

# THE RALEIGH STAR AND NORTH CAROLINA GAZETTE.

THOS. J. LEMAY, EDITOR AND PROPRIETOR.

"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.)

VOL. 38.

RALEIGH, N. C. WEDNESDAY MARCH 10, 1847.

No. 9

## LAWS OF THE STATE OF NORTH CAROLINA, PASSED BY THE GENERAL ASSEMBLY, AT THEIR SESSION WHICH COMMENCED ON MONDAY, THE SIXTEENTH OF NOVEMBER, ONE THOUSAND EIGHT HUNDRED AND FORTY-SEVEN, AND ENDED ON THE EIGHTEENTH OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND FORTY EIGHT. (BY AUTHORITY.)

An Act to lay off and establish a new county by the name of Alexander.

(Concluded.)  
Surveyor and the necessary chain carriers and markers, who shall proceed to run and mark the dividing line herein proposed, between the said county of Wilkes and the county of Alexander; and, in like manner, the county court of Caldwell county shall appoint a commissioner, who, together with the aforesaid commissioner, appointed by the county of Alexander, shall, in the same way, proceed to run and mark the dividing line, as here proposed, between the county of Caldwell and the said county of Alexander; and when the lines are thus run and marked, as herein required, the commissioners aforesaid shall make a full report thereof, under their hands and seals, to their respective county courts, which shall be filed among the records thereof; and the county courts of Wilkes and Caldwell shall make an allowance to the respective commissioners of those counties, for their services, not exceeding one dollar and fifty cents per day, which allowance and all other expenses of surveying and marking the line aforesaid, shall be paid by the said county of Alexander: *Provided nevertheless*, that before this act shall be operative or take effect, it shall be the duty of the county court of Caldwell county, a majority of the acting justices being present, to appoint three commissioners of skill and competency to make an enumeration of the population of that portion of the said county of Caldwell, not embraced within the boundary before mentioned, distinguishing therein between white persons and persons of color, but omitting to be respectively ages and sex of each; and if it shall appear that there is not within that portion of said county a clear and undoubted federal population of five thousand souls, then this act shall be null and void; and in case this act shall become operative, the commissioners aforesaid shall be paid a reasonable compensation for their services, not exceeding one dollar per day, for each day they may thus be engaged, which shall be paid by the county of Caldwell; but, in case it shall appear that there is a clear and undoubted federal population of five thousand souls within that portion of the said county, not included in the boundary as aforesaid, then all expenses incurred in making the enumeration as before provided, shall be paid by the aforesaid county of Alexander, upon the rendition of an account by the commissioners aforesaid, on oath, setting forth the number of days which each may have served; and *provided further*, that the commissioners aforesaid shall, before entering on the discharge of their duties herein imposed, take and subscribe an oath, before either the clerk of the county or superior court of Caldwell county, that they will honestly, fairly and impartially discharge the same to the best of their skill and ability.

Sec. 7. *Be it further enacted*, That the said county of Alexander shall be invested with all the rights, privileges and immunities of the other counties in this State, upon the conditions and limitations hereinbefore mentioned.  
[Ratified 15th of January, 1847.]

An Act supplemental to an Act passed by the present General Assembly, entitled "An Act to lay off and establish a County by the name of Alexander."

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 Alexander shall be, and is hereby invested with all the rights, privileges and immunities of the other counties in this State, except as is hereafter provided.

Sec. 2. *Be it further enacted*, That the Justices of the Peace and Officers of militia, who reside within the limits of the county of Alexander, shall continue to hold and exercise all the official powers and authorities in and for said county, that they have hitherto held and exercised in the counties of Wilkes, Iredell and Caldwell.

Sec. 3. *Be it further enacted*, That the constables now residing in the county of Alexander, shall continue to hold their offices, and perform all duties appertaining thereto, until the first County Court to be held for said county, under the same rules, regulations, and penalties, as constables are subject to in other counties of this State.

