THE LAWS
of
NORTH-CAROLINA,
ENACTED IN THE YEAR
1822.

TRANSMITTED, ACCORDING TO LAW, TO
Joseph Surgeon, Esq.
One of the Justices of the Peace for the County of
Davidson

RALEIGH:
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1823.
LAWS OF NORTH-CAROLINA,

Enacted by a General Assembly, begun and held at Raleigh, on the eighteenth day of November, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-sixth 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.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be annually 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, goods, wares or merchandise, not of the growth or manufacture of this state, or any wooden clock, or the machinery or materials thereof, 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 merchandise or jewelry, the sum of twenty dollars on every cart, waggon, or other vehicle, employed in the transportation of said goods, wares or merchandise:

Provided, that no license to peddle shall authorize such pedlar to sell goods at auction: Provided, that, should two or more persons employ one cart, waggon, or other vehicle, to transport their goods, wares or merchandise, each and every of them shall pay the aforesaid tax on said cart, waggon, or other vehicle, by them employed: nor shall any thing in this act be construed to authorize two or more persons, under the pretence of being partners in trade, to peddle goods, wares or merchandise 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 merchandise, wooden clocks, or the machinery or materials, which shall not be of the 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 merchandise, 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 as 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 and 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 annually issue and deliver to the members of the 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 jeweler, who shall sell goods, wares and merchandize, not the growth or manufacture of this state, in any retail store, shall pay the following tax, to wit: If the amount of his capital stock in trade, (which capital shall comprehend all purchases of goods, wares and merchandize, made within the year immediately preceding the first day of April,) and 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 thou-
s and dollars, a tax of sixteen 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 and every 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 apply to the sheriff for a license, which shall be granted by the sheriff, upon such applicant giving bond and security to the sheriff, to pay the tax required by this act, on the amount of such goods, wares and merchandise, as such applicant shall sell, between the time of such application and the first day of April succeeding, 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 prescribed by law, in the case of pedlars.

V. Be it further enacted, That the owner or possessor of every billiard table, or other public table, constructed or erected for playing games of chance, by whatever name called, shall give in such billiard table or other table, as aforesaid, in the same manner as one hundred dollars other taxable property, and shall pay for each billiard table, or other table, as aforesaid, a tax of five hundred dollars; and, after the first day of April next, no billiard table, or other table, constructed or erected for playing games of chance, shall be kept up until such tax shall be paid to the sheriff of the county in which such billiard table, or other table is, or may be erected or kept up, and a license to erect or keep up the same shall be first granted by said sheriff; and if any billiard table, or other table, as aforesaid, is erected or kept up without such license first had and obtained, the sheriff of the county where such table is, or may be, so erected or kept up, shall seize and destroy the same, by burning; and the person or persons erecting or keeping up such billiard table, or other table, as aforesaid, shall be subject to indictment; and, on conviction in the superior court of law having jurisdiction thereof, shall be fined not less than fifty dollars, and be 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 curiosities of any kind or sort, for a reward, shall, previously to exhibiting or performing in any county in this state, pay to the sheriff thereof thirty dollars; and every person who shall exhibit natural curiosities of any kind or sort, the sum of fifteen 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 authorised 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; and gates, which have been, or which hereafter may be, at any time, erected across any public road in this state; and the owner 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 to 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 forth 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 guilty 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 an annual 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 heretofore 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 all slaves between the ages of slaves to pay of twelve and fifty years, shall pay a poll tax, and all slaves shall be poll tax.

XI. And be it further enacted, That every person using the profession of a Broker, or opening an Exchange or Lottery office, either Free males &c. 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 authorised by this State, shall be subject to an annual tax of two hundred 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, and shall pay said tax, and obtain from the said sheriff a receipt therefor; and if any person after the first day of February next, shall pursue 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 two hundred 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 The sheriff to make affidavit that he has duly accounted for all taxes, received by him under this act, upon any occupation, article or thing not included in the list of taxable property; and that he has 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 received the same, and set forth opposite to each item, the occupation, article or thing for which the said taxes were received.

XIII. And be it further enacted, That in addition to the oath Sheriff to taken required to be taken by the sheriff, on settling with the comptroller, an oath, said sheriff shall swear that if he collects any delinquent tax beyond those accounted for in said settlement, he will render a true ac-
penalty

The manner of clerks to make list of taxable property.

Sheriffs to specify from whence taxes are received, &c.

Judge may remove a cause to an adjacent country.

Trial of slaves may be removed to another county in certain cases.

count 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.

XIV. And be it further enacted, by the authority aforesaid, That it shall be the duty of the several clerks in this State, in making out the lists of taxable property for the sheriffs, to designate in such lists the separate amount of taxes due and accruing from each species of property; and in addition thereto, to extend the aggregate amount due from each individual, as heretofore required by law.

XV. And be it further enacted, by the authority aforesaid, That it shall be the especial duty of the several sheriffs of this state, in making settlements of their accounts, annually with the comptroller, to designate in a list by them to be rendered, the different sources from which the taxes by them accounted for were received, and the particular amount of tax from each. And the comptroller shall give the sheriffs a certified copy of the lists returned by them respectively; which said copy it shall be the duty of said sheriffs to deposit with the clerks of the respective counties for public inspection.

XVI. And be it further enacted, That it shall be the duty of the several sheriffs of this state, to collect and enforce the payment of the taxes by this act imposed upon pedlars, notwithstanding the said pedlars may rent or procure houses for the purpose of carrying on a temporary sale of goods.

CHAPTER II.

An act to amend an act, passed in 1821, entitled "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 when any application shall be made to remove any cause, whether civil or criminal, to an adjacent county for trial, which cause shall have been before removed, it shall be the duty of the person so applying, to set forth, on affidavit, particularly and in detail, the grounds of such application; and the presiding judge may, in his discretion, remove the same to any adjacent county for trial: Provided, That no cause, under any circumstances, shall be removed more than twice.

II. And be it further enacted, That hereafter, on the trial of any slave or slaves for capital offences, if it shall appear to the presiding judge, by affidavit or otherwise, that such slave or slaves cannot have a fair trial in the county wherein the offence is charged to have been committed, it shall, and may be lawful for such judge to order the removal of such cause to an adjacent county for trial, notwithstanding the master or owner of such slave or slaves may neglect or refuse to make an application to the court for that purpose.
CHAPTER III.

An act for the relief of debtors for debts which may be contracted after the first day of May next.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when any debtor or debtors shall be taken upon any capias ad satisfaciendum, for any debt contracted either by note, bill, bond, open account or otherwise, after the first day of May next, and shall be desirous to take the benefit of the oath prescribed for the relief of insolvent debtors, or of rendering a full and fair schedule of his property, it shall and may be lawful for such debtor or debtors to tender to the sheriff of the county, his lawful deputy, coroner, or any constable, by whom he, she, or they may have been taken, a bond or bonds, payable to the party at whose instance the arrest was made, with good and sufficient securities in twice the amount of the debt, conditioned for his appearance at the next court, to which the execution shall be returnable, then and there to stand to and abide by such proceedings as may be had by the court, in relation to his, her or their taking the benefit of this act; and in case of failure to appear, judgment shall be entered up instanter upon said bond, against the principal and his securities, to be discharged upon the payment of the debt and costs; and when an execution issues thereon, neither of the defendants shall be entitled to the benefit of this act: Provided, That if either of the parties to the said bond shall be desirous to have an issue made up and submitted to a jury, a jury shall be immediately impanneld to try such issue, and the plea of non est factum shall only be received upon the party making oath of its verity: And provided further, if it shall be made appear satisfactorily to said court, that said debtor or debtors are prevented from attending court by sickness or other cause, to be judged of by the court, the case shall be continued over to the next court, at which term the same proceedings shall be had, as if he had appeared at the first term: And provided further, if such debtor or debtors shall die in the mean time, it shall be an absolute discharge of said bond or bonds: Provided nevertheless, That when any debtor or debtors shall be taken as aforesaid, within twenty days of the sitting of said court, said bond shall be conditioned for his, her or their appearance at the succeeding term of the court aforesaid: Provided always, That when any capias ad satisfaciendum shall be directed to any constable, and he shall take bond as aforesaid, such bond shall be conditioned for the defendant's appearance to the county court of the county in which such constable resides.

II. Be it further enacted, That upon such debtor or debtors tendering such bond or bonds, it shall be the duty of such sheriff, deputy, coroner or constable, as the case may be, to release him, her or them from confinement or custody; any law, usage or custom to the contrary notwithstanding.

III. Be it further enacted, That it shall be lawful for the said security to surrender the principal in discharge of himself, in open court, of the county to which the ca. su. is returnable, or to the sheriff, or principal.
other officer, as the case may be, of said county. And the securities is hereby authorised to exercise all the power, which by law special bail have over their principal.

IV. Be it further enacted, That upon the appearance of such debtor or debtors at the court aforesaid, it shall be lawful for him, her or them, either in person or by attorney, to move the court to be admitted to take the oath prescribed for the relief of insolvent debtors, or to swear to the schedule, previously filed with the clerk of said court, agreeably to the provisions of this act, hereinafter contained; and it shall be the duty of said court, upon such debtor or debtors making it appear to them that at least ten days notice has been given, in writing, to his, her or their creditors, or their agent or attorney, of the intention to avail him, her or themselves of the benefit of this act, to administer the oath prescribed for the benefit of insolvent debtors; or, to swear him, her or them to the schedule aforesaid, (as the case may be,) and to direct the clerk to make an entry of the same upon his minutes; which shall exempt the body or bodies of such debtor or debtors from imprisonment for debt, in all the cases where notice may have been given to the creditors; which notices shall be filed with the clerk of said court: Provided, nevertheless, if any creditor or creditors, shall suggest any fraud or concealment of any property, money or effects, it shall be the duty of the court to direct an issue to be made up and tried by a jury, at the first term, before such debtor or debtors are sworn: Provided, further, that if either of the parties shall be unprepared for the trial of such issue, the court may continue the same, under the same rules and regulations by which suits at law are now conducted. And if the said jury shall find that there is any fraud, or concealment, or if said debtor or debtors shall fail or refuse to answer upon oath, or if the said debtor or debtors shall fail to make it appear to the court, that he, she or they have given the necessary notice to the creditor or creditors at whose instance he, she or they may have been arrested, or to their agent or attorney, then, and in that case, the said debtor or debtors shall be deemed in the custody of the sheriff, and the court shall adjudge that he, she or they be imprisoned until a full and fair disclosure of all the money, property or effects be made by said debtor or debtors, and until he, she or they have given the necessary notice as aforesaid, to be judged of by the court.

V. And be it further enacted, That when any debtor or debtors, taken upon any capias ad satisfaciendum, as aforesaid, shall be desirous to render a full and fair schedule of his, her or their property and effects, he, she or they shall file the same with the clerk of the court, at least ten days before the sitting of the court at which he proposes to avail himself of the benefit of this act, and that upon his being permitted to swear to the said schedule, the same proceedings shall be had thereon as may be had on schedules filed under the law now in force.

VI. Be it further enacted, That no person shall be imprisoned upon any capias ad satisfaciendum for any debt contracted after 1st May, the first day of May next, who will comply with the requisites of
CHAPTER IV.

An act to amend an act, passed in one thousand eight hundred and twenty-one, entitled "an act to provide for the execution of process, where there shall be no proper sheriff 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 if, between any two terms of any Superior Court of Law and Equity in this state, there should 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 process; or if there be such officer who shall refuse or neglect to execute the same, then, and in such case, the judge of the Superior Courts of Law and Equity, or any judge of the Supreme Court, the same being made appear to him, shall authorise and command the sheriff of any adjoining county to 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 would or might be entitled to receive.

II. And be it further enacted, That hereafter, when any process shall be directed to any sheriff of an adjoining county, under the before recited act, to be served out of the county in which said sheriff may reside, such sheriff shall, for such service, have and receive, not only the fees heretofore allowed him by law, or by the before recited act, but be allowed as a further compensation, the sum of five cents, for every mile which he may be compelled to travel in going to and returning from the serving the said process: Provided, nevertheless, that whenever any writ of fieri facias against any defendant, shall amount to five hundred dollars or upwards, shall be directed to any sheriff of an adjoining county under the before recited act, then, and in that case, such sheriff shall not be allowed mileage, but the commissions which such sheriff shall be entitled to receive upon such sum, shall be deemed a sufficient compensation for serving such fieri facias: any law, custom or usage to the contrary notwithstanding.

CHAPTER V.

An act to regulate in part the practice in the County and Superior Courts.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in
the trial of all pleas and prosecutions for offences not capital, unless in cases where the Courts may otherwise direct, petit jurors, as well as the original panel, shall be sworn or affirmed, (as the case may be,) well and truly to try all issues of traverse, that shall come before them during the day. Any thing herein contained, shall not, however, be construed to affect in any degree, the usual challenges in law, either to the whole, or any of said jurors.

II. *And be it further enacted*, That from and after the passing of this act, it shall be the duty of the County and Superior Courts of Law to appoint a special day in their respective terms, on which the State's business shall be taken up and disposed of; and that no person recognized or summoned to attend on Indictments found, shall be entitled to demand or receive any compensation for attending any time previous thereto: Provided, that nothing herein contained shall be construed to prevent the Courts from proceeding with the State's business on a succeeding day or days, until the whole is finished; and that in capital cases, witnesses and other persons may be required to attend on a day preceding the State's day, and be paid accordingly.

III. *And be it further enacted*, That it shall be the duty of the Clerks of the Courts aforesaid, when an order is made designating the State's day, to give notice thereof to the inhabitants of the respective counties, by advertising the same at the Court House, and three or more public places.

IV. *And be it further enacted*, That clerks shall issue subpœnas, and take recognizances, conformably to the provisions of this act.

**CHAPTER VI.**

An act to prevent the destruction of Oysters, and for other purposes, 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 it shall not be lawful for any person or persons to carry oysters out of this State; and if any master or skipper of a vessel shall hereafter transport any quantity of oysters, taken from any place within this State, to any place beyond the limits thereof, every such master or skipper shall forfeit and pay two hundred dollars for every such offence, to be recovered in any Court of Record, by any person who will sue for the same, one half to the use of the informer, and the other half to the poor of the county.

II. In all actions which shall be brought against any master or skipper of any vessel, in pursuance of this act, such master or skipper shall be required to give appearance bail: Provided, the plaintiff shall make affidavit before a magistraté, of the cause of such action, to be transmitted to the clerk of the Court wherein the suit shall be prosecuted.

III. Whenever any person shall make affidavit that he has good cause to believe that any master or skipper of a vessel has received on board such vessel, oysters, for the purpose of transporting them out of this State, contrary to the provisions of this act, it shall be
lawful for the magistrate before whom such affidavit shall be made, and within whose jurisdiction such vessel may be, to issue his warrant for the immediate apprehension of such master or skipper, and for bringing him before such magistrate, or before any other magistrate of the same county; and the justice before whom such person shall be brought, upon hearing such evidence as may be adduced before him, if there be no good cause to believe that a violation of the provisions of this act is intended, shall discharge from further custody such master or skipper; but if it shall appear to such magistrate that there is good cause to believe that a violation of the provisions of this act is intended by such master or skipper, then it shall be the duty of such magistrate to commit such master or skipper to the jail of his county, unless he shall enter into a recognizance, with sufficient security, in a sum not exceeding two hundred dollars, upon condition to appear at the next Court to be held for such county, and to abide and perform such order or orders as shall be made by such Court.

IV. If any person shall use any drag, scoop or rake, or other instrument, except tongs, such as have been generally used for the purpose of catching oysters within the waters of this State, every person so offending, and being thereof convicted before a magistrate of either of the counties adjoining the water course in which the offence has been committed, shall forthwith pay, if a free man, the sum of twenty dollars, and if a slave, he, she or they shall receive on his or her bare back, so many stripes as such magistrate shall direct, not exceeding twenty, or be committed by such magistrate to the public jail of the county, there to remain without bail, for thirty days, unless such fine of twenty dollars be sooner discharged; one half of which fine shall go to the county, and the other half to the use of the informer: Provided, That nothing in this act shall be so construed, as to prevent the carrying of oysters into the North, and North-west Rivers, having their source in the Provisos state of Virginia, as now practised, nor the exportation of pickled oysters in vessels to the West Indies: Provided, That no one vessel shall carry more than sixty gallons at one time.

CHAPTER VII.

An act to exempt regular ministers of the Gospel of every denomination from serving as Jurors.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all regular ministers of the Gospel, of every denomination, be, and they are hereby exempted from serving as Jurors in the Courts of this State; any law, usage or custom, to the contrary notwithstanding.

CHAPTER VIII.

An act concerning jails.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Courts of Pleas and Quarter Sessions,
from time to time, as may be necessary, to order the sheriff of their respective counties, to purchase, for the use of their jails, a certain number of good warm blankets, or other suitable bed-clothing; which blankets or bed-clothing, so purchased, shall be securely preserved by the jailors, and furnished to the prisoners for their use and comfort, as the season or other circumstances may require; and that it shall be the duty of the sheriff, at least once in every year, to report to the Court the condition and number of such blankets and bed-clothing: Provided, That whenever any negro prisoners are allowed the use of said blankets or clothing, their owner shall pay to the jailors, in addition to the other fees, the sum of two and a half cents per day for each and every blanket had in use by such prisoner; which sum shall be accounted for to the Court, by the jailor receiving the same.

CHAPTER IX.

An act to authorise the County Courts to require administrators, and others, to give other, or counter security, upon the petition of their securities.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in all cases wherein any person heretofore, or may hereafter become bound as security for any person as administrator, or executor, residing out of the State, and shall conceive himself in danger of becoming liable by reason thereof, it shall and may be lawful for the County Court, wherein said person so become bound, upon petition of the party, supported by oath or affidavit to them exhibited, forthwith to order a summons to issue against the party or parties, with and for whom the petitioner or petitioners stand bound, returnable to the next term of the said Court, and thereupon compel such party or parties to give other sufficient or counter security, to be approved of by said Court, or to deliver up the estate to said petitioner, or to such other person as the Court shall direct; or they may, and they are hereby authorised and empowered to make such other order or rule thereon, for the relief of the petitioners, and better securing such estate as to them shall seem just and equitable: Provided always, That any person appointed to the management of any estate, in the room of any executor or administrator removed by virtue of this act, shall be accountable to creditors and others interested in the estate, to the extent of the assets received, in like manner as executors and administrators by law are liable.

II. And be it further enacted, That the same relief shall, and may be had by petition in the Superior Courts of Law. And where the petition shall be in a Superior Court, it shall be in the power of any Judge of said Courts, either in or out of court, on the petition exhibited therein, and containing such allegations, verified by affidavit, as to him shall seem sufficient, to make, from time to time, such orders as may be necessary to preserve the estate of the testator or intestate in possession or in action, until the hearing of the petition, and to direct such special writ or writs to issue, as may be necessary to carry such order into effect: Provided, That before any such special writ or writs shall issue, the petitioner shall perform
such terms as said Judge shall prescribe, and as justice and equity shall require, by giving security or otherwise.

III. And be it further enacted, That in case it should appear to the Court, that the summons, directed in the first section of this act to issue, cannot be personally served on the executor or executors, administrator or administrators, residing out of the State, it shall and may be lawful for said Court to order publication to be made by advertisement, in some newspaper, for such time as the said Court may think proper.

CHAPTER X.
An act to amend the nineteenth section of an act, passed in the year seventeen hundred and ninety-four, chapter one hundred and fourteenth, entitled "an act directing the mode of recovering debts of twenty pounds and under.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when any Justice's execution shall be levied upon the lands and tenements of any person or persons, and returned to Court agreeably to the directions of the nineteenth section of the above recited act, it shall be the duty of the Court, upon application of the Plaintiff therein named, to enter up a judgment for the amount of said recovery and cost: Provided, That it shall not be lawful to tax any other fees than those already prescribed by said act.

II. Be it further enacted, That if by the sale of the lands and tenements so levied upon and returned to Court, a sufficient sum shall not be produced, to satisfy the judgment and costs, the Plaintiff is hereby authorised to sue out an execution from the Court, for the residue thereof, in the same way, and under the same rules and regulations, as if the judgment had been originally rendered by said Court.

