THE
STATE RECORDS
OF
NORTH CAROLINA.

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COLLECTED AND EDITED
BY
WALTER CLARK,
CHIEF JUSTICE OF THE SUPREME COURT OF NORTH CAROLINA.

VOL. XXV.
LAWS 1789—1790
AND SUPPLEMENT
OMITTED LAWS 1669—1783.

WITH INDEX
TO
VOLS. XXIII, XXIV AND XXV.

NASH BROTHERS,
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1806.
PREFATORY NOTES.

The editor finds great satisfaction in being able to publish in this volume with the Acts of 1789 and 1790, many of the earlier Acts which, not accessible when Volumes XXIII and XXIV were being printed, have since been found, by careful search, in the British Archives. These lost Acts are printed as a supplement to this volume—"Omitted Acts 1669-1783." They are memorials of a period long since passed, and we are fortunate to be able to perpetuate them for the benefit of the profession or the use of the historian.

Government was first established in Albemarle in 1664, by the appointment of William Drummond as Governor, and an Assembly was then held, the proceedings being under "the Concessions." The records of that day were not preserved, and the enactments are lost.

Almost immediately, however, Shaftesbury began with his Secretary, the celebrated John Locke, to frame a more perfect system of government for Carolina; and the instrument was substantially finished by the first of March, 1669. Being transmitted to Albemarle, the Grand Assembly acting under it, in October, 1669, re-enacted many of the laws previously passed, and they were sent to England for confirmation. The style of enactment was: "Be it therefore enacted by the Palatine and the Lords Proprietors, by and with the advice and consent of the present Grand Assembly."

Several of these earliest laws of Albemarle are worthy of passing notice.

Our practice of recording titles, registering deeds, at that period entirely unknown in England, is due to a clause in the Fundamental Constitutions. It was one of the customs of Holland, whence it was transferred to America.

Another early enactment was that legalizing civil marriages, and putting them on the same footing as if performed by a minister in England; there being no ministers in the colony.

Still another, was one taken from the Virginia Statutes, to encourage settlers by exempting them from suits for a period of five years. In this the Virginians who came over the line only re-enacted what had earlier been the Virginia enactment.

Beginning with 1669 the Fundamental Constitutions were more or less observed, being carried into effect "as near as may be." There was one rule, however, that probably was not strictly enforced:
“No person above 17 years of age shall have any benefit or protection of the law, or be capable of any place of profit or honor, who is not a member of some church or profession, having his name recorded in some, and but one religious record at once.”

With this strict requirement it was necessary to facilitate the observance of the regulation; and so it was provided that “any seven persons, agreeing in religious opinion, may form a church or profession of their own, to which they shall give some name to distinguish it from others.”

No record has been preserved indicating that any religious organization ever existed in Albemarle before 1700, except that of the Friends or Quakers; and that would seem to have been established only after the visits of Fox and Edmundson, as the former found only one Quaker in the colony in 1672.

Another provision of the Fundamental Constitutions allowed any church “to prescribe its own manner of witnessing the truth, such as holding up the hands, or in any other sensible way.” Indeed, earlier, even in the Concessions, provision was made for “affirmation,” instead of an oath, administered in common form. This practice, which obtained among the Quakers, was never questioned until about 1705. The denial of this right of “affirmation,” which had been so long enjoyed in Albemarle, was one of the causes of the turmoils which in after years made that period known among the inhabitants as “the troublesome time.”

Chief, however, among the notable features of the Fundamentals were the provisions for electing the parliament. Shaftesbury was an ardent lover of liberty. He had witnessed the tyranny of Charles and the still greater exercise of arbitrary power by Cromwell. He had seen both govern without a parliament; and a parliament perpetuate its own existence through many years, long after it had lost every semblance of a representative character.

To prevent such a possibility it was provided in the Constitutions: “That in order to the due election of members for the biennial parliament, it shall be lawful for the freeholders of the respective precincts to meet the first Tuesday in September, every two years, in the same town or place that they last met in, to choose parliament men, and there choose those members who are to sit the next November following.”

“And a new parliament shall assemble the first Monday of the month of November every second year, and shall meet and sit in the same town they last sat in, without any summons.”
These provisions were a distinct improvement on the English Constitution. They established representative government on a sure foundation. The biennial election and the meeting of the Assembly in November were a part of the Constitution. No Governor could prevent it. In 1727 Sir Richard Everard tried, but failed. Despite his proclamation proroguing the Assembly before it met, the body met and asserted its rights and privileges.

In after years the Royal Governors found this right of the people very inconvenient, and it was a thorn in their side, until at length, by a compromise, Governor Johnston obtained the abandonment of the right.

It is to be observed that the early Acts were by “the Grand Assembly,” and for “the County of Albemarle.” The “County of Albemarle” had its own seal; and when later the appellation, “North Carolina,” came into use, the seal of “the County of Albemarle” was continued in service, as the seal of the Province, until after the purchase by the crown.

The Act of 1685, in regard to suppressing pirates and privateersmen, was passed for the southern part of Carolina, “That part of the Province from Cape Fear south and west.”

There was no particular occasion for such a law for Albemarle at that time. The evil to be remedied was further south. This act, however, is of historic interest, as it established a dividing line between the governments at Albemarle and Charleston: “west from Cape Fear.”

From that date, the terms North and South Carolina came into vogue; although the first authoritative use of “North” Carolina was in 1688, or 1689.

The Act of 1722, now published, requiring the Chief Justice, Secretary, and all officers, except alone the Governor, to keep their several and respective offices open at Edenton, fixed the seat of government at that place. Later, in Governor Johnston’s time, 1746, an act was passed “by management,” establishing the Capital at New Bern. This act, however, did not go into operation; and it was only when the Province was swept off its feet in the universal rejoicing from Boston to Savannah, over the repeal of the Stamp Act, that Governor Tryon secured the change from Edenton to New Bern.

The Court Law of 1777 has received the high encomiums of our best lawyers. Dr. Battle, however, regards the Act of 1746 as being equally meritorious.

The editor calls attention also to the Act of 1754, as being worthy of special consideration by the profession.
PREFATORY NOTES.

The system provided for in the Act of 1746 was patterned after the English system, with a General Court, writs sued out only at New Bern, where the pleadings were to be made up, and the case then sent to the proper District Court for trial. That act was "disallowed" some years later, because there was no quorum present when it was passed.

The Act of 1754 established the system that has ever since been in use in North Carolina. There were five districts arranged; in each of which two terms of court were to be held each year; and the court had full jurisdiction in civil and criminal cases. They were exactly like the Superior Courts of our day, except that no appeals lay from them.

The act in its several parts seems to be worthy of high commendation. It is doubtless the particular foundation on which the famous Act of 1777 was built. All of the court laws, however, were drawn with great care and nicety, and reflect credit on their authors in Colonial days.

An Index to these three "Law" Volumes—Vols. XXIII, XXIV, and XXV—is appended, also a list of captions of the acts embraced, prepared by Dr. Stephen B. Weeks, Ph.D. This makes these three volumes of Laws 1669-1790 complete in themselves. An extra number of copies of these Law volumes have been printed for the convenience of lawyers and others who may not wish the other twenty-four volumes of these Records. The matter in the Index to this volume will be also incorporated into the "General Index" to the whole work.

Raleigh, N. C.,
1 June, 1906.

Walter Clark
At a General Assembly, begun and held at Fayetteville, on the second Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty-Nine, and in the Fourteenth Year of the Independence of the said State; being the first session of the said Assembly. Samuel Johnston, Esq., Governor.

CHAPTER I.

An Act Directing the Manner of Electing Representatives to represent this State in Congress.

I. 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 until an actual census be made, this state shall be divided and laid off into five divisions; the first to be called Roanoke division; the second Edenton and New Bern division; the third Cape Fear division; the fourth Yadkin division; and the fifth the Western division; each of which shall be formed by annexing two of the Superior Court districts together, in the following manner: that is, the districts of Hillsborough and Halifax, shall form the Roanoke division; the districts of New Bern and Edenton shall form the Edenton and New Bern division; the districts of Wilmington and Fayetteville shall form the Cape Fear division; the districts of Salisbury and Morgan shall form the Yadkin division; and the districts of Washington and Mero shall form the Western division; each of which divisions shall be entitled to elect and send one Representative to the Legislature of the United States; and the person elected in each division shall be a resident or inhabitant of that division for which he is elected, during the space or term of one year before, and at the time of election.

II. And be it further enacted by the authority aforesaid, That the elections shall be held in each county within the said divisions of Roanoke, Edenton and New Bern, Cape Fear, and Yadkin, on the first Thursday and Friday in February next ensuing, at the places appointed by law for the annual elections of Members of the General Assembly, and the same are to be conducted in like manner with the said annual elections, saving that the inspectors of the election, and clerks of the poll, shall be qualified to act with justice and impartiality, by any one Justice of the Peace then present; and each and every freeman entitled to vote for a Member of the Commons House of Assembly, shall and may vote for a Representative; and in counties where separate places of elections have been established by law, the elections directed by this act shall be conducted by the returning officer, in the same manner as elections for Members of Assembly heretofore, such officer making return of the poll agreeably to this Act.

III. And be it further enacted by the authority aforesaid, That immediately after the close of the election in each county, the Sheriff or other returning officer, shall, in the presence of the inspectors of the election, make out two correct statements of the number of votes given to each candidate in his county, which two statements shall be certified by the said Sheriff or returning officer and a majority of the inspectors, one of which statements shall be by the inspectors filed in the Clerk's office of the
county, and the Sheriff or other returning officer, by himself or deputy, shall attend with the other on the day and at the place herein after mentioned, and at the same time and place, the poll for the different counties shall, by the said Sheriffs or their deputies, or other returning officers, as the case may be, in the presence of three Justices of the Peace, which are to be summoned and to attend for that purpose, be examined and compared, and a certificate, under the hands and seals of the said returning officers, shall be given to the candidates in each division for whom the greatest number of votes shall have been given: but if two or more candidates shall have an equal number of votes, the said returning officers shall decide which of them shall be the Representative; and if the said returning officers do not decide by their votes who shall be the representative then they shall decide the same by drawing in the like manner as the Grand Jury are drawn for in the Superior Courts.

IV. And be it further enacted by the authority aforesaid, That each and every person who shall be duly elected a Representative under this act, shall upon obtaining a certificate of his election according to the directions above mentioned, obtain from his Excellency the Governor, a commission certifying his appointment as Representative aforesaid, which commission the Governor is hereby empowered and required to grant on his producing such certificate.

V. And be it further enacted, That the Sheriffs or returning officers for Roanoke division, shall meet on the third Monday in February next, at Williamsborough, in Granville county; those for Edenton and New Bern division shall meet at Mackey's ferry on the same day; those for Cape Fear division shall meet at Elizabeth Town on the same day; and those of the Yadkin division shall meet at the house of Colonel David Caldwell, in Iredell county, on the said third Monday in February. Provided, That if any accident shall happen to either of the returning officers, which may prevent their meeting on the day aforesaid, the returns of such officers shall be received on the day following; and the Sheriff or Coroner or his deputy failing to attend at the time and place before ascertained, shall forfeit and pay the sum of five hundred pounds, to be paid into the treasury of this state upon due proof thereof in any court of law within this state, to be recovered upon an action of debt, by the Treasurer of this state for the time being.

VI. And whereas from the great distance between the districts of Mero and Washington, it will be difficult and dangerous for the Sheriffs or other returning officers of the Western division to meet conveniently to examine and compare their respective number of polls, Be It therefore enacted, That the election for said division shall be held on the second Monday and Tuesday in March, and the returning officers of the district of Washington, shall meet on the first Monday after said election, at the town of Jonesborough, and in the presence of three Justices of the Peace, to be summoned for that purpose, compare and examine the return of the polls from the several counties of said district, and make out a true statement thereof, which shall be certified under the hands and seals of the returning officers, and countersigned by a majority of the said Justices, and shall then be delivered to the Clerk of the Superior Court of the said district: And the returning officers of the district of Mero, shall, on the Monday following the election, meet in the town of Nashville, and on such meeting shall in the presence of three Justices of the county of Davidson, to be summoned for that purpose, examine and compare the statements of the polls of the different counties of said district, and make out two statements thereof, and certify the same under their hands, which shall also be countersigned by a majority.
of said Justices; one statement shall be lodged with the Clerk of the Superior Court of the said district, the other shall be delivered to the returning officer of the said county of Davidson, whose duty it shall be to transmit or carry the same safely, within twenty days after the receipt thereof, to the Clerk of the Superior Court in Washington district, who for that purpose shall attend at the house of James White, in Hawkins county; which Clerk shall, as soon as he receives the said return, compare and examine the same, together with the statement of the poll from the district of Washington, in the presence of three Justices of the Peace, and the person entrusted with said return from Mero, in like manner as Sheriffs are enjoined, and shall give a certificate under his hand and seal, to the candidate having the greatest number of votes; and in case two or more candidates shall have an equal number, the said Clerks shall decide which of them shall be the Representative, provided that the said Clerk shall not be entitled to vote for a Representative in the county wherein he resides, at the election, of such Representative.

VII. And be it further enacted, That the Sheriffs and other returning officers, and the person entrusted with the return from Mero, shall be allowed the sum of twenty shillings for every thirty miles travelling to and from the places appointed for the returning officers to meet, and the place where the returns of the Western division is to be made, and twenty shillings for each day which they shall necessarily attend at such meeting, comparing the polls.

VIII. And whereas, the dividing line between the counties of Surry and Stokes will be extended previous to the first election of Representatives; and whereas, there will be no Sheriff for the county of Stokes to hold the election: Be it therefore enacted, That John Bostick is hereby authorized and empowered to hold the election for a Representative in the county of Stokes, in the same manner as the Sheriffs of other counties are authorized to hold said election, he, the said John Bostick, first taking an oath in the presence of three Justices of the Peace for the said county, that he will conduct the said election without favour, affection, or partiality; which three Justices shall certify the same under their hands and seals.

IX. And be it further enacted, That if any person shall be found guilty of having committed any fraud in executing the duties enjoined on him by this act, he shall, on conviction, forfeit and pay the sum of one hundred pounds, and suffer six months imprisonment, without bail or mainprize.

CHAPTER II.

An Act Directing the Mode of Choosing Senators to Represent This State in the Congress of the United States.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Legislature of this State shall, at their annual meeting whenever a Senator or Senators are to be chosen, at such time during their sessions as they shall appoint, by joint ballot of both Houses of the General Assembly, elect such Senator or Senators as may be necessary, under the inspection of two members from each House; and it shall be necessary to have a majority of votes of both Houses to elect any person for that purpose.

II. Be it further enacted by the authority aforesaid, That the person or persons so elected Senator or Senators, shall obtain a certificate of his or their election, signed by the Speakers of the two Houses, and shall
be commissioned by the Governor for the time being, with the great seal of the State annexed to the commission.

CHAPTER III.

An Act for the Purpose of Ceding to the United States of America, Certain Western Lands Therein Described.

Whereas, the United States in Congress assembled, have repeatedly and earnestly recommended to the respective States in the union claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received: Now this State being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Senators of this State in the Congress of the United States, or one of the Senators and any two of the Representatives of this State in the Congress of the United States, are hereby authorised, empowered, and required to execute a deed or deeds on the part and behalf of this State, conveying to the United States of America, all right, title, and claim which this State has to the sovereignty and territory of the lands situate within the chartered limits of this State, west of a line beginning on the extreme height of the Stone Mountain, at the place where the Virginia line intersects it, running thence along the extreme height of the said mountain, to the place where Watauga River breaks through it, thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same, thence along the ridge of said mountain between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain, from thence along the extreme height of said mountain, to where Nolichucky River runs through the same, thence to the top of the Bald Mountain, thence along the extreme height of the said mountain, to the Painted Rock on French Broad River, thence along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoaky Mountain, thence along the extreme height of the said mountain, to the place where it is called Unicoi, or Unaka Mountain, between the Indian towns of Cowee and Old Chota, thence along the main ridge of the said mountain, to the southern boundary of this State, upon the following express conditions, and subject thereto: That is to say,

First. That neither the lands nor inhabitants westward of the said mountain shall be estimated, after the cession made by virtue of this Act shall be accepted, in the ascertaining the proportion of this State with the United States in the common expence occasioned by the late war.

Secondly. That the lands laid off, or directed to be laid off, by any Act or Acts of the General Assembly of this State, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and enure to the use and benefits of the said officers, their heirs and assigns respectively; and if the bounds of the said lands already prescribed for the officers and soldiers of the continental line of this State, shall not contain a sufficient
quantity of lands fit for cultivation, to make good the several provisions intended by law, that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion after all the lands fit for cultivation within the said bounds are appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said territory intended to be ceded by virtue of this Act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then and in that case, the Governor for the time being, shall, and he is hereby required to perfect, from time to time, such titles, in such manner as if this Act had never been passed; and that all entries made by, or grants made to all and every person and persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made, and that all and every right of occupancy and pre-emptions, and every other right reserved by any Act or Acts, to persons settled on and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood that if any person or persons shall have, by virtue of the Act, entitled “An Act for opening the land-office, for the redemption of specie and other certificates, and discharging the arrears due to the army,” passed in the year one thousand seven hundred and eighty-three, made his or their entry in the office usually called John Armstrong’s office, and located the same to any spot or piece of ground on which any other person or persons shall have previously located any entry or entries, that then and in that case, the person or persons having made such entry or entries, or their assignee or assignees shall have leave and be at full liberty to remove the location of such entry or entries to any lands on which no entry has been specially located, or any vacant lands included within the limits of the lands hereby intended to be ceded. Provided, That nothing herein contained, shall extend or be construed to extend to the making good any entry or entries, or any grant or grants heretofore declared void by any Act or Acts of the General Assembly of this State.

Thirdly. That all the lands intended to be ceded by virtue of this Act, to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose and for no other use or purpose whatever.

Fourthly. That the territory so ceded, shall be laid out and formed into a State or States, containing a suitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits, and advantages set forth in the ordinance of the late Congress for the government of the western territory of the United States; that is to say, Whenever the Congress of the United States shall cause to be officially transmitted to the executive authority of this State, an authenticated copy of the Act to be passed by the Congress of the United States, accepting of the cession of territory made by virtue of this Act, under the express conditions hereby specified, the said Congress shall at the same time assume the government of the said ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio, shall protect the inhabitants against enemies, and shall never bar or deprive them or any of them of
prileges which the people west of the Ohio enjoy. Provided always, That no regulations made or to be made by Congress, shall tend to emancipate slaves.

Fiftieth. That the inhabitants of the said ceded territory shall be liable to pay such sums of money as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the requisitions of Congress on this State.

Sixthly. That all persons indebted to this State, residing in the territory intended to be ceded by virtue of this Act, shall be held and deemed liable to pay such debt or debts, in the same manner, and under the same penalty or penalties, as if this Act had never been passed.

Seventhly. That if the Congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the executive of this State, within eighteen months from the passing of this Act, then this Act shall be of no force or effect whatsoever.

Eighthly. That the laws in force and use in the State of North Carolina at the time of passing this Act, shall be and continue in full force within the territory hereby ceded, until the same shall be repealed, or otherwise altered by the legislative authority of the said territory.

Ninthy. That the lands of non-resident proprietors, within the said ceded territory, shall not be taxed higher than lands of residents.

Tenthly. That this Act shall not prevent the people now residing south of French Broad, between the rivers Tennessee and Pidgeon, from entering their pre-emptions on that tract, should an office be opened for that purpose under an Act of the present General Assembly.

II. And be it further enacted by the authority aforesaid, That the sovereignty and jurisdiction of this State, in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same, in all respects, until the Congress of the United State shall accept the cession to be made by virtue of this Act, as if this Act had never passed.

CHAPTER IV.

An Act to Repeal Part of an Act, Entitled “An Act to Explain an Act Directing the Duty of Naval Officers and all Masters of Vessels Coming Into the Ports or Inlets of this State,” and to Amend the Navigation Law for Cape Fear River.

Whereas, a compliance with the first section of the said Act has been found productive of extreme confusion and inconvenience in the entering of vessels, by obliging the masters of vessels to swear to the contents of particular packages, which oath, from the nature of the shipping business, they cannot safely take, without opening and examining the same, to the material injury of the owners and consignees of the said merchandise: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing this Act, that part of the said first section of the aforesaid law, which requires the master or owner of any vessel entering at the naval office, to deliver in on oath an inventory of the contents of each package, be repealed, and the same is hereby repealed and made void.

II. And be it enacted by the authority aforesaid, That from and after the passing of this Act so much of the before recited Act as is contained in the third section of the same, which requires before forfeiture or condem-
nation of any vessel, for a false entry or breaking bulk, landing or smuggling any part of the cargo before entry, a proof that the owner of such vessel was privy to the said fraud, be hereby repealed and made void.

III. And whereas, it is found by experience, that the present number of commissioners of pilotage for the bars and rivers of Cape Fear, are insufficient to conduct the business thereof, it being found difficult to convene a majority to act on sudden emergencies: For remedy whereof,

IV. Be it enacted by the authority aforesaid, That from and after the passing of this Act, Benjamin Smith, Auly Macnaughton, Henry Toomer and George Hooper, shall be added to the number already in such appointment, and hereby are to be considered commissioners of pilotage for the bar and river of Cape Fear.

V. And whereas, Benjamin Smith, the present possessor of the Cape Island, under the will of the late Hon. William Dry, Esq. deceased, hath promised the commissioners for building a light house, that he, the said Smith, will execute a deed to them for ten acres of land for the purpose of erecting a light house on, without consideration or reward therefore: And whereas, it appears that the said commissioners have actually commenced the building of the said light house within the limits of the said ten acres so promised by the said Smith, in full confidence that the said Smith will execute a deed for the said ten acres as by him promised: And whereas it would be unjust that the said Smith should be subjected to injuries from the gift of the said ten acres of land to the public: Therefore,

VI. Be it enacted, That no person shall be allowed to carry on or keep on the said island, or any part thereof, any cattle, hogs, or stock of any kind, poultry and a cow and calf to be kept by the keeper of the light house excepted, or hunt on the same without special license of the said Smith, or those claiming under the said William Dry, first had and obtained in writing; and if any person or persons shall be found going about the said Island with gun or other hunting instruments, whereby stock may be destroyed without the permission aforesaid, such offender may be arrested by any constable, and upon due proof of the offence being made before a justice of the peace of New Hanover or Brunswick county, he shall forfeit and pay the sum of five pounds for the first offence, one half to go to the informer, the other half to the possessor of the said Cape Island; and for every repetition of such offence, ten pounds, to be applied in like manner.

CHAPTER V.


I. 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 for the year one thousand seven hundred and ninety, and for every succeeding year until the said domestic debt shall be extinguished, a tax of two shillings on every hundred acres of land, and a tax of six shillings on every hundred pounds value of town lots with their improvements, and a tax of six shillings on every poll within this State, shall be levied and paid in specie certificates of every kind, including the interest due thereon (such
as have been issued by the board of commissioners of army accounts since the first day of January, one thousand seven hundred and eighty-six, excepted) in currency certificates as rated by the Act for the sale of confiscated property, continental and State dollar bills at the rate of eight hundred for one. Provided nevertheless, the payer of such tax is hereby authorised and allowed to pay four shillings of the currency of the State, in lieu of twenty shillings specie certificates: And the money so collected in lieu of the certificates aforesaid, shall be, and the same is hereby appropriated to the sole purpose of the redemption of the certificates and the reduction of the domestic debt.

II. And be it further enacted by the authority aforesaid, That all the certificates, of every description, issued under the authority of this State (except as herein before excepted) shall, on or before the first day of January, one thousand seven hundred and ninety-one, be brought to the treasurer's office, and being compared with the checks or counterparts, and found to be genuine, shall be exchanged for the other certificates with which the treasurer is hereby required and authorised to issue to the holders or owners of such certificate or certificates, in the following manner, that is to say, all currency certificates shall be reduced to specie agreeably to the rate established by an Act directing the sale of confiscated property, passed at Hillsborough, in April one thousand seven hundred and eighty-two; and the holders or owners of the certificate or certificates so presented to be exchanged, shall receive three indents or certificates, one for the amount of the interest due on the certificate or certificates so presented, which certificate shall expressly state that it was granted for interest due as aforesaid, and shall not bear interest; one other indent or certificate for the one third part of the principal of the certificates so presented, which shall also not bear interest, and shall by the tenor thereof be negotiable at the treasury in a manner herein after directed; and a third indent or certificate for the balance of such principal, which shall bear interest from the date thereof; and all such certificates shall bear date the first day of January, one thousand seven hundred and ninety, and the interest due as aforesaid shall be calculated up to that time. Provided nevertheless, That the holder of any certificate presented to the treasurer to be exchanged as aforesaid, shall have it in his option to receive the whole amount of the principal of his certificate so presented, in one certificate of the denomination of the third certificate herein before mentioned.

III. And be it further enacted by the authority aforesaid, That such part of the monies as may have arisen and have been collected, or may arise and be collected, from the following funds and subjects of taxation, that is to say, the tax on lands for the years one thousand seven hundred and eighty-seven and one thousand seven hundred and eighty-eight, the money arising from the tonnage, imposts and other duties arising from goods imported into this State in the years one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight and one thousand seven hundred and eighty-nine, and which may not have been applied to the purpose for which they were appropriated by law, and all such monies may be collected from tonnage duties or any other imposts or duties previous to the collection of duties in this State by the United States, shall be and the same are hereby appropriated as a fund for the purchase of the certificates issued as by this Act directed, for the third part of the principal of the certificate debt due by this State; and the holder of such certificate or certificates so issued, shall be entitled to draw cash from the public treasury for the
same, that is to say, at the rate of four shillings for every twenty shillings of such certificates.

IV. And be it further enacted, That the treasurer for his trouble in issuing the certificates aforesaid, shall be allowed a sum of money proportionate to his services, to be determined on by the next General Assembly; and also shall be allowed such sums of money as he shall have expended in purchasing stationary, and employing the clerks necessary for the carrying on of this business.

V. And be it further enacted, That where there are no checks, the treasurer be directed and authorised to judge of such certificates from the books and accounts of the commissioners of specific supplies and the best information he can collect, and exchange or reject them accordingly.

VI. Be it further enacted by the authority aforesaid, That the tax to be levied by virtue of the said Act, entitled "An Act for levying a tax for the support of government, and for the redemption of the old paper currency, continental money, specie and other certificates, and for sinking the State currency," passed at Fayetteville in the year one thousand seven hundred and eighty-eight, of three shillings on every hundred acres of land within this State, and a tax of nine shillings on each hundred pounds value of town lots with their improvements, and a tax of nine shillings on every poll in this State, to be paid in State currency or in gold and silver, shall be and the same is hereby reduced to one shilling on every hundred acres of land, and three shillings on each hundred pounds value of town lots with their improvements, and three shillings on every poll in this State, and shall be levied and paid agreeably to the directions contained in the first section of said Act. Provided, That all the lands west of the Apalachian Mountains shall pay a tax of eight pence on every hundred acres of land to be levied and paid in like manner.

VII. And be it further enacted by the authority aforesaid, That the tax which is to be levied by virtue of the second section of the aforesaid Act may be paid in money in lieu of certificates, at the rate of four shillings in current money for each twenty shillings of specie certificates, except as in this Act before excepted.

And whereas, the monies raised by the sinking fund tax for the year one thousand seven hundred and eighty-eight, hath been burned, and there still remains in the treasury a sum equal to the whole amount of the said tax for the year one thousand seven hundred and eighty-nine, in bills unfit for circulation:

VIII. Be it enacted by the authority aforesaid, That the sinking fund tax for the year one thousand seven hundred and eighty-nine, directed to be collected by an Act, entitled "An Act for emitting one hundred thousand pounds paper currency for the purposes therein expressed," shall not be collected for the said year one thousand seven hundred and eighty-nine.

CHAPTER VI.

An Act for Procuring Testimony Concerning the Accounts of This State Against the United States.

Whereas, it is represented by the agents of this State, that many officers, and whole regiments of privates, who served in the continental line of this State, are not to be found on the musters in the war or pay office of the United States, and that no account has been taken of numerous waggons
and teams with which the armies of the United States have been supplied by this State:  
I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Comptroller shall forthwith collect such musters as may be among the papers of the late Governor of this State, or such military officers as may be supposed to have muster or pay-rolls in possession, or any return of wagons furnished by the militia classes in one thousand seven hundred and eighty-two; and that he shall also apply to the several field officers of the continental line who served to the end of the war, and obtain their oath or affirmation, as to their knowledge of the services of officers or privates whose claims to pay are not supported by the musters.  

II. And be it further enacted, That the Colonel or Commanding officer of the militia of every county in this State, shall enquire what wagons, or whether any, have been furnished in one thousand seven hundred and eighty-two by the militia classes in the several counties; and what bounties have been paid by the classes in the several counties to procure soldiers in the years one thousand seven hundred and eighty-one and one thousand seven hundred and eighty-two, and shall, under the penalty of fifty pounds, before the first day of April next, make return on the oath of one or more persons who appear to have the best information on that subject of the wagons and teams, and computed value of the same, that were furnished by the classes as aforesaid, or whether any were furnished, and what bounties have been paid, to the Brigadier-General of the district, who shall forward the same to the Governor or Comptroller on or before the first of May next, under the penalty of one hundred pounds; and the Governor of the State for the time being shall forthwith transmit the same to the agents of this State appointed to settle the accounts of this State with the United States.

CHAPTER VII.

An Act to Repeal Part of an Act, Entitled "An Act Once More to Extend An Act, Entitled 'An Act to Pardon and Consign to Oblivion the Offences and Misconduct of Certain Persons in the Counties of Washington, Sullivan, Green and Hawkins."

I. Be it enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That all and every part of the last providing clause in the above mentioned Act be and the same is hereby repealed and made void.

CHAPTER VIII.

An Act to Prevent the Exportation of Raw Hides, Pieces of Hides of Neat Cattle, and Calf-Skins, and also of Beaver, Raccoon and Fox Furs.

Whereas, the exportation of hides, skins and furs above-mentioned, is found detrimental to our own manufacturers, which demand the attention of the Legislature:

I. 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 every master or owner of a vessel, at the time of his clearance out before the Naval-officer, shall take the following oath, viz.: "I, A. B., master or owner (as the case
may be) of the _______ called the _______ do swear that there are not on
board of my vessel, any raw hides, pieces of hides of neat cattle, calf
skins, nor any beaver, racoon or fox furs, for the purpose of exporting them
out of this State, either as cargo or adventure of my own or any other per-
sons whosoever; and that I will not knowingly or willingly suffer any per-
son or persons to export any of the said kind of skins and furs out of this
State in the vessel of which I am commander or owner."

II. Be it further enacted by the authority aforesaid, That if any captain
or owner shall, after the passing this Act, suffer or willingly permit any of
the above mentioned articles to be brought on board his vessel, it shall
be deemed evidence of his intention of exporting the same, and shall forfeit
five hundred pounds, to be recovered by action of debt in any court having
jurisdiction, one half to the person suing, and the other half to the State;
and if the judge or judges before whom the same shall be tried, shall certify
there was a reasonable cause of action, the plaintiff or complainant shall not
be subject to cost.

III. And be it further enacted, That if any person shall by land convey
any such hides, skins or furs out of this State into any other State for the
purpose of selling the same, such person on conviction shall suffer the same
pains and penalties as are before prescribed for exporting such hides, skins
or furs by water, to be recovered in like manner and applied to the same
uses. Provided nevertheless, That this Act shall not extend to or be in
force in any county west of the Apalachian mountain: And provided also,
That this Act shall not be in force until the first day of January next.

CHAPTER IX.

An Act for Granting to the Inhabitants of Tyrrel County a Privilege of Hold-
ing Separate Elections for Members of Assembly.

Whereas, it is represented to this General Assembly by petitions from a
number of the inhabitants of the county of Tyrrel, that the great extent of
said county (it being one hundred miles in length) renders it very difficult,
troublesome and expensive for them to travel to the court-house to give
their suffrage for members to represent them in General Assembly, many
of them having to go by water the distance of sixty miles, and others who
travel by land have very broad waters to ferry over, are often prevented
by bad weather and contrary winds, by reason of which they are deprived
of their suffrage, and by consequence of a representation in fact in this
Assembly: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, That from and after
the passing of this Act, it shall and may be lawful for the sheriff of the
said county of Tyrrel, or any of his proper deputies, and he or any of them is
hereby authorised and required, to open an election on the day preceding the
time appointed by law, at the Old-Fort Landing Plantation, at the house of
Robert M'Callister on Alligator River, and at the Glebe-House near Kend-
drick's Creek, for the ease and conveniency of the voters in the most dis-
tant parts of the said county, under the same rules as are prescribed for
holding the general election; and the ballots so taken shall be sealed up
by the inspectors of the poll in the presence of the sheriff, or his deputy
who held the election, and by them be transmitted to the court-house under
the care of the said sheriff or his deputy; which ballots so taken shall and
they are hereby declared to be part of the election of the said county, any
thing to the contrary notwithstanding. Provided, That nothing herein contained shall deprive any person entitled to vote for members in said county, and who has not already given his vote at either of the places above mentioned, from giving his suffrage at the court-house on the days of the general election for the body of the county.

CHAPTER X.

An Act to Empower the Wardens of the Poor for the County of Currituck to Lay a Tax to Enable Them to Settle the Arrears Due From Said County to Persons Who Have Supported the Poor.

Whereas, the tax heretofore by law laid hath not been sufficient to support the poor in the county aforesaid:
I. 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 tax not exceeding two shillings and eight pence shall be laid on each taxable person, and also a tax not exceeding ten pence on every hundred acres of land; which said tax the Wardens of the Poor are hereby empowered to receive and account for agreeable to law in such case heretofore made and provided.

II. And be it enacted by the authority aforesaid, That this Act shall be and continue in force for and during the term of two years and no longer.

CHAPTER XI.

An Act for Levying a Tax in the District of Salisbury for Finishing the Court-House, and Repairing the Gaol for the Said District.

Whereas, the taxes heretofore levied for the above purpose on collection has proved deficient, and there remains a great deal yet to be done with respect to finishing the said buildings:
I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a tax of one shilling on every poll, a tax of one shilling on every hundred pounds of assessable property, and a tax of four pence on every hundred acres of land in the county of Rowan, and a tax of half the said sum on the same subject of taxation shall be levied and paid in the counties of Anson, Mecklenburg, Iredell, Surry, Guilford, Rockingham and Montgomery, for the purpose of finishing the said building and repairing the said gaol, to be collected for the year one thousand seven hundred and ninety; and that these taxes shall be collected by the same person in each county as other taxes are, and the collectors are hereby declared subject to the same rules, regulations, restrictions and penalties that collectors of public monies are.

II. And be it further enacted by the authority aforesaid, That the former Commissioners or a majority of them, are hereby authorized to receive the said monies so collected, and the said commissioners are by this law empowered to sue for and recover the said taxes from the said collectors in the same manner as the treasurer of the State has heretofore been authorized.
CHAPTER XII.

An Act for Altering the Name of James Rousom to That of James Long.

Whereas, it is the earnest request of James Long, of Tyrrell county, that his natural son, heretofore called James Ransom, should hereafter be called and known by the name of James Long:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the name of James Rousom shall be altered to the name of James Long, and that he shall thenceforth be called and known by the said name; and that by the said name of James Long, he shall and may sue and be sued, plead and be impleaded, in any court of law or equity, and obtain and possess lands and all other species of property by will, devise, donation, grant, purchase or otherwise; and he may by his name aforesaid sell and dispose of lands or other property; and finally in all things the said James Long shall be capable in law or equity of negotiating and transacting all manner of business in as full and ample manner as if he had been called and known by no other name from the time of his nativity, any law, usage or custom to the contrary notwithstanding.

CHAPTER XIII.

An Act to Annex the County of Anson to Fayetteville District, and to Regulate the Appointment of Jurors to Fayetteville Court.

Whereas, it is represented to this General Assembly, that it will tend greatly to the convenience of the good people of Anson county to be annexed to the district of Fayetteville: Therefore,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the county of Anson shall be annexed to and form a part of the district of Fayetteville, in the same manner as if the said county of Anson had originally been part of said district.

And whereas, the annexing the county of Anson to the district of Fayetteville, will make it necessary that an alteration of the number of jurors to be furnished by the different counties within said district, should be made:

II. Be it therefore further enacted, That the jurors for the superior court of Fayetteville shall be furnished by the counties within the district in the proportion and number, to-wit: Cumberland eleven, Richmond five, Anson five, Sampson five, Robinson five, Moore five.

CHAPTER XIV.

An Act for Dividing the County of Surry Into Two Distinct Counties, and for Other Purposes.

Whereas, the large extent and inconvenient situation of the county of Surry, render the attendance of the inhabitants of the extreme parts, at courts, elections and general musters, difficult and expensive; For remedy whereof, and to gratify the wishes of the good people of the said county:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the county of Surry shall be divided into two
distinct counties, by a line beginning on the line dividing this State from the State of Virginia, at a point equidistant from the nearest parts of the counties of Rockingham and Wilkes, and running from thence until it intersects the Rowan county line, so as to leave an equal number of acres in each county.

II. And be it further enacted, That all that part of the said county lying west of said line, shall be erected into a distinct county by the name of Surry county; and all that part lying east of said line, shall be erected into another distinct county by the name of Stokes county.

III. And be it further enacted, That David Humphries, Constant Ladd and Joseph Cloud, are hereby appointed commissioners, and are empowered and required to run the said dividing line agreeable to the directions of this Act, which said dividing line when run by the said commissioners or a majority of them, shall be by them fairly described in writing, and returned to the courts of each of the said counties, and shall there be duly entered of record, and hereafter be deemed and taken as the dividing line between said counties, and the expence of running the said line shall be defrayed by a tax to be drawn in equal parts from both of said counties.

IV. And for the due administration of justice, Be it enacted, That the justices of the peace shall be nominated and commissioned, and the courts held in the respective counties of Surry and Stokes, in the same manner, and with the same powers and jurisdictions as justices of the peace and county courts in the other counties in this State; and the courts of and for the county of Surry, shall be constantly held on the second Mondays in February, May, August and November, in each and every year; and the courts for the county of Stokes shall be constantly held on the third Mondays in February, May, August and November, in each and every year: And the first court for the county of Surry shall be held at the house of Richard Horn, on the second Monday in February next; and the first court for the county of Stokes shall be held at the house of Gray Bynum, on the third Monday in February next; and the justices for each of the said counties of Surry and Stokes, are hereby authorised to adjourn to such places in their respective counties as they shall think most convenient to hold all subsequent courts, until court-houses shall be built in each respective county.

V. And be it further enacted, That the court-houses, prisons and stocks in the said counties, shall respectively be as nearly central as possible, regard being had to springs and situation.

VI. And be it further enacted, That William Terrel, Lewis Edward Lovell, Micaiah Ogleby, Henry Spier and Charles Smith, be appointed commissioners for the county of Surry; and Charles M'Annelly, Gray Bynum, Seth Coffin, Christian Lash, James Gaines, Jacob Bloom and Samuel Wagoner, be appointed commissioners for the county of Stokes; which said commissioners shall in their respective counties fix on the places, and contract with proper workmen for erecting the said county buildings.

VII. And be it further enacted, That the present clerk of the county court of Surry, shall be clerk of the court of that county in which his present dwelling-house shall happen to be; and that all causes, pleas, suits and actions, and every species of controversy whatever, in the county court of Surry now depending and undetermined, shall be transferred to the dockets of that county in which the said clerk shall happen to reside, in the same order and arrangement in which the same now stands on the dockets and records of the county court of Surry; and that all the public records of the county of Surry, shall be lodged and deposited in the same county.
And whereas, it may happen that writs and other process have heretofore issued from the county court of Surry, and that the same may not be executed before the division of said county:

VIII. Be it therefore further enacted, That it shall and may be lawful for the present clerk of Surry county, to continue to issue alias and pluries writs, and judicial attachments on the same, returnable to the court of the county of which he is clerk, in the same manner as if the said county had remained undivided: And the sheriff of the county of Surry, and the sheriff of the county of Stokes, are hereby authorised to execute and return the same agreeable to the command of said process.

IX. And be it further enacted, That the sheriff and collectors of the county of Surry, shall have full power and authority to collect agreeable to law, all such taxes and arrears of taxes, and other dues, as may be due and owing from the inhabitants of said county at the time of dividing the same, in the same manner as if the said county had remained entire and undivided.

X. And be it further enacted, That the justices of the county courts of Surry and Stokes, shall each appoint four freeholders to serve as jurors at the superior courts for the district of Salisbury; and the said counties shall compose part of said district.

XI. And be it further enacted, That a tax of two shillings on every poll a tax of eight pence on every hundred acres of land, and a tax of two shillings on every hundred pounds value of town property, shall be paid in the said counties of Surry and Stokes, for two years, to defray the expence of the public buildings in the same, and running the dividing line between them; which taxes shall be collected and accounted for in the same manner and under the same regulations and restrictions as other county taxes are collected and accounted for.

XII. And be it further enacted, That the monies arising from the said taxes shall be paid in the respective counties to the commissioners thereof, who before receiving any part of the same, shall give bond with approved security to the justices of their said counties, in the sum of one thousand pounds, conditioned for the faithful application of the same agreeable to the directions of this Act.

XIII. And be it further enacted, That the commissioners for the said counties shall, whenever called on for that purpose by the said county courts, render true and faithful accounts of all the monies they shall have received, with the manner in which they shall have applied the same; and if after compleating the county buildings there should remain a surplus in the hands of the commissioners, the county courts of Surry and Stokes shall appropriate the same towards defraying the contingencies of their respective counties.

XIV. And be it further enacted, That the officers of the militia in the county of Surry, shall continue to command in the counties in which they shall happen to reside, until the end of the next General Assembly.

CHAPTER XV.

An Act Directing the Sale of the County Buildings in Surry, and to Alter the Times of Holding Several County Courts in This State.

Whereas, the county buildings in Surry are become useless since the division of said county:

I. Be it therefore enacted by the General Assembly of the State of North
Carolina, and it is hereby enacted by the authority of the same, That George Houzer and John Halbert shall be commissioners, who shall have full power and authority to sell and dispose of the court-house, prison and stocks which belonged to the county of Surry before it was divided; and the said commissioners are hereby authorised to sell the same on twelve months credit, the purchaser giving bond and approved security.

II. And be it further enacted, That the monies arising from the said sale, shall be paid in equal sums to the commissioners for erecting the county buildings in the counties of Surry and Stokes.

And whereas, the times of holding several of the county courts of pleas and quarter sessions in this State, are found to be inconvenient and to interfere with the adjacent courts: Therefore,

III. Be it enacted, That from and after the passing of this Act, the county courts of pleas and quarter sessions in the following counties shall constantly be held on the following days, that is to say, for the county of Sumner, on the first Mondays in April, July, October and January in each year; for the county of Davidson, on the second Mondays in the same months; for the county of Tennessee, on the third Mondays in the same months; to which times respectively, all matters and things depending in the said courts shall stand continued from the second court that shall happen in the said several counties after the passing of this Act.

And whereas, the court of pleas and quarter sessions for the county of Stokes, is appointed to be on the same day with that of Guilford, which will be injurious to suitors and others: For remedy whereof,

IV. Be it enacted, That the county court of pleas and quarter sessions for the county of Stokes, shall constantly be held on the first Mondays in March, June, September and December, and the first court in said county shall be held on the first Monday in March next.

V. And be it further enacted, That so much of an Act of this present General Assembly, entitled "An Act for dividing the county of Surry," which relates to the times of holding courts in the county of Stokes, is hereby repealed.

CHAPTER XVI.

An Act the Better to Regulate the Inspection of Tobacco in this State.

Whereas, the laws now in force to regulate the inspection of tobacco are found not to answer the intended purpose:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act the Inspectors of tobacco at the several warehouses of this State, shall and they are hereby required to examine, by breaking in at one or more places, all tobacco which shall be brought to their respective warehouses for inspection, and shall class and mark them as follows, to-wit: All tobacco that shall be thick, well cured and in good condition, shall be deemed of the first class, and branded with the letter A at least four inches long, on each head and on the side of the hoghead: All tobacco which shall not answer the description of the first class, but shall be found well cured and in good condition, shall be deemed of the second class, and branded with the letter B, in the same manner as is directed with letter A: And all tobacco which shall be found sound and in good condition, but of an inferior quality to A and B, shall be deemed of the third class, and branded as above described with the letter C. And
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where any hogshead of tobacco shall be offered for inspection, a considerable part of which shall be of one class and the remainder of another, it shall be the duty of the inspectors to place such hogsheads in the class to which the inferior tobacco of said hogshead entitles it to belong, unless the person offering such tobacco will agree to have the same picked and sorted agreeable to the inspection law now in use in this State.

II. And be it further enacted by the authority aforesaid, That the several inspectors of tobacco shall and they are hereby required when they shall have inspected and branded any hogshead of tobacco agreeable to the directions of this Act, to give the person claiming such hogshead a note for the same, certifying the quality, mark, number and weight thereof.

III. And be it further enacted by the authority aforesaid, That when any tobacco shall be delivered out of the warehouse, the inspectors shall and they are hereby required, to give a separate manifest of each hogshead of tobacco by them so delivered, in which shall be inserted the mark, number, weight and quality of said tobacco.

IV. And be it further enacted by the authority aforesaid, That when any captain or master of a vessel shall clear out at the naval office, he shall lodge with the naval officer, a general manifest of his cargo, and shall also deliver to him the inspector's manifest of each and every hogshead of tobacco he may have on board his vessel.

V. And be it further enacted by the authority aforesaid, That the naval officer shall and he is hereby required to certify, in the body of the clearance of each vessel he may clear out with tobacco on board the mark and quality of each hogshead of tobacco so cleared out; and if he shall fail or neglect so to do, he shall forfeit and pay the sum of fifty pounds, to the use of any person suing for the same.

VI. And be it further enacted by the authority aforesaid, That if any person shall appear before the collector or naval officer and make oath that there is on board any vessel bound to sea any tobacco which has not been inspected and marked as is by this Act required, it shall and may be lawful for the collector or naval officer to summon and take with him two or more freeholders, and search the vessel so informed of, and if any such tobacco shall be found on board, they may and are hereby required to seize and take possession of the same, and cause such proceedings to be had thereon as is directed by law on other goods when seized; and if it shall appear that the tobacco so seized has not been inspected and branded as aforesaid, the same shall be condemned and sold to the use of the informer, first deducting the necessary expenses for search and condemnation, to be taxed by the court before whom the matter is cognizable.

VII. And be it further enacted by the authority aforesaid, That if any person shall alter or cause to be altered the brand of any hogshead of tobacco inspected and marked so as aforesaid, as to make it appear to be of any other class than the one of which the inspectors have marked it, or shall brand or cause to be branded any hogshead which the inspectors had not examined and branded, so as to induce a belief that such hogshead had been lawfully inspected, such person shall forfeit and pay the sum of fifty pounds, to be recovered before any county court by any person suing for the same to his own proper use. Provided nevertheless, That this Act shall not be in force or have effect until the first day of May next.
CHAPTER XVII.

An Act to Amend an Act, Entitled "An Act to Prevent the Exportation of Unmerchantable Commodities."

I. 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 an inspection be and hereby is established on Neuse river, at Harris landing or ferry, heretofore Bryan's, under the same rules, regulations and restrictions as directed by the above recited Act; and the county court of Craven are hereby directed and empowered to appoint an inspector for the said landing, at the same time and in the same manner as other inspectors for the said county are appointed, who shall have the same advantages, and be subject to the same pains and penalties as other inspectors; and commodities by him inspected and passed shall be merchantable and proper for shipping in like manner with those inspected by other inspectors above the town of New Bern.

CHAPTER XVIII.

An Act for the Promotion of Learning in the County of Currituck, and to Amend the Wilmington Academy Law.

Whereas, the good education of youth has the most direct tendency to promote the virtue, encrease the wealth and extend the fame of any people; and as it is the indispensabel duty of every Legislature to consult the happiness of a rising generation, and endeavour to fit them for an honourable discharge of the social duties of life: And whereas, it is represented to this General Assembly that the citizens of Currituck and the adjacent counties, are desirous of making an early and liberal provision for the instruction of youth by laying the foundation of a public seminary in that county:

I. 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 Isaac Gregory, Dempcy Connor, John Swann, Peter Dauge, Dempcy Burges, Enoch Sawyer, John Humphreys, William Ferebee, Willoughby Dauge, Asahel Simmons, Joseph Ferebee, Timothy Etheridge, and Thomas Pool Williams, Esquires, shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the title of the trustees of Currituck seminary of learning; and by the name of the trustees of Currituck seminary of learning shall have perpetual succession and a common seal; and the said trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all montes by subscription or otherwise, goods and chattels that shall be given them for the use of the said seminary of learning, and the same apply according to the will of the donor; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain to them and their successors forever, any lands, rents, tenements or hereditaments of what kind, nature or quality soever the same may be, in special trust and confidence that the same or the profits thereof shall be applied to and for the uses and purposes of establishing and endowing the said seminary of learning in the county of Currituck, building or purchasing suitable and convenient houses, purchasing a library and philosophical apparatus, and supporting and paying the salaries of the Provost and such number of professors and tutors as to them shall seem necessary.

II. And be it further enacted by the authority aforesaid, That the said
trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to bargain, sell, grant, demise, alien or dispose of and convey any such lands, rents, tenements or hereditaments as aforesaid, when the will of the grantee doth not forbid the same; and further, that the said trustees and their successors forever, or a majority of them, shall be able and capable in law by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered in all courts of record whatsoever, by the style of the President and Trustees of the seminary of learning of Currituck.

III. And it further enacted by the authority aforesaid, That the said trustees or a majority of them, shall and they are hereby authorised to choose a President, Treasurer and Secretary out of their own body; they may also choose a Rector, Professors and Tutors for the seminary of learning, and the same may remove at pleasure; and they shall have authority to make bye-laws for the government and regulation of the seminary of learning, and the same to alter and amend. Provided nevertheless, That such laws shall not be repugnant to the laws of this State, their morals, studies and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave the said seminary, certifying their literary merit and progress of useful knowledge; and further, that on death, resignation, refusal to act or misconduct of either Professors or Tutors, the Secretary, Treasurer or Steward, others shall be elected in their room and stead, a majority of the trustees agreeing thereto.

IV. And it further enacted by the authority aforesaid, That the Treasurer of the said board of Trustees, shall enter into bond with sufficient security to the Trustees aforesaid, in the sum of two thousand pounds, conditioned for the faithful discharge of the trust in him reposed; and that all monies and chattels belonging to the said corporation that shall be in his hand at the expiration of his office, shall then be immediately paid and delivered into the hands of the succeeding Treasurer; and every Treasurer shall receive all monies and donations of whatsoever kind that may belong or accrue to the said seminary of learning during his office, and at the expiration thereof shall account with the trustees for the same, and the same pay and deliver over to the succeeding Treasurer; and on his neglect or refusal to pay and deliver as aforesaid, the same method of recovering may be had against him as is or may be provided for the recovery of monies from Sheriffs, or other persons chargeable with public monies.

V. And it further enacted, That if any Trustee shall neglect attending at the stated meeting of the Board for the space of two years, or if any of them shall die, or otherwise resign his office, the remaining Trustees, or a majority of them, shall at their next meeting choose another Trustee in the room of the person thus neglecting his duty or resigning his office.

VI. And it further enacted by the authority aforesaid, That no lands, tenements or hereditaments, which may be vested in the Trustees of the seminary of learning of Currituck, for the sale use and behalf of the seminary, shall be subject to any tax for the space of ninety-nine years. Provided, That nothing contained in this Act, shall be understood as establishing this as one of those seminaries of learning mentioned by the constitution of this State.

Whereas, in the third section of an Act passed last session, entitled, "An Act for the promotion of learning in the district of Wilmington," it was intended that the number of Trustees might be augmented so as not to exceed thirty nor to be under twenty, but by an omission in the engrosser of the
bills or otherwise, although a certain number is intended to be referred to, that number does not appear in the Act: For remedy whereof.

VII. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said Trustees at any future meeting may, and they are hereby empowered, if they shall judge the same necessary, to elect by ballot a sufficient number of persons to be Trustees so as to make the whole number thirty; and such Trustees so chosen, shall have the same powers and authority as the Trustees named in any of the before mentioned Acts.

And whereas, it is enacted by the said Act passed last Assembly, that the first meeting of the Trustees should be on the first day of January after passing the said Act, and the said Act having passed into a law on the sixth day of December, immediately preceding the first day of January, and the same not having been published, nor any authentic copy thereof received by the said Trustees until long after the said first day of January, the first meeting of the said Trustees did not happen until some months afterwards, to prevent the legality of the Acts of the said Trustees at their first meeting being called in question:

VIII. Be it therefore enacted by the authority aforesaid, That the said first meeting of the Trustees of the said academy, held after the said first day of January last past, shall be held, deemed and taken to be good and effectual in law in the same manner as if the same had been held on the said first day of January last; and that all the acts and doings of the said Trustees shall have the same force and effect, as well within court as without, to all intents, constructions and purposes, as if the said meeting had been held on the day mentioned in the said Act; any thing in the said Act, or in any law or usage to the contrary thereof in any wise notwithstanding.

CHAPTER XIX.

An Act to Ratify the Amendments to the Constitution of the United States.

Whereas, the Senate and House of Representatives of the United States of America in Congress assembled on the fourth day of March, did resolve, two thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States as amendments to the Constitution of the United States, all or any of which articles when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes as part of the said Constitution:

Article I. After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred; after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred representatives nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives nor more than one Representative for every fifty thousand persons.

Art. II. No law varying the compensation for the service of Senators and Representatives, shall take effect until an election of Representatives shall have intervened.

Art. III. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom
of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Art. IV. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Art. V. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

Art. VI. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Art. VII. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

Art. VIII. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district where the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

Art. IX. In suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of common law.

Art. X. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Art. XI. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Art. XII. The powers not delegated to the United States by the Constitution nor prohibited by it to the states, are reserved to the states respectively or to the people.

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said amendments agreeable to the fifth article of the original Constitution, be held and ratified on the part of this State, as articles in addition to and amendments of the Constitution of the United States of America.

CHAPTER XX.

An Act to Establish a University in this State.

 Whereas, in all well regulated governments it is the indispensable duty of every Legislature to consult the happiness of a rising generation, and endeavour to fit them for an honourable discharge of the social duties of life, by paying the strictest attention to their education: And whereas,
an university supported by permanent funds and well endowed, would have
the most direct tendency to answer the above purpose:

I. Be it therefore enacted by the General Assembly of the State of
North Carolina, and it is hereby enacted by the authority of the same, That
Samuel Johnston, James Iredell, Charles Johnson, Hugh Williamson, Ste-
phen Cabarrus, Richard Dobbs Spaight, William Blount, Benjamin Williams,
John Stith, Frederick Harget, Robert W. Snead, Archibald Maclaine,
Honourable Samuel Ashe, Robert Dixon, Benjamin Smith, Honourable Sam-
uel Spencer, John Hay, James Hogg, Henry William Harrington, William
Barry Grove, Reverend Samuel M'Corkle, Adlai Osborne, John Stokes, John
Hamilton, Joseph Graham, Honourable John Williams, Thomas Person, Al-
fred Moore, Alexander Mebane, Joel Lane, Willie Jones, Benjamin Hawkins,
John Haywood, Senior, John Macon, William Richardson Davie, Joseph
Dixon, William Lenoir, Joseph M'Dowall, James Holland, and William Pur-
ter, Esquires, shall be and they are hereby declared to be a body politic and
corporate, to be known and distinguished by the name of The Trustees of
the University of North Carolina; and by that name shall have perpetual
succession and a common seal; and that they the Trustees and their suc-
cessors by the name aforesaid, or a majority of them, shall be able and
capable in law to take, demand, receive and possess all monies, goods and
chattels that shall be given them for the use of the said university, and the
same apply according to the will of the donors, and by gift, purchase or
devisage to take, have, receive, possess, enjoy and retain to them and their
successors forever, any lands, rents, tenements and hereditaments, of what
kind, nature or quality soever the same may be, in special trust and con-
fidence that the same or the profits thereof shall be applied to and for the
use and purposes of establishing and endowing the said university.

II. And be it enacted by the authority aforesaid, That the said Trustees
and their successors, or a majority of them, by the name aforesaid, shall
be able and capable in law to bargain, sell, grant, demense, alien or dispose
of, and convey and assure to the purchasers, any such lands, rents, tenen-
tments and hereditaments aforesaid, when the condition of the grant to them,
or the will of the devisor, does not forbid it. And further that they the
said Trustees and their successors forever, or a majority of them, shall be
able and capable in law by the name aforesaid, to sue and impeached, be sued
and impeached, answer and be answered, in all courts of record whatev-
er; and they shall have power to open and receive subscriptions; and
in general they shall and may do all such things as are usually done by
bodies corporate and politic, or such as may be necessary for the promotion
of learning and virtue.

III. And be it further enacted by the authority aforesaid, That the said
Trustees, in order to carry the present act into effect, shall meet at Fayette-
ville on the third Monday in the session of the next General Assembly, at
which time they shall choose a President and Secretary; and shall then fix
the time of their next annual meeting; and at every annual meeting of the
Trustees, the members present, with the President and Treasurer, shall
be a quorum to do any business, or a majority of the members, without either
of those officers, shall be a quorum; but at their first meeting as above
directed there shall be at least fifteen of the above Trustees present in
order to proceed to business; and the Trustees at their annual meeting may
appoint special meetings within the year; or in case unforeseen accidents
shall render a meeting necessary, the Secretary, by order of the President
and any two of the Trustees signified to him in writing, shall by particular
notice to each Trustee, as well as by an advertisement in the State Gazette,
convene the Trustees at the time proposed by the President; and the members thus convened shall be a quorum to do any business except the appointment of a President or professors in the University, or the disposal or appropriation of monies; but in case of the death or resignation of the President or any professor, the Trustees thus convened may supply the place until the next annual meeting of the Board of Trustees and no longer; and the meeting at which the seat of the said University shall be fixed, shall be advertised in the Gazette of this state at least six months, and notice in manner aforesaid to each of the Trustees of the object of the said meeting.

IV. And be it further enacted by the authority aforesaid, That the Trustees shall elect and commission some person to be Treasurer for the said university during the term of two years; which Treasurer shall enter into bond with sufficient securities to the Governor for the time being, in the sum of five thousand pounds, conditioned for the faithful discharge of his office and the trust reposed in him; and that all monies and chattels belonging to the said corporation that shall be in his hands at the expiration of his office shall then be immediately paid and delivered into the hands of the succeeding Treasurer: And every Treasurer shall receive all monies, donations, gifts, bequests and charities whatsoever that may belong or accrue to the said university during his office, and at the expiration thereof shall account with the Trustees for the same, and the same pay and deliver over to the succeeding Treasurer; and on his neglect or refusal to pay and deliver as aforesaid, the same method of recovery may be had against him, as is or may be provided for the recovery of monies from Sheriffs or other persons chargeable with public monies: And the Treasurer of the University shall cause annually to be published in the State Gazette, for the satisfaction of the subscribers and benefactors, a list of all monies and other things by him received for the said University, either by subscription, legacy, donation or otherwise, under the penalty of one hundred pounds, to be recovered at the suit of the Attorney General, in the name of the Governor for the time being, in any court of record having cognizance thereof; and the monies arising from such penalties shall be appropriated to the use of the said University.

V. Be it further enacted by the authority aforesaid, That all monies received by the Treasurer of the said University, shall be annually paid by him to the Treasurer of the state, who is hereby authorized and ordered to give a receipt to the said Treasurer of the University in behalf of the said Trustees, for all such sums by him received; and the said Treasurer shall pay annually unto the Treasurer of the said University, six per cent. interest on all such sums received by him in the manner aforesaid; which amount of interest paid by the State Treasurer as aforesaid, shall be allowed to him in the settlement of his accounts: And the said Trustees shall on no event or pretence whatsoever, appropriate or make use of the principal of the monies by them received on subscription, but such principal shall be and remain as a permanent fund for the use and support of the said University forever.

VI. And be it further enacted by the authority aforesaid, That on the death, refusal to act, resignation or removal out of the state, of any of the Trustees for the time being, it shall be lawful for the remaining Trustees, or any fifteen of them, and they are hereby authorized and required to elect and appoint one or more Trustees in the place of such Trustee or Trustees dead, refusing to act, resigned or removed; which Trustee or Trustees so appointed shall be vested with the same powers, trust and authorities as
the Trustees are by virtue of this act. Provided nevertheless, That the
Trustee or Trustees so appointed, shall reside in the superior court district
where the person or persons reside in whose room he or they shall be so
elected.

VII. And be it further enacted by the authority aforesaid, That when the
Trustees shall deem the funds of the said University adequate to the pur-
chase of a necessary quantity of land and erecting the proper buildings,
they shall direct a meeting of the said Trustees for the purpose of fixing on
and purchasing a healthy and convenient situation, which shall not be sit-
uate within five miles of the permanent seat of government, or any of the
places of holding the courts of law or equity; which meeting shall be adver-
tised at least six months in some gazette in this state, and at such superior
courts as may happen within that time.

VIII. Be it further enacted by the authority aforesaid, That the Trustees
shall have the power of appointing a President of the University, and such
professors and tutors as to them shall appear necessary and proper, whom
they may remove for misbehaviour, inability or neglect of duty; and they
shall have the power to make all such laws and regulations for the govern-
ment of the University and preservation of order and good morals therein,
as are usually made in such seminaries, and as to them may appear neces-
sary; provided the same are not contrary to the unalienable liberty of a
citizen, or to the laws of the state. And the faculty of the University, that
is to say, the President and professors, by and with the consent of the
Trustees, shall have the power of conferring all such degrees or marks of
literary distinction, as are usually conferred in colleges or universities.

IX. And be it further enacted by the authority aforesaid, That every
person who within the term of five years shall subscribe ten pounds towards
this University, to be paid within five years, at five equal annual payments,
shall be entitled to have one student educated at the University free from
any expense of tuition.

X. And be it further enacted, That the public hall of the library and four
of the colleges shall be called severally by the names of one or another of
the six persons who shall within four years contribute the largest sums
towards the funds of this University, the highest subscriber or donor having
choice in the order of their respective donations. And a book shall be kept
in the library of the University, in which shall be fairly entered the names
and places of residence of every benefactor to this seminary, in order that
posterity may be informed to whom they are indebted for the measure of
learning and good morals that may prevail in the state.

CHAPTER XXI.

An Act for Raising a Fund for Erecting the Buildings and for the Support
of the University of North Carolina.

Whereas, the General Assembly by their Act, entitled "An Act to establish
a University in this state," passed on the eleventh day of December Instant,
have declared that a University shall be established and erected in this
state, which shall be called and known by the name of The University of
North Carolina: And whereas, adequate funds will be found to be the
means which will most effectually ensure to the state the advantages to be
hoped and expected from such an institution:

I. Be it therefore enacted by the General Assembly of the State of North
Carolina, and it is hereby enacted by the authority of the same, That
a gift of all monies due and owing to the public of North Carolina, either for arrearages under the former or present government, up to the first day of January, one thousand seven hundred and eighty-three, inclusive, (monies or certificates due for confiscated property purchased excepted) shall be and is hereby declared to be fully and absolutely made, for the purpose of erecting the necessary buildings, employing professors and tutors, and carrying into complete effect the act before recited: And the Treasurer is hereby directed and required to commence suit, and to prosecute all persons owing as above mentioned, and the monies recovered in consequence thereof to pay into the hands of the Trustees named in said act, or their successors, to be applied to the purposes aforesaid. Provided, That nothing herein contained shall be construed to prevent the Treasurer or Comptroller from settling with and collecting from the executors of Robert Lanier, deceased, late Treasurer of Salisbury district, such sums in cash or certificates as may on a final settlement of his accounts be found to be due to the public; nor shall it extend to prevent their collecting from the Sheriffs of that district, their arrearages of taxes which became due under the present government, and which ought to have been paid into the office of the said Lanier as Treasurer aforesaid; provided they make such collection within the space of two years, after which time the arrearages of that district also shall be considered as being included in this gift.

II. And be it enacted, That all the property that has heretofore or shall hereafter escheat to the state, shall be and hereby is vested in the said Trustees, for the use and benefit of the said University.

III. And be it further enacted by the authority aforesaid, That the lands and other property belonging to the University aforesaid, shall be, and the same is hereby exempt from all kind of public taxation.

CHAPTER XXII.

An Act to Alter the Time of Electing the Members of the General Assembly in this State.

Whereas, it has been made appear to this General Assembly, that in large counties it is sometimes impossible for the Sheriff and Inspectors to get the tickets counted out until Sunday morning, which often occasions the breach of the Sabbath day: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the annual election for the purpose of electing members of the General Assembly, shall be held in each and every year on the second Thursday and Friday of August; provided, That where there are two or more elections in any county, such elections shall be held in the same week that the other elections are, and one day earlier in the week than what they have heretofore been by law: The Sheriff and returning officers in each county in this state shall conduct themselves accordingly; any law, usage or custom to the contrary notwithstanding.
CHAPTER XXIII.

An Act to amend an Act, entitled "An Act concerning Proving of Wills and Granting Letters of Administration, and to Prevent Frauds in the Management of Intestates Estates."

Whereas, by the Act entitled "An Act concerning proving of wills and granting letters of administration, and to prevent frauds in the management of intestates estates," the method of proceeding hath not been defined with sufficient precision, whereby great irregularities have crept into practice, and complaints have been made of precipitate and injurious decisions: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all wills shall be proved and administrations granted in the court of the county where the testator or intestate had his usual residence at the time of his death, or in case he or she had fixed places of residence in more than one county, in either or any of the said counties; and in case of a written will, with the witnesses thereto, the same shall be proved by at least one of the subscribing witnesses if living, but if contested, shall be proved by all the living witnesses, if to be found, and by such other persons as may be produced to support such will; and where the validity of any last will or testament, whether written or nuncupative, shall be contested, the same shall be invariably tried by a jury, on an issue made up under the direction of the court for that purpose; any usage or law to the contrary notwithstanding.

And whereas, creditors have been greatly delayed in recovering their just debts, and executors and administrators put to great difficulty in the settlement of estates:

II. Be it enacted by the authority aforesaid, That from and after the passing of this act, no executor or administrator shall hereafter take, hold, or retain in his hands, more of the deceased's estate than amounts to his necessary charges and disbursements, and such debts as he shall legally pay within two years after administration granted; but that all such estates so remaining, shall immediately after the expiration of two years, be divided, delivered and paid over to such person or persons to whom the same may be due by law or the will of the deceased, such person or persons, or some other for them, giving bond with two or more able sureties, that if any debt or debts truly owing by the deceased shall be afterwards sued for and recovered, or otherwise duly made appear, that then and in every such case he or they shall respectively refund and pay each his or her rateable part of that debt or debts, out of the part or share so as aforesaid allotted to him or her; and such bond so taken shall be made payable to the chairman of the county court for the time being, and his successors; which said bond shall be and enure to the sole use and advantage of the creditors, and such creditor or creditors shall and may have a scire facias in manner herein after directed, against the obligors in the said bond, as if the said bond had been drawn and delivered to such creditor or creditors.

III. And be it further enacted by the authority aforesaid, That the bonds so taken by executors or administrators from legatees, or persons entitled to a distributive share of the estate on an intestate, shall by such executor or administrator be brought into court at the next succeeding court after such bonds are so taken, and a record shall be made thereof, and the bonds then lodged in the office of the said court with the records of the court: And in all suits where the executors or administrators of any deceased person shall plead fully administered, no assets or not sufficient assets to
satisfy the plaintiff's demand, and such plea shall be found in favour of the defendant, the plaintiff may proceed to ascertain his demand and sign judgment, and on motion a writ or writs of scire facias shall and may issue, summoning such persons who have entered into bond as aforesaid to shew cause why execution should not issue against them for the amount of such judgment; and if there shall be judgment against the defendant or defendants to the scire facias, or any of them, execution shall and may issue thereon against the proper goods and chattels, lands and tenements of such defendant or defendants.

IV. And be it further enacted by the authority aforesaid, That the creditors of any person or persons deceased, if he or they reside within this state shall within two years, and if they reside without the limits of this state shall within three years, from the qualification of the executors or administrators, exhibit and make demand of their respective accounts, debts and claims of every kind whatever to such executors or administrators; and if any creditor or creditors shall hereafter fail to demand and bring suit for the recovery of his, her or their debt as above specified, within the aforesaid time limited, he, she or they shall forever be debarred from the recovery of his, her or their debt in any court of law or equity, or before any Justice of the Peace, within this state. Provided, That nothing in this act shall extend to debar infants, persons non compos or fames covert, to bring their several actions after the expiration of the term above mentioned, provided such actions be brought within one year after the coming to lawful age, sound mind or discoverute of such persons. Provided also, That if any creditor who after making demand of his debt or claim, shall delay to bring suit at the special request of the executors or administrators, that then and in that case the said debt or demand shall not be barred during the time of the indulgence.

And in order that all creditors may be duly apprised of the death of any person indebted to them:

V. Be it enacted, That every executor or administrator shall within two months after being qualified as executor or administrator, advertise at the court-house of the county where the deceased usually dwelt at the time of his death, and other public places in said county, and at the district court-house at the next district superior court of law and equity held for the district in which such county may be, for all persons to bring their accounts and demands of every kind and denomination to the said executor or administrator agreeable to the directions of this act.

VI. And be it further enacted, That all laws and parts of laws that come within the purview and meaning of this act are hereby declared void and of no effect.

CHAPTER XXIV.

An Act to Amend and Enlarge an Act Passed at Tarborough, in the Year One Thousand Seven Hundred and Eighty-seven, Entitled "An Act Authorizing and Empowering the County Courts of Pleas and Quarter Sessions to Divide and Appropriate the Real Estate of Intestates."

Whereas, the before mentioned act has provided an easy, equitable and speedy mode for dividing the real estates of Intestates; and whereas, it would tend greatly to the ease and convenience of all tenants in common to be included within the provisions of said act: Therefore,

I. 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 it shall and
may be lawful, where real estates now are or hereafter may be held by two
or more persons as tenants in common, they shall and may have the same
liberty and privileges of having their said estates divided, as is provided
by the said act for dividing the estates of intestates; and the divisions when
made shall be good and effectual in law to bind the parties, their heirs and
assigns.

CHAPTER XXV.

An Act to Establish the Title of Certain Lands therein Mentioned.

Whereas, It hath been made appear to this Assembly, that Mary M’Phaul,
widow of Niel M’Phaul, late of Bladen county, petitioned the Justices of
Bladen county court, at the sessions held in said county in May one thou-
sand seven hundred eighty-five, for a subsistence for herself and children
out of the estate of her late husband the said Niel, pursuant to an act of
the General Assembly, the prayer of which petition was granted, but by in-
attention of the Clerk of said court the order was not fully inserted in the
records, wherefore the Commissioner of confiscated property paid no at-
tention to the said order, but proceeded to sell and did make sale of two tracts
of land, the only estate remaining of the said Niel, which sale was contrary
to the intention of the Legislature and the order aforesaid: Wherefore,

I. Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, That the sale made
by the Commissioner of confiscated property for Wilmington district, of a
certain tract of land, situate on the Mill prong of the Raft Swamp in Bladen
county, now in Robinson county, containing one hundred acres; and also
the sale of one other tract of land, situate on a branch of the said Raft
Swamp, containing fifty acres, late the estate of Niel M’Phaul, of Bladen
county, deceased, is and are hereby declared null and void and of no effect,
any law to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, and it is hereby
enacted, That the said two tracts of land is and shall continue the estate
of the heirs, being the sons of the said Niel M’Phaul, as fully and effectually
as if such sales had not been made by the Commissioner aforesaid, subject
nevertheless to the dower of Mary M’Phaul, widow of the said Niel, in
the same manner as widows are entitled unto dower under the general law
of this state.

III. And be it further enacted by the authority aforesaid, That all lands
and other property heretofore granted by any county court in this state,
agreeably to an Act of the General Assembly in that case made and pro-
vided, to any widow or orphans of such persons whose estate become confis-
cated, shall be vested in the grantees in fee simple, as fully and absolutely
as if the same had never been subject to confiscation in manner and form
agreeable to the act of descents.

CHAPTER XXVI.

An Act to Enable Thomas Callender, Acting Executor of the Last Will of
Parker Quince, late of New Hanover County, Deceased, and the Other
Person Therein Named, to Make Sale of Certain Lands and Ten-
ments, Part of the Residuary Estate of the said Parker Quince.

Whereas, Thomas Callender, acting executor of the last will and testament
of Parker Quince, late of New Hanover county, Esq., deceased, Susanna Quince, Richard Quince, Junior, and William Seranzo Quince, a minor by the said Susanna Quince his mother and guardian, residuary legatees of the said Parker Quince, have presented their petition to this present General Assembly with the will of the said Parker Quince annexed, setting forth among other things, that the residuary estate of the said Parker Quince consisted principally of negro slaves and unimproved lands, the latter of which is wholly unproductive and even attended with a yearly expence: That the said executor hath already disposed of thirty-three of the said slaves towards the payment of the debts, and that there is yet due from the estate, including interest, the sum of nine thousand pounds or thereabouts, for the payment of which, and a debt of fifteen hundred pounds with above six years interest now in suit, only twenty-seven slaves of the residuary estate are remaining, and several of them old and supranuinated, so that the said executor will not only be obliged to sell and dispose of the remainder of the residuary estate in his hands, but some part of the slaves specially bequeathed by the said will, while the lands must remain many years a burden upon the legatees to their great injury, and contrary to the intention of the testator; and praying that the petitioners may by an act of the General Assembly, be enabled and empowered to sell and convey the real estate of the testator not specifically devised for the payment of debts, so as to save to the legatees the personal and productive estate intended for them by the testator: And whereas, it appears to this General Assembly that the prayer of the said petition is reasonable, and that it will be greatly beneficial to the residuary legatees of the said Parker Quince that such of the real estate as is not specifically devised by his said will should be sold for payment of his debts:

I. Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Thomas Callender, or other the executor or executors of the said Parker Quince, Susanna Quince, Richard Quince, Junior, and William Seranzo Quince, notwithstanding his minority, and the survivor or survivors of him, the acting executor or executors of the said Parker Quince being one or more, and they and every of them are hereby empowered to sell and dispose of all and singular the real estate of the said Parker Quince not specifically devised by his said will, and to make conveyances for the same to the purchasers thereof, thereby conveying to each purchaser and his heirs respectively, by virtue of the power given by this act, all the estates, rights, title, interest, claim and demand whatsoever therein and thereto, of which the said Parker Quince died seized and possessed; and the moneys arising by such sales shall be received by the said Thomas Callender, or other the executor or executors of the said Parker Quince, and by him or them only, and shall be assets in his or their hands for the payment of the debts of the said Parker Quince, and by him or them.

CHAPTER XXVII.
An Act to Incorporate a Society of Persons by the Name of Centre Benevolent Society.

Whereas, It has been represented and made appear to this General Assembly, that a number of persons in Rowan and Mecklenburg, and other counties, have voluntarily associated together under the name of Centre
Benevolent Society, and come under a certain system of laws and regulations for the improvement of useful knowledge, for the encouragement of literature, to alleviate the distresses of the unfortunate, and to supply the wants of the poor and indigent: And whereas, it hath been made appear that the aforesaid persons, members of the society aforesaid, are desirous that their society might be incorporated by the name of Centre Benevolent Society, in order that said society might more fully and completely come up to the objects of their institution: Therefore, ever willing to give all due encouragement to institutions which evidently point to the happiness of society and the general welfare of mankind,

I. Be it enacted by the General Assembly of North Carolina, and by the same authority it is hereby enacted, That there shall be and remain in the before mentioned society, sufficient power and authority to elect at their discretion such persons as they may deem worthy members of the said society, which persons so elected shall have and enjoy the privileges of the same; which society shall be called by the name of The Centre Benevolent Society, and shall have power to manage the property and inheritance of the same agreeable to their own judgment and pleasure; and shall moreover have perpetual succession in law, fact and name, as herein prescribed; and shall by the name of the incorporation have full power and lawful authority to sue and be sued, to implead and be impleaded, to answer and to be answered unto, in any court or courts of law and equity in this state, before any Judge or Judges, Justice or Justices, on all manner of suits and pleas whatever, and of what nature or kind soever such suits, pleas, or actions may be, in as full and effectual a manner as any person or persons, bodies politic or corporate, may or can do.

II. And be it enacted, That the said corporation so erected, and their successors in office, or the majority of them, by the aforesaid name of the corporation, be enabled to appoint the times and places of their meeting, the number necessary to constitute a quorum; and the said quorum, in the name of the said corporation, shall have full power and authority to frame such regulations for conducting their concerns and interests, as they may think necessary and convenient for accomplishing the end of their institution as the use in other corporations, provided the same be consistent with the constitution and laws of the land.

CHAPTER XXVIII.

An Act to Alter the Names of Nancy, John and Keziah Lytle, Children of Sarah Nichols, Formerly Sarah Lytle, of the Town of Hillsborough.

Whereas, John Nichols, of the town of Hillsborough, and Sarah his wife, have by their petition requested that the names of Nancy, John and Keziah Lytle, children of the said Sarah, should be altered, and that they should henceforward be known by the names of Nancy, John and Keziah Nichols:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That henceforward and forever hereafter the said Nancy Lytle, John Lytle, and Keziah Lytle, shall be known and distinguished by the names of Nancy Nichols, John Nichols and Keziah Nichols; and by those names shall have right to inherit and claim any estate either real or personal, which may be devised to them or either of them by the said petitioners John and Sarah, or either of them, in as full and ample manner as if they the said Nancy, John and Keziah Lytle had been born in wedlock, and had from the time
of their births been considered as the legitimate children of the said John Nichols, and Sarah his wife; and shall forever hereafter be placed in the same situation, and shall be considered to all intents and purposes in the same point of view, as though they were legally descended from the said John Nichols, and Sarah his wife, and had been born in wedlock as aforesaid.

CHAPTER XXIX.

An Act Directing the Sale of the Salt Licks and Springs, with the Adjoining Land Within the District of Mero.

