

and that the trustee or trustees so elected, shall have equal power, authority and capacity with the trustees hereby appointed.

V. *And be it further enacted*, That this act shall be in force from and after the day of its ratification.

#### CHAP. XLII.

An Act to establish an Academy in Moore 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 Hector M'Neill, Neill Smith, Duncan Patterson, Archibald M'Bride, William Martin, Jacob Gastor, Alexander Graham, Rev. Malcolm M'Nair and Daniel Brown, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of *The Trustees of the Solemn Grove Academy, near Mount Helicon*, and by that name shall have perpetual succession; and that they the trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess, all monies and chattels that shall be given for the use of the said academy, and the same apply as they, or a majority of them, may deem most advantageous to the said academy; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors forever, any lands, rents, tenements and hereditaments, of what kind or nature soever, in special trust and confidence, that the same, or profits thereof, be applied to and for the use of the said academy.

II. *And be it further enacted*, That the said trustees, or a majority of them, shall have power to make such laws and regulations for the government of said academy, and the preservation of order and good morals therein, as are usually made in such seminaries, and as to them may appear necessary.

III. *And be it further enacted*, That when they, or a majority of them, may deem it necessary, they shall have full power and authority to nominate other trustees, whose power and authority shall be equal to those herein appointed.

#### CHAP. XLIII.

An Act to establish an Academy in the county of Greene.

**WHEREAS** the inhabitants in the county of Greene have made liberal subscriptions towards the establishment of an Academy in said county, and the happiness and safety of a Republican Government, and the knowledge and morals of the people depend much thereon, therefore worthy of legislative attention:

*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 Hymrick Hooker, Thomas Holliday, Jacob Lassiter, Lawrence Carr, John Harper, Silas Lassiter, Samuel Hooker, Francis Kilpatrick, Roderic Powell, Isaac Ward and Hugh Harper, shall be, and they are hereby declared a body politic and corporate, to be known and distinguished by the name of *The Trustees of the Greene Academy*, to be erected and established in the county of Greene, in an old field near Hooker's bridge, on Great Contentney, and by the name of the Trustees of the Greene Academy, shall have perpetual succession and a common seal; and the said trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess, all monies, goods and chattels that shall be given them for the use of said academy; and the same apply according to the will of the donors; and by gift, purchase and devise, have, receive, possess, enjoy and retain, to them and their successors forever, any lands, rents, tenements and hereditaments, of what kind, nature or quality soever the same may be, in special trust and confidence, that the same, or the profits thereof, shall be applied for the use and purpose of establishing and endowing said academy.

II. *And be it further enacted*, That the said trustees, and their successors forever, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and be sued, plead and be impleaded, to answer and be answered, in any court of record whatsoever; and further, the said trustees and their successors, or a majority of them, shall have power to make all such laws and regulations for the government of said academy, and the preservation of religion, order and good morals therein, as to them may appear necessary, and are hereby vested with all the powers and authorities which the trustees of any other seminary of learning in this State have or may possess or enjoy: *Provided*, the same are not contrary to the constitution or laws of this State.

III. *And be it further enacted*, That upon the death, resignation, inability, refusal to act, or removal of any of the said trustees, it may be lawful for the remaining trustees, or a majority of them, to elect others in the room of such trustee or trustees dead, resigned, unable to attend, refusing to act, or removal; and that the trustee or trustees so elected, shall have equal power and authority with the trustees hereby appointed.

#### CHAP. XLIV.

An Act for the better regulation of the town of Smithville, and to amend an act, entitled "An act to establish an Academy at Smithville, in 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 the town-clerk, or any three of the persons hereinafter named, shall, on or before the first day of January next, give notice in writing at the rendezvous, the school and market-house in the said town, that an election for five Commissioners to manage the concerns of the town, will be held at such place as John Brown, Benjamin Blaney, John L. Griffin, Robert Potter and Samuel Potter shall appoint, on the fifteenth day of said month; which commissioners shall continue in office until the second Monday of January, one thousand eight hundred and seven, and in future, all elections for a full board of commissioners of the said town, shall be held on the second Monday of January in each and every second year, the clerk of the town being hereby required to give fifteen days notice thereof at least, by advertisement posted up on three or more of the most public buildings of said town, under the penalty of twenty-five pounds, to be recovered before any justice of the peace in the said county, one half to the use of the town, and the other half to the use of the person suing for the same; and in case of neglect by the clerk,

