

# THE NORTH-CAROLINA STAR.

THOMAS J. LEMAY, editor.

NORTH CAROLINA—"Powerful in intellectual, moral and physical resources, the land of our sires and home of our affections."

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NO. 13

## LAW OF NORTH-CAROLINA.

BY AUTHORITY.

### AN ACT

To lay off and establish a County by the name of Hooper.

Sec. 1. 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 county by the name of Hooper, to be laid off and established by the name of Hooper, in honor of the signor of the Declaration of Independence, to be constituted of parts of the counties of Richmond and Robeson, beginning at the point of separation of the boundary of Cumberland and Robeson counties, near the Campbell bridge, on Lumber river; running thence a direct line to Huchinson's mill, on the Swampy river, thence down the river to Saup to Malloy's mill; thence a direct line from said mill to the fork of the road to Jones' Creek; thence along the Eastern side of the Adamsville line to its intersection with the State boundary line of North and South Carolina; thence along said boundary line to the point nearest to Hagan's (Canaan's) dwelling house, in Marion District, South Carolina; and from said point, a direct line to the twelve mile post in the Southern end of Mrs. McLachlin's land, on the Eastern side of Lumber river; thence, a direct line, to the Eastern end of the Old Fort Caroline way across the Ruff Swamp; thence, a direct line, North thirty degrees East to the Cumberland county line; thence with that line to the beginning.

Sec. 2. Be it further enacted, That the said county of Hooper be invested with all the rights, privileges and immunities of the other counties of this State: Provided a majority of the qualified voters for Members of the House of Commons, in the counties of Richmond and Robeson, shall vote for the division proposed, at an election to be held according to the provisions of an act to be passed supplemental to this act.

Enacted 27 January, 1851.

### AN ACT

Supplemental to an act, passed by the present General Assembly, entitled "An Act to establish a new county by the name of Hooper."

Sec. 1. 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 County of Hooper shall be, and is hereby invested with all the rights, privileges and immunities of the other counties of the State, except as hereinafter provided.

Sec. 2. Be it further enacted, That John H. Alford, William Brown, Daniel McNeil (editor), Alex. McMillan and John G. Edwards, clerks of Robeson county; John L. Early, William Graham, Daniel McNeil, Milton McNeill, or of Richmond county, are hereby appointed Commissioners to select and determine upon a site for the erection of a suitable Court House and Jail for said county, on a proper location within the circumference of five miles from Centre Church, to be determined by a majority of said commissioners.

Sec. 3. Be it further enacted, That a majority shall have power to purchase, containing by donation, a tract of land containing not less than twenty five acres, nor more than one hundred, to be conveyed to the emigrants of the county court of said county and his successors in office, upon which a town shall be laid off, where the Court House and Jail shall be erected; and after their completion, the court of said county, shall be held, and the clerks and registers shall keep their offices. The commissioners shall also lay off the lots of said town and form a plan thereof to be filed in the office of the clerk of the County Court, and after designating such as shall be kept for public use, shall expose to sale, after due notice, the remainder of the lots or such portion of them as they may deem necessary, from time to time, at public auction, on a credit of six and twelve months, and shall take from the purchasers bonds with good security for the purchase money, made payable to the chairman of the County Court, and his successors in office; and the chairman shall execute titles for the same on the payment of the purchase money, which monies shall be applied to building the Court House and Jail.

Sec. 4. Be it further enacted, That the justices of the peace and officers of the militia, who reside within the county of Hooper, shall hold and exercise the powers and authorities in and for said county, that they respectively held in the counties of Richmond and Robeson.

Sec. 5. Be it further enacted, That County Courts of Pleas and Quarter Sessions shall be, and are hereby established, in and for the county of Hooper, to be held by the justices of said county, on the third Monday in May, August, November and February, in each and every year; and that the first session of said court shall be held on the 3rd Monday in May, 1851, at such place as a majority of the above commissioners may designate, to be entered of record under the direction of the court, and at the same place, from time to time, until a seat of justice shall be established for said county, as is hereby provided, unless the said court, or any subsequent ones, shall appoint the place of its next session; and at the first session of said court, a majority of the justices of Hooper being present, the court shall elect a clerk of the county court, a sheriff, coroner, register, entry taker, surveyor, county trustee, and wardens of the poor, who shall enter into the bonds required by law; and they shall hold and continue in office until their successors are duly appointed according to the acts of the General Assembly in such cases made and provided.

Sec. 6. Be it further enacted, That the court of pleas and quarter sessions hereby established shall possess and exercise the same powers, authorities and jurisdictions, as are possessed and exercised by other county courts in this State, under the public laws of the State, excepting always the trial of issues of fact by the intervention of a jury; and therefore no writ shall be issued to summon jurors to any of said courts: Provided however, that an indictment by a jury, on the county or incapacity of persons suspected of being non compos mentis, shall not be included in the above exception; but the courts of the respective counties of Richmond and Robeson shall continue to hold jurisdiction in all cases when the intervention of a jury may be necessary, as hereinafter provided, until the close of the next session of the General Assembly.

Sec. 7. Be it further enacted, That any person or persons within the county of Hooper,

liable to imprisonment on any process, civil or criminal, shall be committed to the jail of the county from which the territory was detached, on which he resides, or the criminal act was perpetrated.

