

1810
1810
L A W S

OF

NORTH-CAROLINA.

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

1810

BENJAMIN SMITH, ESQ. GOVERNOR.

CHAP. I.

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

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

Tax on lands, town-lots and polls.

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

On stud-horses, &c.

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

Who are subject to pay a poll-tax.

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

Tax on pedlars.

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

Tax on merchants.

1810

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

Tax on billiard tables.

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

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

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

Copied,
WILLIAM WHITE, Secretary.

CHAP. II.

An Act to regulate the Supreme Court.

Supreme court to be held twice a year.

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

A chief justice to be chosen.

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

Judges to deliver their opinions at length.

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

Attorney-General to attend this court.

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

Governor to procure a seal.

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

Sheriff of Wake to attend this court.

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

Causes how to be removed to this court.

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

CHAP. III.

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

Preamble.

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

How fugitives shall be dealt with.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of January next, any Judge of the Superior Court of Law and Equity, or any two Justices of the Peace, on satisfactory evidence adduced, that any fugitive has committed within the United States any petty larceny or other offence, the punishment whereof shall extend to affect life, limb or member, shall have full power and authority to commit such fugitive to any jail within this State, for the space of six months, unless sooner demanded, agreeably to the directions of an act of Congress in such case made and provided:

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

1819

CHAP. IV.

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

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

Part of former act repealed.

Clerk to issue subpoenas.

CHAP. V.

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

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

The capital.

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

To consist of a principal & several branch banks.

Books to be opened.

Commissioners.

1810

When the Bank shall go into operation.

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

How the shares are to be paid for.

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

Paper currency not to be a tender to or from the bank.

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

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

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

State dividends to go to the redemption of the paper currency.

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

The subscribers incorporated.

VII. *And be it further enacted*, That the subscribers to the said Bank, their successors and assigns, shall be, and are hereby created and made a corporation and body politic, in law and in fact, by the name and style of "The President and Directors of the State Bank of North Carolina," and shall so continue until the first day of January, in the year one thousand eight hundred and thirty; and by the name and style aforesaid, they shall be, and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain, to themselves and successors, lands, rents, tenements, hereditaments, goods, chattels and effects, to an amount not exceeding in the whole, two millions five hundred thousand dollars, including the capital stock aforesaid, and the same to sell, grant, demise, alien or dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatever; and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure, and also to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary

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

1810

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

Directors of
the Principal
Bank to ap-
point those of
the Branches.

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

Constitution
of the Corpo-
ration.

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

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

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

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

Fifth. A number of stockholders, not less than sixty, who together shall be proprietors of two hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least ten weeks notice in a public gazette of the place where the Principal Bank is kept, and specifying in such notice the object or objects of such meeting.

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

Seventh. The lands, tenements, hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

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

1810

The Constitution.

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

Ninth. The said Corporation may sell any part of the public debt whereof its stock shall be composed, but shall not be at liberty to purchase any public debt whatever; nor shall directly or indirectly deal or trade in any thing except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or of goods which shall be the produce of its lands.—Neither shall the said Corporation take more than at the rate of six per centum per annum for or upon its loans or discounts.

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

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

Twelfth. The bills obligatory and of credit, under the seal of said Corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees, successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names. And bills or notes which may be issued by order of the said Corporation, signed by the President and countersigned by the principal Cashier or Treasurer thereof, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the said Corporation, shall be binding and obligatory upon the same, in the like manner, and with the like force and effect, as upon any private person or persons, if issued by him or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable, in like manner as if they were so issued by such private person or persons, that is to say: those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement, in like manner and with like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be negotiable and assignable by delivery only.

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

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

months, with a statement of the amount of the capital stock of said Corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the Bank as shall relate to the said statements: *Provided*, that this shall not be construed to a right of inspecting the account of any private individual or individuals with the Bank.

1810

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

Notes receivable at the Treasury.

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

No other Bank to be established.

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

Punishment for counterfeiting, &c.

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

A preference given in the subscription to the Banks of Newbern & Cape Fear.

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

What notes will be negotiable at the Bank.

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

No note to issue for less than a dollar.

CHAP. VI.

An Act to amend an Act, passed in the year 1809, entitled "An Act to regulate the Banks of Newbern and Cape Fear, in certain cases"

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That upon the failure of the President and Cashier of either of the Banks of Newbern and Cape Fear, to comply with the requisites of the first section of the said act, judgment shall and may be rendered against the President, Directors and Company of the Bank, so refusing, on motion in the superior court of Wake County, in the same manner as judgments are by law had against delinquent Sheriffs.

Process to be had against the Banks if they refuse to pay their tax.

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

Duty of the Directors in behalf of the State.

1810

CHAP. VII.

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

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

Book of subscription to be opened in every county.

The commissioners.

1810

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

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

When the society shall go into effect.

Former act continued.

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

What shall be paid at the time of subscribing.

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

CHAP. VIII.

An Act regulating the Inspection of Flour in this State.

Preamble.

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

Inspectors of flour to be appointed.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That an Inspector of flour shall be appointed at each of the following places, to-wit: Fayetteville, Wilmington, Newbern, Edenton, Washington, Tarborough and Plymouth.

How to be appointed.

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

1810

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

Flour to be
of due fine-
ness.

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

Flour casks
to be well
made, &c.

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

Millers to
brand their
flour.

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

What each
barrel & half
barrel shall
contain.

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

Inspectors
may unpack
flour.

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

Manner in
which flour
shall be ex-
amined.

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

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

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

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

Penalty for packing flour in old casks.

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

Oath to be taken by the inspectors.

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

No inspector to be a purchaser of flour.

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

Penalty for altering the brand of an inspector.

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

Inspectors may be removed from office.

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

How forfeitures shall be recovered.

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

Former acts repealed.

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

When this act shall take effect.