Sec. 4. *Be it further enacted*, That the counties of Iredell, Wilkes, Caldwell and Alexander, shall continue to be represented in the General Assembly in the same manner as heretofore, and in the name of the counties of Iredell, Wilkes and Caldwell, until a future Legislature shall otherwise provide and direct; and all elections for members of Congress and both Houses of the General Assembly shall be held by the Sheriff, or other returning officers of the counties of Iredell, Wilkes, and Caldwell, in all the territory heretofore comprehended in the limits of their respective counties, at the time and places, and under the same rules, regulations, and restrictions, as have been appointed, or hereafter may be appointed by law, and the certificate of said Sheriff or other returning Officer, to the result of said election or elections, shall be valid and effectual, to all intents and purposes, as if the act for establishing the county of Alexander had never been passed.

Sec. 5. *Be it further enacted*, That a Court of Pleas and Quarter Sessions shall be held, and the same is hereby established, in and for the county of Alexander, to be held by the Justices of said county; the first Court to be held on the first Monday of June, December, September and March, in the year one thousand eight hundred and forty seven; the Superior Court of Alexander to be held the ninth Monday after the fourth Monday in March and September, in each and every year, and shall belong to, and form part of the sixth Judicial circuit, in each and every year, and that the sessions of said Court shall be held at James's Cross Roads, until the seat of Justice for said county shall be established as hereinafter provided; and at the first session of said Court, a majority of the acting Justices of the Peace being present, shall elect a Clerk, Sheriff, Coroner, Register, Entry-taker, Surveyor, Constables, and all other officers for said county, who shall enter into bonds as now required by law, and shall hold and continue in office until successors to them are duly chosen and qualified 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 established by this act shall possess and exercise the same power, authority and jurisdictions as is possessed and exercised by other county courts in this

State, and shall have exclusive jurisdiction as is possessed and exercised by other county courts in this State, and shall have exclusive jurisdiction of all crimes committed within the limits of Alexander county, of which the county courts of other counties in this State have jurisdiction, until a Superior Court of Law and Equity is established and held for said county; and all suits at law, now pending in the county courts of Iredell, Wilkes and Caldwell, wherein the citizens of Alexander are both plaintiffs and defendants, and all indictments in said courts against citizens of Alexander county, shall be transferred to the county or superior courts of Alexander county, in the manner now provided for transferring suits from one county to another.

Sec. 7. *Be it further enacted*, That all criminal offences which may be committed in those parts of Iredell, Wilkes, and Caldwell counties respectively taken to form the county of Alexander, which are cognizable only in the Superior court, shall be and continue under the jurisdiction of the Superior courts of the aforesaid counties respectively, until a session of the Superior court shall be held for the said county of Alexander.

Sec. 8. *Be it further enacted*, That all persons who may be liable to imprisonment under any process, either criminal or civil, in Alexander county, before the completion of a jail in said county, shall be committed to the jail of either the county of Iredell, Wilkes, or Caldwell.

Sec. 9. *Be it further enacted*, That all process issued from the counties of Iredell, Wilkes or Caldwell, shall be void without the seal of office being affixed thereto, until the Superior court clerk shall be appointed or elected for the county of Alexander, and shall be directed to the Sheriffs of Iredell, Wilkes or Caldwell; and after that time shall be directed to the Sheriff of Alexander, and be executed by him.

Sec. 10. *Be it further enacted*, That at the first county court, that may be held in the county of Alexander, the Justices of the Peace holding said court shall appoint one or more suitable persons, to make a survey and plat of said county of Alexander, and to ascertain and designate in said plat, as nearly as may be, the centre of said county; he or they first having taken an oath, before some acting Justice of the Peace of said county, for the faithful discharge of his or their duty.

