

Kenan, Esquires, be, and they are hereby declared to be a body corporate, to be known by the name of "The Trustees of the Union Academy," and by that name they and their successors (to be elected in manner hereafter directed) shall have perpetual succession, and shall be capable to sue and be sued; they may purchase lands or other property, and the same dispose of at pleasure; they may receive donations or legacies of money, lands or other property; and in short, may do all things which are common and incident to bodies politic and corporate, for the support and maintenance of the said Academy.

II. *And be it further enacted*, That on the death of any Trustee, resignation, removal or refusal to act, the said Trustees, or a majority of them, shall have power to elect some fit person to serve in his place, who shall have the same powers and privileges as the Trustees named in this act.

III. *And be it further enacted*, That at the first meeting of the Trustees before named, they shall appoint a President, a Treasurer and a Secretary of the Corporation. And the said Trustees, or a majority of them, with their President, shall have power to meet at all times, and at such place within the county as they may think proper, to make and ordain such rules, regulations and laws for the good government of the said Academy (not inconsistent with the laws of this State or of the United States) as shall appear proper and necessary; and they shall have power and may give certificates to such students as shall leave the Academy, testifying the literary merit and the progress they shall have made in useful knowledge.

IV. *And be it further enacted*, That the Trustees, or a majority of them, shall, when convened, have power to employ one or more teachers in the same, by the name of Professors or Tutors, whom they may remove or displace, if necessary, and appoint others in their stead, and shall appoint such other officers as may be necessary, who shall be subject to the laws of the corporate body.

CHAP. LII.

An Act to authorize and empower the Trustees of Newbern Academy to raise, by way of lottery, a sum of money for the purpose of building an Academy on the school-house lot in the town of Newbern.

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 Trustees of Newbern Academy, or a majority of them, shall be, and they are hereby authorized and empowered to raise, by way of lottery, any sum or sums not exceeding three thousand dollars, for the purpose of building an Academy on the school-house lots in the town of Newbern.

II. *And be it further enacted*, That John Devereux, John S. West, and Edward Pasteur, be, and they are hereby appointed Managers to conduct and superintend the said lottery or lotteries, under the inspection and direction of the said Trustees, or a majority of them. And the said Managers shall enter into bond and security for the due and faithful discharge of the trust reposed in them; and the said Managers shall be accountable for the prizes and profits thereof. And in case any of the Managers appointed as above, shall die, or refuse to act, then and in that case, the said Trustees, or a majority of them, shall have full power and authority to fill up such vacancy or vacancies; and the person or persons so appointed by the Trustees, shall be the Manager or Managers for the purpose aforesaid. *Provided always*, that the person or persons so appointed, shall not be Trustees of the said Academy.

III. *And be it further enacted*, That all prizes shall be paid one month after the drawing is finished, upon the demand of a possessor or possessors of a fortunate ticket, subject to a deduction not exceeding fifteen per cent. and all prizes not demanded in six months after the drawing is finished, of which public notice shall be given, within one week thereafter, in the Newbern Gazette, and a list of the fortunate numbers published, the same shall be considered as relinquished for the benefit of said Academy. And the produce of the said lottery or lotteries shall be vested in the Trustees aforesaid, for the purposes aforesaid.

CHAP. LIII.

An Act to promote Science and Learning in the county of Rockingham.

WHEREAS the encouragement of Seminaries of Learning for the proper education of youth, is essential to the happiness and prosperity of the community, and therefore worthy of legislative attention; and it being represented to this General Assembly, that there is a Seminary of Learning in the county of Rockingham, if encouraged, will be of particular advantage to the inhabitants of that county, and that the Teacher and Students belonging to said Seminary are desirous it should be called *Clio Montana*:

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 from and after the passing of this act, the said Seminary shall be called and known by the name of "*Clio Montana*."

CHAP. LIV.

An Act for the further regulation of the towns of Edenton and Wilmington.

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 Commissioners of the town of Edenton, in addition to the powers and authorities they are invested with by an act, entitled "An act for the better regulation of the town of Edenton," passed in the year one thousand seven hundred and ninety-eight, be, and they are hereby authorized and empowered to receive and take entries of all vacant and forfeited lots in the said town, and grant deeds in fee simple for the same, and for all such as have been heretofore entered, but for which no deeds have been executed, to grant the same to the persons entitled thereto, their heirs and assigns.

And whereas the lives of the inhabitants of the said town have been frequently endangered by persons travelling thereto infected with contagious diseases: For remedy whereof,

II. *Be it further enacted*, That the said Commissioners be, and they are hereby fully authorized and empowered, to make and ordain such rules, regulations and ordinances, as they, or a majority of them, shall deem expedient (not inconsistent with the laws of this State or of the United States) to prevent any person or persons whatever from being brought, or coming into the said town, whether by land or water, who shall have, or be supposed to have, any contagious or infectious disease.

