

North Carolina Laws, statutes, etc. (Collections)

LAWS

OF THE

STATE OF NORTH-CAROLINA,

INCLUDING

THE TITLES OF SUCH STATUTES AND PARTS OF
STATUTES OF GREAT BRITAIN

AS ARE IN FORCE IN SAID STATE;

TOGETHER WITH

The second Charter granted by Charles II. to the
Proprietors of Carolina;

The Great Deed of Grant from the Lords Proprietors;

The Grant from George II. to John Lord Granville;

The Bill of Rights and Constitution of the State, including the names
of the Members of the Convention that formed the same;

The Constitution of the United States, with the Amendments; and

The Treaty of Peace of 1783;

WITH

MARGINAL NOTES AND REFERENCES.

Revised, under the authority of the General Assembly, by

HEN. POTTER, J. L. TAYLOR & BART. YANCEY, ESQ'S.

And published according to an Act of the Legislature of 1819, under the
superintendence of

HENRY POTTER.

IN TWO VOLUMES.

VOL. I.

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1821.

ANNO REGNI GEORGII II.

DECIMO SEPTIMO.

At a General Assembly, held at Edenton, the second day of April, in the year of our Lord one thousand seven hundred and forty-three.

Gabriel Johnson, Esq. Governor.

CHAP. 37.

An Act to ascertain what Attornies' fees shall be taxed and allowed, in any suit or action brought in any of the courts of record in this province.

The other part of this act provided for by subsequent acts.

1. *And be it further enacted by the authority aforesaid,* That if any practising attorney in any court of record in this province, shall neglect to perform his duty in any action in which he shall be retained, or commit any fraudulent practice, such attorney shall be liable to an action on the case, at common law, in the general or county court of this province, to the party injured; and on the verdict passing against him, judgment shall be given, by the said court, for the plaintiff, to recover double damages, with costs of suit.

Attornies neglecting their duty, or committing fraudulent practices, liable to double damages.

SIGNED BY

GABRIEL JOHNSTON, *Esq. Governor.*
 NATHANIEL RICE, *President.*
 SAMUEL SWANN, *Speaker.*

ANNO REGNI GEORGII II.

DECIMO NONO.

At a General Assembly, held at Newbern, the twentieth day of April, in the year of our Lord one thousand seven hundred and forty-five,

Gabriel Johnson, Esq. Governor.

CHAP. 38.

An additional Act to an Act, entitled, An Act to prevent killing deer at unseasonable times, and for putting a stop to many abuses committed by white persons, under pretence of hunting.

See 1738, c. 22.
 1768, c. 88.

1. **WHEREAS** by the before recited act, it is, among other things, enacted, That it shall not be lawful for any person to kill or destroy any deer, running wild in the

woods or unfenced grounds in this government, by guns, or any other ways or means whatsoever, between the fifteenth day of February, and the fifteenth day of July, yearly, and in each year, after the ratification of the said act; and that any person convicted of the same, shall forfeit and pay the sum of five pounds, current money: and whereas it appears, that the allowing liberty of killing deer in fenced grounds and inclosures at such seasons, has given room to several persons to evade the said law:

Penalty on persons killing deer contrary to this act.

2. We therefore pray that it may be enacted, *And be it enacted by his excellency GABRIEL JOHNSTON, esquire, governor, by and with the advice and consent of his majesty's council, and General Assembly of this province, and it is hereby enacted by the authority of the same,* That if any person shall be convicted of killing deer, or having venison, or a green deer skin or skins, in his house, camp, or possession, between the fifteenth day of February, and fifteenth day of July, yearly, after the ratification of this act, he shall forfeit and pay the sum of forty shillings, proclamation money; to be recovered and applied as herein after is directed.

Proviso.

3. *Provided nevertheless,* That nothing in this act shall be construed, to extend to convict any person or persons of the said forfeiture, in whose house any venison, green skin or skins, shall be found, which hath been left in such house without the knowledge, privity, or consent of such person, or any of his family, upon due proof thereof to be made, by the person therewith charged.

Fines how to be recovered, and applied.

^a[County, 1777, c. 115, s, 83.]

Right of appeal.

4. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures mentioned in this act, shall be paid, the one half to the informer, the other half to the churchwardens, for the use of the parish (^a) wherein such offence shall be committed; to be recovered, with costs, by a warrant from any justice of the peace within this government; saving to all free persons the right of appeal to the county court where such offence is committed: which said court is hereby empowered and directed, in a summary way, finally to determine the same; wherein no essoin, protection, or wager of law, shall be allowed or admitted of.

CHAP. 39.

An act to add that part of the province called Mattamuskeet, and Lake, to Hyde county.

1. We pray that it may be enacted, *And it is hereby enacted by his excellency GABRIEL JOHNSTON, Esq. Governor, by and with the advice and consent of his majesty's council, and the General Assembly of this province, and by the authority of the same,* That Mattamuskeet, and the lake thereunto belonging, shall, from henceforward, be accounted, taken, reckoned, and deemed part of Hyde county: and that the inhabitants thereof shall be subject and liable to the same orders, rules and taxes, as any other of the inhabitants of the said county are, or hereafter shall be; any law, custom or usage to the contrary notwithstanding.

Mattamuskeet deemed part of Hyde county.

SIGNED BY

GABRIEL JOHNSTON, *Esq. Governor.*
NATHANIEL RICE, *President.*
SAMUEL SWANN, *Speaker.*

ANNO REGNI GEORGI II.

VICISSIMO.

At a General Assembly, held at Newbern, the twenty-eighth day of June, in the year of our Lord one thousand seven hundred and forty-six.

Gabriel Johnston, Esq. Governor.

CHAP. 40.

An act for erecting the upper part of Craven county into a county and parish, and for appointing a place for building a court-house, prison and stocks, in the said county.

1. WE pray that it may be enacted, *And be it enacted by his excellency GABRIEL JOHNSTON, Esq. Governor, by and with the advice and consent of his majesty's council, and General Assembly of this province, and it is hereby enacted by the authority of the same,* That Craven county be divided by a line, beginning at the mouth of the southwest creek, on the south side of Neus river, below Francis Stringer's Ferry, running up the said creek as far as the aforesaid county extends that way, and running a north line from the mouth of the said southwest creek, as far as the county extends northwardly; and that the

Craven county divided, and Johnston county erected.