CHAPTER XI.
An act to amend an act, passed in the year one thousand seven hundred and ninety-eight, entitled "an act to amend an act, entitled an act to empower the several County Courts of Pleas and Quarter Sessions, of the several County Courts within this State, to order the laying out of public roads, and to establish and settle ferries, and to appoint where bridges shall be built and to clear inland rivers and creeks.

Whereas, by the before recited act, power is vested in the several County Courts to lay off cart or waggon ways across other person's lands, for the convenience of those who live remote from public roads, ferries and bridges:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the several County Courts aforesaid, seven Justices of the Peace being present on the bench, shall have full power and authority, under the same rules, regulations and provisions as are contained in the before recited act, upon the petition of sundry persons, to lay off a cart or waggon way from any public road in this State, to any public landing heretofore or hereafter established.
A. D. 1822.

Concerning Public Lands.

Appeal to the Superior Court allowed.

Concerning Public Lands.

H. And be it further enacted, That the several County Courts aforesaid, are hereby authorised and empowered, upon a petition for a public Landing, to order the costs and damages of establishing and making the same, to be paid either by the petitioners, or the county in which such Landing shall be situated.

III. And be it further enacted, That either party, dissatisfied with the judgment of the County Court, shall have a right to appeal to the Superior Court of said county, under the same rules and restrictions as in other cases of appeal.

CHAPTER XII.

An act to provide for the sale of the lands lately acquired by treaty from the Cherokee Indians, which have been surveyed and remain unsold.

Be 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 authorised to direct the sale of so much of the lands lately acquired by treaty from the Cherokee Indians, as have been surveyed and remain unsold, at such time and place as he may deem proper, under the direction of a commissioner to be by him appointed for that purpose, after having advertised the same at least one month, in the papers of this city, the Western Carolinian of Salisbury, and such other papers as he may think proper; which sale shall be kept open one week, and no longer.

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

III. Be it further enacted, That the provisions of the second section of an act, passed at the last session of the General Assembly of this State, entitled an act concerning the lands lately acquired by treaty from the Cherokee Indians, and the provisions of the seventh, 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.

CHAPTER XIII.

An act to amend an act, passed in 1807, entitled an act to regulate the charges of sheriffs, coroners, constable, and other officers, 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 if the condition of any bond given to any sheriff, coroner or constable, for the forthcoming of any property seized or levied on by
execution or other process, be broken, it shall and may be lawful for such sheriff, coroner or constable, on giving ten days previous notice, in writing, to the obligor or obligors in such bond, to move for and obtain judgment against such obligor or obligors, in a summary manner, before the Court of Pleas and Quarter Sessions of the county in which such sheriff, coroner or constable may reside, for all such damages said sheriff, coroner or constable may have sustained, or be adjudged liable to sustain, not exceeding the penalty of the bond so taken; which damages shall be ascertained by a jury to be impannelled for that purpose, under the direction of the court before which such motion may be made.

II. And be it further enacted, That either party to such motion, being dissatisfied with the judgment of the Court thereon, may appeal to the Superior Court of the county in which the same was made, under the same rules and regulations, as are now by law prescribed for regulating appeals from the County to the Superior Courts: and in case any defendant or defendants, in any proceeding under this act, shall appeal from the judgment of the County Court to the Superior Court, and shall fail to prosecute such appeal with effect, or shall not, on the trial thereof in the Superior Court, diminish the amount recovered by the plaintiff in the County Court, the defendant or defendants so appealing, shall pay to the plaintiff twelve and a half per cent. on the amount of the judgment in the County Court, to be computed from the time of rendering judgment in the County Court, to the time of entering up judgment in the Superior Court, and the lawful rate per cent. from that time until paid; and judgment shall be entered accordingly in the Superior Court against such defendant or defendants, and his or their securities in such appeal.

CHAPTER XIV.

An Act to repeal the fifth section of an act, passed in the year 1821, entitled "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 from and after the passing of this act, the fifth section of the before recited act, be, and the same is hereby repealed.

CHAPTER XV.

An Act to advance the administration of Justice in 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 Supreme Court of this State shall have full power and authority to make any amendments, by making the parties thereto, in the cases now pending, or which shall hereafter be pending in the same, which the said Courts may or shall deem necessary and proper for the purposes of Justice, and upon such terms as the said Courts shall prescribe.

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

An act for improving the navigation of the Cape-Fear river below Wilmington.

$20,000 is to be appropriated out of the fund set apart for internal improvements, under the direction of the Board.

Proviso.

Further proviso.

CHAPTER XVII.

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 to all entries of vacant lands made within this State, and entered since the year one thousand eight hundred and ten, and upon which the purchase money shall 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-five; 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 ten.

11. And it is further enacted, That this act shall take effect from and immediately after the first day of January next.

CHAPTER XVIII.

An Act to promote Agriculture and Family Domestic Manufactures 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 sum of five thousand dollars per year, to be raised in the manner hereinafter prescribed, for the term of two years, from and after the passing of this act, shall be, and hereby is appropriated for the promotion of Agriculture and Family Domestic Manufactures within this State. That the said sum shall be distributed among the several counties in this State, in proportion to their Federal numbers.
11. And be it further enacted, That wherever an Agricultural Society shall be formed in any one county, or in any two contiguous counties, and the members thereof shall annually procure or raise by voluntary subscription any sum of money, the President and Treasurer shall make and subscribe an affidavit of the facts, of the formation of such Society, and of their having raised a certain sum, specifying the amount thereof; which affidavit shall be filed with the Comptroller of this state, who shall draw his warrant on the Treasurer for the payment of a sum equal to the amount of such voluntary subscription: not in any case, however, exceeding the amount to which such county or counties would be entitled according to the apportionment aforesaid.

111. And be it further enacted, That the several Agricultural Societies which may be formed in this State, shall elect such and so many officers as they may deem proper, all of whom shall be practical farmers; none of whom however shall receive any emolument from his office; and it shall be the duty of such officers annually to regulate and award premiums on such articles and productions as they may deem best calculated to promote the agricultural and manufacturing interest of the State.

IV. And be it further enacted, That each person to whom any premium shall be awarded for any agricultural product, shall, before the receipt thereof, make an accurate description of the process used in cultivating the soil, and in raising the crop, or of feeding the animal, as may be; and shall, in all cases, describe the nature of the soil, the kind and quantity of manure, the state thereof, and the time of the year in which applied, and deliver the same to the President of said society.

V. And be it further enacted, That the several Presidents of said societies, shall, annually, within one week after the annual meeting of the Legislature, transmit all such reports or returns to the office of the Secretary of State, to be by him kept safely, until demanded by the Board of Agriculture hereinafter named, and organized.

VI. And be it further enacted, That the several Presidents of the several Agricultural Societies within this state, or a delegate to be chosen by each of said Societies, shall form a Board of Agriculture for this State; who, on the first Monday after the annual meeting of the Legislature, may convene in the Capitol of the City of Raleigh; any five of whom shall form a quorum; may elect a President, Secretary, and such other officers as they may think proper; receive and examine all such reports and returns aforesaid, and select for publication such of them, and such other essays, as they may judge advisable; and shall annually publish a volume, at the expense of the State, to be distributed by means of the said Agricultural Societies to the good people of the State, not exceeding fifteen hundred copies of such volume; which President and Secretary shall continue in office during the continuance of this act.

VII. And be it further enacted, That the Treasurer of this State shall annually pay, on the warrant of the Governor, to the said
A. D. 1822. Board of Agriculture, one thousand dollars, to enable them to pur- chase and distribute among the several Agricultural Societies, such useful seeds as they may deem proper, and to defray such o ther necessary expenses, to promote the object of this act, as are not otherwise provided for; and said Board shall annually account with the Comptroller for the expenditure of said money.

VIII. And be it further enacted, That all moneys which may have been received since the first day of November last past, or which may hereafter be received at the Treasury of this State, on entries of vacant and unappropriated lands, (excepting the Cherokee Lands,) and all balances now, remaining, or which hereafter may accumulate in the hands of Clerks of Courts of Record, unapplied for within three years after the receipt of the same, by the person legally entitled thereto, be, and the same are hereby set apart and pledged to carry into effect the foregoing objects of this act.

IX. And be it further enacted, That it shall be the duty of each and every Clerk of any County Court, Superior Court of Law or Equity, or the Supreme Court, within this State, at the first session of the Court of which he is clerk, which shall set after the first day of September next, and every three years thereafter, to produce to said Court, a statement to be made in an oath, of all monies remaining in his hands, and which were received by him officially three years previous thereto, specifying therein the amount of each separate claim, and the name of the person to whom the same is payable.

X. And be it further enacted, That the Clerks aforesaid shall, within a reasonable time after the foregoing statements are made, account with and pay over to the Public Treasurer, all the balances aforesaid, which shall be held by him in trust for the legal claim ants; but, while unapplied for, shall constitute a part of the fund created by this act.

XI. And be it further enacted, That all persons who have been Clerks or Deputy Clerks of any Court of Record in this State, shall account for the balances in their hands due to individuals, in the same manner as is herein required of Clerks now in office.

CHAPTER XIX.

An Act to limit the term of office of certain officers therein named.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that the Clerks of the Supreme Court and all Clerks of the Courts of Pleas and Quarter Sessions, Clerks of the Superior Courts, Clerks and Masters in Equity, County Solicitors, Registers, Surveyors and Entry Takers, to be appointed under the Laws of this State, shall be appointed for the term of four years.

II. And be it further enacted, That each and every officer mentioned in the first section of this act, now in office, may be removed by the Courts, to which they belong, or by which they were respectively appointed: Provided, That the Court of Pleas
and Quarter Sessions shall remove no officer, unless two thirds of the acting Justices shall concur: Provided, That the officer so proposed to be removed, shall have at least three months' notice thereof.

III. And be it further enacted, That the officers appointed in pursuance of this act shall give the same bonds, with like security, perform the same duties, and be subject to the same penalties, as though they were appointed in the mode now prescribed by law.

CHAPTER XX.

An act to repeal the thirteenth section of an act, passed in the year eighteen hundred and eighteen, entitled "an act supplemental to an act concerning the Supreme Court," and, also an act, passed in the year eighteen hundred and twenty-one, entitled "an act to amend an act supplemental to an 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 the thirteenth section of the before recited act of eighteen hundred and eighteen, and the amending act, and before recited act of eighteen hundred and twenty-one, be, and the same are hereby repealed.

II. And be it further enacted, That the Judges of the Supreme Court, from and after the ratification of this act, annually, at the session commencing in the month of December, shall appoint a Reporter of the decisions thereof, whose duty it shall be, within three months after the close of each term, to prepare the decisions of said Court for the press; and shall contract with some printer, to print seventy-one copies, at the expense of the State; which copies shall be distributed as follows; viz. to the Secretary of the Governor, one copy; to retain one copy himself; which copies shall remain in their respective offices; and six copies to be deposited in the Public Library; and the said Reporter shall deliver sixty-three copies of said reports, to be deposited, one in the office of the Clerk of the Court of Pleas and Quarter Sessions of each county in this State; and said Reporter shall receive, as a compensation for his services, a salary of three hundred dollars; and shall be authorised, on his own account, and at his own expense, to print, publish and vend, and to obtain, under this grant, and in conformity with the act of Congress, the copy right of said reports of cases determined by said Court; which salary shall be paid to him, upon satisfactory evidence to the Treasurer, that the above-said copies have been deposited and distributed within the time aforesaid, and not otherwise.

III. And be it further enacted, That it shall be the duty of said Reporter to report the decisions of the present Supreme Court, which have not already been reported; and, as a compensation for such service, he shall be paid at the same rate, and under the same conditions and restrictions, that he shall be paid for the publication of the decisions hereafter made.

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

An act supplemental to an act, passed at the present session of the General Assembly, entitled "an act to promote agriculture and family domestic manufactures in this State."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the Sheriff and Coroner of each county in this State, to pay the costs on all executions which shall be satisfied in the whole or in part, to the Clerk of the Court from which such execution issued, and to no other person, on the second day of the term of such Court; and any Sheriff making default therein shall be fined the sum of twenty pounds; which fine shall be recovered in the name of the State, by scire facias, in the same manner of other fines; and, when collected, shall be paid into the office of said Clerk for the purposes hereinafter directed.

II. Be it further enacted, That it shall be the duty of all persons, who have been Sheriff or Coroner heretofore, and who have received costs on executions which are returned satisfied, or which they retain, and have not paid the same into Court, to pay all costs on such executions to the Clerk of the Court from which such executions were issued, on or before the first day of November next, unless such Sheriff or Coroner shall make satisfactory proof, by his own oath, or otherwise, to said Court, that he has paid the whole costs that were in his hands, to the persons entitled to receive the same.

III. And be it further enacted, That should any person, who has been Sheriff or Coroner, neglect or refuse to pay all balances of costs on executions that have been or are in his hands to the Clerk of the Court from which such execution issued, as directed by the second section of this act, it shall be the duty of such Clerk to institute suit on the bond of such Sheriff or Coroner, for the purpose of recovering all such costs unaccounted for, which are, or ought to be in the hands of such Sheriff or Coroner; and all recoveries had on such suit, shall be paid to the Clerk instituting the same; and it shall be the duty of the Attorney General and the Solicitors in their Superior Courts, and of the County Solicitors in their Courts of Pleas and Quarter Sessions, to prosecute such suits to judgment.

IV. Be it further enacted, That all sums of money recovered or received by the Clerk of any Court, by virtue of this act, be an additional fund for the purpose of more fully carrying into effect the act to which this is a supplement; any law to the contrary notwithstanding.

CHAPTER XXII.

An act to provide more effectually for the collection of debts due 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 Public Treasurer of this State shall have full power and authority to move for judgment against any person or persons indebted to the State, in any Court of Record in this State, in the same manner, and under the same rules and regulations, which are pre-
LAWS OF NORTH-CAROLINA.

scribed in cases of delinquent Sheriffs; and the said Courts shall, respectively, render judgment, and award execution, though the amount thereof may be within the jurisdiction of a Justice of the Peace.

CHAPTER XXIII.

An act to repeal and make void so much of the second clause or section of the act of one thousand eight hundred and five, chapter six hundred and eighty, of the revised laws of this State, as goes to require the seals as well as the signatures of the Justices of the Peace before whom the Surveyors of the vacant and unappropriated lands of this State shall be called on or required, by the enters thereof, from time to time, to make oath, out of Court, touching the deficiencies of such entries, as to the number of acres entered and claimed, which shall be found, on actual survey, to be wanting.

An act to repeal and make void so much of the second clause or section of the act of one thousand eight hundred and five, chapter six hundred and eighty, of the revised laws of this State, as goes to require the seals as well as the signatures of the Justices of the Peace before whom the Surveyors of the vacant and unappropriated lands of this State shall be called on or required, by the enters thereof, from time to time, to make oath, out of Court, touching the deficiencies of such entries, as to the number of acres entered and claimed, which shall be found, on actual survey, to be wanting.

CHAPTER XXIV.

An act ceding the jurisdiction of North-Carolina, over a certain part of Ocracoke Island, to the United States.

Whereas, Jacob Gaskill, of the county of Hyde, and state of North-Carolina, has, for a valuable consideration, freely sold and conveyed to the United States of America, a certain piece or parcel of land, lying, situated, and being as follows, to wit: on the Island of Ocracoke, in the county of Carteret, and state aforesaid, beginning at a cedar post on the north side of the road, Jacob Gaskill's corner; thence running a due north course along his line, twenty-five and a half poles, to a cedar post; thence a due east course, twelve and three quarter poles, to a cedar post; thence due south, twenty-five and a half poles; thence due west to the first station; and whereas, the United States have, by their agent,
A D. 1822. Joshua Taylor, Esq. solicited a cession of our jurisdiction over the same for the purpose of enabling them to construct and keep up a light house thereon:

Be 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 right, title, and jurisdiction which the state of North-Carolina has or may have, owned, claimed or exercised over the aforesaid territory, be, and the same is hereby forever relinquished and transferred to the United States of America, in as full and ample a manner as the same may have been owned, claimed or exercised by this State.

CHAPTER XXV.

An act directing the time and place of selling 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 land or slaves 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 shall be made on the same Monday, in each and every month, on which the several Courts of Pleas and Quarter Sessions are generally held, for their respective counties, always making the Monday of each County Court the only sale day in that month; and if, on any sale day, as aforesaid, the whole of the property taken by virtue of an execution, cannot be sold on the same day, the Sheriff, Constable, or other public officer shall be authorised to postpone the same from day to day until the whole shall be sold, on giving public notice at the court house, that such sale will be continued on the ensuing day; and all such sales shall commence between the hours of eleven and four o’clock on such 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.

II. And be it further enacted, That hereafter it shall not be lawful for any Sheriff, Coroner or Constable to sell slaves, under any process to him or them directed, without giving ten days’ previous notice of the time 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 the other 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 shall not apply to the counties of Warren, Currituck, Carteret and Tyrrell.

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.
CHAPTER XXVI.

An act making the officials of the Secretary evidence 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 copies of the plat and certificates of survey, or their accompanying warrants, which are or may be filed in the Secretary's Office, when certified as true copies, from under the hand of the Secretary, shall be as good evidence, in any Court of Record in this State, as the originals.

CHAPTER XXVII.

An act to amend an act, passed in 1741, entitled "an act to prevent stealing of cattle and hogs, and altering and defacing marks and brands, and mis-marking and misbranding horses, cattle and hogs, unmarked and un-branded.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That if any person shall, knowingly, alter or deface the mark or brand of any other person's neat cattle, sheep or hog, or shall, knowingly, mismark or brand any unbranded or unmarked neat cattle, sheep or hog, not properly his own, with an intent to defraud any other person, such person or persons, on conviction, in a Court of Record, shall be liable to corporal punishment in the same manner as on conviction of petit larceny.

11. Be it further enacted, That the first and tenth sections of the said recited act, and all other parts of the said act coming within the purview and meaning of this act, be, and the same are hereby repealed.

CHAPTER XXVIII.

An act to facilitate the navigation of Lumber 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 Timothy Griffin, Neil Buie, of Lumberton, and Malcolm M'Neil, Esq. be appointed commissioners to superintend the improvement of the navigation of Lumber river, in the manner recommended by the State Engineer; and that they, or a majority of them, are hereby empowered to act and contract for that purpose, on such terms and conditions as they may deem most advantageous for the public interest; always mindful that it is their duty to transmit, annually, to the Board of Internal Improvements a statement of their acts, contracts and proceedings.

11. Be it further enacted, That a sum not exceeding five hundred dollars be appropriated from the funds set apart for internal improvements, not otherwise appropriated, for defraying the expenses to be incurred in said improvements: Provided, That no appropriation by this act directed, shall be paid by the Public Treasurer, until the engagements and payments for improving the said navigation, shall be approved of and directed by the Board of Internal Improvements.

III. And be it further enacted, That the said Commissioners shall be allowed, each, one dollar a day for his services.

Persons guilty of altering or defacing any marks or brands on cattle, &c. or of mis-marking the same, to suffer corporal punishment.

Repealing clause.

Commissioners to receive $1 per day.
CHAPTER XXIX.

An act declaring what Hogshead and Barrel Staves shall be merchantable.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That white oak hogshead staves shall be three feet six inches long, three inches wide when dressed, clear of sap, and not less than three fourths of an inch thick in any place. That rough white oak hogshead staves shall be three feet six inches long, three and a half inches wide, clear of sap, and three-fourths of an inch thick, on the thin edge. That all red oak hogshead staves shall be three feet six inches long, three and a half inches wide, including sap, and three fourths of an inch on the head or thin edge. That barrel staves shall be two feet eight and a half inches long, three inches wide, clear of sap, and three-fourths of an inch thick on the edge. All the aforesaid staves shall be made of good timber, shall be of the aforesaid dimensions at least; should they, however, be larger, they shall not for that reason be considered unmerchantable.

II. And be it further enacted, by the authority aforesaid, That so much of the act passed in the year of our Lord one thousand seven hundred and eighty-four, entitled “An act to prevent the exportation of unmerchantable commodities,” as comes within the purview and meaning of this act be, and the same is hereby repealed.

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

CHAPTER XXX.

An act concerning entries of land in this State.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for any entry taker in the several counties in this State to receive any entry or entries of vacant and unappropriated marsh or swamp lands in the State.

II. And be it further enacted, That every entry made, and every grant which may be issued, contrary to the intent and meaning of this act, shall be void.