III. *And be it further enacted*, That the said Commissioners be authorized to take up the posts standing at the four corners of King and Broad-streets, and to cause to be put down in their places four stones, or cast-iron posts, allowing to each street its proper width, agreeable to the plan of the said town, from whence the measurement of the lines each way of all lots in said town shall begin; which lines, when run by the Commissioners of the said town, shall for ever be esteemed and accounted the rightful and proper lines.

IV. *And be it further enacted*, That if any owner of any improved lot, adjoining to or binding on another lot, shall be desirous of erecting a partition or fence, or of repairing one already erected, he or she shall, in writing, notify the person or persons owning the adjoining lot or lots, his, her or their tenants, or known agents, or persons who have the care thereof, of the same; who may, if they think proper, join in the expence of so doing; but if they refuse so to do, then the owner of such lot may repair or erect a sufficient partition, not exceeding in value the costs of a good and substantial plank fence; and on the refusal of the person or persons owning, possessing, or having the care of the adjoining lot or lots, to pay the one-half of the costs and charges thereof, be entitled to sue for and recover the same before any jurisdiction having cognizance thereof, provided, such adjoining lot or lots is then occupied: *Provided*, that before such recovery, the Commissioners, or a majority of them, shall view the partition or fence, and determine of what value the same may be, and grant a certificate thereof, which shall be sufficient evidence for such recovery.

V. *And be it further enacted*, That the said Commissioners, or a majority of them, shall from time to time, and at all times hereafter, have full power and authority to make such laws, rules and regulations as they shall think expedient and necessary for the safety and security of the said town, under such pains, penalties and forfeitures as they shall prescribe.

VI. *And be it further enacted*, That whenever any fire shall break out in said town, or alarm thereof shall be given, all inhabitants therein liable to do militia duty, shall be bound to repair to the place supposed to be on fire, with fire buckets and other necessary implements, and render every aid and assistance in their power for the extinguishment of the same, under the direction of the Commissioners or officers of the fire company, under the penalty of forty shillings for every neglect or refusal. *Provided*, that the person so failing, making sufficient excuse on oath for such failure, shall be released from the penalty.

VII. *And be it further enacted*, That in case of fire breaking out in said town, which may threaten the destruction thereof, three or more Commissioners of the said town, or three justices of the peace, shall, and they are hereby declared to have full power and authority to direct and cause any house or houses, or other buildings, to be abated, blown up with powder, or otherwise destroyed, to prevent further conflagration, and shall not be held or deemed responsible or liable therefor.

VIII. *And be it further enacted*, That if any person or persons within said town, shall entertain, for money or otherwise, any slave or slaves in his, her or their house or houses, or other place, such person shall, on conviction thereof, forfeit and pay the sum of ten pounds for the first offence, and the sum of twenty pounds for every other offence, to be recovered before any Justice of the Peace, to the use of the said town. And if the offender shall be unable to pay the same, then he shall be committed to close custody, and there remain, without bail or mainprize, for any space of time not exceeding six months.

IX. *And be it further enacted*, That the Commissioners of the said town shall have full power and authority to lease and let out all public lots, commons, or buildings, in said town, for any term not exceeding fifteen years.

X. *And be it further enacted*, That the said Commissioners, or a majority of them, may appoint two constables within the said town, who shall hold their office for one year, unless sooner removed by the said Commissioners, whose duty it shall be to execute and return all orders and process directed to them, or either of them, and to enforce the provisions of this act and the duties and ordinances of the Commissioners, by making information against persons violating the same; and who shall severally, before entering on the execution of their offices, enter into bond with sufficient security, in the sum of one hundred pounds, payable to the said Commissioners and their successors, for the faithful discharge of their duty, and for the punctual accounting and paying to the Treasurer of the Commissioners all fines, forfeitures and other monies, by them or either of them collected for the use of the said town; and shall also take the following oath: "I, A. B. do solemnly swear or affirm (as the case may be) that I will, so far as in me lies, enforce the observance of the act of the General Assembly, entitled 'An act for the better regulation of the town of Edenton,' passed in the year 1798, and the rules and ordinances made, or to be made, by the Commissioners of the said town, by diligently enquiring into offences against the same, and make information thereof; and that I will not inform against any person from hatred, malice or revenge; nor fail to inform against any one, through fear, favour, affection, reward, or hope of reward: So help me, God."

XI. *And be it further enacted*, That the constables so appointed for the said town, shall be entitled to the same fees as constables are now by law entitled to receive for executing process in similar cases, and such other allowance as the Commissioners from time to time shall allow, to be paid out of the town treasury.

XII. *And be it further enacted*, The books in which the proceedings of the Commissioners are or shall be entered, respecting all matters and things whatsoever done agreeably to this or any other law for the regulation of the said town, be and they are declared to be confirmed; and the said books, or exemplifications thereof, certified by the Clerk, under the seal of the town, shall be held and deemed to be good evidence in any court of law or equity.

