

ACTS

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

AT THE

Session of 1835,



RALEIGH:

Philo White, Printer to the State,

.....
1836.

county to Waynsville in Haywood county, as far as the line of Haywood county; that they or any three of them, shall be sufficient to perform the duties aforesaid, after taking the oath prescribed for jurors of view, before any justice of the peace for Buncombe county; that they make report of their proceedings to the next county court of Buncombe, which shall happen after they are notified of their appointment; that the several overseers of the said road shall, forthwith, proceed to clear out and put in lawful repair, the road thus marked by the said commissioners; which thereafter, shall be deemed and considered the public road.

CHAPTER LXII.

AN ACT to amend an act, entitled an act for cutting a navigable canal from the waters of Elizabeth river, in the State of Virginia, to the waters of Pasquotank river, in North Carolina, passed in Virginia, December the first, one thousand seven hundred and eighty-seven.

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 sixth section of the act aforesaid, be so altered and amended, that in case of the death, removal, resignation, or incapacity of the president or any of the directors, the board of directors may elect one of their own body, or any stockholder of the company, to supply the vacancy thus created; and the person so elected, shall hold such appointment until the next meeting of the stockholders, and no longer.

II. *Be it further enacted,* That after the next general meeting of the stockholders of the Dismal Swamp Canal Company, on the first Monday in May next, the next general meeting shall be on the first Monday in November, one thousand eight hundred and thirty-six, and continued, by adjournment, as heretofore, and on the first Monday in November, in each year afterwards.

III. *Be it further enacted,* That at the election of president and directors of the said company, which shall take place in May next; the same shall be elected until the first Monday in November, one thousand eight hundred and thirty-six: when the president and directors shall be elected for one year, and so shall be elected on the first Monday of November in each year, in manner and form as heretofore.

CHAPTER LXIII.

AN ACT to divorce Tempe Hall.

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 Tempe Hall, of the county of Wake, and wife of Thomas Hall, be, and she is hereby declared to be separated and divorced fully and absolutely from her husband Thomas Hall, and that she be restored to all the privileges and immunities of a feme sole, and enjoy the same, as amply and entirely, as if she had never been connected by the bonds of matrimony with her said husband Thomas Hall,

CHAPTER LXIV.

AN ACT to divorce Esther E. Nelson.

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 Esther E. Nelson, of the county of Craven, be, and she is hereby declared to be divorced fully and absolutely from her husband Josephus Nelson; and that she be restored to all the privileges and immunities of a feme sole, and enjoy the same, as amply and entirely, as if she had never been connected by the bonds of matrimony with her said husband, Josephus Nelson.

II. *Be it further enacted,* That this act shall take effect from and after the ratification thereof.

CHAPTER LXV.

AN ACT to divorce Elizabeth M. Starnes, of the county of Macon.

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 M. Starnes who was Elizabeth M. Cockerran, of the county of Macon, be, and she is hereby declared to be divorced fully and absolutely, from her husband John Starnes, and that she be restored to all the privileges and immunities of a feme sole, and enjoy the same as amply and entirely as if she never had been connected by the bonds of matrimony with her said husband John Starnes.

II Be it further enacted, That this act shall take effect from and after the ratification thereof.

CHAPTER LXVI.

AN ACT to divorce Margaret P. Spear, from her husband Alexander Spear.

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 of this act, Margaret P. Spear, who was Margaret P. Williams, of the county of New Hanover, be, and she is hereby declared to be divorced fully and absolutely from her husband Alexander Spear, and thus she be restored to all the privileges and immunities of a feme sole, and enjoy the same as amply and entirely, as if she had never been connected by the bonds of matrimony with her said husband Alexander Spear.

CHAPTER LXVII.

AN ACT to divorce Thomas Roberts.

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 Roberts, of Orange county, be, and he is hereby divorced from his wife Martha, in as full and ample a manner, as if he never had been married to the said Martha, any law to the contrary notwithstanding.

