

# ACTS

PASSED BY

**THE GENERAL ASSEMBLY**

OF

**THE STATE OF NORTH CAROLINA,**

AT ITS SESSION,

COMMENCING ON THE 21ST OF NOV. 1825.

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**RALEIGH:**

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1826.

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members, that are, and that shall hereafter be, of Fellowship Lodge, number eighty-four, in the county of Johnston, be, and the same are made and constituted a body corporate and politic, by the name of "Fellowship Lodge, number eighty-four," and by that name to have perpetual succession and a common seal, to hold and dispose of such property as they may acquire, to sue and be sued, to plead and be impleaded, and to enjoy and possess all such rights and powers as usually appertain to bodies corporate and politic.

#### CHAPTER LXXXVIII.

An act to repeal part of an act, passed in one thousand eight hundred and eighteen, entitled "an act to authorise the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special justices of the peace, and making compensation to such justices for certain services."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the above recited act, as relates to the county of Craven, is hereby repealed, except so much thereof as relates to the town of Newbern.

#### CHAPTER LXXXIX.

An act to authorise John Matthews to erect a gate on the public road leading to Matthews' ferry, in the county of Cumberland.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That John Matthews be, and he is hereby authorised and empowered to erect a gate across the public road leading to Matthews' ferry, in the county of Cumberland, on the north west side of the Cape Fear river, and about one mile above the Clarendon bridge, subject to the same rules, regulations, restrictions and immunities, as other gates are in like manner authorised.

#### CHAPTER XC.

An act to divorce Judith De La Chapel from her husband Gabriel De La Chapel.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Judith De La Chapel, of Anson county, be, and she is hereby divorced from the bonds of matrimony with her husband Gabriel De La Chapel, late of Anson county, in as full and ample a manner as if the same had never been entered into; and that she be, and is hereby discharged from all duties, obligations and engagements as wife to said Gabriel De La Chapel aforesaid.

#### CHAPTER XCI.

An act to alter the dividing line between the counties of Stokes and Surry.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That an act, passed in the year one thousand eight hundred and eleven, establishing the south and western boundary of a tract of land formerly belonging to Samuel Kerby, as the dividing line between the counties of Surry and Stokes, be, and the same is hereby repealed and made void.

#### CHAPTER XCII.

An act to establish a distinct militia company and battalion muster in the county of Carteret.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the inhabitants of that

have power to appoint other and more trustees, and to fill the places of such as may die, remove, resign, or be incapable of acting, and to establish such laws and regulations for the government of said institution as may be necessary for the preservation of order and good morals; elect a professor or professors, tutors and other officers, and to do and perform all such acts and things as are incident to, and usually exercised by bodies corporate, for the accomplishment of the contemplated object.

#### CHAPTER C.

An act directing at what time the polls shall be closed at the separate elections in the counties of Martin and Gates.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That hereafter at each of the separate elections held in the counties of Martin and Gates for the election of Members of Congress, Members of Assembly, and Electors of President and Vice President of the United States, the polls shall be kept open until five o'clock in the afternoon on the day of such election, and no longer: *Provided*, that the separate elections held in said counties shall in all other respects be conducted as is now directed by law.

#### CHAPTER CI.

An act supplemental to an act, passed at the present session of the General Assembly, entitled "an act to extend the provisions of an act, passed in one thousand eight hundred and twenty-four, entitled 'an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person,' to the county of Rowan."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the overseers of roads for the county of Rowan shall be appointed at August County Court in each and every year, and at no other time, any thing in the above recited act to the contrary notwithstanding, unless vacancies should occur by death or removal; and that said act shall not be in force until the first day of August next.

#### CHAPTER CII.

An act to divorce Gideon B. Smith from his wife Eleanor.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Gideon B. Smith, of the city of Baltimore, Maryland, be, and he is hereby divorced from the bonds of matrimony with his wife Eleanor, in as full and ample a manner as if the same had never been entered into; and that he be, and is hereby discharged from all duties, obligations and engagements as husband to the said Eleanor.

#### CHAPTER CIII.

An act to divide the regiment of militia in Rockingham 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 companies of militia in Rockingham county, at present commanded by Captains Watt, Wynne, Jarrell, Scales, Patterson, Suiter, Read and Ellington, shall compose the first regiment, and the companies at present commanded by Captains Lumbrick, Lowe, Shreaves, Iron, Grogan, Smith, Covington and Herford, shall compose the second regiment.

II. *Be it further enacted,* That the commissioned officers of each regiment are hereby authorised and required to arrange the boundaries of each Captain's district, so as to constitute ten companies in each regiment.

such bye-laws and regulations as they may think proper, for the due ordering of the several matters appertaining to the said institutions, not inconsistent with the Constitution and laws of this State.

#### CHAPTER CVII.

An act to declare in force in the county of Rowan, the provisions of an act, passed in the year 1824, entitled "an act to regulate the time of appointing overseers of roads in the counties of Montgomery and 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 the provisions of an act, passed in the year one thousand eight hundred and twenty-four, entitled "an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person," are hereby extended to, and declared to be in full force in the county of Rowan; any law to the contrary notwithstanding.

