

THE LAWS

OF

NORTH-CAROLINA,

ENACTED IN THE YEAR

1822.



TRANSMITTED, ACCORDING TO LAW, TO

Joseph Surgin, Esq.

One of the Justices of the Peace for the County of

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Davidson

RALEIGH:

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1823.

William Surgin Esq.
William Davidson Esq.

places where the original line crossed them, respectively; and the said commissioners and surveyor shall be allowed such compensation, per day, as the said Courts may deem necessary for their services; and each county paying their own commissioners and surveyor; and when said line shall be so run and established, it shall be thereafter considered the permanent dividing line between said counties.

II. *And be it further enacted*, That the said commissioners and surveyors shall return to the Court of their respective counties a platt of their proceedings, at the next term thereafter, designating the said line and specifying all the remarkable places by which the same passes, so that the same may be always identified and referred to when necessary, which shall become a record of the said Courts, respectively.

CHAPTER LXI.

An act to authorise two or more Fire Companies in the town of Washington.

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 there shall be two or more fire companies in the town of Washington; and the commissioners thereof, for the time being, are hereby authorised and directed, on the last Monday of March next, in such manner as they may deem proper, to enrol and divide into two or more fire companies all the free male inhabitants of the said town, of eighteen years of age and upwards, those only excepted, who, from old age, bodily infirmity, or otherwise, may be unable to perform the duties of the said companies, and to draw, by lot, from each company twenty-five men; who shall serve until the first Monday of November then next ensuing, when two other companies shall be again drawn in the same manner, and annually thereafter, on the said first Monday of November; and the men so drafted shall, for the time they may be drawn, perform the duties hereinafter required of said company: *Provided, however*, that those persons who shall have been drafted, and have served for one year under this act, are not to be liable to another draft until the whole of the company to which they belong be made to serve in like manner; and should a fraction of a company remain after any draft, the men of that fraction shall be taken for the next company, and the balance be supplied by draft from those who served first, in the progressive draft, for the time being: *And provided, further*, That once in each year, at the time of the second, and thereafter at the annual election, all the men belonging to the respective companies shall attend, and exercise with the engine to which they shall be respectively attached; and in case of failure, at any time, of the commissioners to form the companies and order the election as hereby required, they shall perform that duty within thirty days thereafter.

II. *And be it further enacted, by the authority aforesaid*, That the commissioners of the said town, for the time being, shall, upon such arrangement of the fire companies, give notice thereof in such way as they may deem expedient, and order an election, by each company, in any way they may think proper, at the court house in said town, of one captain and four subaltern officers, of different grades, (which grades shall be fixed by the commissioners,) to be chosen from each company, for the command thereof; and, in default of such election, the said commissioners are hereby authorised to make the said appointments; which, when done in either way, shall continue in force until the next annual election of the said officers; and in case of vacancies, by death, or otherwise, of any of the said officers, their places, respectively, are authorised to be supplied by a new election, to be ordered by the commissioners;

and to be conducted in the same manner as the annual one; which election, when made, shall continue in force until the next annual election.

III. *And be it further enacted, by the authority aforesaid,* That each captain of the several fire companies shall, regularly, once in each and every two months after the organization thereof, call out the drafted men of his company, and exercise them in working the engine and appurtenances under his command, under the penalty of ten dollars for each and every default; and in case of the absence from town, or inability of the captain, or his refusal to act, the duty of exercising the men, in working the engine, shall be performed by the officer next in command, in town, or present, under the like penalty; and every person enrolled in either of the said companies failing to attend at the times appointed for working the engine to which he is attached, and to perform such duties, in relation thereto, as shall be assigned him by his commanding officer, shall forfeit and pay the sum of one dollar for each and every offence; and notice of enrolment, and of the stated times for the meeting of the company, for the purpose abovementioned, shall be held sufficient notice: *Provided,* That the times of working the engines shall be so regulated by the commissioners as that both companies shall not be called out on the same day, except in case of fire, and on the days in which all the men are directed to be called out.

