



THE
LAWS

OF
THE STATE
OF

North Carolina,

ENACTED IN THE YEAR

1813.

Transmitted according to Law to

One of the Justices of the Peace for the County of



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1814.

succession; and they or their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded in any Courts of Record within this State, and shall take, demand and receive any property, real or personal, any monies or other things which shall be given for the use of the said Academy, and the same to apply according to the will of the donor, and by gift, purchase or devise, to take, have and possess, receive, enjoy and retain to them and their successors forever, any lands, rents or tenements of whatever nature or kind soever in special confidence, and that the same or the profits thereof be applied to and for the purpose of establishing and endowing the said Academy.

II. *And be it further enacted*, That the said Trustees, or a majority of them, shall have authority to make such Bye-Laws and Regulations as are usual in such Seminaries, and to appoint other Trustees, who shall have the same powers and authority as are granted to the other Trustees appointed by this act.

CHAP. XXXIX.

An Act authorising the County Court of Wilkes to lay a Tax for the purpose of building a Gaol in said County.

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

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

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

IV. *And be it further enacted*, That Montfort Stokes, James Hacket, Richard R. Gwyn, John Finlay, Jesse Robinett, Esquire, and Francis Barnard, are hereby appointed commissioners for fixing on a proper place within the bounds of the public square of the town of Wilkesborough, whereon to build said Gaol; and when the building of said Gaol is let out as aforesaid, they shall take bond with sufficient security from the undertaker or undertakers of said public building, to complete the same agreeably to the plan laid down as aforesaid.

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

CHAP. XL.

An Act concerning the Militia of Cumberland County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act the company of Infantry in Cumberland county under the command of Captain David Walker, commonly called the Barbacue company, be and is hereby annexed to the second Regiment of said county, any law to the contrary notwithstanding.

CHAP. XLI.

An Act to divorce Anna Hyatt, of Burke County, from her husband Seth Hyatt.

BE 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 Anna Hyatt, of Burke county, and her husband Seth Hyatt, be fully and absolutely divorced from the bonds of matrimony in the same manner to all intents and purposes, as if the marriage of the said Anna and Seth had never been solemnized; and the said Anna and Seth are divorced accordingly: *Provided always*, That nothing herein contained shall operate to render illegitimate the children born during the coverture of the parties aforesaid.

CHAP. XLII.

An Act to regulate the Town of Henderson, in Montgomery County, and to provide for the repairing the Gaol 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 William Rush, Benjamin Bell, Richard Bell, John Bell and David Tilman, be and they are hereby appointed Commissioners with full power and authority to re-survey the town of Henderson, in Montgomery county, agreeably to the former survey of said town, and to employ a Surveyor for that purpose at the expence of said county.

II. *And be it further enacted*, That the said commissioners, after having made such re-survey, shall report the same with their proceedings thereon to the next County Court, designating all such streets in said town as should in their opinion be kept open and clear of inclosures; which report shall be filed in the Clerk's Office of said court.

III. *And be it further enacted*, That after such re-survey is made, the said commissioners shall give notice to each person who may have inclosures or buildings in the streets thus designated, and if said obstructions are not removed within twenty days after such notice, the proprietor or proprietors thereof shall be liable to a fine of one dollar for every day such obstructions may remain unremoved after the time above specified, to be recovered by any one of the said commissioners, before any jurisdiction having cognizance thereof, for the use of said county.

IV. *And be it further enacted*, The aforesaid commissioners be and they are hereby authorised to employ some person to remove the public Gaol in said town to any part of the public lands thereof that they may think proper, and to order such repairs as they may think proper at the expence of said county; to defray which the court may lay a tax not exceeding one shilling on every poll, and one shilling on every hundred pounds' value of town property, and four pence on every hundred acres of land in said county; any law to the contrary notwithstanding.

CHAP. LXXXI.

An Act to appoint Commissioners for the better regulation of the Town of Lumberton.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Ashley, Angus Taylor, Zachariah Jordan, Charles Moore, Alfred Rowland, William Brown, John M'Neil and Richard C. Bunting, be and they are hereby appointed Commissioners of the Town of Lumberton, and they: a hereby vested with full power and authority to enter into such rules and adopt such measures as they, or a majority of them, may deem expedient for the good regulation and government of said town.

II. Be it further enacted, That upon the death, resignation, inability or removal of any of the commissioners aforesaid, it shall be lawful for the remaining commissioners, or a majority of them, to elect others to supply their place, who shall have equal authority and power with the commissioners hereby appointed.

