

THE RALEIGH STAR AND NORTH CAROLINA GAZETTE.

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"NORTH CAROLINA:—POWERFUL IN MORAL, INTELLECTUAL AND PHYSICAL RESOURCES—THE LAND OF OUR SIBS AND THE HOME OF OUR AFFECTIONS"

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No. 13

LAWS OF NORTH CAROLINA, [Passed at the session of Assembly 1844-45.]

An Act to incorporate the town of Rockingham, in the county of 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 it shall be the duty of the sheriff of the county of Richmond, by himself or his lawful deputy, on the first Monday in February next, and annually thereafter on the same day, in the court house in the town of Rockingham, to open polls for the election of five commissioners in and for the said town of Rockingham, who shall continue in office for the term of one year.

Sec. II. Be it further enacted, That any citizen of the age of twenty-one years, who has resided within said town for one year, shall be eligible as commissioner; and every inhabitant of said town entitled by the constitution to vote for members of the House of Commons, is hereby declared to be qualified to vote for commissioners; and such elections shall be conducted and regulated by ballot, as elections for members of the Legislature are now conducted; and in the event of a tie, the Sheriff or his Deputy shall give the casting vote.

Sec. III. Be it further enacted, That said commissioners, after their election, and before entering upon the discharge of their official duties, shall take an oath before some Justice of the Peace of the county aforesaid, faithfully and impartially to perform said duties; and upon so doing shall be constituted a body politic and corporate, by the name and style of the commissioners of the town of Rockingham.

Sec. IV. Be it further enacted, That a majority of the commissioners shall constitute a quorum to do business, and that they shall have full power to appoint a magistrate of police, who shall be an acting Justice of the Peace for said county, and a town treasurer and constable, and to require the proper bounds from the same, for the faithful performance of their duties; and to lay and collect a tax on the persons and property of the town, not exceeding seventy five cents on the poll, twenty five cents on the hundred dollars worth of property, per annum; to appoint patrol, to remove nuisances, to provide against disease and fire, and to enact and adopt all such bye laws, rules and regulations as they may deem necessary for the good order and government of said town, not inconsistent with the constitution and laws of the State or of the United States.

Sec. V. Be it further enacted, That the town constable aforesaid shall be the collector of the town taxes, under the direction of the commissioners; and for that purpose shall have all the powers and immunities of Sheriffs in the collection of public revenue; and said taxes, when collected, shall be applied to the improvement and benefit of the town.

Sec. VI. Be it further enacted, That the authority and Jurisdiction of the commissioners shall extend in every direction to the limits of the plat of said town as recorded in the Register's office of said county of Richmond; and on the west end one hundred and fifty yards beyond the limits of said town, as represented by the plat of said town in the Register's office.

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

[Ratified the 4th day of January, 1845.]

An Act to amend an act, passed 1836-7, to incorporate the town of Greensborough, in the county of Guilford.

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 proviso in the fifth section of the above recited act, which is in the following words, "and provided further, that the tax of no one individual, on his real estate, shall exceed the sum of five dollars, for any one year," be, and the same is hereby repealed.

[Ratified the 4th day of January, 1845.]

An Act to amend an act to incorporate the town of Shelby 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, 1. That the act incorporating the town of Shelby, in the county of Cleveland, passed in the year 1843, be, and the same is hereby so amended as hereafter to make it the duty of the sheriff of the county of Cleveland to open and hold an election at the Court House in the town of Shelby on the first Monday in March, in each and every year, for the election of a town magistrate and four commissioners, and a town constable; to take an oath before any Justice of the Peace in and for said county, that they will faithfully discharge their duties as said magistrate and commissioners; said officers to be elected by the votes of all free males of the age of twenty-one years, residing within the limits of the corporation of said town; said magistrate, commissioners and constable to continue in office for the term of one year, or until their successors shall be elected.

