.

CHAP. LII.

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

Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, That the Justices of the
Court of Pleas and Quarter Sessions of Buncombe county, shall be, and
they are hereby authorized, at the first term of the said Court after the
first day of January next, and at the first term of the said Court after the
first day of January in each and every year thereafter, to elect from among
themselves, five fit persons to hold the said Courts of the said county; three
of whom shall be a competent number to hold the said Court and dis-
charge the duties thereof.

II. Be it further enacted, That the five persons so elected shall be compe-
tent to do and perform any business, matter or thing, which by the present
laws seven Justices are authorized to perform; and they shall in all cases
be governed by the same rules, regulations and restrictions as govern other
County Courts in this State. And the said Justices so elected, shall be
entitled to receive each two dollars per day for their services, during the
time they are employed in the discharge of their duties in the said Court.
III. And be it further enacted, That the Justices of the Court of Pleas and Quarter Sessions aforesaid shall annually lay a tax sufficient to defray the expenses accruing by reason of the provisions of this act; which tax shall be levied, collected and accounted for by the sheriff of said county, in the same manner and under the same penalties as other county taxes are by the existing laws of this State: any law, usage or custom to the contrary notwithstanding.

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

CHAP. LIII.

An act for the further regulation of the town of Wilmington.

Whereas much injury has resulted to the inhabitants of the town of Wilmington from cellars of stagnant water, and other impurities pernicious to health,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of said town, or a majority of them, be, and they are hereby authorized to fill up all cellars which they shall deem public nuisances and injurious to the health of said town.

II. And be it further enacted, That any person, resisting the commissioners, or any person employed by them, in the discharge of said duty, shall be subject to a fine of one hundred dollars, to be recovered before any tribunal having cognizance thereof, in the name of said commissioners, to be applied to the use of said town.

CHAP. LIV.

An act further regulating the Militia of Wayne 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 a Battalion Muster shall hereafter be held at the plantation of Joseph Martin, in Wayne county, at which all the Militia residing on the north side of Naughuntea, in Wayne county, shall attend; and a Battalion Muster shall also be held at the Mills heretofore called Blackman's Mills, on the south side of Neuse river, in Wayne county, at which all the Militia residing on the south side of Neuse river, in Wayne county, shall attend: and the said Militia, attending the Battalion Musters by this act established, shall be exempt from attendance at the Musters at Waynesborough, except at General Reviews.

II. Be it further enacted, That the Field Officers of the Militia of Wayne county shall attend the Battalion Musters of said county, and shall be liable to the same penalties for neglect as are by law now prescribed for failing to attend at General Musters.

III. Be it further enacted, That the Battalion and Regimental Courts Martial shall be held at the Court-House in said county: any law to the contrary notwithstanding.

CHAP. LV.

An act to prevent obstructions to the passage of fish up Tranter's creek.

Whereas many persons are in the habit of setting nets and seine nets entirely across Tranter's creek, thereby greatly impeding the passage of fish
up said creek, to the great inconvenience and detriment of a large num-
ber of the citizens residing on and near said creek; for remedy whereof,

Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, That from and after
the passing of this act, no person or persons shall set or stake out, or cause
to be set or staked out, or haul or cause to be hauled, any net or nets,
seine or seines, across more than two thirds the width of the channel, or
deep water of said Tranter's creek, thereby leaving open one third of the
channel of said creek, for the passage of fish.

II. And be it further enacted, That no person or persons, shall, on any
pretence whatever, set or cause to be set, stake out or cause to be staked
out, haul or cause to be hauled, any net or nets, seine or seines, in the
said creek, between the hours of six o'clock on Saturday P. M. and six
o'clock on Monday A. M.

III. And be it further enacted, That any person or persons, who shall
hereafter, directly or indirectly, violate any of the provisions contained
in this act, shall forfeit and pay the sum of fifty pounds, and be further ha-
able to indictment; and the said penalty may be recovered by any person,
who shall sue for the same, one half to the use of the plaintiff, and the oth-
er half to the use of the state: Provided such suit shall be commenced
within three months from the time such offence was committed; and if no
person shall sue for said penalty within the time aforesaid, then and in
that case, it shall be the duty of the Solicitor or County Attorney, upon in-
formation given, to commence a suit for the whole of said penalty, for the
benefit of the state, in any Court having jurisdiction of the said offence.

CHAP. LVI.
An act to incorporate Scotland Neck Lodge, in the county of Halifax.

Be it enacted by the General Assembly of the State of North-Carolina,
and it is hereby enacted by the authority of the same, That the Master,
Wardens and Members which at present are, or hereafter may be of Scot-
land-Neck Lodge, in Halifax county, are hereby constituted and declared
to be a body corporate and politic, by the name and title of "Scotland-
Neck Lodge," and by that name shall have perpetual succession and a
common seal, and may sue and be sued, plead and be impleaded, acquire
and hold, alien and transfer property, and pass all such rules, regulations
and bye-laws as shall not be inconsistent with the constitution and laws of
this state.

CHAP. LVII.
An act to establish Clinton Academy, in Sampson county, and to incorporate the Trus-
tees thereof.

Be it enacted by the General Assembly of the State of North-Carolina,
and it is hereby enacted by the authority of the same, That an Academy
for the education of youth in the various branches of literature be and
the same is hereby declared to be established in the county of Sampson, to be
known by the name of the Clinton Academy.

II. Be it further enacted, That William Robinson, Esquire, Doctor John
Owens, James Holmes, Hardy Royal, Alexander Fleming, Thomas Sut-
ton, Allen Mobley, John Bryan, William Kirby, Hardy L. Holmes, Jon-
athan Mosby, Archibald Colquhoun, Charles Butler and John Wright, be,
and they and their successors are hereby declared to be a body corporate and politic, to be known and distinguished by the name and style of the "Trustees of the Clinton Academy; and by that name shall have perpetual succession, be capable to receive, possess and enjoy any lands, tenements, goods or monies that may be given for the use of said Academy, and to apply the same according to the will of the donor, or their own discretion, to sue and be sued, plead and be impleaded in any Court in this state, and to do and perform all such matters and things as are incident to or generally exercised by bodies corporate and politic by the laws of this state, and to make all such orders, rules and regulations for the good order and government of said Academy, as the said Trustees or a majority of them may think proper, not inconsistent with the laws of this state.

CHAP. LVIII.
An act to incorporate Taylor Lodge, in Carteret county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Master and Wardens of Taylor Lodge, in Carteret county, be, and they are hereby incorporated a body corporate and politic, by the name and style of "Taylor Lodge," and that, by that name, they and their successors in office may sue and be sued, plead and defend, and shall have perpetual succession and a common seal.

CHAP. LIX.
An act to alter part of the State Road, laid out according to the act of Assembly of eighteen hundred and seventeen, chap. 30th, from Fayetteville to Morganton.

Be 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 State Road laid out according to act of Assembly, passed in the year eighteen hundred and seventeen, chapter 50th, running from Fayetteville to Morganton, as lies between Concord, in Cabarrus county, and Beatie's Ford, in Lincoln county, be done away, and no longer considered as the State Road.

11. And be it further enacted, That the old road, leading from Concord, in Cabarrus county, by Mill Grove, Samuel Johnston's and Patrick Johnston's to Beatie's Ford, in Lincoln county, shall hereafter appertain to, and be considered as a part of the State Road laid out according to the directions of the before recited act: any law to the contrary notwithstanding.

CHAP LX.
An act to authorise the Commissioners of the Town of Plymouth to collect the arrears of Taxes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the Town of Plymouth, in the County of Washington, and their successors in office, are hereby authorized and empowered to collect the arrears of Taxes due from the citizens of Plymouth to the said corporation: Provided, no collection shall be made of any arrears due before the year one thousand eight hundred and seventeen: any law to the contrary notwithstanding.
LAWs OF NORTH-CAROLINA.

CHAP. LXI.

An act to alter the time of holding the Court of Probate in the County of Rutherford.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Court of Probate for the County of Rutherford, now held on the first Monday in the month, by an act of the last General Assembly for this State, shall form and after the passing of this act, be held on the second Monday in the month, with the same powers as heretofore: any law to the contrary notwithstanding.

CHAP. LXII.

An act to alter the time of holding the Superior Courts of law and Equity, for the County of Haywood, and the Superior Courts of Law and Equity, and Courts of Pleas and Quarter Sessions, for the County of Buncombe.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future the Superior Courts of Law and Courts of Equity for the county of Haywood shall be held on the second Wednesday after the fourth Monday of March and September in each and every year; and all suits now pending, or which may be returnable to said Courts, shall stand continued and be returned to the said Courts on the second Wednesday after the fourth Monday of March next: and the Superior Courts of Law, Courts of Equity and Courts of Pleas and Quarter Sessions, of Buncombe county, shall be held on the second Monday after the fourth Monday of March and September in each and every year; and all suits now pending, or which may be returnable to either of the said Courts, shall stand continued and be returned to the said Courts on the second Monday after the fourth Monday of March next.

II. And be it further enacted, That the said Courts shall be held at the times herein directed, respectively, under the same rules, regulations and restrictions that the same have heretofore been held: any law to the contrary notwithstanding.