Sec. 11. *Be it further enacted*, That William H. Dula, of Caldwell; Dr. James Callaway, of Wilkes; Milton Campbell, of Iredell; Robert Allen, Reuben Watts, and Robert L. Steele, of the said county of Alexander, be, and they are hereby appointed, commissioners to select and determine upon a site for the permanent seat of Justice for said county, who shall locate the same at or as near the centre of said county as practicable, taking all circumstances and conveniences into consideration; but in no case shall vary more than two miles and a half from the centre; and a majority of said commissioners shall have power to act; and that a majority of said commissioners shall have power to purchase and receive by donation for the county of Alexander, a tract of land consisting of not less than twenty five acres, to be conveyed to the chairman of the county court of said county, and his successors in office, upon which a town shall be laid off, and called "Taylorsville," where the court house and jail shall be erected, and where, after the completion of the court house, the courts of said county shall be held, and the Clerk's, Register's and Entry Taker's offices kept at said court house.

Sec. 12. *Be it further enacted*, That in case any of the commissioners appointed by the foregoing section, to locate the site for the court house, should die, remove, resign or refuse to act, the county court of the said county of Alexander shall, at the first term of said court, or at any subsequent term, a majority of the Justices being present, proceed to fill such vacancy; and should it so happen that the commissioners herein appointed should be equally divided in opinion as to any matter they may have in charge they, or a majority of them, shall have power to choose an umpire, whose decision shall be final; and the county court of said county shall make such allowance to the said commissioners, for their services, as it may deem just and proper.

Sec. 13. *Be it further enacted*, That as soon as the county site is fixed by the commissioners aforesaid, the county court, a majority of the Justices being present, shall cause to be erected such a temporary building for holding the courts therein, as in their discretion they may order and direct; and when such building is erected, the county and superior courts shall be held therein, until the court house of said county is completed and received; after which the courts shall be held in the said new court house.

Sec. 14. *Be it further enacted*, That the county court of Alexander, at its first session, shall appoint five commissioners to lay off the lots of said town; and after designating such as shall be retained for public uses, shall expose, after due notice, the residue to sale at public auction, upon a credit of one, two or three years, and shall take from the purchasers bond and security for the purchase money, made payable to the chairman of the county court and his successors; and upon the payment of the purchase money, the chairman, or his successors, shall execute title therefor; which money shall be appropriated to the building of a court house and jail.

Sec. 15. *Be it further enacted*, That nothing in this act shall be so construed, as to prohibit the Sheriff of Iredell, Wilkes or Caldwell, from collecting such monies as are due or may become due on any judgment before the first court of Pleas and Quarter Sessions that shall be held for the county of Alexander.

Sec. 16. *Be it further enacted*, That this act shall not be so construed as to prevent the Sheriffs of Iredell, Wilkes and Caldwell from collecting all arrears of taxes in the same manner as they could have done previous to the creation of the county of Alexander: *Provided nevertheless*, that the Sheriffs of Iredell, Wilkes and Caldwell counties shall not collect any taxes in the county of Alexander, or of the citizens of said county, except such as may have been heretofore levied and such as are provided for in the act creating the said county of Alexander.

Sec. 17. *Be it further enacted*, That the commissioners hereby appointed to lay off and dispose of the town lots at the county seat, shall also have the power to contract for the building of a suitable court house and jail for said county, to be constructed of such materials, and of such size and dimensions, and upon such plan, as the said commissioners shall determine upon, they being required to take bond and security for the faithful execution of the work; and when the said buildings are completed and received by the commissioners aforesaid, they shall apply the proceeds of the sale of the town lots, or so much thereof as may be necessary, to the payment of the same; and in the event of the proceeds of the said sales not being sufficient for this purpose, the county court shall have pow-

er to levy taxes, as in other cases, to make up such deficiency.