CHAP. LXXXII.

An Act for the relief of Maurice Jones, late Sheriff of the county of Hyde.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Maurice Jones, late sheriff of the county of Hyde, be and he is hereby authorised and empowered for and during the term of one year from and after the ratification of this act, to collect all arrearages of taxes due to him for the year one thousand eight hundred and eleven, from persons owning taxable property within said county; and for the purpose of effecting such collection, he is vested with all the powers and authorities given by law to sheriffs for the purpose of collecting taxes. *Provided always,* That he shall not be authorised by virtue of this act to collect any arrearages of taxes from any person or persons who will make oath that he, she or they have paid the same.

CHAP. LXXXIII.

An Act to amend an act passed in one thousand eight hundred and eleven, entitled "An act to appoint Commissioners to contract with Thomas B. Littlejohn for fifty acres of land to erect a Town upon, and for other purposes."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the time limited in the sixth section of the before recited act for improving certain lots therein named, be extended to two years from the expiration of the term specified in said act, any thing to the contrary notwithstanding.

CHAP. LXXXIV.

An Act to Divorce Stephen Gilmour and his wife Charity.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Stephen Gilmour, of Cumberland county, and his wife Charity, be and they are hereby divorced; and the bonds of matrimony which unite the said Stephen and Charity as man and wife, are hereby absolutely and entirely dissolved to all intents and purposes.

CHAP. LXXXV.

An Act to remove the Election from Morrison's old Meeting-house, in Burke 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 major James Dysart, Mills Higgins and Benjamin Bracket, be and they are hereby appointed commissioners for the purposes herein after mentioned.

II. And be it further enacted, That it shall be the duty of the said commissioners, or a majority of them, on or before the first day of June next, to fix upon some proper place for holding a separate Election in said county of Burke, and after fixing upon the same, shall certify their determination to the Court of Pleas and Quarter Sessions of said county at July sessions, one thousand eight hundred and fourteen; and at the place so fixed upon, a separate election for the purpose of electing Members of the General Assembly, Representatives in Congress, and Electors to vote for President and Vice-President of the United States, shall be held at the times fixed by law and under the same rules and regulations as other separate elections are held within the said county.

III. And be it further enacted, That the election heretofore held at Morrison's old Meeting-house in the county aforesaid, be hereafter discontinued.

CHAP. LXXXVI.

An Act for the better regulation of the Wilmington Academy.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Trustees of the Wilmington Academy, or a majority of them, at any meeting subsequent to the passing of this law, shall have full power to elect by ballot such additional number of trustees as they may think proper, and make such rules and regulations as to them may seem necessary to compel the attendance of the trustees of said Academy.

II. And be it further enacted, That in case of death, resignation or refusal to act, the trustees at any regular meeting, seven or more being present, may elect others to supply the places of such as may die, resign or refuse to act.

CHAP. LXXXVII.

An Act to authorise the County Court of Pasquotank to appoint a Public Measurer of Grain and Salt, for the Town of Elizabeth City.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the County Court of Pasquotank be and they are hereby authorised, whenever they may deem it expedient, to appoint a public measurer of grain and salt for the city of Elizabeth, who when so appointed shall previous to his entering on the duties of his appointment, give bond with security, which may be approved by the court, for the faithful and impartial discharge of his duty, and that his measures shall be in conformity with the standard which is prescribed by the present existing laws; and he shall receive such compensation for his services as the court aforesaid may direct, one half to be paid by the deliverer and the other half by the receiver of such grain and salt. *Provided however,* That this act shall not effect farmers who may deliver grain to merchants and others within the said city.

CHAP. LXXXVIII.

An Act to authorise the County Court of Bladen to lay and collect a tax for the benefit of the Poor of said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the County Court of Bladen to lay and collect a tax not exceeding two shillings on the poll, two shillings on every three hundred acres of land, and two shillings on every hundred pounds worth of town property, to defray the expenses of the poor of said county.

CHAP. LXXXIX.

An Act to alter the place of holding a separate Election in the county of Wilkes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the

181. *authority of the same*, That from and after the passing of this act, the election heretofore held at the Deep Ford Meeting-house, on Reddie's River, in the county of Wilkes, shall hereafter be opened and held at the house of Henry Holdaway's, in the county aforesaid, at the same time and under the same rules, regulations and restrictions as are prescribed for the regulation and government of other separate elections in said county.