III. And be it further enacted, by the authority of the same, That this act shall be in force until the end of the next General Assembly, and no longer.

CHAPTER XXXI.

An act pointing out the mode whereby the militia of this State shall hereafter be called into service, in cases of insurrection.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in all cases of insurrection among slaves or free persons of color, it shall be the duty of any seven Justices of the Peace, in the county where such insurrection shall take place, to call out a sufficient number of the militia of said county to subdue the same; and the County Court of such county are hereby authorised to lay
a sufficient tax to pay the militia so called out, at the same rates as the regular troops of the United States are, by law, now entitled to when in actual service.

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

CHAPTER XXXII.
An act to repeal the second section of an act, passed in the year eighteen hundred and twenty-one, 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 second section of an act, passed in the year eighteen hundred and twenty-one, entitled "An act to repeal part of an act passed in the year eighteen hundred and eighteen, respecting the Supreme Court, which provides, that the Supreme Court shall have the power of granting new trials, upon matters of fact, be, and the same is hereby repealed.

CHAPTER XXXIII.
An act authorising Courts of Pleas and Quarter Sessions to take one bond only of a Guardian to two or more minors holding property in common.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when the same person is appointed guardian to two or more minors, possessed of an estate in common, it shall and may be lawful for the Court of Pleas and Quarter Sessions, by which he was appointed, should the said Court deem it proper, to accept of said guardian, one bond only, for the execution of his trust; upon which said bond, each of the said minors, or any other person entitled, may commence and prosecute the same remedies as though several bonds had been given, in trust, for each of the said children.

I1. Be it further enacted, That the clerk taking said bond, shall not demand or receive more than a single fee for the same.

CHAPTER XXXIV.
An act to prescribe the time at which the office of Sheriff shall expire.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when any Sheriff shall hereafter be appointed by any of the Courts of Pleas and Quarter Sessions of this State, and the time of holding such Courts shall be altered during the time for which such Sheriff shall have been appointed, that then, and in every such case, the office of such Sheriff shall extend and continue until the next term of such Court which shall happen after the expiration of the term for which such Sheriff shall have been appointed; any law to the contrary notwithstanding.

CHAPTER XXXV.
An act to extend and improve the two state roads leading from Wilkesborough to the Tennessee line.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That
A. D. 1822.

Commissioners appointed to lay off the road from Wilkesboro’ to Woodley’s old shop, the best and most convenient way, having due regard to private property and the public good, and shall assess on oath all damages sustained by individuals; and the road, when thus laid off, shall be cleared out twenty feet wide, sixteen feet to be clear of stumps and runners, by the several overseers, and their hands respectively, now attached and belonging to the said road.

II. And be it further enacted, That John Finley, James Wellborn, Hugh Brown, William Rosseau, and Jesse Robinett, and they are hereby appointed commissioners to review, lay off and improve the state road from Wilkesboro’ to the foot of the Laurel Hill, or beginning of Horton’s Turnpike, by the way of Holman’s ford, the best and most convenient way, having due regard to private rights and the public good; and to assess on oath all damages that may be done to private property; and the said road when so laid off, shall be cleared out twenty feet wide, sixteen feet to be clear of stumps, runners, and rocks above the ground.

III. And be it further enacted, That the road from the fork above Wilkesboro’ to Holman’s ford, shall be cleared out, improved and put in good order as above directed, by the two overseers and their respective hands jointly, that now work on that road by order of the County Courts; and from said ford to the end, or foot of the Laurel Hill, shall be cleared out and improved as above directed, by the several overseers and their hands now liable to work thereon by order of the court; and for their non-performance of duty by this act directed, they shall be liable in the same manner as for a failure in working on the public roads under the existing laws.

IV. And be it further enacted, That all surplus sum or sums of money heretofore appropriated to that road, known by Horton’s Turnpike, and now due to, or in the hands of the commissioners, or any of them, appointed by the acts of 1820 and 1821, and not laid out and expended on the mountain or otherwise, shall be paid over to the commissioners by this act, and by them applied to improving the road by this act directed to be laid off, on such part or parts thereof, as a majority of them may deem most advisable; and the said commissioners shall duly account to the Board of Internal Improvement in what manner they disperse and expend the surplus money aforesaid.

V. And be it further enacted, That in all cases a majority of the commissioners by this act appointed, shall be competent to act; and all damages by them assessed to individuals, shall be paid out of the county funds not otherwise appropriated.

VI. And be it further enacted, That the several provisions of this act shall be in force from and after the passing thereof.

CHAPTER XXXVI.

An act to encourage the apprehension of runaway slaves in the Great Dismal Swamp

Whereas, it being dangerous and difficult to apprehend runaway slaves who have secreted themselves in the Great Dismal Swamp,
from whence they commit depredations, to the great injury of the citizens of the neighboring counties: for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of April next, whenever any runaway slave shall be apprehended in that part of the Great Dismal Swamp which lies within the limits of this State, and committed to the jail of any county, the magistrate committing said slave, on satisfactory evidence that the said slave was captured within the limits of the Great Dismal Swamp, shall direct three freeholders, owners of slaves, to be summoned, who shall appraise such slave, on oath, and return the appraisement to the Clerk of the County Court, who shall file the same in his office.

11. Be it further enacted, by the authority aforesaid, That when the owner or owners of said slave, captured as aforesaid, shall apply to the Jailor for such slave, he shall, previous to the delivery of said slave, pay into the office of the Clerk of the County Court, to the use of the captor or captors: Provided, always, That any person whose slave may be apprehended and committed according to the provisions of this act, shall have the election of appealing to the County Court, where the value of said slave shall be assessed by persons appointed by the County Court, or to direct the Sheriff to sell such slave at public auction, after twenty days' notice, and pay to the captors one fourth part of the price at which said slave shall be sold.

111. Be it further enacted, That whenever any slave, captured as aforesaid, shall remain in jail more than one year, the Sheriff of the county in which such jail is situated shall proceed to advertise and sell said slave in manner now, by law, directed; and, after paying all prison charges and advertisements, shall pay one fourth part to the captor or captors, and the remaining three fourths to the county Trustee for the use of the county.

IV. And be it further enacted, That the provisions of this act shall not apply to any negro who has not been absent as a runaway from his or her master or owner's service for three months, nor to negroes the property of orphans, who have not been so absent for twelve months.

V. And be it further enacted, That it shall be the duty of the Jailor to whom any runaway slave may be delivered, apprehended within the aforesaid limits of said Dismal Swamp, and liable to appraisement as herein provided, to advertise the same, not only as is now by law required, but also for three months next immediately after his or her apprehension and delivery as aforesaid, in some public Gazette published in or near said county, within this State, and also some paper published in Norfolk, Virginia, and in the Gazette of this State.

VI. And be it further enacted, That no person apprehending any slave, within the limits of the said Swamp, shall be entitled to claim any other reward than that which is secured by this act.
CHAPTER XXXVII.

An act to repeal, in part, the fourth section of an act, passed by the General Assembly, in the year one thousand eight hundred and six, entitled "an act to revise the militia laws of this State, relative to the artillery, companies of light infantry, grenadiers, and riflemen."

Be it enacted by the General Assembly of the State of North Carolina, That so much of the above recited act as increases the fines on light infantry, grenadiers, and rifle companies be hereby repealed.

CHAPTER XXXVIII.

An act to amend an act, passed in the year one thousand eight hundred and ten, entitled "an act to amend an act, entitled "an additional act to an act, entitled "some covers how to pass lands."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That where any conveyance for lands in this State, or power of attorney for the conveyance of lands in this State, hereafter shall be made by husband and wife, or power of attorney, residing in any of the United States other than this State, or in any of the Territories of the United States, or in the District of Columbia, be, by them, personally acknowledged, before some one of the Judges of the Courts of Supreme jurisdiction, or before some one of the Judges of the Superior Courts of Law, or Circuit Courts of Law of Superior jurisdiction within said State or Territory, the wife being first privately examined whether she doth voluntarily assent thereto, and an attestation of such acknowledgment, endorsed on, or affixed to said deed by the said Judge, and the certificate of the Governor of the said State or Territory, duly authenticated, and annexed to said deed, that the Judge before whom such acknowledgment may be taken, was, at the time of taking thereof, one of the Judges of the Courts of Supreme jurisdiction, or one of the Judges of the Superior Courts of Law or Circuit Courts of Law of Superior jurisdiction within said State or Territory, or in the District of Columbia, such deed being exhibited to the Court of Pleas and Quarter Sessions of the county where such lands lie, or to one of the Judges of the Superior Courts, shall be ordered to be registered with the certificates annexed thereto; and such deeds and certificates, in pursuance of such order, being hereafter registered, shall be valid in law to convey all the estate and title which such feme covert may or shall have in any lands so conveyed, and shall be received in evidence, in Courts of Law and Equity, without further proof.

CHAPTER XXXIX.

An act for the better regulation of the Militia of this State.

Whereas the existing militia laws, directing the manner in which men are to be called out in aid of the civil authority, either to guard a Jail or for any other purpose, are insufficient to compel obedience to such orders as may be issued of their officers; 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
when men are ordered out on duty, and shall neglect or refuse to attend agreeable to orders, that each man be fined at the discretion of their company court martial, not exceeding five dollars for each day said militiaman shall fail to do duty.

CHAPTER XL.

An act concerning the Public Arms.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Adjutant General be, and he is hereby required, under the direction of the Governor, to cause the public arms now deposited in the towns of Eden ten and Newbern, and those which may hereafter be received from the general government, either to be conveyed to Fayetteville and placed in the arsenal established there, by an act, passed in the year eighteen hundred and twenty, or distributed among the divisions of the militia, under such rules and regulations as may be prescribed by the Executive, in general orders published for that purpose; Provided, That no commanding officer of a volunteer company shall be allowed to draw arms from the arsenal before he shall give bond with two good securities to the Governor, if required, in double the appraised value of the arms, conditioned for the safe keeping, cleaning and returning of the arms: Provided, That nothing herein contained shall be construed to prevent the Governor from delivering any portion of the said arms to the commanding officers of volunteer companies as he is now authorised to do by the existing laws.

II. And be it further enacted, That the Governor be, and he is hereby authorised, from time to time, to draw on the Treasurer of the State for money to defray any expenses incurred under this act, and the better securing, in good order, the preservation of said arms.

CHAPTER XLI.

An act directing the distribution of the Acts of Congress.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the acts of the Congress of the United States, which may be transmitted to this State, and distributed among the several counties thereof, as now provided by law, shall be disposed of in the following manner, to wit: one copy for the office of the Clerk of the Court of Pleas and Quarter Sessions, one copy for the office of the Clerk of the Superior Court, one copy for the High Sheriff, and the remaining copies to be delivered to such Justices of the Peace as the Court of Pleas and Quarter Sessions, five Justices being present, by an order for that purpose made, any direct.

II. And be it further enacted, That the acts of Congress, which Acts heretofore have been deposited in clerk's offices, and are now deposit in the manner prescribed in the first section of this act; Provided, always, That the copies distributed to the Clerks and Sheriffs shall at the expiration of their offices, be delivered over to their successors, and those distributed to the Justices shall, upon their re-election, be delivered to the Clerk of the Court of Pleas and Quarter Sessions, to be disposed of in the manner above prescribed.
spective death, removal, or resignation, be returned to the Court, by which distributed.

CHAPTER XLII.
An act to authorise any three Justices of the Peace to appoint some fit person to act as Coroner 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 whenever any death shall happen in any county of this State, that shall render it necessary for a Coroner to act in his official capacity, and there shall be no Coroner in such county, it shall be the duty of any three Justices of the Peace of such county, to appoint some fit person to act as Coroner; and such person so appointed, is hereby empowered so to act; and such person shall moreover be entitled to such compensation as is now allowed by law to a Coroner, for such service, and shall be subject to the same penalties as Coroners are now subject to; any law to the contrary notwithstanding.

CHAPTER XLIII.
An act to fix the time of appointing the County Trustee of each of the counties in this State.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the several County Courts in this State shall elect the county Trustee of their respective counties at the same Court that the Sheriff of each county in the State is now elected, and under the regulations and restrictions heretofore observed in the elections of county Trustees; any custom, usage or law to the contrary notwithstanding.

CHAPTER XLIV.
An act to amend an act, passed in eighteen hundred and twelve, entitled "an act concerning equitable interests in real and personal estates."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the legal right of redemption in all lands, tenements, rents, or other hereditaments, which now are, or hereafter shall be, pledged or mortgaged, shall be liable to execution in like manner as the equity of redemption in such lands, tenements, rents or other hereditaments is, or may be, under the provisions of the said recited act.

CHAPTER XLV.
An act to give the County and Superior Courts concurrent jurisdiction over the state road, from Wilkesborough, by Ashe Court-House, to the Tennessee line.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the County and Superior Courts shall have concurrent jurisdiction over the great state road from Wilkesborough, by Ashe Court-House, to the Tennessee line.
An act to amend an act passed in the year one thousand eight hundred and eighteen, entitled "an act to amend an act passed in the year one thousand eight hundred and fifteen, to incorporate a company and make a turnpike road from Pungo Creek, in Hyde County, to the town of Plymouth, 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 company hereby incorpo rated under the act of 1815 for the turnpike road and canal in the counties of Hyde, Dare, and Pasquotank, be, and they are hereby added to the persons named in the first section of said act, any five of whom shall constitute a board for the transaction of business, and a majority of the votes given on any question before said board shall be decisive.

II. And be it further enacted, That said company is authorised to cut a canal in conjunction with and in aid of said turnpike road.

III. Be it further enacted, That a further time of ten years be allowed for the completion of said road and canal, and the board of directors of said company may commence said road and canal whenever they shall deem it expedient, they shall report annually to the Board of Internal Improvement of the State the progress made on said road and canal, and the circumstances of said company; and shall be governed by such directions as they may from time to time receive as to the construction and repair of said road from the said board or from the State Engineer.

IV. Be it further enacted, That the Treasurer of the State be, and he is hereby authorised and required to subscribe, on behalf of the State, for five thousand dollars, being two hundred shares of the capital stock of said company, to be paid at such times, and by such instalments as the other stockholders may be required to pay, out of the fund herebefore set apart for internal improvement; and the said Treasurer shall be entitled to vote thereon, either by himself or some other person duly authorised by him, in the election of directors and all other matters that may come before the stockholders in general meeting.

V. Be it further enacted, That the president and directors of said company shall and may impose a duty on all produce transported through said canal, not exceeding ten per cent. per annum, on their capital stock.

VI. And it is hereby further provided, That said appropriation shall be withheld until a survey shall be had of the land through which said canal shall pass by the civil engineer or some other person deputed by him, and it shall be ascertained that a navigable canal can be cut thereupon, and the said report be approved and recommended by the Board of Internal Improvement.

Read three times and ratified in General Assembly, the 31st day of December, A. D. 1822.

JOHN D. JONES, S. H. C.
B. YANCEY, S. S.

A true Copy. WM. HILL, See'y.
CHAPTER XLVII.

An act for the division of Rowan county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all that part of the county of Rowan lying north of the following line, to wit: beginning on the east bank of the Yadkin river, where the same is crossed by the Surry line; thence down the said river to the ferry of Thomas P. Ives; thence a straight line to a point at the end of ten miles, in a line running north, forty-five degrees east from the Court House, in Salisbury; thence to the mouth of Abbot's creek; and thence, down the river, to the Montgomery line, be, and the same is hereby erected into a separate and distinct county, by the name of Davidson, with all the rights, privileges and immunities of the other counties in this State.

CHAPTER XLVIII.

An act supplemental to an act, passed at the present General Assembly, entitled "An act for the division of Rowan county."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That four commissioners be, and they are hereby appointed, to wit: John Andrews and James Smith, on the part of Rowan, and Zebulon Hunt and George Smith, senior, on the part of Davidson, whose duty it shall be, as soon as practicable, after the first day of January next, to run out and mark so much of the dividing line between the aforesaid counties as lies between the ferry of Thomas P. Ives and the mouth of Abbot's creek, according to the act of the present General Assembly, entitled "an act for dividing the county of Rowan?" and that they cause to be made out two correct charts of said line, one for the use of each county, to be deposited in the office of their respective County Courts; and that the expense incurred in running said line shall be mutually paid by the two counties.

II. And be it further enacted, That Thomas Hampton, William Bodenhammer, Ranson Harris, Jacob Lopp, and Joseph Spurgen be, and they are hereby appointed commissioners; and it shall be the duty of said commissioners, or a majority of them, to ascertain, as nearly as practicable, the centre of the county of Davidson; and that said commissioners, or a majority of them, are hereby authorised to purchase, for the use of said county, on the best terms possible, twenty-five or more acres of land, situated at some healthy and advantageous spot, within two miles of the centre; which land so purchased, or any part thereof, they shall lay off into lots of convenient size, and shall reserve one of the lots, so laid off, for the court house, and another for the jail of said county; and that the commissioners aforesaid, at such time, and on such terms as they may deem best, expose to public sale a part of the said lots, in number not exceeding twelve; the proceeds of which they shall pay over into the hands of the county Trustee, for the use of the county; and that the lots and land remaining unsold shall be subject to the figure disposition of the County Court. Further, that the deeds for said land shall be taken in the name of the Chairman of the County Court and his successors in office, for the use of the coun-
ty; and the Chairman shall also execute conveyances for the lots that may be sold, either by the Commissioners or under any future order of the Court. Further, that the County Court of Davidson shall allow to the Commissioners a reasonable compensation for their services under this act.

III. And be it further enacted, That any one of the Justices of the Peace of the county of Rowan may administer the oaths prescribed by law to the Justices of the Peace appointed for the county of Davidson, at the first meeting for the purpose of organizing the County Court, on the fourth Monday in January next, as hereinafter appointed: Provided, That such of the appointed Justices of the Peace as may not be present at the said meeting, may, after the organization of the Court, be qualified in the usual way.

IV. And be it further enacted, That the acting Magistrates for the county of Davidson shall, on the fourth Monday of January next, convene in Lexington; and they shall proceed, a majority being present, to lay a tax of not less than seventy-five cents on the white and black polls, and of not less than ten cents on every hundred dollars valuation of lands and lots, within said county, for the purpose of erecting a court house and jail in said county, and for other public uses; which taxes shall be collected and accounted for, by the Sheriff of said county, under the same rules and regulations as Sheriffs are subject to in collecting the public taxes. Further, that the Magistrates aforesaid, also proceed to the election of a Clerk of the Court of Pleas and Quarter Sessions, a Sheriff for said county, and all other officers usually elected by the several County Courts in this State; which officers, so chosen, shall enter upon their duties under the same laws and restrictions as like officers in other counties are subject to. And the said Court, at the time and place aforesaid, shall appoint two or more Commissioners for the purpose of contracting for the erection of a court house and jail, and to superintend the building of the same; to be constructed of such materials, and of such size and dimensions as the County Court may prescribe: Provided, That said jail shall be built in conformity to existing laws, directing the manner of constructing jails in this State.

V. And be it further enacted, That the Court of Pleas and Quarter Sessions of said county, until the public buildings are completed, shall sit at such place as the Magistrates, at their meeting on the fourth Monday of January next, may agree upon, and shall be held on the fourth weeks of January, April, July and October, in each and every year, under the same rules and restrictions, and with the same powers, as other County Courts in this State. And an act passed in the year one thousand eight hundred and eighteen, entitled "an act to establish a Court of Probate at Lexington, in the county of Rowan," be, and the same is hereby repealed.

VI. And be it further enacted, That all suits between the citizens of Davidson, in the Court of Pleas and Quarter Sessions of Rowan, remaining undetermined after the February Term of said Court, shall be transmitted by the Clerk of Rowan to the Clerk of Davidson, in the same manner as suits are now sent from one county to another: Provided, That nothing contained in this act shall be so construed to prevent the Sheriff of Rowan from collecting all arrears of taxes or all executions that have issued from any of the Courts of Rowan, or that may hereafter issue on any suits now depending in the Courts of said county, in the same manner as he could have done previous to the division of the county: Provided, nevertheless, That the Sheriff of Rowan shall not collect any taxes in the county of Davidson, or of the citizens of
An act to establish Ebenezer Academy, in the county of Iredell, and to incorporate the trustees thereof.

