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THE
LAWS
OF
The State
OF
NORTH-CAROLINA,
ENACTED IN THE YEAR
1816.

Transmitted according to Law, to

One of the Justices of the Peace for the county of



Waleigh :

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1817.

1816. } first day of January, one thousand eight hundred and eighteen, to complete their surveys upon entries actually made and paid for since the year one thousand seven hundred and ninety-six, any law to the contrary notwithstanding: *Provided*, That no grant to be obtained on any survey to be made under this act, shall effect or impair the title of any lands heretofore bona fide acquired by grants from this state.

CHAP. XXXII.

An act to amend an act passed in the year one thousand eight hundred and ten, entitled "an act to amend an act entitled an additional act to an act entitled, "Feme Coverts how to pass lands."

WHEREAS by the said first recited act provision is made for taking the examination of Feme Coverts, as to their execution of conveyances of lands in this state, in any of the United States other than this state or in any of the territories of the United States, emitting the district of Columbia.

Extended to
the district of
Columbia.

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 provisions of the said recited act for taking the examination of Feme Coverts in the several states and territories of the United States, touching the conveyances of lands in this state, be, and the same are hereby extended to the District of Columbia: and that the same modes be there observed for taking and certifying such examinations as are required to be observed in the states and territories, except that instead of the certificate and authentication of the governor, the certificate and authentication of the secretary of state of the United States shall be required. And all examinations of Feme Coverts so taken and certified in said district, shall be as valid to all intents and purposes as if taken and certified according to the said recited act, in one of the states or territories.

II. And be it further enacted, That this act be in force from and after the passing of the same.

CHAP. XXXIII.

An act to amend an act passed in the year one thousand eight hundred and fourteen, entitled "an act concerning Divorce and Alimony."

WHEREAS by the before recited act the sentence or decree which the court is authorised to pronounce in the case of desertion of a wife by her husband is a divorce from bed and board, and a decree of alimony: And whereas cases of great hardship often occur, the husband being at liberty to return and squander away the estate of the wife, subsequently obtained; for remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in all future cases arising under the before recited act, whenever the court pronounces a decree of separation from bed and board, the effect of said decree shall be to secure to the wife so divorced, any property which she may subsequently obtain either by her own labor, gift, devise or operation of law, unless the court shall in their judgment otherwise order and decree; any law, usage or custom to the contrary notwithstanding.

CHAP. XXXIV.

An act declaring valid the proceedings of the subscribers for improving the navigation of the river Roanoke and its waters, at a general meeting held at the town of Halifax in this state on the fourth Monday of October, A. D. one thousand eight hundred and sixteen, and for other purposes.

Preamble.

WHEREAS an act passed at the last General Assembly, entitled "an act to improve the inland navigation of this state, so far as respects the river Roanoke and its waters," directed that books should be opened at a certain time, and at certain places, under the direction of certain persons named in the said act, for the purpose of receiving subscriptions to the amount of three hundred thousand dollars for improving the navigation of the river Roanoke and its waters; and whereas many of the persons so named failed to make returns of their books to the general meeting of the subscribers, held in the town of Halifax in this state, on the fourth Monday of June last past, so that the acting managers could not then determine whether fifteen hundred shares had then been subscribed, and the subscribers then present continued their meeting by adjournment until the fourth Monday of October last past, at which time there being a general meeting of the said subscribers, held in the town of Halifax aforesaid, it appeared that fifteen hundred shares had been subscribed of the capital stock required for improving the navigation contemplated by the said act: Whereupon the said subscribers did proceed to organize "the Roanoke Navigation Company," and to appoint the president and directors thereof: And whereas doubts are entertained whether the said company has been legally organized and the said officers legally appointed, for the purpose of removing said doubts and giving effect to the proceedings of the said subscribers, and to the spirit and meaning of the act aforesaid.

Proceedings
at Halifax
sanctioned.

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 proceedings of the subscribers for improving the navigation of the river Roanoke and its waters, at their general meeting held at the town of Halifax in this state on the fourth Monday of October last past, be and they are hereby declared to be legal and valid to every intent and purpose; and "the Roanoke Navigation Company" then and there organized, and constituted under the act passed at the last General Assembly, entitled "an act to improve the inland navigation of this state, so far as respects the river Roanoke and its waters," is hereby declared to be legally organized and constituted under the said act; and the said company so organized and constituted shall have and be entitled to the rights, privileges and immunities by the said act granted; and be subject to the restrictions imposed by the same, and may forthwith proceed to improve the navigation of the river Roanoke and its waters according to the intent and meaning of the said act; and the officers of the said company then and there appointed, are hereby declared to be legally appointed under the said act, and they shall continue in office until the next general meeting of the stockholders to be held in the town of Halifax aforesaid, on the fourth Monday of October next, and all subscriptions for shares made upon the books mentioned in the preamble to this act, shall be binding upon the subscribers in like manner as if the said books had been returned to the general meeting of the subscribers at Halifax aforesaid, on the fourth Monday of June last