Sec. II. Be it further enacted, That the corporate limits of said town shall be extended one half mile in each and every direction from the Court House and so as to include all the real estate belonging to the county of Cleveland, as town property, provided that nothing in this act contained shall be so construed as to extend to the dwelling house of James Love; and that said magistrate and commissioners, shall have power to lay and collect taxes, not exceeding one dollar on the poll, and the other restrictions contained in the original act of incorporation.

Sec. III. Be it further enacted, That said constable when elected shall be qualified before the county Court as other constables now are, and that he be required to enter into an additional bond with security in the sum of one thousand dollars, to be approved of said Court and conditioned for the faithful collection and paying over all town taxes, fines, and forfeitures, incurred under the laws and other regulations of said corporation; and when said constable shall have so qualified, he shall exercise all the rights, privileges and authority of other constables in said county.

Sec. IV. Be it further enacted, That said commissioners shall have power and authority to make all bye laws, rules, and regulations necessary for the good government of said town, and not inconsistent with the laws of the State, and to appoint all subordinate officers necessary to carry this act fully into effect: said magistrate and commissioners, on failure to keep the public street in said town in good condition, shall be liable to indictment as overseers of public roads.

Sec. V. Be it further enacted, That this act shall be in force from and after the ratification thereof.

An Act to incorporate the town of Pittsborough, 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 it shall be lawful for the free white men, resident in the bounds of the town of Pittsborough, hereafter mentioned, who shall have attained the age of twenty-one years, to meet on the third Monday of January, one thousand eight hundred and forty five, and on the same day of each and every year thereafter, at the Court House in said town, and vote for five discreet persons to act as commissioners of said town, for the term of one year from the day of said election.

Sec. II. Be it further enacted, That no person shall be eligible to

the office of commissioner, unless he shall reside within one mile of said town.

Sec. III. Be it further enacted, That all free white men of the age of twenty-one years, who shall have resided in said town for six months, immediately preceding the day of election, shall be entitled to vote for said commissioners.

Sec. IV. Be it further enacted, That the persons thus elected commissioners shall, within five days after the election, meet together and appoint one of their body chairman of the board of commissioners; and all warrants and other legal proceedings on behalf of the commissioners shall be in the name of such chairman, during his continuance in office; and all legal proceedings against such commissioners shall be served on or made known to the said chairman; and the said chairman, during his continuance in office, shall have power to institute and prosecute all suits for the recovery of penalties or for other causes, in his own name as chairman; the said commissioners shall have full power and authority to make and enforce all such bye laws, rules and regulations as they may deem necessary for the better government of said town, not inconsistent with the constitution and laws of this State nor of the United States; and they shall have power to impose and collect fines and penalties for the violation of any such bye laws, rules or regulations.

Sec. V. Be it further enacted, That the said commissioners shall have power to impose and collect taxes for the purpose of keeping in repair the public streets and for such other purposes as they may deem advantageous to the said town, and the citizens thereof, provided the tax thus imposed shall not exceed the following rates annually, to wit: six cents on every hundred dollars value of real estate, fifty cents on the white or black poll, and six cents on every hundred dollars worth of goods, wares and merchandise, purchased by any merchant of said town within the year immediately preceding the first day of April, in each and every year; and provided further, that the tax of no one individual, on his real estate, shall exceed the sum of five dollars for any one year.

Sec. VI. Be it further enacted, That nothing contained in the foregoing section shall debar the commissioners from laying a tax on other property not mentioned therein; and they shall have power to impose taxes only on such real estate, white and black polls, stores and other property as are now subject to taxation by the State.

Sec. VII. Be it further enacted, That the said commissioners shall have power to appoint a treasurer, secretary and town constable, for the term of one year; and the town constable so appointed shall have power to execute all warrants and other process, in which the chairman is a party; and shall be entitled to receive forty cents for every warrant, and the like sum for every execution or ca. sa. by him executed; from the party cast; said constable is hereby authorized and empowered to keep the peace in the bounds of said town, and to arrest and carry before a magistrate, any disorderly or other vicious person or persons: it shall further be his duty, with the same powers and authorities as other collectors of the public taxes of the county, to collect the taxes imposed from time to time by the commissioners, and to pay the same over to the treasurer; and for collecting said taxes he shall be entitled to retain, as a compensation, five per cent. on the net amount.

