

# THE STAR,

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### Laws of North Carolina.

Passed at its Session in 1819.

#### (BY AUTHORITY.)

An Act to create a fund for Internal Improvements, and to establish a Board for the management thereof.

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 a fund shall be, and the same is hereby created, to be denominated "the Fund for Internal Improvements," and to be applied exclusively to the internal improvement of this state, unless the necessities of this state shall render it necessary for some future legislature to apply the said fund or part thereof to some other purpose of state.

II. *Be it further enacted,* That the said fund shall consist of the nett proceeds of the sales of the lands lately acquired by treaty from the Cherokee Indians.

III. *Be it further enacted,* That for the purpose of preserving and improving this fund, and of disbursing such portions of it as the General Assembly may from time to time direct, to be applied to any object of internal improvement; it shall be, and the same is hereby vested in a corporate body, to be styled "The President and Directors of the Board for Internal Improvements," in which name they shall have a common seal and perpetual succession, subject to the limitation herein and hereinafter provided; shall be capable of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights and privileges of a corporation.

IV. *Be it further enacted,* That the governor of the state for the time being, shall be *ex officio* president of the board for internal improvements, that the directors, a majority of whom shall constitute a board for the transaction of any business, shall consist of six commissioners, one to be chosen from each of the present judicial circuits of this state.

V. *Be it further enacted,* That the directors of the board for internal improvements shall be chosen annually by joint ballot of the two houses of the General Assembly, and receive such compensation for their services as may be allowed by law, which until otherwise provided, shall be the same mileage for traveling to and from the places of sitting, and the same pay *per diem*, during the continuance of their session, as is now allowed by law to members of the General Assembly.

VI. *Be it further enacted,* That in the absence of the Governor, the board may elect a president, *pro tempore* from their own body, who shall preside over the deliberations of the board until the governor is enabled to attend.

VII. *Be it further enacted,* That the president and directors of the board shall have power to appoint a principal Engineer of public works and such assistant Engineers or surveyors as in their opinion the public service may require, which said principal Engineer shall superintend and direct all the public works, which the General Assembly have hitherto or shall hereafter order, direct, or authorize; and the said board shall also have power to appoint a secretary to record their proceedings, and the persons so appointed shall receive for their services, such compensation as the board may allow, to be paid out of the revenue of the fund for internal improvements, whenever the same may be adequate thereto.

VIII. *Be it further enacted,* That the president and directors of the board of internal improvements, shall hold an annual meeting in the city of Raleigh, or at such other place as may be designated by law, to begin on the third Monday of November and to continue until the business of the board be transacted; but the president of the board may at his own pleasure, or shall at the request of any three directors thereof, convene an extra meeting of the board for the transaction of any extraordinary business.

IX. *Be it further enacted,* That the president and directors of the board for internal improvements, may at their annual meeting, enact, alter, or amend such rules as to them may seem proper for the purpose of regulating the order of their proceedings; That they may adjourn the board for any period not exceeding six months, or when occasion shall require it, have an extra meeting at any other place than that designated by law, and shall have power to make and establish such by-laws, rules and regulations for the better ordering of the conduct of their officers, agents and servants, as to them may seem expedient: *Provided,* the same be not inconsistent with the constitution and laws of this state, or of the United States. They shall have power at any time during the recess of the legislature to fill any vacancy which may occur, in their own body from death, resignation, removal, inability, or any other cause: *Provided nevertheless,* That such vacancy shall be filled by a citizen of this state, to be selected from the judicial circuit where such vacancy happened.

X. *Be it further enacted,* That the fund for internal improvements, subject to the order of the president and directors of the board, shall be deposited in the treasury of the state, and kept distinct and apart from all other public money; it shall be paid out or delivered by the treasurer of the state to the order of the board, certified and subscribed by the secretary and countersigned by the president; That the treasurer shall keep a fair and regular account of all such disbursements, and carefully preserve the certificates upon which the same shall have been made, and shall render an account thereof to the General Assembly at the same time at which he renders his annual account of the disbursements of the ordinary revenue; That once in every year the board of Internal Improvements shall depute a committee of their body to examine the accounts of all disbursements made by order of the board during the year next preceding the annual meeting of the board and to compare these accounts with the Treasurer's books and the certificates giving authority for the payment of the several sums of money or stock entered therein.

XI. *Be it further enacted,* That the Presidents and Directors of the board of Internal Improvements, shall be and they are hereby authorized to subscribe in behalf of the State, to such public works, as the General Assembly may from time to time agree to patronize, such portions of the fund for Internal Improvements as may be directed by law.

XII. *Be it further enacted,* That it shall be the duty of the board of Internal Improvements, to keep a fair and accurate record of all their proceedings; which shall be at all times open to the inspection of the Members of the General Assembly and of the President, and Directors, and other officers of any company interested therein.

