

for Wilmington district, which the county Court shall grant upon the person applying, giving bond and security as in other cases. 1798.

VIII. *And be it further enacted by the authority aforesaid,* That the Commissioners of the said town shall not enforce their orders or lay a penalty exceeding five pounds.

IX. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws coming within the purview or meaning of this act, shall be and the same are hereby repealed and made void.

## C H A P . LXVI.

*An Act for the further regulation of the Town of Newbern.*

I. **B**E 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 Newbern are hereby authorized and required to erect fire companies in said town, and to oblige the inhabitants to keep a sufficient number of fire buckets with their names thereon, to be ready in case of fire.

II. *And be it further enacted,* That when any alarm of fire shall be given, all persons inhabitants of said town, liable to do militia duty, those exempted by age only excepted, shall be bound to repair to said fire, taking with them their fire buckets, and there render their assistance for the extinguishment of said fire and other services incident thereto, under the direction of the officers of the fire companies, under the penalty of forty shillings for every neglect or refusal, for the use of the town. *Provided,* That if said person so failing make reasonable excuse on oath for such failure, he shall be released from such penalty.

III. *And be it further enacted,* That in case of a fire breaking out and spreading so as imminently to endanger or threaten the destruction of the adjoining houses, two of the officers of the fire companies together with one or more of the Commissioners of said town, or one or more Justice of the Peace, shall, and they are hereby declared to be vested with full and complete power and authority to direct and cause such house or building or any adjoining one to be blown up with powder or otherwise destroyed, to prevent the flames from spreading, and shall not be held or deemed responsible or liable for any loss or damage sustained thereby.

IV. And whereas the establishment of a night watch would tend to the safety and security of the mercantile as well as the landed interest in said town, *Be it therefore enacted,* That the said Commissioners are hereby authorized to levy a tax on each shop-keeper or person retailing goods or merchandize not more than four pounds, nor less than one pound, in any one year, which tax shall be applied together with a sum raised for that purpose by a tax on the lots and polls of said town, in manner as heretofore by law directed, as a fund for the support of a night watch, procuring engines, public ladders and lamps. *Provided nevertheless,* That if said Commissioners shall be of opinion that it would be more convenient and agreeable to the inhabitants of said town to perform the service of watching in companies of themselves than to hire a watch to be paid by a tax levied as above, the said Commissioners in such case are hereby empowered and required to class the said inhabitants in companies for the purpose of watching, of such number that no person shall be called on or be subject to perform such duty more than one night in any one month. And if, during the continuance of such regulation, any person duly notified of the night on which the class to which he belongs is to watch, shall neglect to attend at the hour and place appointed, and duly to watch during said night, such delinquent shall forfeit the sum of twenty shillings. *Provided always,* That it may be lawful for any person not willing to perform such personal service of watching, to discharge himself therefrom by the payment of ten shillings for each month said regulation shall continue; which said payment shall be made on the first day of the month, in order that said Commissioners may have due time to hire fit persons to watch in the stead of those so declining to serve.

V. *And be it further enacted,* That the Commissioners of said town, at their first meeting after the passing of this act, and at the first meeting after their annual election hereafter, shall appoint some one of their body to act as Intendant of Police of said town until the succeeding election, whose duty it shall be to see the ordinances duly and faithfully executed, and punish offenders; and he is hereby authorized to issue his warrant directed to the Sheriff or Constable of Craven county, to bring the offenders against the rules, regulations and ordinances of said town before him, and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said Intendant is hereby authorized to give judgment and execution agreeably to the laws heretofore established for the improvement and government of said town.

VI. *And be it further enacted,* That the said Commissioners shall not for any one breach of their ordinances have power to levy a greater penalty than five pounds, and all fines levied and collected under their authority, shall be for the use of said town.

VII. *And be it further enacted,* That the Commissioners of said town be and they are hereby authorized to open a street from Pollok-street to Neuse road, by continuing George-street through lots number three hundred and eighty-one on the east side thereof, and lot number two hundred and eighty-five parallel with the western line of lot number three hundred and eighty; and the said Commissioners are hereby authorized to convey to the proprietors of said lots, such part of Queen-street as may be between Broad-street and Pollok-street, not included in Jones-street

1798.

when continued, in consideration of the said proprietors conveying for the use of the town, such part of said lots as may be taken off by Jones-Street when continued to Neuse road.

