

THE RALEIGH STAR AND NORTH CAROLINA GAZETTE.

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

[THREE DOLLARS A YEAR—IN ADVANCE.]

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NO. 12.

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

An Act to incorporate a corps of Cavalry, in the county of Perquimons.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the company of cavalry or dragoons in the county of Perquimons, commanded by Tristan L. Skinner, be, and the same is hereby incorporated by the name and style of Perquimons Light Dragoons; and by that name and style shall have power and authority to adopt such constitution, bye-laws and regulations, not inconsistent with the constitution and laws of the United States and of this State, as the company shall deem proper; and that all fines and amercements collected by said company, for a breach of their constitution or bye-laws, shall inure to the use of said company.

Sec. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.
[Ratified the 7th day of January, 1845.]

An Act to repeal an act, entitled an act to repeal the third section of an act, passed in the year eighteen hundred and twenty-five, chapter twelve hundred and seventy-two, entitled an act to direct the manner in which licenses shall hereafter be issued to retailers of spirituous liquors, so far as regards the counties of New Hanover 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of the same, That so much of the above recited act as relates to the county of New Hanover, be, and the same is hereby repealed.

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That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

An Act to incorporate a Company of Cavalry in the Town of Wilmington, County of New Hanover.

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 troopers in the town of Wilmington, county of New Hanover, commanded by Capt. James F. McRee, are hereby incorporated by that name and style; shall have power to adopt such bye laws, rules and regulations, for the government of the same, as a majority may deem proper, not inconsistent with the laws and constitution of this State; and all fines, penalties, and forfeitures incurred under such bye laws, shall be recovered in the same manner as Militia fines are now recovered in this State; and when so recovered, shall be applied to the use and benefit of said troop of cavalry for military purposes; and that this act shall be in force from and after its ratification.

An Act to incorporate a corps of cavalry in the county of Chowan.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the company of cavalry in the county of Chowan, be, and the same is hereby incorporated by the name and style of the Cossack Guards; and by that name and style shall have power and authority to adopt such constitution, bye-laws and regulations, not inconsistent with the constitution and laws of this State and of the United States, as the company shall deem proper; and that all fines and amercements collected by said company, for a breach of their constitution, bye-laws or regulations, shall inure to the use of said company.

Sec. 2. *And be it further enacted,* That the said company of cavalry shall parade at least six times a year.

Sec. 3. *And be it further enacted,* That this act shall be in force from and after its ratification.
[Ratified this 6th day of January, 1845.]

An Act for the relief of Samuel Sowers.

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 Samuel Sowers of the county of Davidson, be, and he is hereby relieved and exonerated from all pains and penalties of the 14th section of the 39th chapter of the Revised Statutes, entitled an act concerning Divorce and Alimony.

Sec. II. That this act be in force from and after its ratification.

An Act to incorporate the town of Marion, in the County of McDowell, and to appoint Commissioners for 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 Ephraim Clayton, Elcany Elliot, William L. Gill, Stephen Glazener and J. C. Whitson, be, and they are hereby appointed Commissioners of the town of Marion, in McDowell County, and they are hereby constituted a body corporate and politic, by the name and style of the commissioners of Marion, who shall have power on the death, resignation, removal or refusal to accept of any one of their body, a majority being present, to appoint others to fill such vacancies.

Sec. II. *And be it further enacted,* That the Commissioners appointed by virtue of this act, or a majority of them, or their successors, shall have power to appoint a magistrate, rate of police, a town treasurer and a town constable, and also have power to pass and adopt all such bye laws, rules, and regulations, as they, or a majority of them, may deem necessary for the good order and government of the said town; *Provided,* that nothing in this act contained shall authorize the said commissioners to prevent the citizens of McDowell County from exposing to sale any articles on the public square of said town, or to lay a tax on the same; *and provided,* said rules and regulations shall not be inconsistent with the constitution and laws of this State or of the United States.