CHAP. LXIII.

An act to establish a Poor and Work House in the County of Chatham.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Wardens of the Poor of the County of Chatham, or a majority of them, as soon as they may deem it necessary after the passage of this act, to make application to the County Court of Pleas and Quarter Sessions of the aforesaid County; and the said Court is hereby authorized and empowered, if deemed necessary by a majority of the Justices in said County, (and not otherwise,) to lay such a tax as they may deem necessary for the purpose of procuring a piece of land, either by purchase or otherwise, within six miles of the town of Pittsboro', in said County, to build, or cause to be built thereon, a house or houses, fit for the reception of the poor of said county, under which denomination shall be comprehended all such persons, of either sex, as shall be adjudged by the Wardens incapable, through age or infirmities, to procure subsistence for themselves; and the said Wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, and see that they
are humanely treated, and provided with suitable diet, clothing, lodging and fuel, and to enforce all such regulations as shall be established from time to time, for the well ordering and governing said poor: which regulations the said wardens are hereby empowered to make, and it shall be lawful for the said Court to renew the imposition of said tax from year to year, if necessary, either to complete the said building, or to defray the expenses that may be occasioned by keeping up the same. And the said overseer for his services shall be allowed for each year, such sum as the wardens may deem adequate, to be paid out of the tax laid for that purpose; and the keeper or overseer of said poor is hereby required to keep at moderate labour, such of the poor under their care, as they shall judge capable of labour, and at the end of each and every year, shall account to the wardens of said county, on oath, for all such sums as may have arisen from the labour of such poor, and he or they shall make out a full and complete statement of all the expenses incurred in carrying on and keeping up said Poor House.

II. And be it further enacted, That the taxes imposed by virtue of this act, shall be collected by the Sheriff of said County, and paid over to the wardens, to be applied to the purposes before mentioned: any law to the contrary notwithstanding.

CHAP. LXIV.

An act to incorporate Albemarle Lodge, No. 77, in the town of Hertford, in the county of Perquimans.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the officers and members of the said Albemarle Lodge, No. 77, and their successors in office, are hereby created a body politic and corporate, to be known by the name and style of the “Albemarle Lodge, No. 77,” in the town of Hertford, in the county of Perquimans.

II. And be it further enacted, That the said officers and members, and their successors in office, shall have full power and authority to purchase, hold or convey any real property, and by their said name of incorporation as aforesaid, shall have perpetual succession; may sue and be sued, plead and be impleaded, and do all other acts and things which of right belong to a body politic and corporate: any law, usage or custom to the contrary notwithstanding.

CHAP. LXV.

An act to compel the Clerks of the Superior and County Courts of Surry to keep their offices at the Court-House in the town of Rockford.

Whereas the inhabitants of said county, and others transacting business with the said offices, experience much inconvenience, and many have sustained considerable losses on account of the said offices being not kept at the Court House of said county; 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 Clerks of the County and Superior Courts of Surry shall, in future, either by themselves or by their lawful deputies, duly appointed, keep their offices at the Court-House in the town of Rockford, in said county, under the penalty of five hundred pounds, to be recovered by action of debt, in the name of the Chairman of the Court; which sum, when so recovered, shall be applied to the use and be-
nefit of said county: Provided nevertheless, That they shall not be compelled to remove the papers and public records of the county to the said Court-House until such time as the commissioners hereinafter named, to wit: Thomas Wright, Esquire, William Burch, Obadiah Martin, James Mac- Raw, Daniel Hurtt, Meshack Franklin and Peter Cline Mon, who are hereby appointed commissioners, with full power and authority to contract for the erecting on the public lot in the town of Rockford, a suitable building for the Clerk's Office and for the safe keeping of the public records of the county, shall report to the County Court aforesaid, that their is in readiness, upon the lot aforesaid, a suitable house erected, and fit for the reception of the papers and public records of the county.

II. And be it further enacted, That as soon as the said commissioners have caused the said house to be erected, and a majority of the said commissioners shall have adjudged it fit for the reception of the public papers and records of said county, and a report thereof being made by the said commissioners to the County Court aforesaid, it shall be the duty of the Clerks of the County and Superior Courts forthwith to remove all the papers and public records belonging to their offices into the said house; and upon their failing to comply with the provisions of this act, they shall be liable, not only to the penalty of five hundred pounds aforesaid, but shall be deemed guilty of a misdemeanor in office.

III. And be it further enacted, That the said commissioners, or a majority of them, have full power and authority to act in the premises; and that the house by them erected on the public lot aforesaid, shall be the property of the county, and be kept and appropriated for the deposit of all the public papers and records of the county.

IV. And be it further enacted, That, to enable the said commissioners to build a house for the purpose aforesaid, the County Court shall lay a tax to raise a sum sufficient to defray the expenses which may be required for the completion of the work.

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

CHAP. LXVI.
An act to alter the times of holding the Courts of Pleas and Quarter Sessions of Carteret county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Courts of Pleas and Quarter Sessions of Carteret county shall hereafter be held on the third Mondays of March, June, September and December; any thing contained in any former law to the contrary notwithstanding.

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

CHAP. LXVII.
An act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Burke.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That hereafter the Courts of Pleas and Quarter Sessions of the county of Burke, which are now directed by law to be held on the fourth Mondays of April and October, in each and every year, shall be held on the fourth Mondays of March and September in each and every year.
II. And be it further enacted, That all suits, pleas, indictments, and recognizances now pending in said Courts, and all writs of capesas ad respondendum, and all other processes issuing from or made returnable to any of the said Courts, shall be returned to the Courts directed by this act; and the same shall be as good and available in law as if this act had never been passed.

III. And be it further enacted, That the Justices of the said Courts shall have power to adjourn from the Court House in Morganton to any other house they may choose for the purpose of holding their Courts; and their proceedings therein shall be as good and available in law as if the same were done and performed in the Court House of said county: any law to the contrary notwithstanding.

CHAP. LXVIII.

An act concerning the Poor House 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 the Wardens of the Poor for the county of Rowan be, and they are hereby authorized to lay a tax not exceeding six cents on every hundred dollars worth of real property, and a tax not exceeding twenty-five cents on every white and black poll in said county, for the purpose of raising a fund to discharge the debts of the Poor House establishment in said county.

II. And be it further enacted, That the aforesaid taxes shall be collected by the sheriff of the county, and by him paid over to the Wardens of the Poor, in the same manner as taxes are collected and accounted for under existing laws.

CHAP. LXIX.

An act to repeal an act, passed in the year eighteen hundred and two, entitled "an act directing the mode of appointing Patrols in the counties of Gates, Camden and Pasquotank;" so far as respects the county of Gates.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That an act, passed in the year one thousand eight hundred and two, entitled "an act directing the mode of appointing patrols in the counties of Gates, Camden and Pasquotank," be, and the same is hereby repealed, so far as respects the county of Gates.

CHAP. LXX.

An act to alter the manner of appointing Inspectors for 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 Justices of the Court of Pleas and Quarter Sessions for the county of New Hanover, shall, at the first term of said Court held, after the first day of May next, and annually thereafter, appoint such number of inspectors of provisions, naval stores and lumber for the town of Wilmington, under the same rules, regulations and restrictions as heretofore authorized and prescribed by law.

II. And be it further enacted by the authority aforesaid, That the powers and duties of inspectors of naval stores, provisions and lumber, heretofore appointed for the town of Wilmington shall cease and expire on the second day of May term of the Court of Pleas and Quarter Sessions for the county of New-Hanover.
CHAP. LXXI.

An act to alter the time of holding the election in the county of Craven.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the election for members of the General Assembly and members of Congress shall hereafter be held in the county of Craven on the first Thursday in August, instead of the second Thursday of August, as heretofore, under the same rules and regulations as are now established for the regulation and government of said election in said county; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXII.

An act to incorporate the Lincolnton Female Academy.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James Bivings, Vardry M'Beir, Daniel Hoke, James Hill, John Mushatt, Joseph E. Bell and Joseph Morris 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 Lincolnton Female Academy; and, by that name, shall have perpetual succession and a common seal; and that they, the said Trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive, and possess all monies, goods and chattels, that shall be given to them for the use of said Academy, and the same to apply according to the will of the donor; and, by gift, purchase or devise, to take, have, receive, possess, enjoy and retain to them and their successors forever, any lands, rents, tenements and hereditaments, of what kind, nature or quality soever the same may be, in special trust and confidence, that the same or the profits thereof shall be applied to and for the use and purposes of establishing and endowing the said institution.

II. And be it further enacted, That the said Trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to bargain, sell, grant, alien or dispose of and convey and assure to the purchaser or purchasers such lands, rents, tenements and hereditaments aforesaid, when the conditions of the grant to them, or the will of the deviser does not forbid it; and that the said Trustees and their successors, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and be sued, plead and be impleaded, in any Court within this State; and to do and perform all such acts and things as are incident to, or usually exercised by bodies politic and corporate, not inconsistent with the laws of this State, touching the objects of their incorporation.

III. Be it further enacted, That this act shall be in force from its ratification.

CHAP. LXXIII.

An act directing the Secretary of State to issue a grant in favor of John Hanke.

