

O.K.

L A W S
O F
N O R T H - C A R O L I N A .

At a GENERAL ASSEMBLY, begun and held at Raleigh, on the twentieth day of November, in the year of our Lord one thousand seven hundred and ninety-seven, in the twenty-second year of the Independence of the said State: Being the first Session of the said Assembly.

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SAMUEL ASHE, Esq. Governor.

C H A P. I.

An Act to raise a revenue for the payment of the civil list and contingent charges of the government, for the year one thousand seven hundred and ninety-eight.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That for the year one thousand seven hundred and ninety-eight, a tax of eight pence on every hundred acres of land in this state, and a tax of two shillings on every hundred pounds value of town lots with their improvements, and a tax of two shillings on every poll, shall be levied, collected and accounted for in the manner directed by the several acts of Assembly in such case made and provided.

Tax for 1798, on lands, town-lots & polls.

II. *And be further enacted*, That a tax on all stud horses within this state, of the one half of the sum which the owner of such stud horse shall ask and receive for the season, of one mare to such stud horse, shall be levied and accounted for in the same manner that such taxes have been heretofore levied, collected and accounted for.

On stud-horses.

III. *And be it further enacted*, That no sinking-fund tax shall be collected for the year one thousand seven hundred and ninety-eight.

No sinking fund tax.

IV. *And be it further enacted*, That a tax of ten pounds be levied on all billiard tables within this state; and it is hereby declared, that all billiard tables which any person doth usually keep up, shall be liable to the tax, notwithstanding the same was not up on the first day of April, to be collected and accounted for as hitherto directed by law.

On billiard tables.

C H A P. II.

An Act to regulate the conduct of Grand Juries, and authorising Courts of Record to adjudge the payment of costs in certain cases, empowering Sheriffs to take bail on writs of capias.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That when an indictment shall be found by any of the Grand Juries within this state, and a *noli prosequi* afterwards entered, it shall and may be lawful, on application, for the court in which such indictment was preferred to say and determine whether such prosecution was promoted on frivolous or malicious pretences and grounds, if so, to decree that the prosecutor should be subject to pay, and discharge the costs thereof.

Court to determine on malicious prosecutions.

II. *And be it further enacted*, That when a presentment shall be made of any offence by the Grand Jury, upon the knowledge of one or more of their body, the name or names of such Grand Juror or Jurors giving information, shall be endorsed on the presentment; and when any presentment or information shall be made by the Grand Jury, of any offence upon the testimony of a witness, called upon by the Grand Jury to give testimony, the name of such witness shall likewise be endorsed thereon.

Witness's name endorsed on a presentment.

III. *And be it further enacted*, That no person shall be arrested or charged before any court, on a presentment made by a Grand Jury, before the attorney acting for the state shall prepare a bill, and the bill found by the Grand Jury to be a true bill.

Manner of persons being charged.

IV. *And be it further enacted*, That each and every Sheriff within this state, or his legal deputy, when he shall arrest the body of any person in consequence of the writ

Sheriff may of

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take bail on indictment if a bailor offence.

of capias issued to him by the Clerk of any court of record, on and from an indictment previously found, it shall and may be lawful for said Sheriff, or his deputy, if the crime charged is bailable, to recognize said offender, and take bail in nature of a recognizance, for his appearing at the next succeeding court of the district or county where such offender ought to answer, and where such bill hath been found; to be guided and directed in this matter by the same rules and regulation as have heretofore governed Justices of the Peace.

Seals unnecessary to be affixed to process in certain cases.

V. *And be it further enacted*, That in all cases where a Clerk of a county court issues process to the county of which he is Clerk, it shall not be necessary for him to annex the seal of his office thereto, neither shall it be necessary for the Clerk of a superior court to affix the seal of his office to any process by him to be issued to the counties composing the district of which he is the Clerk; and if any such seal should be notwithstanding annexed, it shall not be lawful to raise any charge in the bill of costs for the same.

C H A P. III.

An Act to explain and amend an act passed at Fayetteville, in the year one thousand seven hundred and eighty-nine, entitled, "An act directing the manner of issuing process in sundry cases arising in the courts of law and courts of equity, and to direct how joint obligations shall survive," and other purposes, as may appear by the title and body of the said act.

How judgments may be entered in certain cases.

I. *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 cases where an executor or administrator shall be sued, with a surviving obligor or obligors, in pursuance of the said act, and it may be necessary that judgment should be rendered against such executor or administrator, such process and judgment may be awarded against the same, as if such executor or administrator had been sued severally, and judgment may be awarded and entered up against the surviving obligor or obligors, as is usual in other cases; such special judgment against the executor or administrator notwithstanding.

II. *And be it further enacted*, That in all cases of joint obligations, or assumptions of copartners in trade, or others, such suits may be brought, and prosecuted on the same against the whole, or any one or more of such persons making such obligations, assumptions, or agreements; any law or usage heretofore to the contrary notwithstanding.

C H A P. IV.

An Act to declare the law relative to the force and effect of the process subpoena duces tecum, and the powers of the courts of the state with regard thereto.

WHEREAS there are doubts in what cases the process of subpoena duces tecum lies, and whether there exists in the courts of the state a power to enforce the same: For remedy whereof,

Courts have power to issue process of subpoena duces tecum.

I. *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 causes in any of the courts of the state, in which the production of an original paper lodged in any of the public offices of the state, or of any district or county therein, becomes necessary, the said courts have power to issue the process of subpoena duces tecum, requiring such persons as hold the said offices respectively, to attend the court from whence the said process issues with such original paper, in like manner, and under the same penalties as witnesses are required to attend in cases of a subpoena to testify.

C H A P. V.

An Act to amend an act, passed in one thousand seven hundred and ninety-five, entitled "An act to establish and incorporate a company for the purpose of cutting a navigable canal from Clubfoot's creek to Harlowe's creek;" and to repeal all acts heretofore passed relative thereto.

WHEREAS the capital sum of ten thousand dollars mentioned in the above recited act, is found insufficient to effect the purpose of the said act:

Additional subscription.

I. *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 books of the said company shall be kept open for an additional subscription of one thousand dollars; and it shall be in the power of the said company to regulate the subscription of the said additional sum, by increasing either the amount or the number of shares.

Time enlarged.

II. *And whereas the term for which said canal with its profits, as vested in the said company, is too short to afford suitable encouragement to the undertaking: Be it enacted by the authority aforesaid*, That the said canal, locks, causeways, and other works, with their profits, shall be and the same are hereby vested in the proprietors, their heirs and assigns for the further term of thirty-nine years, to commence at the expiration of the term of sixty years mentioned in the said act.

C H A P.

C H A P . VI.

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An Act to amend the twentieth section of an act, entitled "An act directing the mode of recovering debts of twenty pounds and under."

WHEREAS the mode pointed out by the said section for returning executions against defendants who have removed out of the county, appears inconvenient and injurious to many of the citizens of this State:

I. *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 from and after the passing of this act, it shall and may be lawful for any person having a judgment or execution against any person from a Justice of the Peace, and the said defendant has no property in the county wherein the same may be levied, to return the execution to the Clerk of the court of the county in which judgment was obtained out of court; and it shall be the duty of the Clerk to certify under seal, the Justice or Justices who gave judgment was an acting Justice or Justices of said county; on which certificate any Justice or Justices in any other county in this state, shall and may award execution for the sums therein expressed, against such defendant or defendants; any law to the contrary notwithstanding.

Manner of removing judgment of a Justice from one county to another.

C H A P . VII.

An Act to effect the more speedy decisions of certain suits in the courts of law and equity in Morgan and Salisbury districts.

WHEREAS it is made appear to this General Assembly by sundry petitions, that there are many suits of great importance pending in said courts, that have been hung up and suspended from a determination in consequence of Judges Haywood and Macay having been employed as counsel in said suits, who decline and refuse to hear and determine the same, to the great injury of all the suiters, and delay of justice:

I. *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 Judges Williams and Stone are hereby required and enjoined to hold the courts of law and equity in the western riding for the two ensuing terms at least; any usage, custom or law to the contrary notwithstanding.

Judges Williams & Stone to ride western circuit, &c.

C H A P . VIII.

An Act to empower executors and administrators to convey lands in certain cases.

I. 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 executors or administrators of any deceased person, are fully authorized and empowered to execute a deed or deeds of conveyance for any lands, that may have been bona fide sold by the deceased, and for which he has given to the purchaser a bond or bonds to convey the same. *Provided* said bond or bonds be first proven in the court of the county where the said lands are situated, if in this state; if not, the bonds to be proven in the county where the obligee lives or obligor died; and which bond so proven shall be recorded and registered in the Register's books of said county; and provided the deeds thus executed, shall not convey other or a greater quantity of land or higher titles, than were specified in said bonds; and all deeds thus executed shall be as good and valid in law, as the same would have been if executed by the original obligor. *And provided also,* That no executor or administrator shall be authorized under this act, to execute titles previous to the full payment of all the purchase monies due for said lands, if the bond of performance specifies that the purchase monies were to be paid before the titles should be made; any law, usage or custom to the contrary notwithstanding.

Executors, &c to execute deeds for lands in certain cases.

C H A P . IX.

An Act altering the time of the annual general meeting of the Dismal Swamp Canal Company.

I. 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 the annual general meeting of the Dismal Swamp Canal Company, shall be held on the fourth Monday in October in every year, instead of the first Monday in September.

Annual meeting.

II. *Be it further enacted,* That this act shall continue to be in force so long as a similar act of the commonwealth of Virginia shall be in force.

Duration of this act.

C H A P . X.

An Act to incorporate the Grand Lodge of North Carolina.

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 Most Worshipful Grand Master, the Right Worshipful Deputy Grand Master, Wardens and members, who are at present,

Grand Lodge incorporated.

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sent, or in future may be of the Grand Lodge of North-Carolina, be, and they are hereby constituted and declared to be a body corporate, under the name and title of the Grand Lodge of North-Carolina; and by such name they shall have perpetual succession, and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such bye-laws and regulations, as shall not be inconsistent with the constitution or laws of this state or of the United States; any thing to the contrary notwithstanding.

C H A P. XI.

An Act to revive and continue in force so much of an act, entitled "An act to cede to the United States of America certain land upon the condition therein mentioned, as cedes Beacon-Island and four acres of land at the head land of Cape-Hatteras."

WHEREAS the condition expressed in said act, on which the cession of the land aforesaid was made, is not complied with, and it is deemed expedient that a further time be given to the United States for erecting the buildings on the said island, and four acres of land expressed in said act:

Part of an act revived.

I. *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 cedes the island called Beacon-Island, and four acres of land at the head land of Cape-Hatteras, be and the same is here revived and declared to be in full force, any law to the contrary notwithstanding. Provided always, and upon express condition, that the light-house and beacon, for the erection of which the said land and island is ceded, shall be erected within five years after the passing of this act, and be continued and kept up forever thereafter for the use intended by the erection thereof.*

C H A P. XII.

An Act to amend an act passed in the year one thousand seven hundred and ninety-six, entitled "An act making compensation to the owners of outlawed and executed slaves: for the counties of Bladen, Halifax, Granville, Cumberland, Perquimans, Beaufort and Pitt."

An act extended.

I. *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 force, meaning and intent of an act passed in the year one thousand seven hundred and ninety-six, entitled "An act making compensation to the owners of outlawed and executed slaves for the counties of Bladen, Halifax, Granville, Cumberland, Perquimans, Beaufort and Pitt," shall be extended to the counties of Warren, Onslow and Chatham, under the same rules, regulations and restrictions in every respect whatsoever, as fully as if they had been mentioned in the said act; and the courts respectively of the counties of Warren, Onslow and Chatham, shall take notice and be bound by the same accordingly; any thing to the contrary notwithstanding.*

C H A P. XIII.

An Act to repeal an act, entitled "An act to annex part of the county of Richmond to Robeson county," passed the last session of Assembly.

WHEREAS the before recited act was passed without the knowledge, and contrary to the wish of those inhabitants annexed to the county of Robeson, and thereby subjected them to many inconveniences in attending courts and general musters, and by their petition have prayed to be restored to the county of Richmond:

An act repealed.

I. *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 above recited act, and every part and clause thereof be and the same is hereby repealed.*

C H A P. XIV.

An Act granting further time for proving and registering bills of sale and deeds of gift.

Time of probate, &c. of bills of sale, &c.

I. *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 bills of sale taken, and deeds of gift made, and not already recorded in manner required by law, shall have a further time of two years allowed for probate and for registration; and shall when thus authenticated and perpetuated, be held and deemed as valid to all intents and purposes, as if they had been proven and registered within the time required by any law of this state; any law, usage or custom to the contrary notwithstanding.*

C H A P. XV.

An Act to regulate the Register's fees in certain cases therein mentioned.

WHEREAS in many instances the Register's fees are inadequate to the service done:

I. *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 the Registers in each county in this state, shall and may take for registering each deed or grant where the conveyance*

conveyance is only for one tract of land, including the certificate thereof, four shillings; but if the deed be for the conveyance of two or more tracts of land, he shall be entitled to receive the sum of four shillings for the first tract therein described, and at the rate of one shilling for every other tract mentioned and described in said instrument; and in like manner for all copies executed by him.

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Register's fees

C H A P. XVI.

An Act to amend an act, entitled "An act to remedy certain inconveniences arising under the present land law," passed in December, one thousand seven hundred and ninety-six.

I. **B**E 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 lands heretofore entered with any Entry-taker in this state, and which have not been paid for, and all lands which shall be so entered in the course of the present year, and shall not be paid for, shall continue and remain the property of the enterers, their heirs and assigns, so far as an entry without the payment of the purchase money to the state, and without obtaining a grant, may be held to vest a title in the same; nor shall any such entries become void, nor shall the lands so entered revert to the state, until the last day of December, one thousand seven hundred and ninety-eight; at which time, and on which day, it is hereby expressly enacted and declared, that all entries now made, or which shall be made up to the time aforesaid, that is to say, that all entries now made, and which shall be made up to the close of the year one thousand seven hundred and ninety-seven, and which shall not be paid for, shall become null, void and of none effect, to all intents and purposes; and the lands which may have been so entered and not paid for, shall, on the first day of January, one thousand seven hundred and ninety-nine, be considered as having reverted to the state, and as being vacant, and shall be liable again by any person to enter and secure the same; and in like manner it shall happen yearly and every year, that is to say, it shall be considered that all lands entered in one thousand seven hundred and ninety-eight, shall be paid for, in all events, in one thousand seven hundred and ninety-nine; otherwise, on the first day of January, one thousand eight hundred, such entries shall lapse, and the lands shall revert to the state, and shall be liable to be entered again by any person wishing the same, in common with other vacant and unappropriated lands; the lands entered in each preceding year being in any event to be paid for in the following or succeeding one; otherwise, and in case of failure, all such entries shall become and shall be held as being null, void and of none effect whatsoever.