Whereas, by an Act of the General Assembly passed at Hillsborough in the year one thousand seven hundred and eighty-two, entitled "An Act for the relief of the officers and soldiers, and for other purposes," all the salt licks or springs, together with six hundred and forty acres of the adjoining lands, being within the reserve of the lands for the military claims of this state, are expressly reserved for the common use and benefit of the inhabitants of that country: And whereas, the selling of the said salt licks and springs would have a direct tendency to promote the manufacturing of salt in that country, to the great advantage and benefit of the inhabitants thereof:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Robert Ewing, Joel Rice, David Wilson, Edward Douglass and Robert Nelson, be and are hereby appointed Commissioners for selling the salt licks or springs, together with the lands thereto belonging within the district of Mero; each of the Commissioners thus appointed shall, before they enter on the duties to them prescribed by this act, take in open court the following oath in the court of the county wherein they may respectively reside, viz: "I, A. B., do swear, that I will to the best of my knowledge and abilities discharge the duties of a Commissioner for the sale of the salt licks and springs within the district of Mero, agreeable to act of Assembly in that case made and provided. So help me God." They shall also enter into bond with sufficient security unto the chairmen of their respective courts and his successors in office, in the penal sum of two thousand pounds, for the faithful discharge of the duties enjoined them by this act, and the court shall determine on the sufficiency of such security; and any Commissioner by this act appointed acting as such, without previously taking the oath and entering into bond as by this act directed, shall forfeit and pay the sum of one hundred pounds, to be recovered by any person suing for the same, in any court of record within this state having cognizance thereof, one half to the use of the district of Mero, and the other half to the person suing for and recovering the same. And the said county courts shall be and are hereby empowered, to make said Commissioners such compensation for their services as to them shall seem just, to be paid out of the price of the said licks or springs.

And whereas, several of the said salt licks or springs are entirely unfit for the purpose of manufacturing salt:

II. Be it therefore enacted, That the courts of pleas and quarter sessions for the counties of Davidson, Sumner and Tennessee, shall at April term of their respective courts for the year one thousand seven hundred and ninety, make out a list to be signed by the chairman of each respective court and the Clerk thereof, of all the salt licks or springs within their re-
specitive counties which said court shall deem fit for the purpose of manufacturing salt, including all such salt licks and springs as were set apart by Commissioners heretofore appointed for that purpose as public property, viz: Heaton's Lick, Denton's Lick, the French Lick, Neely's Lick, Kasper's Lick, Maddison's Lick, Drake's Lick, Stoner's Lick, and Bledsoe's Lick; which list shall be entered on the record of said courts, and copies thereof delivered to the Commissioners by this act appointed; and all other salt licks or springs, with the adjoining lands, not deemed by the court fit for the manufacturing of salt, be and they are hereby declared vacant land, and liable to be located and entered in the same manner as all other vacant land in the said district of Mero. Provided always, That if any former entry, or the lines of any former entry, shall interfere with or take in any part of the said unfit licks or springs, or the land adjoining them, the said entries are hereby declared good and valid in law; any law, usage or custom to the contrary notwithstanding.

III. And be it further enacted, That the said Commissioners, or a majority of them, shall cause to be surveyed, where such surveys have not already been made, all the said salt licks or springs with six hundred and forty acres of the adjoining lands, agreeable to the list made out by the several courts, by the surveyors of the several counties wherein the said salt licks or springs may be situate; which surveys shall be made agreeable to an act of the General Assembly directing the mode the military claims are to be laid off, and the surveyors shall deliver to the Commissioners by this act appointed two fair plats of each survey, describing the several courses and distances thereof; for which services the said surveyors shall be allowed the same fees as other surveyors within this state.

IV. And be it further enacted, That the Commissioners by this act appointed, or a majority of them shall advertise in the most public manner for at least three months, the day and terms of sale of each of the said salt licks or springs; which sale shall be made at the court-house of the county where such salt lick or springs may be situate; and the said Commissioners shall have the power to postpone the sale of all or any of the said licks or springs to any day or time; provided that all sales be completed within twelve months from the passing of this act, unless some of the surveys be rendered impracticable by the hostilities of the Indians; and each salt lick or spring, together with the adjoining lands, shall be sold separately at public vendue to the highest bidder, at two years credit: Provided nevertheless, That it shall be the duty of the Commissioners to reserve two of the said reserved salt licks, with the adjoining lands, for the use of the academy of Davidson county, and execute a deed to the Trustees thereof for the same; the purchaser or purchasers entering into bond with two sufficient securities unto the Commissioners, for the use and benefit of the district of Mero, for the payment of the purchase money; which money when collected by the said Commissioners shall be paid into the hands of the county Treasurer where such sales shall have been made, to be appropriated to the common use and benefit of the district of Mero as may by law hereafter be directed; and the said Commissioners shall transmit to the Secretary of state two plats of each survey, with the name of the purchaser and the price by him given for such salt licks or spring: And the Secretary of state is hereby directed to make out to such purchaser or purchasers, a grant in the name of the state, for each salt lick or spring thus sold, to be signed by the Governor for the time being, in the same manner as all other grants from the state. Provided always, That such purchaser or purchasers...
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shall not so inclose the said licks or springs as to prevent stock from having the benefit thereof.

And whereas, the Commissioners appointed by act of Assembly to encourage the making of salt in the county of Davidson, have leased out by virtue of the said act, the three salt licks known by the name of the French Lick, Neely's Lick and Kasper's Lick, with the lands thereunto belonging, for the term specified in the said Act, lessees having covenanted and agreed to and with the said Commissioners, to manufacture annually a certain quantity of salt at each of the aforesaid salt licks; which salt when made was to be sold by the said lessees for their use and benefit: And whereas, the passing of this act would be highly injurious to the lessees aforesaid, unless some provision be made for them, having due regard to the above recited lease:

V. Be it therefore enacted by the authority aforesaid, That the said lessees, their heirs or assigns, be and are hereby exonerated from manufacturing one half of the quantity of salt they were to make annually in consideration of the lease aforesaid; and the quantity they may fail short in manufacturing in any year, they shall make up the succeeding year. Provided always, That the said lessees shall make up the whole quantity of salt prescribed by this act, before the expiration of the lease aforesaid.

VI. And be it further enacted, That all acts of Assembly, and every part or parcel thereof, that may come within the purview of this act, are hereby repealed and made null and void, to all intents and purposes as if the same had never been made.

CHAPTER XXX.

An Act for Erecting a Town on the Lands of Fergus Sloan, in Iredell County, and to Amend an Act for the Division of Rowan County.

Whereas, it hath been represented to this General Assembly, that the lands of Fergus Sloan, agreed and fixed on by the Commissioners appointed by the above recited act for the division of Rowan county, for the fixing on a place, and building a court-house, prison and stocks in the said county of Iredell, is a pleasant and healthy situation, and the said Fergus Sloan having signified his consent to have fifty acres of land, fixed on by the Commissioners aforesaid, laid off for a town: and at the request and desire of the inhabitants of the county of Iredell aforesaid, by the name of Statesville.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said fifty acres shall be laid off in half acres lots, and streets accordingly; and the same are hereby constituted and established a town by the name of Statesville.

II. And be it further enacted by the authority aforesaid, That George Davidson, Jeremiah Nelson, Joseph Sharp, John Nesbit and Christopher Huston, be and every one of them be constituted Commissioners and Trustees, for designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate in fee simple in the said fifty acres of land aforesaid, to and for the uses, intents and purposes hereby declared; and the said Commissioners, or any three of them, shall have full power and authority to meet as often as they shall think proper to lay off said town as they shall think most convenient; and the said Commissioners shall make and execute deeds in fee simple to the respective purchaser or pur-
chasees, for such price or prices as they or a majority can agree upon, relation being had to the respective properties of the several lots.

III. And be it enacted, That the respective purchasers of said lots, shall pay and satisfy the said Commissioners for whatever sum or sums they may severally incur by purchasing lots from the said Commissioners; and in case of neglect or refusal of any purchaser to pay the sum or sums that may be incurred as aforesaid, that then in that case the Commissioners, or a majority of them, may commence a suit or suits in their own names, and therein recover judgment with costs of suit; and the said Commissioners as soon as they shall receive the money by sales as aforesaid, shall pay to Fergus Sloan the sum of twelve shillings per acre, for the said fifty acres, in full satisfaction for the said land, and the residue, if any, shall be applied in defraying the expense in laying off said town.

IV. And be it enacted, That in case of the death, refusal to act, or removal out of the county, of any of the Commissioners, the survivor or survivors of them are hereby empowered from time to time, by instrument of writing under their hands, to appoint some other person, being a freeholder in said county of Iredell, in the place of him so dying, refusing to act, or removing as aforesaid; which Commissioner or Trustee shall have the same power and authorities as if he had been appointed by this act.

And whereas, a clause was annexed to the above recited act for the division of Rowan county, authorizing the Justices of the Peace for said county of Rowan, who in the aforesaid division might fall within Iredell county, to exercise all the powers and authorities to which they were severally and otherwise entitled as Justices for Rowan: And whereas, said clause by accident or other casualty never appeared to said Act: And whereas, the Justices of Rowan county falling into Iredell county as aforesaid, proceeded to exercise the powers and authorities supposed to be contained in the clause aforesaid, from the fourth Monday in December, one thousand seven hundred and eighty-eight, until the fourth Monday in June, one thousand seven hundred and eighty-nine, destitute of the authority supposed to be contained in the clause aforesaid, whereby trouble and inconveniency may arise to those who have had business done with or by the aforesaid Justices during that period: For remedy whereof,

V. Be it enacted, That all the proceedings of the aforesaid Justices, during the above period including two courts in said county of Iredell, shall be deemed to have the same force and validity as if the aforesaid Justices had been invested with all the necessary powers and authorities as Justices of the Peace, any law or custom to the contrary notwithstanding.

CHAPTER XXXI.

An Act for laying off a Town on the Lands of John Marriner, in Tyrrel County.

Whereas, it hath been represented to this General Assembly that a town in the county of Tyrrel, on the Lands of John Marriner, on the southwest side of Scuppernong River, at a place known by the name of the Back Landing, would be of very considerable advantage to the inhabitants of said county; and the said John Marriner having petitioned this General Assembly for the same:

I. Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That Benjamin Spruill, Woolsey Hathaway, John Wynn, James Wood, Charles Spruill,
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John Ansley, Hezekiah Spruill, Nathan Bateman and Robert Davidson, be
and they are hereby appointed Commissioners, to contract with the said
John Marriner for eighty acres of land for the said town, and the terms on
which he will dispose of the same in lots of one half acre each; and the
ground so agreed for lay off into streets not less than fifty, and not more
than one hundred feet in width; which lots and streets the said Commissioner
ers are hereby required to lay down in a regular plat, numbering the lots
therein laid down; which said town shall be distinguished by the name of
Newport.

II. And be it further enacted by the authority aforesaid, That the Commis-
sioners above mentioned, as soon as there shall be a sufficient quantity of
lots subscribed for, all the numbers of the lots of the said town shall be
placed in a box, and the names of the subscribers in another, and when a
name being drawn out, a number at the same time, his shall be the lot the
number of which was drawn with his name; and the remaining numbers un-
drawn and not subscribed for, shall be vested in the said John Marriner,
notwithstanding he shall have executed a deed for the same to the Commiss-
oners aforesaid; provided, That the subscribers for the said lots shall not
be obliged to pay to the proprietor or Commissioners more than fifty shil-
lings for each lot; and that this act shall not have effect, until the said
John Marriner shall execute a sufficient conveyance to the Commissioners
aforesaid, of the lands agreed for as aforesaid for laying out the said town.

III. And be it further enacted by the authority aforesaid, That the said
Commissioners, or a majority of them, are hereby empowered to grant
deeds to the subscribers for the said lots.

IV. And be it further enacted by the authority aforesaid, That if any
of the Commissioners hereby appointed shall refuse to act, die, or remove
out of the county, the surviving Commissioners shall be and they are
hereby empowered to elect another Commissioner or Commissioners, in
the room of him or them so refusing, dying or removing.

CHAPTER XXXII.

An Act to Empower Certain Persons therein named to Receive, Sue for and
Recover all Such Bequests, Donations, Benefactions and other Things,
as have heretofore been Bequeathed, Given or Made by any Person or
Persons whatsoever, for the Use of the Congregation or Society of the
Episcopal Communion of New Bern.

Whereas, there have been donations and bequests made, and monies re-
cived by subscriptions for erecting an Episcopal church or house of wor-
ship, and for the support and maintenance of a minister, but for want of
legal authority to call the possessors to account for such donations, be-
quests, monies and subscriptions, are in danger of being lost: For preven-
tion whereof,

I. 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 John Fonvell,
Richard Dobbs Spaight, Richard Nixon, Isaac Gulon, Thomas Tomlinson,
John Daviss, Thomas Haslin, David Witherspoon and William Good, Esquires,
shall and they are hereby declared to be Churchwardens, for receiving and
taking into their possession all and singular the donations, bequests, benefac-
tions and monies or subscriptions, which heretofore have been given, be-
queathed and made and received, and all and singular the donations, be-
quests, benefactions and monies or subscriptions which have heretofore been
given, or may hereafter be given, bequeathed, made or raised, and all and singular the lands and hereditaments which have been purchased, made or given for the use and benefit of the congregation or society of the Episcopal church of New Bern.

II. And be it further enacted by the authority aforesaid, That the said Churchwardens, or a majority of them, shall be and they are hereby empowered to commence and prosecute any suit or suits, either in law or equity, against any person or persons who may refuse to account for or deliver up to them or the said Churchwardens any donations, bequests, benefactions, monies or lands and hereditaments in his, her or their hands and possessions, and which had been given, bequeathed, raised, subscribed or purchased for the purpose aforesaid, and to proceed to judgment and execution thereon; and when such donations, bequests, benefactions, monies, lands and tenements shall be recovered and received, the same to apply to such uses as the said congregation or society shall direct.

III. Provided always, and be it further enacted by the authority aforesaid, That the congregation or society aforesaid are hereby authorized and empowered to convene at the church in New Bern, on the first Monday after Easter, and on the same day in every succeeding year, and elect seven persons to act as Churchwardens, and shall remain and continue in office for three years after such election.

CHAPTER XXXIII.

An Act to Invest an Indefeasible Right of Inheritance in Charles, Alley and Prudence Oggs, the Surviving Natural Children of John Oggs, of the County of Pasquotank, of such Property as was Bequeathed to them and their Deceased Brother Jesse Oggs.

Whereas, it hath been made appear to this General Assembly, that John Oggs late of the county of Pasquotank, hath departed this life, leaving behind him four natural children, Charles, Alley, Prudence and Jesse, by his negro slave Hester, to whom he bequeathed all his real and personal estate by virtue of a certain last will and testament: And whereas, by the policy of the law the said children, being bastards, are debarred from the rights of inheritance, and being recommended to this General Assembly as persons of good fame: And whereas, Jesse, one of the children is dead:

I. Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the above mentioned Charles, Alley and Prudence Oggs, are hereby invested in an indefeasible right of inheritance of all and singular the lands and tenements, goods and chattels which were bequeathed to them by their father John Oggs, in virtue of his last will and testament; and that they hold and take the said property to them and their heirs and assigns forever, agreeably to the directions of the said will, and the intentions of the said John Oggs therein expressed.

And whereas, the within mentioned Hester, and her children Charles, Alley and Prudence Oggs, are recommended to this General Assembly by several very respectable inhabitants of the counties of Camden and Pasquotank, as worthy of being manumitted and set free agreeable to the intention of their father John Oggs:

II. Be it therefore enacted, That the said negro woman Hester, and her children Charles, Alley and Prudence Oggs, are hereby manumitted and set
free to all intents and purposes, and to possess all the rights and privileges as if they had been born free.

CHAPTER XXXIV.

An Act to Repeal Part of the Twentieth Clause of an Act, passed at Hillsborough in the Year One Thousand Seven Hundred and Eighty-four, Entitled "An Act to Prevent the Exportation of Unmerchantable Commodities.

Whereas, it hath been made appear to this General Assembly that the said clause, so far as it respects the inspection of flax-seed, is attended with an unnecessary expense to the shipper thereof: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said clause or act so far as it respects the inspection of flax-seed, is repealed and made void.

CHAPTER XXXV.

An Act to Emancipate Certain Negroes Therein Mentioned.

Whereas, it hath been represented to this General Assembly, that Robert Shaw, in his life-time, did receive a valuable consideration for the further services of a certain negro woman named Amelia, and has certified the same and declared her to be free: And by petition of Thomas Lovick, it appears to be his desire that a certain negro woman by the name of Betty, belonging to him, should be set free; also a petition of Monsieur Chaponel, desiring to have set free a mulatto slave belonging to him, by the name of Lucy, of three and half years old: And whereas, it appears by the petition of Ephraim Knight, of Halifax county, that he is desirous to emancipate two young mulatto men, called Richard and Alexander, the property of said Ephraim: And it hath also been represented to this Assembly by John Alderson, of Hyde County, that it is his desire to set free a mulatto boy belonging to him, called Sam: And whereas, it hath been made appear to this Assembly by the petition of Thomas Newman, of Fayetteville, that he hath a mulatto boy belonging to him, which he is desirous to emancipate, and known by the name of Thomas:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said negro women called Amelia and Betty, and the mulatto girl Lucy, and the said mulatto men Richard and Alexander, and the said mulatto boy called Sam, and the negro boy named Thomas Clinch, shall be, and each of them are hereby emancipated and declared free; and the said Richard and Alexander shall take and use the surname of Day, and the mulatto boy Sam shall be known and called by the name of Samuel Johnson; and the said slaves so liberated, and each of them, are hereby declared to be able and capable in law to possess and enjoy every right, privilege and immunity, in as full and ample manner as they could or might have done if they had been born free.
CHAPTER XXXVI.

An Act to Add Part of Bladen County to Cumberland.

Whereas, It hath been represented and made appear to this General Assembly, that the upper part of Bladen county is contiguous to the county court of Cumberland and superior court of Fayetteville district, and very remote from the court-house of the said county of Bladen and the district court thereof, to the great injury and inconvenience of the inhabitants of the upper part of the said county of Bladen: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all that part of Bladen county lying to the north west of a line beginning directly opposite to the mouth of Willis's creek, on the northeast side of Cape Fear river, thence a direct course to John Pharis's on South river; so as to include said Pharis’s in Cumberland county, thence the same direction until it strikes the Sampson line; then beginning at the said first station opposite to said Willis’s creek and running south seventy-five west to Robeson county line, be and is hereby annexed to the county of Cumberland, and from and after the passing of this act shall be and remain a part thereof.

II. And be it further enacted by the authority aforesaid, That Thomas Owen, Robert Rowan, Joseph Timms, James Morehead, Peter Robinson, Samuel Calm, Esquires, and James Jackson shall be and are hereby appointed to run the said dividing line between the counties of Bladen and Cumberland, agreeable to the directions of this act; and that they or a majority shall make return thereof to the courts of the said counties respectively, who shall cause the same to be recorded; and the said line so run, shall and is hereby declared to be the dividing line between the said counties of Bladen and Cumberland; and any expense incurred by running the said line shall be defrayed by the county of Cumberland; Provided, Nothing herein contained shall prevent or restrain the Sheriff or Collectors of the county of Bladen, as it now stands, to collect or distrain for any tax now due from the inhabitants hereby annexed to the county of Cumberland.

III. And be it further enacted, That all suits and other matters of controversy now depending in the county court of Bladen, shall be prosecuted to a final end and determination, as fully and in the same manner as if this act had never been passed.

CHAPTER XXXVII.

An Act to Vest in Jeremiah and Robert Field an Indefeasible Right to such Property as was Granted to them by their Father William Field, in the Year One Thousand Seven Hundred and Seventy-six.

Whereas, It has been made appear to this General Assembly, that William Field and Lydia his wife, in the year one thousand seven hundred and seventy-six, made a deed of gift unto their children Jeremiah and Robert Field of a certain tract of land, lying in Rowan and Surry counties, containing six hundred and forty acres, to-wit: One tract of land on Abbott’s creek, beginning at a hickory standing on the line of a survey late the property of William Buse, and running north along his line in all one hundred and two chains to a stake in the line of another survey of the said Buse, then west along said line, crossing said creek and a fork of the same, sixty-two and three-fourth chains to a black-oak and white-oak saplin, then south one hundred and two chains to a black-oak saplin, then east crossing said creek
sixty-two and three-fourth chains to the beginning, containing six hundred and forty acres: And whereas, the said property was held as confiscated to the State by the Commissioners of confiscated property for the district of Salisbury; yet as the same was conveyed previous to any confiscation law of this State, bona fide, by the said William Field and Lydia his wife, to their children Jeremiah and Robert.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said Jeremiah and Robert Field are hereby invested with an indefeasible title and interest in the property above described, to them, their heirs and assigns forever; any law heretofore to the contrary notwithstanding.

CHAPTER XXXVIII.

An Act to Pardon John Bradley, of the Town of Wilmington.

Whereas, John Bradley, of the town of Wilmington, in the county of New Hanover, some time in the year of our Lord one thousand seven hundred and eighty-seven, obtained a pardon from the Governor of this State, in consequence of application to him made, and of the recommendation of the General Assembly in behalf of the said John Bradley, then accused for the killing of Samuel Swann; which pardon, on being duly pleaded to an indictment for the said supposed offence, in the superior court of law for Wilmington district, was not allowed by a majority of the Judges of the said court; and the said John Bradley in his petition to this General Assembly having set forth such circumstances as upon due enquiry and full consideration of the same, it appears the said John Bradley ought to be pardoned:

I. Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the said John Bradley is fully, freely and absolutely pardoned, acquitted and discharged of and from any prosecution for murder, manslaughter or other species of homicide of whatever nature in law or construction thereof, done or committed by the said John Bradley in the killing of the said Samuel Swann, with which he now is or hereafter may be charged in any of the courts of this state.

CHAPTER XXXIX.

An Act to Amend an Act, entitled “An Act Directing the Mode of Proceeding Against the Real Estate of Deceased Debtors, where the Personal Estate is Insufficient for the Payment of the Debts.

Whereas, no mode of proceeding is directed by the said act for the administrator to recover against the heirs any debts that may be due and owing to him from the intestate, when the personal estate is insufficient to discharge such debt:

I. 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 in all cases where administration shall be granted to any person on account of his being a creditor of the intestate, and there shall not be personal assets sufficient to satisfy the debts or demand of such administrator, it shall and may be lawful for such administrator to prefer a petition against the heir or heirs of such intestate for the recovery of such debt or demand, to the court of the county wherein such administration was granted, or to the court
of equity of the said district in which said county may be, in the manner and under the regulations prescribed by an act, entitled "An act for the better care of orphans, and security and management of their estates," passed in the year one thousand seven hundred and sixty-two, therein specially setting forth the nature of said debt or demand, and the amount thereof, and praying that the heir or heirs of such intestates may be made defendant or defendants thereto; and such petition being filed in the Clerk's office, the same proceedings shall be had thereon, and the defendant or defendants shall be bound and subject to the same rules as in case of petition under said act, and if a decree shall be made against such heir or heirs, or any of them, execution shall and may issue against the real estate of the deceased debtors in the possession of such heir against whom a decree shall be given as aforesaid.

Whereas, it is not just that by the practice or contrivance of any debtors, their creditors should be defrauded of their just debts: And whereas, it is reasonable that the devisee or devisees of such debtors should be liable to suit for the debts of the testator, in like manner as heirs at law for the debts of their ancestor: Wherefore,

II. Be it enacted by the authority aforesaid, That all devises of lands, tenements and hereditaments, or of any rent, profit, term or charge out of the same, shall be deemed and taken only as against such creditor or creditors, his heir, and their heirs, successors, executors, administrators and assigns, and every of them, as null and void; and every such creditor shall and may have and maintain his, her or their action or actions against such devisee or devisees, in all case and in like manner as such action or actions might or could be brought or maintained against the heir or heirs at law of such deceased debtor, jointly with the heir or heirs at law, or severally by virtue of this act.

III. And be it further enacted by the authority aforesaid, That in all cases where any heir at law shall be liable to pay the debt of his or her ancestor in regard of any lands, tenements or hereditaments, descending to him or her, or where any devisee shall be liable to pay the debt of a testator in regard of any lands devised to him or her, and shall sell, alien or make over the same before action brought or process sued out against him or her, that such heir at law or devisees shall be answerable for such debt or debts to the value of the said land so by him or her sold, aliened or made over; in which cases all creditors shall be preferred as in action against executors or administrators, and execution shall be taken out upon any judgment or decree obtained against such heir or devisee to the value of the said lands as if the same were his or her own proper debt, saving that the lands, tenements and hereditaments bona fide aliened before the action brought, shall not be liable to such execution.

IV. Provided always, and be it further enacted by the authority aforesaid, That when any such heir or devisee shall be a minor and have a guardian, the leading process shall be served on such guardian; and where the minor shall have no guardian, then and in that case the court shall appoint a guardian to defend the suit for said minor.

V. And be it further enacted, That when any guardian shall have notice of any debt or demand against the estate of his or her ward, he or she may apply to the county court wherein such guardianship was granted, for an order to sell so much of the personal or real estate of such ward as may be sufficient to discharge such debt or demand; and such order of the court shall particularly specify what property may be so sold, and such property shall be sold on the same credit and under the same regulations as property
sold by executors or administrators, is or may be by law; and the proceeds of such sales shall be considered as assets in the hands of the guardian for the benefit of the creditors, in like manner as assets in the hands of an administrator or executor, after fieri facias as by the act directed; and the same proceedings may be had against such guardian with respect to the assets aforesaid, as might be had or taken against an executor or administrator in similar cases. Provided nevertheless, That no execution shall be levied on the goods or chattels, lands or tenements of any minor in the hands of his guardian, until twelve months after judgment obtained on the fieri facias aforesaid; nor shall execution issue liable as aforesaid, at any time but on motion in open court.

IV. And be it further enacted, That so much of the said recited act as requires that the pleas of executors or administrators shall be on oath, is hereby repealed and made void.

CHAPTER XL.

An Act for raising a Revenue for the Payment of the Civil List, and Contingent Charges of Government for the Year One Thousand Seven Hundred and Ninety.

I. 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 for the year one thousand seven hundred and ninety, a tax of one shilling on every hundred acres of land within this state, and a tax of three shillings on each hundred pounds value of town property with their improvements, and a tax of three shillings on every poll in this state, shall be levied and paid in state currency. Provided, That all the lands west of the Appalachian mountains shall pay a tax of eight pence on every hundred acres of land.

II. And be it further enacted by the authority aforesaid, That the above mentioned taxes shall be collected, paid and accounted for as directed by an act, entitled "An Act for ascertaining what property in this state shall be deemed taxable property, the method of assessing the same and collecting the public taxes;" and also an act, entitled "An Act for the more regular collecting, payment of and accounting for the public taxes."

III. And be it further enacted by the authority aforesaid, That the sinking tax directed to be collected by an act passed in 1785, for emitting one hundred thousand pounds paper currency, shall be collected in money, and accounted for in the same manner as other taxes.

CHAPTER XLI.

An Act for the More Easy Redemption of Mortgages.

Whereas, mortgagors frequently bring actions of ejectment for the recovery of lands and estates to them mortgaged, and bring actions on bonds given by mortgagors to pay the money secured by such mortgages, and for performing the covenants therein contained, and likewise commence suit in the courts of equity to foreclose their mortgagors from redeeming their estates, and the courts of law where such ejectments are brought have not power to compel such mortgagors to accept the principal monies and interest due on such mortgages and costs, or to stay such mortgagors from proceeding to judgment and execution in such actions, but such mortgagors must have recourse to a court of equity for that purpose:

I. Be it enacted by the General Assembly of the state of North Carolina,
and it is hereby enacted by the authority of the same, That from and after the passing of this act, where any action shall be brought on any bond for the payment of the money secured by such mortgage, or performance of the covenants therein contained, or where any action of ejection shall be brought in any of the superior courts of law or courts of pleas and quarter sessions in this state, by any mortgagee or mortgagees, his, her or their heirs, executors, administrators or assigns, for the recovery of the possession of any mortgaged lands, tenements or hereditaments, and no suit shall be then depending in any of the courts of equity in this state, or touching the foreclosing or redeeming of such mortgaged lands, tenements or hereditaments, and who shall appear and become defendant or defendants in such action, shall at any time pending such action pay unto such mortgagee or mortgagees, or in case of his, her or their refusal, shall bring into court where such action shall be depending all the principal monies and interest due on such mortgage, and also all such costs as have been expended in any suit or suits at law or equity upon such mortgage, such money for principal, interests and costs to be ascertained and computed by the court where such action is or shall be depending, or by the proper officer by such court to be appointed for that purpose, the monies so paid to such mortgagee or mortgagees, or brought into such court, shall be deemed and taken to be in full satisfaction and discharge of such mortgage; and the court shall and may discharge every such mortgagor or defendant of and from the same accordingly, and shall and may, by rule or rules of the same court, compel such mortgagee or mortgagees, at the cost and charges of such mortgagor or mortgagors, to assign, surrender or reconvey such mortgaged lands, tenements and hereditaments, and such estate and interest as such mortgagee or mortgagees have or hath herein; and deliver up all deeds, evidences and writings in his, her or their custody, relating to the title of such mortgaged lands, tenements, and hereditaments, unto such mortgagor or mortgagors who shall have paid or brought such monies into the court, his, her or their heirs, executors or administrators, or to such other person or persons as he, she or they shall for that purpose nominate or appoint.

II. Provided always, That this act, or any thing herein contained, shall not extend to any case where the person or persons against whom the redemption is or shall be prayed shall, by writing under his, her or their hands, or the hand of his, her or their attorney, agent or solicitor, to be delivered before the money shall be brought into such court at law to the attorney or solicitor for the other side, insist either that the party praying a redemption has not a right to redeem, or that the premises are chargeable with other or different principal sums than what appear on the face of the mortgage, or shall be admitted on the other side; nor to any case where the right of redemption to the mortgaged lands and premises in question in any case or suit, shall be controverted or questioned by or between different defendants in the same cause or suit; nor shall be any prejudice to any subsequent mortgagee or mortgagees or subsequent incumbrancer; any thing in this act contained to the contrary thereof in any wise notwithstanding.

CHAPTER XLII.

An Act to Establish the Lines of a certain Tract of Land granted unto Charles Gerrard.

Whereas, It appears to the satisfaction of this General Assembly, that James Sanders, deputy-surveyor of the military lands of this state, did re-
turn a plat of survey of a tract of land for Charles Gerrard, Esquire, for two thousand five hundred and sixty acres, situate in the county of Davidson, for which plat a grant hath issued to the said Charles Gerrard, notwithstanding the said survey was not made to the cardinal points agreeable to law, by which means the said Charles Gerrard may be in a future day disturbed in his title of the said land: And whereas, the entry of the said Charles Gerrard is one of the oldest date in the said county of Davidson, and that it is not just he should suffer on account of any mistake or error in the deputy surveyor:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the boundary lines of a military grant of this state numbered number thirty-two, signed by his Excellency Richard Caswell, Esquire, then Governor of this state, the fourteenth day of March one thousand seven hundred and eighty-six, given and granted unto Charles Gerrard, a Lieutenant in the North Carolina line, two thousand five hundred and sixty acres of land lying in the county of Davidson, on the south side of Cumberland river, including the mouth of Yellow creek, "Beginning at a white-oak on the river bank, thirty-four poles above the mouth of Yellow creek, then down the river to a hackberry and boxelder, thence south thirty-five degrees east four hundred and sixty poles across the creek to an elm, thence north fifty-five east eight hundred and eighty-six poles to a white-oak, thence north thirty-five west three hundred and eighty-two poles to the beginning," be and are hereby declared to be the established boundary lines of the said Charles Gerrard's aforesaid tract of two thousand five hundred and sixty acres; any law, usage or custom to the contrary notwithstanding. Provided, That nothing in this act contained shall be construed to injure the right of any individual to the said land.

CHAPTER XLIII.

An Act to Annex Part of Burke County to the County of Wilkes.

Whereas, it is represented to this General Assembly, that a part of Burke county, known by the name of Little river settlement, is of much greater distance from the court-house in said county than from the court-house in Wilkes, the inhabitants are under unnecessary inconveniences: For remedy whereof,

I. 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 after the passing of this act, all that part of Burke county that lies north of the following line, be and the same is hereby annexed to the county of Wilkes; and that the said county line be established as follows, to-wit: Beginning on Iredell county line at the Whitestone hill on the Spring road, and running up said road to the lower Little river, thence up said river to Holmes's creek, thence up said creek to Lambert's fork, thence up said fork to the head thereof, then a north course to the top of the Brushy mountain, being Wilkes line.

II. Provided nevertheless, That the Sheriff or Collectors of public taxes in Burke county, shall have the same power and authority to collect all taxes heretofore levied on the inhabitants aforesaid, as if this act had never been passed; any law to the contrary notwithstanding.
LAWS OF NORTH CAROLINA—1789.

CHAPTER XLIV.

An Act to authorize James Billingsby to execute a Deed or Deeds of Conveyance, agreeable to a Power of Attorney and the Last Will and Testament of William Rea, late of Guilford County, deceased.

Whereas, William Rea, late of Guilford county, deceased, did in his lifetime execute a power of attorney, bearing date the third day of February one thousand seven hundred and eighty-nine, unto James Billingsby, empowering him to execute a deed or deeds of conveyance to every person or persons to whom he the said William Rea sold lands on the waters of Cumberland river, or in Guilford county, in this state; which power of attorney he the said William Rea recognized by his last will and testament:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That James Billingsby is hereby authorized and empowered to execute a deed or deeds of conveyance, agreeably to the power of attorney aforesaid and the last will and testament of the said William Rea, deceased; which deed or deeds so executed as aforesaid, shall be as good and valid in law as if the said William Rea, deceased, had in his lifetime executed the same; any law, usage, or custom to the contrary notwithstanding.

CHAPTER XLV.

An Act to repeal Part of an Act passed at New Bern, entitled "An Act to Divide the District of Morgan."

Whereas, the number of jurors in the district of Morgan appointed to attend the superior courts, are more than necessary and the appointment not so equitable and convenient as it might be:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the county of Wilkes shall send eight jurors, the county of Rutherford eight, the county of Lincoln eight, and the county of Burke sixteen; which shall be the number and appointment of the different counties aforesaid.

II. Be it further enacted by the authority aforesaid, That from and after the passing of this act, so much of the before recited act as relates to the appointment of jurors for the district aforesaid, shall be and is hereby repealed and made void.

CHAPTER XLVI.

An Act to Establish a Public inspection of Tobacco in Clarksville, in the County of Tennessee.

Whereas, the establishing a public inspection of tobacco in Clarksville, in the county of Tennessee, will encourage commerce, promote industry and be advantageous to the tobacco planters and others in the county aforesaid:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Justices of the county court of Tennessee shall and are hereby empowered and directed, to cause to be built and erected a warehouse and other conveniences in the said town, fit and necessary for the reception, inspection and safe-keeping of tobacco in the said town; and the same when so built and
erected, shall and is hereby declared to be a public warehouse for the reception of tobacco.

II. And be it enacted by the authority aforesaid, That the said court shall annually appoint two discreet and careful men, well qualified and acquainted with the nature and qualities of tobacco, to be inspectors thereof; who shall take the same oath, be subject to the same rules, regulations and restrictions, to which inspectors of tobacco are subject by an act of the General Assembly, passed at New Bern in the year one thousand seven hundred and seventy seven, entitled "An Act to amend the staple of tobacco and prevent frauds;" which said law, so far as is not provided for by this act, shall govern the inspection hereby established.

III. And be it further enacted by the authority aforesaid, That the Inspectors so appointed, shall have and receive of the owners of tobacco the sum of eight shillings for each and every hogshead of tobacco they shall inspect, cooper and put in good order, and the sum of two shillings for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, prising and every thing necessary thereunto.

IV. And be it further enacted by the authority aforesaid, That the Inspectors, or either of them, when so appointed by the court and qualified as by this act directed, is hereby invested with full power and authority to inspect any tobacco that may be brough to the said warehouse, and on passing the same, grant a certificate or note thereof to the owner or owners as the case may be.

CHAPTER XLVII.

An Act to Erect a Public Provision Store on the Frontier of the County of Hawkins, for the Accommodation of the Cumberland Guard.

Whereas, it appears highly necessary that a public provision store should be erected for the accommodation of said guard, when called upon to escort and conduct families and other emigrants through the wilderness to the Cumberland settlements:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful to erect a public provision store at the house of John Adair, in the county of Hawkins, in order to receive corn, flour, beef, pork, &c., for the sole use of the Cumberland guard when in actual service.

II. And be it enacted by the authority aforesaid, That John Adair be appointed Commissioner to purchase provisions for the use of the above troops, who shall enter into bond with approved security, payable to the Justices of the county court of Hawkins, for the faithful and just execution of the trust in him reposed.

III. And be it further enacted, That it shall and may be lawful for such Commissioner to give certificates for provisions purchased for the above purpose; which certificates shall be received by the different Sheriffs in the district of Washington, in part payment of the public tax in the counties in said district; which certificates shall also be received in the same manner by the public Treasurer of this state from the Sheriffs in said district; any law to the contrary notwithstanding.
CHAPTER XLVIII.

An Act to Amend and Enlarge an Act passed at Hillsborough, in April, One Thousand Seven Hundred and Eighty-four, entitled "An Act to enable Mary Dowd to Sue For and Recover to her own Use, and the Use of her Children by her Husband Conner Dowd, all Debts due and owing to the said Conner, and all other Things in Action which the said Conner Dowd might lawfully sue for and recover, were he a Citizen of this State and Entitled to the Benefits of its Laws.

Whereas, doubts may arise whether Mary Dowd was legally authorized by the before recited act to sell and convey any part of the real estate of her husband Conner Dowd: And whereas, it is represented to this General Assembly, that it will not be possible for her to discharge all the debts of the said Conner without selling part of his real estate:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said Mary Dowd shall and may be fully authorized and empowered to sell and convey so much of the real estate of the said Conner Dowd as shall be sufficient to discharge all his debts; and on such sale to make and execute a deed or deeds of bargain and sale for the same to the purchaser or purchasers, in as full and ample manner as if she was a feme sole and unmarried, and actually was seized of all indefeasible estate in fee simple in and to the said real estate; which said deed or deeds of bargain and sale by the said Mary Dowd so to be made, shall convey a clear and indefeasible estate in fee simple to the purchaser or purchasers of such real estate, which shall be good and effectual in law to bar the right of the said Conner Dowd, his heirs, devisees and assigns, as well as the right of the said Mary Dowd, her heirs, devisees and assigns. Provided, That this act shall not be so construed as to affect the right or claim of any person or persons other than those herein particularly barred, any law or usage to the contrary notwithstanding. Provided, also, This act shall not be construed as to operate upon any real estate, save only that which shall be in the county of Chatham.

CHAPTER XLIX.

An Act to Confirm unto Benjamin Williams an Indefeasible Title to a certain Piece of Land in Brunswick County; and for making Conformable to the Plan the Courses of a Tract of Land containing Five Thousand Acres in Hawkins County, situate on the North Side of Clinch River and on both sides of Emery River, granted to James Glasgow; and the Courses of a Tract of Land in Jones County, lying on Crooked Run, containing Six Hundred and Forty Acres, granted to Abraham Buffet.

Whereas, it has been sufficiently proved to this General Assembly, that Benjamin Williams, of Brunswick county, hath an equitable right to a certain piece or parcel of land in the said county, formerly the property of William Simpson, on Mill creek, beginning at a stake in a bottom above the Bolplace, thence along said Simpson's own and Hasel's line including the Bolplace, thence along his own and Hasel's line to Roger Davis's line to a lightwood stake in a meadow, then across to the first station, including one hundred acres of land, being part of a tract of land patented by William Simpson, and by him conveyed to the before mentioned Benjamin Williams for a valuable consideration, on the fifteenth of September, one thousand seven hundred and seventy-five:
I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the piece or parcel of land hereinafter described, with the appurtenances, be and the same is hereby confirmed to and vested in the said Benjamin Williams, his heirs and assigns forever.

And whereas, it appears from the plan of the survey of a piece of land granted unto James Glasgow, Esquire, that the surveyor through mistake hath inserted in the certificate one course more than is laid down in the plan, whereby part of the land entered and intended to be granted is left out of the grant.

II. Be it therefore enacted by the authority aforesaid, That from and after the passing of this act the courses of the aforesaid tract of land shall be as follows, to-wit: Beginning at two elms and a sycamore on the bank of the river, running thence north sixteen degrees east six hundred and ninety-four poles to a stake William Blount's corner, thence along William Blount's line north sixty-eight degrees west five hundred and sixty poles, thence south one hundred and fifty-six poles along said Glasgow's line of his one thousand acres survey to a stake, thence another of his lines of said survey west four hundred and ninety poles to a black oak, thence south to Clinch River, thence up the meanders thereof as laid down in the plan to the beginning; and that all the land contained in the above lines be vested in the said James Glasgow, his heirs and assigns forever.

III. And be it further enacted, That the Secretary be directed to alter the grant and record, and make them conformable to the above courses.

And whereas, it also appears from the plan of a tract of land in Jones county, on Crooked run, granted to Abraham Buffet, that the surveyor hath in the certificate annexed to the plan of survey in the first course inserted a direct contrary course, whereby the land is thrown immediately off the actual survey.

IV. Be it therefore enacted by the authority aforesaid, That hereafter the courses of said land shall be as follows, to-wit: Beginning at a black-oak, running north sixty-seven degrees east three hundred and twenty poles, then south, twenty-three degrees east three hundred and twenty poles, then south sixty-seven degrees west three hundred and twenty poles, and from thence to the first station.

V. And be it further enacted by the authority aforesaid, That all persons who have purchased lands within the aforesaid courses from the aforesaid Abraham Buffet, and those claiming from or under him, are hereby vested with an absolute right in fee simple to the lands purchased as aforesaid.

VI. Provided, That this act shall not be construed or plead so as to affect any right derived otherwise than claiming by or under the said William Simpson, the said James Glasgow, and the said Abraham Buffet.

CHAPTER L.

An Act to enable William Beatty, Administrator of the Estate of James White, late of Bladen County, deceased, to sell the Lands and Tenements herein mentioned.

Whereas, it is represented to this Assembly, that James White, late of Bladen county, was, at the time of his decease, greatly indebted, and that if the personal estate were applied to the payment of his debts, his widow and children would be destitute of support; wherefore,

I. 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 it shall be lawful for the said William Beaty, Administrator as aforesaid, to sell and convey one lot of land, with the appurtenances, number one hundred and thirteen, in Elizabeth-Town; three hundred and twenty acres of land on the east side of Lyon's swamp; and a tract of land on Black River, known by the names of Shaw's Old Field, all which lands are situate in Bladen county aforesaid. And the said Administrator is hereby empowered to make conveyances of the said lands to the purchasers, which shall be as effectual and valid in law, as if the same had been made by the said James White, in his lifetime.

II. And be it also enacted, That the said William Beaty shall advertise in the Fayetteville Gazette, the time and place to be appointed for the sale of the lands aforesaid, two months before such sale; and the same shall be sold on six months credit, the purchaser giving bond with sufficient security to the said Beaty, for payment of the purchase money.

III. And be it further enacted, That the said William Beaty shall apply the money arising from the sale of the lands aforesaid, to the payment of the debts of the said deceased; and the lands aforesaid, and the money which shall arise from the sale of the same, shall not be liable to dower of the widow of the said deceased, any law to the contrary notwithstanding.

CHAPTE LI.

An Act to vest certain Lands therein mentioned in the Monthly Meeting of the People called Quakers, of New Garden, in Guilford County.

Whereas, it appears to this General Assembly, that a certain Richard Williams, on the nineteenth of October, one thousand seven hundred and fifty-seven, did convey a certain tract of land situated in New Garden, in Guilford county, to Henry Ballenger and Thomas Hunt, and their successors, in trust for the use and benefit of the Monthly Meeting of the people called Quakers, in New Garden in said county; and the said Henry Ballenger and Thomas Hunt being dead, and their being no successors or means of appointing such provided in the said deed or otherwise. For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said tract and parcel of land conveyed by deed, bearing date as aforesaid, by the said Richard Williams to the said Henry Ballenger and Thomas Hunt, containing fifty-three acres, and situate in New Garden, in the county of Guilford, and bounded as follows, to-wit: Beginning at a hickory saplin, running thence west eighty pole to a white-oak post, thence south sixty-four pole to a chestnut post, thence east twenty pole to a white-oak post, thence south fifty-six pole to a white oak post, thence east sixty poles to a blackjack saplin, thence north one hundred and twenty pole to the first station, be and the same is hereby vested in fee in the said Monthly Meeting of the people called Quakers, of New Garden, in the county of Guilford, for the uses and purposes expressed in the said deed from the said Richard Williams to the said Henry Ballenger and Thomas Hunt: And the said Monthly Meeting of the people called Quakers are hereby declared to be a body politic and corporate, and may and shall act as such in all matters respecting the said land and premises; and for that purpose may sue and be sued, plead and be impleaded, in any court of law or equity in this state.
CHAPTER LII.

An Act for erecting and establishing a Town at Hawkins Court-House.

Whereas, Joseph Rogers and James Hogan have signified to this General Assembly, that they are desirous a town should be established at Hawkins Court-house, on the lands belonging to them at that place; and it is represented further, that there are a number of lots already laid off and improved, that the situation is healthy and convenient, being on the great road from the eastward that leads to Kentucky and Cumberland settlements, and that many of the Inhabitants of Hawkins county have solicited the proprietors of the said land to have thirty acres thereof laid out into lots and established as a town.

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is enacted by the authority of the same, That Thomas King, Thomas Hutchins, Joseph M'Culloch, Thomas Jackson, and Elijah Chissom, be, and they are appointed Commissioners and Trustees for designing, building, and carrying on a town at Hawkins Court-house, by the name of Rogersville; and they, or a majority of them, are hereby empowered and required to lay off thirty acres of land, including the public buildings at the said Court-house, in half acre lots, with convenient streets and alleys; that they cause a plan of the said town to be made, and each lot to be particularly numbered, and that they, or a majority of them, cause the said thirty acres of land so laid off, to be conveyed to them jointly, as Trustees for the said town.

II. And be it further enacted, That the said Trustees aforesaid, shall reserve two or more lots, where the public buildings now stand, to be and remain public lots for the use of the county of Hawkins.

III. And be it enacted, That the Trustees aforesaid, or a majority of them, shall make good and lawful titles in fee simple, of all other lots in the said town of Rogersville, except the public lots herein reserved, to the respective purchasers of the same, describing each lot by the number thereof, and the street on which it lies.

IV. And be it further enacted, That in case of the death, refusal to act, or removal out of the county or state, of any of the Trustees named in this act, the survivors of them are hereby empowered and required to appoint, from time to time, by instrument of writing, from under their hands and seals, some other person or persons in place of him or them so dying, removing, or refusing to act, which said instrument shall be recorded in the court of the county of Hawkins, and the Trustee or Trustees so appointed, shall have the same power and authority as if he or they had been expressly named and appointed in this act.

CHAPTER LIII.

An Act for cutting a Canal from Juniper Bay to Mattamuskeet Lake, in Hyde County.

Whereas, it is represented to this General Assembly that the cutting a canal from Juniper bay to the said lake would drain a vast quantity of land, and would be productive of other salutary effects; and the people living near said lake being desirous that a legislative sanction might be obtained for the opening said canal:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Michael
CHAPTER LIV.

An Act for establishing two Places for holding General Musters in the Counties of Wilkes, Burke and Rutherford, and the Place of holding Courts Martial; and for altering the Manner of holding Elections of Members to represent said Counties in the General Assembly.

Whereas, it is very inconvenient for the inhabitants of the county of Wilkes who live on the west side of the Appalachian mountain to attend general musters and elections at the court-house in said county: For remedy whereof,

I. 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 after the passing of this act, when the commanding officer of the militia in the county of Wilkes shall order a general muster of his regiment, it shall be in the following manner, to-wit: That all the militia in said county living west of the Appalachian mountain, shall be ordered to meet at the plantation next above Col. Charles Gordon's, on Naked creek of New river, where it shall be the duty of the Lieutenant-Colonel of said regiment to attend and discipline the militia aforesaid according to law, except a majority of the field officers in said county appoint some other of the field officers to attend said muster in the stead of the Lieutenant-Colonel; in which case it shall be the duty of the field officer or field officers so appointed by the majority as aforesaid to attend said muster, and discipline the militia as aforesaid; which muster shall be the day preceding the day of the general muster of the inhabitants of the said county living on the east side of the Appalachian mountain; which muster last mentioned shall be held at the court-house as the law directs.

II. And be it further enacted by the authority aforesaid, That a regimental court-martial shall be held as the law directs at the court-house in Wilkes county, on the next day after each general muster hereby directed to be held at the said court-house; which court-martial shall have as full and ample power and authority over the whole regiment, as if this act for dividing said muster had never been passed; any law or custom to the contrary notwithstanding.

III. And be it enacted by the authority aforesaid, That after the passing of this act, the annual election for said county be held in the following manner, to-wit: The election shall begin at the plantation on Naked creek above mentioned, on the second Thursday in August in every year, at ten o'clock in the morning, and shall continue until sunset of the same day in manner as by law directed, then the Sheriff and Inspectors shall seal up the ballot boxes, and shall proceed with the boxes and several lists of voters by them taken to Wilkes court-house and on Saturday next after the said Thursday, the polls shall be there opened and the seals taken off the ballot.
boxes at eight o'clock in the morning, and the Sheriff and Inspectors shall then proceed to conduct the remainder of said election in a fair and open manner as heretofore by law directed.

IV. And it be enacted by the authority aforesaid, That in case of a special writ of election issuing by order of any future General Assembly, to elect a member or members to represent said county in the General Assembly, such election shall be held in the manner by this act directed, that is to say, said election shall be begun and held the first day at the plantation on Naked creek aforesaid, and on the third and last day at the court-house in said county, having an intervening day for the purpose of conveying the ballot boxes from the plantation on Naked creek aforesaid to Wilkes court-house as before directed by this act; any law to the contrary notwithstanding.

V. And it be enacted by the authority aforesaid, That the Sheriff of said county is hereby directed and required to advertise all elections hereafter to be held at the several places directed by this act for holding said elections, agreeable to the law in that case made and provided.

VI. And it be further enacted by the authority aforesaid, That all the inhabitants on the west side of the Apalachian mountain, that is within the county of Rutherford, shall have full power and authority to hold all future elections on the second Wednesday and Friday of August, at the plantation where William Burney formerly lived, on Cain creek; elections and general musters to be under the same regulations for the county of Rutherford, as is provided by this act for the western inhabitants of the county of Wilkes; any law, usage or custom to the contrary notwithstanding.

VII. And it be further enacted by the authority aforesaid, That Captain Smith's company and the Ivey and Cain river company, being inhabitants of Burke, shall hold their annual general musters at Beesle's mill, and they shall hold their election for members of Assembly at the said mill under the direction of the Sheriff of Burke, or one of his deputies; which said election shall be held on the Wednesday preceding the second Thursday in August until sun down, at which time the Sheriff attending the same shall count out the tickets in presence of three freeholders who inspected the poll, and shall make out the list of the candidates balloted for, and set down the number of votes for each candidate in words at full length, which list shall be signed by the Inspectors of the poll; then the said Sheriff shall proceed to the court-house of Burke, and on the third Friday of August deliver in the list aforesaid, to the Sheriff, in presence of the Inspectors who superintended at the court-house and also a list of the voters; and no person residing in the companies aforesaid shall be allowed to vote at any other place for members but at said Beesle's mill.

CHAPTER LV.

An Act to Empower the County Court of Pitt to Lay a Tax Annually for the Purpose of building a Court-house, Prison and Stocks, and for keeping the Same in Repair.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the county court of Pitt is hereby authorised and empowered to lay a tax annually for the purpose of building a court-house, prison and stocks, and for keeping the same in repair, not exceeding the sum of eight pence on every hundred acres of land in said county, and a poll tax not exceeding two shillings
like money on every taxable person, and a tax of two shillings on every hundred pounds value of town property in said county, which said tax shall be collected and accounted for in the same manner, at the same time, and by the same persons who are appointed to collect the public taxes in said county, and be paid into the hands of the Commissioners hereafter named for building the court-house, prison and stocks; and that in case of refusal or neglect to pay the said money into the hands of the commissioners hereafter named, the person so neglecting or refusing, shall be liable to the same penalties, and the same mode of recovery shall or may be had against him or them, as by law shall or may be had against sheriffs who neglect or refuse to account for and pay public taxes.

II. And be it enacted by the authority aforesaid, That James Armstrong, Shadrick Allen, John Moye, Arthur Forbes, Samuel Simpson, Benjamin Bell, and William Blount, be, and hereby are appointed commissioners to receive, ask for, sue and recover the said tax from the sheriff of the said county, and to appropriate the same to the building a court-house, prison, and stocks, and to dispose of the old court-house and prison for the most obtainable, as soon as may be after the new ones are completed; and it shall be a part of the duty of the said commissioners to lay a state of their accounts half yearly before the court of Pitt, and finally, after the buildings are completed, to settle with the court, deducting an adequate commission for their trouble. And in case of the death, removal, or refusal to act, of either of the before named commissioners, then it shall be lawful for the said county court of Pitt to appoint other commissioners in their stead, who shall have equal powers with those named in this Act, and be subject to the same duties, pains and penalties.

CHAPTER LVI.

An Act to Amend an Act, Entitled "An Act for Directing the Method of Appointing Jurors in all Causes, Civil and Criminal," Passed at Halifax, in the Year One Thousand Seven Hundred and Seventy-Nine.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the number of freeholders to be hereafter nominated by the county courts of Craven, Carteret, Dobbs and Jones, to serve as jurors at the superior courts of law and equity for the district of New Bern, shall be proportioned as follows, to-wit: Craven nine, Carteret three, Dobbs six, and Jones four; a list of which jurors so nominated shall be delivered by the clerk to the sheriff, who shall and is hereby required to summon the persons nominated to serve as jurors at the district court aforesaid, and shall be under the same rules, regulations and restrictions, as are directed by the before recited Act.

II. And be it further enacted by the authority aforesaid, That all Acts and parts of Acts, so far as relate to the appointing of jurors in the counties above mentioned to serve at the district court aforesaid, be and the same are hereby repealed and made null and void.
CHAPTER LVII.

An Act Directing the Manner of Issuing Process in Sundry Cases Arising in the Courts of Law and Equity, to direct the Manner of Proceeding on Assigned or Indorsed Bills, Bonds and Notes Under Seal, to Direct New Joint Obligations Shall Survive; and to Repeal an Act for Calling Forth the Militia to Assist in Executing Civil Process, and to Prevent Abatements and Discontinuances in Certain Cases.

Whereas, the present mode of issuing writs and other process, for the appearance to the superior courts, where there are two or more defendants who reside in different counties is frequently productive of great delay and expense: To prevent which in future,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, It shall and may be lawful in all cases where there are two or more defendants, for the plaintiff in any suit in the superior courts of law, or courts of equity, to issue writs or subpoenas as the case may be, directed to the sheriff or coroner of each of the counties where the defendants are most likely to be found, noting on each process that they are issued in the same suit, and when the same are returned they shall be docketed in the same manner as if only one had issued. And in case any defendant or defendants should not be served with such process, the same proceedings shall be had as in cases of other similar process which has not been executed.

II. And be it further Enacted, That when two or more persons are joined in one action in any of the county courts of pleas and quarter sessions in this State, and one of them shall be personally served with a process in the county from which the writ issued, and the other or others shall reside in some other county or counties in this State, then and in that case it shall and may be lawful for process to issue to the county or counties where the other defendant or defendants reside, returnable to the court of the county from whence the same issued, any law to the contrary notwithstanding.

And whereas, by an Act of the General Assembly passed at Fayetteville, in the year one thousand seven hundred and eighty-six, entitled "An Act to make the securities therein named negotiable," indorses and assignees of bills, bonds and notes with seal, are directed to bring actions on the case on the same; which is inconsistent with the nature of such securities, and frequently proves injurious to indorsees and assignees of such bills, bonds and notes: For remedy whereof,

III. Be it Enacted, That from and after the passing of this Act, the Indorsee or assignee of any bill, bond or note under seal, may have and maintain an action of debt on the same, in his or her own name as indorsee or assignee, provided the original obligee could have maintained an action of debt on the same bill, bond or note with seal; any law, custom or usage to the contrary notwithstanding.

And whereas, an Act of the General Assembly, passed at New Bern in the year one thousand seven hundred and eighty-four, entitled "An Act for the more ready and effectual execution of process issuing from the several courts of law and equity, in cases where the sheriff or coroner may be resisted, and the power of the county should be found insufficient for the purpose therefore," is found to be no longer necessary:

IV. Be it Enacted, That the before recited Act, and every part thereof, be
and the same is hereby repealed and made void, to all intents and purposes as if the same had never been made or enacted.

And whereas, it is a rule of common law, that in case of the death of a joint obligor, the debt can never survive against his heirs, executors or administrators, which rule frequently is injurious and oppressive to the surviving obligor or obligors: To remedy which,

V. Be it enacted, That from and after the passing of this Act, in case of the death of one or more joint obligor or obligors, the joint debt or contract shall and may survive against the heirs, executors and administrators of the deceased obligor or obligors, as well as against the survivor or survivors; and when all the obligors shall die, the debt or contract shall survive against the heirs, executors and administrators of all the said joint obligors; and in all cases of joint obligations or assumptions of copartners or others, entered into after the passing of this Act, suits may be brought and prosecuted on the same, in the same manner as if such obligations or assumptions were joint and several; any law, custom or usage to the contrary notwithstanding.

And whereas, by the law now in force in this State, defendants to suits in equity cannot be held to bail without a special order from one of the judges for that purpose; which order can seldom be obtained, except in term time, without great delay and trouble: Therefore,

VI. Be it further enacted, That in all cases where the plaintiff or complainant in equity shall specially state his debt or damages, and make oath or affirmation to the same, before the clerk and master in equity. It shall and may be lawful for the said clerk and master in equity, to require the defendant or defendants to be held to bail, in the same manner as if the same had been by order of one of the judges of the superior courts of law and courts of equity.

VII. And be it further enacted, That where a term of the superior court of law or the court of equity, or a session of the court of pleas and quarter sessions, shall intervene between the death of any plaintiff or defendant and qualifications of the executors or administrators of such deceased plaintiff or defendant, the intervention of such term or session shall not work any abatement or discontinuance of such suit, any law or usage to the contrary notwithstanding.

CHAPTER LVIII.

An Act to Erect a Light-House on Oacock Island.

Whereas, the erecting a light-house on Oacock Island would tend greatly to the safety of vessels bound over Oacock Bar, and very much encourage foreigners as well as citizens of the United States to trade with this State:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Nathaniel Allen, James Gorham, Abner Neale, John Wallace, David Wallace, Adam Gaskins and John Stewart, be and they are hereby appointed commissioners, for erecting a light-house on Oacock Island, of such dimensions and materials as they shall deem the most proper; a majority of whom shall be a quorum.

II. And be it further enacted by the authority aforesaid, That the said commissioners shall be and they are hereby constituted a body corporate and politic, with full power and authority to sue and be sued, plead and impleaded, and to do and perform every act that may be requisite and neces-
sary for carrying the above purpose into effect, by the name and style of
the commissioners for erecting a light-house on Oacock Island; and in case
of the death, resignation, removal or inability of any of the aforesaid com-
missioners, a majority of them may and they are hereby empowered to
elect and appoint others in his or their room and stead.

III. And be it further enacted by the authority aforesaid, That the said
commissioners shall at their first meeting appoint a treasurer, whose duty
it shall be to enter in a book belonging to the said commissioners, and keep
a fair account therein of all the monies received and paid for the purpose
aforesaid; who shall, previous to entering into office, give bond with approved
security, payable to the Governor and his successors, in the sum of one
thousand pounds, conditioned that he shall faithfully account for all monies
which he may receive for the purpose aforesaid.

IV. And be it further enacted by the authority aforesaid, That the said
commissioners are hereby directed and empowered to fix on the most proper
spot of ground upon the island of Oacock, for erecting the light-house
aforesaid; and to purchase or obtain by deed of gift the same from the pro-
prietor or proprietors thereof, if he or they will consent thereto: which spot
of ground shall not exceed one acre.

V. And be it further enacted, That a duty of three pence per ton shall
be paid to the collectors of the ports of Currituck, Roanoke, Bath, Beaufort,
on all vessels of twenty tons and upwards belonging to this or any of the
United States, and a duty of six pence per ton upon all foreign vessels
which shall come over Oacock Bar, upon their entry with the collectors of
any of the ports aforesaid, under the same penalties as are by law estab-
lished for securing the imposts upon goods imported.

VI. And be it further enacted, That the collectors of the aforesaid ports
respectively shall make out an account upon oath of the duties that they
shall have received every six months after the passing of this Act, and pay
the duties so received agreeable to the account rendered (deducting there-
from two and a half per cent. in compensation for their service) into the
hands of the treasurer of the commissioners aforesaid, under the penalty of
one hundred pounds for each neglect; which sum so received shall be
applied by the commissioners aforesaid towards defraying the expenses of
the said light-house; a copy of which accounts the collector shall annually
transmit to the comptroller.

VII. And be it further enacted, That the said commissioners be and
they are hereby required to transmit annually to the comptroller, an account
on oath of all the monies received and paid by them for the purposes afo-
resaid; and if any time hereafter a surplus shall arise from the duties hereby
imposed, over and above what will be sufficient to erect, repair and sup-
port the light-house aforesaid, such surplus shall be subject to the appro-
priation of the General Assembly.
CHAPTER LIX.

An Act to Amend an Act Passed at New Bern, in November, One Thousand Seven Hundred and Eighty-Four, Entitled "An Act to Explain, Amend and Supply the Deficiencies of an Act Passed at Hillsborough, Entitled "An Act to Regulate the Descent of Real Estates, to Do Away Entails, to Make Provision for Widows, and to Prevent Frauds in the Execution of Last Wills and Testaments; and for Directing How Deeds of Gift and Bills of Sales of Slaves Shall be Executed, Authenticated and Perpetuated.

Whereas, in the seventh section of the above recited Act it is required that all bills of sale for negroes, and deeds of gift of any estate of whatever nature, shall within nine months after the making thereof be proved in due form and recorded; and all bills of sale and deeds of gift not authenticated and perpetuated in manner by the said Act directed, shall be void and of no force whatever. And whereas, it appears to this General Assembly, that by unavoidable accidents many counties in this State did not receive the laws in time for a number of the good citizens of this State to avail themselves of the benefit of the said Act, whereby many are likely to sustain great damage: For remedy of which,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all bills of sale taken and deeds of gift made, and not already recorded in manner required by the before mentioned Act, shall have a further time of twelve months allowed for probate and registration; and shall when thus authenticated and perpetuated, be held and deemed as valid in law, to all intents and purposes, as if they had been proved and registered within the time required by the aforesaid recited Act; any law, usage or custom to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That hereafter all bills of sale of negroes, and deeds of gift of any estate of whatever nature, shall within twelve months after the making thereof be proved in due form and recorded; also all bills of sale and deeds of gift, not authenticated in manner by this Act directed, shall be void and of no force whatsoever; any law to the contrary notwithstanding.

CHAPTER LX.

An Act Directing the Mode of Raising a Fund in the Several Ports of This State for the Support of Sick Seamen, and the Manner of Appropriating the Same.

Whereas, sailors and mariners who come by water into this State, frequently suffer for the want of proper means in sickness, and the funds raised by the parish taxes, and the wardens of the poor, are in many cases insufficient:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all captains of vessels on their arrival into any of the ports of entry in which the said towns are situated in this State, shall give an exact account upon oath to the collector of the customs of the number of mariners which he may have on board his vessel, with their names and stations on board; and before the collector for any of the ports aforesaid shall admit the captain or other person to make entry of any vessel, the said captain or other person for him
shall pay the sum of one shilling for himself, and the sum of one shilling for each of his mates, and the sum of one shilling for each of the crew (apprentices not receiving pay excepted) which money the said collector is hereby ordered to collect and pay to the commissioners of the town and parish wherein such entry hath been made, under the penalty of twenty-five pounds for each and every offence, to be recovered at the instance of the commissioners aforesaid in any court of record; and the said collector is hereby ordered to keep an exact account and register of the said entries and hospital money so paid to him, for which he shall be allowed two and a half per cent. for his trouble; and he shall settle the same with the commissioners of said town whenever demanded by them; which money so received shall be called Hospital Money, and shall be appropriated by the commissioners aforesaid at their discretion, to the use of sailors and mariners in times of sickness only. Provided, That no crew coming into any of the said ports with the small pox, or other contagious disorder, shall be entitled thereto.

II. And be it further enacted by the authority aforesaid, That when vessels shall arrive from long voyages, the captain shall pay as aforesaid, and for the use aforesaid, the sum of one shilling per month, and the sum of eight pence for each of his mates per month, and the sum of four pence per month for each of his crew, excepting apprentices above mentioned, not receiving pay, for each month it may have been since he left the port of his departure. Provided, That if any master, mate or seaman aforesaid, shall show a receipt for hospital money paid by him in any port of the United States one month previous to the entry of the vessel in any of the said ports, he shall be exempted from the payment of the said hospital money.

And whereas, it is represented to this General Assembly, that the navigation of Cape Fear river is much impeded, and many inconveniences arise in port Brunswick for want of a harbour master in that port:

III. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Robert Scott be appointed to that office during good behaviour; and that his official duties and fees of office be regulated by a majority of the commissioners of the aforesaid river on the first day of February in every year.

CHAPTER LXI.

An Act to Encourage the Manufacture of Pot-Ash.

Whereas, it is the duty of the Legislature by all convenient means to promote industry and useful manufactures, whereby public and private debts may be discharged, and the quantity of circulating specie in the State may be increased; and as no attention has hitherto been given to making pot-ash in this State, by which the value of many thousand pounds might be saved every year, that is now lost by inattention:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a bounty of twenty pounds shall be paid to any person in each and every district in this State, who before the last day of March, one thousand seven hundred and ninety-one, shall make the largest quantity of pot-ash, provided the quantity thus made is not less than one thousand pounds weight; which bounty shall be paid by the treasurer of this State to the claimant, after he shall have produced a certificate from some naval officer in this State, that such quantity of pot-ash of his proper manufacture has been shipped for exportation by him or his assigns, and after he shall have made oath
that all the pot-ash for which he claims such bounty is or was his property, and was made by himself or for his account at a work or works belonging to himself in the district wherein he usually resides; which bounty shall be paid by the treasurer at the expiration of six months after the time above mentioned, and not sooner, in order that the several claimants in each district may have time to present their claims.

II. And be it further enacted, That a bounty of twelve pounds shall be paid to the person in each district who shall make the second largest quantity of pot-ash, provided such quantity is not less than six hundred pounds weight; the claim to be made and the bounty discharged in the same manner as the other claims and bounties.

CHAPTER LXII.

An Act Directing the Collectors of Imposts and Other Duties to Collect the Same for the Use of This State, Until the Congress of the United States Shall Make Provision for that Purpose; and to repeal an Act Passed at Hillsborough, in April, One Thousand Seven Hundred and Eighty-Four.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all collectors in the several ports in this state, and all other persons whose duty it has been to collect tonnage duties, or any other impost or duties on goods imported into this State, shall be and they are hereby authorised and required to continue to demand and receive the same as by law directed, for the use of the State, until such time as the Congress of the United States shall have made the necessary laws, and officers shall be appointed, to collect duties for the benefit of the United States of America.

II. And be it enacted by the authority aforesaid, That the Act passed at Hillsborough in April, one thousand seven hundred and eighty-four, for imposing a duty or tax in aid of the public revenue upon the different articles therein mentioned, sold at auction or public vendue, and for regulating auctioneers or vendue-masters, be and the same is hereby repealed and made void to all intents and purposes as if the same had never been made.

CHAPTER LXIII.

An Act for the Relief of Such Persons Who May Be Wounded by the Indians Within the District of Mero, and for Other Purposes.

Whereas, It hath been represented to the General Assembly, that several persons within the district of Mero being wounded by the Indians, had it not in their power to employ physicians, surgeons, nurse, or to provide themselves with the necessary medicines and attendance, by which means their lives have been much endangered: And whereas, it is probable that several persons under the said circumstances have died for want of proper care: For remedy thereof,

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the county courts of Davidson, Sumner, and Tennessee shall be and they are hereby empowered and authorised, whenever it may appear to their satisfaction that the person wounded by the Indians is not able to defray the expences of his treatment and cure, to pass the accounts of physicians, surgeons and nurses, and those for the necessary
medicines, provisions and attendance, the same being properly attested and
proven on oath; which accounts thus passed by the said courts shall be
received in payment of all public taxes by the collectors, sheriff or other
officers in said district; any law or custom to the contrary notwithstanding.

And whereas, it is good policy to keep up a friendly intercourse with the
Indian tribes in amity with the good people of this State:

II. Be it therefore enacted by the authority aforesaid, That all accounts
of provisions furnished to Indians within the district of Mero by any of the
inhabitants thereof, being duly proven and upon oath, and the same being
exhibited in the court of the county wherein such persons may reside, the
said court shall be and is hereby empowered to pass all such accounts, and
to fix the price of such provisions furnished to the Indians; which accounts
thus passed by the court as aforesaid, shall be received in payment of any
of the public taxes in said district; any law or custom to the contrary not-
withstanding.

III. Be it further enacted, That on account of the scarcity of physicians
and surgeons within the district of Mero, that all practising physicians and
surgeons within the said district shall be exempt from all militia duty, ex-
cept in the case of actual invasion or insurrection.

IV. Be it further enacted, That all Acts of Assembly, or parts of Acts,
which come within the purview of this Act, are hereby repealed and made
null and void, to all intents and purposes, as if the same had never been
made.

CHAPTER LXIV.

An Act Directing Returns to Be Made of the Taxable Property in the Middle
District of Anson County, for the Year 1788.

Whereas, it is represented to this General Assembly, that either from neg-
lecrt or accident the people in a district in Anson county, known by the name
of the Middle District, failed to give an account of their taxable property
for the year one thousand seven hundred and eighty-eight: Therefore,

I. Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, That the county court
of Anson shall at their first court after the passing of this Act appoint one
of their justices to take in a list of their taxable property which was in said
district in the aforesaid year, to the end that taxes may be paid for the
same, in the same manner as if the said neglect had never happened.

II. And be it further enacted, That the clerk of Anson county court shall
transmit to the comptroller's office an attested certificate of said list, in
order to charge the sheriff for the collection of the said taxes.

CHAPTER LXV.

An Act to Repeal Part of an Act, Entitled, "An Act for Appointing an
Agent, and Holding a Treaty With the Cherokee Indians, and for Other
Purposes."

I. 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 so much of the
before recited Act as relates to the appointment of an Indian Agent, his
duty and pay, be and the same is hereby repealed and made void.
CHAPTER LXVI.

An Act to Amend the Several Acts of the General Assembly for Establishing a Court of Law and Equity in the County of Davidson, and Erecting the District of Mero, and to Make Provision for the Judge of Mero District.

Whereas, the judge of the superior court of law and equity for the district of Mero, hath doubted whether his powers are sufficient to make a final decree in equity: To prevent which in future,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the judge of the superior court of law and court of equity for the district of Mero shall in matters and things cognizable in the said court, have as full and ample powers, to all intents and purposes, as any two judges have or ought to have in the superior courts of law and courts of equity in any other part of the State: Provided nevertheless, The said powers shall not extend to granting licences to attorneys.

And whereas, the salary at present allowed to the judge of Mero district, is very inadequate to the fatigue and trouble of attending to his duty, and will not be a sufficient compensation to induce a person of learning and integrity to continue in that office: Therefore,

II. Be it enacted, That the judge of the superior court of law and equity for the district of Mero, shall have and receive the sum of one hundred pounds for each and every court he shall hereafter attend, instead of the salary here-tofore established by law.

III. Be it further enacted, That the collectors of the district of Mero shall pay the judge the said sum out of their funds.

CHAPTER LXVII.

An Act to Repeal the Sixty-Fifth Section of An Act Passed at New Bern, in the Year One Thousand Seven Hundred and Seventy-Seven, Entitled "An Act for Establishing Courts of Law, and for Regulating the Proceedings Therein."

Whereas, doubts have arisen whether the sixty-fifth section of the Act above recited be in force, or whether the same be repealed by subsequent Acts, so that the clerks of the several County Courts are in doubts how to act with respect to the duties enjoined them by the said clause: And whereas, the same has been found by experience to be of no real utility, and to impose unnecessary expense on the estates of deceased persons.

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said sixty-fifth section of the said Act, entitled "An Act for establishing courts of law, and regulating the proceedings therein," shall be and the same is hereby repealed and made void.

CHAPTER LXVIII.

An Act to Empower the Wardens of the Poor for the Counties of Franklin, Orange and Surry, to Build a House or Houses for the Reception of the Poor; and for Amending Wilmington Town Law.

Whereas, the poor should always be an object of Legislative attention:

I. Be it therefore enacted by the General Assembly of the State of
North Carolina, and it is hereby enacted by the authority of the same, That
the wardens of the poor for the county of Franklin are hereby authorised
and empowered to lay off and set apart so much of the lands reserved in
the town of Lewisburg for the court-house, prison and stocks, as shall be
necessary to erect a house or houses thereon, for the purpose of receiving
and maintaining the poor of said county.

II. And be it further enacted by the authority aforesaid, That the ward-
dens of the poor for the county of Franklin are hereby authorised to call on
the commissioners or other person or persons, who may have in their hands
the monies arising from the sale of the glebe in Franklin county, for the
dividend or surplusage which may be due to said county of Franklin; and
the said commissioners or other person or persons having the said monies
in their hands, are hereby directed and required to pay the said surplusage
or dividend of said monies into the hands of the wardens of the poor for the
said county of Franklin.

III. And be it further enacted by the authority aforesaid, That the said
wardens of the poor for the county of Franklin are hereby authorised, di-
rected and required to apply said monies towards building and erecting a
house or houses on the lands above mentioned, which house or houses when
built, with the lands so appropriated, shall be and remain to the use of the
county aforesaid, under the directions of the wardens of the poor for said
county, and to their successors forever.

IV. And be it further enacted by the authority aforesaid, That if the
said glebe monies shall be found insufficient for the purpose aforesaid, that
then and in that case the wardens of the poor for the said county of Frank-
lins, are hereby authorised to lay a tax not exceeding the sum of one shilling
specie on every poll, also a sum not exceeding four pence on every hundred
acres of land, and a sum not exceeding one shilling on every hundred pounds
value of town lots in said county of Franklin; which tax shall be collected
by the same person appointed to collect the public taxes, and paid into the
hands of the county wardens to be by them applied to the purpose aforesaid.

V. And be it further enacted by the authority aforesaid, That the court
of the county of Franklin are hereby authorised and required to appoint two
proper persons, inhabitants of the town of Lewisburgh, to value the lots in
said town until the owners of said lots may become freeholders, any law to
the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, That the war-
dens of the poor for the county of Surry are hereby authorised and em-
powered to lay a tax, not exceeding one shilling on each poll, also a tax not
exceeding four pence on every hundred acres of land, and a tax of one shil-
ing on every hundred pounds value of town lots within said county of Surry;
which tax shall be collected for the year one thousand seven hun-
dred and ninety by the collectors for collecting public taxes, in the same
manner and under the same rules and restrictions as are appointed for col-
lecting public taxes; which taxes when so collected, shall be by said col-
lectors paid into the hands of the wardens of the county of Surry for the
sole purpose of building a house or houses at some convenient place for the
reception of the poor; which house or houses when built, shall be and
remain for the use of the county aforesaid under the directions of the war-
dens of the poor for said county, and their successors forever.

VII. And be it further enacted by the authority aforesaid, That persons
being incapable to support themselves or of self preservation, shall be
under the care of the said wardens, who are empowered to dispose of them
in said houses. Provided always, That if any such poor who came under
the care of the wardens are able to work, the said wardens shall keep
them employed on some suitable business for the benefit of such poor.

VIII. And be it further enacted by the authority aforesaid, That the
overplus, if any remain after compleating said buildings, shall by said war-
dens be applied towards lessening the poor tax for said county.

IX. And be it further enacted, That all the powers herein given to the
county of Franklin, shall be extended to the county of Orange, with respect
to any building, poor or lunatics in the said county of Orange.

X. And for the better government and regulation of the town of Wilming-
ton, Be it enacted, That in future each and every of the commissioners of
the said town, and their successors respectively, during their continuance
in office, shall be fully vested with the same powers and authorities for
executing all laws and ordinances for the government of the said town,
which the said commissioners now possess for those purposes when con-
vened together.

CHAPTER LXIX.

An Act Allowing a Longer Time for Surveying Lands Entered in the Office
Kept by John Armstrong, Military Warrants and Pre-emption Rights.

I. 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 further time
of three years shall be allowed for surveying all lands entered in the office
of the said John Armstrong, all military warrants issued by the Secretary of
the State, and all pre-emption rights in the district of Meho, any law, usage or
custom to the contrary.

CHAPTER LXX.

An Act to Revive and Continue in Force, so far as Respects the Counties of
Johnston, Bladen, Robeson and Guilford, an Act Passed in the Year One
Thousand Seven Hundred and Eighty-Seven, Entitled “An Act to Em-
power the Several County Courts Therein Mentioned to Lay a Tax, Not
Exceeding Three Years, for the Purpose of Erecting or Repairing the
Court-House, Prison and Stocks When Necessary, and for Defraying the
Contingent Charges of the County.”

I. Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, That the above re-
cited Act, so far as it respects the counties of Johnston, Bladen, Guilford and
Robeson, shall continue and be in force for and during the term of two
years after the ratification of this Act.

CHAPTER LXXI.

An Act to Prescribe the Mode of Paying the Militia Officers and Soldiers for
Their Services on an Expedition Carried on Against the Chicamoga
Indians by Brigadier General Joseph Martin, in the Year One Thousand
Seven Hundred and Eighty-Eight.

Whereas, the militia of Washington district were called out on actual ser-
vice by order and under command of Brigadier General Joseph Martin,
against the Chocnina Indians, who at that time were plundering and killing the inhabitants of said district:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commanding officer of the said expedition shall, any time after the passing of this Act, exhibit into the comptroller's office of this State, attested pay-rolls on oath for the service of the said militia, stating therein the true number and names of the officers and soldiers in each company, proportioning the officers to the number of soldiers so called out; also a roll with the names of the field and staff officers who served on the said expedition, reporting in each roll the exact time of service of the said militia respectively, on the exhibiting whereof, the comptroller is hereby directed and required to examine the same, and pursuant thereto make out and issue according to law unto and in the name of each officer and soldier respectively, who were ordered out as aforesaid, certificates of such service; which certificates shall be received by the several sheriffs of the said district, and by the treasurer of this State from the said sheriffs, in payment of the public money tax that is or may become due within the said district of Washington, and no other until all such certificates be paid. Provided, That those who have no such certificates shall pay their taxes as otherwise provided by law.