Sec. 8. Be it further enacted, That nothing in this act shall be construed so as to prohibit the sheriffs of the counties of Richmond and Robeson from performing their official duties in the detached parts of their respective counties as heretofore, under the same liabilities as heretofore, and for the same fees, until the close of the session of the next General Assembly, except as hereinafter excepted.

Sec. 9. Be it further enacted, That nothing in this act shall prevent the sheriffs of Richmond and Robeson from collecting arrears of taxes in the detached parts of their respective counties included within the county of Hooper, in the same manner as they would have done previous to the creation of the said county: Provided, nevertheless, that the said sheriffs shall not collect any taxes in the county of Hooper, or of the citizens of said county, which have been imposed by the county courts of Richmond and Robeson, which are to be collected in this year 1851, but that the said taxes shall be collected by the sheriff of Hooper county upon the tax duplicates of the county court clerks of the respective counties; nor shall the sheriffs of Richmond and Robeson be allowed to collect any other taxes in the county of Hooper, except as hereinafter allowed in regard to arrears.

Sec. 10. Be it further enacted, That the county of Hooper shall continue to be represented in the General Assembly, as heretofore, under returns of Richmond and Robeson, and the elections of the members of the General Assembly, members of Congress, electors of President and Vice President and Governor, shall be held by the sheriffs of Richmond and Robeson, in their respective counties, under the same rules and regulations as heretofore; and the county courts of Richmond and Robeson are hereby authorized and required to appoint inspectors for holding elections within those detached parts of their respective counties, included in the county of Hooper; and the literary fund shall be distributed in the detached parts of Richmond and Robeson as heretofore.

Sec. 11. Be it further enacted, That the commissioners heretofore appointed, or a majority of them, shall shortly after the first session of the county court of Hooper county, contract for and superintend the building of a Court House and Jail for the county of Hooper; and the said county court, at its first session, shall impose the public and necessary county taxes for the county of Hooper, subject to such rules, regulations and restrictions, as regulate other county courts in similar cases, both for imposing, collecting and paying over all under the general Laws in such cases made and provided.

Sec. 12. Be it further enacted, That an election shall be held, at the several precincts established for holding elections, in the counties of Richmond and Robeson, on the first Thursday in May next, to ascertain the sense of the qualified voters in said counties, on the question of establishing the county of Hooper from part of those counties, as described in the act to which this is supplemental; and it shall be the duty of the county court of Richmond, at its session in April, 1851, and also it shall be the duty of the county court of Robeson, at its session in February, 1851, to appoint judges and inspectors for the respective counties, to hold and superintend said election, at the several precincts aforesaid; the said judges and inspectors, who, after taking an oath honestly, fairly and impartially to discharge their duty, shall hold said election at the time and place aforesaid; and the judges and inspectors of each county shall report the result of the same to the sheriff of their respective counties, under the same rules and regulations and liabilities as are now required by law for holding elections for members of the General Assembly.

Sec. 13. Be it further enacted, That if, on the first day of said sheriff's meeting on the first Saturday after said election, at Stewartville, in Richmond county, then and there, in the presence of three freeholders summoned for that purpose by the sheriff of Richmond, to compare the polls in the said counties of Richmond and Robeson; and if, after examination, it shall be found that a majority of votes have been given in favor of establishing the county of Hooper then it shall be the duty of said sheriffs to forward to the Governor of the State a certificate of the same within ten days after said election, and then the Governor shall make known the fact by proclamation; upon which, this act, and to which this is supplemental, shall be operative and take effect otherwise both said acts shall be null and void.

Sec. 14. Be it further enacted, That the sheriffs of Richmond and Robeson counties, shall be entitled to the same compensation for making the returns of the result of said election, to the Governor, that they are now by law allowed for making the return of the election of members of the General Assembly.

Sec. 15. Be it further enacted, That John L. Early and Malcom Parrell be appointed surveyors to run and mark the boundary lines of said county of Hooper, and that they enter on this duty as soon as may be practicable upon being ascertained and proclaimed by the proclamation of the Governor aforesaid, that a majority of the qualified voters of the counties of Richmond and Robeson are in favor of establishing the county of Hooper, as proposed by the act to which this is supplemental.

Sec. 16. Be it further enacted, That this act shall be in force from and after its ratification.

Enacted 28th January, 1851.

### AN ACT

To lay off and establish a County by the name of Madison.

Sec. 1. 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 county by the name of Madison shall be, and is hereby invested with all the rights, privileges and immunities of the other counties of the State, except as hereinafter provided.

Sec. 2. Be it further enacted, That the county of Madison shall be, and is hereby invested with all the rights, privileges and immunities of the other counties of the State, except as hereinafter provided.

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Mountain; thence with the top of that ridge to the junction of Big Ivy and Little Ivy; thence a direct course to the mouth of Sandy Mash Creek; thence up said creek to the forks thereof; thence with the top of the ridge that divides the waters of Big and Little Sandymush Creeks, to the Haywood line; with said line to the line of the State of Tennessee; and with the same to the beginning; and the said county shall be, and is hereby invested with all the rights, privileges and immunities of the other counties in this State.

[Ratified 27th January, 1851.]

### AN ACT

Supplemental to an act, passed at the present General Assembly, entitled "An Act to lay off and establish a county by the name of Madison."

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