That they shall report to the General Assembly at or near the commencement of every annual session thereof, the exact state of the Fund for Internal Improvement: The progress, condition,

and nett income of all the public works under their charge; The surveys, plans and estimated expense of such new works as they may recommend to the patronage of the General Assembly, together with such other important information as they may have in their power to collect in relation to the objects committed to their trust: *Provided,* That where an appropriation shall be made of any part of the aforesaid Fund to the improvement of any River the improvement of the Navigation of which has already or shall hereafter be committed to and the property therein vested in a Corporation, then and in that case the state shall be considered a stock holder, in said company, or corporation, and shall have as many shares as may correspond with the amount of the money, thus advanced from, and appropriated out of said Fund for internal improvement, and the acceptance by any company or corporation as aforesaid of such advance of money by the State, shall and the same is hereby declared to be the expression of the consent of said company, or corporation to the terms of the advance on the part of the State as expressed and intended by this proviso.

An Act to amend an act passed in the year 1793 entitled "An Act directing the manner of proceeding against the several officers therein named," so far as requires them to renew their bonds once in every three years. *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 clerks of the Superior and County Courts, Clerks and Masters in Equity, Registers and public Inspectors, shall, and they are hereby required to renew their several bonds for the faithful discharge of their duties in office with good and sufficient securities at the several and respective Courts, wherein they have their appointments, which shall be after the first day of March next ensuing and once in each and every year thereafter, under the same rules, regulations and restrictions as are provided by the act of 1793, directing the manner of proceeding against the several officers therein named: *provided,* That nothing herein contained shall be construed to extend to any of the above named officers who shall have given bond as aforesaid within twelve months preceding the first day of March next, but then and in that case it shall be the duty of the aforesaid officers to renew their respective bonds at the expiration of one year from the time of their appointment or the last renewal of their bonds (as the case may be) and once in each and every year thereafter.

An Act directing the sale of certain Public land adjoining the City of Raleigh and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That Duncan Cameron, John Winslow, Joseph Giles, William Roberts and Henry Potter be and they are hereby appointed commissioners for the purpose of selling and conveying in fee simple by instrument under their hands and seals all or any part of the public lands contained in the deed from Joel Lane, to the Governor for the use of this State and adjoining the City of Raleigh, lying on the East side thereof except a part thereof, not exceeding twenty acres to be selected by the Architect superintendent of Public Buildings and reserved for a quarry.

II. *Be it further enacted,* That the said commissioners or a majority thereof shall lay off or cause to be laid off into convenient lots of such size as they may deem most proper all of the above described lands, which said lots shall be thus laid off, it shall be the duty of the commissioners or a majority of them, to make an estimate of the value of each lot of land, and deposit the same with the Treasurer; and they shall not communicate to any person previous to the sale the affixed value of any lot.

III. *Be it further enacted,* That the said commissioners shall cause to be set up at public auction the said lots of land, first giving sixty days notice by advertisement in the newspapers printed at Raleigh, of the time and place of sale *provided always,* That the commissioners shall adopt effectual measures to prevent the bidding of any lot for a less sum than the previous estimation, nor shall any title be made until the purchase money is paid. *Provided,* That nothing in this act shall be construed to empower the commissioners to sell the unappropriated lots which are situate in the corners of the City.

IV. *And be it further enacted,* That the purchasers of the lots of land shall have a credit of one year for one third part of the purchase money, two years for another third and three years for the remaining third on giving bond with approved security payable to the Governor and negotiable at all the Banks in this State which bonds shall be deposited with the Treasurer, and by him collected when due.

V. *And be it further enacted,* That the said commissioners shall make a full and complete return of their proceedings hereinto to the next General Assembly.

VI. *Be it further enacted,* That the said commissioners in laying out the lots as directed in the second section shall also have power to lay off such streets or roads as they may deem advisable.

VII. *And be it further enacted,* That the Governor of this State be and he is hereby authorized and empowered to cause the State House to be repaired and improved under the superintendance and direction of the Architect for the State in conformity with the plan prepared and submitted by him to the present General Assembly.

VIII. *And be it further enacted,* That for the purpose of preparing and improving the State House in the manner prescribed in this act the Governor shall have full power to draw warrants on the Public Treasurer, which shall be paid out of the money arising from the sale of the land by this act directed to be sold and no other.

An Act concerning Military Land Warrants. *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 Governor Public Treasurer and Comptroller, or a majority of them are hereby vested with full power and authority, to hear and determine all applications which may be made for military land warrants, and their direction in writing or the direction in writing of a majority of them, shall authorize the Secretary of State, to issue a warrant for such quantity of land as they or a majority of them may certify to be due to each applicant.

II. *And be it further enacted,* That this act shall be in force from and after the passing thereof; and shall remain in force until the meeting of the next General Assembly and no longer.

An Act to explain An Act laying duties on sales at auction of Merchandize, passed in the year 1818. Whereas doubts existing respecting the articles subject to the tax laid by the above recited act, to remove which.