Provided, That Hugh Andrews, James H. Hall, Thomas Allison, Samuel King, Alexander Barr, William D. Hall, Alexander Nesbit, Abner F. Caldwell, William A. Hall, the Reverend John M. Erwin, and the Reverend Daniel Gould, be, and they and their successors in office, are hereby declared to be a body corporate and politic, to be known and distinguished by the name and title of the Trustees of Ebenezer Academy: and they are hereby vested with full power and authority to supply all vacancies which may occur in their own body, and to displace and appoint teachers from time to time as they may think proper.

III. Be it further enacted, That the trustees aforesaid, and their successors in office, by the name aforesaid, shall have perpetual succession: be capable to receive, possess and enjoy any lands, tenements, goods or moneys that may be given for the use of said academy, and to apply the same according to the will of the donor: to sue and be sued, plead and be impleaded, in any court with
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.

CHAPTER I.

An act to amend an act, passed in the year 1819, entitled "An act to appoint commissioners for the town of Chapel Hill, in Orange 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 Richard Thompson and Edmund R. Pitt be, and they are hereby appointed commissioners of said town, in addition to those named in said act.

II. Be it further enacted, That the said commissioners, or a majority of them, shall annually, on the first Saturday in February in each and every year, lay a tax on all polls (students excepted) and on all taxable property within the limits of said town, (except such property as may belong to the trustees of the University,) adequate to the keeping the streets of said town in good and sufficient repair: which taxes, so laid, shall be collected by such person as may be appointed by the aforesaid commissioners, or a majority of them, who are hereby authorised to make such collector such compensation as they may deem right, not exceeding five per centum.

III. And be it further enacted, That whenever a vacancy occurs, by the death, resignation or removal, of said commissioners, that on the first Saturday of the month of February thereafter, an election shall be held, under the superintendence of the remaining commissioners, or a majority of them, to fill such vacancy: Provided, that no person shall be qualified to act as a commissioner of said town, or vote in said election for commissioners, unless he owns a freehold estate within the limits of said town at the time of election, and has done so for six months preceding the same.

IV. Be it further enacted, That the said commissioners, or a majority of them, shall have full power to make all such bye-laws, rules and regulations, as may be necessary for the government of said town: Provided, the same shall not be inconsistent with the constitution or laws of the land.

CHAPTER II.

An act to amend an act, entitled "an act for the better regulation of the Town of Fayetteville," passed in the year one thousand eight hundred and twenty-one, chapter one hundred and thirty.

Whereas, by the provisions of the above recited act, in the third section thereof, the commissioners appointed in the first section of said act are required to return a plan of said Town to the next General Assembly after the passage of said act; and whereas the said Commissioners have found it impracticable to effect a survey of said town, so as to have the same returnable to the present session of the General Assembly; and whereas the powers vested in the Commissioners by the second section of the above recited act are too large and extensive to be compatible with the liberal and impartial spirit of our form of government,

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners named in the above recited act, with John Matthews, as an additional Commissioner, be, and are hereby vested with the same powers, autho-
LAWS OF NORTH-CAROLINA.

CHAPTER LI.

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, or a majority of them, be, and they are hereby authorised and required, annually, to lay and collect, or cause to be collected by some person appointed by them for that purpose, a tax on all the taxable property and polls within the limits of said town, sufficient to keep the streets of said town in good order and repair. Which tax, so levied and collected, shall be expended by the said Commissioners, or a majority of them, in keeping the streets of said town in repair, and in no other manner.

II. Be it further enacted by the authority aforesaid, That it shall not be lawful for the said Commissioners to require any inhabitant of said town to labor personally on the streets thereof; any former law or ordinance of the said Commissioners to the contrary notwithstanding.

CHAPTER LIII.

An act making compensation to the Jurors of the Superior and County Courts of Moore, Carteret and Bertie.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That, in future, each and every Juror who shall be appointed and summoned, and shall regularly attend the Superior or County Courts of Moore, Carteret and Bertie, shall be allowed the sum of one dollar for each and every day's attendance, and at the rate of one dollar for every thirty miles travelling to and from said Courts.

II. And be it further enacted, That each and every Juror shall obtain, on oath, from the Clerk of his said Courts, a certificate, setting forth the number of days he has attended, and the distance of travelling to and from said Courts; which shall be paid by the Trustee of the counties aforesaid, in the same manner as all other claims against said counties are paid.

III. And be it further enacted, That the County Courts aforesaid shall, and they are hereby authorised and required to lay a tax in said counties, on each and every white and black poll, not exceeding twenty-five cents; and on every three hundred dollars value of town property and land, the like sum, so as to raise a sufficient sum in said counties for the payment of said Jurors; which tax the County Courts, as aforesaid, shall continue to lay annually; and which taxes shall be collected and accounted for as other county taxes, in said counties, are now, or may hereafter be accounted for.

IV. And be it further enacted, That after the first day of January, one thousand eight hundred and twenty-four, it shall be the duty of the county Trustee, for each of the counties aforesaid, to attend at some convenient place at the court house in Moore, Carteret and Bertie, with the money, and pay each Juror the full amount of his claim, on the day each Court thereafter may adjourn.
CHAPTER LIV.

An act to amend an act, passed in the year one thousand eight hundred and twenty, entitled "an act for the better organization of the militia of Beaufort county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Blount's Creek company of militia, in the county of Beaufort, shall hereafter compose a part of the battalion which musters in the town of Washington, in said county: any law to the contrary notwithstanding.

CHAPTER LV.

An act concerning the town of Asheville, in Buncombe county.

Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the free men who own lots in the town of Asheville, in Buncombe county, and its limits, as hereinafter mentioned, be, and they are hereby authorised and empowered to convene, at the court-house in said town, on the first Monday in February in each and every year, and elect six commissioners and a magistrate of police, who shall continue in office for one year.

II. And be it further enacted, That the said commissioners be, and they are hereby authorised and empowered to make such bye-laws and regulations, for the good government of the said town, as they may think proper, not inconsistent with the laws and constitution of this State and the United States.

III. Be it further enacted, That all persons living and residing within one half of a mile from the court house, in said town, shall be entitled to the same privileges and liable to the same rules and regulations as citizens residing within the limits of said town, as defined in the act of one thousand seven hundred and ninety-six, establishing the said town.

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

CHAPTER LVI.

An act to repeal an act, passed in 1821, entitled "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 the before recited act be, and the same is hereby repealed.

II. And be it further enacted, That if the proprietors of said Bridge, or those acting by, or under their authority, shall ask and receive a greater rate of toll than was allowed by law, previous to the passing said act, said proprietors or proprietors shall forfeit the sum of fifty dollars for each and every offence, to be recovered before any jurisdiction having cognizance thereof; one half to the informer, and the other half to the Wardens of the Poor of said county, to be applied to the use of the Poor: any law to the contrary notwithstanding.

CHAPTER LVII.

An act to repeal an act, passed in the year 1821, entitled "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 the before recited act be, and the same is hereby repealed and made void: any law to the contrary notwithstanding.

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

An act to authorise the building of a toll bridge over Dan river, in the county of Caswell, near Milton, and to incorporate a company for that purpose.

Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Alexander Henderson, Romulus M. Sanders, John Raglin, James Holder and David Ryle, or any three of them, be, and they are hereby appointed commissioners for receiving subscriptions to the amount of ten thousand dollars, for the purpose of building a bridge over Dan river, in Caswell county, near Milton, at the place heretofore designated by persons appointed for that purpose; and the said commissioners, or a majority of them, shall prepare books, and cause the same to be opened at such places, and under the direction of themselves, or such persons as they may appoint, on or before the first day of April next; and they shall continue open until the first day of July next, unless the said capital sum shall be subscribed before that time; at which time the said books shall be returned to the commissioners aforesaid, in the town of Milton; and at the same time there shall be a general meeting of the said subscribers, personally, or by proxy; which meeting may continue, from day to day, until the business thereof be finished; and if it shall appear that eight thousand dollars, or more, of the capital stock have been subscribed, the said subscribers, their heirs and assigns, from the time of the said first meeting, shall be, and they are hereby declared to be incorporated into a company, by and under the name and style of the Milton Toll Bridge Company; and may sue and be sued as such, plead and be impeded, defend and be defended, and have perpetual succession and a common seal; and such of the said subscribers as may be present at the said meeting, or a majority of them, are hereby empowered and directed to elect a president and four directors for conducting the business and concerns of said company for one year; and until the next meeting of the stockholders, every proprietor of stock, by writing under his or her hand, executed before some justice of the peace, may depute any other stockholder to vote for him or her at any general meeting; and the votes and acts of such proxy shall be as effectual, to all intents and purposes, as if the proprietor himself were personally present at the doing thereof.

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

III. Be it further enacted, That the capital sum aforesaid shall be divided into shares of fifty dollars each; and any person may subscribe for one or more shares, but not for a part of a share. The shares shall be paid for at such times and places, and by such instalments as the president and directors of said company shall direct, they first advertising the sum to be paid in each instalment in the Milton Gazette, for at least twenty days; and if any person or persons holding any share or shares in said company, shall fail to pay for
CHAPTER LIX.

An act to amend the first section of an act, passed in the year one thousand eight hundred and twenty-one, entitled "An act for the better regulation of the Courts of Pleas and Quarter Sessions for the county of Mecklenburg."

Whereas, by the first section of the before recited act, it is made the duty of the Justices of the Peace for said county to select from among themselves, five persons, to hold and perform the duties of said Court, without specifying or defining in what section of the county such Justices shall reside; 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 first term of the said Court, which shall happen after the first day of May next, and after the first day of May in each and every year, the Justices so selected for the purpose of holding and performing the duties of said Court shall reside at least one in each of the old battalion districts of said county; and the Justices so selected for the performance of the duties aforesaid, shall not be eligible to serve in that capacity more than two out of every three years; any law, usage or custom to the contrary notwithstanding.

CHAPTER LX.

An act to empower the County Courts of Pleas and Quarter Sessions of Richmond and Montgomery Counties to appoint Commissioners to establish the dividing line between said counties.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Courts of Pleas and Quarter Sessions of Richmond and Montgomery counties, be, and they are hereby authorised, at the first Court after the first day of April next, five Justices being present and consenting thereto, to appoint two commissioners and one surveyor, in each county respectively, for the purpose of re-surveying, marking out and establishing the dividing line between said counties, with as little deviation as possible from the original dividing line; beginning at Campbell's Bridge, (formerly Monroe's,) on Drowning creek, and running to Pee Dee river, at or near Colson's Ferry, and passing the several water courses at the
places where the original line crossed them, respectively: and the said commissioners and surveyor shall be allowed such compensation, per day, as the said Courts may deem necessary for their services; and each county paying their own commissioners and surveyor; and when said line shall be so run and established, it shall be thereafter considered the permanent dividing line between said counties.

II. And be it further enacted, That the said commissioners and surveyors shall return to the Court of their respective counties a platt of their proceedings, at the next term thereafter, designating the said line and specifying all the remarkable places by which the same passes, so that the same may be always identified and referred to when necessary, which shall become a record of the said Courts, respectively.

CHAPTER LXI.

An act to authorise two or more Fire Companies in the town of Washington.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be two or more fire companies in the town of Washington; and the commissioners thereof, for the time being, are hereby authorised and directed, on the last Monday of March next, in such manner as they may deem proper, to enrol and divide into two or more fire companies all the free male inhabitants of the said town, of eighteen years of age and upwards, those only excepted, who, from old age, bodily infirmity, or otherwise, may be unable to perform the duties of the said companies, and to draw, by lot, from each company twenty-five men; who shall serve until the first Monday of November then next ensuing, when two other companies shall be again drawn in the same manner, and annually thereafter, on the said first Monday of November; and the men so drafted shall, for the time they may be drawn, perform the duties hereinafter required of said company: Provided, however, that those persons who shall have been drafted, and have served for one year under this act, are not to be liable to another draft until the whole of the company to which they belong be made to serve in like manner; and should a fraction of a company remain after any draft, the men of that fraction shall be taken for the next company, and the balance be supplied by draft from those who served first, in the progressive draft, for the time being: And provided, further, That once in each year, at the time of the second, and thereafter at the annual election, all the men belonging to the respective companies shall attend, and exercise with the engine to which they shall be respectively attached; and in case of failure, at any time, of the commissioners to form the companies and order the election as hereby required, they shall perform that duty within thirty days thereafter.

II. And be it further enacted, by the authority aforesaid, That the commissioners of the said town, for the time being, shall, upon such arrangement of the fire companies, give notice thereof in such way as they may deem expedient, and order an election, by each company, in any way they may think proper, at the court house in said town, of one captain and four subaltern officers, of different grades, (which grades shall be fixed by the commissioners,) to be chosen from each company, for the command thereof; and, in default of such election, the said commissioners are hereby authorised to make the said appointments; which, when done in either way, shall continue in force until the next annual election of the said officers; and in case of vacancies, by death, or otherwise, of any of the said officers, their places, respectively, are authorised to be supplied by a new election, to be ordered by the commissioners,
and to be conducted in the same manner as the annual one; which election, when made, shall continue in force until the next annual election.

III. And be it further enacted, by the authority aforesaid, That each captain of the several fire companies shall, regularly, once in each and every two months after the organization thereof, call out the drafted men of his company, and exercise them in working the engine and appurtenances under his command, under the penalty of ten dollars for each and every default; and in case of the absence from town, or inability of the captain, or his refusal to act, the duty of exercising the men, in working the engine, shall be performed by the officer next in command, in town, or present, under the like penalty; and every person enrolled in either of the said companies failing to attend at the times appointed for working the engine to which he is attached, and to perform such duties, in relation thereto, as shall be assigned him by his commanding officer, shall forfeit and pay the sum of one dollar for each and every offence; and notice of enrolment, and of the stated times for the meeting of the company, for the purpose abovementioned, shall be held sufficient notice: Provided, That the times of working the engines shall be so regulated by the commissioners as that both companies shall not be called out on the same day, except in case of fire, and on the days in which all the men are directed to be called out.

IV. And be it further enacted, by the authority aforesaid, That in case of any alarm by fire, all the free male inhabitants of the said town, of the age of eighteen years and upwards, shall render their best assistance for the extinguishment thereof, and other services incident thereto; those belonging to companies to perform duty in their respective companies, and those not belonging to any company to do duty under the directions of some one of the said captains, or other officer authorised to command; and any person failing so to do, provided he have notice, shall forfeit and pay the sum of ten dollars for each and every offence; which penalty, and every other incurred under this act, may be recovered by warrant before any justice of the peace, by any person suing for the same, to the use of the town: Provided, however, That if a sufficient excuse be made, on oath, by the defendant on the trial, he shall be discharged from such forfeiture.

V. And be it further enacted, by the authority aforesaid, That the commissioners of the said town, for the time being, are hereby authorised and empowered to repair the engines at present in the town, and to purchase, from time to time, for the use thereof, one or more fire engines, and such number of buckets, ladders and other instruments for extinguishing fire, as they may deem expedient; and to build one or more houses for the said engines and their appurtenances, and to lease ground whereon to build said houses.

VI. And be it further enacted, That it shall be the duty of each of the said captains to cause to be taken care of and preserved, in the houses prepared for that purpose, the engine and appurtenances thereto belonging, assigned to the company under his command; and after the same shall have been so assigned, when any repairs thereof may be deemed necessary by a majority of the officers of said company, the captain shall cause the same to be done, as soon as may be, under the penalty of ten dollars; and in case of the absence, refusal to act, or inability of the captain, the same shall be done by the officer next in command, who may be in town, being thereto required by such majority, in the same manner, and in the same time as herein required of the captain, and under the like penalty; the expenses for which repairs, on approbation of
the accounts therefor, by such majority of officers, shall be paid by the town treasurer on the drafts of the officer making the same, and shall be allowed him in settlement with the said commissioners.

VII. And be it further enacted, by the authority aforesaid, That for raising a fund for the purpose aforesaid, the said commissioners, and their successors in office, are hereby authorised to lay a tax of not exceeding five shillings on each taxable poll, nor more than five shillings on every three hundred dollars value of lots and improvements in the said town; which taxes, when laid, shall be collected and accounted for as the other taxes of the said town.

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

IX. And be it further enacted, by the authority aforesaid, That the persons in the town of Washington liable to bear arms and muster, who may be drawn into either of the companies of twenty-five men, to work and keep the engines in order, during their time of service, be exempted from musterings, except at general or battalion musters, and whenever the United States may be at war, and whenever it may be necessary to call out, for service, the militia of the county, or to make a draft therefrom.

X. And be it further enacted, by the authority aforesaid, That the commissioners aforesaid, for the time being, be authorised to make, from time to time, such additional regulations and bye-laws, for the government of said companies, not inconsistent with, or contrary to the laws of this State and the provisions of this act, as to them may appear convenient and necessary.

XI. And be it further enacted, by the authority aforesaid, That all laws and parts of laws, which come within the purview of this act, are hereby repealed and made void.

CHAPTER LXXII.

An act to incorporate a light infantry company in 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 company of light infantry, commanded by captain Thomas A. Pasteur, in the town of Newbern, is, and are hereby incorporated under the title of the Newbern Guards.

II. And be it further enacted, That the captain of the company shall, at least six times in each and every year, order the same to muster at such time and place as he may think proper; and any officer, non-commissioned officer or private, who, having been duly summoned, shall neglect to appear at such muster, armed and equipped according to the regulations of said company, shall forfeit and pay, if an officer, a fine of three pounds, and if appearing, be not uniformed and equipped agreeable to the regulations adopted by the company, he shall forfeit and pay a fine of two pounds; if a non-commissioned officer or private, he shall forfeit and pay a fine of two dollars for non-attendance, and if attending, be not uniformed and equipped agreeable to the regulations of the company, he or they shall forfeit and pay such fine as may be adjudged against him or them, by any court-martial having cognizance there-of, not exceeding two dollars, nor less than fifty cents; which fine shall be levied and recovered in the same manner that all other fines are.
III. And be it further enacted, That the captain of the company shall, at least four times in every year, order a muster of his officers and non-commissioned officers, at such time and place as he may think proper; and every officer or non-commissioned officer, who, having been duly notified, shall neglect to appear at such muster, shall forfeit and pay a fine, if a commissioned officer, not exceeding six, nor less than three dollars; and, if a non-commissioned officer, not exceeding three, nor less than two dollars; which fine shall be levied and recovered in the same manner that all other fines are.

IV. And be it further enacted, That any officer, non-commissioned officer, or private, who shall faithfully serve in said light infantry company eight years from the date of their enrolment, and shall have obtained a certificate of the same from the captain, such officer, non-commissioned officer, or private, shall thereafter be exempt from military forfeitures and penalties, so long as he continues to reside within the regiment to which said company is attached. Provided, That such officers, non-commissioned officers and privates shall still be held as belonging to the company, and shall hold themselves completely armed and equipped in the uniform thereof, subject to the inspection of the captain, or such of his officers as he may order; And provided, also, That in case of war, insurrection or invasion, such officers, non-commissioned officers and privates shall be subject to all the duties, forfeitures and penalties to which other officers, non-commissioned officers and privates are subject, until they have attained the age of forty-five years: And provided, also, That the said exempts shall attend all general reviews and regimental parades of their regiment, under the same rules, forfeitures and penalties as other members of the said company are subject to.

V. And be it further enacted, That the captain shall once in every year order a muster of such officers, non-commissioned officers and privates as may be exempted by the fourth section of this act from military forfeitures and penalties, for the purpose of training them according to the rules of discipline, and inspecting their arms, equipments and uniform; which duty he shall perform or cause to be performed by one of his lieutenants or ensigns; and the inspecting officer shall report, in writing, to the next company court-martial held thereafter, the condition in which he found such arms, equipments and uniform; and such officers, non-commissioned officers and privates whose arms, equipments or uniform, or any part of the same, shall be found unfit for service, shall forfeit and pay a fine not exceeding fifteen dollars, nor less than five dollars; which fine shall be adjudged by said court-martial, and levied and recovered in the same manner that all other fines are.

VI. And be it further enacted, That if any officer, non-commissioned officer or private, exempted from military forfeitures and penalties, shall fail to attend a parade of inspection, after being notified of the same by a serjeant, he shall forfeit and pay a fine of ten dollars, to be levied and recovered in the same manner that all other fines are.