Limitation of land entries, &c.

II. *And be it further enacted by the authority aforesaid,* That until the expiration of said time, that is to say, until the arrival of the first day of January, one thousand seven hundred and ninety-nine, the public Treasurer be, and he is hereby directed to forbear to institute suits against such persons as may have entered lands in this state, and who have failed to pay the purchase money for the same, the act of Assembly of one thousand seven hundred and ninety-six, directing him to commence such suits, notwithstanding.

Treasurer, when to bring suit.

III. *And be it further enacted,* That the operation of such acts or clauses of acts, so far as comes within the purview and meaning of this act, be, and the same is hereby arrested and suspended from this time until the said first day of January, one thousand seven hundred and ninety-nine shall happen.

Suspended clause.

IV. *And be it further enacted,* That from and after the passing of this act, the clerks of the several county courts, for issuing warrants, granting a certificate, and affixing the seal of the county thereto, agreeable to the fourth section of an act, entitled "An act to remedy certain inconveniences arising under the present land laws," shall receive four shillings and no more for all the above services.

Clerk's fees

C H A P. XVII.

An Act to amend and continue in force an act, passed in the year one thousand seven hundred and ninety-six, entitled "An act to encourage the cutting a navigable canal from Roanoke river, or the waters thereof, near the town of Plymouth, to Pungo river."

WHEREAS an act of the General Assembly, passed in the year one thousand seven hundred and ninety-six, entitled "An act to encourage the cutting a navigable canal from Roanoke river, or the waters thereof, near the town of Plymouth, to Pungo river," is likely to become ineffectual, in consequence of subscriptions not being made to the amount of one half the capital, by the time required by the said act:

I. *Be it enacted therefore by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That a further time of five years be allowed for the completion of the subscriptions, to the amount of the sum contemplated by the said act.

Further time allowed.

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C H A P. XVIII.

An Act directing how claims against the state shall be authenticated, and their mode of payment, so far as respects Jailors, Sheriffs, Coroners, Clerks of the Superior Courts, and Witnesses for and on behalf of the state.

WHEREAS the present method of making allowances to Jailors, Sheriffs, Coroners, Clerks of the superior courts and, witnesses having claims against the state, is found inconvenient, expensive, and frequently attended with great uncertainty; For remedy whereof,

Claims
against the
state how
authenticated
Jailor.

I. *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 claims in future presented for payment by any of the before described persons, shall be proven and authenticated in the following manner, to wit, the Jailor, when he hath a charge against the state for confining and maintaining any person committed to the prison whereof he is the keeper, shall procure the certificate of the Clerk of the court where such prisoner was bound to answer, shewing forth for what cause the criminal was confined, how indicted, convicted, punished and discharged, with the seal of the court thereto; also a certificate from the Sheriff of the county where such criminal was confined, stating whether or not such criminal was possessed of any visible property, either at the time when the crime was committed, or afterwards, if any how the same was disposed of, and in what manner such prisoner was discharged from jail; together with the affidavit of said Jailor taken in open court, setting forth his claim particularly, that he knoweth of no property subject to said costs, and that he hath received no satisfaction therefor. The Sheriff, or his deputy, when he shall have a demand against the state for services by him performed, in taking, securing, conveying or punishing any criminal, it shall be necessary for him to state at large the several items of his account, swear to it in the court of the county whereof he is Sheriff, setting forth that he hath received no satisfaction for his said demand, and that there is no property to his knowledge subject to his said charges. The Coroner, when he shall prefer a charge for holding an inquest, shall make oath to his claim in the court of the county whereof he is Coroner, and procure the seal of the same to be thereunto annexed; and when his charge is for performing and executing the duties of a Sheriff, it shall be authenticated in the same manner, and under the same rules whereby Sheriffs are bound. The Clerk of any superior court when he shall charge the state, it shall be necessary for him to state and make out his claim at large, and swear to the same before the Judge or Judges holding his court; setting forth in his said affidavit for what cause the prisoner was indicted, how punished or discharged; that he believes there is no property subject to the costs of said prosecution, and that he hath received no satisfaction for any part of said claim; which affidavit shall be subscribed by said Clerk, and attested by the Judge or Judges before whom it was made. A witness, when it is necessary for him to prefer a claim against the state for payment, it shall be considered his duty, besides swearing to the amount of his claim as heretofore prescribed by law, also to make oath in some court of record, that he hath received no satisfaction therefor; and also shall procure the certificate of the Clerk of the court to which he was bound or summoned, setting forth that he or she was bound or summoned to give evidence in behalf of the state, the nature of the crime, and how the criminal was disposed of.

Sheriff.

Coroner.

Clerks of superior courts.

Witness.

Clerk of superior court's fees for state services.

II. And whereas doubts have arisen respecting Clerks of the superior courts and Sheriffs, for services by them performed on part of the state; to remove which, and to ascertain with accuracy and precision said fees: *Be it further enacted,* That each and every Clerk of the above description, shall for services by him rendered in criminal matters, be allowed the following fees, to wit:—For indictment, calling the prisoner to the bar, charging or arraigning him, receiving and entering his plea at length, the sum of ten shillings; for each recognizance, two shillings, to be paid so far as respects the person admitted to bail and his securities at the time when taken; for each subpoena, two shillings; for the trial, entering up final judgment, and issuing a copy of the sentence of the court, eighteen shillings; and for each continuance of an indictment four shillings.

Sheriff's fees.

III. *And be it further enacted,* That each and every Sheriff within this state, or the person acting for and substituting his place, shall be allowed the following fees for services by them rendered on part of the state, to wit:—For apprehending any criminal, ten shillings; for conveying any person in his custody, for a criminal offence, to the jail where such person ought to be conveyed, at the rate of six-pence per mile; for each person composing the Sheriff's guard, three pence per mile; and four shillings for each day such Sheriff shall maintain said prisoner; for carrying any sentence or decree of the court into execution, where the convict is to be corporally punished, except that of death, ten shillings; and for the execution and decent burial of any felon, the sum of five pounds.

Proceedings before claims

IV. *And be it further enacted,* That no claim authorized by this act, shall be allowed, until a *fiery-facias* shall have first issued to the county or counties in which the criminal

criminal.

minal may be supposed to have owned property, and the Sheriff's return that no property is to be found; and if the criminal is at large without taking the oath of insolvency, it shall be the duty of the Clerk to issue his writ of *capias ad satisfaciendum*, and the duty of the Sheriff to arrest the body of the said criminal, if to be found, and him confine until he either pays off the costs of prosecution, or discharges himself by taking the oath of insolvency; neither shall any claim be allowed under this act after the expiration of three years next succeeding the trial and final decision of the prosecution out of which such claim arose; and all claims now existing, shall be barred after the expiration of three years next after passing of this act.

are to be allowed, &c.

V. And in order to prevent frauds and impositions: *Be it further enacted*, That all accounts and claims rendered and made out under and by the authority of this act, shall be in words at length, without any abbreviation; and any claim, demand or account rendered otherwise, shall be held and deemed improper and illegal. *Provided*, That this clause shall not be construed as to affect any claim now existing, or which may exist before the first day of June next.

To prevent frauds, &c.

VI. *And be it further enacted*, That all claims against the state authorized by this act, and authenticated as therein described, shall and may be submitted to the Treasurer and Comptroller for inspection; and if it shall appear to them that the requisites of this law hath been complied with, then and in that case the Comptroller shall file away such account or accounts, and after minuting and entering the same in a book by him to be kept for that purpose, shall issue a warrant to the Treasurer for the amount thereof; who is hereby directed to pay off and discharge the same, and shall be allowed in settlement with the state therefor.

Claims, authenticated, &c. how passed, paid, &c.

VII. *And be it further enacted*, That all acts, usages and customs coming within the purview and meaning of this act, are hereby repealed and made utterly null and void.

Repealing clause.

C H A P. XIX.

An Act to provide for the punishment of accessaries to felonies in certain cases.

WHEREAS principal felons frequently escape and elude the process of law, whereby accessaries cannot be prosecuted and punished: For remedy whereof,

I. *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 to prosecute and punish any accessary to felony, as for a misdemeanor; to be punished by a fine not exceeding fifty pounds, and corporal punishment not exceeding thirty-nine lashes, or standing in the pillory not exceeding two hours, although the principal felon be not before convicted of said felony; which shall exempt the offender from being punished as accessary, if the principal shall be afterwards convicted.

Accessaries to felonies, how punishable, &c.

II. And whereas felons are much encouraged to the commission of enormous crimes, because many persons make it their business and trade to receive and buy of such felons the property by them so feloniously taken, and also to make it their business to conceal such offenders after the said fact, knowing such felonies to be by them committed; *Be it therefore enacted*, That if any person shall receive or buy any property that shall be feloniously stolen or taken from any other person, knowing the same to be stolen; or shall harbour or conceal any such felon, knowing him, her or them to be so; such person or persons shall be taken and received as accessaries to said felony, and may be prosecuted as for a misdemeanor, and punished as set forth in the preceding clause, although the principal felon be not before convicted of said felony; which shall operate as a bar, and prevent the offender from being punished as accessary, if such principal felon shall be afterwards taken and convicted. *Provided always*, That nothing in this act shall be so construed, as to prevent accessaries to felonies from being prosecuted and punished as heretofore directed by law.

Receivers of stolen property, &c. how punishable, &c.

C H A P. XX.

An Act for improving and clearing out the Cataba river from the South-Carolina line, as far as navigation may be deemed practicable up the same.

I. *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 Isaac Price, Robert Alexander, John McKnit Alexander, Clez Conner, Richard King, Alexander Work, Peter Foreney, John Conly, Waightstill Avery, and John Rutherford, be, and they are hereby incorporated and stiled the Cataba company, with full power to open roads of subscription at such place or places as they, or a majority of them, may deem most expedient, to receive subscriptions or donations from such public spirited persons as may be inclined to aid such laudable undertaking; and dispose thereof as they or a majority of them, may think best for the purpose aforesaid: and that they by the same name and style may sue and be sued, plead and be impleaded, in any court in this State; and make such rules for their own government as they shall think proper, not inconsistent with the constitution or laws of this state.

Cataba company incorporated, &c.

II. *And*

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- To form regulations, &c.** II. *And be it further enacted*, That the said company shall meet at James Connor's, on the thirteenth day of March next, to devise and form such regulations as to them may seem convenient for the speedy effecting said work, and to point out some mode for receiving and appropriating subscriptions and donation money for that purpose. And in case of death, refusal to act, or removal of any one of said company, the majority of those remaining, when convened, are hereby in all cases whatsoever, constituted a quorum; and shall appoint such person or persons to fill all such vacancies; and the Commissioners or persons so appointed, shall have the same power and exercise the same authority as the others can or may exercise by this act. And if any person or persons shall wilfully cut, break down, damage or destroy any bank or other work by this company erected for the purpose of clearing out and making the said river navigable, or do any act or thing designedly to injure the said navigation, such person shall be answerable to the said company for double the damages thereby sustained.
- Overseers.** III. *And be it further enacted*, That the said company shall appoint Overseers on different parts of said river as to them may seem most expedient for the purpose of clearing out the same; and every Overseer so appointed, is specially and directly required by this act, to call on all hands within four miles of said river, on both sides thereof, that are subject to work on roads, to assist in working and clearing out all places that will not admit the passage of boats with ease.
- Penalty on refusal, &c.** IV. *And be it further enacted*, That no county line nearer than four miles to any Overseer's part, shall prevent any person or persons from doing their proportion of labour on such part of said river as may be assigned to his Overseer. And if any person liable to work on the same by this act (upon three days notice given by his Overseer) shall fail to do the same, he shall forfeit and pay the sum of five shillings for every day that he is absent, or does not perform his necessary part of labour thereon; to be recovered before any jurisdiction having cognizance thereof. *Provided nevertheless*, That no person shall be liable to work more than four days in any one year on the same.—All which fines shall be paid into the hands of the Overseer, and by him accounted for and paid to the said company, and by them applied to the purpose of effecting the said navigation.
- Exemptions.** V. *And be it further enacted*, That the said Overseers, and all others who are directed by this act to work on the said river, shall be, and they are hereby exempted from working on roads so long as this act shall continue in force; and that this act shall be deemed a public act, and be construed as such in order to carry the purposes intended thereby into effect.
- To remove obstructions.** VI. *And be it further enacted*, That the said Company and Overseers shall have full power and authority to remove any fish-dam, weirs or other obstructions in said river, which in the opinion of said company are necessary to be removed in order to render the said navigation more easy and safe.
- Continuance.** VII. *And be it further enacted*, That this act shall continue in force for two years from the end of the present session of Assembly, and no longer.

C. H. A. P. XXI.

An Act to amend an act, entitled "An act to amend the several acts respecting the pilotage of Cape Fear bars and rivers."

- Privilege given to certain pilots, &c.** I. *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 first day of January next, the pilots now having branches or commissions, or who may hereafter have branches or commissions to pilot over the main bar or New-Enter bars of Cape Fear river, shall be entitled to pilot and navigate vessels into port over either bar; and the pilot who shall bring a vessel into port over either bar, shall be entitled exclusively to navigate the same vessel out of port over either bar. *Provided always*, when any vessel shall be ready to go out of port, and such pilot is exclusively entitled, does not attend to navigate the said vessel out of port, the Captain or Master of such vessel may employ any other pilot to navigate such vessel out of port; provided such other pilot so by the Captain or Master to be employed, shall be a branch or commissioned pilot for the bar over which such vessel is to be navigated out; and every pilot who shall navigate a vessel out of port contrary to the meaning of this act, shall for every such offence forfeit and pay the sum of nineteen pounds, to be recovered before any jurisdiction having cognizance thereof, to the use of the pilot or pilots who by this act would have been entitled to navigate said vessel or vessels out of port; any law, usage or custom to the contrary notwithstanding.
- Regulation respecting contagious diseases.** II. *And be it further enacted*, That if any pilot of Cape Fear, shall bring any vessel beyond the place fixed and limited, or to be fixed and limited by the said commissioners of navigation, without a certificate of the health officer, declaring that there is no danger to be apprehended from any contagious or infectious disease on board said vessel

vessel, such pilot shall forfeit his branch or commission, and from thence afterwards be held and deemed incapable to act as a pilot in any part of this state.