CHAPTER LXVIII.

AN ACT to divorce Equilla S. Bennet, of the county of Pitt.

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 Equilla S. Bennet, of the county of Pitt, be, and she is hereby divorced from her husband John C. Bennet, and restored to all the rights and immunities of a feme sole, in as full and ample a manner, as if she had never been married.

CHAPTER LXIX.

AN ACT to divorce Elizabeth H. McCaw, of the county of Rowan, from her husband William B. McCaw.

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 H. McCaw, of the county of Rowan, be, and she is hereby declared to be divorced fully and absolutely from her said husband William B. McCaw, and that she be restored to all the privileges and immunities of a feme sole, and enjoy the same as amply and entirely as if she had never been connected by the bonds of matrimony with her said husband William B. McCaw.

CHAPTER LXX.

AN ACT to divorce Catharine Parks, from her husband Gabriel Parks.

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 Catharine Parks of the county of Buncombe, be, and the same is hereby declared to be divorced fully and absolutely from her said husband Gabriel Parks, and that she be restored to all the privileges of a feme sole, and enjoy the same as amply and entirely, as if she had never been connected by the bonds of matrimony with her said husband Gabriel Parks.

CHAPTER LXXI.

AN ACT to divorce Lucy Colvert.

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 Lucy Colvert, of the county of Granville, be, and she is hereby declared to be separated and divorced fully and absolutely from her husband Thomas Colvert, and that she be restored to all the privileges and immunities of a *feme sole*, and enjoy the same as amply and entirely, as if she had never been connected by the bonds of matrimony with her said husband Thomas Colvert.

CHAPTER LXXII.

AN ACT to divorce William Hines.

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 Hines, of the county of Wayne, be and he is hereby declared to be divorced from his wife Elizabeth, and shall hereafter possess all the rights and privileges of a single man.

CHAPTER LXXIII.

AN ACT to divorce Margaret Massey.

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 Margaret Massey of the county of Chowan, be, and she is hereby declared to be divorced from her husband John H. Massey, and hereafter, shall be entitled to possess and enjoy all the rights, privileges, and immunities of a *feme sole* in as full, and ample a manner as if she had never been married.

CHAPTER LXXIV.

AN ACT to divorce Mahala Walls of Haywood 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 Mahala Walls of the county of Haywood, be, and she is hereby declared to be divorced from her husband James Walls, and shall hereafter possess and enjoy all the rights, privileges and immunities of a *feme sole*, in as full and ample a manner as if she had never been married.

CHAPTER LXXV.

AN ACT to divorce Frances Cloud of Chatham 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 Frances Cloud of the county of Chatham, be, and she is hereby severed and divorced from her husband Jonathan Cloud, and shall hereafter enjoy all the rights, privileges and immunities of a *feme sole*, in as full and ample a manner as if she had never been married.

CHAPTER LXXVI.

AN ACT to divorce Elizabeth Silva.

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 Silva of the county of Macon, who was the wife of David Silva, be, and she is hereby declared to be separated and divorced from her said husband David Silva, and that she be entitled to all the rights, privileges and immunities of a *feme sole*, in as full and ample a manner, as if she had never been connected by the bonds of matrimony with the said David Silva.

CHAPTER LXXVII.

AN ACT to divorce William B. Morgan of Macon county, from his wife Polly Morgan.

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 B. Morgan of Ma-

con county, be, and he is hereby declared to be divorced from his wife Polly Morgan, previous to their intermarriage Polly Queen, as fully and as absolutely, as if he never had been connected with the said Polly Morgan in the bonds of matrimony, any law to the contrary notwithstanding.

CHAPTER LXXVIII.