VII. And be it further enacted, That all fines, penalties and forfeitures, incurred in pursuance of this law, or by the laws and regulations of the Newborn Guards, are hereby appropriated to the use and benefit of said company, for military purposes.

CHAPTER LXIII.

An act regulating the mode of taking fish with the seine on Salmon Creek.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the rati-
tion of this act, it shall not be lawful for any person or persons, owning a fishery or fisheries on Salmon's Creek, in the county of Bertie, to keep more than one seine extended at the same time and at the same fishery, or to extend the same more than two thirds across the channel of said creek.

II. And be it further enacted, That where two or more persons own separate fisheries opposite each other, on said creek, it shall not be lawful to extend a seine from each fishery at the same time.

III. And be it further enacted, That each and every person violating the provisions of this act, shall, for every such violation, when convicted thereof before a single magistrate, or any court of law having jurisdiction of the same, forfeit and pay the sum of twenty-five pounds, one half to the use of the informer, the other half to the use of the county in which such offence is committed.

IV. And be it further enacted, That whenever any person is convicted of the before recited offence, the right of appeal shall be allowed as in other cases.

CHAPTER LXXXIV.

An act for the better regulation of the County Courts of Rowan, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the County Court of Rowan, at the first term to be held after the first day of May next, a majority of the acting Justices being present, to elect out of their own body five persons to hold the Courts of Pleas and Quarter Sessions in said county, who shall exercise their appointment for two years and no longer, unless re-elected; and it shall be the duty of said County Court, once in every two years thereafter, to make the like appointments.

II. And be it further enacted, That each of the Justices so appointed shall receive out of the funds of the county, as a compensation for their services, to be paid to them by the County Trustee, on the certificate of the clerk, the sum of two dollars and fifty cents per day, for each and every day they sit in court; and any three of those Justices shall at all times be competent to transact the business of law, that shall arise in said court; and they shall be governed by the same rules, regulations and authorities, that are now observed in the courts of this state.

III. Further, That the five Justices so elected shall have power to do and perform any business, matter or thing, which, by the existing law, might be done by seven Justices.

IV. And be it further enacted, That the County Court of Rowan, a majority of the acting Justices being present, shall have power to sell and dispose of the present Poor House establishment of said county, and to apply the proceeds thereof towards erecting another, in some situation more central and convenient to the several sections of the county as it now stands.

CHAPTER LXXXV.

An act to regulate the Courts of Pleas and Quarter Sessions of Onslow County.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Justices of the Courts of Pleas and Quarter Sessions for Onslow County be, and they are hereby, authorised at the first term of said Court that shall be held after the first day of April next, and at the first term of said Court, after the first day of April in each and every year thereafter, a majority of the acting Justices being present,
to elect from among themselves, five discreet persons to hold the said Courts of the said county, any three of whom, when so elected, shall be competent to hold said Court, and to discharge the ordinary duties thereof.

II. Be it further enacted, That the five Justices thus elected, shall be competent to do and perform, all and singular, the duties and things which by the now existing laws, seven Justices would be capable of doing; and that the said special court, when thus elected, shall be subject to the same rules and regulations as the other County Courts of this state; and they, or any three of them, are hereby authorised and required to settle and pass upon all accounts of guardians, executors and administrators that may be brought before said court for settlement.

III. Be it further enacted, That each of the Justices thus elected, shall be entitled to receive the sum of two dollars for each and every day they may be employed in holding said Courts; and also at the rate of two dollars for every thirty miles travelling to and from the same; which said several sums shall be paid to each of them by the County Treasurer or Trustee, upon their presenting a statement of their services and mileage, certified by the clerk of said Court; and the same being so paid, shall be allowed the County Treasurer or Trustee, in the settlement of their public accounts.

IV. Be it further enacted, That the Justices of said Court of Pleas and Quarter Sessions, are hereby empowered to lay an annual tax on polls and taxable property in said county, sufficient to defray the expenses arising from the provisions of this act; which tax shall be levied, collected and accounted for by the sheriff of said county, in the same way, and under the same penalties, as other county taxes are levied and accounted for.

CHAPTER LXVI.

An act to restore Davis Etheridge, of the county of Camden, to credit.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Davis Etheridge, of the county of Camden, be, and the said Davis Etheridge is hereby restored to credit, and to every privilege and immunity as a citizen of this State, as fully and amply as though the said Davis Etheridge had never been convicted and adjudged of the crime of petit larceny.

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

CHAPTER LXVII.

An act giving further time to Frederick Isler Cox, of Lenoir county, to build 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 Frederick Isler Cox be allowed the further term of seven years to build, completely, the said bridge, which the said Cox was authorised to build by an act of the General Assembly, passed in eighteen hundred and nineteen, chapter one hundred and thirteen.

CHAPTER LXVIII.

An act to divorce John White, of the county of Pasquotank, from his wife Tamar.

Be 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 White, of the county of Pasquotank, be, and he is hereby absolved from the bonds of matrimony with his wife Tamar White, in as full and ample a manner as if the same had never been entered into.
II. And be it further enacted, That said John be, and he is hereby discharg-
ed from all duties, obligations and engagements as husband to said Tamar.

CHAPTER LXIX.

An act appointing commissioners to extend and mark the dividing line between the counties of Bladen and Cumberland.

Be 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 G. Beatty and Robert Melvin, Esquires, of Bladen, and Joshua Jessop and Archibald M'Neill, Esquires, of Cumberland, be, and they are hereby appointed commissioners, with full power to extend and mark the dividing line between the aforesaid counties of Bladen and Cumberland, as heretofore established by law; and for that purpose, the said commissioners may, should they deem the same necessary, employ one surveyor, one chain-carrier, and one marker, on behalf of each county; all of whom to be paid as hereafter directed.

II. Be it further enacted, That when the commissioners shall have completed the work assigned them in the first section of this act, and made a report of their proceedings to the Courts of Pleas and Quarter Sessions of their respective counties, it shall be the duty of each of the said Courts, when thereunto requested, five justices being present, to allow a reasonable compensation to its commissioners, and the other persons employed by them in pursuance of this act: which allowance shall be paid by the county trustee, out of any moneys in his hands, on the certificate of the clerk of said court.

III. Be it further enacted, That should any of the commissioners named in the first section of this act die, or refuse to act, it shall be the duty of the Court of Pleas and Quarter Sessions of the county to which such commissioner may belong, to appoint another in his stead.

CHAPTER LXX.

An act for the better repairing and keeping in good order, the streets in the town of Jef-

feson, in Ashe 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 citizens of the town of Jefferson shall in future keep the streets in said town in good and lawful repair. And Provided always, that they shall not be compelled to work on any road beyond the limits of said town.

CHAPTER LXXI.

An act concerning the town of Lumberton.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the County Court of Robeson county, annually, to appoint some suitable person, an inhabitant of said town, to act as town overseer, who shall cause such streets, or parts of streets, as shall be designated by said court, to be kept in good and sufficient repair, and such drains by the side ways to be cut as will prevent stagnant water. He shall also attend to such duties as may hereafter be assigned him by private ordinances for the regulation of said town. If he fail in any of these particulars, he shall be indictable, and, upon conviction, shall be fined or imprisoned at the discretion of the court.

II. And be it further enacted, That the court shall put under the direction of said overseer such a number of hands, from among the inhabitants of said town, as will be necessary to carry the design of this act into effect; and they
shall be regulated by the same laws that apply to hands under overseers of public roads.

III. And be it further enacted, That the County Court may ordain such bye laws, not inconsistent with the laws of the land, for the regulation of said town, as may be recommended by a majority of the citizens of eighteen years old and upwards, which shall continue in force until, on a petition of a similar majority, the court shall think proper to rescind the same.

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

CHAPTER LXXII.
An act to allow commissions to constables, in the counties of Warren, Northampton and Brunswick.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all constables who may hereafter be appointed in the counties of Warren, Northampton and Brunswick, shall, in addition to the fees now by law allowed, receive commissions at the rate of two and one half per centum, for all moneys by them collected in virtue of their office.

II. And be it further enacted, That the constables aforesaid shall be entitled, and are hereby authorised, to charge and collect their commissions in the same manner as is now by law allowed to the sheriffs of this state.

CHAPTER LXXIII.
An act supplemental to an act, passed at the present session of the General Assembly, entitled "An act to allow commissions to constables, in the counties of Warren, Northampton and Brunswick."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the provisions of the above recited act be, and they are hereby extended, to the counties of Franklin, Halifax and Ashe.

CHAPTER LXXIV.
An act to amend an act, passed in the year 1819, entitled "An act relative to the appointment of county trustee for the county of Brunswick," and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when the clerk of the Superior Court of Law, or the clerk of the Court of Pleas and Quarter Sessions, for the county of Brunswick, shall have made out a certificate of any jurors attendance in his said Court, agreeably to the directions in the second section of the above recited act, it shall be his duty, before delivering the same to said jurors, to enter the same in a bound book, to be by him kept for that purpose, therein specifying the name of such juror, and the date, number and amount of the ticket so issued; which said book shall be kept among the records of his office, subject to the search and inspection of any person requiring the same.

CHAPTER LXXV.
An act to authorise Thomas Cobbs, of Wake 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 Thomas Cobbs to erect a bridge across Neuse river, after near his mills, in Wake county, on the land formerly owned by David Stone, Esquire; and when the said bridge shall be completed, it shall be lawful for the proprietor 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 waggon, for passing said bridge, sixty cents each; on all four wheel carriages of pleasure, fifty cents; on all two wheel carriages of pleasure, twenty-five cents; on all carts, fifteen cents; on a man and horse, five cents; on every loose horse, five cents; on every head of cattle, two cents; on every head of sheep or hogs, one cent; on foot passengers, five cents.

III. And be it further enacted, That when said Bridge shall be built as aforesaid, the proprietor thereof, for the time being, shall keep the same in good and sufficient repair, under the like penalty as other keepers of public bridges are subject to by the laws of this state.

CHAPTER LXXVI.

An act to authorise the County Court of Wake to have rebound and copied such books in the Register's Office, as are old and worn out, belonging to said county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Register of the county of Wake, under the directions of the Court of Pleas and Quarter Sessions, shall have rebound such of the books of his office as the court may direct, for which the court shall make him reasonable compensation.

CHAPTER LXXVII.

An act to amend an act, passed in the year one thousand eight hundred and seventeen, entited "An act to authorise the county courts of Wilkes and Brunswick to appoint a committee of Finance."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future the appointment of a committee of Finance, authorized and required by the above recited act, for the county of Brunswick, shall be made at the first term of the Court of Pleas and Quarter Sessions of said county, which may happen after the first day of January, in each and every year: Provided, that it shall be competent for any seven of the justices of said Court, being present on the bench, to make such appointment; any law to the contrary notwithstanding. This act shall be in force from and after the passing thereof.

CHAPTER LXXVIII.

An act to authorise William Blackledge, 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 William Blackledge to erect a bridge across Neuse River, either on his own account or with such persons as he may associate with him, opposite his plantation, or within two miles above the same; and when the said bridge shall be completed, it shall be lawful for the 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 waggon, for passing said bridge, sixty cents each; and all four wheeled carriages of pleasure, fifty cents; on all two wheeled carriages of pleasure, twenty-five cents; on all carts, 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 hogs and sheep, one cent each; and that no toll be levied on foot passengers.

III. And be it further enacted, That the Court of Pleas and Quarter Sessions of said county, upon the petition of said Blackledge, or his assigns and asso-
ciates, shall order the Sheriff of said county to summon a jury or juries of
good and lawful men to lay off a road from the foot of said bridge to some
convenient places of intersection with the roads on each side of the river, lead-
ing to Newbern and Kinston; and should said roads be laid off through the
lands of any other person than the proprietor of said bridge, to assess such
damages as the owners of said land may sustain thereby, to be paid by the pro-
priets or proprietor of said bridge; and upon its appearing to the satisfaction
of the Court of said county 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.

CHAPTER LXXXI.

An act authorising the proprietors of Beard's Bridge to keep a ferry 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 should the proprietors
of the bridge across the Yadkin River, commonly called Beard's Bridge, at
any time deem it necessary to repair, or in case of destruction, rebuild the
same, it shall be lawful, and they are hereby authorised, during the repairing
or the rebuilding thereof, to keep a ferry, and to transport over the same, per-
sons, carriages, horses, cattle, or any other thing: Provided, That they shall
not take any greater toll for the ferrying than is now authorised by law for
crossing the bridge.

CHAPTER LXXXII.

An act to extend the jurisdiction of the Superior Court of Law and Equity, for the coun-
ty of Rowan, to the County of Davidson for a limited time, 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 until the end of the
next General Assembly, the Superior Court of Rowan shall have jurisdiction
and cognizance in and over the County of Davidson, in as full and ample man-
ner as the said court has in and over the said County of Rowan; and all caus-
es, both civil and criminal, in the said County of Davidson, may be tried in the
same county, in the same manner as if the same causes had arisen in the Coun-
ty of Rowan, and offenders may be recognized and committed to the jail of
Rowan County, in the same manner as if the offences had been committed in
the County of Rowan; and all appeals from the County Court of Davidson
shall be taken to the Superior Court of Law and Equity of Rowan, under the
same rules and regulations which govern appeals in other counties.

II. And be it further enacted, That during the continuance in force of the
preceding section, the said County of Davidson shall send eighteen jurors to the
Superior Court of Rowan, to be chosen in the same manner and under the
same rules as jurors are now required by law to be chosen, to attend the Su-
perior Courts of this state; and the county of Rowan shall, in like manner,
choose eighteen jurors to attend the Superior Court of said county: Provided
nevertheless, That from and after the end of the next General Assembly, the
justices of Rowan County shall appoint thirty-six jurors, to attend the Su-
perior Courts of said county as heretofore.

III. And be it further enacted, That the County of Davidson shall be attach-
ed to, and is hereby declared, to compose part of the tenth congressional dis-
trict.
IV. And be it further enacted, That an act, entitled "An act to divide the County of Rowan," and another, entitled "An act, supplemental to an act to divide the County of Rowan," passed at the present session of this General Assembly, as well as this act, shall be in force from and immediately after the ratification of this act.

V. And be it further enacted, That Nathan Riley be, and he is hereby appointed a commissioner for locating the public buildings in the county of Davidson, in addition to the commissioners already appointed by an act, passed at the present General Assembly, entitled "An act supplemental to an act to divide the County of Rowan."

CHAPTER LXXXI.
An act directing the Sheriff of New-Hanover county to surrender a billiard table, by him seized for a violation of the law, to Dominique Cazaux.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Sheriff of the county of New-Hanover is authorised and directed to surrender to Dominique Cazaux, of the town of Wilmington, and county aforesaid, the billiard table lately forfeited by said Dominique, and seized by said Sheriff, upon the payment of the tax due on said table.

CHAPTER LXXXII.
An act to appoint commissioners, and authorise the county court of Buncombe to lay a tax, for building a Court House in said county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Samuel Chunn, James M. Smith, John Jarrett, John Woodfin and John McElroy, Esqrs. be, and they are hereby appointed commissioners, to contract for building a Court House in the county of Buncombe.

II. And be it further enacted, That the Court of Pleas and Quarter Sessions of Buncombe County shall and may have power and authority to lay a tax, not exceeding forty-five cents on the poll, and fifteen cents on every hundred dollars value of land and town property, for the purpose of raising a fund for building a Court House in the county aforesaid.

CHAPTER LXXXIII.
An act to amend an act, passed in 1821, entitled "An act respecting the Court 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 nothing in the above recited act contained shall be construed to prevent the Sheriff from summoning a jury to try civil causes at the terms of the said court, happening in May and November in each and every year: Provided, the said Courts at the terms aforesaid respectively should deem the same necessary, and should direct the Sheriff to summon them, to serve instanter, on any day of the said term or terms respectively.

CHAPTER LXXXIV.
An act authorising the Court of Probate of Cumberland county to fill vacancies which may occur in the offices of special justices in said county, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That whenever any person, appointed a special justice for the county aforesaid, shall vacate his office, by
death, removal or otherwise, it shall be lawful for the Court of Probate, and
they are hereby required, at their next session after such vacancy shall or may
have occurred, to appoint some other justice of the peace, who shall hold such
office until the next session of the Court of Pleas and Quarter Sessions at
which the annual election of special justices shall take place, and the person
so appointed shall possess all the powers and privileges, and be subject to the
same laws and regulations, with other special justices in and for said coun-

II. And be it further enacted, That all justices of the peace, and all special
justices, in and for said county, may take the oaths necessary for their qualifica-
tion for said offices either before the Court of Pleas and Quarter Sessions or
the Court of Probate in and for the said county, as may be most convenient.

III. And be it further enacted, That this act shall have its full force and ope-
ation from and after its ratification.

CHAPTER LXXXV.

An act to authorise and empower the executors of the last will of Dempsey Jenkis to
collect the arrears of taxes due him in Edgecombe 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 Benjamin Sampson and John
Wilkinson, executors of the last will and testament of Dempsey Jenkins,
late of Edgecombe county, deceased, be, and they are hereby authorised and
empowered to collect all arrears of taxes due to the said Dempsey Jenkins
at the time of his death, from all such persons as his tax books as appear tobe
indebted for the same, for the year 1820: Provided, that nothing herein con-
tained shall compel any person to pay the said taxes who can produce a receipt,
or otherwise prove that the same has been paid.

CHAPTER LXXXVI.

An act to repeal, in part, an act of the General Assembly of this State, entitled "An act
directing the designation of hands, and how they shall be compelled to work under
overseers of roads hereafter, in the counties of Lincoln, Columbus, Burke, and Rock-
ingham."

Be 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, so
far as relates to the county of Lincoln, be, and the same is hereby repealed.

CHAPTER LXXXVII.

An act to incorporate the town of Clinton, in Sampson county, and to appoint commis-
ioners of 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 William M'Kay, Alfred
Bradshaw, and Isaiah Thompson, be, and they are hereby appointed commis-
ioners for the town of Clinton, in Sampson county, and they, or a majority of
them, are hereby declared to possess full power and authority to adopt such
rules and regulations, and pass such by-laws for the prosperity and good go-

government of said town as they may deem expedient: Provided, the same are
not inconsistent with the laws and constitution of the State or of the United
States.

CHAPTER LXXXVIII.

An act to restore John Shately, of the county of Wilkes, to credit.

Be 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 Shately, of the coun-
ty of Wilkes, be, and is hereby restored to credit, and to every privilege and
immunity as a citizen of the State, as fully and amply as though the said John Bannatyne had never been convicted and adjudged of the crime of conspiracy.

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

CHAPTER LXXXIX.

An act supplemental to an act, passed in the year 1784, entitled "An act to appoint commissioners, and to establish the town of Morganton, in Burke county, and for other purposes." Whereas the commissioners appointed to sell sundry lots in the town of Morganton, under the act of 1784, have omitted to execute divers deeds for lots by them sold, and being now deceased; 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 Thomas Bouchell, John Caldwell, Thomas Walton, David Tate, and Adolphus B. Erwin, be, and they are hereby appointed, authorised and empowered to execute deeds of conveyance to any lot or lots, in the town of Morganton, which were sold by the commissioners appointed under the act of 1784, and to which said commissioners have not hitherto executed deeds for the same; and said deeds, when so executed, shall be as good and valid, to pass and vest the fee simple in the purchasers of said lots, as though they had been executed by the commissioners appointed under the act of 1784.

CHAPTER XC.

An act to restore James Jackson, of the county of Moore, to credit.

Be it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That James Jackson, of the county of Moore, is hereby restored to credit, and to every privilege and immunity as a citizen of this state, as fully and amply, as though the said James Jackson had never been convicted and adjudged of the crime of Petit Larceny.

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

CHAPTER XCI.

An act to authorize the trustees of Portsmouth Academy, in Carteret county, to raise by lottery one thousand dollars.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the trustees of the Portsmouth Academy, in Carteret county, for the time being, shall be, and they are hereby authorised and empowered to raise by lottery, and by such scheme or schemes as they or a majority of them may think most advisable, a sum not exceeding one thousand dollars, under special conditions that the same shall be appropriated to the use and benefit of the said Academy.

II. And be it further enacted, That the said lottery of lotteries shall be conducted and drawn under the superintendence and direction of such person or persons, at such time or times, and under such rules, regulations and restrictions, as the said trustees may deem the most beneficial to the interest of the said institution, and to apply the proceeds to the necessary repairs of the house, or to other objects tending to the prosperity of the said seminary.