III. *And be it further enacted*, That all acts and parts of acts coming within the purview and meaning of this act, shall be, and they are hereby repealed and made void. 1797.
Repealing clause.

C H A P. XXII.

An Act for relief of securities, who have paid money for and on account of their principal.

WHEREAS great injury and injustice is frequently done to the securities of many persons, against whom judgment has been obtained, by compelling such surety who has paid the debt, to institute suit against such principal, and wait the delays of court before he can be reimbursed; For remedy whereof,

I. *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 any person or persons whatsoever, who have paid any sum or sums of money for and on account of those for whom they become security, upon producing to the county court, or any Justice of the Peace who may have jurisdiction of the same, a receipt, and that an execution has issued, and that he has satisfied the same, and making it satisfactorily appear by indifferent testimony, that he has laid out and expended any sum or sums of money as the security of any person, to move such court or Justice of the Peace, as the case may be, for judgment against his principal, for the amount of the sum which he has actually paid out and expended, a citation previously issuing against the principal, to shew cause why execution should not be awarded; and should not the principal shew sufficient cause to the court or Justice of the Peace, it shall and may be lawful for such court or Justice of the Peace, to award execution thereon against the goods and chattels, lands and tenements of the principal; any law, usage or custom to the contrary notwithstanding. Mode of redress for securities.

II. *And be further enacted*, That all acts and clauses of acts, that come within the purview and meaning of this act, be, and the same are hereby repealed and made void. Repealing clause.

C H A P. XXIII.

An Act to amend an act passed in the year one thousand seven hundred and ninety-five, entitled "An act to amend the several laws heretofore passed concerning court-houses and prisons, and to provide for the safe-keeping and humane treatment of persons in confinement," and to revive and continue in force the eleventh section of said act.

I. *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 several county courts in this state, shall annually hereafter at the same time that they appoint their Sheriffs, appoint a suitable person residing within the county to act as Treasurer of public buildings; whose duty shall be the same, who shall enter into bond in the same manner, and be entitled to the same compensation for his services, as the Treasurers of public buildings heretofore appointed. Treasurers of public buildings to be appointed.

II. *And be it further enacted by the authority aforesaid*, That the Treasurer of public buildings in the several counties of this state, shall, and they are hereby expressly required at the next term for electing Sheriffs in their respective counties, and at the same term annually, and previous to the elections taking place, to settle their accounts with the court, in the manner directed by the above recited act; and that their offices under their former appointment shall then cease and expire. And if any Treasurer of public buildings shall fail or refuse to settle with the court of his county, as above directed, his successor in office, on giving him ten days previous notice, shall have full power and authority, and is hereby expressly required to enter up judgment in the court of his county, and award execution against the body, goods and chattels, lands and tenements of such Treasurer, for all such sums of money as can be made appear to the court he has received for the purposes pointed out in the before recited act, with interest from the day of receiving such sum or sums; or if in settling their accounts, any of the Treasurers of the public buildings shall fail or neglect to pay the balance which shall appear to be due from him, his successor shall have the same power, on giving similar notice, to enter up judgment, and award execution against him for such balance; any law, usage or custom to the contrary notwithstanding. To settle their accounts annually, &c.

III. *And whereas doubts have arisen, whether the Treasurers of public buildings are fully authorized by the before recited act to commence suits against former Commissioners, who may have county or district monies in their hands, for the purpose of repairing or erecting the public buildings: Be it therefore enacted*, That the Treasurers of public buildings shall have full power and authority, and they are hereby expressly required to commence suits against any such Commissioner or Commissioners who may have

Treasurers make the former Commissioners account.

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any such monies, and who shall refuse or neglect to settle with them when called on, or who shall refuse or neglect to pay the balance which shall appear to be due from them on such settlement.

Section of an act revived.

IV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the eleventh section of the before recited act, be, and the same is hereby revived, and shall continue in full force.

C H A P. XXIV.

An Act to suspend all such clauses of acts heretofore passed, authorising and requiring the Secretary of State to issue warrants to any Officers or Soldiers of the late Continental line of this state for military services; and to suspend the issuing of grants for lands in certain cases therein mentioned for a limited time; and to establish a Board for the investigation of frauds suggested to have been committed in the Secretary's office.

I. *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 all such clauses of acts heretofore passed, authorising and directing the Secretary of State to issue warrants for lands to any of the officers or soldiers of the late Continental line of this state for military services, be, and the same are hereby suspended for one year from the rise of the present General Assembly.

Certain clauses of acts suspended.

Suspension of military grants.

II. *And be it further enacted,* That no grant shall be made out or in any manner executed by the Secretary upon any return of survey that now is, or hereafter may be returned into his office, by any surveyor of military lands, for the space of one year from the rise of the present General Assembly.

Grants on warrants of Armstrong's office suspended.

III. *And be it further enacted,* That no grant shall issue on any warrant of survey now in the Secretary's office, or which may hereafter be made and returned there on warrants issued out of the office lately kept by John Armstrong, for the space of one year from the rise of the present General Assembly as aforesaid; and every grant or grants made out or executed contrary to the true intent and meaning of this act, shall be utterly void, and of no effect.

Comptroller in certain cases to issue warrants.

IV. *And be it further enacted,* That the Comptroller be, and he is hereby authorised and required, on application, to issue warrants for lands entered in the office of John Armstrong, in all cases where it shall appear by the entry books now in his office, that the purchase money hath been fully paid; and in no other case whatever shall warrants be issued by him.

No duplicate warrant to issue.

V. *And be it further enacted,* That no duplicate of a warrant shall issue on any entry, the warrant on which may be suggested to have been lost, under any pretence whatever.

Board of Commissioners appointed, &c.

VI. *And be it further enacted,* That three Commissioners be appointed, who shall form a board, and shall meet in the city of Raleigh on the first day of March next, and shall continue to sit from that time till the commencement of Hillsborough superior court, if so long shall be necessary; and the board when so convened, shall have full power, and they are hereby authorised to appoint a Clerk, who shall receive thirty shillings per day.

Their duty.

VII. *And be it further enacted,* That the board, when so formed, shall proceed to examine the papers whereon military warrants have been obtained, and the plats and surveys whereon military grants have been executed; likewise the documents whereon grants have been executed on warrants issued out of the entry office lately kept by John Armstrong; and on such examination report the special facts of any fraud by them discovered to have been committed, with the names of the persons concerned, to the Governor for the time being; who is directed to lay the same before the Attorney or Solicitor-General of this state, who are likewise directed to take the necessary order thereon, for the purpose of bringing to justice such persons as have been guilty of any fraud, either in the said Secretary's office, or in the office of Martin Armstrong aforesaid; and all other species of frauds which may have been committed, of what kind or nature soever, in obtaining warrants or grants out of the said offices.

Oath.

VIII. *And be it further enacted,* That the members who may constitute the said board, shall before entering on the execution of said business, take the following oath, viz. "I, A. B. will diligently and faithfully examine the papers and vouchers as directed by the before recited act, and true report make according to the best of my skill and abilities; and that I will endeavour to keep the papers safe, and secure and file them up in good order, without suffering any paper or record to be altered or misplaced."

Compensation.

IX. *And be it further enacted,* That the Commissioners who shall constitute the said board of enquiry, shall receive, as a compensation for their services, the sum of thirty shillings for every day they shall attend the board; and shall receive the sum of thirty shillings for every thirty miles coming to and returning from the same, on their producing an account of such their services, sworn to and subscribed by themselves, to the

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the Comptroller of the state, who shall give a certificate for the same; which certificate shall be taken up and paid by the Treasurer, which shall be allowed on a settlement of his accounts.

X. *And be it further enacted*, That the Commissioners appointed by this act shall lay before the next General Assembly a statement of all their transactions, and of what discoveries by them made, with their opinions on the same. To state their transactions, &c.

XI. *And be it further enacted*, Three persons shall be appointed by joint ballot of both houses of this Assembly as Commissioners aforesaid; and they, or any two of them, shall immediately take into possession the papers deposited in the Secretary's office, and examine the same; and they are hereby authorized to select and hold out of said papers such part thereof as to them shall appear to be necessary and material for the detection of frauds or forgeries, and the conviction of any person or persons concerned therein; and also all papers which shall appear to them necessary or material for the support of any article of impeachment, which may hereafter be preferred against any officer of the government, or for the conviction of such officer on trial; and after such examination and selection, and not before, shall deliver over to the Secretary of State the papers of said office, except such as they shall have selected. Power to examine papers, &c.

XII. *And be it further enacted*, That the Commissioners to be appointed by the Governor, shall have equal compensation as those of the board of inquiry, with reasonable incidental reimbursements, to be ascertained and accounted for in manner as above directed. Compensation, &c.

XIII. *And be it further enacted*, That the said Commissioners be directed and required to make report to the next General Assembly, of all the warrants and grants issued from the Secretary's office of this state for military lands; and that they be directed to distinguish in their report such as have been obtained on fraudulent or forged certificates, setting forth the quantity of land contained in each. Warrants and grants to be reported, &c.

C H A P. XXV.

An Act authorising the Comptroller of this state to liquidate the claims of the Officers and Soldiers raised for the protection of Davidson county, under an act of the General Assembly, passed at Fayetteville, in the year one thousand seven hundred and eighty-six.

I. *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 Comptroller of this state be, and he is hereby authorized and required to settle and liquidate the accounts of the officers and soldiers commanded by Major Thomas Evans. Comptroller to settle accounts, &c.

II. *Be it further enacted*, That on personal application of any of the officers or privates belonging to the aforesaid regiment or battalion, or the heirs of such as have died, or their guardian legally appointed, producing sufficient proof of the service of such claimant to the satisfaction of the Comptroller, who is hereby authorized to judge of the same, and the name of the person appearing on the muster roll; and on such satisfactory proof being given, the Comptroller shall issue a certificate for such sum as they may be entitled to receive, agreeable to the time of service, and no more; which certificate when so obtained shall be paid off, and taken up by the Treasurer of the state; who shall be allowed in the settlement of his public accounts: provided that no allowance shall be made to any deserter whatever. To issue certificates, &c.

III. *And be it further enacted*, That the Comptroller shall enter into a book by him to be kept for that purpose, an exact account of all allowances by him made to any of the officers or soldiers aforesaid, and shall file in his office such voucher on which he may make any allowance. To keep an account, &c.

C H A P. XXVI.

An Act to increase the pay of the Jurors to the superior courts of the districts of Newbern, Wilmington and Halifax; and also to the districts of Fayetteville, Hillsborough and Edenton; except the Jurors from the counties of Chowan, Person and Robeson.

I. *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, each Juror to the superior courts herein mentioned, shall receive the sum of ten shillings for every thirty miles in going and returning from the same, and for each day's attendance the sum of ten shillings; for the amount of which, the Clerks of the several superior courts aforesaid shall grant to the Juror a certificate, which shall be paid in the same manner as heretofore pointed out by law; any law to the contrary notwithstanding. *Provided*, This act shall not extend to the districts of Salisbury and Morgan, and the counties of Chowan, Person and Robeson. Allowance to Jurors.

II. *And be it further enacted*, That when any Jurors appointed and summoned to attend at the several superior courts, and failing to do, it shall be lawful for such delinquent Juror to send forward his excuse to such court on oath, setting forth the reason why he cannot attend; which, if adjudged sufficient, shall exonerate said Juror from the fine that may be imposed, and all costs. Excuse for non-attendance, &c.

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C H A P. XXVII.

An Act making compensation to the county court Jurors of New-Hanover, Surry, Stokes, Buncombe, Orange, Cumberland, Montgomery, Wilkes, Sampson, Carteret, Burke, Richmond and Randolph.

I. **B**E 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 each and every Juror who shall be appointed and summoned, and shall regularly attend the county court of New-Hanover, shall be allowed the sum of eight shillings for each and every day's attendance, and the sum of eight shillings for every thirty miles travelling to and from said court.

II. *And be it further enacted,* That in future each and every Juror who shall be appointed and summoned, and shall attend the county courts of Surry, Stokes, Buncombe, Orange, Cumberland, Montgomery, Wilkes, Sampson, Carteret, Burke, Richmond, and Randolph, shall be allowed the sum of five shillings for each and every day's attendance, and the sum of five shillings for every thirty miles travelling to and from said courts.

III. *And be it further enacted,* That each and every Juror shall obtain from the Clerk of his said court a certificate, in the same manner and under the same rules as certificates are obtained from the Clerks of the superior courts for like services; which shall be paid by the Trustees of the several counties aforesaid respectively, under the same rules and regulations as are prescribed for the payment of certificates for the attendance of Jurors at the superior courts.

IV. *And be it further enacted,* That the county courts aforesaid respectively shall, and they are hereby authorized and required to lay a tax in their respective counties on each and every white and black poll, not exceeding one shilling; and upon every hundred acres of land, not exceeding four pence; and upon every hundred pounds value of town property, not exceeding one shilling; so as to raise a sufficient sum in each and every county as aforesaid for the payment of said Jurors; which tax the county courts aforesaid shall continue to lay from year to year.

V. *And be it further enacted,* That the whole and every part of an act passed at Raleigh, in the year one thousand seven hundred and ninety-six, making compensation to the county court Jurors, is hereby repealed and made void.

C H A P. XXVIII.

An Act to amend an act, entitled "An act to improve the navigation of Cape Fear river, and of Deep and Haw rivers."

WHEREAS the time appointed by the before recited act, is found inconvenient for the meeting of the proprietors of the Cape Fear, Deep and Haw rivers Navigation Company:

I. *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 future annual meetings of the proprietors aforesaid shall be on the second Monday in February, at Pittsborough, or at any other place within the county of Chatham, which they may find hereafter to be more convenient to adjourn to.

II. *Be it further enacted by the authority aforesaid,* That the President and Directors of the Company aforesaid, shall have power to remove, or shall cause to be removed, all fish-dams, traps, hedges or other obstructions, except mill-dams, which they shall deem to be in the way of the navigation of the rivers aforesaid. *Provided,* That the said President and Directors shall not have power to remove the said traps or stands until they shall have completed the navigation of the said rivers up to the places where such fish-traps and stands are situated.

III. *And be it further enacted by the authority aforesaid,* That the President and Directors shall have full power and authority to close their books of subscription whenever they shall think proper so to do.

IV. *Be it further enacted by the authority aforesaid,* That the twelfth section of the before recited act is hereby repealed and made void.

C H A P. XXIX.

An Act to amend and continue in force an act passed in the year one thousand seven hundred and ninety-six, entitled "An act to improve the navigation of Tar river, from Tarborough upwards as far as the same can be effected."