Be 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 Hill, Esquire, present Secretary of State, be authorised, and he is hereby directed, to issue a grant in favor of John Hanke, for three hundred and sixty-five and one half acres of land, on an entry made by said Hanke, bearing date the twelfth day of July, seventeen hundred and ninety-three, for six hundred and forty acres of land; and that this act be in full force and effect from and after its passage.
CHAP. LXXIV.

An act authorizing seven acting Justices of the Peace for the County of Halifax to perform certain duties in the Court of Pleas and Quarter Sessions.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That seven acting Justices of the Peace, in and for the County of Halifax, be, and they are hereby authorized and empowered, during the sitting of the Court of Pleas and Quarter Sessions for said County, to transact, do and perform, all County business which by law requires a majority of said Justices to perform, except electing clerks and sheriffs, and levying county taxes: any law, usage or custom to the contrary notwithstanding.

CHAP. LXXV.

An act to alter the time of holding the Superior Courts of Law and Equity for the counties of Carteret, Jones, Greene and Lenoir, and to alter the times of holding the County Courts of Jones and Craven

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Superior Courts of Law and Equity for the county of Carteret shall be held on the first Mondays of March and September in each and every year, and may be held one week, provided the business thereof require it; that the Superior Courts of Law and Equity for the county of Jones shall be held on the Wednesday next after the second Mondays of March and September in each and every year, and may be held four days, provided the business thereof require it; the Superior Court of Law and Equity for the county of Greene shall be held on the second Mondays after the fourth Mondays in March and September in each and every year; that the Superior Courts of Law and Equity for the county of Lenoir shall be held on the third Mondays after the fourth Mondays in March and September in each and every year; and said Courts shall be held one week each, provided the business thereof require it.

II. And be it further enacted by the authority aforesaid, That the Courts of Pleas and Quarter Sessions of Jones county shall be held on the second Mondays of March, June, September and December, and the Courts of Pleas and Quarter Sessions of Craven county shall be held on the second Mondays of February, May, August and November, in each and every year.

III. And be it further enacted by the authority aforesaid, That all writs and other process, which are or were returnable to the several terms of said Courts as heretofore existing, shall be returnable, and shall be returned to the terms, and at the times by this act established; and all recognizances for the appearance of persons at the terms of said Courts severally, as heretofore existing, shall be forfeited, except on the appearance of the said persons at the terms of said Courts, severally, as by this act established.

CHAP. LXXVI.

An act to incorporate the Union Library Society, in the county of Iredell.

WHEREAS, sundry persons, citizens of the county of Iredell, have associated together and formed a circulating Library, for the purpose of disseminating useful knowledge: for the encouragement 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 Gibson,
Richard Hall, James Adams, Alexander Huggins, James L. Hill, Alexander Barr and Abraham Alexander he, and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of the Trustees of the Union Library Society, and, by that name, shall have perpetual succession; and shall be able and capable in law, to take, have, hold, receive, possess and enjoy any estate or property, real or personal, which they may obtain by gift, purchase, devise or otherwise, and apply the same for the benefit of said corporation, according to the will of the donor, and according to such rules as may from time to time be established by the said corporation for the government thereof.

II. And be it further enacted, That the said Trustees, and their successors, by the name and style aforesaid, may sue and be sued, plead and be impleaded; and they shall have power and authority to make such by-laws and regulations as they may think proper, for the due ordering of the several matters appertaining to the said institution, not inconsistent with the constitution and laws of this State.

III. And be it further enacted, That in case of the death, disability, removal, or refusal to act, of any of the before named Trustees, it shall and may be lawful for the remaining Trustees, or a majority of them, to appoint another or others in their stead, who are hereby declared to be as truly and fully Trustees of the "Union Library Society," to all intents and purposes, as if they had been severally named in this act.

CHAP. LXXVII.

An act regulating the duties of the County Trustee of 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, it shall be the duty of the County Trustee of Randolph County, to attend at the Court House in said County, on the last day of every Court, with the money in his hands for County purposes, and pay off all the Jurors attending said Courts out of any moneys in his hands, not otherwise appropriated.

II. Be it further enacted, That should it so happen, that he hath not sufficient money in his hands so to pay off the Jurors aforesaid, that he shall make the same known to the Justices of the Court of Pleas and Quarter Sessions of the County aforesaid, at the next term of said Court after his knowledge of the said deficiency: any law to the contrary notwithstanding.

CHAP. LXXXVIII.

An act concerning the town of Salisbury.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the town of Salisbury have power to form and organize a fire company, to be composed of the citizens of said Town, which company, so formed, and not exceeding fifty men in number, shall be exempt from the duty of petty musters, subject however to perform militia duty at all regimental musters and public reviews. And the said Commissioners shall have power to prescribe rules and regulations for the said company, and to fix fines and penalties for neglect or violation of duty.
37. And be it further enacted, That the Commissioners of said town shall have power to prescribe what streets shall be kept open and worked upon, and to fix fines and penalties upon the overseers and all other persons subject to work upon the streets, for neglect to work upon and keep them in good repair, the Commissioners themselves being subject to indictment in the same manner and under the like penalties with overseers of the public roads in the county.

III. And be it further enacted, That for the purpose of raising funds to be applied to objects of improvement and public utility in said town, the Commissioners are hereby empowered annually to lay taxes on the white and black polls, and on the valuation of the lots and improvements within the limits of said town, to such amount as may be deemed necessary; which taxes shall be collected and accounted for in the same manner as taxes have heretofore been collected and accounted for, in said town of Salisbury.

CHAP. LXXIX.

An act regulating the authority of the Commissioners of the town of Newbern, relative to the quarantine of vessels.

Be 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 powers heretofore vested in Commissioners of Navigation or Justices of the Peace relative to compelling vessels to perform quarantine, be henceforth, so far as regards the town of Newbern, vested in the Commissioners of said town.

CHAP. LXXX.

An act in addition to former acts passed for the government of the city of Raleigh.

Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That if any citizen who shall hereafter be elected to serve as Intendant of Police, Commissioner, or assessor of said city of Raleigh, and shall decline the acceptance of such office, he shall forfeit the sum of ten dollars, which shall be recoverable by warrant before the Intendant of Police of said city, or before any Justice of the Peace for the County of Wake, and shall go to the city funds for the use of the city.

II. Be it enacted, That every citizen occupying any lot or part of a lot fronting on any street in the said city, in which footpaths have been or may be laid off by the Commissioners thereof, shall, at their own expense, improve and keep in good repair such footpath immediately in front of such lot, or part of a lot, or on failure to do so, the Commissioners of said city, shall cause such repairs to be made on such footpaths as they may deem necessary, and charge the expense thereof to the citizen or citizens who shall have neglected to repair the same; which may be recovered, and shall be applied in the same manner as is prescribed in the above section.

And for the better preservation and continuance of the water works of said city, which the inhabitants thereof have erected and established at great expense

III. Be it enacted, That if any person shall wantonly commit any damage to said works, either in the machinery, houses, reservoirs, pipes, or any other thing appertaining thereto, he shall be subject to a fine not exceeding
ten dollars, to go to the city funds, and to imprisonment not exceeding three months.

IV. Be it further enacted, That if at any time it shall be necessary for the Commissioners of the city to cut a ditch or ditches for the purpose of laying any pipe or pipes, or otherwise for the purpose of conveying water to or from said water works, through any lot or piece of ground, the property of any individual, who may consider himself thereby aggrieved, a jury shall be summoned to assess such damage in the same manner as is provided in cases where canals pass through the lands of individuals; and when such damage shall be thus assessed, the said Commissioners shall forthwith pay the amount of any such damage out of the city treasury. And whereas, the citizens of Raleigh have been at considerable expense in providing the city with a fire engine and other implements for the purpose of extinguishing any fire which may break out in said city.

V. Be it further enacted, That such citizens as may form themselves into a fire company, for the purpose of working said engine at any fire which may take place, and whenever they shall be called upon by the captain of said company to exercise said engine for the purpose of seeing that it be kept in good order, be exempted from military duty, (except in time of insurrection, invasion, or war,) and provided such company shall not exceed forty in number, and that they be subject to such rules and regulations as may be adopted by the commissioners of the city, or said fire company, and provided they produce from the captain of said company a certificate of their enrolment, and of their having faithfully performed their duty therein, since the period of their enrolment.

CHAP. LXXXI.
An act to authorize the Smoky Mountain Turnpike Company to extend their Turnpike Road from the line of Tennessee to the mouth of Soco creek, in Haywood county.

WHEREAS a number of the citizens of the State of Tennessee and this State are desirous to form a company for the purpose of making a Turnpike Road from Sevier ville, in the State of Tennessee, across the Smoky Mountain, to the mouth of Soco, in the county of Haywood, which Road will be of great convenience to the citizens of both States,

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 Smoky Mountain Turnpike Company, as incorporated by an act of the State of Tennessee, passed on the eighteenth day of November, one thousand eight hundred and twenty-one, entitled "an act to incorporate the Smoky Mountain Turnpike Company, be, and they are hereby authorized to extend, open and make the said road from where it strikes the dividing line between this State and Tennessee to the mouth of Soco creek, in the county of Haywood, under the same rules and restrictions as prescribed in the above recited act of the State of Tennessee.