XIII. *And be it further enacted*, That all fines and forfeitures, the recovery whereof is not otherwise herein before specially provided for, shall be recoverable in the name of the Commissioners, before any Justice of the Peace of Chowan county, and shall enure to the use of the said town.

XIV. *And be it further enacted*, That the Commissioners of the said town shall meet monthly, on the first day of each month, at some convenient place in the town, and at such other times as they may think proper, for the purpose of discharging the duty enjoined on them, and making regulations and laws; and that every of the Commissioners of the said town be and they are hereby exempted from serving as jurors in any case whatsoever, during continuance in office.

XV. *And be it further enacted by the authority aforesaid*, That so much of the act of Assembly passed in the year 1792, entitled "An act for the better regulation of the town of Wilmington," as directs the merchants, agents and factors of said town, to make return of their stock in trade to the Commissioners thereof, in the month of February in each and every year, shall and the same is hereby declared to stand repealed after the next return to be made in February next.

XVI. *And be it further enacted*, That on the first Monday in the month of December next, and on the first Monday in every December thereafter, returns shall be made by the merchants, agents and factors aforesaid, in manner and under the rules and restrictions directed by the said act of Assembly passed in the year 1792.

1801 XVII. *And be it further enacted*, That all acts and clauses of acts that come within the purview and meaning of this act, be and they are hereby repealed and made void.

CHAP. LV.

An Act to regulate the town of Nixonton, in Pasquotank County, and for other purposes therein mentioned.

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 Lane, William Brewer, Andrew Knox and James Emifon, be and they are hereby appointed Commissioners of the said town of Nixonton; and they and their successors in office, chosen and qualified agreeable to the directions of this act, are hereby authorized to make such by-laws, rules and regulations, from time to time, and at all times hereafter, as they, or a majority of them, shall deem necessary for the advantage, improvement and good government of the said town, such by-laws, rules and regulations, not being inconsistent with the laws and constitution of this State or of the United States. And the Commissioners aforesaid shall have full and ample power to enforce a compliance and observance of such regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding five pounds, and in case of slaves the punishment not to exceed thirty-nine lashes; the said penalty to be recovered, and the punishment to be inflicted, in manner hereafter mentioned. That in case of death, removal or refusal to qualify, of any of the Commissioners appointed by this act, a Commissioner shall be elected by the freemen of the said town, in the room of the person so dead, removed or refusing to qualify; for which purpose it shall be the duty of the Intendant of Police, and in his absence, of the remaining Commissioners, to notify the Sheriff of the county of Pasquotank of such death or removal, who upon receiving such notice, shall, as soon as may be, after giving ten days previous notice by public advertisement, attend by himself or deputy at the most convenient place in the said town of Nixonton, and at ten o'clock of the day so appointed by advertisement, open the poll, and receive the tickets in the presence of two inspectors; and when the election shall be finished, such officer and inspectors shall examine and number the ballots, and the person having the greatest number of ballots shall be declared duly elected to the office of Commissioner; and the said Sheriff of the county of Pasquotank shall perform the duties aforesaid under the penalty of twenty pounds for every neglect or refusal, to be recovered by action of debt before a Justice of the Peace, by any person who shall prosecute for the same in one year after such neglect or refusal, one-half to the person prosecuting, the other half to the Commissioners, for the use of the town. And the Commissioners so chosen, and those appointed by this act, shall, before they enter on the execution of their office, take the following oath: I, A. B. do swear that I will faithfully discharge the office as Commissioner for the town of Nixonton, agreeably to law, and to the best of my knowledge and judgment: So help me God.

II. *And be further enacted*, That the Commissioners of the town of Nixonton, shall on or before the first Monday in March next, having first advertised the same for five days, meet in the said town at some convenient place, and elect a proper person to act as Intendant of Police for the said town, whose duty it shall be to enforce obedience to the laws and punish offenders; and he is hereby authorized to issue his warrant directed to the Sheriff, Deputy Sheriff or Constable, to summon the offenders against the laws and rules made and provided for the regulation of the said town, to appear before him, and on conviction, which shall be in the manner of trials before Justices of the Peace, the said Intendant of Police is hereby authorized and required to give judgment and award execution agreeable to the laws and rules provided for the government of said town; which warrant or execution the said Sheriff, Deputy Sheriff or Constable is hereby required, to execute, and on such trials or enquiries is hereby authorized and declared to possess all the necessary powers to administer oaths, and issue subpoenas and examine witnesses; and shall take the following oath before he enters on the execution of his office: "I, A. B. do solemnly swear, that as Intendant of Police for the town of Nixonton, I will do equal right in all cases whatever, to the best of my judgment, and according to the laws and rules made for the good government of the said town; all fines and amercements that may happen to be made I will cause duly to be returned to the Commissioners; and in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, according to my skill and judgment, do equal and impartial justice to the public and individuals: So help me God." *Provided always*, that the party aggrieved by the judgment or decision of the Officer of Police, shall be at liberty to appeal to the Court of Pleas and Quarter Sessions of the county of Pasquotank, as in other cases.

