

APPENDIX B: LAW OF 1915

shall neglect to do his duty herein shall incur the same Penalty and Forfeitures as before in this Act is ascertained.

CHAPTER LII.

An Act for Appointing a Town in the County of Bath and for Securing the Publick Library belonging to St. Thomas's Parish in Pamphletough.

I. Whereas at the request of Mr. John Lardson, Mr. Joel Martin and others a certain Tract of Land purchased by themselves lying in the Old Town Creek in Pamphletough & consisting by estimation Sixty Acres be the same more or less being part of a larger Tract then belonging to one David Perkins but now in the tenure & Possession and of right belonging to Col. Thomas Cary & divided from thence by a Headline of Marked Trees from the Old Town Creek to Mr. Barrow's line, now also the right & Possession of the said Cary, was incorporated & made a Township by an Act of the General Assembly made and Ratified at the House of Capt. John Hecklefeld the 23 day of March, 1785, With divers privileges & Immunities therein granted which said land was therein & thereby invested in the name John Dawson, Joel Martin & Nicholas Daw to and for the uses afores'd.

II. And Whereas Damage may accrue to the further Settlement & Increase of the said Town for want of Trustees to dispose of Lots & a Better Regulation of the Methods to be observed in settling the same. To promote therefore as much as may be the Settlement, Growth & Increase we pray that it may be Enacted.

III. And Be it Enacted by His Excellency the Pallatine & the rest of the Trust & Absolute Lords Prop. of Carolina by & with the Advice & Consent of this present General Assembly now met at Little River for the No. East part of the said Province & by the Authority of the same that the said land be & it is hereby hereofward invested in Mr. John Porter, Mr. Joel Martin, Mr. Thomas Harding & Capt. John Drinkwater or any two of them to & for the use afores'd & declared confirmed & incorporated into a Township by the name of Bath Town with all privileges & Immunities hereafter Express forever Pursuant to which it is hereby Enacted that convenient places & portions of Lands be laid out & preserved for a Church, a Town-House & a Market Place & that the rest of the Land which is not already laid out be forthwith laid out into lots of halfe an Acre each with convenient streets & Passages by the said Trustees or any Two of them.

IV. And Be it Further Enacted by the Authority afores'd that every person whatsoever who is willing or desirous to be an Inhabitant of the said Town shall have liberty to take up any Lott or Lotts so laid out as afores'd and not before taken up which Lott or Lotts the Commrs. Afore appointed or any two of them are hereby Directed, Required & Impowered to Grant, Convey & Acknowledge to the persons so taking up the same and to his Heirs & Assigns Forever in Fee simple upon payment of Thirty shillings Consideration for each Lott out of which money the first purchasers shall be Reimbursed the first purchase with their reasonable charges & disbursements and the overplus shall be appropriated to the use of the Church to be disposed of as by the Vestry of the Precinct of Beaufort shall from time to time be directed and appointed.

V. Provided always that what person soever shall take up & have conveyed to him any Lott or Lotts as aforementioned and shall not Build or

cause to be built thereon within twelve months after the date of the said conveyance a good substantial habitable house or make such preparation for so doing as the Court of the Precinct by View of any two or more of them shall judge reasonable to secure the same every such conveyance shall be and it is hereby declared Void and of None Effect as if the same had never been made and the said Lott or Lotts shall be free & clear for any other person to take up & purchase.

VI. And Be It Further Enacted by the Authority afores'd that from & after the first day of April next no person or persons whatsoever Inhabitant or Claiming any Right or Title to any Lott in the said Town shall keep Hogs or Sheats or suffer or permit to run at large in the said Town any Hogs or Sheats other than such that shall be kept in close Pens or houses under Penalty of forfeiting the said Hogs or Sheats one half to the person taking up such hog or Sheats the other half to the poor of the parish. And that no persons Inhabitants of the said Town or holding Lotts there shall inclose the same or keep the same Enclosed in the said Town under a Common Stake fence but every Lott or Lotts so enclosed shall be either Pall'd in or dore with Posts and Rails set up.

VIII. And Be It Further Enacted by the Authority afores'd that the Commrs. afores'd or any two of them have full Power & Authority and they are hereby Required, Impowred & Comma'ded to Remove all Nuisances within the Limits of the afores'd Town.