ence, and advertisements of the time and place of letting out the said road shall be set up at three or more public places in each county aforesaid, for three weeks before the so letting out said road. And it is further provided, that the toll for passing over said road shall not exceed the following rates, to-wit: for every wagon or four wheeled carriage seventy five cents; for every two wheel carriage thirty cents; and for every man and horse ten cents; for every horse four cents; for every head of cattle three cents; and for every head of sheep or hogs two cents; when the person or persons who may contract for the opening of said road shall have finished the same, he or they shall give notice thereof to the commissioners, who shall meet and view the said road, and if they or a majority of them, shall be of opinion that the said road is opened and cut agreeable to the contract so made, then they shall give a certificate of the same to the said contractor or contractors, which shall authorise him or them to erect a gate or gates on the said road, to exact the stipulated rates of toll for passing over said road: *Provided*, that the said gate or gates are placed eastward of where the road leading over the mountain at Cooper's Gap intersects the Mill's Gap road or otherwise so place them that no persons or property crossing the mountain at Cooper's Gap, shall be liable to pay toll on the Mill's Gap road. If at any time, the contractor or contractors for opening said turnpike road, shall not keep the same in good and sufficient repair, the commissioners or any three of them shall view the said road, and are hereby empowered to suspend the payment of any toll whatsoever, by any person passing said road, until the same is worked on and put in good order, and the person or persons who have contracted for the opening the said road, shall be liable to the same proceedings to be had against them in the courts of Rutherford and Buncombe counties, as other overseers of roads in said counties. And if at any time, the contractor or contractors for opening said road, should for the space of three months, neglect or refuse duly to repair said road, then and in that case it shall be the duty of the said commissioners or any five of them, to view the said road, and if such fact is ascertained to them, to declare that all right, and interest accruing to said contractor or contractors in said road, has ceased and become of none effect. The said turnpike road shall not extend farther than one mile from the foot of the mountain on the east side, nor farther than one mile west of Point Look Out in Buncombe county; and the commissioners aforesaid, shall have power to alter and remove the road within bounds above specified, and to stop up the old road without making any application to the court of Rutherford or Buncombe counties for that purpose. Should any person, after the above road is turned by the commissioners aforesaid, break round or over the turnpike gate or gates, for the purpose of evading the payment of toll or injure said gate, or gates, or in any wise obstruct or stop up said road, such person or persons so offending, shall forfeit for every such offence the sum of ten dollars, to be recovered before any justice of the peace of Rutherford or Buncombe counties, to the use of any person suing for the same. Should any of the commissioners appointed by this act become interested or a party in contracting for said road, he or they shall not thereafter act as a commissioner, but another shall be appointed to act in his place in the manner before specified in this act. The commissioners aforesaid shall not make any contract for a turnpike road to be in force for a longer term than fifteen years.

CHAP. CXIX.

An act to establish and confirm the judgment of the Superior Court of law of Richmond county, divorcing Matthew Cole and his wife Elizabeth from the bonds of matrimony.

WHEREAS, it appears from a transcript legally authenticated that Matthew Cole of the county of Richmond, filed his petition in the clerk's office of the Superior Court of Law for said county, containing allegations and charges against his wife Elizabeth for committing the crime of adultery and praying a divorce from the bonds of matrimony, and at the last September term of said court the petition came on to be heard and the allegations were substantiated by evidence and found true by a lawful jury impanelled for that purpose: whereupon it was ordered, sentenced and decreed by the said court that the petitioner, Matthew Cole, and his wife Elizabeth, the defendant, be divorced from the bonds of matrimony; and the same remains to be confirmed by an act of the General Assembly—therefore,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the sentence, judgment and decree of the superior court of law for the county of Richmond, divorcing Matthew Cole of the county of Richmond, from his wife Elizabeth be, and the same is hereby established and confirmed.

CHAP. CXX.

An act directing the officers of the ninth regiment of cavalry, which is attached to the fifteenth brigade, to hold their courts martial at Morganton, so far as respects the officers of the troops of 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 the officers of the ninth regiment of cavalry which is attached to the fifteenth brigade be, and they are hereby authorised, empowered and directed to hold their courts martial at Morganton, so far as respects the officers of the troops of Burke county; *Provided*, That a majority of the said officers be always present previous to their proceeding to business, and the said courts martial shall be held at the said place, at the same time, and under the same rules, regulations and restrictions as have been heretofore prescribed by law in similar cases.

CHAP. CXXI.

An act to establish and lay off a Town on the lands of John Marine, in Richmond county.

BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That John Marine, Charles Marine, and George Wright, sen. be, and they are hereby appointed commissioners to lay off a town on the lands of John Marine in Richmond county, to be called and known by the name of Rochdale, and that the aforesaid commissioners or a majority of them shall be, and they are hereby authorised to lay off such quantity of land belonging to the said John Marine as may appear to them advisable, into acre or half-acre lots, with convenient streets and alleys, and the said lots when so laid off, shall be for the sole benefit and free disposal of the said John Marine.

II. And be it further enacted, That when the said commissioners shall have completed the business hereby assigned to them, they shall make a return of a fair plat and representation thereof, to the clerk of the court of Richmond county, which shall be by him recorded in the books of his office, precisely designating the lots, streets and alleys of the said town, to which all persons hereafter concerned may have reference.

CHAP. CXXII.

An act for the better regulation of the town of Germanton, in the county of Stokes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Andrew Bowman, Jeremiah Gibson and William G. Haynes, be and they are hereby appointed commissioners for the town of Germanton in the county of Stokes, who shall continue in office until the first Saturday in January, in the year one thousand eight hundred and eighteen. And on the first Saturday of January, one thousand eight hundred and eighteen, and on the first Saturday in January in each and every year thereafter, an election for three commissioners for the said town, shall be opened and held by such person as the commissioners herein appointed may direct, or by the sheriff of said county, at the court-house in said town, and the commissioners so elected shall continue in office until the next annual election.

II. And be it further enacted, That no person shall be eligible to the office of commissioner unless he shall be possessed of a freehold, and be actually resident within the said town: And all free males who are or may be possessed of a freehold in the said town, or who may have resided therein for the term of one year immediately preceding the day of election shall be entitled to vote for commissioners as aforesaid.

III. And be it further enacted, That if any of the commissioners hereby appointed, or who may hereafter be elected according to the provisions of this act, shall refuse to act, such person so refusing shall forfeit and pay the sum of ten dollars to be recovered in the name of the remaining commissioners, to the use of said town, before any justice of the peace to

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