Sec. III. *Be it further enacted,* That said commissioners, or a majority of them, should they deem it necessary, are hereby authorized and empowered, annually, on or before the 15th day of March, in each and every year, to lay a tax, not exceeding twenty five cents on all taxable polls residing in said town, and to tax not exceeding ten cents on every hundred dollars worth of town property within the limits of the same; which tax, when collected, shall be applied to the improvement and repair of the streets of said town and to such other purposes as the said commissioners, or a majority of them, may deem necessary to its prosperity and advancement.

Sec. IV. *Be it further enacted,* That it shall be the duty of the town constable, when required by said commissioners, or a majority of them, to collect from each individual the amount of tax imposed on him or her or on his or her property, by said commissioners; and shall immediately, on the receipt thereof, or within ten days thereafter, pay the same over to the town treasurer, who shall hold the same subject to the order of the said commissioners, or a majority of them; and for the purpose of enabling the town constable effectively to collect said tax, he is hereby authorized and empowered to have, use, and exercise all lawful ways and means which are usually had, used and exercised by the several sheriffs in this State in the collection of the public revenue, whether it be by distress, warrant or otherwise.

Sec. V. *Be it further enacted,* That it shall be the duty of each person residing in said town to deliver to the magistrate of

police, on or before the first day of March in each and every year, a statement on oath of the number of taxable polls for which he or she by virtue of this act is bound to pay town tax; and it shall also in the same manner be the duty of every person owning town property, within the limits of the said town, whether he or she be a citizen of the same or not, to give a statement of the value of all such property which he or she owns within the limits of said town; and any person failing to give a statement as above required, shall incur a forfeiture of five dollars, to be recovered in the name of said commissioners by warrant before any Justice of the Peace in and for the county of McDowell, to be applied by said commissioners in the same manner which the taxes herein before mentioned are directed to be applied; *provided however,* the right of appeal shall extend to this in the same manner in which it is allowed in other cases.

Sec. VI. *Be it further enacted,* That it shall and may be lawful for said commissioners, or a majority of them, to appoint a patrol, whose duty it shall be to patrol said town at least once during each and every week, and oftener if they deem proper.

Sec. VII. *Be it further enacted,* That if any person appointed patrol as above, shall refuse to act, he shall forfeit and pay the sum of five dollars, which said fine may be recovered before any Justice of the Peace in and for said county, in the name of the commissioners, and be applied by them to the use of the said town.

Sec. VIII. *Be it further enacted,* That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

Sec. IX. *Be it further enacted,* That this act shall take effect from and after its ratification.

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

An Act to revive an act for the better regulation of the town of Warrenton, in Warren 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 William Plummer, Edward Hall, Benjamin E. Cook, Thomas White, Doctor Stephen Davis, John Somerville, and Robert N. Verrell, be appointed commissioners for the town of Warrenton, in Warren County, and they, or a majority of them, are hereby vested with full power and authority to carry out, to all intents and purposes, the former enacted laws for said town.

[Ratified the 3rd day of January, 1845.]

An Act to repeal an act, passed in the year 1825, entitled an act to repeal in part an act, passed in the year 1820, entitled an act to authorize and empower the commissioners of the several towns of Fayetteville, Newbern, Wilmington and Tarborough, to organize and keep up fire engine companies.

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 the same is hereby repealed.

Sec. II. *Be it further enacted,* That the commissioners of the town of Fayetteville shall have power to accept as firemen and as members of fire engine companies any number of militia men not exceeding the number of sixty, residing within the district of Fayetteville, as may be designated by the said commissioners, subject to the same rules, and entitled to the same privileges, as are now provided by an act, passed in the year 1820, entitled an act to authorize and empower the commissioners of Fayetteville &c. to organize and keep up fire companies.

[Ratified the 8th day of January, 1845.]

An Act to authorize the Court of Pleas and Quarter Sessions of Pitt County to appoint special Justices of the Peace, and making compensation to such Justices for certain services.

