

THE
LAWS
OF
THE STATE OF



NORTH-CAROLINA,
ENACTED IN THE YEAR
1820.

Transmitted, according to Law, to

Bartholomew Vance

One of the Justices of the Peace for the county of

Wilmington

Vance

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zance of all petitions for dower, years support and roads, and all other subjects in which the intervention of a jury is not necessary.

3. *Be it further enacted*, That the next court of pleas and quarter sessions to be held for the county of Cumberland, shall be, and they are hereby authorised to appoint and fix the time of holding the first term of said court of probate, and that the same shall be held at that time and quarterly thereafter; and it shall be the duty of the court of pleas and quarter sessions aforesaid to direct their clerk to give general notice of this act and of the times of holding of said court of probate.

4. *Be it further enacted*, That it shall be the duty of the clerk of the court of pleas and quarter sessions for said county, and the sheriff of the same, to attend said court of probate, and to officiate in their respective offices in the same manner they are now bound to do in the court of pleas and quarter sessions.

CHAPTER 52.

An Act to restore Joshua Chesnut, of the county of Sampson, to credit.

1. *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 Joshua Chesnut, of the county of Sampson, be, and the said Joshua Chesnut is hereby restored to credit, and to every privilege and immunity as a citizen of this state, as fully and amply as though the said Joshua Chesnut had never been convicted and adjudged of the crime of perjury.

2. *And be it further enacted*, That this act shall take effect, and be in full force, from the ratification thereof.

CHAPTER 53.

An act to prevent fishing on Sunday with seines in Rocky river of Pedee, or the North West branch of Cape Fear river.

1. *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 ratification of this act it shall not be lawful for any person or persons to haul any sein or seines, for the purpose of catching fish, in Rocky river of Pedee, or in the North West branch of Cape Fear river, between the hours of twelve on Saturday night and twelve on Sunday night; and if any free person or persons shall, within the time aforesaid, haul any sein or seines in Rocky river of Pedee, or in the North West branch of Cape Fear river, for the purpose of catching fish, or shall knowingly permit any slave or slaves under their command to do so, such person so offending shall forfeit and pay the sum of fifty dollars, to be recovered in the name of any person who may sue for the same before any justice of the peace in the county where the offence may be committed, one half to the use of the person suing therefor, and the other half to the use of the poor of said county.

CHAPTER 54.

An Act for supplying the town of Fayetteville with pure and wholesome Water.

WHEREAS, William Nichols, together with sundry other persons, have with the consent, and by the desire of the corporation and citizens

of the town of Fayetteville, associated for the purpose of conveying to such of the inhabitants thereof, and others as may be inclined to take the same, a constant supply of pure and wholesome water : And for furtherance of this laudable design, which promises health and safety to the said town ; they pray the Legislature to give them support and encouragement, by granting them and such others as shall hereafter subscribe and join their association, a suitable charter of incorporation.

1. *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 William Nichols and such persons as he may associate with himself, his and their successors and assigns, be, and they are hereby created a body corporate and politic, by the name of the President and Directors of the Fayetteville Water Works, and are hereby ordained, constituted and declared to be forever hereafter a body, politic and corporate in fact and in name, and by that name be, and they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at their pleasure : And also, that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying, any estate real and personal, for the use of the said corporation : *Provided,* That such real estate so to be holden, shall be such only as shall be necessary to promote or attain the objects of this incorporation.

2. *And be it further enacted,* That it shall be lawful for the said company, and any person or persons employed by them, or acting under their authority, to enter into and upon, and freely to make use of any lands which they shall deem necessary, for the purpose of conducting a plentiful supply of pure and wholesome water to the centre of said town, and to erect any dams or other works across or upon any streams of water or any other place or places where they shall judge proper, for the purpose of raising such stream or streams, or turning the course thereof, or of making use of such streams or places, for constructing or working of any necessary engine, and to construct, dig or cause to be opened any canals or trenches whatsoever, for the conducting of such stream or streams, or any other quantity of water from any source or sources they may see fit, and to raise and construct such dikes, mounds or reservoirs, as they may judge proper, for securing and conveying such supply of water as aforesaid, to said town ; and to survey and lay out all such lands and streams as they may think proper, in order to ascertain the best mode of furnishing such supply, and the best and most productive streams and sources or fountains of water for that purpose, and to lay and conduct any number of pipes, conduits or aqueducts, through or over any of the said lands, or any streams of water, as they may see fit, to or towards the said town, and in any, and every street, lane or other part of said town, where the same may be requested, and to agree with the owner or owners of any lands, tenements or hereditaments that may be damaged or affected by any of the said operations for and about, a rea-