And because in the former Survey of Lotts that are already surveyed each Lott contains four Poles more than was warranted by the Act of Assembly for laying out the afores'd Town land & also the Trustees for granting the afores'd Lotts have signed Sales for the Lands lying before the Fronts of the Lotts Contrary to the Authority Granted them Wherefore that the same may be Regulated and a Plan thereof made so as the streets in the Town may Answer with the Lotts intended to be laid out of the Land belonging to Col. Thom. Cary adjoining thereto.

IX. Be It Enacted that a Re-survey be made of the afores'd Town Lands by order of the Commrs. aforesaid and that each & every person holding Lands or Lots in the Town afores'd shall have no more in the Lotts than just halfe an acre Pursuant to the first Intention & design of settling the afores'd Town still reserving to the Owner or Possessors of all Lotts in the aforesaid Town the Land lying before the Front of their Lotts upon Payment of Ten Shillings for every such Front to the Commissioners in this Act appointed who are hereby Authorized & Required to grant Sale & deliver Deeds of Sales for the same.

X. Provided that the Principal Streets in the said Town shall be one Hundred foot wide at least & that no person shall Build or Erect any Edifice, house or Building on the Lands lying before the fronts other than Cellars or Vaults whose covering shall not be above Ten foot above the ground that the Prospect of such as build in the said Town may not be Inconmoded or hindered.

XI. And Be It Further Enacted by the Authority afores'd that the Church for the Parish of St. Thomas & the Court house for the Precinct of Beaufort & Hyde shall be built in the said Town on the several Proportions or lots of land laid out for these purposes. And that the Provost Marshall of the County of Bath and the Clerk of the Court for the Precinct of Beaufort shall keep their Respective Offices in the said Town under the Penalty of Five Pounds for every month he or they shall omit or neglect so to keep the same One halfe to the Informer and the other halfe to the Justice of

the said precinct towards the finishing or repairing the Court house to be recovered by Action of Debt, Bill, Plaint or Information wherein no Protection, Injunction or Wager of Law shall be allowed or admitted of.

XII. And Be It Further Enacted by the Authority aforesaid that the Justices of the Court aforesaid shall have full power & authority to Levy or cause to be Levied any Sum or Sums of Money not exceeding one hundred pounds in the whole upon the Inhabitants of Estates in the Precinct aforesaid for & towards the Erecting and Building the Court House afore mentioned which the said Justices are hereby required, Impowered & Comanded to cause to be built & finished with all convenient Speed and as soon as the circumstances of the Inhabitants will admit of raising the aforesaid Sum.

XIII. And as a Further Encouragement to the Settlement of the said Town Be It Also Enacted by the Authority aforesaid that all Musters for the Precinct of Beaufort, Election of Burgesses and all Business & affairs of the like nature which properly belong to the said precinct shall be had taken down & transacted within the said Town of Bath and in no other place or places whatsoever.

XIV. And Be It Further Enacted by the Authority aforesaid that all Li-quors which are (less than) the Growth, Produce & Manufacture of the County of Bath shall & may be Retailled in Town for the Space of Tenn years next after the Ratification of this Act by any Freeholder or Inhabitant of the said Town without any Licence or other permit for so doing Subject nevertheless to the several Penalties, Forfeitures and Restrictions as by the Law intitled (Ordinary Keepers how to sell) are made & provided And Whereas divers persons possessed of Lotts in the said Town do wholly neglect Clearing the same & others do permit such as have been cleared to Grow up in Brush and underwood to the Great Annoyance of the Inhabitants of the Town.

XV. Be It Further Enacted by the Authority aforesaid that all persons, Possessors or owners of Lotts in the said Town shall and they are hereby Possessors within One month after the Ratification of this Act to take Care and Clear all such Lotts so held or possessed by them from all manner of Wood, underwood, Brush or Grubs that are or may be Offensive to the said Inhabitants and shall so keep and maintain the same from time to time and all times hereafter as often as need shall Require under the several Penalties and Forfeitures hereafter in this Act Provided.