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 Justices of the Court of Pleas and Quarter Sessions of Pitt County, at their first term after the first day of January, 1845, in said county, a majority of Justices being present, to nominate and appoint such and so many of the Justices of their county as they may think proper, to act in said county, as special Justices for one year; and the said Justices so appointed shall be entitled to demand and receive the following fees for their services, that is to say, for every affidavit not on the trial of a cause, ten cents; for every warrant or attachment, ten cents; for every subpoena or order to summon a witness, five cents; for every judgment rendered upon every warrant, twenty five cents; for granting an appeal or stay of execution, ten cents; for every execution, ten cents; for taking depositions of any witness under an order or commission from any Court of Justice, fifty cents; which fees may be recovered and collected as other fees to officers are or may be collected; *provided,* that not more than two special Justices shall be appointed in the town of Greenville.

Sec. II. *Be it further enacted,* That the Justices receiving such appointment, shall, notwithstanding such special appointment, retain, use, and exercise, all and every right and privilege of other Justices of the Peace within his county, and may at pleasure resign the said special appointment.

[Ratified the 8th day of January, 1845.]

An Act making compensation to tales jurors in the County of Person.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, (a majority of the acting Justices of said county being present,) they may pass an order directing the clerks of the Superior and County Courts to issue a certificate to tales jurors, who shall be summoned to attend either the County or Superior Courts of Person, and who shall have attended said court or courts; and said jurors shall, for such services, receive the sum of seventy five cents; and the clerk of the court to which such tales jurors shall be summoned, shall, on application of the said tales jurors, grant to each of them a certificate, shewing that such person has served as a tales juror as aforesaid; which certificate shall be paid by the county trustee, out of the funds belonging to said county; *provided always,* that this act shall not extend to those persons who are bound to attend court as witnesses or snitors.

[Ratified the 6th day of January, 1845.]

An Act to authorize the removal of the county seat in Wayne county, from the town of Waynesboro' to the village of Goldsboro' in said county of Wayne, in the event the people of said county shall vote for such removal.

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 Court of Pleas and Quarter Sessions for the county of Wayne, at the first term of said court that shall be held after the first day of May, A. D. 1845, shall appoint two inspectors to superintend the polls to be opened at each and every election precinct in said county of Wayne at the next election to be held for the election of members of Congress, on the first Thursday in August next, for ascertaining by ballot the will of the freemen of said county, relative to the removal of the site of the Court House and other public buildings from Waynesboro' to the village of Goldsboro' in said county; and if the said court should fail to make such appointments, or if any inspector so appointed should fail to act, it shall be the duty of the sheriff or the person acting as his deputy on such occasion,

with the advice of one Justice of the Peace, or, if none be present, with the advice of two freeholders, to appoint an inspector or inspectors in the place of him or them who shall fail to act; which inspectors, when duly sworn by some Justice of the Peace to perform the duties of the place with fidelity, shall have the same authority as if appointed by the court.

Sec. II. *Be it further enacted,* That all persons qualified by the constitution to vote for members of the House of Commons may vote for or against said removal; those who are in favor of such removal, will deposit their vote with the word "removal" written on the ticket, and those opposed to such removal will deposit their vote with the words "no removal" written on the ticket; and it shall be the duty of the poll keepers to count the votes given at each precinct for removal or no removal, and to return the same to the sheriff of said county, who shall count together all the votes; and if a majority shall be found in favor of such removal, it shall be the duty of the sheriff to furnish a certificate of the same to the next county court of said county; and such sheriff failing to comply with the requisition of this act shall suffer all the penalties imposed by law for failing to discharge his duty in any election for members of Assembly.

Sec. III. *Be it further enacted,* That it shall be the duty of the said Court of Pleas and Quarter Sessions for said county of Wayne, at least seven Justices being present, upon its being certified to the said court by the sheriff, that a majority of the votes polled at such election are in favor of such removal, forthwith to appoint ten commissioners, of whom one shall be appointed from each captain's district in said county, for the purposes hereinafter mentioned; and it is hereby made the duty of the sheriff of said county to give notice, in writing, to each of said commissioners of their said appointment, within twenty days thereafter.

