

L A W S  
of  
NORTH-CAROLINA.

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

BENJAMIN WILLIAMS, ESQUIRE, GOVERNOR.

CHAP. I.

An Act for purchasing up the Principal of the Certificate Debt of North-Carolina.

*B*t enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Public Treasurer for the time being, and he is hereby authorized, to purchase in for the use and benefit of the People of this State, after the first day of April next, the Principal of all the Certificates heretofore issued agreeably to the acts, and under the authority of the Legislature of North-Carolina, which shall be presented to him, on or before the first day of October next; those issued at Warrenton in the year one thousand seven hundred and eighty-six, those issued for services in the western county, and commonly called Chickamaga Certificates, and, in fine, all those at present not receivable at the Treasury Office, excepted; paying and giving for each pound of this principal of the Certificates, which shall be presented to him and purchased as aforesaid, not more than the sum of fifteen shillings, and granting to the vendor or holder, a Certificate or Certificates for the Interest which shall have accrued thereon up to the day of sale; which Certificates so to be granted as aforesaid for Interest, shall pass at the Treasury in payment of lands entered, and shall be in all respects of the same value with the interest on certificates previous to the purchasing in the principal as aforesaid: *Provided nevertheless*, that if certificates of the description above mentioned shall be presented for sale, to such unexpected amount as shall exceed the sum of fifteen thousand pounds, and shall, in the opinion of the Treasurer, too nearly exhaust the public chest, then, and in such case, he shall be, and hereby is vested with discretionary power to purchase from each of the vendors or holders, in such proportion as in his opinion shall best tend to do equal justice to all.

*II.* And be it further enacted, That such certificates as the Treasurer may issue for the interest on the principal of Certificates, as by this act directed, shall not bear any interest, and that the Treasurer insert the same on the face thereof.

*Read three times, and ratified in General Assembly, }  
the 19th day of December, A. D. 1801.*

Copy,

W. H. WHITE, Secretary.

JOSEPH RIDDICK, S. Senate.  
S. CABARRUS, S. House of Commons.

CHAP. II.

An Act to amend the several Land Laws in this State.

*WHEREAS* by an act of the General Assembly of this State, passed in the year one thousand seven hundred and ninety-seven, all lands entered, previous to the first day of January, one thousand seven hundred and ninety-eight, that may have been paid for as by law directed, and not surveyed and returned to the Secretary's Office by the first day of January, one thousand eight hundred and two, are declared null and void, which, in many instances, will tend 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 all bona fide entries of lands made in this State, previous to the first day of January, one thousand seven hundred

And be it further enacted by the authority aforesaid, That said Commissioners shall have power to appoint a Treasurer, whose duty it shall be to collect and account for all moneys agreeably to the order of said Commissioners, for the improvement of the streets of said town; and said Commissioners or a majority of them, or their successors in office, shall have power to make all necessary by laws for the good government and improvement thereof: *Provided* said laws be not inconsistent with the constitution and laws of this State and of the United States.

CHAP. LXI.

An Act to amend an Act, entitled "An Act establishing a Town at the Court-House in the County of Buncombe."

*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, in addition to the Commissioners heretofore appointed, that the following persons be appointed, to wit: Robert Humberston, Alexander Ferguson, and Jeremiah Cleveland, be appointed Commissioners to act with those heretofore appointed that continue to reside in the said town.

II. *And be it further enacted,* The Commissioners aforesaid, or a majority of them, shall have full power and authority to make such rules, by laws and regulations as they, or a majority of them, may think necessary for the good government of said town.

III. *And be it further enacted by the authority aforesaid,* That a majority of the said Commissioners shall constitute a quorum: In case of death, refusal to act, or removal out of the county, the remaining Commissioners shall fill up such vacancy.

IV. *And be it further enacted,* That no person shall retail spirituous liquors by the small measure in the town of Ashville, until he or she have first applied to the Commissioners appointed for said town, and have obtained from them a certificate of their permission for that purpose; which certificate and permission shall be valid and in force the term of one year, and no longer. Every person who shall retail spirituous liquors by the small measure in the town of Ashville after the passing of this act, without first obtaining a permission of the Commissioners as aforesaid, shall forfeit and pay the sum of five pounds, to be recovered in any jurisdiction having cognizance thereof, by any person or persons suing for the same, the one half to the use of the prosecutor, and the other half to the use of the said town, to be applied by the said Commissioners to the use of repairing and keeping in good order the streets of the said town of Ashville; any law, usage or custom to the contrary notwithstanding.

CHAP. LXII.

An Act to alter the Name of Elizabeth Town, in the county of Pasquotank, to that of Elizabeth-City; and the Name of Elizabeth Town, in the county of Tyrrell, to that of Columbia:

WHEREAS considerable inconvenience is found to arise from there being more than one town in this State of the same name:

*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 name of Elizabeth-town, in the county of Pasquotank, shall be known and distinguished by the name of Elizabeth-City; and the name of Elizabeth-town, in the county of Tyrrell, shall be known by the name of Columbia; and shall be subject to all the rules and regulations, and entitled to all the privileges, which are expressed by laws heretofore made for the government of the said towns.

CHAP. LXIII.