the commissioners, or any one of them, may put up such advertisements, ten days previous to the said second Monday in January biennially; and the election for commissioners in the first instance shall be conducted by the town-clerk or his deputy, and any two lot-holders appointed by the five persons above named, or a majority of them, and forever thereafter by the town-clerk (or a deputy by him appointed in writing, for whose conduct he shall be answerable) and two inspectors appointed by the commissioners for the time being, each of whom shall take an oath to conduct the election fairly, and without fear of favour, partiality, prejudice or hatred to any one; and the said elections shall be opened at ten o'clock in the forenoon, and close at two o'clock in the afternoon of the same day, when the five persons having the highest number of votes, shall be proclaimed by the said town-clerk or deputy duly elected. And the said elections shall be conducted as those for Members of Assembly, except in such parts as are otherwise particularly directed herein; and the commissioners elected in pursuance of this act, shall take the following oath previous to acting as such, viz. 'I A. B. do swear that I will execute the office of a commissioner of the town of Smithville, faithfully, impartially and truly, without favour or prejudice, and that I will, to the utmost of my power, in all things as a commissioner, act for the good of said town and well governing thereof, to the best of my skill, ability and judgment: So help me God.' And till such qualification, the power of the former or preceding commissioners shall not cease; but in case of refusal to act, or any vacancy in the board of commissioners, an election shall be ordered on the principles before laid down for biennial elections; and when the board of commissioners is filled up, they are hereby authorised and empowered, if they deem it for the advantage of said town, to elect any person they think proper (having an equal qualification to be elected with what is herein required for either or any of the commissioners) to act as Intendant or Magistrate of Police of the said town, who shall, before entering on the duties of his office, take the following oath, viz. 'I A. B. do solemnly swear, that as Intendant, or Magistrate of Police of the town of Smithville, I will do equal right in all cases whatsoever, to the best of my judgment, and according to the laws, rules and ordinances made for the good government of the said town, and in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and ability, do equal and impartial justice to the public and individuals: So help me God.' And he and the commissioners thereof shall have, possess and enjoy, all the privileges, powers and authorities which have been, or shall hereafter be vested in or granted to magistrate of police or commissioners of any other town in this State.

II. *And be it further enacted*, That every person who has resided in said town generally, for at least three succeeding months of the twelve previous to any election, and entitled to vote for Members of the House of Commons, or owning a lot or part of a lot with a dwelling house thereon, six months previous to any election, and who has paid town tax for the same, shall be entitled to vote for commissioners; and the commissioners shall be elected from any of the inhabitants or dwelling-house holders thereof, with a lot or part of a lot therunto appertaining: *Provided*, they have been such inhabitant of house and lot, or part of a lot-holder in fee simple or for life, twelve months previous to the day of election, and at least be three of them constant residents of said town.

III. *And be it further enacted*, That as soon as the commissioners shall deem that it can reasonably be done, without laying a heavy burthen on the owners of houses and lots in said town, they shall value on oath every house within the bounds of said town, and lay a tax not exceeding one quarter per cent. on such value, upon every owner or owners of such house or houses, which shall be collected for the purpose of purchasing one or more engine or engines, leather buckets, ladders and other convenient instruments for extinguishing fires; and until such articles can be provided in the said way, the owner or owners of every lot whereon is now built, or hereafter may be built, any habitable house, shall sooner, if ordered by the commissioners: but at all events, on or before the first day of October next, and within one month after any house hereafter to be built, shall be finished so as to be inhabited, have a good ladder of a proportionable length to the highest shingled roof on the lot, which shall be constantly kept in repair and leaning against said roof, that in case of fire relief may be immediately afforded, under the penalty of a sufficient sum for purchasing and fixing up such ladder, with all costs and charges, to be levied in like manner as other fines.

IV. *And be it further enacted*, That the commissioners of said town shall annually lay and levy a tax on every hundred pounds value of town property within the same, and a proportionable poll-tax on all persons who do not possess in said town the value of one hundred pounds taxable property; and all persons having resided six months within the limits of the town, and liable to pay public taxes, shall be considered as subject to town tax.

