

ACTS

PASSED BY

THE GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA.

AT THE

Session of 1834-35.

RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

.....

1835.

VI. Be it further enacted, That all contracts and agreements entered into by the commissioners aforesaid, and the keeper of said toll-gates, shall be binding on the undertaker or keeper of said toll-gates, to do and perform all his contracts under such penalties as may be agreed upon; and to be recoverable in any court of record; any thing to the contrary notwithstanding: *Provided*, nothing in this act contained, shall be so construed as to make any person or persons liable to pay toll, being citizens of Ashe or Wilkes counties.

VII. Be it further enacted, That the above recited act, shall be, and continue to be, in force for ten years after the said road is completed, and no longer; any thing to the contrary notwithstanding.

CHAPTER CXXVII.

An ACT supplemental to an Act passed at the last session, entitled "An Act to improve the State road from the bank of the Tuckasega river, by the way of Franklin, to the Georgia line.

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 before recited act, as requires the said company to commence said road at the bank of the Tuckasega river, and so much as requires the declivities of the road, shall not exceed one foot perpendicular, to eight feet horizontal; and so much as requires the two miles hands on the east side of the Cower-mountain, to work six days in the year, under the control of the company, be, and the same is hereby repealed.

II. Be it further enacted, That it shall be lawful for the company aforesaid, to commence said Turnpike road at the fork of the Savannah creek immediately above the Rev. Charles Stiles', and continue it as provided in the before recited act.

III. Be it further enacted, That it shall be the duty of the commissioners to receive the said road from the company, when it shall be completed, according to the provisions of the before recited act, to which this is supplemental, with this exception—that, the declivities of the road shall not exceed one foot perpendicular, for every seven feet horizontal; any law to the contrary notwithstanding.

CHAPTER CXXVIII.

An ACT to authorise the forming a Fire Engine company, in the town of Fayetteville.

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 free white males of the town of Fayetteville, are hereby authorized to form and enroll themselves into a fire engine company, to be styled the "Fire Engine Company, number two, of the town of Fayetteville": *Provided*, that the number of members shall not exceed forty.

II. And be it further enacted, by the authority of the same, That the persons who are now, and those who shall hereafter be enrolled as members of the fire engine company, number two, of the town of Fayetteville, shall serve for the term of eight years, from the time of their being enrolled, and shall be exempt from military duty, during the said term: except in cases of invasion or insurrection.

III. And be it further enacted, by the authority aforesaid, That it shall be the duty of the captain of said company, to cause to be taken care of, and preserved in the house prepared for that purpose, the engine and appurtenances thereunto belonging; and when any repairs thereof, be deemed necessary by a majority of the officers of said company, the captain shall cause the same to be done; the expenses for which repairs, shall be paid by the town treasurer, or for want thereof, by the commissioners of said town, on the drafts of the captain of said company, which drafts when paid, shall be considered a good and sufficient voucher, in the settlement of the town taxes.

IV And be it further enacted, by the authority aforesaid, That for raising a fund for the purpose aforesaid, as well as for the purchase of fire-works, ladders and hose, the commissioners of the said town of Fayetteville, on application of a majority of fire wardens and officers of the said fire company, are hereby authorized, and shall lay an annual tax, not exceeding twenty five cents on each taxable poll, nor more than fifteen cents on every hundred dollars value of real estate, in the said town; which taxes, when laid, shall be collected and accounted for as the other taxes of the said town.

V. And be it further enacted, by the authority aforesaid, that in case of fire in said town, it shall and may be lawful for one or more of the fire wardens of the town, and two or more officers of the said engine company, when they shall deem it expedient for stopping the further progress of the fire, to order any house or houses to be pulled down, blown up, or otherwise destroyed; for which, they or any person acting under them, shall not be responsible in any manner whatsoever; and any person or persons, sued for the same, may plead this act in bar thereof.

VI. And be it further enacted, by the authority aforesaid, That the members of the said fire company, while they continue to act as fire-men, shall be exempted from the performance of military duty.

VII. And be it further enacted, by the authority aforesaid, That a majority of the members of said company, shall have power and authority to make such bye-laws, rules, and regulations, for their government, as to them seem best; not inconsistent with the constitution of the United States, or of this State. And that all fines and penalties incurred by virtue of this act, or by any of the said bye-laws, shall be recoverable before the police magistrate, of said town, or any justice of the peace, for the county of Cumberland: *Provided, nevertheless,* that the right of appeal shall be preserved to either party, as is now by law established in trials before a justice.

VIII. And be it further enacted, by the authority of the same, That all laws and clauses of laws, coming within the meaning and purview of this act, he, and the same are hereby repealed, and that this act shall be in force from and after the ratification thereof.

CHAPTER CXXIX.

An ACT to amend an act passed in the year of our Lord one thousand eight hundred and thirty-three, entitled "An Act concerning Market fees, in the town of Fayetteville."

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 Fayetteville, shall not exact, demand, receive, or impose by any ordinance, any fee, toll, or tax, on any hog, beef, mutton, venison, or any other article of provision, which shall hereafter be brought to the market of said town unless the vender of the same shall use the blocks, scales, or clevers, furnished by said commissioners, for the use of the market house in said town.

II. Be it further enacted, That all persons bringing any of the above named articles to the said market, shall not dispose of the same at any place other than the market-square, before the hour of seven o'clock, A. M., from the first day of April, to the first day of October, nor before the hour of eight o'clock, A. M. from the first day of October to the first day of April, in each and every year.

III. Be it further enacted, That the clerk of the market in said town, the town constable, or any other person, shall exact, demand, or receive from any person or persons, any fee, toll, or tax, on any hog, beef, mutton, venison, or any other article of provision, brought to the said town, for sale, unless the vender of the same shall use the blocks, scales or clevers, belonging to said market house, he shall pay a penalty of one hundred dollars; recoverable by warrant, before any justice of the peace, for said county, to the use of any person warranting for the same; and shall be further liable to indictment in the county or superior courts.