

Stephen Cabarrus Esq.



L A W S

NORTH-CAROLINA.

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

1793
RICHARD D.
SPAIGHT, Esq.
Governor.

C H A P. I.

An Act to carry into effect an act of Congress, entitled, "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States;" also to amend an act, passed at Fayetteville, in the year one thousand seven hundred and eighty-six, entitled, "An act for establishing a militia in this state."

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 in order to carry into effect the above recited act of Congress, the militia of this state be arranged into brigades and divisions, in the following manner, that is to say, the district of Edenton, the first brigade; the district of Fayetteville, the second brigade; the district of Wilmington, the third brigade; the district of Halifax, the fourth brigade; the district of Hillsborough, the fifth brigade; the counties of Rowan, Montgomery, Cabarrus, Mecklenberg and Iredell, shall compose the sixth brigade; and the counties of Rockingham, Stokes, Surrey and Guilford, shall compose the seventh brigade; and the district of Morgan, the eighth brigade; and that the first and second brigades shall compose the first division; that the third and fourth brigades compose the second division; that the fifth and sixth brigades compose the third division; and that the seventh, eighth and ninth brigades shall compose the fourth division.

Militia of this state arranged into brigades & divisions.

II. And be it further enacted, That one Major-General be appointed by joint ballot of both houses to command each division, who shall have the power to appoint two Aids-de-Camp; and that one Adjutant-General be also appointed by joint ballot of both houses of the General Assembly, whose duty it shall be to carry into effect said act of Congress and militia laws of this state, so far as comes within the line of that department.

Officers to be appointed by the Gen. Assembly. Adjutant-General's duty.

III. And be it further enacted, That the several regiments in each brigade shall be numbered according to the dates of the commission of the Colonels or officers commanding them respectively at the end of the present session.

Regiments to be numbered.

IV. And be it further enacted, That the officers of the militia in each county, shall have full power to divide their regiments respectively into regiments and battalions, agreeable to the directions of Congress, and to appoint their several places of holding their regimental and battalion musters and courts martial, except where they may be, or have been heretofore divided and appointed by law, any thing to the contrary notwithstanding: Provided always, That no regiment or battalion shall be formed of a less number than is by the act of Congress directed.

Officers power in each county as to the division of their regiments, appointing place of muster, &c.

V. And be it further enacted, That all persons who have entered in the cavalry, and have failed to equip themselves agreeable to law, or shall fail to do the same within twelve months after the passing of this act, shall be returned to the infantry; nor shall any person hereafter be excused from doing duty in the infantry, notwithstanding his enrolment in the cavalry, until such person equips himself completely for the same. Provided always, That nothing contained in this act shall be construed to do away or abolish the present regiments of horse, or of artillery or independent companies in this state.

Those of the cavalry not equipped, to be returned to the infantry, &c.

VI. And be it further enacted, That there shall be one general or battalion muster in every year in every county within this state, and one private muster once in every three months, under the same rules and regulations as directed by the before recited acts.

Musters

VII. And

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appointed by this act, or a majority, shall think proper and most convenient, to begin on the fourth Thursday in February, May, August and November, in each and every year, and to continue three days successively in each ensuing term.

II. *And be it further enacted*, That Francis Poindexter, Calvin Whetton, William M'Pherson, Charles Hunt, William Sweatt, Philip Howard, Nathan Chaffin, senior, and Orman Kimbrough, be and they are hereby constituted and appointed managers of said fair, and to fix upon the place at or near the Shallow-ford as aforesaid, for the performing of the same.

III. *And be it further enacted*, That a fair be established at the place laid off for that purpose at Havering-Bower, on the Brown-marsh, in the county of Bladen, to begin annually on the second Tuesdays in May and November, and to continue three days at each ensuing term.

IV. *And be it further enacted*, That James Cardy, Neill M'Coulskey, Captain Daniel Shaw, John M'Millan and John Taylor, be and they are hereby constituted and appointed managers of said fair, at the Brown-marsh; and in case of death, refusal to act, or removal of any of the said managers, a majority of the remaining managers may appoint another or others in his or their stead.

V. *And be it further enacted*, That all citizens of the United States shall have and enjoy the privileges of selling, buying and exchanging their produce, manufactures and other commodities at the fairs hereby established, agreeable to the laws of this State and the regulations of the managers of the said fairs, instituted for that purpose.

C H A P. LV.

An act for establishing a town at the Narrows of Pasquotank river, in the county of Pasquotank.