CHAP. LXXXII.
An act to establish the Spring Grove Academy, in the county of Anson, and to appoint and incorporate the Trustees thereof.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Thomas Threadgill, senr. George Dunlap, John Beard, Josiah Allen, William Ingram,
Allen Carpenter, Thomas Waddell, John Billingsby, Thomas Avett, Matthew Waddell and William H. Lilly, and their successors in office, 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 Spring Grove Academy; and, by that name, shall have perpetual succession, and shall be able and capable in law to have, receive and possess any quantity of land and tenements, goods, chattels and monies, that may be given them, and apply the same according to the will of the donor, and dispose of them, when not forbidden by the terms of said gift; they may sue and be sued, plead and be impleaded, in any Court of Law within this State; shall have power to appoint other and more Trustees, and to fill the place of such as may die, remove, resign or be incapable of acting, and to establish such laws and regulations for the government of said institution as may be necessary for the preservation of order and good morals; elect a professor or professors, tutors and other officers, and do and perform all such acts and things, as are incident to, and usually exercised by bodies politic for the accomplishment of the contemplated object.

CHAP. LXXXIII.
An act to alter the time of holding the Superior Court of Law and Equity of Martin county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Superior Court of Law and Equity of Martin county shall be opened and held at the Court House in Williamston, in said county, on the Monday before the first Monday of March and September; that the said Court shall continue in session for one week, unless the business of the said Court shall be sooner determined; that all suits, indictments, and every kind of proceedings now pending in said Court, and all process which has issued or which may hereafter issue, returnable to said Court, shall stand adjourned to, and be returnable, at the time herein established for the holding of the said Court; and that it shall be the duty of the sheriff of said county, immediately upon the ratification of this act, to give public notice by advertisement at the Court House of his county, of the alteration, created by this act, in the time of holding the said Court.

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

CHAP. LXXXIV.
An act to amend an act, passed in the year one thousand eight hundred and seventeen, entitled "an act directing a road to be laid off and opened from the town of Fayetteville to Morganton, in Burke county," and also an act amendatory thereto, passed in the year one thousand eight hundred and eighteen.

Be 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 both of the before recited acts as authorizes and directs the commissioners of said road to appoint overseers, and limits and specifies the bounds and distances within which the hands may be called out to work the same, be, and the same is hereby repealed and made void.
II. And be it further enacted by the authority aforesaid, That the County Courts of the several Counties through which the said road runs, shall possess and exercise the same powers and authority over the same in the appointment of overseers, the appointment of hands, and all other things necessary for keeping the said road in proper repair, as are now allowed by law to such Courts over public roads: Provided, That nothing herein contained shall authorize any of said Courts to put down or discontinue any part of said road; any law to the contrary notwithstanding.

CHAP. LXXXV.

An act for the relief of Joseph Andrews, of the county of Warren.

Whereas Joseph Andrews, a native of Great Britain, on the first day of December, 1818, received from Jacob Mordicai, a deed, conveying to the said Joseph Andrews and his heirs forever, an interest in lots in the town of Warrenton, in Warren county, known in the plan of said town by the numbers, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, and one hundred and eleven; and also a piece of land in said county, adjacent to said lots, containing three and one third acres; and the said Joseph Andrews, not having been at that time naturalized, nor entitled under the constitution of this State to purchase lands, said lots and land have become forfeited to the State; and it appearing to this Legislature that previous to such purchase, the said Joseph Andrews had made the declaration and oath, preparatory to becoming a citizen of the United States, and that he hath since been duly naturalized,

Be 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 the right, title, interest, and claim which the State of North-Carolina hath or might have in and to the said lots and land aforesaid, by reason or on account of the purchase thereof by the said Joseph Andrews, is hereby granted and released to the said Joseph Andrews, his heirs and assigns; and the title to said lots and land is hereby confirmed to the said Joseph Andrews, his heirs and assigns; his disability of alienage at the time of said purchase to the contrary notwithstanding.

CHAP. LXXXVI.

An act to authorize John Washington, of Lenoir county, to erect a bridge across Neuse 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 it shall and may be lawful for John Washington to erect a bridge across Neuse river, either on his own account, or with such persons as he may associate with him, at his ferry on the land in the county of Craven, formerly owned by George Lane, Esquire, and known by the name of Fort Barnwell; and when the said bridge shall be completed, it shall be lawful for the proprietor or proprietors of said bridge to erect a toll gate thereon, or on some part of the road leading thereto.

II. And be it further enacted, That the rates of toll shall be as follows, viz. on all wagons, for passing said bridge, sixty cents each; and all four wheeled carriages of pleasure, fifty cents; and all two wheeled carriages of pleasure, twenty-five cents; on a man and horse, five cents; on every loose horse, five cents; on every head of cattle, two cents; and on
Be it enacted, That when said bridge is erected at the said ferry, the Court of Pleas and Quarter Sessions of Craven county, upon the petition of said Washington, or his assigns and associates, shall order the sheriff of said county to summon a jury of good and lawful men to lay off a road from the foot of said bridge to some convenient place of intersection with the road leading to Greenville; and should said road be laid off through the lands of any other person than the proprietor or proprietors of said bridge, to assess such damages as the owners of said land may sustain thereby, to be paid by the proprietors of said bridge; and, upon it appearing to the satisfaction of the County Court of Craven, that the said road is a good and sufficient one, and in good repair, the same shall thenceforth become a public road.

IV. Be it further enacted, That when said bridge shall be built as aforesaid, the proprietors thereof for the time being shall keep the same in good and sufficient repair, under the like penalty as other keepers of public bridges by the laws of this State.

CHAP. LXXXVII.

An act to incorporate the Rowan Agricultural Society, and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the present members of the Rowan Agricultural Society, and such as may hereafter be admitted into the same, be, and they are hereby constituted a body corporate and politic, by the style of the "Rowan Agricultural Society;" and, by that name, shall be capable to sue and be sued, plead and be impleaded, to receive, enjoy and transfer real and personal estate; and further, to make such rules and regulations for the government of the Society as may promote the object of the institution.

II. And be it further enacted, That so much of an act, passed in the year one thousand eight hundred and thirteen, entitled "an act to establish fairs in the town of Salisbury," as fixes the days of holding said fairs, be, and the same is hereby so modified, as that such fairs shall in future be held on the same days on which the annual exhibitions of said Society are held; and that in future they shall be under the management of said Society.

III. And be it further enacted, That the persons now composing the Morganton Agricultural Society, be, and they are hereby constituted a body corporate and politic, under the style of the "Morganton Agricultural Society;" and they shall be capable to sue and be sued, plead and be impleaded, and shall hold, enjoy and transfer real and personal property; and further, to make such rules and regulations for the government of said Society, as they may think best calculated to promote the welfare of the institution.

CHAP. LXXXVIII.

An act to establish an Academy in the town of Halifax.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Joseph J. Daniel, Robert A. Jones, Andrew Joyner, Jesse Rhymes, Edmund B. Freeman
and Thomas Burges, and their successors, shall forever be a body politic and corporate, to be known and distinguished by the name and style of the "Trustees of the Halifax Academy" and by that name and style shall have perpetual succession, and be able and capable in law to have, receive, and possess, any quantity of land and tenements, goods, chattels and moveables, that may be given to them, and apply the same according to the will of the donor, and to dispose of the same, when not forbidden by the terms of said gift; they may sue and be sued, plead and be impleaded, in any Court within this State; they shall have power to appoint other and more Trustees, and to fill the place of such as may die, remove, resign or become incapable of acting, and establish such laws and regulations for the government of said Institution, as may be necessary for the preservation of order and good morals, and elect a Professor or Professors, Tutors and other officers, and to do and perform all such acts and things as are incident to, and usually exercised by bodies politic for the accomplishment of the object contemplated.

CHAP. LXXXIX.

An act for the relief of James Fannier.

Be 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 Fannier be exempted and relieved from so much of a judgment passed in Johnston Superior Court, on an indictment against him, as disqualifies him from holding any office of profit or trust: any law to the contrary notwithstanding.

CHAP. XC.

An act to repeal part of an act, passed at the last session of the General Assembly, respecting the Courts of Pleas and Quarter Sessions of Pitt and Beaufort 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 act passed at the last session of the General Assembly, entitled "an act to alter the times of holding the Courts of Pleas and Quarter Sessions for the counties of Beaufort and Pitt," be, and the same is hereby repealed, so far as respects the county of Pitt; and the Courts of Pleas and Quarter Sessions of Pitt county shall, after the term of February next, be held on the same days as they were by law directed to be held prior to the last General Assembly.

CHAP. XCI.

An act to alter the times of holding separate elections in Washington 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 following separate elections shall be held in Washington county, to wit: at the house of Robert B. Davis, on the second Monday of August next; the election now held at Sheneoville, shall be held the Tuesday following; the election now held in Plymouth, shall be held on the Thursday following; and the election now held at the court-house of said county, shall be held on the Friday following.