WHEREAS the term granted by the before recited act for opening books and receiving subscriptions was so short that it did not answer the purposes intended thereby, and the same is likely to become ineffectual: For remedy whereof,

I. *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 above recited act be and continue in force; and that a further term of three years be granted for opening books and receiving subscriptions, under the directions of the same persons, and under the same rules and regulations as are specified in the said act.

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C H A P. XXX.

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An Act to empower the county courts of Brunswick, Bladen and Rutherford to lay a tax for the purpose of destroying wolves, bears, panthers and wild-cats in said counties, and to alter the time of holding the courts of pleas and quarter sessions in the county of Brunswick.

I. **B**e 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 courts of Brunswick, Bladen and Rutherford be, and they are hereby authorized and empowered, if they deem the same necessary, to lay a tax annually, to be collected in a sum not exceeding six pence on every poll, and two pence on every hundred acres of land, and to be appropriated for the purpose of destroying wolves, bears, panthers and wild-cats in said counties.

II. *And be it further enacted,* That the said county courts, at the time of laying such county tax, shall declare for the destruction of what particular species of said animals the same is laid, and shall fix the reward for each kind, of which they shall give due notice, by ordering the Clerk or Sheriff to advertise the same at the court-house, and at least in one public place in each Captain's district; which order the said Clerk or Sheriff is hereby required to obey within one month after the same is known to him, under the penalty of forty shillings for each neglect, to be recovered before any jurisdiction having cognizance thereof, one half to the use of the informer, and the other half to the use of the county. *Provided always,* That before any person shall be entitled to receive the bounty so granted, such person shall produce to the said county courts respectively, the scalp or scalps of the animal or animals destroyed; and make oath, that such animal or animals, the scalp or scalps whereof is or are then produced, was or were caught and killed within the limits of the county wherein the same is or are offered for allowance, since the order of the court laying a tax for the payment thereof; and the court before which such proof shall be made, is hereby required to cause to be destroyed all such scalps before them produced by the person producing the same; upon which being done, they shall order a certificate to issue by the Clerk, setting forth therein the number and kind of scalps produced and destroyed, and the sum which such person may be entitled unto; which sum shall be paid by the county Treasurer out of the taxes received in consequence of this act, and such certificate shall be a sufficient voucher for him in the settlement of his accounts with the court.

III. *And be it further enacted,* That from and after the next court of pleas and quarter-sessions, which shall be held for the county of Brunswick, the time for holding said courts in said county, shall be, and the same is hereby altered; and from and after the next court aforesaid, the said courts in said county shall be held on the fourth Mondays in the same months in every year in which the said courts are now by law established to be held, and all process in said court shall be returnable on the said Mondays accordingly.

C H A P. XXXI.

An Act to amend an act passed in the year one thousand seven hundred and ninety-one, entitled "An act to establish a town at the court-house in Hyde county."

WHEREAS a majority of the Commissioners appointed by an act passed in the year one thousand seven hundred and ninety one, entitled "An act to establish a town at the court-house in Hyde county," have removed or died, so that a quorum cannot now be procured to carry the purposes of the said act into effect:

I. *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 William Bell, John Gaylard and Benjamin Ruffel, be, and they are hereby appointed Commissioners, with full power and authority to carry the said act into effect; and the said Commissioners, or a majority of them, are hereby required to discharge the duties of the said act, in the same manner as if the purposes thereof were herein prescribed; and if either of them should die, remove or resign, the majority are empowered to appoint another in the place of him so dying, removing or resigning; which new Commissioner, when appointed, shall be invested with all and singular the powers and authorities as if he was mentioned in this act; any thing to the contrary notwithstanding.

C H A P. XXXII.

An Act to authorize the Trustees of the Pittsborough Academy to raise the sum of seven hundred dollars by way of Lottery.

WHEREAS the Trustees of the academy aforesaid have represented to this General Assembly, that the raising the above sum of seven hundred dollars would be of great benefit to said institution:

I. *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 academy aforesaid shall have leave to raise by way of lottery the sum aforesaid; and that John Ramsey, James Taylor, Charles Chalmers, John Henderson, James Bradley, John Dabney and William Warden, shall be, and they are hereby appointed Commissioners for the purpose of opening and completing a scheme of a lottery, calculated to raise the sum aforesaid, in the following manner:

3500 Tickets at two dollars each, is	7000 dollars.
1 Prize of four hundred dollars, is	400
2 Do. of one hundred dollars, is	200
4 Do. of fifty dollars, is	200
8 Do. of thirty-five dollars, is	280
18 Do. of twenty-five, is	450
200 Do. of ten dollars, is	2000
490 Do. of three dollars, is	1470
400 Do. of five dollars, is	2000
1123 Prizes.	7000 Dollars.
2377 Blanks.	

3500 Tickets at 2 Dollars each, is 7000 Dollars.

And the said Commissioners, or a majority of them, shall be Managers of said lottery, and shall be accountable for the prizes and profits thereof.

II. *And be it further enacted,* That when three fourths of the said tickets are sold, that the drawing of the said lottery shall commence, under the management of said Commissioners, they giving thirty days notice in the Fayetteville Gazette.

III. *And be it further enacted,* That all prizes shall be paid in four weeks after the drawing is finished, upon the demand of a possessor of a fortunate ticket, which prize shall be subject to a deduction of ten per cent; and if such prize is not demanded within six months after the drawing is finished, of which public notice shall be given in some public paper in this State, the same shall be considered as relinquished for the benefit of said academy; and the produce of said lottery shall be vested in the Trustees aforesaid.

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IV. *And be it further enacted*, That before the Commissioners herein appointed shall begin to act in pursuance of this act, they shall enter into bond, with security to be judged sufficient by the Trustees aforesaid, for the sum of seven thousand pounds, payable to the Governor for the time being and his successors; which bond shall be void, on condition that they the Commissioners aforesaid shall well and truly perform the trust hereby reposed in them, that is to say, that they will without fraud, delay or other deduction than ten per cent herein prescribed, pay to every fortunate adventurer in said lottery the prize he shall draw therein on demand; and further, that they the said Commissioners shall fully and faithfully account for and pay to the Trustees of the academy all the profits which shall arise out of the scheme of the lottery aforesaid, without fraud or delay.

V. *And it is further enacted*, That if the Commissioners aforesaid fail to perform any part of the condition of said bond, any person aggrieved by such failure may without assignment bring suit on said bond, in the name of the Governor, in any court of record; and all sums recovered thereon shall be to the use of the person or persons who shall so bring suit; and the said bond shall be lodged with the Clerk of the superior court of Hillsborough district, who shall keep the same as part of the records of said district.

C H A P. XXXIII.

An Act to grant a separate election in the county of Martin.

I. **B**E 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 Sheriff of the county of Martin, by himself, or any of his deputies, on the second Thursday in August in each and every year, to open and hold a separate election at Jamestown, for the benefit of the inhabitants in the lower end of the county of Martin, to give their suffrages for Members of the General Assembly, and a Representative in Congress; and the said Sheriff, or his deputy, shall hold the said election under the same rules, regulations and restrictions as are prescribed for other elections in this state; and the votes so taken shall be sealed up by the Inspectors of the polls, and transmitted under the care of the Sheriff, or other returning officer, to the court-house of the county; where, after the election is closed, the seals shall be broke, and the votes counted with those taken at the court-house; which votes taken at Jamestown aforesaid, shall, and they are hereby declared to be a part of the suffrages of the county of Martin; any thing to the contrary notwithstanding.

C H A P. XXXIV.

An Act to secure to Martha Lane, wife of William Lane, such estate as she may hereafter acquire.

WHEREAS it is represented to this General Assembly, that William Lane hath for several years past absented himself from his wife Martha, and no expectation of a reconciliation; and having it in his power to deprive his said wife Martha of such estate as she may by her industry or otherwise acquire:

I. **B**E 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 said Martha Lane shall be entitled to, and possess in her sole right all such estate, either real or personal, as she may hereafter acquire by purchase or otherwise, in as full and ample manner as if she the said Martha Lane had never been married to the said William Lane, clear from the claim or claims of the said William, or any of his creditors; and the said Martha Lane shall and may have full power to sue for and recover in any court having cognizance thereof, from the said William Lane, or any other person or persons, any property or estate which she may be entitled to, in the same manner as if she the said Martha had never been married to the said William Lane; any law, usage or custom to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, the said William Lane shall not be answerable for any debt contracted by the said Martha Lane, his wife; any law, usage or custom to the contrary notwithstanding.

C H A P. XXXV.

An Act to repeal the several acts of Assembly, empowering the County Courts to appoint Patrollers, so far as they respect the county of Cabarrus.

I. **B**E 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 several acts of Assembly empowering the county courts in this state to appoint patrollers, so far as they respect the county of Cabarrus, be, and the same are hereby repealed and made void.

C H A P. XXXVI.

An Act to incorporate Panfophia Lodge, No. 25, of the county of Moore, in this state.

I. **B**E 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 Master, Wardens and Members, who at present or in future may be of Panfophia Lodge, of the county of Moore aforesaid, are hereby constituted and declared to be a body corporate, under the name and title of Panfophia Lodge, No. 25; and by that name shall have perpetual succession and a common seal, and may sue and be sued, implead and be impleaded, acquire and transfer property, and pass all such bye laws and regulations as shall not be inconsistent with the constitution of this state and the United States.

C H A P. XXXVII.

An Act to revive an act, entitled "An act for the more speedy determining disputes that have arisen, or hereafter may arise, in the counties of Rowan, Mecklenburg, Rutherford, Guilford, Lincoln and Rockingham, from erecting mill-dams, and to prevent persons from building mills as herein described," passed in the year one thousand seven hundred and eighty-five.

I. **B**E 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 before recited act, and every part thereof, except the fourth section of said act, be and the same is hereby declared to be revived, and in full force, as to the county of Guilford alone.

C H A P. XXXVIII.

An Act for the promotion of learning in the county of Bladen, and for other purposes therein mentioned.

WHEREAS the establishing an academy in the said county for the education of youth, will be attended with many advantages; and the town of Elizabeth, in the county aforesaid, being an healthy situation, and provisions cheap, students may be well accommodated at a moderate expence:

I. *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 Brown, Thomas Owen, James Bradley, James S. Purdie, Robert Scott, Joseph R. Gautier, James Moorhead, Daniel Shipman, Thomas Smith and William H. Beatty, Esquires, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the title of the Trustees of Bladen academy, and shall have perpetual succession and a common seal; and that the said Trustees and their successors, by the name aforesaid, and their successors, or a majority of them, shall be able and capable in law to take, demand, receive and possess all lands, goods and chattels that shall be given them for the use of said academy, and the same apply according to the will of the donors; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain to them and their successors forever any lands, rents, tenements or hereditaments of what kind, nature or quality forever the same may be, in special trust and confidence; that the same, or the profits thereof shall be applied to and for the use and purposes of establishing and endowing the said academy, building or purchasing a convenient house, purchasing a library and philosophical apparatus, and supporting and paying the salaries of such number of professors and tutors as to them shall seem necessary.

II. *And be it further enacted by the authority aforesaid,* That the said trustees, or a majority of them, shall and they are hereby authorized to chuse a President, Treasurer and Secretary, out of their own body: they may also choose professors and tutors for the academy, and the same remove at pleasure; and they shall have authority to make bye-laws for the government and regulation of the said academy, and the same to alter and amend. (*Provided nevertheless,*) That such laws shall not be repugnant to the laws of this State—their morals, studies, and academical exercises as to them shall seem meet, and to give certificates to such students as shall leave said academy, certifying their literary merit and progress in useful knowledge; and further, that on death, resignation, refusal to act, or misconduct of either Professors or Tutors, the Secretary, Treasurer or Seward, others shall be elected in their rooms and stead, a majority of the Trustees agreeing thereto.

III. *And be it further enacted by the authority aforesaid,* That the Treasurer of the said board of Trustees, shall enter into bond and security to the Trustees, conditioned for the faithful discharge of the trust reposed in him by this act; and that all goods and chattels that shall be in his hands at the expiration of his office, shall be immediately paid and delivered into the hands of the succeeding Treasurer; and every Treasurer shall receive all monies, donations, gifts, and charities that may belong or accrue to said academy during his office; and at the expiration thereof shall account with the Trustees, or a majority of them for the same; and on refusal or neglect to pay and deliver as aforesaid, the same mode of recovery may be had against him as is or may be provided for the recovery of money from Sheriffs or other public officers.

IV. *And be it further enacted by the authority aforesaid,* That if any Trustee shall neglect attending at the stated meetings of the Board for the space of two years, or if any of them should die, or otherwise resign his office, the remaining Trustees, or a majority of them, shall at their next meeting choose another Trustee in the room of the person thus neglecting his duty, dying or resigning his office.

V. *And be it further enacted by the authority aforesaid,* That the Trustees by this act appointed, or a majority of them, shall meet annually on the first Monday in May in each and every year, or at any other time they shall think more convenient, and elect a proper person out of their own body to preside, for the term of one year, who may convene the Trustees at any time he may find it necessary. *Provided always,* That he shall give ten days previous notice of such meeting, and that the President and Treasurer shall be chosen on the said first Monday in May, unless in cases of unavoidable accidents. *Provided,* That nothing herein contained shall be construed or understood so as to make the academy hereby established, one of those mentioned in the constitution of this State.

VI. *And be it further enacted by the authority aforesaid,* That the Trustee herein mentioned, or a majority of them, shall have as full power and authority to regulate the town of Elizabeth, as the Commissioners heretofore appointed by law for that purpose had.

C H A P. XXXIX.

An Act authorising certain persons Commissioners to appoint a pilot or pilots for the bars of New-River and Bear-Inlet in the county of Onslow, and to grant branches to such pilots.

WHEREAS it is necessary for the encouragement of trade and commerce, that all bars and inlets should have pilots for safe conducting vessels in and out the same:

I. *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 first day of January, one thousand seven hundred and ninety-eight, Robert W. Snead, Thomas Snead, Thomas Howard, Josiah Howard, and Christopher Dudley, or a majority of them, are hereby authorized and empowered to appoint a pilot or pilots at aforesaid bars, or either of them; and grant a branch or branches to such pilot or pilots as aforesaid, and regulate the pilotage to be paid to such pilot or pilots in and out said bar or bars: And the aforesaid Commissioners, or a majority of them, shall have full and ample power, in all respects as is granted to the Commissioners for Swansborough or Beaufort bars, in respect to the pilotage of the aforesaid bars of New-River and Bear-Inlet in the county of Onslow aforesaid. And in case any of the Commissioners aforesaid should die or remove, a majority of the Commissioners aforesaid are hereby authorized to appoint others in their place, who shall be considered as good and valid as if appointed by the General Assembly.