AN ACT to abolish the Office of County Trustee in the county of Moore, and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by authority of the same, That from and after the eighteenth day of May, one thousand eight hundred and thirty six, the office of the county trustee in the county of Moore, shall be, and the same is hereby abolished, and the sheriff of said county for the time being, shall ever thereafter do and perform all the duties, now required to be perform by the county trustee, under the same rules, regulations and restrictions as are now prescribed by law, for the government of the county trustee, and in all cases, when suits are by law directed to be brought in the name of the county trustee, such suit or suits shall be brought in the name of the chairman of the court of pleas and quarter sessions of said county

II. Be it further enacted, That it shall be the duty of the sheriff of the county of Moore, to pay all county orders, when presented for payment, out of any county money, which may be in his hands at the time of such presentation, and annually on the first day of the terms of the court of pleas and quarter sessions of said county, at which the county taxes shall be laid, to return to the court, a full, true and fair account of all monies which may have come into his hands, for county purposes, setting forth separately and distinctly the sum received for taxes, and for each fine, forfeiture penalty and other sources, and also all payments made by him, to whom made, and for what purpose, which account shall be so stated, as to exhibit the exact balance, and the court to which such account may be returned, shall refer it to one or more discreet and suitable persons for examination, and it shall be the duty of the persons so appointed, to examine the said accounts, together with such vouchers as the sheriff may submit in support thereof, and report thereon to the same or next succeeding court; and if the court shall sanction the same, the clerk of such court shall record it at length in a book to be kept for that purpose, and set up a fair copy thereof in the court house, for which the courts shall annually allow the clerk, a reasonable compensation, and the court of pleas and quarter sessions of said county, may and shall from time to time, make all necessary orders, and order all necessary proceedings to ensure and enforce a correct and final settlement of such accounts in each and every year, and the court shall annually allow to the sheriff, a reasonable compensation for preparing and settling such accounts.

III. Be it further enacted, That if at any time, the sheriff of said county, shall fail to render accounts to the court at the time, and in the manner required by this act, he shall forfeit and pay the sum of one hundred dollars, and the court shall render judgment for the same, against such sheriff and his securities after giving ten days notice, in writing of the same, and execution may issue thereon, as on other judgments, and if such sheriff shall continue to fail to return such accounts, he shall for each succeeding term of said court, forfeit and pay a like sum of one hundred dollars, and judgment shall be entered in like manner, and with like effect, against such sheriff and his securities at each succeeding term of said court, until such account be returned as herein required.

IV. Be it further enacted, That if any sheriff of the county aforesaid, shall fail, or refuse to pay any county order when presented for payment, it shall be lawful for the owner of such order on giving such sheriff ten days previous notice, to remove the court of pleas and quarter sessions of said county, for judge-

nehill and Benjamin A. Lavender, and those with whom they may associate, shall charge a rate of freight for the transportation of produce, goods, wares and merchandize, on board all such boats as they may use for that purpose, ten per cent. less than the usual rates of freight for such transportation.

II. Be it further enacted, that the said William Tannehill and Benjamin A. Lavender, and those with whom they may associate, shall, if they think proper, have the right of making draw bridges of all or as many of the bridges that are now across, or otherwise to be built over the said river, from the town of Washington upwards, provided that the said William Tannehill and Benjamin A. Lavender, and those with whom they may associate, shall from time to time, and at all times hereafter, be bound to keep the said draw or drawers so constructed in good and sufficient repair, so as not to obstruct the free passage over said bridge or bridges.

III. Be it further enacted, That no person or persons, without the licence of the said Wm. Tannehill and Benjamin A. Lavender, and those with whom they may associate, shall set in operation or navigate on the waters of Pamlico and Tar rivers from the town of Washington upwards, so far as they may see proper to go, any boat or vessel propelled by the force of steam; and any person or persons who shall navigate with a boat or boats propelled by the force of steam, on the Pamlico and Tar rivers, from the town of Washington upwards, shall forfeit such boat or boats to the said William Tannehill and Benjamin A. Lavender, and those with whom they may associate.

