



L A W S

OF

NORTH-CAROLINA.

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

1808.

DAVID STONE, ESQUIRE, GOVERNOR.

CHAP. I.

An Act erecting the west part of Buncombe into a separate and distinct County, and also part of Brunswick and a part of Bladen Counties into a separate and distinct County.

WHEREAS the inhabitants in the west part of Buncombe County are very inconvenient to the Court-house in said county, which renders the attendance of Jurors and Witnesses very burthensome and expensive, and almost impossible in the winter season: for remedy whereof,

Preamble.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same That all that part of the county of Buncombe, (to wit) beginning where the southern boundary line of this State crosses the highest part of the ridge dividing the waters of the French Broad from those of the Tucky Siegy River, then along the said ridge to the ridge dividing the waters of Pigeon and the French Broad River, then with said ridge to the top of Mount Pisgab, thence a direct line to the mouth of the first branch emptying into Hominy Creek on the north side above Jesse Belieu's, thence with said branch to the source, and thence along the top of the ridge, dividing the waters of French Broad and those of Pigeon River, to the northern boundary of this State, and with the State line to the line which shall divide this State from the State of Georgia, and with that line to the beginning, shall be, and is hereby erected into a separate and distinct County, by the name of *Haywood*, in honor of the present Treasurer of this State.

Boundary of then w county of Haywood.

II. And be it further enacted, That all Justices of the Peace being within the bounds of the said county of Haywood, shall exercise the same authority as they have heretofore done in the county of Buncombe; and the Justices hereafter to be appointed in the usual manner, and when qualified agreeable to law, shall hold and exercise all the power and authority, and be subject to the same penalties that Justices of the Peace of the several counties in this State are subject to, or have a right to enjoy.

Justices wth in the re^l county to c^o tinue to act.

III And be it further enacted, That the said county of Haywood shall be part of the district in which Buncombe county is included for electing Representatives to the Congress of the United States, and for Elector to vote for a President and Vice-President of the United States: and elections hereafter to be held in the said county of Haywood shall be conducted in the same manner, under the same rules, regulations and restrictions, as elections for the like purpose are conducted in the several counties in this State.

Haywood to be in the Bun- com-be electo- ral district.

IV. And be it further enacted, That John Stephenson, John Montgomery, William Deever, John Dobson, Hugh Davidson, Hollyman Battle and John Bryson be, and they are hereby appointed Commissioners for fixing on a proper and convenient place at or near the centre of said county, whereon to erect the public buildings; the duties of which appointment they, or a majority of them, are requested to execute as soon as possible after the passing of this act: but until a court

Commission- ers for fixing on a proper place for the public build- ings.

1808 V. *And be it further enacted*, That the said trustees shall have, and they are hereby declared to have full power to appoint, from time to time, commissioners to manage such lottery or lotteries as may be established, and to make such rules and regulations respecting the sale of tickets or the payment of prizes as they may deem necessary, any law, usage or custom to the contrary notwithstanding.

CHAP. LXXVI.

An Act to authorise the Commissioners of the County of Guilford to make use of such materials of their old Jail as they may deem expedient in building a new one.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners appointed by the General Assembly in the year one thousand eight hundred and seven to superintend the public buildings of said county, shall have full power and authority to make use of such of the materials of their old jail as a majority of them may deem useful in building a new jail, and that so much of the said law as compels the said commissioners to sell the old jail is hereby repealed.

II. *And be it further enacted*, That the balance of the money arising from the sale of the lots of the town laid out by the said commissioners, after paying for the building of the new court house, they shall appropriate to the use of building the jail.

III. *And be it further enacted*, That the town laid out by the commissioners aforesaid shall be called and known by the name of Greensborough.

CHAP. LXXVII.

An Act appointing Commissioners to run and establish the Boundary Line between the Counties of Wake and Franklin.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Philemon Southerland, Kempsey Powell, Green-Hill, Duke W. Davis and Thomas Snipes, surveyor of Chatham, or a majority of them, be, and they are hereby appointed commissioners, with power to employ such artist, chain carriers and attendance as they may deem necessary, to enable them to run, ascertain and mark the boundary line between the counties of Wake and Franklin, agreeable to the act by which the county of Granville was laid out and established, and the laws passed since respecting the boundaries of the two counties; and the line, after being so run and marked, shall be, and the same is hereby declared to be the dividing line between the said counties; and the said commissioners, within six months after running the said line, shall make out two plats thereof and return one to each of the county courts of Wake and Franklin, which shall be recorded.

II. *And be it further enacted*, That the commissioners hereby appointed, for their trouble in superintending and running of the aforesaid line, shall be entitled to the sum of thirty shillings for each and every day's attendance while running it, and the artist, chain carriers and such other persons as they may necessarily employ, shall be entitled to receive, for their services, such sum per day as the commissioners aforesaid shall agree to give them, which shall be certified under the hands and seals of the commissioners; and upon their producing such certificates, the county treasurer of each of the said counties shall pay one half the expences.

CHAP. LXXVIII.

An Act to divorce James Norcum of the Town of Edenton, from his Wife Mary Norcum.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James Norcum of the town of Edenton be, and he is hereby divorced from his wife Mary, and that the marriage tie between the said James and Mary be annulled and dissolved as fully, completely and entirely as if the said James and Mary had never been married.

Provided nevertheless, That this act shall not be construed to affect a suit now pending in the superior court of Pasquotank wherein Mary Norcum, by her next friend Frederick B. Sawyer, as plaintiff, and James Norcum, defendant, any thing to the contrary notwithstanding: *Provided*, That nothing in this act contained shall be construed to render the children born during the marriage of the said James Norcum and Mary his wife illegitimate.

CHAP. LXXIX.

An Act to amend the third section of an act passed in the year one thousand eight hundred and six, entitled "An Act to establish the mode of Elections in future in the County of Johnston."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the inspectors of the several separate elections in the county of Johnston shall in future make their returns to the sheriff, or his lawful deputy, at the court-house, on or before four o'clock of the day following, instead of two o'clock as expressed in the third section of the above recited act, any law to the contrary notwithstanding.

CHAP. LXXX.

An Act to alter the Time of holding the separate Elections in the County of Franklin.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the different elections for members of Congress and members of the General Assembly in the county of Franklin, shall hereafter be held at the places heretofore established by law, on the first Friday after the second Thursday of August in each and every year, subject to the same rules and regulations as have been heretofore prescribed respecting the same.

II. *And be it further enacted*, That the sheriff and those appointed to receive the votes at the respective separate elections and court-house, shall count out the same and meet the day following, compare the list of votes which have been received, and ascertain the state of the poll.

CHAP. LXXXI.

An Act to alter the Place and Time of holding the Elections in the County of Nash.

BE 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 for a representative to Con-