Sec. VIII. Be it further enacted, That at the time of holding such annual election for commissioners, the citizens entitled to vote for commissioners, shall also vote for three discreet persons, having the same qualifications as those eligible as commissioners, who shall, in addition thereto, be residents of said town, to act as assessors; and it shall be their duty, having first taken an oath before some Justice of the Peace to act with impartiality, to proceed immediately to assess the value of each and every lot or parcel of land within the bounds of such town, and report the same to the commissioners. In making such assessment, the assessors are to take into account the land and permanent improvements thereon; the said assessors shall ascertain and report the amount of goods, wares, and merchandise purchased by each and every merchant as herein before stated, which account shall be rendered by the merchant on oath; and each and every merchant refusing to render such account, shall forfeit and pay, as his store tax for that year, the sum of ten dollars.

Sec. IX. Be it further enacted, That it shall be the duty of the sheriff of the county of Chatham to hold said election, in each and every year, on the day above stated, under a penalty of fifty dollars, to be recovered in the name of the chairman of the board of commissioners for the year preceding such failure, for the benefit and improvement of said town; the sheriff shall be entitled to receive three dollars from the commissioners (elected) for holding each election; he shall be sole judge of the qualifications of voters, and shall decide in all cases of a tie; and shall give the persons elected a certificate certifying that they were duly elected, who are hereby declared to be and continue such until others are elected, if, from any cause, any regular annual election should not be made.

Sec. X. Be it further enacted, That in case of the death, removal or refusal to act of any of the commissioners or assessors, the remaining ones shall declare and make known such fact; and any two Justices of the Peace resident in said town or in the county of Chatham, shall have power to hold an election at the Court House in said town at such time as they may appoint, to fill such vacancy or vacancies, having first advertised the same for ten days at the Court House door.

Sec. XI. Be it further enacted; That if any person elected commissioner or assessor shall fail or refuse to act, he shall be subject to a penalty of five dollars, at the discretion of the commissioners.

Sec. XII. Be it further enacted, That bounds of the town of Pittsborough shall be the same as heretofore known and established.

Sec. XIII. Be it further enacted, That every person within the bounds of said town liable to pay poll tax for himself or for slaves which to him belong or who live in his family, shall list the same with the chairman of the board of commissioners by the first day of May in each and every year; and on failure to do so, he shall forfeit and pay, for every such poll, the sum of one dollar, as their poll tax for that year.

Sec. XIV. Be it further enacted, That all persons within the bounds of said town liable to patrol in the county or to work on the public road, by the laws of the State, shall be required to perform their duties within the town and on the streets while resident therein, and not elsewhere.

Sec. XV. That the constable appointed by the commissioners, under this act, shall be required to enter into bond, with good and sufficient security, in the sum of five hundred dollars, before entering upon the duties of his office, payable to the State of North Carolina, and shall be conditioned for the faithful performance of the duties of town constable, and for the faithful paying over all monies collected by virtue of his office.

Sec. XVI. That all fines and penalties under this act, or under the bye-laws of the board of commissioners, shall be recoverable before any Justice of the Peace of Chatham county; and in all actions arising under this act, there shall be the same right of appeal as in other cases; and in the collection of all such fines and penalties, the town constable is hereby invested with the same powers and authorities of other constables of the county.

Sec. XVII. Be it further enacted, That a majority of the commissioners shall be competent to do business under any and all the provisions of this act.

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

[Ratified the 7th day of January, 1845.]

An Act authorizing the County Court of Lincoln county to exercise exclusive jurisdiction over the public road which is the dividing line between the counties of Lincoln and Cleveland.

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 court of Lincoln County shall have exclusive jurisdiction and control of that part of the public road leading from Lincoln to Yorkville, commencing at the twelve mile post on said road, and terminating at the South Carolina line; and, for the purpose of keeping the same in repair, shall be authorized from time to time to appoint overseers thereof, and to create one or more road districts adjacent to the same, including citizens and territories of both said counties: Provided, that no road district so created shall extend into the county of Cleveland, more than six miles from said road.

