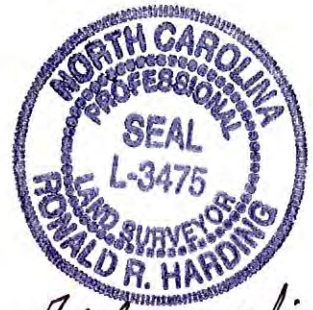


DAVIE-YADKIN
COUNTY BOUNDARY LINE
SUMMARY OF RESEARCH FINDINGS

March 03, 2020



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HISTORY

Davie County was formed in 1836 from Rowan County

Davie County was formed from Rowan County in 1836. From page 88 and 89 of David Leroy Corbitt's book "*The Formation of the North Carolina Counties 1663-1943*" reads, *beginning at the junction of the North and South Yadkin rivers; thence up the South Yadkin river, to the Iredell county line; and all that part of the present county of Rowan, lying and being north of said river, shall hereafter constitute a separate and distinct county, to be called and known by the name of Davie, in honor of the revolutionary patriot, William R. Davie.* (Laws, 1836-37, Chs. 4, 5; Private Laws 1839, Ch. 66; Manual, 1913, p. 590; Battle, p.27); (Laws, 1836-37, Ch. 4)

Yadkin County was formed in 1850 from Surry County

Yadkin County was formed from Surry County in 1850. From page 238 and 239 of David Leroy Corbitt's book "*The Formation of the North Carolina Counties 1663-1943*" reads, *That a county be, and the same is hereby laid off and established out of that portion of county of Surry, which lies South of the Yadkin river, and also including that portion of the county of Surry known and called by the name of Little Surry, and county to be called Yadkin.* (Public Laws, 1850-51, Chs. 40, 41; 1852, Ch. 34; Manual, 1913, p. 857; Battle, p.14)

DISCUSSION

The question of the location of the Davie and Yadkin County boundary line continues today as it did in the years following the formation of Davie County in 1836. This is somewhat due to the lack of an adopted survey and the placement of permanent monuments along the county line. At the corner of Davie, Iredell and Yadkin County a monument was set (labeled Monument # 11) and recorded in all three counties Register of Deeds Office in July of 1999. Then proceeding in a southeasterly direction to an existing two-inch iron pipe near Chinquapin Road at the same location as described in Deed Book 9; Page 236 dated 1916 recorded in Yadkin County as being on the county line. Continuing in a southeasterly direction to an existing one-inch iron pipe near Four Corners Road at the same location as described in Deed Book E; Pages 432-433 dated 1877 as a post oak recorded in Yadkin County as being on the county line. Then proceeding in a southeasterly direction to an existing one and half inch iron pipe east of Farmington Road on the Duke Energy transmission line. Being at the same location as described in Deed Book 10; Pages 290-291 dated 1886 as recorded in Davie County as being a stone on the Davie and Yadkin County Line. Then proceeding in a southeasterly direction to the centerline of the Yadkin River; which will define the tri-county corner of Davie, Forsyth and Yadkin County.

CONCLUSION

The earliest record of a survey of the Davie and Yadkin County boundary line is that of the 1850 description forming Yadkin County from Surry. Although adoption and ratification records of this survey aren't available and water ways have been altered over the years, there is still some evidence of the county lines established. Additionally, the survey has been preserved and historically perpetuated through subsequent property deed descriptions and property surveys illustrated on parcel plats of record examined in this research phase. In conclusion, research of the original county line descriptions, historic maps, land grant descriptions, property deed descriptions, and property survey plats illustrate the best witness to the position of the county boundary line starting at the corner of Davie, Iredell, and Yadkin County at a permanent concrete monument; then in a southeasterly direction to an existing two-inch iron pipe near Chinquapin Road; continuing in that southeasterly direction to an existing one-inch iron pipe near Four Corners Road; proceeding in a southeasterly direction to an one and half inch iron pipe east of Farmington Road on the Duke Energy transmission line; then in a southeasterly direction to the centerline of the Yadkin River also know as the county corner of Davie, Forsyth and Yadkin County to be the blue line illustrated on the preliminary plat titled " THE DAVIE AND YADKIN COUNTY LINE" as attached.

Oath and compensation
 SEC. 2. The Commissioners, before entering on the duties assigned them, shall be sworn before a Justice of the Peace, and shall be allowed a reasonable compensation for their labours.

[Ratified 10th January, 1837.]

CHAP. IV.

An Act to lay off and establish a county by the name of Davie.

Boundaries and name of 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 a county shall be, and the same is laid off and established, in the territory now comprehended in the limits of Rowan county, north of the South Yadkin river, beginning at the junction of the North and South Yadkin rivers; thence, up the South Yadkin river, to the Iredell county line; and all that part of the present county of Rowan, lying and being north of said river, shall hereafter constitute a separate and distinct county, to be called and known by the name of Davie, in honor of the revolutionary patriot, William R. Davie; and it shall be, and is hereby, invested with all the rights, privileges and immunities of the other counties in this State, except as is hereafter provided.

Official powers of certain officers continued.
 SEC. 2. *Be it further enacted,* That all justices of the peace and officers of the militia, who reside within the limits of the county of Davie, shall continue to hold and exercise all the official powers and authorities, in and for the said county, that they have hitherto held and exercised in and for the county of Rowan.

SEC. 3. *Be it further enacted,* That a Court of Pleas

and Quarter Sessions shall be, and the same is hereby, established in and for said county of Davie, to be held by the justices last aforesaid and such others as may be hereafter appointed in and for said county, on the fourth Monday of February, May, August and November, in each and every year; the first session of which shall be held on the fourth Monday in February next, in the town of Mocksville; when the court aforesaid, a majority of the justices of said county being present, shall appoint a clerk of said court, a sheriff, a coroner or coroners, constables and other officers for said county, who shall enter into bond as required by law, and shall hold and continue in said offices until successors to them are duly chosen and qualified according to the acts of the General Assembly in such cases provided. And the said court, at its first session aforesaid, may appoint the place of its future sessions, until a court-house shall be erected for said county.

County Courts established.

Appointment of clerk and other officers, &c.