#### CHAPTER CVIII.

An act to incorporate Ebenezer Academy, in the county of Person.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Willis L. Taylor, William L. Graham, William A. Lea, William Lea, Daniel Malone, Nicholas Thompson and Elijah Morton, of the county of Caswell, John Bradsher, Col. Jesse Bradsher, Hiram Dollerhide, Kindle Vanhook, Archibald Lipscombe, Maurice Smith and Thomas P. Evans, of the county of Person, be, and they are hereby declared to be a body politic and corporate, known and distinguished by the name and style of "The Trustees of Ebenezer Academy, of Person county," and by that name and style shall have perpetual succession and a common seal, and they, or a majority of them, or their successors, shall be able and capable in law to take, demand, receive and possess money, goods and chattels, lands and tenements, for the use and benefit of said Academy, and apply the same according to the will of the donor.

II. *And be it further enacted,* That the said trustees, or a majority of them, and their successors, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court of this State, and to do all such acts and things as may be necessary and proper to be done by bodies corporate for the advancement and promotion of science in said institution, not inconsistent with the laws of this State.

III. *And be it further enacted,* That whenever any of the aforesaid trustees shall die, remove or resign, or by any other means become incapable of performing their duties as trustees of said institution, a majority of the remaining trustees shall elect some fit and suitable person or persons in his or their stead, who shall have the same powers as their predecessors.

#### CHAPTER CIX.

An act to divorce Elizabeth Brickell, of Halifax county, from her husband Samuel Brickell, and to alter her name.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Elizabeth Brickell, of the county of Halifax, formerly Elizabeth Johnson, be, and she is hereby divorced from her husband Samuel Brickell, as fully, completely and entirely, as though she had never been married to him.

II. *And be it further enacted,* That the name of the said Elizabeth Brickell shall be, and is hereby changed and altered to that of Elizabeth Johnson.



## CHAPTER CXXXVI.

An act concerning the Court of Pleas and Quarter Sessions of the county of Bladen.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That at the first term of the Court of Pleas and Quarter Sessions of the county of Bladen which shall happen after the first day of January next, it shall be the duty of the justices of said court, seven of them being on the bench, to designate and set apart two terms of said court in each and every year, for the transaction of all business where the intervention of a jury may be necessary; and it shall not be lawful for said court to appoint or direct a jury to be summoned to attend any other terms of said court, except those so designated and set apart; any law to the contrary notwithstanding.

## CHAPTER CXXXVII.

An act to keep open, for the passage of fish, Main White Oak River, in the county of Rutherford.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all owners of fish traps on Main White Oak River, in the county of Rutherford, from its junction with Green River to John Mills' mills, shall be required so to construct their dams, that from and after the first day of March next one third of the whole width of the stream shall be, and continue open for the passage of fish, under the penalty of ten dollars for every day such obstruction shall be continued, to be recovered by any person suing for the same before any jurisdiction having cognizance thereof.

## CHAPTER CXXXVIII.

An act to repeal in part an act, passed in the year 1811, entitled "an act for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe."

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That so much of the above recited act as takes from the Superior Courts of Law for said counties concurrent jurisdiction with the Courts of Pleas and Quarter Sessions in said counties over post roads, or roads laid out by order of the State, or hereafter to be laid out by order of the State, or roads for the construction or repair of which the State has made, or shall make any appropriation, be, and the same is hereby repealed.

## CHAPTER CXXXIX.

An act to divorce John Chambers, of the county of Haywood, from his wife Rainey.

*Be 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 Chambers, of the county of Haywood, be, and he is hereby divorced from the bonds of matrimony from his wife Rainey, in as full and ample a manner, as if the same had never been entered into; and that he be and is hereby discharged from all duties, obligations and engagements as husband to said Rainey.