IV. Be it further enacted, That if the said William Tannehill and Benjamin Lavender, and those with whom they may associate, shall fail to put in operation said boat or boats, to be propelled by steam, within the term of four years from the passage of this act, the charter of the same is hereby forfeited.

V. Be it further enacted, That the said William Tannehill and Benjamin A. Lavender, or their legal representatives, and those with whom they may associate, shall have full power in law and equity, to purchase real or personal estate, for the use of said associated company; and to sue for and recover any boat or boats which shall or may be navigated on said river contrary to the provisions of this act.

CHAPTER CLI.

AN ACT to amend an act, entitled an act to establish the Merchants' Bank of Newbern, passed at the last session of the General Assembly.

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 corporation established by the above recited act, shall at their annual meetings, and in the mode therein prescribed, elect nine directors, who shall be vested with the same powers and privileges, and subject to the same penalties and disabilities, as the seven provided by the fourth section of this act now are.

II. Be it further enacted, That all clauses of the act above recited, coming within the meaning and purview of this act, be, and the same are hereby repealed.

III. Be it further enacted, that this act shall take effect and be in force immediately after the stockholders of the said bank in general meeting agree thereto, and signify their assent to its provisions by writing duly authenticated and deposited in the office of the Secretary of State of this State.

CHAPTER CLII.

AN ACT for the relief of Rachel Edwards.

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 Rachel Edwards, be, and is hereby relieved and discharged from the disability imposed by the fifth section of an act passed in eighteen hundred and twenty seven chapter nineteen, entitled an act giving the superior courts of law exclusive jurisdiction in all cases of divorce, and that she be remitted and restored to all the rights and privilege of a

same sole, in as full and ample manner, as if she had never been married to the said Edmund Edwards, any law to the contrary notwithstanding,

CHAPTER CLIII.

AN ACT to restore to credit John Masters of Yancy 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 Masters of Yancy county, shall hereafter be entitled to all the rights and privileges of any other free citizen of this State, in as full and ample a manner as if he never had been convicted of the crime of petit larceny.

CHAPTER CLIV.

AN ACT to repeal so much of an act, passed in the year one thousand eight hundred and thirty one, entitled an act to incorporate the Charlotte Fire Engine Company, as exempts the members of said company from performing Military duty.

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 before recited act, as exempts the members of said company from performing Military duty, be, and the same is hereby repealed.

CHAPTER CLV.

AN ACT to incorporate "the county Guard" in Rockingham.

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 company of cavalry in the county of Rockingham, is hereby incorporated by the name of the county guard, and by that name and style shall have power to adopt such bye laws, rules and regulations for the government of the same, as a majority may deem proper, not inconsistent with the laws and constitution of this State, and of the United States; and all fines, penalties, and forfeitures incurred under such bye-laws, shall be recovered in the manner, that militia fines are recovered in this State, and when so recovered, shall be applied to the use and benefit of said company for military purposes.

CHAPTER CLVI.

AN ACT to incorporate the Craven County Rangers.

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 company of Cavalry in the county of Craven now commanded by Captain Blackwell, be, and the same is hereby incorporated and made a body politic, by the name and style of the "Craven county rangers," and by this name shall have succession, and be able and capable in law and equity, to sue and be sued, plead and be impleaded in any court in this State; and shall have power to make bye-laws, rules and regulations for the government of the said company not inconsistent with the laws and constitution of the State; and all fines, penalties, and forfeitures incurred in pursuance of said by-laws, shall be recovered in the same manner, that the militia fines are recovered in this State, and appropriated to the use and benefit of said company for military purposes.

CHAPTER CLVII.

AN ACT to authorize David Thady of New Hanover county, to erect a bridge across the north east branch of the Cape Fear 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 David Thady of New Hanover county, his heirs and assigns, be, and they are hereby authorized and empowered to erect and keep up a toll bridge across the north east branch of the

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