SEC. 4. *Be it further enacted,* That the County Court of Davie, a majority of the justices being present, shall appoint five commissioners to select and determine upon a scite for a permanent seat of justice in said county, and shall purchase or may receive by donation, for the use of said county, a tract of land consisting of not less than twenty-five acres, to be conveyed to the chairman of the County Court and his successors in office, upon which they shall lay off a town, the name of which shall be determined by themselves, in which the public court house and jail of said county shall be erected; and after the completion of the same, the courts of said county shall be held, and the clerks' and register's offices shall be kept in said town.

Court shall appoint commissioners to select a place for C. H. to lay off a town, &c.

SEC. 5. *Be it further enacted,* That the commissioners so appointed as aforesaid, after laying off the lots of the town aforesaid, and designating such as shall be retained for public uses, shall expose the residue to sale at public auction, upon a credit of one and two years, and shall take bonds with security for the purchase money, payable to the chairman of the County Court, and his successors in office; and the said chairman shall execute titles therefor, upon the payment of

Sale of lots.

Court may levy tax.

the purchase money, which shall go into the County Treasury; and the said Court of Pleas and Quarter Sessions may levy taxes for all public uses, under the same rules, regulations and restrictions as the like courts in other counties.

Imprison-
ment of crim-
inals.

SEC. 6. *Be it further enacted,* That all persons who may be liable to imprisonment under any process, either civil or criminal, in said county, before the completion of the public jail therein, may be committed to the jail of any adjoining county, in like manner as when a jail has been destroyed by accident.

Authority of
courts and
transfer of
suits.

SEC. 7. *Be it further enacted,* That the Court of Pleas and Quarter Sessions established by this act, and the Superior Courts of Law and Equity which may be hereafter provided for said county, shall have the like powers, authorities and jurisdictions, as the same courts possess and exercise in other counties; and all suits now depending in any of the courts of Rowan county, wherein the citizens of Davie are both plaintiffs and defendants, and all indictments against them or any of them, shall be transferred to the court having jurisdiction thereof in the county of Davie, in the manner now provided for transferring suits from one county to another.

Offences to
continue un-
der jurisdic-
tion of Row-
an Superior
Court.

SEC. 8. *Be it further enacted,* That all criminal offences which may be committed in the county of Davie, which are cognizable only in the Superior Court of law, shall be and continue under the jurisdiction of the Superior Court of law of the county of Rowan, until a Superior Court of law shall be created for the county of Davie.

Collections
by sheriff.

SEC. 9. *Be it further enacted,* That nothing in this act contained shall be so construed, as to prohibit the sheriff of Rowan county from collecting such sum or sums of money as are due or may become due on any judgment before the first Court of Pleas and Quarter Sessions for said county of Davie.

Representa-
tion of coun-
ties.

SEC. 10. *Be it further enacted,* That the counties of Rowan and Davie shall continue to be represented in the General Assembly as one county, and in the name of the county of Rowan, until a future Legislature shall otherwise

provide and direct: an election shall be held, for members of both Houses of the General Assembly and of Congress, by the sheriff or other returning officers of Rowan county, in all the territory heretofore comprehended in the limits of said county, at the times and places, and under the same rules; regulations and restrictions as have been appointed or may hereafter be appointed by law; and the certificate of said sheriff or other returning officer, to the result of said election or elections, shall be as valid and effectual to all intents and purposes as if this act had never been passed.

SEC. 11. *Be it further enacted*, That provided nothing in this act shall be so construed, as to prevent the sheriff of Rowan county from collecting arrears of taxes in the same manner as he could have done previous to the division of the county: *Provided nevertheless*, that the sheriff of Rowan shall not collect any taxes in the county of Davie, or of the citizens of said county, imposed by the County Court of Rowan, and which are collectable in the year one thousand eight hundred and thirty-seven; but that the same may be collected by the sheriff of Davie county to the use of said county.

Sheriff of
Rowan to col-
lect arrears of
tax.

SEC. 12. *Be it further enacted*, That all the paupers now in the poor house originally from Davie, shall be transferred to the wardens of said Davie county.

SEC. 13. *Be it further enacted*, That this act shall be in force from and after the ratification.

[Ratified 20th December, 1836.]

CHAP V.

An Act supplemental to an act, passed at the present General Assembly, entitled "an act to lay off the county of Davie."

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 there shall be a Superior Court of law and Court of Equity opened and held at the town of Mocksville, until a court house shall be built, as provided for in said act, then at said town and court house in the county of Davie, on the eighth Monday after the third Monday in February next, and on the eighth Monday after the third Monday in August, and on the same days in each and every year hereafter; which courts shall have the same jurisdiction that the present Superior Courts of Law and Courts of Equity, in the several counties in this State now have and exercise.

Superior and
court of equi-
ty to be hold-
den.

SEC. 2. *Be it further enacted,* That the county of Davie shall hereafter constitute a part of the sixth circuit; and the Judge and Solicitor who shall attend the Superior Courts in said county, shall be respectively entitled to the same pay for attending said courts, that they now by law are entitled to receive for attending other Superior Courts in said circuit.

Attached to
6th circuit.

SEC. 3. *And be it further enacted,* That a clerk and clerk and master in equity, both men of skill and probity, and residents in the county of Davie, shall be appointed for the same, by the Judge attending the first term of said court. They shall give bond and security, as directed by law for such officers, and take the oath prescribed for their qualification. The clerk so appointed shall hold his office until the regular election and qualification of his successor. The County Court of Davie shall appoint thirty jurors, to attend

Appointment
of clerks &c.

the said court, in the same manner as jurors are appointed to attend other Superior Courts in this State.

