

Apr 25



1800

THE
L A W S
OF THE
State of North-Carolina,
FOR 1800.

*To the Clerk of the County
Court of
Randolph.*


L A W S *Robt Williams*
 OF
NORTH-CAROLINA. *Raleigh*

 At a General Assembly, begun and held at Raleigh, on the Seventeenth Day
 of November, in the Year of our Lord One Thousand Eight Hundred, and
 the Twenty-Fifth Year of the Independence of the said State. 1800.

BENJAMIN WILLIAMS, ESQ. GOVERNOR.

CHAP. I.

A. N. most happy to secure to this State its due and proper Weight in the Election of
 a President and Vice-President of the United States.

WHEREAS by an act, entitled "An act relative to the appointment of
 Electors for President and Vice-President of the United States," no provision is
 made in case of the non-attendance of any Elector or Electors chosen as by the
 said act, to supply his or their place.

**It is therefore enacted by the General Assembly of the State of North-
 Carolina, and it is hereby enacted by the authority of the same,** That if it shall
 happen, from death, sickness, or any other cause, that twelve Electors do not
 attend on the day and at the place appointed by law, before the hour of ten in
 the forenoon, qualified to vote for a President and Vice-President of the United
 States, it shall be lawful for the Members of the General Assembly from each
 electoral district where the Elector appointed as by the said act directed for such
 district does not attend, and they are hereby empowered and required imme-
 diately to assemble in the city of Raleigh, on the same day, and then and there
 proceed to elect by ballot some person resident in their district, qualified as
 required by the Constitution of the United States, and by the before recited act.
 And if any two or more persons shall have an equal number of votes, it shall
 then be determined by casting lots; and the person in whose favour the lots shall
 fall, or who shall have the greatest number of votes, shall obtain a certificate of
 the same, signed by a majority of the members voting, and shall be deemed a
 legal Election. A duplicate of such certificate shall be made by the said Mem-
 bers, and delivered to the Governor; and the Governor, upon the receipt of
 such certificate or certificates, shall proceed to make out and certify three lists of
 the names of the person or persons so chosen, which list he shall cause to be
 delivered to the Electors appointed, as heretofore and herein prescribed, on the
 same day as directed by act of Congress. And any Elector or Electors so
 appointed as herein prescribed, shall be entitled to vote for a President and
 Vice-President of the United States, in the same manner, and shall be entitled
 to the same privileges and allowances, and shall be subject to the same forfeitures
 and penalties, as if he or they had been chosen in manner herein before prescribed.
Provided That if the persons chosen as Electors in manner heretofore
 prescribed, shall actually attend before and at the voting of the Electors for a
 President and Vice-President, then the power and authority of any person or
 persons appointed as herein directed shall cease and be entirely null. **Provided**
 That no Member of the General Assembly be chosen as an Elector,
 nor shall he be entitled to, nor shall he receive, any compensation for acting as
 an Elector.

*If twelve Elec-
 tors do not at-
 tend, how the
 deficiency is to
 be supplied.*

*If two persons
 have an equal
 number of
 votes, how to
 be determined.*

*Certificate to
 be given to the
 person chosen.*

*Copies of cer-
 tificate how to
 be disposed of.*

*If the person
 originally cho-
 sen, shall at-
 tend, then the
 power hereby
 authorized to
 be null.*

*Members of
 Assembly not
 allowed pay.*

LAWS OF NORTH-CAROLINA.

1800.

II. And be it further enacted by the authority aforesaid, That this act shall be in full force and operation from the time of the ratification thereof.
*Read three times, and ratified in General Assembly,
 the 29th day of November, 1800.*

JOSEPH REDDICK, S. S.
 S. CABARRUS, Speaker of the House of Commons.

Copy, WILLIAM WHITE, Secretary.

CHAP. II.

An Act to authorize and empower Christian Jennett, the guardian and next friend of William Jennett, Mary Jennett, Jabez Jennett, and Aquilla Jennett, of the County of Currituck, infants under the age of twenty-one years, to sell and convey to the United States of America, four acres of land at the Head Land of Cape Hatteras, part of the Estate in common of them the said William, Mary, Jabez and Aquilla, and to veil in the United States an absolute and indefeasible estate in fee simple therein.

Preamble.

WHEREAS the General Assembly of this State, by an act passed in their session at Newbern, in July, one thousand seven hundred and ninety-four, entitled "An act to cede to the United States of America certain lands upon the conditions therein mentioned," reciting among other things, "that whereas the Congress of the United States have passed an act to erect a light-house on the Head Land of Cape Hatteras, and that whereas it is expedient that the United States should have the exclusive jurisdiction (together with other places therein mentioned) of a sufficient quantity of land, on which said light-house shall be erected," did enact, under the conditions and restrictions therein expressed, "that the exclusive jurisdiction, among other places therein mentioned, of four acres of land at the Head Land of Cape Hatteras, shall be ceded and stand vested in the United States, as soon as the proprietors of the said lands shall convey the same to the United States;" and in their session at Raleigh, in November, one thousand seven hundred and ninety-seven, under the conditions therein expressed, did revive and continue in force for much of the before recited act as cedes, among other places, four acres of land at the Head Land of Cape Hatteras.

And whereas it is represented to this General Assembly, that the four acres of land at the Head Land of Cape Hatteras affording the most eligible site for a light-house, are in the seisin and possession, as tenants in common in fee, of William Jennett, Mary Jennett, Jabez Jennett, and Aquilla Jennett, all of the county of Currituck, infants under the age of twenty-one years, to whom Christian Jennett, their mother, hath been duly appointed guardian; that the United States are willing to purchase the said four acres of land, and have offered for the same a fair and full price, to wit, at the rate of twelve and an half dollars per acre, amounting to fifty dollars; and that the said William, Mary, Jabez and Aquilla, who though not of full age, have sufficient judgment and discretion to estimate the value of this part of their property, are desirous, of their own free will and accord, and are further advised by their mother and guardian aforesaid, and others their relations and friends, to accept the liberal offer of the United States, and for that purpose have actually laid off by metes and bounds the four acres of land selected by their agent.

And whereas also it is highly important to the commercial interests of the United States of America, that a light-house should be erected on the most eligible site at the said Head Land of Cape Hatteras as speedily as possible.

Empowered to sell.

Situation.

Be 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 William Jennett, Mary Jennett, Jabez Jennett, and Aquilla Jennett, be and they are hereby authorized, and fully empowered to sell and convey to the United States of America, four acres of land, situate, lying and being at or near the Head Land of Cape Hatteras, in the county of Currituck, beginning at a cedar post at John Wallace and John Gray Blount's line, running thence East twelve poles and four-fifths of a pole to a cedar post at the corner of Wallace and Blount's line, thence North, binding on said line, fifty poles, to a cedar post at the corner of Wallace and Blount's and Thomas Farrow's lands, thence West, binding on Farrow's line, twelve poles and four-fifths of a pole to a cedar post, thence a direct course to the first station; and to do, make, execute and suffer all and every such act and

acts as shall or may be advised or devised to assure and secure to the said United States, an absolute and indefeasible estate in fee simple of, in and to the said four acres of land above described, with the premises and all and singular the appurtenances to the same belonging, or in any wife appertaining; and that the said act and acts of them the said William, Mary, Jabez and Aquilla, shall be as effectual in law to conclude them, their heirs and assigns forever thereafter; and the estate by them conveyed to the United States, shall be and enure to their use, benefit and behoof; and they the said William, Mary, Jabez and Aquilla, shall be as effectually bound by any covenant or covenants they shall or may make and enter into with the said United States, touching and concerning the premises, as if they had arrived to full age, any law, usage or custom to the contrary notwithstanding.

Land to be secured to the United States.

CHAP. III.

An Act to authorize the Secretary of State to issue Grants in certain Cases.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, the Secretary of State shall be and he is hereby authorized to issue grants on all entries of lands not exceeding four hundred acres made in the year one thousand seven hundred and ninety-four, to the persons entitled thereto, if the words, matters and things relative to the same, shall appear to be just and fair, and shall agree with the transcript of the books lodged in his office; any law, usage or custom to the contrary notwithstanding.

Grants to issue on entries not exceeding 400 acres, made in 1794.

CHAP. IV.

An Act limiting the Time for Sheriffs to complete the Collection of Public Taxes.

I. BE it enacted by the General Assembly of the State of North-Carolina, That for the year one thousand eight hundred, and for every year in future, the several Sheriffs in this State shall have one year, from the day prescribed by law for the settlement of their public accounts, to finish the collection of the taxes they are bound by law to account for; any law, usage or custom to the contrary notwithstanding. *Provided always, and it is hereby enacted,* That nothing in this act contained shall extend or be construed to alter the law now in force directing the manner and time of Sheriffs' accounting with the Comptroller and Treasurer.

One year for collecting allowed.

Not to alter the law for accounting.

II. And be it further enacted, That this act shall bar the collection of any taxes after the expiration of the time aforesaid.

CHAP. V.

An Act to repeal so much of the several laws now in force in this State, as grants power to the Trustees of the University of North-Carolina to seize and possess for the use of the said University; any escheated or confiscated property.

BE 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 acts or clauses of acts, which have heretofore granted power to the Trustees of the University of North-Carolina to seize and possess any escheated or confiscated property, real or personal, shall be, and the same is hereby repealed and made void.

Former acts repealed.

II. And be it further enacted, That all escheated or confiscated property which the said Trustees, their Agents or Attornies, have not legally sold, by virtue of the said laws, shall from hence revert to the State, and henceforth be considered as the property of the same, as though such laws had never been passed.

Property to revert to the State.

CHAP. VI.

An Act to amend the third section of an act, entitled, "An act to amend the Revenue Laws, as respects the Land-tax."

WHEREAS when persons purchase lands under the above recited act, it becomes necessary they should present to the Sheriff a fair plat of the land

they make choice of under such purchase, within ninety days from the time of purchasing the same:

A Plat to be presented to the Sheriff, on failure the land to be deemed vacant.

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in case of purchases of land under the said act, the purchaser shall, within three months after the passing of this act, or after such purchaser present to the Sheriff, or person authorized to make such title, a fair plat of the land they make choice of under such purchase; and on failure thereof, the said land so purchased, shall be deemed lapsed or vacant land, and to have reverted to the State, and liable to be re-entered in the Entry-taker's office, as if the same had never been appropriated.

CHAP. VII.

An Act to amend the several acts of Assembly now in force in this State, with respect to the entering and obtaining Titles for Lands.

If payment be made the day previous to the next Assembly, the entry not deemed lapsed.

BE 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 made entries of lands since the first day of January, in the year one thousand seven hundred and ninety-nine, shall have until the day previous to the meeting of the next annual General Assembly, to pay the purchase-money for the same to the State; and until the said day previous to the meeting of the next annual General Assembly aforesaid, no entry of land entered since the aforesaid first day of January, one thousand seven hundred and ninety-nine, shall be held or deemed a lapsed entry.

II. *And be it further enacted,* That this act shall be valid and in force from and immediately after the ratification thereof; any thing in the act declaring the time at which acts of the General Assembly shall be in force, to the contrary notwithstanding.

CHAP. VIII.

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

Taxes for 1801.

BE 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 one, 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, and a tax of two shillings on every poll, shall be levied, collected and accounted for, in the same manner as directed by the several acts of Assembly in such case made and provided.

Stud-horses.

II. *And be it further enacted,* That a tax on all stud-horses within this State, of the full sum which the owner or keeper of such stud-horse shall ask and receive for the season of one mare, shall be levied, collected and accounted for, in the same manner as such taxes have been heretofore levied, collected and accounted for.

No Sinking Fund tax.

III. *And be it further enacted,* That no Sinking Fund tax shall be collected for the year one thousand eight hundred and one.

Free males and slaves subject to poll-tax.

IV. *And be it further enacted,* That all free males, between the ages of twenty-one and fifty years, and all slaves, between the ages of twelve and fifty years, shall be subject to pay a poll-tax.

CHAP. IX.

An Act directing the manner of granting Injunctions.

WHEREAS Injunctions are frequently applied for, for the mere purpose of delay, and the facility of obtaining them sometimes enables debtors to defeat creditors of their just claims: For remedy whereof,

Oath and bond before injunction issued.

BE 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 injunction, commanding the stay of an execution obtained in any Court of this State, except on judgments in actions of detinue, shall be granted by the Judges, or any of them, for any other or greater sum than what the complainant or complainants shall on oath declare to be just, and not until said complainant or complainants shall enter into

bond, with sufficient securities, before the Master of the Court of Equity whence the injunction issues, for the payment into Court of the sum complained of, and all costs upon the dissolution of the injunction.

1850.

And be it further enacted, That no injunction to stay an execution shall issue but within four months after the judgment at law is obtained, unless it shall appear from the oath of the complainant or complainants to the Judge before whom application is made for an injunction, that said application has been delayed in consequence of the fraud or false promises of the plaintiff at law, practised or made at the time of or after obtaining judgment, or unless it shall appear on oath that the said complainant or complainants was or were out of the State at the time of entering up judgment, so that application could not be made within the time aforesaid.

No injunction to issue but within four months.

CHAP. X.

An Act to amend the third section of an act, entitled "An act for the prevention of Vice and Immorality, by suppressing excessive Gaming."

BE it enacted by the General Assembly of the State of North-Carolina, That from and after the passing of this act, it shall be the special duty of Sheriffs of each county in this State, to sue for, and recover, in the name of the Governor for the time being, the penalty set forth in the said third section, from any person who may suffer any of the games therein mentioned to be played in his or her house; for which services the Sheriff so suing and recovering, shall be allowed twenty per centum: And every Sheriff, who shall fail or neglect, after information to him made, or shall, after the same may come to his knowledge, fail to sue for and perform the duties by this act required, shall forfeit and pay twenty-five pounds, to be recovered before any Court having jurisdiction thereof, to the use of the person suing for the same, and pay the costs of prosecution; any law, usage or custom to the contrary notwithstanding.

Duty of Sheriff to sue.

CHAP. XI.

An Act to revive and continue in force an act, passed at Raleigh, in the year 1795, entitled "An act giving further time for the registration of certain deeds issued from Lord Granville's office."

WHEREAS many of the good people within this State have not availed themselves of the benefits of the said recited act: And whereas it would be but just and right that the persons holding lands under such deeds, should have the privilege of perpetuating the same:

BE it therefore enacted by the General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said recited act shall be and continue in full force and operation for two years hereafter, any thing in the before recited act to the contrary notwithstanding.

Act to continue in force two years longer.

CHAP. XII.

An Act giving further time for the registering grants and proving deeds and mesne conveyances, which have not been proved and registered within the time heretofore appointed by law.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all grants for lands, which have not been registered within the time heretofore appointed by law, shall and may, within two years after the passing of this act, be admitted to registration, and shall be as good and valid as if they had been registered within the time heretofore allowed by law.

Two years longer allowed for registering grants.

II. And be it further enacted by the authority aforesaid, That all deeds and mesne conveyances of lands, tenements and hereditaments, not already proved or acknowledged and registered, shall and may within two years after the passing of this act, be acknowledged by the grantor or granters, his or their agents or attorneys, or be proved agreeably to the laws heretofore in force; or being so acknowledged or proved, be delivered, for registration, to the Registers of

Deeds not yet proved, allowed the like period.

1800. the counties where such lands, tenements and hereditaments are respectively situated; and all deeds and mesne conveyances whatsoever which shall be acknowledged or proved and registered according to the direction of this act, shall be good and valid, and take effect as fully to the use and benefit of the grantees, their heirs or assigns, respectively, as if such deeds and mesne conveyances had been acknowledged, proved and registered agreeably to the directions of any laws heretofore made.

CHAP. XIII.

An Act to compel certain persons to describe and make known the bounds and limits of their lands

Preamble. WHEREAS it is represented to this General Assembly, that certain persons having entered large quantities of land, and taken out grants for the same; or having purchased the large tracts, so entered, have only returned a small part of such lands, and permitted the residue to be sold for the taxes, and purchased in for the State, and have not described or made known the situation or bounds of the part retained and returned as taxable property, or have conveyed the whole of said lands by deed or deeds, reserving therein a certain number of acres to be laid off out of said quantity in such places as the person so conveying should think proper; and the person to whom such conveyances are made have suffered the lands to be sold for the taxes, and purchased in for the State as aforesaid: And whereas it is also represented to this General Assembly, that whenever any person entering any part of the land purchased in as aforesaid, attempts to survey the same, the person or persons claiming under such reservation or reservations, or by reason of their holding a part of the lands originally entered by and granted to them, prevent said survey by making claim to the particular part so attempted to be surveyed, whereby the citizens of this State are precluded from appropriating any part of the lands purchased in for the State as aforesaid: For remedy whereof,

Persons claiming lands entered since '92, to describe the bounds 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 all persons claiming lands entered since the year one thousand seven hundred and ninety-two, the bounds whereof are not described or known, shall within six months after the passing of this act, describe, survey and make known the situation, bounds and limits of the several tracts so claimed, and shall cause a fair plat of the lands contained in each and every county wherein the said lands, or any part thereof, are situated.

Plats to be made out.

Where the bounds of land are not so made known, it shall be deemed State land. II. *And be it further enacted,* That in case said lands shall not be surveyed by any lawful officer, and the bounds thereof not made known by correct and fair plats, recorded in the Register's office as aforesaid, describing the situation and limits of each and every tract, where it shall be surveyed in different tracts, within the period aforesaid, the same, and every part thereof not described, surveyed and made known, shall be held and deemed lands belonging to the State, and subject to be entered by and granted to the citizens thereof, in the same manner, and under the same rules and regulations, as the unappropriated lands of this State are liable to be entered and granted.

Register's fee. III. *And be it further enacted by the authority aforesaid,* That the Register, for recording each and every plat as by this act required, shall be allowed two shillings for his services.

CHAP. XIV.

An Act to amend an act, entitled "An act to perfect the titles of the Officers and Soldiers of the Continental Line of this State, and of claimants under entries made in the office of John Armstrong," passed last session of Assembly.

WHEREAS it is represented to this General Assembly, that some inconveniences have arisen under said act: For remedy whereof,

2d section of former act repealed. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the second section of the above

recited act be, and the same is hereby repealed and made void; and in future, when any military land warrant that hath been transferred, shall be returned to the Secretary's Office, with the plats of survey, for the purpose of obtaining a grant or grants, it shall be the duty of the Secretary to note on the back of said warrant, the day when returned into his office, and immediately advertise the same in the State Gazette for three months, designating in the advertisement, the number of the warrant, the quantity of acres, to whom granted, by whom assigned, and for whom surveyed; and if no person should come forward, by himself, his heir, agent or attorney, and claim such warrant, within six months after the same shall be filed in the Secretary's Office, then and in such case, the Secretary shall proceed to make out a grant, or grants, upon the returns made upon such warrants: *Provided*, that it shall not be lawful for a grant to issue upon the returns of any warrant, unless the name of such person to whom the warrant was granted, shall appear on the muster-roll lodged in the Secretary's Office, or hath been issued by the Secretary under some special resolution of the General Assembly, or shall, by the report of Jesse Franklin, John M. Binford, and Brittain Saunders, Commissioners appointed in the year one thousand seven hundred and ninety-two, appear to be just.

1820.

Secretary to note on transferred warrants

Warrants to be advertised.

If warrant not claimed, grant to be made out thereon.

Name of grantee must be on the muster-roll.

II. *And be it further enacted*, That where the Secretary of State shall, on examination, find a warrant not to be legal, agreeable to the directions of this act, he shall note the same on the warrant; and in case the original claimant, or assignee of such warrant, shall produce a certificate of some one of the Officers of the late North-Carolina Line, who hath not been reported against for any unfair or unjust transaction in drawing military land warrants, or granting false certificates for that purpose, setting forth that the said person did actually serve in the late war, and is entitled to a compensation of land, agreeably to an act of Assembly, entitled "An act to amend an act, entitled an act for the relief of the Officers and Soldiers of the Continental Line, and for other purposes," passed at Hillsborough, in the year one thousand seven hundred and eighty-three, accompanied with the proof of two creditable witnesses of the county where such person resided in the time of the late war, taken in open court of the said county, and certified by the Clerk thereof, with the county seal thereunto annexed, setting forth that they knew the person to whom such warrant was granted, and that he actually did serve in the late North-Carolina Continental Line, and stating also any and what particulars they knew concerning said person; and in case the said warrant has been transferred, once or oftener, proof shall be made of the fairness of each transfer, by the oath of one credible witness at the least, taken in open court as aforesaid and certified accordingly: Then and in such case, the Secretary shall issue a grant or grants thereon, after the same hath been duly advertised agreeably to the directions of this act. *And provided* that such proof is not made, and lodged with the Secretary within twelve months after the said warrants and plats of survey are returned to his office, the said warrants and returns shall be null and void, and the land so located and surveyed, shall lapse, and may thereafter be located again by any other person, upon a warrant that shall be legal agreeable to this act, and a title thereupon obtained.

If legal warrants how to be dealt with.

Proof to be produced of fairness of transfer.

If proof not made, warrants and returns to be void.

III. *And be it further enacted*, That when there cannot be found land sufficient to satisfy any warrant of six hundred and forty acres, and from that quantity upwards to one thousand acres, where such warrant may be first located, it shall be lawful for the deficiency of such warrant to be located and surveyed in some other place, and in such case, two grants may issue on the same warrant; and it shall be the duty of the Surveyor, in making out his plats and returning the same, particularly to designate and return thereon the number of such warrant, and the quantity of acres therein contained; and both grants shall be made out in the name of the person to whom such warrant issued, his heir or assignee, and not in the name of two or more persons; and warrants upwards of one thousand acres may, in like manner, be located and surveyed in three several places, observing the same rules as are prescribed and directed, in warrants of six hundred and forty acres to one thousand acres.

If not sufficient land where a warrant is first located, the deficiency to be had in some other place.

Plats to be designated.

Warrants of a 1000 acres may be located in like manner.

IV. *And be it further enacted*, That all claims for lands by the Officers and Soldiers of the Continental Line of this State, during the revolutionary war with Great-Britain, and all demands for the same, which shall not be applied for and received, either by the person who performed the service, his heirs or assigns, before the first day of December next, shall be for ever thereafter barred; and no

Claims barred.

18co. military land warrant shall issue after the time aforesaid, on any account whatsoever; any law, usage or custom to the contrary notwithstanding.

Warrants on entries made in J. Armstrong's office, to be located in same manner.

V. *And be it further enacted*, That entries heretofore made in John Armstrong's Office, whereon warrants had issued, may be located and surveyed, in the same manner as is by this act directed concerning military lands, where there shall not be found sufficient vacant lands to satisfy the quantity of acres contained in such warrant, in one place: *Provided* that it shall be made appear that the purchase or entry-money shall have been fully paid.

CHAP. XV.

An Act to amend and supply the deficiency of an act passed at last session of Assembly, entitled, "An act for the relief of the non-commissioned Officers and Soldiers of the Continental Line and the Militia of this State, who have been disabled in the service of the United States, during the late war, and who are not placed on the Pension List of the United States, and are barred by the act of limitation."

Preamble.

WHEREAS it is represented to this General Assembly, that some of the persons who come within the description and meaning of the above recited act, have, from want of a due knowledge thereof, failed to make application for the purpose of being put on the Pension List, as therein prescribed: For remedy whereof,

Certificates how to be obtained.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all such persons as are or would have been entitled to be put on the Pension List of this State, had they conducted themselves conformable to the directions of the said act, upon application to any of the Judges of the Superior Courts, and obtaining such certificate as in and by the said act is directed and required, shall be entitled to receive the same allowance as he would have been entitled to receive, had he so applied and obtained such certificate at any time before the present session of Assembly.

CHAP. XVI.

An Act to amend an act, entitled, "An act to direct the mode of conducting disputed Elections in this State, and to direct the mode of presenting petitions to the General Assembly, in certain cases," passed at Raleigh, in the year one thousand seven hundred and ninety-six.

Preamble.

WHEREAS, by the before recited act, witnesses on behalf of the parties who intend disputing any Election for members of the General Assembly, cannot be compelled to appear before any Justice of the Peace, or other persons lawfully appointed to take depositions, by reason of no penalty being affixed thereto: For remedy whereof,

Penalty on persons not attending to give testimony.

BE 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, if any person, being legally summoned by any lawful officer, by subpoena issued by a Justice of the Peace, or any other person authorized by law to take depositions, to appear before them, or either of them, to give testimony on behalf of either of the parties disputing such Election, he or they failing to attend, agreeable to the said subpoena, and give testimony as aforesaid, shall forfeit and pay the party grieved, the sum of twenty pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof: *Provided*, nothing herein contained, shall be construed to extend to the compelling any such witness to answer any question tending, directly or indirectly, to discover the person for whom he voted, or to discover his disqualifications as an elector.

Allowance to witnesses.

II. *And be it further enacted*, That any person being so summoned, and appears and gives testimony as aforesaid, shall be entitled to receive from the person at whose instance he was summoned, the sum of sixpence for every mile travelling to and from the said place, and his ferriages, to be recovered before any Justice of the Peace in said county.

CHAP. XVII.

An Act better to ascertain how witnesses attending in behalf of the State, in certain cases, shall be paid.

WHEREAS the present provision made for witnesses attending in behalf of the State is uncertain; and whereas much injury is like to accrue to the State,

by, chargeable with the payment of unnecessary witnesses: To remedy which, ^{1800.} *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 fees who shall be summoned or recognized to appear on behalf of the State in a prosecution now depending, or to depend, in any of the Superior Courts of Law, Courts of Pleas and Quarter Sessions, and shall attend accordingly, shall be paid the same pay for their daily attendance and mileage as is allowed to witnesses attending in civil suits, and such fees for attendance, shall be paid by the defendant, upon conviction only; and if the defendant be acquitted on any charge of a superior nature, the Court may, at their discretion, order the prosecutor to pay the cost such prosecution shall appear to have been frivolous or malicious, but if the Court be of opinion that such prosecution was not either frivolous or malicious, and a greater number of witnesses have been summoned by such prosecutor than were, the opinion of such Court, necessary to support the charge, they may notwithstanding order the prosecutor to pay the attendance of such unnecessary witnesses, if it shall appear that they were summoned at his special instance and request.