C H A P. XL.

An Act to continue in force an act, entitled "An act for the regulation of the city of Raleigh," passed in the year one thousand seven hundred and ninety-four.

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 of the General Assembly, entitled "An act for the regulation of the city of Raleigh," passed in the year one thousand seven hundred and ninety-four be, and the same is hereby continued in full force; anything to the contrary notwithstanding.

C H A P. XLI.

An Act to exonerate such of the inhabitants of the counties of Craven and Pitt from working on Cotentnae creek as were liable to be made work on the river Neuse, prior to passing an act in the year one thousand seven hundred and ninety-six, entitled "An act to improve the navigation of Great Cotentnae creek."

WHEREAS the before recited act obliges all persons living within six miles of Great Cotentnae creek, in the counties of Craven and Pitt, to work on the creek aforesaid under certain penalties therein expressed, when many of them are at the same time left liable to be made work on the river Neuse; which is not only oppressive, but has a tendency to prevent the river being cleared out: Not remedy whereof,

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I. *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 inhabitants of the counties of Craven and Pitt, who were obliged to work on the river Neuse prior to passing the before recited act, be, and they are hereby expressly exempted from working on said creek, and that they shall in future be liable to work on the river only; any thing in the before recited act to the contrary notwithstanding.

C H A P. XLII.

An Act authorizing the Members of the Episcopal Church, in the town of Wilmington, to elect Wardens; and to give such Wardens powers and authority in certain cases.

I. *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 on Easter Monday in every year after the passing of this act, it shall and may be lawful for all free white persons, professing themselves members of the said church, and all owners of pews in said church, to meet at the court house in said town, and give their votes for five persons qualified to act as Wardens of the said church; and the persons at such time elected shall be Wardens for one year: and for the purpose of holding such election, some one Justice of the Peace of the county of New-Hanover, the Sheriff of said county, or his deputy, shall attend on said Easter Monday at said court-house, and open a poll at or before 11 o'clock in the forenoon, and continue the same open until sunset, and shall take and receive the votes of all persons qualified as aforesaid; and the five persons who shall be found to have the greatest number of votes shall be declared duly elected as Wardens of the Episcopal church in Wilmington: and if any two persons shall have an equal number of votes, when it is necessary that only one of them should be elected to complete the number, then the Sheriff, or other officer holding such election, shall have power to declare which of said two persons shall be elected, by voting in said election. *Provided,* That such Sheriff or officer shall not be entitled to vote in such election, except in cases where it is necessary for his vote to determine who shall be elected.

II. *Be it further enacted,* That such five persons so elected, shall be held and deemed lawful Wardens of said church; and shall sue or be sued, plead and be impleaded, in any court of record, or before any Justice of the Peace, for or concerning any right, property, matter or thing, belonging to or respecting said church.

III. *And be it further enacted,* That if it shall so happen that no election of Wardens should be effected on the day herein prescribed, then and in such case the last elected Wardens shall continue to act with all the powers and authorities herein mentioned, until a new election of Wardens shall be made agreeable to this act; and should any of the Wardens elected as aforesaid, die, neglect or refuse to act, the remaining Wardens may appoint a person to fill such vacancy until the next annual election.

IV. *And be it further enacted,* That the Wardens who may be chosen agreeable to this act, or a majority of them, shall have power and authority to take into their possession all and every kind of property which of right doth or ought to belong, or which hereafter may belong to the aforesaid church; and shall take and use every lawful way or means to obtain possession thereof; and shall use and apply the same at their discretion for the use and benefit of the church and its appendages; and also shall make any addition, alteration or improvement relative to the church yard, or any property belonging to said church, as they shall deem necessary and convenient; and shall also make and ordain such rules and regulations as they shall think proper for enforcing and preserving good order and decorum in said church.

V. *Be it further enacted,* That the Wardens elected under the direction of this act, shall annually within one month after the expiration of their appointment, render to the succeeding Wardens an account of their receipts, expenditures and contracts, in a book to be kept for that purpose; a copy of, or abstract from which book, shall be put up at the door of the church for information; and in case any personal property shall remain in the hands of the late Wardens, the same shall be payable and delivered to the succeeding Wardens, who may, if necessary, sue for and receive the same for the use of the said church; and all contracts made and entered into by the Wardens for or on account of the church, shall be binding on their successors, so far as any of the church property shall come to or be in their possession.

C H A P. XLIII.

An Act to prevent obstructions to the passage of fish at certain seasons, in the river Roanoke.

WHEREAS it is found that the slides erected in the river aforesaid for the catching of fish, obstruct the passage of shad fish down the river at the season when it is proper that fish of said kind should have a free passage to the sea: For remedy whereof,

I. *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 the fifteenth day of April to the fifteenth day of June, in each and every year after the passing of this act, no slide for the catching of fish shall be allowed to remain in the said river Roanoke, unless the laths on the bottom of such slide shall be so constructed, that a space of three inches between each and every lath shall be left for a free passage for fish of the kind aforesaid down said river.

II. *And be it further enacted,* That if any person who has erected, or who hereafter shall erect, such slide in said river, and shall allow the same to remain within the time aforesaid, *to wit,* between the said fifteenth day of April and the said fifteenth day of June, without leaving the space between the laths at the bottom of each slide as is herein directed, shall forfeit and pay the sum of twenty pounds, to be recovered before any jurisdiction having cognizance thereof, to be sued for and recovered by any person prosecuting for the same, to the use of such person so prosecuting.

C H A P. XLIV.

An Act to authorize James Hughey, late Sheriff of the county of Buncombe, to collect all arrearages of taxes due him in said county, for the years one thousand seven hundred and ninety-five and one thousand seven hundred and ninety-six; and to empower Travers Hervey, Sheriff of Bladen, to collect the arrearages of taxes due for one thousand seven hundred and ninety-four, one thousand seven hundred and ninety-five and one thousand seven hundred and ninety-six; and Thomas Ivey, Sheriff of Sampson, for the years one thousand seven hundred and ninety-five and one thousand seven hundred and ninety-six; and Thomas A. Word, Sheriff of Surry, for the year one thousand seven hundred and ninety-six.

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 Hughey, late Sheriff of the county of Buncombe, be, and he is hereby authorized and empowered to collect all arrearages of taxes due him in said county, for the years one thousand seven hundred and ninety-five and one thousand seven hundred and ninety-six; and for the purpose of such collection, shall be vested with the same power and authority as the several Sheriffs of this state are now empowered by law.

II. *And*

II. *And be it further enacted*, That Travers Harvey, Sheriff of Bladen county, is hereby authorized by virtue of said act, to collect all arrearages of taxes due him as Sheriff, for the years one thousand seven hundred and ninety-four, one thousand seven hundred and ninety five and one thousand seven hundred and ninety-six; under the same rules and regulations as are hereby established in the above recited act; anything herein contained to the contrary notwithstanding.

III. *And be it further enacted*, That Thomas A. Word, Sheriff of Surry, be, and he is hereby authorized and empowered to collect all arrearages of taxes due him for the year one thousand seven hundred and ninety-six, in as full and ample a manner as is by law allowed for collecting taxes by the present laws in this state; any thing to the contrary notwithstanding.

IV. *And be it further enacted*, That Thomas Ivey be, and he is hereby authorized and empowered, to collect the arrearages of taxes due him as Sheriff for the years one thousand seven hundred and ninety five, and one thousand seven hundred and ninety six, in the county of Sampson. *Provided*, That he is not entitled by this act to collect the taxes due him from executors or administrators, or any person making affidavit that he has heretofore paid.

C H A P. XLV.

An Act to authorize and direct the sale of the Blue House and Church in the town of Hillsborough.

WHEREAS the Blue house in the town of Hillsborough, being the property of the state, was by a resolution of the General Assembly, passed at Newbern, in the year one thousand seven hundred and eighty-five, appropriated to the use of the Treasurer of the state: and whereas the said Treasurer hath reported to this General Assembly, that the said Blue house in the town of Hillsborough is no longer useful to him, his office being removed from thence, and now kept in the city of Raleigh:

I. *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 Henry Shepperd be, and he is hereby authorized and directed to expose to public sale, and sell to the highest bidder, on twelve months credit, at the market-house in the town of Hillsborough, on some one of the days of the superior court which shall be held in the town of Hillsborough in the month of April next, the said Blue house, lot and houses thereunto belonging, he, the said Henry Shepperd having previously advertised the said sale at least forty days in the Halifax and Fayette gazettes; and also at the said market-house in the town of Hillsborough.

II. *And be it further enacted*, That the said Henry Shepperd shall take bond of the purchaser with good and sufficient security, payable to the Governor and his successors in office, for the amount of such sale; which bond he shall lodge in the hands of the Treasurer of the state, at or before the next session of the General Assembly.

III. *And be it further enacted*, That it shall be the duty of the said Henry Shepperd, as soon after the purchaser shall execute his bond for the purchase money as aforesaid, to execute in his own name, as Commissioner, to the said purchaser, a deed of conveyance for the said Blue house, lot and houses thereunto belonging; which conveyance shall be held and deemed to vest in the purchaser a good and indefeasible title in the said premises; any law to the contrary notwithstanding.

IV. *And be it further enacted*, That the said Henry Shepperd shall be allowed five per cent. on the amount of the said sale, in full for his trouble and expences in and about the premises; which allowance shall be made him by the Treasurer in the settlement of his public accounts as Collector of arrears for Hillsborough and Fayetteville districts.

V. And whereas the church in the town of Hillsborough is in a ruinous and decayed situation, and has not been for a number of years past occupied as a place of divine worship: *Be it enacted by the authority aforesaid*, That the Sheriff of Orange county be, and he is hereby authorized and directed to expose to public sale, and sell to the highest bidder, at the market-house in the town of Hillsborough, on twelve months credit, the said church in the town of Hillsborough, and also the clock, and all the apparatus thereunto belonging, he the said Sheriff having previously advertised the said sale at least thirty days at the market-house in the said town of Hillsborough, and other necessary public places in the county of Orange.

VI. *And be it further enacted*, That the said Sheriff of the county of Orange take bond of the purchaser, with good and sufficient security, payable to the county Trustee and his successors in office, for the use of the said county of Orange, in the amount of such sale; which bond he, the said Sheriff, shall lodge in the hands of the said county Trustee; whose duty it shall be, on non-payment of said bond, to bring suit on the same; and the money, when recovered, to deposit in his office, subject to the disposition of the county court of Orange, towards building a jail for the district of Hillsborough.

VII. *And be it further enacted*, That the said Sheriff of Orange shall be allowed in the settlement of his accounts with the county Trustee, five per cent. on the amount of the sale aforesaid, in full consideration of his trouble in and about the premises.

C H A P. XLVI.

An Act authorizing the first regiment of militia of infantry in the county of Lincoln, to have a separate place of election and holding general musters.

WHEREAS it is represented to this General Assembly, that the good people composing the first regiment of militia in the county of Lincoln reside at a considerable distance from the court-house, and are frequently debarred, by reason of high waters, from attending elections and general musters called at the court-house: For remedy whereof,

I. *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 said first regiment of infantry, composed of seven companies, now commanded by the following Captains, to wit, Beard, Gingles, Johnson, Rine, Abernathy, Parr and Lytle, shall be entitled to a separate place of election, and also a separate place of holding their general musters, other than that of the court-house, under such rules and regulations as heretofore have been established by law.

II. And to the end that said places may be ascertained and permanently fixed, *Be it further enacted*, That each company composing said regiment shall be authorized to elect one member out of said company, to meet at the court-house at Lincolnton, on the fourth Friday in March next, then and there by them, or a majority of them, to fix upon some central place or places within the said regiment for the purposes aforesaid, which, when settled, shall be considered permanently fixed, and the power of the members to be dissolved.

III. *And be it further enacted*, That the citizens of said county living within said regiment, are hereby empowered and authorized to give in their votes and suffrages for members of the General Assembly, Representatives in Congress, Electors, &c. at said place; which election shall be held by the Sheriff, or his deputy, on the day preceding any established election at the court-house, under the same rules and regulations as heretofore have governed and directed Sheriffs.

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IV. *And be it further enacted*, That it shall be the duty of the county court of Lincoln held next before any election at said place, to appoint two suitable persons to superintend the same; and if the court should fail to make such appointment, it shall devolve on the Sheriff, or his deputy, who is authorized to make such appointment on the day of election.

V. *And be it further enacted*, That the votes and suffrages taken and received at said place, shall be sealed up in a box or boxes, as the case may require, by the superintendants aforesaid, and to be by them conveyed to the court-house at Lincolnton, and delivered to the inspectors of the election there during the days thereof; and to be by them counted out at the close of said election; which votes and suffrages so received and counted, shall be as good and valid as if they had been taken and received at the court-house as heretofore.

V. *And be it further enacted*, That no part of this act shall be so construed as to prevent any person authorized to vote from giving in his suffrage at the court-house as heretofore. *Provided always*, That if any person shall be convicted of giving his vote at the place to be fixed upon in the first regiment as aforesaid, and at the court-house also, he shall forfeit and pay the sum of twenty pounds, to be recovered by any person suing for the same before any Justice of the Peace, to be appropriated to the sole use of any such suitor.

C H A P. XLVII.

An Act to establish a seminary of learning in the county of Montgomery, at or near the town of Henderson.

I. *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 Roland Harris, Carey Pritchard, Ambrose Parker, John Atkins, and John Smith, be and they are hereby constituted and appointed Trustees to superintend the government of a seminary of learning at or near the town of Henderson, in the county of Montgomery; and with full power and authority to receive all donations, gifts or gratuities which may be given to them as such, for the purpose of erecting and supporting the said seminary, hereby constituted by the name of Stokes. And the said Trustees and their successors, shall be able and capable to ask for, demand and receive, likewise to sue for and recover from all persons, any sum or sums of money, or other property, which may come to them by subscription or otherwise; and in their capacity as such they may sue and be sued, plead and be impleaded, in any court of record within this state. And the monies when received, to be applied by the said Trustees, or a majority of them, towards defraying the expences of building and employing a tutor or tutors, and for every other purpose which they may deem necessary for the advancement of the said seminary of learning.

II. *Be it further enacted*, That the Trustees aforesaid, or a majority of them, (who in all cases are hereby constituted a quorum) shall fix on some healthy situation, at or near the said town of Henderson, for the purpose of erecting buildings for the benefit of said seminary of learning; and may purchase lands in their own name, which lands when purchased, shall be vested in fee to them and their successors forever.