II. The Courts of Lincoln County shall have exclusive jurisdiction of all offences touching or concerning the said road; and the Sheriff of Lincoln county, or his deputies, shall, within the road district or districts created as aforesaid, serve the orders of the County Courts of said county appointing overseers of said road; and the overseers thus appointed shall be authorized, within their districts, to notify the hands assigned to them as aforesaid; and they and the hands liable to work on the road as aforesaid, shall be liable to all the penalties now provided by law.

[Ratified the 24th day of December, 1844.]

An Act to lease a silver mine to George Sotherlin, the discoverer, and for other purposes.

Whereas it has been represented to this General Assembly that George Sotherlin, of the county of Cherokee, has discovered a silver mine upon the lands of the State, lying upon the waters of Nantahala River, in the county of Macon, which discovery was made by the said George Sotherlin, after much time and labor being spent in searching for said mine; and whereas it has also been represented that citizens of other States, together with some citizens of this State, have taken possession of said mine, and detain the same by force to the total exclusion of the said discoverer; and whereas it is just that the said George Sotherlin should be rewarded for his said discovery: Therefore,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Jacob Siler, agent of Cherokee lands, shall proceed, with the Sheriff of Macon county, who is hereby authorized and required to take with him sufficient force for that purpose, and dispossess any person or persons who may be found in possession of said mine, or operating thereupon, and shall place the said George Sotherlin in peaceable possession of the said silver mine.

Sec. II. Be it further enacted, That the said George Sotherlin, be, and he is hereby authorized to retain the exclusive possession thereof for one year, from the time he obtains possession of the same from the agent and Sheriff as aforesaid; and he is hereby further authorized to use all proper ways and means, by sinking shafts, digging, or otherwise, for the purpose of obtaining therefrom for his own use and benefit; and he is hereby further empowered to employ ten hands in the business operation of mining and working the said mine, the proceeds of whose labor shall be taken and received by the said George Sotherlin for his own use and benefit as aforesaid.

Sec. III. Be it further enacted, That after the expiration of the said term of one year, the said George Sotherlin shall have the privilege and preference in leasing the said mine for an indefinite period, from the agent and Governor as aforesaid, he, the said Sotherlin, paying such reasonable toll therefor as may be agreed upon by him with the said Agent and Governor of the State; and that under such lease, he may employ and work such and so many laborers therein as he may deem proper.

Sec. IV. Be it further enacted, That if, after the said George Sotherlin shall have been put in peaceable possession of said mine, as is by this act directed, any person or persons should dispossess him, or prevent him from operating on said mine in as full and ample a manner as he is by this act authorized to do, such person or persons shall be subject to indictment in the Superior Court of Macon county; and, upon conviction, shall be fined not less than ten, nor more than two hundred dollars; and shall moreover be imprisoned not less than one nor more than six months.

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

[Ratified the 4th day of January, 1845.]

An Act to appoint commissioners for the town of Ashborough, in the county of Randolph, and to incorporate 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 Jonathan Worth, Alfred Marsh, Hugh McCain, James M. A. Drake and Hardy Brown, be, and they are hereby appointed commissioners for the town of Ashborough, in the county of Randolph, and they are hereby declared to possess full power and authority to adopt such rules and regulations, and pass such bye laws as may appear to them necessary for the good order, regulation and government of said town, not inconsistent with the laws and constitution of this State, and they are hereby declared to possess the same power and authority as are usually exercised by the commissioners of all other incorporated towns in this State.

Sec. II. Be it further enacted, That in case of vacancy by death, resignation or otherwise, the remaining commissioners shall have full power to fill such vacancy, and the person so appointed shall have and possess as full power and authority as if appointed by this act.

Sec. III. Be it further enacted, That three of said commissioners shall constitute a quorum for the transaction of business; and that this act shall be in force from and after its ratification.

[Ratified the 7th day of January, 1845.]