CHAP. IX.

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

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

Preamble

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

Manner in which the acknowledgment of feme coverts shall be taken, in any of the U. States.

1810

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

How taken
when resid-
ing in foreign
parts.

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

How powers
of attorney
made in fo-
reign parts
shall be prov-
ed.

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

CHAP. X.

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

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

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

CHAP. XI.

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

Bond and se-
curity to be
given in cer-
tain cases.

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

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

1810

CHAP. XII.

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

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

Preamble

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

How injunction bonds are to be proceeded upon.

CHAP. XIII.

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

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

Preamble.

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

Printer's duty

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

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

His salary.

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

Former acts repealed.

1810

CHAP. XIV.

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

Preamble.

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

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

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

Former acts
repealed.

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

CHAP. XV.

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

Articles not
to be taken in
execution, &c.

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

CHAP. XVI.

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

State docket
to be taken up
regularly.

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

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

CHAP. VI.

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

Preamble.

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

Counties
where offences
are committed to pay
costs.

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

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

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

CHAP. XVIII.

1810

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

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all suits on Sheriffs, Superior Court Clerks, and Clerks of the Courts of Pleas and Quarter Sessions bonds, if the right of action has already accrued, shall be commenced and prosecuted within three years after the passage of this act, and not afterwards. And all such suits, in case the right of action shall accrue hereafter, shall be commenced and prosecuted within six years after the said right of action shall have accrued, and not afterwards, saving nevertheless the rights of infants, feme coverts, and persons *non compos mentis*, so that they sue within three years after their disabilities are removed. When suits on clerks and sheriffs bonds shall be bro't.

CHAP. XIX.

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

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

CHAP. XX.

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

WHEREAS doubts have arisen whether free persons of colour are entitled to the benefits arising to the citizens of this State under the act respecting insolvent debtors: Preamble.
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 laws now in force in this State granting any privilege to insolvent debtors, are hereby extended to all free persons of colour, under the same rules, regulations and restrictions, to all intents and purposes, as the acts now are to insolvent debtors; any thing to the contrary notwithstanding. Law extended to free persons of color.

CHAP. XXI.

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

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

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

1810

CHAP. XXII.

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

Farther time
allowed for
surveys to be
made.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all bona fide entries of land in this State, which have been paid for, as by law directed, shall have until the first day of December, eighteen hundred and twelve, for surveys to be made and returned into the Secretary's office; any law to the contrary notwithstanding.

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

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

Copy,
WILLIAM WHITE, Secretary.

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

CHAP. XXIII.

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

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

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

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

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

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

Commodities transported.		RATES OF TOLL.		Commodities transported.		RATES OF TOLL.	
	cents.		cents.				cents.
For every pipe or hoghead of wine, containing more than sixty-five gallons	fifty			For every bushel of Indian corn, or other grain or salt	half		
— every hoghead of rum or other spirits	forty			— every barrel of pork	eight		
— every hoghead of tobacco	thirty			— every thousand shingles, from eighteen to twenty-four inches	six		
— every hoghead of molasses	thirty			— every thousand three feet shingles	ten		
— every hoghead or butt of malt liquor	thirty			— every thousand clap-boards or pails	ten		
— every cask between sixty-five and thirty-five gallons	thirty			— every cord of fire-wood	four		
— one half of a pipe or hoghead, every barrel one fourth part, and every smaller cask or keg in proportion to the quality and quantity of their contents	thirty			— every hundred feet of plank or scantling	one & half		
— every dozen malt liquor	two			— every hundred feet of all other timber	two & half		
— every dozen bottled wine	two			— every hundred weight of brown or clayed sugar	five		
— every bushel peas, wheat, beans, rice or flax-seed	half			— all other produce, goods, wares or merchandize, one fourth of one per centum			
				— every hundred weight of machined cotton	twenty		
				— every barrel of beef	six		

1819

Commodities transported.	RATES OF TOLL. cents.	Commodities transported.	RATES OF TOLL. cents.
For every barrel of fish	six	For every hundred of hogshead staves or pipe or hogs-	three
— every barrel of flour	eight	head heading	one&half
— every barrel of tar, pitch, turpentine or rosin	two&half	— every hundred of barrel staves or barrel heading, which has not commodities on board to yield so much, except an empty vessel or boat returning, whose load has already paid the toll, in which case she is to pass free of toll	fifty
— every barrel of linseed oil or spirits of turpentine	ten	— every canoe, boat or vessel, under one ton burthen, which has not commodities on board to yield so much, except as in the last article excepted, twelve&half	
— every ton of hemp, flax, pot-ash or bar iron	fifty	— every hundred weight of seed cotton	five
— every ton of pig iron or castings	seventeen	— every thousand hoop poles	three
— every ton of copper, lead, or other ore, other than iron	forty		
— every ton of stone or iron ore, other than the ballast of the vessel	eight		
— every chaldron of coal	twelve&half		
— every hundred bushels of lime or shells	twenty-five		
— every thousand bricks or tiles	forty		
— every hundred of pipe staves	five		

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

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

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

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

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

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

CHAP. XXIV.

An Act concerning the Dismal Swamp Canal Company.

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

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

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

CHAP. XXV.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAP. XXVI.

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

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

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

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

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

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

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

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

CHAP. XXVII.

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

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

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

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

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

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

CHAP. XXVIII.

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

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

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

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

CHAP. XXIX.

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

WHEREAS the cutting of a Canal from Cowenjock, up the old canal formerly begun by James Ethridge and others, in Currituck County, and extending the same on the north side of Canon's Ridge, and thence westwardly through the said swamp to the turn of the road that runs across the East Ridge, between Samuel Whitehour and Philip Douges plantation, would be of great utility to the inhabitants, as well for a convenient road, as the draining a large body of swamp land: Therefore,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Caleb Ethridge, Mitchell Simmons and Philip Dozier, be, and they are hereby vested with full power and authority to receive subscriptions and donations from such public spirited men as may be inclined to aid such a laudable undertaking, and dispose of the same as they may think proper, for the purpose of draining the said swamp and making a road.