II. And be it further enacted, That the elections above directed to be held, shall be held according to the mode now prescribed by law.
HI. Be it further enacted, That it shall be lawful for the poll-keepers to close the poll at five o'clock on each and every day; at which times the votes taken at the separate elections shall be counted, and the poll-keepers shall attend at the court house, under the same penalties now prescribed by law, on the Friday that the election shall be held at the court-house, and then return the list or number of votes to the sheriff; and the sheriff, at five o'clock on said Friday, shall compare the different polls, and shall declare who are duly elected.

IV. Be it further enacted, That all laws, or clauses of laws, coming within the meaning and purview of this act, are hereby declared to be repealed and of no effect.

CHAP. XCII.

An act to prevent the hauling of seines between the New Inlet, near the mouth of Cape Fear river, and Bar and Inlet (commonly called Howe's Inlet.)

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That from and after the first day of February next no person or persons whatsoever shall haul any other seines or nets in the sound, between the mouth of New Inlet, near the mouth of Cape Fear river, and Bar and Inlet, (commonly called Howe's Inlet,) nor within half a mile of said Bar and Inlet, except the common drop or floating net.

II. And be it further enacted, That should any person or persons violate this act, on legal conviction thereof before any jurisdiction having cognizance of the same, he or they shall forfeit and pay the sum of one hundred dollars, the one half to the use of the informer, and the other half to the use of the county where the offence may have been committed.

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

CHAP. XCIII.

An act to incorporate the Rutherford Agricultural Society.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Joseph M'D. Carson, John Moore, George Jones, Moses Logan, George Walton, Hugh Quinn, and Elijah Patton, jr. and their associates, be, and they are hereby incorporated a body politic and corporate, under the name of the "Rutherford Agricultural Society," with power to have, possess, hold, enjoy, and transfer, and alien real and personal property, to sue and be sued, plead and be impleaded; and further, to make such rules and regulations for the government of said society, as they may think best calculated to promote the welfare of the Institution.

CHAP. XCIV.

An act to amend an act, passed in the year one thousand eight hundred and eighteen, entitled "an act to appoint commissioners for the town of Waynesborough, in Wayne county," and for other purposes.

Whereas some of the commissioners appointed by the above recited act live at a considerable distance from the town of Waynesborough, others of them having refused to act, and some of them have removed away, so that the town is almost without a commissioner; 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 Richard Washington, Isaac Hill, William Henderson, Edward Vail and Claudius Hamilton, be, and they are hereby appointed commissioners for the town of Waynesborough, with full power and authority to make such byes laws, rules and regulations as they may deem proper and expedient for the government of said town, not inconsistent with the laws of this State.

II. And be it further enacted, That the commissioners herein appointed be, and they are hereby constituted a body politic and corporate for the purposes herein mentioned; and said commissioners and their successors shall have authority to fill all vacancies that may at any time happen in their board.

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

CHAP. XCV.

An act to incorporate Sardis Academy, in Johnston 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 Hinton, George Wimberly, Hardy Hinton, Joseph Hinton, Josiah O. Watson, Hillary Wilder and Moses J. Hill, be, and are hereby declared to be a body politic and corporate, under the name and style of the "Board of Trustees of Sardis Academy," in the county of Johnston, and shall, by that name and style, have perpetual succession; and by the name and style aforesaid, shall have power to take, demand, receive and possess all monies, lands and tenements which may be given for the use of said academy, and the same to apply according to the will of the donor, or as they may see proper to direct, and shall be capable of pleading or being impounded, either in law or equity, by the name of the Board of Trustees of Sardis Academy.

II. And be it further enacted, That the said Trustees, or a majority of them, shall have power to appoint such Preceptors or Tutors as to them shall appear necessary; and also a President, Secretary and Treasurer; and shall have power to make such rules and regulations as they may think proper for the government of said academy, not inconsistent with the constitution and laws of the State.

III. And be it further enacted, That whenever any of the aforesaid Trustees shall die, remove, resign, or by any other means become incapable of performing their duties, a majority of those remaining shall elect some fit person or persons in his or their stead, who shall have the same powers as their predecessors: any law, usage or custom to the contrary notwithstanding.

CHAP. XCVI.

An act to incorporate the Lincolnton Fire Engine Company.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Hoke, Charles Reinhardt, Joseph E. Bell, Charles E. Reinhardt, Daniel Hoke, James Bivings, Elam Moore, Andrew Gardner, John Butts, Martin C. Pifer, Jonas Ramsour, Jacob Ramsour, Paul Kistler, Peter Summey, John Mushat, Thomas Dews, David Ramsour, Michael Schenk, James T. Alex-
An act to repeal part of an act, passed in the year 1818, so far as respects Conoby Creek, entitled "an act more effectually to prevent obstructions to the passage of fish up the Roanoke and its waters.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the above recited act as prevents seines from being drawn from Saturday, twelve o'clock, until Monday, twelve o'clock, on Conoby Creek, in Washington county, be, and the same is hereby declared to be repealed and of no effect.

II. Be it further enacted by the authority aforesaid, That this act shall not be so construed as to authorize any person or persons to fish at the times and on the days above stated, at any place within one half mile of the mouth of said creek.

III. Be it further enacted, That all laws or clauses of laws coming within the meaning and purview of this act, are hereby declared to be repealed and of no effect.

An act to legitimize John Peek, Joseph Peek, Aley Peek, Duncan Peek, Sarah Peek, and Anne Peek, children of John Davis, of Wake county, by his present wife Sarah; and Tabitha Lassiter, Rachael Lassiter, Louisa Lassiter, Caron Lassiter, Catharine Lassiter, and Eliza Lassiter, children of Moses Lassiter, of the same county, by his wife.

Whereas it is the earnest wish of John Davis, of Wake county, and of Moses Lassiter, of the same county, that their respective children should be legitimated, and made capable of inheriting and taking by distribution as if born in wedlock: 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, John Peek, Joseph Peek, Aley Peek, Duncan Peek, Sarah Peek and Anne Peek, children of John Davis, of Wake county, by his present wife Sarah; and Tabitha Lassiter, Rachael Lassiter, Louisa Lassiter, Caron Lassiter, Catharine Lassiter and Eliza Lassiter, children of Moses Lassiter, of the same county, by his present wife, be, and the same are hereby legitimated and made capable of taking by descent and distribution, from their said respective fathers, in the same manner as if they had been born in lawful wedlock: any law to the contrary notwithstanding.
An act to amend an act, passed in the year one thousand eight hundred and eleven, entitled "An act directing how patrollers shall in future be appointed in Mecklenburg county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no person shall be appointed patroller in the county of Mecklenburg, according to the directions of the above recited act, unless he be the owner or overseer of a slave or slaves, or interested in a slave or slaves; and all other description of persons are hereby exempted from serving as patrollers aforesaid.

II. And be it further enacted, That the persons who may hereafter be appointed under the directions of this act, shall be vested with the same authority, and be subject to the same rules, regulations and penalties, that patrollers have had and been subject to, who were heretofore appointed under the before recited act; any law to the contrary notwithstanding.

CHAP. C.

An act for the relief of Charlotte McDonald.

Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same. That immediately from and after the passage of this act, Charlotte McDonald, late of the county of New-Hanover, and widow of Isaac McDonald, late a pilot on Cape Fear river, be, and she is hereby discharged from any punishment to which she may be liable on conviction, by reason of having intermarried with a certain Simon Sellers, during the lifetime of the said Isaac McDonald; any law, usage, or custom to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid. That the Solicitor for the fifth Judicial circuit, be, and he is hereby directed, to stay all proceedings which may have heretofore been had on an indictment for Bigamy, pending in the Superior Court of law for the county of New-Hanover, against the said Charlotte McDonald.

CHAP. CII.

An act respecting the Courts of Pleas and Quarter Sessions of the county of Columbus.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall not be lawful hereafter for the Court of Pleas and Quarter Sessions of the county of Columbus to appoint, or direct to be summoned, any jury to attend at any other terms of said Court, except at February and August terms, in each and every year; any law to the contrary notwithstanding.

CHAP. XCV.

An act to increase the number of Jurors in the Superior Courts of the County of Lincoln, and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the Justices of the Courts of Pleas and Quarter Sessions of said county, at their January and July Sessions in each and every year, to draw forty-eight Jurors to serve in the Superior Courts of said county; and it shall be the duty of the sheriff of said county to summon the same accordingly.
LAWS OF NORTH-CAROLINA.

II. And be it further enacted, That the Jurors appointed and summoned according to the directions of this act, shall be entitled to the same pay as hath been heretofore allowed to Jurors attending said Courts; any law to the contrary notwithstanding.

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

CHAP. CHI.

An act to authorize Minor Smith and Lucy Johnston to extend a dam across First Broad River, in the county of Rutherford.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Minor Smith and Lucy Johnston be, and they are hereby authorized to extend a dam from their own lands across First Broad river, and touching a shoal owned by them in the county of Rutherford, for the purpose of building a public mill; any law to the contrary notwithstanding.

II. And be it further enacted, That whenever the said First Broad river, shall become navigable above the said mill, then the owners of said mill shall, at their own expense, construct and keep in good repair a lock or sluice sufficient for the passage of any boat or boats navigating the same.

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

CHAP. CIV.