sonable compensation to be made to him, her or them, for such lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or any of them, or for any damage which he, she, or they or any of them may sustain by the employing, directing or constructing any such stream or streams, or using any such lands, or the cutting, laying, raising or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dikes or mounds aforesaid: But in case of disagreement, or in case the owner or owners of such lands, tenements and hereditaments, shall be *feme covert*, under age, *non compos mentis*, or out of the state, then it shall be lawful and requisite for the said President and directors to file their petition in the court of pleas and quarter sessions for Cumberland county, setting fourth the facts of the case, and the matters in dispute, and upon the filing of said petition, and a copy thereof being served on the opposite party, the said court shall issue their writ to the Sheriff of Cumberland county, commanding him to summon a jury of twelve good and lawful men, who are totally unconnected with any of the parties, who shall view, examine and survey the said lands, tenements and hereditaments, and estimate the injury sustained as aforesaid; and the Sheriff shall make return of the verdict of the said jury to the term of the county court next succeeding that from which he received his writ, and upon the coming in of said verdict or report, and the confirmation thereof by the said court, the said President and Directors shall pay to the said owners respectively, the sum mentioned in such verdict or report, in full compensation for the said lands, tenements or hereditaments, or for the injury sustained as aforesaid, as the case may be: and upon such payment, the said President and Directors shall be, and become seized in fee of all such lands, tenements and hereditaments as they shall have taken possession of and paid for as aforesaid, and they and all those who have acted under them shall be acquitted from and freed from all responsibility for or on account of any such injury: *Provided nevertheless*, That nothing herein contained, is to bar the right of either of the parties appealing from the county to the superior court.

3. *And be it further enacted by the authority aforesaid*, That in consideration of the corporation of Fayetteville, allowing the said President and Directors to carry the conduits or pipes through any parts of the streets or alleys of the said town, it shall be the duty of the said President and Directors and their successors, so to construct their principal mound or reservoir, as to insure a plentiful supply of water, which it shall be lawful for the corporation or any body or company to use in the case of fire; and that the principal pipes shall be so arranged and so constructed as to have fire plugs at the distance of every three hundred feet, which it shall be lawful to take out and use the water in the event of a fire.

4. *And be it further enacted*, That if any person or persons shall do or cause to be done any act whatsoever, whereby the said works or any pipes, conduit, canal, water course, mound, plug, cock, reservoir, dike, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened or injured, the person or persons so offending, shall forfeit and pay to the said company triple the amount of the damages sustained by means of such

injury, to be recovered by said company with costs of suit, and by action of debt before any justice or court having jurisdiction thereof.

5. *And be it further enacted*, That it shall be lawful for the President and Directors of said company, from time to time, to make and establish such ordinances as they may think fit and proper, and as may be consistent with the constitution and laws of the United States and of this State, for conducting and managing the affairs of the said company, and for conducting and preserving the said works, and any part thereof, and for conveying, employing, distributing and disposing of the water so to be conducted as aforesaid, and for carrying into effect all the objects and purposes of the said incorporation, and may also agree with the corporation of the town of Fayetteville, the inhabitants of said town and others choosing to take or use the said waters, regarding the rates at which the same shall be paid for: *Provided*, That the said company shall, within five years from the passing of this act, furnish and continue a supply of pure and wholesome water, sufficient for the use of all such citizens dwelling in said town of Fayetteville, as shall agree to take it on the terms, to be demanded by the said company, in default whereof the said corporation shall be dissolved.

CHAPTER 55.

An act to establish and incorporate an Academy in the town of Elizabeth City, in the county of Pasquotank, and for other purposes.

1. *Be it enacted by the General Assembly of the state of North Carolina and it is her. by enacted by the authority of the same*, That William T. Muse, Ambrose Knox, Witham Wilson, William Gregory, Frederic B. Sawyer, Wilson Sawyer, William Martin, Samuel Matthews, Lemuel C. Moore and John C. Ehringhaus shall be, and they are hereby declared to be, a body politic and corporate, to be known and distinguished by the name of the Trustees of the Elizabeth City Academy: by that name they shall have perpetual succession, and by the name aforesaid they, or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels that shall or may be given for the use of the said Academy, and the same apply according to the will of the donor, and by gift, purchase or devise to take, have, receive, possess, enjoy and retain to them and their successors forever, any lands, rents or tenements, of what kind or nature soever, in special trust and confidence, that the same, or the profits thereof, be applied to and for the purpose of establishing and endowing said Academy, and shall be capable of pleading and being impleaded by their proper officers, either in law or equity, for any monies or other things, which may be given, devised, or subscribed for the use of said Academy.

2. *Be it further enacted*, That the said Trustees, or a majority of them, shall have power to appoint such professors or tutors as to them shall appear necessary, also a treasurer and secretary, on such terms and conditions, and with such restrictions, as they may think proper, and the said Trustees, or a majority of them, shall have power to make all such laws and regulations for the government of said Academy, and