## CHAP. LXVII.

*An Act for the better regulation of the Town of Edenton.*

**W**HEREAS the laws heretofore made for regulating the town of Edenton, have proved defective and inconvenient;

I. *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 five Commissioners for the town of Edenton shall as formerly be annually chosen on the first Monday in April, and the Sheriff of Chowan county or his deputy, first giving ten days notice, is hereby required to attend at the court-house on the same day and at the hour of ten o'clock in the morning, to open the poll and receive the tickets in the presence of two Inspectors being freeholders of said town, and when the election shall be finished such returning officer and Inspectors shall, in the presence of such persons as choose to attend, examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected; but when any two or more persons shall have an equal number of votes, the returning officer shall have the casting vote, but shall not in any other case whatsoever give his vote, and shall proclaim the Commissioners for the ensuing year, under the penalty of fifty pounds for every neglect or refusal, to be recovered by action of debt in the Court of Chowan county, by any person who shall sue for the same, in one year after such refusal or neglect, one half to the prosecutor, the other half to the Treasurer of the town for the use of the town; and the Commissioners so chosen, 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 of Commissioner for the town of Edenton agreeably to law, and to the best of my knowledge and judgment, SO HELP ME GOD."

II. *And be it further enacted,* That no person shall be deemed qualified to act as Commissioner of the town of Edenton, unless he has a lot or piece of ground in his own right in fee, in the said town, valued with the improvements thereon, at one hundred and fifty pounds; and that all the freemen who have been inhabitants of said town twelve months next before and at the day of election, and shall have paid public taxes since their residence therein, shall be entitled to vote for the Commissioners of the said town, and no others.

III. *And be it further enacted,* That the Commissioners shall appoint one of their body to act as Treasurer of the town for that year, to receive and account for the town monies, for which a regular entry shall be made in a book kept for that purpose; and upon the appointment of a new Treasurer the old one shall immediately pass his accounts with him, and pay and balance that which may be in his hands. *Provided,* That before such Treasurer enters on his office, he shall give bond with approved security to the Commissioners, for the faithful discharge of his duty.

IV. *And be it further enacted,* That the Commissioners of the said town shall appoint a proper person to be their Clerk of said town, to act as such during their pleasure, who shall be allowed a reasonable salary, and enter into bond to the Commissioners and their successors, with sufficient security, in the sum of two hundred pounds, for the due and faithful execution of his office and the trust reposed in him for the safe keeping of the books and papers put into his care and keeping, a regular and fair journal of the proceedings of the Commissioners during his continuance in office, and all persons shall have free access to the journals and papers on paying two shillings to the Clerk, under the penalty of forty shillings for every refusal, to be recovered before a Justice of the Peace for the county of Chowan, by any person who shall sue for the same within one month after such refusal, one half to the prosecutor, the other half to be paid to the Treasurer of the town, for the use of the said town.

V. *And be it further enacted,* That the Commissioners of said town shall be and they are hereby incorporated into a body politic and corporate by the name of the Commissioners of Edenton, and by that name to have annual succession by the election of the freeholders and freemen as by this act directed, and a common seal; and that they and their successors by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever, in trust for said town, any land, rents and tenements of whatsoever kind, nature or quality, and also grant, demise, alien or dispose of the same; also to receive and take any gift or donation whatsoever to said town; and also by the same name to sue and implead, be sued and impleaded, answer and be answered in all Courts whatsoever; and from time to time and at all times hereafter, under their common seal, to make such rules, orders and regulations as to them shall seem meet, for repairing the streets, erecting public pumps and wharves, regulating market places, weights and measures, and the price of bread once in every month according to the price of flour, to cause all nuisances to be removed from private lots, to appoint twelve persons annually, in the month of April, inhabitants of said town, whose duty it shall be to work the fire engine at least once in every month under the penalty of twenty shillings for each neglect, which persons shall be exempt (except in case of insurrection or invasion) from all other public services during the continuance of their appointment, to alter or destroy chimnies, and to make such other regulations as necessary to avoid the destruction of houses or other property by fire, to prevent hogs and goats running at large, discharging of fire arms (except on muster days or other public



In office safe

O.K.