An act for the divorce of Henry Workman Conner and his wife Catharine.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the bonds of matrimony now subsisting between Henry Workman Conner, of the county of Lincoln, and his wife Catharine, be dissolved; and that the said Henry Workman Conner and his wife Catharine be, and they are hereby fully and absolutely divorced from each other, in the same manner as if the rights of matrimony had never been solemnized between them.

CHAP. CV.

An act concerning the County Court of Person county.

Whereas great inconvenience is experienced in the county of Person, from the difficulty of collecting a majority of the Justices of the Peace, for the transaction of public business,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful for eleven Justices of the Peace of the county of Person to do and perform any and all acts which required a majority of the Justices of said county heretofore to do; and they are hereby declared and constituted to be able and capable to transact any business which heretofore required a majority to transact: any law to the contrary notwithstanding.

CHAP. CVI.

An act for the divorce of Caleb Miller and his wife Rachael.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the bonds of matrimony now subsisting between Caleb Miller, of the county of Lin-
An act to attach a part of the second regiment of Guilford county militia to the first regiment of said county

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a part of the dividing line between the first and second regiments of Guilford county militia may be so altered as to begin at Martinsville, following the Greensborough road to George Albright's, from said Albright's, west by Dr. Caldwell's, semr. into the Greensborough road at William Lambert's; thence on said road, by New Garden Meeting-House, to the old Salisbury road; from thence down the old Salisbury road, by Balinger's, to Martinsville; and that the above described boundary shall be hereafter attached to the first regiment of militia of said county; any law or custom to the contrary notwithstanding.

An act to amend an act, passed in the year one thousand eight hundred and fifteen, entitled "an act to authorize the county Court of Montgomery to appoint a committee of Finance to settle with the officers of said county 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 so much of the before recited act as requires a majority of the acting Justices of said county to be present on the allowance of any claims against the county, be, and the same is hereby repealed and made void.

An act to authorize David Lloyd to erect a gate on the public road leading to White-Hall Ferry 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 David Lloyd be, and is hereby authorized and empowered to erect a gate across the public road leading to White-Hall Ferry, in the county of Bladen, at the junction of said road with the Sand Hills, on the north east side of Cape Fear river, subject to the same rules, regulations, restrictions and immunities as other gates in like manner are authorized.

An act to authorize Samuel Salyear, junr. of the county of Currituck, to erect a gate across the public road leading from Currituck Court-House, across his land, to Bell's Island.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Samuel Salyear, junr. be, and he is hereby authorized and empowered to erect a gate across the public road, leading from Currituck Court-House, across his land,
to Bell’s Island, in the county of Currituck, to be under the same rules, regulations, restrictions and immunities as other gates are in like cases so made and provided.

CHAP. CXI.
An act respecting the Courts of Pleas and Quarter Sessions for the counties of Wake, Bertie and Franklin.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Courts of Pleas and Quarter Sessions of the counties of Wake, Bertie and Franklin, shall have full power and authority, seven Justices being upon the bench, to do all and every act and business, where, by the existing law, a greater number shall be required, except in the laying of taxes, the appointment of a sheriff or clerk, or the annual appointment of constables for said counties; any law to the contrary notwithstanding.

CHAP. CXII.
An act to increase the rate of toll at the Big Bridge, in the county of New-Hanover.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful, from and after the passing of this act, for the owner of said bridge to receive six and a fourth cents for each horse and each wheel for all carts and carriages; and ten cents for each man and horse; five cents for each footman; five cents for cattle; two cents for hogs and sheep per head: any law to the contrary notwithstanding.

CHAP. CXIII.
An act to repeal part of an act, passed in the year one thousand eight hundred and nineteen, entitled “an act to amend an act, passed in the year one thousand eight hundred and eighteen, entitled ‘an act to regulate the fisheries on Scuppernong river, Little Alligator creek, on the great Alligator river, and the waters thereof, in Tyrrell county.”

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the above recited act as relates to regulating the fisheries on Scuppernong river, in the county of Tyrrell, be, and the same is hereby repealed: any law to the contrary notwithstanding.

CHAP. CXIV.
An act to authorize Paul Barringer to erect a gate across a public road.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Paul Barringer, Esquire, be, and he is hereby authorized and permitted to erect a gate, upon his own land, across the public road leading from Concord in Cabarrus county, to Allenton, in Montgomery county; subject nevertheless, to such rules, regulations and restrictions as are or may be imposed by law on other gates erected across public roads in this State.

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

CHAP. CXV.
An act further regulating the Oxford male and female Academies.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and
after the passage of this act, any seven of the Trustees of said Academy shall be, and they are hereby authorized to do and transact all and every kind of business which a majority of said Trustees are by law competent to do and transact: any law to the contrary notwithstanding.

CHAP. CXVI.

An act to incorporate an Academy on the lands of Charles A. Hill in the county of Franklin, by the name and under the title of the Midway Academy.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Doctor John Brodie, Major Francis Pugh, William G. Jones, William D. Jones. General William Williams, Henry Fitts, Captain William Burleigh William Miller, Joel King, John Haywood, Major William Williams, Henry G. Williams and the Reverend Charles A. Hill, A. M. 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 Midway Academy; and by that name shall have perpetual succession and a common seal; 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 movables, goods and chattels that shall be given them, for the use of the said Academy, and the same apply according to the will of the donor; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain them, and their successors in office forever, any lands, rents, tenements, and hereditaments, of what kind, nature or quality soever the same may be, in special trust and confidence, that the same, or the profits thereof, shall be applied to and for the use and purposes of establishing and endowing said Academy.

II. And be it further enacted, That the said Trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable, in law, to bargain, sell, grant, demise, alien or dispose of and convey and assure to the purchaser or purchasers, such lands, rents, tenements and hereditaments aforesaid, when the condition of the grant to them, or the will of the divisor does not forbid it; and further, that the said Trustees and their successors forever, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered, in all Courts of Record whatever; and they shall have power to open and receive subscriptions, and in general they shall and may do all such things as are usually done by bodies politic and corporate, or such as may be necessary for the promotion of learning and virtue.

III. And be it further enacted, That the aforesaid Trustees, or a majority of them, in order to carry this act into effect, shall meet at a time and place to be by them appointed, and may choose a President and Secretary, and such other officers as to them may seem requisite; and they may fix the time of their annual meetings, and may appoint special meetings within the year, and have power to adjourn to such time and place as they may think proper.

CHAP. CXVII.

An act to increase the fees of constables in the counties of Carteret and New-Hanover.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That it shall and may be lawful hereafter, for any constable of the counties of Carteret and New-Hanover to receive for their service, on board of any vessel within the
waters included in the boundaries of said counties, of every warrant issued by a justice of the peace, the sum of two dollars; for the service of every subpoena, under similar circumstances, the sum of one dollar; and for levying any execution on property on board of any vessel, the sum of two dollars; any law, usage or custom to the contrary notwithstanding: Provided, however, That this act shall not be construed so as to apply to any constable in the county of Carteret, except the constable at the port of Ocracoke and Portsmouth.

CHAP. CXVIII.

An act further regulating the militia of Haywood county.

Whereas the militia of that part of said county which reside within that part of said county composed of the lands lately acquired from the Cherokee Indians, labor under great inconvenience, from being compelled in battalion at Waynesville; for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all that part of the militia of said county, which reside within that part of the county known by the name of the "New Purchase," and lying west and south of the Cowee Mountain, in said county, shall hereafter be mustered in battalion at the town of Franklin, in said purchase: Provided, That nothing herein shall prevent said militia from being compelled to attend regimental musters and reviews at the town of Waynesville as heretofore.

CHAP. CXIX.

An act to compel the Register of the county of Martin to keep his office at the court-house in the town of Williamson.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of March, one thousand eight hundred and twenty-two, it shall be the duty of the Register of the county of Martin to keep his office, together with the papers thereunto appertaining, at the court-house in the town of Williamson.

II. And be it further enacted, That if the Register of said county shall refuse to keep his office at the court-house aforesaid, it is hereby declared a misdemeanor in office, and he shall forfeit the same: any law to the contrary notwithstanding.

CHAP. CXX.

An act to compel the Register of the county of Mecklenburg to keep his office at the court-house in the town of Charlotte.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of April, eighteen hundred and twenty-two, it shall be the duty of the Register of the county of Mecklenburg to keep his office, together with the papers thereunto appertaining, at the court-house in the town of Charlotte.

II. And be it further enacted, That if the Register of said county shall refuse or neglect to keep his office at the court-house aforesaid, it is hereby declared a misdemeanor in office, and he shall forfeit the same.

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

CHAP. CXXXI.

An act concerning the first Regiment of Stokes Militia.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That from and after the passage of this act, the battalion or regimental muster of the first regiment of Stokes militia be ordered and held at Germanton, in said county; and that all laws and clauses of laws coming within the meaning and purview of this act be, and the same are hereby repealed.

CHAP. CXXXII.

An act to keep open Ivy river, in Buncombe county, as far up said river as Carter’s Mills.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person to build a fish dam or dams more than two thirds across said river, under the penalty of five pounds, to be recovered before any Justice of the Peace having cognizance thereof, the one half to the use of the poor of said county, the other half to the informer.

