

1806
 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 for ever, any lands, rents, tenements and hereditaments, of what kind or nature so ever, 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 full power and authority 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; and also to nominate and appoint (when a majority of them may deem it necessary) other trustees, whose power and authority shall be equal in all respects to those herein appointed.

CHAP. XXXV.

An Act relative to the Raleigh Academy.

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 Reverend William L. Turner be, and he is hereby added to the board of trustees of the Raleigh Academy, to be possessed of all the powers, authorities and privileges as such, in the same manner, and as fully and completely as any of the trustees of the said academy heretofore appointed.

CHAP. XXXVI.

An Act dividing the city of Raleigh into three wards, and to amend an act, entitled "An act for the government of the city of Raleigh, and for repealing all former acts passed for this purpose."

WHEREAS many of the inhabitants of the city of Raleigh have petitioned this General Assembly to amend the above mentioned act, by dividing the city into wards, and providing for the appointment of commissioners from each and every of such wards respectively, in order that the whole of the inhabitants may be equally represented, and the monies levied and collected from them applied accordingly:

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 passing of this act, the city of Raleigh shall be divided into three separate wards, to-wit: all that part of the said city lying east of Wilmington and Halifax streets, shall compose one ward, to be stiled the Eastern Ward; all that part thereof which lies west of Salisbury and Halifax streets, shall compose a ward, to be stiled the Western Ward, and the remaining part of the said city shall compose one other ward, to be stiled the Middle Ward. And the sheriff of the county of Wake shall hold an election annually, at the place and on the day heretofore appointed by law, to elect five commissioners for the Middle Ward, three for the Eastern Ward, and one for the Western Ward, to be chosen by and from the inhabitants residing within their wards; and to that end, the Sheriff shall have three boxes, one to receive the tickets of each ward separately. And when the election is closed, the tickets shall be counted out of each box by the Sheriff, or his deputy, and the persons having the greatest number of votes in each of the boxes, shall be declared duly elected commissioners for the current year, and shall, within their wards respectively, be vested with all the powers and authorities which the commissioners of the city of Raleigh may now lawfully exercise. And in the same manner commissioners shall be elected for each succeeding year; and the Intendant of Police shall be elected as heretofore by the whole of the electors of the city.

II. *And be it further enacted*, That the taxes which shall hereafter be levied and collected in each ward, shall be laid out by the commissioners thereof for the improvement and benefit of their wards respectively, and not otherwise.

III. *Be it further enacted by the authority aforesaid*, That in all cases where the owner or owners of any lot or lots, or part of lots, in the said city, or the occupants thereof, shall fail to pay the taxes which may become due on any lot or lots, or part or parts of lots, the commissioners of the said city shall cause to be sold so much of such lot, or parts of lots, as shall be sufficient to pay the taxes due thereon and the costs of advertising, and no more, any law to the contrary notwithstanding.

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

CHAP. XXXVII.

An Act for the further regulation of the towns of Wilmington and 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 commissioners of the towns of Wilmington and Newbern, respectively, at some one of their meetings previous to the first day of May next, shall and may appoint such number of persons as they deem necessary, to be fire wardens of the said towns; and the persons so appointed shall be notified, and within ten days thereafter signify in writing to the town-clerk his or their acceptance or refusal of such appointment. And any person failing to signify his acceptance or refusal as aforesaid, shall, unless excused by the commissioners of said towns, forfeit and pay ten pounds, to be recovered by and in the name of said commissioners, to and for the use of said town. And in case of neglect or refusal of any person so appointed, the said commissioners shall and may appoint some other person in the room and stead of the person so neglecting or refusing.