CHAP. LVI.

An Act for the better Regulation of the town of Windsor, in Bertie 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 for the better management of the police and regulation of the town of Windsor, in Bertie county, three persons, owners of at least one improved lot each in said town, and residents in said county, shall be chosen annually, in the manner hereafter prescribed, to act as Commissioners for the said town; which persons, and their successors, by the name of Commissioners for the town of Windsor, shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, before any Court or Justice of the Peace.

II. *And be it further enacted*, That the first Saturday in April next, the Constable for the district including the said town, and on the same day in every year thereafter, the Town Constable to be by this act appointed, having given ten days previous notice by advertisement at the door of the court-house of said county, and two other public places in said town, shall publicly, at the said court-house, receive the ballots of those by this act entitled to vote for the said Commissioners. The poll shall be opened by proclamation at the door of said court-house, by or before twelve o'clock at noon of said day, and shall be continued open until four o'clock in the afternoon, when the said poll shall be closed, and the ballots counted publicly, and the three persons, qualified as the first session of this act requires, who have the greatest number of votes, shall be declared duly elected, and the said Constable shall deliver each a certificate thereof.

III. *And be it further enacted*, That all free persons, twenty-one years old and upwards, who have resided within the bounds of said town for one year preceding the day of that election, and who shall have paid a tax to said town, or any person possessed of a freehold in a house or lot within said town, shall be

MAY 27 1910

STATE HOUSE, BOSTON

L A W S

OF

NORTH-CAROLINA.

At a General Assembly, begun and held at Raleigh, on the sixteenth Day of November, in the Year of our Lord One Thousand Eight Hundred and one, and in the Twenty-sixth Year of the Independence of the said State.

1801.

BENJAMIN WILLIAMS, ESQUIRE, GOVERNOR.

CHAP. I.

An Act for purchasing up the Principal of the Certificate Debt of North-Carolina.

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 and may be lawful for the Public Treasurer for the time being, and he is hereby authorized, to purchase in for the use and benefit of the People of this State, after the first day of April next, the Principal of all the Certificates heretofore issued agreeably to the acts, and under the authority of the Legislature of North-Carolina, which shall be presented to him, on or before the first day of October next; those issued at Warrenton in the year one thousand seven hundred and eighty-six, those issued for services in the western country, and commonly called Chickamaga Certificates, and, in fine, all those at present not receivable at the Treasury Office, excepted; paying and giving for each pound of the principal of the Certificates, which shall be presented to him and purchased as aforesaid, not more than the sum of fifteen shillings; and granting to the vendor or holder, a Certificate or Certificates for the Interest which shall have accrued thereon up to the day of sale; which Certificates so to be granted as aforesaid for interest, shall pass at the Treasury in payment of lands entered, and shall be in all respects of the same value with the interest on certificates previous to the purchasing in the principal as aforesaid: *Provided nevertheless*, that if certificates of the description above mentioned shall be presented for sale, to such unexpected amount as shall exceed the sum of fifteen thousand pounds, and shall, in the opinion of the Treasurer, too nearly exhaust the public chest, then, and in such case, he shall be, and hereby is vested with discretionary power to purchase from each of the vendors or holders, in such proportion as in his opinion shall best tend to do equal justice to all.

Treasurer to purchase principal.

Time limited.

Exceptions.

At 15s. the l.

To grant a certificate for the interest.

Limit to purchases.

II. And be it further enacted, That such certificates as the Treasurer may issue for the interest on the principal of Certificates, as by this act directed, shall not bear any interest, and that the Treasurer insert the same on the face thereof.

Certificates for interest not to bear interest.

Read three times, and ratified in General Assembly,
the 19th day of December, A. D. 1801.

Copy,

WILL. WHITE, Secretary.

JOSEPH RIDDICK, S. Senate.
S. CABARRUS, S. House of Commons.

CHAP. II.

An Act to amend the several Land Laws in this State.

WHEREAS by an act of the General Assembly of this State, passed in the year one thousand seven hundred and ninety-seven, all lands entered previous to the first day of January, one thousand seven hundred and ninety-eight, that may have been paid for as by law directed, and not surveyed and returned to the Secretary's Office by the first day of January, one thousand eight hundred and two, are declared null and void, which, in many instances, will tend to the great injury of many of the good citizens of this State: For remedy whereof,

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 all bona fide entries of lands made in this State, previous to the first day of January, one thousand seven hundred

Preamble.

Time for lands to be surveyed and entered.