Sec. 18. *Be it further enacted*, That the commissioners to be appointed to make an enumeration of the population of Caldwell county, as provided for in the sixth section of the act, entitled "an act to lay off and establish a new county by the name of Alexander," to which this is a supplement, shall, upon completing the said enumeration, make a return thereof, properly certified under their hands and seals, to the Governor of the State; and if it shall appear to the Governor, that, according to said returns, there is a clear and undoubted federal population of five thousand souls remaining within that portion of Caldwell county not embraced within the boundary of the aforesaid proposed county of Alexander, then the Governor shall make that fact known by proclamation; upon which the aforesaid act, entitled "an act to lay off and establish a new county by the name of Alexander," and also this act, which is supplemental thereto, shall be operative and take full effect; otherwise both of said acts shall be null and void.

Sec. 19. *Be it further enacted*, That in case it shall appear to the Governor, from the returns aforesaid, that there is not a clear and undoubted federal population remaining in the county of Caldwell as aforesaid, the Governor shall also cause that fact to be made known by proclamation; and in that event, shall proclaim the aforesaid acts and every part and parcel thereof, null and void.

Sec. 20. *Be it further enacted*, That in case either one or more of the commissioners to be appointed to make the enumeration of the population of Caldwell county as aforesaid, shall make any false enumeration or return thereof, he or they shall forfeit and pay the sum of five hundred dollars, to the use of the said county, to be recovered, upon due proof thereof made to the superior court, by the county attorney, for said county; and shall furthermore be liable to indictment in the said superior court; and upon conviction thereof, shall be fined and imprisoned at the discretion of the court.

Sec. 21. *Be it further enacted*, That this act and all the provisions thereof shall be subject to all the limitations, conditions and restrictions contained in the act to which it is a supplement, entitled "an act to lay off and establish a new county by the name of Alexander," passed at the present session of the General Assembly.  
[Ratified 18th of January, 1847.]

An Act to establish a new County by the name of Gaston, and to annex a part of the county of Catawba to the county of Lincoln.

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 new and separate county, by the name of Gaston, be, and the same is hereby formed of that part of the county of Lincoln, which lies to the south of the following line, to wit: Beginning at a point on the Cleveland line, six miles due south of the present dividing line of Lincoln and Catawba; thence running parallel with said line to the Catawba river.

Sec. 2. *And be it further enacted by the authority aforesaid*, That so much of the county of Catawba, as lies south of the following line, to wit: Beginning at the Catawba river, and four miles due north of the present dividing line between Lincoln and Catawba counties, and running parallel with said line to the western boundary of said county, be, and the same is hereby annexed and made part of Lincoln county.

Sec. 3. *Be it further enacted*, That the said county of "Gaston" shall be entitled to all the rights and privileges and immunities of other counties of this State.

Sec. 4. *Be it further enacted*, That this act be in force from and after its ratification.  
[Ratified the 21st day of December, 1846.]

An Act supplemental to an act, passed by the present General Assembly, entitled "an act to lay off and establish a new county by the name of Gaston, and to annex a part of Catawba county to the county of Lincoln."

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 Gaston shall be, and is hereby invested with all the rights, privileges and immunities of the other counties in this State, except as is hereafter provided.

Sec. 2. *Be it further enacted*, That Isaac Holland, Andrew Love, Christian Akor, Richard Rankin, Ephraim Friday, Wesley Davenport and Robert A. Bently, are hereby appointed commissioners to select and determine upon a site for a permanent seat of justice for said county, who shall locate the same as near the centre as a suitable location can be obtained, provided it shall be within two miles of Long Creek Baptist Church meeting house.

Sec. 3. *Be it further enacted*, That a majority of said commissioners shall have power to purchase, or receive by donation for the county of Gaston, a tract of land containing of not less than fifty acres, nor more than one hundred, to be conveyed to the chairman of the county court of said county and his successors in office, upon which a town shall be laid off and called Dallas, where the court house and jail shall be erected, and where, after the completion of said court house, the courts of said county shall be held, and the Clerks and Registers shall keep their offices; and the said commissioners shall lay off the lots of said town, and after designating such as shall be retained for public uses, shall expose, after due notice, the balance, or such portion thereof as may by them be deemed necessary, at public auction, upon a credit of one and two years; and shall take from the purchasers bonds and security for the purchase money, made payable to the chairman of the county court and his successors; and upon the payment of the purchase money, the chairman, or his successors, shall execute title therefor; which money shall be appropriated to the building of a 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 limits of Gaston county, shall continue to hold and exercise all the official powers and authorities in and for said county that they had hitherto held and exercised in the county of Lincoln.