IV. *And be it further enacted, by the authority aforesaid,* That in case of any alarm by fire, all the free male inhabitants of the said town, of the age of eighteen years and upwards, shall render their best assistance for the extinguishment thereof, and other services incident thereto; those belonging to companies to perform duty in their respective companies, and those not belonging to any company to do duty under the directions of some one of the said captains, or other officer authorised to command; and any person failing so to do, provided he have notice, shall forfeit and pay the sum of ten dollars for each and every offence; which penalty, and every other incurred under this act, may be recovered by warrant before any justice of the peace, by any person suing for the same, to the use of the town: *Provided, however,* That if a sufficient excuse be made, on oath, by the defendant on the trial, he shall be discharged from such forfeiture.

V. *And be it further enacted, by the authority aforesaid,* That the commissioners of the said town, for the time being, are hereby authorised and empowered to repair the engines at present in the town, and to purchase, from time to time, for the use thereof, one or more fire engines, and such number of buckets, hooks, ladders and other instruments for extinguishing fire, as they may deem expedient; and to build one or more houses for the said engines and their appurtenances, and to lease ground whereon to build said houses.

VI. *And be it further enacted,* That it shall be the duty of each of the said captains to cause to be taken care of and preserved, in the houses prepared for that purpose, the engine and appurtenances thereto belonging, assigned to the company under his command; and after the same shall have been so assigned, when any repairs thereof may be deemed necessary by a majority of the officers of said company, the captain shall cause the same to be done, as soon as may be, under the penalty of ten dollars; and in case of the absence, refusal to act, or inability of the captain, the same shall be done by the officer next in command, who may be in town, being thereto required by such majority, in the same manner, and in the same time as herein required of the captain, and under the like penalty; the expenses for which repairs, on approbation of

the accounts therefor, by such majority of officers, shall be paid by the town treasurer on the drafts of the officer making the same, and shall be allowed him in settlement with the said commissioners.

VII. *And be it further enacted, by the authority aforesaid,* That for raising a fund for the purpose aforesaid, the said commissioners, and their successors in office, are hereby authorised to lay a tax of not exceeding five shillings on each taxable poll, nor more than five shillings on every three hundred dollars value of lots and improvements in the said town; which taxes, when laid, shall be collected and accounted for as the other taxes of the said town.

VIII. *And be it further enacted, by the authority aforesaid,* That in case of fire in the said town, it shall and may be lawful for one or more commissioners of the town, and two or more officers of the fire company or companies, 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.

IX. *And be it further enacted, by the authority aforesaid,* That the persons in the town of Washington liable to bear arms and muster, who may be drawn into either of the companies of twenty-five men, to work and keep the engines in order, during their time of service, be exempted from mustering, except at general or battalion musters, and whenever the United States may be at war, and whenever it may be necessary to call out, for service, the militia of the county, or to make a draft therefrom.

X. *And be it further enacted, by the authority aforesaid,* That the commissioners aforesaid, for the time being, be authorised to make, from time to time, such additional regulations and bye-laws, for the government of said companies, not inconsistent with, or contrary to the laws of this State and the provisions of this act, as to them may appear convenient and necessary.

XI. *And be it further enacted, by the authority aforesaid,* That all laws and parts of laws, which come within the purview of this act, are hereby repealed and made void.

CHAPTER LXII.

An act to incorporate a light infantry company in the town of 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 company of light infantry, commanded by captain Thomas A. Pasteur, in the town of Newbern, is, and are hereby incorporated under the title of the Newbern Guards.

II. *And be it further enacted,* That the captain of the company shall, at least six times in each and every year, order the same to muster at such time and place as he may think proper; and any officer, non-commissioned officer or private, who, having been duly summoned, shall neglect to appear at such muster, armed and equipped according to the regulations of said company, shall forfeit and pay, if an officer, a fine of three pounds, and if appearing, be not uniformed and equipped agreeable to the regulations adopted by the company, he shall forfeit and pay a fine of two pounds; if a non-commissioned officer or private, he shall forfeit and pay a fine of two dollars for non-attendance, and if attending, be not uniformed and equipped agreeable to the regulations of the company, he or they shall forfeit and pay such fine as may be adjudged against him or them, by any court-martial having cognizance thereof, not exceeding two dollars, nor less than fifty cents; which fine shall be levied and recovered in the same manner that all other fines are.