II. *And be it further enacted*, That the commissioners of said towns respectively shall have, and are hereby declared to have full power and authority, from time to time, to make such rules and regulations for the division of the towns into wards, and the government of said wardens in cases of fire happening in said towns, as they shall judge proper; and shall and may authorise and empower the said wardens under such rules as they may establish, to direct the pulling down, demolishing, or blowing up any house or building which they the said wardens (or such number of them as the said commissioners may authorise) shall judge necessary to pull down, demolish or blow up, for the purpose of preventing the further spreading of any fire which may happen in said towns. And during the continuance of any fire, the said fire-wardens, or in their absence, the commissioners of the towns, or any one of them, shall have power to acquire assistance for extinguishing the same, or for demolishing, pulling down or blowing up any build-

ing, or for removing any goods, wares and merchandize from any building on fire or in danger, to some place of safety, and to appoint guards to secure the same. And any and every person failing to obey any command or direction of any of the said commissioners or fire wardens, given for the purpose aforesaid, shall, if a free white man, forfeit and pay the sum of twenty-five pounds, to be recovered in the name of the commissioners of the said town, respectively, before any jurisdiction having cognizance thereof to the use of said town; and the wardens or commissioners giving such command or direction, shall be deemed a competent witness to prove the same, in any trial to be had for the recovery of the penalty for disobeying such command or direction. And in case the person so disobeying shall be a person of colour, he shall, on complaint and conviction before any Justice of the Peace, receive such number of lashes not exceeding thirty-nine, as the said Justice shall direct.

III. *And be it further enacted*, That it shall and may be lawful for any number of persons in said towns respectively, exceeding twenty-five, to form themselves into a company for the purpose of extinguishing fire, or saving property endangered by fire, who, on having their names recorded in the records of the towns respectively, kept by the clerks of said towns, shall be considered a body politic and corporate, under the name of *The Fire Company* of the town of Wilmington, or the town of Newbern, as the case may be, and by that name shall and may sue and be sued, plead and be impleaded, before any jurisdiction in this State; and shall and may have power and authority to make such rules and regulations for their government as a majority shall deem proper, and to impose and to enforce penalties not exceeding ten pounds for any one offence, on and against any person or persons failing to comply with any rule or regulation which the said companies shall from time to time establish.

IV. *And be it further enacted*, That the commissioners of the towns of Wilmington and Newbern aforesaid, may, if they deem the same necessary, have power annually to lay a tax for the use of said towns, not exceeding five pounds upon all retailers of spirits in said town in smaller measures than a quart; and a tax not exceeding ten pounds on each and every transient trader and shopkeeper, who shall retail goods, wares and merchandize in said towns; but no person shall be deemed a transient trader or shopkeeper, who shall appear returned on the list of taxables furnished by the clerk of New-Hanover county or Craven, to the clerk of the town, and who shall also, at the time when the said tax is demanded of him, make an affidavit that he has come into the said town for the purpose of carrying on a permanent trade therein, and that the said affidavit is not made to avoid the payment of said tax. And the said taxes shall be levied, collected and accounted for by the Sheriffs of New-Hanover and Craven counties, under the rules, regulations and penalties prescribed for the levying, collecting and accounting for other town taxes.

CHAP. XXXVIII.

An Act to exempt from the payment of taxes all lots in the town of Wilmington, on which the buildings were destroyed by a fire in the month of February last.

WHEREAS it has been represented to this General Assembly, that a great part of the town of Wilmington was destroyed by a fire which happened in said town in the month of February last, whereby considerable loss has been sustained by individuals, inhabitants and owners of property in said town; and whereas it is but just and right that the Legislature should extend every proper relief to such as have been so injured:

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 no public, county, town or parish tax, shall be laid or collected for the year 1806, on or from any owner of town property in said town, for or on account of any lot in the town of Wilmington, or any buildings thereon, which said buildings were destroyed by the fire which happened in said town in the month of February last.

CHAP. XXXIX.

An Act concerning the town of Fayetteville.

WHEREAS it is desirable for the convenience of the inhabitants of said town, and the safety of travellers and other passengers, that a Stone Bridge should be erected over Cross creek in the centre of said town, near the mill formerly Cochran's: To raise a fund for which purpose.