And for the intent and purpose that the above specified certificates shall and may be received for taxes as above mentioned, due or which may become due in the district of Washington:

II. Be it enacted by the authority aforesaid, That the collectors of public money tax in the said district in their respective counties, are hereby required to delay the collection of the taxes dues in said district for the term or three months after passing of this Act.

III. And be it further enacted by the authority aforesaid, That so much of an Act passed at Fayetteville, in the year one thousand seven hundred and eighty-eight, as relates to raising men for the purpose of fixing a garrison on the north side of Tennessee river, be and the same is hereby repealed and made void; and the men raised by virtue thereof, shall be and they are hereby discharged from service.

IV. And be it enacted by the authority aforesaid, That the comptroller shall liquidate and adjust, on exhibiting the same to him, the commissary's accounts of the said expedition, and issue certificates for the same; which shall be received and paid as above mentioned, such accounts being supported by proper vouchers and the oath of the said commissary.

Read three times and ratified in General Assembly, the 22d day of December, 1789, except Chap. I., which was ratified the 18th of December, and Chap. XXXVIII. which was ratified the 18th of November, 1789.

CHARLES JOHNSON,
Speaker of the Senate.

STEPHEN CABARRUS,
Speaker of the House of Commons.

(Copy Test.) J. GLASGOW, Secretary.
LAWS OF NORTH CAROLINA,
1790.

At a General Assembly, begun and held at Fayetteville, on the First Day of November, in the Year of our Lord One Thousand Seven Hundred and Ninety, and in the Fifteenth Year of the Independence of the said State: Being the First Session of the said Assembly. Alexander Martin, Esq., Governor.

CHAPTER I.

An Act to Amend an Act, Entitled, "An Act Directing the Manner of Electing Representatives to Represent this State in Congress."

Whereas, the Cession made by this State of the lands west of the Apalachian mountains, renders a new arrangement for the purpose of electing Representatives to Congress, necessary:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That until the actual census be made, this State be divided and laid off in five divisions, to be called the Albemarle, the Roanoke, the Centre, the Yadkin and the Cape Fear Divisions, each of which shall be formed in the following manner: The districts of Salisbury and Morgan shall form the Yadkin division. The District of Hillsborough, and the counties of Franklin and Warren, shall form the Centre division. The counties of Halifax, Edgecomb, Northampton, Nash, Martin, Dobbs, Wayne, Jones and Craven, shall form the Roanoke division. The counties of Chowan, Perquimans, Camden, Currituck, Hertford, Bertie, Gates, Pasquotank, Tyrrell, Hyde, Beaufort, Pitt and Carteret, shall form the Albemarle division. The counties of New Hanover, Bladen, Brunswick, Duplin, Onslow, Cumberland, Moore, Richmond, Sampson, Robeson, Anson, and Johnston shall form the Cape Fear division: each of which divisions shall be entitled to elect and send one Representative to the Legislature of the United States; and the person elected in such division shall be a resident or inhabitant of that division for which he is elected, during the space or term of one year before and at the time of his election.

II. And be it further enacted, That the elections shall be held in each county within the said divisions, on the last Thursday and Friday in January, at the places appointed by law for the annual elections of members of the General Assembly.

III. And be it further enacted, That the sheriffs or returning officers of the Albemarle division shall meet at Edenton on the first Thursday in February. The Sheriffs or returning officers of the Roanoke division shall meet at Tarboro on the same day. The Sheriffs or returning officers of the Centre division shall meet at Granville Court-House on the same day. The Sheriffs or returning officers of the Yadkin division shall meet at Iredell Court-House on the same day. The Sheriffs or returning officers of the Cape Fear division shall meet at Elizabeth town on the same day, in order to determine which candidates have the greatest number of votes, in manner as directed by the above recited Act.

IV. And be it further enacted by the authority aforesaid, That the Treasurer is hereby empowered and authorized to settle (on affidavit made)
the claims of the different Sheriffs and returning officers agreeably to law for their services in going to and returning from the places aforesaid, for the purpose of comparing the polls for the Representatives to be chosen, including ferrages.

V. And be it further enacted, That as much of the said above recited Act as comes within the purview and meaning of this Act, be and the same is hereby repealed and declared void.

CHAPTER II.

An Act to Cede and Vest in the United States of America the Lands Therein Mentioned, for the Purpose of Building Light-Houses.

Whereas, William Williams, John Williams, Joseph Williams, William Howard, Junior, and Henry Gerrish, of Carteret county, planters have by deed bearing date the thirteenth day of September, in the year one thousand seven hundred and ninety, conveyed to the Governor of this State and his successors in office, for the use of the State, to erect a light-house thereon, one acre of land in Oacook Island, to be chosen out for their several unimproved lands situated on the said island, by commissioners appointed by an Act of Assembly passed at Fayetteville in the year aforesaid, as by reference to the said deed and Act had may more fully appear. And whereas, Benjamin Smith, of Brunswick county, Esquire, hath executed a deed to the person therein named, for the use of the State and the security of the navigation of the Cape Fear, for ten acres of land situated on the Cape Island, for the purpose of erecting thereon a light-house, under the conditions and limitations in said deed contained and expressed by an Act of Assembly passed at Fayetteville, in the year one thousand seven hundred and eighty-nine, as by the same reference being thereto had may more fully appear. And whereas the funds heretofore appropriated by this State to the erecting and finishing light-houses, are now vested in the Congress of the United States, wherein the establishment and support of light-houses is placed by the Constitution and laws thereof:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, lands as aforesaid, with their appurtenances, and the jurisdiction of the same, shall be ceded and vested in the United States under the condition herein after expressed.

II. And be it further enacted by the authority aforesaid, That the Governor of this State is hereby empowered and required, forthwith to execute a deed or deeds, on the part and behalf of this State to the United States, of all right, title and claim which this State hath to the lands as aforesaid, with their appurtenances under the several Acts of Assembly, and deeds herein before recited and mentioned.

CHAPTER III.


Whereas, it hath become necessary to a due and regular administration of justice, that the terms of the superior courts of law and courts of equity
should be enlarged, and that the business in the said courts should be so arranged and expedited as to be less expensive to the suitor, and more convenient to jurors and witnesses:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the tenth day of January next, the said superior courts of law and courts of equity shall be, and the same are hereby divided into two ridings, that is to say, The districts of Morgan, Salisbury, Hillsborough, and Fayetteville, shall constitute one riding, and be distinguished and known by the name of the Western riding; and the districts of Halifax, Edenton, New Bern and Wilmington, shall constitute one other riding, and be distinguished and known by the name of the Eastern riding: And the said several Superior Courts of Law and Courts of Equity in the ridings before mentioned, shall be held for their respective districts, at the following places and on the following days, that is to say, In the western riding, for the district of Morgan, at the town of Morgan, on the first days of March and September; for the district of Salisbury, at the town of Salisbury, on the nineteenth days of March and September; for the district of Hillsborough at the town of Hillsborough, on the sixth days of April and October; for the district of Fayetteville, at the town of Fayetteville on the twenty-third days of April and October. In the eastern riding, for the district of Halifax, at the town of Halifax, on the twenty-third days of April and October; for the district of Edenton at the town of Edenton, on the sixth days of April and October; for the district of New Bern at the town of New Bern, on the nineteenth days of March and September; for the district of Wilmington, at the town of Wilmington, on the first days of March and September; To which times respectively all matters and things depending in the said courts shall stand adjourned: And each term shall continue thirteen days exclusive of Sundays, by adjournment from day to day if the business should require so long time; but otherwise may be sooner determined, Provided always, That if the day by this Act appointed for holding any of the said courts, should happen to fall on Sunday, then such court shall be held the next succeeding day, anything herein contained to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That one Judge shall be appointed in addition to the present number of the Judges of the said courts, who shall have, use and exercise and enjoy the same powers, authorities, rights, privileges and pre-eminences, as are used, exercised and enjoyed by the present Judges of said courts, under the said Act, entitled, “An Act for establishing courts of law and regulating the proceeding therein,” or any other Act of law whatsoever of this State. And the Judges of the said courts shall so arrange their attendance at said courts, that two of them shall regularly attend the courts of the western riding, and the other two those of the eastern riding, and in such manner that any two of the said Judges shall not attend the same courts successively, but one of the said Judges shall pass into the other riding at each succeeding circuit, and this change shall be performed by them in regular rotation. Provided, That the Judge so to be added, shall before he acts as such take the oaths directed by law to be taken by the Judges of the said superior courts.

III. And be it further enacted, by the authority aforesaid, That the Judges attending the courts within the said ridings at the end of each term thereof, shall at their discretion divide and distribute the business with respect to the days or part of the next term of each respective court under
such rules as they shall think fit; which rule or order shall be advertised
by the Clerk of said court at every court-house of every county within the
said district within sixty days, under the penalty of two hundred pounds,
to be recovered by action of debt in any court having cognizance thereof;
and for which service the Clerk shall be allowed twenty shillings for each
county, to be paid by the Treasurer of this State on affidavit to be made by
the Clerk.

IV. And be it further enacted by the authority aforesaid, That each of
the jurors attending the said courts shall be allowed as heretofore.

V. And be it further enacted by the authority aforesaid, That each of the
Judges of the said courts shall be allowed the sum of eight hundred
pounds annually, in full compensation for all services; and in case the said
Judges, or either of them, should fail to attend at any of the said courts,
upon such failure the sum of seven pounds per day shall be deducted for
every day they shall be absent during each term, sickness or other unavoid-
able accidents excepted.

VI. And be it further enacted, by the authority aforesaid, That the
Clerks of the respective courts shall certify to the Treasurer the number of
days each Judge shall have failed to attend the courts as by this Act
directed, under the penalty of fifty pounds for every neglect; and the
Treasurer shall deduct from the salary of such Judge accordingly.

VII. And be it further enacted, by the authority aforesaid, That one
other person, being a man of abilities, integrity, and learned in the law,
shall be appointed Solicitor-General for the State, who shall have the same
powers, and be under the same restrictions, and have the same allowances
and fees as the Attorney-General, of this State; and the said Solicitor-Gen-
eral and Attorney General shall arrange the business in such manner as
may be most convenient to themselves, so that one of them shall attend in
each riding; and the said Solicitor-General shall be appointed by joint bal-
lot of both houses of the General Assembly.

VIII. And be it further enacted, by the authority aforesaid, That all in-
dictments for assaults, batteries and petit larcenies, and actions for slander,
shall in future originate in the county court of Pleas and Quarter Ses-
sions only.

IX. And be it further enacted by the authority aforesaid, That no sum-
mons, writs, declaration, return, process, judgment, or other proceedings in
the civil causes in any court of record, shall be abated, arrested, quashed or
reversed for any defect or want of form, but the said Courts respectively
shall proceed and give judgment accordingly as the right of cause and mat-
ter in law shall appear unto them, without regarding any imperfections,
defects or want of form in such writ, declaration or other pleading, return,
process, judgment or course, of proceeding whatsoever, except those only in
cases of demurrer, which the party demurring shall specially set down and
express, together with his demurrer as the cause thereof. And the said
courts respectively shall and may by virtue of this Act from time to time,
amend all and every such imperfections, defects and want of form, other
than those only which the party demurring shall set down as aforesaid, and
may at any time permit either of the parties to amend anything in the pro-
cess or pleadings, upon such conditions as the said courts respectively shall
in their discretion and by their rules prescribe.

X. And be it further enacted by the authority aforesaid, That so much
of the two Acts mentioned in the title of this Act, and so much of every
other Act as comes within the purview of this Act, shall be and is hereby
repealed and made void.
CHAPTER IV.

An Act to Enable the Wardens of the Poor for the Counties of Pasquotank and Carteret, to Build Houses Respectively for the Reception of the Poor of the Said Counties, and for Levying a Tax to Defray the Expence Thereof.

Whereas, the building of a house for the poor for the reception of the poor in each of the counties of Pasquotank and Carteret, will very much contribute to their more comfortable subsistence:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the county of Pasquotank, Job Carver, Joseph Richardson, and Thomas Davis; and for the county of Carteret, James Harker, Joseph Bell, junior, and David Hall be, and they, or a majority of them, are hereby appointed commissioners to superintend the building a house respectively for the reception of the poor of the said counties; which shall be of such dimensions and structure as the wardens of the poor of the said counties shall design, and the said commissioners or a majority of them, are hereby invested with power to employ such and so many men for the purpose of erecting the said buildings as to them shall appear proper and necessary; and the said buildings, when erected completely and finished, shall be appropriated to the sole use of the poor of the said counties, under which denomination shall be comprehended all such persons of either sex in the said counties, as shall by the wardens of the poor for the said counties be judged incapable, by means of old age or infirmity, of procuring subsistence for themselves. And the said wardens or a majority of them, shall appoint a keeper or overseer of the houses respectively, whose business and duty it shall be to preserve good order among the poor who shall inhabit the same, and to enforce all such regulations as shall be established from time to time, for the well ordering and governing the said poor, by the said wardens or a majority of them; and the said keepers or overseers for their trouble shall be allowed each year of their service, to be ascertained as to the quantum thereof by the said wardens for the time being or a majority of them, and paid out of the tax which the wardens shall levy for the support of the poor; and each of the said poor inhabiting the said houses as shall be capable of labor of any kind, shall be moderately employed and kept to such labor, and the profits thereof shall be applied to the support of the poor of the said counties: and the said keepers or overseers by directions of the wardens, from time to time, shall purchase provisions for the sustenance of the poor under their care, and shall be allowed for the same out of the said tax; and at the end of each year shall account with wardens on oath for all sums which may have been collected and have arisen from the labour of the said poor.

II. And for defraying the expence of the said buildings, Be it further enacted that a tax of Eighteen Pence on every poll, and a tax of six pence on every hundred acres of land, and a tax of eighteen pence for every hundred pounds value of town lotts with their improvements in the said counties, shall be levied for the years one thousand seven hundred and ninety-one, and one thousand seven hundred and ninety-two, to be collected by the same persons as shall be employed to collect the public taxes, and paid to the commissioners aforesaid for the purpose of defraying the expence of the said buildings; and the said Commissioners shall account with the Wardens for their disbursements and expenditures; and if any bal-
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ence shall be on such account remaining in their hands, the same shall be applied to the use of the poor of the said Counties.

III. And be it further enacted, that the said commissioners, at such place as the warden shall direct, shall purchase two acres of ground whereon to erect the said buildings; which shall be paid for out of the tax herein before laid to defray the expense of building the said houses.

IV. And be it further enacted, That in case of death or refusal to act, the county courts respectively shall proceed to appoint other commissioners, and they or a majority of them, may proceed agreeably to the intent and meaning of this Act to carry the same into effect.

CHAPTER V.

An Act to Keep Open Rockfish Creek, in Cumberland County, From its Mouth to the Forks Thereof.

Whereas, it is made appear to this General Assembly, that by opening of Rockfish creek as far up the same as the forks thereof, by erecting slips or such other convenience at or over the dams already over the said creek, or such as may be hereafter built on the same, would tend much to the benefit and advantage of those having property on the said creek; therefore,

I. 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 every person or persons who hath or have built or erected any mill dam or who may hereafter build or cause to be built any dam or dams on or across the said Rockfish creek between the mouth of the said creek and the forks thereof, shall build or cause to be built and erected, at, on or over such dam or dams a proper slip or other convenience, so as to admit the safe passage of saw mill lumber, ton timber, staves, shingles or such other produce as is generally rafted over slips on Little river in Cumberland county.

II. Be it further enacted by the authority aforesaid, That every person or persons refusing or neglecting to comply with this Act, shall forfeit and pay to any person or persons who may be injured or receive damage by reason of such neglect or refusal, all damage sustained by the person or persons owning such dam or dams, upon the person or persons who may receive such damage or injury, producing sufficient proof of such lumber, ton timber, staves or shingles being properly rafted, and of the damage sustained for want of such slip or other convenience, to be recovered with costs before any jurisdiction having cognizance thereof. Provided nevertheless, that no such owner or owners of dams shall be obliged to make such slip or other convenience until the first day of September next.

CHAPTER VI.

An Act to Prevent any Person Who Now Does, or Who May Hereafter, Hold any Office, Appointment or Authority under the Federal Government, From Being Eligible to a Seat in the General Assembly of this State, and to Prevent any Person from Holding or Exercising any Office or Appointment Under the Authority of the Said State, So Long as They Continue to Hold or Exercise any Office or Appointment Under the Authority of the United States.

Whereas, in consequence of the adoption of the constitution or form of government of the United States by this State, sound policy dictates the
measure of keeping separate and distinct the Officers acting under the authority of the United States, from acting in any legislative, executive, judiciary, or other situation under the authority of this State:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, no person whatever shall be eligible to a seat in the General Assembly of this State, who at the time of election to such seat or at the time of taking the same, shall have or hold any office of trust, profit or emolument, under or by the appointment of the United States, or any officer thereof.

II. And whereas, it is necessary to keep separate and distinct the offices of the federal government from those of the State government: Be it further enacted by the authority aforesaid, That no citizen of this State, shall hold at one and the same time, any office of trust, profit or emolument, under the authority of the United States, and any office or authority either civil, military, judiciary, or otherwise, under the authority of this State.

III. And be it further enacted by the authority aforesaid, That the Senators of this State to the United States, and the representatives of this State to the United States, shall be considered as coming within the meaning and purview of this law, and shall be excluded from all State offices as aforesaid. And any person accepting any such appointment under the authority of the United States, and holding any office or appointment, under the authority of this State, the said State appointment is hereby declared to be vacant.

CHAPTER VII.

An Act to alter the Time of Holding the Several County Courts of Pleas and Quarter Sessions therein mentioned.

Whereas, by reason of the extension of the terms of the superior courts for several districts within this State, and the consequent alteration thereof, it is necessary to alter the terms of holding several of the county courts within the respective districts:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the sundry courts herein named shall be held as follows, viz: The courts of Bertie County, shall be held on the first Mondays of February, May, August, and November; Chowan, the second Mondays in March, June, September, and December; Brunswick, the second Mondays in January, April, July and October; Cumberland, the second Mondays in January, April, July and October; the courts for the county of Perquimans, on the second Mondays in February, May, August and November; the courts for the county of Edgecombe, on the last Mondays in February, May, August and November; the courts for the county of Carteret, the third Mondays in February, May, August and November; the courts for the county of Tyrrell, the fourth Mondays in January, April, July and October; the courts for the county of Pasquotank, the first Mondays of March, June, September, and December; the courts for the county of Camden, the third Mondays of March, June, September and December; the courts for the county of Currituck, the fourth Mondays in March, June, September and December; the courts for the county of Jones, on the second Mondays in February, May, August and November: To which time respectively all matters and things in the re-
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 spective county courts in this state herein mentioned shall stand adjourned from the courts which will be next after the first day of March next.

CHAPTER VIII.

An Act to alter and amend the Acts for regulating the Pilotage and facilitating the Navigation of Cape Fear River.

 Whereas, the rates allowed by law to the branch pilots for the bars of Cape Fear River are not adequate to the purchase, repairs and incidental expenses of such boats as are necessary to give a proper attendance over the said bars, and some of the pilots having already provided good decked boats fit for the purpose, and owners and masters of vessels uniformly agreeing to give such advanced rates for pilotage as may be deemed equal to the expenses, risk and trouble of the pilots, it is proper for the benefit of commerce that due encouragement be given:

I. 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 after the last day of this present year one thousand seven hundred and ninety, there shall be paid to the bar pilots of Cape Fear River, as well as those of the new inlet as those of the main bar, for bringing vessels over the said main bar and mooring them off Fort Johnston, and over the bar of the new inlet and mooring them at Five Fathom Hole, if mooring shall be required; and the same for taking vessels out from Five Fathom Hole and Fort Johnston to sea, the following rates: For every vessel not drawing more than six feet water, one pound twelve shillings; every vessel drawing above six feet, and not exceeding seven, one pound fourteen shillings; every vessel drawing above seven feet, and not exceeding eight feet, one pound eighteen shillings; every vessel drawing above eight feet, and not exceeding nine feet, two pounds four shillings; every vessel drawing above nine feet, and not exceeding ten feet, two pounds ten shillings; every vessel drawing above ten feet, and not exceeding eleven feet, two pounds sixteen shillings; every vessel drawing above eleven feet, and not exceeding twelve feet, three pounds ten shillings; every vessel drawing above twelve feet, and not exceeding thirteen feet, four pounds; every vessel drawing above thirteen feet, and not exceeding fourteen feet, four pounds thirteen shillings; every vessel drawing above fourteen feet, and not exceeding fifteen feet, five pounds six shillings; every vessel drawing above fifteen feet, and not exceeding sixteen feet, six pounds five shillings; every vessel drawing above sixteen feet, and not exceeding seventeen feet, seven pounds three shillings; every vessel drawing above seventeen feet, and not exceeding eighteen feet, eight pounds eight shillings; every vessel drawing above eighteen feet, and not exceeding nineteen feet, nine pounds twelve shillings; every vessel drawing above nineteen feet, and not exceeding twenty feet, eleven pounds five shillings; and above twenty feet, at the rate of thirty-one shillings per foot or part of a foot as above. Provided always, That coastering vessels bound to any other port coming in at any one of the said inlets and going out at the other, without entering and unloading, and vessels coming from any out port with the produce of this State for sale or delivery, shall not be compellable to receive pilots, or to pay pilotage for refusing so to do, either for the bars or the river.

II. And be it further enacted, That after the time herein before mentioned, the river pilots shall be entitled to demand and receive the following fees, to-wit: For every vessel from Fort Johnston to Brunswick not
drawing above six feet water, twenty one shillings; for every vessel drawing above six feet, and not exceeding seven feet twenty-two shillings and six pence; for every vessel drawing above seven feet and not exceeding eight feet, twenty-five shillings; every vessel drawing above eight feet, and not exceeding nine feet, one pound nine shillings; every vessel drawing above nine feet, and not exceeding ten feet, one pound thirteen shillings and four pence; every vessel drawing above ten feet, and not exceeding eleven feet, one pound seventeen shillings and six pence; every vessel drawing above eleven feet, and not exceeding twelve feet, two pounds five shillings and ten pence; every vessel drawing above twelve feet, and not exceeding thirteen feet, two pounds fourteen shillings and two pence; every vessel drawing above thirteen feet, and not exceeding fourteen feet, three pounds two shillings and six pence; every vessel drawing above fourteen feet, and not exceeding fifteen feet, three pounds ten shillings and ten pence; every vessel drawing above fifteen feet, and not exceeding sixteen feet, three pounds nineteen shillings and two pence; and the same rates from the Flats to Wilmington, and from Five Fathom Hole to Brunswick and from Brunswick to the Flats, each one half of the same rates. The same rates of pilotage shall be paid for vessels going down the river as for vessels coming up. All which said rates herein before mentioned have been recommended by the Commissioners for the navigation of the said river.

III. And for preventing disputes relative to the river pilotage when vessels may be lightened or deepened in going down or coming up the river, Be it enacted, That if any vessel deepens or lightens between Wilmington and the Flats, between the Flats and Brunswick, or between Brunswick and Fort Johnston, the pilot shall be paid for the greatest draught of water, and shall besides be entitled to demand at the rate of twelve shillings and six pence per day, for every day he may be delayed in loading or unloading such vessel in which no fraction or part of a day shall be allowed or deducted.

IV. And be it enacted, That the said Commissioners shall ordain and direct the pilots for the bar of the new inlet, under pain of removal from office, to provide in a certain convenient time at least one good decked pilot boat, sufficient to venture out and keep the sea in blowing and rough weather; any pilot of either of the bars of Cape Fear river possessed of such sufficient boat, neglecting or refusing going out to the assistance of vessels off the coast or harbour when vessels in general can go out with safety, or who shall refuse or neglect in more moderate weather to go out to such vessels in whale-boats or other undecked boats upon due proof being made thereof before the Commissioners, shall be removed from being a branch pilot.

V. And that all pilots may be the better enabled to ascertain what vessels appear at a distance, with their several bearings, and to distinguish whether they have signals up for pilots, It is hereby further enacted, That each bar pilot shall, within such convenient time as the said Commissioners shall direct, furnish himself with a good telescope or spy glass, under such penalty as the Commissioners shall think proper; and such spy-glass shall always be taken in the boat when the pilot goes out to sea.

VI. Whereas, the sixth section of an Act, entitled, "An Act to explain an Act directing the duty of Naval officers and masters of vessels coming into any of the ports or inlets of this state," passed at Fayetteville, in December, one thousand seven hundred and eighty-eight, vesting an exorbitant power in Judges of Admiralty without appeals, and clashing with the duties of the respective Commissioners of navigation, is now become obsolete or nugatory, unless the authority should be exercised by the
District Judge of the United States: Be it therefore enacted, That the said sixth section of the act last before mentioned, be and the same is hereby repealed.

CHAPTER IX.
An Act to Alter the Mode of Swearing Petit Jurors in the Courts of Law in this State.

Whereas, the present method practiced in the courts of law in this State of swearing the petit jury in every cause, in some measure retards the business in said Courts, and such frequent use of oaths in a great measure destroy their solemnity:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of June next, the clerks of the respective courts of law, shall at the beginning of their courts, swear or cause to affirm such of the petit jury as are of the original panel, well and truly to try all civil causes that shall come before them according to the evidence given thereon, and if there should not be enough of the original panel, tenants shall take a similar oath or affirmation to try such causes as shall come before them during the day. Provided always, Anything herein contained, shall not be so construed as to prevent the usual challenges in law to the whole of the jury so sworn, or any of the said jurors, and if by reason of such challenges any juror or jurors shall be withdrawn, his or their place on such jury shall and may be supplied by any of the original venire, or of the bystanders by Law qualified to serve on any jury within the State, and further, that nothing herein contained shall be construed to alter the present method of swearing petit jurors on state trials, but the same shall continue in the usual form as heretofore practiced.

CHAPTER X.
An Act to Carry Into Effect a Resolution of Congress, Passed the Twenty-ninth Day of September, in the Year One Thousand Seven Hundred and Eighty-nine.

Whereas, it is recommended by the resolve of the first session of the Congress of the United States to the Legislature of the several States to pass laws making it expressly the duty of the keepers of their jails to receive and safe keep therein all persons committed under the Authority of the United States, until they shall be discharged by the due courses of the laws thereof, under the like penalties as in the case of prisoners committed under the authority of such States respectively, the United States promising on their parts to pay for the use and keeping of such jails, at the rate of fifty cents per month for each prisoner who shall be committed under their authority, during the time such prisoner shall be confined therein, and also to support such of said prisoners as shall be committed for offences: To carry the said resolve into effect:

I. 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 when any prisoner or prisoners shall be delivered to the keeper of any jail in this State by the authority of the United States, such Keeper is hereby commanded to receive said prisoner or prisoners, and commit him or them ac-
cordingly. And all and every keeper or keepers of any jail in this State, refusing or neglecting to take possession of any prisoner or prisoners delivered to him or them by the authority aforesaid, shall be subject to the same pains and penalties, as for neglect or refusal to commit any prisoner or prisoners delivered them under the authority of this State.

II. Provided always, The allowance for the maintenance of any prisoner or prisoners committed to any of the prisons of this State under the authority of the United States, shall be equivalent to the allowance made for the prisoners committed under the authority of this State.

CHAPTER XI.
An Act to Restrain all Married Persons from Marrying Again Whilst Their Former Wives or Former Husbands are Living.

 Whereas, many evil disposed persons, going from one part of our country to another, and into places where they are not known, do marry, having another husband or wife still living, to the utter destruction of the peace and happiness of families:

I. 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 if any person now married, or who hereafter shall be married, doth take to him or herself another husband or wife, while his or her former wife or husband is still alive, every such offence shall be felony, and the persons so offending shall suffer death as in cases of felony. Provided always, That this Act shall not extend to any person or persons whose husband or wife shall continually remain beyond sea for the space of seven years together, nor to any person or persons whose husband or wife shall absent him or herself in any other manner for the space of seven years together, such person or persons not knowing his or her said husband or wife to be living within that time.

II. Provided also, and it is hereby enacted, That this Act shall not extend to any person or persons, who are or shall be at the time of such after marriages divorced according to the mode established, or which hereafter shall be established by law, nor to any person or persons whose former marriage is by law declared to be void and of no effect, nor to any person or persons for or by reason of any former marriage had or made within the age of consent.

CHAPTER XII.
An Act to Alter the Mode of Punishment for Horse-Stealing.

 Whereas, the present mode of Punishment for horse stealing is not attend- ed with the salutary effects intended by the legislature:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of January next, if any person or persons within the limits of this State shall feloniously steal any horse, mare or gelding, upon due conviction thereof, such felon or felons shall suffer death without benefit of clergy.

II. And be it further enacted by the authority aforesaid, That all Acts and clauses of Acts within the purview and meaning of this Act, be and the same are hereby repealed and made void, except in the cases hereafter mentioned, viz.: Where any person or persons shall be convicted for any horse, mare or gelding, stolen between the first day of February, one thou-
sand seven hundred and eighty-seven, and the second day of January, one thousand seven hundred and ninety-one, such person or persons shall be punished agreeable to the Act, entitled "An Act to alter the mode of punishing horse stealing," passed at Fayetteville, in one thousand seven hundred and eighty-six; any law to the contrary notwithstanding.

CHAPTER XIII.

An Act Directing the Manner in Which the Real Soldier or Honest Claimant, Among Those who had Military Accounts Settled at Warrenton, in the Year One Thousand Seven Hundred and Eighty-Six, Shall Obtain Certificates, and Making Provision for Such Claimants whose Accounts are Yet Unsettled, and Directing the Manner in Which Certain Certificates Therein Mentioned Shall be Received at the Treasurer’s and Comptroller’s Office.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the agent or agents on the part of this State for settling the accounts of North Carolina with the United States, be and they are hereby called on and required, to transmit to the public Treasurer of this State, on or before the first day of May next, an accurate and correct list of the names of all and every of the real military claimants whose accounts were settled by the Commissioners appointed for that purpose, at Warrenton, in the year one thousand seven hundred and eighty-six, either by themselves or through others, together with a true copy of the muster rolls of the continental line of this State which were returned during the war, or at any time since, and a complete list or return of all the settlements made by the several boards of Commissioners appointed to liquidate the claims of the continental line of this State, for their services during the war, including the whole of that business, done either at Halifax or Warrenton; which lists and returns shall be made by the agents as aforesaid in alphabetical order, the said agent or agents stating the particular sums due to each claimant agreeably to the public records and Acts of Congress on that subject, and also inserting the sums due each individual under the authority of the several Acts of this State, and on the principles on which the accounts of the officers and soldiers were settled at Halifax, in the years one thousand seven hundred and eighty-three, one thousand seven hundred and eighty-four, and one thousand seven hundred and eighty-five.

II. And be it further enacted by the authority aforesaid, That the public Treasurer, on being so furnished as aforesaid shall on application of any person holding certificates issued by the board of Commissioners at Warrenton, in the year one thousand seven hundred and eighty-six, take up such certificate or certificates, and re-issue in lieu thereof to the holder or holders, other certificates of the like tenor and for the same sums; provided the agents do report so much as being due to the claimants on the principle last mentioned in the first clause of this Act, but should their report be otherwise, he shall then issue an indented certificate as aforesaid for the amount of the sum reported, and for no more.

III. Provided, nevertheless, That it is hereby to be understood, and it is expressly declared, that the Treasurer shall not grant certificates to any person in lieu of others they may hold, unless the name of the holder in favour of whom the original certificate was granted, shall be contained in the list so to be furnished him by the agent or agents of this State as afore-
said, nor shall he grant certificates or due-bills to others applying, unless
the name of the person applying or for whom application is made, shall be
contained in the list of muster rolls sent him, nor even then, until he is con-
vinced the person so applying, or for whom application is made, was in fact
a soldier, and served as such in the continental line of this State.

IV. And whereas, in many instances it hath happened that real soldiers,
or their representatives, residing at a distance, from those places in which
the office of the commissioners of army accounts were kept, never did apply
for a settlement of their just claims: Be it therefore enacted by the author-
ity aforesaid, That all war soldiers, and others serving less time, but
more than twelve months, all twelve months men and nine months men, or
their representatives, being persons of the above description, that is to
say, such who never did either by themselves or through others settle their
accounts, or making it appear by undoubted testimony and to the satisfa-
tion of the public Treasurer, that they are really and justly entitled to pay as
aforesaid, shall receive from the Treasurer a certificate and due bill for all
sums due them previous to the first day of January, one thousand seven
hundred and eighty-two, in the same manner and on the like principles as
such were granted by the Board of Commissioners at Halifax aforesaid;
provided the name of the soldier applying, or who is said to have done the
service, is actually contained in the muster rolls so forwarded as aforesaid,
And provided also, That it doth not appear any settlement hath already
been made in his name, and the due bills to be granted shall be taken up and
paid off by the Treasurer.

V. And be it further enacted by the authority aforesaid, That the Public
Treasurer for his services herein shall receive a compensation, to be made
him by the next General Assembly, and likewise an allowance for such
sums as he may necessarily expend in employing assistants, paying the
printer of certificates or otherwise.

VI. And be it further enacted by the authority aforesaid, That all cer-
tificates issued by the Commissioners of army accounts at Warrenton, in
the year one thousand seven hundred and eighty-six, and which shall not be
presented to the Treasurer agreeably to the intent and meaning of this Act,
on or before the rise of the next session of the General Assembly, shall be
considered false, and expressly barred from liquidation or exchange, and
that this State will not consider itself bound to pay such, nor liable for
their redemption in any manner whatever; any law to the contrary notwith-
standing.

VII. And be it further enacted, That this Act, and every part thereof,
shall be published in the State Gazette, immediately on the rise of the pres-
cent Assembly, and the publication of it shall be continued for the space of
three months.

VIII. And be it further enacted, That all certificates re-issued by the
Treasurer to any person or persons residing in the ceded western territory,
shall be received in the payment of taxes due from the inhabitants of the
said territory, and for no other debt whatever.

IX. And be it further enacted by the authority aforesaid, That so much
of this Act as relates to the liquidating the claims of the officers and sol-
diers, &c., shall continue and be in force until the rise of the next session of
the General Assembly, and no longer.
CHAPTER XIV.

An Act to Repeal an Act Providing Means for the Payment of the Domestic Debt, for Appropriating Certain Monies therein Mentioned, and to Amend an Act Passed the Last Session of the General Assembly, Entitled, An Act for Levying a Tax for the Support of Government and for the Redemption of old Paper Currency, Continental Money, Specie and Other Certificates, and also Part of Another Act, Entitled, An Act for Opening the Land-Office for the Redemption of Specie and Other Certificates, and Discharging the Arrears Due to the Army.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act the aforesaid Act, entitled, "And Act providing means for the payment of the domestic debt, for appropriating certain monies therein mentioned," and to amend an Act passed the last session of the General Assembly, entitled, "An Act for levying a tax for the support of government, and for the redemption of old paper currency, continental money, specie and other certificates," be repealed and made void, except so far as it relates to the collection and reduction of the tax for the year one thousand seven hundred and eighty-nine.

II. And be it further enacted by the authority aforesaid, That so much of the Act for opening the land-office, for the redemption of specie and other certificates, as requires any person entering lands within this State, to pay at the rate of ten pounds for every hundred acres, in said certificates, is hereby repealed and made void; and that all persons hereafter entering lands in any of the land-offices of this State, shall pay at the rate of thirty shillings State currency, or gold and silver at the rates established by law, for every hundred acres of land by him or her so entered.

CHAPTER XV.

An Act Empowering the County Courts of Pleas and Quarter Sessions to Direct the Secretary of State to Correct Certain Patents or Grants Therein Described, When There Have Been Errors by the Surveyor in Making the Returns, or by the Secretary in Issuing the same.

Whereas, frequent applications are made to the General Assembly to pass laws to correct the errors in patents or grants as aforesaid and it being necessary some rule should be established for correcting the same:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That whenever there has been or hereafter may be an error by the Surveyor in platting or making out the certificate to the Secretary's office, or the Secretary shall mistake, in making out the courses agreeable to the said returns, or shall mismeasure the claimant or otherwise, so as such claimant shall be injured thereby the claimant so injured shall prefer a petition to the county court of pleas and quarter-sessions where such land is situated, setting forth the injury he, she or they might sustain, in consequence of such error or mistake, with all and singular the matters and things relative thereto; and the said court is hereby authorized to hear testimony respecting the truth of the allegations set forth in the said petition, and if it shall appear to them by said testimony, or from the return of the Surveyor or error of the Secretary, that the patentee of such lands is liable to be injured thereby, such court is hereby required to direct their Clerk to certify such facts as appear
to their satisfaction to the Secretary of the State, who shall file the same in his office, and correct such error in the patent likewise, on the records in his office; for which service he shall receive four shillings for each and every patent so altered as aforesaid, except where the error was committed by the Secretary.

II. And whereas, there are mistakes often made by the Registers of the different counties within this State, in registering grants or mesne conveyances: Be it enacted by the authority aforesaid, That any person who discovers there is an error in the registration of his, her or their grants or mesne conveyances, shall be at liberty to prefer a petition to the county court, in the same manner as in this Act before directed, and on hearing the same, if it appears to the satisfaction of the court that error has been made, they are hereby directed and required to order the Register of the county to correct such error so made, and make the records by him kept conformable to the grant, mesne conveyance, bill of sale, or other instrument of writing, in which it appears such mistake has been so made: Provided, That a majority of the acting justices of the said courts shall be present on the hearing of such petitions, and that such petitioner shall prove to the court that he has notified every person having lands adjoining those mentioned in the petition thirty days previous to preferring the same, and that he has notified every person who claims title to the land described in his said petition: And provided also, That any person who may be dissatisfied with the judgment of any county court on his, her or their petition, shall be at liberty to appeal to the superior court of the district as in other cases, and no petition shall be set for hearing the first term.

III. Provided always, That where any person petitions for the alteration of a deed, mesne conveyance, or bill of sale, the same notice shall be given to the grantor of such deed or mesne conveyance.

IV. And be it further enacted by the authority aforesaid, The clerks of the county courts where such petition shall be preferred shall receive the sum of five shillings for his services on each petition, and no more, to be paid by the party petitioning.

V. And be it further enacted, That the county courts when they think necessary shall order the Surveyor and five freeholders who are not interested, to examine and survey any disputed lands, to ascertain the lines, and to make return thereof to the said court on oath; Provided, That the expense of such examination and survey shall be paid by the party petitioning as aforesaid.

CHAPTER XVI.


I. 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 for the year one thousand seven hundred and ninety-one, a tax of eight pence on every hundred acres of land within this State, and a tax of two shillings on every hundred pounds value of town property with their improvements, and a tax of two shillings on every poll, shall be levied, collected and accounted for as is
directed by an Act entitled, "An Act to amend an Act for ascertaining what
property in this State shall be deemed taxable property, the method of assess-
ing the same and collecting the public taxes," and also an Act, entitled, "An
Act for the more regular collecting, payment of, and accounting for the
public taxes."

II. And be it further enacted by the authority aforesaid, That the tax
upon carriage wheels of pleasure, and the tax upon stud horses, be repealed;
and that in future the tax of two shillings shall be paid upon each wheel of
every carriage kept for pleasure, and upon every stud horse the one-fourth
of the sum for which he covers by the season.

III. And whereas, it hath frequently happened that persons have been per-
mittted in this State to qualify and act as sheriffs, clerks, entry-takers and
registers, without giving bond as required by law, for the due collecting and
accounting for the public taxes and other monies which should be found pay-
able by them, to the great injury of the State, and detriment of its revenue;
Be it therefore further enacted, That henceforward it shall be the indispen-
sable duty of the clerks of the county courts, and they and every of them
are hereby strictly required, to make a record of and enter at large on their
dockets, the names of those justices of the peace who shall be in court or on
the bench at the time of the qualification of their sheriffs, clerks, entry-
takers and registers; and if the said clerk shall fail or neglect to make
such entry and record as aforesaid, and being thereof convicted in any
superior court of the district in which the county shall be situated, he shall
forfeit his office, as a punishment for such failure and neglect as aforesaid;
which justices of the peace, in case of their failure to take the bonds by law
required, shall be considered as being, and they are hereby declared to be,
bound and liable, to all intents and purposes, as the securities of such sheriff,
clerk, entry-taker or register, from whom they may have failed to take bonds,
in as full and ample manner as though such bonds were taken, and, they
had actually been named therein, and had subscribed the same as his or
their securities, and they and each of them shall be proceeded against ac-
cordingly by the Treasurer and others concerned; in all which instances or
suits, a copy of the record of the court, attested by the clerk, is hereby
declared to be legal and sufficient evidence, shall be admitted as such, and
judgment shall be had thereon accordingly.

IV. And be it further enacted, That all such persons who may be account-
able as sheriff for the taxes of the year one thousand seven hundred and
ninety, as well as those who have yet to account for the taxes of one thou-
sand seven hundred and eighty-nine, shall settle and account with the
public treasurer on oath; and they and every of them shall be and are
hereby empowered and required, to administer to their collectors an oath,
and to settle with them as directed by the fourth and fifth clauses or sec-
tions of an Act of the General Assembly, passed in the year one thousand
seven hundred and eighty-four, entitled, "An Act for the more regular col-
lecting, payment of and accounting for the public taxes."

V. And be it further enacted by the authority aforesaid, That no sinking
fund tax shall be collected in the years one thousand seven hundred and
ninety and one thousand seven hundred and ninety-one.
CHAPTER XVII.

An Act to Continue in Force an Act, Passed at Fayetteville, in the Year One Thousand Seven Hundred and Eighty-Eight, Entitled, "An Act for the Relief of Persons Who Have Suffered or May Suffer by the Grants, Deeds, Meane Conveyances, and Other Instruments of Writing, Not Being Proved or Registered Within the Time Heretofore Appointed by Law.

Whereas, the before recited Act will expire at the end of this session much to the injury of good citizens of this State: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the before recited Act and every part thereof, shall continue and be in full force for the term of two years longer, and from thence until the end of the next session of the General Assembly.

CHAPTER XVIII.

An Act to Repeal Part of the Second and Fifth Sections of an Act of the General Assembly, Passed at New Bern, in the Year One Thousand Seven Hundred and Eighty-Four, Entitled, "An Act for Raising a Revenue for the Support of Government," and to Repeal an Act Entitled, "An Act to Suppress Excessive Gaming;" and also One Other Act Passed at Fayetteville, in November, in the Year One Thousand Seven Hundred and Eighty-Six, Entitled, "An Act to Impose a Duty on all Slaves Brought Into This State by Land or Water.

I. 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 so much of the before recited act imposing a duty on goods imported by merchants into this State by land, for the purpose of trade and commerce, and the tax of ten shillings on marriage license and the tax of five shillings on every deed recorded, and the tax of five shillings on every grant when registered, be and the same is hereby repealed and made void. Provided nevertheless, That the several clerks and registers within this State shall account for the money by them received in consequence of the before mentioned tax.

II. And be it further enacted by the authority aforesaid, That so much of the before recited Act imposing a duty on slaves brought into this State by land or water, be and the same is hereby repealed.

CHAPTER XIX.

An Act for Altering the Time of the Annual Meeting of the General Assembly of this State.

Whereas, it is found by experience to be highly inconvenient for the members of the General Assembly to give their attendance on the first Monday in November annually:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the next annual meeting of the General Assembly shall be on the first Monday in December, one thousand seven hundred and ninety-one, and annually on the same day in each succeeding year; and that it shall and may be lawful for the first Assembly, at their first annual meeting, to choose a
Governor and other officers of State, to succeed such as may be now chosen by the General Assembly.

II. And be it further enacted by the authority aforesaid, That all other Acts coming within the purview and meaning of this Act, be and the same are hereby repealed and made void.

CHAPTER XX.

An Act to Authorize the Constables to Serve Warrants and Other Process as Therein Directed, on Rivers, Bays or Creeks, Within the State.

Whereas, it is enacted by the fifth section of an Act passed at New Bern, in the year of our Lord one thousand seven hundred and seventy-seven, entitled, "An Act for appointing Sheriffs, and directing their duty in office," &c., That every Sheriff, by himself or his lawful officers or deputies, shall from time to time execute all writs and other process to him legally issued and directed within his county, or upon any bay, river or creek adjoining thereto, and make due return thereof; but no direction is given therein as to Constables:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any Constable or Constables in this State to serve in like manner upon any bay, river or creek, adjoining their counties, and to return to the Magistrate or Magistrates of their respective counties, all process usually executed by such officer or officers.

CHAPTER XXI.

An Act to Revive and Continue in Force an Act, Entitled, "An Act to Empower the Several County Courts Therein Mentioned to Lay a Tax Annually, not Exceeding Three Years, for the Purpose of Erecting or Repairing the Court-House, Prison and Stocks in Each County When Necessary, and for Defraying the Contingent Charges of the Counties, Passed at Fayetteville, One Thousand Seven Hundred and Eighty-Six.

Whereas, the above recited Act is expired, and many of the county courts are under the necessity of laying a tax for the above mentioned purposes, and there being no law to authorize them so to do: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the before recited Act shall be revived and continued in force for the term of three years ater the passing of this Act.

CHAPTER XXII.

An Act to Amend an Act, Entitled, "An Act Directing the Mode of Raising a Fund in the Several Ports of Entry in This State for the Support of Sick Seamen, and the Manner of Appropriating the Same, Passed at Fayetteville, One Thousand Seven Hundred and Eighty-Nine.

Whereas, the adoption of the constitution of the United States by this State has prevented the said Act from being carried into effect: For remedy whereof,
I. Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the different towns and ports of entry in this State, and the Wardens of the poor of the parish where such ports of entry may be, where there are no Commissioners, shall have full power and authority to levy, assess and collect, in mode and manner as is directed in the said Act, the following fund, to-wit: The sum of five shillings from all Captains of vessels on their arrival from foreign voyages, the sum of two shillings and six pence from his Mates, and the sum of one shilling and six pence from each of the crew, cabin boys and apprentices excepted; the sum of two shillings and six pence from the Captains of all other vessels, on their arrival in any of the said ports, the sum of one shilling six pence from the Mates, and the sum of one shilling from each and every of the crew, cabin boys and apprentices excepted; to be appropriated by the Commissioners of the said towns and Wardens of the poor as above mentioned, for the use and support of the sick seamen alone as is directed in the said Act.

CHAPTER XXIII.

An Act for Altering the Time for Holding the County Courts of Pleas and Quarter-Sessions for the Counties of Franklin and Iredell.

Whereas, the time at present for holding the county courts of pleas and quarter-sessions for the counties of Franklin and Iredell has been found inconvenient:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the courts for the county of Franklin, after the next sessions of said county, shall be held on the second Mondays in March, June, September, and December in each year; and the courts for the county of Iredell, after the next sessions of the said county from the time of the passing this Act, shall be held on the third Mondays in May, August, November and February in each and every year, and the first court after the December sessions, one thousand seven hundred and ninety, shall be on the third Monday in May next as aforesaid. To which time all matters and things in the said courts depending, shall stand adjourned and continued from the court which will be next in course after the passing of this Act and shall be valid in law, anything in any law to the contrary notwithstanding.

CHAPTER XXIV.

An Act to Amend an Act, Entitled, "An Act to Empower the County Courts of Pleas and Quarter-Sessions of the Several Counties in This State to Order the Laying Out Public Roads, and to Establish and Settle Ferries, and to Appoint Where Bridges Shall Be Built, and to Clear Inland Navigation."

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall not be lawful for any of the county courts in this State to lay a tax for the repairing public buildings, building of bridges, or any other county tax, or make any allowances for extra services to their clerk or Sheriff, or allow any other claim against the county, unless a majority of the acting Justices belonging to such county shall be present.
II. And be it further enacted by the authority aforesaid, That it shall and may be lawful, after the passing of this act, and the county courts are hereby authorized and empowered, to order the inhabitants of their respective counties to clear out inland rivers and creeks for the passage of boats, where a majority of the Justices of said courts shall think it necessary, and to appoint hands and overseers to carry their orders into effect.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful, and the said county courts are hereby authorized and empowered, to appoint such public landings in their respective counties, as they may think necessary.

CHAPTER XXV.

An Act to Repeal all Acts, Clauses and Parts of Acts of the General Assembly of this State, as Relates to Classing Tobacco.

Whereas classing of tobacco is found by experience to be injurious:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all Acts, clauses or parts of Acts, so far as the same relate to classing of tobacco, be and the same are hereby repealed.

II. And be it further Enacted, That this Act shall not have effect or be in force until the first day of July next, any law to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That the person carrying tobacco to any warehouse in this State, on having the same condemned, shall have the liberty to remove and dispose of it wheresoever he pleases.

CHAPTER XXVI.

An Act for Cutting a Navigable Canal from the Waters of Pasquotank River in This State, to the Waters of Elizabeth River in the State of Virginia.

Whereas, the cutting of a navigable canal from the waters of Pasquotank river in this State, to the waters of Elizabeth river in the State of Virginia, will be of great public utility, and many persons are willing to subscribe large sums of money to effect such a beneficial work, and it is just and proper that they, their heirs and assigns, should be empowered to receive reasonable tolls forever in satisfaction for the money advanced by them in carrying the work into execution and the risque they run: Therefore,

I. Be it enacted by the General Assembly of the State of North Carolina, That it shall and may be lawful to open books in the counties of Rockingham and Granville, and the towns of Halifax, Murfreesborough, Edenton, Windsor and Nixonton, under the management of James Gallaway in Rockingham, Robert Burton in Granville, Allen Jones in the town of Halifax, Hardy Murfree in the town of Murfreesborough, John Hamilton in the town of Edenton, Zedekiah Stone in the town of Windsor, and Thomas Harvey in the town of Nixonton; and under the management of such persons, and at such places in Virginia, as shall be appointed by that State, for receiving and entering subscriptions to the amount of eighty thousand dollars for the said undertaking; which subscriptions shall be made personally or by power of attorney, and shall be in Spanish milled dollars, but may be paid in other silver or in gold coin of the same value. That the said books shall be
opened for receiving subscriptions on the first day of May next, and continue open until the first day of September next inclusive; and on the nineteenth day of the said month of September there shall be a general meeting of the subscribers, at Halifax in the State of North Carolina, of which meeting notice shall be given by the said managers, or any three of them, in the gazettes of both the aforesaid States at least one month next before the said meeting. And such meeting shall and may be continued from day to day until the business is finished. And the acting managers shall at the time and place aforesaid, lay before such of the subscribers as shall meet according to the said notice, the books by them respectively kept containing the state of the said subscriptions, and if one half of the capital sum aforesaid should on examination appear not to have been subscribed, then the said managers are empowered to take and receive subscriptions to make up the deficiency. And a just and true list of all the subscribers, with the sums subscribed by each, shall be made out and returned by the said managers, or any four or more of them, under their hands, into the superior court of the district of Edenton, and into such court as the State of Virginia shall direct to be there recorded. And in case more than eighty thousand dollars shall be subscribed, then the same shall be reduced to that sum by the said managers or a majority of them, by beginning at and striking off from the largest subscription or subscriptions, and continuing to strike off a share from all subscriptions under the largest and above one share, until the sum is reduced to the capital aforesaid of eighty thousand dollars, or until a share is taken from all subscriptions above one share, and lots shall be drawn between subscribers of equal sums to determine the number in which such subscribers shall stand on a list to be made for striking off as aforesaid, and if the sum subscribed still exceeds the capital aforesaid, then they shall strike off by the same rule until the sum subscribed is reduced to the capital aforesaid, or all the subscribers are reduced to one share, and if there still be an excess then lots shall be drawn to determine the subscribers who are to be excluded to reduce the subscriptions to the capital aforesaid, which striking off shall be certified in the list aforesaid. And the said capital sum shall be reckoned and divided into three hundred and twenty shares of two hundred and fifty dollars each, of which every person subscribing may take and subscribe for one or more whole shares, and not otherwise. Provided, That unless one half of the said capital shall be subscribed, all subscriptions made in consequence of this Act shall be void; and in case one half and less than the whole of the said capital shall be subscribed as aforesaid, then the President and Directors are hereby empowered and directed to take and receive the subscriptions which shall be first offered, in whole shares as aforesaid, until the deficiency shall be made up, a certificate of which additional subscriptions shall be made under the hands of the President and Directors, or a majority of them, for the time being, and returned to and recorded in the courts aforesaid.

II. And be it Enacted, That in case one half of the said capital or a greater sum shall be subscribed as aforesaid, the said subscribers and their heirs and assigns, from the time of the said first meeting, shall be and are hereby declared to be incorporated into a company by the name of the Dismal Swamp Canal Company, and may sue and be sued as such, and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a President and four Directors for conducting the said undertaking and managing all the said company's business and concerns, for and during such time, not exceeding three years, as the said subscribers or a majority of them shall think fit:
and in counting the votes of all general meetings of the said company, each
member shall be allowed one vote for every share as far as ten shares, and
one vote for every five shares above ten, by him or her held at the time in the
said company; and any proprietor by writing under his or her hand, executed
before two witnesses, may depute any other member or proprietor to vote
and act as proxy for him or her at any general meeting.

III. And be it enacted, That the said President and Directors so elected,
and their successors, or a majority of them assembled, shall have power and
authority to agree with any person or persons, on the behalf of the said
company, to cut the said canal, and to erect such locks and perform such other
work as they shall judge necessary for the navigation of the said canal
and carrying on the same, from place to place, and from time to time, and
upon such terms and in such manner as they shall think fit; and out of the
money arising from the subscriptions and tolls, and other aids hereafter
in this Act given, to pay for the same and to repair and keep in order the
said canals, locks and other works necessary thereto and to defray all inci
dental charges; and also to appoint a Treasurer, Clerk, and such other offi
cers, toll-gatherers, managers and servants as they shall judge requisite, and
to agree for and settle their respective wages or allowances, and settle, pass
and sign their accounts; and also to make and establish rules of proceeding,
and transact all the other business and concerns of the said company in and
during the intervals between the general meetings of the same; and they
shall be allowed as a satisfaction for their trouble therein such sum of money
as shall by a general meeting of the subscribers be determined. Provided
always, That the Treasurer shall give bond in such penalty and with such
security as the said President and Directors, or a majority of them, shall
direct, for the true and faithful discharge of the trust reposed in him; and
that the allowance to be made to him for his services shall not exceed three
pounds in the hundred for the disbursements by him made; and that no offi
cer in the said company shall have a vote in the settlement or passing his
own account.

IV. And be it enacted, That the said President and Directors and their
successors, or a majority of them, shall have full power and authority from
time to time, as money shall be wanting, to make and sign orders for that
purpose, and direct at what time and in what proportion the proprietors
shall advance and pay off the sums subscribed, which orders shall be adver
tised at least one month in the Virginia and North Carolina gazettes; and
they are hereby authorized and empowered to demand and receive of the
several proprietors, from time to time, the sums of money so ordered, to be
advanced for the carrying on and executing, or repairing and keeping in
order the said works, until the sums subscribed shall be fully paid, and to
order the said sums to be deposited in the hands of the Treasurer, to be
by him disbursed and laid out as the said President and Directors, or a
majority of them, shall order and direct; and if any of the said proprietors
shall refuse or neglect to pay their said proportions within one month after
the same is so ordered and advertised as aforesaid, the said President and
Directors, or a majority of them, may sell at auction, and convey to the pur-
chaser the share or shares of such proprietor so refusing or neglecting pay-
ment, giving at least one month's notice of the sale in Virginia and North
Carolina gazettes, and after retaining the sum due and charges of sale out
of the money produced thereby, they shall refund and pay the surplus, if
any, to the former owners, and if such sale shall not produce the full sum
ordered and directed to be advanced as aforesaid, with the incidental
charges, the said President and Directors, or a majority of them, may in the
name of the company, sue and recover the balance by motion on ten days
previous notice; and the said purchaser or purchasers shall be subject to
the same rules and regulations as if the said sale and conveyance had been made
by the original proprietor.

V. And to continue the succession of the said President and Directors,
and to keep up the same number: Be it enacted, That from time to time,
on the expiration of the term for which the said President and Directors
were appointed, the proprietors of the said company at the next general
meeting, shall either continue the said President and Directors, or any of
them, or shall choose others in their stead; and in the case of the death,
removal, resignation or incapacity of the President or any of the Directors,
may and shall in manner aforesaid, elect any other person or persons to be
President and Directors in the room of him or them so dying, removing,
resigning or becoming incapable of acting, and may at any of their general
meetings remove the President or any of the Directors, and appoint others
for and during the remainder of the term for which such person or persons
were at first to have acted.

VI. And be it enacted, That every President and Director, before he acts
as such, shall take an oath or affirmation for the due execution of his office.

VII. And be it enacted, That the presence of proprietors having one
hundred and eighty shares at least, shall be necessary to constitute a gen-
eral meeting; and that there be a general meeting of proprietors on the first
Monday in September in every year, at such convenient town as shall from
time to time be appointed by the said general meeting, but if a sufficient
number should not attend on that day, the proprietors who do attend may
adjourn such meeting from day to day, till a general meeting of proprietors
shall be had, which may be continued from day to day until the business of
the company is finished; to which meeting the President and Directors shall
make report, and render distinct and just accounts of all their proceedings;
and on finding them fairly and justly stated, the proprietors then present,
or a majority of them shall give certificate thereof, a duplicate of which
shall be entered on the said company's books; and at such yearly, general
meetings, after leaving in the hands of the Treasurer such sum as the pro-
prieters, or a majority of them, shall judge necessary for repairs and con-
tingent charges, an equal dividend of all the net profits arising from the
tolls hereby granted, shall be ordered and made to the proprietors of the
said company in proportion to their several shares; and on any emergency
in the interval between the said yearly meetings, the President, or a ma-
jority of the Directors, may appoint a general meeting of the proprietors
of the company, at any convenient town, giving at least one month's pre-
vious notice in the Virginia and North Carolina Gazettes, which meeting may
be adjourned and continued as aforesaid.

VIII. And be it further enacted, That for and in consideration of the ex-
pences the said proprietors will be at, not only in cutting the said canal,
erecting locks, making causeways, and performing other works necessary
for this navigation, but in maintaining and keeping the same in repair the
said canals, locks, causeways and other works, with all their profits, shall be
and the same are hereby vested in the said proprietors, their heirs and as-
signs forever, as tenants in common, in proportion to their respective shares;
and the same shall be deemed real estate and be forever exempt from the
payment of any tax, imposition or assessment whatsoever; and it shall and
may be lawful for the said President and Directors, at all times forever
hereafter, to demand and receive at some convenient place near one of the
extremities of the canal, for all commodities transported through it, or over
the causeways, tolls according to the following table and rates, which shall be in Spanish milled dollars, to wit:

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Every pipe or hogshead of wine</td>
<td>32-72d</td>
</tr>
<tr>
<td>containing more than 65 gallons</td>
<td></td>
</tr>
<tr>
<td>Every hogshead of rum or other</td>
<td>24-72</td>
</tr>
<tr>
<td>spirits</td>
<td></td>
</tr>
<tr>
<td>Every hogshead of tobacco</td>
<td>24-72</td>
</tr>
<tr>
<td>Every hogshead of molasses</td>
<td>18-72</td>
</tr>
<tr>
<td>Every butt or hogshead of malt</td>
<td>18-72</td>
</tr>
<tr>
<td>liquor</td>
<td></td>
</tr>
<tr>
<td>Every cask between 65 and 35</td>
<td></td>
</tr>
<tr>
<td>gallons, one half of a pipe or</td>
<td></td>
</tr>
<tr>
<td>hogshead, every barrel one fourth</td>
<td></td>
</tr>
<tr>
<td>part; and every smaller cask or</td>
<td></td>
</tr>
<tr>
<td>keg in proportion according to the</td>
<td></td>
</tr>
<tr>
<td>quantity and quality of their</td>
<td></td>
</tr>
<tr>
<td>contents.</td>
<td></td>
</tr>
<tr>
<td>Every dozen of bottled wine</td>
<td>5-288th</td>
</tr>
<tr>
<td>Every dozen of bottled malt liquor</td>
<td>4-288th</td>
</tr>
<tr>
<td>Every bushel of wheat, peas, beans,</td>
<td>2-888th</td>
</tr>
<tr>
<td>rice or flaxseed</td>
<td></td>
</tr>
<tr>
<td>Every bushel of Indian corn or</td>
<td>2-888th</td>
</tr>
<tr>
<td>other grain, or salt</td>
<td></td>
</tr>
<tr>
<td>Every barrel of pork</td>
<td>6-72d</td>
</tr>
<tr>
<td>Every barrel of beef</td>
<td>4-72</td>
</tr>
<tr>
<td>Every barrel of fish or flour</td>
<td>3-72</td>
</tr>
<tr>
<td>Every barrel of tar, pitch,</td>
<td>2-72</td>
</tr>
<tr>
<td>turpentine or rosin</td>
<td></td>
</tr>
<tr>
<td>Every cask of linseed oil, or spirits</td>
<td>2-72</td>
</tr>
<tr>
<td>of turpentine, the same as molasses.</td>
<td></td>
</tr>
<tr>
<td>Every ton of hemp, flax, potash or</td>
<td>36-72</td>
</tr>
<tr>
<td>bar iron</td>
<td></td>
</tr>
<tr>
<td>Every ton of pig iron or castings</td>
<td>12-72</td>
</tr>
<tr>
<td>Every ton of copper, lead or other</td>
<td>30-72</td>
</tr>
<tr>
<td>ore, other than iron ore</td>
<td></td>
</tr>
<tr>
<td>Every ton of stone or iron ore,</td>
<td>6-72</td>
</tr>
<tr>
<td>other than the ballast of the vessel</td>
<td></td>
</tr>
<tr>
<td>Every hundred bushels of lime or</td>
<td>20-72</td>
</tr>
<tr>
<td>shells</td>
<td></td>
</tr>
<tr>
<td>Every chaldron of coals</td>
<td>8-72</td>
</tr>
<tr>
<td>Every thousand bricks or tiles</td>
<td>30-72</td>
</tr>
<tr>
<td>Every hundred of pipe staves</td>
<td>6-72</td>
</tr>
<tr>
<td>Every hundred of hogshead staves,</td>
<td>4-72</td>
</tr>
<tr>
<td>or pipe or hogshead heading</td>
<td></td>
</tr>
<tr>
<td>Every hundred barrel staves or</td>
<td>3-72</td>
</tr>
<tr>
<td>barrel heading</td>
<td></td>
</tr>
<tr>
<td>Every thousand shingles from 18 to</td>
<td>3-72</td>
</tr>
<tr>
<td>24 inches</td>
<td></td>
</tr>
<tr>
<td>Every thousand of three feet</td>
<td>6-72</td>
</tr>
<tr>
<td>shingles</td>
<td></td>
</tr>
<tr>
<td>Every thousand clapboards or palls</td>
<td>9-72</td>
</tr>
<tr>
<td>Every cord of fire-wood</td>
<td>12-72</td>
</tr>
<tr>
<td>Every hundred cubic feet of plank or</td>
<td>40-72</td>
</tr>
<tr>
<td>scantling</td>
<td></td>
</tr>
<tr>
<td>Every hundred cubic feet of all</td>
<td>30-72</td>
</tr>
<tr>
<td>other timber</td>
<td></td>
</tr>
<tr>
<td>Every hundred pounds of brown or</td>
<td>3-72d</td>
</tr>
<tr>
<td>clayed sugar</td>
<td></td>
</tr>
<tr>
<td>All other produce, goods, wares or</td>
<td></td>
</tr>
<tr>
<td>merchandise, one fourth per cent.</td>
<td></td>
</tr>
</tbody>
</table>

Every boat or vessel exceeding one ton burthen, which has not Commodities on board to yield so much (except an empty boat or vessel returning, whose load has already paid the toll, in which case is to re-pass free of toll) ........................................ 40-72

Every canoe, boat or vessel under one ton burthen, which has not commodities on board to yield so much (except as in the preceding article excepted) ........................................ 18-72

Every man, (except foot travellers, who shall pass toll free) horse, ox in draft and wheel passing the causeways (except the loads they carry yield so much, or except wagons or carts returning whose load has paid the toll) ........................................ 6-72

Every head of black cattle .............. 3-72
Every hog................................................. 1-73
Every sheep.................................................. 2-288th
Every hundred pounds of indigo.......................... 12-72d.

All produce, goods, wares or merchandise passing the causeways, shall be subject to the same toll as goods passing through the canal. But which tolls, though chargeable in Spanish milled dollars, may be paid in other silver, or in gold coin of the same value. And in case of refusal to pay the tolls at the time of offering to pass the place aforesaid, and previous to passing the same, the collector of the said tolls may lawfully refuse passage to whatever refuses payment and if any vessel, waggion or cart shall pass without paying the toll, then the said collector may seize such vessel, waggion or cart whereever found, and sell the same at auction for ready money; which so far as is necessary shall be applied towards paying the said toll and all expenses of seizure and sale, and the balance if any shall be paid to the owner; and the person having the direction of such vessel, waggion or cart, shall be liable for such toll, if the same is not paid by the sale aforesaid. Provided, That the said proprietors, or a majority of them, holding at least one hundred and eighty shares, shall have full power and authority, at any general meeting, to lessen the said tolls, or any of them, or to determine that any article may pass free of toll.

IX. And be it enacted, That the said canal and works to be erected thereon in virtue of this Act, and the cause-ways, when compleated, shall forever thereafter be esteemed and taken as public highways, free for the transportation of all goods, wares, commodities or produce whatsoever, and for travelling, on account of the tolls imposed by this Act; and no other toll or tax whatever, for the use of the water of the said canal and works thereon erected, or the causeways, shall at any time hereafter be imposed by both or either of the said States, subject nevertheless to such regulations as the legislatures of the said State may concur in to prevent the importation of prohibited goods, or to prevent fraud in evading the payment of duties imposed in both or either of the said States on goods imported into either of them.

X. And whereas, it is necessary for the making of the said canal, locks and causeways, and other works, that a provision should be made for condemning a quantity of land for the purpose, Be it enacted, That it shall and may be lawful for the said President and Directors, or a majority of them, to agree with the owners of any land through which the said canal is intended to pass, for the purchase thereof; and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos, or out of the State, on application to any two Justices of the county in which such land shall lie, the said Justices shall issue their warrant, under their hands, to the Sheriff of their county, to summon a jury of eighteen inhabitants of his county of property and reputation not related to the parties nor in any manner interested, to meet on the land to be valued at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the Sheriff on receiving the said warrant shall forthwith summon the said jury, and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every jurymen that shall appear. That he will fairly, justly and impartially value the land (not exceeding the width of three hundred feet) and all damages the owners thereof shall sustain by cutting the said canal through such land, according to the best of his skill and judgment, and that in such valuation he will not spare any person through favor or affection, nor any person
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Grieve through malice, hatred or ill-will: And the inquisition thereon taken shall be signed by the Sheriff and some twelve or more of the jury, and returned by the Sheriff to the Clerk of his county, to be by him recorded; and on every such valuation the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the said President and Directors to the owners of the land, or his legal representatives; and on payment thereof the said company shall be seized in fee of such lands, as if conveyed by the owner to them and their successors by legal conveyance. Provided nevertheless, That if any further damage shall arise to any proprietor of land in consequence of opening such canal, or in erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as any such new damage shall happen, by application to and a warrant from any two Justices of the County where the land lies, to have further damages valued by a jury in like manner, and to receive and recover the same of the said President and Directors: But nothing herein shall be taken or construed to entitle the proprietor of any such land to recover compensation for any damage which may happen to any mills, or other works or improvements, which shall be begun or erected by such proprietor after such first valuation, unless the said damage is wilfully and maliciously done by the said President and Directors, or some person by their authority.

XI. And be it enacted, That the said President and Directors, or a majority of them, are hereby authorised to agree with the proprietor or proprietors for the purchase of a quantity of land, not exceeding one acre, at or near the receipt of the tolls aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement, or any of the disabilities aforesaid, or the proprietor being out of the State, then such land may be valued condemned and paid for as aforesaid; and the said company shall, on payment of the valuation of the said land, be seized thereof in fee simple aforesaid.

XII. And whereas, it is represented that the waters of the lake, in the Dismal Swamp, commonly called Drummond's Pond, may be useful for a supply of water to the said canal: Be it enacted, that the said lake, so far as the water thereof, shall be necessary for the purpose aforesaid, shall be and is hereby vested in the proprietors of the said canal; and it shall and may be lawful for the said President and Directors, or a majority of them, to open if they shall find it expedient, a cross canal from the lake to the principal canal, for the purpose of drawing from thence a supply of water and for executing this work they shall have the same powers which they are authorised to exercise in opening the principal canal. And it shall not be lawful for any person whatsoever, so to cut off or divert the courses of those waters which now flow from the westward into the said lake, as to prevent their continuing to fall into it.

XIII. And whereas, some of the places through which it may be necessary to conduct the said canals, may be convenient for erecting mills and other water-works, and the persons possessors of such situations may design to improve the same, and it is not the intention of this Act to interfere with private property, but for the purpose of improving and perfecting the said navigation: Be it enacted, That the water, or any part thereof, conveyed through the said canals, shall not be used for any purpose but navigation, unless there shall be sufficient to answer both the purposes of navigation and water-works aforesaid; in which case the said President and Directors, or a majority of them, are hereby empowered and directed to enter into
reasonable agreements with the proprietors of such situations, concerning
the just proportion of the expenses of making the canals capable of carrying
such quantities of waters as may be sufficient for the purposes of naviga-
tion, and also for any such water-works aforesaid.

XIV. And whereas, the said canals may be of great utility in affording the
means of draining the sunken lands through which they pass; Be it enacted,
That it shall and may be lawful for the proprietors of the said adjacent
sunken lands to open cross ditches into the said canals; provided that the
cross ditches shall not be within less than one mile of one another on the
same side of the canals, and be covered where they pass through the cause-
ways with good bridges of the breadth of the causeways, at the expense
of the person cutting them, and also to be constructed so as that the water
may be entirely prevented passing through them into the canals at any time
when this shall be necessary; and the works occasioned by these cross
ditches, except the bridges, shall be kept in repair at the expense of their
proprietors.

XV. And be it enacted, That it shall and may be lawful for every of the
said proprietors to transfer his share or shares by deed, executed before two
witnesses, and registered after proof of the execution thereof in the said
company's books, and not otherwise, except by devise; which devise shall
also be exhibited to the President and Directors, and registered in the com-
pany's books, before the devisee and devisees shall be entitled to draw any
part of the profits from the said tolls: Provided, That no transfer what-
soever shall be made except for one or more whole share or shares, and not
for part of such shares, and that no share shall at any time be sold, con-
veyed, transferred or held in trust for the use and benefit, or in the name of
another, whereby the said President and Directors or proprietors of the said
company, or any of them, shall or may be chalenged or made to answer any
such trust, but that every such person appearing as aforesaid to be a pro-
nrietor shall as to the others of the said company, be to every intent taken
absolutely as such; but between any trustee and the person for whose ben-
efit any trust shall be created, the common remedy may be pursued.

XVI. And whereas, it hath been represented that sundry persons are
willing and desirous, on account of the public advantage, and also the im-
provements their estates may receive thereby, to promote and contribute
towards so useful an undertaking, and to subscribe sums of money to be
paid on condition the said works are compleated and carried into execution,
but do not care to run any risk or desire to have any property therein: Be
it therefore enacted, That the said President and Directors shall be and
are hereby empowered to receive and take in subscriptions on the said con-
ditions, and on the said works being compleated and carried into execution,
according to the true intent and meaning of this Act, that it shall and may
be lawful for the said President and Directors, or a majority of them, in
case of refusal or neglect of payment, in the name of the company as afores-
said, to sue for and recover of the said subscribers, their heirs, executors
or administrators, the sums by them respectively subscribed, by action of
debt or on the case, in any court of record within this State.

XVII. And be it enacted, That if the said capital and other aids already
granted by this act shall prove insufficient, it shall and may be lawful for
the said company, from time to time, to increase the said capital by the
addition of so many more whole shares as shall be judged necessary by the
said proprietors, or a majority of them, holding at least one hundred and
eighty shares, present at any general meeting of the said company. And
the said President and Directors, or a majority of them, are hereby empow-
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erred and required, after to giving at least one month's notice thereof in the Virginia and North Carolina gazettes, to open books at the before mentioned places for receiving and entering such additional subscriptions, in which the proprietors of the said company for the time being shall and are hereby declared to have the preference of all others for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose. And the said President and Directors are hereby required to observe in all other respects the same rules therein, as are by this Act prescribed for receiving and adjusting the first subscriptions, and in the like manner to return under the hands of any three or more of them an exact list of such additional subscribers, with the sums by them respectively subscribed into the courts as aforesaid, to be there recorded: And all proprietors of such additional sums shall and are hereby declared to be from thenceforward incorporated into the said company.

XVIII. And it is hereby declared and enacted, That the tolls herein before allowed to be demanded and received, are granted and shall be paid on condition only, that the said Dismal Swamp Canal Company shall make the canal thirty-two feet wide, and eight feet in depth below the surface of the earth, and capable of being navigated in dry seasons by vessels drawing three feet water from Deep Creek, near Tucker's mill in Virginia, to the highest good navigation for vessels of the aforesaid draft in Pasquotank river, in North Carolina, with sufficient locks, each of ninety feet in length and thirty-two feet in breadth, and capable of conveying vessels drawing four feet water at the least, and that each of the causeways shall be twenty feet in breadth.

XIX. And it is hereby enacted and provided, That in case the said company shall not begin the said work within one year after the company shall be formed, or if the said company shall not compleat the navigation and works as aforesaid within ten years after the said company shall be formed, then shall all interests of the said company, and all preferences in their favor as to the navigation and tolls of the said canals and causeways, be forfeited and cease. And whereas, at a meeting of Commissioners appointed by the State of Virginia, North Carolina, to agree on the form of an Act for cutting the said canal, and for regulating the commerce which may be carried on through it between the citizens of the two States, to-wit, Robert Andrews and John Cooper, Esquires, on the part of Virginia, and William Mc'Kenzie, James Gallaway and John Stokes, Esquires, on the part of North Carolina, at Fayetteville, in the State of North Carolina, on the twelfth day of December, in the year of our Lord one thousand seven hundred and eighty-six, the following compact was mutually agreed to by the said Commissioners:

First. The State of Virginia agrees that the waters of Elizabeth river, from the said canal to the mouth thereof, the waters of Hampton Road and of Chesapeake Bay to the Capes, and also Roanoke river, wherever it is in Virginia, shall be forever considered as a common highway, free for the use and navigation of vessels belonging to the State of North Carolina, or any of its citizens; and that they shall not be therein subject to the payment of any toll or charge whatever, imposed for the purpose of raising revenue.

Secondly. The State of Virginia agrees that no restriction, duty or impost, shall be laid on any commodity which is the growth, produce or manufacture of the State of North Carolina, brought through the said canal or
over the said causeways for sale or exportation, and that the same may be exported without re-inspection.

Thirdly. The State of Virginia agrees, that when any imported goods shall within five months after entry be exported through the said canal, or over the said causeways, into the State of North Carolina, in packages, bales or casks as imported, the duties thereof shall be remitted or repaid as the case may be to the exporter, on his producing, within six months after the aforesaid entry, the certificate of the Naval Officer of the district of North Carolina into which the said canal enters, that the said goods have been entered there.

Fourthly. The State of North Carolina agrees that the waters of the Roanoke river, Meherrin, Nottoway, Chowan, Albemarle sound as low as the mouth of the Pasquotank river, and of Pasquotank from the mouth thereof to the said canal, shall be forever considered as a common highway, free for the use and navigation of all vessels belonging to the state of Virginia, or any of its citizens; and that they shall not be subject therein to the payment of any toll or charge whatever, imposed for the purpose of raising revenue.

Fifthly. The State of North Carolina agrees, that no restriction, duty or impost shall be laid on any commodity which is the growth, produce or manufacture of the state of Virginia, passing through the aforesaid waters to the said canal, or brought through the said canals or over the said causeways, for sale or exportation; and that the same may be sold or exported without re-inspection.

In those articles where it is expressed that no duty or impost is to be laid for the purpose of raising revenue, it is not to be understood that the imposition of tolls for the purpose of improving the navigation of the said waters is prevented.

Sixthly. The state of North Carolina agrees, that when any imported goods shall within five months after entry be exported through the said canal, or over the said causeways, into the state of Virginia, in packages, bales or casks as imported, the duties thereof shall be remitted or repaid as the case may be to the exporter, on his producing, within six months after the aforesaid entry, the certificate of the Naval Officer of Norfolk, that the said goods have been entered there.

Seventhly. Imported goods, passing from one part of either of the said two states to another part of the same, through any of the waters of the other state shall not be subject to any duty imposed for the purpose of raising revenue.

Lastly. The citizens of each of the said two states may have the use of the inspections of the other for the purpose of re-inspecting any damaged commodities which have passed through the said canal on paying the price of the labour of re-inspection, and no more.

And whereas, this General Assembly are of opinion that the said compact is made on just and mutual principles, for the true interests of both governments:

XX. Be it therefore enacted, That the said compact is hereby approved, confirmed and ratified by the General Assembly of the state of North Carolina, and that every article, clause, matter and thing therein contained shall be obligatory on this state and the citizens thereof, and shall be forever faithfully and inviolably observed and kept by this government and all its citizens, according to the true intent and meaning of the said compact; and the faith and honour of this state are hereby solemnly pledged and engaged to the General Assembly of the state of Virginia, and the gov-
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ermament and the citizens thereof, that this law shall never be repealed or altered by the legislature of this state, without the consent of the state of Virginia.

Every Act or part of an Act of the General Assembly which comes within the purview and meaning of this act, shall be and the same is hereby repealed. This act shall commence and be in force from and after the passing of a like act by the General Assembly of Virginia.

CHAPTER XXVII.

An Act for Building a Court-house in the town of Hillsborough, for the District of Hillsborough.

Whereas, the court-house in the town of Hillsborough, in the county of Orange, has been lately consumed by fire, which has caused courts of said county, as well as the superior courts, to be held in a private house by which means the business of the said courts is greatly delayed: For remedy whereof,

I. Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That William Watters, Absalom Tatom and Jeduthan Harper, Esquires, be and they are hereby appointed commissioners for the purpose of building and erecting a good and sufficient court-house on the same lot where the former one stood, the dimensions of which to be at the discretion of the said commissioners; and the said commissioners, or a majority of them, are hereby vested with full power and authority to sell and dispose of the brick and remains of the former court-house in the said town of Hillsborough, and also to call for, demand and receive of all and every person or persons suspected of having any of the remains of said court-house in his, her or their possession.