Witnesses for the State to be allowed the same as in civil suits.

How paid.

II. *And be it further enacted by the authority aforesaid,* That in all cases, where the defendant, upon conviction, shall be unable to pay the costs, and in those cases where acquitted, the Court shall not think fit to order the prosecutor to pay the costs, it shall be the duty of the Courts respectively to ascertain, by an entry to be made of record, what witnesses are to be paid by the State, who shall be paid in manner hereinafter directed.

Where the defendant is not able to pay costs, the State to pay.

III. *And be it further enacted by the authority aforesaid,* That in all cases where an indictment for any offence of a capital nature shall be preferred in any of the Superior Courts of Law within this State, and the same shall be found by the Grand Jury to be a true bill, and the defendant on the trial of the issue of traverse shall be acquitted, he shall not be liable to pay the witnesses for their attendance in behalf of the State, but the same shall be paid in manner hereinafter directed.

Cases where the defendant is not to pay costs.

IV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the several Superior Courts of Law and Courts of Pleas and Quarter Sessions within this State, before whom a trial for a criminal offence shall be had, in which the State shall or may become liable to pay the witnesses for their attendance, and the said Courts are hereby required to enter the names of such witnesses, with the amount of their allowance on record, a certificate of which made by the Clerk of the Court in which the prosecution has been had and determined, and under the seal of his office, shall be filed with the Comptroller, who, after entering such claim in a book by him to be kept for that purpose, shall issue a warrant on the Treasurer for the amount thereof, who is hereby directed to pay off and discharge the same, and shall be allowed therefor in the settlement of his public accounts.

Where the State pays costs, the course to be taken.

V. *And be it further enacted by the authority aforesaid,* That no claim authorized by this act, in cases where the defendant is liable, but is unable to pay the costs, shall be allowed until the defendant shall be discharged by act of insolvency, or until an execution shall have issued against the estate or the body of such defendant, and a return thereon by the Sheriff of the proper County, that he has no property to satisfy the same, or that he is not to be found, a copy of which return, certified by the Clerk, shall accompany the certificate of allowance as aforesaid; neither shall any claims under this act be discharged by the Treasurer after the expiration of two years from the time that the same shall have been ascertained and allowed.

What is to be done where the defendant is unable to pay costs.

VI. *And be it further enacted by the authority aforesaid,* That all acts and parts of acts that come within the meaning and purview of this act, are hereby repealed.

Former acts repealed.

CHAP. XVIII.

An Act to amend an Act passed at Fayetteville in the year one thousand seven hundred and ninety-three, entitled "An act directing the manner of proceeding against the several Officers therein mentioned."

WHEREAS the above recited act has been found insufficient to answer all the good purposes intended thereby: For remedy thereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, when any Sheriff, Constable or Clerk, of any court within this State, shall, by virtue of his office, receive any sum or sums of money for or on account of any

Sheriffs, constables & clerks how to be dealt with on failing to account for money received.

1800.

person or persons whatsoever, and shall not on application made to him pay the same, such person or persons may give to such Sheriff, Constable or Clerk, ten days notice in writing, to be proved in the usual manner, to appear before some Justice of the Peace of the County, to shew cause why the Justice should not grant judgment and issue execution for the same against him and his securities. And if such Sheriff, Constable or Clerk, shall not appear before such Justice, or if appearing, does not shew sufficient cause to the contrary, it shall be lawful and proper for such Justice to enter up and grant judgment and award execution against such delinquent for the money due.

Not to extend to demands above 20l.

Provided, that nothing contained herein shall be construed to extend to any case where the demand or sum shall exceed twenty pounds; any law, usage, or custom to the contrary notwithstanding.

CHAP. XIX.

An Act making compensation to Jailors for the safe keeping and humane treatment of persons in confinement.

WHEREAS the fees allowed by law to Jailors are too small and considerable to pay them for their trouble and expence,

Allowances to Jailors.

Be 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 Jailors within the several counties within this State, shall receive for each prisoner, per day, for finding one pound of wholesome bread, one pound of good roasted or boiled flesh, and a sufficient quantity of water, and every necessary attendance, and keeping the prison clean, the sum of two shillings and six-pence and no more, any law to the contrary notwithstanding.

CHAP. XX.

An Act directing a mode of defraying the expences of apprehending and bringing to punishment Fugitives from Justice.

Preamble.

WHEREAS there is no law in force in this State, authorising the Executive thereof to draw upon the Public Treasurer for monies to defray the expences of special agents and others employed in apprehending Fugitives from Justice and conveying them to the places where they may be legally tried: For remedy whereof,

Manner of pursuing fugitives.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful for the Governor for the time being, on information already made to him, or hereafter to be made, of any person or persons having committed any offence of a capital nature within this State, and of having fled beyond or out of the jurisdiction thereof, to any of the United States, either to employ a special Agent with a sufficient guard or escort to pursue and apprehend such fugitive or fugitives from punishment, or to issue his proclamation, and therein and thereby offer a reward not exceeding two hundred pounds, according to the nature of the case, as in his opinion may be sufficient for the purpose, to be paid to such person or persons as shall apprehend such fugitive or fugitives, and deliver him or them to such person at such place as in said proclamation shall be directed. And it shall also be lawful for him, from time to time, to issue his warrants on the Public Treasurer for sufficient sums of money to defray the expences of such special agent and guard or escort, or to pay the reward offered by such proclamation upon the delivery of such fugitive in manner as therein directed, for which sum or sums of money the Treasurer shall be allowed in the annual settlement of his accounts.

A reward to be offered not exceeding 200l.

CHAP. XXI.

An Act directing the manner in which any bet on horse-racing shall be in future recovered.

No bet to be recovered except a written obligation is produced.

BE 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 money shall be recovered at law by means of any bet or wager on a horse-race, except a written obligation is produced on the trial, containing the sum so betted or

laid on such horse-race, signed, sealed, and attested, by at least one witness; any law, usage, or custom to the contrary notwithstanding.

II. *And be it enacted by the authority aforesaid,* That all horse-racing contracts shall be reduced to writing, and signed by the parties thereto at the time they are made, otherwise they shall be void; and all sub-contracts or bye-bets on the same shall also be reduced to writing and signed by the parties to such bye-bets, or the same shall be void; and on all trials at law, where it may be necessary to give such contracts in evidence, no parole testimony shall be admitted to alter or explain such contracts: *Provided nevertheless,* That nothing herein contained, shall be construed to extend to course-racing.

1800.

All bets to be reduced to writing.

Not to extend to course-racing.

CHAP. XXII.

An Act to amend an act, entitled "An act to prevent the stealing of slaves, or by violence, seduction, or any other means, taking or conveying away any slave or slaves, the property of another, and for other purposes therein mentioned," passed at Halifax, in the year 1779.

WHEREAS by the above recited act, no penalty is annexed to the stealing, carrying off and selling free negroes and mulattoes within the limits of this State: 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 any person or persons who shall hereafter steal or sell any free negro, or free negroes, or persons of mixed blood, knowing the same to be free or stolen; or shall by violence, seduction, or any other means, take or convey any free negro or free negroes, or persons of mixed blood, from any part of this State to another, with an intention to sell or dispose of such free negro, or free negroes, or persons of mixed blood, or appropriate the same to his, her, or their own use, and being thereof legally convicted, shall for every such offence be fined not less than fifty pounds, nor more than five hundred pounds, and imprisoned not less than three months, nor more than eighteen months, any thing in the before recited act notwithstanding.

Penalty on stealing or selling free negroes, &c.

CHAP. XXIII.

An Act to empower the several Courts of Pleas and Quarter Sessions within this State, to remove from office their Clerks for neglect or misbehaviour.

WHEREAS doubts are entertained whether the Courts of Pleas and Quarter Sessions within this State have the power to remove their Clerks from office for neglect or misbehaviour:

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 said Courts of Pleas and Quarter Sessions shall have full power and authority, on their respective Clerks being convicted or found guilty, in the Courts aforesaid, on a bill of indictment for neglect of duty or misdemeanor in office, to remove such Clerk, and proceed to the election of another, provided a majority of the Justices of the County are present at the election of such Clerk, and the person so elected shall be subject to the same rules, regulations, and restrictions, as Clerks are and have been, any law to the contrary notwithstanding.

Clerks of Courts, on indictment for neglect of duty, may be removed, and another elected.

II. *And be it further enacted,* That upon the resignation or removal of any Clerk from office as aforesaid, he is hereby required to transfer and deliver up to his successor in office, all records, documents and papers, relative to his said office, under the penalty of five hundred pounds, to be recovered by action of debt in the name of the Governor, and applied to the use of the State.

Records to be delivered up.

CHAP. XXIV.

An Act to prevent the selling of spirituous liquors and other articles at church or meeting-house yards on days of divine worship.

WHEREAS a custom prevails in some parts of this State of selling spirituous liquors and other articles at places where people are assembled for divine worship; For preventing such practices in future,

Be 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, who is settled at or near to any church or meeting-house yard in this State, to sell spirituous liquors to persons assembled for divine service; or if any other person shall bring to any church or meeting-house yard, on days fixed upon for divine worship, and shall there attempt to sell or give away, on such days as aforesaid, any spirituous liquors or other articles, or shall erect any booth, harbour, or make a stand adjacent thereto, for the purpose of selling or giving away spirituous liquors and other articles, on such days as aforesaid, each and every person so offending shall forfeit and pay the sum of five pounds, recoverable before any Justice of the Peace of the county where such offence shall be committed, and applied to the use of the poor of such county; and upon information of such offence being committed being made to a Justice of the Peace in his county, he shall issue his warrant against such offender, and have him or her apprehended and brought to Justice. *Provided,* any person thinking himself aggrieved by the decision of a Justice of the Peace on such trial, may appeal to the succeeding county court; and in all such cases, it shall be the duty of the County Attorney to appear and prosecute on behalf of the State.

II. And be it further enacted, That this act is not intended to operate or take effect before the hour of ten in the forenoon, and after the hour of four in the afternoon, where a church or meeting-house is situated within the limits of any town within this State, nor shall any recovery be had in pursuance of this act, unless information shall be made of the offence within ten days after it is committed.

Seco.

Spirituous liquors not to be sold in church or meeting-house yards.

Penalty.

Appeals may be made.

This act not to take effect before 10 o'clock in the forenoon nor after 4 in the afternoon.

CHAP. XXV.

An Act to amend sundry acts for the better regulating the pilotage in the several ports of this State.

WHEREAS great evil has arisen from slaves taking charge of vessels coming in or going out of the different ports of this State, without the master or owner being bound for their misconduct:

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 first day of May next, the master or owner of any slave or slaves may apply to the Commissioners of Navigation, or a majority of them, in their respective ports, for a licence authorising such slave or slaves to pilot, and upon said Commissioners approving of his or their qualification, they shall grant such slave a branch or certificate in the name of his master or owner to pilot accordingly; whereupon said master or owner shall enter into bond with two good and sufficient securities in the sum of five hundred pounds, current money, for the faithful discharge of the duty of said slave: And should any slave, by and with the consent of his master or owner, after the first day of May next, attempt to take charge of any vessel, as a pilot, without his master or owner having obtained a certificate for so doing, and entering into bond as before directed, the said master or owner shall pay for each and every offence one hundred pounds, current money, to the use and benefit of any person or persons suing for the same.

Masters or owners to obtain licences for slaves as pilots.

Masters to give bond.

Penalty for offences.

And whereas sundry persons after having obtained certificates to act as pilots in the different ports of this State have proved unworthy of the trust reposed in them:

II. Be it further enacted, That from and after the passing of this act, the Commissioners of Navigation, or a majority of them, in their respective ports of this State, upon complaint being made to their satisfaction of the improper conduct of any pilot acting under their authority, they shall have full power to disqualify such pilot from piloting thereafter: And should such pilot, after such disqualification attempt to take charge of any vessel, he shall be subject to the penalty of one hundred pounds, to be recovered in the same manner as if he had never obtained licence, for so doing. *Provided nevertheless,* That nothing contained in the foregoing act shall affect or alter any act heretofore made for the regulation of the navigation or pilotage of Cape Fear river.

Pilots to be disqualified for improper conduct.

CHAP. XXVI.

An Act authorising and empowering the Secretary of State to transcribe certain old Books in his Office, and to demand and obtain from Individuals other Books belonging to the State.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Secretary of State be, and he is

hereby authorized and impowered to transcribe and copy, or cause to be transcribed and copied, in well bound books, thirteen old books in his office, containing records of grants and patents commencing with the year 1663, and ending with the year 1767.

1869.

Secretary to transcribe certain old books.

II. *And be it further enacted*, That when the Secretary of State shall have thus transcribed and copied the said books, he shall carefully examine and compare the transcripts or copies with the original records, and upon ascertaining the fidelity and correctness of said copies, he shall carefully pack up in a close chest or trunk, to be secured for that purpose, the original books, and deposit the same among the archives of the State; and a copy of any grant taken from the said transcripts shall and may be given in evidence in all cases in the same manner as if it had been taken from the original books.

The originals to be deposited in the archives of the State. Copies may be given in evidence.

III. *And be it further enacted*, That the Secretary of State be, and he is hereby authorized and required, whenever he shall receive information of any books being in the possession of Clerks of Courts, or of any other persons, that belong of right to his office, to make application therefor, and upon receipt thereof, to give his certificate for the same; and any person or persons who shall refuse, on application made to him, her, or them by the Secretary of State, to deliver and give up any book or books in his, her, or their possession, which belong of right to the office of the Secretary of State, shall be liable to, and forfeit the penalty of three hundred pounds, to be recovered in an action of debt, in the name of the Governor of the State for the time being and his successors in office, and it shall be the duty of the Attorney and Solicitor-General to attend to and prosecute such suit.

Secretary to make application for books belonging to his office.

Penalty for refusing to give them up.

IV. *And be it further enacted*, That the Secretary of State shall be allowed a reasonable compensation for his services in obtaining, or endeavouring to obtain such books as aforesaid, in the possession of Clerks or other persons; to be fixed by the General Assembly, and that he be allowed for the transcribing, examining, and comparing the books which by this act he is authorized to transcribe, the sum of one shilling for each and every grant or patent so transcribed, examined and compared; his accounts for such last mentioned services to be exhibited half yearly to the Comptroller, on whose certificate the Governor is hereby directed to grant him a warrant on the Treasury at the rate aforesaid.

Allowances for the above services.

CHAP. XXVII.

An Act concerning wrecks.

WHEREAS many vessels have been, and may hereafter be stranded on the coasts of this State, and the goods or other property belonging to such vessel may be embezzled and stolen, to the great injury of the owner, 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, it shall be lawful for the Governor for the time being, and he is hereby required to appoint and commission three discreet persons in each of the counties of Currituck, Carteret, Onslow, New-Hanover, and Brunswick, whose business and duty it shall be, on the earliest intelligence, or on application to them made, by or on behalf of any owner or commander of a ship, or other vessel, being in danger of being stranded, or being stranded, to command any Sheriff or Constable nearest the coast where such ship or other vessel shall be in danger, to summon as many men as shall be thought necessary to the assistance of such ship or vessel, and the Commissioners and all others who shall assist in preserving any ship or other vessel in distress, or their cargoes, shall within forty days be paid a reasonable reward by the commander or owner of the ship or other vessel in distress, or by the merchant whose vessel or goods shall be saved; and in default thereof, the vessel or goods shall remain in the custody of the commissioners, until all charges be paid, or security given for that purpose to the satisfaction of the parties; and in case the parties shall disagree touching the monies deserved by the persons employed, it shall be lawful for the commander of such vessel saved, or the owner of the goods, or merchant interested, to choose one indifferent person, and also for the commissioners to nominate one other indifferent person, who shall adjust the quantum of the gratuities to be paid to the several persons, and such adjustment shall be binding on all parties, and to be recoverable with costs in any court of record, or other competent jurisdiction within this State; and if no person shall claim the goods saved, the commissioners, or one of them, shall take possession

Governor to commission certain persons in each of the counties on the sea-coast to attend to wrecks. Their duty.

Reasonable reward to be allowed commissioners, &c.

When any disagreement, to be settled by arbitration.

1800. thereof, and cause a true description of the marks, numbers and kinds of such goods, to be advertised in one or more public gazettes for the space of eight weeks; and if no person shall claim the same within twelve months, public sale shall be made thereof; but if perishable, the goods shall be sold, after being advertised in one or more public places at least twenty days; and after charges deducted, the residue of

the money, with an account of the whole, shall be transmitted to the Clerk's office of the Court of the county where such vessel may be stranded or goods saved, and the said Clerk shall keep an account of the same for the benefit of the owner, who upon proof of his property to the satisfaction of the commissioners, shall upon their warrant or order receive the same. And if any person besides those empowered by the

commissioners or one of them, shall enter or endeavour to enter on board any vessel in distress or stranded without the leave of the captain or owner, or in case any person shall molest them in saving the vessel or goods, or shall deface the marks of any such goods before they be taken down in a book by the commissioners, or one of them, every such person shall forfeit and pay the sum of ten pounds; to be recovered before any competent jurisdiction in this State to the use of the owner or goods, as the case may be; and in case of failure to pay such forfeiture immediately, or give security to pay the same within twenty days, he or they shall be committed to the county-gaol not exceeding three months. And in case any goods should be found upon any person, that were stolen or carried off from any vessel in distress or stranded, the person upon whom

such goods be found, shall upon demand deliver the same to the owner or commissioners, or to such other person as shall be authorized by the owner or commissioners to receive such goods, or shall be liable to pay treble the value, to be recovered before any competent jurisdiction as aforesaid. And any commissioner by fraud or wilful neglect abusing the trust reposed in him, shall, upon conviction thereof, forfeit and pay treble damages to the party aggrieved, to be recovered with costs, by action on the case, in any court of record, and shall thereafter be incapable of acting as a commissioner. And any sheriff, constable or other person summoned, refusing or neglecting to give the assistance required for the saving any vessel or her cargo, shall

forfeit and pay the sum of forty shillings, to be recovered by the commissioners ordering the duty, before any Justice of the Peace. *Provided always, and be it further enacted,* That the commissioners to be appointed by virtue of this act, shall respectively give bond and securities, in the Court of the county where he resides, in the sum of one thousand pounds, for the due and faithful execution of his office; and it shall not be lawful for such commissioners, or any of them, to enter upon the duties of his office before he gives bond and security as aforesaid.

II. *And be it further enacted,* That the said commissioners of the respective counties where a vessel may be stranded or goods saved, shall be allowed for their trouble a sum not exceeding five per cent. on the value of such vessel or goods, in full for all services by them performed, and no more: *Provided,* That nothing in this act contained shall be construed so as to debar the officers of customs or duties due to the United States for demanding and receiving the same.

Five per cent. to be allowed to the commissioners.

Commissioners to give bond.

Penalty on persons refusing assistance when called upon.

Penalty on commissioners abusing their trust.

Penalty on persons carrying off goods from a wreck to pay treble the value.

Penalty on un-commissioned persons entering vessels in distress.

The balance of sales to be transmitted to the Clerk of the county.

Wrecked goods not owned to be advertised and sold.

CHAP. XXVIII.

An Act to revise and amend the Militia Laws.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all freemen and indentured servants, citizens of this State or of the United States, resident in this State, who are or shall be of the age of eighteen years, and under forty-five years, shall, as soon as it is practicable, be severally and respectively enrolled in the militia by the Captain or Commanding Officer of the company within the bounds of whose district, (to be allotted him by the court-martial) such citizen shall reside, and it shall at all times hereafter be the duty of every Captain or commanding officer of any company, to enter every such citizen as aforesaid, and also those who shall from time to time arrive at the age of eighteen years, except as hereinafter excepted, or shall come to reside within his bounds, and remain therein thirty days, and shall without delay notify such citizen of said enrolment by a proper non-commissioned officer of the company, by whom such notice may be proved; that every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musquet or firelock, a sufficient bayonet and belt, two spare flints, a knapsack, and a pouch with a box therein, to contain not less than twenty-four cartridges suited to the bore of his musquet or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch and powder-horn, and twenty balls suited to the bore of his rifle, and a quarter of a pound of powder and lead; and shall appear so armed, accoutred, and provided, when called out to exercise, or into actual service; except that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned

All persons of eighteen years of age and under forty-five, to be enrolled.

Persons enrolled to be armed, &c.

officers shall severally be armed with a sword or hanger, and an esponton. And every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements as aforesaid, shall hold the same exempted and free from all suits, distresses, executions, or sales for debt, or for the payment of taxes.

1808.
Arms, &c. to be exempt from all suits.
Exceptions from militia duty.

II. And be it further enacted, That the Vice-President of the United States, the Officers judicial and executive of the United States, the Members of both houses of Congress and their respective officers, the Judges of the Superior Courts of Law and Courts of Equity, and Justices of the Peace, Printer to the State, Councillors of State, the Secretary, Treasurer, Comptroller, the Attorney-General, Solicitor-General, High Sheriffs of the several counties in this State, Ministers of the Gospel of every denomination, that are properly and regularly ordained, and have the care of souls; Quakers, Moravians, Dunkards or Menonists, who may produce a certificate of their being regular members of either of the said societies; all custom-house officers, postmasters, and stage-drivers, who are employed under the care and conveyance of the mail to the post-offices of the United States; all continental officers, who served with reputation three years, or until the end of the revolutionary war, unless sooner deranged by a reform of the army; all ferrymen employed on any ferry of any public road, provided the same shall not exceed the Superintendent and one other to each ferry; all superintendants of public mills and inspectors of impost, all branch pilots, all mariners actually employed in the sea-service of any citizen or merchant of the United States; all officers and students of the University and all other seminaries of learning within this State, particularly established by law, shall be, and they are hereby exempted from militia duty: *Provided* always, That nothing herein contained, shall be construed so as to exempt any person from performing duty in case of invasion or insurrection within this State.

No exception in case of invasion or insurrection.

III. And be it further enacted, That every person liable to do militia duty, who may by the commissioned officers of his company, be deemed in circumstances sufficient to equip himself, and who shall fail to do the same as herein required, shall forfeit and pay for each deficiency as follows, viz. for want of a good and serviceable musquet, rifle, or firclock, the sum of five shillings; a cartouch box of the capacity described, or shot pouch and powder-horn, the sum of two shillings; flints, cartridge-box or powder and ball, as required, the sum of two shillings. And all parents, masters, or guardians, shall furnish those of the militia, who shall be under their care or command, with their arms and equipments above-mentioned, under the like penalties for any neglect. That all commissioned officers shall take rank according to the date of their commission; and where two or more of the same grade bear an equal date, then their ranks shall be determined by lot, to be drawn by them before the commanding officer of the division, brigade, regiment, battalion, company, or detachment. And each Superior Court district shall form at least one brigade, and each county at least one regiment: And when the same shall be convenient, each regiment shall consist of at least two battalions; each battalion of five companies, and each company of sixty-four privates. That the militia shall be officered as follows: To each division one Major-General, and two Aids-de-camp with the rank and pay of Major, to be appointed by the Major-General: To each brigade, one Brigadier-General, and one Aid-de-camp, and one Brigade Inspector, to serve also as Brigade Major, and with the rank and pay of Major, to be appointed by the Brigadier-General: To each regiment, one Lieutenant-Colonel Commandant and two Majors: which general, regiment and field officers shall be appointed by the Senate and House of Commons, and commissioned by the Governor for the time being. *Provided*, if at this time any regiment is officered in a different manner, the commission shall continue, until by vacancy happening, it shall be practicable to arrange the appointments agreeable to this act. And to each company, one Captain, one Lieutenant, one Ensign, four Sergeants, four Corporals, one Drummer or Fifer or Bugler: That there shall be to each regiment, one Adjutant and one Quarter-master, who shall be commissioned officers, with the rank of Lieutenant, to be appointed by the commanding officer of the regiment: There shall be also one Paymaster, one Surgeon, and one Surgeon's Mate, to be appointed as aforesaid, and one Serjeant-Major, one Drum-Major, and one Fife-Major to each battalion, to be appointed by the commanding officers thereof. And the non-commissioned officers, Drummers and Fifers, Buglers, Trumpeters, and Farriers shall be appointed by the Captains of each company or troop. The commissioned officers of the companies of grenadiers, light infantry or riflemen, and also the artillery shall be recommended by the Brigadier-General of the brigade: and of the troop of horse by the field officers of the regiment of cavalry: and the commissioned officers of the infantry shall be recommended by the field officers of the regiment to the Governor, who shall issue commissions to fulfil all the said appointments and recommendations. And the General and field officers, as well as all other commissioned officers, shall reside within the division, brigade, county or company district which they respectively command.

Penalties on neglecting to arm and equip.

Parents, &c. furnish arms to those under their care. Officers taking rank.

Limits.

How the militia to be officered.

How appointed.

Officers appointed by the commanding officer of the regiment.

Appointments by the Captains. Other officers how appointed.

Officers to reside within their respective commands.

Not to affect prior appointments.

Grenadiers, &c. Artillery. Horse.

Uniform.

Artillery arrangement, &c.

Provided nevertheless, That this arrangement shall not affect any appointment heretofore made.