Sec. 5. *Be it further enacted*, That the constables now residing within the limits of the county of Gaston, shall continue to hold their offices and perform all duties appertaining thereto, until the first county court to be held for said county, under the same rules, regulations and penalties as constables are subject to in this State.

Sec. 6. *Be it further enacted*, That there shall be a superior court of law and equity opened and held at the house of Jesse Holland, in the said county of Gaston, on the fifth Monday after the fourth Monday of March and September of each and every year, and at the same place from time to time, unless a court house shall be built in the mean time as provided for in this act, at the town therein to be established; then, at said town and court house on the fifth Monday after the fourth Monday of March and September of each and every year thereafter; which courts shall have the same jurisdiction, that the present superior courts of law and equity in the several counties in this State now have and exercise.

Sec. 7. *Be it further enacted*, That a Court of Pleas and Quarter Sessions shall be, and the same is hereby established in and for the county of Gaston, to be held by the Justices of said county, on the third Monday in February and August in each

and every year; and that the first session of said court shall be held at the house of Jesse Holland's, on the third Monday of February next, and at the same place from time to time, until a permanent place shall be established for said county as is hereby provided; and at the first session of said court, a majority of the Justices of the Peace being present, they shall elect a clerk of the superior court, a clerk of the county court, county attorney, sheriff, coroner, entry-taker, surveyor, constables and all other officers for said county, who shall enter into the bonds required by law, and shall hold and continue in said office until successors to them are duly chosen and qualified according to the acts of the General Assembly in such cases made and provided. And be it further provided, that the terms there shall be of said court in said county, of which the Justices of the Peace shall be the Justices of the Peace of said county at the times and places of holding the superior courts of said county.

Sec. 8. *Be it further enacted*, That the court of pleas and quarter sessions established by this act shall possess and exercise the same powers, authorities, and jurisdictions as are possessed and exercised by other county courts in this State; and all suits in law of which other county courts of other counties in this State have jurisdiction, now pending in the county court of Lincoln wherein the citizens of Gaston are both plaintiff and defendant, or where the citizens of Gaston are defendants; and all indictments and criminal proceedings against citizens of Gaston county in the county courts of Lincoln, of which other county courts in this State have jurisdiction, shall be transferred to the county court of Gaston, in the manner now provided for transferring suits from one county to another.

Sec. 9. *Be it further enacted*, That all suits of Law or in Equity now pending in the superior courts of Lincoln, of which the superior courts in this State have jurisdiction, and wherein both plaintiffs and defendants are citizens of Gaston, or wherein the citizens of Gaston are defendants, and the plaintiffs are not citizens of Lincoln; and all indictments and criminal proceedings against the citizens of Gaston, which shall be pending in the superior courts of this State, and which are cognizable in the superior courts of this State, shall be transferred from the spring term of Lincoln superior court, to be held in the year one thousand eight hundred and forty seven, to the superior court of Gaston county, in the same manner as is now prescribed by law for transferring such suits from one county to another: *Provided*, that nothing in this section contained shall be so construed as to require the transferring of any suit, indictment or other proceedings before the appointment of the several courts to which they are to be transferred.

Sec. 10. *Be it further enacted*, That until the respective spring terms of Lincoln superior court, to be held in the year one thousand eight hundred and forty seven, the superior court of Lincoln shall have jurisdiction of all criminal offences cognizable only in the superior courts of this State, which shall be committed in Gaston county; and in all such cases, it shall be the duty of the Justices of the Peace of Gaston county, when they give judgments against the defendant in any State warrant for offence as aforesaid, to bind over the defendant and witnesses, and make their returns to the superior court of Lincoln county, as they were heretofore bound to do.