CHAPTER XCI.

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

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the five justices of the
peace, appointed under the aforesaid act to hold the said several jury County Courts, shall have full power and authority to do and transact, during said jury courts, all business that heretofore required seven justices to be present; and, at the expiration of the time for which the present justices were elected, their successors shall be elected for two years instead of three; and if there shall hereafter be any vacancy in said County Courts, by the death, removal or resignation of one or more of said five justices, each vacancy shall be filled out of their own body, a majority of the justices being present; and such justices, so elected, shall receive the same compensation, and be governed by the same rules, as though they had been appointed under the act of eighteen hundred and twenty; and this act shall be in force from and after the passing thereof.

CHAPTER XCVIII.

An act to establish Meltonsville Academy, in the county of Anson, and to incorporate the Trustees thereof.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Andrew Paul, Alfred Sinclair, James Fields, Jonathan Durin, David Rushing, Stephen Rushing, Mordicai Meader, Michael Baker and Vachel T. Cheeris 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 Meltonsville 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 to 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 to 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.

CHAPTER XCV.

An act to incorporate Durham's Creek Academy, in the county of Beaufort.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Thomas Robeson, William S. Rowland, William Vines, Jesse D. Carraway, John Smaw, William Pritchett and Thomas Ellison, and their successors, 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 Durham's Creek Academy, and by that name shall have perpetual succession; and shall be able and capable in law to have, receive, and possess any lands, tenements or goods that may be given to them, and to apply the same according to the will of the donor, and dispose of the same, if not forbidden by the terms of said gift. They may sue and be sued, plead and be impleaded, in any Court of Law in this State; shall have power to appoint to any vacancies which may arise in the Board of Trustees, and establish such laws and regulations for the government of said institution as may be necessary for the preservation of good morals and the advancement of learning; and, finally, to do all such acts as are necessary for the establishment of said academy.
CHAPTER XCV.

An act to provide for the removal of the clerk's office of the Court of Pleas and Quarter Sessions, of Guilford county, to the Court House.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the clerk of the Court of Pleas and Quarter Sessions, of the county of Guilford, to hold his office at the court house of said county, whenever an office is built suitable for that purpose: Provided, a majority of the acting justices of the county of Guilford aforesaid shall determine that it is necessary and proper, and that it would tend to the promotion of the public interest and convenience.

II. And be it further enacted, That the justices of the Courts of Pleas and Quarter Sessions of the county aforesaid are hereby authorised and empowered to make such decision relative to the removal of the clerk's office to the court house whenever they may deem it expedient, a majority of the acting justices being present. And should they determine on the removal of the said office to the court house, they are hereby authorised and directed to lay a tax on the inhabitants of said county sufficient to defray the expenses of building an office for that purpose, and, when collected, to apply it accordingly.

III. And be it further enacted, That when the said office shall be so completed, the clerk of the Court of Pleas and Quarter Sessions of the county aforesaid, and his successors in office, shall keep their offices therein, under the penalty of five hundred dollars, to be recovered before any jurisdiction having cognizance thereof, and applied to the use of the county.

CHAPTER XCVI.

An act supplemental to an act, passed in the year eighteen hundred and eighteen, entitled "An act to appoint commissioners to extend the Fayetteville road from Morgan ton to the Tennessee line.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William M'Cimsey, William Alexander, and John Fagan, be, and they are hereby appointed commissioners, in addition to the commissioners appointed under the above recited act.

II. And be it further enacted, That the commissioners appointed by virtue of this, and the before mentioned act, or a majority of them, shall have authority to lay off and extend said road agreeably to the first section of said act, passed in eighteen hundred and eighteen.

III. Be it further enacted, That the expenses which may be incurred, by running and marking the aforesaid line, shall be defrayed in the manner pointed out in the third section of the above recited act.

CHAPTER XCVII.

An act for the better regulation and discipline of the militia of Ashe 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, Brazilia McBride's and Jesse Brown's companies shall hold their battalion musters at Jordan Council's.

II. And be it further enacted, That Captain Paton Colberd, Captain Isaac Weaver, Captain Leonard Billow and James Gentry's companies shall hold their battalion muster, in each and every year, at the town of Jefferson.

III. And be it further enacted, That Captain Jacob Baldwin's and Captain Morgan Bryant's companies shall in future hold their battalion muster, one in each and every year, at Gap Civil.

8
IV. And be it further enacted, That it shall be the duty of one or more of the field officers to attend the several battalion musters, in order to train and discipline the troops according to the militia laws; and in case of failure, the next senior officer is hereby required to discharge that duty.

V. And be it further enacted, That nothing in this act shall be so construed as to prevent the militia from being called, at least once in every three years, as the case may be, to attend a general muster at the town of Jefferson.

VI. And be it further enacted, That the officers that command the aforesaid battalions shall have power to hold courts martial, at their respective battalion musters, subject nevertheless to an appeal of the delinquents to the general court martial.

VII. And be it further enacted, That the field officers of the aforesaid battalions shall hold two drill musters in each and every year, at the court house in said county, for the better disciplining of the said officers, under the same rules, regulations and restrictions as heretofore practised.

CHAPTER XCVIII.

An act to incorporate the Free Bridge Company, in the county of Buncombe.

Whereas, certain individuals, of the county of Buncombe, did, in the year 1816, have a free bridge built across the French Broad river, which was warranted to last five years, and which, now, for want of a sufficient fund for repairs, is become almost useless; 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 Philip Brittain, John Miller, Thomas Rhodes, William Kimsey and Jeremiah Osbourne, their successors and assigns, be, and they are hereby constituted and established a body politic and corporate, in law and in fact, and shall be continued, during the term of twenty years, by the name and style of the "Free Bridge Company;" and by that name and style they are fully empowered and made capable to sue and be sued; plead and be impleaded, answer and be answered, to defend and be defended, in any Court of Record whatever, or before any Justice of the Peace in this State; and, also, to make, have and use a common seal; and to ordain and establish, and put in execution, such bye-laws, ordinances and regulations as may seem requisite and proper for the government of said corporation, not being contrary to the municipal law of the land; and generally to do and execute all such acts and things, as are within the common implied powers of corporations and bodies politic, so far as the intended object of this institution may require.

II. And be it further enacted, That, agreeably to the end and design of this corporation hereby declared, that the aforesaid commissioners shall have power and authority to collect such sum from all persons crossing said bridge, except such persons as originally subscribed to have it built, as may be necessary to keep said bridge in repair, and may be directed by the County Court of Buncombe; which is hereby authorised and empowered to direct what tolls shall be collected from such persons.

CHAPTER XCIX.

An act to incorporate a Male and Female Academy on the lands of Thomas Cottrell, in the county of Warren, by the name and under the title of the "Shady Grove 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 Henry G. Williams, Reverend Hill Jones, John Harwell, Samuel Williams, James Southerland,
Benjamin C. Eaton, Colonel Rhea Read, Reverend Henry Pitts, Doctor John M. Walker and the Reverend Thomas Cattrell, 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 Shady Grove 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 monies, goods and chattels, lands and tenements that shall be given them for the use of said Academies, and the same apply according to the will of the donor.

II. And be it further enacted, That the said Trustees, by the name aforesaid, viz. "The Trustees of the Shady Grove Academies," shall be able and capable to sue and be sued, plead and be impleaded, in any Court within this State; 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 in case of death, refusal, or inability to act of any of the trustees now appointed, the remaining trustees, or a majority of them, may elect others to supply their places, and shall also have power to elect additional trustees, so that the whole number shall not exceed twenty-five.

CHAPTER C.

An act to repeal all acts, and clauses of acts, offering a premium for wolf scalps, in the county of Buncombe.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all acts, and clauses of acts, offering a premium for wolf and panther scalps, in the county of Buncombe, be, and the same are hereby repealed.

CHAPTER CI.

An act to appoint commissioners to contract with Jeremiah Land for twenty acres of land to erect a town upon, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Spencer Hall, Willoughby D. Barnard, Patrick Northen, Daniel Lindsay, senior, and Thomas Whitehall, be, and they are hereby appointed commissioners; who, or a majority of them, are hereby invested with full power and authority to purchase, (on condition that they can obtain it at a fair and equitable price, taking the local situation and other circumstances into consideration,) of Jeremiah Land, twenty acres of land around the court house in Currituck county; which land, when purchased by said commissioners, or obtained by the provisions of this act, shall be by them laid off into a town, by the name of "Crawford," in such manner and in lots of such size as they, or a majority of them, may think proper: Provided, That if either of the said commissioners shall die or refuse to act, then, and in that case, they, or a majority of them, shall have power, after having been fully apprised of such death, or refusal to act, if either should occur, to fill such vacancy or vacancies.

II. Be it further enacted, That the said commissioners herein named, or a majority of them, are hereby invested with full power and authority to purchase and receive titles for the said twenty acres of land, and to sell and make titles to the same in as full and ample a manner as other titles in law.

III. Be it further enacted, That the said commissioners, or a majority of them, are hereby authorized and directed to lay off, or cause to be laid off, the
said twenty acres of land, in such manner that the court house of said county shall be as nearly in the centre of said town as practicable: Provided, That the buildings belonging to said Jeremiah Land, near the court house, and the necessary quantity of ground around them for yards, a garden and horse lot, shall be exempted, should they come within the limits of said town.

IV. Be it further enacted, That the said commissioners, or a majority of them, are hereby authorised and directed to sell, on or before the twenty-fifth day of June next, the said lots at public vendue, on a credit not exceeding twelve months, giving at least thirty days' notice of such sale, to be advertised in not less than three public places in said county, and to be inserted in the Elizabeth City Star and Edenton Gazette, and to take bonds with good and sufficient securities from the purchasers, payable to the county trustee; which bonds the said commissioners are hereby directed to deliver over to the said county trustee, whose duty it shall be to collect the demands of the said Jeremiah Land for the purchase of said twenty acres of land: Provided, That in case the said Jeremiah Land should be willing to receive in payment bonds taken by said commissioners for the sale of said lots, it shall then, and in that case be the duty of the county trustee to endorse and deliver to said Jeremiah Land as many of said bonds as will satisfy the demands of said Jeremiah Land, for the purchase of said twenty acres of land.

V. Be it further enacted, That if said lots do not sell for a sum sufficient to discharge the bond or bonds which may be given by the said commissioners, or a majority of them, for the said twenty acres of land, then, and in that case, the County Court of Pleas and Quarter Sessions of said county of Currituck, at their next term succeeding the sale of said lots, shall, and are hereby authorised and directed to lay a tax to meet the deficiency; which tax shall be collected as other taxes, and paid into the hands of the county trustee, and by him to be applied to the purpose for which the same was laid.

VI. Be it further enacted, That the said commissioners, or a majority of them, are hereby required and directed to reserve, as the property of the said county of Currituck, in conformity with the third section of this act, a sufficient quantity of ground for the public buildings of said county as, in their opinion, is necessary.

VII. Be it further enacted, That, provided the said Jeremiah Land, his devisees or heirs at law, shall refuse to receive of the commissioners, or a majority of them, who may be appointed in pursuance of this act, what, in their judgment, shall be a fair and equitable consideration for the purchase money of the said twenty acres of land, as mentioned in this act, then, and in that case, the commissioners shall file their petition in the Superior Court of the county of Currituck, after giving ten days' previous notice to the said Jeremiah Land, his devisees or heirs at law, of their intention.

VIII. Be it further enacted, That at the Court to which the said Jeremiah Land, his devisees or heirs at law, shall be so notified, the Court shall order a jury of good and lawful men to be impannelled to assess and ascertain the value of the said twenty acres of land; and the Court shall condemn the land as aforesaid, and give the said Jeremiah Land, his devisees or heirs at law, a judgment or decree for the same, to be paid by the county trustee; and also decree that the said Jeremiah Land, his devisees or heirs at law, shall make a good and bonâ fide title to the said twenty acres of land, according to the provisions of this act.

IX. Be it further enacted, That the commissioners herein named, and those
who may be appointed in pursuance of this act, shall receive two dollars for each and every day they may be employed in discharging the duties prescribed to them by this act; and the are hereby invested with power and authority to employ a Surveyor to lay off said land and town, who shall receive the sum of three dollars for each and every day he may be engaged in performing the said work; which money shall be paid by the county trustee for the said county of Currituck.

CHAPTER CII.

An act to incorporate a Library Society, in Guilford county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Library Society, in Guilford county, be, and they are hereby incorporated into a body politic and corporate, by the name and style of the Richland creek Library Society; and they are hereby declared to possess power and authority to do all matters and things, to carry into effect the objects and views of the said society as other bodies politic and corporate of the like nature, in this State, are authorised to do and perform.

CHAPTER CIII.

An act to amend an act, passed in the year 1835, entitled, "An act directing the sale of public lands, adjoining the town of Smithville."

Be 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 Brown, Junr., Richard Langdon, and John Gibbs, of Brunswick county, be, and they are hereby appointed commissioners, for the purpose of making full and complete titles to the purchasers of public lands, adjoining the town of Smithville, which have been sold by the commissioners appointed by the above recited act, in all cases and to all persons who have purchased, and have not received titles to the lands purchased by them respectively; and the titles, when so made by the commissioners aforesaid, or a majority of them, are hereby declared to be good and valid to all intents and purposes, to the said purchasers, their heirs and assigns.

CHAPTER CIV.

An act to amend an act, passed in the year one thousand eight hundred and eighteen, entitled "An act to establish a poor and work house in the county of Camden, 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 passage of this act, it shall be the duty of the wardens for the county of Camden, and they, or a majority of them, are hereby required immediately to carry the provisions of the before recited act into effect; any law to the contrary notwithstanding.

CHAPTER CV.

An act to authorize the securities of William Barr, late sheriff of Stokes county, to collect arrears of taxes for the years 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 Edward Tatum, George Ray, Thomas Carr and Andrew Bowman, all of the county of Stokes, securities of William Barr, late sheriff of the said county, be, and they are hereby authorised to collect the arrears of taxes due the said William Barr, late sheriff of Stokes county, for the years one thousand eight hundred and eighteen, one thousand eight hundred and nineteen, and one thousand eight hundred and twenty, in the said county; which collection shall be made under the same rules regulations and restrictions, as the collection of other public taxes in this
CHAPTER CVI.

An act to repeal part of the fourth section of an act, passed in the year 1810, entitled "An act to establish the mode of elections, in future, in the county of Buncombe.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the fourth section of the above recited act, as requires the polls to be kept open at Asheville on Thursday till sunset, be, and the same is hereby repealed.

II. And be it further enacted, That the polls shall in future be opened at Asheville aforesaid, on Thursday at ten o'clock, A. M. and closed at five o'clock, P. M. any law or usage to the contrary notwithstanding.

CHAPTER CVII.

An act to incorporate the Mecklenburg and Robeson Agricultural Societies.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the present members of the Mecklenburg 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 Mecklenburg 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 said society, as they may think best calculated to promote the welfare of the institution.

II. And be it further enacted, That the present members of the Robeson Agricultural Society, and such as may be hereafter admitted into the same, be, and they are hereby constituted a body corporate and politic, by the style of "the Robeson Agricultural Society," and by that name shall be capable to sue and be sued, plead and be impleaded, receive, hold and transfer real and personal property, and make such rules and regulations for the government of the society, as may promote the interest of agriculture.

CHAPTER CVIII.

An act directing the manner of appointing patrollers in the county of Davidson.

Be 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, and it is hereby declared to be the duty of the commissioned officers of the several companies of militia in the county of Davidson, at the first muster of their respective companies to be held after the first day of May next, and at every muster held thereafter, to appoint five discreet persons, residing within their respective districts, to serve as patrollers for the term of three months; whose duty it shall be to patrol the said districts respectively, according to the laws now in force, for the regulation of patrollers in this state; and the commanding officer, making such appointment, shall cause the persons thus appointed...
to be notified in writing of the same, requiring them to go before some justice of the peace for said county, within ten days, to qualify as the law directs; and every person, so appointed and notified, failing or refusing to qualify and perform the duties required by this act, shall be subject to the like penalties and fines to which patrollers, appointed in the usual manner, would be subject to in such circumstances: Provided, that the persons so appointed shall not be compelled to serve more than three months out of twelve months; any law to the contrary notwithstanding.

CHAPTER CIX.

An act making compensation to the jurors in the courts of 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 first day of May next, all jurors who shall be drawn and summoned, and who shall regularly attend any of the Superior Courts, or Courts of Pleas and Quarter Sessions of Mecklenburg, shall be paid by the trustee of said county, upon the certificate of the clerk of the court in which such juror may so attend, the sum of one dollar each, for every day's attendance, and at the rate of one dollar for every thirty miles travelling to and from such court: Provided, that each juror shall swear to the number of days he may have attended said court. And the justices of the Court of Pleas and Quarter Sessions of said county are hereby required, annually, to lay a tax, not exceeding twenty cents on the poll, and five cents on every hundred dollars value of land and town property in said county, for the payment of said jurors aforesaid; which tax shall be levied, collected and accounted for by the sheriff of said county in like manner as other county taxes.

CHAPTER CX.

An act to appoint commissioners, and to incorporate the town of Huntsville, in the county of Surry.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Peter Clingman, William Chaffin, Silas Vestal, Asa Vestal and John Welsh be, and they are hereby appointed commissioners of the town of Huntsville, in Surry county; and they are hereby incorporated a body corporate and politic, by the name of the Commissioners of the town of Huntsville; who shall have power, on the death, resignation or removal of any one of the said commissioners, a majority being present, to elect others to supply vacancies.

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

III. And be it further enacted, That the jurisdiction of the commissioners appointed under this act, and their successors in office, shall extend to the limits of the town of Huntsville aforesaid; any law, usage or custom to the contrary notwithstanding.

CHAPTER CXI.

An act to appoint Trustees for the Kinston Academy, and to regulate the same.

Whereas, the Trustees here-tofore appointed for the Kinston Academy, in the county of Lenoir, have died, removed from the state, or refuse to act:
Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in addition to such of the trustees, heretofore appointed, as may think proper to act, Isaac Tull, Charles Westbrook, Abner Pearce, Blount Coleman, Nathaniel B. Whistlefield, Abram Croom, Nathan G. Blunt and Isaac Croom, junior, be, and they are hereby appointed trustees of said academy, with the same power and authority heretofore conferred on the trustees of said institution.

II. Be it further enacted, That any five of the trustees of said academy shall be a quorum sufficient for the transaction of business, and the regulation of its concerns; any law or usage to the contrary notwithstanding.

CHAPTER CXII.

An act to incorporate Western Sun Lodge, No. 72, in the county of Wake.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the master, wardens and members of the Western Sun Lodge, No. 72, in the county of Wake, and their successors, be, and they are hereby constituted a body politic and corporate, by the name of Western Sun Lodge, No. 72; and by that name shall have perpetual succession and a common seal; may sue and be sued, plead and be impeached, acquire and transfer property, and pass all such bye-laws, and regulations, for their own government, as shall not be inconsistent with the constitution and laws of the United States, and of this state.

CHAPTER CXIII.

An act to amend an act, passed the last session of this General Assembly, entitled "An act to authorise the Smoky Mountain Turnpike Company to extend their Turnpike road from the line of Tennessee to the mouth of Soco Creek, in Haywood county."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Smoky Mountain Turnpike Company is hereby authorised to lay off, extend and make their turnpike road, by any route they may think most expedient, from the line of Tennessee to the town of Franklin, in the county of Haywood; any provisions in the said act to the contrary notwithstanding.

CHAPTER CXIV.

An act to repeal an act, passed in the year 1810, chapter 165, entitled "An act to authorise the County Court of Pleas and Quarter Sessions for the county of Mecklenburg to appoint a committee on roads."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the before recited act be, and the same is hereby repealed and made void; and that, in future, all power, with regard to the management of roads in any respect whatever in said county, shall be vested in the Courts of Pleas and Quarter Sessions of said county; any law to the contrary notwithstanding.

CHAPTER CXV.