IV. And be it further enacted, That out of the militia enrolled as herein directed, there may be formed for each battalion one company of grenadiers, light infantry or riflemen: And to each division at least one company of artillery, and to each regiment or battalion having a separate muster, at least one troop of horse, all which companies shall be formed of volunteers from the brigade, and shall be uniformly clothed in regimentals to be furnished at their own expence, the colour and fashion to be determined by the Brigadier commanding the brigade to which they belong. There shall be to each company of artillery, one Captain, two Lieutenants, four Sergeants, four Corporals, six Gunners, six Bombardiers, one Drummer, one Fifer, and fifty-two Mattrasses: The officers to be armed with a sword or hanger, and a fusce, bayonet, and belt, with a cartridge-box to contain twelve cartridges: and each private or mattrass shall furnish himself with all the equipments of a private in the infantry, until proper

1800. ordinance and field artillery is provided. There shall be to each troop of horse, one Captain, two Lieutenants, one Cornet, four Sergeants, four Corporals, one Saddler, one Farrier, one Trumpeter, and not less than thirty-six dragoons: The commissioned officers to furnish themselves with good horses at least fourteen hands and a half high; to be armed with a sword and pair of pistols, the holsters of which shall be covered with bear-skin: and each dragoon to furnish himself with a serviceable horse fourteen hands and a half high, a good saddle, bridle, valing, breast-plate, and crupper; a pair of boots and spurs, a pair of pistols and holsters, a sabre, and cartouch box to hold twelve cartridges for pistols.

V. And be it further enacted, That no person that now is, or shall hereafter procure himself to be enrolled in any volunteer company authorized by this act, shall be permitted to return to the infantry, except by the consent of the Captain with whom he may be enrolled, or by removal out of the county where such person was enrolled, and it shall be sufficient for such person to be enrolled and approved by the captain of any volunteer company or troop without the intervention of any other officer whomsoever.

VI. And be it further enacted, That the rules approved and established by Congress, in their resolution of the twenty-ninth of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia of this State, except such alterations may be rendered necessary by the requisition of this act, or some unavoidable circumstance. It shall be the duty of the commanding officer, at every muster, whether by regiment, battalion or single company, to cause the militia to be exercised agreeable to the said rules of discipline.

VII. And be it further enacted, That it shall be the duty of the Brigade Inspector to attend at the regimental or battalion parade, the day preceding each regimental or battalion muster, when and where the officers of the companies shall attend, and the Brigade Inspectors are hereby required to train and instruct said officers in the duty of their respective stations, by explaining the principle on which the different manœuvres in the system of discipline established are to be performed, the utility of being acquainted with the different formations and changes of position, marching, wheeling, and other proper movements, together with the manual exercise, and the different methods of firing by platoons, and by recommending what exercise and manœuvres shall be performed at the company musters; and that they use their endeavours to inspire a spirit of emulation among the officers: And also to attend the regimental and battalion meetings of the militia, composing their several brigades, during the time of their being under arms as above directed: to inspect their arms, ammunition, and accoutrements, superintend their exercise and manœuvres, and introduce the system of military discipline before described, throughout the brigade, agreeable to law and such orders as he shall from time to time receive from the commander in chief of this State; to report to the Brigadier-general the field officers absent from general review or muster; to make timely returns to the commander in chief of this State, as well as to the Brigadier of his brigade, at least once in every year, of the militia of their respective brigades, reporting therein the actual condition of the arms, accoutrements, and ammunition of the several corps, and every thing which they in their judgement conceive may relate to the government thereof, and the general advancement of good order and military discipline. For which field service they shall be entitled to twenty-five shillings per day, and twenty-five shillings for every thirty miles after they leave home in going round the circuit of their brigade, to be paid by the Treasurer of this State, on the certificate of the Brigadier-General: And if the said Brigade Inspector shall fail to attend the regimental and battalion parades the day preceding, or on the day of regimental and battalion musters, as required by this act, and performing the duties therein required (sickness or unavoidable accidents excepted) each of them shall forfeit and pay for such failure the sum of twenty-five pounds, to be recovered by prosecution of the Brigadier-General before any jurisdiction having cognizance thereof. That for every neglect to make the returns to the Commander in Chief of this State, the sum of twenty pounds, to be recovered as above; all which fines shall be paid to the Treasurer for the use of the State.

VIII. And be it further enacted, That there shall be in every year, at least one regimental or battalion muster, at such place or places as have been or shall be appointed by law for general musters: And that the Brigadier-General shall order the said muster in such time and rotation, that the Brigade Inspector may attend each of the regimental and battalion musters, following each other in course, for the purpose herein required; on failure whereof, the said Brigadier shall forfeit and pay the sum of twenty-five pounds, to be recovered and applied as herein directed: And the commanding officer of each regiment or battalion, if he does not receive such orders in time from the Brigadier-General of his district shall appoint the said Muster so as to answer the above intention; on failure whereof, he shall suffer the fine of fifteen pounds for each neglect. And the said Brigadier shall cause the commanding officers of the respective regiments or corps to be notified thereof at least two weeks previous to such muster: And if any officer shall fail to attend at any review, regiment or battalion muster, or attending not armed as required by this act, he or they shall, on conviction before a court-martial, forfeit and pay, if a field officer, the sum of ten pounds; if a commissioned officer under that grade, five pounds; and every non-commissioned officer or private, who shall fail to attend such review or muster, shall on conviction pay such sum as shall be adjudged against him or them by the court-martial, not exceeding two pounds, nor less than fifteen shillings; or if appearing, be not armed as by this act directed, shall for such default forfeit and pay a sum not exceeding twenty shillings, nor less than five shillings, to be adjudged as aforesaid, which fees shall be recovered and applied as hereafter directed: And the company officers in each regiment or battalion of infantry shall incur the same penalty, if they fail to attend at the muster-ground the day preceding each muster, for the purposes herein mentioned. And every Captain or commanding officer of a company shall, at least once in two months, at such place as he shall think most proper

Every company to be exercised twice in two months

The pay of a Brigade Inspector for field service.

Forfeiture for non-attendance at musters.

Forfeiture for neglecting to make returns.

A regimental or battalion muster once a year.

When commanding officer to appoint.

Fine for neglect.

Brigadier to give two weeks notice.

Penalties for non-attendance

and convenient, and agreeably to the order of the commanding officer, muster, train, and exercise each company, and shall cause them to remain under arms at least three hours in each and every day, by himself or his Lieutenant, and then and there teach them the manual exercise and manœuvres directed in the book of discipline; at which muster the officers and privates shall appear armed as before required. If any Captain or commanding officer of any company shall fail or neglect to muster his company as herein directed, he shall forfeit and pay the sum of two pounds ten shillings; and if he or any commissioned officer of the company, shall fail to appear equipt as directed at the said muster, the officer so failing shall pay the sum of two pounds; and if any non-commissioned officer or private shall fail to attend at a company muster, he shall forfeit and pay a sum not exceeding fifteen shillings, nor less than ten shillings; and if attending without being armed and accoutred, shall pay a sum not exceeding ten shillings, nor less than five shillings, which sum shall be adjudged in manner as hereafter directed, according to the circumstances of the delinquent: *Provided*, That every absentee shall be allowed until the next succeeding company muster to make his excuse, which shall always and without exception be on oath, the officer highest in rank being hereby authorized to administer the same. If any officer shall suffer himself to be intoxicated, or behave in a riotous or disorderly manner, when required to be on duty, or disobey the orders of his commanding officer, he shall for the first offence be openly reprimanded by the President of the court-martial before which he is convicted, and fined at the discretion of the said court, not exceeding two pounds; and for the second offence, shall be absolutely cashiered.

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Forfeiture if a Captain neglect to muster his company.
Other forfeitures.
Absentees to be allowed time to make excuse, on oath.
Penalty for intoxication, &c.

IX. And be it further enacted, That if any non-commissioned officer or private shall, during the time of muster, resist his commanding officer, or refuse to obey his lawful commands, reduced to the ranks, and fined at the discretion of the court-martial, not exceeding one pound; and if a private, shall be confined and kept under guard during such muster, and fined at the discretion of the court martial, not exceeding ten shillings. And if the court-martial after the examination on oath shall adjudge any person or persons enrolled as aforesaid, to be incapable of providing him or themselves with arms, ammunition, and accoutrements required by this act, they shall make report thereof to the next regimental or battalion court-martial, as the case may be, who may, if it shall appear necessary, exempt such persons from the fines or forfeitures by this act imposed, until such arms and accoutrements shall be provided and delivered to him or them by the court-martial, who shall take security for the safe keeping of such arms and accoutrements, to be returned when required.

Punishment for disobedience of orders.
Court Martial to make report of persons incapable of equipping, &c.
Such persons to be exempted from fines, until provided.

X. And be it further enacted, That the several Captains of infantry shall, at their several musters, make a return of their respective companies to the commanding officer of the regiment or battalion, the Captain of cavalry to the commanding officer of cavalry in thirty days, and the Captain of Artillery to the Brigadier of the district within thirty days thereafter, and to the commanding officer of his regiment in three months, under the penalty of five pounds, to be levied as hereafter directed. And every officer commanding a regiment, shall annually make two returns, one to the Brigadier-General, and one to the Inspector of the Brigade, at least two months before the annual meeting of the General Assembly, under the penalty of twenty-five pounds. And it shall be the duty of the Brigade Inspector to bring suit for the delinquency against the Commanding Officer of the regiment in the Court of the county where the delinquent resides, and each Brigadier-General shall make his returns to the Major-General of his division, one month before the meeting of the General Assembly, under the penalty of thirty-five pounds; and the Major-General of each division shall make a return thereof to the Governor for the time being, on or before the annual meeting of the General Assembly, under the penalty of fifty pounds; and it shall be the duty of the Commander in Chief of the State to cause proper abstracts to be made therefrom, and to lay the same before the General Assembly, within the first two weeks of the annual meeting thereof, and he shall also make an annual return of all the militia in this State to the President of the United States. And it shall be the duty of the Governor for the time being, through the Attorney or Solicitor-General of this State, to bring suits in his own name as prosecutor, in any of the superior courts of this State, against all and every Field and General Officer, who may make default of return by him required under this act.

Captains to make returns to commanding officers.
Commanding officer to make returns to Brigadier-general & Inspector of Brigade.
Inspector to bring suit for delinquency.
Other returns to be made.
Governor to bring suits against Major-General.

XI. And be it further enacted, That when any Major-General shall be charged with malpractice or neglect of duty, the Governor for the time being shall order him to be arrested and furnished with a copy of his charge, and shall order a general court-martial for his trial, to be composed of one Major-General, two Brigadier-Generals, and ten Field Officers, one half of the number of whom shall be of a different division; and for the like charge against a Brigadier-General, the Major-General shall order him to be arrested and furnished with a copy of his charge, and shall order a court-martial for his trial, to be composed of a Brigadier-General and twelve Field Officers, six of whom shall be of a different brigade; and in like manner the Commanding Officer of each brigade shall arrest, and appoint courts-martial for the trial of the Field Officers of the same, and against whom charges may be exhibited, which courts shall be composed of thirteen officers, none of whom shall be under the rank of Captain, and a Field Officer shall preside. The Commanding Officer of each regiment or battalion shall order a court-martial to be held at the place appointed for the musters of the same, on the day after the regiment or battalion muster, or on the same day, if convenient; which court shall consist of a majority of the officers of the regiment or battalion, one of whom shall be a Field Officer, and two of the grade of Captain, and the officer highest in rank present shall be President. The court shall be warned to their duty by the Adjutant of the regiment or battalion by a roster to be by him kept; and the said court, when convened, shall appoint a Judge Advocate, who shall himself, in the presence of the said court, take the following oath: "I, A. B. do swear that I will well and truly perform the duties of Judge Advocate of this court according to the best of my skill

Major General brought to trial by Governor.
Brigadier Gen. to be brought to trial by Major-General.
Court-martial for the trial of Field Officers how composed.
Regimental court-martial how composed.
Judge Advocate to be appointed.

1800. and ability, so help me God;" and the Judge Advocate shall administer the following oath to the members of the court-martial: "I, A. B. do swear that I will hear and determine all causes which may come before this court, and that I will faithfully report all delinquents that come within my knowledge; that I will account for all fines and forfeitures by me collected or received, and in all cases enforce a due execution of the militia laws of this State, to the best of my knowledge and ability, so help me God." They shall enquire into the age and ability of all persons that come before them by appeal, and exempt such as may be judged incapable of service, and also try and decide on all persons charged with omission or commission, as well by officers as privates; and at the said regimental or battalion courts-martial, shall hear and determine all appeals from the company courts-martial, and to order and dispose of all fines for buying drums, fises, and other implements of war for the use of the company whence the same shall arise, and for supplying the militia with arms and accoutrements, and other purposes that will promote the good thereof. And the Judge Advocate shall be allowed a reasonable salary to be paid out of the fines thereof. And the Judge Advocate shall be to write at length the proceedings of said court; and for his services; and his duty shall be to write at length the proceedings of said court; and required to enter up judgment and issue execution, which if against commissioned officers, shall be directed to the Adjutant, and if against non-commissioned officers or privates, shall be directed to such Sergeant of the company to which the delinquent belongs; and the Adjutant or Sergeant shall proceed to distress and sell in the same manner, and under the same laws and rules as Constables in civil cases, and shall be allowed the same fees for their services. And the said Adjutant or Sergeant shall in all cases make due returns to the next succeeding court-martial: And in case of failure of such Adjutant or Sergeant to do the several duties as required of them by this act, in collecting and accounting for all fines, such Adjutant or Sergeant, as the case may be, shall incur a penalty or fine of double the amount that such Adjutant or Sergeant was so bound to collect and account for.

XII. And be it further enacted, That the commissioned officers of the company, or any two of them, after each and every muster of the company, shall on the same day meet in court-martial, and proceed to try and determine on all cases which may come before them; and on the conviction of any delinquents, the officer highest in rank present, shall enter up judgment, and issue execution directed to the Sergeant, who shall proceed as before directed, and shall make and receive of the Adjutants, Sergeants, and other officers who may have collected fines and forfeitures, and distribute the same agreeable to the direction of the court-martial, and send his accounts annually with the Judge Advocate, for which service the Paymaster shall be allowed a reasonable compensation by the court-martial: And in case there shall be no Paymaster appointed by the command of any regiment, then and in that case, each Commandant shall perform and execute the duties of Paymaster as above required.

XIII. And be it further enacted, That every officer, at the first meeting of the court-martial after being commissioned, shall take and subscribe the following oath of office, to be administered in open court by the Judge Advocate: "I, A. B. do solemnly swear, that I will execute the office of _____ according to the rules of military discipline and the laws of this State, to the best of my ability, and that I will support the constitution of the United States, and of this State, So help me God;" and also the following oath: "I, A. B. do swear that I will, in the court-martial of the company to which I belong, duly administer justice, and apply fines and penalties according to law, to the best of my ability, without favour, or affection, or partiality, so help me God." And no officer shall be entitled to sit in a regimental, battalion, or company courts-martial, unless he shall have taken and subscribed the oaths aforesaid.

XIV. And be it further enacted, That if at any regiment, battalion, or company muster, court-martial, or company of the officers, there shall be any delinquents either for non-attendance, or not being properly armed and accoutred, or for disorderly conduct, proclamation shall be made by the Captain or Commanding Officer, calling the names of all delinquents enrolled, that they attend the trial at the following court-martial, which shall be deemed a legal notice; or if Field Officers, or officers of the regimental staff, such notice shall be given by the Commanding Officer or Adjutant of the regiment or battalion, or to the officers assembled; and if any officer or private has an excuse to offer to the court-martial, he may send his affidavit taken before a civil magistrate, or produce a witness, or he may personally appear and make oath to the cause of his delinquency; and in all cases, whether for neglect or failure of the officers and privates of regimental or battalion musters, or appeals from the company court martial, and all other cases of which the regimental courts-martial have jurisdiction, their determination shall be final.

XV. And be it further enacted, That the Commanding Officer of the regiment of Artillery, shall, under the penalty of twenty-five pounds, once in every year transmit a return of said regiment to the Major-General in whose division he may reside, in due time for him to lay the same before the Governor, at the meeting of the General Assembly. And the Commanding Officer of each and every regiment of cavalry shall muster his regiment at the place of holding the district courts of the district to which said regiment belongs, except such districts as may have two regiments of cavalry, in which case, it shall be at such place as the Commanding Officer of cavalry shall direct, under the penalty of twenty-five pounds; and shall once in every year, in due time, make a full return of his regiment to the Brigadier-General of the Brigade, under the penalty of twenty-five pounds: *Provided always,* That the companies of Artillery and troop of horse shall, when attending the general muster of the regiment or battalion of infantry in the county in which they reside, be under the Commanding Officer of the battalion or regiment, except a Field Officer of the cavalry or artillery be then present on the parade, and at the reviewing of the regiment of cavalry, when ordered by the

Oath for members of court-martial.

Duty of the court.

Fines how to be collected of.

Judge Advocate's salary & duty.

Adjutant to receive fines by distress, and to follow fees.

Returns to be made.

Fine for neglect of duty.

Company courts-martial.

Accounts to be sent annually with Judge Advocate.

Oaths to be taken by Officers.

Proclamation to be made of delinquent officers.

Commanding officer of artillery to make returns to Major-General.

Commanding officer of cavalry how to muster his regiment.

To make returns to Brigadier-General.

Colonel thereof, and not by any General Officer, the said cavalry shall be under the command of the officers of cavalry only. And it shall be the duty of each Colonel of the cavalry in this State to review, or cause one of his Majors to review, once every year, each troop of cavalry under his command, within the counties where the said troops may respectively reside, to under the penalty of twenty-five pounds, to be paid by the officer neglecting his duty. And the companies of artillery and troops of horse shall respectively muster at least once in three months, at such time and place as the Captain or Commanding Officer of the said companies or troops shall direct; and the commissioned officers of each company of artillery and troop of horse, or a majority of them, shall, and they are hereby authorized and required, to hold courts-martial on the day or succeeding day of the company musters, in order to enforce the military laws of this State, as far as respects the said corps. And the Commanding Officer of the regiment of cavalry shall order a regimental court-martial to be held at the place appointed for the muster of the same, which shall consist of at least a majority of the commissioned officers of the regiment, or more if the Commanding Officer shall direct, one of whom shall be a field officer, and two of the grade of Captain, and the officer highest in rank present shall preside at the court, to be waited to that duty by the Adjutant of the regiment, and shall proceed as other regimental courts-martial.

XVI. *And be it further enacted,* That each Colonel of a regiment of cavalry shall appoint one Adjutant to his regiment, whose duty it shall be, once in every year, to attend the troops of each county at their company musters, to be ordered by the Captain of the company, previous to the regimental review by the Colonel of the regiment and shall then and there exercise and train the said troops agreeable to the instructions of the late Governor Davie, for the formation and movement of the cavalry of this State; and he shall report the state and condition of each troop to the Colonel or Commanding Officer of the regiment, previous to the review of said regiment, and shall be entitled to the same pay as Brigade Inspectors, to be paid by the Treasurer of this State, on the certificate of the Colonel or Commanding Officer of the regiment to which he may belong: And in case said Adjutant shall fail to attend or perform his duty, he shall forfeit and pay the sum of ten pounds, to be recovered as other fines, by the regimental court-martial.

XVII. *And be it further enacted,* That the fines of the cavalry shall be as follow, to wit: That at a regimental muster, each Field Officer that fails to attend, or attends not properly equipped, shall forfeit and pay the sum of fifteen pounds: each Captain five pounds; and each commissioned officer under that grade, four pounds; and each non-commissioned officer and private, the sum of two pounds. And for every failure or neglect at a company muster, every officer and private so neglecting or failing to appear equipped agreeable to law, shall forfeit and pay one-half of the above sum, to be recovered as other fines imposed by this act.

XVIII. *And be it further enacted,* That every commissioned officer of the infantry of the militia of this State, by appointment of the commanding officer of each regiment, shall meet once in every year, at such places as may or have been appointed by law for holding reviews or regimental musters in their respective counties, exclusive of the meetings on the day previous to each general muster, as in this act required, where they shall remain two days, during which time they shall be exercised by the Adjutant, or in his absence by the Commanding Officer of the regiment at least four hours in each day, when and where they shall be instructed in all matters of field exercise and discipline, according to the system which now is, or may hereafter be established by the Congress of the United States; and for each and every failure or neglect to appear equipped at the muster of the officers as aforesaid, without being able to render sufficient excuse on oath before the regimental court-martial to be held next after said muster, they shall forfeit and pay the sum of two pounds.

XIX. *And be it further enacted,* That the General and Field Officers shall, immediately after their appointment to office, notify the Governor for the time being, of their acceptance or non-acceptance of such appointment; and that if any Major-General, Brigadier-General, or Field Officer shall think proper to resign his commission, he shall first notify the Governor for the time being, and other officers to whom it may be his duty to make returns, of such his resignation, and also the name of the next officer in command, and to the Governor and such other officer, to whom returns from such resigning officer is or may be due, shall thereon require the necessary returns and reports of the next officer in command, of the division, brigade, or regiment, until the vacancy occasioned by such resignation be filled: *Provided* such resignation doth actually take place six months previous to the meeting of the General Assembly, and if not, the officer to resigning shall be accountable for all returns due from his division, brigade, or regiment, for that year.

XX. *And be it further enacted,* That when any officer commanding a division, brigade, or regiment, shall have occasion to be absent from his usual residence two months or more, it shall be the duty of such officer to notify the officer entitled to the command, of such his intended absence, and also the next superior officer in command, under the penalty of twenty pounds, if a General Officer, and ten pounds, if a Regimental Officer, to be recovered as other fines.

XXI. *And be it further enacted,* That if any Brigadier-General shall fail or neglect to appoint one Inspector of his brigade, it shall be a part of his own duty to distribute all orders and blank forms which might have been the duty of the Brigade Inspector to distribute.

XXII. *And be it further enacted by the authority aforesaid,* That in case of an insurrection, it shall be the duty of the militia officer highest in command in the county wherein the same shall happen, immediately to take measures for suppressing said insurrection, and to give notice thereof to the nearest General Officer, whose duty it shall be to send, an express without delay, to the Commanding Officer of the State, informing him of the same, and the nature and extent thereof, and in the mean time the said General officer shall immediately pursue the next

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Reviews of cavalry to be once a year.

Artillery and horse how to muster.

Courts martial to be held.

An Adjutant to be appointed.

Who shall report to the Colonel.

His pay.

Forfeiture for neglect of duty.

Fines of cavalry.

Officers of infantry to be exercised by the Adjutant.

Penalty for neglecting to attend.

General & field officers to give due notice of their appointment and resignation.

Officers absent to give notice to the next in command.

Brig. General failing to appoint Inspector to do his duty himself.

Duty of commanding officer in case of insurrection.

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active measures for suppressing the said insurrection: and it is hereby directed that the said militia shall appear furnished with arms, ammunition, and accoutrements, as required by this act.

Officers failing in duty to be cashiered, &c.

Penalties on non-commissioned officers and privates.

XXIII. *And be it further enacted*, That every officer who shall neglect or refuse, on call, or alarm given, to appear at such times and places as shall be appointed by his Commanding Officer, he shall, on due conviction before a court-martial be cashiered, and rendered incapable of ever after holding a military appointment under the authority of this State, and be further liable to pay the sum of twenty pounds, to be collected as herein directed; and if a non-commissioned officer or private, he shall forfeit and pay five pounds. And if any person do not march against the enemy when commanded, by himself or substitute, or refuse or neglect to do his duty or perform the service he is put on by his officer, or quit his post, desert, or mutiny, it shall and may be lawful for the Commanding Officer of the regiment or corps, to order a court-martial for the trial of such offenders. The members when met, shall individually, before they proceed, take the following oath, to wit: "I swear well and truly to try and determine, according to the evidence of the matter before me, between the State and the person now to be tried, So help me God!" And shall, on trial and conviction, order punishment on the offender, according to the articles of war established for the regulation of the continental army: *Provided nevertheless*, That such punishment shall not extend to sentence of death, except in case of desertion to an enemy or mutiny.

Not to be arrested in any civil action when on duty.

To pass ferries &c. free

Musters to be held.

Penalties on field officers how to be recovered.

Additional duties.

Fines how to be applied.

Fines on persons living in towns within a mile of the muster ground to be doubled.

Persons appearing on the muster ground, and not taking their stations, may be arrested.

To receive pay when in actual service.

Rates of pay.

XXIV. *And be it further enacted*, That no officer or soldier directed by this act to appear and muster as aforesaid, shall be liable to be taken or arrested in any civil action or process whatever, on the day such person or persons is or are directed to appear, or in a reasonable time either in going to, continuing at, or returning from the place appointed to muster or appear, but every such arrest is hereby declared to be void: And every person required by this act to attend musters and reviews, going to or returning from the same, shall be suffered to pass over any toll bridge or toll causeway, and shall be put over any ferry without delay, free from any charge whatsoever: And if any Ferryman or proprietor of any toll bridge shall demand pay, delay, or refuse to put over such person, they shall forfeit and pay for every such offence forty shillings, to be recovered by a warrant from a Justice of the Peace to the sole use of the informer.

XXV. *And be it further enacted*, That the Major-General of each division shall, when convenient to himself, but at least once in two years, order the review of the several corps composing said division to meet by regiments in their respective counties, except the regiment of cavalry and companies of artillery, which shall be mustered at the court-houses of their respective districts, except as herein before excepted; and he shall attend the said reviews under the penalty of fifty pounds, and the Brigadier of each brigade shall in like manner at least once in every two years, order a review of the several regiments and companies of artillery of his brigade, under the penalty of forty pounds, to be recovered as before described. And when penalties are inflicted upon Field Officers, and no other method is directed for the recovery thereof, the same shall be recovered by information of the Brigade Inspector before a regimental court-martial, to be ordered by the Brigadier; the judgment of which court shall be carried into execution and levied by the Adjutant of the regiment as heretofore prescribed.