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

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

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

CHAP. XXX.

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

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

1810

CHAP. XXXI.

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

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

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

CHAP. XXXII.

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

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

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

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

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

CHAP. XXXIII.

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

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

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

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

CHAP. XXXIV.

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

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

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

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

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

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

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

CHAP. XXXV.

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

WHEREAS the Commissioners heretofore appointed to examine and make report of the state and condition of the turnpike road in the county of Buncombe, owned by Philip Hoodenpyle and Job Barnard, to the court of pleas and quarter sessions of said county, have failed or neglected to act:

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

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

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

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

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

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

CHAP. XXXVI.

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

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

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

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

1810

CHAP. XXXVII.

An Act to amend an Act, passed in the year 1809, entitled "An Act to exempt the citizens on the East Side of Alligator River, from working on the Roads on the West Side of said River," in the County of Tyrrel.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all persons who have not resided on the east side of Alligator River, in the County of Tyrrell, with their families, for the term of twelve months previous to the passage of this act, shall not be deemed exempted from working on the roads on the west side of said river; any law to the contrary notwithstanding.

CHAP. XXXVIII.

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

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

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

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

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

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

CHAP. XXXIX.

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

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

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

CHAP. XL.

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

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

CHAP. XLI.

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

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

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

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

CHAP. XLII.

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

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

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

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

CHAP. XLIII.

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

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

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

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

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

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

CHAP. XLIV.

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

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

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

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

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

CHAP. XLV.

An Act to regulate the Fisheries on Roanoke and Cashie Rivers.

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

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

CHAP. XLVI.

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

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

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

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

CHAP. XLVII.

An Act to establish the line between the Counties of Brunswick and Columbus, and to extend the time for running the lines on Eagle's Island, between Brunswick and New-Hanover Counties.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Waccamaw River, from the South-Carolina line up to the State, shall be considered as the true and established boundary between the said counties; and that the county courts of Brunswick and Columbus shall, together, or separately, have the power and authority to order the said river, from bank to bank, cleared out, and to enforce the working thereupon on the inhabitants of their own counties, respectively, whenever they, or either of them, think proper; and also that process issued from the courts of Justices of either of the said counties, may and shall be served and executed on any person passing along, and within the banks of said river; any law, usage or custom to the contrary notwithstanding.

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

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

CHAP. XLVIII.

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

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

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

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

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

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

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

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

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

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

CHAP. XLIX.

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

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

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

1810

CHAP. L.

An Act to divide the sixth Brigade of the Militia of North-Carolina.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the sixth brigade of the Militia of North-Carolina, be, and the same is hereby divided in the following manner, that is to say: The Counties of Orange, Randolph and Chatham, shall compose the sixth brigade; and the Counties of Wake, Granville, Person and Caswell, shall constitute a new and distinct brigade, to be stiled the sixteenth brigade; any law to the contrary notwithstanding.

CHAP. LI.

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

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

CHAP. LII.

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

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

CHAP. LIII.

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

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

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

CHAP. LIV.

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

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

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

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

CHAP. LV.

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

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

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

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

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

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

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

CHAP. LVI.

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

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

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

CHAP. LVII.

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

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

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

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

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

CHAP. LVIII.

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

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

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

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

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

CHAP. LIX.

An Act to regulate the Police of the Town of Greensborough, in the County of Guilford, and for other purposes.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That David Gillaspie, David Caldwell, junior, Simeon Geren, Joseph Davis, Abraham Geren and Henry Humphreys, be, and they are hereby appointed Commissioners of the Police in and for the town of Greensborough in the County of Guilford, and that a majority of said Commissioners shall have power to transact business and to fill vacancies which shall occur by death or resignation.

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

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

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

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

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

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

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

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

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

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

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

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

CHAP. LX.

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

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

CHAP. LXI.

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

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

into a town, by the name of Waynesville, consisting of a public square, thirty half-acre lots, a main street¹⁸¹⁹ and cross street. And whereas the said Commissioners have sold a number of said lots by them so laid off, to the highest bidder, for the sole purpose of applying the money arising from such sales to the defraying the expences of erecting the public buildings of said county.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That the proceedings of the said Commissioners herein before mentioned, be, and the same are hereby ratified and confirmed, in as full and ample a manner as if the before recited act had made it their special duty so to have acted.

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

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

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

CHAP. LXII.

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

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

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

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

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

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

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

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

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

CHAP. LXIII.

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

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

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

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

CHAP. LXIV.

An Act to establish an Academy in Carteret County.

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

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

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

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

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

CHAP. LXV.

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

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

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

CHAP. LXVI.

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

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

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

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

CHAP. LXVII.

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

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

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

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

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

C. AP. LXVIII.

An Act to establish an Academy in Waynesborough, and other purposes.

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

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

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

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

CHAP. LXIX.

An Act to establish an Academy in the County of Cabarrus.

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

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

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

CHAP. LXX.

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

WHEREAS nearly the whole of the trustees named in the above recited acts, are either dead or refuse to act: Therefore,

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

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

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

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

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

CHAP. LXXI.

An Act to amend an Act, entitled "An Act to establish an Academy in the Town of Wilmington"

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

CHAP. LXXII.

An Act to amend an act to establish a Seminary of Learning in Elizabeth Town, in Bladen County.

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

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

CHAP. LXXIII.

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

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

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

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

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

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

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

CHAP. LXXIV.

An Act to establish an Academy in Camden County.

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

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

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

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

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

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

CHAP. LXXV.

An Act to establish an Academy in Wilkes County.

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

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

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

CHAP. LXXVI.