CHAP. XC.

An Act to provide for the payment of Witnesses in the county of New-Hanover.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That every Witness who may have been legally summoned to give evidence in any Suit now depending in the County or Superior Courts of New-Hanover, or who may hereafter be summoned to give evidence in any suit now depending, or which shall hereafter be pending in the County or Superior Courts of said county, shall be allowed ten shillings per day for each and every day he may attend either of the said courts as a witness, and ten shillings for every thirty miles travelling to and from the said courts, together with all such tolls and ferriages as such witness may be compelled to pay in travelling to and from the said courts; which allowances shall be collected, recovered and proved in the same manner and under the same rules and regulations as witness tickets are now collected.

CHAP. XCI.

An Act authorising the County Court of Halifax to transcribe the Register's Books of said county, as may appear necessary.

BE 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 majority of the Justices of Halifax county shall have full power and authority to employ some proper person or persons to transcribe into a well bound book or books, such part of the Register's books of said county as may be in a situation unfit for the preserving of the Records of said county; and that the said records, so transcribed, shall be considered to all intents and purposes as valid, as if the same had been originally recorded in said book or books; any law, usage or custom to the contrary notwithstanding.

CHAP. XCII.

An Act to Divorce Alexander Crossland, of the county of Warren, from his wife Catharine.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Alexander Crossland, of the county of Warren, be and he is hereby absolutely divorced from his wife Catharine, as fully and completely, as if the rights of matrimony had never been solemnized between them: *Provided*, That nothing in this act shall be taken or construed to bastardize the issue of the said Alexander and Catharine, born during the coverture.

CHAP. XCIII.

An Act to amend an act passed in one thousand eight hundred and eleven, entitled "An act to establish an Academy on the lands of Thomas B. Littlejohn, adjoining the Court-house in Granville county."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That any ten of the Trustees of said Academy, or the President and any six, shall constitute a board, which shall be fully competent to do and perform any act which a majority were authorized to do by the provisions of said act; any law to the contrary notwithstanding.

CHAP. XCIV.

An Act to establish two other Elections in the county of Columbus.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future there shall be held two other Elections in the county of Columbus, (viz.) one at the house of Richard Tatom's, and the other at the house of James Corbett, which elections shall be holden on the same days in each and every year, and under the same rules, regulations and restrictions as the other elections are held in said county, any law or usage to the contrary notwithstanding.

CHAP. XCV.

An Act to Divorce Polly Mira Poor, of the county of Burke, from her husband Caleb Poor.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Polly Mira Poor, of the county of Burke, be and she is hereby divorced and freed from the bonds of matrimony with Caleb Poor, of said county, in the same manner as if the marriage of the said Polly Mira Poor with the said Caleb Poor had never been solemnized: *Provided*, That nothing in this act contained shall be held or construed to bastardize the issue born of the said Polly Mira Poor during her coverture.

CHAP. XCVI.

An Act to restore to credit Duncan Campbell, of the county of Robeson.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Duncan Campbell, of the county of Robeson, be and he is hereby fully restored to credit in as full and ample a manner, to all intents and purposes, as if the said Duncan Campbell had never been convicted of any crime whatever, and he is hereby declared to be a competent witness to depose and testify in all cases where the same may be necessary; any law, usage or custom to the contrary notwithstanding.

CHAP. XCVII.

An Act to alter the place of holding a separate Election in the county of Tyrrel.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Elections heretofore held at the house of Joseph Turkington, on Little Alligator, for the purpose of electing Members of this General Assembly of this State, Representatives to Congress, and Electors to vote for a President and Vice-President of the United States, shall be held in future at the house of Lemuel Basanight, under the same rules, regulations and restrictions as heretofore observed; any law to the contrary notwithstanding.

CHAP. XCVIII.

An Act to incorporate the Cape-Fear Agricultural Society.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the present members of the Cape-Fear Agricultural Society, and such as may hereafter be admitted into the same, be and they are hereby constituted a body politic and corporate by the style and title of the "Cape-Fear Agricultural Society," and by that name shall be capable to sue and be sued, plead and be impleaded, in any court in this state, and may receive, hold, possess and enjoy real and personal estate, acquired either by donation or purchase.

And be it further enacted, That the said society may pass such rules and regulations for the government of the same, as may appear best calculated to promote the object of the institution.

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