XVI. And Be It Further Enacted by the Authority aforesaid that all and every Proprietor, Owner or Possessor of such Lott or Lotts who shall omit thro' negligence to clear the same within the time before limited shall be Liable & obliged to pay the full value of the Charge of Clearing the said Lotts to William Sley who is hereby Appointed, Authorized & Impowered to Clear all such Lotts as shall after the time afore limited lye uncleared and Neglected the Value of which Work shall be adjudged by two Freeholders Inhabitants of the said Town (Being first sworn before some Magistrate) and shall be recovered in any Court of Record within this Government or before Justices of the Peace if under the sum of Forty Shillings as in the Act for Tryal of mean Causes is Provided by Bill, Plaint or Information wherein no Ensign, Protection, Injunction or Wager of Law shall be allowed or admitted of.

XVII. And in Case the said William Sley shall Dye or depart the Government or shall refuse or neglect to Act therein as by this Act is directed the said Commisars, or any two of them are hereby fully Authorized and Impowered to be Overseers & Inspectors of the said work and to agree with

Proper Persons for the Performance of it; and to Ascertain the Value thereof to be recovered (on release) by the party performing the said work in manner as is before in this Act directed.

XVIII. And Be It Further Enacted by the Authority aforesaid that in Case of the Death or Departure out of the Government of any of the aforesaid Commrs. for the Towns at any time or times and at all times hereafter the Remaining part of the said Commrs. Together with the Commrs. of Court are hereby fully Authorized & Impowered to make choice of some other person or persons to succeed such Commissioner or Commissioners so dying or departing as aforesaid which person or Persons so Elected & chosen shall and they are hereby Invested with as full Power & Authority to all Intents & purposes whatsoever as the present Commissioners now herein Nominated and appointed that so the full number of Commissioners may be always kept up and full.

XIX. And whereas at the Promotion of the Revl. Doctr. Theo. Bray a Library hath been sent over to Bath Town for the use of the Inhabitants of the Parish of St. Thomas's in Pamplinough and it is justly Feared that the Books belonging to the same will Quickly be Imbedded, Damaged or Lost except a Law be provided for the more effectual preservation of the same.

XX. Be It Therefore Enacted by the Authority aforesaid that the said Library shall be Continued & Remain in the hands, Custody and Possession of a Library Keeper to be Elected, nominated & appointed by the Commrs. hereafter by this Act appointed or the Major part of them which said Library Keeper is and shall be hereby Bound & obliged to keep & preserve the Several and respective Books therein from Waste, Damages, Imbeddments and all other destructions (Fire and all other unavoidable accidents only Excepted) and is and shall be hereby Accountable for the same and every Book thereof to the Commrs. hereafter nominated. And to that end & purpose the said Library Keeper shall pass two Receipts for the Library aforesaid one to the Commrs. hereafter named and the other to the Church Wardens of the said Parish for the time being in which Receipts the Title of each Book shall be inserted and in case all or any of the Books is or shall be found to be wasted, Damaged or Imbedded or other wise destroyed (except as before excepted) The said Library Keeper his Heirs, Executors and Adms. are and shall be hereby bound and obliged to Answer double the value for the same and the said Commissioners are hereby Impowered to sue for the same, in any Court of Record in this Province by Bill, Plaint, or Information or other Action wherein no Escoign, Protection, Injunction, or Wager of Law shall be allowed. And what thereby shall be Recovered (reasonable charges and Expenses deducted) to employ & dispose towards the Compleating and perfecting the aforesaid Library so wasted, Endamaged, Imbedded or other wise destroyed within the space of Twelve Months after such Recovery.

XXI. And Be It Further Enacted by the Authority aforesaid that in case of Death or removal of said Library keeper the respective Church Wardens of Beaufort Precinct shall immediately take into their hands, Custody & Possession & safe keeping all the Books belonging to the said Library and shall be answerable for the same to the Commrs. hereinafter nominated.

XXII. And Be It Further Enacted by the Authority aforesaid that the Church Wardens of Beaufort Precinct upon the Receiving of the Books belonging to the said Library into their Custody shall compare the same with the Catalogue and Receipt for the same in their Custody and if any of the books are Wanting or damaged they shall give an account thereof in Twenty days at furthest to the Commissioners hereafter mentioned who are Im-

powred to see the said Library Keeper or in case of his Death his Executors, or Admors, for the same as afores'd And in Case the said Church Wardens refuse or neglect to give such account then the said Church Wardens, their Heirs, Executors, or Admors, and every of them are hereby made Accountable to the Commrs, hereafter named for all the Books belonging to the said Library and Contained in the Catalogue thereof,