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

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

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

CHAP. LXXVII.

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

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

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

CHAP. LXXVIII.

An Act to alter the time of holding the County Courts of Tyrrell.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of January next, the county courts of Tyrrell shall be held on the second Monday in April, July, October and January, in each and every year; and that all suits, matters and things depending in said court, and not decided at their session in December, 1810, shall stand adjourned until the second Monday in April ensuing, as aforesaid; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXIX.

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

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

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

CHAP. LXXX.

1810

An Act to alter and regulate the time and manner of holding the County Courts of Pleas and Quarter Sessions in the County of Moore, and to make compensation to Jurors for said County.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the courts of pleas and quarter sessions which have formerly been held on the third Monday in May and November, shall in future be held on Wednesday of each superior court term in said county, and all judicial process shall be returnable accordingly, and all executions issuing from said courts shall be made returnable to the third Monday in August and February.

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

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

CHAP. LXXXI.

An Act to alter the sitting of the County Court of Pleas and Quarter Sessions for the County of Mecklenburg.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the next sitting of the county court of pleas and quarter sessions for Mecklenburg county, said court shall be adjourned until the fourth Monday in May, Anno Domini one thousand eight hundred and eleven, to which time all writs and process shall be made returnable, and the regular meetings of the court aforesaid shall thereafter be on the fourth Monday in August, November, February and May, in each and every year.

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

CHAP. LXXXII.

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

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

CHAP. LXXXIII.

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

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

CHAP. LXXXIV.

An Act to amend an Act, entitled "An Act authorising the County Court of Wilkes to lay a Tax for the purpose of building a Jail in said County, and for other purposes."

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the county court of Wilkes to lay a tax for the years 1811, 1812 and 1813, should a majority of the acting Justices deem it expedient and necessary, not exceeding two shillings on every poll, not exceeding eight-pence on every hundred acres of land, and not exceeding two shillings on every hundred pounds value of town lots, with their improvements; and when said tax is laid, it shall be levied, collected and accounted for in like manner as other taxes.

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

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

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

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

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

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

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

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

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

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

CHAP. LXXXV.

An Act to authorize the Court of Pleas and Quarter Sessions for the County of Randolph to lay a further tax to defray the expense of building a Jail in said County.

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

CHAP. LXXXVI.

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

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

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

CHAP. LXXXVII.

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

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

CHAP. LXXXVIII.

An Act authorising the County Court of Moore, if they think it expedient and necessary, to lay a tax for the purpose of building a Jail in said County.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the county court of Moore, if they should deem it necessary, to lay a tax for the year eighteen hundred and eleven, eighteen hundred and twelve, and eighteen hundred and thirteen, not exceeding two shillings on every poll, six pence on every hundred acres of land, two shillings on every hundred pounds value of town lots with their improvements; and when said tax is laid, it shall be levied, collected and accounted for as all other taxes are.

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

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

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

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

CHAP. LXXXIX.

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

WHEREAS it appears that the before recited act answers no valuable purpose; therefore,
Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said act be repealed and made void.

CHAP. XC.

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

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

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

CHAP. XCI.

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

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

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

CHAP. XCII.

An Act to regulate the mode whereby settlements in future shall be made with the Sheriffs and other officers, for the County and Parish Taxes in the County of Iredell.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Joseph Davison, William M'Cielland and Andrew M'Kinzey, be, and they are hereby appointed commissioners, for the purpose to demand and receive a settlement of every former county trustee, treasurer of public buildings, wardens of the poor, or any other person or persons whatever, who have been entrusted with, or have had the management of the county or parish tax in the county of Iredell, since the first day of January, one thousand seven hundred and ninety-six, to the first day of January, one thousand eight hundred and ten.

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

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

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

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

1810: shall reside in the last mentioned county, requiring such delinquent or delinquents to appear at the next ensuing term of said court, to shew cause why judgment should not be entered against him or them for the amount reported by the commissioners; and if on the service and return of such precept, the defendant or defendants do not appear and make defence, final judgment by default shall be entered; and in every case the report of the commissioners shall be prima facie evidence.

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

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

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

CHAP. XCIII.

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

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

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

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

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

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

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

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

CHAP. XCIV.

An Act to amend an Act passed in the year 1808, entitled "An Act erecting the west part of Buncombe into a separate and distinct County, and also part of Brunswick and Bladen Counties into a separate and distinct County," so far as respects the manner of appointing Jurors in the County of Columbus to attend the Superior Courts of the County of Bladen.

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

CHAP. XCV.

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

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

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

CHAP. XCVI.

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

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

CHAP. XCVII.

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

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

CHAP. XCVIII.

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

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

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

CHAP. XCIX.

An Act to make compensation to Jurors who may be summoned and serve as Talesmen, in the Counties of Carteret and Richmond.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all persons, being duly summoned, who serve as talesmen in the county court of Carteret, shall be allowed ten shillings for each day they may be engaged in serving as aforesaid; which shall be paid in the same manner, and under the same rules, regulations and restrictions as are prescribed for the payment of other county court jurors in said county.

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

CHAP. C.

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

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

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

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

CHAP. CI.

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

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

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

3810

CHAP. CII.

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

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

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

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

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

CHAP. CIII.

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

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

CHAP. CIV.

An Act to compel the Register of the County of Iredell to keep his Office at the Court-House during the sitting of the Courts in said County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Register of the county of Iredell shall, in future, keep his office at Statesville, during the sitting of each and every court in each year, under the penalty of ten pounds, to be recovered by action of debt, one half to the informer; any law, usage or custom to the contrary notwithstanding.

CHAP. CV.

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

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

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

CHAP. CVI.

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

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

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

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

CHAP. CVII.

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

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

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

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

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

CHAP. CVIII.

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

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

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

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

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

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

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

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

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

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

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

CHAP. CIX.