SEC. 4. *Be it further enacted*, That all civil causes depending in the Superior Court of Law and Equity for Rowan, the plaintiffs in which causes reside in Davie county, and also all actions of ejectment and trespass, *quere clausum fregit*, for or concerning lands in Davie county, shall be transferred, with all process and proceedings therein, to the Superior Court of law hereby established for the county of Davie; and the provisions of the act passed in the year eighteen hundred and six, entitled "an act amendatory and supplementary to an act, entitled an 'act for the more convenient administration of justice,'" and all other acts supplemental thereto, for the appointment, summoning and attendance of jurors; for the transmission and receipt of the records, proceedings and papers; for docketing and bringing the causes forward for trial; for summoning witnesses; for issuing original and mesne process, prior to the first term of Davie Superior Court; and generally for all other purposes relative to the preparation for trial and determination of the business of said court, be, and the same are hereby extended to the Superior Court of Davie county. The neglects and failures of the several officers of the Superior Courts of Rowan and of the County Courts of Davie, shall be subject to the same penalties and forfeitures as are prescribed for similar neglects and failures by the said act; and the said officers shall be entitled to the same fees for their services as are established by the said act for like services.

Transfer of
causes &c.

SEC. 5. *Be it further enacted*, That the constables now residing in the county of Davie, shall continue to hold their respective offices, and perform all the duties appertaining thereto, subject to the same rules, regulations and penalties as constables in the other counties in this State, until the first County Court to be held for said county.

Constables to
continue in
office.

SEC. 6. *Be it further enacted*, That it shall be competent for a majority of the commissioners, who shall be appointed by the County Court of Davie, to select a scite for a

Majority of
commission-
ers to act &c.

seat of justice and for other purposes, to do all things belonging or appertaining to their commission, as fully and effectually as the whole of said commissioners might do; and that the said commissioners, or a majority of them, may let out, to the lowest bidder, or contract for the building of a court house and jail, upon whatever plan or form they may deem advisable; and that the permanent seat of justice shall be in Mocksville, or within two miles of the same; and they may receive any quantity of land for that purpose, not less than fifteen acres; any thing to the contrary notwithstanding.

Tax. SEC. 7. *Be it further enacted*, That the County Court of Davie, a majority of the justices being present, may lay a tax not exceeding one dollar on the poll, and thirty cents on every hundred dollars valuation of real estate, for the purpose of building the court house and jail.

SEC. 8. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 9th January, 1837.]

CHAP. VI.

An Act concerning the county of Davie.

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 at the holding of the first Court of Pleas and Quarter Sessions of the county of Davie, it shall be lawful for any justice of the peace of the county of Rowan, to administer to the justices of the peace of the said county of Davie, such oaths as may be necessary to qualify them for the du-

Any justice
of Rowan
may adminis-
ter oath at
first court,

CHAPTER XL.

AN ACT to lay off and establish a new county by the name of Yadkin.

SECTION

1 Erected out of a portion of Surry county.

Sec. 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 a county be, and the same is hereby laid off and established out of that portion of the county of Surry, which lies South of the Yadkin river, and also including that portion of the county of Surry known and called by the name of Little Surry, said county to be called Yadkin; and that said county of Yadkin shall be invested with all the rights, privileges and immunities of the other counties in this State: *provided* a majority of the free white men entitled to vote for members of the House of Commons, in the present county of Surry, shall vote for the same, the sites for the new Court Houses being first fixed on at or near to the centre of the new counties; the manner and time in which such vote shall be taken, and the sites for said Court Houses fixed on, to be prescribed by a supplemental law to be passed at this General Assembly.

[Ratified 28th December, 1850.]

CHAPTER XLI.

AN ACT supplemental to an act, passed by the present General Assembly, entitled "An Act to lay off and establish a new county by the name of Yadkin."

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the* ^{Rights.} *authority of the same,* That the county of Yadkin shall be, and it is hereby invested with all the rights, privileges and immunities of the other counties of this State, except as hereinafter provided.

Sec. 2. *Be it further enacted;* That Alfred W. Martin, ^{Commis-} William C. DeJournett, Solomon Vestal, John Shores, ^{sioners to} Sen'r. ^{locate} and Thomas Martin, are hereby appointed commissioners to ^{Court} select and determine upon a site for a permanent seat of jus- ^{House:} tice in said county, who shall locate the same as near the centre of said county, as a suitable location can be obtained, taking into consideration both the extent of territory and population; and a majority of said commissioners shall have power to act; and said commissioners shall have full power and authority, if they should deem it necessary, to employ a suitable surveyor or surveyors to aid and assist them in selecting a county site as aforesaid.

Sec. 3. *Be it further enacted,* That said commissioners, ^{Land} or a majority of them, shall have power to purchase or re- ^{for laying} ceive, by donation, for the county of Yadkin, a tract of land ^{off town,} containing fifty acres, to be conveyed to the chairman of the ^{&c.} county court of said county, and his successors in office, upon which a town shall be laid off and called by the name of Wilson, where the Court House and jail shall be erected, and where, after the completion of said Court House, the courts of said county shall be held, and the clerks and register shall keep their offices; and the said commissioners shall lay off the lots of said town, and, after designating such as shall be retained for public uses, shall expose, after due notice, the balance, or such portion thereof as may be deemed by them

necessary, at public auction; upon a credit of one and two years, and shall take from the purchasers bonds and security for the purchase money, made payable to the chairman of the county court and his successors in office; and upon the payment of the purchase money, the chairman or his successors shall execute title therefor, which money shall be appropriated to the building of a Court House and jail.

Justices
and off-
cers.

Sec. 4. *Be it further enacted*, That the justices of the peace and officers of the militia who reside within the limits of Yadkin county, shall continue to hold and exercise all the official powers and authorities in and for said county, that they had hitherto held and exercised in the county of Surry.

Sheriff,
trustee,
constabl's,
&c.

Sec. 5. *Be it further enacted*, That Henry G. Hampton, sheriff of Surry county, and Theophilus C. Hauser, county trustee for said county, and Samuel Spears, Sr., Surveyor for said county, and all constables, now residing within the limits of Yadkin county, shall continue to hold their respective offices in said county, and perform all duties appertaining thereto, until the expiration of the term of office for which they have been chosen, under the same rules, and regulations and penalties as sheriffs, trustees, surveyors and constables are subject to in this State.

County
court,
when and
where
held, and
officers to
elect.

