

them, are hereby empowered to lay such further tax for the then next ensuing year, on the several counties of the said district, as they may judge necessary to complete the same, not exceeding the tax by this act laid; to be collected in the same manner, and in the same proportion.

**VI. And be it further enacted by the authority aforesaid,** That the Sheriffs of the several counties within the said district, shall receive a commission of two and one half per centum, on the amounts by them respectively collected, and the Commissioners aforesaid, shall be entitled to a commission of two and one half per centum, on the amount by them received and disbursed.

**VII. And be it also enacted,** That the Commissioners at their several meetings, shall publish at the door of said Court-house, a statement and account of the monies by them received and paid away.

**VIII. And be it further enacted,** That the act, entitled, "An act for appointing a Treasurer in the district of Edenton, for the purpose of calling to account the Commissioners for building a public gaol in the district aforesaid," passed in the year one thousand seven hundred and eighty-five, is hereby repealed and made void; and the Treasurer so appointed, is required to pay over to the Commissioners appointed by this act, the monies by them collected.

#### CHAP. LX.

*An Act to incorporate a fire company in the towns of Wilmington and Edenton, and for altering the times of holding the courts of pleas and quarter-sessions in New-Hanover.*

**WHEREAS** it is expedient to enable the citizens of this state to prevent or alleviate the melancholy consequences of fire breaking out in towns: And whereas it has been represented to this General Assembly, that the forming fire companies in the said towns will have that tendency:

**I. 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, John Lord, John Fergus, junior, James Fergus, James Walker, James Walker, junior, (son of James, senior,) William Nutt, Robert Watkins, John Bleakely, Joseph Wright, Dennis Reardon, Joseph Dugan, William Cutlar, ——— Jordan, John Allen, S. Springs, John London, Philip Spaulding, William Campbell, Isaac Bernard, George Gibbs, D. Herber, George Rundal, Henry Haskins, Hugh Campbell, John Brown, John Brown, junior, Henry Urquart, Alexander Urquart, John M'Lelland, Lawrice Dorsey, Auley M'Naughton, Joseph Milne, John M'Auland, John Johnson, George Hooper, William Hooper, Peter Harris, Thomas Younger, Thomas Cabander, Richard Watton, ——— Muter, John Telfair, ——— Lowder, John Walker and Nathaniel Hill, and such others as hereafter they may admit into their association for the purpose aforesaid, are hereby declared to be a body corporate, by the name of the Wilmington Fire-Company.

**II. And be it further enacted,** That William Lowther, Michael Payne, Josiah Collins, junior, Nathaniel Allen, William Littlejohn, Samuel Dickinson, Samuel Tredwell, Joseph Blount, Elitha Norfleet, John Mare, Matthew O'Malley, Myles O'Malley, Madett Engs, James Granbery, Thomas Cox, Stephen Carpenter, Samuel Jackson, William Borritz, Allen Ramley, Samuel Butler, William M'Donald, William Rombough, John Hamilton, Thomas Iredell, Frederick Ramcke, John Little, Josiah Collins, junior, Jacob Blount, and William Cumming, Esquire, Counsellor at Law, and such others as hereafter they or a majority of them present may admit into their association for the purpose aforesaid, are hereby declared to be a body corporate, by the name of the Edenton Fire-Company.

**III. And be it further enacted by the authority aforesaid,** That the said companies respectively shall be capable to sue and be sued, plead and of being impleaded, before any jurisdiction having cognizance thereof; and that they may choose and appoint all necessary officers, and make such private laws for their own government as they may deem right: *Provided,* That such laws or regulations shall be consistent with the constitution of the state.

**IV. And be it further enacted by the authority aforesaid,** That in all and every case where a fire has broke out, and is spreading to or imminently to threaten general devastation, any three officers of the said fire companies respectively, and two of the Commissioners of the said towns respectively for the time being, may, and they are hereby empowered, at their discretion, to remove, blow up, or pull down, any house or houses which they may conceive necessary to prevent a communication of the flames; and that they shall not be held responsible to the owner or owners of the same, for any damage they may sustain thereby; any law, usage or custom to the contrary notwithstanding.

**V. And be it further enacted by the authority aforesaid,** That from and after the passing of this act, the county court of pleas and quarter-sessions for the county of New-Hanover shall be held on the third Mondays in February, May, August and November; and that all writs and other process returnable to the said county court on any other day, shall be held and deemed to be returnable on the first day of the first court to be held as aforesaid; any law to the contrary notwithstanding.