II. And be it further enacted by the authority aforesaid, That a tax of two shillings on each and every poll in the county of Orange, and a tax of eight pence on each and every hundred acres of land in said county, and a tax of two shillings on each hundred pounds value of town lots with their improvements in the said town of Hillsborough; also a tax of one shilling on each and every poll, and a tax of four pence on each and every hundred acres of land in the counties of Wake, Chatham, Caswell, Granville and Randolph, for the year one thousand seven hundred and ninety shall be levied and collected in the same manner, at the same time, and by the same persons as the public taxes of the said counties are collected; and each tax when so collected, shall be by the collector or collectors paid into the hands of the Commissioners hereinbefore mentioned, for the uses and purposes aforesaid.

III. And be it further enacted by the authority aforesaid, That each Sheriff or Collector of said district, before entering upon the execution of his or their office, as is herein directed by this Act, shall enter into bond with approved security to the court of the county where they reside, in the sum of double the amount of said tax, that they will faithfully collect and pay the same into the hands of the Commissioners for the uses and purposes aforesaid.

IV. And provided always, that the commissioners appointed in virtue of this Act shall raise and keep separate accounts with the sheriffs of each and every county within the district aforesaid for the monies by this Act to be collected, and when they shall have fully paid up what the said district court-house may cost, shall return the overplus of any monies that
may then remain in their hands to the respective counties that are hereby
taxed for the raising the same, and to the inhabitants of the town of Hills-
borough, in proportion to the sums by the aforesaid counties and town of
Hillsborough so paid for the purpose aforesaid; and upon failure to pay
and satisfy such surplus, the same shall be recovered by motion in any court
of record, as against sheriffs and others holding public monies.

V. And be it further enacted by the authority aforesaid, That before the
said commissioners shall enter upon their said trust, or take into their hands
any of the monies aforesaid, they shall enter into bond in the sum of three
thousand pounds, payable to the Governor for the time being, conditioned
that they will faithfully discharge the trust in them reposed by this Act.

VI. And be it further enacted by the authority aforesaid, That the com-
missioners by this Act appointed, shall within thirty days after passing the
same, advertise in one or more of the most public places in the district,
and also in the Fayetteville Gazette, that they will let the said buildings
to the lowest bidder, at the market house of the town of Hillsborough on the

CHAPTER XXVIII.

An Act to authorize Henry Emanuel Lutterloh to raise by way of Lottery
a sum sufficient to enable him to bring into this State foreigners who
are Artisans in various Branches of Business.

Whereas, Henry Emanuel Lutterloh of the town of Fayetteville having
represented to this General Assembly that with the aid of six thousand
dollars annually for the term of five years which he hath proposed to raise
by way of lottery he may be enabled to introduce into this State many
useful artisans who may be greatly conducive to the promotion of the pop-
ulation and manufactures of North Carolina.

I. Be it therefore enacted by the General Assembly of the State of North
Carolina and it is hereby enacted by the authority of the same, That it
shall and may be lawful for the said Henry Emanuel Lutterloh to raise by
way of lottery a sum not exceeding six thousand dollars annually for the
term of five years for the uses and purposes aforesaid. Provided, the said
Henry Emanuel Lutterloh doth within twelve months lay before the Gover-
nor and Council the plan and scheme of the said lottery upon which the
Governor is required to issue unto the said Henry Emanuel Lutterloh a
license under the Great Seal of the State authorizing him to carry into
effect the plan and scheme of the lottery aforesaid.

And whereas, by the Constitution of this State as well as of the United
States all persons who are citizens of the same shall have a right to worship
God agreeable to the dictates of their own conscience, and in all probability
should the said Henry Emanuel Lutterloh carry into effect his intended
plan that those emigrants may be of different persuasions of religion and
be desirous of following their own mode of worship.

II. Be it further enacted by the authority aforesaid, That so soon as
those artisans are brought into this State under the direction of the said
Henry Emanuel Lutterloh and having taken the Oaths of Naturalization or
Citizenship they shall have a free and unalienable right to erect churches,
chappels or other houses of religious worship in such manner as their con-
science may dictate; also to erect school houses or Seminaries of learning
upon principles not inconsistent with or repugnant to the Constitution of
this State or the United States or the laws thereof.
III. And in order to encourage the said emigration, Be it further enacted by the authority aforesaid, That all emigrants coming into this state agreeable to the intent and meaning of this Act shall after having complied with the requirements of the same be clear and exempt from paying public or other taxes for and during the term of five years; any law to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That as soon as the said Henry Emanuel Lutterloh complies with the requisites of this Act respecting the plan or scheme of his said lottery the Governor is hereby requested and directed to issue to the said Henry Emanuel Lutterloh another grant or patent under the Great Seal of the State in which shall be comprehended the meaning of this Act, and shall also cause to be entered at large on the Journals of the Council the scheme of the said lottery together with the said license and patent or grant and thereafter the said plan or scheme of the said lottery and the said license and patent or grant so issued shall be as good and valid in law to all intents and purposes as if they had been comprehended and set forth at large in this Act.

CHAPTER XXIX.

An Act to Regulate and fix the Price for inspecting and Coopering Tobacco at Fayetteville.

Whereas, the laws now in force in this state, regulating the fees of inspectors, cooperers, pickers and turners up of tobacco, have been found from experience not sufficient to prevent frauds and impositions; to prevent which,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the inspectors that are or shall hereafter be appointed to inspect tobacco at the several warehouses in the town of Fayetteville, shall and may take and receive for inspecting, turning up, coopering, finding nails, hoops, and issuing a note for the same, the sum of eight shillings for each waggoned hogshead of tobacco; and for inspecting, turning up, coopering, finding nails and issuing a note for each rolled hogshead of tobacco the sum of ten shillings, and no more.

II. And be it further enacted by the authority aforesaid, That the inspectors or pickers of tobacco at the said several warehouses, shall be entitled to and receive for picking tobacco, one fifteenth of all parcels of tobacco so picked by them.

III. And be it further enacted by the authority aforesaid, That the inspectors of tobacco at the said warehouses shall be entitled and have the sole benefit of turning up, coopering and prized of tobacco at the warehouses to which they are respectively appointed; and if any inspector or inspectors at the said warehouses, should ask, take or receive any greater fees than are by this Act allowed; he or they so offending shall upon conviction thereof forfeit and pay the sum of five pounds for each and every such offence, to be recovered before any jurisdiction having cognizance thereof, by and for the use of any person suing for the same.

IV. And be it further enacted by the authority aforesaid, That the inspectors of tobacco at the several warehouses, shall enter into bond with sufficient security in the penalty of fifty pounds at next Cumberland court, payable to the county of Cumberland, for the faithful performance of the duties enjoined by this Act respecting the turning up, coopering and pricing of tobacco. Provided always, That the owner or owners of tobacco who may
leave the same at any of the said warehouses for inspection, shall have the liberty of turning up, prizing and cooperating the same under the directions of the inspectors, which inspectors in all such cases shall be only entitled to receive four shillings as usual for the inspecting each hogshead of tobacco and issuing a note for the same.

V. And be it further enacted by the authority aforesaid, That the owners of the several tobacco warehouses at Fayetteville, who are entitled to storage for tobacco stored therein, shall deliver the same to the owner of such tobacco so stored, at the door of the warehouse, on application of the owner or shipper of such tobacco.

VI. And be it further enacted by the authority aforesaid, That in future the inspectors of tobacco in this State shall be allowed twenty shillings for inspecting, prizing, finding nails and cooperating each hogshead of transfer tobacco, so as to make the same the weight of a crop hogshead and fit for exportation, and no more, exclusive of the hogshead in which the same is reprized.

CHAPTER XXX.

An Act to Establish a town at the Place fixed upon for the Court-House in the County of Stokes.

Whereas, it hath been represented to this General Assembly that it is a pleasant, healthy situation and that Michael Fry and Henry Fry have made a deed in fee-simple of twenty three acres of land to Charles M'Annally and Gray Bynum, for the use of the said County:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That on the said lands so laid off be established a town agreeable to the scheme and plan thereof by the name of Germantown.

II. Be it further enacted by the authority aforesaid, That Gray Bynum, Charles M'Annally, Anthony Billing, James Makely and John Halbert be constituted commissioners and trustees for carrying on and regulating the said town, and they shall stand seized of an indefeasible estate in fee-simple in the twenty-three acres of land aforesaid to and for the uses, intents and purposes hereby declared; and the said commissioners, or a majority of them, shall have full power and authority to meet as often as they shall think proper to make such regulations as they shall judge most convenient.

III. And be it enacted, That a majority of the commissioners aforesaid, shall have full power to sell and dispose of the lots in said town, make and execute deeds in fee simple to the respective purchaser or purchasers for the same.

IV. And be it enacted, That the respective purchasers of lots shall pay and satisfy the commissioners for whatever sum or sums they may severally incur by purchasing lots from the said commissioners, and in case of neglect of any purchaser to pay the sum or sums that may be incurred as aforesaid, that then and in that case the commissioners, or a majority of them, may commence a suit or suits in their own name, and therein recover judgment; and the said commissioners as soon as they shall receive the money by the sales aforesaid, shall pay the same into the hands of the commissioners for letting the public buildings in said county, and be applied towards defraying the expense of the buildings aforesaid. Provided nevertheless, before the said commissioners receive the money aforesaid, they shall
enter into bond with good security in the sum of five hundred pounds for their faithful application of the monies so received by them.

IV. And be it further enacted, That in case of the death, refusal to act, or removal out of the county of any of the commissioners, the court of the county are hereby empowered to appoint some other person being a freeholder, in the place of him so dying, refusing to act, or removing; which commissioners or trustees shall have the same power and authority as if they had been appointed by this Act.

CHAPTER XXXI.

An Act for Building a Court-House in the town of Wilmington, for the District of Wilmington, and to Empower the Justices of New Hanover County to Increase the County Tax.

Whereas, the court-house of said district was pulled down by the commissioners of Wilmington, to prevent the said town from being destroyed by fire and it is necessary that a new one should be erected.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William Campbell, James Walker, Robert Nixon, Thomas Owens, Duncan Stewart, William Espey, Lord George Wease, James Gillespie, Shadrack Stallings, Robert W. Snead, and John Spicer, Esquires, be appointed Commissioners for building and finishing a good sufficient district court-house in the said town; and the said Commissioners are required to have the same built of brick and covered with slate or tile, of the same dimensions and on the same spot as the former court-house stood, or so near thereto as an oval form may admit; and the Commissioners are further required to build the said court-house of an oval elliptical form on arches of a height sufficient to admit of a convenient walk underneath, which space shall be appropriated for no other use or purpose whatever; and should any person offend against this Act by exposing to sale therein any fish, flesh, or other article usually carried to market for open sale, he or she shall forfeit and pay for each offence five pounds, to be recovered before any jurisdiction having cognizance thereof, for the use of the person informing and suing for the same.

II. And be it further enacted, That the Commissioners before mentioned shall have power and they are hereby strictly required, as soon as may be, to call to account the Commissioners formerly appointed by Act of Assembly for the purpose of building a gaol for the said district, for all monies, materials for building, or other articles which may remain or of right ought to be in their hands; and in case the said gaol commissioners refuse or neglect to pay up the money, and deliver the said materials and articles above mentioned, on or before the first day of May next, then it shall and may be lawful for the court-house commissioners herein appointed, and they are hereby directed, to pray for a judgment in the superior court of law and equity for the district of Wilmington, at the term next ensuing the present December term, and to enter up the same without further delay.

III. And be it further enacted by the authority aforesaid, That a tax of two shillings and four pence on every hundred pounds value of town property in the county of New Hanover, and a tax of Two Shillings and four pence on each poll, and a tax of nine pence on every hundred acres of land in the said county; and that a tax of one shilling on every hundred
pounds value of town property in the counties of Brunswick, Bladen, Duplin and Onslow, and a tax of one shilling on each poll, and a tax of four pence on every hundred acres of land in the said counties, shall be levied and collected in the same manner, and under the same penalties as the public taxes are, and shall in like manner be paid to the Commissioners, or to their order, under the same pains and penalties for non-payment as may be had for the non-payment of public taxes, and the same recoveries are hereby granted to the Commissioners against collectors of the district tax, as are had against the collectors of public taxes.

IV. And for the better security of the monies when collected, Be it enacted by the authority aforesaid, That the said Commissioners, or a majority of them, shall appoint a treasurer to receive the same, who shall enter into bond with the penalty of three thousand pounds, payable to the said Commissioners, conditioned that he will when thereto required pay to the order of the said Commissioners, all such sums of money which he shall receive for their use under this Act, after deducting five per cent. for his trouble in receiving and paying the same; which bond shall be lodged in the office of the clerk of the superior court of Wilmington district; and the aforesaid commissioners, or a majority of them, which majority shall constitute a sufficient board for performing any business by this Act required, shall begin to erect the before mentioned court-house as soon as they have received the sum of five hundred pounds by virtue of this Act.

V. And be it further enacted by the authority aforesaid, That hereafter the Justices of the county court of New Hanover shall have liberty at their discretion, to raise the tax for the contingent charges of that county from one shilling on the poll, and in that proportion to two shillings on the poll, and in that proportion, whenever a majority of the acting Justices of the said County of New Hanover shall deem the same necessary.

CHAPTER XXXII.

An Act to Make Cross Creek Navigable.

Whereas, it hath been made to appear to this Assembly, that the navigation of Cross Creek would be of public utility:

I. Be it enacted by the General Assembly of North Carolina, and it is enacted by the authority of the same, That James Hogg, William Barry Grove, James Cross, James Porterfield, Richard Cochran, Peter Perry, Robert Adama, Robert Rowan, John Ingram, Gabriel Debrutz, Walter Alves, John Winston, Nathan Stedman and Isaac Buckloe, and such others as have been, or shall be, admitted into their company for the purpose of making Cross Creek navigable, are hereby declared to be a body corporate, by the name of the Fayetteville Canal Company.

II. And be it further enacted by the authority aforesaid, that the said company shall be capable to sue and be sued before any jurisdiction in this state, and they may elect and appoint all necessary officers, and from time to time make such rules, regulations and by-laws, for the management and conducting of said navigation, as they shall think proper; provided, they shall not be repugnant to or inconsistent with the laws and Constitution of this State.

III. And be it further enacted by the authority aforesaid, That the said company are hereby authorized and empowered to erect such dams and locks on and across the said Creek as may be needful, to clear it from trees, logs and other such things by which the said navigation might be obstructed, to
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widen the creek and banks thereof, as may be found necessary for completing and preserving the said navigation, and to have the privilege of a way on each side the said canal, not exceeding eight feet wide, for men or horses, as far as may be necessary for hauling boats or rafts along said creek: Provided always, no lands shall be taken from the proprietors of lands on the said creek, save for the purpose of houses for the lock-keepers and persons appointed to receive toll, except as herein before recited.

IV. And be it further enacted, That it shall and may be lawful for the said company, their heirs and assigns, to exact and levy by way of toll on all boats, rafts, goods or articles whatever, that shall pass, or be carried on or through the said navigable creek, such sums or rates as may hereafter be established by law.

V. And be it further enacted by the authority aforesaid, That the property of the said works and navigation including all the rights, privileges and immunities hereby granted, with all the profits that may arise therefrom, are hereby vested in the said company, their heirs and assigns, forever, as tenants in common, in proportion to their respective shares.

VI. Provided nevertheless, that all damages occasioned by the works necessary for the said navigation, shall be valued by a jury to be appointed by the county court of Cumberland, or in the option of the party whose property is injured by a jury mutually chosen by both parties, each of which jury shall take the following oath:

I, A. B., do swear, that I will faithfully and truly value what damage or injury ———— hath sustained by reason of the works of the canal company, strict regard being had to the state of the property before the passing of this law.

And the value, so assessed by the said jury, shall be paid by the said company to the proprietor of the land or other property so damaged. Provided, that it shall not be lawful for any proprietor to act as a Justice at the appointment of such jury.

VII. And be it further enacted, That unless the said navigation shall be rendered useful within the term of three years from the passing of this Act, the privileges hereby granted shall be void.

CHAPTER XXXIII.

An Act for the Inspection of Tobacco on Dan River, on the Land of Thomas Harrison, in Caswell County.

Whereas, a number of inhabitants of the county of Caswell has petitioned this General Assembly for an inspection of tobacco to be established on Dan River:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the county court of Caswell shall appoint two discreet and careful men, well acquainted with the nature of tobacco, to be inspectors thereof, who shall take the same oath, and be subject to the same rules, regulations and restrictions, and shall be entitled to the same fees, emoluments and immunities, as the inspectors of tobacco at Eaton’s Ferry are entitled to by an Act passed this present session of Assembly.
CHAPTER XXXIV.

An Act for Vesting the Property of Certain Negroes in the heirs of Mark Newby.

Whereas, it is the earnest request of Ezekiel Arrington, who inter-married with one of the heirs of Mark Newby, late of Perquimons county, that the property of certain negroes emancipated by the said Mark Newby, in his lifetime, may by an Act of this Assembly be vested in the heirs of the said Mark Newby:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the heirs of the said Mark Newby shall have full power and authority to hold and possess, sell and dispose of, sue for and recover the said negroes, in the same manner as they may any other part or parcel of their property; and finally, that the right to the said negroes shall vest and continue in the heirs of the said Mark Newby, as fully and completely, as if no such emancipation had ever taken place; any law, usage or custom to the contrary notwithstanding.

CHAPTER XXXV.

An Act to Establish the Titles of Several Tracts of Lands in Simon, David, William, Jonathan and Polly Turner.

Whereas, it appears to this General Assembly that Simon Turner, late of Wake county, deceased, made his last will and testament in writing, bearing date the ninth day of April, in the year one thousand seven hundred and eighty-three, and afterwards died, that is to say, on or about the tenth day of the same month, by which said will the said Simon devised several tracts of land therein mentioned to his several sons, to-wit: Simon Turner, David Turner, William Turner, Jonathan Turner, and his daughter Polly Turner respectively, as by the said will may more fully appear; and whereas, it is doubtful from the words of the said will, whether the testator intended to give his said sons and daughter fee simple estates or only life estates in the said lands; but it appearing from the affidavit of William Holland, who wrote the said will, that it was the intention of the said testator to give his said sons and daughter full and absolute estates in fee simple in the several tracts of land to them devised as aforesaid, and that the omission of the proper words of inheritance in the said will, was entirely owing to the hurry in which the said will was obliged to be written; and it also appears to this Assembly that John Turner, late of the said county of Cumberland, who was the eldest son and heir at law of the said Simon Turner, deceased, was fully convinced of the truth of his said father's intentions to give his said sons and daughter estates in fee in the said lands as aforesaid:

I. Be it therefore enacted, That the several tracts of land devised to the said Simon Turner, David Turner, William Turner, Jonathan Turner and Polly Turner, by the said Simon Turner, deceased, as aforesaid, be vested in the said Simon, David, William, Jonathan and Polly respectively, their heirs and assigns, forever, in as full and absolute manner as if the said deceased had by his said will devised said lands to the said Simon, David, William, Jonathan and Polly respectively, and their heirs and assigns, forever.
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CHAPTER XXXVI.

An Act for the Relief of Thomas Ridge.

Whereas, it is represented to this General Assembly that Thomas Ridge, of Surry county, hath been charged with house burning in the course of the late war; and as it appears that the said Thomas Ridge proceeded in the matter charged against him agreeable to the command of his officers.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said Thomas Ridge be pardoned and clearly exonerated from the charge aforesaid; any law to the contrary notwithstanding.

CHAPTER XXXVII.

An Act to Alter the Names of Certain Persons therein mentioned.

Whereas, Benjamin Wheatly, of the county of Martin, has by petition requested that the names of Henry, Mary, Lydia and Benjamin Nobles, children of Elizabeth Nobles should be altered, and that they should hence forward be known by the names of Henry, Mary, Lydia and Benjamin Wheatly; and whereas, it appears that the said Benjamin Wheatly is the reputed father of the said Henry, Mary, Lydia and Benjamin Nobles, and having no lawful issue is desirous of leaving to them the property he possesses:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for henceforward and forever hereafter, the said Henry, Mary, Lydia and Benjamin Nobles, shall be known and distinguished by the names of Henry Wheatly, Mary Wheatly, Lydia Wheatly and Benjamin Wheatly, and by those names shall have the right to inherit and claim any estate, either real or personal, which may be devised to them or either of them by the said petitioner, Benjamin Wheatly, in as full and ample a manner as if they the said Henry, Mary, Lydia and Benjamin had been born in wedlock, and had been from the time of their births considered as the legitimate children of the said Benjamin Wheatly and Elizabeth Nobles; and shall forever be placed in the same situation and be considered to all intents and purposes in the same point of view, as though they legally descended from the said Benjamin Wheatly and Elizabeth Nobles, and had been born in wedlock as aforesaid.

CHAPTER XXXVIII.

An Act directing the Entry Taker of Rutherford county to Deliver Certain Warrants therein mentioned to the Surveyor of the said County.

Whereas, it hath been made appear to the satisfaction of this General Assembly, that David Miller, entry taker of Rutherford county, was directed by a resolve of the last General Assembly to issue new warrants in place of numbers that had been defaced by the surveyor of said county and said Miller refusing to comply with said resolution is much to the injury of a number of the inhabitants of said county: For remedy whereof,

I. 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 David Miller, entry taker of Rutherford county shall before the first day of March next
deliver to the surveyor of said county, a new warrant in place of each warrant which has been or may be returned defaced by the surveyor of said county, or by the secretary of state, previous to the first day of March next, under the penalty of fifty pounds for neglect or refusal on each warrant to be recovered before any jurisdiction having cognizance thereof one half to be applied to the benefit of the poor of the county and the other to the use of the state, and shall further be liable to a special action on the case for whatsoever damages any person may sustain by neglect or refusal to comply with this Act. Provided nevertheless, that a demand be made upon said entry-taker for a renewal of such defaced warrants previous to the time specified in the above Act.

V. And be it further enacted, That the entry taker aforesaid shall be entitled to demand and receive from the surveyor the sum of two shillings for every warrant issued in consequence of this Act; any thing to the contrary notwithstanding.

CHAPTER XXXIX.

An Act to Authorize the Commissioners of the Town of Edenton, to Grant Doctor Samuel Dickinson a Certain Water Lot in the Said Town.

Whereas, It is represented to this General Assembly that Doctor Samuel Dickinson, of the town of Edenton, is desirous of compleating a wharf in the said town for the public benefit alone:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Edenton do grant unto the said Samuel Dickinson, and his heirs and assigns, forever, a deed in fee simple of a part of a certain water lot in the said town, containing three hundred and forty feet in length and thirty feet in breadth, lying contiguous and adjacent to the water lot and wharf at present possessed by the said Samuel Dickinson, and bounded by the said lot and wharf and by the streets commonly known and called by the name of the Market and Water Streets, under the following provisos and restrictions: First, that the said water lot and wharf thereon to be built by the said Samuel Dickinson shall be free to all persons, and exempt from all wharfage and duty whatever. Second, that the said Samuel Dickinson shall complete the same within the space of five years and thereafter to keep the same in good repair, otherwise a grant of the commissioners to be invalid and of no effect. And third, that the said wharf when built and compleated shall be subject to the by-laws and regulations of the commissioners of the said town.

CHAPTER XL.

An Act to Amend an Act Passed at Fayetteville, in the Year One Thousand Seven Hundred and Eighty-Eight Entitled, "An Act to Authorize and Enable John Colson to return to this State and Exercise the Privileges Therein Mentioned.

Whereas, It has been made appear to this General Assembly that the said John Colson has, in obedience to the above recited Act, taken the oath of allegiance and fidelity to this State as by law prescribed, of which there is a record in the Clerk's office of the county court of Anson.
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I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the said John Colson to sue or be sued, implead or be impleaded, answer or be answered, in any court of record either in law or equity in this State, for all and singular estate, either real or personal, in any manner whatsoever, in as full, fair plain and ample a manner, to all intents and purposes, as if the said John Colson had not withdrawn himself from the protection of this State, any law, custom or usage to the contrary notwithstanding: Provided, That nothing herein contained shall be construed to invalidate the sales of any lands or other property, that have been or hereafter may be sold under any of the confiscation laws of this State, late the property of the said John Colson.

CHAPTER XLII.

An Act for Making Conformable to the Plan, the Second Courses of a Tract of Land Lying in Jones County Formerly Craven, Granted by a Patent to John Richards, Bearing Date the Twenty-Fourth Day of November, in the Year One Thousand Seven Hundred and Thirty-Eight, Containing Three Hundred Acres Lying on Both Sides of Trent River.

Whereas, it appears from the plan of the survey of the aforesaid tract of land granted to John Richards, that the surveyor through mistake hath inserted in the certificate, in the second line, a wrong course, whereby part of the land intended to be granted is left out of the patent:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the courses of the aforesaid tract of land shall be as follows, to-wit: Beginning at a pine, the original corner, on the south side of Trent river, from thence south thirty east two hundred and forty poles, then north sixty east one hundred and eighty poles, then north thirty west two hundred and forty poles, then south sixty east one hundred and eighty poles to the beginning; and that all the land contained within the aforesaid lines, be vested in the aforesaid John Richards, his heirs and assigns, forever.

II. And be it further enacted by the authority aforesaid, That all persons claiming by, from or under the said John Richards, by gift, deed, purchase or otherwise, are vested with an absolute right in fee simple to the lands purchased as aforesaid: Provided, That this Act shall not be construed or pleaded so as to affect any right derived otherwise than claiming by or under the said John Richards.

CHAPTER XLII.

An Act to Amend an Act, Passed at Hillsborough, in April, One Thousand Seven Hundred and Eighty-Four, Entitled, "An Act to Encourage Enoch Sawyer to Make a Road Through Pasquotank River Swamp Opposite His Plantation.

Whereas, it is required by the above recited Act that the road or causeway through Pasquotank river swamp shall be at least twenty feet wide, which would add greatly to the expense of making said road, and is more than would be necessary or useful: For remedy whereof,
I. 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 sixteen feet in breadth, and otherwise answering the description of the said Act, shall be deemed and held a good and sufficient road.

II. And be it further enacted by the authority aforesaid, That when the said road shall be finished, the court of Camden county, upon a petition of the said Enoch Sawyer, shall rate the ferriage or ferriages which he may be entitled to receive: Provided, That a majority of all the justices of the said county shall be present.

III. And be it further enacted by the authority aforesaid, That so much of the aforesaid Act as comes in the purview and meaning of this Act, is hereby repealed and made void.

CHAPTER XLIII.

An Act to Establish the Tobacco Warehouse Now Building by James Ritchie and John Winslow, at Fayetteville, and to Empower the County Court to Appoint Inspectors to the Same.

Whereas, the increased quantity of tobacco now brought to the market of Fayetteville will render an additional warehouse of public utility, and whereas, James Ritchie and John Winslow have in considerable forwardness one for that purpose:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That as soon as the said warehouse is completed for the reception of tobacco, it shall and may be lawful for the county court of Cumberland, and it is hereby authorized and directed to appoint two inspectors to the said warehouse, subject to the same regulations, fines and forfeitures, and entitled to the same privileges and emoluments as inspectors heretofore appointed. Provided, That the inspectors to be appointed by virtue of this Act shall not be the same as those appointed to other warehouses in the same town.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said James Ritchie and John Winslow to demand and receive the same storage on tobacco inspected in their warehouse as has heretofore been received in the other warehouses established in Fayetteville.

III. And be it further enacted that no preference shall be given by said court to any established warehouse erected in Fayetteville, any law, usage or custom to the contrary notwithstanding.

CHAPTER XLIV.

An Act to Confirm Unto Thomas Pool Williams, of Currituck County, an Indefeasible Title to Two Acres of Land at Beville, in Currituck County.

Whereas, Thomas M'Knight, late of Currituck county, did convey several years past to some trustees appointed by law, two acres of land situated in said county, for the purpose of erecting a chapel; and it is made appear to this General Assembly that the said two acres of land are not so situated as to answer the purpose intended: and whereas, the said Thomas Pool Williams, of the said county, now offers to the trustees appointed by an Act, entitled, An Act for the promotion of learning in the county of Currituck, passed at the last General Assembly, to convey two acres of land, for the
purpose of erecting a chapel and seminary of learning thereon, in a more commodious and convenient place, in lieu of the two granted by the said Thomas M'Knight:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the aforesaid two acres of land granted by Thomas M'Knight, are hereby vested in the said Thomas Pool Williams, his heirs and assigns forever; any law to the contrary notwithstanding: Provided, That this Act shall not be in force until the above named, Thomas Pool Williams, his heirs or assigns, shall make a good and sufficient title for the said two acres of land to the trustees of Currituck academy.

CHAPTER XLV.

An Act to Vest the Property of Certain Lots of Land Situated in the Town of Tarborough, in Edmund Hall and His Heirs.

Whereas, it appears to this General Assembly just and reasonable, that the property of two lots of land situated in the town of Tarborough, and known and distinguished in the plan of the said town by the numbers ninety-five and ninety-eighth, should vest in Edmund Hall and his heirs.

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the property right and title of and to the said two lots of land situated and known as aforesaid, shall vest fully, absolutely and completely in the said Edmund Hall, and his heirs; and he is hereby declared to have full power and authority to possess, enjoy and dispose of the said two lots as to him may seem meet consistently with the laws of the land, any law to the contrary notwithstanding.

CHAPTER XLVI.

An Act to Repeal the Fifth and Sixth Sections of an Act, Passed at Hillsborough, in the Year One Thousand Seven Hundred and Eighty-Four, Entitled, “An Act to Amend an Act Entitled, ‘An Act for the Regulation of the Town of Wilmington.’”

Whereas, it is represented to this General Assembly, that the said fifth and sixth sections of the above recited Act are inconvenient and injurious to the people for whose advantage they were intended:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the said fifth and sixth sections of the above recited Act be repealed, and they accordingly are declared void.

CHAPTER XLVII.

An Act to Establish Two Places in the County of Caswell for the Purpose of Holding Two General Musters Therein.

Whereas, from the length of the county of Caswell, and the many water courses therein, it has been found by experience expensive, inconvenient, and in times of high waters, dangerous to attend general musters:

I. Be it therefore enacted by the General Assembly of the State of
North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act the county of Caswell shall be divided into two districts, the eastern district shall consist of the companies belonging to the districts of Saint Lawrence, Nash, Saint James and Saint Luke; and the western district shall consist of the companies belonging to the districts of Richmond, Gloucester, Saint David and Caswell; that the place for holding the General Muster for the eastern district, shall be at the house of John Payne; that the place for holding the general muster for the western district, shall be at the place where the four districts meet: the militia of the whole county, the eastern as well as the western district, shall nevertheless each hold their general muster in the respective districts and places, agreeably to the directions of the Act for establishing a militia in this State.

II. And be it further enacted, That the colonel or commanding officer of said county is hereby directed and required to have the inhabitants warned to attend, accoutred as usual, at the two aforementioned places respectively; and it is hereby further required, that the colonel or commanding officer of said county shall attend at either of the musters heretofore mentioned, to review the same under exercise, and that he appoint and direct the lieutenant colonel, major or other officer next in command, as the case may be, to give attendance at the muster of the other district in said county, for the purpose of disciplining the men.

III. And be it further enacted, That the place for holding courts martial for the said county shall be at the court-house as usual, and delinquents shall appear from each district aforementioned, in order for trial.

CHAPTER XLVIII.

An Act to Empower the County Court of Rockingham to Lay a Further Tax to Reimburse the Commissioners the Money by Them Expended in Erecting the Court-House, Prison and Stocks in the Said County.

Whereas, the taxes heretofore laid in the county of Rockingham have not been found sufficient to reimburse the Commissioners the money by them expended in erecting the public buildings of the said county.

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the county court of Rockingham shall have power and are hereby directed to lay at their next February session a tax not exceeding four pence on every hundred acres of land and a tax not exceeding one shilling on every poll, for the reimbursement of the Commissioners aforesaid of any sums by them already expended for the aforesaid purposes.

II. Provided that the same shall be collected and accounted for in the same manner as the tax laid in the year one thousand seven hundred and eighty-eight.

III. Provided also, That the said court forbear to lay any further tax until they call upon all persons that have collected or have a right to collect any tax already laid for the above purposes and cause them to finally settle said accounts.
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CHAPTER XLIX.

An Act to Amend an Act, Passed at Hillsborough, in the Year of Our Lord One Thousand Seven Hundred and Eighty-Four, Entitled, "An Act for Extending the Navigation of Roanoke River.

Whereas, many of the trustees who were appointed by the above recited Act, for extending the navigation of Roanoke river from the falls upwards, have refused and neglected to perform the duties required of them by the above recited Act: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the following persons, to-wit: Absalom Bostwick, Lemuel Smith, Harry Terril, Valentine Allen, Robert Gallaway, William Austin, John Leake, Thomas Harrisin, Dudley Gatewood, Richard Saunders, Thomas Person, Memucan Hunt, Robert Burton, Thomas Eaton, James Paine, John Mosely, John Faulcon, Benjamin Williamson, Benjamin Edwards and Samuel Lockhart, are nominated, constituted and appointed trustees in their stead; and they and each of the persons named in this Act as trustees, are hereby vested with every power, jurisdiction and authority which were given to the trustees by the Act above recited.

II. And be it further enacted by the authority aforesaid, That the trustees residing in any county through which the river aforesaid passes shall superintend the clearing of the said river so far as it lies within the limits of their respective counties.

III. And be it further enacted by the authority aforesaid, That if any of the trustees herein before appointed should die, refuse to act or remove out of the county, the court of such county shall nominate and appoint some discreet person or persons in the place and stead of him or them so refusing to act, dying or removing out of the county; which person or persons so appointed, shall have the same powers and authorities, and be under the same rules and regulations, as those appointed by this Act.

IV. And be it further enacted by the authority aforesaid, That so much of the said before recited Act, passed at Hillsborough, in the year of our Lord one thousand seven hundred and eighty-four, entitled, "An Act for extending the navigation of Roanoke river," as is contradictory to this Act, be and the same is hereby repealed.

CHAPTER L.

An Act to Establish an inspection of Tobacco at the Ferry of Thomas Eaton on Roanoke.

Whereas, it may be beneficial to many of the citizens of this State, That an inspection for tobacco be established in Warren county on the north side of Roanoke river, at the place where Thomas Eaton lately lived.

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the county court of Warren shall annually appoint two discreet and careful men, well acquainted with the nature and quality of tobacco, to be inspectors thereof, who shall take the same oath, be subject to the same rules, regulations and restrictions which inspectors of tobacco are subject to in this State.

II. And be it further enacted by the authority aforesaid, That the inspectors so appointed shall have and receive from the owner of tobacco, the sum of
four shillings for each and every hogshead, and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble.

III. And be it further enacted by the authority aforesaid, That the tobacco so inspected, shall be held and deemed merchantable, as if the same had been inspected at any other inspection in this State.

CHAPTER LI.

An Act to Amend an Act Entitled "An Act to Appoint Commissioners to Superintend the Building a Prison and Stocks for the District of Fayetteville, and to Levy a Tax in the Counties Within Mentioned for Defraying the Expenses thereof, Passed at Fayetteville in the Year One Thousand Seven Hundred and Eighty-Eight.

Whereas, it hath been made appear to this General Assembly that the tax laid for the year one thousand seven hundred and ninety in the before recited Act will be inadequate and insufficient for the purposes therein contained: For remedy whereof,

I. 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 in lieu of the tax directed to be levied and paid for the year one thousand seven hundred and ninety in the before recited Act there shall be levied, collected and paid for the said year a tax of two shillings on each poll and two shillings on every hundred pounds value of town property and eight pence on every hundred acres of land within the county of Cumberland, and a tax of one shilling on each poll and a tax of one shilling on every hundred pounds value of town property and a tax of four pence on every hundred acres of land within the counties of Sampson, Robeson, Moore and Richmond, and a further tax of one shilling on every poll, and one shilling on every hundred pounds value of town property, and four pence on every hundred acres of land within the said county of Cumberland, shall be levied, collected and paid for the year one thousand seven hundred and ninety-one, and half of the aforesaid tax in the counties of Sampson, Robeson, Richmond, Moore and Anson shall be levied, collected and paid for the same year, which said tax is hereby directed to be levied, collected and accounted for agreeable to the directions of the before recited Act for the purposes therein contained.

CHAPTER LII.

An Act for Granting to the inhabitants of Rowan County, Living Between the North and South Forks of the Yadkin River, the Privilege of Holding Separate General Musters.

Whereas, it is found to be inconvenient for the inhabitants of that part of Rowan county lying between the north and south forks of the Yadkin river, to attend the General musters of the first battalion of the militia of said county, which are held in the town of Salisbury:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the colonel or commanding officer of the first battalion of militia in the said county of Rowan, shall order and cause a muster of the companies of his battalion who inhabit between the north and south forks of the Yadkin
river to be held at the house of Andrew Mank, on the day preceding every
general muster of the said battalion in the town of Salisbury; and the said
companies who belong between the north and south forks of the Yadkin,
shall appear at the musters hereby established at Andrew Mank's aforesaid,
on the days appointed for that purpose, and be exercised, disciplined, armed
and accounted, in the same manner, and under the same regulations, and
shall be subject to the same pains and penalties, fines and forfeitures, for
disobedience or neglect, as by law is prescribed for the regulation of other
general musters in this State: And the lieutenant colonel or major of the
first battalion, shall attend the half battalion musters hereby appointed,
at the house of Andrew Mank aforesaid.

III. And be it further enacted, That the captains and subaltern officers
of the said half battalion, shall attend the court martial of the first batta-
illon regularly, on the days next after every general muster of the said bat-
talion in the town of Salisbury, under the same forfeitures and penalties
for neglect or refusal, as they would have been subject to in case this law
had never been made; and the said officers of the half battalion aforesaid
shall compose part of the battalion court martial as heretofore.

CHAPTER LIII.

An Act to Appoint Commissioners to Direct and Establish a Gap or Slope at
the Mill Dam of Samuel High, at the Falls of Neuse River, in Wake
County, and to Repeal so Much of an Act, Passed at Tarborough, in the
Year One Thousand Seven Hundred and Eighty-Seven, as Comes Within
the Purview of This Act.

 Whereas, it is represented to this General Assembly, That Samuel High,
of the county of Wake, hath lately erected a mill at the falls of Neuse river,
in the county aforesaid, which is found to be of great utility to that part
of the county; and as it may in some measure retard the passage of fish
from that place up the said river:

I. Be it therefore enacted by the General Assembly of the State of
North Carolina, and it is hereby enacted by the authority of the same, That
Dempsey Powell, Francis Perry, William Martin, William Symms and
Peter Bruce, or a majority of them, be and they are hereby authorized and
required, to cause such gap or slope to be made in the said mill dam, not
less than eight feet in width, at the expense of the proprietor thereof, as
may to them appear sufficient for the free passage of fish, to be compleated
and effected on or before the twentieth day of February, one thousand
seven hundred and ninety-one; which said gap or slope shall be kept open
from the said twentieth day of February, until the first day of May annually,
der the penalty of five pounds for every twenty-four hours that the said
slope or gap shall not be kept open by the said Samuel High, or any other
person or persons claiming the said mill, to be recovered by warrant before
any Justice of the Peace, one half to the use of the Informer suing for the
same, the other half for the use of the poor of the county of Wake.

II. And be it further enacted by the authority aforesaid, That so much
of an Act passed at Tarborough, in the year one thousand seven hundred
and eighty-seven, entitled, "An Act to remove all obstructions to the pas-
sage of fish up the Neuse river as comes within the purview of this Act, be
and the same is hereby repealed and made void.
CHAPTER LIV.

An Act Directing the Time and Place of Holding the Annual Elections in the County of Hyde.

Whereas, by an Act passed at Fayetteville, in the year one thousand seven hundred and eighty-nine, entitled, "An Act to alter the time of electing members of the General Assembly of this State, there have been many doubts respecting the time of holding the elections in the county of Hyde, there being two elections in the said county: For remedy whereof,

I. Be it enacted, That from and after the passing of this Act, that annual elections for the county of Hyde shall be held and taken in the following manner, that is to say, the election shall begin at the house of Mr. Jefferies, at the Lake landing, on Mattamuskeet, the first Friday in August in every year, and continue open until sunset of the same day, in manner by law directed; and the sheriff and inspectors shall seal up the ballot boxes and the several lists of voters, which by them shall be taken to the courthouse in Currituck, and on the second Friday of August, being the last day of the annual elections throughout the State, the poll shall be opened, the seals taken off the ballot boxes, and the elections continued until sunset, for such of the county electors who shall not have voted before; and the poll shall be open both days at ten o'clock.

II. And be it further enacted by the authority aforesaid, That all Acts and parts of Acts, which are contrary to the true intent and meaning of this Act, are hereby repealed and made void.

CHAPTER LV.

An Act to Authorize William M'Clellan, of the County of Rockingham, to Extend a Mill Dam Across Mayo River.

Whereas, it is represented to this General Assembly, That allowing William M'Clellan to extend a mill dam across the Mayo river, would be attended with great advantage to the inhabitants of that county; and it appearing that the lands on each side of the river where the said mill dam is to be extended, belong to the said William M'Clellan:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said William M'Clellan, or his assigns, shall have full power and authority, and they or either of them have full power and authority to extend the dam already erected across the said river to the opposite bank: Provided nevertheless, That the said William M'Clellan do erect a slope of ten feet wide in the deepest part of said river, to be kept open from the twentieth day of February to the last day of April in each year, under the penalty of twenty pounds for each year he may neglect or refuse to keep the said slope in good order for the passage of fish, one half to the use of the informer, and the other half to the use of the county.

CHAPTER LVI.

An Act to Vest the title of a Piece or Parcel of Land, in Granville County, in James Forsyth, and His Heirs in Fee Simple.

Whereas, It appears to the satisfaction of this General Assembly, that James Forsyth did purchase a bond given by Henry Eustace M'Culloh to
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Alexander Jones, bearing date the 28th day of July, one thousand seven hundred and sixty-three, for a title to a certain tract or parcel of land in Granville county, known by the name of Holden's place, containing two hundred acres, said bond was assigned over to Robert Harris, and from Robert Harris to James Cash, and from James Cash to James Forsyth; the said land is butted and bounded as follows, to-wit: Beginning at a stake, Wallace's corner, thence running west two hundred and forty poles to a stake in Philip's line, thence south two hundred poles to a stake in Jones's line, thence north sixty-five degrees east two hundred and seven poles to a pine, Bottom's corner, then north seventy-five degrees east one hundred and twenty-three poles to the first station; and the said Alexander Jones did in good faith pay unto the said Henry Eustace M'Culloh the purchase money for the said land; and the said Henry Eustace M'Culloh having since the sale withdrawn himself from this and the United States, and his estate by law hath been confiscated, and hath made no conveyance to the said Alexander Jones to vest the said land in him and his heirs in fee simple, by which means he has not been able to make good and lawful titles to those whom he hath since sold the same.

1. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing this Act, the said two hundred acres of land is declared to be vested in fee simple in James Forsyth, his heirs and assigns forever, in as full and ample manner as if the same had been legally conveyed by Henry Eustace M'Culloh to Alexander Jones, and from Alexander Jones to Robert Harris, and from Robert Harris to James Cash, and from James Cash to the said James Forsyth; any law, usage or custom to the contrary notwithstanding.

CHAPTER LVII.

An Act to Empower Ethereid Ruffin, Thomas Branton, Willoughby Williams and Hymeric Hooker, the Securities of Benjamin Caswell, Late Sheriff of the County of Dobbs, to Collect and Account for the Taxes Due From the Inhabitants of the Said County for the Year One Thousand Seven Hundred and Eighty-Nine.

Whereas, it appears that the taxes due from the inhabitants in the county of Dobbs for the year one thousand seven hundred and eighty-nine, were not collected by Benjamin Caswell, the sheriff thereof, during his continuance in office; and whereas, the said Benjamin Caswell, in order to quiet his securities and to enable them to make the collection aforesaid, after obtaining from them a bond of indemnity, on the seventh day of July, in the year one thousand seven hundred and ninety, by an instrument of writing under his hand and seal did relinquish the right of collecting the taxes for the said year, and empowered his said securities to collect and account for the same, who pursuant thereto have proceeded to collect in part the said taxes, and have paid into the public treasury the greater part of the money due from the said Benjamin Caswell for the year aforesaid, and are still continuing to collect the balance due: And whereas, doubts may arise with respect to the legality of the procedure, and in order to enable the securities finally to collect and settle the same:

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 the sole collection of the taxes due from the inhabitants of the county of Dobbs for the year one thousand seven hundred and eighty-nine, shall be and is hereby
vested in the said Ethelred Ruffin, Thomas Branton, Willoughby Williams
and Hymeric Hooker, and that they the said securities or a majority of
them, be and are hereby empowered as fully and effectually to collect and
account for the said taxes, and on refusal to sue for and recover, and on
the payment of money to give discharges to the respective collectors as
the said Benjamin Caswell could or might have done previous to his rein-
quishment and power as aforesaid; which discharges from the securities
or a majority of them, and from no other person, shall exonerate the col-
lectors, or be available in law if suit should be brought by the securities for
non-payment of the taxes for which they are liable, any law to the con-
trary notwithstanding.

CHAPTER LVIII.

An Act to Establish a Town at the Place Fixed Upon for the Court-House in
the County of Surry, and for Adding Two More Commissioners to Those
Heretofore Appointed for Fixing the Public Buildings in Said County.

Whereas, it hath been represented to this General Assembly that it is a
pleasant healthy situation, and that Thomas Ayres and Moses Ayres have
made a deed in fee simple of fifty-three acres of land to Micajah Oglesby,
Edward Lovell, Charles Smith, Henry Speer, and William Tyrrell Lewis,
Esquires, for the use of the said county:

I. Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, That the lands so
laid off be established a town, agreeable to the scheme and plan thereof, by
the name of Rockford.

II. And be it further enacted by the authority aforesaid, That William
Thornton, Stephen Wood, John Thomas Longino, Jacob Sheppard and David
Humphries, be and they are hereby constituted and appointed commission-
ers and trustees for carrying on and regulating the said town; and they
shall be seized of an indefeasible estate in fee simple in the said fifty-
three acres of land, to and for the uses, intents and purposes hereby declared.
And the said commissioners, or a majority of them, shall have full power
and authority to meet as often as they shall think proper, to make such regu-
lations as they shall judge most convenient.

III. And be it enacted by the authority aforesaid, That a majority of the
commissioners aforesaid shall have full power to sell and dispose of the lots
in the said town, make and execute deeds in fee simple to the respective pur-
chaser or purchasers for the same.

IV. And be it further enacted by the authority aforesaid, That respective
purchasers of lots shall pay and satisfy the commissioners for whatever
sum or sums they may severally incur by purchasing lots from the said com-
missioners, and in case of neglect of any purchaser to pay the sum or sums
that may be incurred as aforesaid, that then in that case the commis-
ioners or a majority of them may commence a suit or suits in their own
names, and therein recover judgment. And the said commissioners as soon
as they shall receive the money by the sales aforesaid, shall pay the
same into the hands of the commissioners for letting the public buildings
in the said county, and be applied towards defraying the expense of the
buildings aforesaid. Provided nevertheless, before the said commissioners
receive the money aforesaid, they shall enter into bond with good security,
in the sum of five hundred pounds, for their faithful application of the
money so received by them.
LAWS OF NORTH CAROLINA—1790.

V. And be it further enacted by the authority aforesaid, That in case of the death, refusal to act, or removal out of the county, of any of the commissioners, the court of the county is hereby empowered to appoint some other person, being a freeholder, in the place of him so dying, refusing to act, or removing as aforesaid, which commissioners or trustees shall have the same power and authority as if he had been appointed by this Act.

VI. Be it further enacted by the authority aforesaid, That William Cooke and Robert Harris, be and they are hereby appointed commissioners in addition to those heretofore appointed, for fixing and carrying into effect the public buildings in the county of Surry, who shall have the same power and authority, and exercise the same privileges in all respects, as those heretofore appointed by an Act for dividing the county of Surry.

CHAPTER LIX.

An Act to Alter the Place of Holding the County Court of Hyde County, from Woodstock to Bell's Bay or Jasper's Creek, in Said County, and to Erect a New Court-House, Prison and Stocks.

Whereas, it hath been made to appear to the satisfaction of this General Assembly that the court-house, prison and stocks in the county of Hyde have been lately consumed by fire, and that courts of said county are obliged to be held in a private house, which occasions a very great delay of business: And whereas, it appears that the town of Woodstock is not the most central and convenient place to erect a court-house, prison and stocks in the said county, and that on Bell's bay or Jasper's creek is a far more eligible and convenient place for that purpose.

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Germain Bernard, Benjamin Russell, Michael Peters, Robert Jenett, James Jasper, Reading Blount and Thomas Jordan, be and they are hereby appointed commissioners to fix on the most central and convenient place on Bell's bay or Jasper's creek in the said county of Hyde, to erect a court-house, prison and stocks for the use of said county; and they or a majority of them to agree with workmen to build and finish the same thereat; and if one or more of the said commissioners should refuse to act, die or remove out of the said county, then the survivor or survivors shall elect and choose another or other commissioners, in his or their stead.

II. And be it further enacted by the authority aforesaid, that a tax of three shillings on each and every poll, and a tax of one shilling on each and every hundred acres of land in the said county of Hyde, for the year one thousand seven hundred and ninety, and a tax of two shillings on every poll, and of eight pence on every hundred acres of land for the year one thousand seven hundred and ninety-one shall be levied and collected in the same manner, at the same time, and by the same person as public taxes are, or may be, collected, and such tax when collected to be by the Sheriff or Collectors paid into the hands of the Commissioners, for the uses and purposes aforesaid. And the said commissioners or a majority of them, are hereby authorized and required to call for, demand and receive all and every part of the remains of the former court-house which may be known to be in the hands of any person or persons whatsoever, and the same to apply to the use of erecting a new one as herein before directed; and if any person who may
have any of the remains of the said court-house in his, her or their possession, and on the application of the commissioners herein before appointed refuse to give up the same, her, she or they so refusing, shall on conviction forfeit and pay the sum of twenty pounds, to be recovered by the said commissioners before any jurisdiction having cognizance thereof, to be applied to the purpose of erecting a new court-house, prison and stocks.

III. And be it further enacted by the authority aforesaid, that the Sheriff or Collectors of the said county of Hyde shall, before entering upon the duties by this act enjoined upon them, enter into bond with approved security to the court, in a sum of double the amount of taxes to be collected, for the faithful collecting and paying the same into the hands of the Commissioners for the purposes aforesaid.

IV. And be it further enacted by the authority aforesaid, that the Justices of the said county of Hyde shall at the first court which shall be held after the first day of January, one thousand seven hundred and ninety-one, adjourn to the house of Southy Rue, near Bell's bay; and all suits, actions, plaints, pleas and other matters and things before the said court then depending and undetermined, shall stand adjourned and continued accordingly, and all and every person or persons having day in the said court, and witnesses, shall stand bound to appear at the same according to such adjournment.

V. And be it further enacted by the authority aforesaid, that the said commissioners or a majority of them are hereby empowered to sell at public sale, giving forty days previous notice, the lot of ground in Woodstock where the court-house formerly stood, and apply the monies arising therefrom to the purpose of erecting and completing a new court-house; and should any money remain in the hands of the commissioners after the said buildings are finished and completed, the same shall be applied to the use of the contingent charges of the county.

CHAPTER LX.

An Act to Empower James Craige, Guardian of the Orphans of David Craige, of Rowan County, Deceased, to Sell and Dispose of Part of the Real Estate of the Said David Craige, for the Payment of a Debt Due by Him to the Public.

Whereas, James Craige, guardian of the orphans of David Craige, deceased, hath represented to this General Assembly that the said David Craige died indebted to the public in a large sum of money, for the purchase of confiscated lands of Henry Eustace M'Culloh, equal to the value of his personal estate: And whereas, the said guardian hath further represented to the satisfaction of this General Assembly, that it was the intention of the said David Craige to sell and dispose of part of the said lands to pay the public debt, in order to make the better provision for his family:

I. 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 it shall and may be lawful for the said James Craige to sell and dispose of three hundred and fifty-five acres of said lands, lying on the south side of the Yadkin river, known by the name of number seventeen, and three hundred and seventy-five acres acres of said land, lying on the waters of Abbot's creek, known by the number thirty-eight, and to make conveyances in fee simple for the same to the purchasers thereof, thereby conveying to each purchaser
and their heirs respectively, by virtue of the power given by this Act, all the right, title, interest, claim and demand whatsoever therein and thereto, of what the said David Craige died seized and possessed: Provided always, That before the conveyance of the said lands, the said James Craige shall give bond with security, in double the estimated value of the lands intended to be sold by virtue of this Act, if the security already given for his guardianship, should be judged by the county court of Rowan insufficient for the true and faithful discharge of the trust reposed in him by this Act.

Read three times and ratified in General Assembly, the fifteenth day of December, A. D. 1790.

WM. LENOIR, S. S.
S. CABARRUS, S. H. C.
SUPPLEMENT

OMITTED LAWS SUPPLIED

1669 TO 1773
MEMORANDUM.

By diligent research in the British Archives and elsewhere the following laws have been discovered in MMS. form. They supply very nearly, and as far as is now possible, the statutes which were not available when Volumes 23 and 24 were printed. This collection of our laws down to 1791 is now as complete as the utmost effort has been able to make it. These three volumes, 23, 24 and 25, will be of a distinct interest to lawyers, as well as to the student of history and manners. At the end of this volume there will be an Index of these three law volumes.  EDITOR.
LAWS OF NORTH CAROLINA--1669,
AND PRIOR THERETO.

ACTS OF THE ASSEMBLY OF ALBEMARLE RATIFIED
AND CONFIRMED BY THE PROPRIETORS,
20 JANUARY, 1669-1670.

(Colonial Entry Book No. 23, pp. 45-42.)

An Act Prohibiting Suing of Any Persons Within 5 Years.

Whereas, there has not binn sufficient encouragement hitherto granted to
persons transporting themselves and Estates into this County to plant or in-
habit, for remedy whereof, be it enacted by the Pallatine and Lords
Proprietors, by and with the advice and consent of this present Grand
Assembly and the authority thereof that noe person transporting themselves
into this County after the date hereof shall be liable to be sued during the
terne and space of five years after their arrival for any debt contract-
ored or cause of action given without the County and that noe person living in
this County shall on any pretense whatsoever receive any letter of Attorney
Bill or account to recover any debt within the time above mentioned of a
Debtor living here without the said Debtor freely consent to it.

An Act Concerning Marriages.

For asmuch as there may be divers people that are minded to be joyned
together in the holy state of Wedlock and for that there is no minister as yet
in this County by whom the said parties may be joined in Wedlock accord-
ing to the rites and customs of our native Country the Kingdom of Eng-
land that none may be hindred from this soe necessary a worke for the
preservation of mankind and settlement of this County it is enacted And
it be enacted by the Pallatine and Lords Proprietors of Carolina by and
with the advice and consent of the Present Grand Assembly and authority
thereof that any two persons desiring to be joined together in the holy state
of matrimony taking three or fower of their Neighbors along with them
and repairing to the Governor or any one of the Council before him declare-
ing that they do joyne together in the holy state of Wedlock And doe accept
one the other for man and wife; and the said Governor or Councillor be-
fore whom such act is performed giving Certificate thereof and the said
Certificate being registered in the Secretaries Office or by the Register of the
precinct or in such other Office as shall hereafter for that use be provided
It shall be deemed a Lawful Marriage and the parties violating this Mar-
riage shall be punishable as if they had been marryed by a minister accord-
ing to the rites and Customs of England.

An Act Concerning Transferring of Rights.

There being divers persons who resort into this County and perhaps in a
short time leave it againe yett nevertheless whilst they are here they make
sale of their Rights to land which thing may prove very prejudicial to our Lords Proprietors and to the speedy settlement of this County be it therefore enacted by the Pallatine and Lords Proprietors by and with the advice and consent of this present Grand Assembly That noe person or person whatsoever shall make sale of their right or Rights to land until he hath binn two compleat years at least an inhabitant of the County.

An Act Exempting New Comers from Paying Levys for One Years.

Bee it enacted by the Pallatine and Lords Proprietors by and with the advice and consent of the Grand Assembly and the authority thereof that any person or persons transporting themselves and families into this County to plant and here seate themselves shall be exempted from paying levys for one whole yeare after their arrival. Provided always there be no emergent charges which the Vice Pallatine Counsell and Assembly shall judge extra ordinary.

An Act Against Ingrocers.

 Whereas divers adventures have transported Commodities into this County which hath binn engrossed by some particular person to retaille againe at unreasonable rates to the Inhabitants of this County to prevent which inconvenience for the future,

I. It is enacted and be it enacted by the Pallatine and Proprietors by and with the advice and consent of this Grand Assembly and the authority thereof that any person whatsoever within this County that shall after the Publication hereof presume to engross any quantity of goods from any adventurer to sell and retaille againe at unreasonable rates to the Inhabitants shall forfeit for every such offence ten thousand pounds of tobacco the one halfe to the informer the other halfe to the use of the Lords Proprietors.

II. And it is hereby further declared and enacted by the authority aforesaid that any person or persons that shall buy goods of any adventurer and retaile the same except he can in tenne days produce the vallew of the said goods soe purchased of his own proper Tobacco or Estate according to the bargayne in kind he shall be deemed an Ingrocer and proceeded against as in this act for that case is provided

Provided nevertheless that this act shall not extend to the prohibiting any one that shall keep Shopp or retaile any sort of comodytis in any Towne that is or shall be erected by the Lords Proprietors or by their order.

An Act Concerning Defraying the Charges of the Governor and Counsell.

Whereas there hath never any course been taken for the defraying the necessary charges of the Governor and Counsell in time of Courte And for as much as the Grand Assembly doe thinke it unreasonable that they should spend their times in the service of the County and not have their Charges borne be it therefore enacted by the Pallatine and Proprietors by and with the advice and consent of this present Grand Assembly and the authority thereof That there be thirty pounds of Tobacco levyed upon every Action
LAWS OF NORTH CAROLINA—1669.

that comes into Courte from him that is cast and that it be levied and collected by the Sheriff with his fees And disposed of by order of the Governor and Councill for defraying their ordinary charge.

An Act What Land Men Shall Hould in One Devidend.

Whereas there are divers men that have right to great tracts of land and not nigh people to manure and people the same by which means the Country will great part thereof lye unseeded and unpeopled which may prove prejudicial to the safety and interest of the Right Honorable the Lords Proprietors of the County For prevention whereof

I. It is therefore enacted and be it enacted by the Pallatine and Lords Proprietors by and with the advice and consent of the Grand Assembly and authority thereof that noe person or persons whatsoever he be within this County under the degree of a Proprietor Land Grave or Cassique shall have liberty for the space of five years next ensuing to survey or ley out about six hundred and sixty acres of Land in one devidend that see the County may be the speedier seated without express leave obtained from the Lords Proprietors.

II. And it is hereby further enacted that there shall not bee granted in any warrant any quantity of Land but what is allowed according to the quality of the right and is express in the Proprietors Instructions concessions or fundamental Constitutions or forme of Government.

An Act for the Speedier Seating of Land.

Whereas, there are several of the inhabitants within this County that formerly did cleare some small quantity of Land and build some houses thereon which now have forsaken it especially on South Lanchester side of the west of Chowan and other parts of the County And in as much as the said land lyes voyd and unplanted which proves a hindrance to the settlement of the County Bee It therefore enacted by the Pallatine and Lords Proprietors by and with the advice and consent of this Present Grand Assembly and the authority thereof That if any Person or persons that have bestowed any Labor as abovesaid on any land within the County shall not repair to It and seate the same within six months after the publication hereof that then, it shall and may be lawfull for the Governor and Council to lett it out to any other person to doe it The party to whom it is soe lett out paying to the first labourer soe much as it shall be adjudged byavour honest men to be worth.

An Act Prohibiting Strangers Trading With the Indians.

Forasmuch as there is often recourse of Strangers from other parts into this County to truck and trade with the Indians which is conceived may prove very prejudicial Wherefore be it enacted by the Pallatine and Lords Proprietors by and with the advice and consent of the Grand Assembly and the authority thereof that if any person or persons of what quality or condition soever they be shall presume to come into this County to truck or trade with any of our neighbouring Indians belonging to the County or that shall be found to have any Indian trade purchased from them or being found or appearing that they come to trade with any Indians as aforesaid
Whether in their Townes or elsewhere within the County which is hereby left for the Magistrates to judge it shall bee lawfull for any person or persons to apprehend any such persons or Forreigners that shall be found amongst the Indians or elsewhere within the limits of the County and him or them bring before the Governor or any one of the Councell who shall hereby have power to committ them to prison there to abide till they have paid tenn thousand pounds of tobacco and caske otherwise to stand to the censure of the Vice Pallatine and Councell And it is further declared that whatsoever trade is found with the person apprehended One halfe thereof and one halfe of the fine shall belong to the Apprehender and the other halfe to the Lords Proprietors.

The foregoing acts weare past again the 15th of October and sent per Mr. Nixon.
THE FUNDAMENTAL CONSTITUTION OF CAROLINA

DRAWN UP BY JOHN LOCKE, 1 MARCH, 1669.

Our sovereign Lord the King having out of his royal grace and bounty granted unto us the Province of Carolina with all the royalties properties jurisdictions and privileges of a County Palatine as large and ample as the Counts Palatine of Durham with other great Privileges for the better settlement of the government of the said place and establishing the interest of the Lords Proprietors with equality and without confusion and that the government of this Province may be made most agreeable to the monarchy under which we live and of which this Province is apart; and that we may avoid erecting a numerous democracy We the Lords and proprietors of the Province aforesaid have agreed to this following form of government to be perpetually established amongst us unto which we do oblige ourselves, our heirs and successors, in the most binding ways that can be devised:

1. The eldest of the Lords Proprietors shall be Palatine; and upon the decease of the Palatine the eldest of the seven surviving proprietors shall always succeed him.

2nd. There shall be seven other chief officers erected, viz., the Admirals Chamberlains, Chancellors, Constables, Chief Justices, High Stewards and Treasurers, which places shall be enjoyed by none but the Lords Proprietors, to be assigned first by lot; and upon the vacancy of any one of the seven great officers, by death or otherwise, the eldest proprietor shall have his choice of the said place.

3rd. The whole Province shall be divided into Counties; each county shall consist of eight signories eight baronies and four precincts each precinct shall consist of six colonies.

4th. Each signory, barony, and colony shall consist of twelve thousand acres the eight signories being the share of the eight proprietors and the eight baronies of the nobility, both which shares being each of them one fifth of the whole, are to be perpetually annexed, the one to the proprietors and the other to hereditary nobility, leaving the colonies being three fifths amongst the people; so that in setting out and planting the lands, the balance of the government may be preserved.

5th. At any time before the year one thousand seven hundred and one any of the lords proprietors shall have power to relinquish alienate and dispose to any other person his proprietorship and all the signories powers and interest thereunto belonging wholly and entirely together and not otherwise. But after the one thousand seven hundred those who are then Lords Proprietors shall not have power to alienate or make over their proprietorship with the signories and privileges thereunto belonging or any part thereof to any person whatsoever otherwise than in section 18th; but it shall all descend unto their heirs male; and for want of heirs male it shall descend on that Landgrave or Cassique of Carolina who is descended of the next heirs female of the proprietor; and for want of such heirs it shall descend on the next heir general and for want of such heirs the remaining seven proprietors shall upon the vacancy choose a Landgrave to succeed the deceased proprietor who being chosen by the majority of the seven surviving proprietors he and his heirs successively shall be proprietors as fully to all intents and purposes as any of the rest.

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6th. That the number of eight proprietors may be constantly kept; if
upon the vacancy of any proprietorship, the seven surviving proprietors
shall not choose a Landgrave to be a proprietor, before the second biennial
parliament after vacancy then the next Biennial Parliament but one, after
such vacancy shall have power to choose any Landgrave to be a proprietor.

7th. Whosoever after the one thousand seven hundred either by inherit-
tance or choice shall succeed any proprietor in his proprietorship and sig-
nories thereunto belonging shall be obliged to take the name and arms of
that proprietor whom he succeeds which from thenceforth shall be the
name and arms of his family and their posterity.

8th. Whosoever Landgrave or Casique shall any way come to be a
proprietor shall take the signories annexed to the said proprietorship;
but his former dignity with the baronies annexed shall devolve into the
hands of the Lords proprietors.

9th. There shall be just as many Landgraves as there are counties and
twice as many Casiques and no more. There shall be the hereditary
nobility of the Province and by right of their dignity be members of parlia-
ment. Each Landgrave shall have four baronies and each Casique two
baronies hereditarily, and unalterably annexed to and settled upon the
said dignity.

10th. The first Landgraves and Casiques of the twelve first counties to
be planted shall be nominated thus that is to say of the twelve Landgraves,
the Lords Proprietors shall each of them separately for himself nominate
and choose one, and the remaining four Landgraves of the first twelve
shall be nominated and chosen by the Palatine's Court in like manner
of the twenty-four first Casiques each proprietor for himself nominate
and choose two and the remaining eight shall be nominated and chosen by
the Palatines court; and when the twelve first counties shall be planted
the Lords Proprietors shall again in the same manner nominate and choose
twelve more Landgraves and twenty-four more Casiques for the next twelve
counties to be planted; that is to say two thirds of each number by the
single nomination of each proprietor for himself and the remaining third by
the joint election of the Palatine's Court; and so proceed in the same man-
ner till the whole province of Carolina be set out and planted according to
the proportions in these fundamental constitution.

11th. Any Landgrave or Casique at any time before the year one thou-
sand seven hundred and one shall have power to alienate sell or make over
to another person his dignity with the baronies thereunto belonging, all
entirely together; but after the one thousand, seven hundred, no Landgrave
or Casique shall have power to alienate sell make over, or let the hereditary
baronies of his dignity, or any part thereof, otherwise than as in
section 18th; but they shall all entirely, with the dignity thereunto belong-
ing, descend unto his heirs male; and for want of heirs male, all entirely
and undivided to the next heir general; and for want of such heirs shall
devolve into the hands of the Lords proprietors.

12th. That the due number of Landgraves and Casiques, may always be
kept up; if upon the devolution of any Landgravesship, or Casqueship, the
palatine, court shall not settle the devolved dignity, with the baronies there-
unto annexed before the second biennial parliament, after such devolution,
the next biennial parliament but one after such devolution, shall have power
to make any one landgrave or casique, in the room of him who dying without
heirs, his dignity, and baronies devolved.

13th. No one person shall have more than one dignity, with the signories
or baronies thereunto belonging. But whencesoever it shall happen that any one who is already Proprietor, Landgrave, or Casique, shall have any of these dignitites descend to him by inheritance, it shall be at his choice to keep which of the dignitites, with the lands annexed, he shall like best; but shall leave the other, with the lands annexed to be enjoyed by him, who not being his heir apparent, and certain successor to his present dignity, is next of blood.

14th. Whosoever by right of inheritance shall come to be landgrave or Casique shall take the name and arms of his predecessor in that dignity to be from thenceforth the name and arms of his family and their posterity.

15th. Since the dignity of Proprietor, Landgrave or Casique, cannot be divided and the signories or baronies, thereunto annexed, must forever all entirely descend with and accompanying that dignity; whencesoever for want of heirs male it shall descend on the issue female, the eldest daughter and her heirs shall be preferred and in the inheritance of those dignitites and in the signories or baronies annexed there shall be no co-heirs.

16th. In every signory, barony, and manor, the respective Lord shall have power in his own name to hold court leet there, for trying of all causes, both civil and criminal; but where it shall concern any person being no inhabitant, vassal, or leet man, of the said signory, barony or manor, he upon paying down of forty shillings, for the Lords Proprietors use shall have an appeal from the signory, or barony court, to the county court, and from the manor court to the precinct court.

17th. Every manor shall consist of not less than three thousand acres, and not above twelve thousand acres, in one intire piece and colony; but any three thousand acres or more in one piece, and in the possession of one man, shall not be a manor, unless it be constituted a manor by the grant of the palatine's court.

18th. The lords of signories and baronies, shall have power only of granting estates not exceeding three lives, or twenty-one years, in two thirds of the said signories, or baronies, and the remaining third shall be always demesne.

19th. Any Lord of a manor may alienate, sell, or dispose to any other person and his heirs forever, his manor all intirely together, with all the privileges and leet men, thereunto belonging, so far forth as any colony lands, but no grant of any part thereof either in fee or for any longer term than three lives, or one and twenty years shall be good against the next heir.

20th. No manor, for want of issue male, shall be divided amongst co-heirs; but the manor if there be but one shall all intirely descend to the eldest daughter and her heirs. If there be more manors than one, the eldest daughter first shall have her choice, the second next and so on, beginning again at the eldest until all the manors be taken up; that so the privileges which belong to manors being indivisible, the lands of the manors to which they are annexed, may be kept intire, and the manor not lose those privileges, which upon parceling out to several owners must necessarily cease.

21st. Every Lord of a manor, within his own manor, shall have all the powers jurisdictions and privileges which a Landgrave or Casique hath in his baronies.

22nd. In every signory barony and manor, all the leet men shall be under the jurisdiction of the respective Lords of the said signory, barony or manor without appeal from him. Nor shall any leet man, or leet woman have liberty to go off from the land of their particular Lord and live any
where else without license obtained from their said Lord, under hand and seal.

23rd. All the children of leet men shall be leet men, and so to all generations.

24th. No man shall be capable of having a court leet, or leet men, but a Proprietor, Landgrave, Casique, or Lord of a Manor.

25th. Whoever shall voluntarily enter himself a leet man, in the registry of the county court, shall be a leet man.

26th. Whoever is Lord of leet men, shall upon the marriage of a leet man, or leet woman of his, give them ten acres of land for their lives, they paying to him therefore not more than one eighth part of all the yearly produce and growth of the said ten acres.

27th. No Landgrave or Casique shall be tried for any criminal cause, in any but the Chief Justice's court, and that by a jury of his peers.

28th. There shall be eight supreme Courts. The first called the palatine's court, consisting of the Palatine and the other seven Proprietors. The other seven courts of the other seven great officers, shall consist each of them of a proprietor and six councillors added to him under each of these latter seven courts, shall be a college of twelve assistants. The twelve assistants of the several colleges shall be chosen, two out of the Landgraves, Casiques or eldest sons of the Proprietors, by the palatine's court, two out of the Landgraves, by the Landgraves chamber, two out of the Casiques by the Casiques chamber, four more of the twelve shall be chosen by the Commons chamber, out of such as have been or are members of parliament, sheriffs, or justices of the county court, or the younger sons of Proprietors, or the eldest sons of Proprietors, or the eldest sons of Landgraves or Casiques; the two others shall be chosen by the Palatine's court, out of the same sort of persons out of which the common's chamber is to choose.

29th. Out of these colleges, shall be chosen at first by the palatine's court six councillors to be joined with each Proprietor in his court, of which six one shall be of those, who were chosen into any of the colleges by the palatine's court, out of the Landgraves, Casiques or eldest sons of Proprietors, one out of those who were chosen by the Landgraves chamber; one out of those who were chosen by the Casiques Chamber; two out of those who were chosen by the common's chamber; and one out of those who were chosen by the Palatine's court, out of the Proprietor's younger sons, or eldest sons of Landgraves, Casiques, or Commons, qualified as aforesaid.

30th. When it shall happen that any counsellor dies, and thereby there is a vacancy; the grand council shall have power to remove any counsellor that is willing to be removed out of any of the proprietor's courts, to fill up the vacancy, provided they take a man of the same degree and choice the other was of, whose place is to be filled up. But if no counsellor consent to be removed, or upon such remove the last remaining vacant place in any of the Proprietors courts shall be filled up by the choice of the grand council, who shall have power to remove out of any of the colleges any assistant who is of the same degree and choice that counsellor was of into whose vacant place he is to succeed. The grand council also, have power to remove any assistant, that is willing, out of one college into another, provided he be of the same degree and choice. But the last remaining vacant place in any college, shall be filled up by the same choice, and out of the same degree of persons the assistant was of, who is dead or removed. No place shall be vacant in any proprietor's court above six months. No place shall be vacant in any college longer than the next session of parliament.

31st. No man being a member of the grand council or of any of the
seven colleges, shall be turned out, but for misdemeanor, of which the
grand council shall be judge, and the vacancy of the person so put out
shall be filled, not by the election of the grand council but by those who
first chose him and out of the same degree he was of, who is expelled. But
it is not hereby to be understood that the grand council hath any power to
turn out any one of the Lords Proprietors, or their deputies; the Lords
Proprietors having in themselves an inherent original right.

32nd. All elections in the parliament in the several chambers of the
parliament, and in the grand council, shall be passed by ballotting.
33rd. The Palatines court shall consist of the palatine and seven pro-
prietors, wherein nothing shall be acted without the presence and consent of
the Palatine or his deputy and three other of the Proprietors or their deput-
ties. This court shall have power to call Parliaments to pardon all offences
to make elections of all officers in the Proprietors dispose and to nominate
and appoint port towns; and also shall have power by their order to the
treasurer, to dispose of all public treasure, excepting money granted by
the parliament, and by them directed to some particular public use; and
shall also have a negative upon all acts, orders, votes, and judgments of the
grand council and the parliament, except only as in Sec. 6th and 12th and
shall have all the powers granted to the Lords Proprietors, by their patent
from our sovereign lord the King, except in such things as are limited by
these fundamental constitutions.

34th. The Palatine himself, when he in person shall be either in the
army or any of the Proprietor's courts shall then have the power of gen-
eral or of that proprietor in whose court he is then present, and the Pro-
prietor in whose court the Palatine then presides, during his presence there,
be but as one of the council.

35th. The chancellor's court consisting of one of the Proprietors, and his
six counsellors, who shall be called vice chancellors, shall have the custody
of the seal of the Palatine, under which charters of lands or otherwise, com-
missions and grants of the Palatine's court, shall pass. And it shall not
be lawful to put the seal of the Palatinate to any writing, which is not
signed by the Palatine or his deputy, and three other Proprietors or their
deputies. To this court also belong all State matters, despatches and
 treaties with the neighbor Indians. To this court also belong all invasions
of the law, of liberty, of conscience, and all invasions of the public peace,
upon pretence of religion, as also the license of printing. The twelve
assistants belonging to this court, shall be called recorders.

36th. Whatever passes under the seal of the Palatinate, shall be regis-
tered in that proprietor's court to which the matter therein contained, be-
longs.

37th. The Chancellor or his deputy, shall be always speaker in Parlia-
ment, and president of the grand council, and in his and his deputy's ab-
sence, one of the vice chancellors.

38th. The Chief Justice's court consisting of one of the proprietors and
six counsellors, who shall be called justices of the bench, shall judge all
appeals in cases both civil and criminal, except all such cases as shall be
under the jurisdiction and cognizance of any other of the Proprietor's courts,
which shall be tried in those courts respectively. The government and reg-
ulation of those registries of writings and contracts, shall belong to the
jurisdiction of this court. The twelve assistants of this court shall be called
masters.

39th. The Constable's Court, consisting of one of the Proprietors and his
six counsellors, who shall be called Marshalls shall order and determine of
all military affairs by land, and all land forces, arms, ammunition, artillery, garrisons and forts, &c., and whatever belongs unto war. His twelve assistants shall be called Lieutenant Generals.

40th. In time of actual war the Constable while he is in the army, shall be general of the army; and the six Counsellors, or such of them as the Palatine Court shall for that for service appoint, shall be the immediate great officers under him, and the Lieutenant Generals next to them.

41st. The Admiral's Court, consisting of one of the Proprietors, and his six Counsellors, called Consuls, shall have the care and inspection over all ports, moles, and navigable rivers so far as the tide flows, and also all the public shipping of Carolina, and stores thereto belonging, and all maritime affairs. This court also shall have the power of the court of admiralty; and shall have power to constitute Judges in port towns, to try cases belonging to law-merchant, as shall be most convenient for trade. The twelve assistants belonging to this court shall be called proconsuls.

42nd. In time of actual war, the admiral while he is at sea, shall command in chief, and his six counsellors, or such of them as the Palatine's Court shall for that time or service appoint, shall be the immediate great officers under him, and the proconsuls next to them.

43rd. The Treasurer's Court, consisting of a Proprietor and his six counsellors, called under treasurers, shall take care of all matters that concern the public revenue and treasury. The twelve assistants shall be called Auditors.

44th. The High Steward's Court, consisting of a proprietor and his six counsellors, called comptrollers, shall have the care of all foreign and domestic trade, manufactures, public buildings, work houses, highways, passages, by water above the flood of the tide, drains, sewers and banks against inundations, bridges, posts, carriers, fairs, markets, corruption or infection of the common air or water, and all things in order to the public commerce and health; also setting out and surveying lands; and also setting out and appointing places for towns to be built on, in the precincts, and the prescribing and determining the figure and bigness of the said townes according to such models as the said courts shall order; contrary or differing from which models, it shall not be lawful for any one to build in any town. This court shall have power also to make any public building, or any new highway, or enlarge any old highway upon any man's land whatsoever; as also to make cuts channels, banks, locks and bridges for making rivers navigable, or for draining fens, or any other public use. The damage the owner of such lands (on or through which any such public things shall be made) shall receive thereby, shall be valued, and satisfaction made, by such ways as the grand council shall appoint. The twelve assistants belonging to this court shall be called surveyors.

45th. The Chamberlain's Court, consisting of a Proprietor and six Counsellors called vice chamberlains, shall have the care of all ceremonies, precedence, heraldry, reception of public messengers, pedigrees, the registry of all births, burials and marriages, legitimation, and all cases concerning matrimony or arising from it, and shall also have power to regulate all fashions, habits, badges, games, and sports. To this Court it shall also belong, to convocate the grand council. The twelve assistants belonging to this Court, shall be called Provosts.

46th. All causes belonging to, or under the jurisdiction of any of the Proprietor's Courts, shall in them respectively be tried, and ultimately determined, without any further appeal.

47th. The Proprietor's Courts shall have a power to mitigate all fines,
and suspend all execution in criminal causes, either before or after sentence, in any of the other inferior courts respectively.

48th. In all debates, hearings or trials in any of the Proprietor's Courts, the twelve assistants belonging to the said Courts respectively, shall have liberty to be present, but shall not interpose unless their opinion be required, nor have any vote at all; but their business shall be, by the direction of the respective courts, to prepare such business as shall be committed to them; as also to bear such offices, and dispatch such affairs, either where the court is kept, or elsewhere, as the court shall think fit.

49th. In all the Proprietor's Courts, the Proprietor and any three of his Counsellors shall make a quorum; provided always, that for the better dispatch of business, it shall be in the power of the Palatine's Court to direct what sort of causes shall be heard and determined by a quorum of any three.