XXV. *And be it further enacted by the authority aforesaid*, That in addition to the fines herein imposed on General Officers for not reviewing, and on regimental officers and privates for not turning out at general musters or reviews, and in case of alarm, a further fine of not less than twenty-five per cent. on the amount of their last public tax (if the said tax exceeds three pounds) shall be required and collected from them respectively, for such neglect of duty; and that the said fines may the more easily be ascertained, the Captain of each company respectively is hereby required to call on the Clerk of the Court for a copy of the lists of taxable property for his company in each and every year, and upon such application it shall be the duty of the Clerk to furnish the same without delay.

XXVI. *And be it further enacted*, That all fines and forfeitures by this act directed, and not herein particularly appropriated, shall be applied to the purpose of first buying drums, fifes, and colours, and then arms and accoutrements for the use of the corps from whence the same arise, and those paid by the Major-General shall be equally divided among the brigades of his division; those paid by the Brigadier shall be equally divided by the different regiments of his brigade; those paid by the Field and Staff Officers, and not before appropriated, equally among the companies of the regiments or battalions to which they belong; and those paid by the other commissioned officers, among their respective companies.

XXVII. *And be it further enacted*, That where companies consist principally of persons residing within any town of the State, and the muster ground is at, or within one mile of the town, that all fines herein imposed, for not appearing at reviews or musters, or if appearing, not being properly armed and accoutred, shall be doubled, except the per centage on their last public tax.

XXVIII. *And be it further enacted*, That if any person liable to do duty, shall appear at or near the parade or muster ground, during the time of any review or muster, and shall not take his proper station, and perform the duty required of him by law, it shall be the duty of the Commanding Officer of the regiment or corps, to order the said person under guard, there to be detained during the time of exercise, or the service then performing, and until the troops are discharged.

XXIX. *And be it further enacted*, That the respective officers, non-commissioned officers and privates, when in actual service in defence of this State, shall, from the day they are ordered on duty, be paid according to the following rates, namely: A Major-General per day, twenty-five shillings; a Brigadier-General, ditto, twenty shillings; Colonel or Lieutenant-Colonel Commandant of infantry per day fifteen shillings; a Major of infantry, ten shillings; a Captain of ditto seven shillings and sixpence; Lieutenant of ditto five shillings; Ensign of ditto four shillings and sixpence; Surgeon of ditto seven shillings and sixpence; Sergeant-Major ditto

four shillings; Five-Major ditto four shillings; Sergeant of ditto three shillings and sixpence; a Corporal of ditto three shillings; a Drummer of ditto three shillings; Fifer of ditto three shillings; Private of ditto three shillings. Lieutenant Colonel Commandant of cavalry per day twenty shillings; Majors of ditto fifteen shillings; Captain of ditto twelve shillings and sixpence; Lieutenant of ditto ten shillings; Cornet of ditto seven shillings and sixpence; Surgeon of ditto ten shillings; Sergeant of ditto five shillings and sixpence; Corporals of ditto five shillings and sixpence; Trumpeters of ditto five shillings and sixpence; Private of ditto four shillings and sixpence. Lieutenant Colonel Commandant of Artillery, twenty shillings; Major, twelve shillings and sixpence; Captain, ten shillings; Captain Lieutenant, seven shillings and sixpence; Lieutenant, seven shillings and sixpence; Surgeon, seven shillings and sixpence; non-commissioned officers and privates to have the same pay as those in the cavalry: *Provided nevertheless*, That the above mentioned pay shall not be construed to be due to any officer or men of the militia called out at any time in pursuance of orders from the Executive of the United States, or the laws thereof.

1800

Payment allowed when called out by the Executive U. States. Former acts repealed.

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

CHAP. XXIX.

An act to extend the navigation of Tranter's Creek, from the mouth where it empties into Pamlico River, to Leas's Point or Coley's Causeway.

WHEREAS the making Tranter's Creek navigable, from the mouth to Leas's Point or Coley's Causeway, will contribute much to facilitate commerce:

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 lawful for Matthew Yarell, his heirs or assigns, to open and extend said navigation by dams, locks or otherwise, as he or they may think best for ease and benefit thereof, free and clear from any incumbrance whatsoever, agreeable to the subscriptions of the inhabitants on both sides navigation, and that the said Yarell, his heirs and assigns, shall appoint a director or directors to conduct said undertaking during such time as he may think proper; and the said place and works shall be called and known by the name of Union Navigation.

Navigation to be opened by subscription.

II. *And be it further enacted*, That the said Yarell, his heirs or assigns, and their successors, shall and may agree with persons in their behalf to open said navigation by canals, locks or dams, from place to place, and from time to time, upon such terms as they shall think best, and also to appoint a clerk, toll-gatherers and inspectors as may be necessary; and they shall be subject to the same rules and regulations as other inspectors, to be turned out on application to the court of the county where he resides, and others put in his or their room by said owners, or any of them, when they may think proper.

Workmen, clerk, &c. may be appointed.

III. *And be it further enacted*, That for the expences, the said Yarell, his heirs or assigns, may incur, cutting canals, making dams, roads, and erecting locks, and doing various things necessary for this navigation, the said canals, locks, dams and roads, and every work and thing appertaining to the said navigation, with all the profits arising from the same, or any part thereof, shall be and they are hereby vested in the said Matthew Yarell, his heirs or assigns, for the term of ninety years, as tenants in common, and the same shall be exempt from the payment of taxes, imposition or assessment; and the toll which the said owner may or shall demand for such articles as shall be carried down the said creek, shall be fixed by a Justice of the Peace from each of the counties of Martin, Beaufort and Pitt, or any two of them; and it shall be lawful for them to meet at the place appointed for collecting the same, and their award shall be the lawful toll, and it shall be lawful for the owners at all times thereafter to demand and receive the tolls which shall be fixed by the Justices as aforesaid, on all produce, goods and commodities which shall be transported through the said navigation, or any part thereof, and they may demand the toll at such place or places as they may think proper; and if any person shall refuse to pay lawful toll at such place or places, the owners, or their toll-gatherer, may deny passage, and if any person so refusing to pay shall pass through the navigation, it shall be lawful for the owner or collector to seize vessel and cargo wherever found, and sell as much thereof as will be necessary (giving ten days previous notice) at auction, for ready money, to pay the toll, and the surplus, if any, shall be rendered to the owners, after paying the toll and expence of seizure and sale.

Property of the canals, locks, &c. vested.

Toll how to be fixed.

Goods may be seized and sold.

IV. *And be it further enacted*, That the navigation and works of the said owners, done in pursuance of this act, when completed, shall for ever thereafter be considered as public highways, free for the transportation of all goods, wares, commodities or produce whatever, paying toll as before directed; and any person obstructing the same by cutting trees, or any other way, shall be liable to the penalties the law directs for the stoppage of any road or highway, if free, and if a slave, fifteen lashes on his bare back.

To be considered as public highways.

V. *And be it further enacted*, That the owners of the navigation may agree with the proprietors of lands near said navigation for any quantity not exceeding two acres, for the purpose of erecting necessary buildings for collecting tolls, and for the tar or naval stores; and in case of disagreement, or if the owners should be a feme covert under age, non-compos, or out of the State, on application to any two Justices of the county in which such land lies, the said Justices shall issue their warrant to the Sheriff of the county to summon a jury of eighteen men of property and reputation, not related to the parties and disinterested, to meet on the land to be valued, on a day to be expressed in the warrant, not less than ten or more than twenty days thereafter; and the Sheriff on receipt of the warrant, shall summon the said jury, and when met shall administer an oath or affirmation to them, provided twelve or more appear, to wit, That

The Owners may agree for lands with the proprietors of them. In case of disagreement a jury to be summoned to value.

1800. he will impartially value the land in question, and consider all damages the owner thereof may sustain by being divested of his property therein; that he will not in his valuation spare any person through favour, or injure any one through malice or hatred: And the inquisition so taken shall be signed by the Sheriff, and twelve or more jurors, and returned to the Clerk of the court of the county in which the said land lieth, to be recorded; and in all such cases the jury is directed to describe the land valued, and their valuation shall be conclusive: And the said Yarrell, his heirs or assigns, shall pay the same to the owner of the said land, or his legal representatives, and if neither can be found in the State, or if found should refuse to receive the money, then to the Clerk of the court of the said county; and on payment thereof the said Yarrell, his heirs or assigns, shall be seized in lee of said land, in the same manner as if conveyed to them by the owner thereof by legal conveyance: *Provided always*, That the land to be valued shall not include mill-dams, mills, or other improvements.

Locks may be made in mill-dams.

Preference for- fested if not completed in ten years.

This act given in evidence.

Assembly not to impose ref- trictions, &c.

Subscribers not liable to pay toll.

VI. *And be it further enacted*, That where it shall be necessary to pass any mill already built, or which may be hereafter built, with the navigation by this act contemplated, it shall and may be lawful to erect a lock or locks in the dam thereof for that purpose, the damage of which to the owners thereof shall be ascertained in the same manner as is pointed out by the fifth section of this act, unless it shall be otherwise agreed by the owners and proprietors, and if the said owners, or their legal successors, shall not complete their said navigation in ten years from the passing of this act, all preference in favour of said owners shall be forfeited in favour of said navigation to them the said owners.

VII. *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 on a verdict against the plaintiff, or non-suit, or discontinuance, recover costs of suit.

VIII. *And be it further enacted*, That the General Assembly shall not impose any restrictions, duty or impost on commodities, manufactures, produce or merchandize, transported by the said navigation, or any part thereof, during the term of fifty-five years after the completion of said navigation agreeable to this act.

IX. *And be it further enacted*, That the subscribers to said Yarrell, and his assigns, who do pay their subscription according to the respective sums by them subscribed, shall not be liable to pay toll as other people, until the money is expended agreeable to the toll that others pay: *Provided*, That no subscriber shall be allowed this privilege in carrying any produce but his own: *Provided always*, That if any subscriber should attempt to, or do violate this act, he or they so offending shall be for ever after liable to pay toll as other people that never paid any thing towards said navigation, and to be subject to the same rules and regulations as other people, any law, usage or custom to the contrary notwithstanding.

Read three times and ratified in General Assembly, the twentieth day of December, 1800.

Copy,
WILLIAM WHITE, Secretary.

J. RFDICK, S. S.
S. CABARRUS, S. H. C.

CHAP. XXX.

1835.

An act to repeal so much of an act passed in the year 1770, entitled "An act for the better settling, regulating and improving the town of Beaufort, in the county of Carteret, and for annexing Occacoek Island to said county," as exempts the inhabitants of the town of Beaufort from working on the county public roads.

WHEREAS it is represented, that on account of the small number of inhabitants residing on or near the public roads in the vicinity of the town of Beaufort, the said roads are frequently in bad order and out of repair: For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of an act passed in the year 1770, entitled "An act for the better settling, regulating and improving the town of Beaufort, in the county of Carteret, and for annexing Occacoek Island to the said county," as exempts and excuses the inhabitants of the town of Beaufort from working on county public roads during the time they shall live in said town, be and the same is hereby repealed and made void, and the said inhabitants of the said town shall be subject to work on the public roads leading therefrom under the direction of the county court of Carteret, and of overseers of the roads by them appointed, any law, usage or practice to the contrary notwithstanding.

CHAP. XXXI.

An act for cutting a Canal from the waters of New River to the waters of Brown's Inlet.

WHEREAS it is represented to this General Assembly, that the cutting a canal from the waters of New River to the waters of Brown's Inlet, would be of great utility and public advantage, by means whereof the produce of Onslow county, and particularly of New River, would be carried to a safe navigation:

Be it therefore enacted by the General Assembly of the State of North-Carolina, That William Stanford, William Ferrand, Edward Ward, Asa Hatch, Kilby Jones, William Jones, William Russell, Benjamin Ward and Christopher Dudley, be and they are hereby appointed commissioners for the purpose of laying off and establishing a canal to be cut from the waters of New River to the waters of Brown's Inlet, in the county of Onslow, as they or a majority of them, may think most advantageous for effecting the navigation aforesaid.

II. Be it further enacted, That the county court of Onslow shall, on application of the commissioners aforesaid, appoint a jury, who shall enquire and assess the value and damages of the owners of the lands through which the canal may be cut for the term of ninety-nine years; and the said commissioners shall have full power and authority to make such rules and regulations for the cutting the said canal as they shall deem necessary; and the said commissioners, or a majority of them, in case of death, removal, or refusal to act, to appoint others who shall be invested with the same powers as those appointed by this act.

III. And be it further enacted, That the profits arising from said canal shall be vested in the persons who shall subscribe for the cutting of the said canal for the term of ninety-nine years as aforesaid.

IV. And be it further enacted, That the commissioners aforesaid shall have power to lay a toll on all boats, vessels and produce which shall pass through said canal.

CHAP. XXXII.

An act to clear and keep open the navigation of White Oak River.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Benjamin Lavender, Rigdon Pitts, Abraham Dudley, Thomas Holt, William Heeling and Rigdon Smith, are hereby appointed commissioners, and they, or a majority of them, are hereby empowered to lay off the river White Oak in suitable and convenient districts for companies to work on, and that the inhabitants of Jones and Onslow counties, who live within the distance of four miles of the bounds of said river hereafter described, who are liable to work on the public roads, shall open and keep open the navigation of said river free for the passage of boats, rafts and fish.

II. And be it further enacted by the authority aforesaid, That if any overseer shall neglect or refuse to warn the men in his district to meet at such time as said commissioners direct, and work on and keep open the part allotted to him of the said river as this act directs, shall forfeit and pay for each offence ten pounds, one half for the use of the poor of the county wherein he resides, the other half for the use of the person suing for the same.

III. And be it further enacted by the authority aforesaid, That if any person or persons, or the miller, mistress or overseer of any negroes liable to work on said river, after being duly warned by his or her overseer of the time and place of working, shall fail to attend and work, shall forfeit and pay for each offence or neglect ten shillings, for each and every hand liable to work, to be applied by the overseer in hiring hands to work on said river.

IV. And be it further enacted by the authority aforesaid, That if any person shall fall trees, make hedges, or obstruct the navigation of said river, or the passage of fish up the same, he or she, on being convicted of either of the above crimes, shall forfeit and pay ten pounds, one half to the use of the poor of the county wherein he or she lives, the other half to the use of the informer. And if the above offence is committed by a servant or slave, he shall receive thirty-nine lashes on his bare back.

And whereas by an act, entitled "An act for clearing and opening the navigation of Trent River, in Jones county," it is made the duty of all persons who live within eight miles of the said river, to work on the same in clearing and opening it out, which is found inconvenient, and much to the disadvantage of a number of the good citizens of the said county:

V. 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 hereafter no person within the county of Jones, who shall live at a greater distance than five miles from the part of the river of Trent subject to be worked on, shall be compellable or liable to work on said river; any law, usage or custom to the contrary notwithstanding.

1800.

CHAP. XXXIII.

An act to prescribe the time in which the purchasers or holders of tickets in the Lottery for the establishment of the Halifax Cotton Manufactory shall bring the same forward for payment.

WHEREAS by an act of the General Assembly, passed in the year one thousand seven hundred and ninety-six, entitled "An act to authorize Christopher Taylor, of the town of Halifax, to raise by way of lottery the sum of five thousand dollars," the said Taylor obtained of the managers of the said lottery two hundred tickets, which amounted to one thousand dollars, and gave his bond with sufficient security for the faithful payment of the same, which tickets he deposited in the hands of sundry persons for sale, a number of which were not sold, but lost or never returned; and whereas the bond given for the faithful payment of these tickets yet remains in full force and not cancelled; and whereas the before recited act was repealed, and never had its due operation:

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That each and every purchaser or holder of tickets in the aforesaid lottery shall present the same for payment to the said Taylor, his securities or either of them, within six months after the passing of this act, otherwise the purchaser or holder of such tickets shall be forever barred from making recovery for the same; and that the bond given by the said Taylor to the Managers of said Lottery for the said two hundred tickets, amounting to one thousand dollars, shall be forever considered as null and void, any law to the contrary notwithstanding.

CHAP. XXXIV.

An Act to repeal an act passed in the year one thousand seven hundred and ninety-four, entitled "An act to keep open Little River and Uharie, in Montgomery and Randolph counties, for the passage of Fish up the same, so far as it respects Little 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, so much of the before recited act as prevents the erecting of dams across the said Little River, or that lays any penalty on persons owning dams across the same for not opening them, be and the same is hereby repealed and made void.

CHAP. XXXV.

An Act to authorize Cary Pritchard, of Montgomery county, to establish a Ferry.

WHEREAS it is represented to this General Assembly, that the establishment of a Ferry on the north-east side of the Peedee River, at the mouth of the Uharie River, would conduce much to the ease of the inhabitants of the county of Montgomery:

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 Cary Pritchard, of Montgomery county, be and he is hereby authorized to establish and keep a Ferry on the north-east side of the Peedee River, and at the mouth of the Uharie River, under the same rules and restrictions, and be entitled to the same privileges and emoluments, as the Ferry already there established on the west side of said river, and no more: *Provided,* he keeps a free Ferry, at his own expence, on public days, agreeably to the directions of a law passed for the purpose of establishing a Ferry at the Court-house in Montgomery county; any law to the contrary notwithstanding.

CHAP. XXXVI.

An Act to amend and explain an act, entitled "An act for the better regulation of the town of Pittsborough, in Chatham county," passed in the year one thousand seven hundred and ninety-eight.

WHEREAS, by the before recited act, it is allowed and granted to the Commissioners of the aforesaid town, to make such by-laws, rules, orders, regulations and ordinances, as they, or a majority of them, shall deem necessary, and to enforce a compliance therewith under certain penalties and fines therein mentioned, as may tend to the advantage, improvement, and good government of the said town: And whereas the said Commissioners have thought proper to order that all persons who shall vend or sell any goods, merchandize, or other things, in said town, shall pay a fine, under such regulations as have by them been ordained, which appears to injure the inhabitants of the county of Chatham, which by the said act was never intended:

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, nothing in the said act contained shall be construed to authorize the Commissioners of the town of Pittsborough to pass any order, regulation, decree or law, which shall or maybe construed to prevent any person or persons, inhabitants of the county of Chatham, from vending and selling any matter or thing whatsoever, on the public lot, square or ground of the said town; and all such laws, regulations and orders, which have by the said Commissioners been ordained, be and the same are hereby declared to be null and void.

II. *And be it further enacted,* That so much of the above recited act as comes within the purview of this act, be and the same is hereby repealed and declared of no effect.

CHAP. XXXVII.

An Act to amend the second section of an act, passed in the year one thousand seven hundred and ninety-six, entitled "An act to remedy certain inconveniencies arising under the present land laws, so far as respects the county of Randolph."

WHEREAS it appears that the Entry-taker's books kept for the county of Randolph previous to the year one thousand seven hundred and eighty-three, were burnt, and never transcribed and sent to the Secretary's Office, consequently the warrants on which returns of surveys are made of that date, cannot be compared as directed by law, so as to authorize grants to issue: 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 grants may issue on warrants to all persons claiming lands entered in

the county of Randolph previous to the year one thousand seven hundred and eighty-three, although there may be no transcript with which the warrants may or can be compared: *Provided* the said warrants shall, in the opinion of the Secretary, have been fairly obtained.

II. *And be it further enacted*, That this act shall be in force from the day of the ratification thereof, any thing to the contrary notwithstanding.

CHAP. XXXVIII.

An act to amend an act, entitled "An act to establish a town on the lands of Fergus Sloan, in Iredell county, and to amend an act for the division of Rowan county."

WHEREAS the before recited act did appoint George Davidson, Jeremiah Nielson, Joseph Sharpe, John Nesbitt and Christopher Houston, commissioners and trustees to lay off a town on the lands of Fergus Sloan, by the name of Stateville; and whereas the said commissioners have resigned their appointment without carrying the said act fully into effect:

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Abner Sharpe, William Young, William Simonton and George Robinson, be appointed commissioners for the said town of Stateville, with all the powers and authorities that were given by the aforesaid act to the former commissioners.

CHAP. XXXIX.

An act to erect an Academy at the town of Edenton, in the county of Chowan, and district of Edenton.

WHEREAS it is represented to this General Assembly, that the citizens of the aforesaid district are desirous of establishing an academy at the town of Edenton, that liberal subscriptions have been made, and trustees have already been appointed by the subscribers for carrying the same into effect; and whereas the good education of youth has the most direct tendency to promote virtue and ensure happiness and prosperity to the community, and therefore is worthy of legislative attention:

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 academy for the instruction of youth be erected and established at the town of Edenton, on three lots and one fifth part of a lot known and distinguished in the old plan of the said town by the numbers and figures sixty-six, sixty-five, sixty-four and one-sixth of sixty-three, adjoining the last number of sixty-four, on Queen and Church streets, and lately purchased of Daniel Young and Elizabeth Mary Young his wife, Samuel Clarkson, and Dorothy Skinner, by Samuel Johnston, Esquire, President elected, and the other elected Trustees of the said Edenton Academy, for its erection, and that the same shall for ever hereafter be under the name, stile and title of the Edenton Academy.

II. *And be it further enacted by the authority aforesaid*, That Samuel Johnston, Josiah Collins, senior, Stephen Cabarrus, Nathaniel Allen, Thomas Pitt, Richard Benbury, Josiah Collins, junior, James Granbury, Samuel Dickinson, Lemuel Creecy, Samuel Tredwell, John Little, Elisha Norfleet, William Slade, William Blair, James Hathaway, David Stone, Lawrence Baker, John Skinner and Joseph Harvey, Esquires, they and their successors, to be elected in manner herein after directed, shall for ever be a body politic and corporate, in deed and in name, by the stile of the Trustees of Edenton Academy; and by the same name they and their successors shall and may have perpetual succession, and be able and capable in law to receive, take and enjoy, to them and their successors, all such lands, tenements, rents and hereditaments, of any kind, nature, quality or value, in fee or in perpetuity, and also estates for lives and for years, and all sums of money, goods, chattels and things whatsoever, of any nature, quality or value, which they now have, or may hereafter acquire by purchase, devise, donation or otherwise, for building, erecting or supporting said academy, and paying salaries to the professors and tutors thereof.

III. *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 grant, bargain, sell, alien, demise, dispose of and convey, any such lands, tenements, rents 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 and equity, by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered, defend and be defended, in all courts of record, and before all judges and justices whatsoever, by the name aforesaid; they shall have a common seal for the business of them and their successors, with liberty to change, break, alter or make new the same, from time to time, as they shall think proper.

IV. *And be it further enacted*, That the said trustees, or any seven of them with the President, or nine of them without the President, shall have full power and authority to meet at all times when they shall think proper at Edenton aforesaid, to deliberate, make and ordain such laws, rules and regulations for the government of the said academy (provided the same shall not be repugnant to or inconsistent with the laws and constitution of the United States or of this State) as to them shall seem meet, and to give certificates to such students as shall leave the academy, certifying their literary merit, and progress they shall have made in useful knowledge.

V. *And be it further enacted*, That the said trustees, or a majority of them, shall have full power and authority to fill up any vacancies which may happen in the said incorporate body of trustees, by the death, refusal to act, resignation, or removal out of the State, of any of its members, and the persons appointed to fill such vacancies shall be and are hereby declared to have the same power and privileges as the trustees named in and by this act.

VI. *And be it further enacted*, That the said trustees, or a majority of them, shall, when convened, have power to elect and constitute one or more professors or tutors, and to remove or displace them, or any of them, if they shall find it necessary, and to appoint others in their stead, and shall also choose a President of the Board, Secretary and Treasurer.

VII. *And be it further enacted*, That the Treasurer, when appointed by the trustees aforesaid, previous to the entering on the execution of his office, shall enter into bond with sufficient securities,

1800. to be approved of by the said trustees, or a majority of them, payable to the President for the time being, conditioned for the faithful discharge of the duties of his office and the trust reposed in him; and that all monies and chattels belonging to the said corporation, which shall be in his hands at the expiration of his office, shall then be immediately paid and delivered into the hands of his successor in office; and every Treasurer shall receive all monies, donations, gifts, devises, bequests and charities whatsoever, that may belong or accrue to the said academy during his continuance in office, and at the expiration thereof shall account with the trustees for the same; and on his neglect or refusal to pay and deliver to his successor as aforesaid, the monies and chattels in his hands, the same mode of recovery shall and may be had against him as is or may be had for the recovery of monies from Sheriffs or other persons chargeable with public monies.

VIII. *And be it further enacted*, That the said trustees, or a majority of them, shall be and they are hereby empowered to raise, by way of lottery, to be drawn under their particular superintendance and instruction, any sum or sums of money not exceeding three thousand dollars, for the use and benefit of said academy.

CHAP. XL.

An act to erect an Academy in the town of Sneedborough, in Anson county.

WHEREAS it is represented to this General Assembly, that the citizens of the county of Anson are desirous of establishing an academy in the town of Sneedborough, in Anson county, and that liberal subscriptions for that purpose have made:

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 academy for the instruction of youth, be erected and established in the town of Sneedborough, in Anson county, on such lots or place as shall be purchased or agreed upon by the trustees herein after named.

II. *And be it further enacted*, That William Piquis, Thomas Godfrey, Allen Chapman, Isaac Lanier, William Johnston, H. Pearson, William Powe, Isaac Jackson, Lawrence Moore and John Battle, they and their successors, to be elected in manner hereafter directed, shall be a body politic and corporate, and shall be known and called by the name of the Trustees of Sneedborough Academy, and by that name they and their successors shall have perpetual succession, and be capable to receive, take and enjoy to them and their successors, any lands, tenements, hereditaments and personal property of any kind whatsoever, which they now have or may hereafter acquire by purchase or otherwise, for building or supporting the said academy.

III. *And be it further enacted*, That the said trustees and their successors, or five of them, by the name aforesaid, shall be able and capable to grant, sell and convey any lands, tenements, rents, or any personal property; and the said trustees, or five of them, and their successors, shall be capable to sue and be sued, implead and be impleaded, in all courts of this State.