#### CHAP. LXI.

*An Act to pardon and restore Frederick Ward, of Lincoln county, and Thomas Garrett, of Chowan county, to the rights and privileges of free citizens.*

**WHEREAS** Frederick Ward, of the county of Lincoln, hath been convicted of petit larceny, committed in the said county, whereby he is deprived of the rights and privileges which a free citizen ought to enjoy; and it having been made appear to the satisfaction of this General Assembly, that upon the trial the accusation was brought forward through enmity, and also that the said Frederick Ward had ever supported the character of an honest good citizen: And whereas it has been represented to this General Assembly by a great number of very respectable subscribers, that Thomas Garrett, of the county of Chowan, in the year one thousand seven hundred and eighty-five, being indicted for perjury in the superior court of the district of Edenton, had a verdict of the country passed against him, but that having forfeited his recognizance to the amount of four hundred pounds, the sentence of the court has not yet been given: And whereas it has been very respectably represented to this General Assembly, by the petition aforesaid, that the said Thomas Garrett always, prior to the charge and since, has supported a fair and honest reputation, and that he is well worthy of the clemency of the legislature to grant him a statute pardon, and to reinstate him in the rights of a free citizen:

**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 notwithstanding the judgment and sentence against the said Frederick Ward, or the charge, verdict and forfeiture against the said Thomas Garrett, they the said Frederick Ward and Thomas Garrett, and each of them, shall and may, from and after the passing of this act, be admitted in all cases as legal and competent witnesses in and out of court; and the said Frederick and Thomas are hereby pardoned and restored to all the rights and privileges of free citizens of the state, as fully and amply as if no such charge or judgment had ever been exhibited or passed against them, or either of them, for the above mentioned crimes; any law, usage or custom to the contrary notwithstanding.

#### CHAP. LXII.

*An Act for laying out a town on the lands of Alexander Avera, on the east side of Cape Fear river, in the county of Cumberland.*  
**WHEREAS** it is represented to this General Assembly, that the lands of Alexander Avera, on the east side of Cape Fear river, is a healthy pleasant situation for trade and commerce, and the said Alexander Avera having signified his consent to have one hundred and twenty acres of land, near the river aforesaid, laid off for a town, which will tend much to the advantage of the neighbouring inhabitants, as well as the navigation of the river:

**I. 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 the said one hundred and twenty acres of land be laid off in half acre lots, and streets of not less than fifty feet wide, nor more than one hundred, with convenient alleys; and the same is hereby constituted and established a town, by the name of Averasburgh.

**II. And be it further enacted by the authority aforesaid,** That David Smith, William Rand, Robert Drawhon, William Avera and Philemon Hodge, be and they are hereby constituted Commissioners for designing and carrying on the said town; and they shall



# L A W S

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## NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held at Newbern, on the Fifth Day of December, in the Year of our Lord One Thousand Seven Hundred and Ninety-One, and in the Sixteenth Year of the Independence of the said State: Being the First Session of the said Assembly.

1791.

ALEXANDER.  
MARTIN, Esq.  
Governor.

### C H A P. I.

*An Act to confirm the Revival of the Laws of this State, made by James Iredell, Esquire, Commissioner appointed by an act of the General Assembly, entitled, An Act for revising and collecting the Acts of the General Assembly of the State of North-Carolina.*

**W**HEREAS the whole body of the laws of this state, to the fifteenth day of December, in the year of our Lord one thousand seven hundred and ninety, have, in pursuance of the above act for appointing a commissioner to revise and collect the same, been carefully compiled and revised, and the said revival laid before both houses of this present Assembly, and approved of by the said houses:

I. 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 the said revival of the laws of the state, made by James Iredell, together with all the acts, parts of acts, and every clause and section of them and each of them, as inserted and retained in his compilation as commissioner, and not by him expressly declared to be repealed or obsolete, or not in force, are hereby confirmed, (except so far as may be repealed, altered or amended by any law passed this present session of Assembly) and shall be held, deemed and taken to be and remain in full force, and allowed to be given in evidence, and received as such, in all the courts of law and equity within this state.

Iredell's Revival of the laws of this state confirmed.

II. And be it further enacted by the authority aforesaid, That all and every act and acts, clause and clauses, section and sections of all and every act and acts of the General Assembly of the state in the said revised laws mentioned to be obsolete, expired and repealed, are hereby declared to be obsolete, expired and repealed.

All acts, &c. mentioned in the Revival to be obsolete, &c. declared to be so.

III. Provided always nevertheless, and it is hereby enacted, That all and every judgment, order, decree or sentence of any court heretofore given or passed and all and every matter or thing heretofore done and performed by any officer or officers judicial or ministerial, or by any other person or persons whatsoever, in virtue and by force of any act or acts, clause or clauses, of any act or acts of the General Assembly of this state, in the said revised laws mentioned to be obsolete, expired or repealed, shall be deemed, held and taken to be good and valid in law, to all intents and purposes, as if the said acts were continued and in full force, any thing heretofore contained to the contrary, in any wise, notwithstanding.

Former proceedings in acts mentioned in the Revival to be repealed, &c. declared valid.

IV. And be it further enacted by the authority aforesaid, That all the laws in the said compilation, in which the compiler hath subjoined a note doubting how far the same or any part or section thereof may be in force, be, and the same, and every part and section thereof, shall be, and the same is hereby suspended until otherwise directed by the General Assembly.

Laws in the Revival said to be doubtful, suspended.

### C H A P. II.

*An Act to amend the Revenue Laws of the State.*

**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 seventeen hundred and ninety-two, and each succeeding year, it shall be considered a part of the duty of the Sheriff of every county in the state, to collect the public taxes due from the inhabitants thereof: and every Sheriff, as a compensation for his services in collecting and paying into the treasury, in due

Sheriffs to collect public taxes.

Their allowance,

A

time