W H E R E A S it hath been represented to this General Assembly that the establishing a town at the Narrows of Pasquotank river, in the county of Pasquotank, on the lands of Adam Tooley, would be conducive to the welfare of the county aforesaid, and of public utility; and the said Adam Tooley, and his wife Elizabeth Tooley, having signified their consent to the same:

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 John Lane, Isaac Sawyer, Timothy Colter, Bailly Jackson and Benjamin Jones, or any three of them, be and they are hereby appointed Commissioners and Directors for the purpose of carrying on the said town, and they shall stand seized in an indefeasible estate in fee-simple in fifty acres of land, at the place aforesaid, to and for the use and intents hereby declared, by a good and lawful deed of conveyance made by the said Adam Tooley and wife unto the said Commissioners, or a majority of them, for the purposes aforesaid; and the ground so agreed for, to be laid off in half acre lots on the back ground, and quarter acre lots on the water, at such price for each lot as the said Commissioners, or a majority of them, may think proper, and streets not less than sixty six feet in width for the front principal streets, and not less than thirty three feet in width for the side and cross streets; which lots and streets the said Commissioners are required to lay down in a regular plat, numbering the lots therein laid down, and shall be called by the name of Redding.

II. *And be it further enacted by the authority aforesaid*, That the Commissioners aforesaid, as soon as fifty lots shall be subscribed for, all the numbers of the lots of the said town shall be placed in one box, and the names of the subscribers in another, and when a name is drawn out and a number at the same time, his shall be the lot the number of which was drawn with his name, and the remaining numbers undrawn and unsubscribed, shall be vested in the said Commissioners for the use of said town; *Provided always*, That this act shall not have effect until a sufficient conveyance shall be executed to the Commissioners as aforesaid for the lands agreed for to lay out said town.

III. *And be it further enacted by the authority aforesaid*, That the said Commissioners, or a majority of them, are hereby empowered and required to grant a conveyance or conveyances for a lot or lots so drawn as aforesaid by the subscribers.

IV. *And be it further enacted by the authority aforesaid*, That if any of the Commissioners hereby appointed shall refuse to act, die, or remove out of the county, the surviving Commissioners shall be and are hereby empowered to elect one or more in the room of him or them so refusing, dying or removing; and those Commissioners so appointed, to have the same power and authority respecting the premises, as if they were appointed by the General Assembly.

C H A P. LVI.

An act to grant a separate general muster and a separate election in the county of Pasquotank.

W H E R E A S it is represented to this General Assembly, by petition, that the peculiar situation of the inhabitants in the upper part of the said county, renders it very difficult and expensive, and often impossible, for them to attend at the court-house in said county, to give their suffrages for members to represent them in the Congress of the United States, and in the General Assembly of this State: 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 passing of this act it shall and may be lawful for the Sheriff of the said county, or any of his proper deputies, and he or any of them are hereby authorized and required, to open an election on the second Thursday of August annually, at some convenient house at the Narrows of Pasquotank river, in the county aforesaid, for the convenience of the voters residing in the middle ground and in the upper part of the said county, under the same rules prescribed for holding general elections; and the ballots so taken shall be sealed up by the Inspectors of the poll, in the presence of the Sheriff or his deputy, and by them transmitted to the court-house at Nixonton, under the care of the said Sheriff or his deputy who held the said election; and the said ballots shall be counted out at the close of the election at the said court-house, and they are hereby declared to be a part of the election of said county: *Provided*, That nothing herein contained shall deprive any person or persons entitled to vote in said county, who have not given his vote, from giving his suffrage at the court-house, on the day or days of the general election of said county.

II. And whereas it is represented to the General Assembly, by petition, that it is inconvenient for the people in the upper end of said county to attend general musters at the town of Nixonton, in said county: *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, the county of Pasquotank shall be divided into two districts, the upper district shall consist of four companies belonging to the upper part of the said county, and that the place for holding the general muster in the said district shall be at the Narrows of Pasquotank river, under the same rules and regulations, and agreeable to the directions of the act establishing a militia in this State; and that the other district shall be composed of the remaining companies in the said county, and that the place for holding the general muster for the lower district shall be at the court-house, in the town of Nixonton, as hath been in use heretofore, under the same rules and regulations as other militia in this State, any thing to the contrary notwithstanding.

C H A P. LVII.

An act for laying out a town on the lands of Thomas Matthews, in the county of Moore, near the court-house of said county.

W H E R E A S it is represented to this General Assembly, that the laying out a town on the lands of Thomas Matthews, in Moore county, would tend to the advantage of the citizens of the county, and the said Thomas Matthews having signified his consent to have one hundred acres of land laid off for a town as follows:

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 acres of land be laid off in 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 Alfordton.

II. *And be it further enacted*, That John Cameron, Jacob Gatter, Samuel Dunn, Patrick Dowd and Duncan Patterson, be and they are hereby constituted Commissioners for designing and carrying on the said town, and they shall stand seized of an indefeasible estate in fee-simple in and to the said one hundred acres of land, for the use and purposes hereby declared; and the said Commissioners or a majority of them shall have full power and authority to meet as often as they shall think necessary for the purpose aforesaid.