XXIII. And Be It Further Enacted by the Authority afores'd that the said Commrs or any Five of them within Twenty days after such Notice given shall forthwith proceed to the Election of another Library Keeper to whose Custody and safe keeping the said Library and every Book therein Contained shall be forthwith delivered by the said Church Wardens by order of the said Commrs, which said Library Keeper so Elected shall continue in the same Office unless removed by the said Commrs, or the Major part of them (Which they are upon a Just Occasion hereby Impowred to do) or until the Settlement of a Minister in the said Parish which said Minister or Incumbent shall (sooffice) be Library Keeper and shall be Answerable for the same to the Commrs afores'd in manner as is by this Act directed. Provided always that the said Library shall not be removed out of Bath Town other than to the Incumbents House and not farther without Liberty first had & Obtained from the said Commissioners or the Major part of them.

XXIV. And Be It Further Enacted by the Authority aforesaid that the Inhabitants of Beaufort precinct shall have Liberty to Borrow any Book out of the said Library giving a Receipt for the same to the Library Keeper for time being with a promise to return the said Book or Books; if a Folio in Four Months time, if a Quarto, in two months time, if an Octavo or under in a month's time upon the Penalty of paying three times the full value of the said Book or Books so borrowed in case of failure in returning the same And the said Library keeper is hereby obliged to enter such Receipt in a book to be fairly kept for that purpose and upon the return of any Book or Books so lent shall note it returned on the opposite side or Column of the said book and not cross & blot the same. And in case the person that Borrows any Books out of the said Library doth refuse to return the same or doth Damnish the said Book, upon Complaint thereof Given by the said Library keeper, his Executors, or Admors, to two or more of the Commissioners and by them or any five of them to the Chief Justice of this Province for the time being or any two Justices of the Peace it shall be Lawful & the said Chief Justice or any two Justices are hereby Impowred and Required by Warrant of Distress directed to any of the Constables of the said Precinct to levy three times the Value of such Book or Books on the Goods & Chattels of the person so refusing to deliver or dammifying the same and for want of such distress to Commit the person to prison till satisfaction be made by the said Library keeper.

XXV. And Be It Further Enacted by the Authority afores'd that the Commrs. hereafter named shall make or cause to be made Several catalogues of all and Singular the Books in the said Library and the same being fairly Written & Signed by the said Commrs, or some five of them, One to be Entered upon Record in the Secretary's Office of this Province, one to be in the Custody and for the use of the Commrs, hereafter named under which the Library keeper shall sign a Receipt for the Respective Books, one to be in the Custody of the Church Wardens of Beaufort Precinct for the time being under which the Library keeper shall also sign a Receipt for the Respective Books and one to be fairly entered in a Book for that purpose to be

kept by the Library keeper in the said Library that so any person may know what Books are Contained therein.

XXVI. And Be It Further Enacted by the Authority afores'd that the Commrs. or any five of them hereafter named after making the Exact Catalogs, of all and Singular the Respective Books in the said Library shall and are hereby Impowered to appraise and rate each Book at a price certain in the Current money of this Province which Appraisement shall be an Established Rule to determine the value of the said Books in Case any suit is brought by the said Commrs. against any Person that shall detain or destroy any of the said Books or against the Lib^{ry} keeper his Executors or Admors.

XXVII. And Be It Further Enacted by the Authority afores'd that the Commrs. hereafter named or any five of them shall every year on the Easter Monday yearly resort to the house w^h the said Library shall be Kept and there Examine the Books thereof by w^h Catalogs it see that there be the full number & that they are not damaged, Spoiled. And therefore the Library keeper is hereby required in w^h said if the said Books out of the said Library notwithstanding the time usually Allowed by this Act to oblige the said persons to return such Books as they Borrow to the said Library keeper ten days before the the said Easter Monday yearly That so all & Singular the Books belonging to the Library afores'd may be exposed to the View of the said Commrs. the Better to enable them to judge if they be any wayes damaged or Spoiled and give their Order accordingly.