50th. The grand council shall consist of the Palatine and seven Proprietors and the forty-two Counsellors of the several Proprietor's Courts, who shall have power to determine any controversy that may arise between any of the Proprietor's Courts, about their respective jurisdictions, or between the members of the same court, about their manner and method of proceedings; to make peace and war, leagues, treaties, &c. with any of the neighbor Indians; to issue out their general orders to the Constable's and Admiral's Courts, for the raising, disposing, or disbanding the forces, by land or by sea.

51st. The grand council shall prepare all matters to be proposed in Parliament. Nor shall any matter whatsoever, be proposed in Parliament but what has first passed the grand council; which after having been read, three several days in the Parliament, shall by majority of votes, be passed or rejected.

52nd. The grand council shall always be judges of all causes and appeals that concern the Palatine, or any of the Lords Proprietors, or any Counsellor of any Proprietor's Court, in any cause which should otherwise have been tried in the court of which the said Counsellor is Judge himself.

53rd. The grand council by their warrants to the Treasurer's Court shall dispose of all the money given by the Parliament, and by them directed to any particular public use.

54th. The quorum of the grand council shall be thirteen, whereof a Proprietor or his deputy shall be always one.

55th. The grand council shall meet the first Tuesday in every month, and as much oftener as either they shall think fit, or they shall be convocated by the Chamberlain's Court.

56th. The Palatine, or any of the Lords Proprietors shall have power under hand and seal, to be registered in the grand council to make a deputy, who shall have the same power to all intents and purposes, as he himself, who deputes him, except in confirming acts of Parliament as in Sec. 76th, and except also in nominating and choosing Landgraves and Casiques, as in Sec. 10th. All such deputations, shall cease and determine at the end of four years, and at any time be revocable, at the pleasure of the deputator.

57th. No deputy of any Proprietor shall have any power, whilst the deputator is in any part of Carolina, except the Proprietor, whose deputy he is be a minor.

58th. During the minority of any Proprietor, his guardian shall have power to constitute and appoint his deputy.
69th. The eldest of the Lords Proprietors who shall be personally in Carolina, shall of course be the Palatine's deputy, and if no proprietor be in Carolina, he shall choose his deputy out of the heirs apparent of any of the Proprietors if any such be there; and if there be no heir apparent of any of the Lords Proprietors, above one and twenty years old in Carolina, then he shall choose for deputy, any one of the Landgraves of the grand council till he have by deputation under hand and seal chosen any one of the aforementioned heirs apparent, or Landgraves to be his Deputy, the eldest man of the Landgraves, and for want of a Landgrave, the eldest man of the Casiques, who shall be personally in Carolina, shall of course be his deputy.

60th. Each Proprietor's deputy shall always be one of his six Counselors respectively; and in case any of the Proprietors hath not in his absence out of Carolina a deputy commissioned under his hand and seal, the eldest nobleman of his court, shall of course be his deputy.

61st. In every county, there shall be a court consisting of a sheriff, and four Justices of the county, for every precinct, one. The Sheriff shall be an inhabitant of the county, and have at least five hundred acres freehold within the said county; and the Justices shall be inhabitants, and have each of them five hundred acres a piece freehold within the precinct for which they serve respectively. These five shall be chosen from time to time and commissioned by the Palatine's court.

62nd. For any personal causes exceeding the value of two hundred pounds sterling, or in title of land, or in any criminal cause, either party upon paying twenty pounds sterling to the Lords Proprietor's use, shall have liberty of appeal from the county court, unto the respective Proprietor's Court.

63rd. In every precinct there shall be a court consisting of a Steward and four Justices of the precinct, being inhabitants and having three hundred acres of freehold within the said precinct, who shall judge all criminal crimes; except for treason, murder, and any other offences punishable with death, and except all criminal causes of the nobility; and shall judge all civil causes whatsoever; and in all personal actions not exceeding fifty pounds sterling without appeal; but where the cause shall exceed that value, or concern a title of land, and in all criminal causes; there either party upon paying five pounds sterling, to the Lords Proprietor's use, shall have liberty of appeal to the county court.

64th. No cause shall be twice tried in any one court, upon any reason or pretence whatsoever.

65th. For treason, murder, and all other offences punishable with death, there shall be a commission twice a year at least, granted unto one or more member of the grand council, or colleges, who shall come as itinerant Judges to the several counties, and with the Sheriff and four Justices, shall hold assizes to judge all such causes; but upon paying of fifty pounds sterling, to the Lords Proprietors' use, there shall be liberty of appeal to the Respective Proprietors court.

66th. The Grand Jury at the several assizes, shall upon their oaths and under their hands and seals, deliver into their itinerant Judges, a presentment of such grievances, misdemeanors, exigencies, or defects, which they think necessary for the public good of the country; which presentments shall by the itinerant Judges, at the end of their circuit, be delivered in to the grand council, at their next sitting. And whatsoever therein concerns the execution of laws already made, the several Proprietor's courts, in the matters belonging to each of them respectively, shall take cognizance of
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It, and give such order about it, as shall be effectual for the due execution of the laws. But whatever concerns the making of any new law, shall be referred to the respective courts, to which that matter belongs, and be by them prepared and brought to the grand council.

67th. For terms, there shall be quarterly such a certain number of days, not exceeding one and twenty at any one time, as the several respective courts shall appoint. The time for the beginning of the term in the Precinct Court shall be the first Monday in Jan. April, July, and October, in the County Court, the first Monday in February, May, August, and November; and in the Proprietor's Court, the first Monday in March, June, September, and December.

68th. In the Precinct Court, no man shall be a Juryman, under Fifty Acres of Freehold. In the County Court, or at the assizes, no man shall be a grand juryman, under three hundred acres of freehold; and no man shall be a petty juryman, under two hundred acres of freehold. In the Proprietor's courts, no man shall be a juryman, under five hundred acres of freehold.

69th. Every jury shall consist of twelve men; and it shall not be necessary they should all agree, but the verdict shall be according to the consent of the majority.

70th. It shall be a base and vile thing, to plead for money or reward; nor shall any one (except he be a near kinsman, nor farther off than cousin german to the party concerned) be permitted to plead another man's cause till before the judge in open court, he hath taken an oath that he doth not plead for money or reward, nor hath, nor will receive, nor directly, nor indirectly, bargained with the party whose cause he is going to plead, for money, or any other reward for pleading his cause.

71st. There shall be a Parliament consisting of the Proprietors, or their deputies, the Landgraves and Casiques, and one freeholder out of every precinct, to be chosen by the freeholders of the said precinct respectively. They shall sit altogether in one room, and have, every member, one vote.

72nd. No man shall be chosen a member of Parliament, who has less than five hundred acres of freehold within the precinct for which he is chosen, nor shall any have a vote in choosing the said member, that hath less than fifty acres of freehold within the said precinct.

73rd. A new Parliament shall be assembled the first Monday of the month of November, every second year, and shall meet and sit in the town they last sat in, without any summons, unless by the Palatine's court they be summoned to meet at any other place. And if there shall be any occasion of a Parliament in these intervals, it shall be in the power of the Palatine Court, to assemble them in forty days notice, and at such time and place as the said court shall think fit; and the Palatine's court shall have power to dissolve the said Parliament when they shall think fit.

74th. At the opening of every Parliament, the first thing that shall be done shall be the reading of these fundamental Constitutions, which the Palatine and Proprietors, and the rest of the members then present, shall subscribe. Nor shall any person whatsoever, sit or vote in the Parliament, till be hath that session subscribed these Fundamental Constitutions, in a book kept for that purpose, by the clerk of the Parliament.

75th. In order to the due election of members, for the biennial Parliament, it shall be lawful for the freeholders of the respective precincts to meet the first Tuesday in September, every two years, in the same town or place that they last met in, to choose parliament men, and there choose those members that are to sit the next November following; unless the
steward of the precinct shall by sufficient notice, thirty days before, appoint some other place for the meeting in order to the election.

76th. No act or order of Parliament shall be of any force unless it be ratified in open parliament during the same session, by the Palatine or his deputy, and three more of the Lords Proprietors or their deputies; and then not to continue longer in force, but until the next biennial Parliament, unless in the meantime it be ratified under the hands and seals of the Palatine himself, and three more of the Lords Proprietors, themselves and by their order published at the next biennial Parliament.

77th. Any Proprietor or his deputy may enter his protestations against any act of the Parliament, before the Palatine or his deputy's consent be given as aforesaid; if he shall conceive the said act to be contrary to this establishment, or any of these Fundamental Constitutions of the Government. And in such case, after full and free debate, the several estates shall retire into four several chambers, the Palatine and Proprietors into one; the Landgraves into another; the Castles into another; and those chosen by the Precincts into a fourth; and if the major part of any of the four estates shall vote that the law is not agreeable to this establishment and these Fundamental Constitutions of the Government, then it shall pass no farther, but be as if it had never been proposed.

78th. The quorum of the Parliament shall be one half of those who are members, and capable of sitting in the house, that present session of Parliament. The quorum of each of the Chambers of Parliament, shall be one half of the members of that chamber.

79th. To avoid multiplicity of laws, which by degrees always change the right foundations of the original government, all acts of Parliament whatsoever, in whatsoever form passed or enacted, shall at the end of a hundred years after their enacting, respectively cease, and determine of themselves, and without any repeal, become null and void, as if no such acts or laws had ever been made.

80th. Since multiplicity of comments, as well as of laws, have great inconveniences, and serve only to obscure and perplex; all manner of comments and expositions, or any part of these Fundamental Constitutions, or on any part of the common or statute laws of Carolina are absolutely prohibited.

81st. There shall be a registry in every precinct, wherein shall be enrolled all deeds, leases, judgments, mortgages, and other conveyances, which may concern any of the lands within the said precinct: and all such conveyances, not so entered and registered, shall not be of force against any person or party to the said contract or conveyance.

82nd. No man shall be Register of any precinct, who hath not at least three hundred acres of freehold within the said precinct.

83rd. The freeholders of every precinct shall nominate three men, out of which three, the Chief Justice's Court shall choose and commission one to be Register of the said precinct, whilst he shall well behave himself.

84th. There shall be a Registry in every signory. Barony and Colony, wherein shall be recorded all the births, marriages and deaths that shall happen within the respective Signories, Baronies, and Colonies.

85th. No man shall be Register of a Colony that hath not above fifty acres of freehold within the said colony.

86th. The time of every one's age, that is born in Carolina, shall be reckoned from the day that his birth is entered in the registry, and not before.

87th. No marriage shall be lawful, whatever contract and ceremony
they have used till both the parties mutually own it, before the Register of
the place where they were married, and he register it, with the names of
the father and mother of each party.

88th. No man shall administer to the goods, or have a right to them, or
enter upon the estate of any person deceased, till his death be registered in
the respective registry.

89th. He that does not enter in the respective registry, the birth or
death of any person that is born or dies, in his house or ground, shall pay
to the said register one shilling per week for each such neglect, reckoning
from the time of each birth, or death respectively, to the time of entering
it in the register.

90th. In like manner, the births, marriages, and deaths of the Lords Pro-
prietors, Landgraves, and Casques, shall be registered in the Chamberlain's
Court.

91st. There shall be in every colony, one Constable, to be chosen annually
by the freeholders of the colony. His estate shall be above a hundred acres
of freehold within the said colony, and such subordinate officers appointed
for his assistance, as the county court shall find requisite, and shall be
established by the said county court. The election of the subordinate
annual officers, shall also be in the freeholders of the colony.

92nd. All towns incorporate, shall be governed by a Mayor, twelve alder-
men and twenty-four of the common Council. The said common council
shall be chosen by the present householders of the said town; the Alder-
men shall be chosen out of the common council, and the mayor out of
the aldermen, by the palatine's court.

93rd. It being of great consequence to the Plantation that port towns
should be built and preserved, therefore whoever shall lade or unlade any
commodity at any other place but a port town, shall forfeit to the Lords
Proprietors, for each tun, so laden or unladen, the sum of ten pounds ster-
ling; except only such goods as the palatine's court shall license to be laden
or unladen elsewhere.

94th. The first port town upon every river, shall be in a colony, and be a
port town forever.

95th. No man shall be permitted to be a freeman of Carolina, or to have
any estate or habitation within it, that doth not acknowledge a God, and
that God is publicly and solemnly to be worshipped.

96th. (As the country comes to be sufficiently planted, and distributed in
fit divisions, it shall belong to the Parliament to take care for the building
of churches and the public maintenance of divines, to be employed in the
exercise of religion, according to the Church of England; which being the
only true and orthodox, and the national religion of all the king's dominions,
is so also of Carolina, and therefore it alone shall be allowed to receive pub-
lic maintenance by grant of parliament.)

97th. But since the natives of that place, who will be concerned in our
plantation, are utterly strangers to Christianity, whose idolatry ignorance
or mistake, gives us no right to expell or treat them ill, and those who
remove from other parts to plant there will unavoidably be of different
opinions, concerning matters of religion, the liberty whereof they will expect
to have allowed them, and it will not be reasonable for us on this account to
keep them out; that civil peace may be obtained amidst diversity of opin-
ions, and our agreement and compact with all men, may be duly and faith-
fully observed, the violation whereof, upon what pretence soever, cannot be
without offence to Almighty God, and great scandal to the true religion
which we profess; and also that Jews, Heathens and other dissenters from
the purity of the Christian religion, may not be scared and kept at a dis-
tance from it, but by having an opportunity of acquainting themselves with
the truth and reasonableness of its doctrines, and the peaceableness and in-
offensiveness of its professors, may by good usage and persuasion, and all
those convincing methods of gentleness and meekness, suitable to the rules
and delign of the gospel, be won over to embrace and unfeignedly receive
the truth; therefore any seven or more persons agreeing in any religion,
shall constitute a church or profession, to which they shall give some name,
to distinguish it from others.
98th. The terms of admittance and communion with any church or
profession shall be written in a book, and therein be subscribed by all the
members of the said church or profession; which book shall be kept by
the public Register of the Precinct wherein they reside.
99th. The time of every one, subscription admittance, shall be dated in
the said book or religious record.
100th. In the terms of communion of every church or profession, these
following shall be three, with out which no agreement or assembly of men
upon pretence of religion, shall be accounted a church or profession within
these rules.
1st. "That there is a God."
2nd. "That God is publickly to be worshipped."
3rd. "That it is lawful and the duty of every man being thereunto called
by those that govern, to bear witness to truth; and that every church or pro-
fession shall in their terms of commulon, set down the eternal way where
by they witness a truth as in the presence of God whether it be by laying
hands on or kissing the Bible, as in the Church of England, or by holding
up the hand, or any other sensible way."
101st. No person above seventeen years of age, shall have any benefi-
or protection of the law, or be capable of any place of profit or honor who
is not a member of some church or profession, having his name recorded in
some one, and but one religious record at once.
102nd. No other person of any other church or profession shall disturb
or molest any religious assembly.
103rd. No person whatsoever, shall speak anything in their religious
assembly irreverently or seditiously of the government or governors, or of
state matters.
104th. Any person subscribing the terms of comunlon, in the record of
the said church or profession, before the precinct register and any five
members of the said church or profession, shall be thereby made a member
of the said church or profession.
105th. Any person striking his own name out of any religious record, or
his name being struck out by any officer thereunto authorized by such
church or profession respectively, shall cease to be a member of that church
or profession.
106th. No man shall use any reproachful reviling, or abusive language
against any religion of any church or profession; that being the certain
way of disturbing the peace, and of hindering the conversion of any to the
truth, by engaging them in quarrels and animosities, to the hatred of the
professors and that profession which otherwise they might be brought to
 assail.
107th. Since charity obliges us to wish well to the souls of all men, and
religion ought to alter nothing in any man's civil estate or right, it shall
be lawful for slaves as well as others, to enter themselves and be of what
church or profession any of them shall think best, and thereof be as fully members as any freemen. But yet no slave shall hereby be exempted from that civil dominion his master hath over him, but be in all things in the same state and condition he was in before.

108th. Assemblies upon what pretence soever of religion, not observing and performing the above said rules, shall not be esteemed as churches, but unlawful meetings, and be punished as riots.

109th. No person whatsoever shall disturb, molest, or persecute another, for his speculative opinions in religion, or his way of worship.

110th. Every freeman of Carolina, shall have absolute power and authority over his negro slaves, of what opinion or religion soever.

111th. No cause whether civil or criminal, of any freemen, shall be tried in any court of judicature, without a jury of his peers.

112th. No person whatever, shall hold or claim any land in Carolina, by purchase or gift or otherwise, from the natives or any other whatsoever; but merely from and under the Lords Proprietors, upon pain of forfeiture of all his estate, moveable or immoveable, and perpetual banishment.

113th. Whosoever shall possess any freehold in Carolina, upon what title or grant soever, shall at the farthest, from and after the year one thousand six hundred and eighty-nine, pay yearly unto the Lords Proprietors, for each acre of land, English measure, as much fine silver as is at this present time in one English penny, or the value thereof, to be as a chief rent and acknowledgement to the Lords Proprietors, their heirs, and successors forever. And it shall be lawful for the palatine's court, by their officers at any time, to take a new survey of any man's land, not to oust him of any part of his possession, but that by such a survey, the just number of acres he possesseth may be known, and the rent thereon due may be paid by him.

114th. All wrecks, mines, minerals, quarries of gems and precious stones, with pearl fishing, whale fishing, and one half of all ambergris, by whomever found, shall wholly belong to the Lords Proprietors.

115th. All revenues and profits belonging to the Lords Proprietors, in common shall be divided into ten parts, whereof the palatine shall have three, and each proprietor one; but if the palatine shall govern by a deputy, the deputy shall have one of these three tenths, and the palatine the other two tenths.

116th. All inhabitants and freemen of Carolina, above seventeen years of age and under sixty, shall be bound to bear arms, and serve as soldiers whenever the grand council shall find it necessary.

117th. A true copy of these Fundamental constitutions shall be kept in a great book, by the register of every precinct, to be subscribed before the said register. Nor shall any person of what degree or condition soever, above seventeen years old, have any estate or possession in Carolina or protection or benefit of the law there, who hath not before a precinct register, subscribed these fundamental constitutions in this form:

"I, A. B. do promise to bear faith, and true allegiance, to our sovereign Lord King Charles the second, his heirs and successors; and with my utmost power, will defend them and maintain the government, according to this establishment in these fundamental constitutions.

118th. Whatever alien shall in this form, before any precinct register, subscribe these fundamental constitutions, shall be thereby naturalized.

119th. In the same manner shall every person, at his admittance into any office, subscribe these fundamental constitutions.

120th. These fundamental constitutions, in number a hundred and twenty, and every part thereof, shall be and remain, the sacred and unalter-
able form and rule of government of Carolina forever. Witness our hands and seals the first day of March, 1669.

RULES OF PRECEDENCY.

1st. The Lords Proprietors; the eldest in age first, and so in order.
2nd. The eldest sons of the Lords Proprietors; the eldest in age first and so in order.
3rd. The Landgraves of the grand council, he that hath been longest of the grand council, and so in order.
4th. The Casiques of the grand council; he that hath been longest of the grand council first, and so in order.
5th. The seven Commoners of the grand council, that have been longest of the grand council; he that hath been longest of the grand council first, and so in order.
6th. The younger sons of the Proprietors; the eldest first, and so in order.
7th. The Landgraves; the eldest in age first, and so in order.
8th. The seven Commoners, who next to those before mentioned have been longest of the grand council; he that hath been longest of the grand council first, and so in order.
9th. The Casiques; the eldest in age first, and so in order.
10th. The seven remaining Commoners of the grand council; he that hath been longest of the grand council first, and so in order.
11th. The male line of the Proprietors.
The rest shall be determined by the Chamberlain's Court.
LAWS OF NORTH CAROLINA—1673.

(Shaftesbury Papers, Bundle 68, No. 92.)

ACT I.

To Prevent Intruding into Just Claims of Land.

To prevent any prejudice which may accrue to the Inhabitants of this County by the encroaching into the lands which other men have rights to hold the same by as soon as conveniency may serve to survey and patent the same according to the Lords Instructions, Be it therefore enacted by the Pallatine and the rest of the Lords Proprietors to and with the advice and consent of the grand Assembly that every Inhabitant of this County shall be allowed the privilege to have the first survey of the land he liveth on and layeth claim to adjoining to him having rights to lay upon it sufficient to hold the same and the first seater to have the privilege of the first survey. Provided he claim no more than he can make rights appear for. Nor exceed their first knowne claim where with consent (for neighborhood or otherwise) any people have seized downe together.

ACT II.

For Encouragement of Owners of Vessels Living in the County.

For encouragement of Owners of vessels who are inhabitants and traders in the County of Albemarle. Be it enacted by the Pallatine and the rest of the Lords Proprietors by and with the advice and consent of the Grand Assembly. That all Persons whatsoever living in this County having Vessels trading to and from the same shall pay but fifty pounds of tobacco for entering and clearing such Vessels of what burtner soever if decked at each turne he shall so enter and cleare But those who trade in open boats of what content soever to pay nothing but the certifying the authority of the place of their cominge and goinge.

ACT III.

To Repeal a Former Acte.

Whereas the fifty-fourth Act made by the Assembly April the eighteenth 1672 prohibiting rum to be sold at above twenty-five pounds of Tobacco per gallon may prove prejudicial to the Inhabitants of this County by retarding Merchants and dealers who with that commoditie & others more beneficial for the counties use may be hindered & diverted from bringinge the more beneficial commodities because they are prohibited of makinge their profits of their rum afore said Be it therefore Enacted by the Pallatine & the rest of the Lords Proprietors by and with the advice and consent of ye Grand Assembly. That the said fifty-fourth Act (concerneinge rum) be henceforth repealed null and voide.
ACT IV.

Concerning Wild Cattle.

For prevention of uninterested persons in huntinge & killinge wild or outlyinge Cattle on any neck of land within this County, Be it therefore Enacted by the Pallatine and the rest of the Lords Proprietors by and with the advice and consent of the Grande Assembly, That no person or persons whatsoever who can lay noe just claime to any wild or outlyinge cattle on any neck of land in this County shall have any priviledge to hunt, range for or kill any wild our outlyinge cattle on such land, unless impowered by such who have And be it further Enacted by the authority aforesaid That it may and it shall be lawful for any person whatsoever to hunt for and kill wild or outlyinge Cattle on any neck of land where he hath such wild or outlyinge Cattle Provided he kill no more than he can probably lay claim to on such land and having killed such proportion as he hath probably made appeare to belonge to him, then such person to desist And for the better knowledge of every man's particular claim to such cattle It is further thought convenient That all those who claim any title to wild Cattle on any Neck apoynt a meetinge amonge themselves to declare & with all probabilities possible make appeare to each other the quantitle they have out which being agreed on amongst themselves each interested person to kill givinge an account justly what he killeth to the rest who have interest.

(The above are endorsed "Albemarle Acts of Pt. sent inclosed in a letter of 10 Nov. '73.")
LAWS OF NORTH CAROLINA--1685.

(Colonial Entry Book No. 22, pp. 110-12.)

An Act for Restraining and Punishing Privateers.

Whereas nothing can more contribute to His Sacred Majesties honour, and the peace and quiet of this Colony, than that such articles as are agreed and concluded on in all Treaties of peace should be most inviolably preserved and kept in and over all his Dominions and Territories, And whereas not only against such Treaties of peace made by his Majestie with his Allyes but alsoe contrary to his Majesties Royall Proclamation Several of his Subjects have and doe continually goe from other English Colonies and may hereafter from this Colony into the service of Foreign Princes and sail under their Commissions contrary to their duty, and good Allegiance, And by faire means cannot be restrained from soe doing.

I. Be it therefore Enacted by the Pallatine and the rest of the true and absolute Lords and Proprietors of this Province by and with the advice of the Nobility, and of the Commons in this Parliament assembled, That from and after the publication hereof, It shall be Felony for any person which now doth, or within four yeares last past heretofore hath or hereafter shall inhabit or belong to that part of the Province of Carolina that lies from Cape Feare South and West to serve in America in an Hostile manner under any Foreign Prince, State or Potentate, or any employed under any of them against any other Prince, State or Potentate, in Amity with his Majestie without especial Lycence for soe doing under the hand and seal of the Governor or Commander in Chief of this Province for the time beinge, and that all and every such offender and offenders contrary to the true intent of this Act being thereof duly convicted in the chief justice’s court, or any of the county courts within the said part of this Province: To which courts authority is hereby given to heare and determine the same, as in other cases of Felony, shall suffer paines of death without benefit of Clergy.

Provided nevertheless That this Act nor any thing therein contained shall extend to any person or persons which now are or have been in the service or employment of any foreign Prince, State or Potentate, whatsoever that shall return to this Province, and leave and desert such service and employment before the Twentieth day of January next ensuing, rendering themselves to the Governor or Commander in Chief for the time being, and giving him such security as he shall appoint for their future good behaviour, and alsoe that he or they shall not depart the Province without the Governor’s leave.

II. And for the better and more speedy execution of justice upon such who haveing committed treason, pyracyes, felonies and other offences upon the sea shall be apprehended and brought prisoners to the Province, Be it further enacted by the Authority aforesaid That all Treasons, Felonies, Pyracyes, Robberyes, Murders or Confederacies committed on or hereafter shall be committed upon the sea or in any Haven, Creek or Bay whereby the Lords of England the Admiralty hath jurisdiction shall be Inquired, Tryed, Heard, determined and judged within this Province in such like forme as if such offence had been committed in and upon the Land, And to that end and purpose Commissions shall be under the
Great Seal of the Province for the time being directed to the Admiral of this Province, or his Deputy, or such other substantial persons as by the Governor or Commander in Chief of this Province, and the Lords Proprietors or their Deputies for the time being shall be named or appointed, which said Commissioners or such a quorum of them as by such Commission shall be thereunto authorized shall have full power to do all things in and about the inquiry, hearing, determining, adjudging and punishing any of the Crimes and offences aforesaid as any Commissioners to be appointed by Commission under the Great Seal of England by virtue of a statute made the Twenty-Eighth yeare of the Reign of King Henry the Eighth are Impowered to doe and execute within the Kingdom of England, And that the said offenders which are or shall be apprehended in or brought to this Province shall be liable to such Processes, Orders, Judgments, Executions, by virtue of such Commission to be grounded upon this Act as might be awarded or given against them if they were proceeded against in the Realme of England by virtue of any Commission grounded upon the said Statute. And all tryalls hitherto had against such Criminals or Criminalists before any judge or judges by virtue of such Commission or Authority at any time heretofore granted, and all proceedings thereupon are hereby ratified, confirmed and adjudged Lawfull, and all such Judges, with all and every the Superior Officers that have acted thereby are hereby indemnified to all intents and purposes whatsoever, And in case they or any of them shall at any time hereafter be sued, vexed, molested or troubled for any such their proceedings as aforesaid, He or they so sued, vexed or molested shall plead the Generall Issue, and give this Act in evidence any Lord, Statute, Custome or Usage to the contrary in any wise notwithstanding.

III. And Be it further Enacted by the Authority aforesaid That all and every person or persons that shall or may knowingly entertaine, harbour, conceale, trade or hold any correspondence by Letter or otherwise with any person or persons that shall be deemed or adjudged to be Privateers, Pyrates, or other Offenders within the Construction of this Act, and that shall not readily endeavour to the best of his or their power to apprehend or cause to be apprehended such offender or offenders, shall be liable to be prosecuted as Accessory and Confederates, and to suffer such pains and penalties as in such case by Law is provided and for the better and more effectual Execution of this Act.

IV. And be it further enacted by the authority aforesaid that all Commission officers in their several Precincts within the said part of the Province aforesaid are hereby Impowered and required upon his or their knowledge or notice given that any Privateers, Pyrates or other persons suspected to be upon any unlawful Designe are in any place within their respective Precincts, To raise and Levy such numbers of armed men as he or they shall think needful for the seizure, apprehending and carrying to Gaole all and every such persons, And in case of any Resistance or Refusall to yield obedience to his Majesties Authority it shall be Lawfull to Will or destroy such person or persons and all and every person or persons that shall oppose or resist by striking or firing upon any Commanded Parties shall be deemed taken and adjudged as felons without benefit of clearcy And every such Officer that shall omit his duty herein shall forfeit the summe of Fifty pounds currant money of this Province for every such offence, to be Recovered in any of the Courts of Record within this Province, By Plaint or Information Wherein noe Essoignment, Wager of Law or Protection shall be allowed, one Moyette whereof to be to the Palatine, and Lords
Proprietors and their heires and successors for and toward the support of the Government of this Province and the Contingent Charges thereof, and the other moyety to the Informer, and all and every other person or persons that upon Orders given him or them shall Refuse to repair immediately with his or their Armes well fixed and ammunition to such place as shall be appointed by the said Officer and not readily obey his commands in the execution of the premises shall be lyable to such Fine or Corporall punishment as by the Grand Counciull shall be thought fitt.

Read three times and ratified in open Parliament this Three and Twentieth day of November, 1685.

By the Palatine and Lords Proprietors We do Ratifie and Confirm the foregoing Act Intituled An Act for restraining and Punishing Privateers: Witness our hands and Seales this Third day of March One thousand six hundred Eighty and Six.

CRAVEN, PALATINE  [Seal]
ALBEMARLE  [Seal]
Both for the Lord Carterett
P. COLLETON  [Seal]
THO. AMY  [Seal]
LAWS OF NORTH CAROLINA--1701.

(P. R. O.—B. T. Properties 6.)

An Act to Raise ye Curt’ Coyne for ye Promoting of the Currency of Heavy Money.

Whereas, it is hereby Enacted by his Excellency John Earle of Bath Pallatine and the rest of the true and absolute Lords and Proprietors of this Province By and with ye advice and Consent of ye Rest of ye Members of The Generall Assembly Now mett att Charlestowne for ye South West part of this Province.

I. That all Spanish pieces of Eight of fine Silver Mexico, Civill and Pillar weighing Twelfe penny weight shall be Curt’ Money of South Carolina and pass at 5s. ye piece, and all half pieces of ye sd. Coynes weighing six penny weights shall be Curt’ Money and pass att 2s. 6d., and all Double Royalty at 15d and Single Royalty att 7 1-2d and all pieces of Eight of ye aforesaid Coynes from 12d to 17d weight shall pass and be Curt’t. Money of the Province att 1-2 R each penny weight from 12d to 17d weight, and all half pieces of ye 6d Coynes In proportion, and that all Dollars and half Dollars not unlightened nor counterfeited shall pass and be Curt’t. Money of South Carolina at 5s. the Dollar and 2s. 6d. ye half Dollar, and that all pence pieces thirteen penny weights and upwards and half ps of ye sd. Coynes shall pass and be Curt’t at ye same Rate as ye Dollars.

II. The English Crowne att 12 Royalty and the French Crowne and Rix Dollars shall be Curt’t. Money of this part of this Province and pass att ten Royalls and half and all Lesser pelces of ye sd. coynes shall be Curt’t and pass In proportion.

III. And that all pieces of Coyned Gold common called pistoles and Lew- edors wd 4d weight shall pass and be Curt’t att 25s. And that all Arabian pieces of Gold wt. 2d weight shall be Curt’t and pass att 12s. 6d. and ye English Guinea att 32s. 6d. a piece and so In proportion for a greater or Lesser Quantity, and that all Money’s of New England Coyne shall be Curt’t Money and pass in Carolina ye shilling of ye sd. Coyne for 12d and every other pieces of that Coyne, shall proporcionally pass after the Rate or value, provided ye same be unfiled, unclipt, unlightened nor Counterfeited and adulterated and not otherwise.

IV. And be it further Enacted by ye authority aforesayd yt any money of any Coyne whatsoever which is or shall be plaged shall not be Curt’t nor pass in this part of this Province.

Endorsed.—Carolina

Extract of an Act lately past in Carolina, relating to the currency and Rate of several Coins there.

Delivered to the Board by Mr. Micajah Ferry.

Recd. Read.—July 22nd, 1701.

An Act for the Better Regulating the Proceedings of the Court of Admiralty in Carolina and the Fees for the Same.

Whereas, In Order to the due Administration of Justice all Courts of Judicature ought to have settled known Rules and Orders for Practice That soe the Plaintiff may know how to prosecute and the Deffendt. to
defend And for as much as the Court of Admiralty in this Province Hath
not yet had any Settled and Known Rules and Orders for Practice Where-
by the Plaintiff and Deft. are both left at great uncertaintys, for the Pre-
vention of which Evil

1. Be it Enacted By the Rt. Honorable, John Earle of Bath, Palatine, and
the rest of the true and absolute Lords and Proprietors of this Province By
and with the Advice and Consent of the rest of the Members of the general
Assembly now met at Charles Towne for the South West part of this
Province,

That the following Rules and Orders shall be duly and respectively put
in Execution, Observed and Obeyed in manner hereafter mentioned.

No. 1. That in all Warrants or Original Mandates of Arrest out of the
said Court of Admiralty there be ten days Allowed between the date and
Return

No. 2. That if any Person be Arrested by Warrant or Original Mandate
of the Judge of the Admiralty. That the Bail Bond to the Marshal shall be
for his Personal Appearance att ye day of ye Return of the Warrant Pro-
vided there be five days from the time of ye Execution of ye Warrant to the
Returne. Otherwise the Person arrested shall give Bond to Appear on the
fifth day after the Execution of ye Warrt. Provided it be not Sunday, Other-
wise the next Lawday following and the day to be Ascertained in ye said
Bailie Bond together with ye Place where the Court of Admiralty is usually
Held.

3. That on the day of Appearance the Defendt. shall give Caution by
Entring into Bond to the Plaintiff in the Panal Sume of ye Action to Abide
the Judgmt. of ye Court and to Pay Costs, if Cast. And the Plaintiff att
the same time and Place shall give Bond to the Deft. in the panal Sume
of One Hundred Pounds to pay Costs in Case he faille in ye Suite, And the
said Bonds shall be Entered into before the Register of the Court of Admity.

4. That on the same day of Appearance the Plaintiff shall offer his
Libell against ye Deft.

5. The Libell being Offered the Defendt. shall have Ten days time
allowed him to put in his Exceptions or Answer to ye said Libell giving ye
Defendt. or his Proctor or Attorney Notice a day before.

6. The Plaintiff shall have five days time allowed to Reply to ye Ex-
ceptions.

7. And five days after ye Exceptions shall be argued before the
Judge, And if the Exceptions are allowed good the Plaintiff shall pay ye
whole Costs of ye Suite.

8. In Case the Exceptions are Overruled then the Deft. shall pay the
Charges of the Plaintiff relating to the Exceptions And shall be Obliged
to put in a Positive Answer to the Libell within ten days after ye Decree
made for Overruling ye Exceptions but he may putt ye same in Sooner, if he
pleases giveling ye Defts. Proctor or Attorney Notice ye day before.

9. In Case the Defendt. doth not put in his answer within ten days
then the Cause to be decreed against him, And a Writt of Enquiry of Dam-
ages shall be granted.

10. If the Defendt. make an Insufficient Answer the Plaintiff shall have
five days time allowed him to Except against ye answer and the Exception
being filed in ye Registers Office The Defendt. shall answer the Exceptions
in three days time and shall be heard before the Judge in two days after
Notice of ye same by Rule being given to ye Deft. his Proctor or Attorney.

11. If the Judge doth allow ye Exceptions and Pronounce ye Answer
(to be Insufficient) He shall Order the Defendt. to make a fuller answer to
ye Plaintiff's Libell, and shall further Order ye Defendent to pay costs of the Plaintiff for such his Insufficient Answer.

12. And if the Defd. shall Exhibit a Second Answer that upon Exceptions taken against it by the Plaintiff the Judge shall again Pronounce to be Insufficient and that he thinks ye same to be made purposely for Delay, Then it shall be lawfull for ye Judge to Decree the Cause against the Defendent. And a Writ of Enquiry of Damages shall be awarded against ye Defd.

13. The Answere to the Libell being Exhibitted into ye Register's Office If no Exceptions be filed against ye same in three days time the Plaintiff or Defd. or both shall bring all such Witnesses as they suspect are a going to leave this Province before the time of ye Sitting of the next Court of Admiralty to be Examined before the Judge or by lower Commiss. Es. two whereof to be Nominated by the Plaintiff on his Behalfe And two by the Defd. on his behalfe which Commission for the Examination of Witnesses shall be Returned into ye Registers Office in Six days after the date thereof.

14. The Plaintiff or Defendent. at any time after ye Exhibitting ye Answere may take out a Summons for any Witnesses they desire should be publickly Examined in Court to appear at ye next Court.

15. The Commission for the Examination of Witnesses being returned ye Sixth day after, if not Sunday, The Court of Admiralty shall be held for Tryall of ye Cause.

16. If no Exceptions be taken against ye Answer of ye Defd. within ye time limited, and no Commission is taken out to Examine Witnesses, Then within ten days time after such Elapsing ye time of filing ye Exceptions and takeing out a Commission to Examine Witnesses, The Court of Admiralty shall be Held for Tryall of ye Cause.

17. If the Defendent. doth deny ye Matter of ye Plaintiffs Libell and put himself upon ye Country, a jury shall be summoned to Try ye fact And the Damages the Plaintiff hath Susteyned, And in Case the Substance of the Libell is confest, in the Defdts Answer, and matter of Justification is Pleadde, if ye Plaintiff do Except against ye Justification of the Defd. as not being Sufficient Judgement be given against ye Defendent. that the Plaintiff shall recover against him, Then a Jury shall Enquire of the Damages And the Writ of Enquiry of Damages shall be granted in open Court by the Judge of the Admiralty and shall be Executed in open Court upon ye day of ye Returne of the Mandate or Writt of Enquiry. And three days time shall be allowed between ye Test and Return of ye said Writ or Mandate.

18. That three days time be allowed between the Verdict and the final Decree of ye Court.

19. If upon any Warrant or Original Mandate of Arrest out of ye Court of Admiralty in Carolina, the Officer to whom it is directed shall Returne that he Cannot and the Person it shall be Lawfull for the Judge of the Admiralty or his Deputy to grant a Warrant to arrest ye Goods of such Defd. where they can be found Either in his owne or Others hands In which Warrant ten days shall be allowed between ye Date and the Returne.

20. The Officer that Execute such Warrant. shall give notice to all Persons present and those in whose Custody Goods are, that he doth peremptorily Cite ye Defd. and all other Persons having or Pretending Right to ye said Goods That they appear at ye Court of Admiralty ye day of ye Returne of ye said Warrant to answer the Plaintiff.

21. And the Officer shall make a true Returne of ye Execution of ye said Warrant with a Schedule of ye Goods arrested.

22. If no Person shall appeare to Lay Claime to ye said Goods arrested,
Then the Persons Cited shall be decreed Contumacious and to have fallen into ye first default.

23. And if they appear not in Six days after, then to be Pronounced to have fallen into ye Second Default.

24. And if they appear not in Six days after, then to be pronounced to have fallen into ye Third Default.

25. And if they appear not in Six days after, then to be pronounced to have fallen into ye Fourth Default.

26. And then the Judge of ye Admiralty shall Decree the Goods arrested to ye Plaintiff who shall have Liberty to sell and dispose of ye same towards ye discharge of his Debt. The Said Goods being first appraised and the Plaintiff having made Oath of his Debt and produced what Proof he hath of ye same, as Obligations, Bills, Notes, &c. And given Security to ye Judge of ye Admiralty that if any Person Except the Deftt. shall lay claim to ye said Goods in a yeare and a day's time he shall Abide ye Decree of ye Court.

27. If the Deftt. whose Goods are arrested doth appeare and give Caution in double Sum of ye Action to abide ye Decree of ye Court his Goods shall be again delivered to him and the plaintiff at ye same time shall give Security to pay Costs in Case he faile in his Suite And shall offer his libell and shall proceed in all things as above directed where ye person is arrested.

28. If any Person doth appear and lay Claim to ye Goods arrested and profe them to belong to him He shall have them adjudged to him. And the Plaintiff shall pay him Costs if he doth not prove they belong to him. Then he shall pay the Plaintiff Cost, And Security shall be given both by the Plaintiff and Defendant. In ye Sum of Tenn pounds to pay ye Costs as adjudged, and the Goods to Remaine under Arrest till decided Except ye Person that lays Claime to them give Security to ye Value of ye said Goods, who upon such Security shall have them delivered to him and the Person that lays Claim to ye said Goods shall offer his Allegation of his Right to the said Goods see Arrested.

29. And the Plaintiff att whose Suite they are arrested shall Plead to ye same in three days time at furthest and then ye Process shall be ye same as in other Civil Causes.

30. If any new matter or thing shall arise that doth not fall exactly within ye aforesaid Rules the Judge of the Court of Admiralty in Carolina or his Deputy shall proceed as near as conveniently may be agreeable to ye aforesaid Rules and ye Practice of the Court of Admiralty always allowing the Plaintiff reasonable time to Prosecute and the Deftt. time to make his defence And always in Civil matters Accepting Securities for ye Discharge Either of ye Person or their Goods or Effects.

31. And be it further Enacted by Authority aforesaid That if ye Judge of ye Court of Admiralty in Carolina or his Deputy or Deputyes Assistant or Assistants shall make any Breach of any of the Rules and Orders Contained herein, That he or they shall forfeit to the Party grieved his full Damages with Double Costs of Suite, To be recovered as aforesaid.

II. And be it further Enacted by Authority aforesaid That in all Cases wherein any Offence is Committed by the Deft. Judge or Judges of the Court of Admiralty against ye true Intent and Meaning of this Act, And a Forfeiture is given to Person or Persons grieved for ye same It shall be lawfull for ye said Person or Persons grieved their Executors or Administrators to bring Their Action and Record of Same against ye Deputy Judge.
or Judges Offending or ye Principall Judge or their Executors or Administrators & for their Respective Offences.

III. And be it further Enacted by the Authority aforesaid, That no Judge Advocate or Officer of ye Court of Admiralty shall Demand or Require Any Sum of Money Fee or Reward for any Matter Business or thing Belonging to his or their Respective Office or Place Other than so Much fees as are hereafter in ye Respective Tables Directed for the Things therein Mentioned Any Law Statute Act Customs or Usages to ye Contrary Notwithstanding upon penalty of ye forfeiture of one Shilling for every peniy he or they shall take and Receive for any Business thing or Matter Relating to his or their Office or Offices More then is by this Act set down and appointed to be Recovered by the Partie Grieved by Accoun of Debt or on ye Case as aforesaid

### The Judge's Fees.

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>a</th>
<th>d</th>
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</thead>
<tbody>
<tr>
<td>For Holding ye Court of Admiralty after ye small Decree Upon ye Cause, Besides ye Particular fees.</td>
<td>3</td>
<td>00</td>
<td>00</td>
</tr>
<tr>
<td>For Every Warrant or process in which ye Judges hand is Required.</td>
<td>10</td>
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<tr>
<td>For every small Decree.</td>
<td>1</td>
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<tr>
<td>For every Order or Decree.</td>
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<tr>
<td>For Signing Every Bill of Sale.</td>
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<tr>
<td>For Every Certificate Certifying ye Cause.</td>
<td>10</td>
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<tr>
<td>For a Testimonial to goe beyond ye Seas if Under ye Seal of ye Admiralty</td>
<td>1</td>
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### The Register's Fees.

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>a</th>
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</thead>
<tbody>
<tr>
<td>For Writing Every Warrant in ye Admiralty.</td>
<td>2</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>For a Copy of Every Decree of Court.</td>
<td>5</td>
<td></td>
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<tr>
<td>For ye Reading of Every Libell, Excepcon and Answer Each.</td>
<td>1</td>
<td>3</td>
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<tr>
<td>For Writing Each Sopoena.</td>
<td>1</td>
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<tr>
<td>For Entering a Decree or Order.</td>
<td>2</td>
<td>6</td>
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<tr>
<td>For a Deputation.</td>
<td>1</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>For ye Venire for ye Jury.</td>
<td>2</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>For Every Commission to Examine Witnesses.</td>
<td>5</td>
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<tr>
<td>For Filing any paper in ye Admiralty.</td>
<td>1</td>
<td>3</td>
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<tr>
<td>For Every Bond.</td>
<td>2</td>
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<td>For Entring Fair in a book the Libell, Exceptions and all other pleadings and proceedings of the Court of Admiralty besides what is before allowed, for Each Sheet Containing fifteen Lines to ye Sheet and Eight Words to ye Line The Like fee for all Transcripts and Copys of ye proceedings of ye Court.</td>
<td>8</td>
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### The Marshall's Fees.

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<tr>
<th>Description</th>
<th>£</th>
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<tr>
<td>For Seizing Every Ship or Vessell.</td>
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<tr>
<td>For Seizing and Bringing any Person a Shore from any Vessell</td>
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<tr>
<td>For Every Man Kept on Board for ye Safe Custody of ye Vessell, p. Dism.</td>
<td>2</td>
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<tr>
<td>For Taking a Bale Bond for ye Security of ye Vessel.</td>
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<td>For Executing Every Venire.</td>
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<tr>
<td>For Executing Every Suponea in Charles Town.</td>
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<td>Description</td>
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<td>For Mileage 3 pence p. Mile.</td>
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<tr>
<td>For the Sale of Vessell and Goods and paying ye Mony Each pound one Shilling</td>
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<td>For Every Witness Sworn in Court.</td>
<td>1 1/4</td>
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<td>For Every Comitment and Release Each.</td>
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<td>For the Dyett of Each person p. Diem Comitted</td>
<td>7 1/4</td>
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<tr>
<td>For ye Jury for Each Cause.</td>
<td>15</td>
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IV. And be it further Enacted by the Authority aforesaid, That ye Register of the Court of Admiralty in Carolina shall keep his Office in Charles Town Within the said Province and ye Register shall and is hereby Obliged to Enter fairly into a Book or Books for that purposes all ye Proceedings of ye Court of Admiralty in Carolina upon Penalty of forfeiting for Every Offence the Sum of Fifty pounds to Such Person or Persons as Will Sue for ye Same by Accon of Debt in any Court of Records in this Province of Carolina wherein no Essoigne Protection Privilege Injunction Wager of Law or Otherwise shall be Admitted or Allowed.

V. And be it further Enacted by the Authority aforesaid that all or any Book or Books Papers or Records Relating to ye Proceedings of ye Court of Admiralty in Carolina be shewed to any Person that Desires Slight of ye Same Paying ye Register for ye Search of Each thing Desired ye Sum of fifteen pence and If any persons Desires any Copyes or Transcript of ye Same The Register is hereby Obliged with all Convinent Speed to Deliver ye same Upon payment of his fees upon ye penalty of ye forfeiture of Ten pounds to ye Party Grieved to be Recovered by Action of Debt as aforesaid Together with all Damages he shall Susteyne by Denyall of Such Copy or Transcript to be Recovered by Action on ye Case as aforesaid.

VI. And be it further Enacted by the Authority aforesaid That ye Judges of ye Court of Admiralty for ye time Being or his Deputy in ye Absence & without ye Knolodege of ye Register Making any Decree or Order in any Matter Cause or Thing Triable before him or them as Judge or Deputy Judge of ye Court of Admiralty in Carolina That he or they Making Such Decree or Order shall within Ten Days Cause ye same to be fairly Entred in ye Registers Book of ye said Court upon ye forfeiture of ye Sum of Twenty pounds.

VII. And be it further Enacted by ye Authority aforesaid That ye Judge of the Court of Admiralty and his Deputy and Every Judge of any Court Whatsoever which shall by any process Original Mandate Writt or Process whatsoever Attach Seize or Arrest any Vessell or Vessells for any Matter Cause or thing whatsoever Shall as soon as ye Goods Wares or Merchandises Take Boats Gunns Salles and furniture to her Belonging are Inventored and Appraised which shall be Done within Ten Days after such Attachment Arrest or Seizure Take Security for such Vessell and ye Goods Wares Merchandise Take Boats Gunns Salles and furniture in her Imported and to her Belonging from ye Master or Owner of Such Vessell If ye same shall be Offer'd and after Security Given as aforesaid shall Give possession of Such Vessell and all things to her Belonging to that Respective Master or Owner & that ye Judge of ye Court which shall Cause any Vessell to be Attached or Arrested as aforesaid shall suffer the Master of such Vessell and any One Seaman to Tarry one Board ye Same Till such Time as ye Goods Wares Merchandises Take Boats Gunns Salles and furniture are Inventored and Appraised and Till Security be given as aforesaid.

VIII. And Be it further Enacted That ye Judge or Deputy-Judge of any and Every Court by whose Writt Mandate or process any Vessell goods Wares
or Merchandize Shall be Seized or Arrested which shall Refuse to Take Security as aforesaid shall pay to ye Master or Owner of Such Ship Wares or Merchandizes full Value of all Imbezlements Waists Pilgrages and all other Damages Whatsoever to be Recovered by Ill Plant or Inforamit. In any Court of Record within this part of ye Province wherein no Essoligne Injunction protection or wager of Law shall be allowed or Admitted.

IX. And be it further Enacted by the Authority aforesaid That if any Ship Vessell Goods or Merchandize, is Seized and Informed Against in ye Court of Admiralty or any Court of Record within this province upon ye Acts of Trade and Navigation and his Majesties Customs the person that Seizes or Causes such Seizure shall within Ten Days after such Seizure Exhibitt or Cause to be Exhibited on Information in ye Court of Admiralty or any other Court of Record as aforesaid otherwise ye seizure to be taken off and before such Information is Exhibitt such Informer shall Give good and Sufficient Security to ye Defendant in ye Sum of fifty pounds—That in Case he falle in his said prosecution and be Cast that in such Case ye Informer shall Answer and pay unto ye Defendant the Costs of the said Suit and upon such Security given the Informer may Exhibitt his Information and not Before.

X. And Be it further Enacted by ye Authority aforesaid That no Civill Cause Matter or Thing Exceeding Twenty pounds Shall be Tried In ye Court of Admiralty without a Jury and that all Juries for ye said Court shall be Ballotted out of the List appointed or to be Appoynted for Specall Courts of pleas and Summoned in Such Manner as Jurys for Specall Courts are Appoynted to be Summoned by an Act of Parliament Intituled An Act for to provide Indifferent Jury Men in all Causes Civill and Criminall & that ye Judge of ye Admiralty have the same Power Over them as other Judges in other Courts.

XI. And be it further Enacted That no Jury shall be Sumonned to Attend ye Court of Admiralty Till such Time as all answers to all Bills, Exceptions to all Answers and all Reasons against Exceptions be Argued and Decreed and that the Action be Issuesable without Exceptions and in Case ye Decree shall be Made against ye Defendant by Default ye Jury which were Sumonned To Try the Issue shall Inquire into ye Damages Provided allways, and Be it Enacted by the Authority aforesaid That no person or persons shall be Sued Impleaded Molestled or Troubled for any Offence Against this Act unless ye Party offending be Sued or Impleaded for ye Same within Two Years at ye Most after Such Time wherein the Offence shall be Committed.

Read Three Times and Ratified in Open Assembly the first Day of March 1700-1.

ROBT. GIBBS [Seal] JA: MOORE [Seal]
HENRY NOBLE [Seal] JOHN WICH [Seal]

ENDORSED
CAROLINA.

An Act for the better regulating the Proceedings of the Court of Admiralty in Carolina, and the Fees of the same passed there the 1st of March, 1700-1. referred to in Mr. Morton's Letter of the 29th August 1701.

Read
Rec'd 12th Decr. 1701.

(Note.—The last three acts, though passed at Charleston, are here given, as they applied to all territory "S. and W. of the Cape Fear river."—Ed.)
An Act for Reuniting to the Crown the Governments of Several Colonies and Plantations in America.

Whereas by Virtue of several Charters and Letters Patents under the Great Seal of England passed and Granted by several of His Majesties Royal Predecessors, as also by His present Majesty and the late Queen Mary of Blessed Memory, the several Colonies, Provinces and Plantations of the Massachusetts Bay, New Hampshire, Rhode Island and Providence Plantation, Connecticut in New England, East and West New Jersey, Pennsylvania and the Adjacent Territories, Maryland, Carolina, and the Bahama or Luca Islands in America, have been Granted unto Several persons, together with the Absolute Government and Authority over His Majesties Subjects in those places whereby the Grantees were not only made Proprietors of the Soil and Lands Comprehended within the said places, but also Lords and Governors thereof, with full power of Exercising Royal Government and other Jurisdictions over the Inhabitants thereof; And whereas the Severing of such Power and Authority from the Crown and placing the Same in the hands of Subjects hath by Experience been found prejudicial and repugnant to the Trade of this Kingdom and to the Welfare of His Majesties other Plantations in America, and to His Majesties Revenue arising from the Customs by reason of the many Irregularities Committed by the Governors of these Plantations and by those in Authority there under them, by encouraging and Countenancing pirates and unlawful Traders and otherwise.

I. Be it therefore Enacted by the Kings most Excellent Majesty, by and with ye Advice and Consent of the Lords Spiritual & Temporal and Commons in Parliament assembled, and by the Authority of ye same, That all and Singular the Clauses Matters and things contained in any Charters or Letters Patents heretofore passed under the Great Seal of England by any of His Majesties Royal Predecessors or by His present Majesty and the said late Queen, relating to the Governmt. of His Majesties Subjects within the said Plantations, Colonies or places or any of them or within any other Plantation, Colony or Place in America, whereby any Power or Authority is granted to any Person or Persons from the Crowne, be and is hereby declared and Enacted to be utterly vold and of none Effect. And it is hereby further Declared and Enacted, That all such Power & Authority Priviledges and Jurisdictions, be and are hereby reunited, Annexed and vested in His Majesty, His Heirs and Successors in right of the Crown of England to all Intents and purposes, as tho' no such Charters or Letters Patents had been had or made; Provided always that nothing herein contained shall be construed to extend any ways to alter, take away, Diminish or Abridge the right or Title, which any Person, Persons or Bodies Politic or Corporate have or lawfully may have or Claim to any Land, Tenements or Hereditaments or any other matter or thing (Authority and Power of Government only excepted) by Virtue of the said or any other Charter or Letters Patents or by Virtue of any right or Title derived from or under such Charters or Letters Patents by any mean Assignments or Conveyances or otherwise howsoever; Provided also that nothing in this Act contained shall be Construed to Impower His Majesty, His Heirs or Successors to
Governing the said Plantations, Colonies or Places or any of them or the inhabitants thereof otherwise than according to the Laws in force in the said Plantations and Places respectively, not repugnant to the Laws of England, and such other Laws & Constitutions as shall from time to time be made by the General Assemblies of the said respective Plantations according to the Several and respective privileges, as at any time heretofore granted to the said several Plantations and Colonies respectively, by any Charter or Charters or Letters Patents under the Great Seal of England, and according to the Usages in His Majesties other Plantations in America.

ENDORSED.

PROPRIETIES.

Copy of an Act for uniting the Proprietary Govts. in America to the Crown.

Read April 8th, 1702.
LAWS OF NORTH CAROLINA--1703.

CHAPTER I.

An Act for the establishment of Religious Worship in this province according to the church of England and for the erecting of churches for the publick worship of God, and also for the maintenance of ministers and building convenient houses for them.

(See below for statement of contents.)

CHAPTER II.

An Act for the more effectual prosecution of the Government of this province by requiring all persons that shall be hereafter chosen members of the Commons House of Assembly to take the oaths and subscribe the Declaration appointed by this Act and to conform to the Religious Worship in this Province, according to the Church of England, and to receive the Sacrament of the Lord's Supper, according to the rites and usages of the said Church.

[Note. The above acts were confirmed by the Lords Proprietors, but were afterwards set aside by the Queen in Council, 10 June, 1706, upon an Address from the House of Lords.—See 1 Colonial Records, pp. 636, 643, where the substance of these acts is stated as follows:

Chap. I. Created a commission of 20 laymen therein named with power, at their will, to remove & turn out any rectors or ministers of the Church of England from their benefits for any Immorality or Imprudence or for incurable Prejudices or Dissensions between such Rectors or Ministers and their people, by delivering a Writing to them or leaving it at their Houses, or fixing it upon the church doors, whereby it should be declared that they ceased to be Rectors or Ministers of such Parishes.

Chap. II. Declared that by the Law of England, all Members of Parliament are obliged to receive the Sacrament according to the Rites of the Church of England; and that hence no man who shall be chosen a member of the Commons House of Assembly in Carolina shall be permitted to sit there, who has not received the Sacrament in such manner, within a year before his election, unless he will swear he is of the Profession of the Church of England & did not abstain from the Sacrament out of dislike to the Manner and Form of the Administration used in the Church of England, and has not for a year passed been in Communion with any Church that does not conform to the Church of England, and upon such oath he shall be qualified to sit as if he had received the Sacrament as prescribed by the Act. And further that if any member should refuse to qualify himself as thereby directed, there should not be a new election, but he who had the next number of voices to such unqualified person upon the former Poll should be the member in his Place.—Eorros.]
LAWS OF NORTH CAROLINA--1711.

1711.

CHAPTER I.

An Act for the better and more effectual preserving the Queen's peace, and the establishing a good and lasting foundation of Government in North Carolina.

Whereas several revolutions have heretofore happened in this colony which were fomented and carried on by factions and seditious persons to the great loss and Damage of the Inhabitants thereof, and to the repeated breaches of her Majesty's peace and violation of the Loyalty and Obedience due from Subjects to their lawful Sovereigns and Superiors; And what has most nearly concerned us, are the late unhappy dissensions amongst ourselves in this Colony, whereby injustice and Oppression took place, and overspread our Colony, our trade decreased and daily differences and animosities increased to the ruin of religion and our Liberties. Since which time it has pleased God in a great measure, to influence us with a deep concern of our Calamities, and put into our hands a power and resolution of removing those threatening evils and Dangers, and for the future to procure a happy Restauration of peace and tranquility amongst us, by making such good and wholesome Laws, whereby religion and virtue may flourish, Our duty to our Prince and Governors be put in practice and maintained, Our Laws Libertys and Estates preserved and kept unviolated, and justice and Trade encouraged. We therefore the Commons assembled do pray that it may be Enacted. And be it Enacted by his Excellency the Palatins and Lords Proprietors, by and with the advice and consent of this present General Assembly and the authority thereof, and it is hereby Enacted,

I. That any person or persons whatsoever who shall at any time (after the date hereof) speak any seditious words or speeches or spread abroad false news, write or disperse scurrilous Libels aginst the present Government now lawfully established disturb or obstruct any lawful Officer in the executing his Office, or that shall instigate others to Sedition Caball or meet together to contrive ,vent, suggest, or incite rebellions, Conspiracies, Riotts or any manner of unlawful Feuds or differences thereby to stir up against or maliciously to contrive the Ruin and Disturbance of the Queen's peace, and of the safety and tranquility of this Government, the said person or persons so offending shall and are to be reputed as utter Enemies to the Queen's peace, and the welfare and good of this government, and shall be punished accordingly by fine, imprisonment, pillory or otherwise at the discretion of the Justices of the General Court, who are hereby empowered to hear and determine the same, and the said person or persons so offending, shall be compelled to give good and sufficient security for his or their good behavior during the Courts pleasure, and be incapable of bearing any office or place of Trust within this Government for the space of three years or accordingly as the Demeritt of the Crime, shall appear before the Judges thereof and if any person or persons shall at any time hereafter, know of such evil practices as aforesaid, and shall conceal the same, that then they shall be punished in the same manner as if they themselves had committed such crime And for the further prevention of traiturous Conspiracies and Rebellions against her sacred Majesty of Great Brittain her Crown and
dignity and the better to distinguish and prevent any disaffected Ministers or Officers either Military or Civil from acting or being tolerated, commissioned or empowered to act in, possess or hold or remain to act by virtue of any Commission deputed Commission or any power whatsoever, until the said person whatsoever he be, has first qualified himself according to the strictness of the Laws of Great Britain now in Force.

II. And be it Enacted by the authority aforesaid what person soever shall act in any place of profit or trust as aforesaid, without being so qualified shall forfeit the sum of one hundred pounds to be recovered by Action of Debt, bill plaint or information in any Court of Record within this Province, one half to the Governor or President for the time being for the support of the Government and the other half to him or them that shall sue for the same and shall forfeit his right to the same place or benefice Provided that all Military Officers may take the oaths in order to their qualification before any one member of the Council or of the General Court, who are hereby empowered to administer the same, and give them certificates thereof, and moreover what person or persons who hereafter shall equivocate, alter, add to, or diminish any word or clause, of the oaths appointed to be taken by Law shall be deemed and held guilty of forgery and high crimes, and shall be punished accordingly.

III. And whereas this Province is annexed to and declared to be a member of the Crown of England, yet notwithstanding disputes do often arise concerning the Laws of England, how far they are in force in this Government; and it appearing by the Charter that the power therein granted of making Laws are limited with the expression Viz. Provided such Laws be consonant to reason, and as near as may be agreeable to the Laws and Customs of Our Kingdom of England, from whence it is manifest that the Laws of England are the Laws of this Government, so far as they are compatible with our way of living and Trade, Be it therefore Enacted by the authority aforesaid, and it is hereby Enacted and declared that the common Law is and shall be in force in this Government except such part of the practice in the issuing out and return of Writts, and proceedings in the Court of Westminster which for want of several Officers, cannot be put in execution, which ought to be supplied by Rules of the General Court of this Government, being first approved of by the Governor in Council which shall be good in Law from time to time till it shall be altered by Act of Assembly.

IV. And be it further Enacted and Declared by the authority aforesaid that all statute Laws of England made for maintaining the Queen’s Royal Prerogative and the security of her royal person and succession of the Crown, and all such Laws made for the establishment of, church and the Laws made for granting Indulgencies to protestant dissenters, and all Laws providing for the privilege of the people and security of trade as also statute Laws made for Limitation of Actions and for preventing vexatious Lawsuits, and for preventing immorality and frauds, and confirming Inheritances and Titles of Land are and shall be in force here, altho’ this province or the plantations in general are not therein named.

V. And because that it has always happened that upon vacancys of the Government seditious and evil minded persons have taken occasion to dispute the authority of the succeeding Governor or president howsoever elected or qualified for want of certain rules being laid down and approved of by the Lords Proprietors We pray therefore that it may be enacted by the authority aforesaid that in case of any such vacancy the eldest Lords Proprietors Deputy shall summon the rest of the Deputies with all conven-
tent speed to meet at the usual place for the council meeting and there they or the major part of them that meet shall choose a President and in case of an equality of votes the voice of the Elder Councillor shall have precedence and if it shall happen that the eldest Councillor shall refuse to summon the rest of the Deputy as aforesaid within ten days after notice or such vacancy then the next eldest Councillor shall summon as aforesaid.

VI. And it further enacted that in case of the vacancy of any Lords Proprietors deputy the Governor or President in time being with the consent of the major part of the deputies then being, shall choose one to supply that vacancy till that Proprietor shall signify his pleasure to the contrary and if any of the Lords Proprietors deputy shall at any time neglect or refuse to give their attendance being cited thereto, the act or acts of the remaining deputy shall be good and valid in the Law to all intents and purposes. And be it further enacted by the authority aforesaid that in case of extraordinary occasion, if the Governor, deputy Governor or President for the time being shall depart the Government, and shall first declare the cause of his departure in Council, his absence not exceeding six months shall not be deemed a vacancy, but the eldest Councillor shall preside in Council during his absence.

EDWARD HYDE
W. GLOVER
THO: POLLOCK
RICH. SANDERSON
N. CHEVIN
THO. BOYD.

WM. SWAN Speaker.

CHAPTER II.

An Act entitled an Act for redressing several grievances, abuses and illegal proceedings whereby the poor Inhabitants have been wronged as well in their Titles of Land, as in the payments of certain sums of money extorted from them without sufficient acquittances.

Whereas many of the poor Inhabitants of this Government have grievously complained that Coll. Thos. Cary pretending a power to dispose of the Lords proprietors Lands and to receive the moneys for the consideration of the same, have upon that pretext received and taken securities for several sums of money of the Inhabitants of this Government as the consideration of several Tracts of land by them purchased according to the Instructions, Rules and Ordinances made by authority from the Lords Proprietors upon Record in this Government, and for several fees and charges thereon accruing; yet many of them the said Inhabitants have not their Titles to their respective Tracts of Land made and executed according to the true intent and meaning of the said Instructions: And whereas his Excellency the Lord Palatin and Lords Proprietors have by their Instructions appropriated the money arising and becoming due to them for the relief of the poor Palatines lately transported into this Government by the Hon. Chrito. Baron de Graffenreid, Wee there fore the Commons assembled do pray that it be enacted and be it enacted by his Excellency the Palatin and the Lords Proprietors by and with the advice and consent of this present general Assembly and the authority thereof. And it is hereby enacted:

I. That the said Coll. Thos. Cary shall within two next months after the publication thereof appear before the President and Council or Commis-
LAWS OF NORTH CAROLINA—1711.

moners by them thereunto appointed, and deliver up all such bills, obligations or other securities by him taken as aforesaid and make payment of all such sum or sums of money which he hath received on behalf of the Lords Proprietors as aforesaid that so the people may be saved harmless from any further claim to be made for the same And the titles of their Lands may be secured, and that the said poor palatines may be supplied therewith according to the said instructions.

II. And be it Enacted by the authority aforesaid that in case the said Coll. Thos. Cary shall refuse or neglect to appear and deliver up the said Bills or other securitys and make payment as aforesaid, That then and in such cases the same shall be levied upon his goods and chattels, Lands and Tenements, Rights and Credits by distress and sale, by warrant from the Honoble, the President directed to the provost Marshall of the several Counties or their Deputies.

III. And it is further enacted by the authority aforesaid, that no alienation, assignment, bargain or sale, made after the publication of this Act shall be of any effect or pleadable against the execution of this Act, and for the better discovery of what sum or sums of money are in the hands of the said Thos. Cary the Land Office with all books, records and papers thereunto belonging being feloniously detained or otherwise imbezilled by Mr. Emil Low so that a true account thereof cannot be had Be it further enacted by the authority aforesaid that all persons holding or claiming any Tracts of Land by purchase shall within two months after publication thereof give just account upon Oath what Land they hold or lay claim to, to the persons hereafter named that is to say in the precinct of Chowan to the Honoble. Coll. Thos. Pollock in the Precinct of Pequimos to the Honoble Wm. Glover in the precinct of Pasquotank to the Honoble Nathaniel Chevin in the precinct of Currituck to the Honoble Richd Sanderson Esqr. in the precinct of Pamlico to Mr. Joel Martin in the precinct of Wickham to Mr. John Jordan in the precinct of Archdale to Capt. Lyonell Reading and Capt. William Brice upon penalty of being deprived of all benefit of this Act and forfeiting to the true and absolute Lords proprietors of this province the summ of ten pounds to be recovered by action of debt in the General Court wherein no Essoign protection or wager o' law shall be allowed.

III. And whereas grievous complaint have been made that Mr. Edward Mosley hath taken upon him to set out and survey the Lords Proprietors Lands without due entry made or lawfull authority for the same, and there in have not proceeded according to the Rules and Instructions in that case provided, so that many illegal imperfect and Irregular Surveys have been made and several sums of money have been unlawfully extorted, from several of the Inhabitants upon pretense of fees and assignment of rights to the great wrong of the Lords proprietors and loss and damage of the people for remeny whereof, Be it enacted by the authority aforesaid that the said Edward Moseley shall within forty days after publication of this Act give Bond with good security in the sum of five hundred pounds to the Honoble Edward Hyde esq. who is hereby appointed Trustee on behalf of the people with condition that the said Edward Moseley shall pay back and refund unto the respective persons all such sum or sums of money and deliver up all such Bills or specialty as he hath received for security upon pretense of fees, or composition for assignment of rights where it shall appear that his survey or returns hath been imperfect, irregular, deficient or not warrantable by the rules in that case provided, or where rights had been assigned to him without due authority for the same which shall be adjudged of by the Governor or Pres-
ident and Council, which money so received back on account of fees shall
go to the surveyor General for the time being who shall hereby be obliged
to make due and regular returns of the same and all such money so recov-
ered as aforesaid upon the account of composition for rights shall go to the
Governor deputy Governor or President for the time being.

IV. And be it further enacted by the authority aforesaid that in case the
said Edward Moseley shall neglect or refuse to appear to give security as
aforesaid within the time aforesaid that then and in such case all such
Bills or other specialties by him taken as aforesaid shall be utterly null
and void in the Law to all intents and purposes as if the same had never
been made, and all such sum or sums of money as aforesaid by him received
shall be recovered back by an action of debt at the suit of the party ag-
grieved in the General Court of this Province wherein no essoin protection
or wager of Law shall be allowed; and where any person or persons shall
have the trouble of suing for mony already paid, the said persons shall
have double costs and damages allowed by him the said Edward Moseley
(Provided always that any irregularity dealt or unwarrantable action of the
said Edward Moseley or any person by him employed, shall not in any
wise prejudice the person claiming the land, but the right and claim
of every person upon due and regular returne, shall stand and be firm and
good in Law, as if the same had perfectly and warrantably been done and
performed.

V. And whereas from and after the 24th day of July in the year 1708
the Government was unlawfully usurped, the course of Justice subverted, and
an arbitrary power set up by which several sums of money have unlawfully
been levied upon the people her Majesties subjects imprisoned and unjust
judgments given and execution thereon had and obtained. Be it therefore
enacted by the authority aforesaid that all suits judgments, proceedings,
and levys made from and after the day aforesaid until the two and twen-
tieth day of Jan. last past shall and are hereby declared to be null and
void; and where executions have been had out of any pretended Court or
Courts a writ of restitution shall issue out at the suit of the party aggrieved
which shall be signed by the Clerk of the Court wherein such judgment was
obtained, whereas the pretended court shall be evidence, Provided that
restitution for any sum levied upon pretence of publick charge, shall be
made as shall hereafter be appointed by Act of Assembly, Provide also that
this Act shall not bar any person that hath made suit within the time before
mentioned but that his right of Action shall remain to him, as if such suit
had not before been made, Provided also that this Act nor any part thereof
shall extend to Marriages probates of wills, Letters of Administration,
Conveyances and sales of Land amongst ourselves, proving of Rights, Con-
tracts, and Bargains.

W SWAIN Speaker

EDWARD HYDE
W GLOVER
THOS POLLOCK
RICH SANDERSON
N CHEVIN
THOS BOYD
LAWS OF NORTH CAROLINA--1714.

An Act for Raising the Sum of Twenty four Thousand Pounds in Publick Bills of Credit for paying the Remaining Debts of the Government and for Sinking the Remaining part of the Sum of Twelve Thousand pounds publick bills of Credit with Two Years Interest.

Be it Enacted by his Excellency the Palatin and the Lords Proprietors by and with the advice and consent of this General Assembly and it is hereby Enacted by the Authority of the Same,

I. That Collo. Christopher Gale, Collo. Edward Moseley, Tobias Knight and Daniel Richardson Esqrs. are hereby appointed and Impowered to make out Publick Bills of Credit to the value of Twenty four Thousand pounds in manner following, That is to say Three hundred of Twenty Pounds three hundred of fifteen pounds, four hundred and eighty of ten pounds, four hundred and fifty of five pounds, three hundred of three pounds, Three thousand of twenty shillings, Three thousand three hundred of Ten shillings, One hundred and fifty of Eight shillings, Three thousand of five shillings, and Seven hundred and Twenty of Two shillings and Six pence which said Publick Bills shall be made without Interest on them or time of payment Mentioned thereon for which they shall be allowed and paid out of the Publick Treasure the Sum of Two hundred pounds, which bills when made shall be signed by Christopher Gale Edward Moseley Tobias Knight and Daniel Richardson, who are hereby Commissionated thereto, and Sealed with the Colony Seal and Then Deliver into the hands of Edward Moseley on or before the 25th day of March Next. In Order that the said Edward Moseley may put into the Treasurer of each Precinct the balance due to the Persons who have had Claims allowed in the same Precinct which he is hereby Required and Impowered to do

II. And be it further Enacted by the Authority aforesaid That all Such Publick Bills of Credit as are now Outstanding Shall not Receive or have from the Publick or any other Person or Persons whatsoever any further Interest than two Years which will be Compleat and Ended the 25th of March Next within Six Months after which time all persons whatsoever are Required and Commanded to Exchange the Same with the Said Edwd. Moseley for such bills as are to be made by virtue of this Act The said Edward Moseley or his Deputy being hereby Impowered and Required to Exchange the same and to allow Two Years Interest thereon.

III. And be it further Enacted by the Authority aforesaid That all Such Persons who shall refuse or neglect to bring their Bills to be Exchanged before the 25th of August next shall not have nor receive any interest on the said Bills and such as shall refuse or neglect to change the same bills before the 25th of March 1716 the same shall Adjudged held and taken to be of no value—

IV. And be it further Enacted by the Authority aforesaid that as often as the said Edward Moseley or his Deputy shall have Exchanged so many of the said Bills of Credit as shall amount unto the Sum of three hundred pounds, The said Christopher Gale, Tobias Knight and Daniel Richardson or any two of them are hereby Required to Examine the same, and having compared the Same with the Counter part and taken an Account of them and Enter them on a fair List to pass a Receipt for the same and Publickly to burn them

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for all which Charge and trouble the said Edward Moseley shall be allowed.
One per cent for Changing the said Bills.

V. And be it further Enacted by the Authority aforesaid that the said Bills
shall be Reckoned and taken to be a good Payment and Tender in Law for
any of the Rated Commodities of the Country or other Money allowing 60
per cent between the same and Sterling he or they so Refusing shall forfeit
double the value of such Bills so refused. One half towards Defraying the
Contingent Charges of the Government and the other to him or them who
shall sue for the same to be Recovered by Action of Debt Bill Plaint or
Information In any Court of Record in this Government wherein no Essoign
Wager of Law or Injunction shall be allowed or Received.

VI. And be it further Enacted by the Authority aforesaid that if any Person
or Persons shall Counterfeit any of the said Bills or Knowing any of the said
Bills to be false or Counterfeit or any other aiding or assisting him as well
as the Utterer or Disposer of the Bill or bills being thereof duly Convicted
shall be punished as Guilty of Felony without the benefit of Clergie.

VII. And be it further Enacted by the Authority aforesaid that in Case any
Member of either House of Assembly shall hereafter make any motion
which shall be judged by the House to which he belongs to be Derogatory
and prejudicial to the publick Credit of the said Bills, such Member of the
upper House shall be represented to the Proprietors as an Enemy to their
L'dships' Interest and Country and unworthy of their Service and be sus-
pended the Councill till their L'dships' pleasure be Known and fined the Sum
of Twenty pounds for such his motion And if a member of the Lower House he
shall be expelled the House and fined the like Sum of Twenty pounds and be
for ever after incapable as Serving as a Member of the House, the fines to
be appropriated for the payment of the Public Charges.

VIII. And be it further Enacted by the Authority aforesaid that for the faith-
ful Discharging of the Office of Treasurer the Treasurer of each Precinct
shall on or before the first of February next give bond with good and Sufficient
Security In the Sum of Two thousand pounds, the said Edward Moseley in
the Sum of Twenty four Thousand pounds to the Honble. Charles Eden
Esqr. Governor his heirs and Successors with the condition for the faithful
performance of their Several Offices, under the penalty of One hundred
Pounds for every Month he or they shall continue to officiate without giving
such Bond with Security to be Levyd by a Warrt. from the Governor on the
Goods and Chattels of such Person or Persons neglecting to give such Bond
and Security to be appropriated for and towards the Defraying the Contingent
Charges of the Government.

IX. And be it further Enacted by the Authority aforesaid, That the Treasur-
er of each Precinct shall depute Such Person to be Deputy Treasurer In
their Precinct as shall be Nominated by the Justices of that Court so as that
the Number do not Exceed Two.

Memo.—This Act by several subsequent laws is entirely repealed.
LAWS OF NORTH CAROLINA--1715.

CHAPTER V.
Insert after enacting clause to sec. 2, 23 State Records, p. 3, the following:
That if any person or persons that have bestowed any labor as above-
said on any land within the Province shall not repaye to it and seate the
same within six months after the publication hereof that it shall and may
be lawful for the Governor and Council to lett it out to any other person to
do it, The party to whome it is soe lett paying to the first laborer soe
much as it shall be adjudged by lower honest men to be worth.

CHAPTER VI.
An Act Exempting New Comers from Paying Levys for One Yeares.
Be it Enacted by the Palatin and Lords Proprietors by and with the advice
and consent of the Grand Assembly and the authority thereof that any per-
son or persons transporting themselves and families into this Province to
plant and here seate themselves shall be exempted from paying levys for
one whole yeare after their arrival, Provided always there be no emergent
charge which the Vice-Palatin, Counsell and Assembly shall judge extra-
ordinary.

[Note. The first six acts of 1715, (see 23 S. R. pp. 1-3) including above,
known as the “Six Confirmed Acts,” were passed in 1669, and were con-
firmed by Lords Proprietors 20 Jan. 1770. There were 9 of the acts of 1669
of which above 5 were re-enacted in 1715. ED.]

NORTH CAROLINA 88.
At a General Biennial Assembly held at the house of Capt. Richard San-
derson in Little River begun the 17th day of November, 1715 and con-
tinued by Several Adjournments untill the 19th of January, 1715.
In the Upper House
The Honble CHARLES EDEN, ESQR
Governor.
The Honble NATHA CHEVIN
WILL REID
XPHER GALE
TOBIAS KNIGHT
FRAN FOSTER
Esqrs. Ld ps Proprs. Deptys.

In the Lower House
Cpt. Henry Bonner Major Robt. West Mr. Joseph Jessop Mr. Saml.
Pheples Mr. Thoc. Spght Mr. Rich Whitree Mr. Richd. French Callo. Thos.
Boyd Mr. Edwd. Gale, Mr. John Blyth, Mr. Griffin Jones Capt. Benja. West
Cpt. Richd. Sanderson Mr. William Swann Mr. William Williams Mr.
Thomas Taylor Capt. William Nicholson Mr. John Porter Mr. Thos. Harding
Mr. Richd. Jasper Capt. Richd. Graves Mr. David Mcfarland Mr. Martine
Franck.