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 John Hogg, John M'Millan, John Eccles, David Anderson and Robert Cochran, Esquires, be, and they are hereby appointed managers of a lottery to be called *The Stone Bridge Lottery of the town of Fayetteville*, and as such managers, they, or a majority of them, shall be, and they are hereby empowered to raise the sum of two thousand four hundred dollars by lottery, under such scheme and regulations as they shall approve. And for the security of adventurers in said lottery, the said managers are hereby required to lodge in the Bank of Cape Fear, the monies arising from the sale of tickets in said lottery, as the same shall come into their hands, there to await the event of the drawing of said lottery; and after it is drawn, to be appropriated in the first place to the payment of the prizes, and in the next to erecting a Stone Bridge as aforesaid.

II. *And be it further enacted*, That the aforesaid John Hogg, John M'Millan, John Eccles, David Anderson and Robert Cochran, Esquires, be, and they are hereby appointed commissioners for superintending the building of a Stone Bridge in the town of Fayetteville, at the place before described, with full powers to carry the same into execution, and to appropriate the profits arising from said lottery towards erecting said bridge, in such manner as they in their discretion shall think meet: *Provided*, that the said commissioners, either collectively or individually, shall not be entitled to any compensation for their trouble as commissioners: *Provided also*, that the said Bridge when erected, shall be held and deemed the property of the town of Fayetteville, and shall be kept in due repair by the commissioners of said town.

VI. *And be it further enacted*, That no person in the town of Fayetteville shall be entitled to a vote for Town Commissioner, or for Magistrate of Police thereof, unless such person shall have paid all public, county and town taxes due from him within three years immediately preceding the election of such officer.

V. *And be it further enacted*, That all laws and parts of laws coming within the meaning and purview of this act, shall be, and are hereby repealed and made void.

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L A W S OF NORTH-CAROLINA.

At a General Assembly, begun and held at Raleigh, on the Seventeenth Day of November, in the Year of our Lord One Thousand Eight Hundred and Six, and in the Thirty-First Year of the Independence of the said State.

1806.

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NATHANIEL ALEXANDER, ESQ GOVERNOR.
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CHAP. I.

An Act for the more uniform and convenient administration of Justice within this State.

WHEREAS, the delays and expences inseparable from the the present constitution of the courts of this State do often amount to a denial of Justice, the ruin of suitors, and render a change in the same indispensably necessary :

Preamble.

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 a superior court shall be held at the court-house in each county in the State twice in every year, which courts shall have the same jurisdiction that the present superior courts of law and courts of equity now have and exercise.

A Superior Court to be established in each county.

II. And be it further enacted, That the State shall be divided into six circuits; the first circuit to be composed of the counties of Currituck, Camden, Pasquotank, Perquimons, Chowan, Gates, Hertford, Bertie, Washington and Tyrrel; the second circuit to be composed of the counties of Jones, Carteret, Onslow, Duplin, Wayne, Greene, Lenoir, Craven, Beaufort and Hyde; the third circuit to be composed of the counties of Pitt, Edgecomb, Nash, Johnston, Wake, Franklin, Warren, Halifax, Northampton and Martin; the fourth circuit to be composed of the counties of Chatham, Randolph, Rowan, Stokes, Rockingham, Guilford, Caswell, Person, Granville and Orange; the fifth circuit to be composed of the counties of Montgomery, Anson, Richmond, Moore, Robeson, Cumberland, Bladen, Brunswick, New Hanover and Sampson; and the sixth circuit to be composed of the counties of Surry, Wilkes, Albe, Buncombe, Rutherford, Burke, Lincoln, Iredell, Cabarrus and Mecklenburg.

The State to be divided into six circuits.

III. And be it further enacted, That the courts in the counties composing the first circuit shall be held on the following times, to-wit, Currituck to begin the first Monday of March and September, Camden the second Monday of March and September, Pasquotank the third Monday of March and September, Perquimons the fourth Monday of March and September, Chowan the first Monday after the fourth Monday of March and September, Gates the second Monday after the fourth Monday of March and September, Hertford the third Monday after the fourth Monday of March and September, Bertie the fourth Monday after the fourth Monday of March and September, Washington the fifth Monday after the fourth Monday of March and September, Tyrrel the sixth Monday after the fourth Monday of March and September. The courts in the counties composing the second circuit shall be held on the following times, (to wit) Carteret the first Monday of March and September, Jones the second Monday of March and September,

Times of holding the courts.