XXVIII. And Be It Further Enacted by the Authority afores'd that they Hon. Chas. Eden, Esqr. present Governor and the Governor and Commander in Chief for the time being, the Members of the Council for the time being, Christopher Gale, Esqr. Chief Justice and the Chief Justice for the time being, Tobias Knight, Esqr. Secretary for the time being, Col. Edw. Hester, Speaker of this present Assembly and the Speaker for the time being, Daniel Richardson, Esqr. Attorney Genl. for the time being, the Members of the Prædict Court for the time being Capt. Fred. Jones, Mr. John Porter, Mr. Joel Martin, Capt. John Drinkwater, Mr. John Clark, Mr. Patrick Maule, Mr. Thos. Worsley, Mr. Lionel Reading, Mr. James Lee, Mr. Thos. Harding, or any five of them, are hereby Nominated to be Commrs. and Trustees for the due Inspection and Preservation of the Library Aforesaid and all and Singular the Respective Books to the same belonging and they or any five of them shall have power to Commence or bring any Suit or Action Given by this Act.

And in Case of Death or Absence of any of the Commrs. who are by this Act particularly Appointed then the Surviving Commrs. or any five of them at their next Meeting after such Vacancy are hereby fully Authorized and Impowered to make Choice of another in the place and stead of him or them who shall be dead or Absented which said Commrs. so Elected shall be Invested with the same Authority as if he had been before in this Act particularly named and appointed.

XXIX. And Be It Further Enacted by the Authority afores'd that the Commrs. above named or any five of them after having Examined the Respective Books belonging to the Library afores'd if they find any Books wanting shall Sommons such persons as have the said Books in their Custody to deliver the same within Twenty days after such Notice in Writing Left with the persons or at his usual place of Abode and in case any person shall fail or Refuse to deliver the said Respective Books to the said Commrs. then the said Commrs. or any five of them are hereby required, all

restored & Impowered to take such Measures for the Recovery of the same or Trouble the Value thereof as is before by this Act prescribed.

XXX. And Be It Further Enacted by the Authority afores'd that all persons that have Borrowed or have in the Custody any of the Books belonging to the Library aforesaid shall on or before the next Easter Monday return the Same to the present Library keeper upon Penalty of the Forfeiture of Trouble the Value of each Book not returned as aforesaid the better to Enable the Commissioners, before named to make a perfect Catalogue of the Books belonging to the Library.

XXXI. And Be It Further Enacted by the Authority aforesaid that for the Further Encouragement of this Town of Bath and all other Towns now or hereafter Built within this Government it shall and may be Lawfull for the Freeholders of the said Town of Bath and of all other Towns now or hereafter Built or to be Built within this Government at all times hereafter when Representatives or Burgesses are to be chosen for the Precinct wherein the Town Lies to Elect one Burgess to represent the same in all succeeding Assemblies. Provided that this Election for Members of Assembly to serve for the Town of Bath or any other Town whatsoever shall not begin nor Commence till such Town shall have at Least Sixty Families.

XXXII. Provided also that nothing in this Act shall be held or taken to Hindr or hinder the Inhabitants of New Berns from sending a Representative to the Assembly, such Representative being hereby Allowed ~~altes~~ there should not be Sixty families Inhabiting in the said Town.

EDWD MOSELEY,
Speaker.

CHAS. EDEN,
N. CHEVIN,
C. GALE,
FRAN. FOSTER,
T. KNIGHT.

An Act concerning Ordinary Keepers And Tipping Houses.
CHAPTER LIII.

(Repealed by Act 4 APRIL, 1741, ch. 28.)

I. Whereas the Extortion of Ordinary Keepers and others Retailing Licenses in the rates and Measures of Drink by them Retailed hath given Cause of great Complaint for the Prevention whereof for the time to come Be It Enacted by his Excellency the Pallatine and the rest of the True & Absolute Lords propra. of Carolina by & with the Advice and Consent of the Most of the Members of the General Assembly now met at Little River for the No. East part of the said Province and the Authority of the same.

II. And It is Hereby Enacted that no person or persons whatsoever after Publication of this Act shall Vend or sell by Retail any Wine, Beer or other strong drink by any other than English sealed Measures (that is to say) Chas. Quarts, Bottles and Gallons which said Measures every person keeping an ordinary or Retailing Liqueur as aforesaid shall within six months after the Ratification hereof furnish himself with all under the Penalty of Five pounds, one halfe to the Informer and the other halfe to the Publick to be recovered in any Court of Record within this Government by Bill, Plaint or Information wherein no Escoign, Protection, Injunction or Wager of Law shall be Allowed or Admitted of.

III. Provided always that it shall and may be Lawfull to sell, Vend or otherwise to dispose of English Strong waters, Ale, Beer, Cyder, Wine or any