An Act to amend an Act passed in the year 1806, relative to the Elections in Onslow County.

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

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

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

CHAP. CX.

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

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

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

CHAP. CXI.

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

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

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

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

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

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

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

VII. And be it further enacted, That the election for elector to vote for a President and Vice-President¹⁸¹⁰ of the United States and for members of Congress, shall be held at the separate places of election established by this act, in the same manner, and at the same times as are prescribed already for that purpose.

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

CHAP. CXII.

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

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

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

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

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

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

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

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

CHAP. CXIII.

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

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

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

CHAP. CXIV.

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

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

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

CHAP. CXV.

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

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

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

CHAP. CXVI.

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

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

CHAP. CXVII.

An Act granting to the Inhabitants of the County of Haywood one other separate Election in said County.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in future, it shall be lawful for an election to be opened and held at the house of Benjamin Clark, on Beaver Dam Creek, in the county of Haywood, on the same day on which the other elections are now by law to be holden in said county, and subject to the same rules, regulations and restrictions that the other separate elections in said county are held,

CHAP. CXVIII.

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

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

CHAP. CXIX.

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

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

CHAP. CXX.

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

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

CHAP. CXXI.

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

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

CHAP. CXXII.

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

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

CHAP. CXXIII.

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

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

CHAP. CXXIV.

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

1810

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

CHAP. CXXV.

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

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

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

CHAP. CXXVI.

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

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Alexander Smith, of Ashe county, be, and he is hereby authorised and empowered to raise, by way of lottery, a sum not exceeding fifteen hundred dollars, for the purpose of enabling the said Alexander to establish and carry on a manufactory for making steel and nails, in the county aforesaid.

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

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

CHAP. CXXVII.

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

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

CHAP. CXXVIII.

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

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

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

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

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

1810

CHAP. CXXIX.

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

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

CHAP. CXXX.

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

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Nathaniel Bryan, of the county of Bladen, be, and he is hereby divorced from his wife Eleanor, in as full and ample a manner, to all intents and purposes, as if the rites of matrimony had never been solemnized between them, and they are hereby divorced accordingly; any law to the contrary notwithstanding.

CHAP. CXXXI.

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

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

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

CHAP. CXXXII.

An Act to alter the Names of the Persons therein mentioned, and to legitimate a part thereof.

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

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

CHAP. CXXXIII.

An Act to secure to the persons therein mentioned such property as they may hereafter acquire.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Mary Crowde, of Buncombe county, wife of Elijah Crowder; Susanna Herring, wife of Frederick Herring; Nancy James, of Surry county, wife of George James; Sarah Wren, of Nash county, wife of Howel Wren; Barbara Wilkinson, of Duplin county, wife of John Wilkinson; Betsy Walker, wife of Joseph Walker; Susanna Holtscaw, of Robeson county, wife of Nathan Holtscaw; Eddy Davis, of Pitt county, wife of Lewis Davis; Eve Low, of Rowan county, wife of Thomas Low; Mildred Davis, of Buncombe county, wife of William Davis; Martha

Pannal of Granville county, wife of William Pannal; Elizabeth Bezzell, wife of Isaac Bezzell, of Sampson 1810 county; Rachel M'Gonnigold, wife of Eli M'Gonnigold, of Guilford county; Barbara M'Nauton, of Cumberland county, wife of Neill M'Nauton; Sarah Carven, of Currituck county, wife of Thomas Carven; Patsy Bloom, of Stokes county, wife of Lewis Bloom; Rosanna Capehart, of Burke county, wife of John Capehart; Lucy Edwards, wife of Michael Edwards, of Warren county; Eleanor Hudson, wife of Jacob Hudson, of Cabarrus county, be, and they are hereby entitled, respectively, to hold, possess and enjoy, in their sole right, all such estate, either real or personal, as they may hereafter acquire by industry, purchase, gift or otherwise, in as full and ample a manner as if they had never been married to their respective husbands herein named, free and clear from the claims of their said husbands or any of their creditors; and they, respectively, shall have full power and authority to prosecute or defend any suits, either in law or equity, in their own names, in the same manner as if they had never been married to their respective husbands; any law to the contrary notwithstanding.

CHAP. CXXXIV.

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

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

CHAP. CXXXV.

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

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

CHAP. CXXXVI.

An Act to empower the County Court of Wayne to appoint Overseers and Hands to maintain and keep up certain Bridges in said County.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the county court of Wayne, shall have power to appoint overseers and hands to maintain and keep up Longby's and Pearson's bridges across Nauhuntee Creek, in said county, who shall possess the same power, and be subject to the same duty and penalties as the overseers and hands appointed to work on public roads.

CHAP. CXXXVII.

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

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

CHAP. CXXXVIII.

An Act to authorise Robert Webb, of the County of Richmond, to erect a Gate on his own land, and on the road leading to his Ferry in said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Robert Webb, of the county of Richmond, be, and he is hereby authorised to erect a gate on the road leading to his ferry in Richmond county, for the purpose of receiving ferriage at the same.

CHAP. CXXXIX.

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

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

CHAP. CXL.

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

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

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

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

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

A COPY,

WILLIAM WHITE, Secretary,

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

Members of the Senate.