Sec. IV. *Be it further enacted,* That said commissioners, or a majority of them, are hereby empowered and required without delay to prepare a plan for a new court house and a new jail for the use of said county, of such size, and to be built of such materials, as to them shall seem requisite and expedient; which plans, with estimates of the expenses, and a particular description of such contemplated buildings, shall be by them laid before the said county court on or before the third Monday in February, 1846, to govern the said court in raising the funds to defray the expenses of their erection; and said commissioners or a majority of them shall likewise, without delay, lay off a site for said court house and jail, of not less than two nor more than four acres in size, within half a mile of the Hotel of Arnold Borden, in the said village of Goldsboro', which site they shall purchase of the proprietor or proprietors, if they can do so, at what they may deem a reasonable price, and take a deed or deeds therefor, in fee simple, to the chairman of said court and his successors, for the purposes aforesaid, and draw their order upon the county trustee, or any other officer of said county holding money belonging to said county for the purchase money for the same, who shall pay the money before any other claim.

Sec. V. *Be it further enacted,* That said commissioners, or a majority of them, shall without delay contract with one or more responsible persons, in the name and upon the faith and credit of said county for building a new court house, and a new jail, for the use of said county, according to the plan and description they may have fixed on as aforesaid, taking bonds in double the amount of such contract or contracts, with good security, payable to the chairman of the court aforesaid and his successors, for the due and faithful performance of such contract or contracts, may stipulate in the behalf of said county, such payments as they may deem advisable.

Sec. VI. *Be it further enacted,* That said commissioners or a majority of them, are hereby empowered and required, whenever they shall deem the same advisable, to sell at public auction, on such credit as they may think proper, the present court house and jail of said county, together with the lot upon which the same are situated, and convey to the purchaser a title to the same, reserving to the county without charge, the use of said buildings and lot until the said commissioners shall have received the new court house and jail aforesaid; and the monies arising from said sale, shall be applied to carrying the provisions of this act into effect.

Sec. VII. *Be it further enacted,* That should any one or more of said commissioners die or remove, or refuse to act, before the completion of said new buildings, it shall be the duty of the said court, not less than seven Justices being present, at the next term after such vacancy or vacancies shall have happened, to fill up such vacancy or vacancies.

Sec. VIII. *Be it further enacted,* That from and after the term that said new court house and Jail shall have been received by said commissioners, or a majority of them, the Superior Courts of Law and Equity, and the Courts of Pleas and Quarter Sessions of said county shall severally be held in the said new court house, and the prisoners of said county be confined in said new jail; and that the clerks of the Superior court and court of Pleas and Quarter Sessions, and the register of the said county are hereby required to keep their offices in said new court house, after it shall have been so received as aforesaid.

Sec. IX. *Be it further enacted,* That this act shall be in force from and after the ratification thereof; and all laws and clauses of laws conflicting with the provisions of this act, be, and they are hereby repealed.
[Ratified the 9th day of January, 1845.]

An Act to amend an act, entitled an act to change the location of the Court House of the County of Montgomery, and for other purposes, passed at the session of the General Assembly 1842-3, chapter 40.

Whereas, in pursuance of the provisions of said act, James L. Gaines, Zebedee Russell, Thomas L. Cotton, Thomas E. Scarborough, Martin Rush, Archibald A. Leach and William Coggins, commissioners elect, proceeded to the location by actual survey, near the centre of the county of Montgomery, of the court house for said county, and the establishment of the town of Troy, by laying out said town and the sale of a portion of the lots; and whereas said commissioners were stopped from further proceedings by a writ of *quo vos rano*; and whereas the question of location was submitted to the discretion of the voters of said county, which resulted in the choice of said town of Troy:

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 James L. Gaines, Zebedee Russell, Thomas L. Cotton, Thomas E. Scarborough, Martin Rush, Archibald A. Leach and William Coggins be, and they are hereby appointed commissioners, whose duty it shall be, and they are hereby authorized and empowered to proceed, at an early day, to establish the town of Troy, at West's Old Field, on fifty acres of land heretofore procured by said commissioners for that purpose, and locate thereon the court house and jail for said county of Montgomery.