Sec. 6. *Be it further enacted*, That a court of pleas and quarter sessions shall be and the same is hereby established in and for the county of Yadkin, to be held by the justices of the peace of said county, on the first Monday in January, April, July and October, in each and every year; and that the first session of said court shall be held at Dowelltown, on the first Monday in July, A. D., 1851, and at the same place, from time to time, until a seat of justice shall be established for said county as is hereby provided; and at the first session of said court, a majority of the justices being present, they shall elect a clerk of the court of pleas and quarter sessions of said county, a county attorney, coroner, register, entry taker, and all other officers for said county, who shall enter into the bonds required by law, and shall hold and con-

tinue in said offices until successors are duly chosen and qualified according to the acts of the General Assembly, in such cases made and provided; that said court may, at its said first session, appoint the place of its subsequent sessions, and also of the Superior Court, until a Court House shall be erected for said county of Yadkin.

Sec. 7. *Be it further enacted,* That the court of pleas and quarter sessions hereby established, shall possess and exercise the same powers and authorities and jurisdictions as are possessed and exercised by the other county courts in this State; and all suits of law of which other county courts of other counties in this State have jurisdiction, now pending in the county court of Surry, wherein the citizens of Yadkin county are both plaintiff and defendant, or where the citizens of Yadkin county are defendants, and all indictments and criminal proceeding against the citizens of Yadkin county, in the county courts of Surry, of which other county courts in this State have jurisdiction, shall be transferred in the same manner now provided for transferring suits from one county to another. Transfer
of suits.

Sec. 8. *Be it further enacted,* That there shall be a Superior Court of Law and Equity opened and held at Dwellton, in said county of Yadkin, on the tenth Monday after the fourth Monday in March and September, in each and every year (the first session of which court shall be opened and held on the tenth Monday after the fourth Monday in September, 1851) at the same place, from time to time, until a Court House shall be built as provided for in this act, and then and thereafter, at the town and Court House, on the tenth Monday after the fourth Monday in March and September, in each and every year, which court shall have the same jurisdiction that Superior courts of Law and Equity in the several counties in this State now have and exercise. Superior
court.

Sec. 9. *Be it further enacted,* That all suits in Law or in Equity now pending in the Superior Courts of Surry county, of which the Superior Courts of this State have ju- Transfer
of suits.

risdiction, and wherein both plaintiff and defendant are citizens of Yadkin county, or wherein the citizens of Yadkin county are defendants, and all indictments and criminal proceedings against the citizens of Yadkin county, which shall be pending in the Superior Court of Surry county, and which are cognizable in the Superior Courts of this State, shall be transferred to the first Superior Court of Law and Equity to be held for the county of Yadkin, commencing on the tenth Monday after the fourth Monday in September, 1851, in the same manner as is now prescribed by law for transferring suits from one county to another.

Jurisdiction of criminal cases.

Sec. 10. *Be it further enacted*, That until the time of holding of the first Superior Court of Law and Equity as provided for in this act, in the county of Yadkin, the Superior Court of Surry county shall have jurisdiction of all criminal offences, cognizable in the Superior Courts of this State, which shall be committed in said county of Yadkin; and in all such cases, it shall be the duty of the justices of the peace of Yadkin county, when they give judgments against the defendants, in any State warrant for offences aforesaid, to bind over defendants and witnesses, and make their returns to the Superior Court of Surry as they were heretofore bound to do.

Imprisonment.

Sec. 11. *Be it further enacted*, That all persons who may be liable to imprisonment under process, either civil or criminal in Yadkin county, before the completion of the jail therein, shall be committed to the jail of Surry county.

Collections.

Sec. 12. *Be it further enacted*, That nothing in this act contained shall be so construed as to prohibit the sheriff of Surry county, as aforesaid, from collecting such sum or sums of money as are due or may become due on any judgment where the execution shall come to his hands before the first term of the court of pleas and quarter sessions for Yadkin county, nor shall it be construed so as to prevent him from collecting any executions issuing from the Superior Court of Surry county and returnable to the same.

Sec. 13. *Be it further enacted,* That nothing in this act is to be construed so as to prevent the sheriff, as aforesaid, of Surry county, from collecting all arrears of taxes and all public dues and taxes collectable in the year 1851, in the same manner he could have done previous to the erection of the new county of Yadkin, both in the counties of Surry and Yadkin.

Sec. 14. *Be it further enacted,* That the county of Yadkin shall continue to be represented in the next General Assembly of this State, in the name of Surry, as heretofore; and the election for the members of the General Assembly, Members of Congress, Electors of President and Vice President of the United States, and Governor of the State, shall be held by the sheriff of the county of Surry, under the same rules and restrictions as hitherto; and the court of pleas and quarter sessions for the county of Surry is hereby authorized and required to appoint inspectors for holding elections for the Members of the General Assembly, Members of Congress, Electors of President and Vice President of the United States, and Governor as heretofore: *Provided,* That all other elections shall be held in the county of Yadkin in the same manner and under the same rules and regulations as are now provided for holding elections in this State in other counties.

Sec. 15. *Be it further enacted,* That in the distribution of the nett annual income of the Literary Fund, the Literary Board shall pay over, as heretofore, to the chairman of the Board of superintendents of the county of Surry, and be distributed by them as heretofore until the next General Assembly.

Sec. 16. *Be it further enacted,* That the county of Yadkin shall compose a part of the sixth judicial circuit; and the Judges and Solicitor of said circuit shall attend said courts, under the same provisions and liabilities and regulations as apply to the other counties of said circuit.

Sec. 17. *Be it further enacted,* That the Judge who shall ride the Fall circuit, in the year, A. D., 1851, of the sixth

Judicial circuit of this State, shall appoint a clerk of the Superior Court, a clerk and master in equity for said county of Yadkin.

Commis-
sioners.

Sec. 18. *Be it further enacted,* That the county court of Yadkin, at its first session, a majority of the justices of the peace being present, shall appoint such number of commissioners as may be deemed necessary to contract for and superintend the building of a Court House and jail for said county of Yadkin.

Paupers.