	Miles	Days	Per diem	L. S. D.
The Honorable Joseph Riddick, Speaker of the Senate,	300	34	9	66 9
Richard Atkinson,	110	34		56 10
William Arrington,	110	34		56 10
Jesse Alexander,	380	34	5	70 5
Samuel Andros,	224	32	6	59 10
Benjamin Buckell,	66	26		42 6
James Bright,	180	34		60
J. A. Blackman,	100	34		56
William Carson,	460	34	5	74 5
Edmund Deberry,	220	34	2	62 2
Thomas D-vane,	200	34		61
Henry B. Dobson,	220	34		62 4
John Davis,	120	34		57
William Edmunds,	260	34	1.6	61 1 5
Blanch Fuller,	330	34	17	68 17
Thaddeus Freshwater,	460	34	9	71 9
Jacob Fisher,	260	34	11	64 11
Frederic Gust,	220	34		62
Azariah Graves,	150	34		53 10
George Graham,	350	34	5	58 15
Richard Hoskins,	330	34	25	68 15
Charles Hooks,	150	34	5	58 15
J. M. Hart,	340	34	16	68 16
Michael Harvey,	160	34	4	59 4
William Hinton,	20	34		52
Philemon Hawkins,	100	34		56
John B. Jasper,	340	34	17	68 17
Gideon Lamb,	420	34	19	72 19
Samuel Lindsay,	140	34	2.6d	58 2 6
Benjamin Lee,	200	33	2	59 12
James Marshall,	240	34	4	63 4

Members of the Senate.

	Miles	Days	Per diem	L. S. D.
Micajah M'Gee,	92	34	2	55 14
Alexander M'Millan,	200	34	7.6d	61 7 6
James Mebane,	94	34		55 14
Benjamin May,	160	34		59
Allen M'Lennon,	90	34	2	55 12
George Oulaw,	230	33	9	61 9
Ebenezer Peangrew,	300	34	7	66 7
Benjamin Smith,	284	17	10	40 4
Robert W. Smith,	320	34	4	67 4
John Reid,	330	34	10	68
Willis Riddick,	310	34	9	66 19
Colin Shaw,	110	34	5	56 15
William V. Speight,	150	34		58 10
Benjamin Simmons,	240	34	5	63 5
Jeremiah Sade,	200	34	7.6d	61 7 6
John E. Spicer,	280	34	5	65 5
Nathaniel Scales,	160	34		59
David Tate,	450	34	25	74 15
Henry I. T. ole,	140	34		58
Thomas Taylor,	90	34		55 10
Richard Williams,	400	34		71
Thomas Williams,	440	30	20	68
John Williams,	68	33		52 18
Robert Williamson,	574	34	6	80 4
John S. West,	240	34	5	63 5
James B. White,	240	33	5	61 15
Matthew C. Whitaker,	130	34		57 10
Thomas Wynns,	240	34		63
John Welch,	440	34	2.6d	83 2 6
Thomas Wright,	310	34		66 10
James Wellborn,	350	34		69

Members of the House of Commons.

William Hawkins, (Speaker)	100	34		56
Isaac T. Avery,	460	34	6	74 6
William Armfield,	180	34		60
Vine Allen,	234	34	5	62 19
John Adams,	290	34	5	65 15
Michael Bunch,	328	34	24	68 12
Thomas Bell,	320	34	19	72 19
Philip Brittain,	590	34	10	81
Jesse Burnard,	460	30	19	68 19
Thomas Boyd,	260	34	5	64 5
Thomas Brown,	112	34	5	56 17
Christopher Bryan,	230	34	5	62 15
Breckhouse Bell,	420	34	20	73
Mark Bynum,	60	34		54
Paul Barringer,	300	34	11	66 11
Hutchings & Burton,	360	33		67 10
James C. Bryan,	240	34	5	63 5
Isaac Barber,	330	34	9	67 19
William Baile,	90	32	2	52 12
Levi Bateman,	564	34	5	69 9
Samuel Blount,	278	34	5	65 3
Hugh Brown,	170	34	5	59 15
Kedar Hallard,	300	34	10	66 10
Cullen Blackman,	104	31		51 14
David Cuthbertson,	300	34	4	66 4
James W. Clark,	120	34		57
Andrew Caldwell,	240	34	12	68 12
Jesse Copeland,	330	34	9	67 19
Alexander R. Caldcleugh,	220	34		62
Elias Carr,	170	34		59 10
George Camp,	500	34	10	76 10
John A. Cameron,	110	34	6	56 16
Joseph Chambers,	260	34	6	64 6
Daniel Carthy,	234	34	5	62 19
David Carter,	400	31	20	67 10
Michael Collins,	100	34		56
George L. Davidson,	340	34	12	68 12
George W. Davidson,	240	34	4	63 4
William Douglas,	195	34		60 15
James Deanes,	100	34		56
Jehro Darden,	240	16	4	36 4
Benjamin Edmunds,	160	34		59
Benjamin Evans,	160	27		48 10
Boon Felton,	240	34	5	53 5
Hardy Flowers,	100	34		56
Thomas Frink,	300	34	10	66 10
Josiah Flower,	260	34	5	64 5
Israel Folsom,	66	34		54 6
Martin Gambill,	440	34		73
Thomas Gilmore,	102	30	2	50 4
Daniel Glisson,	180	34	5	60 5
Henry Guy,	60	34		54
Daniel Gold,	460	34	10	74 10
Amos Gandy,	100	34		56
Solomon K. Goodman,	180	34		60
Joseph S. Gentry,	200	34		61
John Gilchrist,	160	34	1	59 1
Thomas Henderson,	360	34	15	69 15
Humphrey Hodgins,	280	34	10	65 10
Daniel Hoke,	400	34	8	71 8
Pe'er Hoyle,	410	34	8	71 18
Robert Hannah,	162	34	1	59 3
Solomon Hassel,	376	34	5	70 1
Nicholas Horn,	300	34	4	66 4
Matthew M. Hughes,	340	34	4	68 4
William Hulme,	414	34		71 14