IV. *And be it further enacted*, That at the first meeting of the trustees before named, they proceed to appoint a President, and that the said trustees, or any five of them, the President to be one, or any seven without the President, shall have power to meet at all times, and to deliberate, make and ordain such rules, regulations and laws for the government of said academy (not inconsistent with the laws of the State) as shall seem good; and they shall have power and may give certificates to such students as shall leave the academy, testifying their literary merit, and the progress they shall have made in useful knowledge.

V. *And be it further enacted*, That the said trustees, and their successors, shall have power to fill up vacancies which may happen in their body by death or otherwise, and the persons appointed to such vacancies shall have the same power and privileges as the trustees named in this act.

VII. *And be it further enacted*, That the said trustees, or five of them, shall when convened have power to elect one or more professors or tutors, and to remove or displace them, or any of them, and to appoint others in their stead; and shall also choose such other officers as they think proper and deem expedient, who shall be under such laws, regulations and rules as the corporate body shall fabricate.

CHAP. XLI.

An act to regulate and extend the town of Sneedborough, in Anson 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 plan of said town be extended so as to include the dwelling-houses of William Johnston, and that instead of sixty-four lots heretofore laid off for said town, the number be increased to two hundred and fifty.

II. *And be it further enacted*, That on the first Monday in February next, and on the first Monday in every February thereafter, the inhabitants of said town shall meet at some convenient place in said town, and elect five persons as Commissioners, who shall have power to pass such laws for the regulation of said town as they or a majority of them may think proper, not inconsistent with the laws and constitution of the State.

CHAP. XLII.

An Act to regulate the town of Haywood, and for other purposes therein mentioned.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the town laid off in the forks of Deep and Haw River, now called and known by the name of Haywoodborough, shall be no longer called or known by that name, but shall be called and known by the name of the town of Haywood.

II. *And be it further enacted*, That Joseph Minter, John Farrow, Thomas M'Carrol, Abraham Harper, and Abel Olive be and they are hereby appointed Commissioners of the said town of Haywood, and they and their successors in office, chosen and qualified agreeable to the directions of this act, shall be and they are hereby incorporated into a body corporate and politic by the name of the Commissioners of the town of Haywood, and by that name to have succession by the election of the Free-

men, as by this act is directed, and a common Seal, and they and their successors by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors for ever, in trust for said town, any lands, rents, and tenements, of what kind, nature, or quality soever, and also grant, sell, devise, alien, and dispose of the same, and to receive and take any gift or donation whatever to the said town, and also by the same name to sue and be sued, plead and be impleaded, answer and be answered, in all courts of record whatever, and from time to time, at all times hereafter, to make such rules, orders, and regulations and ordinances, as to them shall seem meet for repairing the streets, appointing a Constable or Constables, town watch or patrols, and making proper allowances by fee or otherwise for such services; and for all such other necessary ordinances, rules, and orders, which may tend to the advantage, improvement, and good government of the said town, and the said rules, ordinances, and regulations, from time to time to alter, change, amend, and discontinue, as to the said Commissioners, or a majority of them, shall appear necessary; and shall also have full and ample power to enforce a compliance and observance of such regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding five pounds, and in case of slaves, the punishment of thirty-nine lashes; the said penalty to be recovered, and the punishment to be inflicted in manner hereafter mentioned. That in case of death, removal, or refusal to qualify, of any of the Commissioners appointed by this act, a Commissioner shall be elected by the freemen of said town in the room of the person so dead, removed, or refusing to qualify, for which purpose it shall be the duty of the Intendant of Police, and in his absence of the remaining Commissioners, to notify the Sheriff of the county of Chatham of such death or removal, who upon receiving such notice, shall as soon as possible, after giving ten days previous notice by public advertisement, attend by himself or deputy at the most convenient place in said town of Haywood, and at ten o'clock of the day so appointed by advertisement, open the poll and receive the tickets in the presence of two Inspectors; and when the election shall be finished, such Officer and Inspectors shall examine and number the ballots, and the person having the greatest number of ballots shall be declared duly elected to the office of Commissioner; and the said Sheriff of the county of Chatham shall perform the duties aforesaid, under the penalty of fifty pounds for every neglect or refusal, to be recovered by action of debt, before any jurisdiction having cognizance thereof, by any person who shall sue for the same in one year after such neglect or refusal, one half to the person suing for the same, the other to be paid to the Treasurer of the town, for the use of the town. And the Commissioners so chosen, and those appointed by this act, shall before they enter on the execution of their office, take the following oath: "I, A. B. do swear that I will faithfully discharge the office of Commissioner for the town of Haywood, agreeable to law, and to the best of my knowledge and judgment, So help me God."

And whereas the proper office of said Commissioners is that of making by-laws and regulations for the government of said town, and it has been found inconvenient and often impracticable to call together Commissioners for the immediate purpose of punishing offenders, whereby the said regulations are never properly carried into effect: For remedy whereof,

III. *Be it enacted*, That the Commissioners of the town of Haywood shall, on or before the first Monday in March next, having first advertised the same for five days, meet in the said town at some convenient place, and elect a proper person to act as Intendant of Police for the said town; whose duty it shall be to enforce obedience to the laws, and punish offenders, and shall be, and is hereby authorized to issue his warrant directed to the Sheriff, Deputy Sheriff, or Town Constable, to summon the offenders against the laws, rules, and ordinances made and provided for the regulation of the said town, to appear before him; and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said Magistrate is hereby authorized and required to give judgment and award execution agreeable to the laws, rules, and ordinances provided for the government of the said town; which warrant or execution the said Sheriff, Deputy Sheriff or Constable, is hereby required to execute: And on such trials or enquiries is hereby authorized and declared to possess all the necessary powers to administer oaths and subpoenas, and examine witnesses, and shall take the following oath before he enters on the execution of his office: "I, A. B. do solemnly swear that as Intendant of Police for the town of Haywood, I will do equal right in all cases whatsoever, to the best of my judgment, and according to the laws, rules, and ordinances, made for the good government of the said town; all fines and amercements that may happen to be made, I will cause to be duly returned to the proper officer, and in all things belonging to my office, during my continuance therein, I will faithfully, truly, and justly, according to my skill and judgment, do equal and impartial justice to the public and individuals, So help me God." *Provided*, that in all cases whatever, respecting the judgment of the Intendant of Police in consequence of the authority delegated to him by this act, any person or persons being dissatisfied with such judgment, he, she, or they shall have the liberty of appealing therefrom to the court of pleas and quarter sessions for the county of Chatham.

IV. *And be it further enacted*, That no person shall be deemed qualified to act as Commissioner of the town of Haywood, unless he hath a lot of land therein, in his own right in fee or on lease for one year: And that all the freemen who are liable to pay taxes and have been inhabitants of the said town six months next before and at the day of election, shall be entitled to vote for the Commissioners of the said town, and no others.

V. *And be it further enacted*, That the Commissioners shall appoint one of their body to act as Treasurer of the town for one year, to receive and account for the town monies, for which a regular entry must be made in a book kept for that purpose, and upon the appointment of a new Treasurer, the old one shall immediately pass his account with him, and pay any balance there may be in his hands: *Provided*, That before such Treasurer enters on his office, he shall give his bond with approved security, payable to the Commissioners for the faithful discharge of his duty.

VI. *And be it further enacted*, That the Commissioners of the said town shall choose and appoint a proper person to be their clerk, to act as such during good behaviour, who shall be allowed a reasonable salary, and enter into bond to the Commissioners of the said town and their successors, with sufficient security in the sum of one hundred pounds, for the due and faithful execution of his office and the

son, trust reposed in him, for the safe keeping of the books and papers put into his care, and keeping a regular and fair Journal of the proceedings of the Commissioners during his continuance in office; and all persons shall have free access to the Journals and papers, on paying two shillings to the Clerk, under the penalty of twenty shillings for every refusal, to be recovered before a Justice of the Peace of the county of Chatham, by any person who shall sue for the same within a month after such refusal, one half to the prosecutor, the other to be paid to the Treasurer of the town, for the use of the town.

VII. *And be it further enacted,* That the Commissioners of the said town, or a majority of them, shall annually levy a tax, not exceeding five shillings, on every hundred pounds value of taxable property within the said town, and a proportionable poll-tax on all persons who do not possess in the said town the value of one hundred pounds taxable property, which tax shall be collected by a warrant under the hands and seals of the Commissioners, directed to such person as they appoint for that purpose, and the Collector to be appointed as aforesaid is hereby empowered and directed to collect and make distress for the same, in like manner as Collectors of public taxes, and the monies arising therefrom, after deducting five per cent. for commissions, shall by him be paid into the hands of the Town Treasurer, to be by the Commissioners or a majority of them, applied and laid out in clearing and repairing the streets and public passages, paying officers for transacting the business of the town, and in such other public work and business as the Commissioners may deem necessary, and the more effectually to ascertain the taxable property within the said town.

VIII. *Be it further enacted,* That every inhabitant thereof shall yearly, at the time he shall give in his taxable property to be assessed for the use of the State, distinguish in the list he shall return, what part thereof is situated within the said town; and if any inhabitant shall fail so to do, the Commissioners shall and may order the town tax to be levied on the whole amount of the taxable property of the person so failing as aforesaid, although part thereof may not be within the said town, any thing herein contained notwithstanding. And it is hereby declared, that every person inhabiting or occupying any house or other building, or improvement or lot within the said town, shall be liable to the payment of the tax thereof, unless the same shall have been returned by some other inhabitant. *Provided,* that all persons who have been six months residing in said town, shall be subject to pay taxes.

And whereas encroachments may be made on the streets of the said town, by erecting piazzas, porches, platforms and other buildings thereon, and the inhabitants and others greatly incommoded, and injury may arise by fire being communicated across the streets thereby: For remedy whereof,

IX. *Be it enacted,* That the Commissioners are hereby empowered and required, to order all such encroachments from which danger may be apprehended, to be removed, under such pains and penalties as they shall think necessary to enforce; and where any encroachment shall be found on any street or streets, from which no immediate danger is to be apprehended, the said Commissioners shall impose a ground rent, not exceeding twenty shillings, to be annually paid for every foot on front of each piazza, porch, platform or other encroachment on the street, adjoining to or being before any one house or tenement, to be applied to the public stock of the town; and if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seals of the Commissioners, directed to a constable or other officer, to be by them appointed, on the goods and chattels of the defendant.

X. *Be it further enacted,* That it shall be the duty of every person living within one mile of the said town, to work on the streets thereof, in the same manner, and under the same rules and regulations as the inhabitants of said town are compelled to do.

XI. *And be it further enacted by the authority aforesaid,* That the tenth section of an act, passed in the year one thousand seven hundred and ninety-six, entitled "An act to improve the navigation of Cape Fear River and Deep and Haw Rivers," be and the same is hereby repealed and made void.

XII. *And be it further enacted,* That the Intendant of Police and the Commissioners of the town of Haywood, be and they are hereby authorized and required to take such measures as may be necessary to preserve the woods and timber on the public land in and adjoining the town of Haywood; and that the Treasurer of the Deep and Haw River Navigation Company be authorized and empowered to collect all monies due the said company on his books, and that he have full power to sue for and recover the same, in any court having cognizance thereof.

XIII. *And be it further enacted,* That the general meeting of the said company, after their next meeting, shall be held on the first Friday in August annually, where the then subscribers shall deem most expedient, they giving thirty days previous notice of such meeting in some public Gazette in this State, any law, usage or custom to the contrary notwithstanding.

XIV. *And be it further enacted,* That nothing herein contained shall tend to injure the Navigation Company, or take from them any privilege heretofore enjoyed by them.

CHAP. XLIII.

An Act to call to account the Receivers of Public Monies in and for the county of Greene, and to compel payment of such balances as may appear to be due in their hands, and for other purposes therein mentioned.

WHEREAS, by an act, entitled "An act for dividing the county of Dobbs," passed at Newbern in the year 1792, Commissioners were appointed to contract for the building and erecting a court-house, prison and stocks, for the use of the county of Glasgow, now called Greene, and for the defraying the expences of the same, monies were directed to be raised by Commissioners therein mentioned, and applied to that purpose: And whereas it is represented by the inhabitants of Greene, that so much of the said acts as regards the building of a court-house, prison and stocks, for the use of said county, hath never been completely carried into effect, by finishing the same, notwithstanding the monies appropriated for that purpose have been collected from the people: And whereas it is further represented, by the said inhabitants, that yearly since the passing of the above acts, they have paid a considerable county tax, more than sufficient in their opinion to defray the county charges and expenditures which hath not been accounted for, and that the principal delinquents in whose hands the greatest part of the public monies is believed to be retained, cannot be called to account for the same: un-

der the laws now in force, as it does not now appear, owing perhaps to the inattention or neglect of the court, that the office of County Trustee was legally filed, from the year 1792 to the year 1798, both inclusive, there being no bonds to be found for the discharge of this duty on the record thereof made, although the said office was filled de facto, and the monies received under the colour of office:

Be 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 Armond, Esquire, William Speight and Jesse Aldridge, be and they are hereby appointed Commissioners under this act; that it shall be their duty, and they are hereby expressly required to call upon the Commissioners under the before mentioned acts, all Sheriffs, Treasurers of Public Buildings, County Trustees, and those who have acted as such, and all Receivers of Public Monies of every denomination, the Executors and Administrators, and the Executors and Administrators of every of them, which have been since the passing the before mentioned acts, or either of them, to account with them for all public monies which they have received by virtue of their respective offices or appointments, or by or under colour of such offices or appointments, and to receive from all and every of them the balance of what may appear to be justly due in their hands of the public monies aforesaid, with interest thereon from the time it hath been unnecessarily withheld.

II. *And be it further enacted by the authority aforesaid,* That if any of the persons before mentioned shall refuse or neglect to settle with the Commissioners under this act when called on, or shall refuse or neglect to pay the balance which shall appear to be due from him or them on such settlement, then it shall be the duty of the Commissioners under this act, and they are hereby expressly required, on giving him or them twenty days previous notice, to move the court of Greene for judgment, and it shall and may be lawful for the county court of Greene on such motion to give judgment against the person or persons so moved against, and their securities, if any such there be, for the sum which shall appear to be due and unaccounted for, with interest from the time it appears to have been unnecessarily withheld; and on rendering the said judgment, it shall be sufficient evidence, on the part of the Commissioners under this act, to shew the amount that said delinquent or delinquents ought to have received, and he or they shall be chargeable to such amount, and it shall lie on such delinquent or delinquents to shew deficiency of receipt, if any such there be, and that he or they have legally and properly disposed of the same according to right, and for such part as he or they do not shew to be thus disposed of, judgment shall be rendered as aforesaid, and execution shall be awarded against the body, goods and chattels, lands and tenements of such delinquent or delinquents, and his or their securities and every of them; and in the case of executors and administrators, execution shall be awarded against the goods and chattels of such delinquents in the hands of the executors or administrators to be administered, and against the lands and tenements of such delinquent in the possession of his heirs or devisees in the first instance, without seire facias, against such heirs or devisees, provided such heirs or devisees had twenty days notice that such motion for judgment as aforesaid should be made.

III. *And be it further enacted by the authority aforesaid,* That the Commissioners under this act shall appoint three discreet and proper persons, being acquainted with such business, who on oath to be administered by some Justice of the Peace for said county, shall value the said court-house and prison of the county of Greene, which valuation shall not be made according to their present decayed state, but according to their best state at any past period; and such valuation when so made shall be rendered under the hands and seals of the persons so appointed to value the same, to the Commissioners under this act, and also to such person or persons as may be interested therein; and the amounts of such valuation shall be so far a good discount or set-off in favour of the delinquent or delinquents under this act to whom it shall appear, or, as the case may be, a good charge against the Commissioners when they shall have received monies to that amount under this act.

IV. *And be it further enacted,* That the Commissioners under this act, for their services, shall retain in their hands the net amount of their necessary expences, disbursements, and no more, out of the monies which they shall receive under this act; and when the Commissioners under this act shall have completed their duty and received the monies, they shall pay the same over to the County Trustee.

V. *And be it further enacted,* That in case of the death or refusal to act of either of the Commissioners under this act, the other two shall have all the powers under this act vested in them; and that all acts and clauses of acts, so far as they are contrary to the meaning and purview of this act, are hereby repealed and made void, and no farther.

CHAP. XLIV.

An act for regulating Ordinaries and Retailers of Spirituous Liquors by the small measure, and for appointing a Standard-keeper in the towns of Newbern and Wilmington, and to erect a public School in the county of New-Hanover.

WHEREAS many abuses and irregularities have been found to prevail in the towns of Newbern and Wilmington, in consequence of improper persons being permitted to keep ordinaries, and to retail spirituous liquors by the small measure, to remove the cause of such abuses and irregularities in future:

Be 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 March term of Craven and New-Hanover county courts, no person shall keep an ordinary, or retail spirituous liquors by the small measure, in the town of Newbern or Wilmington, until he or she shall have first applied to the Commissioners appointed for the government of the said town, and have obtained from them a certificate of their permission for that purpose, which certificate and permission shall be valid and in force for the term of one year from the time it is granted and no longer; and every person who shall keep an ordinary, or who shall retail spirituous liquors by the small measure in either of said towns, after the said March term aforesaid, without having first obtained the permission of the Commissioners as aforesaid, shall forfeit and pay the sum of twenty-five pounds, to be recovered in an action of debt before any court having competent jurisdiction thereof, by any person or persons who shall within one year after the offence

1800. committed sue for the same, the one-half to the use of the prosecutor or prosecutors, the other half to the use of the said towns, to be applied by the Commissioners towards the contingent charges thereof.

II. *And be it further enacted,* That every person who wishes to keep an ordinary, or to retail spirituous liquors by the small measure in either of the said towns; and who has obtained the permission of the Commissioners as aforesaid, may on application to the county courts of Craven and New-Hanover respectively, be ordered, at the discretion of said courts, to have a licence for the purpose aforesaid, and on such licence being granted, he or she shall produce one or more securities to the said courts, to be by them approved, who shall, before the licence be made out, join with him or her in a bond of the same tenor as is prescribed in the second section of an act passed in the year one thousand seven hundred and ninety-eight, entitled "An act for regulating ordinaries and houses of entertainment, and retailers of spirituous liquors by the small measure:" and it shall be the duty of the Clerks of said courts respectively, upon such bond being given and licence ordered, to prepare a licence and sign the same, which shall continue in force for one year and no longer, and the person obtaining such licence shall pay to the Clerk the same fees, and to the Sheriff the same tax as by the third section of the act above recited, are directed and required.

III. *And be it further enacted,* That no person shall be permitted to retail spirituous liquors by the small measure, in either of said towns, without a licence from said courts respectively, under the penalty of twenty-five pounds, to be recovered and applied in the manner directed by the first section of this act; and the said courts are enjoined and required not to grant a licence for said purpose, or for keeping an ordinary, in either of said towns, to any person who has not obtained the permission of the Commissioners, and does not produce their certificate to that effect. *Provided nevertheless,* that such persons as have already, or shall before the March term aforesaid, have obtained licence to keep an ordinary, or to retail spirituous liquors by the small measure, in the manner heretofore used and by the law permitted, shall not be subject to the penalties above denounced, till after their said licence shall have expired.

IV. *And be it further enacted,* That upon complaint made to the Commissioners, or to the Intendant or Magistrate of Police of either of the said towns, of any ordinary keeper or retailer as aforesaid within the bounds thereof, selling to or purchasing from a slave without a permit from his or her owner, or of entertaining a servant or slave against the will of his or her owner, or of entertaining a common sailor against the directions of the master of the vessel to which he may belong, or of keeping a disorderly house, it shall and may be lawful for the said Commissioners, or a majority of them, or for the Intendant or Magistrate of Police alone, and he or they are hereby authorized and required to summon such ordinary keeper or retailer as aforesaid before him or them, and on such offence being proved, to disable such person from keeping an ordinary or retailing spirituous liquors by the small measure in said town, as if he or she had never obtained any permission or licence for that purpose; and if after such disability and suspension pronounced, any such person shall keep an ordinary or retail spirituous liquors by the small measure within said town, he or she shall be subject to the same penalty as is denounced by the first section of this act, to be recovered and applied in the same manner as therein prescribed.

And whereas the acts for regulating weights and measures in the respective counties of this State, have not the desired effect in the towns of Newbern and Wilmington:

V. *Be it further enacted,* That the Commissioners of the said towns are hereby authorized and required at their first meeting after their annual appointment, and in each and every year thereafter, to appoint proper persons as standard-keepers for the towns of Newbern and Wilmington, who shall have the same powers within said towns, be subject to the same duties and penalties, and entitled to the same fees, as standard-keepers now are or may be by law; and that from and after the first Monday of May next, the power and duty of the standard-keepers appointed by the county courts, shall not extend to any person using weights and measures in said towns.

VI. *Be it enacted by the authority aforesaid,* That John London; John Lord, Samuel Russell Jocelyn, Joshua G. Wright, William Nutt, John Colvin; John Jones, Timothy Bloodworth, sen. William Devanne, Thomas Hill, John Hill, Henry Walters, Honourable Samuel Allee, Robert Nixon, Nicholas Nixon, James Howard, junior, and Jeremiah Hand, be and are hereby constituted and appointed Trustees of a public school in the county of New-Hanover, with full power and authority to receive, take and hold all property, both real and personal, by gift, grant, subscription or otherwise, for the purpose of establishing and supporting the said school. And the said Trustees and their successors, shall be and are hereby declared to be capable in law and equity, by the name of the Trustees of New-Hanover School, to ask for, receive, demand, sue for and recover all such sums of money as may be due or owing to the said Trustees, by subscription or otherwise, in any court of record, or before any jurisdiction having cognizance of the sum demanded and sued for; and the money or property collected or received by the said Trustees, they, or a majority of them, are hereby authorized to apply and appropriate in such manner as they may deem most for the advancement of said school.

VII. *And be it further enacted,* That in case any of the Trustees herein appointed shall die or refuse to act, the remaining Trustees, or a majority of them, shall be and are hereby authorized and empowered to appoint other Trustees in the room of those dying or refusing to act; and the Trustees, or a majority of them, may at all times appoint other Trustees to fill up vacancies occasioned by the death or resignation of any of their body; and they, or a majority of them, are hereby empowered to appoint a President, Secretary, Teachers, and all other officers to the said school which they may deem necessary and proper, and to make such rules and regulations for the government thereof as may be deemed expedient and advantageous to the same.

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

CHAP. XLV.

An Act to amend an act entitled "A supplementary act to an act, entitled An act for the division of Wilkes and Tyrrel 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 a tax not exceeding two shillings on every poll, and eight-pence on every hundred acres of land in the county of Tyrrel be levied for the year one thousand eight hundred and one, and be collected by the Sheriff of said county, at the same time, and under the same rules, regulations, and restrictions, and with the same emoluments as county contingent taxes are collected, and that the said tax be paid and accounted for to the Treasurer of public buildings of said county: *Provided nevertheless*, That the court of said county shall have full power to suspend the collections of said tax, or any part thereof, should the same appear to them unnecessary.

II. *And be it further enacted*, That should the said tax be insufficient to complete the public buildings of said county, that the court of pleas and quarter sessions thereof be, and they are hereby authorized and empowered to renew and repeat the said tax from year to year, till the public buildings aforesaid be completed.

III. *And be it further enacted by the authority aforesaid*, That Thomas Webber, Treasurer of the public buildings for the county of Craven, or his successor in office, shall have power and authority to sue and maintain any action or actions against any person or persons in any court of record having cognizance thereof, or before any Justice, that the said Treasurer shall deem necessary for the purpose of enforcing the payment of all sums of money that have been or shall be hereafter subscribed payable to the Treasurer aforesaid, for the purpose of defraying the expences of building a court-house in the said county of Craven and town of Newbern.

CHAP. XLVI.

An Act authorizing the county court of Franklin to grant liberty to such persons that they shall think proper to sell liquors on the court-house lot.

Be 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 county court of Franklin shall have full power and authority to grant licence to such persons as they shall think proper to sell liquors on the court-house lot of the said county, under such rules, regulations, and restrictions as they shall prescribe, any law, usage, or custom to the contrary notwithstanding: *Provided nevertheless*, that nothing in this act shall be construed to exempt such persons so licensed, from paying the usual tax for retailing spirituous liquors.

CHAP. XLVII.

An Act to empower Thomas Hover and Daniel Warlock, Trustees of the Daniel Warlock Church in Lincoln county, or their successors, to sell and convey part of the land belonging to said Church,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Thomas Hover and Daniel Warlock, or their successors, Trustees for the Daniel Warlock Church in the county of Lincoln, be and they are hereby empowered to sell and dispose of so much of the land belonging to said church as they may deem necessary for the completion of the building, and when so sold, to make good and sufficient title or titles for the same, which title or titles shall be held in law as good and valid as if the said Thomas and Daniel had sold and conveyed in their own right, any law to the contrary notwithstanding.

CHAP. XLVIII.

An Act to prevent the working or hauling two seines at the same place on the Peedee, Yadkin, and Catawba rivers.

WHEREAS it is represented that a number of persons living near and contiguous to the Peedee, the Yadkin and Catawba rivers, make a practice to work two or more seines at the same place, which tends greatly to the obstruction of the passage of fish, and injurious to the citizens at large; 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, it shall not be lawful for any person or persons to work more than one seine at any of the fishing places or landings on Peedee, the Yadkin, or Catawba rivers; and where it shall so happen that two fishing places or landings are opposite to each other, and seines worked at both places, and when set out to draw or haul, shall not be extended more than half way across either of said rivers.

II. *And be it further enacted*, That if any person or persons should offend or violate this act, such person or persons so offending, for each and every offence, shall be liable to the payment of five pounds, recoverable before a Justice of the Peace, one half to the use of the informer, the other to the use of the county in which such offence may have been committed, any law to the contrary notwithstanding.