Sec. 19. *Be it further enacted,* That all paupers now in the poor house of the county of Surry, that came from the county of Yadkin, be returned to the said county of Yadkin, on or before the first day of August, A. D., 1852, and that all moneys belonging to the poor fund of Surry county, be divided, at the same time the paupers are returned, among the several paupers, thus to be divided between the counties of Surry and Yadkin, *pro rata*.

Site for
Court
House for
Surry.

Sec. 20. *Be it further enacted,* That Elisha Bonner, Jacob L. Fulk, John Jarvis, Elijah Thompson and Daniel S. Jones, are hereby appointed commissioners to select and determine upon a site for a permanent seat or justice for Surry county, who shall locate the same as near the centre of said county as a suitable location can be obtained, taking into consideration both the extent of territory and population; and a majority of said commissioners shall have power and authority to act; and said commissioners shall have full power and authority to employ a suitable surveyor or surveyors to aid and assist them in selecting said site.

Laying off
town, &c.

Sec. 21. *Be it further enacted,* That a majority of said commissioners shall have power to purchase, or receive by donation, for the county of Surry, a tract of land containing fifty acres, to be conveyed to the chairman of the county court of said county and his successors in office, upon which a town shall be laid off and called by the name of Dobson, and where the Court House and jail shall be erected, and where, after the completion of said Court House, the courts

COUNTIES.

of said county shall be held, and the clerks and register shall keep their offices; and the said commissioners shall lay off the lots of said town, and, after designating such as shall be retained for public uses, shall expose, after due notice, the balance or such portion thereof as may by them be deemed necessary, at public auction, on a credit of one and two years, and shall take from the purchasers bonds and security for the purchase money, made payable to the chairman of the county court and his successors in office; and upon the payment of the purchase money, the chairman or his successors shall execute title therefor, which money shall be appropriated to the building of a Court House and jail.

Sec. 22. *Be it further enacted,* That the county court of Surry, at May or August term, a majority of the justices of the peace being present, shall appoint such number of the commissioners as may be deemed necessary to contract for and superintend the building of a Court House and jail for the county of Surry. Building
C. H. and
jail.

Sec. 23. *Be it further enacted,* That at May Term, 1851, of Surry county court, a majority of the justices of the peace being present, it shall be their duty to elect a sheriff and county trustee for said county of Surry, who shall enter into bond and security, as required by law, until the next regular election for the same shall take place. Sheriff
and trustee.

Sec. 24. *Be it further enacted,* That Samuel Spear, Sr., and Theophilus C. Hauser, on the part of the county of Yadkin, and Charles Whitlock and Job Worth, on the part of the county of Surry, be appointed commissioners to apportion any debt which may be due from the original county of Surry between the two counties, in such manner as to them or a majority of them may seem just and equitable; and that their apportionment and division shall be binding and final between the two counties. Appor-
tionment
of debt.

Sec. 25. *Be it further enacted,* That the commissioners in this act appointed to select and determine on sites for the Court Houses in said counties of Surry and Yadkin, shall Commis-
sioners to
select
sites.

be required (under a penalty of one hundred dollars each, to be recovered in any court having jurisdiction of the same, by any person who may sue for the same,) to select and determine on said sites, on or before the 10th day of April, A. D., 1851, and to advertise the same at the Court House in Rockford and four other public places in each of the counties.

Compensation.

Sec. 26. *Be it further enacted,* That all the commissioners and the surveyors by them selected to discharge any public duty connected with the division of Surry county, shall receive a fair and reasonable compensation for their services, to be allowed them by the county courts of their respective counties in which they may reside.

Election on division.

Sec. 27. *Be it further enacted,* That, it shall be the duty of the justices of the county court of Surry county, at the February term, 1851, thereof, to order an election to be held throughout the present county of Surry, at the several election precincts in said county heretofore established, on the first Thursday in May next, to take the sense of the qualified voters of said county of Surry on the question of *division or no division.*

Judges & inspectors of election.

Sec. 28. *Be it further enacted,* That it shall also be the duty of the said county court, at the said February term, 1851, to appoint judges and inspectors to hold and superintend said election; at the several precincts aforesaid, who after taking an oath honestly and fairly and impartially to discharge their duty, shall hold said election and report the same to the sheriff of the county of Surry, under the same rules, regulations, liabilities and restrictions as are now required by law in holding elections for Members to the General Assembly.

Election, how held.

Sec. 29. *Be it further enacted,* That said election shall be held by ballot, those voting for division putting in a ticket on which shall be written "*Division*;" those voting against the same, a ticket on which shall be written "*No Division*;" and that every free white citizen qualified to vote for members of the House of Commons; in said county, shall be allowed to vote at said election.

COUNTIES.

Sec. 30. *Be it further enacted,* That it shall be the duty of the sheriff of the present county of Surry, on the result of said election being returned to him, to proclaim the same on the next day, on or before 3 o'clock, P. M.; and in case a majority of the qualified voters of said county be found to be in favor of division, it shall be the duty of said sheriff to certify the same to the Governor of the State; and on its appealing to the Governor, from said certificate, that there is a majority of the qualified voters in said county of Surry in favor of the division purposed by the act, to which this act is supplemental, then and in that case the Governor shall make that fact known by proclamation; upon which this act and the act passed at this General Assembly to which this act is supplemental, shall be operative and take effect; otherwise, both of said acts shall be null and void.

Sec. 31. *Be it further enacted,* That the sheriff of Surry county shall be entitled to the same compensation, for making the return of result of said election to the Governor, that he is now by law for making the return of the election for members of the General Assembly, and shall return the same to the Governor within ten days from and after the day of election.

Sec. 32. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

SEC. 8. That said finance committee shall have power, when in their judgment it shall be necessary, to employ a competent auditor to assist them in their duties and fix his compensation, to be paid by the county. They may also, when they deem it necessary, employ an attorney to advise them as to their duties and to prosecute any suit or matter in their behalf before the court. That said finance committee shall receive the same per diem and allowances for the time they are engaged in their duties as the commissioners of Wilkes County now receive.

Employment of auditor.

Employment of attorney.

Pay of committee.