III. *Be it further enacted*, That if any of the Trustees appointed by this act, shall die, remove or resign, a majority of those remaining shall have full power and authority to appoint other or others in the room of him or them so removing, dying or resigning; and him or them so appointed, shall be invested with all the powers and authorities incident to his office, in as full and ample manner as if named within this act. And the Trustees when convened in their capacity as such, shall be invested with all the powers and authorities as any bodies politic of like nature have a right to use or exercise: they may appoint a tutor or tutors, and such other officers as they may deem necessary; and in all cases whatsoever, shall have full power and authority to make and ordain rules and regulations for the government of said seminary, as to them may appear proper for the promotion of learning and virtue; which shall be binding to all intents and purposes as if mentioned within this act. *Provided*, That such rules and regulations when made, be not repugnant to the constitution or laws of this state.

IV. *And be it further enacted*, That the Trustees appointed by virtue of this act, or a majority, shall convene annually on the fifteenth day of July, or at any other time they may think convenient, for the purpose of carrying this act into effect; any thing to the contrary notwithstanding.

C H A P. XLVIII.

An Act to amend an act passed in the year one thousand seven hundred and ninety-six, entitled "An act for the laying off a town and inspection of tobacco and other commodities, at or near the confluence of Deep and Haw rivers;" also one other act, entitled "An act for laying off and establishing a town, and inspection of tobacco and other commodities, at or near Tison's mill, on Deep river, in Chatham county."

WHEREAS the Commissioners appointed by the before recited acts have declined to serve:
I. *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 President and Directors of the Cape Fear, Deep river and Haw river Navigation Company, or their successors in office, are hereby appointed Commissioners in the room and stead of the Commissioners appointed by the before recited acts; and they, or a majority of them, shall have the same power and authority as the Commissioners had under the before recited acts.

II. *And be it further enacted*, That from and after the passing of this act, the said town of Lyons, as or about the confluence of Deep and Haw rivers, as mentioned in the first of the before recited acts, shall be known and called by the name of Haywoodborough.

III. *And be it further enacted*, That so much of the before recited acts as come within the meaning and purview of this act, be, and they are hereby repealed and made void.

C H A P. XLIX.

An Act to empower William Cocks, late Sheriff of Person county, to collect the arrearages of taxes due from said county for the year one thousand seven hundred and ninety-four; and the securities of Thomas Johnston, late Sheriff of Onslow county, to collect the arrearages of taxes for the years one thousand seven hundred and ninety-four and one thousand seven hundred ninety-five.

I. *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 Cocks, late Sheriff of the county of Person, and the securities Thomas Johnston, late Sheriff of the county of Onslow, respectively, be, and they are hereby authorized and empowered to collect all the arrearages of taxes due them in said counties respectively, for the year one thousand seven hundred and ninety-four, and one thousand seven hundred and ninety-five; and the said William Cocks, and the said securities of Thomas Johnston are hereby vested with all and singular the pow-

ers and authorities for the collection of such arrearages in each of their said counties, with which Sheriffs of the several counties are vested by the several acts of Assembly in such case made and provided. *Provided*, That in case of the death of any such delinquents, their heirs or executors shall not be subject to pay such taxes, neither shall any person be compelled to pay, who will make oath before any Justice of the Peace, in said counties respectively, that his taxes for the years aforesaid were already paid; any thing to the contrary notwithstanding.

C H A P . L.

An Act to empower Archibald Houston, late Sheriff of the county of Cabarrus, to collect the arrearages of taxes due him for the year one thousand seven hundred and ninety-three.

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 Archibald Houston, late Sheriff of the county of Cabarrus, be, and he is hereby fully authorized and empowered to collect all arrearages of taxes due him in said county for the year one thousand seven hundred and ninety-three, in as full and ample a manner, and under the same rules as the several Sheriffs now in office are empowered.

II. And to the end and intent that the citizens may not be injured, *Be it further enacted*, That if any person called upon in consequence of this act, for the payment of any arrearages of taxes for said year, shall make affidavit that he either has or believes that he has paid the same, it shall be sufficient to exonerate him from any further cost or trouble; neither shall the said Sheriff be allowed to collect from the representatives of any deceased person.

C H A P . LI.

An Act to incorporate St. John's Lodge, No. 3, of the town of Newbern, in this state.

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 Master, Wardens and members, who at present, or in future may be of St. John's Lodge, of the town of Newbern aforesaid, are hereby constituted and declared to be a body corporate, under the name and title of St. John's Lodge, No. 3; and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such bye-laws and regulations as shall not be inconsistent with the constitution of this state or of the United States.

C H A P . LII.

An Act authorizing the Wardens of the poor in Onslow county to prepare a house for the reception of the poor in said county; and to repeal all that part of an act, passed at Raleigh, in the year one thousand seven hundred and ninety-four, for the purpose of destroying bears, wolves, &c. so far as relates to 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 the Wardens of the poor of the county of Onslow be, and they are hereby authorized to prepare a house for the reception of the poor in the said county; and the said house, when prepared, shall be appropriated to the sole use of the poor of the county aforesaid; under which denomination shall be comprehended all such persons of either sex in the said county as they may judge incapable, by old age or other infirmity, to procure subsistence for themselves; and the said Wardens shall appoint a keeper or overseer of said house, whose business it shall be to keep good order among the poor who inhabit the same, and to enforce all such regulations as shall be established from time to time, for the well ordering and governing the said poor; which regulations the said Wardens are hereby empowered to make; and the said keeper or overseer, for his services, shall be allowed for each year such sum as the said Wardens may deem adequate, to be paid out of the tax which they may levy for the said poor; and the said keeper shall purchase provisions for the subsistence of the poor under his care; and such of the poor as may be capable of any kind of labour, shall be moderately employed and kept at such labour; and at the end of each year the keeper shall account with the Wardens on oath for all sums which may have been collected, and have arisen from the labour of the said poor, and have the same deducted from the amount of his expenditures, and the balance due the keeper shall be paid by the Wardens of the poor of said county out of the tax aforesaid.

II. *And be it further enacted*, That the Wardens of the poor for the county aforesaid, shall have power annually to lay a tax not exceeding two shillings on each poll, and eight pence on every hundred acres of land, for the purpose of carrying this act into effect, to be collected and accounted for in the same manner as other poor taxes in this state.

III. *And be it further enacted*, That all that part of an act passed at Raleigh, in the year one thousand seven hundred and ninety-four, for the purpose of destroying wolves, bears, &c. so far as relates to the county of Bladen, be, and the same is hereby repealed and made void from and after the passing of this act.

C H A P . LIII.

An Act to emancipate a mulatto girl Sally, formerly the property of John Ingram.

WH E R E A S the said John Ingram by his last will and testament, has requested that the said girl Sally should be emancipated.

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 said girl Sally be, and she is hereby emancipated and declared free by the name of Sally Robinson; and hereby declared able and capable in law to possess and enjoy every right, privilege and immunity, in as full and ample manner as she could or might have done had she been born free.

C H A P . LIV.

An Act establishing a town at the court-house in the county of Buncomb.

WH E R E A S it is represented to this General Assembly, that the establishing a town at the court-house in Buncomb county would be of great utility and accord with the desire of the inhabitants of said county; and there being a number of lots already laid off at the said court-house; and Zebulon Baird, Esquire, the proprietor of the lands adjoining the same, having signified his consent to lay off as much more land as amount to sixty-three acres including said lots for the purpose aforesaid:

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 aforesaid sixty-three acres of land be, and the same is hereby constituted and established a town by the name of Asheville; and that John Jarrett, Samuel Chun, William Welch, George Swain, and Zebulon Baird, Esquire, be, and they are hereby constituted and appointed Commissioners for the purpose of carrying into effect the plan of the said town, and disposing of the lots in such manner as they

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or a majority of them shall think adviseable. *Provided nevertheless*, That nothing in this act shall be construed so as to prevent Zebulon Baird from having the power and right of executing titles to such lots as are yet not disposed of.

II. *And be it further enacted*, That in all matters and things relative to said town a majority of the Commissioners shall constitute a quorum; and in case of death, refusal to act, incapacity or removal of any of them, the remaining Commissioners shall fill up such vacancies; and that their first meeting shall be held on the fourth Saturday in January next; when they shall proceed to appoint a Treasurer, who shall be of their own-body, and when chosen shall be considered as chairman; and into whose hands all monies collected for the use of said town shall be paid; and he shall give bond with sufficient security, payable to the remaining Commissioners, for the due application and accounting for all monies by him received; and it shall be considered his duty to cause all the laws, rules and regulations made for the order and government of the said town to be carried into effect.

III. *And be it further enacted*, That the said Commissioners, or a majority of them, shall have full power and authority to make such bye-laws and regulations as they may think necessary for the good government of said town, and shall have and possess the same powers and authorities usually given to like Commissioners; and such rules and regulations as they may make shall be carried into effect by such penalties as they may deem necessary.

IV. *And be it further enacted*, That the Commissioners aforesaid shall be empowered to lay a tax annually not exceeding the demands necessary for said town, either on the poll, or the value of town property, or both if necessary; which tax shall be levied and collected in such manner as the said Commissioners may direct.

C H A P. LV.

An Act to establish a town at or near Cox's Mill, on Deep river, in the county of Randolph.

I. *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 President and Directors of the Deep and Haw river navigation, may as soon as they deem it necessary, purchase such a quantity of land as to them may appear requisite, at or near Cox's Mill, on Deep river, in the county of Randolph; which land, when purchased, shall by the said President and Directors, or a majority of them, be laid out into lots; and the same when done, are hereby established into a town by the name of Coxsborough.

II. *Be it further enacted*, That the President and Directors of the Deep and Haw river navigation, or a majority of them, may and they are hereby authorized and empowered to sell the said lots in any manner they may conceive the most advantageous for the improvement of said town; and the monies so arising shall be by them appropriated as they think proper. And the President and Directors aforesaid may employ workmen for the purpose of erecting ware-houses and other buildings for the reception of commodities and other articles that may be deposited there for inspection.

III. *Be it further enacted*, That a public inspection shall be established in the said town of Coxsborough; and that the court for the county of Randolph shall, when they deem it necessary, appoint such a number of persons as may be requisite for the inspection of tobacco, beef, pork, flour, and all other commodities that may be brought there for exportation.

IV. *And be it further enacted*, That the President and Directors as aforesaid, or a majority of them, shall be considered as the directors of the police of said town; and they may from time to time make such rules, regulations and restrictions for the good government thereof as may be thought proper; and all such rules, regulations and restrictions, when made, shall be binding to all intents and purposes, in as full and ample a manner as if they had been mentioned in this act; provided they are not repugnant to the constitution, or in contradiction to any law of this state; any thing to the contrary notwithstanding.

C H A P. LVI.

An Act to amend an act, entitled "An act to erect and establish an Academy in the county of Richmond."

WHEREAS it is represented to this General Assembly, that the powers given the Trustees nominated in said act are not sufficiently defined, and ample to answer the purpose intended by the same:

I. *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 several Trustees nominated in the before recited act, they and their successors be, and they are hereby declared to be a body politic and corporate in deed and in name, by the style of the Trustees of the Richmond Academy; and by the same name, they and their successors shall and may have perpetual succession, and be able and capable in law to receive, take and enjoy to them and their successors, lands, tenements, rents and hereditaments of any kind, nature, quality or value in fee, and also estates for lives and for years, and all sums of money, goods and chattels whatsoever for repairing and supporting the academy, paying salaries to the President, Professors and Tutors thereof; and by the same name, they and their successors shall and may be able to implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and before all Judges and Justices whatsoever, in all actions, pleas, complaints and demands; and to grant, bargain, sell or assign any lands, tenements, hereditaments, goods or chattels; and to do and do all things whatsoever for the use aforesaid, in as full and ample manner and form as any natural person, or body politic or corporate, can or may by law; that they shall and may have a common seal for the business of them and their successors, with liberty to change, alter or make new the same from time to time as they shall think proper; any law to the contrary notwithstanding.

C H A P. LXVII.

An Act to authorize the executors or administrators of James Vincent, late Sheriff of Northampton county, to collect the taxes due in said county for the years one thousand seven hundred and ninety-three and one thousand seven hundred and ninety-four; Thomas M'Intire, late Sheriff of Burke, for the years one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, and one thousand seven hundred and ninety-four; and William Johnston, late Sheriff of Wilkes, for the year one thousand seven hundred and ninety-two; and William Henry, late Sheriff of the county of Craven, for the years one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-four, one thousand seven hundred and ninety-five, and one thousand seven hundred and ninety-six.

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 executors or administrators of James Vincent, late Sheriff of Northampton county, Thomas M'Intire, late Sheriff of Burke county, and William Johnston, late Sheriff of Wilkes county

county; and William Henry, late Sheriff of the county of Craven, be, and they are hereby authorized and empowered to collect all arrearages of taxes due them in their respective counties, that is to say, the said ex-ecutors or administrators to collect all the taxes due the deceased in said county, for the years one thousand seven hundred and ninety-three and one thousand seven hundred and ninety-four; and the said Thomas M. In-tire to collect all arrearages for the years one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three and one thousand seven hundred and ninety-four; and the said William Johnston for the year one thousand seven hundred and ninety-four, one thousand seven hun-dred and ninety-five, and one thousand seven hundred and ninety-six; for which purpose they are hereby re-spectively invested with the same power and authority which the several Sheriffs now in office do possess by law. *Provided always*, That nothing contained in this act shall authorize any person mentioned in this act to col-lect any arrearages of taxes due from the estate of any deceased person, or from such as will make affidavit that the tax which they or either of them shall attempt to collect has been paid and satisfied.

C H A P. LVIII.

An Act to enlarge the town of Rockingham in the county of Richmond.

WHEREAS it is represented to this General Assembly by petition, that the quantity of land heretofore appropriated for said town, is insufficient; and the owner of the land adjoining said town prays to have seventeen acres laid out into lots and annexed to said town:

I. *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 James Terry, Walter Leak, and Micaiah Gainey, be, and they are hereby appointed Commissioners, with power to lay out seventeen acres of land, the property of Toddy Robinson, lying on the east end of said town, into such number of lots as will correspond with and be conformable to the plan of said town as already established by law; and the land so laid out, shall from and after the passing of this act be added to, and considered a part of the town of Rockingham; and the said Commissioners shall cause the said lots to be sold at such time and under such regulations as to them shall appear most advisable.