An Act to incorporate the town of Monroe, in the county of Union.

Sec. 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 it shall be the duty of the sheriff of the county of Union, either by himself or his lawful deputy, on the first Saturday in January in each and every year, at the Court House in the town of Monroe, in said county, to open polls for the election of three commissioners, in and for the said town of Monroe, to continue in office for the term of one year thereafter.

Sec. II. Be it further enacted, That any citizen of said town of Monroe, in the county of Union, who has resided therein for one year, and who at the time of his election is possessed of a freehold in the same of the value of fifty dollars, shall be eligible as such commissioner; and every inhabitant of the same, who has resided six months therein, and who is qualified according to the con-

stitution to vote for members of the House of Commons, shall be entitled to vote in said election, and such election shall be conducted and regulated in the same manner as elections for members of the General Assembly, and in the event of a tie, the sheriff aforesaid shall give the casting vote.

Sec. III. Be it further enacted, That the said commissioners, after their election and before entering upon the duties of their office, shall take an oath before some Justice of the Peace of the county aforesaid, faithfully and impartially to perform said duties; and upon so doing shall be constituted a body politic and corporate, by the name and style of the commissioners of the town of Monroe.

Sec. IV. Be it further enacted, That the said commissioners shall have full power and authority to appoint a magistrate of police, and a town treasurer and constable, and to lay and collect a tax on the inhabitants and property of said town, not exceeding twenty five cents on the poll, and ten cents on every hundred dollars value of property, per annum; to appoint patrol, to remove nuisances, to provide against disease and fire, and to enact and adopt all such bye laws, rules and regulations as they may deem necessary for the good order and government of said town, not inconsistent with the constitution and laws of the State or of the United States.

Sec. V. Be it further enacted, That the town constable aforesaid shall be the collector of the town taxes, under the direction of the commissioners; and for that purpose shall have all the powers and immunities of Sheriffs in the collection of public revenue; and said taxes, when collected, shall be applied to the improvement and benefit of the town.

Sec. VI. Be it further enacted, That the authority and Jurisdiction of the commissioners shall extend in every direction to the limits of the plat of said town as recorded in the Register's office of said county of Union.

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

[Ratified the 24th day of December, 1844.]

An Act to prevent the falling of timber in the water courses of the county of Guilford.

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 every person who shall obstruct any of the water courses of the county of Guilford, by felling timber or throwing logs or brush therein, and permit the same to remain in said streams or water courses for the space of twenty days, shall forfeit and pay the sum of ten dollars for each and every offence, to be recovered before a Justice of the Peace, in the nativity, and for the use of the widows of the poor of said county.

Sec. II. Be it further enacted, That if the offence described in the foregoing section be committed by a slave, such slave as offending, shall, on conviction, before any Justice of the Peace, receive fifteen lashes.

Sec. III. Be it further enacted, That it shall be the duty of the widows of the poor, upon information of the violation of this act, forthwith to sue out a warrant against the offender for the penalty.

Sec. IV. Be it further enacted, That so much of an act, passed 1831, as relates to Guilford, be and the same is hereby repealed.

Sec. V. Be it further enacted, That this act shall take effect and be in force from and after the first day of June next.

[Ratified the 2nd day of January, 1845.]

An Act to amend an act, passed 1841, to incorporate the town of Greensborough, in the county of Guilford.

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 proviso in the fifth section of the above recited act, which is in the following words, "and provided further, that the tax of no one individual, on his real estate, shall exceed the sum of five dollars, for any one year," be, and the same is hereby repealed.

[Ratified the 24th day of December, 1844.]

An Act to amend an act, passed 1836-7, to incorporate the town of Greensborough, in the county of Guilford.

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 proviso in the fifth section of the above recited act, which is in the following words, "and provided further, that the tax of no one individual, on his real estate, shall exceed the sum of five dollars, for any one year," be, and the same is hereby repealed.

[Ratified the 4th day of January, 1845.]

An Act to amend an act, passed 1836-7, to incorporate the town of Greensborough, in the county of Guilford.

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