An act to regulate the parish of Richmond county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall be the duty of each captain of the several militia companies in the county of Richmond, at the first muster which they may respectively hold after the first day of January next, and every six months thereaf-
ter, to appoint not less than five fit and proper persons to act as patrols for six months, whose duty it shall be to patrol their respective districts at least twice a month. And such patrols, so appointed, or any three of them, shall inflict not more than fifteen lashes on the bare back of any negro slave whom they may find beyond his or her master or mistress's premises, without a permit in writing from his or her master or mistress, designating the place or places to which such slave is permitted to go, unless the patrol may reasonably suppose that such slave is going to or returning from preaching. And such patrols, so appointed, shall be exempt from working on roads, serving as jurors, and performing military duty, except battalion and regimental musters: Provided, that no person be required to serve more than six months in two years.

II. And be it further enacted, That any captain, neglecting to appoint patrols according to the provisions of this act, shall forfeit and pay the sum of ten dollars, to be applied as other fines of a similar nature are: any law to the contrary notwithstanding.

CHAPTER CXVI.

An act to authorise the County Courts of Pleas and Quarter Sessions of Chatham, Anson, Iredell, Rockingham Randolph, Halifax, Chowan, Carteret, Perquimons, Columbus, Currituck, Craven, Sampson, Tyrrell and Bladen to appoint a committee of finance.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the justices of the peace of the Courts of Pleas and Quarter Sessions of the counties of Chatham, Anson, Iredell, Rockingham, Randolph, Perquimons, Halifax, Chowan, Carteret, Columbus, Currituck, Craven, Sampson, Tyrrell and Bladen, at their next courts to be held in said counties after the first day of March next, and annually thereafter, seven justices being present, if they deem it expedient, to appoint three persons in each county, of skill and probity, to act as committees of finance; whose duty it shall be to call to settlement all the public officers in said counties, who have, or do, or hereafter may hold any money in their hands belonging to said counties, once in twelve months, or oftener, if necessity requires it: Provided, however, that it shall be the duty of such committee, appointed by this act for each of said counties, or a majority of them, to notify, in writing, the officer or officers with whom they wish to settle at least ten days previous to the day appointed for settlement, specifying the time and place at which they will attend for the purpose of making such settlement; and each officer, on receiving such notice as before mentioned, and failing to attend, shall forfeit and pay the sum of one hundred dollars for each such failure, to be recovered before any jurisdiction having cognizance thereof; which suit shall be prosecuted, at the expense of the county, by each of said committees, in the names of the chairmen of the courts, for the use of said counties: Provided, nevertheless, if such person or persons, so failing to attend, render such excuse to the next succeeding Court of Pleas and Quarter Sessions as may be satisfactory, such court shall have power to remit the said forfeiture: And provided always, that no suit shall be brought to recover the said forfeiture, until one term of the said County Court shall have intervened.

II. And be it further enacted, That every person appointed by the authority of this act to form a committee of finance, shall, previous to his entering on the duties of his appointment, take the following oath: I, A. B. do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duties imposed on me by law, as a member of the committee of finance for the county of , in all business that may come before me, without doing injur-
tice to the county or individual, to the best of my knowledge and understand-
ing. So help me God.

III. And be it further enacted, That a majority of the members of the com-
mittee appointed by virtue of this act, shall be competent to make settlements
in manner prescribed in the first section of this act; and each member, com-
posing said committees, shall be entitled to receive, for his services, per day,
at the discretion of the court of said county, a sum not exceeding three dollars
for every day he may be necessarily employed in making settlements: to be
paid out of any money belonging to the county, in the same manner that other
county claims are paid.

IV. And be it further enacted, That it shall be the duty of each committee
of finance, appointed agreeably to the directions of this act, to make out two
fair statements of each settlement by them made by virtue of their appoint-
ments; one of which shall be filed with the clerk of the County Court, and the
other to be kept by the committee for their use. And it shall be the duty of
the committee of finance in each county to hand over to their successors in of-
fice all such papers in their possession as pertains to the province of said com-
mittee.

V. And be it further enacted, That the committees appointed by this act
shall have full power and authority to send for persons and papers; and every-
person notified to attend at such time and place as may be designated by such
committee, either personally, or with such papers in his possession as may be
required, and, failing to comply, shall be subjected to a penalty of fifty dollars,
to be recovered before any jurisdiction having cognizance thereof, in the name
of the chairman of the court, for the use of the county: Provided, neverthe-
less, when a satisfactory excuse shall be made, on oath, to the next Court of Pleas
and Quarter Sessions of said county, (until which time no suit shall be
brought,) the penalty by this section inflicted shall be remitted.

VI. And be it further enacted, That the report of the committees appointed
under the authority of this act shall be prima facia evidence, to establish the
existence of all such sums reported to be due to said counties from the several
officers with whom they have made settlements.

VII. And be it further enacted, That the County Court shall not have power
to appoint a committee of finance, or make an allowance for their services,
unless there shall be a majority of the justices of the said counties on the bench
at the time of such appointment, or allowance being made:

VIII. And be it further enacted, That nothing contained in this act shall
be so construed as to compel either the clerk of the County or Superior Court
or clerk and master in equity to meet a committee of finance, in order for set-
tlement of their accounts, at any other place than at the court-house of their
respective counties, or at their respective offices: any law, usage or custom to
the contrary notwithstanding.

CHAPTER CXVII.

An act to incorporate Franklin Library Society in the town of Hillsborough.

Be it enacted by the General Assembly of the State of North-Carolina, and
it is hereby enacted by the authority of the same, That the members of Frank-
lin Library Society, and their successors, be, and they are hereby constituted
a body politic and corporate, to be known and distinguished by the name of
the Franklin Library Society; and by that name shall have perpetual succes-
sion, 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 to the benefit of said corporation, according to such rules as may be established, from time to time, for the good government thereof.

II. And be it further enacted, That the said society 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 bye-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.

CHAPTER CXVIII.

An act to prevent hogs from running at large in certain parts of Currituck county.

Whereas, divers of the good citizens of Currituck county, who appropriate certain parts of their land exclusively to the pasturage of sheep, are subject to frequent destructions of their lambs and young sheep from the ravages of swine;

Be 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 or persons whatsoever to turn loose or let run at large any hog or hogs, from the twenty-fifth day of December until the first day of June, in each and every year, on the range beginning at the north end of a bald beach, which is generally known by the name of the Flat Place; thence extending south as far as the dividing line between the counties of Currituck and Carteret, under the penalty of five pounds for each and every violation of the provisions of this act, to be recovered by warrant before any Justice of the Peace having cognizance thereof, to the use and benefit of the informer.

CHAPTER CXIX.

An act to authorize John A. Cameron, of the town of Fayetteville, to erect and keep up a toll bridge across Deep River, in Chatham county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John A. Cameron, of the town of Fayetteville, his heirs and assigns, be, and they are hereby authorized and empowered to erect and keep up a toll-bridge on his own land, across Deep River, in Chatham County, at a place called and known by the name of Brantley's Ferry, or within two miles thereof.

II. And be it further enacted, That as soon as said bridge may be completed, he shall be authorised to ask, demand, and receive the following tolls for crossing the same, viz. for every four wheel carriage of pleasure, seventy-five cents; for every waggan with four horses, sixty cents; for every waggon with one or two horses, and every two wheeled carriage of pleasure, twenty-five cents; for every cart, twenty cents; for every man and horse, ten cents; for every horse, five cents; and for every cow, sheep, or hog, three cents.

III. And be it further enacted, That the said John A. Cameron is hereby authorised to keep one or more gate or gates on the road leading to the said bridge, on his paying the usual tax thereon.

CHAPTER CXX.

An act to alter the time of holding the Courts of Pleas and Quarter Sessions of the county of Person.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That after the next term of
Person County Court of Pleas and Quarter Sessions, the Justices thereof shall hold the said Court on the second Monday of February next, to which all process and proceedings shall be made returnable.

II. *Be it further enacted*, That hereafter the said Courts of Pleas and Quarter Sessions shall be holden on the second Mondays of May, August, November and February, annually.

III. *Be it further enacted*, That it shall be the duty of the Justices of said county, at May term next, to elect a Sheriff for said county, who shall enter upon the duties of his office on the twenty-third day of June next, and continue to discharge the duties of said office until the second Monday of May, in the year of our Lord one thousand eight hundred and twenty-four; and the bond given by said Sheriff shall be according to the provisions of this act.

IV. *And be it further enacted*, That all elections for Sheriff for said county shall be holden at May term in each and every year thereafter; any law to the contrary notwithstanding.

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**CHAPTER CXXI.**

An Act to appoint Commissioners to view and lay off the road leading across the mountain, from the town of Wilkesborough to Mrs. Bogle's, in Iredell County.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Finley, Hamilton Brown, and John Russell, of Wilkes County, and Robert Carson, of Iredell County, are hereby appointed Commissioners to view, lay off, and amend the main road leading from the town of Wilkesborough in Wilkes County, across the mountain to Mrs. Bogle's in Iredell County; and the said Commissioners, or a majority of them, are hereby authorised and empowered to view, lay off, and amend the whole or any part of said road, and to assess, upon oath, any and all damages which may accrue to individuals in consequence of altering or amending the said road, and to make a due return thereof to the County Courts of their respective counties, together with a fair plat of the said road, which shall be deposited in the County Court clerk's office, of each county.

II. *Be it further enacted*, That the Courts of Pleas and Quarter Sessions of each county, are hereby authorised and required to lay a tax upon the polls and taxable property of each county, sufficient to discharge the damages which may accrue by the altering or amending said road, within their respective counties. And the sheriff of each county is hereby required to collect and account for the same, in the same manner as other taxes.

III. *Be it further enacted*, That the overseers which now are, or hereafter may be appointed on said road, together with all hands liable to work on said road, are hereby required to open and clear out the same, in the manner which shall be designated by said Commissioners; and for every neglect or refusal to perform the same, shall be subject to the same fines and penalties, as are now imposed on overseers and hands for neglect or refusal to work, by the existing laws of this state.

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**CHAPTER CXXII.**

An Act making compensation to the Jurors of the Superior and County Courts of Franklin and Camden.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, each and every Juror who shall be appointed and summoned, and shall regularly attend the Superior or County Courts of Franklin and Camden, shall be allowed the sun
of eighty cents for each and every day he may attend, and at the rate of eighty cents for every thirty miles travelling to and from said courts.

II. And be it further enacted, That each and every Juror shall obtain, on oath, from the Clerk of his said court, a certificate setting forth the number of days he has attended, and the distance he has travelled to and from said courts, which shall be paid by the trustees of the counties aforesaid, in the same manner as other county claims are paid.

III. Be it further enacted, That the County Courts aforesaid shall, and they are hereby authorised and required to lay a tax, in said counties, on each and every white and black poll, not exceeding twenty-five cents, and on every three hundred dollars value of town property and land, the like sum, so as to raise a sufficient sum, in said counties, for the payment of said Jurors. Which tax the County Courts aforesaid shall continue to lay annually; and which taxes shall be collected and accounted for, as other county taxes, in said counties, are now, or may hereafter be collected and accounted for; any law to the contrary notwithstanding.

CHAPTER CXXIII.

An act to establish Hopewell Academy, in Edgecombe county, and to incorporate the trustees thereof.

Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That James Stanton, Elijah Price, Josiah R. Horn, Samuel Vines, Jesse Speight, Benjamin Miller and Henry T. Stanton, and their successors, be, and they are hereby declared to be a body politic and corporate, to be known by the name of the Trustees of the Hopewell 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 lands and tenements, goods, chattels and monies that may be given to them, and apply the same according to the will of the donor, and dispose of the same, if 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 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, not inconsistent with the laws and constitution of the state; 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.

CHAPTER CXXIV.

An Act to establish a free Ferry in the county of Montgomery.

Whereas the citizens of the county of Montgomery, residing on the west side of Pee Dee River, are at considerable expense in travelling to and from the Court House, on public days, in consequence of their having to pay ferryage: for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions of the county of Montgomery, (a majority of the acting justices being present,) be, and they are hereby authorised and empowered, should they deem it expedient, to appoint three Commissioners for the purpose of contracting for one acre of land, on each side of the Pee Dee River, on terms the most reasonable, and at a place the most suitable for establishing a free ferry
thereat; and when the said ferry is established, and a flat prepared for the purpose of conveying passengers, the same shall be under the control and management of the said court, or Commissioners to be by them appointed for that purpose.

II. And be it further enacted, That the said court be, and they are hereby authorised to lay a tax on the inhabitants of said county, sufficient to defray the expense of establishing the said ferry and procuring a flat, and any other incidental expenses which may accrue by the provisions of this act; which tax shall be collected and paid over in the same manner as all other public taxes, and applied to the purpose of effecting the objects contained in this act.

III. And be it further enacted, That all persons who may pass the said ferry on any other days except public days, shall pay such reasonable toll as may be prescribed by a majority of the justices of said court; and the money arising therefrom, shall be paid over to the county trustee for the use of the county.

IV. And be it further enacted, That all laws heretofore passed vesting power in said court to contract with the owners of ferries for the passage of persons, on public days, be, and they are hereby repealed.

CHAPTER CXXV.
An act to direct how the compensation of the Port Physician of the town of Newbern shall be paid.

Whereas the Commissioners of the town of Newbern are by law empowered to fix the compensation of their Port Physician, but no provision is made by whom such compensation shall be paid: 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 the compensation fixed, or which shall from time to time be fixed by such commissioners for visiting any vessel, shall be paid by the master or owner of such vessel to the said physician, and on refusal or neglect to pay the same, the same shall be recoverable against the said master, owners, or owner, jointly or severally, in the name and at the suit of the Intendant of Police of said town, for the time being, before any jurisdiction having cognizance thereof, to the use of the said physician: Provided, that the compensation so fixed and recovered, shall not exceed five dollars for each vessel visited.

CHAPTER CXXVI.
An act for the better regulation of the Courts of Pleas and Quarter Sessions of the county of Iredell.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Justices of the Court of Pleas and Quarter Sessions of Iredell County shall be, and they are hereby authorised at the first term of said court which shall happen after the first day of May next, and at the first term of said court which shall happen 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 said county, three of whom shall be competent to hold the said courts, and perform 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 require seven justices to perform, 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 Courts 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 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 existing laws, collected and accounted for.

IV. Be it further enacted, That in all elections authorised by this act, it shall be necessary for a majority of the acting justices of said county to be present at the said elections.

V. And be it further enacted, That the clerk of said court shall, at the expiration of each and every term, furnish each justice who may have served on the same, a certificate, specifying the number of days he attended, which certificate shall be a sufficient voucher for the county Treasurer, whose duty it is hereby made to pay to each justice, presenting the same, the sum of two dollars for every day specified to have been served; and that this act shall be in force from and after the ratification thereof.

CHAPTER CXXVII.

An act concerning Inspectors in the town of Wilmington, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification hereof, the whole proviso to the second section of an act, passed in the year eighteen hundred and twenty-one, entitled "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 unmerchandable commodities, and for other purposes," shall be repealed and made void.

II. And be it further enacted, That if any Inspector in the town of Wilmington, shall, under any circumstances, presume to inspect saw mill lumber, or staves and heading, by any other or different rules than those prescribed by law, he shall forfeit the sum of one hundred dollars, to the use of the person suing for the same, to be recovered before any court or justice of the peace having jurisdiction thereof.

CHAPTER CXXVIII.

An act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore, and Montgomery.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the justices of the Courts of Pleas and Quarter Sessions for the counties of Cabarrus, Moore, and Montgomery, shall be, and they are hereby authorised at the first term of said courts, which shall happen after the first day of January next, and at the first term of said courts which shall happen 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, three of whom shall be competent to hold the same, 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 existing laws require seven justices to perform, 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 the duties of said courts.
III. And 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 other taxable property of said counties, sufficient to defray the expenses that may accrue by reason of the provisions of this act; which tax shall be collected and accounted for by the sheriffs of said counties, in the same manner, and under the same penalties, as other county taxes are by the existing laws of this state.

IV. Be it further enacted, That in all elections authorised by this act, it shall be necessary that a majority of the acting justices of said counties shall be present.

V. Be it further enacted, That it shall be the duty of the clerks of said courts to furnish each justice with a certificate of the number of days he may have assisted in holding the said courts; which certificate, when presented to the county trustee of said county, shall be paid by him out of any moneys appropriated for that purpose.

CHAPTER CXXIX.

An act appointing Commissioners to lay off and mark a road from Charlotte to the Anson County line.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Daniel Wence, Henry Harrett, Zebulon Morris, Shugar Dooling, and Adam Fisher, be, and they are hereby appointed Commissioners to lay off and mark a road, leading from Charlotte, in Mecklenburg County, towards the Cheraw Hill, beginning at James Morris's, and running the nearest and most direct way to the Anson County line, at Adams's Ford, on Richardson's Creek.

II. And be it further enacted, That the County Court of Mecklenburg shall appoint such number of overseers, and apportion and designate the hands to open and keep in repair the said road, as they may deem proper, under the same rules and regulations as all other public roads in this state.

CHAPTER CXXX.

An act to prevent the fire-hunting of fowl, in Currituck County.

Whereas, much evil doth exist from the practice of fire-hunting of fowl, in Currituck 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 Currituck, 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.

CHAPTER CXXXI.

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

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That hereafter the Commissioners of the town of Edenton, shall not have power to rent or lease, or to authorise any person or persons to enclose or fence in the whole or any part of the town commons of Edenton, or any of the public lots thereof; and it shall be the duty of the Commissioners of the town of Edenton, at all times, to keep the town commons and public lots clear of all bushes, and of every descrip-
tion of nuisances. And in case they shall fail to comply with the provisions of this act, they shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt before the magistrate of police of said town, one half of said fine to be applied to the use of the persecutor, the other half to be paid into the town treasury.

II. And be it further enacted, if any person or persons shall, without authority, and contrary to the provisions of this act, fence in or inclose any of the town commons of Edenton, or any of the public lots thereof, or in any manner obstruct the passage through any of the streets of said town, they shall forfeit and pay for every such offence the sum of twenty dollars, to be recovered and applied as herein before mentioned.

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

CHAPTER CXXXII.

An act giving Haywood Superior Court concurrent jurisdiction, with the County Court, over the road from Jesse Billew's old place to the southern boundary line.

Whereas the Legislature, in the year 1819, appointed commissioners to lay out a public road in the county of Haywood, which has been opened at the public expense;

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 public road, laid out by Thomas Lenoir, Joseph Chambers and Hodge Raiborn, from the north eastern boundary line of Haywood, at Jesse Billew's old place, by Waynesville and Franklin, to the southern boundary line of this state, be, and the same is hereby confirmed, and declared to be a public road; and the Superior Court of Haywood county shall have concurrent jurisdiction, with the Court of Pleas and Quarter Sessions of said county, over the said road, and of all delinquencies of overseers of the same: any other or former law to the contrary notwithstanding.

CHAPTER CXXXIII.

An act concerning the County Courts of Wake, Carteret and Johnston.

Be 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, thirteen justices of the peace of the counties of Wake, Carteret and Johnston shall be competent to lay the public taxes of the said counties: any law to the contrary notwithstanding.

CHAPTER CXXXIV.

An act to alter the names of Robert William Golding and Henry Hartmon, and to legitimate them.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That hereafter the name of Robert William Golding, of the county of Stokes, the illegitimate son of Joel Hill, shall be altered to the name of Robert William Hill; and the name of Henry Hartmon, of Rowan county, be, and the same is hereby altered to the name of Henry Ewin Troy; and by those names, respectively, shall hereafter be known and called, and capable thereby of suing and being sued, impleading and being imploaded.

II. And be it further enacted, That the said Robert William Hill be, and he
is hereby legitimated, and made capable to take, inherit, and possess any estate, real or personal, which may be devised or descend to him, in as full and ample a manner as if the said Robert William Hill had been born in lawful wedlock.

III. And be it further enacted, That the said Henry Ewin Troy is hereby legitimated, and made capable of taking and inheriting any estate, real or personal, from his mother Susanna Hartmon, in as full and ample a manner as if the said Henry Ewin Troy had been born in wedlock.

CHAPTER CXXXV.
An act creating the eighth division of militia within this state, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the counties of Carteret, Craven, Pitt, Greene, Beaufort, Hyde, Washington and Tyrrell shall compose and be the eighth division of militia; and that the counties of Carteret, Craven, Pitt and Greene shall be the second brigade; and Beaufort, Hyde, Washington and Tyrrell the thirteenth brigade.