II. *And be it further enacted*, That the said Commissioners, or a majority of them, shall have full power and authority to remove the court-house and other public buildings, and fix the same on the most convenient and central part of said town. *Provided*, That the inhabitants and owners of lots in said town, shall pay to said Commissioners all expence incident to the removal of said buildings, and purchase such quantity of land as may be found necessary for erecting the same thereon.

III. *And be it further enacted*, That the acre of land heretofore reserved by the former Commissioners for the public buildings, and on which the same are now erected, be reserved and appropriated to the purpose of erecting a church and house of education thereon, for the use of the inhabitants of said town; any law to the contrary notwithstanding.

C H A P. LIX.

An Act to empower the court of Robeson county to call on the former Commissioners that were appointed to purchase or build a court-house in said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the au-thority of the same, That the first court which shall happen in the county of Robeson after the first day of March next, be directed, and they are hereby required, to call on the former Commissioners that were appointed to purchase or build a court-house in said county, to declare on oath the contract by them made in order that the court may be capable of judging whether the same was complied with or not; also the sum or sums of money received by them for the purpose of purchasing or building said court-house, and how ap-plied, and to whom paid; and if on said enquiry it shall appear that there is any money remaining in said Commissioners hands, or in the hands of any one of them, they are hereby directed to account for and pay the same to the Treasurer of the public buildings; who shall apply the same to build and repair the public build-ings in said county.

II. *And be it further enacted*, That if the said Commissioners, or any one of them, shall neglect or refuse to comply with the requisites of this act, they or any one of them refusing, shall forfeit and pay the sum of fifty pounds; to be recovered by action of debt, by any person who will sue for the same, and be applied to the use of said county.

III. *And be it further enacted*, That the Sheriff of Robeson county be empowered to collect the taxes for the year one thousand seven hundred and ninety-seven, in that part of Richmond county that was added to Robeson county the last General Assembly, and added to the said county of Richmond this present General Assembly; any law, usage or custom to the contrary notwithstanding.

C H A P. LX.

An Act to repeal part of an act, passed in the year one thousand seven hundred and ninety-six, entitled "An act for the further regulation of the town of Newbern, and to secure the col-lection of taxes in the town of Halifax."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the au-thority of the same, That so much of the before recited act as relates to the town of Newbern, be, and the same is hereby declared to be repealed and made void.

C H A P. LXI.

An Act to empower the county courts of Chowan and Carteret to appoint persons to copy the books in the Register's office in the said counties.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the au-thority of the same, That a majority of the Justices of the county court of pleas and quarter-sessions for the said counties may, whenever they deem it necessary, appoint two persons in each of the said counties, to examine the books in the Register's office therein; and report to the next court the situation of the said books, and how many, or what part of them or any of them, need transcribing; and if it appears to a ma-jority of the Justices of said courts respectively, that it is necessary to transcribe any part of the said books, they shall appoint some person in each of said counties to purchase a book or books, and copy in a fair and legible manner such books, or part of books in the said office, as may have been reported to require the same.

II. *And be it further enacted*, That when the persons so appointed by the said courts, shall have completed the said business as by this act enjoined, the books wherein such new entries are made, together with the

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old books, shall be committed to the examination of the two men appointed to examine the said books; who may make such corrections as they may conceive necessary, so as to render them conformable to the originals; and shall sign such book or books, and certify that they are accurately and literally copied; and such books shall have the same credit and validity as the originals would be entitled to in all the courts of record in this state.

III. *And be it further enacted*, That the said courts respectively shall allow the examiners and the persons appointed to transcribe the said books, a sum adequate to their services, to be paid out of the county tax by an order on the county Treasurer; who shall be allowed in his settlement for the same.

C H A P. LXII.

An Act granting a separate general muster to the inhabitants south-west of Peedee river, in the county of Montgomery; and to amend an act passed in the year one thousand seven hundred and ninety-five, entitled "An act granting the inhabitants of Cumberland county the privilege of a separate election and general muster."

I. *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 inhabitants of the south-west side of Peedee river, in the county of Montgomery, shall be entitled to a separate general muster, and they are hereby constituted into a battalion for that purpose.

II. *And be it further enacted*, That William Kindal, John Palmer and William Weaver, be, and they are hereby appointed Commissioners to fix and settle on some convenient place at or near the center of said battalion, for the purpose of exercise; and the field-officers of the regiment of the county aforesaid, shall be, and they are hereby required to attend at the said place when fixed on for the purpose of training and exercising the militia of said battalion, agreeable to the rules and regulations prescribed for the organizing and disciplining the militia; any thing to the contrary notwithstanding.

III. *And whereas it is found inconvenient for some of the inhabitants of Captains Clark, Folsom and Draughton's companies to give their suffrages at James Atkins's: For remedy whereof, Be it further enacted by the authority aforesaid*, That in future the inhabitants of Captains Clark's, Draughton's and Folsom's companies, may give in their suffrages either at Mr. James Atkins's or Fayetteville, as to them is most convenient, under the same rules and restrictions as are prescribed by the before recited act; any law to the contrary notwithstanding.

C H A P. LXIII.

An Act to compel persons who have built, or hereafter may build, saw-mills in the county of Bladen, to erect slips for the free passage of lumber over the same.

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 county court of Bladen shall have full power to compel any person or persons in their county to build slips, at their own expence, for the free passage of lumber over the same, under such laws and regulations as they shall think proper, not exceeding fifty pounds; to be recovered before any jurisdiction having cognizance thereof, and to be applied as the court shall direct. *Provided*, Two thirds of the Justices of said county think proper to carry this act into effect.

C H A P. LXIV.

An Act granting certain privileges to the volunteer company of infantry in Scotland-Neck, in the county of Halifax.

I. *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 volunteer company of infantry in Scotland Neck, in the county of Halifax, shall from and after the passing of this act, have full power and authority to make all such laws, rules and regulations for their own government, as they, or a majority of them, shall think proper to devise. *Provided*, That such rules and regulations, when made, shall not be repugnant to the laws or constitution of the State; and that the said company shall be governed by the field-officers of the regiment, and in all respects subject to the orders and regulations of a battalion or regimental parade; but shall not be subject to do duty in any other company in said county; any thing to the contrary notwithstanding.

C H A P. LXV.

An Act to amend an act, entitled "An act to establish two places in Halifax county for the purpose of holding general musters."

WHEREAS the place fixed on by the before recited act for the upper regiment of militia of said county to hold their regimental musters, is found to be inconvenient to the companies composing the same: *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 the companies composing the upper regiment of militia in Halifax county, shall hold their regimental musters and courts martial at Etheldred Turner's (formerly Hyde's) tavern; at which place delinquents shall appear for trial.

C H A P. LXVI.

An Act to establish a town, laid out by John Leak, Esquire, on the north side of Dan river, in the county of Rockingham.

WHEREAS a town hath been laid out by John Leak, by his own consent, containing forty-five lots, which lots were disposed of by the said John Leak; and whereas sundry persons, induced from the pleasant and convenient situation of the place aforesaid, have purchased lots from the proprietor, erected buildings, made improvements, and are desirous the said town should be established by legislative authority:

I. *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 said forty-five lots, with an addition of five lots more of the same size, be established a town, agreeable to the plan laid off by Abraham Phillips, Esquire, by the name of Leakville.

II. *And be it further enacted by the authority aforesaid*, That Robert Coleman, Nathaniel Seals, Alexander Speed, Terry Hughes and John Leak, be, and they are hereby constituted Commissioners, for the further designing, building and improving the said town; and in case of the death, refusal to act, or removal out of the district of any of the said Commissioners, the survivor or survivors, or a majority of them, are hereby authorized to nominate and appoint (by instruments in writing under their hands and seals) some other person being an inhabitant and freeholder in the district, in the room of him so dying, refusing to act, or removing out of the district; which said Commissioners, so appointed, shall have and exercise the same powers and

authorities in all matters herein contained, as the person in whose room and stead he was so appointed had and exercised. 1797

III. *And be it further enacted*, That the said Commissioners shall have power to order and direct the inhabitants of said town to work on the public wharfs and streets; and the said inhabitants are hereby released from working on the public roads; any law to the contrary notwithstanding.

C H A P. LXVII.

An Act to amend an act, passed in the year one thousand seven hundred and eighty-six, entitled "An act for the promotion of learning in the county of Chatham."

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 sum or sums of money which are now due, or may hereafter become due on the books of the Ranger of the county of Chatham, for strays entered agreeable to the laws in that case made and provided, for and during the term of three years to come, shall from and after the passing of this act be, and the same are hereby vested in the Trustees appointed by an act of the General Assembly, passed in the year one thousand seven hundred and eighty-six, entitled "An act for the promotion of learning in the county of Chatham;" and the said Trustees are hereby declared to be invested with the full right and title of the monies aforesaid; to all intents and purposes whatsoever, to and for the use of the school established by the before-recited act; and the said Trustees may sue and recover the same in like manner, and under the same rules, regulations and restrictions as any bodies corporate have a right to use or exercise; any thing to the contrary notwithstanding.

C H A P. LXVIII.

An Act to empower the county court of Surry to have transcribed the Entry-taker's books in said county.

I. **B**E 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 Surry, provided a majority of the justices in the county are present, shall inspect or cause to be inspected the Entry-taker's books in said county; and if it appear the said books should require a transcription from number one to number two thousand one hundred and twenty five, they are hereby authorized and empowered to employ some person to perform the same, or such part thereof as appears to be requisite; and such book or books when transcribed, shall be examined by the court, and if found to be true copies of the originals, shall thence forward be taken and deemed proper evidence in all the courts of record in this state.

II. *And be it further enacted*, That the county court of Surry, consisting of a majority of justices as aforesaid, shall have full power to lay such tax as they shall think proper, for the purpose of carrying of this act into effect; and such tax, when laid, shall be collected by the Sheriff, and accounted for in the same manner, and under the same rules, regulations and restrictions as other public or county taxes are in this state.

C H A P. LXIX.

An Act to repeal an act passed in the year one thousand seven hundred and ninety-six, entitled "An act to repeal the first and second sections of an act, passed in the year one thousand seven hundred and ninety-four, entitled An act for the better regulation of the town of Fayetteville."

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 of the General Assembly, passed in the year one thousand seven hundred and ninety-six, entitled "An act to repeal the first and second sections of an act, passed in the year one thousand seven hundred and ninety-four, entitled An act for the better regulation of the town of Fayetteville," be, and the same is hereby repealed and made void; and that an act of the General Assembly, passed in the year one thousand seven hundred and ninety-four, entitled "An act for the better regulation of the town of Fayetteville," be, and the same is hereby revived in every part thereof; that is to say, the voters in each and every ward for the town aforesaid, shall and they are hereby directed to meet at the court-house, and hold their elections at the same on the first Monday in January in each and every year, for the purpose aforesaid; any thing to the contrary notwithstanding.

C H A P. LXX.

An Act to empower the county court of Robeson to lay a tax for the year one thousand seven hundred and ninety-eight, for the purpose of repairing the court-house in said county.

I. **B**E 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 court of Robeson county be empowered to lay a tax in said county, for the year one thousand seven hundred and ninety-eight, not exceeding one shilling on every poll, and four pence on every hundred acres of land, and one shilling on every hundred pounds value of town lots, with their improvements, for the purpose of repairing the court-house in said county.

II. *And be it further enacted*, That the Sheriff of the county of Robeson shall collect the said tax, and a tax laid by the said court in the year one thousand seven hundred and ninety-seven, for the purpose of building a new jail in said county, under the same regulation and restrictions as are prescribed for the collection of public taxes; and he shall account for and pay the same to the Treasurer of the public buildings of said county; any law, usage or custom to the contrary notwithstanding.

C H A P. LXXI.

An Act to secure property to certain persons therein mentioned.

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, Martha Duty, of Chatham county, wife of Thomas Duty; Sarah Read, of Beaufort county, wife of Samuel Read; Fanny Cotterel, of Tyrrel county, wife of John Cotterel, shall be entitled to possess and enjoy in their sole right all estate, either real or personal, which they may hereafter acquire, by purchase or descent, in as full and ample manner as if the said Martha Duty, Sarah Read, and Fanny Cotterel had never been married to the said Thomas Duty, Samuel Read, and John Cotterel, clear from the claim or claims of them the said Thomas Duty, Samuel Read and John Cotterel, or any creditors of them or any of them; and the said Martha Duty, Sarah Read and Fanny Cotterel shall have full power and authority to sue and recover in any court having cognizance thereof from the said Thomas Duty, Samuel Read and John Cotterel, or any other person or persons, any property or estate which they may be entitled to, in the same manner as if the said Martha Duty, Sarah Read and Fanny Cotterel had never been married to the said Thomas Duty, Samuel Read and John Cotterel, from and after the passing

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 passing of this act, shall not be liable for the payment of any debts contracted by the said Martha Duty, Sarah Read and Fanny Cotterel; any law to the contrary notwithstanding.

C H A P. LXXII.

An Act to regulate the towns of Rockingham and Wadesborough, in the counties of Anson and Richmond.

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 inhabitants of the said towns of Rockingham and Wadesborough, in the counties of Anson and Richmond, be, and they are hereby empowered to assemble themselves together, on the last Saturday in January in each and every year, to elect three Commissioners for each of said towns; and such persons so elected, shall be freeholders of said towns; and after being duly elected, they or a majority of them are empowered to make such rules and regulations for the good government of the inhabitants of said towns, as they may deem necessary; which rules and regulations, when made, shall be binding to all intents and purposes on the inhabitants of said towns. *Provided*, That such rules and regulations shall not be repugnant to the constitution or laws of this state.

C H A P. LXXIII.

An Act to amend an act, entitled "An act to establish a seminary of learning in the town of Lumberton and Raft-Swamp, in 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 it shall be the express duty of the Trustees of Lumberton academy, twice in each and every year, to post up at the court-house of Robeson a fair and clear statement of their accounts, therein particularly stating the amount of subscriptions by them received, the names of the subscribers, and the amount subscribed by each person, the number of lots by them sold, and to whom, and the amount of each lot; with statements also of their expenditures, containing the amount and the purposes to which the same has been appropriated; and if the said Trustees shall fail or neglect to comply with the requisites of this act, they shall forfeit and pay the sum of fifty pounds; to be recovered by action of debt, by any person who will sue for the same, and be applied to the use of the said seminary; any law, usage or custom to the contrary notwithstanding.

C H A P. LXXIV.

An Act to repeal part of an act, passed the last session of the General Assembly, entitled "An act granting the inhabitants of Bertie county separate general musters and elections."