CHAP. XLIX.

An act for fixing on the place for erecting a town on Broad River, and for building a Warehouse in the county of Rutherford, for the inspection of tobacco.

Be 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 Camp, William Graham, William M'Brier, Abraham Irwin, and Aaron Bridges, be appointed Commissioners, and they are hereby authorized and empowered to purchase fifty acres of land on Broad River, in Rutherford county, between the mouth of first Broad River and the South-Carolina line, on which they shall have full power to lay off a town in one acre lots and erect a warehouse thereon for the purpose of inspecting tobacco.

II. *And be it further enacted*, That the Commissioners aforesaid, when they shall have laid off said town in lots, shall advertise them for sale, at least three months previous thereto, at the court-house

1800. of the county and other public places, at a credit of six months, and when sold, shall take bond and security for the payment of the same, reserving one lot the most conveniently situated, whereon to erect the said warehouse.

II. *And be it further enacted*, That the said Commissioners, or a majority of them, shall have full power to purchase and receive titles for the said fifty acres of land, sell and make titles for the same in as full and ample a manner as other titles in law.

III. *And be it further enacted*, That if any of the said Commissioners shall die or refuse to act, the county court is hereby empowered to appoint a person or persons to fill such vacancy or vacancies, and to call on said Commissioners to account for the monies arising from the sale of the lots as aforesaid, in order that the same be applied to the erection of said warehouse, as also to appoint Inspectors for the inspection of tobacco.

CHAP. L.

An Act to revive an act entitled "An act to amend the several acts of Assembly now in force in this State for the regulation of Lincolnton."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the act entitled "An act to amend the several acts of Assembly now in force for the regulation of Lincolnton, passed in the year one thousand seven hundred and ninety-six, be and the same is hereby revived and in full force.

CHAP. LI.

An Act to repeal an act entitled "An act for destroying crows and squirrels in the counties of Mecklenburg, Rowan, and Iredell."

WHEREAS the above recited act doth not appear to be advantageous or beneficial to the generality of the inhabitants of said counties,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all parts and clauses of said act are hereby repealed and made void: *Provided*, that this act shall not be considered to have any effect upon the collection of the taxes for the present year.

CHAP. LII.

An act to repeal an act, entitled "An act to authorize John Melchor, of Cabarrus county, to make a slope in his mill-dam of Rocky River."

WHEREAS it is represented to this General Assembly that the intention of the before recited act relative to the slope directed to be made in the mill-dam of John Melchor is found not to be so beneficial to the inhabitants adjoining said mill as was expected, owing to the length of time said slope was to be kept open for the passage of fish, inasmuch as the adjoining citizens at that time have to go a considerable distance to other mills:

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 act to authorize John Melchor, of Cabarrus county, to make a slope in his mill-dam on Rocky River, be, and the same is hereby repealed: And that the said John Melchor, his heirs or assigns, have full power and authority to extend his mill-dam quite across Rocky River at the place where it now stands.

II. *And be it further enacted by the authority aforesaid*, That the county courts of Cabarrus, if they shall think it necessary, shall direct the said John Melchor to keep his gates open yearly and every year two weeks, commencing from the twenty-fifth of March in each year, for the purpose of passage of fish: *Provided nevertheless*, the said John shall not debar any citizen from fishing at or below said dam, under the penalty of ten pounds for every offence, to be recovered before a Justice of the Peace; which sum when recovered, shall go to the sole use of the county, any law to the contrary notwithstanding.

CHAP. LIII.

An act to authorize the county courts of Beaufort and Onslow to appoint persons in their respective counties to provide books and transcribe the records of said counties which may be deemed necessary.

WHEREAS it is suggested that the records in the counties of Beaufort and Onslow are much worn and obliterated, occasioned by the length of time they have been in use, and frequent inconveniences arise to the citizens thereof; For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county courts of Beaufort and Onslow be authorized to appoint proper persons in their respective counties, to procure books and transcribe such of the records of said counties, as in their opinion may be deemed necessary, as also two other persons properly qualified to examine the same; and when reported to be correct copies therefrom, shall be held and deemed good evidence in any court of record.

II. *And be it further enacted*, That the courts of said counties respectively shall have full power and authority to lay a tax to compensate such persons transcribing said records, as well as those appointed to examine the same, which sums shall be respectively by the courts allowed them for their services.

CHAP. LIV.

An act to repeal an act, entitled "An act to empower the county courts of Wilkes, Burke, Iredell, Montgomery, Onslow and Moore, to lay a tax for the purpose of destroying wolves and panthers in said counties," so far as respects 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 above recited act, so far as respects the county of Wilkes, be and the same is hereby repealed and made void.

And be it further enacted, That so much of the act, entitled "An act making compensation to the county court jurors of New-Hamover, Surry, Stokes, Buncombe, Orange, Cumberland, Montgomery, Wilkes, Sampson, Carteret, Burke, Randolph and Richmond," as respects the county of Wilkes, be and the same is hereby repealed and made void, any law to the contrary notwithstanding.

CHAP. LV.

An act to compel the Clerk of Caswell County Court to keep his office at the court-house, or within four miles thereof.

WHEREAS the inhabitants of said county, as well as all other persons having business in the aforesaid office, suffer great inconvenience because of the said office not being kept at the court-house, or convenient thereto:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of July next, the Clerk of the county court of Caswell, shall, either by himself or his deputy lawfully appointed, keep his office at the court-house in said county, or within four miles thereof, under the penalty of five hundred pounds, to be recovered by action of debt, in the name of the Chairman of said court, and applied to the use and benefit of the county; any law, usage or custom to the contrary notwithstanding.

CHAP. LVI.

An Act to repeal so much of an act passed last session of Assembly, entitled "An act to authorize the County Courts therein named to appoint County Comptrollers," so far as relates to the county of Robeson.

WHEREAS the county court of Robeson are of opinion, that the intentions of said act are fully provided for by an act, entitled "An act to compel certain officers therein mentioned to publish the application of the public monies and allowances for insolvents," passed in the year one thousand seven hundred and eighty-six, and by one other act of Assembly passed in the year one thousand seven hundred and ninety-two, entitled "An act to amend an act to compel certain officers therein mentioned to publish the application of the public monies and allowances for insolvents:"

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 above recited act, so far as requires or authorizes the county court of Robeson to appoint a County Comptroller, be repealed and made void.

CHAP. LVII.

An Act to amend an act, entitled "An act to compel the Clerk of the court of pleas and quarter sessions in the county of Beaufort, to keep his office in the town of Washington.

WHEREAS by the above recited act, the Clerk of said county cannot be compelled to give his attendance at his office in the town of Washington, above once a month, which is contrary to the true intent and meaning of the aforesaid act: For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, if the Clerk of the court of pleas and quarter sessions of the county of Beaufort, shall fail or neglect to give due and regular attendance at his office in the town of Washington, by himself or deputy, such failure or neglect shall be considered as a misdemeanor in office, for which the said court shall, on presentment or indictment of the Grand Jury, and conviction thereof, and they are hereby authorized and empowered to impose a fine on the said Clerk, in a sum not less than five, nor more than twenty-five pounds; and for the second offence, to remove the said Clerk from his office aforesaid.

II. And be it further enacted, That upon the resignation or removal of any Clerk from office, as by this act directed, he is hereby required to give up and transfer to his successor in office, all records, documents and papers relative to the said office, under the penalty of one hundred pounds, to be recovered by an action of debt, in the name of the Chairman of the county court of Washington, in any court of record having cognizance thereof, to be appropriated to the use of the said county.

III. Be it further enacted, That all parts of the above recited act coming within the meaning and purview of this act are hereby repealed and made void.

CHAP. LVIII.

An act to repeal part of an act passed at Raleigh in 1796, entitled "An act making compensation to the county court jurors in the several counties therein mentioned."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the before recited act, and every article thereof, so far as relates to the county of Surry, is hereby repealed and made void.

CHAP. LIX.

An act to make compensation to the county court jurors for the counties of Rowan and Carteret.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the courts of pleas and quarter sessions held for the counties of Rowan and Carteret, shall, at the first courts which shall happen after the ratification of this act, proceed to lay a tax which may be sufficient to pay their jurors for their services for attending at, going to and returning from each and every court they may be required to serve, that is to say, for every day's attendance the sum of six shillings, and for every thirty miles going to and returning from said courts, the sum of six shillings; which sums shall be respectively paid them by the County Treasurers as soon as the aforesaid tax is collected and paid into their office: Provided such jurors have a certificate, signed by the Clerk, specifying the sum he is entitled to receive by this act.

1800.

CHAP. LX.

An act to authorize the retailers of spirituous liquors to erect booths on the public ground at the court-house 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 from and after the passing of this act, it shall and may be lawful for any person being an inhabitant of said county of Camden, to erect tents, booths, or tables on the public ground only for the accommodation of the inhabitants of said county and others: *Provided nevertheless*, that this act shall not be construed so as to prohibit the county court aforesaid, from removing any tent or booth to be erected under this act, which may be deemed detrimental to said court at their sessions or term time. *Provided nevertheless*, the benefits intended by this act shall not extend to any person to vend spirituous liquors, unless he or she intending to vend the same, shall first have obtained a license or permit to vend spirituous liquors by the small measure in the county of Camden, as the law directs.

CHAP. LXI.

An act to repeal an act entitled "An act to repeal the several acts of Assembly empowering the county courts to appoint Patrollers, so far as they respect the county of Cabarrus."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That the act entitled "An act to repeal the several acts of Assembly, empowering the county courts to appoint Patrollers, so far as they respect the county of Cabarrus," passed in the year one thousand seven hundred and ninety seven, be, and the same is hereby repealed and made void: *Provided always*, that the county court of Cabarrus shall not appoint Patrollers in the district of any Captain of said county, unless the inhabitants of such district shall request the same, any law, or custom to the contrary notwithstanding.

CHAP. LXII.

An act to alter the time of holding the county court of Washington, and for other purposes therein mentioned.

WHEREAS the time heretofore appointed for holding the county court of pleas and quarter sessions of Washington county is found inconvenient, by reason that the sitting of said court may frequently happen on Christmas day, or during the holidays:

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 next court to be held for the said county of Washington, the said court shall be held on the third Mondays in March, June, September, and December, and that every process and recognizance returnable to the said court respectively shall be returnable on the days by this act appointed, and all causes depending in the said court shall stand continued to the said days.

II. *And be it further enacted.* That the court of the said county of Washington shall have full power and authority to lay a tax for the year one thousand eight hundred and one, and so on from year to year, and so long and so often as the same shall be necessary, for finishing the court-house, prison, and stocks of the said county, not exceeding the sum of two shillings on each and every poll, two shillings on every hundred pounds value of town property, and eight pence on every hundred acres of land, to be collected by the Sheriff or Collector of public taxes; and the same shall be accounted for to the Commissioners, or a majority of them, appointed by an act passed last session of the General Assembly, entitled "An act for the division of Wilkes and Tyrrel counties," under the same rules and regulations to which Sheriffs are subject by law in the collection of public taxes: And the said monies when so collected and received by the said Commissioners, and every part thereof shall be solely applied by them in paying, satisfying, and discharging the expences of erecting, building and finishing the said court-house, prison, and stocks, and not to any other use or purpose whatever.

III. *And be it further enacted.* That it shall be the duty of the Commissioners appointed by the before recited act, or a majority of them, to purchase of William Blount, of said county, one acre of land whereon the court-house has been lately erected, who shall take a deed in fee simple for the same acre of land in the name of the chairman of the said court and his successors, for the sole use, benefit, and behoof of the public for ever. And it shall also be the duty of the Surveyor of the said county of Washington, to survey, lay off, and stake out, by proper metes and bounds, one half of the said acre of public ground lying most remote from the court-house, on or before the first day of March next, and on his neglect or refusal so to do, he shall forfeit and pay the sum of twenty-five pounds current money, to be recovered before any competent jurisdiction, one half to be applied to the use of the said county, and the other half to the use of him or them who shall sue for the same. And it shall be the duty of the Justices of said court to grant permission to such person or persons as may be desirous of obtaining the same, to erect booths or stalls for the purpose of providing for and furnishing suitors, jurors, witnesses, and all other persons attending the said court during the sitting thereof, with all kinds of provisions and other necessary articles, at such reasonable prices and under such rules, regulations, and restrictions as the said Justices shall think right, reasonable, and just, free from any taxes or contributions to the public for the same.

And whereas by the before recited act no provision was made for separating and dividing the papers lodged among the records of the county of Tyrrell, or any of them, whereby great inconveniences may arise, and injustice be done to many of the good citizens of the said county of Washington and others interested in the said records: For remedy whereof,

IV. *Be it further enacted.* That from and after the ratification of this act, the Clerk of the said court of Washington shall apply to the Clerk of the court of Tyrrell, and he is hereby directed, authorized, and required so to do, and to ask, demand, and receive of him, all last wills and testaments, Guardians and Administrators bonds, inventories and accounts of sales of the estates of all orphans and

deceased persons, and all guardians, executors and administrators audited and settled accounts, with the proper vouchers filed with the same, whose several and respective wards, testators, and intestates formerly lived and died in that part of Tyrrel county which now constitutes the county of Washington; and it shall be the duty of the Clerk of the court of the said county of Tyrrell to deliver to the Clerk of the court of Washington, all and every of the last wills and testaments, guardians and administration bonds, inventories and accounts of sales of the estates of all orphans and deceased persons, all guardians, executors, and administrators audited and settled accounts, and all papers and vouchers relative thereto, of whatsoever name or nature the same may be, that come within the description aforesaid, and within the true intent and meaning of this act; and upon his neglect or refusal to deliver the aforesaid papers, or any or either of them, which shall be in his possession or power, he shall forfeit and pay the sum of five hundred pounds current money, to be recovered by action of debt in any court of competent jurisdiction within this State, wherein no essoin, injunction, protection, or wager of law shall be admitted, the one half thereof to the use of the State, and the other half thereof to him or them who shall sue for the same. And the Clerk of the said court of Washington shall, on receipt of the said papers or any of them, cause the same to be filed among the records of his office, for the benefit of all and every person and persons interested or concerned therein, any law, usage, or custom to the contrary notwithstanding.

CHAP. LXIV.

An act to alter the time of holding the county court 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 next county court of Randolph, the same shall be altered to the first Mondays in February, May, August and November, in each and every year; to which times respectively all suits, process, and other proceedings of what kind or nature soever, that are now pending in said court, or which may hereafter depend therein, shall stand adjourned to, any thing to the contrary notwithstanding.

CHAP. LXV.

An act to alter the time of holding the county courts of pleas and quarter sessions in the counties of Pitt, Greene and Wayne.

WHEREAS the times at present appointed by law for holding the county courts of the counties of Pitt, Greene and Wayne, interfere with the time the superior court of their district is held: For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the county courts of pleas and quarter sessions for the county of Pitt, shall be held on the first Mondays in February, May, August and November, in each and every year; and that all matters and things now depending in said court, shall stand adjourned to the first Monday in February next, at which time the first court for the said county after the passing of this act shall be held, and all process shall be returnable thereto, in like manner as if the same had been so therein expressed: And that the county courts of pleas and quarter sessions for the county of Greene shall be held on the second Monday in February, May, August and November, in each and every year; and that all matters and things now depending in said court shall stand adjourned to the second Monday in February next, at which time the first court for the said county after the passing of this act shall be held, and all process shall be returnable thereto in like manner as if the same had been so therein expressed: And that the county courts of pleas and quarter sessions for the county of Wayne shall be held on the third Mondays in February, May, August and November, in each and every year, and that all matters and things now depending in said court shall stand adjourned to the third Monday in February next, at which time the first court for the said county after the passing of this act, shall be held, and all process shall be returnable thereto, in like manner as if the same had been so therein expressed.

II. And be it further enacted, That all acts and clauses of acts, so far as they are contrary to this act, be and the same are hereby repealed and made void.

CHAP. LXVI.

An act to alter the time of holding the courts of pleas and quarter sessions for the county of Wake, 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 first day of January next, the courts of pleas and quarter sessions for the county of Wake shall be held on the third Mondays of February, May, August and November, in each and every year, to which time all matters and things pending therein shall stand adjourned, any law to the contrary notwithstanding.

And whereas by an act passed at the last session of the General Assembly, entitled "An act making compensation to the jurors of the county court of Wake, and for other purposes," it is not provided in said act that the said county court shall have power, for each and every year then ensuing, to lay a tax for the payment of its jurors: For remedy whereof,

II. BE 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 county court in manner and form as expressed in the above recited act, shall have full and complete power and authority for each and every year ensuing the time prescribed in said act, to lay a tax for the payment of the said jurors of Wake: Provided the tax by them laid shall not exceed the sums prescribed in the above recited act, any law to the contrary notwithstanding.

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

1800.

CHAP. LXVI.

An Act to prescribe the time of holding the elections in the county of Ashe, and for other purposes therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That hereafter the elections holden for the county of Ashe, as well as those not holden at the court-house, as that those holden at the court-house, shall all and each of them be holden on the second Thursday of August in each and every year, at the several places heretofore prescribed by law for holding the elections in the said county, and on no other day.

II. *Be it further enacted,* That the Sheriff of the said county of Ashe, and his deputy legally appointed, and the Coroner when required, shall attend at the several places prescribed for holding the said elections on the second Thursday of August as aforesaid, then and there to receive the votes from those entitled to vote at each respective place for Members of the General Assembly, a Member of Congress, and on the first Monday in November, in the year 1804, and every four years thereafter for an Elector to vote for a President and Vice-President of the United States, under the same rules, regulations and restrictions as heretofore prescribed by law for holding such elections, and the votes by them received respectively they shall count on the same day and place that they are taken and a return thereof to be made on the day following at the court-house, and the same proceedings had thereon as usual.

III. *And be it further enacted,* That all entries of land made before the division of the county of Wilkes, in the entry office of Wilkes county, and which entry or entries do now lie in the county of Ashe, shall be surveyed and run off agreeable to the location by the Surveyor of the county of Ashe, or his deputy legally appointed, and not by the Surveyor of the county of Wilkes or his deputies, and any survey made otherwise than is directed by this act shall be deemed null and void. *Provided,* that all surveys heretofore made shall be deemed good and valid.

IV. *And be it further enacted,* The court of pleas and quarter sessions for the said county of Ashe, shall, from and after the passing of this act, be constantly holden on the Mondays following the court of pleas and quarter sessions of the county of Wilkes, and on no other day; to which times respectively all suits, process and proceedings of what kind and nature soever, depending or hereafter to depend in the said county of Ashe, shall be and stand adjourned to.

V. *And be it further enacted,* That all grants and mesne conveyances not already registered in the county of Wilkes, where the lands lie in the county of Ashe, it shall be the duty of the several claimants to lands to have them registered in the said county of Ashe, any law, usage or custom to the contrary notwithstanding.

CHAP. LXVII.

An Act to amend an Act, passed in the year one thousand seven hundred and ninety-six, for establishing separate Elections in the county of Buncombe.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, there shall be a separate election opened and held in the county of Buncombe, on the west side of Pigeon River, at the house of James Chambers, and shall be held on Friday preceding the second Thursday and Friday in August, in each and every year, for the purpose of electing Members of the General Assembly to represent the said county, and Members to the Congress of the United States.

II. *And be it further enacted,* That the Sheriff of said county, by himself or deputy, and the Coroner, shall attend at each and every place within the said county, appointed by law for holding elections on the days appointed, and shall conduct the same, and shall cause the polls of said elections to be opened at ten o'clock in the morning on the days appointed, and remain open until six o'clock in the evening on each and every day, if necessary; and the votes taken at the different places of election, shall be counted out at the place where they are taken, and a true account thereof kept and added to those delivered in at the court-house, under the same rules and regulations as are prescribed for the conducting the election at the court-house.

III. *And be it further enacted,* That there shall be an election opened and held at the aforesaid place and house, on the first Monday in November, in the year one thousand eight hundred and four, and every four years thereafter, for the purpose of electing an Elector to vote for a President and Vice-President of the United States, under the same rules, regulations and restrictions, as are heretofore prescribed by law, and the foregoing sections of this act; any law, usage, or custom to the contrary notwithstanding.

CHAP. LXVIII.

An Act to establish a separate election and general muster in the county of Guilford.

WHEREAS it appears to this General Assembly, that many of the good citizens of the county of Guilford labour under many inconveniencies by attending at the court-house of said county at public times: 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, it shall be the duty of the Sheriff of Guilford county, or his legal deputy, to open and hold an election in the South-East part of said county on the second Thursday in August next, and on the second Thursday in August in each and every year thereafter, at the place to be appointed and agreed on by the Commissioners hereinafter named, and the said election shall be held and kept open until sun-set of the said day, when the ballots or tickets taken and received thereat, shall be sealed up in the presence of the Inspectors, and safely conveyed to the court-house of said county, where they shall be broken open in the presence of the Inspectors of the election held at the court-house, and counted out with the ballots which are there received; and the said separate election shall be conducted under the same rules, regulations, and restrictions as are established by law for other elections in this State.

II. *And be it further enacted*, That it shall and may be lawful for the Sheriff or his deputy superintendent any election to be held in virtue of this act, when a Representative to Congress, and an Elector, to vote for a President and Vice-President are to be elected for the division which includes said county of Guilford, to superintend said election for a Representative or Elector; and in all respects to observe and pursue the same mode in opening, conducting, and transmitting the votes to the court-house of said county, as he is directed to observe and pursue by this act in the election of Members of the General Assembly, and agreeably to the laws providing for the election of Members to Congress; and the Inspectors of said separate election shall be appointed as heretofore prescribed by law for the appointment of Inspectors of elections, any thing to the contrary notwithstanding.

III. *And be it further enacted*, That if any person should presume to vote at one of the elections in said county, having previously voted at the other, he shall be subject to the penalty of five pounds, to be recovered before any Justice of the Peace for said county, the one half to the use of the inferior, the other to the use of said county. *Provided nevertheless*, that nothing herein contained shall be construed to prevent any person from voting at either of the places of election who shall not have previously voted at the other, and who may be legally entitled thereto.

IV. *And be it further enacted*, That the Companies commanded in said county of Guilford, by the Captains Hugh Forbis, Jeremiah Forbis, Jacob Clapp, John Boon, and John Boon, of the Infantry, as also James M'Adow, of the Cavalry, in the south-east part of said county, shall be formed in a district and separate battalion of the Guilford regiment, and shall be known by the name of the Allamance Battalion, and shall be entitled to hold their battalion musters at such place as shall be fixed on by the Commissioners hereinafter named, and shall be under the same rules and regulations as are directed by the militia laws of this State.

V. *And be it further enacted*, That Ralph Gorrell, Roddy Hannah, Peter Coble, Andrew Gibson, and Peter Summers, be appointed Commissioners for the purpose of fixing on, and they, or a majority of them, are hereby required to fix on a proper place in the south-east part of the said county, to hold the aforesaid separate election and battalion muster.

CHAP. LXIX.

An Act to alter the place of holding the General Musters in the second regiment in Halifax county.

WHEREAS from the death of the former proprietor of the place where the regiment now musters, it is found inconvenient and disagreeable to the widow of the said deceased person:

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that five Commissioners, to wit, Lewis Dickens, James Barnes, Cary Whitaker, Holloway Morris, and Samuel Crowell, be and they are hereby appointed Commissioners, who shall, or a majority of them, fix on some suitable or convenient place for holding general musters in future, in the aforesaid regiment, and report the same to the next regimental court-martial to be held in said regiment, which shall be recorded by the Judge Advocate of said court, at the next succeeding court-martial, to be held in said regiment; and their decision shall determine where the muster in future shall be held, any law to the contrary notwithstanding.

CHAP. LXX.

An Act granting a separate Election to four Companies of Militia in the second Regiment in Lincoln county.

WHEREAS it is represented to this General Assembly, that the citizens of the county of Lincoln, composing four Captains companies of militia, live at a considerable distance from the court-house of said county, which renders it inconvenient to attend elections for Members of Assembly: For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said four companies of Infantry, commanded by Captains Moy, Cline, Dorcy and Perkins, shall be entitled to a separate place of election, other than that at the court-house, under such rules and regulations as heretofore have been established by law, and to the end that the place may be ascertained where such election shall be held.

II. *Be it enacted by the authority aforesaid*, That the Sheriff, by himself or deputy, shall open and hold an election on the Monday preceding the second Thursday and Friday in August, in each and every year, at Crowder's town in said county, for Members of the Assembly, Representatives to Congress, and Electors to chuse a President and Vice-President of the United States.

III. *And be it further enacted*, That it shall be the duty of the county court of Lincoln held next before any election at Crowder's town as aforesaid, to appoint two suitable persons to superintend the same, and should said court fail so to do, the Sheriff or his deputy is authorized to make such appointment on the day of the election.

IV. *And be it further enacted*, That the votes or suffrages taken and received at said place, shall be sealed up in a box or boxes, as the case may require, by the Superintendants aforesaid, and to be by them conveyed to the court-house at Lincolnton, and delivered to the inspectors of the election during the days thereof, and to be by them counted out at the close of said election, which votes and suffrages so received and counted, shall be as good and valid as if they had been taken and received at the court-house as heretofore.

V. *And be it further enacted*, That no part of this act shall be so construed as to prevent any person authorized to vote, from giving his suffrage at the court-house as heretofore: *Provided always*, That if any person shall be convicted of giving his vote at the place herein fixed within the said four companies, and at the court-house also, shall forfeit and pay the sum of five pounds, to be recovered by any person suing for the same, before any Justice of the Peace, to be appropriated to the sole use of the person suing for the same.

CHAP. LXXI.