L A W S  
O F  
N O R T H - C A R O L I N A

At a GENERAL ASSEMBLY begun and held at the CITY OF RALEIGH, on Monday the nineteenth day of November, in the year of our Lord one thousand seven hundred and ninety-eight, and of the Independence of the United States of America the twenty-third: It being the FIRST SESSION of this ASSEMBLY.

1798.

SAMUEL ASHE, Esq.  
Governor.

C H A P. I.

*An Act to raise a revenue for the payment of the civil list and contingent charges of the government, for the year one thousand seven hundred and ninety-nine.*

I. **B**E 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 year one thousand seven hundred and ninety-nine, a tax of eight pence on every hundred acres of land in this State, and a tax of two shillings on every hundred pounds value of town lots with their improvements, and a tax of two shillings on every poll, shall be levied; collected and accounted for in the manner directed by the several acts of Assembly, in such case made and provided.

Tax for 1799  
on lands,  
town lots and  
polls.

II. *And be it further enacted,* That a tax on all stud-horses within this State, of the full sum which the owner of such stud-horse shall ask and receive for the season of one mare, shall be levied; collected and accounted for in the same manner as such taxes have been heretofore levied, collected and accounted for.

On stud-hor-  
ses.

III. *And be it further enacted,* That no sinking fund tax shall be collected for the year one thousand seven hundred and ninety-nine.

No sinking  
fund tax.

C H A P. II.

*An Act to amend the revenue laws as respects the land tax.*

**W**HEREAS the present mode of selling lands for the taxes thereof, is insufficient to secure the collection of that part of the revenue: For remedy whereof,

I. *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 thirtieth day of March next, when any lands shall by the laws of this State become liable to be sold for the taxes of the same, it shall be the duty of the Sheriffs respectively to set up the whole of the lands belonging to any one person or company, for which the taxes thereon shall be due, to be sold to the person who will pay the amount of the public, county and poor taxes, with all charges for advertising the same agreeably to law, for the smallest part thereof; and he shall strike off the quantity so bid or offered to be taken, for the amount of the taxes and charges aforesaid, to the person offering to take the smallest number of acres of the land for the taxes and charges as before mentioned.

Sheriffs duty  
in selling  
lands for tax-  
es.

II. *And be it further enacted by the authority aforesaid,* That the person purchasing lands at any Sheriff's sale, for the taxes under this act, shall be at liberty to make choice of the quantity of land so struck off to him, out of any part of the land offered for sale, to be laid off in one compact body as nearly in a square as can be; and adjoining to some of the outlines of such tracts or parcels of land.

Purchasers  
may make  
choice.

III. *And be it further enacted,* That when any person shall purchase land under this act, they shall within ninety days after such purchase present to the Sheriff a fair plat of the land they make choice of under such purchase; which plat shall be made by the county Surveyor or his deputy from actual survey, with the courses and distances fairly set forth and certified under his hand; which said survey shall be made at the expence of such purchaser, and the Sheriff shall execute and deliver to him a deed for the same.

How to ob-  
tains.

IV. *And be it further enacted,* That if no person shall bid a smaller quantity than the whole, then the whole of the said land so set up shall be considered as a bid for the Governor, and the Sheriff shall strike off the same to him accordingly, and execute a good and sufficient deed of conveyance to him and his successors in office, in manner hereafter directed, for the use of the State.

Such lands  
devolve to  
the State in  
certain cases.

V. *And be it further enacted,* That it shall be the duty hereafter of the several Sheriffs respectively, to perfect the said deed or deeds by signing, acknowledging and delivery thereof, in the presence of the next ensuing county court for the county where the said land shall

Sheriffs duty  
in conveying  
the same.