V. *And be it further enacted*, That the commissioners of said town shall order and direct, that every person and persons, possessors or owners of any lot or lots in said town, shall, on or before the first day of July next, clear all and every such lot and lots by them possessed or held, of all trees (except fruit trees and such as are planted or trimmed up and intended to be kept for shade or ornament) underwood, brush and high weeds, growing, standing or being on said lots, and see that the same be cleared from such weeds and brush on or before the first day of July in each and every year, and thereafter kept clear; and in case of neglect or refusal, the commissioners are hereby empowered to have the same done at the expense of the owners or possessors or said lots, for which their property shall be liable. And the commissioners of said town shall also, on or before the first day of July next, cause the streets thereof to be cleared of all trees, except those planted for shade, or that they deem proper to be left for that purpose, also all high weeds and all stumps and shrubs, the roots whereof shall be grubbed up for at least twenty feet wide, along and in the middle of Howe, Dry, Potts, Bay, Moore and Nash streets, and thereafter, as occasion may require, of the whole of all and every street in said town; and if instead of levying a tax for the purpose, they deem it most proper to be done by the inhabitants thereof who are liable to work on public roads, and agreeably to the powers vested in, and the practice of the commissioners of other towns in this State, the said inhabitants shall be exempted from working on any of the public roads, and they shall not be liable to work on said streets longer or oftener than persons are bound to work on the public roads, nor liable to heavier fines than such as are inflicted on those who fail to work upon said roads, when thereto legally required; and the rules for working on public roads shall be applied to the working on said streets,



1804 except such as are modified or altered by this act. And in case the commissioners prefer levying a tax for the purpose of clearing the streets, it shall be in the power of any person to discharge himself from the same by contributing his share in work, the proportion and well doing whereof shall be determined by the commissioners, or person or persons to whom they commit the management of the same. And all inhabitants of the town subject to work on the streets, who will furnish two able bodied hands, shall be excused from personal labour.

VI. *And be it further enacted*, That the supplemental lots adjoining said town, with the skirts in front thereof, and of the said town, with all the ground included in the plan thereof, except that occupied by the fortifications erecting, and which shall be erected, and the works and buildings thereunto appertaining, agreeably to an act passed the present session of Assembly, shall be considered as part of the town of Smithville, and the inhabitants dwelling thereon, and on every part thereof, or on the skirts round the town, which were leased by the commissioners for the benefit thereof, shall be liable to all the duties, and entitled to all the privileges, rights and exemptions of the citizens of said town; or any of them; and further, that the laying off and leasing the said supplemental lots, with their skirts and the skirt lots in and around the town, agreeably to the plan filed in the office of the Secretary of State, in the year of our Lord one thousand eight hundred, be and the same, with the said plan, are and is hereby fully and absolutely confirmed.

VII. *And be it further enacted*, That all fines and penalties to be inflicted by the commissioners of Smithville, shall be for the use of the said town, unless otherwise particularly directed, and shall be recovered by warrant under the hand and seal of the intendant or magistrate of police, for the time being, or any two of the commissioners in case of the absence of said magistrate, directed to the town-constable, and if none duly appointed and qualified, then to any other person, in the same manner as other warrants are or may be done, who are hereby bound to execute the same, and for their services to demand, take, and receive the same fees and charges allowed to constables for similar duties, saving to all persons the right of appeal from the judgment of the intendant or magistrate of police or commissioners, to the county court, as in case of judgment by justice of the peace. And whereas by removal out of the State of one, the death of others of the trustees of the Smithville Academy, smallness of their number, and their dispersed situation, it has been difficult to convene a majority of the present trustees to supply vacancies and transact business:

VIII. *Be it therefore enacted*, That John Lord, John Brown, Benjamin Blaney, John L. Griffin, Thomas Leonard, Maurice Moore, Samuel Hall, James Flowers and John Cause, jun. be, and they are hereby appointed trustees of the said academy, and invested with all the privileges and authorities of the trustees heretofore appointed.

IX. *And be it further enacted*, That till the said academy is built, and a school or schools established therein, the meetings of the trustees, except the annual meeting, may be called and held at any other convenient place instead of the town of Smithville, or be called in said town; in which latter case, the President, and those members who do attend of the trustees, shall be considered a sufficient number to transact business, or a majority of the members without the President; any law, usage or custom to the contrary notwithstanding.

X. *And be it further enacted by the authority aforesaid*, That all acts and clauses of acts coming within the meaning and purview of this act, and contrary thereto, is and are hereby repealed and made void.