An act to divide the militia of Rutherford county into separate battalions, and for fixing on the place for holding future Elections in the second regiment 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 first regiment of militia in the county of Rutherford shall be divided into three battalions, in the following manner, *viz.* The militia in Captains Carrons, Jones, Whitesides and Finley's companies, shall compose the first battalion; the militia in Captains Young's, Gilbert's, Suttle's and Wherfey's, shall compose the second battalion; the militia in Captains Carruth, Doyle, Grant and Halbert's companies, shall compose the third battalion.

II. *And be it further enacted by the authority aforesaid,* That the commissioned officers in each battalion, shall at their first battalion muster in each battalion, appoint the place where each battalion muster shall be held, and the place so agreed upon and appointed as aforesaid, shall be the place where the battalion musters shall always hereafter be held. *Provided,* that a majority of the commissioned officers shall be present at their several battalion musters at giving the vote for the places where the said musters shall be held, otherwise they may agree upon the places at any succeeding general muster.

III. *And be it further enacted,* That until the place be agreed on and appointed as aforesaid, for holding the said battalion musters, the Commanding Officer in each battalion shall have power to call the militia to any place to muster in his battalion.

IV. *And be it further enacted,* That the second regiment of militia shall be divided into two battalions. The militia in Captain Roberts, Wilkins, Simmons and Hill's companies shall compose the first battalion of said second regiment; and the militia in Captains Queen's, Smith's and White's companies shall compose the second battalion of said regiment. The first battalion of said second regiment shall hold their battalion musters at the house of John Jones, near Sandy Run, and the second battalion of said regiment shall hold their battalion musters at the house of David Roper: And the said battalion musters shall be held under the same laws, rules, and regulations as other battalion musters are held in this State.

V. *And be it further enacted,* That the regimental musters in the second regiment, and the elections in future in said regiment for Members of the General Assembly, Members of Congress, and others allowed by law, shall be held at a place known by the name of Duncan's Old Field, on the waters of Brushy Creek, on the day heretofore appointed by law, and shall be held under the same rules and regulations as other elections are held in this State, and that all laws heretofore made for allowing a separate election and musters in the county of Rutherford, so as not to affect the upper election in said county, are hereby repealed and made void.

CHAP. LXXII.

An act granting a separate Elect on to the Inhabitants of 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 from and after the passing of this act, a separate election shall be granted to the inhabitants on the south end of the said county of Stokes, at such place as shall be appointed by Commissioners, appointed by this act, separate from those places heretofore prescribed for holding elections in said county, for the purpose of electing Members of the General Assembly, and to elect a Member in the Congress of the United States, and to choose an Elector to vote for a President and Vice-President of the United States.

II. *And be it further enacted,* That Gottlieb Shober, Jacob Blume, Ashley Johnston, Matthew Markland, and Richard Woodfork, be and they are hereby appointed the Commissioners to settle and fix on some convenient place for the inhabitants in the south end of said county, which place when fixed on by the said Commissioners or a majority of them, shall be the permanent place of holding the said separate elections.

III. *And be it further enacted,* That the Sheriff of the county of Stokes, either by himself or deputy and one of the Coroners of the said county, shall attend at the place to be fixed on by the Commissioners aforesaid, on the Tuesday preceding the second Thursday and Friday of August as aforesaid, then and there to receive the votes of the inhabitants of the south end of said county; also the said Sheriff or his deputy, on the first Monday in November, when elections may happen for choosing Electors to vote for a President and Vice-President of the United States to receive the votes of the inhabitants of the said south end of said county in the same manner and under the same rules, regulations and penalties as heretofore prescribed by law for the regulation of elections of like nature in this State. And the votes so taken shall be sealed up and taken to the Court-House where they shall be counted with those taken in the county, at the other places of holding elections, in the same manner as if they had been taken at the said Court-House, any thing to the contrary notwithstanding.

CHAP. LXXIII.

An Act to amend an act entitled "An act to grant a separate General Muster, and a separate Election in the county of Pasquotank."

WHEREAS the before recited act, directed that an election should be opened and held at the narrows of Pasquotank River, now Elizabeth city, on the second Thursday only in August, in each and every year: And at Nixonton on the second Thursday and Friday in the month aforesaid; the Court of pleas and quarter sessions of said county, being then held at the last mentioned place, and the last General Assembly having passed an act that the courts in future be held at Elizabeth city, it is deemed proper that the elections in said county should be there closed.

Be 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 of Pasquotank county, shall be opened and held at the Court-House in Elizabeth city on the second Thursday and Friday in August in each and every year, to be conducted under the same rules, regulations and restrictions as

elections are held and conducted in the several counties of this State as heretofore pointed out by law.

II. *And be it further enacted*, That a separate election shall be opened and held by the Sheriff or his deputy, at the former Court-House in *Norfolk* on the second Thursday in August, in each and every year, under the same rules prescribed for holding general elections, the ballots so taken shall be sealed up by the inspectors of the poll in the presence of the Sheriff or his deputy, and by them transmitted to the Court-House at Elizabeth city, under the care of said Sheriff or deputy who held said election; and the said ballots shall be there counted out at the close of the election, and they are hereby declared to be a part of the election of said county. *Provided*, That nothing herein contained shall deprive any person or persons entitled to vote in said county, who has not given his vote, from giving his suffrage at the Court-House in Elizabeth city, on the day or days of the general election of said county.

III. *And be it further enacted by the authority aforesaid*, That all acts and clauses of acts coming within the meaning and purview of this act, be and the same is hereby repealed and made void.

CHAP. LXXIV.

An act granting to the inhabitants of Chatham county the privilege of a separate Election on the South side of Rocky River, and for altering the time of holding the separate Election on the North side of Haw-River, 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 Col. William Goulson, Thomas Waddle, John Hunter, Joseph Bridges, and William Brantley, junior, be and they are hereby appointed Commissioners for the purpose of fixing a proper place on the South side of Rocky River, for the inhabitants residing on that side of said river, in the county of Chatham, to give in their suffrages for Members of the General Assembly, and Representatives to Congress; which place, when so appointed, the Sheriff or his Deputy shall attend on the Tuesday preceding the annual election for Members of the General Assembly of this State, and shall open and hold the poll which shall continue open until sun-set of the same day, and shall then seal up the boxes in the presence of the Inspectors, and convey the same on the day after the second Thursday and Friday in August, to the court-house of said county, and shall then proceed to count the ballots therein contained.

II. *And be it further enacted*, That from and after the passing of this act, the separate election for said county, on the North side of Haw-River, shall be held on the first Thursday in August in every year, at the place heretofore appointed, under the rules and regulations as heretofore it hath been, by virtue of an act passed in the year 1795.

III. *And be it further enacted*, That nothing herein contained shall be so construed, as to prevent any of the inhabitants of said county, who may not have voted at either of the separate elections, from the privilege of voting at the court-house.

CHAP. LXXV.

An act to grant the inhabitants of Montgomery county the privilege of 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 from and after the passing of this act, all the inhabitants on the West side of Pee Dee River, in Montgomery county, shall have the privilege of a separate election at the place heretofore appointed by law for the purpose of mustering the battalion on that side of the river, on Monday preceding the day of the annual election in each and every year, for the purpose of giving suffrages to elect Members to represent them in the General Assembly, likewise to elect a Representative to the Congress of the United States, and to vote for an Elector to elect a President and Vice-President of the United States, in the same manner as they could or might have done at the court-house in said county.

II. *And be it further enacted*, That from and after the passing of this act, all the inhabitants in the lower part of the said county and on the East side of Pee Dee River, shall have the privilege of a separate election at the place to be fixed on by Commissioners hereinafter appointed for that purpose, where the inhabitants of the lower end of said county may attend on the Wednesday preceding the day of the annual election in each and every year, for the purpose of giving their suffrages to elect Members of the General Assembly, likewise to elect a Representative to the Congress of the United States, and to vote for an Elector to elect a President and Vice-President of the United States, in the same manner as they might or could have done at the court-house in the said county.

III. *And be it further enacted*, That Nevin Clark, George Bruton, Peter Ufry, Sias Billingsby, and Henry Humble be, and they are hereby appointed Commissioners to chuse some convenient place for the purpose of holding such elections in the lower end of said county, for the purpose of carrying this act into effect, which they or a majority of them are required to do as soon as possible after the passing of this act, and a copy of their proceedings they are hereby required to return to the next county court which may happen thereafter, where the same shall be recorded and filed in the Clerk's office of said county.

IV. *And be it further enacted*, That there shall be an election opened and held on the day appointed by law at the court-house, as usual heretofore; that is, on the second Thursday and Friday in August in each and every year.

V. *And be it further enacted*, That the Sheriff, or other returning officer, shall attend at the election on the West side of Pee Dee River, and open the polls, and take in all that have a lawful right to vote, and chuse to vote there on that day: And at the close of the polls, he shall seal up the boxes in the presence of the Inspectors, and take them to the place of election in the lower end of said county, and there proceed to open and hold the election in like manner, and then proceed to the court-house, and there open and hold the election as usual, and at the close of which, the boxes shall be opened, and the tickets counted out, and those that have the highest number of votes in the county, shall be declared duly elected.

1800: VI. *And be it further enacted*, That if any person shall vote at any two of these places of elections, at any one election in said county, for a Member or Members of the Assembly, or to Congress, or for an Elector to vote for a President and Vice-President of the United States, he shall on conviction, incur the forfeitures and penalties as the law directs in all such cases: *Provided*, that nothing in this act shall so be construed as to prohibit any one from voting at any one of these different places of elections, which they shall chuse to vote at, when having a constitutional right to vote.

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

CHAP. LXXXVI.

An act granting to the inhabitants of the county of Edgecomb the privilege of separate Elections, and General Musters.

Be 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 the inhabitants of the Western part of Edgecomb county, at present commanded by Captains Eason, Todd, Robins, Wood and Ruth, shall have the privilege of an election at the house of Joseph Pindar, Esquire, where the inhabitants of said county and said companies may attend on the Tuesday preceding the second Thursday in August in each and every year, for the purpose of giving suffrages to elect Members to the General Assembly, likewise to elect a Representative to the Congress of the United States, and to vote for an Elector to elect the President and Vice-President of the United States, in the same manner as they would or might have done at the court-house in the said county.

II. *And be it further enacted*, That the Field Officers in the said county are hereby authorized and empowered to muster and discipline the militia in said companies at the house of the said Joseph Pindar, Esquire, as the said companies shall compose one battalion of the militia of said county.

III. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, all the inhabitants in the Northern part of the said county of Edgecomb, shall have the privilege of a separate election in the said Northern part of the said county, at the place to be fixed on by the Commissioners hereinafter appointed for that purpose, where the inhabitants in the said Northern part of said county may attend on the Wednesday preceding the second Thursday in August in each and every year, for the purpose of giving their suffrages to elect Members to the General Assembly, likewise to elect a Representative to the Congress of the United States, and to vote for an Elector to elect the President and Vice-President of the United States, in the same manner as they might or could have done at the court-house in said county.

IV. *And be it further enacted*, That Daniel Ross, Jeremiah Hilliard, David Coffield, Sherwood Savage and Elias Bryant, be, and they, or a majority of them, are hereby appointed Commissioners to fix and settle on some convenient place on the said Northern part of said county for the purpose of carrying this act into effect, which they are hereby required to do as soon as possible after the passing of this act, and a copy of their proceedings they are hereby required to return to the next county court which may happen thereafter, where the same shall be recorded and filed in the Clerk's office of said county.

V. *And be it further enacted*, That the Field Officers in the said county are hereby authorized and empowered to muster and discipline the militia in the said Captains Ross's, Hilliard's, Coffield's and Savage's companies, at such place as the above mentioned Commissioners shall appoint for the said separate election, and the said companies as aforesaid shall compose one battalion of the militia of said county.

VI. *And be it further enacted*, That the Sheriff, or other returning officer, shall, by himself or his deputy, attend at the house of Joseph Pindar on the Tuesday preceding the second Thursday and Friday in August in each and every year, and at the place to be fixed on by the Commissioners in the Northern part of said county, on the Wednesday preceding the second Thursday in August in each and every year, and on the second Thursday and Friday in August at the court-house in the town of Tarborough, in each and every year, where he shall receive the votes of all persons entitled to the same, at the times and places heretofore appointed, in the same manner and under the same rules, regulations and restrictions as heretofore prescribed by law; and when he has taken all the votes at the respective places appointed by this act, he shall open the same at the court-house in the town of Tarborough, on the evening of Friday after the second Thursday in August as aforesaid, and count them in the same manner as heretofore, and the person or persons having the highest number of votes shall be declared elected as usual; and all persons whosoever in the said county of Edgecomb, who have not voted at either of the places to be appointed by this act, shall have the privilege of voting at the court-house in the town of Tarborough, on the days appointed by this act for receiving the same: *Provided*, That if any person whosoever shall have given their votes at either of the places to be appointed by this act for holding the separate elections, and shall vote again in the same year at the court-house in Tarborough, or at the other separate elections, and such person or persons being convicted thereof before any Justice of the Peace, shall forfeit and pay the sum of ten pounds, to be applied one-half to the use of the informer, and the other half to the use of the county.

VII. *And be it further enacted*, That nothing herein contained shall be so construed as to extend to authorize the Sheriff of said county to count the votes before all the suffrages in said county shall be taken, but that the said Sheriff shall receive and take all the votes of the election to be holden for said county at the house of Joseph Pindar, and when the same are taken, he or his deputy shall seal the boxes in a safe manner, and them keep until the election commences in the Northern part of said county, at such place, as may be hereafter fixed on by the Commissioners heretofore named, when the Sheriff, or other returning officer, shall break the seals in presence of the Inspectors, and receive all the suffrages in the said Northern part of the county which shall be taken, and then he shall seal the said boxes again in like manner, until the election at the court-house in the town of Tarborough commences, when he shall again break the seals in presence of the Inspectors, and receive all the votes to

be given in at the court-house, when he shall count out all the votes which shall be given in said county, in like manner as heretofore prescribed, and the same proceedings had as usual.

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

CHAP. LXXVII.

An act to empower Watkins William Wynns and William Wallace, late Sheriffs of the county of Martin, to collect the arrearages of taxes due them within 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 the said Watkins William Wynns, late Sheriff of the county of Martin, be and he is hereby authorized and empowered to collect all the arrearages of taxes due him in the said county of Martin for the years one thousand seven hundred and ninety-five and one thousand seven hundred and ninety-six; and that the said William Wallace, late Sheriff of the county of Martin aforesaid, be and he is hereby authorized and empowered to collect the arrearages of taxes due him in the said county for the years one thousand seven hundred and ninety-seven and one thousand seven hundred and ninety-eight; and the said Watkins William Wynns and William Wallace shall be vested with all and singular the powers and authorities with which Sheriffs are by law: *Provided nevertheless*, That if the person called on for the payment of such arrearages of taxes, shall make affidavit that he or she has paid the same, it shall be sufficient to exonerate him or her from any further costs, any thing herein contained to the contrary notwithstanding: *And provided further*, That this act shall not extend to or operate on the estate of any deceased person, or be in force or operation longer than one year.

CHAP. LXXVIII.

An act to empower Isaac Nelson, Sheriff of Stokes, to collect the arrears of taxes due in said county for the years one thousand seven hundred and ninety-eight and ninety-nine.

BE 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 Nelson, Sheriff of Stokes county, be and he is hereby authorized and empowered to collect all arrearages of taxes due from the inhabitants of said county for the years one thousand seven hundred and ninety-eight and one thousand seven hundred and ninety-nine; and the said Isaac Nelson is hereby vested with all and singular the powers and authorities for the collection of said arrearages with which Sheriffs are now vested in such cases.

II. *And be it further enacted*, That this act shall be in force for and during the term of one year from the ratification thereof, and no longer.

CHAP. LXXIX.

An act to empower the persons therein named to collect the arrearages of taxes due to them in their respective 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 John Jinnings, late Sheriff of Anson county; Anthony Street, of Buncombe county; James Williamson, of Caldwell county, and Peter Douge, of Camden, be and they and every of them, are hereby authorized to collect all the arrearages of taxes due to them in their respective counties for the years one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight: And that Philemon Hodges, late Sheriff of Cumberland county, for the year one thousand seven hundred and ninety-seven; that William Goodman, Sheriff of Lenoir, for the year one thousand seven hundred and ninety-seven and one thousand seven hundred and ninety-eight; That Hector M'Alister, Sheriff of Cumberland, for the years one thousand seven hundred and ninety-eight and one thousand seven hundred and ninety-nine; and that William Smith, Sheriff of Wayne, for the years one thousand seven hundred and ninety-eight and one thousand seven hundred and ninety-nine; that William Hall, senior, late Sheriff of Brunswick county, for the years one thousand seven hundred and ninety-three and one thousand seven hundred and ninety-four; that Edwin Smith, late Sheriff of Johnston county, for the year one thousand seven hundred and ninety-five; that Lemuel Doty, late Sheriff of Onslow county, for the years one thousand seven hundred and ninety-eight and one thousand seven hundred and ninety-nine; and that Nathan Chaffin, late Sheriff of Rowan county, for the years one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight and one thousand seven hundred and ninety-nine; and that Hugh M'Canne, late Sheriff of Duplin county, for the years one thousand seven hundred and ninety-eight and one thousand seven hundred and ninety-nine, be and they are hereby authorized and empowered to collect the arrearages of taxes due them in their respective counties, for the said years respectively, and are for that purpose invested with the same power as Sheriffs are now by law.

II. *And be it further enacted*, That Nathan Snowden, of Camden county, be authorized to collect the arrearages of taxes due him in said county for the year one thousand seven hundred and ninety-nine; and Hugh Patterson, of the county of Cabarrus, be also authorized to collect the taxes due him in said county for the years one thousand seven hundred and ninety-eight and one thousand seven hundred and ninety-nine, with the same powers as those named in the foregoing section.

III. *And be it further enacted*, That Robert Halls, late Sheriff of Robeson county, and Lawson Henderson, of Lincoln county, be empowered to collect the arrearages of taxes due them in their respective counties, for the years one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, and one thousand seven hundred and ninety-nine, and for that purpose are hereby invested with the same authority as is given the late Sheriffs named in the first section of this act: *Provided* that nothing contained herein shall empower the aforesaid late Sheriffs to collect any taxes due from the estate of any deceased person, or any person removed out of the State, or such as will make affidavit that the tax which shall be attempted to be collected, has been paid. And that this act shall be and continue in force for and during the term of one year after the ratification thereof, and no longer.

CHAP. LXXX.

1800.

An act to authorize and empower Hardy Bryan, late Sheriff of Johnston county, and William Carlon, Sheriff of Rutherford county, and Thomas M'Intire, Sheriff of Burke county, to collect the arrearages of taxes due in said counties for the years one thousand seven hundred and ninety-eight, and one thousand seven hundred and ninety-nine.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Hardy Bryan, late Sheriff of Johnston county, and William Carlon, Sheriff of Rutherford county, and Thomas M'Intire, Sheriff of Burke county, be and they are hereby authorized and empowered to collect the arrearages of taxes due in said counties, for the years one thousand seven hundred and ninety-eight, and one thousand seven hundred and ninety-nine: And that the said Hardy Bryan, William Carlon, and Thomas M'Intire, be, and they are hereby vested with all such powers and authorities for the collection of said arrearages as Sheriffs are by law vested with for the collection of taxes: *Provided,* that any person called upon for the payment of such arrearages of taxes shall make oath that he or she has paid the same, it shall be sufficient to exonerate him or her from the payment thereof; *And provided also,* That this act shall not operate against the estate of any deceased person, and be in force no longer than one year from the ratification thereof.

CHAP. LXXXI.

An act to authorize Benjamin Brackett, late Sheriff of Jones county, to collect the arrearages due him for the years 1798 and 1799; and Samuel Selby, late Sheriff of Hyde, to collect the arrearages due him for the year 1798.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Benjamin Brackett, late Sheriff of the county of Jones be, and he is hereby empowered and authorized to collect for and during the space of one year from the passing of this act, all arrearages of taxes due him in said county, for the years one thousand seven hundred and ninety-eight, and one thousand seven hundred and ninety-nine, and for the purpose of such collection shall be vested with the same power and authority as the several Sheriffs of this State are now empowered by law: *Provided,* that he is not entitled by this act to collect the taxes aforesaid from Executors or Administrators, or any person making affidavit that he has heretofore paid the same.

II. *And be it further enacted by the authority aforesaid,* That Samuel Selby, late Sheriff of the county of Hyde, be and he is hereby authorized and empowered to collect for and during the space of one year from the passing of this act, all arrearages of taxes due him in said county for the year one thousand seven hundred and ninety-eight; and the said Samuel Selby is hereby vested with all and singular the powers and authorities with which Sheriffs are vested by law in the collection of public taxes, for the collection of such arrearages.

CHAP. LXXXII.

An act to amend an act entitled "An act to empower William Saffer, Isaac Williams, and John Stephens, late Sheriffs of Johnston county, and others, to collect the arrearages of taxes which may be due them respectively for the years 1796, 1797, and 1798."

WHEREAS the above recited act empowered Thomas Morris, former Sheriff of Iredell county, to collect the arrears of taxes due to him for the years 1796 and 1797, and the said Morris has absented himself and left the State without having made his collections, and leaving securities involved and bound for the payment thereof, and inasmuch as it is but just, that the securities should be entitled to the same powers and advantages which he himself had,

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the securities of the said Thomas Morris, of Iredell county, shall have as full and ample power to collect the taxes due him as Sheriff of the said county for the years one thousand seven hundred and ninety-six, and one thousand seven hundred and ninety-seven, or so much thereof as they are bound for, under the same regulations and restrictions as the said Thomas Morris was bound to by the before recited act.

CHAP. LXXXIII.

An act to secure to the Persons therein mentioned such Estate 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, Peggy Rowan, wife of Matthew Rowan; Penelope Abrams, wife of Lemuel Abrams; Catharine Grant, wife of William Grant; Rachel Johnston, wife of Jacob Johnston; Ann Evans, wife of Zechariah Evans; Elizabeth St. Laurence, wife of Patrick St. Laurence; Elizabeth Whitworth, wife of John Whitworth; Penelope Hofea, wife of Seth Hofea; Elizabeth Lawwell, wife of Samuel Lawwell; Leziah Russell, wife of Aaron Russell; Dinah Sawyer, wife of Willis Sawyer; Milly Humphreys, of Wilkes county, wife of Spencer Humphreys; Elizabeth Allen, wife of Micajah Allen; Mary Cratch, wife of John Cratch; Patsy Hill, wife of Aaron Hill; Mary Hawkins, wife of James Hawkins; and Rebecca Davison, otherwise Morris, who intermarried with one John G. Morris, of Buncombe county, shall be entitled to possess and enjoy, in their sole right respectively, all such estate, either real or personal, which respectively they may hereafter acquire, whether by descent, purchase, or otherwise, in the same manner as if they had never been married, and were femes sole, clear from the claim of their respective husbands, or any other person claiming in, by, through or under them.

II. *And be it further enacted,* That the husbands of persons mentioned in the foregoing section, after the passing of this act, shall not be liable for the payment of any debt or contract entered into by them respectively. *Provided always,* that if at any time hereafter, it can be proved that any of the said women have lived or cohabited with their said husbands, after the passing of this act, then and in such case, any property that such woman shall or may possess, shall be liable to the payment of the debts of her husband, in the same manner as if this act had never been passed.

III. *And be it further enacted*, That in all cases where the wife of any person is secured in such property as she may hereafter acquire, and the children born since the marriage of the said parties, and not remaining with the father, shall be considered as orphan children, and shall, by the county court of pleas and quarter sessions, be bound to some respectable person, whereby they may be raised in the habits of industry and morality. *Provided always*, the court may, at their discretion, continue such child or children with the mother, if it appears that the said child or children are properly taken care of by the mother, any law, usage, or custom to the contrary notwithstanding.

CHAP. LXXXIV.

An Act for the relief of Desdemina Christie and her children:

WHEREAS Desdemina Christie, of Halifax county, has prayed this General Assembly to pass a law vesting in her and her children, such personal property as her illegitimate son Elkanah Thrower was possessed of during his life, or entitled to;

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all the personal property of Elkanah Thrower, deceased, of Halifax county, the natural born son of Desdemina Thrower, now Desdemina Christie, shall be vested in and equally divided among the same persons as would now by the existing laws of this State be entitled thereto, if the said Elkanah Thrower was a legitimate child, any law, usage, or custom to the contrary notwithstanding.

CHAP. LXXXV.

An Act to secure to Sarah Cokely, alias Sarah Hawley, widow of William Hawley, formerly wife of Benjamin Cokely, such estate as she now has, or hereafter may 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, Sarah Cokely, alias Sarah Hawley, of the town of Newbern, in this State, shall be entitled to possess and enjoy in her sole right all such estate as she now has, or may hereafter acquire, either real or personal, by purchase or descent, in as full and ample a manner as if she the said Sarah Cokely, alias Sarah Hawley, had never been married to the said Benjamin Cokely, clear from the claim or claims of the said Benjamin Cokely, his heirs, and representatives, or any creditor or creditors of him; and the said Sarah shall have full power and authority to sue for and recover, in any court having cognizance thereof, from the said Benjamin, or any other person or persons, any property or estate which she may be entitled to, in the same manner as if the said Sarah had never been married to the said Benjamin or any other person; and the said Benjamin shall not be liable for the payment of any debt or debts contracted by the said Sarah, any thing to the contrary notwithstanding.

CHAP. LXXXVI.

An Act to pardon and restore to credit William Prather, of the county of Stokes, and a man known by the name of General Wilson, of the county of Burke.

WHEREAS it is represented that William Prather, and a man known by the name of General Wilson, have both been convicted of, and punished for petit larceny, in the courts of their respective counties: And whereas sundry persons of good character have certified that the said William and the said person known by the name of General, both before and since said transactions happened, have conducted, demeaned and behaved themselves as honest, orderly and good citizens:

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 said William Prather and the said person known by the name of General Wilson, be and they are hereby declared to be pardoned and restored to credit, in as full and ample a manner as if they the said William Prather, and person known as aforesaid by the name of General Wilson, had never been convicted of said crime, and that due faith and credit shall be paid and given to their oaths, in all cases where necessary to be taken, any law, usage, or custom to the contrary notwithstanding.