These following Laws being in Number fifty Seven were Read three times
and Ratified in Open Assembly.
1. An Act for better observing the Lord’s Day, called Sunday, the 30th
January, the 29th May and 22nd September.
2. An Act for Establishing the Church and appointing Select Vestrymen.
3. An Act for Liberty of Conscience, And that the Solemn Affirmation of the People called Quakers, shall be Accepted instead of an Oath in the usual forme.
4. An Act Relating to the Blennial and other Assemblyes and Regulating Elections and Members.
5. Coroners Appointed.
6. An Act for the Qualification of Such Officers.
7. An Act to Appoint Constables.
8. An Act Relating to the Justices of ye Court of Comon Pleas and to Prevent the Commissionerys and other Inferior Officers of the said Courts Pleading as Attorneys.
9. An Act for Ascertaining the time and method for the Executing and Return of Original Writs and for the better Regulating Divers Privileges in the Court of Pleas.
10. An Act to Direct the Method to be Observed in the Examination and Commitment of Criminals.
11. An Act Concerning Evidences.
12. An Act for the Relief of Such Creditors whose Debtors having Land in this Government, Depart without Leaving Personal Estate Sufficient to pay the Debt.
14. An Act to Direct the Disposal of Goods upon Execution and for the better Regulation of Distresses hereafter to be made for Levy and Quit Rents.
15. An Act Concerning Attorneys from foreign Parts and for giving Priority to Country Debts.
17. An Act to Prevent the Inhabitants of Bath County bringing Acons in the General Court against one another for less than ten Pounds.
18. An Act for the Tryall of small and mean Causes.
19. An Act for the better Regulating the Militia of this Government.
22. An Act for Preventing Disputes Concerning Lands already Surveyed.
23. An Act for Settling and Maintaining Pillots at Roanoke and Ocecock Inlets.
25. An Act for raising a Publick Magazine of Ammunition upon the Tonnage of all Vessels trading to this Government.
27. An Act to Encourage the Building of Mills.
28. An Act to appoint Publick Registers and to direct the Method to be observed in Conveying Lands Goods and Chattells and for preventing Fraudulent Deeds and Mortgages.
30. Staple Commodities Rated.
31. An Act to ascertain the time for Payment of Pork Wheat and Indian Corn.
32. An Act ascertaining the Gauge of Barrels and to prevent Frauds in Pork Beef Pitch or Tarr.
33. An Act to appoint the Marking of Horses, Cattle and Hogs, and to
prevent Injuries being done by killing, mismarking driving away or destroying Peoples Stocks.

34. An Act appointing Toll Books to be kept at or near Katharine’s Creek in Chowan Precinct at the Head of Pequims Precinct and at the Mouth of the No. West River in Currituck Precinct And to prevent Persons transporting or driving Horses Cattle or Hogs to other Persons Lands.

35. What fences are sufficient.


37. Private Burials Prohibited.

38. An Act concerning Proving Wills and Granting Letters of Administration and to prevent their being used in the Management of Intestates Estates.


40. An Act to encourage the destroying of Vermin.

41. An Act to ascertained what Persons are Tythables and to direct the Method to be observed in taking the Lists of them.

42. An Act for appointing a Town in the County of Bath, and for Securing the Publick Library belonging to St. Thomas’s Parish in Pamlico.

43. An Act concerning Ordinary Keepers and Titling Houses.

44. An Act Ascertainning the Currency of Dollars.

45. An Act Ascertainning the Damages upon protested Bills of Exchange.

46. Publick Letters how to be conveyed.

47. An Act to prevent the taking Boats and Cannoes and Poriaugers from Landings without Leave.

48. An Act to ascertain Officers Fees.

49. An Act for Restraining the Indians from molesting or Injuring the Inhabitants of this Government and for Securing to the Indians the Right and Property of their own Lands.

50. Publick Treasurers to give Accounts.

51. An Act for a Town on Roanoke Island.

52. An Act for raising Corn to satisfy the Debt due from this Government to the Honble Charles Craven Esqe. Gove. of South Carolina, And for the Subsistance of such forces as shall be raised for the necessary Defence of the frontiers of this Government.

53. An Act for raising the Sum of two thousand Pounds Annually till the Publick Debts are answered and paid, and for the Better Encouraging the Currency of the Publick Bills of Credit.

54. An Act empowering Johanna Peterson Widow of Thomas Peterson late of Albemarle County, Esqe. to make Sale of Certain Lands late belonging to the said Thomas Peterson and to make other provision for Anna the Daughter of the said Thos. Peterson to whom the said Land do descend.

55. An Act confirming the Titles of Sundry Persons who have already or hereafter may purchase Lands of Coll. Thomas Cary in Bath County.

56. An Act for the Confirmation of the Laws passed this Session of Assembly and for Repealing all former Laws not herein particularly excepted.

I. e. 22 * Feme Coverta how to pass Lands.

*This in place 22, would bring No. 55 to 57.

[Note: The above acts are to be found 23 S. R. pp. 3-96. Chapters 1 to 21 above follow the "Six Confirmed Acts" of 1669 and appear in same order as above, as chaps. 7 to 27, of Laws 1715, Chap. 22 as to Feme Cover is chap. 28 of 1715, and chs. 22 and 23 above are ch. 29 and 32 of 1715. Then chs. 24 to 55 appear in the same order as chaps. 34 to 66 of 1715. The only new chapters in 1715 are those numbered 30, 31 and 33.—Ednor.]
LAWS OF NORTH CAROLINA—1720.

CHAPTER I.
An Act for the Lessening the Pole and Land Tax and Preventing of Concealments

Whereas, great Concealments has been made by the Inhabitants of this province in their Lands and Tythables, for the prevention of which for the Future and for the Encouraignment of peoples coming and settling in this province and for the Ease of the Inhabitants thereof,

I. Be it Enacted by his Excellency, the palatin, and the rest of the true and absolute Lords Prop'ts of Carolina, by and with the Advice and Consent of the Rest of the Members of the General Assembly, now met at the General Court House at Queen Anne's Creek, in Chowan precinct, for the N'o. East Part of the Said province, and by the Authority of the Same it is hereby Enacted, that the Tax mentioned in the Act, Entitled an Act for raising the Sum of two Thousand pounds Annually till the Publick Debts be answered and paid. Be it and it is hereby reduced to tenn Shillings the pole Tax and the Land to one Shilling and Eight pence pr Hundred Acres, to be paid in Lieu of the Fifteen shillings pole Tax and two Shillings and Six pence per Hundred Acres Land Tax by that Act appointed to be paid, and all Treasurers and other persons concerned in the raising and levying the Same Tax are hereby required to govern themselves accordingly.

II. And be it further Enacted by the Authority aforesaid, that all and every person or persons whatsoever holding or claiming Lands in this Govern't shall on or before the 26th Day of Decemb'r next after the Ratification of this Act, give or Cause to be given in Writing unto the Clerk of the Several Precinct Courts where he resides, or where his or their Land lies, a full, exact, perfect, particular and Distinct Account of each and every parcel of Land which he or they hold or Claim, Viz't: The Number of Acres contained in each Tract or parcel, in what part of the Same or other precinct it lies, and whether he holds the same by pattent, Deed or Survey, under the penalty of five pounds for not giving in such List, to be recovered and levied by Warrant from some one Magistrate of the precinct where such Default shall happen, one half to the Informer and the other to the parish; Provided always, that all Lands upon Survey that have not been one full year returned into the Secretary's Office are not hereby lyable to the aforesaid Tax.

And whereas, great Neglect has been in the Constables in not duly returning the Lists of Tythables in their Several Districts,

III. Be it Enacted, that every Constable in each District in every precinct (under penalty of twenty Pounds, to be levied by a Warrant of Distress from any Justice, on the Complaint of the Treasurer or Clerk of the precinct) shall go to the Dwelling House of each House Keeper in his District on or before the 30th of Decemb'r next after the Ratification of this Act, and demand of Such House keeper a true List of Tythables, which List every House Keeper is required to give in writing the Number, Name and Condition of every Tythable person he or they ought to pay Tax for, and in the Said List shall mention whether the same Tythable or Tythables be free Servant or Slave, Negro, Indian or Mulatto, Men or Women, and on Neglect
or Refusal of Such House keeper giving Such List to the Several Constables He or they shall be liable to the forfeiture of five pounds, to be recovered by a Warrant from any Justice of the Precinct, upon Complaint of Such Constable, over and above besides the Concealment as by the Act for raising the Sum of two Thousand pounds, And each and every Constable for the performance of which according to the true Intent of this Act shall receive over and above the Allowance of the Act ascertaining Tythables how to be taken the sum of ten shillings, and which List so taken is by Such Constables to be returned to the Several Clerks of the precinct Courts where Such Tythables are given in on or before the first Day of January next, under the penalty aforesaid.

IV. And be it further Enacted by the Authority aforesaid that each and every Clerk of the Several precincts shall be obliged to take all such Lists and Accounts in Writing as shall be brought to them of the Lands and Tythables of this province, which Lists so received and taken by them they shall Cause three fair and exact Alphabetical Acc'ts to be made, containing an Acc't of each person, Master or Mistress, of the Family who are charged with Land or pole Tax by the Same Lists, and in Such Alphabetical Acc'ts shall plainly and distinctly Sett down to each person the Several parcels of Land holden or claimed by Patent, Survey or Deed, and shall also affix to his or their Name the Number of Tythables he is charged with and the Condition of the Same, and shall cause to be Sett up and affixed one Copy of Such Alphabetical List in Some publick and open place where the precinct Court shall Sit, there to continue, thereby the better to discover Concealment's of Land and Tythables, and two other Copies thereof So drawn, the one to be returned to the Treasurer on or before the first of February next, and the other to the Commiss'r hereafter named, to be delivered at the first Day of their meeting as by this Act is hereafter appointed, on the penalty of fifty pounds, to be recovered and levied by a warrant from any three of the Commiss'r's hereafter appointed for stating and adjusting the Publick Acc'ts to be applied to the publick Use.

V. And be it further Enacted, that the Clerk of every precinct so compleating the Lists as aforesaid shall have and receive for each List twenty five shillings, to be paid out of the publick Treasury by the Treasurer of the precinct.

VI. And be it further Enacted by the Authority aforesaid, that each and every Treasurer in the Several precincts shall within Ten Days after the Receipt of Such Lists from the Clerk as aforesaid extract or draw out from the said General List a particular List of all Such Lands as shall lye out of his precinct and by the first opportunity Send the Same to the Respective Treasurers where Such Lands do lye as shall be contained in Such extracts, that the Same may be affixed in the Court Room of the precinct openly for the perusal of all persons, under the penalty of twenty pounds, upon the Information of any to a Magistrate, to be recovered and levied by a Warrant from such Magistrate, one half thereof to the publick and the other to him or them Informing.

VII. And be it further Enacted by the Author'y aforesaid, that the several Treasurers are hereby required upon the Constables and Clerks not making due Returns of their Several Lists as is before in this Act directed to make his Report of Such Default to the Commiss'rs hereafter appointed for Stating the publick Acc'ts at their first meeting, under the penalty of twenty pounds, to be recovered and levied by a Warrant from any three of the Commiss'rs hereafter appointed for stating the publick Acc'ts, to be for the publick Use.
VIII. And be it further Enacted by the Authority afores'd, that for every ensuing Year hereafter the Several Inhabitants of this province shall give in their Acc't of Lands and Tythables in manner and form as is before recited in this Act to the Several Clerks and Constables on or before the 10th of June Yearly, and by such Clerks and Constables so receiving the Acc'ts to be returned by them within twenty Days after such Accounts received as directed before in this Act for that Purpose, under the penalties for each Clerk and Constable neglecting the performance required in this Act.

IX. And be it further Enacted by the Authority aforesaid, that every person concealing Lands shall forfeit and pay the Sum of twenty Shillings for each hundred Acres, or in proportion for any lesser Quantity so concealed, one half to the publick the other half to the Informer.

Provided, that where there is no personal Estate to be found for levying the same Fine it is not hereby intended or meant, but that the Several Fines and Forfeitures in the Act for raising the Sum of two Thousand pounds is hereby declared to be in full Force ag't all Such Concealments, Except where such is discharged by the Fine of twenty Shillings aforesaid.

X. And be it further Enacted by the Authority aforesaid, that the Several Treasurers by themselves or by their Warr'ts directed to the Constable is hereby required to make Distress on the Estate of Such person so holding concealed Lands of Tythables as is afore mentioned in this Act, which Distresses so made for concealed Lands or Tythables by the Treasurer or his Deputy, shall remain in the Hands of Such Treasurer or his Deputy twenty Days after Notice given to such person from whom such Goods are taken for his Replevyng the Same, by paying such Sum or Sums of Money as the Fines and Forfeitures shall amount to, and for not performance of the Same by such person at or within twenty Days after Notice given as aforesaid of Such Goods so seized, then the Said Treasurer or Treasurers seizing of Such Goods shall proceed to apprais'it, and he or they is hereby empowered to call before him two Freeholders, and they on their Oaths to Value such Goods, and the Overplus of the Value thereof to be returned to the Owner of Such Goods.

Provided always, that no Negro shall be seized on or for any of the publick Taxes where there is any other personal Estate to be found to answer and pay the Fines, and that the Distresses so made be not above three times the Value of Such Fines and Forfeitures as shall become due, anything in this Act to the contrary notwithstanding.

And provided also, that the Land upon Morahock River now in the possession of the Indians, belonging to several of the Inhabitants of this province, be and is hereby declared free and clear from the publick Tax due to this province, during the Time of the Tuscarora Indians living thereon.

Whereas, Thomas West is present Treasurer of the precinct of Chowan and Joseph Jessop for the precinct of Perquimans and Edmond Gale for the precinct of Pasquotank, James Brown for the precinct of Currituck, Jn'o. Porter for Hyde and Beaufort precincts, and Rich'd Graves for Craven,

XI. It is hereby Enacted by the Authority afores'd, that on the Death, Refusal or Removal of any of the Said Treasurers it shall be in the power of the Hono'ble the Gov'r or Commander in Chief for the Time being to appoint others in their Room, taking Such Security as is directed in the Act for raising the Sum of two Thousand pounds.

XII. And be it further Enacted by the Authority aforesaid, that every Treasurer shall draw a Commission of Six per C't. for publick Taxes received and for all Claims paid out to draw Six p'r Cent.
XIII. And be it further Enacted by the Authority aforesaid, That Co'll Frederick Jones, Jn'o. Lovick, Esq., Tho. Harvey and Nich's Crisp be and are hereby appointed Commiss'rs for examining and Stating the publick Acc'ts in the County of Albemarle, and that Co'll Maurice Moor, Giles Shute and Simon Alderson be and are hereby appointed Commiss'rs for examining and Stating the publick Acc'ts of Bath County.

XIV. And it is further Enacted by the Authority aforesaid, that the Several Commiss'rs afo'd are hereby required to meet, viz't: Co'll Frederick Jones, Jn'o. Lovick, Esq., Tho. Harvey and Nicholas Crisp at the General Court House at Queen Ann's Creek in Chowan precinct, every twentieth Day of Feb'ry Yearly, as also Co'll Maurice Moor, Giles Shute and Simon Alderson to meet at Bath Town, when and at such Time the Said Commiss'rs are hereby required and Authorized, Them or any three of them, to meet in the respective precincts to call before them (in Case of Failure of such Constables and Clerks due return of their Several Lists as in this act before recited) all such Constables and Clerks as for neglect thereof the Said Commiss'rs or any three of them in the respective Counties are hereby Impowered by their Warr't to the Marshal or his Deputy to make Such Distress on the Estate of such Constable or Clerk wheresoever to be found within this province, as is in this Act before recited, and accordingly in Manner and Form are to proceed against him or them So refusing or neglecting, which Fines and Forfeitures so arising are to be distributed as in this Act is appointed.

XV. And be it further Enacted by the Authority aforesaid, that the aforesaid Commiss'rs are required to meet every Second Tuesday in June at the Gen'l Court House in Chowan and at Bath Town, to Sift, any three of them in each County, there to receive from the several publick Treasurers of each County, who are hereby required to lay their Several Acc'ts before the said Commiss'rs in Order for their Examination, who are hereby appointed to receive Such Accounts and to examin, Settle and adjust the Same, and in Case of Neglect or Failure of any of the Treasurers in the due Execution of his Office, either in Acc'ts or Money becoming due to the publick, shall if required give Good and Sufficient Security for payment of Such Ballance to the Publick at or before the Sitting of the next Succeeding Assembly, otherwise to be by them committed to the Marshal's Custody, there to abide 'till he or they shall give Good and Sufficient Security to the said Commiss'rs.

XVI. And be it further Enacted by the Authority aforesaid, that in Case Constables in the several Districts or any one of them should not be appointed by the precinct Courts, that then the Commiss'rs have power to nominate and appoint proper persons in such Districts, who are to take the Lists of Tythables and make returns thereof as by this Act is appointed, under the same penalty of any Constable not doing his Duty herein.

XVII. And be it further Enacted by the Authority aforesaid, That the Commiss'rs of each County shall receive the Sum of ten shillings p'r Day during the Time of their Attendance, and that they be attended by a Clerk and a Messenger, to be appointed by them, and that they adjourn from time to time, so often as they think proper, and from Place to Place.

XVIII. And be it further Enacted by the Authority, That the Commiss'rs of each County shall upon their Receiving the publick Money of the Treasurers immediately Seal it, Close up in paper Bundles and likewise return the same, together with their Report, to the next Succeeding Assembly.

XIX. And be it further Enacted by the Authority aforesaid, That the Honorable the Gover'r or Commander in Chief for the time being is hereby required and Impowered in Case of Death, Refusal or Removal of the Said
Commiss'rs or any one of them to appoint some other proper person, to be held in as full and ample Power, for such Commiss'rs so appointed to Sitt and act as if the Same had been by this Act nominated.

XX. And be it further Enacted by the Authority aforesaid, that all and every Article, Clause and thing contained in the Said Act for raising two thousand pounds Annually (which is not herein altered or otherwise regulated and provided), as also this present Act, shall continue to be in full Force until repealed or altered by the Gen'l Assembly.

XXI. And be it further Enacted to the End that all and every Person may come to the Knowledge of their Duty herein, That the Clerk of the Lower House of this present Assembly, under the penalty of Five pounds, do within Ten Days after the Ratification of this Act send fair Copies of this Act to the Clerks of every precinct Court in this Gov'mt, who are forthwith required to publish the Same by affixing a Note at the precinct Court House and all other publick places, as Churches, Reading meeting house Doors, in their Several precincts, which paper or Notice shall contain the Substance of every Officer and other person's Duty contained in this Act, under the like penalty of Five pounds, to be recovered as other Fines before in this Act is provided.

XXII. And be it further Enacted by the Authority aforesaid, that the Commiss'rs for Stating the publick Acc'ts in each County is hereby impowered to call before them all such persons concerned with the publick moneys and Stores as has not yet settled and made up the Same before the Assembly or the late Commiss'rs for examining the publick Act before them and to adjust such Acc'ts, such person so refusing or neglecting to account, the Said Commiss'rs are hereby authorized to cause such person to be taken into Custody of the Marshall by their Warr't, who is so to remain until he shall give good and sufficient Security for the answering [words scratched out]. Such Ballance to the Country, and further It is provided that the Clerks attending the Commiss'rs of each County shall have and receive ten shillings p'r Diem and the Messenger seven shillings and Six pence, to be paid out of the publick Money. And it is further provided that in Case of Failure of the Commiss'r of each County, meeting at the Time and place appointed, either of which Commiss'rs by this Act appointed so coming is hereby impowered to adjourn from time to time until a Sufficient Number shall meet as is appointed by this Act to proceed to Bussiness.

XXIII. And be It further Enacted by the Authority aforesaid, That the Commiss'rs for examining the publick Acc'ts shall before they proceed to Bussiness take the following Oath, Vis't: I, A B, do solemnly swear that in the Execution of the Trust reposed in me by the Gen'l Assembly of this province will according to the best of my power, Knowledge and Understanding, without Fear or Favour, examin, Settle and adjust the Acc'ts of all Such persons as I shall know and be informed have had any publick Moneys, stores, Arms, Ammunition or provisions or other things whatsoever relating to the Publick and not already made up to the Assembly or Commissioners.

CHAPTER II.

An Additional Act to the Act Intituled an Act for Establishing the Church and Appointing Select Vestrys.

Whereas, by the said Act the Governm't is divided into parishes and twelve Men nominated in each Division and parish to Serve after Such
Qualifications as by the said Act is provided as Vestry-men, and it appearing that the persons appointed by the said Act to Serve for the S. W. Parish of Chowan and Craven precinct, a parish in the County of Bath, did not proceed to qualify themselves at time nor manner and form as in and by the said Act was appointed and required, neither have done the same since, by which the said Vestry in the said precincts are fallen and terminated, so as there can be no lawful or regular tax or levy of money on the pole in the said precincts for the paym't of Ministers, Building or Repairs of Churches or Relief of the poor, For remedy whereof and prevention of the same for the future,

I. Be it Enacted by his Excellency the palatin and the rest of the true and absolute Lords Prop'ts of Carolina, by and with the Advice and Consent of the Rest of the Members of the General Assembly now met at the General Court House at Queen Anne's Creek in Chowan precinct for the N'o. East Part of the Said province, and we pray that it may be enacted that the Marshal or Deputy for the said precincts or Parishes of Craven and South West parish of Chowan do within forty Days after the Ratification hereof, under the penalty in the said Act provided,Summones the Several persons by the said Act appointed to Serve as Vestry-men in the said parishes to appear and Qualify themselves at such place and in such manner in their several parishes, under the Penalty in the said Act mentioned.

II. And be it further Enacted by the Authority aforesaid, that the Members of each Parish here mentioned so meeting and qualifying themselves shall have full power and good Authority on a Vacancy, either of Death, Removal or Non-Conformity of any person so appointed by the said Act to Serve as Vestry-Men in the Said Parishes to Choose and Elect some other person or persons, Freeholders in their Said parishes, to Serve in the Room of those persons so dead, removed or not Conforming, to Meet at such time and place as they or the greatest part of them shall appoint, to qualify themselves, and after due Qualification to be held, deemed and esteemed of equal dignity to act and do in all things relating to Vestry-men to all Intents and purposes as if they had been named and appointed in the said Act.

And whereas, at the time of passing the aforesaid Act there was due from the precinct of Chowan to the Rev'd. McJn'o. Urnston, Miss'y, the sum of one hundred and ten pounds, which for want of proper Provision being made in the Said Act at the Same Time of Division of the said precinct into two parishes cannot now be levied and Collected without Authority of the Assembly; therefore,

III. Be it Enacted by the Authority aforesaid, that the Vestry-men of the No. East Parish of Chowan do sometime on or before the twenty fifth Day of November next ensuing the Ratification of this Act levy and Collect or Cause to be levied and Collected upon each and every Tythable person in the said respective parishes so much per pole as shall pay unto the said Rev'd. Jn'o. Urnston the aforesaid sum of one hundred and ten pounds, over and above the 5 shill. per pole mentioned in the said Act contained to the contrary thereof notwithstanding.

IV. And be it further Enacted by the Authority aforesaid, that each and every Vestry or the greatest part of them in the Several precincts in the said Act appointed shall, in Case of Vacancy by the Death or Removal of any Member or Members of the Vestry in any of the Several precincts or parishes have full power from time to time and at all times hereafter to elect and choose one or more Freeholders of their Said parish or precinct in such Vacancies, and such persons so elected, after qualifying themselves according to Law, to be held, deemed and esteemed and enabled to act as
Vestry-men to all intents and purposes as if they had been by the said Act nominated and appointed.

And whereas, that notwithstanding the falling of the Said Vestery aforesaid, the Inhabitants of the S. W. parish of Chowan precinct have employed a Minister and a Reader, whose Salaries have been paid by some particular persons of the Said parish;

V. Be it therefore Enacted by the Authority aforesaid, That the said Vestry have and they are hereby impowered to raise and levy such a pole Tax on the Inhabitants of the said parish as to reimburse and pay such persons the Several Sums before by them paid to the Uses aforesaid, anything in this Act contained to the contrary in anywise Notwithstanding.

And whereas, in the Vestry Act Sufficient power is not given to the Church Warden for the levying of all such Fines and Forfeitures as by that Act shall become due according to the Intents and meaning thereof,

VI. Be it therefore Enacted by the Authority aforesaid, that where any Distress, Fines or Forfeitures shall become due by means of the aforesaid Act that the Church Wardens in each and every of their respective parishes and precincts within this County have full power and Authority (either by himself or Warrant under his or their Hand, directed to the Constable or some other proper person), to levy and make Distress on the Estates of all and every person within their Several Limits and Districts for all such Failures, Fines and Forfeitures as by the Said Vestry Act shall become due, and the Same to dispose of as in and by the Said Act is provided, anything contained in the Said Act to the contrary in any wise Notwithstanding.

CHAPTER III.

An Act in Addition to the Act for Making a Town at Queen Ann's Creek.

Whereas, one hundred Acres of Land lying in the Fork of Queen Ann's Creek was formerly granted by Tho's Peterson and Nath. Chevin, Esq'rs, for a Town, and two Acres thereof assigned for a Church, Court House and other publick Uses, the remainder was to be laid out into half acre Lots and the said Tho. Peterson and Nath. Chevin, Esq'r's, as Trustees, were impowered by the said Act for making a Town to assign and transfer the Said Lots to such persons as would take them up and build on them in Such Time and according to Demension in the Said Act limited, but the said Tho. Peterson and Nath. Chevin being both now dead and there remains great part of the hundred acres not yet allotted, and no person being impowered to lay out and grant Lots it hinders the Increase of the Said Town, wherefore for promoting the Said Town We pray that it may be Enacted, and

I. Be it Enacted by his Excellency the palatin and the rest of the true and absolute Lords Prop'es of Carolina, by and with the Advice and Consent of the Rest of the Members of the General Assembly now met at the General Court House at Queen Anne's Creek in Chowan precinct for the No. East Part of the Said province, and by the Authority of the Same It is hereby Enacted, that the Remainders of the Said hundred Acres not allotted, granted and the Condition fulfilled shall be vested in Daniel Richardson, Esq'r, as Trustee, who is hereby impowered by himself, his Assigns or Attorney, to lay out the Remainder of the Said Hundred Acres in half Acre Lots, reserving in proper Places Sufficient Streets and a burying Place and Market, and Such Lots to grant and Confirm in Fee to those that will take them, upon Condition that the Grantee do build thereon according to the Condition of the Said Deed.
CHAPTER IV.

An Additional Act to an Act Intituled an Act Concerning Ordinary Keepers of Tippiling Houses.

Whereas, extravagant Prices is charged by Ordinary Keepers Selling Liquors imported into this Governam't by means of Liberty given in the said Act for Selling the Same at Cen't p'r Cen't, to remedy Which

I. Be it Enacted by his Excellency the palatin and the rest of the true and absolute Lords Prop'ts of Carolina, by and with the Advice and Consent of the Rest of the Members of the General Assembly now met at the General Court House at Queen Anne's Creek in Chowan precinct for the No. East Part of the Said province, and be it Enacted by the Authority of the Same, that the Several precinct Courts of this province are hereby impowered at every precinct Court to Assess the price of all Liquors to be Sold by Ordinary Keepers, all dyetting and Lodging people, Pasture and Provender for Horses.

II. And be it further Enacted by the Authority aforesaid, that the Clerk of every precinct Court shall Serve every Ordinary Keeper with a Table of the prices of the Liquors he shall Sell and of dyetting and lodging people, pasture and provender for Horses within ten Days after the Sitting of Such Court, under penalty of five pounds for such neglect, to be recovered and levied ag't Such Clerk by a Warrant from a Magistrate, wherein no Essoligm or Wager of Law shall be allowed to the Contrary.

III. And be it further Enacted by the Authority aforesaid, that at the receiving of Such Tables as aforesaid the Several Ordinary Keepers are hereby required to Sitt up the Same in Writing in the open and common Room where such Ordinary is, for the View of all persons, which Table of prices so sett up by the Court is the Rate to be observed by all such Ordinary Keepers to charge their Customers, and he or they presuming to Sell at an higher price than what is there rated shall and is hereby declared liable to the FINE of Five pounds for every Such Offence, to be recovered and levied by a Warr't from a Magistrate.

IV. And it is further Enacted, that for Neglect in any Ordinary Keepers Setting up Such Table as aforesaid Such Ordinary Keeper shall be liablie to the Fine of five pounds for Such Neglect, which Said Fine is likewise to be levied by a Warr't from a Magistrate, one half of Such Fines to the Parish where such Offence is committed and the other half to the Informer, to be recovered in Manner and form as aforesaid, where no Essoligm, Injunction or Wager of Law shall be allowed or admitted to the Contrary.

V. And be it further Enacted by the Authority aforesaid, that each Clerk so making out Such Tables and delivering the Same to the Ordinary Keepers aforesaid shall have a Claim on the publick for each Table Ten Shillings.

CHAPTER V.

An Act in Explanation of an Act Concerning Servants and Slaves.

Whereas, the Special Court appointed by the Said Act for the Tryall of Slaves have power thereby Granted them against Slaves convict before them to pass Judgm't for Life Member or other Corporal punishments, and it hath been ascerted that power is thereby granted to the Said Court if they see Cause to give Judgm't for the imprisoning any Slave, deeming it a
Corporal punishment, and inasmuch as the Imprisoning a Slave is an apparent Damage and Loss to the Master,

I. Be it therefore Enacted by his Excellency, the palatin and the rest of the true and absolute Lords Prop'ts of Carolina, by and with the Advice and Consent of the Rest of the Members of the General Assembly not met at the General Court House at Queen Anne's Creek in Chowan precinct for the N'o. East Part of the Said Province, and it is hereby Enacted, That Corporal punishments in that Case shall not be Construed to extend or include Imprisonment of the Offender, nor shall any such Judgment of the said Court hereafter to be passed, be good or Execution thereof be done.

CHAPTER VI.

An Act, to confirm a decree made in the Court of Chancery of this Province, upon a bill of complaint exhibited by William Duckenfield, Esq.

I. Whereas at a Court of Chancery, held the eleventh day of May, one thousand seven hundred and thirteen, upon the complaint of William Duckenfield, Esq., a decree was passed in these words, viz.

North Carolina, ss.

At a Court of Chancery held at the house of Capt. Thomas Lee, in Chowan Precinct, on Monday May the 11th, Anno Domini 1712.

PRESENT:

The Honourable THOS POLLOCK, ESQ.
President.

The Honourable THOMAS BOYD,
WILLIAM REED,
CHR. GALE,
TOBIAS KNIGHT,
Esqrs. Lords Proprietors Deputies.

"Upon reading the bill of complaint of William Duckenfield, of the Precinct of Chowan, Esq. this Day, therein setting forth, that he the said William Duckenfield, about sixteen years last past, was, and yet is, lawfully seized, in his demesne, as of fee, of and in one large tract or parcel of land in the precinct aforesaid, containing by estimation four thousand acres, bounding on Albemarle sound eastward and on Salmon creek westward, and being therefore so seized, one John Arderne, Esq. coming into this government and being something related to him the said Duckenfield by intermarriage, and the said John Arderne being in low circumstances and not in possession of any visible estate, he the said Duckenfield, the better to give credit and reputation to him the said Arderne, and to put him in the possession of a visible estate, thereby to advance himself, upon especial truth and confidence which he then reposed secretly in the said Arderne, by his deed sufficient in the law, bearing date the thirty first day of July, Anno Domini 1702, did grant, bargain and sell, unto the said Arderne the aforesaid tract or parcel of land containing four thousand acres; to have and to hold the same unto him the said Arderne, his heirs and assigns, for ever: which said deed mentions that the same was for and in consideration of the sum of two hundred pounds in hand paid, when in truth the said two hundred pounds was not paid, nor any part or parcel thereof, nor intended to be paid, nor indeed could the said Arderne pretend to pay the same; but the said deed was passed for no other reason than what is above alleged: and further, that the said deed was not only meant and intended
to be in trust, to the use of him the said Duckenfield esq. but, at the above time of making thereof, it was so declared and expressed, as well by the said Duckenfield, as by the said Arderne, in presence and hearing of divers witnesses, and not to the use of the said Arderne, other that in case the said Arderne should outlive him &c. And further that the said John Arderne did, as well at the signing the said deed as at divers times since, declare to divers persons, that he did not pay the two hundred pounds, and that the same deed was passed to him for no other use, intent, or trust, whatsoever, than that the same should absolutely return to him the said Duckenfield, in case he should outlive the said Arderne; and also, that the said Arderne, willing to make known to the world the many and uncommon favours he had received from him the said Duckenfield, by his last will and testament, in writing, bearing date the 22d day of October, 1707, doth make ample mention of the same, and that his intention was, to give all his estate both real and personal, that he was possessed of, or should have right to, to him, which he confirms, by divers assertions in the said will mentioned, as by the same may and will appear: notwithstanding which divers persons, injuriously designing to bring in question his the said Duckenfield’s title to the aforesaid four thousand acres of land, although he was never out of possession thereof, do give out, that the fee simple of the said land is not in him, but in the heirs of the said John Arderne, and the trust reposed by him the said William Duckenfield: And forasmuch as the said deed, in writing, is absolutely without any use declared or expressed therein, and without any trust in the same mentioned, and that the aforesaid will of the said John Arderne doth not make express mention that the same four thousand acres, commonly known by the name of Salmon creek, were given, devised and bequeathed unto him the said Duckenfield, and his heirs, for lack and want of knowledge in the law of the said John Arderne, how to use apt and express words for the granting and conveying the same back again to him, pursuant to the trust reposed in the said John Arderne, although the intent and meaning of the said Arderne so to do may be sufficiently proved and observed; and the said John Arderne being now dead, who could make appear that the allegations in this bill of complaint are true and certain and divers evidences or witnesses, as well to the said deed, who could prove the aforesaid use or trust declared and divers other witnesses which he could have produced to prove the same are some dead, others removed to parts unknown, some aged and impotent, and living far off, and not able to travel to this court, and others being transient persons, &c. do therefore pray, that a commission may be issued out of this court, directed to such persons as may be thought fitting, to examine such witnesses, in perpetuum rei memoria, as shall be produced by him the said Duckenfield, for the proof of the aforesaid use, or trust, &c. or also that by the decree of this court, he may be relieved in the premises, and the fee-simple of the aforesaid land be adjudged and decree to him, &c. And upon reading the several depositions taken by virtue of the aforesaid, commission out of this court, as also the will of the said John Arderne, and upon due and mature consideration thereon, this court are of opinion, that the said deed mentioned in the said bill was made only in trust and that no consideration was ever paid and satisfied, or intended to be paid or satisfied, for the same; and it is the opinion of this court likewise, that the said John Arderne’s intent and design, by his last will and testament, was to give and bequeath the same lands back again to him the said William Duckenfield, and his heirs forever, although express mention thereof be not made therein.

"Whereon this Court do declare, adjudge, order and decree, that the
aforesaid deed be nul and void, and that the aforesaid four thousand acres of land do revert, come and remain unto the said William Duckenfield, Esq. and to his heirs and assigns forever, without the least let molestation, or hindrance of any person or persons, claiming from, by, or under the aforesaid John Arderne, or his heirs, executors, administrators or assigns, or any from or under them, or either of them."

Ordered, decreed, and entered, by us, and our order, the above-said 11th day of May, Anno Domini, 1713.

Which decree, upon the prayers of the said William Duckenfield, having been carefully and duly considered by this Assembly;

II. Be it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the advice and consent of the rest of the members of the General Assembly, now met at the General court-house, at Queen Anne's creek, in Chowan precinct, for the North East Part of the said province, and it is hereby enacted by the authority of the same, that the decree, upon the bill of complaint of William Duckenfield, Esq. recited, passed, and inrolled in the court of chancery, the eleventh day of May, one thousand seven hundred and thirteen, and every part and parcel, article and clause therein contained, shall be and remain firm and available in law and equity, to all intents and purposes whatever contained therein, without being liable to any bill of reverse, or other process whatever to reverse and annul the same.
CHAPTER II.

An Act for making the Sum of twelve thousand pounds publick Bills of Credit, for exchanging such of the publick Bills of Credit as are now Current, thereby to render them the more Useful to the Gov't, and for regulating the Taxes.

Whereas, it is found by Experience that the publick Bills of Credit not yet paid into the publick Treasury are of very great Demand, and by their usefulness in Contracts and Bargains have gained a General Currency, and because most of them are very much Defaced and others being for such large Sums are not so Usefull;

I. Be it Enacted by his Excellency, the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, at Queen Anne's Creek, in Chowan Precinct, for the North-East Part of the said Province, and be it Enacted by the Authority of the Same, That Christopher Gale, Jn'o. Lovick and Edward Mosely, Esq'r., are hereby empowered and appointed to make out publick Bills of Credit to the Value of twelve Thousand pounds in manner following, that is to say: One Thousand of twelve pence each, one Thousand of two Shillings Each, one Thousand of two Shillings and six pence each, one Thousand of Five Shillings each, One Thousand of Seven Shillings and Six pence Each, One thousand of ten shillings Each, One Thousand of twenty Shillings Each, One Thousand of Forty Shillings each, One thousand of three pounds each, and nine hundred and twenty of five pounds Each, for which the Said Commissioners shall be allowed three pence p'r Bill, to be made without any determinate Time of Pay'mt; which Bills when made shall be Signed by the Said Christopher Gale, Jn'o. Lovick and Edward Mosely, who are hereby Commissioned thereto, and sealed with the Colony Seal, and then delivered into the hands of Edward Mosely, publick Treasurer, on or before the first Day of February next, in Order that the Said Edward Mosely may pay unto the respective high Sheriffs of the several Counties such Sums as shall be Necessary to answer the Claims allowed for the Said County, which said Claims the Sheriffs are obliged to pay to the Claimers without any Commission.

II. And be it further Enacted by the Authority aforesaid, that no publick Bills of Credit already issued shall have any Currency in this Govm't or be paid or received in any payments to be made in this Government after the first Day of August next Ensuing; But all and every person or persons having any publick Bills of Credit are hereby required to bring the Same to the said Edward Mosely on or before the first Day of August after the Ratification of this Act, to have them exchanged, The Said Edward Mosely being hereby required to exchange the Same, for which he shall be allowed fifteen shillings for every hundred pounds by him exchanged.

III. And be it further Enacted by the Authority aforesaid, that the Said Edward Mosely shall produce to the next Assembly which shall meet after the tenth Day of August all Such Old Bills as he shall have exchanged, that the Same may be compared with the Counter parts and burnt.

IV. And be it further Enacted by the Authority aforesaid, that the publick Bills of Credit by this Act to be issued shall be deemed, reconed and
taken to be good payment and Tender in Law for any of the rated Commodities of the Govern'mt or any other Money or payment whatsoever in as full and ample Manner to all Intents and Purposes as any Bills of Credit of this Govern'mt have heretofore been held, reputed and taken.

And if any person or persons refuse to take and receive the Same in Lieu of any paym't or Debt due in any of the Rated Commodities of this Govern'mt or other Money whatsoever, unless the Same be expressly mentioned Sterling Debt, wherein allowance shall be made only of fifty p'r Ct. thereon, he or they so refusing shall forfeit double the Value of Such Public Bills of Credit so refused, one half to the Use of the publick, the other half to him or them that shall Sue for the Same, to be recovered by Action of Debt, Bill, plaint or Information in the Gen'll Court of this Govern'mt, wherein no Essogn, Protection, Injunction or Wager of Law shall be allowed or admitted of.

V. And be it further Enacted by the Authority aforesaid, that if any person or persons shall Counterfeit any of the Publick Bills of Credit or shall aid or Assist any person to Counterfeit the Same, or shall utter or Dispose of any Counterfeit Bills of Credit, the Same being proved to be Counterfeit, Such person or persons offending in any of the premises shall be adjudged guilty of Felony without benefit of Clergy.

VI. And be it further Enacted by the Authority aforesaid, that from and after the Ratification of this Act the Land Tax and pole Tax which have been Established by Authority of Assembly for Sinking the publick Bills of Credit of this Govern'mt, and all and every part of any Act of Assembly or Clause of any Act relating to the Sald pole or Land Taxes are hereby repealed and declared Null and Void, And that the Act intituled an Act to encourage the Destroying of Vermin be repealed, and the Same is hereby repealed.

VII. And be it further Enacted by the Authority aforesaid, that from and after the Ratification of this Act there shall be a pole Tax of five shillings p'r pole levied and collected Yearly by the High Sherriff of each Respective County, or his Deputy, on all the Tythable persons in this Govern'mt for and towards the Defraying the Contingent Charges of the Govern'mt, for all which said Collections the said High Sherriff shall be accountable, as well for what shall be received by their Deputies as by themselves.

VIII. And be it further Enacted by the Authority aforesaid, that each and every Constable within this Govern'mt shall and they are hereby impowered required and commanded Sometime within five Days next following after the 20th Day of June Yearly to go from house to house to take an exact List from all the persons inhabiting and residing within their and every of their Districts or Liberties of the Number, Names and Quality of the Tythables residing within the Same, which List so taken they and every of them shall on or before the fifth Day of August Yearly then next following, together with a List of Such Tythables as they shall think concealed, make return upon Oath to the High Sherriff or his Deputy (which Oath shall be taken before any Justice of the precinct), under the penalty of twenty pounds for every Neglect, which Sald Sum shall be to the Use of the publick and shall be levied by a Warrant from any Justice of the peace upon Certificate thereof to him made by the respective high Sherriff or Deputy of any Constable having made Default herein.

IX. And be it further Enacted by the Authority aforesaid, That the Several persons who acted as precinct Treasurers and have received the List of Tythables for this present Year do deliver or Cause to be delivered to the
High Sheriff or his Deputy. And that all Lists of Tythables that are not delivered by the Respective Constables to the said Treasurers be delivered to the High Sheriffs or Deputies on or before the Last Day of December next, under the like penalty as in this Act is provided for Constables making Default and not returning their Lists.

X. And be it further Enacted by the Authority aforesaid, that the high Sheriff of each County or his Deputy shall be obliged to collect the precinct and parish Dues of each parish and precinct within this County in Case he shall be ordered by the Justices and Church Wardens, and that all Collections to be made by the Several High Sheriffs or Deputies, whether the same be publick, precinct or parish Taxes, shall be collected within the first Day of January and the last Day of April Yearly, and not at any other time, for which Collections he shall be allowed on his Acc't the Sum of fifteen p'r C't. The High sheriff giving Bond, with two good and Sufficient Securities, in the Sum of two thousand pounds to the Hon'ble the Gov'r, president or Commander in Chief for the time being, to and for the Use of the publick for the faithful performance of the said Collections and faithfull Discharge of the Same, and in Case of Refusal or non Paym't of the publick precinct or parish Charges the high Sheriff or Deputies shall have full power to make Distress on Such persons so refusing or neglecting.

XI. And be it further Enacted by the Authority aforesaid, That the High Sheriffs in making up their Acc'ts with the publick Treasurer do pay the Balance thereof in publick Bills of this province; And if in his payments of the parish or precinct Taxes to the Church Wardens or Justices he do not pay the Same in publick Bills of this province, That then he shall have Liberty to pay the Same in any the Rated Commodities of this Govern'mt at not more than three Landing Places within the Same parish or precinct.

XII. And be it further Enacted by the Authority aforesaid, That in the Collections of the publick, precinct and parish Taxes to be made by the Respective high Sheriffs or Deputies where payment shall be made in rated Commodities of this Govern'mt, Such persons so paying shall deliver the Same after it is received at such Landings as are most Commonly made Use of by such persons paying.

XIII. And be it further Enacted by the Authority aforesaid, that the High Sheriffs of every County do annually, on or before the first Day of June, make up the Accounts of his Collection of the publick Taxes with the publick Treasurer, on Oath, So as the same Accounts may be laid before the next Assembly which shall be held after the Acc'ts of Such Collections are made up, the publick Treasurer being hereby obliged to lay the Same before the Assembly.

XIV. And be it further Enacted by the Authority aforesaid, That Edward Mosely, Esqr., publick Treasurer, give Bond with Sufficient Security in the Sum of fifteen thousand pounds to the Gov'r, president or Commander in Chief (for the Use of the publick) for the Time being for his Faithfull Discharge of his Said Office and disposing of the publick Money as directed by this Act.

CHAPTER IV.

An Act for Enlarging and Encouragement of the Town called Edenton, in Chowan precinct.

Whereas, Thom's Peterson, late of Chowan Precinct, Esqr., dyed seized in his Demesene as of Fee a certain Tract of Land or plantation lying in the
Fork of Queen Ann's Creek, in Chowan precinct, containing two hundred and Seventy Acres, be the same more or less adjoining to the Lands of the Town now called Edenton, which Lands on the Decease of the Said Thom's did descend unto Ann, the Daughter of the Said Thomas; And, whereas, Johanna, the Mother of the said Ann, upon her humble petition to the General Biennial Assembly held for the Year 1715, obtained an Act of Assembly intitled an Act of impowering Johanna Peterson, Widow of Thom's Peterson, late of Albemarle County, Esq'r, to make Sale of certain Lands belonging to the said Tho's Peterson for Ann, Daughter of the said Tho's Peterson, to whom the Lands do Descend, Thereby impowering the said Johanna to make Sale of the Said Lands for the Benefit and Advantage of her said Daughter, and her better Advancement, and the Said Lands remaining as yet unsold and lying very convenient to be added to Edenton for the Enlargement of the said Town; and the said Johanna referring the Valuation thereof to the Assembly,

I. Be it Enacted by his Excellency, the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, at Queen Anne's Creek, in Chowan Precinct, for the North-East Part of the said Province, and it is hereby Enacted, that the Lands already laid out for the Said Town called Edenton, together with the aforesaid Tract of Land, two hundred and Seventy Acres lately belonging to the Said Tho's Peterson adjoining to the said Town, be henceforward invested in Christopher Gale, Jn'o. Lovick and Edward Mosely, Esq'rs, and Nicholas Crisp, to and for the Uses aforesaid, And declared confirmed and incorporated into a Township by the name of Edenton, with all privileges hereafter expressed for ever, pursuant to which

II. It is hereby Enacted, That the places already laid out for a Church and a Court House, a burying place and a Market place be reserved for their Uses, and that the Rest of the Land formerly Invested in Daniel Richardson, Esq'r, and already laid out into Lotts of half an Acre each or there abouts be disposed of by the Commiss'r aforesaid as hereafter in this Act is directed.

III. And be it further Enacted by the Authority aforesaid, that the two hundred and Seventy Acres of Land aforesaid mentioned and now by this Act incorporated into the Town of Edenton be forthwith laid out into proper allotments and appropriated to and for the Uses expressed, Viz't: One hundred and forty Acres most convenient to the Creek and nearest on a Square into Lotts of half an Acre, with Convenient Streets and Passages, which Lotts so laid out shall be Sold at publike Vendue or Outcry to the highest Bidder and the Money arising thereof accounted for and paid by the Treasurer hereafter mentioned to the publike Treasurer of this Governm't, in order to reimburse the Publike for the first Purchase after necessary Charges are deducted; and that the Land wherever the Houses now stand, together with eight Acres next adjacent thereunto, shall be appropriated to and for the Uses and Benefit of the Gov'r, president or Commander in Chief of this province his Residence for the time being for Ever, and the Rest and Residue of the said Land shall be, continue and remain as a Common for the Use of the Inhabitants of the Town for Ever.

Provided always, that in Case the Gov'r, president or Commander in Chief for the time being shall not think fit to reside on the Land appointed for that Use, That then and at Such Times the same shall be at the Disposall of the Commiss'rs aforesaid for the Uses of the publike 'till such Time as the
Govern'r, president or Commander in Chief for the time being shall dwell thereon.

IV. And be it further Enacted by the Authority aforesaid, that the Said Christopher Gale, Esq'r, shall be present Treasurer and Receiver of all Moneys arising by the Sale of the said Lotts, and on his Death or Departure out of the Governm't then the first Commiss'r shall Succeed and be Treasurer for the time being, giving Security to the Justices of the precinct Court that he will be accountable for the Moneys he shall receive according to the Directions of this Act.

V. And be it further Enacted by the Authority aforesaid, That every person whatsoever who is willing or desirous to be an Inhabitant of the said Town shall have Liberty to take up any Lotts or Lott so laid out as aforesaid and not before taken up, which Lott or Lotts the Commiss'rs afore appointed or any three of them, whereof the Treasurer to be one, are hereby required, directed and impowered to grant, convey and acknowledge to the Persons so taking up the Same and to his Heirs and Assigns for Ever in Fee Simple, to Wittt, if the said Lott or Lotts be part of the One hundred and forty Acres, then upon the Consideration before expressed, and if part of the Land which was formerly laid out and invested in Daniel Richardson, Esq'r, then upon the payment of thirty shillings for each Lott, Twenty shillings whereof shall be paid to the said Daniel Richardson, Esq'r, to his Heirs and Assigns, and the other Tenn Shillings shall be appropriated to the Use of the Church, to be disposed of as by the Vestry of the N. E. parish of Chowan shall from time to time be directed and appointed.

Provided always, that what person so ever shall take and purchase as in Manner before directed and shall not build or Cause to be built thereon within two Years after the Date of the said Conveyance a good, Substantial, Habitable House, not of less Demensions than twenty feet long and fifteen feet in Width, besides sheds and Leanto's, or make Such preparations for so doing as the Commiss'rs or any two of them shall judge reasonable to secure the Same, Every such Conveyance shall be and is hereby declared Void and of None Effect as if the Same had never been made, and that the Said Lott or Lotts be free and clear for any other person to take up and purchase in Manner as is before directed.

Provided further, that all Moneys arising by the Second or other the Sales of the Said Lotts shall be and it is hereby appropriated to the Use of the parish, first for the building of a Church and afterwards to such other Uses as the Church Wardens and Vestry shall think fit, Except twenty shillings of the Money arising by the Second Sale or Lapse of Such of the Lotts as belong to the Land first laid out for the said Town, which shall be paid to the Said Daniel Richardson, Esq'r, his Heirs or Assigns.

VI. And be it further Enacted by the Authority aforesaid, that the Commiss'rs aforesaid or any two of them shall have full power and Authority and they are hereby impowered and required and Commanded to remove all Nusances within the Limits of the afores'd Town, and that no persons Inhabitants of the Said Town or holding Lotts there shall Enclose 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 paled in or done with posts and Rails.

VII. And also, as a further Encouragement to the Settlement of the Said Town, Be it also Enacted by the Authority aforesaid, that from and after the 25th Day of March next after the Ratification of this Act the following publick Officers shall and are hereby required under the penalty
of five pounds p'r Month to keep their Several and respective Offices by themselves or Sufficient Deputies within the Said Town of Edenton, viz't:

Chief Justice
Secretry
Attorney Gen'll
Survey'r Gen'll
Provost Marshal for the County of Albemarle
Escheator Gen'll
Collector
Comptroiler
Naval Officer
Register of Deeds and Writings in Chowan
Receiver of Powder.

which Said Fines shall be recoverable by Bill, plaint or Information in the Gen'll Court of this province, one half to the Church Wardens and Vestry of the No. East parish of Chowan, the other half to him or them that shall Sue for the Same, and that all Musters for the Company adjoining to Edenton, Election of Burgessess and all Bussiness and Affairs of the like Nature w'h properly belong to the s'd Precinct shall be taken, done and Transacted within the s'd Town of Edenton, and no other place or places whatsoever. Provided allways, that the said Officers shall not be Obliged to keep their s'd offices in the said Town untill there shall be a Councill Room & Gaol built in the said Town.

VIII. And be it further Enacted by ye authority afo'd, that all Persons possess'r's or owners of Lotts in the s'd Town shall and they are hereby Obliged within two years after the ratification of this Act to take care and Clear all such Lotts so held and possessed by them from all manner of Wood, underwood, or Grubbs that are or may be offensive to the s'd Inhabitants, and shall so keep and maintain the same from time to time and at all times hereafter as often as need shall require, under the penalty of five Shillings p'r m'th, to be recovered before any Justice of the peace, one half to the Informer & the other half to the Vestry for the use of the Parish.

IX. And be it further Enacted by the Authority aforesaid. That in Case of the Death or Departure out of the Governm't of any of the afores'd Commiss'r's at any time or times and at all times hereafter the Remaining part of the Said Commiss'r's are hereby fully authorized and impowered to make Choice of some other person or persons to Succeed Such Commiss'r or Commiss'r's so dying or departing as aforesaid, which person or persons so elected and Chosen shall and they are hereby invested with all full power and Authority to all Intents and purposes whatsoever as the present Commiss'r now herein nominated and appointed, that so the full number of the Commiss'r's may always be kept up and full.

X. And as a further Encouragement to the said Town being the Metropolis of this Governm't, it is Enacted, that at the next Biennial Election for Members of Assembly the Inhabitants of the said Town shall have Liberty to elect a Representative to Sitt in the Gen'll Assembly of this province and shall have the like Liberty in all Succeeding Assemblies, and to encourage the Better Settlement of Bath Town in Bath County.

XI. It is hereby Enacted, That at the next Biennial Election of Members of Assembly the Inhabitants of the Said Town shall have Liberty to elect a Representative for the Said Town to Sitt in the Gen'll Assembly of this province, and shall have the like Liberty in all Succeeding Assemblies.

XII. And be it further Enacted by the Authority aforesaid, that the said Johanna do receive out of the publck Treasury the Sum of two hundred and fifty pounds for the Use of her said Daughter, the same being adjudged by this assembly the full Value of the said Lands, and that the Said Johanna do give good Security for appropriating the Said Moneys to the best advantage of Ann, her Daughter; Also the sum of Fifty pounds for the Value of the improvements made by the Said Johanna.
LAWS OF NORTH CAROLINA—1722.

CHAPTER VI.

An Act concerning fees and Officers.

Whereas, Provision has been made by Authority of Assembly That such Business belonging to the Several Courts for which Fees were not ascertained Should be taxed by the Justices until the Same was confirmed or disallowed by the Assembly; Wherefore, for the better ascertaining Such Fees as were not mentioned in the List or Table of Fees,

I. Be it Enacted by his Excellency, the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, at Queen Ann's Creek, in Chowan Precinct, for the North-East Part of the said Province, and it is hereby Enacted by the Authority of the Same, That the Fees following shall be added to the List of Officers' Fees, Vis't:

Comptroller's Fees.

£ Shill. d.
For entering, clearing and all Fees relating to his Office... 0 : 7 : 6

Judge of Admiralty's Fees.

£ Shill. d.
In cases of Doct. Vessels, Seamen's Wages or other Suit exceeding twenty pounds Value recovered, for the first Day... 3 : 0 : 0
For every Day more than One... 1 : 10 : 0

Register's Fees in the like Cases.

£ Shill. d.
For drawing the Libell to be paid to the Advocate... 0 : 7 : 6
Registering the Same... 0 : 7 : 6
Answer and Registering... 0 : 3 : 9
Affidavit and Deposition and Oath... 0 : 1 : 6
For a Decree... 0 : 3 : 0
Copy... 0 : 3 : 9
Dismissal... 0 : 1 : 6
Continuance... 0 : 1 : 6
Citation... 0 : 3 : 0
Summons for each Evidence... 0 : 1 : 6

Marshal's Fees in the Court of Adm'ty in the like Cases.

£ Shill. d.
Serving a Citation, Seizing and Return... 0 : 7 : 6
Serving a Decree and return, above five pounds... 0 : 15 : 0
For every pound above twenty pounds... 0 : 0 : 6

Chief Justice's Fees.

£ Shill. d.
For a Writt... 0 : 3 : 0
For Fylying a Declaration, Plea and War't of Attorney... 0 : 2 : 9
For a Copy of a plea attested... 0 : 1 : 0
For a Subpoena... 0 : 1 : 0
For a Retraction... 0 : 1 : 3
For a Scire facias... 0 : 2 : 6
For Entering Judgm't or Respit... 0 : 1 : 0
For Entering a Rule of Court .......................... 0: 0: 9
For theVenire for every Action that goes to ye Jury 0: 1: 6
For swearing every Evidence .......................... 0: 0: 6
For reading a Bond or other Paper ....................... 0: 1: 0
For taxing Costs ........................................... 0: 2: 4
For a Writt of Enquiry .................................... 0: 2: 6
For entering an Action in the Judge’s Book that goes to the jury 0: 3: 0
For Execution .............................................. 0: 2: 6
For every special Court and Attendance thereon ......... 1: 0: 0
For Searching the Record of the Court .................. 0: 1: 0
For entering Satisfaction .................................. 0: 1: 0
For a Copy of a Record attested .......................... 0: 1: 0
For the Allowance of a Writt of Error ..................... 0: 5: 0
For Ball taken before the Judge .......................... 0: 5: 0
For confessing Judgment ................................... 0: 1: 3
For admission of any person to be Attorney at Court .... 1: 0: 0
For filing the Writt returned by the Marshal ............... 0: 1: 0
For filing a Bill, Bond or other Writing .................. 0: 1: 0
For Entering the Verdict of a Jury ........................ 0: 1: 0
For a Bond from him who sueth by Letter of Attorney, to pay Costs and Damages if Cast ......................... 0: 2: 6
For a Replevin and Bond ................................... 0: 3: 9
For giving Judgm’t on a Special pleading, if the Action be above fifty pounds ....................................... 0: 10: 0
If under 50 Pounds .......................................... 0: 10: 0
For receiving and entering an Injunction ................... 0: 7: 10
For Signing a Testimonial of a Woman’s Exam’n and renouncing her Right of Dower .............................. 0: 10: 0
For the Judge’s Book for Every Cause entered to be tried that Court, if above ten pounds .......................... 0: 5: 0
If under ten pounds ......................................... 0: 2: 6
For a Return of a Certiorari ............................... 0: 4: 9

II. And be it further Enacted by the Authority aforesaid, That in Case any Business to be done by any Officer in this Govern’t for which there is not any Fee ascertained in this Act or the Act intituled an Act ascertaining Officers’ Fees, it shall and may be lawful for the president or Commander in Chief for the time being, with major part of the Council, to appoint a Fee for the Same as near as may be in Value to the Fees ascertained by act of Assembly for Business of the like Nature, which List of Fees when so appointed shall be laid by the president or Commander in Chief for the time being or the Officer to whom such Fees belong before the lower House of Assembly at their next meeting after Such Appointment for their Allowance thereof, which Fees shall and may be lawful for the said Officer to take until the Meeting of the next Assembly after such Appointment and no Longer, unless allowed by the said lower House of Assembly.

III. And be it further Enacted by the Authority aforesaid, That in Case the said lower House of Assembly shall not allow of Such List of Fees so appointed by the president or Commander in Chief for the time being It shall not be lawful afterwards for any Officer or Officers on any pretence whatsoever to have or take any Fees for such Business other than what shall be appointed by both Houses of Assembly.

IV. And be it further Enacted by the Authority aforesaid, That no Officer
or Officers whatsoever shall presume to ask, take or receive any other greater or higher Fees than is appointed in this Act and the Act intituled an Act ascertainment Officers' Fees, under the penalty of fifty pounds for every Default, one half to the Informer the other half to the Vestry for the Use of the parish where such Offence shall be committed, to be recovered in any Court of Record within this Governn't, wherein no Essoign, protection, Injunction or Wager of Law shall be allowed or admitted of; Provided the prosecution be within three months after the Offence Committed.

V. And be it further Enacted by the Authority aforesaid, That the following Offices for Bath County, Viz't, the Collector's Office, the Navall Office, the Sherriff's Office, the Clerks Office and the Impos't Office for Beaufort and Hyde precincts shall be helden and Kept in Bath Town; The Sherriff's Office and the Clerk's Office for Craven precinct shall be helden and kept in Newburn Town, and all Officers herein mentioned who shall neglect or refuse to hold their Said Offices as in this Act is appointed, either by themselves or Sufficient Dep'tles, shall forfeit and pay for such his Neglect or Refusal the Sum of five pounds for every Month he so neglects or refuses from and after the time limited in this Act, to be recovered in any Court of Record within this Governn't, wherein no Essoign, protection, Injunction or wager of Law shall be allowed or admitted of.

VI. And be it further Enacted by the Authority afo'd, That all the Several Officers in this Governn't shall within the term of three Months from the Ratification of this Act Set up in publick View in some convenient Place where his Said Office is kept or holden a plain List or Table of Fees belonging to his or their Offices, under the penalty of fifty pounds, one half to the Informer, the other half to the Use of the publick, to be recovered by Bill, plaint or Information in any Court of Record within this Governn't, wherein no Essoign, protection, Injunction or Wager of Law shall be allowed or admitted of.

VII. And be it further Enacted by the Autho'ty afo'd, That every publick Officer in this Governn't that shall have, take or receive or demand any Fees in this Government from any person or persons whatsoever, such Officer so taking, receiving and demanding shall be obliged immediately, if asked or thereunto required, to make out a Tickett of the Several Articles of Such his Fees so taken, received or demanded, and Subscribe his Name thereto and deliver the Same to Such person or persons from whom such Fees shall be taken, received or demanded, under the penalty of five pounds, one half to the Church Wardens and Vestry for the Use of the parish where such Officer shall reside, the other half to him or them that shall Sue for the Same, to be recovered by Action of Debt, Bill, plaint or Information in any Court of Record in this Governn't, wherein no Essoign, protection, Injunction or Wager of Law shall be allowed or admitted of.

VIII. And be it further Enacted by the Autho'ty afo'd, That the Fees which shall be due to any Officer in this Government shall be recoverable on Distress to be made by the high Sherriff of the County only, or his Deputy, on the Goods of the Debtors in Case of Refusal to pay the Same between the first Day of January and the last Day of April Yearly, and at no other times, and then only upon Such Officer's delivering unto the Said High Sherriff or his Deputy a Ticket containing the Separate Articles of the Several Fees demanded by such Officer, to every of which Tickets such Officer shall subscribe his Name, having first made Oath before a Justice of the peace that he hath not received part or parcell of the Same.

IX. And be it further Enacted by the Authority aforesaid, that no high Sherriff or Deputy shall presume to make such Distress for any Fees due to
any Officer or to ask, take or receive of any person whatsoever on the
Behalf of any Officer any Fees whatsoever without immediately delivering
to Such person or persons the Ticket whereby he demands the Same, on the
Back of which Such high Sherriff or Deputy shall write his Name, under the
penalty of Five pounds, one half to the Church Wardens and Vestry for the
Use of the parish, the other half to him or them that shall Sue for the Same,
to be recovered by action of Debt, Bill, plaint or Information in any Court
of Record in this Governm't, Wherein no Essoign, protection, Injunction or
Wager of Law shall be allowed or admitted of.

X. And be it further Enacted by the Authority aforesaid, That from and
after the Ratification of this Act the Chief Justice for the time being shall
have full power and Authority to determine any matter, Cause or thing which
heretofore might have been determined by any two Justices of the peace of
this province by an Act intituled An Act for the Trypto of Small and mean
Causes.

XI. And be it further Enacted by the Authority aforesaid, That for the
future the publick shall never be charged for Lists of Rates allowed by the
precinct Court for the Ordinary Keepers to Sell by, but that the same be paid
by the Ordinary Keepers, so as the Fees thereof do not annually exceed
Tenn shillings.

CHAPTER VII.

An Act, appointing that part of the South-West Parish of Chowan that lies
on the South Shore, and Alligator, to be a Distinct Parish, by the Name
of South Parish of Chowan; and for Appointing Vestrymen for the said
Parish.

I. Whereas the Inhabitants of that Part of Chowan, and Alligator, have
petitioned the General Assembly, to be a separate Parish from the West
Shore of Chowan, and it being apparent that it is very much to the Prejud-
ice of the said inhabitants to remain as Part of the aforesaid Parish.

II. Be it Enacted, by his Excellency the Palatine, and the rest of the
true and absolute Lords Proprietors of the Province of Carolina, by and
with the Advice and Consent of the rest of the Members of the General
Assembly, now met at Edenton, at Queen Anne's Creek, in Chowan Pre-
cinct, for the North-East Part of the said Province, and it is hereby Enacted
by the Authority of the same, That the South Shore of Chowan, from Alliga-
tor River to the East Side of Welch's Creek, including all the Land on the
Sound, and Morattuck, lying within the Bounds aforesaid, shall be, and is
hereby appointed a separate Parish, by the Name of the South Parish of
Chowan; and that the said Parish do enjoy all such Liberties and Immuni-
ties as all other Parishes in this Government can or may have.

III. And be it further Enacted, by the Authority aforesaid, That the fol-
lowing Persons are hereby appointed Vestrymen for the said Parish, viz.

John Worle, Esq., Mr. Joseph Turner, Mr. John Edwards, Cullen Pollock,
Esq., Mr. Samuel Spruill, Mr. Jacob Blount, Capt. William Downing, Mr.
James Long, Mr. Thomas Long, Mr. William Ludford, Mr. Joseph Spruill,
Mr. John Worley, Which said Vestrymen shall be, and they are hereby in-
vested with all such Privileges and Authorities, and subject to the same
Penalties and Forfeitures within the said Parish, as in and by an Act, inti-
tuled, An Act, for Establishing the Church, and appointing Select Vestries,
is and are given to the Churchwardens and Vestry of the several and re-
spective Parishes in the said Act mentioned.
IV. Provided nevertheless, That all those Inhabitants of the said Parish now appointed by this Act, which formerly belonged to the South-West Parish of Chowan, shall pay their ratable Part of Taxes, to the Churchwardens of the said South-West Parish, to pay and satisfy the Debts now due from the said Parish, and to make good their agreement with the Reverend Mr. Newname; and that on default of any of the said Inhabitants to pay such Levy, as shall be laid by the Churchwardens and Vestry of the South-West Parish of Chowan aforesaid, for the Use aforesaid, that they be, and they are hereby made subject to the same Penalties and Forfeitures as they should have been, before the Division was made; any Thing before contained in this Act to the contrary, in any-wise notwithstanding.
LAWS OF NORTH CAROLINA--1723.

CHAPTER I.

An Act to provide indifferent Jurymen in all Causes, Civil and Criminal.

That Indifferent Jurors in all Courts of Judicature within this Governm't for Tryals hereafter to be had may be had, and that the Charge and Appearance thereon may be equally born by all and every the respective persons therein hereafter qualified to Serve upon Jury.

I. Be it Enacted by his Excellency the Palatin and the rest of the true and absolute Lords prop're of Carolina, by and with the Advice and Consent of the rest of the Members of this present Gen'll Biennial Assembly, now met at Edenton for the No. East part of the Sald Province, and it is hereby Enacted, that no person shall be a Juryman in the Gen'll Court to be held for the province but such whose Names are written in the List hereunto annexed, or Such which hereafter shall be added by Authority of Assembly, and if any other person or persons Shall be Summoned to Serve as a Juryman and returned in the Gen'll Court for this province it shall be a good Challenge for either party, and the persons so returned shall be discharged upon the Said Challenge.

II. And be it further Enacted, that before the Conclusion or breaking up of every Gen'll Court the Justices or Judges of the Said Court, in open Court, shall cause a Child not exceeding ten Years of Age to draw forth from a Box for that purpose the Names of twenty four persons mentioned in the List aforesaid, which persons shall be Summoned and returned to serve as Jurymen at the next Succeeding Court.

III. And be it further Enacted by the Autho. aforesaid, That at the opening of every Court after the Names of the persons Summoned shall be called over and their Appearance or Neglect Entered, and in Case above twelve does appear then the Court shall Cause a Child under Ten Years of Age, in open Court, to draw out of a Box for that purpose Twelve of the Names of those that make their Appearance, and those persons only shall be the Jury to Serve that Court. Provided always, that if it shall happen that any of the Jury for Reasons according to Law shall be challenged, then the Court shall cause their places to be filled up out of Such of the Rest of the twenty four as made their Appearance, to be elected by Lots as is afore appointed. And provided also, that for want of a Sufficient Number of Jurors appearing to Serve as aforesaid it shall and may be lawful for the Judges or Justices of the Said Court to order the Marshal to Summon as Indifferent Jurymen as he possibly can out of any of the Free holders in the Sald List that shall be at Such Court, which Said Freeholders so summoned by the Marshal shall be deemed and taken as Sufficient Jurors as those drawn and Summoned could have been had they appeared, anything before recited in this Act to the Contrary Notwithstanding.

IV. And be it further Enacted by the authority aforesaid, That no person whatsoever which has been once drawn and Summoned to Serve as a Juryman shall again Serve before the Names of every person put in the Gen'll Box for Jurymen be drawn out and returned to Serve as Jurymen, and every person qualified to Serve by this Act, which shall be duly chosen and Summoned and returned, which doth not appear, or after appearance doth absent himself from the Said Court before the Said Court shall discharge him, shall forfeit thirty shillings, to be levied by the Marshal by order of
the Court and paid to the Church Wardens and Vestry of the parish where
the Offender dwelleth, for the Use of the parish, and no Juryman making
default shall beSaved but by special Order of the Court for some just and
reasonable Cause, proved upon Oath and certified to the next Succeeding
Court, and no man shall be taken to be duly summoned which hath not been
Summoned at least twenty Days before the Day on which he ought to appear,
and every person shall be deemed to be duly Summoned when a Note of
Summons is left at his respective Dwelling, altho' such person shall not be
personally Summoned.

V. And be it further Enacted by the Authority aforesaid, that the Several
Sherriffs and Marshals in this Govern'mt and every respective Judge or Ju-
stice of the Gen'l Court shall on or before the Conclusion of the next Gen'l
Court Swear in open Court that he will as far as he may or can, either by
his Knowledge or Information, follow, observe and keep the Rules and
method, manner and way of choosing Jurymen for each Court to be holden
in this province according to the true Intent and meaning of this Act, and
every Justice, Judge, Sherriff or Marshall which shall be hereafter appointed
shall take the Same Oath before he execute any part of his Office, and every
Judge, Justice, Sherriff, Marshall, Officer or minister which shall neglect,
refuse or omit to observe and keep all or any of the Rules, Orders, Clauses
or things in this Act appointed to be observed and kept shall for each Default
forfeit one hundred pounds, one Molety thereof to him or them that will Sue
for the Same, the other to be paid to the publick Treasurer, to be disposed
of as the Assembly shall think fit, to be recovered by Bill, plaint or Infor-
manation in any Court of Record within this Govern'mt, wherein no Injunction,
protection or Wager of Law shall be allowed or admitted of.

VI. And be it further Enacted by the Authority aforesaid, That every
Justice or other Officer of any and every precinct Court in this Govern'mt
shall observe, perform and keep the Same Rules and Ways in choosing Ju-
rymen for the Said Court within their Several precincts as by this Act is
appointed for the Gen'l Court, under the Same penalties and forfeitures as is
before in this Act provided.

Provided always, that the Jurors which are or shall be drawn to serve
respectively in the precinct Courts shall be from a List only of such of the
persons in the List Annexed or to be annexed as are Inhabitants of the Dis-
tricts of the Said Courts.

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<td>Ben: Wood</td>
<td>109</td>
</tr>
<tr>
<td>Wm. Moor, Sen'r.</td>
<td>110</td>
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<thead>
<tr>
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<tbody>
<tr>
<td>Rog'r. Kennlon</td>
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<tr>
<td>Jn'o. Adams</td>
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<td>Martin Holt</td>
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<td>Jno: Howell</td>
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<td>Jno: Touchburg</td>
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<td>Anh: Macheel</td>
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<tr>
<td>Tho: Worsley, Jn'r.</td>
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<tr>
<td>Lionel Reading</td>
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<tr>
<td>Wm. Masters</td>
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<tr>
<td>Jn'o. Bathurst</td>
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<tr>
<td>Walter Jones</td>
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<td>Jn'o. Jackson</td>
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<td>Ed. Perce</td>
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<tr>
<td>Tho: Bathurst</td>
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<td>Jn'o. Brock</td>
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<td>Wm. Putnel</td>
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<td>Jos: Porter</td>
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<td>Tho: Pasfield</td>
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<td>Wm. Sigley</td>
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<td>Jn'o. Rigney</td>
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<td>Moses Barras</td>
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<tr>
<td>Evan Jones</td>
<td>45</td>
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<tr>
<td>James Lee</td>
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A List of Jurymen in Beaufort and Hyde Precinct.

<table>
<thead>
<tr>
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<th>Number</th>
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<tbody>
<tr>
<td>Abra. Pritchard</td>
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<tr>
<td>Tho: Wood</td>
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</tr>
<tr>
<td>Jno. Bond</td>
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<tr>
<td>Rob't. Campahn</td>
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<td>James Shingleton</td>
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<td>William Daw</td>
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<tr>
<td>Ed. Flanakin</td>
<td>53</td>
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<tr>
<td>Wm. Lewis, Jn'r.</td>
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<tr>
<td>Wm. Jones</td>
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<tr>
<td>Tho: Henderson</td>
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<tr>
<td>Wm. Carruther</td>
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<tr>
<td>Jno. Carruther</td>
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<tr>
<td>Jn'o. Martin</td>
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<td>Wm. Wain</td>
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<td>Wm. Williams</td>
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<td>Tho: Bonner</td>
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<tr>
<td>Wm. Sigley</td>
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<tr>
<td>Francis Lenare</td>
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<tr>
<td>Jno. Chester</td>
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<tr>
<td>Peter Price</td>
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<tr>
<td>Wm. Lewis</td>
<td>67</td>
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<tr>
<td>Jos. Morgan</td>
<td>68</td>
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<tr>
<td>Jos: Tart</td>
<td>69</td>
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</tbody>
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Lazarus Holme 70 Wm. Cording 87 Jn'o. Sullivan 104
Rich. Harvey 71 Ed. Stafford 88 Jn'o. Davis 106
Tho. Jackson 72 Jn'o. Fourman 89 Cor. Tice 106
Jos. Hall 73 Wm. Barrow 90 Jn'. Slade 107
Jn'o. Adams, Jr. 74 Henry Eburn 91 Rich: Brice 108
Henry Bailey 75 Wm. Windley 92 Rog'r. Mason 109
Rich: Silvester 76 Jam: Welch 93 Fos: Jarvis 110
Oliver Smith 77 Colum Flin 94 Tho: Tooly 111
Rich: Ptt. 78 Tho: Duvaln 95 Sam'l Jasper 112
Phillip Bayner 79 Ed. Wlln 96 Jn'o. Leith 113
Jn'o. Wright 80 Simon Bright 97 Tho: Gooding 114
Jam: Bright 81 Abra: Wilkinson 98 Ed. Hadley 115
Jn'o. Harvey 82 Ezek: Weeks 99 Tho: Giddens 116
Wm. Martin 83 Daniel Cox 100 Benj. Slade 117
Rob't. Spring 84 Tho. Philip 101 Jn'o. Giddoons 118
Wm. Webster 85 Char: Smith, Jn'r. 102 Ben. Sanderson 119
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A List of Jurymen in Craven Precinct.

Tho. Martin 1 Chris Lecher, Miller 16 Jac'b. Sheets 31
Wm. Dupolze 2 Jn'o. Lecher, Miller 17 Mich. Resabel 32
Wm. Hudson 3 Jacob Miller 18 Ed. Garling 33
Jn'o. Tanayhill 4 Matt. Ressenover 19 Peter Real 34
Tho. Jones 6 Ad: Moor 21 Martin Frank 36
Rob't. Watson 7 Geor: Mites 22 Randolph Fisher 37
Tho. Masters 8 Caleb Metcalf 23 Jn'o. Biggs 38
Fran. Nill 9 Peter Handy 24 Francis Dawson 39
Wm. Smith 10 Jn'o. Tumveal 25 Dan: Shine 40
Wm. Handock 11 Jn'o. Dipp 26 Jos. Edmondson 41
Cor. Lottin 12 Jn'o. Simons 27 Char. Hopton 42
Leo'd. Lottin 13 Henry Perk 28 Jn'o. Fulpher 43
Jn'o. Slocumb 14 Hen. Perlerbo 29 Alex. Nelson 44
Chris: Iser 15 Jn'o. Wixdell 30

A List of Jurymen in Carteret Precinct.

Rich: Rustull, Esq'r. 2 Tho: Gilllikin 12 Char. Coxdell 22
Enoch Ward 3 Robt. Strey 13 Wm. Wills 23
Rich: Whitehouose 4 Rob't. Atkins 14 Levi Cressey 24
Jos. Hulford 5 Rich'd. Harvey, Jr. 15 Jn'o. Shaw 25
Ed. Ward 6 EDM'd Ennitt 16 Jn'o. Fraser 26
Ross Bell 7 Mich. Packquenel 17 Jn'o. Hatten 27
Wm. Shubridge 8 Rob't. Osborn 18 Wm. Noble 28
Jn'o. Jarret 9 George Coxdell 19 Daniel Mackdaniel 29
Rich: Williamson 10 David Shepert 20
LAWS OF NORTH CAROLINA—1723.

CHAPTER II.

An act entitled an additional act relating to biennial and other assemblies and regulating elections and divers other things relating to towns.

Whereas by the act entitled an act relating to biennial and other assemblies and regulating elections and members; and by a late act entitled an act for enlarging and encouragement of the town called Edenton in Chowan precincts the inhabitants in several towns in this government have liberty to elect a representative to sit in all succeeding assemblies but there being no particular directions how such representative or the votes shall be qualified for the better regulating thereof.

I. Be it Enacted by his Excellency the Palatin and the rest of the true and absolute Lords prop'res of Carolinu, by and with the Advice and Consent of the rest of the Members of this present Gen'll Biennial Assembly, now met at Edenton for the No. East part of the Said Province, and it is hereby Enacted by the authority of the same, That no person or persons shall be admitted representative or Burgess for any town in this government unless he be a freeholder or owner of a saved lott in the said town and hath been so for eighteen months preceding the said election and doth constantly maintain and keep an habitable house thereon.

II. And be it further enacted by the authority aforesaid, that no person or persons whatsoever shall be admitted to elect or vote for a representative or Burgess for any town in this government unless he be an owner of a saved lott in the said town and doth constantly keep an house or houses in repair thereon not lett or tenanted to and by a person capable of voting in the said town, though not residing therein. Provided notwithstanding that where any person who hath paid the preceding year's levy or pole tax doth rent and live in and on any such house or lott in the said town not tenanted shall have a right of voting for a representative or Burgess, but if the tenant by law have not a right to vote, then the owner thereof and not the tenant shall have the vote and no other person or persons than what are above expressed, shall have any vote for any member or representative in such towns, any law usage or custom to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, that no person or persons whatsoever, not having resided within this government eighteen months next preceding any succeeding elections shall be capable of being elected or chosen as a representative or member of assembly for any town or precinct within the government.

IV. And be it further Enacted by the Authority aforesaid, That the Commiss'rs of Edenton or any two of them may and they are hereby impowered to appoint a Scavanger and also to adjudge what things shall be Nuisances (saving Appeal to the Gen'll Court) and to what person soever owner of any Lott or Lotts within any Town in this Governm't or other Inhabitant therein shall neglect or refuse to remove anything so adjudged a Nuisance within Seven Days, the Said Commiss'rs or any two of them shall by their Warr't under their Hands cause the Scavanger to do it, and shall allow him such reasonable Charges for so doing as they on their Oaths shall think fit to be charged on the Goods and Chattels of the Delinquent.