Sec. 11. *Be it further enacted*, That all persons who may be liable to imprisonment under any process, either civil or criminal, in Gaston county, before the completion of the jail therein, may be committed to the jail of Lincoln or any other adjoining county.

Sec. 12. *Be it further enacted*, That nothing in this act contained shall be so construed as to prohibit the Sheriff of Lincoln from collecting such sums or sums of money, as are due or may become due on any judgments when the executions shall come to his hands before the first court of Pleas and Quarter Sessions for the county of Gaston.

Sec. 13. *Be it further enacted*, That the Sheriff of Lincoln county shall continue to perform all duties pertaining to his office of Sheriff in Gaston county, under the same liabilities and penalties, and shall receive the same fees, as heretofore provided by law under the appointment of Sheriff of the county of Gaston.

Sec. 14. *Be it further enacted*, That nothing in this act, is to be construed as to prevent the Sheriff of Lincoln from collecting all arrears of taxes, in the same manner he could have done previous to the creation of the county of Gaston: *Provided nevertheless*, that the Sheriff of Lincoln shall not collect any tax in the county of Gaston, or of the citizens of said county, imposed by the county court of Lincoln, and which are to be collected in the year one thousand eight hundred and forty seven, but that the same be collected by the Sheriff of Gaston, upon the tax duplicates of the Clerk of the county of Lincoln, to the use of Gaston county, subject to the assessment of tax made by the county court of Gaston.

Sec. 15. *Be it further enacted*, That the county of Gaston shall continue to be represented in the General Assembly of this State in the name of the county of Lincoln as heretofore; and the elections for members of the General Assembly, members of Congress, Electors of President and Vice President, and Governor, shall be held by the Sheriff of Lincoln county, under the same rules, regulations and restrictions as hitherto; and the court of Pleas and Quarter Sessions for the county of Lincoln is hereby authorized and required to appoint inspectors for holding elections for members of the General Assembly, members of Congress, President and Vice President of the United States, and Governor, as heretofore: *Provided*, that all other elections shall be held in the county of Gaston, in the same manner and under the same rules, regulations and restrictions, as are now provided for holding elections in this State.

Sec. 16. *Be it further enacted*, That the county trustee, or such officer as the county court of Gaston county may appoint, is hereby authorized and empowered to ask, demand and receive from the treasurer of public buildings or such officer of Lincoln county as may have the fund in charge, two thirds of all the monies which have been collected from the citizens resident within the limits of Lincoln county since March, one thousand eight hundred and forty two, for the purpose of erecting a new court house and jail in Lincoln county; and the said treasurer of public buildings, or such officer of Lincoln county, shall pay over, on demand, to the county trustee, or such officer as the county court of Gaston may appoint, two thirds of the monies aforesaid, and on failure of such officer of Lincoln to pay over two thirds of the monies as aforesaid, the said county trustee, or such officer as the county court of Gaston county may appoint, is hereby authorized and empowered to sue for and recover the same, in either the superior court of law for Gaston or Lincoln county; and the said monies shall be appropriated to the building of a court house and jail in the county of Gaston.

Sec. 17. *Be it further enacted*, That in the distribution of the net annual income of the literary fund, the literary board shall pay over, as heretofore, to the chairman of the board of superintendants of Lincoln and Catawba, and be distributed by them as heretofore, until the next General Assembly.

Sec. 18. *Be it further enacted*, That all elections in said county of Gaston shall be held in the same manner and under the same rules and regulations, as are now provided by law, for holding elections in other counties of this State, except in such cases as shall be otherwise provided by acts of the present General Assembly.

Sec. 19. *Be it further enacted*, That the county of Gaston (See fourth page.)