Zephaniah Horton,	564	34	5	79 9
William Johnston,	230	31	20	59
Daniel Jones,	60	34		54
David Jones,	230	34		62 10
Kimbrough Jones,	5	34		51 5
William W. Jones,	260	32		61
Edmund Jones,	410	34		71 10
Andrew Jones,	210	34	5	61 15
William R. Johnson,	110	30		50 10
Francis Kilpatrick,	180	34		60
Thomas Lenoir,	620	34		82
Thomas Leonard,	300	34	10	66 10
Thomas Lanier,	70	34		54 10
Thomas Love,	640	34	5	83 5
Josiah Lindon,	190	34	10	61
Joseph Lamb,	230	34		62 10
Samuel M'Guire,	322	34	24	68 6
Charles M'Dowell,	460	34	6	74 6
Eppes Moody,	80	33		53 10
Alexander Mosely,	150	34		58 10
David Mebane,	90	34		55 10
George Mumford,	270	34	2	64 12
James Matthias,	160	34		59
William Miller,	110	34		56 10
David Miller,	432	34		72 12
Wynne Nance,	240	34	5	63 5
John S. Neson,	346	34	20	69 6
Samuel Noraworthy,	34	34		52 14
Isaac Nelson,	230	34	2	62 12
James Owen,	170	34	3	59 13
Nathaniel Pinkham,	430	34	70	76
John Puffer,	300	34	2	66 2
John Peebles,	200	33	6	59 16
John Paine,	110	34		56 10
Joseph Parsons,	210	34	2	61 12
Hicott J. Prde,	160	34		59
William T. Rellie,	400	34	9	71 9
Thomas Russ,	324	34	3	67 7
George L. Ryan,	230	34	12.6	63 2 6
John Roberts,	400	34	5	71 5
David Reid,	90	34	7	55 17
Isaac Ramey,	105	34		56 5
Hardy Royal,	120	15		28 10
Thomas Speller,	240	33	9	61 19
Nathan Sredman,	78	34	2	53
James Shepherd,	240	33	5	61 15
Marmaduke Scott,	400	34	19	71 19
Hardee Smith,	200	34		61
Neil Smith,	220	34	3	62 3
Henry Seawell,	34	34		51
Matthias E. Sawyer,	300	34	72	69 12
Dempsey Sawyer,	420	31	19	68 9
John Thompson,	90	34		55 10
Henry Thompson,	72	34		54 12
William Thomas,	230	34	2	62 12
Robert Vanhook,	110	34		56 10
James Williams,	230	34	5	62 15
Nathan Williams,	130	34		57 10
William E. Webb,	160	34		59
David Wright,	146	34	5	58 11
Jonas Williams,	160	34		59
Edward Williams,	300	34	5	66 5
Edward Ward, jun.	300	34	5	66 5
Henry G. Williams,	180	32		57
Joseph Wilson,	230	34	4	62 14

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

A Bill to amend the Penal Laws of this State.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XXIX. And be it further enacted, That so much of this act as respects the purchase of land, and building thereon the aforesaid jail, cells and walls, shall be in force from the passing thereof: that the other parts remain suspended in their operation until the Governor shall issue his proclamation declaring the said jail fit to receive twenty-five convicts, at which time every part thereof shall commence and be in full force: PROVIDED, That nothing in the twenty-fourth section of this act shall be so construed as to prevent the Governor, Secretary and Treasurer from fixing on any of the lands in or adjoining the city of Raleigh, belonging to the State, for the purposes mentioned in the said section.

INDEX.