II. Be it further enacted, That all dams now made across said river shall, within ten days after due notice thereof being given to alter or construct said dam agreeable to the above recited act, shall pay the sum of five pounds for each and every year said dam is kept across said river, to be recovered before any Justice having cognizance thereof, one half to the use of the poor of said county, the other half to the informer.

CHAP. CXXXIII.

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

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Justices of the Court of Pleas and Quarter Sessions of Mecklenburg county shall be, and they are hereby authorised, at the first term of the said Court after the first day of May next, and at the first term of said Court after the first day of May in each and every year thereafter, to elect, from among themselves, five fit persons to hold the said Courts of the said county; three of whom shall be competent to hold the said Courts, and discharge all the duties thereof.

II. Be it further enacted. That the five persons thus elected, shall be capable to do and perform any business, matter or thing, which, by the present laws, might be done by seven Justices; and they shall in all cases be subject to the same rules, regulations and restrictions as other County Courts in this State; and the Justices so elected shall be entitled to receive, each, the sum of two dollars per day for their services during the time they may be engaged in the discharge of their duties in the said Court.

III. Be it further enacted, That the Justices of the Court of Pleas and Quarter Sessions aforesaid, shall annually lay a tax on the polls and taxable property of the said county sufficient to defray the expenses that may accrue by reason of the provisions of this act; which tax shall be levied,
collected and accounted for, by the sheriff of said county, in the same manner and under the same penalties as other county taxes are by the existing laws of this State.

IV. And be it further enacted, That in all elections authorised by this act, it shall be necessary that a majority of the acting Justices of the said county shall be present; and that this act shall be in force from and after the passing thereof.

CHAP. CXXIV.
An act further to regulate the Newbern Academy.

Be it enacted by the General Assembly of the State of North-Carolina; and it is hereby enacted by the authority of the same, That five Trustees of the Newbern Academy shall be a quorum sufficient for the transaction of business and the regulation of the concerns of the Institution: any former law to the contrary notwithstanding.

CHAP. CXXV.
An act for the relief of John Blackwell and his wife, of the county of Hyde.

Whereas, it appears that before the passing of the act of the General Assembly of one thousand eight hundred and twenty, entitled "an act concerning the marriage of infant females," a contract of marriage existed between John Blackwell and Ann Selby, which was celebrated so soon after the passage of said act, that the existence of the same was not known to the said Blackwell, whereby the penalties of said act have been incurred without the willful design of said Blackwell;

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 said John Blackwell be, and is hereby exempted from the operation of said act; and the property to which the said Ann Selby was entitled, at her marriage with said Blackwell, is hereby vested in the said Blackwell, as fully as the same would have been vested by said marriage, had the before recited act never been passed.

CHAP. CXXVI.
An act to authorize and empower Daniel Jarvis of Surry County to erect at Scritchfield's ford on the Yadkin river, a gate across the public road, leading from Huntsville in said county, to the mountains at Fisher's Gap.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Daniel Jarvis, of Surry county, be, and he is hereby authorized and empowered to erect at Scritchfield's, on the Yadkin river, a gate across the public road leading from Huntsville, in said county, to the mountains at Fisher's Gap, to be under the same rules, regulations, restrictions, and immunities as other gates are in like cases, so made and provided: any law to the contrary notwithstanding.

CHAP. CXXVII.
An act to alter the name of Edward Caudle, and to legitimize him.

Whereas it is the desire of William Goode, of Stokes county, that the name of his illegitimate son, Edward Caudle, shall be altered to that of Edward Goode, and that the said Edward be legitimated and made capable to inherit in the same manner as if he had been born in wedlock.
Be 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 henceforward, the name of the said Edward Cauldwell shall be altered, and shall forever hereafter be called and known by the name of Edward Goode, and by that name shall be able to sue and be sued, implead and be imploade, in any court of law and equity whatever.

II. And be it further enacted, That the said Edward Goode be, and he is hereby legitimatized and made capable to take, inherit, and claim, any estate, real or personal, which may be devised or descend to him, in all full and ample a manner as if he had been born in wedlock, and shall be so considered to every intent and purpose: any law or usage to the contrary notwithstanding.

CHAP. CXXVIII.

An act authorizing the laying off more lots in the town of Lincolnton, 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 Joseph Dickson, formerly of the county of Lincoln, now of Rutherford, and State of Tennessee, or his agent or attorney in fact, Robert H. Burton, Jacob Ramsour, Daniel Hoke, Michael Reinhardt and David Reinhardt, or a majority of them, be, and they are hereby authorized and empowered to lay off four acres of land of the common of Lincolnton, as a site for the necessary buildings belonging to the Female Academy of said town; which lot, when so laid off, shall be and remain for the sole use and benefit of said institution; and to be laid off at such place as the Trustees of said Academy may choose, so as not to interfere with any streets or lots which have been herefore laid off.

II. And be it further enacted, That the aforesaid commissioners, or a majority of them, shall have full power to lay off and survey as many more lots of said common as they may think proper, with all necessary streets, joining the lots already laid off, and which may be hereafter laid off under the authority of this act.

III. And be it further enacted, That the aforesaid commissioners, or a majority of them, shall cause the lots, by them so laid off, (except the lot of four acres before mentioned,) to be sold at public auction, upon such terms of credit as they may think proper.

IV. And be it further enacted, That the money arising from the sale of such lots, shall be applied to defraying the expense of erecting the buildings necessary for the aforesaid Academy; and should there be any of the said money remaining on hand after the buildings of said institution are finished, such balance shall be equally divided between the Male and Female Academies of Lincolnton.

V. And be it further enacted, That the said Joseph Dickson, or his agent or attorney in fact, shall execute a deed or deeds in fee simple to the purchaser or purchasers of said lots, upon the payment of the purchase money, or sufficient security given to the said Dickson or attorney.

VI. And be it further enacted, That the commissioners shall return to the Clerk of Lincoln County Court a written statement of their proceedings, whose duty it shall be to record the same at full length.

VII. And be it further enacted, That the said Joseph Dickson, or his
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agent or attorney in fact, is hereby authorized to execute a deed of conveyance in fee simple to the Trustees of the said Academy and their successors, for the lot of four acres aforesaid, which shall be held in trust by them for the use and benefit of said institution.

CHAP. CXXIX.

An act to incorporate the Raleigh Female Benevolent Society.

WHEREAS many ladies in the city of Raleigh have associated themselves together in a society, for the purpose of raising a fund to be applied to the relief of aged widows and other distressed females, who may be considered fit objects of charity, to provide employment for such females as are able and willing to work, and who cannot meet with employers, to give articles of clothing to orphans and other destitute children, to promote the education of poor children, and cause them to be instructed in some of the most useful domestic employments, to promote order and industry amongst the poorer classes of society, and to discourage idleness and vice as far as practicable; and whereas it is important to the attainment of those laudable objects, that the society should be able to receive, hold and transfer, such property, monies and effects as may be given them by charitable and benevolent persons for the promotion of the objects aforesaid, and that they should be able to purchase such implements of industry, and such other things as may be useful to the society

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 said society or association be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the "Directresses and Managers of the Raleigh Female Benevolent Society," and by that name shall have perpetual succession; and the said Directresses and Managers, their successors, or a majority of them, by the name aforesaid, shall be capable in law to receive, hold and possess, any quantity of lands or tenements, goods, monies, or effects which may be given to the use of the society, and apply the same according to the will of the donor.

II. Be it further enacted. That the said "Directresses and Managers," or a majority of them, may sell and dispose of any lands or tenements, goods or effects, that may be given to the use of the society, when the will of the donor does not forbid it.

III. Be it further enacted, That the said Directresses and Managers, by the name aforesaid, to wit: by the name of the Directresses and Managers of the Raleigh Female Benevolent Society, shall be able and capable to sue and be sued, plead and be impleaded, in any Court within this state; and shall have power to do all such things as are incident to and usually exercised by bodies politic, for the promotion of the objects contemplated, not incompatible with the constitution of this state.

IV. Be it further enacted, That the officers of the society shall consist of a first Directress, a second Directress, twenty Managers, a Treasurer and Secretary, who shall manage the business of the society, and shall be elected annually, by the members, by ballot; and that the election shall take place on the last Saturday in July in each and every year, unless otherwise ordered by the society, two thirds of its members at least being present at the time of such alteration.

V. Be it further enacted, That the officers elected at the last annual
meeting of the society shall hold their respective appointments, until the
next annual meeting, with all the powers and authority, given to such offi-
cers, as may be elected after the passage of this act.

V. Be it further enacted, That the members of the society shall have
power, from time to time, to establish such constitution and laws as shall
be necessary for the government of the society, under such rules and re-
gulations as they, or a majority of them, may think proper; and the said
Directresses and Managers, or a majority of them, are hereby authorized
and empowered to purchase for the use of the society such quantity of
land as they may deem expedient, whenever their funds will justify, for
building a school house thereon for the benefit of such poor children as
they may deem fit objects to receive the aid of their institution.

CHAP. CXXX.

An act for the better regulation of the town of Fayetteville.