Sec. II. *Be it further enacted,* That said commissioners shall have authority, and they are hereby required to ratify and confirm the sales of lots in said town of Troy, which have heretofore been made, provided the purchasers shall come forward and renew their bonds with approved security, on or before the twentieth day of February next, which bonds shall be taken one and two years after date, in equal instalments; and all lots for which the purchase money

is not so secured, shall be re-sold at such time as the commissioners may think most conducive to the interest of the county.

Sec. III. *Be it further enacted,* That said commissioners shall have full power and authority to contract for the building of a suitable court house and jail, either publicly or privately, as they may think best; and that a majority of said commissioners shall constitute a quorum with power to act.

Sec. IV. *Be it further enacted,* That the County Court of Montgomery, a majority of the Justices being present, shall, at the April term, 1846, and at each April term thereafter, lay and assess from time to time such amount of taxes as may be necessary to defray the expense of the erection of said public buildings.

Sec. V. *Be it further enacted,* That the time for the completion of said buildings is hereby extended to such time as said commissioners may designate; and the courts of the county shall be held in the town of Troy as soon as the court house shall have been completed.

VI. *Be it further enacted,* That all laws coming within the meaning and purview of this act, be, and they are hereby repealed; and that this act be in force from and after its ratification.
[Ratified 23d day of December, 1844.]

An Act to incorporate the Phoenix Fire Company in the Town of Elizabeth City.

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 R. Cobb, Constant O. Green, Barney Peckah, another free white male citizen of the Town of Elizabeth City, are hereby authorized to form and erect themselves into a Fire Engine Company, to be styled the Phoenix Fire Company; and by that name may and shall be such, plead and be implied, and exercise other powers incident to corporate bodies: *Provided,* the number of members shall at no time exceed twenty five.

Sec. II. *Be it further enacted,* That the members of the aforesaid Fire Company, while they continue to act as firemen in said company, shall be exempt from the performance of military duty, except in cases of insurrection or invasion.

Sec. III. *Be it further enacted,* That it shall be the duty of said Fire Company to turn out and exercise their engine and themselves, in the performance of their duty as firemen, at least six times per year, unless prevented by unavoidable circumstances, under a penalty of twenty dollars, to be recovered against said company, by any person who may sue for the same, before any tribunal having jurisdiction of such suits.

Sec. IV. *Be it further enacted,* That a majority of the members of said Fire Company shall have power and authority to adopt such constitution and pass such bye laws, rules and regulations, for their government, as to them may seem best, not inconsistent with the constitution and laws of the United States and of this State; and that all fines and penalties which may be collected by said company shall be applied to the purchase of fire arms.

Sec. V. *Be it further enacted,* That all laws and clauses of laws coming within the meaning and purview of this act, be, and they are hereby repealed; and that this act be in force from and after its ratification.
[Ratified the 7th day of January, 1845.]

An Act to give to the County Courts of Stunty County two Justices of the Peace.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the Court of Pleas and Quarter Sessions for the county of Stunty (a majority of the acting Justices being present) be authorized and empowered to direct a jury to be drawn to attend at the May and November terms of said court, under the same rules and regulations as are now provided by law for drawing jurors to attend the other county courts in this State; any law to the contrary, notwithstanding.
[Ratified the 7th day of January, 1845.]

An Act to give to the County Courts of Stunty County two Justices of the Peace.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the Court of Pleas and Quarter Sessions for the county of Stunty (a majority of the acting Justices being present) be authorized and empowered to direct a jury to be drawn to attend at the May and November terms of said court, under the same rules and regulations as are now provided by law for drawing jurors to attend the other county courts in this State; any law to the contrary, notwithstanding.
[Ratified the 7th day of January, 1845.]

Sec. II. *Be it further enacted,* That all laws and clauses of laws which may come within the meaning and purview of this act, be, and they are hereby repealed; and that this act be in force from and after its ratification.
[Ratified the 7th day of January, 1845.]