*Be it enacted and declared by the General Assembly of the State of North Carolina, and it is enacted and declared by the authority of the same,* That the said act shall not be construed to affect or extend to the sales at auction of any article the product of the agriculture of this State in its natural or unmanufactured State, nor to any species of stock, or of domestic animals, nor to any articles of household furniture or farming utensils, which have been in use, and that said act shall extend only to sales at auction of such articles of goods, wares and merchandize, as are the ordinary subjects of traffic and sale by merchant and traders.

An Act concerning the clerks of the Superior Courts of law and Equity, and Clerks of the County Courts.

Whereas there is no provision by law, authorizing clerks of the Superior and County Courts to tax parties with the costs and charges of publication in the newspapers in cases of attachment and where parties reside beyond the limits of the State, 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 Clerks of the several Superior Courts of Law and Equity and Clerks of the County Courts of this State, shall hereafter tax the party with the costs of publication in newspapers who are bound to pay the other costs of suit.

II. *And be it further enacted,* That the said Clerks shall hereafter, the parties bound to pay costs with the postage of all letters which cover the transfer of original or mesne process from one County to another.

An Act more effectually to punish the making, passing or attempting to pass counterfeit Bank Notes.

*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 if any person shall falsely make, forge or counterfeit or cause or procure to be falsely made, forged or counterfeited or willingly aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of or purporting to be a bill or note issued by order of the President and Directors of any Bank or corporation within this State or any of the United States or any of the Territories of the United States; or any order or check on any of the said Banks or corporations or any of the Cashiers thereof; or shall pass utter or publish or attempt to pass utter or publish as true, any false, forged, or counterfeited bill or note, purporting to be a bill or note, issued by order of the President and Directors of any bank or corporation within this State or any of the United States or any of the Territories of the U. States or any order or check on any of the said banks or corporations or any of the Cashiers thereof knowing the same to be falsely forged or counterfeited, with intention to defraud any corporation body Politic or person every such person so offending shall be deemed and adjudged guilty of Felony and being thereof convicted by due course of Law in any Court of competent jurisdiction shall be punished by fine and imprisonment, not exceeding three years, pulling in the pillory public whipping not exceeding thirty nine lashes on his or her bare back, all or any of them at the discretion of the Court, due regard being had to the nature and circumstances of the offence.

I. *And be it further enacted,* That if any person shall directly or indirectly pass or attempt to pass to any other person for the sake of gain any false forged or counterfeited bill or note issued by order of the President and Directors of any bank or corporation within this State or any of the United States or any of the Territories of the United States; or any false forged or counterfeited order or check upon any of the said banks or corporations or any of the Cashiers thereof (knowing the same to be falsely forged or counterfeited) every such person so offending shall be deemed and adjudged guilty of Felony, and being thereof convicted by due course of law in any Court of competent jurisdiction, shall be punished by a fine to the use of the State not exceeding five thousand dollars and be imprisoned not exceeding three years, standing in the pillory, public whipping not exceeding thirty nine lashes on his or her bare back, all or any of them at the discretion of the Court due regard being had to the nature and circumstances of the offence.

An Act directing the publication of the revision of the laws of this State made under the act passed in 1817, entitled an act for the revision of the acts of the General Assembly.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the revision of the acts of the General Assembly of this State, made and reported by Henry Potter, John L. Taylor and Bartlet Yancy Esquires, commissioners appointed under the act of 1817, entitled an act for the revision of the acts of the General Assembly, together with the titles of the statutes or parts of statutes of Great Britain in force in this State, which said commissioners have reported in their opinion to be published in octavo on good paper, and with a new type, to contain the second charter of Charles the second, the great deed of Grant, the Grant from George the second, to John Lord Granville, the bill of Rights and Constitution of the State, together with the names of the persons, who were members of the convention, who formed the said Bill of Rights and Constitution, the constitution of the United States, with the amendments, the Treaty of Peace of 1783, and all the acts of the General Assembly reported by the said commissioners including the acts of 1819, with a copious index thereof.

I. *Be it further enacted,* That Henry Potter Esq. together with the Public Treasurer and Secretary of State are hereby authorized to contract in writing with some fit person upon the best terms which can be obtained for the printing and binding of the said revision in a neat and suitable manner; in which contract provision shall be made for supplying the State with two hundred copies of said publication, to be deposited with the Secretary of State of which number two shall be given to each County for the use of the Superior and County Courts, and that the person who shall become the publisher shall enter into bond with sufficient security in the sum of five thousand dollars payable to the Governor for the time being, conditioned for the faithful and accurate printing and binding of the said revision within a time to be stipulated in the said contract which bond shall be filed with the Governor.

II. *Be it further enacted,* That Henry Potter, Esq. one of the said commissioners be and he is hereby appointed superintendent of the printing and publishing of the said work, whose duty it shall be to decide on the quality of the paper, and size and form of the type and generally as superintendent to do all such things as may best insure the publication of the revision in a manner suitable to its importance, and the character of the State. And if the said Henry Potter should die or refuse to act, the Governor is hereby empowered, and he is required to appoint another.