V. And be it further Enacted by the Authority aforesaid, That from and after the first Day of January next ensuing no person or persons whatsoever owning Lotts or residing in any Town within this Gov'mt Shall keep or cause to be kept any Hog or Hogs, Pigg or Shoats within the Limits of the Said Town unless in Close pens or Styes, under the penalty of the forfeiture of such Hog or Hogs, pig or Shoats so kept, one half to the poor of the
parish and the other half to him or them that shall inform the Commis'srs or any two of them thereof, to be recovered by their Warr't.

And whereas, Several of the Inhabitants of Edenton in Chowan precinct have cut down, wasted and destroyed abundance of the Timber on the Remaining part of the Land not yet taken up, having cut down Large and great Oaks and other Timber Trees only for the Sake of the Limbs for Firewood, leaving the Trunks or Bodies to rot on the Ground,

VI. Be it therefore Enacted by the Authority aforesaid, that upon Complaints made to the Commis'srs or any two of them of any person so offending they shall issue their Warr't to two Freeholders of the Said Town to view the Offence, and upon proof made of the Fact committed to ascertain the Damages, which are to be levied by a Warr't from the Commis'srs or any of them on the Goods of the Offender, to be paid into the Hands of the Town Treasurer for the Use of the said Town, and for the Encouragement of Trade and Merchants to reside in the Said Town of Edenton, being the Metropolis of this Governm't.

VII. Be it further Enacted by the Authority aforesaid, that it shall and may be lawful for any person that is Owner of a Front Lott to erect and build Wharves, Store Houses and other Conveniences for the Landing and Storing of Goods on any part of the Land fronting there own and as far out into the Water as he or they shall think fit, not going further than the edges of the Channel, first leaving the breadth of Street six feet between his or their Lott and the front & paying Ten Shillings for the same to the Com'r's of the Town (for the use of the publick), who are hereby Impowered to make him or them Grants & conveyances as for other Lotts in the said Town.

And in Case the Owner and prop'r of a Front Lott or Lotts shall not within Six Months after Notice given take up and purchase his front, and likewise shall not within two Years after the purchase thereof Secure the Front street from the Water's Incroachment, that it shall and may be lawful for any other person to take up and purchase the Same, under the Condition aforesaid mentioned.

And whereas, by a former Act of Assembly, intituled an Act for appointing a Town in the County of Bath and for securing the Library belonging to St. Thomas parish in pantico, The Courts for the precincts of Beaufort and Hyde were Impowered to raise the Sum of one hundred pounds by a Tax on the pole of the Said precincts to erect and Build a Court House at Bath Town for the Said precincts, and the Said Sum being found Insufficient to build and finish the Same, with a prison for the Said County, and to continue the Same in Repair, wch is found absolutely necessary by Reason of the heavy Complaints from the provost Marshal and divers of the Inhabitants of the Said County;

VIII. Be it therefore Enacted by the Authority aforesaid, that the Members of the Said Court for the time or the majority are hereby authorized and Impowered to assess and lay a pole Tax on the Inhabitants of the County of Bath on or before the tenth Day of June next, and apply the Same to the building of a prison for the Said County at Bath Town. And the provost Marshal is hereby required and commanded to collect the Same with the next publick Collections.

Provided nevertheless, that the Said poll Tax shall not exceed five shillings p'r pole p'r Annun, And that it shall and may be lawful for the Members of the Court for the precinct of Beaufort and Hyde to assess a pole Tax if they shall think fit, Yearly on the Inhabitants of the Said precincts Sufficient to keep the Court House in good Repair, and a pole Tax on the Inhab-
LAW OF NORTH CAROLINA—1723.

...tants of Bath County to keep in Reserve the County prison in the Said Town. Provided, either of the Said Taxes shall not exceed two shillings p'r pole p'r Annum.

And Whereas, in and by a certain Clause in an Act intituled an Act for appointing a Town in the County of Bath as aforesaid, it is provided and enacted that no person or persons whatsoever shall erect and build any Store House or Building on the Front of the Lots for the Said Town whose Highth shall exceed ten feet from the Surface of the Earth, which Clause is found very prejudicial to trade and to the Inhabitants of the Said Town in General.

IX. Be it therefore Enacted and it is hereby Enacted by the Authority afo'd, That the s'd Clause in the Said Act be repealed and declared Null and Void.

X. And be it further Enacted by the Authority aforesaid, That it shall and may be lawfull for persons owning Front Lots in Bath Town to build and make Wharfs before such fronts into the Water so far as to the Edge of the Channel.

And Whereas, his Excellency the palatine and the Rest of the true and absolute Lords prop'r have out of their Great Bounty and Zeal for promotion of true Religion and piety given two hundred pounds sterling towards the Building of a Church in Such place as the Gen'l Assembly shall think proper and suitable for Benefit of the Generalty of the Inhabitants, And the Gen'l Assembly having already declared Edenton to be the metropolis of this Gov'n't:

XI. Be it therefore Enacted, that the Said Sum of two hundred pounds Sterling given by the Lords prop'r be applied towards the erecting a Church at Edenton, and that the Commiss'rs appointed for the building of the Court House, prison and Council Room at the Said Town be and are hereby appointed Commiss'rs for building the Said Church, to be built of Brick and not of Less Demensions than of fifty feet Long and twenty five feet wide, with proper pews or Seats for the Gov't and Council, the Members of Assembly and Justices of the General Court.

XII. And be it further Enacted by the Authority aforesaid, That the Sum of two hundred pounds be drawn out of the publick Treasury by the Commiss'rs aforesaid, to be added to their Lordships' Donation, that the Said Church may be handsomely and completely finished, fit for the Service of God.

And the Commiss'rs aforesaid or any three of them are hereby authorized and empowered to demand and receive from the Lords prop'r Receiver Gen'l the Sum of two hundred pounds Sterling and from the publick Treasuror of this Govern'm't the Sum of two hundred pounds, as they shall have Occasion to apply the Same towards erecting the Said Building.

And Whereas, by the Act Incorporating Beaufort Town in Carteret precinct it is Enacted that ten shillings out of the thirty shillings to be paid for the purchasing of Lots in the Said Town shall be appropriated for the fortifying the Said Town, And Rich'd Rustull, Esq'r, having represented to us the great Charge he is likely to be at in Surveying and Laying out the Said Town,

XIII. We pray that it may be Enacted and be it further Enacted, that the Said ten shillings arising by the first Sale of Lots in the Said town shall be paid to the Said Rich'd Rustull, his Heirs and Assigns, in Compen-
sation of Such Charge as he shall be at for laying out the Said Town, any
Law, Usage or Custom to the Contrary Notwithstanding.

CHAPTER III.

An Act for appropriating part of the Impost Duty on Vessels or powder money
to beacon or buoy out the Channels from Roanoak to Oacacock Inlet, and
several other things, to facilitate the trade and Navigation in this
Governm't.

Whereas, many Complaints from Masters and others trading into this
province concerning the Great Difficulty they find in Bringing their Vessels
over the Bars and other Shoals into the ports of Trade here make it ex-
pedient that Some Speedy care be taken to beacon or mark out the Said
Shoals, Barr and Inlets:

I. Be it therefore Enacted by his Excell'y the palatin and the rest of the
true and absolute Lords prop'rs of Carolina, by and with the Advice and Con-
sent of the rest of the Members of this present Gen'l Biennial Assembly,
now nett at Edenton for the No. East part of the Said Province, and it is
hereby Enacted by the Autho'y of the Same, that the Sum of two hundred
and fifty pounds be appropriated for facilitating the Navigation and for As-
sisting Vessels from Roanoak Inlett over the Shoals, especially that Called
the "Heave away" Boys up to and out of the Said port. by lightening them with
Flats or otherwise, as to the Commiss'r hereafter nominated shall seem
most expedient, for one whole Year, to be compleated and enended the first Day
of April in the Year of our Lord one thousand Seven hundred twenty and
five; And that all the powder Money arising from Vessels trading in and to
the County of Bath for one Year, commencing from the Ratification of this
Act, be appropriated to make Easy the Navigation in the Said County, and
directing and assisting Vessels from Oackacock Inlet over the Shoals, up to
and out of the port of Bath, after such Method and in Such Manner as the
Commiss'r hereafter nominated shall think proper to direct for one whole
Year, to be compleat and enended on the first Day of April, in the Year of our
Lord one thousand Seven hundred twenty and five.

II. And be it further Enacted by the Authority aforesaid, that any person
or persons that Shall be appointed by the Commiss'r hereafter nominated as
Undertakers of (before he or they undertake the Same) buoying or beaconing
out the aforesaid Channels leading from the Inlets of Roanoak and Oac-
cock and doing what Else to be found expedient to direct the Navigating
Vessels into and from the ports abovementioned. Shall enter Into Bond with
good and Sufficient Security in the Sum of one thousand pounds, payable to
the Said Commiss'r for the Use of the publick, with Condition that he or they
so undertaking shall and will faithfully and truly do his or their best
Enfeavour to Search and find out in each of the Channels the best and deep-
est Waters, and at all proper places to fix in the best Manner Buoys,
Dooms or Beacons through the Channel aforesaid, beginning at the Barr the
Said Inlets and placing the Same up the Channel to the Respective ports,
and that he or they will do their Best to perform and execute all Such other
and further Orders and directions as from time to time they shall receive
from the Said Commiss'r.

III. And be it further Enacted by the Authority aforesaid. That the per-
sons undertaking as aforesaid, after Beaconing the Channels aforesaid and
doing what other things shall be found expedient to direct the Navigating
Vessels into and from the aforesaid ports (which is to be done and performed with all possible Speed and Dispatch after his or their Undertaking), shall report to the Commiss'rs hereafter named what he or they have done and performed in the Said Undertaking, and shall once in three Months, at least, continue to make Such Report.

And Whereas, it may be of evil consequence for the Undertaker or Undertakers in either of the Respective ports to lay down his or their Office and desist from Officilating,

IV. Be it Enacted by the Authority aforesaid, that no Undertaker or Undertakers as aforesaid shall lay down his or their Office or desist from Officilating until he hath given the Commiss'rs or the Major part of them, in the Respective Courts aforesaid, three Months' Notice of Such his Intention to lay down.

V. And be it Enacted by the Authority aforesaid, that all the Undertakers and every of them so appointed by the Commiss'rs hereafter named shall (before he or they Enter, or the major part of them), that he or they shall not, directly or indirectly, for him or themselves or any other person or persons whatsoever, deal or bargain for or desire the Refusal of any Goods, wares or Merchandizes that any master or Commander of any Vessels or any other persons belonging to them or in the Said Vessell shall have to Sell or dispose of untill Such Vessel shall be duly entered in and with the Respective proper Officers of the ports afores'd, neither shall he employ or give Instructions to any person or persons whatsoever for him or in his Stead to deal, bargain for or desire the Refusal of any Goods, Wares or Merchandizes as afores'd.

VI. And be it further Enacted by the authority aforesaid, That Christop'r Gale, Jn'o. Lovick, Richard Sanderson and Ed: Moseley, Esq'rs., and Wm. Badham, Gent', are hereby appointed Commiss'rs for the part of Knoacc, and Maurice Moor, Jn'o. Porter, Esq'rs., Jn'o. Baptista Ash, Tho. Boyd, Patrick Manle, Gent's, are hereby appointed Commiss'rs for the part of Bath in the said County, who are hereby authorized and impowered to agree with and from time to time to give directions to such person or persons as shall be willing to Undertake the aforesaid Beaconing of the Channels to their Respective ports, and what other matter or thing or things that shall be found expedient to direct the Navigating Vessels into and from the aforesaid ports. And upon Complaints made to the Commiss'rs of each respective port, or the major part of them, of the Negligence, Refusal, Carelessness or other Default of Such Undertaker or Undertakers the Said Commiss'rs are hereby impowered to displace and remove Such Undertaker or Undertakers, and if upon Sufficient proof made that any Vessel hath Sustained any Damage thro' Negligence, Refusal, Carelessness or any other Default of Such Undertaker or Undertakers, he or they so offending shall and are hereby obliged to make Satisfaction for the Same.

VII. And be it further Enacted by the Authority aforesaid, That upon the Death, Removal or Refusal of any of the aforesaid Commiss'rs the major part of the Said Commiss'rs remaining are hereby impowered and authorized to appoint others in his or their Stead or place.

VIII. And be it further Enacted by the Authority aforesaid, That no Master, Commander or other person belonging to any Vessel whatsoever trading into this Governm't shall cast or throw over board into any of the Channels or Navigable Waters leading into any of the Harbours or ports of this Governm't any Stones or other Ballast whatsoever, under the penalty of ten pounds, to be recovered by Action of Debt, Bill, plaint or Information in any
Court of Record in this province, wherein no Essalgon, protection, Injunction or Wager of Laws shall be allowed or admitted of.

IX. And be it further Enacted by the Authority aforesaid, That the aforesaid Undertakers or Undertakers have Liberty to take and make Use of any Wood or Timber Growing or standing on any person's Land adjacent or convenient unto them for the Use of Buoying, Beaconing or otherwise, as shall be by them wanted for the better accomplishing the Bussiness aforesaid.

X. And be it further Enacted by the Authority aforesaid, that all and every former Act and Acts, Clause or Clauses, and everything in them contained relating to pylots, are hereby repealed, annulled, revoked and declared void, as tho' the Same had never been made.

CHAPTER VI.

An Act for the better ascertaining Naval Officers' and Collectors' Fees.

Whereas in and by an Act to ascertain Officers' Fees It is provided in the List or Table of Fees mentioned in the Said Act That the Governour shall have and receive for Entering and Clearing Vessels not decyt Boats and Canoes of the Country, if bound to forreign parts, the Sum of two shillings and Six Pence In Silver or pork; for Entering and Clearing forreign Vessels one pound two shillings and six pence; for taking Bond of Masters of Vessels, five shillings, and for an Order to obtain a pass for people going out of the Country, five shillings; Which Office the Govern'r formerly did act in as Naval Officer and of Late has appointed persons to act as Such, which have received the aforesaid Sums as Naval Officers; and forasmuch as heavy Complaints are frequently made by Masters of Vessels coming and trading within this province of the great Hardships and Difficulties they undergo by being compelled to procure and pay the Naval Officer's Fees or part of them in Silver Money (In a Country where Silver is scarce to be purchased at any Rate), or in pork, which is not Seasonable at all Seasons of the Year; it is therefore found highly Necessary to Remedy the Same.

Wherefore be it Enacted by his Excell'y the Palatin and the rest of the true and absolute Lords propr'a of Carolina, by and with the Advice and Consent of the rest of the Members of this present Gen'll Biennial Assembly, now mett at Edenton for the No. East part of the Said Province, That all and every person or persons whatsoever qualified or acting within this province as naval Officers at any time hereafter shall ask, demand and take in his or their Offices aforesaid the Several Sums hereafter mentioned in the publick Bills of this province or rated Commodities, at the Choice of the person paying or to pay the Same, Vis't:

£  Sh.  d.

For Entering and clearing Vessels not decyt Boats or Canoes of the Country, if bound to forreign Parts........................................ 0 :  6 :  0
For Entering and clearing decyt Vessels belonging to the Country ................................................................. 0 : 12 :  6
For Entering and clearing forreign Vessels, to include all Fees except Such as are in the Act particularly ascertained............ 2 : 16 :  0
For taking Bond of Masters of Vessels, to be understood of either Bond which Masters of Vessels are obliged to give.... 0 :  5 :  0
For Bond in order to obtain a pass for People going out of the Country .............................................................. 0 :  5 :  0
II. And be it further Enacted by the Authority aforesaid, that from and after the Ratification of this Act it shall and may be lawful for any Collector of his Majestie's Customs in this Governm't to have and receive the Fees following, in Lieu of Such Fees as are ascertained in an Act intituled an Act to ascertain Officers' Fees, to be paid in province Bills or Rated Commodities of this Governm't, at the choice of the person paying or to pay the Same, Viz't:

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<th>£</th>
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<tbody>
<tr>
<td>For Entering and clearing foreign Vessels, Including all Bussiness incident</td>
<td>1</td>
<td>5</td>
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</tr>
<tr>
<td>For Entering and clearing open Vessels of the country, including as aforesaid</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>For entering and clearing dect Vessels of the Country, including aforesaid</td>
<td>0</td>
<td>10</td>
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<tr>
<td>Certificate upon the Change of a Master</td>
<td>0</td>
<td>5</td>
<td>0</td>
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<tr>
<td>Writing and Signing a Register</td>
<td>0</td>
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<tr>
<td>Recording a Register, if required</td>
<td>0</td>
<td>5</td>
<td>0</td>
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<tr>
<td>Certificate for Enumerated Goods to the Naval Officer and Collector, each</td>
<td>0</td>
<td>2</td>
<td>6</td>
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<tr>
<td>Certificate for the Bounty in England and for his Oath, for each Officer</td>
<td>0</td>
<td>5</td>
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<tr>
<td>Recording a Certificate in Each Office for cancelling the Enumerated Bond, Each Officer</td>
<td>0</td>
<td>2</td>
<td>6</td>
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</tbody>
</table>

III. And be it further Enacted by the Authority aforesaid, That if any Naval Officer or Collector, or any of his or their Deputies within this Governm't, at any time after the Ratification of this Act, shall presume to ask, demand or take any further, larger or other Fees in his or their Office or Offices aforesaid than is herein and hereby ascertained and Set down, such person or persons so offending shall be and they are hereby declared Subject to the Fines and Forfeitures mentioned in an Act intituled an Act concerning Fees and Officers, to be recovered and appropriated as in and by the Said Act is directed and appointed; and whereas, the five first foregoing Articles of Fees to the Naval Officer herein and by this Act ascertained always have been and still are adjudged, held, deemed and taken to be the Naval Officers' and not the Govern'r's Fees, notwithstanding they are mentioned in a List of the Governour's Fees in an Act intituled an Act to ascerta in Officers' Fees, which Said five Articles therein mentioned are hereby repealed and declared Null and void, any Law, Statute or Custom to the Contrary Notwithstanding.

And, forasmuch as Sundry Officers within this province whose Fees are by Law ascertained in Current Money have presumed to ask and take of Masters of Vessels and others their Several Fees, part thereof in Silver Money, pork or Bills of Exchange, to other parts to the great Hinderance of Trade, under the pretense that the Laws of Great Britain have appointed their fees in Silver Money, for prevention whereof,

IV. Be it Enacted by the Authority aforesaid, that from and after the Ratification of this Act no person or persons who soever (whose Fees are ascertained by the Laws of this province) do presume to refuse his or their Fees or any of them in Current province Bills, without any advance thereon, under the penalty of fifty Pounds for each and every such Offence or Refusal,
the one half to the poor of the parish where such offence shall be committed, the other half to him or them that shall sue for the same, to be recovered by action of debt, bill, plaint or information in the gen'le court of this province, wherein no essoign, injunction, protection or wager of law shall be allowed or admitted of.

Provided, that the Gov'r or commander in chief may hereafter be allowed to take twenty-five shillings for each marriage licence and twenty-five shillings for each register, in lieu of the ten shillings allowed by the list of fees.

CHAPTER VII.

An Additional Act to an Act intituled an Act for qualification of publick officers.

Whereas, by the fundamental constitutions of this governm't it has always been the custom, time out of mind, for the govern'r or commander in chief to appoint all officers in this governm't, by and with the advice and consent of the major part of the council; We therefore pray that it may be enacted,

1. That be it enacted by his excellency the palatin and the rest of the true and absolute lords prop'ts of carolina, by and with the advice and consent of the rest of the members of this present gen'le biennial assembly, now met at edenton for the no. east part of the said province, that all officers (military officers only excepted) that shall hereafter be appointed in this governm't shall not be appointed and nominated by the govern'r or commander in chief for the time being by himself, but with the advice and consent of the majority of the council, and minutes thereof made in the council book of such consent of the council in council, and not otherwise.

II. That be it further enacted, that no person whatsoever coming into this governm't hereafter shall hold any place of profit or trust until he or they have been a resident in the province for the full space of three years, such only excepted as bring commissions from great britain; and any person or persons that shall presume to act in any such place of profit or trust until he or they have been a resident in the governm't for the space and term aforesaid, or that shall presume to act by virtue of any commission granted by the governour or commander in chief within this governm't without consent of the council or the major part of them, as aforesaid (military officers excepted) shall forfeit and pay the sum of five hundred pounds curr't money, to the use of the publick, to be recovered by bill, plaint or information in any court of record within this governm't, wherein no essoign, protection, injunction or wager of law shall be allowed or admitted of.

CHAPTER VIII.

An Act for destroying squirrels.

Whereas, by the numerous encrease of squirrels much damage and injury is yearly done as well to the corn as to the mast in general in the several precincts of pequimins, pasquotank and curr'tuck within this province, and unless some speedy care be taken to prevent their further encrease much greater damage and injury will yearly ensue; Wherefore, it is prayed that it may be enacted,
I. And it is hereby Enacted by his Excell'y the palatin and the rest of the true and absolute Lords prop's of Carolina, by and with the Advice and Consent of the rest of the Members of this present Gen'll Biennial Assembly, now met at Edenton for the No. East part of the Province, That every person or persons who after the Ratification of this Act shall kill and destroy any Squirrels shall, as Encouragem't therefore, have and receive for each Squirrel the Sum of three pence, to be paid to him or them or to his or their Order by the Vestry men of the parish where he or they are Inhabitants or Resident, in Such Manner and at such times and places as are herein after particularly Set forth; That is to Say, at the Vestry House or place of their Usual meeting, within one Month after Easter Monday now next ensuing, and afterwards within one Month after Easter Monday Yearly; Provided, a Vestry be called and held within that time, otherwise at the next Vestry held, or at the time or times of Collecting and receiving the Levy or Tax for paying the Same, at their own Habitation or place of Residence, either by payment out of the Moneys received by him or them on that Levy (in Case his or their Demand Surmount his or their Levy), or by allowance out and from the levys each person shall then owe to the Said parish.

II. And be it further Enacted by the Authority aforesaid, That the Vestry men of each respective parish shall, on Every Easter Monday Yearly, take an Acc't of what Number of Squirrels each person hath killed and destroyed in the preceeding Time herein before limited within their parish, who is hereby ordered then to bring in the Same or the scalps of the Same, with the Ears on, and tender or deliver them to Such person or persons who the Vestry shall appoint for receiving the Same, or otherwise to bring a Certificate or Certificates from any one of that Vestry, who is hereby empowered to give (If required) one or more of what Number of Squirrels he or they have killed or destroyed within his parish and within the time aforesaid, as that upon making up the whole Acc't and computing what it shall amount to, together with the Allowance of Collecting and receiving and other necessary and Contingent Charges, the said vestrymen are hereby authorized and empowered to lay a Levy or Tax equally on each Tythable In their Respectibe Parish to defray and discharge the aforesaid full amount, and no More, and thereupon Cause the Same forthwith to be collected and received by the Church Wardens or Church Warden or such other person or persons as he or they shall appoint for collecting and receiving the other parish Levys and at the Same time; And in Case of any Tythables refusing and denying to make immediate payment thereof upon Demand he or they so refusing or denying are hereby made lyable and Subject to the Like Fines, Forfeitures and penalties as he or they are for refusing and denying the paym't of their other parish Levys, and the Same to be recovered in Manner as they are.

III. And it is hereby further Enacted, that the Vestry Men, or any one of them, upon any Suspition or at their own Discretion may and are hereby empowered to require and Demand an Oath from each person or persons at the time of his or their Tendering any Squirrels or Scalsps, with the Ears on as aforesaid, whether he or they is or are Inhabitants and Resident in his or their parish, and whether those Squirrels were killed and destroyed within the Same, which Oath if he or they shall refuse to pay on request and demand as afores'd, then and in such Case he or they shall not have any Certificate from any Vestry man or be allowed any Reward for killing and destroying those Squirrels, anything herein before contained to the Contrary Notwithstanding.
IV. And lastly, it is hereby further Enacted, That the Vestry men of each respective parish may (when they See reason for it) abate or wholly cease the aforesaid Reward of three pence for Killing and destroying each Squirrel.

CHAPTER IX.

An Act for Regulating Proceedings in Original Attachments.

Whereas, by an Act intituled an Act for ascertaining the time and method for the Executing and (return?) of original Writs and for the better regulating divers proceedings in the Court of pleas, amongst other things, it is herein and hereby Enacted, that upon Suspicion of any person's Intention to remove in order to conceal or withdraw himself out of the Country, any Justice of the peace, at the prayer of the party plaintiff may Grant an attachment against the Defendant's Estate for so much as shall appear to be due repleivable (?), upon Security given, And the Officer Executing the Same shall return it to the Court whereof the Justice is a Member, Provided the Justice take Security of the plaintiff to pay costs and damages awarded if Cast which proceedings have been grossly abused contrary to the true Intent and meaning of the aforesaid Clause and proviso, to the prejudice of divers person's Estates that have been attached upon the going into the neighbouring province about their Lawfull Occasions only.

I. Be it therefore Enacted by his Excellency the pallatin and the rest of the true and absolute Lords prop's of Carolinas, by and with the Advice and Consent of the rest of the Members of this present Gen'l Biennial Assembly, now met at Edenton for the No. East part of the Said Province, and it is hereby Enacted by the Authority of the Same, That from and after the Ratification of this Act the party pl't Moving for such Attachm't shall make Oath (before the Justice granting) of Such his Suspition, and that he really believes the person removing from the place of his Residence is about to withdraw himself and his Effects from the Governm't, So that process cannot be Served on him, or that he hath already removed and withdrawn himself, and shall file his Bill or Acc't with the same Justice (who is hereby required to return the Same to the next Court whereof he is a member), and shall also file a declaration with the Clerk of the Said Court ten Days before the Sitting thereof, and shall deliver a Copy of it to the Officer that executes the Attachm't, which by him is to be left where he first levies the Said Attachm't on the Estate of the Defendant.

II. And be it further Enacted by the Autho'ty aforesaid, That when any such Attachm't is granted within the Days limited for serving Writs or process to the next Court whereof the Justice granting the Same is a Member, then and in Such Case the Said Attachm't shall be made returnable to the Second Court after the Date thereof.

Provided always, and it is the true Intent and Meaning of this Act, that the proceedings of the Court on Action by Such Attachm'ts shall be the Same as tho' brought by Original Writt, any Law, Usage or Custom to the Contrary Notwithstanding.
CHAPTER XII.

An Act for Enlarging and Encourag'mt of the Town at the Island of Roan-

oak, now Called Carteret.

Whereas, by an Act intituled an Act for a Town at Roanoke Island and
for Encourag'mt of Trade, amongst other things, it is Enacted, that three
hundred Acres of the Sald Island be appraised by twelve Freeholders of this
Govern'mt, to be nominated by the Govern'r and Council, who, being there-
unto Sworn, the Sald Land shall be invested in Capt. Rich'd Sanderson, his
Heirs and Assigns for ever in Fee Simple, he or they paying the Owner or
Owners of the Sald Land according to the Appraisement, and shall be con-
formed to the Use of the Township as aforesaid, which Town having been
hitherto Neglected for want of due Encouragem't, and the property of the
Town being invested in Wm. Reed, Rich'd Sanderson, John Lovick, Esq'r,
and to their Heirs for Ever; And, whereas, the Sald Wm. Reed, Rich'd
Sanderson and Jn'o. Lovick are desirous to go forward with the Sald Town
and to Settle the Sald Island; Therefore, for the advantage of the said
Island and Town and for encouraging Trade and Commerce and for making
the Country more defensable ag't foreign Enemies, We pray that it may be
Enacted,

I. And be it Enacted by his Excellency the Palatin and the rest of the
true and absolute Lords prop'rs of Carolina, by and with the Advice and Con-
sent of the rest of the Members of this present Gen'l Biennial Assembly,
now met at Edenton for the No. East part of the Sald Province, and be it
Enacted by the Authority of the Same, That three hundred Acres of Land
lying on the No. E't Side of the Sald Island, commonly called Roanoke old
plantation, be, at the proper Cost and Charge of the Sald Wm. Reed,
Rich'd Sanderson and Jn'o. Lovick, or their Heirs, Surveyed and laid out
for a Town-Ship, and that one hundred and twenty Acres thereof, fronting
the Water, be allotted and laid out for a Town in Lots of half an Acre Each,
with convenient Squares and places for a Church, Town House and Market
Place, with Convenient Streets and passages, and the Remaining part of the
three hundred Acres of Land to lye for a Common for the Use of the Sald
Town.

II. And be it further Enacted, That every person whatsoever that is will-
ing or desirous to Settle and become Inhabitants of the Sald Town shall
have Liberty to take up any Lott or Lotts so laid out as aforesaid, and not
before taken up, which Lott or Lotts the Sald Wm. Reed, Rich'd Sanderson
and Jn'o. Lovick are hereby required, directed and Impowered to grant, con-
vey and acknowledge to the persons so taking up the Same, and to his or
their Heirs and Assigns for Ever in Fee Simple, upon the payment of forty
shillings Consideration money for Each Lott, whereof thirty Shillings shall
be paid to the Sald Wm. Reed, Rich'd Sanderson and Jn'o. Lovick, Esq'rs
(the Owners of the Sald Land) or to their Heirs and Assigns, and the other-
ten Shillings shall be applied toward the Erecting a Fortification in the
Sald Town, and shall be paid by the Owners to any person the Gov'r or
Commander in Chief for the time being shall appoint to lay out and oversee
the Sald Work. Provided, that all and every person and persons whatsoever
that by, Virtue of this Act shall take up any Lots or Lott shall and is hereby
obliged within twelve Months after the Date of his Conveyance for the
Same to build on every Such Lott one habitable House of the Dimensions
of twenty Feet in length and fifteen Feet in Breadth at least, otherwise the
Conveyance of the Same is hereby declared Null and void in Law, as if the
Same had never been given, done or performed, and that the Said Lott or Lotts be free and clear for any other person to take up and purchase.

Provided always, that upon the Second or other Sale of the Said Lotts one half of the Money arising therefrom shall be and is hereby appropriated for the Building a Church at the Said Town.

And Provided also, that nothing in this Act shall be construed, deemed and held to take away or Alter the Right, Title or Interest of any person or persons lawfully claiming or which hereafter may lawfully claim the Said Island or any part thereof.

III. And be it further Enacted by the Authority aforesaid, That when the Said Town shall have encreased to Ten Families then it shall and may be lawfull for the Said Inhabitants or the Major part of them, and they are hereby impowered So to do, to choose any one of the Said Inhabitants who is an Owner of a Saved Lott to inspect the Said Town, who shall continue in that Office for one Year, and then they shall proceed to a new Choice or confirm the person before chosen for one Year longer, and So annually for Ever, who shall have full power and Authority to remove all Nuisances within the Limits of the Said Town, and to Suffer no person or persons to enclose their Lott or Lotts under a Common Stake Fence, but see that every Lott be either palled in or done with posts and Rails. And if any person refuses upon Notice given by the Inspector to remove any Nuisances or to fence their Lotts otherwise than According to the Directions of this Act; that then it shall and may be lawfull for him to cause the Same to be done, at the Cost and Charge of the person or persons So offending. And the Inspector is hereby further authorized, having first duly taken the Oaths of a Justice of the peace and the Oaths by Law enjoyned for the Qualification of publick Officers, to hear and determin all Causes, Matters and Differences in the Said Town, to the Value of thirty shillings, in as full and ample Manner to all Intents and purposes as any other Magistrate in this Governm't can or may lawfully do for the Sum of twenty shillings. And that the said Town may be the Speedier settled,—

IV. Be it Enacted by the Authority aforesaid, that any person or persons who are willing and desirous to keep an House of Entertainment or Ordinary in the said Town such person or persons for the Space of ten Years from the Ratification of this Act shall have Liberty to Sell any strong Liquors within the Said Town without the Charge of taking a Licence; Subject Nevertheless to the Same Orders, Rules, Restrictions and penalties as any other person Selling Strong Drink or keeping Ordinary with a Licence.

And for a further Encourag'mt for Settling the S'd Island and Town,

V. Be it Enacted, that when it shall fully be made appear to the Govern'r and Council that there are Settled in the Said Island Sixty families, that then on the petition of the said Inhabitants the next Commission which shall be granted for the holding the Court for the precinct of Currituck shall authorize and Impower the Justices of the Said precinct to hold their Court in the Said Town of Carteret, and no other place whatsoever.

VI. Be it further Enacted by the Authority aforesaid, that when it shall happen that the Said Island shall have a Sufficient Number of Inhabitants to have the precinct Court of Currituck held in the Said Town that at the next Biennial Election for Members of Assembly which shall happen after the said Island is once encreased to Sixty families as aforesaid, the Said Inhabitants shall have Liberty to Elect a Representative to Sit in the Gen'l
Assembly of this Province and shall have the like privilege in all succeeding Assemblies.

VII. And be it further Enacted by the Authority afo'd, That when the Court shall be held at the Town now called Carteret the Clerk of the said Court shall always be resident and keep his Office in the Said Town, under the penalty of five pounds p'r Month; and all public Business belonging to the Said Island shall be always transacted and done in the Said Town; and that all Manner of Encouragement may be given for promoting the Trade and Commerce of the said Town.

VIII. Be it further Enacted by the Authority afo'd, That whenever the Honorable Commiss'r of the Customs or the Surveyor Gen'll for the District shall appoint a Searcher for the port of Roanoke, that then the S'd Officer shall dwell and keep his Said office in the Said Town, under the penalty of five pounds p'r Month, that he shall dwell or keep his Said Office in any other place.

IX. And be it further Enacted by the Authority aforesaid, that no person shall be allowed to take up more than two Front Lots or keep more than two Cows in the Said Town, anything before in this Act to the Contrary Notwithstanding.

X. And be it further Enacted by the Authority aforesaid, that the Act intituled an Act for a Town on Roanoke Island be declared null and Void, and the Same is hereby repealed, and every Clause thereof, to all Intents and purposes.

Whereas, the Act for preventing Immorality and Prophaneness hath hitherto proved ineffectual to restrain those Vices,

XI. Be it therefore Enacted and it is hereby Enacted, that if at any time after twenty Days from the Ratification of this Act any Tavern keeper Ordinary Keeper or other person or persons whatsoever Selling or disposing of Liquors or keeping publick Houses in this Governm't shall harbour, Entertain or Suffer any person or persons whatsoever (Sick persons strangers and Travelers excepted) to be in their Houses on the Sabbath Day in Time of Divine Service, or shall Suffer any person to get drunk on the Sabbath Day, such Tavern Keeper, Ordinary Keeper or other person Selling Liquors and Keeping publick Houses as aforesaid shall forfeit and pay for every offence the Sum of twenty Shillings, one half to the Church Wardens and Vestry for the Use of the parish and the other half to him or them that shall make Information against Such Tavern Keeper so offending, to be recovered by a Warr't from the Chief Justice or any other Justice of the Peace residing in the precinct or parish where Such Offence is committed, upon proof of any one Credible Witness.

XII. And be it further Enacted by the Authority aforesaid, that no Tavern Keeper, Ordinary Keeper or other persons selling Liquors or keeping publick Houses in this Governm't shall recover any Debt due for Ordinary Expenses exceeding the Sum of twenty Shillings, unless he produce a Note under the person's own hand from whom the Same is due, or his Acc't, signed by the person, if he can write his Name, but if he cannot Write, then and in Such Case It shall be requisite that the person make his Mark, and that there be one Evidence at least thereunto to prove it, and that the person Signing was not drunk; and every Ordinary Keeper, Innholder and other persons selling Liquors or keeping publick Houses are hereby required to produce the person's Hand as aforesaid to every twenty shillings, which shall be due as Ordinary Expenses and Sued for by the Ordinary Keepers, Innholders or any other person or persons Selling Liquors or Keeping publick
Houses; otherwise to Lose Such Debt as is not acknowledged to be due in Manner aforesaid.

And, whereas, in the Several Acts relating to the Towns in this Govern-
m't the purchasers of Lotts are enjoined to build upon each and Every respective Lott or else their Titles thereunto to be void, which proves prejudicial [top of page torn, several words missing] as have two lotts lying together and would rather build Houses of larger Dimensions,

XIII. Be it therefore Enacted by the Authority aforesaid, that from and after the Ratification of this Act any person, Owner of two Lotts lying together, by building one Sufficient dwelling House, not of less Dimensions than thirty feet long and twenty feet wide, on either of the Said two Lotts, without Sheds or Outsetts, shall be allowed to have Saved them both, any Law, Usage or Custom to the contrary Notwithstanding.

CHAPTER XIII.

An Act for the better settling the Town of New Bern, in the Precinct of Craven.

I. Whereas a certain Plot of Ground, being Part of a Tract of Land, lying in the Fork of Neuse River, late belonging to the Honourable Col. Thomas Pollock, deceased, but now the Property of Mr. Cullen Pollock, was formerly laid out in a Township, by the Name of New Bern, with proper allotments for a Church, Court-house, and Market-place; as by a Plot or Draught, upon Record in the Clerk's Office of Craven Precinct Court, will more plainly appear: Therefore, for the Advancement of the said Town;

II. Be it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the members of the General Assembly, now met at Edenton, for the North-east Part of the said Province, and it is hereby Enacted, by the Authority of the same, That the said Land, as it is already laid out by the said Draught, together with as much other Land lying contiguous and most convenient to the said Town, to compleat a Township, as shall make the Whole Two Hundred and Fifty Acres, reserving to the Owners thereof the Property of such Lotts as are sold already by William Hancock, Attorney of the said Col. Thomas Pollock, is hereby and henceforward invested in Mr. Cullen Pollock, Mr. William Hancock, Jun. and Richard Graves, or any of them, for the Use aforesaid, Declared, Confirmed, and Incorporated into a Township, by the Name of New Bern; with all Privileges which ever have belonged to the said Town, or shall hereafter be expressed, for ever.

III. Pursuant to which, It is hereby Enacted, by the Authority aforesaid, That the Places already laid out for a Church, Court-house and Market-place, be reserved for those Uses; and that the rest of the Land not already laid out; be forthwith laid out into Lots of Half an Acre each, with convenient streets and Passages, with Fronts belonging to the said Lots, by the Said Trustees, or any of them.

IV. And be it further Enacted, by the Authority aforesaid, That Mr. Cullen Pollock shall be, and he is hereby appointed the present Treasurer and Receiver of the Monies arising by the Sale of the said Lots; and on his Death or Departure out of the Government, the First in Commission shall succeed, and be Treasurer for the Time being, he giving security to the Justices of the said Precinct, that he will be accountable for the Money
he shall receive by the Sale of the said Lots, unto the said Mr. Cullen Pollock, his Heirs or Assigns.

V. And be it further Enacted, by the Authority aforesaid, That any person whatsoever who is willing or desirous to be an Inhabitant of the said Town, shall have Liberty to take up any Lot or Lots so laid out as aforesaid, and not before taken up; which Lot or Lots the Commissioners aforesaid appointed, or any of them, are hereby directed, required and empowered, to grant, convey, and acknowledge, to the Person so taking up such Lots, and to his Heirs and Assigns, for ever in Fee-simple, upon the Payment of Twenty Shillings, Consideration Money, with a Pepper Corn Yearly, if demanded, as an acknowledgement to the said Cullen Pollock, his Heirs or Assigns, for ever, for each Lot: Which Twenty Shillings shall be paid to the said Cullen Pollock, the Owner of the said Land, and to his Heirs and Assigns.

VI. Provided always, That what Person soever shall take up, and have conveyed to him, any Lot or Lots as aforesaid, and shall not build, or cause to be built thereon, within Eighteen months after the date of the said Conveyance, a good and substantial habitable House, not or less Dimensions than Twenty Feet in Length, and Fifteen Feet wide, without Shed, every such Conveyance shall be, and it is hereby declared void and of none Effect, as if the same had never been made or done; and then the said Lot or Lots shall be free and clear for any other Person to take up and purchase the same, as if it had never been taken up: And the Money arising by such Sales shall be paid unto the said Cullen Pollock, his Heirs and Assigns, by the said Commissioners, as aforesaid.

VII. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall die possessed of any of the said Lot or Lots, without leaving Heirs, or without making of a will of the said Lot or Lots, that then, and in such Case, the absolute Fee shall come and revert unto the said Cullen Pollock, his Heirs and Assigns, for ever; notwithstanding any Thing contained in an Act, intituled, An Act, concerning Escheat Lands and Escheaters, or any other Law, Custom, or Usage to the contrary.

VIII. And be it further Enacted, by the Authority aforesaid, That the Commissioners or any Two of them, shall have full Power and Authority, and they are hereby impowered and required, to remove all nuisances within the Limits of the said Town; and that no Person, inhabiting in the said Town, holding Lots there, shall inclose the same, or keep the same inclosed in the said Town, under a common Stake-Fence: but every Lot or Lots in c‘losed, shall be either paied in, or done with Posts and Rails set up.

IX. And for a further Encouragement to the settling of the said Town: Be it further Enacted, by the Authority aforesaid, That all Elections of Burgesses, or Other Public Business and Affairs of the Like Nature, properly belonging to the said Precinct of Craven, shall be taken up and done within the aforesaid Town of New Bern.

CHAPTER XIV.

An Act being an Additional Act to an Act intituled, Staple Commodities Rated.

Whereas through the great Industry of divers of the Inhabitants of this Province the making of Hemp Rice and Turpentine are much Improved and would become valuable species in Trade in this Government if due Encouragement were given for making the same by rating them at a Certain Price
and making them Equal in their Currency with the Staple Commodity of this Government.

I. Be it Enacted by his Excellency the Palatine and the rest of the true and absolute Lords Proprietors of Carolina by and with the Advice and Consent of the rest of the Members of this present General Biennial Assembly now met at Edenton for the North East part of the said Province, And it is hereby Enacted that for the further Establishing the Trade of this Government and in payment of the Publick Levys and all debts due or which hereafter may become due on account of the Publick or to any Inhabitants or Foreigner Trading amongst us or in Our private dealing amongst our Selves or otherwise howsoever (the debt being Contracted or due in Money not Expressing Sterling) And that Encouragement be given for and Improving the above named commodities such Person or Persons to whom such money shall be due either on the Publick or private Accounts shall take and receive the same in any of those Species as well as those heretofore rated and as the Rates hereafter Appointed or in Publick Bills of Credit.

1. a. d.
Hemp, Waterrotted, Merchantable and fit for Export per lb.............. 8
Rice, per Hundred Cleaned and fit for Exportation.................. 15 8
Turpentine, Merchantable per Barrel full Guage 31 Gallons............. 15 8
Indian Corn, per Bushel........................................ 2 8
Wheat, per Bushel............................................. 4 8

Provided the same be good of their kind and Merchantable and approved by two Substantial Freeholders indifferently chosen and Sworn before some Magistrate Justly impartially to give their Opinions, and shall be delivered by the Persons paying the same at such Landings as is most commonly made use of by them in some convenient time after it is received And a Delivery thereof at the time appointed by the Persons so receiving the same and proof thereof made shall be a sufficient payment for any the Debts aforesaid.

CHAPTER XV.

An Act, for incorporating the Seaport of Beaufort, in Carteret Precinct, Into a Township, by the Name of Beaufort.

Whereas, a certain Plot of Ground, being Part of a Tract of Land, in Core Sound, late belonging to Robert Turner, Esq. but now the property of Richard Rustel Esq. was formerly laid out into a Township, by the name of Beaufort Town, with proper Allotments for a Church, a Town-house, and a Market place, as by a Draught thereof, upon Record in the Secretary's Office, doth, and may, more fully and at large appear: And whereas the true and absolute Lords Proprietors of Carolina, upon the Petition of the Inhabitants of Core Sound, now called Carteret Precinct, have erected the same, into a Seaport, by the Name of Port-Beaufort, and have invested the same with all Privileges and Immunities belonging to a Seaport: Therefore, for the Encouragement of the said Town, and the due Encouragement of the Trade and Commerce thereof, and the Parts adjacent,

I. We pray that it may be Enacted, And be it Enacted, by his Excellency the Palatine, and the rest of the true and Absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of this present General Assembly, now met at Edenton, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That the said land, as it is already laid out, together
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with as much other Land lying contiguous and most convenient to the said Town to compleat a Township, as shall make the Whole Two Hundred Acres reserving to the Owners thereof the Property of such Lots as was sold, in Fee-simple absolute, by the said Turner, be, and it is hereby and henceforth invested in Richard Rustell, and Christopher Gale, Esq., John Nelson, Joseph Bell and Richard Bell, or any Two of them, to and for the Uses aforesaid, and Declared, Confirmed, and Incorporated into a Township, by the Name of Beaufort, with all Privileges hereafter expressed, for ever.

II. Pursuant to which, it is hereby Enacted, That the Places already laid out for a Church, a Town-house, and a Market Place, be reserved for those Uses; and that the rest of the land not already laid out, be forthwith laid out into Lots of Half an Acre each, with convenient Streets and Passages, by the said Trustees, or any two of them. Provided always, That the Principal Streets in the said Town shall be Sixty Six Feet wide, at least.

III. And be it further Enacted, by the Authority aforesaid, That the said Richard Rustel Esq., shall be the present Treasurer and Receiver of the Monies arising by the Sale of the said Lots; and on his Death or Departure out of the Government, then the first Commissioner shall succeed, and be Treasurer for the Time being, be giving Security to the Justices of the Precinct Court, that he will be accountable for the Monies he shall receive, according to the Directions of this Act.

IV. And be it further Enacted, by the Authority aforesaid, That every Person whatsoever who is willing or desirous to be an Inhabitant of the said Town, shall have Liberty to take up any Lot or Lots so laid out as aforesaid, and not before taken up; which Lot or Lots the Commissioners aforesaid, or any two of them, are hereby directed, required, and empowered, to grant, convey, and acknowledge, to the Persons so taking up the same, and his Heirs and Assigns, for ever, in Fee-simple, upon Payment of Thirty Shillings Consideration Money, for each Lot, whereof Twenty Shillings shall be paid to Richard Rustel, Esq.; the Owner of the said Land, and to his Heirs and Assigns, and the other Ten Shillings shall be for the purchasing Great Guns, and for Fortifying the said Town; and shall be paid, by the Treasurer aforesaid, into such Hands as the Governor or Commander in Chief for the Time being shall appoint to oversee the said Work. Provided always, That what Person soever shall take up and have conveyed to him, any Lot or Lots as aforesaid, and shall not build, or cause to be built thereon, within two Years after the Date of the said Conveyance, a good substantial habitable house, not of less Dimensions than Twenty Feet in Length, and Fifteen Feet Wide, besides Sheds, or make 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 then the said Lot or Lots shall be free and clear for any other Person to take up and Purchase. Provided also, That all Monies arising by the Second or other Sales of the said Lots, shall be, and is hereby appropriated to the Use of the Parish; first, for the building of a Church, and afterwards, to such other Uses as the Churchwardens and Vestry shall think fit.

V. And be it further Enacted, by the Authority aforesaid, That the Commissioners aforesaid, or any Two of them, shall have full Power and Authority, and they are hereby empowered, required, and commanded, to remove all Nusances within the Limits of the said Town: And That no Persons, Inhabitants of the said Town, or holding Lots there, shall enclose the same or keep the same enclosed in the said Town, under a common
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Stake-Fence; but every Lot or Lots so enclosed, shall be either paled in, or done with Post and Rails set up.

VI. And be it further Enacted, by the Authority aforesaid, That the Church for the said Precinct of Carteret, hereafter declared to be the Parish of St. John, and the Court-house for the same, shall be built in the said Town: And the Justices of the said Precinct for the Time being, shall have full Power and 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 or Estates in the Precinct aforesaid, for and towards the erecting and building the Court-house aforementioned, as soon as the Circumstances of the Inhabitants will admit of raising the said Sum.

VII. And as a further Encouragement to the Settlement of the said Town; Be it further Enacted, by the Authority aforesaid, That all Musters for the Precinct of Carteret, Elections of Burgess, and all Business and Affairs of the like Nature which properly belongs to the said Precinct, shall be taken, done, and transacted within the said Town of Beaufort, and in no other Place or Places whatsoever.

VIII. And be it further Enacted, by the Authority aforesaid, That all Per-Liquors which are, bona fide, the Growth, Product, and Manufacture of the Precinct of Carteret, shall and may be retailed in the said Town, for the space of Ten Years next after the Ratification of this Act, by any Freeholder or Inhabitant of the said Town, without any License or other Permit for so doing; subject nevertheless to the several Penalties, Forfeitures, and Restrictions, as by the Law, intituled, Ordinary keepers how to sell, are made and provided.

IX. And be it further Enacted, by the Authority aforesaid, That all Persons Possessors or Owners of Lots in the said Town, shall, and they are hereby obliged, within Two Years after the Ratification of this Act, to clear all such Lots held and possessed by them, from all Manner of Wood, Underwood, Brush, or Grubs, that are or may be offensive to the said Inhabitants and shall keep and maintain the same, from time to time, and at all Times hereafter, as often as need shall require; under the Penalty of Five Shillings for every Month the said Lots shall lie uncleared after the Expiration of the Time aforesaid, To be recovered before One Justice of the Peace, and applied, One Half to the Informer, and the other Half to the Vestry, for the use of the Parish.

X. 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 Commissioners aforesaid, the remaining part of the Commissioners together with the Justices of the Court, are hereby fully Authorized and 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 and Chosen, shall be, and they are hereby Invested with as full Power and Authority, to all Intents and 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.

XI. And whereas the said Town of Beaufort, and Parts adjacent is made a Precinct, divided from Craven, by the Name of Carteret Precinct; Be it therefore Enacted, by the Authority aforesaid, That the said Precinct be, and it is hereby erected into a Parish, by the name of St. John's Parish, and that the following persons be, and they are hereby appointed Vestrymen of the said Parish, viz.

Christopher Gale, Esq.; Joseph Bell, John Shaw, John Nelson, Richard Whithurst, Richard Williamson, Richard Rustell, John Shackelford, Thomas
Merriday, Enoch Ward, Joseph Pulford, Charles Cogdall, Which said Vestrymen shall be, and they are hereby invested with all such Privileges and Authorities, and subject to the same Penalties and Forfeitures, within the said Parish as in and by an Act, intituled, An Act, for establishing the Church, and appointing select Vestries, is and are given to the Churchwardens and Vestry of the several and respective Parishes in the said Act mentioned.

XII. And be it further Enacted, by the Authority aforesaid, That whoever shall be found guilty of quarrelling or fighting in the said Town or Township, or in any other Town or Township which now is, or hereafter shall be laid out within this Government, in the View of any Justice, or shall be thereof convicted, by the Oath of One creditable Witness, shall forfeit and pay, for every such Offence, the Sum of Ten shillings, and for Want of such Payment, shall Suffer Twenty Four Hours Imprisonment in the common Gaol, or else be set in the Stocks, for the space of Two Hours, at the Discretion of the Justice, provided that the Information be made within Twenty four Hours after such Offence shall be committed: And in Case any Justice of the Peace shall neglect to do his duty herein either upon View, or Information to him made, he shall forfeit and pay the Sum of Twenty Shillings, to the Uses last above mentioned.

EDWARD MOSELEY, Speaker. WILLIAM REED, Esq.; President.
CHR. GALE,
M. MOORE,
JOHN LOVICK,
T. POLLOCK,
Lords Proprietors Deputies.
LAWS OF NORTH CAROLINA—1727.

CHAPTER VII.

An Act, to appoint the North-west Part of Bertie Precinct a distinct Parish, by the Name of North-west Parish of Bertie Precinct, and for appointing Vestrymen for the said Parish; and to appoint Commissioners in every Parish in this Government, to call the Churchwardens and Vestry to Account, for the Parish Money by them received.

I. Whereas many Inconveniences attend the Inhabitants of Bertie Precinct, by Reason of the Largeness of the Parish, it including the whole Precinct: Be it therefore Enacted, by his Excellency the Palantine, and the rest of the true and absolute Lords Proprietors of Carolina by and with the Advice and Consent of the rest of the Members of this Present General Assembly, now met at Edenton, for the North-east Part of the said Province, and it is hereby Enacted, by the Authority of the same, That the said Precinct be divided into Two Parishes, as follows: From the Mouth of Wrestell's Creek up the said Creek to the Head of Ahatskey Swamp, from thence a direct Course to the Head of Bridger's Creek, thence down the said Creek to Roanoke River, and from thence, a South-west Course to the outer Inhabitants upon Fishing Creek.

II. And be it further Enacted, by the Authority aforesaid, That there shall be a Vestry appointed for the North-west Parish of Bertie, consisting of the Minister, (when any such shall be,) and The following Persons, viz. Major Barnabas Mackenille, Capt. John Spinn Mr. Joseph Lane, Sen. Mr. Benjamin Hill, Mr. Robert Simmons, Mr. Richard Pace, Mr. Arthur Williams, Mr. John Due, Capt. George Winn, Mr. Edward Howard, Mr. Willilam Kinchen, Mr. John Bonde, which said Vestrymen are to be summoned, by the Provost Marshall, or his Deputy, to meet at the Church, Chap- pel, or Court-House, in the said Parish, within Forty Days after the ratification of this Act; under the Penalty of Twenty Shillings for every Vestryman not summoned To be recovered by Bill, Plaunt, or Information, in any Court of Record within this Government, and applied to the use of the poor of the parish.

III. And be it further Enacted, by the Authority aforesaid, That if any such Vestryman, being summoned, shall fail to appear and qualify himself, as by Law is appointed, (unless he be a known Dissenter from the Church of England,) he shall forfeit the Sum of Five Pounds; to be recovered, by Action of Debt, Bill, Plaunt, or Information, in any Court of Record within this Government and applied to the uses above mentioned.

IV. And be it further Enacted, by the Authority aforesaid, That the said Vestrymen shall have as full Power and Authority, as the Vestrymen have in an Act, intituled, An Act, for establishing the Church, and appointing select Vestries.
LAWS OF NORTH CAROLINA--1729.

CHAPTER II.

An Act for the More quiet settling the bounds of the Meherrin Indian Lands.

I. Whereas complaint is made by the Meherrin Indians, that the English people disturb them in their settlements, by coming to inhabit and send corn among them; and also, that their bounds allowed by order of council dated October the twenty sixth; one thousand seven hundred and twenty six did not extend high enough up from the fork of Meherrin Neck: for remedy whereof,

II. Be it Enacted, by his Excellency the Palantine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the advice and consent of the rest of the members of the General Assembly now met at Edenton, for the North East Part of the said Province, and by the authority of the same, that the said order of council be vacated, and that the Indian bounds and limits shall be extended as followeth, viz. beginning at the mouth of Meherrin river, and so up the river to the mouth of Horse Pasture Creek formerly called Indian creek; then by the said creek up to the fork of it; then by the North East branch thereof to the head of the same; then by a straight line across to Chowan river, by the upper line of Mulberry old field survey, to Samuel Powers's lands; then along the various courses of the river, to the first station.

III. And be it also enacted, by the authority aforesaid, that all English people, or any other, living in the said bounds, shall move off, and that no persons but the said Indians shall inhabit or cultivate any lands within the limits aforesaid, while the said Indians remain a nation, and live thereon: and if any person shall offend against this act, on complaint made to Mr. John Boude, who is hereby appointed a commissioner for the said Indians, he shall grant his warrant to the constable, requiring him with all (if need be) to remove such person, at or before the twenty fifth of December next ensuing; and any person refusing to remove, shall be brought before the said Commissioners, and upon his conviction of the same, shall forfeit for the first offence, five pounds: and if he still persist, and refuse to go off from the said lands, after warning from the commissioner, or by his order, for the second offence shall forfeit the sum of ten pounds, and for the third time of his so offending shall forfeit Twenty Pounds, and Two months Imprisonment, and give security for his or their good behaviour: to be recovered by bill, plaint or information, in any court of record in this government; wherein no essoyn, protection, or wager of law, shall be allowed or admitted of.

IV. And be it further Enacted, by the authority aforesaid, that the said commissioner is hereby impowered and ordered to reinstate and settle the said Indians, in giving them peaceable possession of the said lands, and to turn off any other person or persons inhabiting within the said bounds, unless such person have special leave from the Governor and Council, for continuing thereon; provided that this act shall not invest the fee-simple of the said lands in the Indians, but such as have patents for the same, or any part thereof, their title shall be good and valid; neither shall the said Indians have liberty or leave to rent, sell, or in anyways dispose of the said lands.
CHAPTER III.

An Act, to make Hyde Precinct separate from Beaufort Precinct, with Power of erecting a Court-house, and holding Courts.

I. Whereas the Precinct of Hyde being united to Beaufort Precinct, is found very inconvenient for the Inhabitants of Hyde Precinct to travel to Bath Town, where the Courts are now held:

II. Be it therefore Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of this General Biennial Assembly, now met at Edenton, for the North-east Part of the said Province, and it is hereby Enacted, by the Authority of the same, That, for the future, Hyde Precinct shall be separate, in all respects, from Beaufort Precinct, with Power of having a Court and Court-house erected in the said Precinct, and other Powers and Privileges to a Precinct belonging; and that the Justices to be appointed for the said Precinct, shall be, and are hereby invested with full Power to purchase Ground for erecting the said Court-house, in the same Manner as by Law in such Cases is already provided: And to the End, that the same may be built in the most convenient Place for the Inhabitants of the said Precinct, the Justices thereof are hereby directed to cause the said Court-house to be erected at or near William Websters Plantation; and also, to cause a Poll-tax, not exceeding Ten Shillings per Poll, to be levied, in such Manner as by Law is already provided in such Cases, for defraying the Charges of buying the said Land, and building a Court-house.

CHAPTER IV.

An Act, to appoint that Part of Albemarle County, lying on the South-side of Albemarle Sound, and Morattuck River, as high as the Rain-bow Banks, to be a Precinct, by the Name of Tyrrell Precinct.

I. Whereas that Part of Albemarle County, lying on the South-side of Albemarle Sound, and Morattuck River, as high as the Rain-bow Banks, includes Part of the several Precincts hereafter named, viz. Chowan, Pasquotank, Bertie, and Currituck; and whereas, the great wealth of the said Sound, and also the great Distance from the several Precinct Courts, renders it almost impracticable for the Inhabitants of those Parts to attend their Court as aforesaid.

II. Wherefore, be it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of this present General Assembly, now met at Edenton, for the North-east Part of the said Province, and by the Authority of the same, That that Part of Albemarle County, lying on the South-side of Albemarle Sound, and Morattuck River, being Part of the several Precincts before mentioned, bounded to the Westward by Thomas Hoskin's upper Line, beginning at his upper Corner Tree, on Rainbow Banks, on Morattuck River, and by a Line running South from his outer Corner Tree, to the Southward by the Bounds of Albemarle County, to the Eastward by the Sound, between Roanoke Island, and Croatan, and to the Northward by Albemarle Sound and Morattuck River, as high as the Rainbow Banks, in Morattuck River, shall be, and the same is hereby declared to be erected into a Precinct, by the Name of Tyrrell Precinct, in Albemarle County, with all and every the Rights and Privileges, and other
Benefits and Advantages whatsoever, which any other Precinct in Albemarle County can or may have, use or enjoy.

III. And be it further Enacted, by the Authority aforesaid, That the Election for Representatives for the said Precinct, shall always be at the Court-house for the said Precinct, or such Places as shall be appointed for the building the said Court-house therein.

IV. And whereas by an Act, intituled, An Act, for settling the Precinct Courts and Court-houses, it is therein provided in what Manner the Land should be purchased, on which to build Court-houses in the several Precincts: Be it Enacted, by the Authority aforesaid, That the Justices to be appointed for the said Precinct of Tyrrell, shall observe the same Method prescribed by the said Act, and shall cause the Court-house for the said Precinct to be built on the Land of William Downing, or that of William Fraley, on Kendrick's Creek, as near as may be to the Bridge now called Fraley's Bridge.

V. And whereas Part of the above now Precinct was formerly made a Distinct Parish, by the Name of the South Parish of Chowan. Be it Enacted, That the whole Precinct now appointed by the Name of Tyrrell Precinct, be, and is hereby Erected into one Parish by the Name of St. Andrews; and that the same Vestry be continued in the said Parish of St. Andrews; which now is appointed to the said South Parish of Chowan, with all and every the Rights and Privileges, and other Benefits and Advantages whatsoever, which any other Parish in Albemarle County can or may have, use and enjoy. Provided nevertheless, That it is not hereby Intended, that the said Precinct, shall send more than two Burgesses at present, to sit in General Assembly, without it shall appear that there is three Hundred Tythables in the said Precinct; and in such Case, it shall and may send three Burgesses; and so as it shall increase in Number of Tythables, it shall send one Burgess for every Hundred more, so as not to exceed Five Representatives in the whole.
LAWS OF NORTH CAROLINA--1734.

CHAPTER II.

An Act for repealing a clause in an Act entitled An Act relating to biennial and other assemblies, which empowers freemen of the several precincts to vote for members of assembly; and declaring what persons shall be qualified to vote for members to sit in General Assembly; and also qualification of members for the future.

Whereas it hath been found inconvenient for the freemen of each precinct to vote for members of assembly; and His Majesty by his royal instruction having been pleased to direct that only the freeholders of this Province should be entitled to vote for members of assembly.

Therefore be it enacted by His Excellency, Gabriel Johnston, Esq., Governor, the Council and General Assembly, That no person hereafter shall be admitted to give his vote in any election for members of assembly for the precincts of this Province, unless such person has been an inhabitant in the precinct where he votes at least six months, and has bona fide a freehold in his own right of at least 50 acres of land in the said precinct which he shall have been possess of three months before he offers to give his vote.

And be it enacted by the authority aforesaid, That hereafter no person shall be deemed qualified or admitted to sit in the Assembly, unless he has been one full year an inhabitant of this Province, and is possessed in his own right of at least one hundred acres of freehold land in the precinct where he is elected or chosen.

And it is hereby enacted that those parts of the two clauses in the Act entitled "An Act relating to the biennial and other assemblies; wherein the freemen of the respective precincts of the county of Albemarle, and the freemen in each precinct, in every other County, are empowered to vote for members to sit in the General Assembly; as also that part of the clause in an act entitled "an act for regulating towns and elections of Burgesses" that permit persons to vote who have been resident six months in the precinct where they vote, are hereby declared repealed.

And be it further enacted by the authority aforesaid, that if any dispute or challenge shall arise touching the qualification of any person or persons offering his or their vote according to the true intent or meaning of this Act, that then and in such case, it shall and may be lawful for the person who is authorized to take the poll, to administer an oath to such person or persons so offering his or their vote, that he or they are qualified pursuant to this Act; and that the same oath be administered to every candidate upon any challenge made of his being qualified, as is in this act provided, any law heretofore made to the contrary in anywise notwithstanding.

And be it further enacted by the authority aforesaid, that from and after the ratification of this Act, That all elections of members to sit in General Assembly, shall be held and taken at the Court House in every precinct & in Case there be no Court House in any of the said Precincts, that then and in such case, it shall and may be lawful for the inhabitants of such precinct, to meet and convene at the place appointed for such court house to be built; and if no place for that purpose appointed, then at the usual place in the said precinct to elect as aforesaid; any law custom or usage to the contrary, in anywise notwithstanding.
CHAPTER I.

An Act for providing His Majesty a Rent Roll for securing His Majesty's Quit Rents, for Remission of Arrears of Quit Rents; and for quieting the Inhabitants in their Possessions; and for the better settlement of His Majesty's Province of North Carolina

Whereas His Majesty out of His Paternal care of the Inhabitants of this Province and Compassion for their unhappy Condition, did, out of his Royal Bounty, purchase from the late Lords Proprietors, the Soil and Dominions thereof, with all Arrears of Quit Rents accruing & then due; and has been graciously pleased to take his Subjects of this Government under his immediate Protection; and Whereas the Confusions of this Province has in a great measure proceeded from the want of proper Laws for the Settlement of the Country and of a Rent Roll of the Quit Rents reserved & payable to His Majesty; Wherefore to the End that the Arrears of his Majesty's said Quit Rents which are become due and payable since his Majesty's Purchase of the said Soil and Government as well as such as shall hereafter become due and payable to His Majesty his Heirs and Successors, may be the better ascertained and paid; We humbly pray Your Most Sacred Majesty that it may be Enacted, and be it hereby Enacted by His Excellency Gabriel Johnston Esq Governor, by and with the Advice & Consent of His Majesty's Council and the Assembly of the said Province,

I. That all persons seized or possessed of any Lands in this Province by any Title or Claim, whatsoever, whether under the late Lords Proprietors or under his Majesty, who have not already registered their Lands in the Register's Office of the Precinct where the Land lies, shall, within six Months next after the end of this present Session of General Assembly, register the Original Patents or Grants, or mesne Conveyance, under which they hold the sd. Lands, or the Plot or Survey of the sd. Land, or either of them, in the Register's Office in each Precinct where such Lands lye, or tender the same to be registered as aforesaid and that the Register of each Precinct where such Patents or Grants Plots or Surveys are so registered shall return an Abstract thereof certify'd to the Auditor General's Office within three Months after the registering the same, and that all Grants that shall be made hereafter by His Majesty his Heirs and Successors, or which shall be made by Deeds or mesne Conveyances shall within Six Months after the Date of the sd. respective Grants or Deeds be registered in like manner in the Office aforesaid: And for every Grant or Deed hereafter to be registered the Register shall have and receive two Shillings and Six pence Proclamation Money; and for every Abstract so returned and Certified, the Register shall have and receive seven pence half penny of like Money, or in lieu thereof Bills or Commodity or as is in this Act directed and no more; and that the sd. Registers in the several Precincts shall affix and keep an Alphabetical List or Index of the Books where such Patent Grant or Deed is register'd.

II. And be it further Enacted by the Authority aforesaid, that all former Grants or Patents under the late Lords Proprietors the Governr. or Commander in Chief for the Time being, or under His Maj'ty., or which shall be given by His Maj'ty; which shall not be registered & return'd in manner aforesaid.; such Grants shall be deem'd held and taken to be void and the Lands thereby granted to be vacant Lands, and shall revert
to His Majesty, His Heirs and Successors, and shall and may be granted by His Majesty to any other person or persons whatsoever; saving to Orphans and Minors who shall be allowed twelve Months after—they arrive at Age, if it shall be neglected by their Guardians or Trustees; but if such Guardian or Trustee shall neglect to have such Orphans or Minor’s Land registered as aforesaid, such Guardian or Trustee shall forfeit the Sum of five Hundred pounds current Money to be recovered by Bill Plait or Information in any Court of Record in this Province; wherein no Essoign Injunction or Wager in Law shall be allow’d of, one half to the Informer, the other half to the Orphan or Minor so injured. Saving also to all persons now absent or beyond the Seas, and that shall be absent or beyond the Seas at the End of this Session of Assembly; who shall be allowed five years for registering such their Grants as aforesaid.

III. And be it further Enacted by the Authority aforesaid, that all Persons who were in actual Possession of any Lands within this Province before the 25th day of July in the Year of Our Lord 1729, being the time when this Province became vested in His Majesty, and have no Patents or Grants to produce from the late Lords Proprietors their Governrs. Trustees or other Persons by the sd. Lords Proprs. authorized and appointed to grant Lands; and shall be in such actual Possession at the time of applying for a Grant, upon due Proof made before the Govr. or Commander in Chief for the time being in Council of such Possession and of the Number of Blacks or Whites such Person or Persons have in Family, shall be entitled to a Grant of so much of the sd Land so possessed at the rate of fifty Acres for each Person black or white so in family, at the Quit Rents directed by His Majesty’s Instructions. But if such Lands should lie in the County of Albemarle, new Patents shall be granted, agreeable to the Directions of the late Lords Proprietors for granting Lands in the sd. County, pursuant to the Deed of Grant. Provided that all persons claiming Grants as Possessors of Land as aforesaid, shall publish their Claims by Writing affixed at the Court house Door or such place as is appointed for holdg. each Precinct Court where such Land lies,—two Precinct Courts Successively; Proof thereof to be made by the Oath of the Person or Certificate from the Clerk of the sd. Court, describing the Situation and Number of Acres in such Lands contained.

IV. And be it further Enacted by the Authority aforesaid, that no Grant of Lands which shall be made by his Majesty His Govr. or Commandr. In Chief for the time being shall be deem’d a Bar against the Claim of any Person or Persons whatsoever Bodies politic or Corporate saving agt. his Majesty his heirs and Successors, and agt. the late Lords Proprs. Provided Nevertheless that if no legal Claim be made within five Years after the date of his Majesty’s Grant or the Grants of the Lords Proprs., the Govr. or Comr. in Chief for the time being, and the Grantee or Grantees continuing for that Space in quiet and peaceable Possession of the Lands thereby granted, such Grants shall and are hereby declared to be good in Law, and a perpetual Bar against all Persons Claims and Demands whatsoever saving to Minors who shall prosecute such their Claim within twelve Months after they shall come of Age; saving also the Right of Persons beyond the Seas, who shall be allow’d Five Years by themselves or their Attornys to prosecute the same.

V. And Whereas by the Deed of Grant to the Inhabitants of Albemarle County by the Lords Proprs. Anno 1668—their Lordships did grant their Lands in the County of Albemarle in the same manner as the Lands in Virginia were then granted; and the Inhabitants of the said County relying on the Faith of the said Deed of Grant, did during the Time of the late Lords
Proprietors, take up possess & cultivate their Lands in the said County: Be it therefore Enacted by the Authority aforesaid, that the sd. Deed of Grant by the late Lords Props. anno 1668, shall be good and valid to the sd. Inhabitants of Albemarle County their Heirs & Assigns for ever, against his Majt. His Heirs & Successors: And be it further Enacted by the Authority aforesaid, that all Persons in the County of Bath who have any Patents or Titles from the late Lords Proprietors, their Govrs. Trustees or other Persons authorized and appointed to grant Lands; That all such Patents Grants or Titles shall be good against his Majesty his Heirs and Successors.

VI. And be it Enacted by the Authority aforesaid, that all Arrears of Quit Rent now due, or which shall become due to his Majesty his Heirs & Successors shall be pd. to his Majesty or to such Person as he shall appoint to receive the same in Silver at the Proclamation Standard, or in Gold equivalent thereto; or in the Paper Bills of Credit of this Province; or in the several Commodities and at the several and respective prices herein-after rated & express'd: That is to say, Hemp at three pence per pound, good Merchandible water-rotted bright and clean Flax at four pence half penny per pound Rice at ten Shillings per hundred merchantable and fit for the European Market; well dressed Deer Skin at two Shillings and six pence per pound, not weighing less than a Pound per Skin; Tobacco at Eight Shill. & 4d per hundred for the County of Albemarle only.

VII. And for the better ascertaining such public Bills of Credit and the proportion they do or shall bear to proclamation. Money; Be it Enacted that the said Exchange shall be regulated and fixed by the Governr. Council and Assembly.

VIII. And be it further Enacted by the Authority aforesaid that the Arrears of Quit Rents now due to his Majesty since the 29th day of Septr 1729, or which shall become due on the 29th day of Septr. which shall be in the Year of Our Lord 1735, shall be pd. to his Majesty in the manner following; that is to say, The one Molety or half part between the first day of February & the first day of March 1735 And the other Molety or half part, together with the Quit Rents which shall then grow due, on the 29th day of Septr, which shall be in the Year of Our Lord 1736 between the first day of February and the first day of Mar. next following; and after the Quit Rents to be paid yearly at the Time aforesaid and Places hereafter mentioned in Chowan Precinct at Edenton Burket's Landing & B Landg: in Bertie Precinct at Mr. Arthur Williams's Landg. Sam Williams's Landg. now—Mr. Thos Jones's; on Petty Shore at Jno. Howel's Landg. on Chowan River at Jno. Green's Landg. at the Widow Jeffery's Landg. at Theoph. Pugh's Landg. on which Edmd. Wiggins lives, all on Roanoke River, and at Base Island, on Cash River; in Pequimen's Precinct at the Mouth of Deep Creek; in Little River at the Court house, at the River Bridge and at the Mouth of Yawpin River; in Pasquotank Precinct at the Landg. of Mr. Gab. Burnham, at the Landg. of Mr. Cha Sawyer, at Ellhu Albertson at Arunens Creek at the Landing of Col. Jno Pallen at the Landg. of Mr. Robt Lowry at Little River and at the Landg. of Mr. W. Reed on Pasquotank River in Currituck Precinct at Tula Creek Bridge at Henry Woodus's Landg. on North River; at the Town on Roanoke Island; in Tyrrell Precinct at Shikowee Landg. at the Widow Bell's Landg. and at Mr. Jos. Spruell's Landg: in Beaufort Precinct at Bath Town, at Capt. Trip's Landg. and at Burdet's Landg. in Hidg Precinct at Mr. Webster's Landg. at Maschapunga River and at Maj Slade's Landg: on Slade's Creek; in Craven Precinct at Newbern Town in Carteret Precinct at Beaufort Town in New Hanover

IX. And be it further Enacted that if any Disputes shall arise between the Officer appointed to receive such Quit Rents and the Persons paying the same concerning the Quality or Goodness of the Commodity tender'd for Paymt. the Officer upon Application to the next Magistrate, such Magistrate shall summons three freeholders to view the said Commodities so tender'd, & they or any two of them shall upon their Oaths declare before any Magistrate in the said Precinct whether such Commodity so tender'd as aforesaid be Merchantable or not, according to their best Skill & Knowledge.

X. And be it further Enacted by the Authority aforesaid
That the Quit Rents which become due & payable to His Majesty for the year 1736 shall be paid the Time & Places before mention'd in this Act, and if any Person shall remain in Arrear thirty days after the Twentieth day of Decr. yearly in Case any Person or Persons shall be in Arrear to his Majesty for any Quit Rents or Part of Quit Rents, (excepting such as are herein before mention'd, for the Paymt. of which a time is already limited) for the Space of Two Months after such Quit Rents are become due the Receiver Genl. or any Person by him appointed shall enter on the Lands of the Defaulter and distrain and the Proceedings thereon shall be accordg to the Laws Statutes & Usage of England: And if it shall so happen that any Person shall be in Arrear for Quit Rent for the Space of Three Years, and no Distress can be found on the Lands for wch such Arrears are due, that then on Inquisition & Office found, the said Lands shall revert to his Majesty His Heirs and Successors.

XI. And whereas many Original Patents or Grants from the Late Lords Proprs the Govr or Comander in Chief for the Time being, have been lost or destroyed; it is therefore Enacted by the Authority aforesaid, That the Records of such Patents or Grants, or the Abstract of Them recorded in the Secretary's Office, or the Exemplification of such Patents or Grants, shall be deemed as good & may be pleaded and given in Evidence, as if the Originals themselves were in being and produced; and if the Quit Rents reserved on such Patents or Grants cannot be discovered on the Record, that then the Grantee shall be charged with the highest Rent that was actually reserved & made payable to the late Lords Proprs in the County where such Lands lye; and such Exemplification may be register'd & returned into the Auditor's Office, as is before in this Act directed. Provided always, that in Case no Record can be found of such Grant or Patent so lost or destroyed, the Person holding and possessing the said Lands, upon due Proof before His Excellency the Govr or the Comr in Chief for the time being, of the Sum that has been paid for Quit Rent by himself or Predecessors, shall be liable to & chargeable with no greater Sum as Quit Rent for the said Land than has been so proved to be pd. as aforesd. anything herein before to the contrary notwithstanding.

XII. And be it further Enacted by the Authority aforesaid, That any Officer or Officers or other person who shall at any Time be sued or impleaded for putting this Act or any part thereof in Execution, it shall be lawful for such Officer or Officers, Person or Persons to plead the General Issue, and give
this Act & the special Matter thereof in Evidence; and that this Act shall be
held and deemed and taken to be a public Act.

XIII. And be it further Enacted by the Authority aforesaid, That nothing
in this Act shall be construed, deemed held or taken to bring in Question or
Invalidates any Patent or Grant of Land that is supported by the Act of Par-
lament, whereby His Majesty purchased the Sovereignty of this Province, and
the Interest of Seven of the Proprietors, so as such Patent or Grant shall be
registered or tendered to be registered, within the Time limited in this Act.

ENDORSED.

NORTH CAROLINA

Copy of the Quit Rent Bill as it was, when Rejected by the Council of
North Carolina.
Recd October 10th, 1735.
Read 14th Do.
CHAPTER I.

An Act for an Act for ascertaining and regulating Publick Officers' Fees & Offices.

I. Whereas, all Extortions Exactions & Corruptions are & ought to be odious & prohibited in all well governd places whatsoever for prevention therefore of such Evils, we pray it may be enacted, And be it Enacted by his Excellly the Govr Council and General Assembly & by Authority of the same That no publick Officer or person whatsoever, shall at any time or Times hereafter take or require any Sum of Money fee or reward whatsoever for any Matter, business or thing belonging to his or their respective Office, Place Profession or Employment mention in this Act, other than such Fee & so much Fees as are hereafter in the respective Table of Fees hereto annexed set down limited & appointed in proclamation Money on the pains & forfeitures hereafter mentioned and expressed any Law Usage or Custom to the Contrary in any Wise Notwithstanding.

Governour's Fees

<table>
<thead>
<tr>
<th>Grant of Land or Patents signed or to be signed</th>
<th>10 Shillings</th>
</tr>
</thead>
<tbody>
<tr>
<td>for six hundred and forty Acres or under</td>
<td>0 0</td>
</tr>
<tr>
<td>Every Grant or Patent for More than Six hundred and forty Acres</td>
<td>1 0 0</td>
</tr>
<tr>
<td>To the Govrs Secretary for the Seal &amp; Wax</td>
<td>5</td>
</tr>
<tr>
<td>Signing a Testimonial &amp; Seal</td>
<td>10</td>
</tr>
<tr>
<td>Signing Letters of Administration</td>
<td>8</td>
</tr>
<tr>
<td>A Marriage License</td>
<td>0 10</td>
</tr>
<tr>
<td>The probate of a Will &amp; Letters Testamentary</td>
<td>10</td>
</tr>
<tr>
<td>Letters of Guardianship</td>
<td>8</td>
</tr>
<tr>
<td>A Warrant for Land</td>
<td>2 6</td>
</tr>
<tr>
<td>A Certificate or Register for a Ship or Vessel under 30 tons.</td>
<td>5</td>
</tr>
<tr>
<td>All above 30 tons</td>
<td>10</td>
</tr>
<tr>
<td>Any Commission for a Place of profit</td>
<td>2</td>
</tr>
<tr>
<td>The Govrs private Secretary for the Same</td>
<td>5</td>
</tr>
</tbody>
</table>

Fees in Chancery

<table>
<thead>
<tr>
<th>Signing and Sealing an Injunction to stop Suits at Law or to Stay Coste</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signing a Decree in Chancery</td>
<td>14</td>
</tr>
<tr>
<td>Signing an Exemplification of a Decree &amp; Seal thereto</td>
<td>14</td>
</tr>
<tr>
<td>Admission of an Infant to appear by Guardian</td>
<td>2 6</td>
</tr>
</tbody>
</table>

Register or Clerk in Chancery.

