

ACTS

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

AT THE

SESSION OF 1831-32.



RALEIGH:

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1832.

repealed: *Provided*, that this act shall not be so construed as to prevent any persons from fishing in any manner in Neuse river above the lower line of Wayne county.

CHAPTER CLIV

An act for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the county of Brunswick.

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 at the next term of the Court of Pleas and Quarter Sessions for the county of Brunswick which shall be holden after the first day of March next, a majority of the justices of the county being present, the justices of the said county are authorized to arrange themselves into convenient classes of five persons in each, for the purpose of holding the said court respectively, in such manner as is directed by this act.

II. *And be it further enacted,* That it shall be the duty of the first class of the justices, or a majority of them, arranged as aforesaid, to hold the first term of the said court under this act, in said county; and the second class shall hold the term next thereafter, and so on in succession through the several classes arranged as aforesaid; and it shall be the duty of the clerk of the County Court to give notice to each of the justices of the time when, under this act, they shall be required to hold their courts respectively.

III. *And be it further enacted,* That the justices appointed under this act to hold the said County Courts, shall be competent to do and perform any matter, and exercise all the power and authority which by the existing laws of this State seven justices are authorized to do, and in all cases be governed by the same rules, regulations and restrictions as govern other County Courts in this State.

IV. *And be it further enacted,* That if it should so happen that three of the five justices appointed under this act to hold the court as aforesaid, shall not attend from any cause to hold the same at the time and place required by law, it shall be lawful for those that do attend to appoint another or other justices of the said county to hold the said courts.

V. *And be it further enacted,* That the said court shall have authority to adopt such rules of practice therein as may tend to facilitate the trial of causes and advance the administration of justice, and which are not inconsistent with the laws of this State.

VI. *And be it further enacted,* That the law now in force, requiring a majority of the acting justices of said county to be present when the sheriff's bonds are to be taken or renewed, shall be so construed as to mean the justices residing in the county at the time the bonds are to be taken; and in any case where a majority of the said justices are required and do not attend, those who are present may proceed to take the sheriff's bonds, and do any other business that a majority is required to do, which shall be as valid as if done by a majority of said justices; and the justices absent shall be equally responsible for insufficient security as if they were present, provided they are not prevented from attending by sickness or other accidental causes.

CHAPTER CLV

An act to incorporate the Charlotte Fire Engine Company.

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 present and future officers and members of the Charlotte Fire Engine Company, and

their successors, be, and they are hereby constituted a body politic and corporate by the name of the "Charlotte Fire Engine Company," and by such name shall have perpetual succession and a common seal, sue and be sued, plead and be impleaded in any court in this State. They shall have power to appoint their own officers, and do and perform all such other acts and things necessary and useful to carry into effect the true intent and design of said company, such as are usually exercised by similar bodies corporate in this State; to make their own bye laws and regulations, and enforce the same under such penalties as they shall deem it expedient to impose, not repugnant to the constitution and laws of the State; and all such persons who have or may hereafter enrol themselves in said company, shall be exempt from military duty, except in cases of insurrection or invasion.

11. *And be it further enacted,* That it shall be the duty of the commanding officers of this company to make due return of the number of officers and privates to the commanding officers of the regiment to which they belong, under the same regulations and penalties as are now required and imposed on officers of militia companies.

CHAPTER CLVI

An act to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations, or to lay out new roads in said county.

Whereas the making and improving of roads is of great advantage to the community, and more especially in a mountainous country:

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 whenever it shall become necessary for a new road to be laid out, or any of the present roads to be altered, within the county of Haywood, it shall be the duty of the Court of Pleas and Quarter Sessions for said county to appoint three or five commissioners, as to them may seem proper; and upon such appointment being made, it shall be the duty of the said commissioners, after being summoned by the sheriff and sworn for that purpose, to go upon and view such road or alterations as may be prayed for, and make due return to the next succeeding court, with the number of hands which they may deem necessary for opening such new road, or making the necessary alterations in the present public roads; and the said commissioners, when so appointed, shall exercise the same powers, and be governed by the same rules and regulations that now govern juries appointed for such purposes: *Provided, however,* that any person who may think him or herself aggrieved by the said commissioners, shall, in all cases, have the right of appeal, as is now provided for by law; any law to the contrary notwithstanding: *Provided always,* that no road shall be laid out or altered under the provisions of this act, except where the persons through whose land the same shall pass shall signify their consent to the County Court in writing.

CHAPTER CLVII

An act to authorise the county Court of Richmond county to transcribe and record certain papers in the office of the County Court Clerk.

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 justices of the peace for the county of Richmond are hereby authorised, at any court, a majority of them being present, to contract with some person of skill and ability, first giving three months' notice of such their intention, to transcribe and record in a well bound book all the wills in said clerk's office, with the pro-rate on each, in the order of time in which the said wills were proven in court.