An Act to amend an Act, entitled "An Act to lay off and establish a Town near Fort Johnston, on the West Side of Cape Fear River, in Brunswick 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 on the second Monday of July next, an election shall be held by the Sheriff of Brunswick county, at the house of John Baptist Gramach, in the town of Smithville, for the purpose of electing Commissioners for said town, in the following manner, to wit: The Sheriff of said county shall advertise at two or more public places in the said town of Smithville, at least fifteen days before the day herein appointed for the election of Commissioners, on which day the Sheriff, or his deputy, shall attend at the place appointed, with two Inspectors by him to be chosen, who shall and may receive from every free person residing in said town, and owning a lot therein, his vote by ballot for five Commissioners, who shall be freeholders in said town, and whose usual residence shall be in the said town of Smithville. And the said Sheriff shall open the poll for taking the ballots aforesaid, and continue the same until six o'clock in the afternoon; when the said poll shall be closed, and the Sheriff shall thereafter, in the presence of the Inspectors, proceed to count the ballots given as herein directed; and the five persons having the greatest number of votes, shall by the said Sheriff be declared duly elected for the term of two years, and for that period shall have and possess all and singular the powers and authorities heretofore vested in the Commissioners of the said town of Smithville.

II. *And be it further enacted,* That if in calling up the votes for Commissioners aforesaid, it shall be found that any two persons have an equal number of votes, then and in that case the Sheriff, or his deputy, presiding at any such election, shall and may give the casting vote; and the person to whom the same shall be given, shall be considered as duly elected.

III. *And be it further enacted,* That there shall be every two years after the election above-mentioned, an election held for Commissioners of the said town of Smithville, in the manner and under the rules and regulations herein prescribed for the election in July next, reserving to the Commissioners the right of fixing on any other place for holding said election than the one herein mentioned; and the Commissioners so elected, from time to time, shall have and they are hereby declared to have, all and singular the powers and authorities by law vested in the Commissioners heretofore by law appointed.

IV. *And be it further enacted,* That before entering on the discharge of the duties of his office, each and every Commissioner shall take an oath faithfully and diligently to perform the several duties of a Commissioner according to the best of his skill and ability.

CHAP. LXIV.

An Act to establish a Town at or near Woody's Ferry, on Haw River, in Orange County, and other purposes therein mentioned.

*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 President and Directors of the Deep and Haw River Company, be

IV. *And be it further enacted by the authority aforesaid, That said Commissioners shall have power to appoint a Treasurer, whose duty it shall be to collect and account for all moneys, agreeably to the rules of said Commissioners, for the improvement of the streets of said town; and said Commissioners, or a majority of them, or their successors in office, shall have power to make all necessary by-laws for the good government and improvement thereof: Provided said laws be not inconsistent with the constitution and laws of this State and of the United States.*

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An Act to amend an Act, entitled "An Act establishing a Town at the Court-House in the County of Buncambe.

*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, in addition to the Commissioners heretofore appointed, that the following persons be appointed, to wit: Robert Humblerton, Alexander Ferguson, and Jeremiah Cleveland, be appointed Commissioners to act with those heretofore appointed that continue to reside in the said town.*

II. *And be it further enacted, The Commissioners aforesaid, or a majority of them, shall have full power and authority to make such rules, by laws and regulations as they, or a majority of them, may think necessary for the good government of said town.*

III. *And be it further enacted by the authority aforesaid, That a majority of the said Commissioners shall constitute a quorum. In case of death, refusal to act, or removal out of the county, the remaining Commissioners shall fill up such vacancy.*

IV. *And be it further enacted, That no person shall retail spirituous liquors by the small measure in the town of Ashville, until he or she have first applied to the Commissioners appointed for said town, and have obtained from them a certificate of their permission for that purpose; which certificate and permission shall be valid and in force the term of one year, and no longer. Every person who shall retail spirituous liquors by the small measure in the town of Ashville after the passing of this act, without first obtaining a permission of the Commissioners as aforesaid, shall forfeit and pay the sum of five pounds, to be recovered in any jurisdiction having cognizance thereof, by any person or persons suing for the same, the one half to the use of the prosecutor, and the other half to the use of the said town, to be applied by the said Commissioners to the use of repairing and keeping in good order the streets of the said town of Ashville; any law, usage or custom to the contrary notwithstanding.*

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*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 name of Elizabeth-town, in the county of Pasquotank, shall be known and distinguished by the name of Elizabeth-City; and the name of Elizabeth-town, in the county of Tyrrell, shall be known by the name of Columbia; and shall be subject to all the rules and regulations, and entitled to all the privileges, which are expressed by laws heretofore made for the government of the said towns.*

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II. *And be it further enacted, That if in calling up the votes for Commissioners aforesaid, it shall be found that any two persons have an equal number of votes, then and in that case the Sheriff, or his deputy, presiding at any such election, shall and may give the calling vote; and the person to whom the same shall be given, shall be considered as duly elected.*

III. *And be it further enacted, That there shall be every two years after the election above-mentioned, an election held for Commissioners of the said town of Smithville, in the manner and under the rules and regulations herein prescribed for the election in July next, reserving to the Commissioners the right*