Swart, Philip Howard, Nathan Chantry, Jenson, and Urean Kumbrough, be and they are hereby constituted and appointed managers of said fair, and to fix upon the place at or near the Shallowford as aforesaid, for the performing of the same.

III. *And be it further enacted*, That a fair be established at the place laid off for that purpose at Havering, Bower, on the Brown-marsh, in the county of Bladen, to begin annually on the second Tuesdays in May and November, and to continue three days at each ensuing term.

IV. *And be it further enacted*, That James Cardy, Neill McCouley, Captain Daniel Shaw, John McMillan and John Taylor, be and they are hereby constituted and appointed managers of said fair, at the Brown-marsh; and in case of death, refusal to act, or removal of any of the said managers, a majority of the remaining managers may appoint another of theirs in his or their stead.

V. *And be it further enacted*, That all citizens of the United States shall have and enjoy the privileges of selling, buying and exchanging their produce, manufactures and other commodities at the fairs thereby established, agreeable to the laws of this State and the regulations of the managers of the said fairs, instituted for that purpose.

C H A P. LV.

An act for establishing a town at the Narrows of Payquiantank river, in the county of Payquiantank.

WHEREAS it hath been republished in this General Assembly that the establishing a town at the Narrows of Payquiantank river, in the county of Payquiantank, as the lands of James Poole, would be conducive to the welfare of the county aforesaid, and of public utility; and the said Adam Tooley, and his wife Elizabeth Tooley, having agreed and their consent to the same:

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 John Lane, Isaac Sawyer, Timothy Coher, Baily Jackson and Benjamin Jenson, or any three of them, be and they are hereby appointed Commissioners and Directors for the purpose of carrying on the said town; and they shall stand seized in an indefeasible estate in fee-simple in fifty acres of land; at the place aforesaid, to and for the use and intents hereby declared, by a good and lawful deed of conveyance made by the said Adam Tooley and wife unto the said Commissioners, or a majority of them, for the purpose aforesaid; and the ground so agreed for, to be laid off in half-acre lots on the back-ground, and quarter acre lots on the water, at a price for each lot as the said Commissioners, or a majority of them, may think proper, and streets not less than sixty six feet in width for the front principal streets, and not less than thirty three feet in width for the side and cross streets; which lots and streets the said Commissioners are required to lay down in a regular plan, numbering the lots therein laid down, and shall be called by the name of *Reading*.

II. *And be it further enacted by the authority aforesaid*, That the Commissioners aforesaid, as soon as fifty lots shall be subscribed for, all the numbers of the lots of the said town shall be placed in one box, and the names of the subscribers in another, and when a name is drawn out and a number at the same time, his shall be the lot the number of which was drawn with his name, and the remaining numbers undrawn and unassigned, shall be held in the first Commissioners for the use of said town: *Provided always*, That this act shall not have effect until a sufficient conveyance shall be executed to the Commissioners as aforesaid for the land agreed for to lay out said town.

III. *And be it further enacted by the authority aforesaid*, That the said Commissioners, or a majority of them, are hereby empowered and required to grant a conveyance or conveyances for a lot or lots so drawn as aforesaid by the subscribers.

IV. *And be it further enacted by the authority aforesaid*, That if any of the Commissioners hereby appointed shall refuse to act, die, or remove out of the county, the surviving Commissioners shall be and are hereby empowered to elect one or more in the room of him or them so refusing, dying or removing; and those Commissioners so appointed, shall have the same power and authority respecting the premises, as if they were appointed by the General Assembly.

C H A P. LVI.

An act to grant a separate general muster and a separate election in the county of Payquiantank.

WHEREAS it is represented to this General Assembly, by petition, that the peculiar situation of the inhabitants in the upper part of the said county, renders it very difficult and expensive, and often impossible, for them to attend at the court-house in said county, to give their suffrages for members to represent them in the Congress of the United States, and in the General Assembly of this State: *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 passing of this act it shall and may be lawful for the Sheriff of the said county, or any of his proper deputies, and he or any of them are hereby authorized and required, to open an election on the second Thursday of August annually, at some convenient house at the Narrows of Payquiantank river, in the county aforesaid, for the convenience of the voters residing in the middle ground and in the upper part of the said county, under the same rules prescribed for holding general elections; and the ballots to be taken shall be taken up by the Inspectors of the poll, in the presence of the Sheriff or his deputy, and by them transmitted to the court-house at Axinton, under the care of the said Sheriff or his deputy, who shall hold the said election; and the said ballots shall be counted out at the close of the election at the said court-house, and they are hereby declared to be a part of the election of said county: *Provided*, That nothing herein contained shall deprive any person or persons entitled to vote in said county, who have resided therein from voting in the same.