#### CHAP. XLV.

##### An Act to incorporate the town of Hamilton.

WHEREAS considerable inconvenience has recently taken place in consequence of two towns having the same name in this State, as regards the post-office department, in letters being conveyed to one place when designed for the other, 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 the town in Martin county, known by the name of Milton, shall hereafter be called Hamilton; and that William Williams, James Wiggins, Jesse Jones, John Calland and Andrew Joyner, be, and are hereby appointed commissioners for said town, and shall have full power and authority to act and do all things which may tend to the regulation and good government of said town, and shall keep the streets in good order and repair, and shall have power to appoint an overseer of the streets, who shall summon the inhabitants of said town to work on the streets three days previous to the time appointed for working, and in case of failure or refusal of any inhabitants so summoned to work on the streets, or to procure a sufficient substitute to perform such work, such inhabitant so failing, shall forfeit and pay half a dollar for each and every day's failure or refusal, to be recovered in a summary manner by complaint made by the overseer to any one of the commissioners, such fine to be paid into the hand of the treasurer of said board of commissioners, to be applied to the use of said town, in such manner as a majority of the board shall direct: *Provided always*, that no person within the limits of said town, shall be compelled to work more than two days in any one year, or be compelled to work on any road out of the limits of said town; any law, custom or usage to the contrary notwithstanding.

II. *Be it further enacted*, That the said board of commissioners shall meet on the third Monday of March annually, and after on their own adjournments as often as circumstances shall render it necessary; and at their first meeting shall elect a chairman, who shall preside and vote at their meetings; they shall elect a treasurer who shall give bond to the chairman and his successors in office, in the sum of one hundred dollars, for the faithful discharge of his duty; they shall also elect a clerk, who shall likewise be the register for said town; he shall keep all plats, plans, deeds, grants, records or other public papers relative to said town, and all proceedings heretofore had, and which may be had before the board. The said chairman, treasurer and clerk to be chosen out of the commissioners aforesaid; and in case of the death, neglect, removal or refusal to act, of any of the said commissioners, the clerk shall notify the proprietors of said town, by advertising at three of the most public places therein, at least ten days previous to their meeting, to assemble on a certain day appointed by a majority of the acting commissioners, or in cases of emergency by

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# LAWS OF NORTH-CAROLINA.

STATE HOUSE, BOSTON

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

JAMES TURNER, ESQ. GOVERNOR.

## CHAP. I.

An Act to confirm a revival of certain Acts of Assembly.

**W**HEREAS the General Assembly of this State, at their last Session passed a resolution in the following words: "*Resolved*, that Francis Xavier Martin collect and revise the public acts passed since the publication of Judge Iredell's Revival, to the end of the present session, inclusive; which said Revival shall connect the acts passed since Judge Iredell's, by notes and remarks adverting to such as appear to have been virtually repealed, and retaining such as are not expressly so, and cause his said Revival to be printed." And whereas in pursuance of said resolution, the said Francis Xavier Martin has collected and revised the said acts, caused them to be printed, and his Revival has been submitted to, and examined by, a committee of this General Assembly, and found correct,

*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 said Revival be, and is hereby approved.*

Read three times and ratified in General Assembly, Dec. 12th, A. D. 1804.

JO: RIDDICK, S. S.  
S. CABARRUS, S. H. C.

## CHAP. II.

An Act to raise a Revenue for the payment of the Civil List, and contingent Charges of Government, for the Year One Thousand Eight Hundred and Five.

*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 year one thousand eight hundred and five, a tax of eight-pence on every hundred acres of land within 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 same manner as such taxes hath heretofore been levied, collected and accounted for.*

II. *And be it further enacted, That a tax on all stud-horses and jack-asses within this State, of the full sum which the owner or keeper of such stud-horse or jack-ass shall ask, demand or receive for the season of one mare, shall be levied and collected as above.*

III. *And be it further enacted, That all free males, between the ages of twenty-one years and fifty, and all slaves between the ages of twelve and fifty years, shall be subject to a poll tax.*

IV. *And be it further enacted, That each and every person who shall hereafter peddle or hawk goods in any of the counties of this State, shall first obtain a licence from the clerk of some county in this State, under his seal of office; and the person so peddling and hawking, shall pay to the clerk before obtaining said licence, the sum of ten pounds, to the use of the State, to be accounted for by the clerk in the same manner as tax fees are accounted for; and any licence so obtained, shall authorize said pedlar to peddle and hawk goods in any and every*