SEC. 9. In case of a vacancy in said finance committee by death, resignation or otherwise, the said vacancy shall be filled in the same manner prescribed for election of said committee by the county commissioners of Wilkes County at their next monthly meeting after such vacancy occurs, that is, if the vacancy is made by death, resignation or otherwise, of one of the opposite political party from the majority of the county commissioners. The said commissioners shall fill said vacancy with the person recommended by the chairman of the county executive committee of the opposite political party to the one to which the majority of the board of county commissioners belong. Any refusal or neglect on the part of the county commissioners to do any and all things required of them in this act, relative to said finance committee, shall be a crime, punishable by a fine or imprisonment in the discretion of the court.

Vacancies.

Refusal or neglect by county commissioners a crime.

Punishment.

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repeal clause.

SEC. 11. That this act shall be in force from and after the first Monday in December, nineteen hundred and twelve.

When act effective.

Ratified this the 4th day of March, 1911.

CHAPTER 588.

AN ACT TO CHANGE THE LINE BETWEEN THE COUNTIES OF YADKIN AND FORSYTH AND TO AUTHORIZE SAID COUNTIES TO ERECT BRIDGES ACROSS THE YADKIN RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. That all that portion of Yadkin County included within the boundaries hereinafter set out, shall be and hereby is annexed to and made a part of the county of Forsyth. Said boundaries are as follows: Beginning on the line between the counties of Yadkin and Forsyth at the northeast corner of Little Yadkin Township, on the Yadkin River; thence down said river a distance of one mile; thence a straight line to the point where the public road from Lewisville to West Bend, sometimes called the

Part of Yadkin to Forsyth.

Boundaries.

Nading's Ferry road, crosses the county line; thence northwardly with the county line to the beginning.

Construction of
bridge authorized.

Location.

Apportionment of
expense.

Condemnation of
land.

Procedure for
assessment of
damages.

Right of appeal.

Assessment before
beginning work.

Proviso: power of
abandonment.

Funds for work.

Special tax.

Rate.

SEC. 2. That the boards of commissioners for Forsyth and Yadkin Counties are authorized and empowered to construct and maintain one or more public bridges across the Yadkin River, at such places as may be mutually agreed upon by them, said bridge or bridges to be constructed and maintained by the said counties in the proportion that the taxable polls of each county bear to each other, or upon such other terms as may be agreed upon between said boards.

SEC. 3. That the boards of commissioners of each county are empowered to condemn, in their respective counties, the necessary lands for the purpose of constructing public roads, and approaches leading to such bridge or bridges, wherever such lands shall not be donated, or the price thereof can not be agreed upon. The board of each county shall have authority to go upon the land to make necessary surveys, and after five days notice to the landowner may make and enter an order of condemnation, which order shall not be subject to review. The board shall then have the election to proceed at once with the work of construction. Any landowner who shall consider himself damaged, may, within sixty days after the completion of the work on or through his land, apply to the clerk of the superior court, upon five days notice to the board, for an assessment of damages. The clerk shall appoint three disinterested freeholders to act as jurors. After five days notice said jurors shall go upon the land to assess the damages, and in determining the damages the jury shall take into consideration the benefits, if any, to the land and make their report to the clerk of the superior court, who shall render judgment thereon. Either party may appeal to the superior court. If the board shall elect to have the damages assessed, before proceeding to the work of construction, they shall make application to the clerk for assessment of damages, and the proceeding shall be as hereinbefore set out: *Provided*, that the board may at any time before final judgment, abandon the proposed work, in which event judgment shall be rendered, striking out the order of condemnation and awarding to the landowner costs and such damages as may have been sustained.

SEC. 4. That the boards of commissioners of said counties are authorized to defray the cost of said bridge or bridges and roads leading thereto, out of the general fund or road fund of their respective counties, as may not be required for other necessary purposes; or if such funds are insufficient, said boards are authorized to annually levy and collect a special tax in their respective counties not to exceed ten cents on the one hundred dollars worth of taxable property and thirty cents on the polls, until the cost of said bridges and roads shall be paid.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1911.

CHAPTER 72

AN ACT TO MAKE CERTAIN AND DEFINE THE BOUNDARY LINE BETWEEN THE COUNTIES OF DAVIE AND FORSYTH.

The General Assëmbly of North Carolina do enact:

SECTION 1. That the Yadkin River be and the same is hereby made, fixed and designated as the true and correct boundary line between the counties of Davie and Forsyth. Boundary between Davie and Forsyth.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 73

AN ACT TO INVALIDATE CERTAIN PROCEEDINGS FOR THE SALE OF BONDS OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the proceedings of the board of commissioners of Burke County for the execution, issuance and sale of one hundred thousand, face value, coupon bonds of said county to bear date as of February first, one thousand nine hundred and twenty-five, and purporting to have been sold without advertising, are hereby declared utterly void, and said bonds purporting to have been issued under said authority shall constitute no obligation of Burke County. Issuance of bonds declared void.

SEC. 2. That it shall be unlawful for said board of commissioners of Burke County to deliver bonds, issued, or purporting to be issued, under the authority of said proceedings. Unlawful.

SEC. 3. All conflicting laws are hereby repealed.

SEC. 4. This act shall be in force and effect from and after its ratification. Conflicting laws repealed.

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 489

AN ACT TO AMEND CHAPTER 183 OF THE PUBLIC LAWS OF 1925, RELATING TO PENALTIES IN THE COLLECTION OF TAXES, RELATING TO ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Rowan County
not affected.

SECTION 1. Amend section one of chapter one hundred and eighty-three of the Public Laws of North Carolina of the year one thousand nine hundred and twenty-five by adding at the end of said section after the word "taxes" in line nine thereof, the following: "that this act shall not apply to Rowan County and that no penalties on taxes shall be collected in Rowan County by any sheriff or tax collector on taxes levied in the years one thousand nine hundred and twenty-six, one thousand nine hundred and twenty-seven and one thousand nine hundred and twenty-eight."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act, in so far as they apply to Rowan County, are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 490

AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN THE COUNTIES OF FORSYTH AND YADKIN BY TRANSFERRING LITTLE YADKIN TOWNSHIP AND ANNEXING THE SAME TO FORSYTH COUNTY.

Preamble: Iso-
lation of terri-
tory.