## CHAPTER CXL.

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

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passage

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49	Establishing a poor house in Martin county,	To repeal the act of 1822, making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie, so far as the same relates to the county of Bertie,
50	For the improvement of the navigation of Perquimons river, above Newby's bridge,	65 To amend the act of 1822, concerning the town of Salisbury,
ib	To prevent the falling of timber in, or obstructing the run of Brown creek, in Anson county,	ib Establishing a poor and work house in Bertie county,
ib	Making compensation to the jurors of the Superior and County Courts of Ashe,	70 Amending the act, entitled "an act to amend an act, entitled 'an act directing the time and place of sales of land and slaves under execution in Rowan county,"
51	Establishing Williams Academy, and incorporating the trustees thereof,	ib Authorising David Craig to erect two gates,
ib	For the better government of Wadesborough,	71 To amend the act of 1822, making compensation to the jurors of the counties of Franklin and Camden,
53	Authorising the building of a toll bridge over the river Cape-Fear, and incorporating a company for that purpose,	ib Establishing Pleasant Grove Academy, and incorporating the trustees thereof,
55	Allowing commissions to constables in Halifax county,	ib Directing at what time the polls shall be closed at the separate elections in the counties of Martin and Gates,
56	Authorising the County Court of Beaufort county to appoint a committee of Finance,	72 Supplemental to the act of the present session, entitled "an act to extend the provisions of an act, passed in 1824, entitled 'an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person,' to the county of Rowan,"
58	Appointing commissioners for Chapel Hill,	ib Divorcing Gideon B. Smith from his wife Eleanor,
59	For the better regulation of Pittsboro',	ib Dividing the regiment of militia in Rockingham county,
61	For the better regulation of the committee of Finance in Cumberland county,	ib To amend the act of 1803, incorporating the town of Trenton,
62	Establishing a poor house in Granville county,	73 In addition to the several acts heretofore passed concerning the town of Trenton,
63	Repealing so much of the law now in force as provides for the payment of talismen jurors in the County or Superior Courts, so far as relates to New Hanover county,	ib Incorporating Farmers' Library Society, in Northampton county, and the Library Society of Greensborough, in Guilford county,
ib	To repeal the act of 1812, directing the time and manner of appointing overseers of roads in Richmond county,	ib Declaring in force in Rowan county the provisions of the act of 1824, entitled "an act to regulate the time of appointing overseers of roads in the counties of Montgomery and Person,"
ib	Incorporating Eastern Lodge,	74 Incorporating Ebenezer Academy,
ib	To repeal in part the act of 1820, authorising and empowering the commissioners of Fayetteville, Newbern, Wilmington and Tarborough to organize and keep up fire engine companies,	ib Divorcing Elizabeth Brickell from her husband Samuel Brickell, and altering her name,
ib	Incorporating Fellowship Lodge, No. 84,	ib Incorporating Lafayette Lodge, No. 83,
64	To repeal part of the act of 1818, authorising the County Courts of Craven and Cumberland to appoint special justices of the peace, and making compensation to such justices for certain services,	75 To repeal the act of 1822, exempting certain citizens of Hyde county from public duty,
ib	Authorising John Matthews to erect a gate,	ib Incorporating the Abbot's Creek Library Society,
ib	Divorcing Judith De La Chapel from her husband Gabriel De La Chapel,	ib Making compensation to the jurors of
ib	Altering the dividing line between the counties of Stokes and Surry,	
ib	Establishing a distinct militia company and battalion muster in Carteret county,	

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the Superior and County Courts of Randolph,	75	as relates to the county of Bladen,	82
Appointing commissioners for the town of Bath, and for the better regulation of the same,	76	Appointing commissioners to lay off a road from John Harden's to Ashe Court House,	ib
Providing for the payment of jurors of Nash county,	ib	Authorising a certain number of the justices of the peace for Edgecom e county to appropriate the county monies,	ib
Authorising Joseph Welsh to erect two gates on the Smoky Mountain Turnpike Road, and Josiah Holly to erect and keep up a gate on the road leading to Colerain Landing,	77	Respecting the County Court of Tyrrell,	83
Authorising the County Courts of Carteret and Jones to appoint special justices, and making compensation to such justices for certain services,	ib	Regulating the Tarborough Academy,	ib
To keep open the French Broad river and the Tennessee river for the passage of fish,	78	Establishing Lexington Academy, and incorporating the trustees thereof,	ib
Establishing a poor house in Burke county,	ib	Authorising the trustees of the Salisbury Academy to raise 10,000 dollars by Lottery,	ib
Amending the act for the better regulation of the town of Murfreesborough, and to enlarge the same,	79	Altering the times of holding two of the County Courts of Brunswick,	ib
Locating the poor house of Davidson county,	ib	Concerning the County Court of Bladen,	84
Incorporating Line Academy,	80	To keep open, for the passage of fish, Main White Oak River,	ib
Altering the time of holding the County Courts of Washington county,	ib	Repealing in part the act of 1811, for the better regulation of roads in the counties of Buncombe, Haywood, Burke, Wilkes and Ashe,	ib
Repealing all the private acts heretofore passed for the regulation of the patrol of Richmond county, so far as relates to said county,	ib	Divorcing John Chambers from his wife Rainey,	ib
Establishing Shady Grove Academy, and incorporating the trustees thereof,	81	Altering the time of holding the County Court of Person,	ib
Giving exclusive jurisdiction to the Superior Court of Anson of pleas and prosecutions of the State,	ib	To repeal part of the act of 1820, establishing separate Courts of Probate for the counties of Pasquotank and Ruthersford,	85
Incorporating the trustees of the Colerain Academy,	ib	Concerning the militia of Montgomery county,	ib
To amend the act of 1822, authorising the County Courts of Chatham, Anson, Iredell, Rockingham, Randolph, Halifax, Chowan, Carteret, Perquimons, Columbus, Currituck, Craven, Sampson, Tyrrell and Bladen to appoint a committee of Finance, so far		Incorporating University Lodge,	ib
		Providing more effectually for the poor of Tyrrell county,	ib
		Incorporating the Agricultural Society of Stokes county,	86
		To amend the first section of the act of 1819, concerning the town of Concord,	ib
		Regulating the time of closing the polls at the several elections in the counties of Lenoir and Carteret,	ib
		Authorising the County Court of Robeson to perfect title for land whereon to erect a new jail,	ib