II. Be it further enacted, That the counties of Currituck, Camden, Pasquotank, Perquimans, Chowan, Gates, Hertford and Bertie shall compose the first division; and the counties of Currituck, Camden, Pasquotank and Perquimans the first brigade; and Chowan, Gates, Hertford and Bertie the eighteenth brigade.

III. Be it further enacted, That the counties of Brunswick, New Hanover, Onslow, Duplin, Jones, Lenoir, Wayne and Johnston shall compose the sixth division; and the counties of Brunswick, New Hanover, Onslow and Duplin shall compose the third brigade; and the counties of Jones, Lenoir, Wayne and Johnston the twelfth brigade.

And whereas, by this act, some derangement has been made in the command of the generals of division and brigades, within whose command this change will take place;

IV. Be it further enacted, That the aforesaid general officers assume the command of their respective divisions and brigades, as by this act made: any law to the contrary notwithstanding.

CHAPTER CXXXVI.
An act to exempt certain citizens of Hyde county from public duty.

Be 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 citizens of that part of Hyde county, residing above Samuel Clark's mills, to the head of Pungo river, be, and they are hereby exempted from serving as jurors in either the County or Superior Courts of said county; and also from working on the public roads in said county below the Log House Landing.

CHAPTER CXXXVII.
An act to alter the place of holding regimental and battalion musters in the county of New Hanover.

Whereas much inconvenience has resulted to the inhabitants of the upper part of New-Hanover county, from the distance they have to travel for the purpose of attending regimental and battalion musters; for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and
it is hereby enacted by the authority of the same, That in future the companies of militia in said county, known by the name of the Holly Shelter Company, the South Washington Company, the Upper Black River Company, the Moore's Creek Company, the Lower Black River Company, and the Brush Hill Company, shall not be compelled to attend any battalion or regimental muster at any other place than Long Creek Bridge: any law, custom or usage to the contrary notwithstanding: Provided, nevertheless, that nothing herein contained shall exempt said companies from attending general reviews at the places heretofore used or established by law.

CHAPTER CXXXVIII.

An act to appoint commissioners to assess the damages sustained by individuals from the establishment of Horton's Turnpike Road.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Reuben Hartley, Abraham Vanderpool, Esq., and Hiram Wilson, be, and they are hereby appointed commissioners to estimate and assess all such damages as any individual may have sustained from the route of the road lately established by act of Assembly, running between Nathan Horton's and the Tennessee line, and known by the name of Horton's Turnpike Road. And it is hereby rendered the duty of the sheriff of Ashe county forthwith to apprise said commissioners of their appointment aforesaid; who, before they proceed to the performance of the duty hereinafter prescribed, shall appear before some justice of the peace of Ashe county, and take an oath to discharge the same with fidelity, and return the result thereof to the ensuing term of the Court aforesaid.

H. And be it further enacted, That each of said commissioners shall receive from the county treasurer of Ashe, the sum of one dollar per day, for each and every day he may be engaged in performing the duties aforesaid; the opinion of a majority of said commissioners being decisive of any point touching said duties.

III. And be it further enacted, That the Court of Pleas and Quarter Sessions of Ashe county is hereby authorised and directed to lay a tax on the inhabitants of said county, for the liquidation of the damages aforesaid, as appraised by the commissioners aforesaid, as well as the pay of said commissioners.

CHAPTER CXXXIX.

An act to appoint commissioners for the town of Kinston, in the county of Lenoir, and to enlarge their powers.

Whereas the commissioners heretofore appointed for the town of Kinston, in the county of Lenoir, have neglected to act;

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the appointment of commissioners of the town of Kinston heretofore made, be, and hereby is repealed; and that William Croom, William Lovick, Abner Pearce, Nathan G. Blount and John Washington, be, and they are hereby appointed commissioners of said town; and they are hereby invested with all the powers, and charged with all the duties, which have been heretofore granted or imposed by the laws of this state on commissioners of said town.

H. And, for the furtherance of the design of the citizens of Lenoir county to erect and support an academy in the town of Kinston, be it further enacted, That the commissioners of said town shall be, and they hereby are authorised
to sell that part of Shine street, in said town, which lies west of Heritage street, and the parts of Queen and Macklewean streets which lie south of Shine street, and all the land reserved in the establishment of said town as town commons, reserving only such parts as they shall lay off as roads or streets through the said commons, and to convey the same to the purchasers in fee simple. And it shall be the duty of said commissioners, after such sales shall be made, to pay to the treasurer of the trustees of the Kinston Academy the proceeds of the sale of said streets and commons, to be applied, under the direction of the said trustees, to the building and supporting the Kinston Academy, taking from said trustees duplicate receipts for such payment.

III. Be it further enacted, That the commissioners of said town, before making the sales hereby authorised, shall enter into bond, in the sum of one thousand pounds, payable to the trustees of the Kinston Academy, with condition to be void, if they shall faithfully account with said trustees, or their treasurer duly authorised, for the proceeds of the sales aforesaid. And it shall be the duty of said commissioners to return into the Court of Pleas and Quarter Sessions of Lenoir county their account of the sale of said lands, together with one of the receipts of the treasurer of the trustees of Kinston Academy for the proceeds paid to him; which shall be recorded in the proceedings of said court.

CHAPTER CXLI.

An act to incorporate the President and Directors of the Cape-Fear Steam Boat Company.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the proprietors of the steam boats plying on the Cape-Fear river, between the towns of Wilmington and Fayetteville, and their heirs, executors, administrators and assigns, shall be, and they are hereby declared to be incorporated into a company, by and under the name and style of the "President and Directors of the Cape-Fear Steam Boat Company?" and may sue and be sued as such, and shall have power to hold estate, real and personal.

II. And be it further enacted, That the present stock of said company is declared to consist of six hundred shares, of one hundred dollars each; and at the general meetings of the stockholders, each stockholder shall be entitled to vote upon any subject, at the rate of one vote to each share of stock he may own. The stockholders shall have power to adopt such bye-laws for their government as they may think best calculated to promote the prosperity of the company; and may also, from time to time, alter and amend the same. They shall annually choose a President and four Directors, who shall superintend and control the affairs of the company, subject, however, to such regulations as may be adopted by the stockholders at their general meetings; and the said company shall have a common seal, to be used as the seals of other incorporate companies.

CHAPTER CXLII.

An act to establish Culpepper Academy, in the county of Anson, and to incorporate the trustees thereof.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Adam Lockhart, William Marshall, John Smith, William Mendenhall, James Watkins, Joseph White, Christopher Watkins, William Threadgill, George Threadgill, Thomas Coleson, Jesse Beverly, and Augustine Shepherd, and their successors, be,
and they are hereby declared a body politic and corporate, to be known and
distinguished by the name of the trustees of Culpepper Academy; and by that
name shall have perpetual succession, and shall be able and capable in law,
to have, receive and possess, any lands, tenements or goods, that may be given
to them, and apply the same according to the will of the donor, and dispose
of the same, if not forbidden by the terms of said gift. They may sue and be
sued, plead and be impeached, in any court of law in this state; shall have
power to appoint to any vacancies which may arise in the board of trustees,
and establish such laws and regulations for the government of said institution,
as may be necessary for the preservation of good morals; and do all such acts
as are necessary for the establishment of said academy.

CHAPTER CLXII.
An act to alter the names and legitimate Thomas Jefferson Peel, James Madison Peel,
Be 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 Jefferson Peel,
James Madison Peel, and George Washington Peel, children of Joshua R.
Bullock and Peggy Peel, of Edgecombe county, born out of wedlock; and De-
brarah Wiggers and John Wiggins, of the county of Greene, and Amos Brown,
of Duplin county, be, and they are hereby legitimated, in as ample a manner
as if born in wedlock; and that they shall hereafter be known and called by
the names respectively of Thomas Jefferson Bullock, James Madison Bullock,
and George Washington Bullock, and Deborah Glasgow, and John Glasgow,
and Amos Brown Waller; and that they shall be heirs at law and next of kin,
in the same manner, and to all intents and purposes, as if born in lawful wed-
lock: any law to the contrary notwithstanding.

CHAPTER CLXIII.
An act to amend an act, passed in the year 1821, entitled “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 the power given to the
commissioners of the city of Raleigh in the above recited act, to cut a ditch or
ditches for the purpose of laying any pipes, or otherwise, for the purpose of
conveying water to or from the water works through any lot or piece of land,
the property of any individual, shall be confined to the limits of the one thou-
sand acres, conveyed by the late Colonel Joel Lane to the state, for the pur-
pose of establishing the seat of government thereon: any former or other law to
the contrary notwithstanding.

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

CHAPTER CLXIV.
An act to authorise the securities of James Eastwood, late sheriff of Greene county, to
collect arrears of taxes for the year 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 David Scarborough and
William Hooker, securities of James Eastwood, late sheriff of the county afo-
said, be, and they are hereby authorised to collect the arrears of taxes due the
said James Eastwood, for the year one thousand eight hundred and twenty,
under the same rules, regulations, and restrictions, as other public taxes are
in this state: any law to the contrary notwithstanding.
CHAPTER CXLV.

An act to incorporate Sharon Lodge, No. 78, 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 the master, wardens and members of Sharon Lodge, No. 78, in Pitt county, and all those who may hereafter become members of the same, are hereby constituted a body corporate and politic, with full powers to receive, enjoy, possess and transfer any estate, real or personal, and to sue and be sued, plead and be impleaded, in any court of record whatsoever; and to do and perform all such matters and things as are usually done or exercised by bodies corporate and politic within this state.

CHAPTER CXLVI.

An act to amend the acts for the incorporation of Elizabeth City, in Pasquotank county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That any free white man, owning an improved lot within the chartered limits of Elizabeth City, in Pasquotank county, shall be eligible to the office of commissioner or magistrate of police in said town; any law to the contrary notwithstanding.

CHAPTER CXLVII.

An act to amend an act, passed in the year seventeen hundred and ninety-eight, 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 males, inhabitants of said town, over the age of eighteen years, 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 intendant of police, shall forfeit the sum of two dollars; 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 requisitions 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, town sergeant, or any constable of Craven county, to bring the offenders against this act before him, and, on 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 cost.

CHAPTER CXLVIII.

An act concerning Adam Phifer, of Orange 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 Adam Phifer, of Orange
chapter, be, and he is hereby restored to all the rights, privileges and immunities of a citizen of this state, as fully, and to all intents and purposes, as if he had not been convicted of any crime of an infamous nature.

CHAPTER CXLIX.

An act to continue in force an act, passed in 1830, entitled, "An act appointing commissioners for fixing upon a suitable place for the public buildings in Hyde county, and for other purposes."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That an act, passed in the year one thousand eight hundred and twenty, entitled, "An act appointing commissioners for fixing upon a suitable place, for the public buildings in Hyde county, and for other purposes," be, and the same is hereby continued in full force and effect, for the full end and term of one year longer; and that the commissioners named in said act shall have, and exercise the same powers, under the same rules and regulations as given in the former act, passed in one thousand eight hundred and twenty; any law to the contrary notwithstanding.

CHAPTER CL.

An Act to incorporate Eagle Lodge, No. 71, Hillsborough.

Be 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 Eagle Lodge, No. 71, Hillsborough, are hereby constituted, and declared to be a body corporate and politic, by the name and title of Eagle Lodge, No. 71; 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.

CHAPTER CLI.

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

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John A. Bryant, Francis Shaw, and Samuel Jackson, be, and they are hereby appointed commissioners for the town of Nixonton, in Pasquotank county, in addition to those now in office; with the same powers and authorities allowed by law to the commissioners of the town of Nixonton, in Pasquotank county.

CHAPTER CLI.

An act to incorporate Golden Fleece Lodge, number seventy-four, in the town of Milton, 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 master, wardens and members who at present are, or hereafter may be of Golden Fleece Lodge, number seventy-four, in the town of Milton, be, and they are hereby constituted and declared to be a body corporate and politic, by the name and title of "Golden Fleece Lodge, number seventy-four;" and by that name shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, acquire and hold, alien and transfer property, and pass all such rules and regulations and bye-laws for their own convenience and government as may be consistent with the laws and constitution of the state.
CHAPTER CLIII.

An Act to alter the mode of holding the election of vestrymen for Saint James' Church, in the town of Wilmington.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the vestrymen of said church, for the time being, or any one or more of their body designated by them for that purpose, may hold the election for vestrymen at the usual time and place, in each year, and may give the casting vote, in the event of an equal number of votes being given, for two or more persons: any law, usage, or custom, to the contrary notwithstanding.

CHAPTER CLIV.

An act to amend the first section of an act, passed in the year 1821, entitled "an act to keep open Ivy River, in Buncombe county, as far up said river as Carter's mills, 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 penalty imposed by the first section of the above recited act be one hundred dollars, instead of five pounds; and that, in future, the provisions of that and this act be in force, so far as respects Hominy creek, as far up as Candler's Iron Works, in the county aforesaid.

CHAPTER CLI.

An act to amend the sixth section of an act, passed in the year 1812, entitled "an act for dividing the state into districts for electing Representatives to Congress."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That, in future, the sheriff or other returning officer of each county of the twelfth election district, shall meet at John Bargan's, in Burke county, instead of at Burke Court House, as provided by the sixth section of the above recited act.

CHAPTER CLVI.

An act giving exclusive jurisdiction to the Superior Court of Bladen, of pleas and prosecutions of 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 after the first day of March, in the year eighteen hundred and twenty-three, the Superior Court of Law for the county of Bladen shall have exclusive jurisdiction of all pleas and prosecutions of the state: Provided, however, That nothing herein contained shall prevent the Court of Pleas and Quarter Sessions of said county from trying and determining any pleas and prosecutions which are now pending or may be commenced before or at the next February term of said court, and proceeding to judgment on the same, as though this act had never passed.

II. And be it further enacted, That the said County Court of Bladen shall hereafter appoint not more than sixteen freeholders to serve as petit jurors at said court, who shall be drawn and summoned in the same manner, subject to the same penalties, their places in default of appearance to be supplied by talisman in the same way, and to be governed in all other respects by the laws now in force regulating jurors to the County Courts.

Read three times and ratified in General Assembly, the 31st day of December, A. D. 1822.

JOHN D. JONES, S. H. C.
R. YANCY, S. S.

A true Copy. WM. HILL, Sec'y.
# INDEX.

## PUBLIC ACTS.

| Revenue Law for 1823, Amend the act of 1821, to promote the administration of justice, For the relief of debtors for debts contracted after the first of May, To amend the act of 1821, providing for the execution of process where there is no proper officer, Regulating, in part, the practice in County and Superior Courts, To prevent the destruction of oysters, Exempting ministers of the gospel from serving as jurors, Concerning jails, Authorising County Courts to require governors, &c. to give counter securities upon petition of their securities, Amending the act, directing the mode of recovering debts of 20 pounds, and under, Amending the act respecting laying out public roads, &c. Providing for the sale of Cherokee lands, To amend the act regulating charges of sheriffs, coroners, constables, &c. To repeal the 8th section of the act directing the time and place of sale of lands and slaves under execution, To advance the administration of justice in the Supreme Court, For improving the navigation of Cape Fear river below Wilmington, Granting further time to perfect titles to lands, To promote agriculture and family domestic manufactures, Supplementary to ditto, Limiting the term of office of certain officers, Repealing, in part, certain acts respecting the Supreme Court, Providing more effectually for the collection of debts due the state, Repealing part of the act respecting entries of vacant and unappropriated lands Ceding part of Ocracoke Island to the United States, Directing the time and place of selling lands and slaves under execution, Making the officials of the Secretary evidence in certain cases, Amending the act to prevent stealing of cattle & hogs, altering brands, &c. To facilitate the navigation of Lumber river, Declaring what hogshead and barrel staves shall be merchantable, Concerning the entries of land, Directing how militia shall be called into service, To repeal the act of 1821, respecting the Supreme Court, Authorising County Courts to take one bond only of a guardian to 2 or more minors, Prescribing the time at which the office of sheriff shall expire, To extend and improve the two state roads leading from Wilkesboro' to the Tennessee line, To encourage the apprehension of runaways in the Great Dismal Swamp, To repeal, in part, the act respecting the light infantry, granadiers and riflemen, Amending the act concerning feme coverts, For the better regulation of the militia, Concerning the public arms, Directing the distribution of the acts of Congress, Authorising three justices to appoint a coroner, Fixing the time of appointing county trustees, Amending the act of 1812, concerning equitable interests in real and personal estates, Giving County and Superior Courts co current jurisdiction over the state road from Wilkesboro' to the Tennessee line, To amend the act, incorporating a company to make a road from Pungo Creek to Plymouth, For the division of Rowan county, |
| --- | --- | --- | --- |
| Page | Page | Page | Page |
| 3 | 8 | 9 | 11 |
| 11 | 12 | 13 | 14 |
| 15 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 |
| 32 | 33 | 34 | 35 |

## PRIVATE ACTS.
Supplementary to ditto, 1
Establishing Ebenezer Academy, 3
To amend the act appointing commissioners for Chapel Hill, 3
Amending the act for the better regulation of Fayetteville, 39
Concerning the town of Salisbury, 39
Making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie, ib
Amending the act for the better organization of the militia of Beaufort county, ib
Concerning the town of Asheville, ib
Repealing the act to increase the rate of toll at the Big Bridge, ib
Repealing the act to prevent the hauling of seams at Howe's Inlet, ib
Authorising the building of a toll bridge over Dan river, in Caswell, 41
Amending the act for the better regulation of the County Courts of Mecklenburg, 42
Empowering the county courts of Richmond and Montgomery to appoint commissioners to establish the dividing line between said counties, ib
Authorising fire companies at Washington, 43
Incorporating a light infantry company at Newbern, 45
Regulating the mode of fishing with the seine on salmon creek, 46
For the better regulation of the County Courts of Rowan, 47
To regulate the County Courts of Onslow, ib
To restore Davis Etheridge to credit, 48
Giving further time to Frederick L. Cox to build a bridge across Neuse river, ib
To divorce John White from his wife Tamar, ib
Appointing commissioners to extend and mark the dividing line between Bladen and Cumberland, ib
For the better repairing and keeping in good order the streets of Jefferson, ib
Concerning the town of Lumberton, ib
Allowing commissions to constables in Warren, Northampton and Brunswick, ib
Supplementary to ditto, ib
Amending the act relative to the appointment of county trustee for Brunswick, ib
Authorising Thomas Cobb's to erect a bridge across Neuse river, ib
Authorising the County Court of Wake to have re-bound and copied old and worn out books in the Register's office, 51
To amend the act authorising the County Courts of Wilkes and Brunswick to appoint a committee of finance, ib
Authorising Wm. Blackledge to erect a bridge across Neuse river, ib
Authorising the proprietors of Beards Bridge to keep a ferry in certain cases, ib
Extending the jurisdiction of the Superior Court of Law and Equity of Rowan to Davidson, ib
Directing the sheriff of New-Hanover to surrender a billiard table to Deming Cazaux, 53
Authorising the county court of Buncombe to lay a tax for building a court house, ib
Amending the act respecting the county court of Columbus, ib
Authorising the Court of Probate of Cumberland to fill vacancies which may occur in the offices of special justices, ib
Authorising the executors of Dempsey Jenkins to collect arrears of taxes in Edgecombe, 54
Repealing, in part, the act directing the designation of lands and how they shall be compelled to work under overseers of roads, in Lincoln, Columbus, Burke and Rockingham, ib
Incorporating the town of Clinton, ib
Restoring John Shately to credit, ib
Supplementary to the act establishing the town of Morganton, ib
Restoring James Jackson to credit, ib
Authorising the trustee of Portsmouth Academy to raise 1,000 dollars by lottery, ib
Amending the act for the better regulation of the county courts of Rutherford, Burke, and Lincoln, ib
Establishing Meltonsville Academy, ib
Incorporating Durham's Creek Academy, ib
Providing for the removal of the clerk's office of the County Court of Guilford, to the court house, 57
Supplementary to the act appointing commissioners to extend Fayetteville road from Morganton to the Tennessee line, ib
For the better regulation and discipline of the militia of Ashe, ib
Incorporating the Free Bridge Company in Buncombe, ib
Incorporating Shady Grove Academy,
| Amending, in part, the act to keep open Ivey river, | Page. |
| Amending, in part, the act for dividing the state into districts for electing Representatives to Congress, |
| Giving exclusive jurisdiction to the Superior Court of Bladen, of pleas and prosecutions of the state, | Page. |