	Page		Page
AN Act to raise a Revenue for the payment of the civil list and contingent charges of Government, for the year 1811,	1	To revive an act for establishing an academy in Currituck	34
To regulate the Supreme Court	2	To amend an act to establish an academy in Wilmington	ib
To authorise a Judge or two Justices to commit fugitives	ib	To amend an act to establish a seminary in Elizabeth Town	ib
More effectually to prevent delay in the administration of justice	3	To establish an academy at Plymouth	35
To redeem the Paper Currency and establish a State Bank	ib	To establish do. in Camden county	ib
To amend an act passed in 1809, to regulate the Banks of Newbern and Cape Fear,	7	To establish do. in Wilkes county	36
To revive and continue in force, an act passed in 1803, for establishing a Mutual Insurance Society against Fire	8	To prevent horse-racing, &c. in Wilkesborough	ib
Regulating the inspection of Flour	9	To authorise the commissioners of Hillsborough to raise money by way of lottery to build a church	ib
To amend an additional act to an act, entitled 'Feme Coverts how to pass lands'	11	To alter the time of holding the county courts of Tyrrell	ib
To amend the 5th section of an act directing the mode of proceeding against deceased debtors where the personal estate is insufficient	12	To alter the time of holding do. in Haywood & N. Hanover	ib
To compel persons to give security in certain cases	ib	To alter do. in Moore, and to make compensation to jurors	37
To point out the method of proceeding on Injunction Bonds	13	To alter the sitting of the county courts of Mecklenburg	ib
Prescribing the manner of regulating the Public Printing	ib	To alter the time of holding do. in Rowan county	ib
To prevent the recovery of any bet on a horse-race	14	To authorise the wardens of the poor of Johnston to take bonds from those who maintain parishioners	ib
To amend the act mitigating the severity of Executions - ib	ib	To amend an act for laying a tax in Wilkes for building a jail	ib
Doing it, the duty of the Attorney-General, &c. to take up the State docket regularly	ib	To authorise the county court of Randolph to lay a further tax for building a jail	38
To amend an act granting to the several counties fines, &c. Relating to bonds given by sheriffs and clerks	15	To empower the wardens of the poor of Hertford to lay a tax	ib
Regulating the appointment of jurors for the county courts	ib	To empower the wardens of do. of Jones to lay an additional do.	ib
Extending the Insolvent law to free persons of colour	ib	Authorising Moore court to lay a tax for building a jail	ib
Allowing further time for registering Grants, &c.	ib	To repeal an act making compensation to jurors in Pasquotank	39
To revive an act respecting the entrance of Surveys in the Secretary's Office	16	To provide for the payment of jurors in Bertie county	ib
To incorporate a company for making Meherrin navigable	17	Allowing additional compensation to jurors in Craven county	ib
Concerning the Dismal Swamp Canal Company	18	To regulate the mode of settling with sheriffs, &c. in Iredell	ib
To open the navigation of Neuse River	19	To amend an act for do. in Richmond county	40
To open the navigation of Broad River	20	Directing the manner of appointing jurors to Bladen's courts	ib
To facilitate the navigation of Goshen	ib	Making further compensation to witnesses in Brunswick	ib
For opening the navigation of Swift Creek in Edgecomb	21	Making further compensation to Jurors of Cumberland co'ty	41
To authorise a canal on Cowenock in Currituck county	ib	Respecting compensation to Jurors in Richmond county	ib
To renew an act for rendering Colly Swamp navigable	ib	Making compensation to Jurors of Chatham county	ib
To authorise a canal from South Fork Creek to Lake Phelps	22	To make compensation to Jurors who serve as Telesmen, in the counties of Carteret and Richmond	ib
To amend several acts relative to the navigation of Rockfish	ib	To authorise R Martin to build Clerks Offices in Wilkesboro'	ib
To alter and enlarge an act for making a road thro' Pasquotank River Swamp	ib	To prevent Horse-Racing in the streets of Germanton	ib
To amend an act to establish a road from the west end of Mattamuskeet Lake to the main road on Rose Bay	23	Making compensation for slaves outlawed, &c. in Duplin	42
Appointing commissioners to view a turnpike in Buncombe	ib	To repeal an act making compensation for do. so far as it relates to the counties of Cumberland and Bladen	ib
Repealing parts of the road law as it respects Buncombe, &c.	ib	To compel the Register of Iredell to keep his office at the court-house during the sitting of the courts	ib
To amend an act to exempt the citizens on the East side of Alligator River from working on the roads of the west side	24	Authorising Mecklenburg co'tt to appoint a committee of roads	ib
To authorise Samuel Street to build a bridge over Neuse	ib	To amend an act to prevent the several species of hunting therein mentioned, so far as respects Columbus county	ib
To prevent obstructions to the passage of fish up Crooked creek	ib	Prescribing the mode of holding elections in Duplin, in future	43
To amend an act to prevent the working of seines, &c. in Tar and Pamlico Rivers at certain times	ib	To establish do. in Buncombe, to provide two other separate elections, & to alter the time of opening Rowan elections	ib
To regulate the fisheries on Welch's creek	ib	To amend an Act relative to the Elections in Onslow County	44
For the regulation of the fisheries on Yeopim creek	25	To alter the mode of Elections in the county of Hyde, and to grant one other separate Election in do.	ib
To amend an act to amend the several acts relative to the removal of obstructions to fish, as relates to Peedee & Yadkin	ib	To establish the mode of Elections in Camden county, and to establish two separate Elections	ib
To amend the acts for removing obstructions to fish up C. Fear	ib	To alter the mode of elections in Washington county	45
To regulate the fisheries on Roanoke and Cashie Rivers	26	To amend the laws for holding elections in Martin county	ib
Providing for running the line between Wake and Franklin	ib	To establish a separate election & to remove another in Carteret	ib
To establish the line between Brunswick and Columbus, &c.	ib	To establish two other separate elections in Rockingham	ib
For establishing a Manufacturing Company in Randolph	ib	To establish a separate Election at Charles Allen's in Warren	46
To divide the militia of Burke into three regiments	27	Granting to Haywood county another separate Election	ib
To divide the sixth brigade of the militia	28	Altering the place of holding a separate Election in Randolph	ib
To annex a militia company to the Waynesboro' battalion	ib	Ditto in Wilkes county	ib
To establish a separate regiment in Orange county	ib	To establish another separate Election in Surry county	ib
To establish a separate regiment in Robeson county	ib	Ditto in Chatham county	ib
For the better regulation of the town of Plymouth	ib	Granting a separate Election to Moore county,	ib
To amend the several acts for the regulation of Halifax	ib	To establish one other separate Election in Stokes county	ib
For the better regulation of the town of Trenton	29	Regulating the upper and lower separate Elections in Ashe,	47
To appoint additional commissioners for the town of Bath	ib	For the relief of William Gilmour of Halifax	ib
To appoint additional commissioners for Swansborough	ib	To authorise A. Smith of Ashe to raise \$1500 by lottery	ib
To regulate the police of the town of Greensborough	ib	For the relief of George Cloud, Sheriff of Stokes county	ib
To authorise J. B. White to lay off a town in Columbus	30	To amend an act respecting the Newbern Episcopal Church	ib
To establish a town named Waynesville, in Haywood county	ib	To secure property to a Religious Society therein mentioned	48
To incorporate trustees of Springfield academy, in Halifax	31	To divorce Nathaniel Bryan, of Bladen, from his wife Eleanor	ib
Authorising a lottery for Vine-Hill academy, in do.	ib	To confirm the marriage of Jeremiah Vaughn and Nancy Fox	ib
To establish an academy in Carteret county	32	To alter the names, &c. of the persons therein mentioned	ib
To incorporate the trustees of Nutbush Min. Springs acad'y.	ib	To secure to certain persons such property as they may acquire	ib
To establish an academy on W. M. Sneed's land in Granville	ib	To authorise T. McKeaver certain privileges in selling spirits	49
To establish an academy at Swansborough	33	To repeal the several acts establishing fairs	ib
To establish do. at Waynesborough	ib	To empower Wayne court to appoint hands to keep up bridges	ib
To establish do. in the county of Cabarrus	ib	Authorising Lewis Carlton, &c. to set up a gate or gates	ib
		To authorise Robert Webb to erect a gate	ib
		To authorise Sampson Lane to erect a gate	ib
		To incorporate Hall Lodge, No. 53, in Currituck county	ib
		Estimates of the pay of the Members of the General Assembly	50
		The Penitentiary Bill	51