CHAP. LXXXVII.

An Act to pardon and restore to credit Jesse Perry, of the county of Currituck.

WHEREAS it is represented to this General Assembly, that Jesse Perry, of the county of Currituck, about fourteen years ago was convicted of a perjury upon evidence extremely doubtful, and has ever since sustained the character of a good citizen:

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 said Jesse Perry be and he is hereby declared to be restored to credit, in as full and ample a manner as if he had never been convicted of a perjury; and that due faith and credit shall be given to his oath, in all cases where necessary to be taken.

CHAP. LXXXVIII.

An Act to secure to Nancy Knight, wife of Murfree Knight, such estate as she may hereafter acquire:

WHEREAS it hath been represented to this General Assembly, that Murfree Knight and Nancy his wife have separated themselves, and have no expectation of a reconciliation:

BE 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 Nancy Knight shall be entitled to and possess, in her sole right, all such estate, either real or personal, as she may hereafter acquire, by purchase or otherwise, in as full and ample a manner as if she the said Nancy Knight had never been married to the said Murfree Knight, clear from the claim or claims of the said Murfree, or any of his said creditors; and the said Nancy Knight shall and may have full power to sue for and

1870. recover, in any court having cognizance thereof, from the said Murfree Knight, or any other person or persons, any property or estate which she may be entitled to, in the same manner as if she the said Nancy Knight never had been married to the said Murfree Knight, any law, usage or custom to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the said Murfree Knight shall not be answerable for any debt contracted by the said Nancy Knight, his wife, any law, usage or custom to the contrary notwithstanding.

CHAP. LXXXIX.

An Act to reinstate Nelson Pafs to the rights and privileges of a citizen.

WHEREAS it is represented to this General Assembly, by the petition of a number of respectable inhabitants of Halifax county, that Nelson Pafs of the said county, at November Term, in the year of our Lord seventeen hundred and ninety-nine, was convicted of petit larceny, and ever since that time has resided in the said county of Halifax, and conducted himself as a good and useful citizen, and prays that he may be reinstated to the privileges of a citizen.

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 said Nelson Pafs be and he is hereby declared to be restored to credit, in as full and ample a manner as if he had never been convicted of the said offence, and that due faith and credit shall be paid and given to his oath in all cases necessary to be taken: any law, usage, or custom to the contrary notwithstanding.

CHAP. XC.

An act for the relief of Henry Starr, of Tyrrell county.

WHEREAS it hath been represented to this General Assembly, that Margaret Starr, wife of Henry Starr, of Tyrrell county, hath for some time past given herself up to habitual intoxication, and illicit practices of familiarity with other men, to the great distress and manifest injury of the said Henry her husband:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said Henry Starr shall not be answerable for any debt hereafter contracted by the said Margaret his wife; nor shall the said Margaret Starr have any right or title of dower, or otherwise, in any estate of the said Henry Starr, or which he may hereafter acquire.

II. *And be it further enacted by the authority aforesaid,* That the said Margaret Starr shall be entitled to and possess in her sole right, all such estate, either real or personal, as she now hath or may hereafter acquire, by purchase or otherwise, in as full and ample manner, as if she, the said Margaret Starr, had never been married, free and clear from the claim and claims of the said Henry Starr, or his creditors; and the said Margaret Starr shall and may have full power to sue for and recover in any court having cognizance thereof, from the said Henry Starr, or any other person or persons, any property or estate to which she may be entitled, in the same manner as if she the said Margaret Starr had never been married to the said Henry Starr, any law, custom or usage to the contrary notwithstanding.

CHAP. XCI.

An act to alter the name of Thomas Mitchell, and to legitimate him.

WHEREAS it is the desire of Peyton Maughon, of Northampton county, that the name of his illegitimate son Thomas Mitchell, should be altered to that of Thomas Maughon, and that the said Thomas be legitimated and made capable to inherit in the same manner as if he had been born in wedlock;

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 henceforward the name of the said Thomas Mitchell shall be altered, and shall forever hereafter be called and known by the name of Thomas Maughon, and by that name shall be able to sue and be sued, implead and be impleaded in any court of law and equity whatever.

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

CHAP. XCII.

An Act to alter the name of Tobias Sumner to that of Joseph John Sumner.

Whereas it is the request of Tobias Sumner, of the town of Tarborough and county of Edgecomb, that his name should be altered to that of Joseph John Sumner.

BE 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 name of Tobias Sumner shall be altered to that of Joseph John Sumner, and that he shall be henceforth called and known by the said name: And by the name of Joseph John Sumner he may sue and be sued, plead and be impleaded in any court of law and equity, and obtain and possess lands and all other species of property, by will, devise, donation, grant, purchase, or otherwise; and he may by his name aforesaid, sell and dispose of lands or other property; and finally, in all things the said Joseph John Sumner shall be capable, in law and equity, in negotiating and transacting all manner of business in as full, ample, and legal a manner, as if he had been called and known by no other name from the time of his nativity; any law, usage or custom, to the contrary notwithstanding.

CHAP. XCIII.

An act to alter the Names of the Persons therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That from and after the passing of this act, the names of Reuben Carter and John Iverston be altered, and forever the said Reuben Carter shall be called and known by the name of Reuben Abner Carter, and the said John Iverston shall be called and known by the name of John Wesley Davis; and that the name of John Jones shall be altered to that of John Prim; that the name of Nancy Stallings to that of Nancy Simmons; that the name of Willie Waller to that of Willie Moye, and by these names so altered respectively, they shall possess and enjoy all such privileges as they or either of them could be entitled, had they been so called from their nativity.

CHAP. XCIV.

An act to alter the name of Henry Stallings to that of Henry Hunt.

BE 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 name of Henry Stallings, of Franklin county, shall be altered to that of Henry Hunt, by which name he may sue and be sued, plead and be impleaded, in any court of record in this State, acquire and transfer property, both real and personal, and in all respects whatsoever, be in the same situation as if he had been born in wedlock, any thing to the contrary notwithstanding.

CHAP. XCV.

An act to alter the Names of the Persons therein mentioned, and to legitimate them.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That the name of Willis Homes, son of Willis Wilder, of Chowan county, be altered and changed to that of Willis Wilder; the names of Jesse Hatcher and Allen Summersett, illegitimate sons of Stephen Barfield, be altered to the names of Jesse Barfield and Allen Barfield; the name of Dennis Dupree, be altered to that of Dennis Williams; the name of James Scarf, be altered to that of James Linton; the names of Joseph Morris Towner, Susanna Morris Towner and Sarah Morris Towner, natural born children of Hezekiah Towner, be altered to the names of Joseph Morris, Susanna Morris and Sarah Morris; and the name of Starkey Hayes and Margaret Hayes, natural born children of James Norfleet and Elizabeth his wife, be altered to the names of Starkey Norfleet and Margaret Norfleet; the name of Susannah Meton, daughter of Jesse Brown, be altered to that of Susannah Brown; the name of William Purfer, be altered to that of William Hudnell; the names of Parthena, Acha, Joseph and Agatha Bittle, to that of Parthena White, Acha White, Joseph White and Agatha White; the name of Littleton Bunn, to that of Littleton Joiner; and that the name of Mary Hall be altered to that of Mary Mask.

II. *And be it further enacted.* That the aforesaid persons shall be called and known by the names as above altered, and by such names respectively shall be able 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.

III. *And be it further enacted.* That the persons described in the first section of this act, shall forever hereafter be legitimated and made capable to possess, inherit and enjoy, by descent or otherwise, any estate, real or personal, to all intents and purposes, as if they had been born in lawful wedlock.

CHAP. XCVI.

An act to emancipate certain persons therein named.

WHEREAS by the last will and testament of Ephraim Knight, of the county of Halifax, he appeared to be desirous to emancipate two Mulatto girls belonging to him by the name of Sabina and Polly; and as the said Ephraim Knight died without making application to the General Assembly to pass a law to that effect,

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 said Mulatto girls Sabina and Polly be emancipated and set free from slavery, and henceforward be called and known by the names of Sabina Curtis and Polly Curtis; under which names respectively they shall be, and are hereby invested with, and henceforward entitled to every right and privilege they would have, had they been severally born free; any law or usage to the contrary notwithstanding.

And whereas James Cunningham, of the county of Chowan, has, by his petition for that purpose, represented to this General Assembly, that he is desirous of procuring the emancipation of a Mulatto woman slave named Betsy, belonging to him,

Be it therefore enacted by the authority aforesaid. That the said Mulatto woman named Betsy, be emancipated and set free from slavery, and that she be henceforth called and known by the name of Elizabeth Cunningham; under which name she shall be and is hereby invested and henceforward shall be entitled to every right and privilege that she would have been entitled to, had she been born free, any law, usage or custom to the contrary notwithstanding.

CHAP. XCVII.

An act to emancipate John Samuel, the property of Frederick William Marshall, of the county of Stokes.

WHEREAS it is the request of Frederick William Marshall, of the county of Stokes, that his negro man, John Samuel, should be emancipated and set free:

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, John Samuel, the property of Frederick William Marshall, of the county of Stokes, shall be emancipated and set free; and that the said John Samuel shall enjoy and possess all the rights, privileges and immunities, of what kind or nature soever, and to all intents and purposes, in as full and ample a manner as any free person of colour, any thing to the contrary notwithstanding.

CHAP. XCVIII.

An act to amend an act passed in the year one thousand seven hundred and ninety-six, entitled "An act making compensation to the owners of outlawed and executed slaves for the counties of Bladen, Halifax, Granville, Cumberland, Perquimons, Beaufort, and Pitt," so as to extend the same to the county of Chowan.

BE 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 force, meaning, and intent

1800. of an act passed in the year one thousand seven hundred and ninety-six, entitled "An act making compensation to the owners of outlawed and executed slaves for the counties of Bladen, Halifax, Granville, Cumberland, Perquimons, Beaufort, and Pitt," shall be extended to the county of Chowan, under the same rules, regulations, and restrictions, in every respect whatsoever, as fully as if it had been mentioned in the said act, and the court of the county of Chowan shall take notice and be bound by the same accordingly, any law, usage, or custom to the contrary notwithstanding.

CHAP. XCIX.

An act to liberate and set free the persons therein named:

WHEREAS Daniel Shad is desirous of setting free a certain woman slave named Betty, his property, and her child Winney,

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, that Betty, a woman slave, the property and wife of Daniel Shad, and her child Winney, be and they are hereby liberated and set free, and shall be entitled to the same privileges of other free persons of colour in this State.

II. And be it further enacted, That hereafter the said Betty shall be called and known by the name of Betty Shad, and the said Winney shall be called and known by the name of Winney Shad; and by those names respectively shall be entitled and enjoy all the privileges that they would or could have done, had they borne the said names from their nativity.

Read three times and ratified in General Assembly, the 20th
Day of December, Anno Domini 1800.

Copy,
WILLIAM WHITE, Secretary.

JOSEPH REDDICK, S. S.
STEPHEN CABARRUS, S. H. C.

NORTH-CAROLINA.

In House of Commons, 20th December, 1800.

RESOLVED, That the bill rejected the present Session, entitled "A bill to amend the Penal Laws of this State," be printed, and bound up with the laws passed during this General Assembly.

By order, J. HUNT, Clk. H. C.

S. CABARRUS, S. H. C.

In Senate, December 20, 1800.

Read and resolved that this house do concur therewith.

J. REDDICK, S. S.

By order, M. STOKES, Clk. S.

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 kinds of wilful, deliberate, and premeditated, killing or which shall be committed in the perpetration or attempt to perpetrate any arson, rape, robbing 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 in 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, herein after mentioned, for a period of time not less than five years, nor more than fifteen years, and shall be kept therein at hard labour or solitude, and shall in all things be treated and dealt with, as is hereinafter directed. Every person convicted of the crime of 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 eight nor more than twenty-one 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 twelve 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 full value thereof, and 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 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 three nor more than seven years, under the same conditions as are hereinafter directed. Every person convicted as accessory to horse-stealing after the fact, although the principal offender may not have been convicted, shall restore the horse, mare or gelding to the owner or owners thereof, or shall pay to him, her or them the full value thereof, and undergo a similar confinement for a term not less than three nor more than seven 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 owners 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 two 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 petty larceny, and shall restore the goods and chattels so stolen, or pay the full value thereof to the owner or owners thereof, and shall be sentenced to undergo a similar confinement for a period not less than six 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 harbour 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 one nor more than three 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.

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 having falsely uttered, paid or tendered in payment, any such forged and counterfeited coin, knowing the same to be such, or 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 one thousand seven hundred and eighty-three, entitled "An act for emitting one hundred thousand pounds in paper currency for the purposes of government for seventeen hundred and eighty three, 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 one thousand seven hundred and eighty five, 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 said bills 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 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 herein after mentioned, for a term of time not less than four nor more than sixteen years, under the same conditions as are herein after 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 wilful and corrupt perjury, shall be sentenced to undergo a similar punishment, by confinement for a period of time not less than eight nor more than sixteen 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 otherwise, 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 two, nor more than ten years, under the same conditions as are hereinafter mentioned, and shall pay a fine not less than twenty-five pounds, for the use and benefit of the party grieved.

XIV. And be it further enacted, That any person convicted of any voluntary manslaughter, 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 behaviour for seven years; and for a second offence, shall be sentenced, on conviction thereof, to undergo an imprisonment at hard labour and solitary confinement during life, or for such other time as the court may adjudge, according to the enormity of the offence.

XV. And be it further enacted, That when any person shall be charged with involuntary manslaughter, 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 manslaughter; and such person or persons, on conviction, shall be fined and imprisoned as in cases of misdemeanor; Or the Attorney-General, or other 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 hereinafter 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 labour 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 labour 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 being thereof legally convicted, such offender shall be sentenced to undergo a similar punishment for the term of life, 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 three, nor more than seven years, to be dealt with as is 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 peremptory 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 fourth, nor less than one twelfth part thereof; and that 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 if any person, after this act shall, by proclamation of the Governor, as is hereinafter mentioned, be declared in force, be charged and convicted of any of the crimes punishable by this act, committed before the said day, he or she shall be sentenced to undergo the same pains and penalties as are by this act prescribed and directed for offences committed subsequent to the day declaring this act to be in force.

XXV. *And 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

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 provide a plan and 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 fifty convicts at least; with a yard sufficiently large adjoining thereto, for the convicts occasionally to walk and labour 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 feet wide, and eight feet high, without unnecessary exclusion of air and light, and to prevent all external communication.

XXVI. *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 sixpence on every poll, two-pence on every hundred acres of land, and sixpence on every hundred pounds value of town property within this State, shall be levied and collected in the years 1801, 1802, 1803, and 1804, 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, from time to time, to draw on the Treasury 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.

XXVII. *And be it further enacted,* That every person convicted of any of the crimes punishable by imprisonment and labour herein before specified, after sentence is passed by the Court, shall be safely 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 to be kept during the time of their confinement, in such manner as shall be hereafter provided; and every Sheriff who shall neglect to remove and safely deliver to the keeper of the said jail such convict, shall be taken and deemed guilty of a misdemeanor in his office, and, on conviction thereof, shall be fined a sum not less than fifty pounds, for the use of the State.

XXVIII. *And be it further enacted,* That as soon as the said jail shall be fit for the reception of convicts, the Governor, by and with the advice of the Council, 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, orders and regulations for the government of the said jail, as to them may appear necessary, and to cause such quantity of raw materials to be purchased, to be manufactured by the convicts, as may be requisite for that purpose; and also to appoint three Inspectors, 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 sales thereof: which said appointments and regulations shall be in force until the end of the next General Assembly that shall happen thereafter.

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 commence and be in force from the passing thereof; that the other parts thereof remain suspended in their operation until the Governor shall, by and with the advice of the Council, issue his proclamation, declaring the said jail fit to receive convicts, at which time every part thereof shall commence and be in full force.

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To amend the several acts of Assembly now in force in this State, with respect to the entering and obtaining Titles for Lands,	4	To revise and amend the Militia Laws,	14
To raise a Revenue for the payment of the Civil List and Contingent Charges of the Government, for the year 1801,	ib.	To extend the navigation of Tranter's Creek, from the mouth where it empties into Pamlico River, to Leas's Point or Coley's Causeway,	21
Directing the manner of granting Injunctions,	ib.	To repeal so much of an act passed in the year 1770, entitled "An act for the better settling, regulating and improving the town of Beaufort, in the county of Carteret, and for annexing Occacoek Island to said county," as exempts the inhabitants of the town of Beaufort from working on the county public roads,	23
To amend the third section of an act, entitled "An act for the prevention of Vice and Immorality, by suppressing excessive Gaming."	5	For cutting a canal from the waters of New River to the waters of Brown's Inlet,	ib.
To revive and continue in force an act passed at Raleigh in the year 1765, entitled "An act giving further time for the registration of certain deeds issued from Lord Granville's office,"	ib.	To clear and keep open the navigation of White Oak River,	ib.
Giving further time for the registering grants and proving deeds and mesne conveyances, which have not been proved and registered within the time heretofore appointed by law	ib.	To prescribe the time in which the purchasers or holders of tickets in the lottery for the establishment of the Halifax Cotton Manufactory shall bring the same forward for payment,	24
To compel certain persons to describe and make known the bounds and limits of their lands,	6	To repeal an act passed in the year 1794, entitled "An act to keep open Little River and Uharie, in Montgomery and Randolph counties, for the passage of fish up the same, so far as it respects Little River,"	ib.
To amend an act, entitled "An act to perfect the titles of the Officers and Soldiers of the continental line of this State, and of claimants under entries made in the office of John Armstrong," passed last session of Assembly,	ib.	To authorise Cary Pritchard, of Montgomery county, to establish a ferry,	ib.
To amend and supply the deficiency of an act passed at last session of Assembly, entitled "An act for the relief of the non-commissioned Officers and Soldiers of the continental line and the militia of this State, who have been disabled in the service of the U. States, during the late war, and who are not placed on the pension-list of the U. States, and are barred by the act of limitation,"	8	To amend an explain an act, entitled "An act for the better regulation of the town of Pittsborough in Chatham county," passed in the year 1798,	ib.
To amend an act, entitled "An act to direct the mode of conducting disputed Elections in this State, and to direct the mode of presenting petitions to the General Assembly, in certain cases, passed at Raleigh in 1796."	ib.	To amend the second section of an act, passed in the year 1796, entitled "An act to remedy certain inconveniences arising under the present Land Laws, so far as respects the county of Randolph,"	ib.
Better to ascertain how witnesses attending in behalf of the State, in certain cases, shall be paid	ib.	To amend an act, entitled "An act to establish a town on the lands of Fergus Sloan, in Iredell county, and to amend an act for the division of Rowan county,"	25
To amend an act passed at Fayetteville in the year 1793, entitled "An act directing the manner of proceeding against the several Officers therein mentioned,"	9	To erect an academy at the town of Edenton, in the county of Chowan, and district of Edenton,	ib.
Making compensation to Jailors for the safe-keeping and humane treatment of persons in confinement,	10	To erect an academy in the town of Sneedborough, in Anson county,	26
Directing a mode of defraying the expences of apprehending and bringing to punishment Fugitives from Justice,	ib.	To regulate and extend the town of Sneedborough, in Anson county,	ib.
Directing the manner in which any bet on horse-racing shall be in future recovered,	ib.	To regulate the town of Haywood, and for other purposes therein mentioned,	ib.
To amend an act, entitled "An act to prevent the stealing of slaves, or by violence, seduction, or any other means, taking or conveying away	ib.	To call to account the receivers of public monies in and for the county of Greene, and to compel payment of such balances as may appear to be due in their hands, and for other purposes therein mentioned,	28
		For regulating ordinaries and retailers of spirituous liquors by the small measure, and for appointing a standard-keeper in the towns of Newbern and Wilmington, and to erect a public school in the county of New-Hanover,	29
		To amend an act, entitled "A supplementary act to an act, entitled An act for the division of Wilkes and Tyrrell counties,"	31
		Authorising the county court of Franklin to grant liberty to such persons that they shall think proper to sell liquors on the court-house lot,	ib.

To empower Thomas Haver and Daniel Warlock, Trustees of the Daniel Warlock Church, in Lincoln county, or their successors, to sell and convey part of the land belonging to said Church,

To prevent the working or hauling two seines at the same place on the Peedee, Yadkin and Catawba rivers,

For fixing on the place for erecting a town on Broad River, and for building a warehouse in the county of Rutherford for the inspection of tobacco,

To revive an act, entitled "An act to amend the several acts of Assembly now in force in this State for the regulation of Lincolnton,"

To repeal an act, entitled "An act for destroying crows and squirrels in the counties of Mecklenburg, Rowan and Iredell,"

To repeal an act, entitled "An act to authorize John Melcher, of Cabarrus county, to make a dam in his mill-dam on Rocky River,"

To authorize the county courts of Beaufort and Onslow to appoint persons in their respective counties to provide books and transcribe the records of said counties which may be deemed necessary,

To repeal an act, entitled "An act to empower the county courts of Wilkes, Burke, Iredell, Montgomery, Onslow and Moore, to lay a tax for the purpose of destroying wolves and panthers in said counties," so far as respects the county of Wilkes,

To compel the Clerk of Caswell county court to keep his office at the court-house, or within four miles thereof,

To repeal so much of an act passed last session of Assembly, entitled "An act to authorize the county courts therein named to appoint county comptrollers," so far as relates to the county of Robeson,

To amend an act, entitled "An act to compel the Clerk of the court of pleas and quarter sessions in the county of Beaufort, to keep his office in the town of Washington,"

To repeal part of an act passed at Raleigh in 1796, entitled "An act making compensation to the county court jurors in the several counties therein mentioned,"

To make compensation to the county court jurors for the counties of Rowan and Carteret,

To authorize the retailers of spirituous liquors to erect booths on the public ground at the court-house in Camden county,

To repeal an act, entitled "An act to repeal the several acts of Assembly empowering the county courts to appoint patrollers, so far as they respect the county of Cabarrus,"

To alter the time of holding the county court of Washington, and for other purposes therein mentioned,

To alter the time of holding the county court of Randolph,

To alter the time of holding the county courts of pleas and quarter sessions in the counties of Edge, Greene and Wayne,

To alter the time of holding the courts of pleas and quarter sessions for the county of Wake, and for other purposes,

To prescribe the time of holding the elections in the county of Ashe, and for other purposes therein mentioned,

To amend an act, passed in the year 1796, for establishing separate elections in the county of Buncombe,

To establish a separate election and general muster in the county of Guilford,

To alter the place of holding the general musters in the second regiment in Halifax county,

Granting a separate election to four companies of militia in the second regiment in Lincoln county,

To divide the militia of Rutherford county into separate battalions, and for fixing on the

place for holding future Elections in the second regiment in said county.

Granting a separate Election to the Inhabitants of the county of Stokes,

To amend an act entitled "An act to grant a separate General Muster, and a separate Election in the county of Pasquotank,"

Granting to the inhabitants of Chatham county the privilege of a separate Election on the South side of Rocky River, and for altering the time of holding the separate Election on the North side of Haw-River, in said county,

To grant the inhabitants of Montgomery county the privilege of separate Elections.

Granting to the inhabitants of the county of Edgecomb the privilege of separate elections and general Musters.

To empower Watkins William Wynns and William Wallace, late Sheriffs of the county of Martin, to collect the arrearages of taxes due them within the county of Martin,

To empower Isaac Nelson, Sheriff of Stokes, to collect the arrearages of taxes due in said county for the years 1798 and 1799.

To empower the persons therein named to collect the arrearages of taxes due to them in their respective counties,

To authorize and empower Hardy Bryan, late Sheriff of Johnston county, and William Carson, Sheriff of Rutherford county, and Thomas M'Intire, Sheriff of Burke county, to collect the arrearages of taxes due in said counties for the years 1798 and 1799.

To authorize Benjamin Brockett, late Sheriff of Jones county, to collect the arrearages due him for the years 1798 and 1799; and Samuel Selby, late Sheriff of Hyde, to collect the arrearages due him for the year 1798,

To amend an act entitled "An act to empower William Sisser, Isaac Williams, and John Stephens, late Sheriffs of Johnston county, and others, to collect the arrearages of taxes which may be due them respectively for the years 1796, 1797, and 1798,"

To secure to the Persons therein mentioned such Estate as they may hereafter acquire,

For the relief of Deldemina Christie and her children,

To secure to Sarah Cokely, sias Sarah Hawley, widow of William Hawley, formerly wife of Benjamin Cokely, such estate as she now has, or hereafter may acquire,

To pardon and restore to credit William Prother, of the county of Stokes, and a man known by the name of General Wilton, of Burke,

To pardon and restore to credit Jesse Perry, of the county of Currituck,

To secure to Nancy Knight, wife of Murfree Knight, such estate as she may hereafter acquire,

To reinstate Nelson Pals to the rights and privileges of a citizen,

For the relief of Henry Starr, of Tyrrell,

To alter the name of Thomas Mitchell, and to legitimate him,

To alter the name of Tobias Sumner to that of Joseph John Sumner,

To alter the names of the persons therein mentioned,

To alter the name of Henry Stallings to that of Henry Hunt,

To alter the names of the persons therein mentioned, and to legitimate them,

To emancipate certain persons therein named,

To emancipate John Samuel, the property of F. W. Marshall, of the county of Stokes,

To amend an act passed in 1796, entitled "An act making compensation to the owners of outlawed and executed slaves for the counties of Bladen, Halifax, &c." so as to extend to Chowan,

To liberate and set free the persons therein named,

A bill to amend the Penal Laws of this State,