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 first section of the said act, granting to the inhabitants of Bertie county separate general musters, be, and the same is hereby repealed; and the militia of said county shall be mustered and trained at the same place and in the same manner as before passing the before recited act.

II. And be it further enacted. That the election heretofore held at the house of Edward Acre, shall in future be held at the house of William Hodges, in the same manner, and under the same rules, regulations and restrictions as mentioned in the before recited act.

C H A P. LXXV.

An Act to amend an act, entitled "An act to empower the county courts of Wilkes, Burke, Iredell, Montgomery, Onslow and Moore, to lay a tax for the purpose of destroying wolves and panthers in said counties."

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 before recited act shall be extended to the county of Buncomb, the inhabitants of which county shall from and after the passing of this act, be entitled to the same reward, to be paid in the same manner, and under the same regulations for each of the said vermin, as well for those which have been killed since the passing of said act, as those which shall be killed after the passing of this act; and the said county of Buncomb shall in every respect be considered subject to the operation of the above recited act, except as to the manner of destroying the scalps, which by this act shall be before any Justice of the Peace; anything in the before recited act to the contrary notwithstanding.

C H A P. LXXVI.

An Act to suspend the operation of an act, entitled "An act to appoint Commissioners to purchase land for a town and town common in the county of Rockingham, by the name of Wentworth; and for establishing the court-house in said county."

WHETHERAS the operation of the before recited act is urged to this General Assembly to be injurious, and contrary to the wishes of a majority of the inhabitants in the said county: and whereas the suspension of the aforesaid act for a limited time, will render equal justice to the inhabitants of the said county:

I. 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 said act, and every part and clause thereof, be, and the same is hereby suspended from having operation in any manner whatever, until the rise of the next annual General Assembly, and no longer; any thing in the before recited act to the contrary notwithstanding.

C H A P. LXXVII.

An Act to authorize the Wardens of the poor for the county of Camden, to lay an additional tax for the purpose of defraying the expence 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 it shall and may be lawful for the Wardens of the county of Camden, or a majority of them, as soon as they may deem it necessary after the passing of this act, to proceed to lay a further tax on the inhabitants of the aforesaid county of Camden, not exceeding one shilling on each and every poll, and one shilling on each and every hundred pounds value of town property, and four pence on every hundred acres of land within the said county; to be levied, collected and accounted for as the law in such cases directs.

C H A P . L X X V I I I .

1797

An Act to repeal an act, passed in the year one thousand seven hundred and ninety-six, entitled "An act to authorise Christopher Taylor, of the town of Halifax, to raise by way of lottery the sum of five thousand dollars."

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, an act passed in the year one thousand seven hundred and ninety-six, entitled "An act to authorise Christopher Taylor, of the town of Halifax, to raise by way of lottery the sum of five thousand dollars," be, and the same is hereby repealed and made void.

C H A P . L X X I X .

An Act directing the Wardens of the Poor for the county of Halifax, to let out the Poor of said county at the places therein mentioned.

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 be considered the duty of the Wardens of the poor for the county of Halifax, to let out to the lowest bidder the poor of said county, in the following manner:—The poor within the bounds of the fourth regiment, shall be let out on the second Saturday in May, at Etheldred Turner's, where the said regiment now holds their regimental musters; and the poor within the bounds of the second regiment shall be let out on the second Saturday in April, at Henry Dawson's, where the said second regiment now holds their regimental musters; any law to the contrary notwithstanding.

Read three times, and ratified in General Assembly, }
the 23d day of December, 1797.

BENJAMIN SMITH, Speaker of the Senate.

M. MATTHEWS, Speaker of the House of Commons.

Copy. JAMES GLASGOW, Secretary.

C O N T E N T S .

An act to raise a revenue for the payment of the civil list and contingent charges of the government, for the year 1798.

To regulate the conduct of grand juries, and authorizing courts of record to adjudge the payment of costs in certain cases, empowering Sheriffs to take bail on writs of capias.

To explain and amend an act passed at Fayetteville, in the year one thousand seven hundred and eighty-nine, entitled "An act directing the manner of issuing process in sundry cases arising in the courts of law and courts of equity, and to direct how joint obligations shall survive," and other purposes, as may appear by the title and body of the said act.

To declare the law relative to the force and effect of the process *subpoena duces tecum*, and the powers of the courts of the state with regard thereto.

To amend an act passed in 1795, entitled "An act to establish and incorporate a company for the purpose of cutting a navigable canal from Clubfoot's creek to Harlawe's creek," and to repeal all acts heretofore passed relative thereto.

To amend the 20th section of an act, entitled "An act directing the mode of recovering debts of twenty pounds and under."

To effect the more speedy decisions of certain suits in the courts of law and equity in Morgan and Salisbury districts.

To empower executors and administrators to convey lands in certain cases.

Altering the time of the annual general meeting of the Dismal Swamp Canal Company.

To incorporate the Grand Lodge of N. Carolina. To revive and continue in force so much of an act, entitled "An act to cede to the United States of America certain land upon the cession therein mentioned; as cedes Beacon island and four acres of land at the head land of Cape-Hatteras."

To amend an act passed in the year 1796, entitled "An act making compensation to the owners of outlawed and executed slaves for the counties of Bladen, Halifax, Granville, Cumberland, Perquimans, Beaufort and Pitt."

To repeal an act, entitled "An act to annex part of the county of Richmond to Robeson county," passed the last session of Assembly.

Granting further time for proving and registering bills of sale and deeds of gift.

To regulate the Register's fees in certain cases.

To amend an act, entitled "An act to remedy certain inconveniences arising under the present land law," passed in December, 1796.

To amend and continue in force an act, passed in the year 1796, entitled "An act to encourage the cutting a navigable canal from Roanoke river, or the waters thereof, near Plymouth to Pungo river."

Directing how claims against the state shall be authenticated, and their mode of payment, so far as respects jailors, Sheriffs, Coroners, Clerks of the superior courts, and witnesses on behalf of the state.

To provide for the punishment of accessories to felonies in certain cases.

For improving and clearing out the Caraba river, from the South-Carolina line, as far as navigation may be deemed practicable up the same.

To amend an act, entitled "An act to amend the several acts respecting the pilotage of Cape Fear bars and rivers."

For relief of securities who have paid money for and on account of their principal.

To amend an act passed in the year 1795, entitled "An act to amend the several laws heretofore passed concerning court-houses and prisons, and to provide for the safe keeping and humane treatment of persons in confinement, and to revive and continue in force the eleventh section of said act."

To suspend all such clauses of acts heretofore passed authorizing and requiring the Secretary of State to issue warrants to any officers or soldiers of the late continental line of this state for military services; and to suspend the issuing of grants for lands in certain cases therein mentioned for a limited time; and to establish a Board for the investigation of frauds suggested to have been committed in the Secretary's office.

Authorizing the Comptroller of this state to liquidate the claims of the officers and soldiers raised for the protection of Davidson county, under an act of the General Assembly, passed at Fayetteville, in 1786.

To increase the pay of the Jurors to the superior courts of the districts of New-Hero, Wilmington & Halifax; and also the districts of Fayetteville, Hillsborough and Edenton; except the Jurors from the counties of Chowan, Person and Robeson.

Making compensation to the county court Jurors of New Hanover, Surry, Stokes, Buncorab, Orange, Cumberland, Montgomery, Wilkes, Sampson, Carteret, Burke, Richmond and Randolph.

- To amend an act, entitled "An act to improve the navigation of Cape Fear, Deep and Haw rivers." 12
- To amend and continue in force an act passed in the year 1796, entitled "An act to improve the navigation of Tar river, from Tarborough upwards as far as the same can be effected." 1b.
- An act to empower the county courts of Brunswick, Bladen and Rutherford to lay a tax for the purpose of destroying wolves, bears, panthers and wild-cats in said counties; and to alter the time of holding the courts of pleas and quarter sessions in Brunswick. 13
- To amend an act, entitled "Act to establish a town at the court house in Hyde county." 1b.
- To authorize the Trustees of the Pittsborough academy to raise the sum of 700 dollars by way of lottery. 1b.
- To grant a separate election in Martin county. 13
- To secure to Martha Lane, wife of William Lane, such estate as she may hereafter acquire. 1b.
- To repeal the several acts of Assembly, empowering the county courts to appoint patrollers, so far as they respect the county of Cabarrus. 1b.
- To incorporate Panophia Lodge, No. 25, &c. 1b.
- To revive an act, entitled "An act for the more speedy determining disputes that have arisen, or hereafter may arise, in the counties of Rowan, Mecklenburg, Rutherford, Guilford, Lincoln and Rockingham, from erecting mill-dams, and to prevent persons from building mills as herein described," passed in the year 1785. 1b.
- For the promotion of learning in the county of Bladen, and for other purposes therein mentioned. 1b.
- Authorising certain persons Commissioners to appoint a pilot or pilots for the bars of New-River and Bear Inlet, in the county of Onslow, and to grant branches to such pilots. 1b.
- To continue in force an act, entitled "An act for the regulation of the city of Raleigh." 1b.
- To exonerate such of the inhabitants of the counties of Craven and Pitt from working on Contentnea creek, as were liable to be made work on the river Neuse, prior to passing an act in the year 1796, entitled "An act to improve the navigation of Great Contentnea creek." 1b.
- Authorising the members of the Episcopal church, in the town of Wilmington, to elect Wardens; and to give such Wardens authority in certain cases. 1b.
- To prevent obstructions to the passage of fish at certain seasons in the river Roanoke. 1b.
- To authorize James Hughey, late Sheriff of the county of Buncomb, to collect all arrearages of taxes due him in said county, for the years 1795 and 1796; and to empower Travers Harvey, Sheriff of Bladen, to collect the arrearages of taxes due for 1794, 1795, and 1796; and Thomas Ivey, Sheriff of Sampson, for the years 1795 and 1796; and Thomas A. Word, Sheriff of Surry, for the year 1796. 1b.
- To authorize and direct the sale of the Blue house and church in the town of Hillsborough. 17
- Authorising the first regiment of militia of infantry in the county of Lincoln, to have a separate place of election and holding general musters. 1b.
- To establish a seminary of learning in the county of Montgomery, at or near the town of Henderson. 18
- To amend an act passed in the year 1796, entitled "An act for laying off a town and inspection of tobacco and other commodities, at or near the confluence of Deep and Haw rivers;" also one other act, entitled "An act for laying off and establishing a town and inspection of tobacco and other commodities at or near Tison's mill, on Deep river, in Chatham county." 1b.
- To empower William Cocks, late Sheriff of Person county, to collect the arrearages of taxes due from said county for the year 1794; and the securities of Thomas Johnston, late Sheriff of Onslow county, to collect the arrearages of taxes for 1794 and 1795. 1b.
- Empowering Archibald Houston, late Sheriff of the county of Cabarrus, to collect the arrearages of taxes due him for 1795. 1b.
- To incorporate St. John's Lodge, No. 3. 1b.
- Authorising the Wardens of the poor in Onslow county to prepare a house for the same; and to repeal part of an act, passed in 1794, for destroying wolves, bears, &c. so far as relates to Bladen county. 1b.
- To emancipate a mulatto girl Sally, formerly the property of John Ingram. 19
- To establish a town at the court-house in the county of Buncomb. 1b.
- To establish a town at or near Cox's mill, on Deep river, in the county of Randolph. 20
- To amend an act, entitled "An act to erect and establish an academy in the county of Richmond." 1b.
- To authorize the executors or administrators of James Vincent, late Sheriff of Northampton county, to collect the taxes due in said county for the years 1793 & 1794; Thomas M. Latire, late Sheriff of Burke, for the years 1792, 1793 and 1794; and William Johnson, late Sheriff of Wilkes, for the year 1793; and William Henry, late Sheriff of the county of Craven, for the years 1793, 1794, 1795 and 1796. 1b.
- To enlarge the town of Rockingham in the county of Richmond. 21
- To empower the court of Robeson county to call on the former Commissioners that were appointed to purchase or build a court house in said county. 1b.
- To repeal part of an act, passed in the year 1796, entitled "An act for the further regulation of the town of Newbern, and to secure the collection of taxes in the town of Halifax." 1b.
- To empower the county courts of Chowan and Garteret to appoint persons to copy the books in the Register's office in the said counties. 1b.
- Granting a separate general muster to the inhabitants south-west of Peebles river, in the county of Montgomery; and to amend an act passed in the year 1795, entitled "An act granting the inhabitants of Cumberland county the privilege of a separate election and general muster." 22
- To compel persons who have built, or hereafter may build, saw mills in the county of Bladen, to erect slips for the free passage of lumber over the same. 1b.
- Granting certain privileges to the volunteer company of infantry in Scotland-Neck, in Halifax county. 1b.
- To amend an act, entitled "An act to establish two places in Halifax county for the purpose of holding general musters." 1b.
- To establish a town, laid out by John Leak, Esq. on the north side of Dan-river, in the county of Rockingham. 1b.
- To amend an act passed in the year 1786, entitled "An act for the promotion of learning in the county of Chatham." 23
- To empower the county court of Surry to have transcribed the Entry-taker's books in said county. 1b.
- To repeal an act passed in the year 1796, entitled "An act to repeal the first and second sections of an act, passed in the year 1794, entitled An act for the better regulation of the town of Fayetteville." 1b.
- To empower the county court of Robeson to lay a tax for the year 1798, for the purpose of repairing the court house in said county. 1b.
- To secure property to certain persons. 1b.
- To regulate the towns of Rockingham and Wadesborough, in the counties of Anson and Richmond. 24
- To amend an act, entitled "An act to establish a seminary of learning in the town of Lumberton and Raft-Swamp, in the county of Robeson." 1b.
- To repeal part of an act, passed the last session of the Assembly, entitled "An act granting the inhabitants of Bertie county separate general musters & elections." 1b.
- To amend an act, entitled "An act to empower the county courts of Wilkes, Burke, Iredell, Montgomery, Onslow and Moore, to lay a tax for the purpose of destroying wolves and panthers." 1b.
- To suspend the operation of an act, entitled "An act to appoint Commissioners to purchase land for a town and town common in the county of Rockingham, by the name of Wentworth; and for establishing the court house in said county." 1b.
- To authorize the Wardens of the poor for the county of Camden, to lay an additional tax for defraying the expence of the poor of said county. 1b.
- To repeal an act, passed in 1796, entitled "An act to authorize Christopher Taylor, of the town of Halifax, to raise by way of lottery, the sum of 5000 dollars." 25
- Directing the Wardens of the poor for the county of Halifax, to let out the poor of said county at the places therein mentioned. 1b.