Whereas, all of Little Yadkin Township, Yadkin County, which is all of Yadkin County lying east of Yadkin River and adjoining Forsyth County, is separated from the remainder of Yadkin County by a natural boundary line, which is the Yadkin River; and

Preamble: Wishes of com-
missioners of
counties and of
residents of
territory.

Whereas, the board of county commissioners of Forsyth County and the board of county commissioners of Yadkin County, each are unanimously in favor of transferring said territory from Yadkin County to Forsyth County, and a large majority of the residents of said territory are in favor of said transfer; and

Preamble: Agreement for
transfer.

Whereas, it has been agreed by and between the respective boards of commissioners of said counties, that said territory

might be transferred and annexed to Forsyth County on the conditions and terms hereinafter embodied in this act: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That all that territory known and designated as Description of territory. Little Yadkin Township, Yadkin County, which is all that portion of Yadkin County lying east of the Yadkin River and adjoining Forsyth County, be and the same is hereby transferred Transfer. from the said Yadkin County and annexed to the county of Forsyth, and the boundary line between said counties of Forsyth Boundary line. and Yadkin be and the same is hereby changed and fixed so that the Yadkin River shall be the boundary line between said counties.

SEC. 2. That all the territory transferred by this act from Township of annexed territory. the county of Yadkin to the county of Forsyth shall be and the same is hereby annexed to and become a part of Lewisville Township in Forsyth County.

SEC. 3. That the board of county commissioners of Forsyth Payment to Yadkin County. County, within thirty days after the ratification of this act, be and it is hereby authorized, empowered and directed to pay to the board of county commissioners of Yadkin County the sum of seventy thousand dollars, out of the road and bridge fund of said county, and the board of county commissioners of Yadkin Application of payment. County is hereby authorized, empowered and directed to apply said sum of seventy thousand dollars to the retirement of outstanding bonded or other indebtedness of said county, and if no such indebtedness be due at the time of the payment by Forsyth County of the amount herein provided, then it shall be applied to the first such indebtedness falling due thereafter.

SEC. 4. That all that territory hereby transferred from Yadkin Relief from taxation by Yadkin County. County and annexed to Forsyth County be, and it is hereby, relieved from the levy or collection of any taxes by the board of county commissioners of Yadkin County for the payment of any indebtedness now outstanding or to be hereafter incurred by the said county of Yadkin: *Provided*, that all taxes levied Proviso: Taxes for 1926 and prior years. upon the property within said territory for the year one thousand nine hundred and twenty-six, and years prior thereto, shall be collected by the sheriff of Yadkin County and carried into the treasury of Yadkin County as other taxes; and *Provided further*, Proviso: Payment of expense of present term of schools. the present term of the public school now operated in said territory shall be maintained and paid for by the proper authorities of Yadkin County: *Provided further*, that none of the provisions Proviso: Existing debts not affected. of this act shall affect the validity of any present outstanding bonded or other indebtedness of Yadkin County: *Provided further*, Proviso: Adjustment of existing debt. that the remaining portion of Yadkin County shall first

be subject to taxation to the limit allowed by the Constitution of the State for the payment of the present outstanding bonded and other indebtedness, before any tax shall be levied on or collected from that part of said county hereby annexed to Forsyth County.

Joint maintenance of bridge.

SEC. 5. That the Dixon Hill Bridge across the Yadkin River between Little Yadkin Township and the remainder of Yadkin County shall be hereafter maintained jointly by the boards of county commissioners of Forsyth County and Yadkin County, and the cost of maintenance shall be apportioned between said counties in proportion to the taxable property listed for taxation in the counties respectively.

Repealing clause.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 7. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 491

AN ACT TO AMEND CHAPTER 120, PUBLIC LAWS, EXTRA SESSION, 1924, SO AS TO INCLUDE JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Law amended.

SECTION 1. That section one of chapter one hundred twenty, Public Laws, Extra Session, one thousand nine hundred twenty-four, be amended by striking out the word "Jackson" in line twenty-six between the words "Iredell" and "Johnson."

Jackson stricken out.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 492

AN ACT TO REGULATE FILLING STATIONS IN CAMDEN, CHOWAN, CURRITUCK AND PERQUIMANS COUNTIES.

The General Assembly of North Carolina do enact:

Complaint of filling stations.

SECTION 1. That the county commissioners of Camden, Chowan, Currituck and Perquimans counties are hereby authorized and empowered, upon complaint from as many as five persons, of drinking or disorderly conduct at any filling station

FROM A.M. Huff wife TO Murlin Robertson

STATE OF NORTH CAROLINA—Yadkin County

THIS DEED, Made this 26 day of September, 1916, by Am. Huff and wife

R.B. Huff of Yadkin County and State of North Carolina of the first part, to Murlin Robertson of Surry County and State of North Carolina of the second part:

WITNESSETH, That said Am. Huff and wife R.B. Huff in consideration of One Thousand Dollars, to them paid by Murlin Robertson

the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do to grant, bargain, sell and convey to said Murlin Robertson his heirs and assigns, all the right, title, interest and estate of the party of the first part in and to a certain tract or parcel of land in Yadkin County, State of North Carolina, adjoining the lands of A. J. Chaney

A.C. Distled and others, and bounded as follows, viz:

Beginning at a stake Dr. Wilkins corner in County line
Thence North, some few (about 3^o) West 17 chains + 19 links
to a stone in Wilkins line, Thence West 2^o West 19.60 Chs.
to a small Hickory bush, Thence S. 2^o West 4.38 Chs. to
a maple stake, Thence West 2^o North 19.58 chains to a
Spanish oak, A. Hough's line, Thence South with his line
13.06 to a stone in County line, Thence E- to the beginning
Containing Sixty Acres more or less.

Honor to certify being by me examined Separatly and apart
from her said husband touching her voluntarily execution
of the same with Staith that she signed the same freely and
voluntarily without fear or compulsion of her said husband
or any other person and that she still voluntarily open shute
given under my hand and Seal this 9th day of March A.D. 1880
J. L. Reavis J. P.