WHEREAS the report of commissioners acting under the authority of an
act, passed by the General Assembly in the year one thousand seven hun-
dred and eighty-three, for laying out the principal streets in said town,
bath been lost, so that the true width and extent of said streets are not
correctly ascertained; and whereas some difficulties have occurred in the
collection of taxes for said town:

Be it enacted by the General Assembly of the State of North-Carolina,
and it is hereby enacted by the authority of the same, That Benjamin Ro-
binson, John Eccles, John Smith, John Owen and Robert H. B. Brazier,
Esquires, or a majority of them, be, and they are hereby appointed com-
missioners for laying out the streets in said town, in the most regular and
convenient manner in which the same can be done, and with as little in-
jury to the proprietors of lots and houses therein as may be; and that the
streets be of such number, length, course and width as the said commissi-
ioners may think best adapted for the purposes aforesaid; and the said com-
missioners, or a majority of them, are hereby authorized and directed to
lay out squares for public buildings in such parts of the town as may be
found most eligible, and of such ground as may be offered for that purpose
by any of the said proprietors, and take conveyances of the same for the
uses for which such squares shall be so laid off and set apart.

And whereas, it may be convenient and necessary to lay out streets so
as to include houses and lots, or parts of houses and lots; Be it therefore
enacted. That said commissioners shall avoid as much as possible laying
out streets so as to include houses which they may deem of any consider-
able value; and where it may be necessary to lay out any street or streets
which may include the whole or part of any lot or lots, they shall cause
the same to be valued by a Jury of twelve freeholders, to be chosen by the
sheriff of Cumberland county, such freeholders being indifferent to the par-
ties concerned; and said sheriff is hereby directed and empowered to sum-
mon said Jurors to attend and value, upon oath to be administered by the
said commissioners, or some of them, the said lot or lots, or parts thereof;
which oath shall be in the following form: "You and every of you shall
well and truly appraise the lot of ground now shewn you, containing in
width feet, and in length feet, according to the best of your
judgment of the sum of money which is its real value, so help you God;"
which sum shall be paid out of the coffers of the town to said proprietor or
proprietors previous to converting to public use the ground so valued.
II. And be it further enacted by the authority aforesaid, That the said commissioners shall, in their discretion, give such time as to them shall seem reasonable for the removal of any buildings which may be situated in whole or in part upon any square, street or alley so laid off by virtue of this act, having regard to the value and present condition of such buildings.

III. And be it further enacted by the authority aforesaid, That the said commissioners shall cause an exact survey to be made of said town, and a plan thereof, in which shall be mentioned and set forth, all the squares, streets, passages and lots of ground, and to whom they belong, according to the information they may receive; which plan shall be returned to the next session of the General Assembly, and shall be deposited in the Secretary's office; and one copy thereof, with the Clerk of Cumberland County Court, and one copy with the commissioners appointed for the government of said town, and shall each be certified by the commissioners, or a majority of them; and the said commissioners, before entering upon the duties of their office, shall take the following oath before some Justice of the Peace: "I, A. B. do solemnly swear that I will well and truly, according to the best of my judgment, and without prejudice or partiality, cause to be laid off the streets, passages and squares in the town of Fayetteville, pursuant to the directions of this act, so help me God.

IV. And be it further enacted by the authority aforesaid, That every person owning property subject to the payment of town taxes in the town of Fayetteville, shall annually give in a list of said property upon oath to some one of the persons authorized to receive lists of taxables for the county of Cumberland, and at the same times as are by law designated for giving in taxables lying within said county; and, in case of failure, shall be subject to the same penalties and consequences to which persons holding property within said county are subject for a like failure.

V. And be it further enacted by the authority aforesaid. That said taxes shall be collected by a warrant under the hands and seals of the Magistrate of Police and commissioners of the town of Fayetteville, directed to such person as they may appoint for that purpose, who shall have all the power and authority, and be subject to the same rules, liabilities, responsibilities and restrictions, in the collection of said taxes within the town aforesaid, with the sheriffs of the several counties in this state, within their said counties; and before entering upon the duties of his office shall take and subscribe an oath, and enter into bond with good security, payable to the Magistrate of Police of said town and his successors in office, in the sum of ten thousand dollars, for the faithful performance of his duty.

VI. And be it further enacted by the authority aforesaid, That all powers and authorities heretofore granted by act of Assembly to the commissioners of Fayetteville, not inconsistent with any of the provisions of this act, are hereby granted and continued to the said Magistrate of Police and commissioners of Fayetteville; and all acts and parts of acts inconsistent with the provisions of this act shall be, and are hereby repealed.

CHAP. CXXXI.

An act to prevent hogs from running at large on the Island of Ocracock, in the county of Carteret.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall not be lawful for any person or persons
whatever to turn loose or let run at large any hog or hogs from the twentieth day of December until the first day of June in each and every year, on the range, beginning at a place called and known by the name of the First Hammock Hills to the north of Ocracoke, and extending to the division line between the counties of Carteret and Currituck, under the penalties of five pounds for each and every offence, to be recovered before any magistrate having cognizance thereof, and to be applied to the use and benefit of the informer.

CHAP. CXXXII.

An act to repeal part of an act, passed in the year one thousand eight hundred and twenty, entitled "an act to repeal an act, passed in the year one thousand eight hundred and nineteen, authorizing the commissioners of the town of Morganton to sell certain parts of the public square in said town, and for other purposes," and to repeal an act, passed in the year one thousand eight hundred and eighteen, appointing commissioners to sell certain lots and the town commons in the town of Morganton, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the third and sixth sections of the above recited act be, and the same are hereby repealed and made void.

II. And be it further enacted, That the monies arising from the sales made, or which may hereafter be made, of the lots and town commons of the town of Morganton, under the authority of the said act, shall be applied in the following way and manner, to wit: after the amount necessary to finish the Academy is applied to that purpose, the balance of the monies arising from said sales shall be paid into the hands of the county treasurer of public buildings, to be applied to the purposes of building a new Court House in said town, whenever the County Court of Burke, may think proper to have the same done; and the said treasurer of public buildings is hereby authorized to demand and receive the same, and to be by him kept until the same shall be appropriated by the said Court according to the directions of this act.

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

CHAP. CXXXIII.

An act to restore to credit Leonard Whittington, of the county of Wilkes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Leonard Whittington, of the county of Wilkes, be, and he is hereby restored to the rights and privileges of a citizen, in as full and ample a manner, as if he had never forfeited his right by a conviction; and he is hereby declared capable to depose and testify in any Court of Record, and before any jurisdiction whatever: any law to the contrary notwithstanding.

CHAP. CXXXIV.

An act to prevent fire hunting of fowl in Carteret county.

Whereas much evil doth exist from the practice of fire hunting of fowl in Carteret county: 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 passage of this act, it shall not be lawful for any person whatsoever to
hunt with fire after fowl on any of the waters of the county of Carteret, under the penalty of twenty dollars for each and every offence, to be applied to the use and benefit of any person suing for the same.

II. And be it further enacted, That the above penalty shall be recoverable before any two Justices of the Peace having cognizance thereof.

CHAP. CXXXV.
An act to alter and regulate the sittings of the Court of Pleas and Quarter Sessions of Camden county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions of Camden county, hitherto held on the fifth Mondays after the fourth Mondays of March and September in each year, shall hereafter be held on the seventh Mondays after the fourth Mondays of March and September in each year; and that all laws coming within the purview of this act are hereby repealed.

CHAP. CXXXVI.
An act to repeal an act, passed in the year one thousand eight hundred and ten, granting to Timothy M'Kevre privilege to retail spirituous liquors by the small measure in this state.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the above recited act, granting to Timothy M'Kevre, of Guilford county, privilege to retail spirituous liquors any where in this state, be repealed: any law, usage or custom to the contrary notwithstanding.

CHAP. CXXXVII.
An act to alter the time of holding Elections in the county of Pitt.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all Elections for Electors of President and Vice President, for members of Congress, and for members of the General Assembly, in Pitt county, shall hereafter be held on the fourth Friday of July in each and every year; and that it shall be the duty of the sheriff of said county to compare the polls of the several elections at the court house of said county on the day following, in each and every year, and proclaim the person or persons duly elected.

CHAP. CXXXVIII.
An act to authorize William Amis to erect two gates across the public road, leading through his plantations, in the Occanechee neck, in Northampton 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 Amis, of Northampton county, be, and he is hereby authorized to erect and keep up two gates across the public road, (leading from the Halifax road to the Bridgers’s Ferry road,) through his plantations, in the Occanechee neck, in said county.

II. And be it further enacted, That the said gates, when erected, shall be under the same rules and regulations, and liable to the same restrictions, as all other gates erected across public highways in this state; and that this act shall be in force from and after the ratification thereof.
An act to continue in force for one year an act to authorize a Lottery for the benefit of Farmwell Grove Academy, in the county of Halifax, passed in the year one thousand eight hundred and twenty.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the before recited act, and every part thereof, be, and the same is hereby continued in full force and effect for and during the term of one year, and no longer, any thing in said recited act to the contrary notwithstanding.

Read three times and Ratified in General Assembly, the 26th day of December, A. D. 1821.

J. MEBAUE, S. H. C. B. YANCY, S. S.

A true Copy, WM. HILL, Secretary.