State of North Carolina
Yadkin County In Probate Court May 3rd 1880
The foregoing Certificate of J. L. Reavis is acquiesced to be correct and
in due form according to law let the deed with the certificate
be registered
J. W. Vestal P. J.

This Indenture made this the 19th day of Feb 1880 Between
Gray Millard of the 1st part and A. E. Shore of the 2nd
part party of the first part and A. E. Shore party of the
second part witnesseth that the said A. E. Shore party of the
part for and in consideration of the sum of three hundred
Dollars to the party of the first part in hand paid by the party
of the second part the receipt of which is hereby acknowledged
have bargain sold and conveyed and by their presents do
bargain sell and convey to the said A. E. Shore party of the
second part and his heirs all of some situate in the County
of Yadkin in the State of N. C. adjoining the lands of
Edmond Millard A. E. Shore Ben Millard and others and
bounded as follows Beginning at a Sowerwood South 9 chains
+ 15 links to a white oak South 68" west 2 chains + 2 links
to a cork post 16 chain + 35 links to a white oak South 78"
west 15 chains + 55 links to a red oak South 40" west 8
chain to a Black oak North 31" west 18 chains to a Stake
B. S. Millard's Corner North 60" East 6 chains 50 links to
a post oak North 10" west 7 chain + fifty links to a
Stake below the Spring Core 23 chain to a Stake South
5 chain to a chestnut 31 and 80 links to the beginning
in clearing 70 acers more or less. To have and to hold
said tract of land to The said A. E. Shore party of the
second part and his heirs for the consideration aforesaid
The said Gray Millard party of the first part does
covenant and agree to warrant and defend the title
of said tract of land to the said A. E. Shore party
of the second part his heirs and assigns against the claims
contents and titles of all persons whatsover. For the
aforesaid consideration the said Gray Millard

State of North Carolina
 Davie County
 In the execution of the foregoing deed as to the
 Clerk of this Superior Court in and for the County aforesaid, by the
 oath and examination of J.R. Williams the subscribing Witness
 stands Let the same with this Certificate be registered
 This 23rd day of Dec. 1885 -
 Registered Jan. 6th 1886
 A.P. Grant Cll.

State of North Carolina
 Davie County
 This Deed, made this 18th day of February
 1886, by David R. Rich and Sarah Rich
 his wife of Davie County, and State of North Carolina to D.F.
 Bassett of Davie County, and State of North Carolina, Witness:
 That said David R. & Sarah Rich, in consideration of one
 hundred & sixty three ⁰⁰/₁₀₀ Dollars, to them paid by D.F. Bassett the
 receipt of which is hereby acknowledged, have bargained and sold
 vend by their presents do bargain, sell and convey to said D.F.
 Bassett, and his heirs, a tract or parcel of land in Davie County,
 State of North Carolina adjoining the lands of Dr. S.L. Hunt, D.R.
 Rich and others, bounded as follows, beginning at a
stone in the David & Godwin line, thence East Eighteen chains
 to a stone, thence South Nine chains to a stone thence West
 Eighteen chains & 38 links to stone on the West side of the Hunt's line
 & Wm. Christie's Road, thence North Nine chains to the beginning
 containing Sixteen ⁰⁰/₁₀₀ acres (16.00%).
 To have and to hold the aforesaid tract of land and all appurtenances
 appurtenant thereto here to belonging to the said D.F. Bassett and
 his heirs and assigns to his heirs only use and behoof.
 And the said D. R. & Sarah Rich Covenant that they are seized of
 said premises in fee, and the right to convey the same in fee
 simple, that the same are free from all incumbrances and
 that they will warrant and defend the said title to the same
 against the Claims of all persons whatsoever
 In Testimony where of, the said D. R. Rich & Sarah Rich
 have hereunto set their hands and seals, the day and Year
 above written,
 D. R. Rich
 Sarah Rich

State of North Carolina
 Davie County
 Be it remembered that on the 19th
 day of February 1886 before one H. F. Swain Justice of the Peace for
 said County, personally appeared D.R. Rich and Sarah
 Rich the Grantors named in the foregoing deed who
 acknowledged the due execution thereof by them as their act.

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And deed; and there upon the said Sarah Rich being by me privately
examined separately and apart from her said husband, touching her free consent
to the execution of said deed, she, on oath her own affirmation, declares that
she executed the same freely, of her own will and accord, and without
any force, fear or undue influence of her said husband, or any other
person, and does still voluntarily assent thereto and hereby relinquish all
right of dower in said land. Witness my hand and official seal
At Test, *A. J. Stovall*

In the County of Davie, the foregoing certificate of A. J. Stovall a Justice of the
Peace for said County, is as follows: This case, with this certificate registered
at the Court House this 21 day of Dec 1885
Registered Jan 7 1886 *A. J. Stovall C. C.*

This Indenture made this 20th day of May the said 1885 between
the County of Davie, in the State of North Carolina of the one part and Samuel
Phillips of the County of Davie and State of North Carolina of the other part
Witnesseth that the said party of the first part for and in consideration of the sum of
One Hundred Dollars to the said party of the first part in hand
paid, the receipt of which is hereby acknowledged have sold and
conveyed to the said party of the second part all that tract or parcel
of land lying in the County of Davie in the State of North Carolina
bounded as follows: Beginning at a point and running North 82^o East
1/2^o 38 1/2^o Chain to a short line South 12^o West along the line of A. J.
Stovall 39^o Chain to a stone fence South 87^o East 2^o Chain to a stone
fence thence to the 1st 1/2^o East by estimation 27^o Chain 88^o East to a
black oak tree 1/2^o 13, the corner thence to the 1/2^o Chain 75^o East
to that beginning & containing One Hundred and two Acres
more or less. To have and to hold the same with the appur-
tenances thereto, belonging to the said party of the second
part his heirs, assigns and assigns forever unto the said party of the first part
for the consideration aforesaid do here by this indenture and appeto
Warrant and defend the premises aforesaid as far as they are
lawfully and defend by the Court of the County of Davie in
Longworth Dec. 20th 1885
And Witness whereof the said party of the first part have hereunto
set their hands and seal the day and year above written
Witness *A. J. Stovall*