<table>
<thead>
<tr>
<th>Drawing &amp; dating all Orders of Court p Copy Sheet containing fifteen Lines &amp; Six Words in a Line</th>
<th>0 0 7½</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entering all Depositions, Affidavits, Interrogatories, Decrees, p Copy Sheet</td>
<td>0 0 7½</td>
</tr>
<tr>
<td>Entering a Cause for hearing</td>
<td>1 3</td>
</tr>
<tr>
<td>Every Subpoena, Capias Attachmt. habeas Corpus &amp;c.</td>
<td>2 3</td>
</tr>
<tr>
<td>Every Injunction</td>
<td>4</td>
</tr>
<tr>
<td>Filing every Bill, Answer, Demurrer Replication &amp;c.</td>
<td>6</td>
</tr>
</tbody>
</table>

220
<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copying all Bills, Answers, Demurrers Replications, Rejoinders Copy Sheet</td>
<td>0 7 2</td>
</tr>
<tr>
<td>Every Warrant of Commitment</td>
<td>2 6</td>
</tr>
<tr>
<td>Filing every petition or Affidavit</td>
<td>6</td>
</tr>
<tr>
<td>Drawing every Recognizance</td>
<td>2 6</td>
</tr>
<tr>
<td>Exemplification of the proceedings in any Cause p Copy Sheet</td>
<td>7 2</td>
</tr>
<tr>
<td><strong>Secretary's Fees</strong></td>
<td></td>
</tr>
<tr>
<td>A Warrant for Land</td>
<td>2 6</td>
</tr>
<tr>
<td>A Grant or Patent for Land, if 640 Acres or under &amp; recording the same</td>
<td>0 1 0</td>
</tr>
<tr>
<td>Ditto if above 640 Acres</td>
<td>1 5</td>
</tr>
<tr>
<td>Letters of Administration &amp; Bond</td>
<td>8</td>
</tr>
<tr>
<td>Writing the Probate of a Will &amp; Letters Testamentary</td>
<td>5</td>
</tr>
<tr>
<td>Copy of a Will each Copy Sheet</td>
<td>7 2</td>
</tr>
<tr>
<td>Letters of Guardianship</td>
<td>8</td>
</tr>
<tr>
<td>A Caveat</td>
<td>2 6</td>
</tr>
<tr>
<td>A Testimonial &amp; the Seal thereto</td>
<td>7 6</td>
</tr>
<tr>
<td>Every Search</td>
<td>1</td>
</tr>
<tr>
<td>Recording a Will or any other Writing p Copy Sheet</td>
<td>7 2</td>
</tr>
<tr>
<td>For every Commission</td>
<td>6</td>
</tr>
<tr>
<td><strong>Public Register's Fees</strong></td>
<td></td>
</tr>
<tr>
<td>Registering any Conveyance, Grant Lease, Letter of Attorney Bond</td>
<td>0 7 2</td>
</tr>
<tr>
<td>or other Writing p Copy Sheet</td>
<td></td>
</tr>
<tr>
<td>Copies of any Deed &amp;c. registered in the Office per Copy Sheet</td>
<td>7 2</td>
</tr>
<tr>
<td>Every Search</td>
<td>1</td>
</tr>
<tr>
<td>Entering Satisfaction on any Mortgage</td>
<td>2 6</td>
</tr>
<tr>
<td>A Certificate at the request of the party</td>
<td>2</td>
</tr>
<tr>
<td><strong>Chief Justice Fees in the Court of Common Pleas</strong></td>
<td></td>
</tr>
<tr>
<td>Every Capias, Subpnea or other Writ or process and return</td>
<td>2 6</td>
</tr>
<tr>
<td>Entering Satisfaction</td>
<td>1</td>
</tr>
<tr>
<td>Entering an Action in the Judge's Book that goes to a Jury</td>
<td>5</td>
</tr>
<tr>
<td>Taxing a Bill of Costs</td>
<td>0 3 4</td>
</tr>
<tr>
<td>Drawing a Special Jury</td>
<td>5 0</td>
</tr>
<tr>
<td>Every Special Court and Attendance thereon</td>
<td>1</td>
</tr>
<tr>
<td>Every Order of Court</td>
<td>1</td>
</tr>
<tr>
<td>Bill taken before him</td>
<td>5</td>
</tr>
<tr>
<td>The Admission of any person to be an Attorney of the Court</td>
<td>4</td>
</tr>
<tr>
<td>Every Judgment confessed at large out of Court</td>
<td>9</td>
</tr>
<tr>
<td>Signing a Testimonial of a Woman's Examination and renouncing her Right of</td>
<td>10</td>
</tr>
<tr>
<td>Dower or Inheritance</td>
<td></td>
</tr>
<tr>
<td>Every Affidavit drawn at Large</td>
<td>2 6</td>
</tr>
<tr>
<td>Examination of Witnesses out of Court each</td>
<td>5</td>
</tr>
<tr>
<td>Every other affidavit</td>
<td>1</td>
</tr>
<tr>
<td>Every Special Warrant. under the hand of the Chief Justice and the Seal</td>
<td>2 6</td>
</tr>
<tr>
<td>of the Court</td>
<td></td>
</tr>
<tr>
<td>Every Judgment at large</td>
<td>2 6</td>
</tr>
<tr>
<td><strong>His Fees at the Sessions</strong></td>
<td></td>
</tr>
<tr>
<td>Every Recognizance taken before him</td>
<td>5</td>
</tr>
<tr>
<td>Every Indictment found bill a vera</td>
<td>4</td>
</tr>
</tbody>
</table>
Every Writ .......................................................... 2 6
Every Warrant under his hand ................................ 4
Taxing a Bill of Costs ......................................... 2 6
Every Order of Court ......................................... 2

Clerk of the Court of Common Pleas.

Every Writ .......................................................... 1
filing a Declaration, Plea, Replication, Demurrer, Joynder in
Demurrer ........................................................... 0 9
Copying a Declaration or other Writing per Copy Sheet .... 7½
Reading a Bond Deed or Power of Attorney .................. 7½
Every Order of Court and Copy ............................... 7½
Every Search in the Records .................................. 7½
Signing any Judgment at large .................................. 2 6
Attending drawing a Jury at a Speciall Court ................. 5
Each day's Attendance at a Speciall Court ..................... 5
Drawing a Recognizance and Attending on taking every Spe-
ciall Ball .......................................................... 2 6
Recording every Writing per Copy Sheet ....................... 7½
Receiving Money into Court and paying it out again One and
a Half Per Cent.

His Fess as Clerk of the Crown.

Reading a Petition or other Writing .......................... 7½
Entering an Order by the Copy Sheet .......................... 7½
Copy of an Order by the Copy Sheet .......................... 7½
A Bond .............................................................. 2
A Commitment ...................................................... 1
Filing a Petition or any other Paper ........................... 2 6
Drawing any Warrant ............................................. 2 6
A Writ of Restitution ............................................. 2
Every Man Arraigned ........................................... 4
Every Indictment .................................................. 1
A Traverse or Release or any one Acquitted by Proclamation.. 2
Writing a Recognizance by Copy Sheet ......................... 7½
Every Subpoena ................................................... 1
The Copy of an Indictment ........................................ 7½
Writing the presentment of a Constable ........................ 7½
Every Cause entered in the Kallender or Docq ........................ 1
Recording the Proceedings of a Cause Each Copy Sheet ... 7½
Every Certificate of a Coroner having returned an Inquisition
into Court .......................................................... 2 9
Swearing every Evidence ........................................ 7½

The Judge of the Admiralty's Fess.

A Warrant of Arrest and each other Warrt ........................ 2
The Return thereof .............................................. 1
Admitting the Libels ............................................ 2
Citation of Witnesses ........................................... 1 3
Examining Witnesses each ..................................... 2
Administering an Oath ........................................... 1
Every Order entered and Signed by the Judge .................. 1
Every Interlocutory Decree .................................... 1
Definitive Sentence .............................................. 10
LAWS OF NORTH CAROLINA—1735.

Register in the Admiralty, His Fees.

Every Warrant ................................................. 2
Filing every Paper and Instrument exhibited in Court ...... 1
Every Citation ................................................. 1
Every Witness Sworn ......................................... 1
Reading every Libel and Answer each ......................... 2 6
Every Copy of the Proceedings in the Court each Copy Sheet Containing Ninety Words .......................... 7 1/2
Entering every Order ......................................... 9
Every final Sentence ........................................... 5
Entering Motions in Court .................................... 6
Interrogatories and Answers pr Information Each Witness interrogated ........................................... 2 6
Entering the Return of every Warrant Citation &c. .......... 7 1/2
Copy of Appraisment with Schedule .......................... 5
Notification of Sale .......................................... 1 3
Exemplification of Every Cause per Copy Sheet ............ 7 1/2
Reading the Marshal's Return of every Writ Summons, &c. ................................................. 7 1/2
Drawing and Engrossing Testimonials by the Judge to be fixed to Exemplifications &c. .................... 1 3

The King's Advocate, His Fees

His retaining Fee .............................................. 1
Taking out a Warrant for Arrest ............................... 5
Drawing and Engrossing every Libel, Answer, Allegation, Interrogation or other Instrument Exhibited ............ 7 1/2
Abreviating every Copy Sheet of Instruments exhibited by the Adverse Party ...................................... 7 1/2
Every Motion made in Court .................................. 2 6
Taking Out each Citation for Witnesses ....................... 1 3
His fees on Arguing any Matter of Law ........................ 10
His Fees on Examination of Witnesses in Ordinary Cases for each Witness ..................................... 1 3
Proctor's Fees the Same except retaining Fee to be but 10S: and on Arguing Matters of Law 5S.

Marshal of the Admiralty's Fees.

Serving every Warrant on Land ................................. 2 6
Do. on Water ..................................................... 8
Each day Keeping a Vessel in his Custody ................... 5
Serving each Citation .......................................... 1 3
Selling Vessels and Goods and paying the Money 5 Per Cent.

Provost Marshal's Fees

Summoning a Speciall Jury .................................... 0 10
Serving every Writ .............................................. 6
Returning the Same ............................................ 1 6
A Ball Bond ...................................................... 2
Summoning the Jury and returning the Ventire each Cause Tried Calling each Action ...................................... 4
Serving a Subpoena or Rule of Court ......................... 1
An Execution on the body of Goods, if not above 100£ Current Money Twelve per cent per pound; if above 100£, for each
pound above Six. Price Dyet of White prisoners p diem allowing one pound of Bread and one pound of Flesh all wholesome provisions ................................................. 0 1 3

Copy of Commitment .................................................. 1
Waiting on any person on a habeas Corpus each day ............... 5
Each person presented and prosecuted ................................ 2
Each person acquitted by proclamation ................................ 1
Serving an Order of Council in Criminal Matters and not otherwise ........................................ 5
Commitment of any Person ............................................. 2
Going by Water each Mile but Nothing for returning .......... 0 3

Register of Births and Marriages
Registering any birth or Marriage .................................. 1 3
Searching the Registry .................................................. 1 3
Every Copy of the Register & Certificate .......................... 2 6

Attorney General's Fees
His Report to the Governor in each private Case referred to him by the Governor and Council .................... 10
Drawing every capias against persons entitled and not bound over or against persons presented by the Grand Jury or Constable ........................................................... 5
Every Recognizance ..................................................... 5
Drawing every Indictment found by the Grand Jury ............ 5
Every person acquitted by proclamation ............................ 2 6
Entering a Non prossequi ............................................... 1
Attending at the Judge's Chamber to take the Affidavit of any Person ......................................................... 5
Drawing every Affidavit each Copy Sheet .......................... 7½
Arguing Demurrer, Exceptions, or any Motion or Arrest of Judgment .................................................... 1

The Clerk of the Church of England, His Fees.
Attendance at funerals ................................................. 0 2 0
The Ground of each Grave ............................................. 0 3 0
Attendance at every Marriage ........................................ 0 2 6

Sexton's Fees
Digging the Grave ...................................................... 3 0
Ringing the Bell .......................................................... 0 2 6

Collector of the King's Customs, His Fees
Entering inwards and clearing outwards every Vessel of thirty tons and upwards with general permit to load and unload 6
Do. under thirty tons .................................................... 4
Every New Register of a Vessell —— Tons and upwards ...... 8
Do. of a vessel under .................................................... 4
Granting every Certificate of Naval Stores, or for a Certificate for cancelling a Bond or Cocket for shipping of Goods .... 2
Every Bill of Stores ..................................................... 2 6
Endorsing the Register of every Vessell ........................... 2
Registering the Names and Descriptions of the Men ............ 2 6
### Naval Officer's Fees

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entering and clearing outwards every Vessell of —— Tons and upwards</td>
<td>0 6</td>
</tr>
<tr>
<td>Do. under —— Tons</td>
<td>4 4</td>
</tr>
<tr>
<td>Every Bond for enumerated Comodities</td>
<td>2 2</td>
</tr>
<tr>
<td>Granting a Certificate or Cocket</td>
<td>2 2</td>
</tr>
<tr>
<td>Granting a Certificate to cancel a Bond given for enumerated Comodities</td>
<td>2 6</td>
</tr>
<tr>
<td>The Bond of every Vessell entering inwards</td>
<td>2 6</td>
</tr>
<tr>
<td>Taking Bond to obtain a Pass for People going out of the Country</td>
<td>2 6</td>
</tr>
<tr>
<td>Ticket for three that go off that are able to Contract Debts</td>
<td>2 6</td>
</tr>
<tr>
<td>Every underwritten Bond</td>
<td>2 6</td>
</tr>
<tr>
<td>Every underwriting</td>
<td>7 1/2</td>
</tr>
</tbody>
</table>

### The Register of the Court of Admiralty for the Trial of Pirates, His Fees

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Motion</td>
<td>1</td>
</tr>
<tr>
<td>Every Warrant for Apprehending</td>
<td>2 6</td>
</tr>
<tr>
<td>His Examination in Writing per Copy Sheet</td>
<td>7 1/2</td>
</tr>
<tr>
<td>Examining Informers each Copy Sheet</td>
<td>7 1/2</td>
</tr>
<tr>
<td>An Order thereon</td>
<td>7 1/2</td>
</tr>
<tr>
<td>Commitment or Mittimus</td>
<td>1</td>
</tr>
<tr>
<td>Attendance at Court each day</td>
<td>2 6</td>
</tr>
<tr>
<td>Every Oath in Court</td>
<td>7 1/2</td>
</tr>
<tr>
<td>Summons for Witness each</td>
<td>1</td>
</tr>
<tr>
<td>Every Recognizance</td>
<td>2 6</td>
</tr>
<tr>
<td>Reading the Commission of Piracy</td>
<td>1</td>
</tr>
<tr>
<td>Reading Articles of Accusation</td>
<td>1</td>
</tr>
<tr>
<td>Interrogatories and answers pr the King each Copy Sheet</td>
<td>7 1/2</td>
</tr>
<tr>
<td>Do. Per Party</td>
<td>7 1/2</td>
</tr>
<tr>
<td>Entering the prisoner's Defence What he hath to say per Copy Sheet</td>
<td>7 1/2</td>
</tr>
<tr>
<td>Entering the Votes of the Judges</td>
<td>1</td>
</tr>
<tr>
<td>Drawing the Sentence</td>
<td>7 1/2</td>
</tr>
<tr>
<td>Warrant of Execution</td>
<td>2 6</td>
</tr>
</tbody>
</table>

### Marshal's Fees on Trial of Pirates

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each days Attendance</td>
<td>5</td>
</tr>
<tr>
<td>Execution of each Criminal</td>
<td>1 1</td>
</tr>
<tr>
<td>Commitment</td>
<td>2 6</td>
</tr>
<tr>
<td>Releaseamet</td>
<td>5 5</td>
</tr>
<tr>
<td>Diet per Diem</td>
<td>1 3</td>
</tr>
</tbody>
</table>

### The Clerk of the Council's Fees

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drawing Petitions, If Drawn by the Clerk and read in Council</td>
<td>2 6</td>
</tr>
<tr>
<td>Reading a Petition</td>
<td>2 6</td>
</tr>
<tr>
<td>Copy of any other Paper per Copy Sheet</td>
<td>7 1/2</td>
</tr>
<tr>
<td>Copy of Orders on Petitions</td>
<td>2 2</td>
</tr>
<tr>
<td>Citation or Summons, each</td>
<td>1</td>
</tr>
<tr>
<td>Recording any Paper per Copy Sheet</td>
<td>7 1/2</td>
</tr>
<tr>
<td>Every Oath in Council</td>
<td>1</td>
</tr>
<tr>
<td>The rough draught of all Instruments per Copy Sheet</td>
<td>7 1/2</td>
</tr>
</tbody>
</table>
Attending, Entering Minutes and all Other Services not particularly Mentioned, on hearing Caveats and entering the Determination on Oath, &c. .................................................. 10
Copy to the Party ......................................................................................... 1
Every Motion and Order thereon where there is No Determination ................................................................. 2
Filing, Countersigning and entering all Grants Signed in Council ................................................................. 1

The Justices of Peace, Their Fees.

Taking a Deposition in Writing ................................................................. 1
A Warrant .................................................................................................. 1
A Summons ................................................................................................. 1
A Recognizance ....................................................................................... 1 6
A Commitment of a White Person ............................................................ 1
A Liberate or Discharge for a White Person ............................................... 1
A Probate of any Writing ........................................................................ 1
Granting an Attachmmt ............................................................................ 1
An Execution .............................................................................................. 1
Hearing a Cause and giving Judgment ...................................................... 1
Swearing Appraisers and Certifying the Same for the Whole. ............... 1

Constable’s Fees.

For Serving a Warrant ............................................................................. 1
Execution .................................................................................................... 1
Poundage per pound .................................................................................. 2
Serving a Summons .................................................................................... 1

Clerk of the County or Precinct Court’s Fees.

Every Writ and Return ............................................................................. 2
Filing a Declaration Plea Replication Demurrer &c. ................................. 6
Copying every Declaration or other Writing per Copy Sheet ................ 7½
Entering every Order of Court ................................................................ 6
Attachment the same as a Writ every Subpoena or Sumons ................. 1
Administering every Oath ......................................................................... 4
Every Search in the Records .................................................................... 6
Reading every Petition Power of Attorney or other Paper in Court ...... 6
Writing and taking every Recognizance in Court .................................... 2
Acknowledgements of Sales of Land ......................................................... 2
Entering up every Judgment and Recording every Writing per Copy Sheet ...................................................................................... 7½
Dismission of every Suit or Retractit ......................................................... 1
Recording a Mark or Bond ........................................................................ 1
Entering an Appeal ..................................................................................... 1
Copy of the Procedings by him returned to the General Court ......... Each Copy Sheet ................................................................. 7½
For Doing the Precinct or County Business Relating to Roads, Constables Surveyors, &c. to be allowed out of the Publick Levys per annum.

Exchequer General’s Fees.

For every Inquisition & return and all other Proceedings thereon 3
Surveyor General's Fees.

For Surveying Six Hundred and forty Acres of Land and
Under all fees incident thereto.......................... 1 13 4
For every Hundred Acres above the sd. tract..................... 2

II. And be it Enacted, by the Authority aforesaid. That if any Officer or Officers shall take and receive for any business thing or Matter relating to his or their Office or Offices More than by this Act are set down limited and appointed, or shall create make and take any other or new fee or fees than that what is in this Act particularly set down and expressed or shall multiply fees and shall thereof be Convicted by the Oath of the Person or Persons paying the same he or they shall forfeit and pay ten pounds proclamation Money for every fee or Sum of Money he or they shall take or receive contrary to the true Intent and Meaning of this Act One Moyety of which said forfeiture shall be to his Majesty for supplying contingent Charges of Government and the other Moyety to the Party grieved, or him or them who will inform and sue for the same within three months after the Receipt of such Money or thing to be sued for and recovered by Action of Debt or by Originall Writ Plaint or Information in any Court of Record within this Province wherein no Wager of Law essogin privilege protection or any other Delay shall be allowed or admitted. Provided that nothing in this Act shall be construed or taken or extend to prevent any Attorney or Attorneys taking any larger fee of his Client than is in this Act is directed.

III. And be it further Enacted by the Authority aforesaid That every publick Officer entitled to any of the fees mentioned in the Table hereto Annexed shall within Twenty days after the Ratification of this Act, set up and constantly keep a fair Table of the respective fees belonging to his or their respective Office, written in a fair and legible hand in Words at length. and fix up the same in the most publick place of View, in such place as they usually execute the sd. Office upon the pain of the forfeiture of five pounds Current Money of this Province for every day they shall neglect to set or keep up the same as aforesaid the said forfeiture to be the same use and payable to the same persons and recovered in the same Manner, as the forfeitures before by this Act are given ordained or appointed and shall also upon request of any person paying such or any fee aforesaid give to him a Ticket or Bill of Costs in which shall be inserted for what he takes such fee.

IV. And be it Enacted by the authority aforesaid That the Clerk of the General Court and the Clerk of every respective precinct Court within this Province shall before the beginning of every second Court or Term after any verdict obtained and Judgmt. thereon or any Judgmt obtained by default or other Writ record or cause to be recorded in a Book for that purpose Kept proceedings in the sd. Causes and the Judgmt obtained thereon with a proper Index to the sd. Record Book of the sd. Judgment and shall also preserve and Keep the Doectett of every Court or Term fair and legible under the pain of the forfeiture of One hundred pounds Current Money to be for and applied to the Uses aforesaid And to be recovered as by this Act is before directed.

V. And be it Enacted by the Authority aforesaid. That the respective Clerks of every precinct or County Court within this Province shall keep his Office in some convenient Place of the precinct of County where he is Clerk as also the Records of the said precinct Court untill an Office is built in every
precinct for that purpose. And after such office shall be built every Clerk
shall attend at the sd. Office ever other Saturday from the hours of Nine
of the Clock in the morning till four in the afternoon under the penalty of
fifty pounds Current Money of this Province to be applied as aforesaid.
and recovered as aforesaid.

VI. And whereas the foregoing Fees are computed in Proclamation Money
which is not at present the Currency of this Province. Be it Enacted by the
Authority aforesaid that the foregoing respective Fees shall be paid in the
Current Bills of this Province at three hundred per Cent advance (that
is to say) for every shilling proclamation Money four shillings of the
present Currency and so in proportion for a greater or lessor Sume and
shall and may be taken by the respective Officers before mentioned and
no more untill the Generall Assembly shall think fit to alter the same upon
the rise or fall of the Exchange.

VII. And be it further Enacted by the Authority aforesaid That this Act
and every Clause Matter and thing herein contained do remain and con-
tinue in force for ——— years and from thence to the End of the next
Session of Generall Assembly and no longer.

ENDORSED:

Bill for an Act for ascertaining & regulating Officers fees & Offices,
7th October 1736.
Read the first time & passed.
by Ordr.
PRATT Clk Genl Asse.

sent by MR. LEE
MR. TURNER
Octr. 8th, 1736.
Read in the upper house the first time & passed
By Ord. I ANDERSON Clk.
9th October 1736.
Read a Second time & passed with amendments.
by Ord. I. PRATT Clk. G. A.

sent by MR. POWELL
MR. LEE.

[also Endoresd North Carolina. Copy of a Bill prepared to be passed into
a Law for regulating officers fees & Offices. Referred to in Govr. Johnston's
letter of 15 Octor. 1736. Recd 16th Decr. 1736. Read 17th Decr. 1736.]
CHAPTER XI.

An Act for appointing a town on the Plantation Where William Webster now Dwelleth in Hyde County, on the West side of Matchapungo river.

I. 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 by the Authority of the same, that all the land from a creek near William Denmark's, running to another creek next to Richard Lerimonts, on a direct line on the river side, running from the high land on each creek, one hundred yards back on a direct line, is hereby declared to be a town by the name of Woodstock, with all privileges and immunities, hereafter mentioned and expressed, forever; and that the property of the said plantation or township be, and it is hereby henceforward invested in Samuel Sinclair, gentleman, Mr. William Harris, and Mr. John Smith, or any two of them, who are hereby empowered to lay out the said land into lots, of half an acre each, with convenient streets, not less than sixty feet wide.

II. And be it further enacted, that Mr. John Smith be, and is hereby appointed Treasurer and receiver of all such sum and sums of money, which shall arise from the sale of such lots, for the use hereafter mentioned; and on the death or departure out of the government, or refusal of the said treasurer to act, then the next succeeding commissioner or trustee shall officiate in his stead and place, and shall give security to the Justices of the Courts, that he will accountable for the money he shall receive by virtue of this Act.

III. And be it further enacted, that every person whatsoever, who is willing to be an inhabitant of the said town, shall have liberty to take up any lot or lots so laid out as aforesaid, and not before taken up; which lot or lots the said commissioners or an two of them, are hereby directed and empowered, to grant, convey and acknowledge, to the person or persons so taking up, the same, and to his or their heirs and assigns, for ever, in fee simple, upon the payment of forty shillings current money; and the said consideration money shall be paid unto William Webster, the proprietor of the said land, his heirs and assigns.

IV. Provided always, that if any person whatsoever shall take up, and have conveyed to him, any lot or lots as aforesaid, and shall not build or cause to be built thereon within two years after the date of said conveyance, a good substantial habitable house, not of less dimensions than twenty feet in length, and fifteen feet wide, besides sheds and leantoers, or shall make preparation for so doing, as the court of the said county, by view of any two or more of them, shall judge reasonable to secure the same, every such conveyance shall be, and is hereby declared void and of none effect, as if the same had never been made; and that the said lot or lots shall be free and clear for any other person to take up and purchase, on the conditions aforesaid.

V. Provided also, that all monies arising by the second or other sale of the said lots, shall be, and is hereby appropriated and applied, for the building of a church; and what shall be more than will build the said church;
shall be applied to such other uses as the said commissioners or the major part of them, shall think fit, for the encouragement of the said town.

VI. And be it further enacted, by the authority aforesaid, that the commissioners or any two of them, shall have power and authority, and they are hereby required and empowered, to remove all nuisances within the limits of the said town; and that no person, inhabitant of the said town, or holding lots there, shall inclose the same, or keep the same inclosed, under a common stake fence, but every lot therein shall be paled in, or done with posts and rails set up.

VII. Obsolete and missing.

VIII. And be it further enacted, by the authority aforesaid, that all persons, possessors or owners of lots in the said town, shall, and they are hereby obliged, within two years next after the ratification of this act, to clear all such lots by them held and possessed, from all manner of wood, underwood, brush and grubs, that are or may be offensive to the said inhabitants, and shall so keep and maintain the same, from time to time, and at all times, hereafter, under the penalty of ten shillings per month; to be recovered by a warrant from one Justice of the Peace; one half to the informer and the other half to the commissioners, for the use of the said town.

IX. And be it further enacted, by the authority aforesaid, That in the case of the death, or departure out of the government, of any of the said commissioners, at any time hereafter, the remaining commissioners, together with the justices of the county court, are hereby authorised and empowered to make choice of some other person or persons, to succeed such commissioner or commissioners so dying and departing as aforesaid; which person or persons so elected and chosen, shall be, and they are hereby invested with as much power and authority, to all intents and purposes whatsoever, as the present commissioners herein appointed are invested with, by virtue of this act.

X. And be it further enacted, by the authority aforesaid, that the commissioners are hereby impowered to make choice of one acre of ground in the said town, wherever they shall think fit and most convenient, for a church and church yard.
LAWS OF NORTH CAROLINA--1740.

CHAPTER IX.

An Act to exempt the inhabitants of Bath town from working on the public roads, and to oblige the said inhabitants to clear and keep the streets of the said town clear and in good order.

I. Whereas, there is no provision made by any law of this province to oblige the inhabitants of Bath town to clear and keep clear the streets of the said town:

II. 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 the General Assembly of this Province, and it is hereby enacted by the authority of the same, that from and after the ratification of this act, it shall and may be lawful for the Justices of Beaufort, yearly, to appoint some proper person, inhabitant of the said town, overseer of the same; which overseer so appointed shall, as often as there shall be occasion, summons the male tithable inhabitants of the said town, to clear the streets thereof, and remove any nuisance or nuisances within the said town: And if any such male tithable inhabitant shall fall or refuse to appear on such summons, and work in the said Town at such times and places as the said overseer shall direct, such person so neglecting or refusing, shall forfeit and pay the sum of two shillings and six pence, proclamation money, for every day he shall so neglect and refuse; to be recovered by a warrant from any justice of the peace of the said county, and applied to the use of employing persons to work and keep the streets of the said town clear and in good order.

III. And be it further Enacted, by the Authority aforesaid, That the said inhabitants shall be, and are, for the future, exempt from working on any of the Public Roads within this Province, out of the Limits of the said Town.
CHAPTER V.

An Act for providing proper Magazines for the several Counties in this Province and for Defraying the charges thereof.

Whereas, the defenceless state of this Province and the Accounts we have had of an intended invasion by our Enemies, the Spaniards, against the Southern Colonys makes it Highly Necessary to provide in time for our secure Defence, by having proper Magazines of Ammunition in the several Counties of this Province—

Be it Enacted by his Excellency Gabriel Johnston, Esqr., Governor, by and with the Advice and Consent of his Majesties Council and General Assembly of this Province—

That the Justices of each & every County within this Province at the next Court after the first day of June immediately Ensuing the passage of this Act, shall and are hereby impowered to lay a Tax of eight pence Proclamation on the Taxables in the several Counties to be collected and Disposed of as is hereinafter directed for Hiring a Store House, or Magazine, and buying Ammunition for each respectively with the money therein arising, by virtue of the said Tax—And the Justices of the Court neglecting to lay such a Tax within four months after the ratification of this Act shall forfeit and pay the sum of Ten Pounds Proclamation money to be recovered in the proper court of this Province by Action of Debt Bill plaint or Information.

And be it Enacted, by the Authority aforesaid, that the Justices of every County shall and are hereby impowered to Hire, in each of the Counties, one Store House, or Magazine wherein all Ammunition to be bought by virtue of this Act shall be Lodged.

And be it further Enacted, by the Authority aforesaid, the Justices of each County shall and are hereby impowered at the first Court to be held by the several Counties, after the first day of May next, to contract with any person or persons for so much powder Swan Shot and Gun Flints as the said Tax when collected will be sure to pay for after the Sheriffs Commissions shall be deducted.

And be it further enacted by the Authority aforesaid, that the Justices of each county within this Province, shall and are hereby impowered and required to pay to any person or persons, in their respective Counties, who shall on the Public faith furnish any Quantity of Ammunition in Consequence of this Act, all such Sum or Sums of Money, as they shall so agree for as soon as the said Tax shall be collected And paid to them under the penalty of Twenty Pounds proclamation money to be Recovered by the Person or Persons who shall so contract with them as aforesaid by action of Debt bill plaint or Information in the General Court of this Province.

And be it further Enacted, That the said Justices shall be Impowered and they are hereby impowered to appoint and agree with a proper person in each and every County to take charge of the said Magazine, who shall be allowed Five per cent for all the Ammunition he shall receive and deliver by order; and that he shall give bond with one or more suretys in the penal sum of One Hundred Pounds proclamation money to be accountable to them for the quantity received, and that he shall at all times and from time to time deliver to the Colonel of the Regiment or Commanding Officer or his Order such Quantities of Ammunition as he may see necessary upon
any Invasion Alarm or Intended Invasion, and upon his refusal so to do, he shall forfeit and pay the sum of Five Pounds proclamation money to be Recovered in any Court of Record by Bill plaint or Information.

And be it further enacted that the Colonel or Commanding Officer shall be Accountable to the Justices in each and every County Court for such Quantity of Ammunition as he may have ordered out of the Magazine.

And be it further enacted that the Tax or Taxes laid by such Justices in each and every County as aforesaid shall be levied by the Sheriff at the same time and in the same manner as other Taxes are now collected by Law and that he shall be accountable for the same to the Justices of the said County Courts under the penalty of Forty Pounds proclamation money to be recovered by any person or persons, who will Inform or sue for the same in the General Court of this Province, by Action of Debt bill plaint or Information and no essoin protection injunction or wager of law shall be admitted of, the one third to the person prosecuting, and the other two thirds to be applied to and for the uses of the Magazine in each and every County and for no other use whatsoever.

And whereas every person now entered or who hereafter may be entered on the Muster Rolls of this Province are equally concerned in the safety and defence of the same, Be it therefore Enacted that no taxable in this Province shall be exempted from paying the said Taxes any former Order or Resolution of the General Assembly of this Province notwithstanding.

GAB. JOHNSTON
NATH. RICE

SAML SWANN Speaker
LAW S OF NORTH CAROLINA -- 1745.

CHAPTER I.

An Act for Laying a Tax for Sinking the Now Current Bills of Credit.

Whereas, there is a deficiency in the fund for sinking the now Current Bills of Credit to supply the defect whereof, We pray His Most Sacred Majesty that it may be Enacted— And Be it Enacted by His Excelly the Governor Council and General Assembly and by the Authority of the same that the sum of One Shilling Proclamation Money be annually Levied on every Taxable Person within this Province and be collected by the Sheriffs of the respective Counties for and During the space of Eight years and no longer to commence from the first day of May next after the ratification of this Act and shall be paid in Gold Silver or Bills Equivalent or Inspectors Notes for the several Commodities as rated by an Act intitled an Act for Granting an Aid to His Majesty to defray the Expenses of Transporting the several Troops Enlisted in His Majestys Service in this Colony and to ascertian the method of paying all taxes & Levies in Commodities and for other purposes therein mentioned and shall be collected and paid at the several and Respective Warehouses in each County in such manner and at such times as all other Taxes are or ought by Law to be paid. And that all persons neglecting to pay the said Tax at the times by law limited shall be liable to such Distress to be made by the Sheriff as for nonpayment of other Taxes.

And be it further enacted by the authority aforesaid, that the Sheriff of every County shall on or before the first day of March yearly sell at Publick Vendue (after having put up notice in writing twenty days before such sale at the Court House Warehouses Chapples and other Publick Places in the said County of the time and place of such sale,) all the Commodities paid in to the Ware Houses of the County whereof he is Sheriff to the Highest Bidder, for Bills Silver or Gold and if Silver or Gold shall be paid to any Sheriff for such Commodities then he shall exchange the same for Bill Money according to the value for which trouble he shall be allowed six per cent and may deduct the same accordingly. And the said Sheriff at the next meeting of the Assembly shall return his said list of Taxables so received as also account upon oath and pay down to the Assembly all such sums of money as he shall have received by virtue of this act under the penalty of two hundred pounds Proclamation Money for every default which said Penalty shall be recovered by action of Debt Bill plaint or Information in the Supreme Court of this Province by any Person who shall sue for the same wherein no essoin protection Injunction or wager of Law shall be allowed or admitted of, the one molety to him or them that shall sue for the same the other to be applied to the General Assembly of this Province for the use the tax by this Act is intended. And the said Assembly shall cause the said Bills so paid in to be annually Burnt and Destroyed so that the whole Currency may be sunk within the said Eight years.

And whereas, it would be a great hardship and inconvenience to the Possessors of the present Bills of Credit should not the same be payable in all taxes and officers fees, Therefore be it Enacted by the Authority aforesaid, that the now Bills of Credit shall be received in payment of all Taxes at the rate of Seven Shillings & Six Pence for one shilling Proclamation money.
and in officers fees (as directed in the before recited act for granting an Aid to His Majesty to defray the Expenses of Transporting the several Troops Enlisted in His Majesty's service in this Colony and to ascertain the method of paying all Taxes and Levies in Commodities and for other purposes therein mentioned) for Eight years and no longer.

And be it further enacted, that if any person shall counterfeit forge alter or disface any of the now publick Bills of Credit or shall utter, pass or dispose of any Counterfeit or Forged Bills knowing the same to be so every such Person shall for the first offence stand in the Pillory for the space of two hours and have his ears nailed to the same and cut off, and for the second offence shall be guilty of Felony without benefit of Clergy.

And whereas there are divers considerable sums of Loan Money due and unpaid and the power of the Treasurers to make Distress is already Expired,

Therefore be it enacted that the several and respective County Treasurers shall and are hereby impowered and authorized at any time thereafter to make distress of all Goods and Chattels of persons who are indebted for any Loan Money or for want of such Goods and Chattels to seize and dispose of the mortgaged lands in order to discharge such sum or sums due and in arrear on such mortgages the expiration of any law to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, that the several and respective county Treasurers shall pay to the General Assembly all the Bills of Credit now in their hands or which hereafter shall be by them respectively received which shall be burnt and destroyed as they are paid in and also all Bills now paid into the Committee of Accounts by the said County Treasurers shall be likewise burnt and Destroyed and an account kept by the Clerk of the Assembly of such Bills so Destroyed.

And be it further enacted that the moneys which may arise in virtue of this Act more than is sufficient to answer the purposes for which the same is laid shall be applied by the Governor Council and General Assembly of this Province and in no other manner for and towards erecting free schools at such places as they shall think proper.

Ratified 20th day of April 1745.

GAB. JOHNSTON
NATH. RICE

SAM'L SWANN Speaker
LAWS OF NORTH CAROLINA -- 1746.

THIRD SESSION.

CHAPTER II.

An Act to Repeal a Clause in an Act intituled An Act for Erecting the upper part of Craven County into a County & Parish and for appointing a pice for building a Court House Prison & Stocks in the said County. And the clause in an Act intituled an Act for Dividing Edgecomb County & Parrish and for erecting the upper part thereof into a County and Parrish by the name of Granville County and St. John Parrish and for appointing Vestrymen of the said Parrish which Direct that all Publick County and Parrish Levies due from any of the Inhabitants of the said County of Granville shall be collected by the Sheriff of Edgecombe County and that all Publick County & Parrish Levys due from any of the Inhabitants of the said County of Johnston shall be collected by the Sheriff of Craven County so far as may relate to the Taxes or Levys laid and made payable for the year One Thousand Seven Hundred and Forty Six.

Whereas the Inhabitants of the said New Erected Counties of Johnston and Granville have respectively paid their Publick County & Parish Taxes & Levys and Contributed to the erecting of the publick buildings in the said Counties of Craven or Edgecomb from whence they were divided and now must necessarily be at great expense and charge to erect the necessary publick buildings in their respective counties, Wherefore we pray that it may be enacted—

And be it Enacted by His Excellency the Governor, Council & General Assembly of this Province, And it is hereby Enacted that the said Counties of Johnston & Granville shall be and they are hereby exempted from paying any Publick County or Parrish Levy or Tax laid & payable in the several & respective counties of Craven & Edgecomb for the year One Thousand Seven Hundred & Forty Six.

And that the said clauses in the aforesaid Acts Directing the several Sheriffs of the said Counties of Craven & Edgecomb to collect the said Publick County & Parrish Taxes or Levys in the respective Counties of Johnston and Granville for the year One Thousand Seven Hundred and Forty Six are and stand hereby repealed to all Intents & purposes as tho' the same had never been made.

Ratified 7th March 1746.

GAB. JOHNSTON
NATH. RICE

SAML SWANN Speaker
REPORT ON BILLS.

To the Right Honourable the Lords Commissioners for Trade and Plantations.

My Lords

In pursuance of your Lordships Comands signified to me by Mr. Hill’s Letter of the 7th of November last wherein your Lordships are Pleased to desire my Opinion in Point of Law upon the Twenty one following Acts passed in North Carolina between November 1740 and October 1748, I have Perused and Considered the same (visit)

1. An Act To Fix a place for the Seat of Government and for Keeping Publick Offices For Appointing Circuit Courts and Defraying the Ex pense thereof And also For Establishing the Courts of Justice and Regulating the proceedings therein

This Act Repeals several Acts therein mentioned which have heretofore been passed for Regulating and fixing the Method of Proceedings at Law And this Act is very Extensive In fixing the Method and Proceedings of all the Courts and Law Offices And all the Law Proceedings within this Province. But how far the Utility and Convenience thereof is found in this Province must appear from the Representations made to Your Lordships, And upon that it Appears to me, must Depend the Confirming this Act, And that this Act is of that Kind as has been usual to Lett Lye by Probationary, to be under the Power of the Crown to be Repealed-In Case any Inconvenience should appear to Arise therefrom

2. An Act For the better Ascertaining the Number of Members to be Chosen For the several Counties within this Province to Sit in General Assembly And for Establishing a more Equall Representative of all His Majestys Subjects in the House of Burgesses.

This Act has been before Referred to me and I made my Report thereon to your Lordships the 25th September 1747, in which my objections are mentioned And since then I have been Informed that several Applications have been made against the Confirming this Act on Account of those Objections, and other Representations that have been made against it.

3. An Act for Appointing Commissioners to Revise and Print the Laws of this Province And for Granting to His Majesty For Defraying the Charge thereof a Duty on Wine Rum and Distilled Liquors and Rice Imported into this Province.

No objection to this Act.

4. An Act To Repeal a Clause in An Act Intituled 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. And the Clause in an Act Intituled an Act For Dividing Edgecomb County and Parish and for Erecting the upper part thereof into a County and Parish by the Name of Granville County and St John Parish And for Appointing Vestrymen of the said Parish which Direct that all Publick County and Parish Levies due from any of the Inhabitants of the said County of Granville shall be Collected by the Sheriff of Edgecomb County And that all Publick County and Parish Levies due from any of the Inhabitants of the said County of Johnston shall be Collected by the Sheriff of Craven County so far as may Relate to the Taxes or Levys Laid and made payable for the year 1746.

No objection to this Act.

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5. An Act for Regulating the severall Officers fees within this Province and Ascertaining the Method of paying the same
   Acts of this Sort have usually Passed at Different times for Regulating Officers Fees. But there is a proviso in this Act Relating to the Discharge of Executions by Tender and payment of Inspectors Notes for Commodities which Method of Payment must be Submitted to your Lordships as I cannot get the Act to which it refers.
6. An Act to Appoint Publick Treasurers.
   No objection to this Act.
7. An Act for Destroying of Vermin in this Province.
   No objection to this Act.
8. An Act to Provide Indifferent Jurymen in all Causes both Civil and Criminall and for an Allowance for their Attendance.
   No objection to this Act.
9. An Act To Enlarge the Time for the Commissioners of the Roads Appointed by the Act of Assembly Passed April 20th 1745 Intituled An Act for Impowering the severall Commissioners hereafter named To make mend and Repair All Roads and Bridges Cuts and Watercourses already Laid out or hereafter to be Laid out in the several Counties and Districts hereinafter Appointed In such manner as they Judge most usall to the Publick To Recover the severall Sums due from Defaulters.
   No objection to this Act.
10. An Act To alter the Times for Holding the Courts for the County of New Hanover.
    No objection to this Act.
11. An Act for Laying a Tax on the Inhabitants of Granville County and For Appointing Commissioners To Compleat and finish the Publick Buildings already begun in the said County.
    No objection to this Act.
    No objection to this Act.
13. An Act to Appoint Commissioners to Continue Running the Boundary Line between Edgecomb County Tyrell and part of Beaufort Countys.
    No objection to this Act.
14. An Act For Granting unto His Majesty the Sume of £21,350 Proclamation Money And for Stamping and Emitting the said Sume of £21,350 Public Bills of Credit of this Province at the rate of proclamation money to be Applied towards Building Fortifications in this Province Payment of the Publick Debts Exchanging the Present Bills of Credit And for making Proper Provision for Defraying the Contingent Charges of the Government and for Repealing the Several Laws hereinafter mentioned.
    This Act in what it Relates to the Emitting of Bills of Credit having been so much under your Lordships Consideration, must be submitted, And also This Acts Repealing Severall other Acts that dont Seem to have any Relation to this Act, and without any Reasons given for the same.
15. An Act to Appoint an Agent To Solicite the Affairs of this Province at the Several Boards in England.
    No objection to this Act.
16. An Act To Alter and Amend An Act Intituled An Act for Appointing Commissioners To Revise and Print the Laws of this Province And for
Granting to His Majesty for Defraying the Charge thereof a Duty on Wine
Rum and Distilled Liquors And Rice Imported into this Province.
No objection to this Act.

17. An Act for Ascertaining the Bounds of a Certain Tract of Land Form-
only Laid out by Treaty To the Use of the Tuscorora Indians so long as they
or any of them shall Occupy And Live upon the same And to Prevent any
person or persons Taking up Lands or Settling within the said Bounds by
Pretence of any Purchase or purchases made or that shall be made from
the said Indians.
No objection to this Act.

18. An Act For Forming a Rent Roll of all the Lands holden in this
Province For Queting the Inhabitants in their Possessions and for directing
the Payment of Quitt Rents.
No objection to this Act.

19. An Act for Defraying the Expence of the Members of His Majesty's
Honoble Council And the Members of the General Assembly of this Province
in their Travelling to and from and Attending at the said Assemblies and To
Compell their Attendance.
No objection to this Act.

20. An Act for the better Regulating the Town of New Bern, for Fencing
the same, and Securing the Titles of the Several Persons who hold Lotts in
the said Town.
No objection to this Act.

21. An Act to Appoint a Convenient Place for holding the County Court
of Granville and to Impower the Commissioners hereafter named to Build
a Court house Prison and Stocks in the said County.
No objection to this Act.

Upon Perusall and Consideration of these Acts I have no other Objection
to make thereto then are before mentioned

and am My Lords
Your Lordships Most Obedient Humble Servant

MAT. LAMB.

Lincoln's Inn,
7 Feb'ry, 1749.

ENDORSED:

NORTH CAROLINA.

Mr. Lamb's Report upon 21 Acts Passed in the Province of North Carolina
Rec'd Febry ye 13th 1749-50.
Read April ye 3rd 1750.
B. 97.
LAWS OF NORTH CAROLINA--1749.
SECOND SESSION.

CHAPTER V.

An Act, to encourage Michael Higgins to build a Bridge over Trent River, near Wicliff's Ferry, in Craven County.

I. Whereas a Bridge over Trent River, near the Place called Wicliff's Ferry, would be much for the Convenience of all Travellers and Michael Higgins being desirous of building one there at his own expence, on Condition of having the Benefit thereof for the Space of Twenty Five Years:

II. Be it 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 it shall and may be lawful for the said Michael Higgins, his Heirs or Assigns, to erect and build a good substantial Bridge over Trent River, as near as he conveniently can to the Place where the Main Road crosses the said River, near the Place commonly called Wicliff's Ferry; and after building the said Bridge as aforesaid, it shall and may be lawful for the said Michael Higgins his Heirs, Executors, Administrators, or Assigns, to keep a sufficient Gate thereon, and take and receive from all Persons that shall pass over the same, the following Rates; that is to say, For every man and Horse, Four Pence; for every Carriage drawn by One or Two Horses or Oxen, One Shilling; and for every Horse or Ox more, Four Pence each; and for every Head of Neat Cattle, One Penny; and for every Twenty Hogs or Sheep, One Shilling, and so in Proportion, for a greater or lesser Number of Hogs or Sheep; for and during the space of Twenty Five Years, and no Longer.

III. And be it further Enacted, by the Authority aforesaid, That after the said Bridge is so built and Compleated as aforesaid, it shall not be lawful, during the Time the said Bridge shall be kept in Repair, and fit for Travelers and Carriages to pass and repass over the same, for any Person whatsoever, to keep any Ferry, build any Bridge, or set any Person or Persons, Carriage or Carriages, Cattle, Hogs, or Sheep, over the said River, for Fee or Reward, within Six Miles of the same, during the Time aforesaid; under the Penalty of Twenty Shillings, Proclamation Money, for each and every offence: To be recovered before any Magistrate of the County of Craven; to be applied to the use of the Proprietor of the Bridge built by the said Michael Higgins; and, during the said Time, the Right and Property of the said Bridge is hereby vested in the said Michael Higgins, his Heirs, Executors, Administrators, or Assigns.

CHAPTER VI.

An Act for appointing and laying out a town on the Plantation of Mr. Samuel Jordan, on the north side of Roanoke, in Northampton County; and for establishing two fairs to be held annually therein.

I. Whereas the Inhabitants of Northampton county have petitioned for an act, for appointing a town on the plantation of Mr. Samuel Jordan, on the north side of Roanoke river, in Northampton county:
II. 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 the General Assembly of this Province, and by the
authority of the same, that as soon as the proprietors of the said land shall
acknowledge his consent and concurrence, in open court of the said county,
to have such part of the said land laid out for a town as is hereafter di-
rected, Samuel Jordan, William Short, William Kinchen, Francis Corbin, and
John Dawson, are hereby nominated and appointed commissioners, and they,
or the majority of them, are hereby invested with full power and authority,
to lay out thirty-six acres of land, on the said Plantation for a town, by the
name of Haws; and to lay out the said thirty six acres into lots, of half
an acre each with convenient streets and squares.

III. And be it further enacted, that when the commissioners or the ma-
ajority of them, have laid out the said town into lots and streets, as afor-
said, every person whatsoever who is willing to be an inhabitant of the
said town, shall have liberty to take up any lot or lots so laid out as afor-
said, and not taken before; which lot or lots the commissioners before
appointed or the majority of them, are hereby impowered to grant, convey
and acknowledge, to the person or persons so taking up the same, his heirs
and assigns, for ever, in fee, upon the payment of five pounds, proclamation
money, or the value thereof, to the treasurer hereinafter mentioned.

IV. And be it further enacted, by the authority aforesaid, that William
Short is hereby appointed treasurer and receiver of all such sum or sums of
money as shall arise by the sale of such lots, for the use hereafter men-
tioned; and on the death, or departure out of the government of the said
treasurer, the said commissioners, or the major part of them shall appoint
some other person treasurer, in the place of the said treasurer so dying, or
departing the government.

V. And be it enacted, by the authority aforesaid, that the treasurer that
shall or may be hereafter appointed by the commissioners as aforesaid, shall
give security to the county court, that he shall and will account with, and
pay in all the monies he shall receive, for the sale of all and every the lot
or lots that shall be sold, yearly, on the twenty fifth day of March, to Mr.
Samuel Jordan, or the propritor of the said lands.

VI. Provided always, that if any lot or lots shall be granted or conveyed
by the said commissioners, to any person or persons whatsoever, who shall
lot within two years, build a good substantial habitable framed house, not
of less dimensions than twenty feet in length, and sixteen feet wide, besides
sheds and leantoos, or makes such preparation for so doing as the commis-
ioners or the majority of them, shall on view, think reasonable, such grant
or conveyance shall be void, and it is hereby declared void, and of none
effect, as if the same had never been made; and the commissioners may
grant and convey such lot or lots, which shall not be built on within the
time, and in the manner as is herein before directed, to any other person
or persons applying for the same, and paying the money for the said lot,
as in this act is before directed, for the use of the said Samuel Jordan, or
other propritor, as aforesaid.

VII. And be it further enacted, by the authority aforesaid, that the commis-
ioners or the majority of them, shall be, and they are hereby impowered
and authorized, to remove all nuisances within the limits of the said town.

VIII. And be it further enacted, by the authority aforesaid, that no person
inhabitant of the said town, or holding a lot or lots therein, shall inclose the
same, or keep the same inclosed, under a common stake fence; but every
lot therein shall be paled, or inclosed with posts and rails set up.

IX. And be it further enacted, by the authority aforesaid, that all persons,
posseors or owners of any lot or lots in the said town, shall, within two
years from the date of their grant or conveyance, clear, and keep constantly
clear, their lot or lots, from all manner of wood, underwood, brush and
grubs; under the penalty of one shilling, proclamation money, for every
month such owner or owners of any lot or lots shall neglect to clear and keep
the same clear; to be recovered by a warrant from any justice of the peace,
and applied, by the said commissioners, for and towards clearing the streets
in the said town.

X. And be it further enacted, by the authority aforesaid, that it shall and
may be lawful for the inhabitants of the said town, to hold two fairs annually,
in the said town of Hawns, to wit; one on the second Tuesday in the
month of October, and the other on the first Tuesday in the month of Jan-
uary during the space of three days at each time; under such rules and regu-
lations, and as near as may be, agreeable to the rules and regulations that
fairs are usually held and kept in the kingdom of Great Britain.
CHAPTER XII.

An Act for building a church in Wilmington, in St. James Parish, in New Hanover county.

I. Whereas the church of St. James's Parish, in New Hanover county, is by law appointed to be built in the town of Wilmington; and whereas many well disposed persons have subscribed liberally thereto, and a further sum is yet necessary to carry on and compleat the same:

II. Wherefore we pray it may be Enacted, And be it Enacted by his Excellency Gabriel Johnston, Esqr., 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 a Tax of one shilling and four pence Proclamation Money be laid on all the Taxables of the said Parish of Saint James's for the space of three years from the ratification hereof to be collected yearly and ever year as all other Taxes usually are by the Sheriff of New Hanover County and to be by him accounted for and paid yearly to the Commissars in this Act hereafter appointed or the Majority of them.

III. And to encourage a further and larger subscription, for compleating the said church in a decent manner, be it enacted by the authority aforesaid, that every subscriber shall have a proper place in the said church, to build a seat or pew upon in proportion to his subscription, as the commissioners or the majority of them, may determine; which place or parcel of ground so adjusted and set off, shall be an estate of inheritance to such person or persons his or their heirs or assigns, forever such person or persons building, or causing to be built, such seat or pew as the commissioners may judge proper and regular, so as the same be set up and finished within six months after compleating the said church.

IV. And be it enacted, by the authority aforesaid, that the commissioners hereafter mentioned or the majority of them, shall have it in their power to set off to such persons and their families, inhabitants of St. James's Parish, such places for erecting seats, and under such regulations, as they, or the majority of them, may judge most proper.

V. And that the said Church may be carried on and finished in the best and neatest manner, and with all proper economy, be it enacted, by the authority aforesaid, that all members of his Majesty's Council, Samuel Swann, Joseph Blake, William Faris, John Sampson, Lewis D'Rosset, and John Ashe, Esquires, be appointed commissioners; and they, or the majority of them, resident in the said Parish, shall have and maintain an action in any court of record in this province, against any subscriber neglecting and refusing, after demand made to pay the money by him or her subscribed to and for building the said Church: and the commissioners, or the majority of them, as aforesaid, are hereby impowered to fix upon a proper plan for the said Church; and to agree with artificers, to purchase and get the materials together convenient for the building, with all that may be necessary for compleating the same.

VI. And whereas a piece or parcel of land is already allotted, and made over by Michael Higgins, at that time one of the proprietors of the aforesaid town of Wilmington, for the building a church and church yard, the whole only containing half an acre, which being too small for answering both purposes: Be it enacted, by the authority aforesaid, that the said commission-
ers shall be at liberty, and they are hereby empowered to make use of their feet of market street for the front of the said church to be seated upon, if they judge necessary.

VII. And for enlarging the church yard be it enacted, by the authority aforesaid, that the commissioners before mentioned, shall be, and they are hereby empowered, to purchase such other parcels of ground, adjoining to the said half acre, as they may judge convenient, for the use of the church and church yard.

VIII. And be it further enacted by the authority aforesaid, That if any subscriber shall die possessed of a seat in the said church, and no heir or assign of such subscriber or subscribers, so dying possessed as aforesaid, shall claim the same within three years after the death of such subscriber, the churchwardens for the time being are hereby empowered to dispose of the same, for the benefit of the said parish; anything in this act, to the contrary notwithstanding.

IX. And be it further enacted, by the authority aforesaid, that the commissioners shall yearly, on every Easter Monday, if required, produce a fair state of their accounts, with the vouchers, to the vestry and churchwardens of the said parish of St. James's for the time being.

X. And whereas the Commissioners of the Town of Wilmington, with several of the inhabitants, have fitted up a decent Place for Public Worship, in a convenient Part of the Court or Town-House, Be it Enacted by the Authority aforesaid, That the same shall be continued as a Place fitted for the Public Worship of Almighty God, without any Interruption, Lett, or Hindrance of the Sheriff or Commissioners of the said Town, or any other Person whatsoever, until such Time as the Church of the Parish is finished, so as there be sufficient Room remaining for the Courts of the Assize, the County and other Courts to be held therein.

XI. And that the said House may be kept in a cleanly and decent Manner, Be it Enacted, by the Authority aforesaid, That the Commissioners of the said town for the Time being, be and they are hereby empowered, to agree with, and pay a proper Person undertaking the same, a Sum not exceeding Five Pounds, Proclamation Money, per Annum, for the keeping the said House swept and clean, opening and shutting the Doors and Windows, ringing of the Bell, and other necessary Attendance on all Public Occasions, to be defrayed out of the said Tax of the said Town.

XII. And be it Enacted, by the Authority aforesaid, That no Person or Persons shall be allowed to hold any Public Meeting for Diversions of any kind, in the said Court or Town-House, by Allowance of any Commissioner, Sheriff, or any other Officer whatsoever, until the said Church shall be finished; under the Penalty of Ten Pounds, Proclamation Money; one Half for the use of the Parish, the other Half to him or them that sue for the same, in any Court of Record in this Province; wherein no Essoign, Protection, or Wager of Law shall be allowed or admitted of.

CHAPTER XIII.

An Act to appoint commissioners to receive, collect and apply, subscriptions towards building of a church in the town of Brunswick, in St. Philip's Parish, and for other uses therein mentioned.

I. Whereas several well disposed persons are inclined to subscribe and contribute several sums of money towards building a church in the town of
Brunswick, in the parish of St. Philip, and county of New Hanover for the more effectual collecting and applying the said subscriptions.

II. We pray 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 the General Assembly of this Province, and it is hereby enacted by the authority of the same, that the honourable Matthew Rowan, and James Hasell, Esqrs. John Russell, and William Dry, Esqrs. Richard Quince and John Davis, gentlemen, be and are hereby appointed commissioners, with full power and authority, to collect and receive of and from all and every person and persons, contributing to the building of the said church, the several sum or sums of money, or other donations whatsoever, which shall at any time hereafter, be by such person or persons severally subscribed and contributed.

III. And be it further enacted, by the authority aforesaid, that in case any person or persons, subscribing or contributing as aforesaid, his or their heirs, executors, or administrators, shall neglect or refuse to pay to the said commissioners, or the majority of them, or their order, the sum or sums by them, their ancestors, testators, or intestates, respectively subscribed, given, bequeathed or contributed as aforesaid, it shall and may be lawful to and for the said commissioners, or the majority of them, for the time being, to maintain an action or actions in their own names, against such person or persons neglecting or refusing as aforesaid, in any court within this province, wherein the same is cognizable.

IX. And be it enacted, by the authority aforesaid, that in the case of death, departure out of the parish, or refusal to act, of any of the said commissioners, it shall be lawful for the remaining commissioners, together with the churchwardens and vestry of the said parish for the time being, to choose and appoint another commissioner, in the room of such commissioner dying, departing the parish, or refusing to act as aforesaid; and the commissioner so elected and appointed, shall be invested with all the powers and authorities of any other commissioner appointed by this act.

V. And be it further enacted by the authority aforesaid, that the several sums of money, or other donations whatsoever, which shall be collected or received, by virtue of this act, shall be applied by the said commissioners, or the majority of them, from time to time, for and towards building a church in the town of Brunswick aforesaid, and towards purchasing a glebe, and building a mansion house for the use of the said parish.

VI. And be it further enacted, that the commissioners appointed, or to be appointed by virtue of this act, shall account, upon oath, with the vestry of the said parish, on Easter Monday in every year, for all the monies or other donations which they or either of them shall receive, for the use and purposes herein before mentioned, under the penalty of ten pounds, proclamation money, for each commissioner refusing or neglecting to account as aforesaid; to be recovered by the churchwardens of the said parish for the time being, for the use of the said parish, in any court of record within this province, wherein the same is cognizable.
CHAPTER XIV.

An act to appoint a convenient place to hold the county court of Duplin, and to empower the commissioners therein named to build a court-house, prisons and stocks, in the said county, and for enlarging the bounds thereof.

I. Whereas by an act, intituled, an act for erecting the upper part of New Hanover county into a county and parish, by the name of Duplin county, and St. Gabriel's parish, and for appointing a place for building a court-house, prison, and stocks, in the said county, amongst other things it was enacted, that the Justices of the said Court, or the majority of them, at their first meeting, should nominate and appoint a convenient place within the said county, to build a court-house, prison, and stocks; which said Justices, being then unacquainted with the bounds of the said county, did by order of the said court appoint a place whereon to build a court-house, prison, and stocks; which said place, on examination, is found to be within ten miles of the eastern bounds of the said county, to the great incommodity and detriment of the inhabitants thereof attending the said court: Wherefore,

II. We pray 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 the General Assembly of the said Province, and by the authority of the same, that the court-house, prison and stocks, for the said county of Duplin, shall be fixed as near the centre of the said county as conveniently can be, and that Mr. Arthur Blackman, Mr. Anthony Williams, Mr. William M'Gee, Mr. John Brock, of Duplin county, and Mr. William Mills, of Onslow county, or the majority of them, are hereby appointed, upon their oaths to fix the most convenient and central place in the said county to build the said court-house, prison and stocks, on; and their proceedings thereon return to the next county court, after they or the majority of them, shall agree on the same.

III. And be it further enacted, by the authority aforesaid, that Mr. George Mears, Mr. William Houston, and Mr. Joseph Williams, be, and they are hereby appointed commissioners for erecting and building the said court-house, prison and stocks; and also to contract and agree with workmen to build the same, of such dimension as shall be agreed on by the county court.

IV. And for defraying the expence thereof, be it enacted by the authority aforesaid, that so much of the tax laid upon the inhabitants of the said county and already collected, as well as what hereafter may be collected, for and towards building the court-house, prison, and stocks shall be by the sheriff of the said county, accounted for and paid unto the aforesaid commissioners, and be by them applied for and towards building the court-house, prison, and stocks, in this act mentioned to be built.

V. And be it enacted by the authority aforesaid, that the clause in the before recited act, so far as relates to the appointing a place for building a court-house, prison, and stocks, and building the same, be and is hereby repealed, and made void to all intents, purposes, and constructions, as if the same had never been made.

VI. And whereas the dividing line between New Hanover county and Duplin is circumscribed by Cohery, by which means a long narrow strip of land, between the said Cohery and Black River, still remains in New Hanover county, which renders it very inconvenient to the inhabitants dwelling thereon to attend the courts at Wilmington, by reason of its great distance therefrom: be it therefore enacted by the authority aforesaid, that the line
between the said counties shall be continued from the place where Cohery
and the six runs meet, by a west course, until the same strikes Black river,
and from thence the county of Duplin shall be bounded by Black river, up to
the mouth of Black Minge creek, thence up the said creek to the bounds of
the said county; any in the act for erecting the upper part of New Hanover
county into a county and parish, by the name of Duplin county, and St.
Gabriel's parish, for the appointing place for building a court-house, prison,
and stocks, in the said county, concerning the bounds of the said county, to
the contrary, notwithstanding.
LAWS OF NORTH CAROLINA--1752.

CHAPTER VII.

An act for appointing and laying out a town at Blackman's landing, on the west side of Cashie river, on a plantation belonging to Joseph Wimberly.

I. Whereas many of the inhabitants of Bertie county have petitioned for an act appointing a town at a place called Blackman's landing, on the west side of the Cashie river on a plantation belonging to Joseph Wimberly, and that commissioners may be appointed for laying out the same:

II. We pray 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 the General Assembly of this Province, and by the authority of the same, that as soon as the proprietor of the said land, at the place called Blackman's landing, shall acknowledge his consent and concurrence, in open court of the said county, to have fifty acres of land laid out for a town, as hereafter is directed, it shall and may be lawful for Thomas Whitmill, John Hill and John Heartt, who are hereby nominated and appointed commissioners, with full power and authority to lay out fifty acres of land, at the said place called Blackman's landing, for a town, by the name of Wimberly; and they, or the major part of them, are hereby directed and empowered, to lay out fifty acres of land at and adjoining the said landing, into lots of half an acres each, with convenient streets, and a place for a church, and market.

III. And be it further enacted, by the authority aforesaid, that when the commissioners aforesaid, or the major part of them, have laid out the said town in the manner aforesaid, every person whatsoever who is willing to be an inhabitant of the said town, shall have liberty to take up any lot or lots so laid out as aforesaid, and not before taken up which lot or lots the commissioners, or a majority of them, are hereby impowered and directed, to grant, convey, and acknowledge, by deed, to the person or persons so taking up the same, and his heirs and assigns, for ever, in fee-simple, upon payment of thirty shillings proclamation money.

IV. And be it further enacted, by the authority aforesaid, that Mr. Robert Hunter be, and he is hereby appointed treasurer and receiver of all such sum or sums of money which shall arise by the sale of the said lots, for the use of the said Joseph Wimberly, his heirs and assigns; and on the death or departure out of the government of the said Treasurer, the said Commissioners or the majority of them, shall appoint some other person in the place of the said treasurer.

V. And be it further enacted, by the authority aforesaid, that the treasurer hereafter appointed, and every treasurer that may be hereafter appointed by the commissioners aforesaid, shall give security to the court, that he shall and will account and pay in all the monies he shall receive by the sale of all and every the lot or lots that shall be sold in each year, on the twenty fifth day of March, yearly, to Mr. Joseph Wimberly, his heirs and assigns.

VI. Provided always, that if any lot or lots shall be granted and conveyed by the said commissioners to any person or persons whatsoever, who shall not within eighteen months, build a good substantial habitable framed or brick house, not of less dimensions than twenty feet in length, and sixteen feet wide, with a brick chimney, such grant or conveyance shall be void and
of none effect, as if the same had never been made; and the commissioners may grant and convey such lot or lots which shall not be built on within the time, and in the manner as is before directed, to any other person or persons applying for the same, and paying the money for the said lot or lots, as is in this act before directed, for the use of the said Joseph Wimberly, his heirs and assigns, as aforesaid.
LAWS OF NORTH CAROLINA--1753.

At a General Assembly, begun and held at New Bern, the Twenty Seventh day of March, in the Year of our Lord One Thousand Seven Hundred and Fifty Three. Matthew Rowan, President.

CHAPTER I.

An Act to prevent excessive and deceitful Gaming.

I. Be it Enacted by the Honourable Matthew Rowan, Esq; President and Commander In Chief in and over the Province of North Carolina, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted by the Authority of the same, that all Promises, Agreements, Notes, Bills, Bonds, Judgments, Mortgages or other Securities or Conveyances whatsoever, made, given, granted, drawn or entered into, or executed, by any Person or Persons whatsoever after passing this Act, where the whole or any Part of the Consideration of such Promise, Agreement, Conveyance or Security, shall be for any Wager whatsoever, won, laid, or betted at Cards, Dice, or any other Game or Games whatsoever, except such as are hereafter excepted, or any other Sport or Pastime, or for reimbursing or repaying any Money Knowingly lent or advanced for such Uses, to any Person or Persons whatsoever, or lent or advanced at the Time or Place of such Play or other Sport or Pastime, to any Person or Persons so gaming, betting, or wagering, or that shall at such Time and Place so play, or wager, shall be utterly void, frustrate, and of none Effect, to all Intents and Purposes whatsoever any Law, Custom, or Usage to the contrary, notwithstanding.

II. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, at any time hereafter, within the Space of Twenty four Hours, by playing at any Games whatsoever, or by betting on the Sides or Hands of such as do play at such Games, shall loose, to any one or more Person or Persons so playing or betting, any Sum above Forty Shillings, and shall pay or deliver the same or any Part thereof, the Person or Persons so loosing or paying, or delivering the same, shall be at liberty, within three Months then next following, to sue for and recover the Money or Goods so lost, and paid or delivered, or any Part thereof, from the respective Winner and Winners thereof, with Costs of Suit, by Action of Debt, founded on this Act, to be prosecuted in any Court of Record within this Province, where the Sum or Value thereof shall be cognizable in which Action it shall be sufficient for the Plaintiff to allege, that the Defendant is indebted to the Plaintiff, or received to the Plaintiff's Use the Money so lost and paid, or converted the Goods won of the Plaintiff to the Defendants Use, whereby the Plaintiff's Action accrued to him, according to the Form of this Act, without setting forth the special Matter, and in case the Party loosing such Money or other Thing as aforesaid, shall not within the time aforesaid really and bona fide, without Coven or Collusion, sue, and with Effect prosecute for the Money or other thing so lost and paid or delivered, it shall and may be lawful to and for any other Person or Persons, by any such Action or Suit as aforesaid, to sue for and recover the same, and treble the Value thereof, with Costs of Suit, against the Winner or Winners as aforesaid.

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LAWS OF NORTH CAROLINA—1753.

III. Provided always, That upon Discovery and Repayment of the Money or other thing so to be discovered and repaid as aforesaid, the Person or Persons discovering and repaying the same, shall be acquitted and indemnified and discharged from any further or other Forfeiture, Punishment or Penalty, which he or they may have incurred by the playing for and winning such Money or other thing so discovered and repaid.

IV. And to prevent gaming at Ordinaries and other Publick Places, Be it further Enacted by the Authority aforesaid, That if any Person or Persons shall, at any time, play in any Ordinary, Race-Field, or any other public Place, at any Game or Games whatsoever, (except Billiards, Bowls, Back-Gammon, Chess, or Draughts) or shall bet on the Sides or Hands of such as do game, every such Person, upon Conviction thereof before any Justice of the Peace within this Province, by the Oath of one or more creditable Witness or Witnesses, or by the View of such Justice, or the Confession of the Party accused, shall forfeit and pay Twenty Shillings Proclamation Money, to be levied by Distress and Sale of the Offenders Goods, by Warrant under the hand of the Justice before whom such Conviction shall be, for the use of the Poor of the Parish wherein such Offence shall be committed; and if the Person or Persons so convicted have no Goods or Chattels that can be levied on, he or they shall be committed by such Magistrate to the County Gaol, there to remain until he pay his Fine.

V. And be it further Enacted by the Authority aforesaid, That if any Ordinary keeper shall suffer or permit any Person or Persons whatsoever, to play at any Game (except the Games before excepted) in his House, Shed, Booth, Harbour or Stall, either by Night or Day, with such Ordinary Keeper being thereof convicted before any Justice of the Peace, by the Oath of one or more creditable Witness or Witnesses, Confession or View of a Justice as aforesaid, shall forfeit and pay Twenty Shillings Proclamation Money, to be levied and apply'd in like Manner as the other last mentioned Twenty Shillings is by this Act directed to be levied and applied, And if any Justice or Justices of the Peace shall be present at any unlawful gaming at any Time or Place, and shall neglect to issue his Warrant for levying the Fine on every Person so gaming or betting, every such Justice shall forfeit and pay Fifty Shillings, one half to the Informer, and the other half to the Churchwardens for the Use of the Poor of the Parish, recoverable with Costs, by Action of Debt, or Information, in the Court of the County where the offence shall be committed.

VI. Provided always, That any Person aggrieved by the Judgment of any Justice of the Peace, upon any Conviction for any of the Offences in this Act, cognizable before him, may appeal to the next Court to be held for the County where such Person shall be convicted, but shall give Notice in Writing of such Appeal, to the Appellee, and shall also enter into Recognizance, with too sufficient Sureties, before some Justice of the County wherein the Judgment was given, on Condition to try such Appeal by a Jury, at the next ensuing Court held for the same County, which shall be by the said Court then heard and finally determined.

VII. Provided also, that so such Judgment shall be set aside for want of Form, wherein it shall appear to the Court that the fact was sufficiently proved at the Tryal, nor shall any such Judgment be removed by any Appeal, Writ or Process whatsoever, into the General Court.

VIII. And Whereas there are several idle and disorderly Persons, who practice Gaming and have no other visible Way of getting a Livelyhood, Be it therefore Enacted, by the Authority aforesaid, That it shall and may be lawful, for any Justice of the Peace, either upon information, Notice given
him, or on his own View, to issue his Warrant to apprehend such Person or Persons, and upon Conviction by the Oath or Oaths of one or more creditable Witness or Witnesses, that such Person or Persons make a Practice of Gaming it shall and may be lawful for such Justice of the Peace to commit such offender or Offenders to Gaol, until he find sufficient Sureties for his good Behaviour until the next ensuing County Court, in the Sum of Five Pounds Proclamation Money each; and if such Offender or Offenders shall be accused and convicted a second time, or offender, of playing at any of the Games prohibited by this Act, he or they so offending, shall forfeit and pay, for each and every such Offence, to such Person that will sue for the same Ten Pounds Proclamation Money, to be recovered by Action of Debt, Bill, Plaint, or Information, in the Court of the County, where such Offence shall be committed, wherein there shall be no Essoin, Injunction, Protection, or Wager of Law admitted or allowed of.

IX. And be it further Enacted by the Authority aforesaid, That every Person that hath erected a Billiard Table or Billiard Tables, or shall hereafter erect or keep a Billiard Table, after the Ratification of this Act shall at the next Court of the respective Counties where such Billiard Table or Billiard Tables is or are erected or Kept, apply to the Justices of the said Court, and Annually take out, for each and every Billiard Table, a Licence, in the usual Manner as Ordinary-Keepers obtain their Licence, under the Penalty of forfeiting Fifty Pounds Proclamation Money, for suffering any Person to play at Billiards, before such License first had and obtained, to be recovered, by any Person that will sue for the same, by Action of Debt, Bill, Plaint or Information, in the General Court, wherein there shall be no Essoin, Protection, Injunction, or Wager of Law allowed or admitted of. And every Person, annually applying for and taking out such Licence, shall pay to the Clerk of the Court where such Billiard Table or Tables are erected or kept, Twenty Pounds Proclamation Money, for each and every Billiard Table; which Money shall be annually accounted for, and paid into the Hands of the Publick Treasurer, to be appropriated and applied by the Governor, Council, and General Assembly, to and for the necessary charges of Government; and the said Clerk shall have and receive to himself Five Shillings Proclamation Money, for Making out each Licence, to be obtained in Manner and Form aforesaid.

X. And be it further Enacted, by the Authority aforesaid, That this Act shall be and remain in full Force and Virtue, for and during the Space and Term of Three Years, from the passing hereof and from thence to the end of the next Session of Assembly, and no longer.

CHAPTER II.

An act for appointing and laying out a town on Core Banks, near Oacacock inlet, in Carteret county, and for appointing commissioners for compleatig the fort at or near the same place.

I. Whereas the trade of this province is greatly obstructed by reason of the shoals which lay within Oacacock inlet, so that the merchants and other traders are obliged to employ small vessels, in lightening others of greater burden over the swatch, which is not only very expensive, but also very dangerous, for vessels of large burthen laying at the swatch, during the time they are so lightening over it, notwithstanding ships of very great burthen may with great safety come over Oacacock inlet, and commodiously ride at anchor in the harbor adjoining Core Banks: and as it is found by experience
that the merchants trading in Albemarle county, Pamphilco, and Neuse rivers, are obliged to send down to Oacacock Inlet or Core Banks, sometimes the whole, and almost always one half of the loading of their vessels, of any considerable burthen, so that it is absolutely necessary to have warehouses and other conveniences on the said Banks, near the said harbor, for the reception and safe keeping off the commodities they are constantly obliged to send down, for compleating the loading of their ships:

II. We therefore pray that it may be enacted, And be it enacted, by the Honourable Matthew Rowan, Esq: President, 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 it shall and may be lawful for Mr. Joseph Bell, of Cartaret county, Mr. John Williams, and Mr. Joseph Leech, of Newberm town, Mr. Michael Coutanche, of Bath town, Mr. John Campbell, of Edenton, or any three of them, who are hereby appointed commissioners, with full power and authority to lay out fifty acres of land on Core Banks, most convenient to the said harbour, adjoining the said banks, for a town, by the name of Portsmouth, into lots of half an acre each, with convenient streets, as they may think requisite.

III. And be it enacted by the authority aforesaid, that when the commissioners aforesaid, or the major part of them, shall have so laid out the town in manner aforesaid, every person whatsoever who is willing to be an inhabitant of the said town, shall have liberty to take up any lot or lots of land so laid out as aforesaid, and not before taken up, which lot or lots the commissioners, or the majority of them, are hereby impowered and directed to grant, convey, and acknowledge, by deed, to the person or persons so taking up the same, and his or their heirs and assigns, for ever, in fee-simple, upon the payment of twenty shillings, proclamation money.

IV. And be it further enacted, that Mr. Joseph Bell be, and is hereby appointed treasurer and receiver of all such monies which shall arise by the sale of the said lots, for the use of John Kersey, the now proprietor of the said land, his heirs and assigns; and on the death, or departure out of this government, of the said treasurer, or any one of the before mentioned commissioners, that the said commissioners or the majority of them, shall appoint some other person (in the place of the said treasurer or commissioner so dead or departed) in the place or county where the said treasurer or commissioner so dead or departed did reside.

V. And be it further enacted, by the authority aforesaid, that the treasurer herein appointed, and every treasurer to be chosen or elected by virtue of this Act, shall give security to the county court of Carteret, that he shall and will, from time to time, account and pay in all the monies he shall receive, by the sale of all and every lot or lots that shall be sold in each year, on the twenty fifth day of March yearly, to the said John Kersey, his heirs and assigns.

VI. Provided, that if any lot or lots of land shall be granted and conveyed by the said commissioners, to any person or persons whatsoever, who shall not, within eighteen months after the said conveyance, build a good substantial habitable framed or brick house or a good substantial warehouse, of not less dimensions than twenty feet in length and sixteen feet wide, such grant or conveyance shall be void and of none effect, as if the same had never been made; and the commissioners may and shall grant, and convey such lot or lots to any other person or persons applying for the same, on their paying the money for the said lot or lots, as is in this act before directed for the use of the said John Kersey, proprietor of the said land, his heirs or assigns aforesaid.
VII. And whereas the said Town will be a Maratime Town, far distant from the Bulk of the Inhabitants of this Province, and liable to the Depredations of an Enemy in Time of War, and Insults from Pirates and other rude People in Time of Peace: Be it therefore further Enacted, That the Sum of Two Thousand Pounds Proclamation Money, heretofore appropriated for building a Fort or Fortification at or near Ocacock Inlet, by an Act of Assembly, intituled, An Act, for granting unto his Majesty the Sum of Twenty One Thousand Three Hundred and Fifty Pounds Proclamation Money, and for stamping and emitting the said Sum, deposited in the hands of the Treasurer of the Northern District, be, and is hereby appropriated towards discharging the Expenses of building and erecting the said Fort or Fortification.

VIII. And be it further Enacted, by the Authority aforesaid, That the Commander in Chief for the Time being, the Honourable Francis Corbin, and John Rieuxsett, Esqrs. Mr. Joseph Bell, Mr. John Williams, Mr. Joseph Leach, Mr. Michael Coutanch, and Mr. John Cambell, be, and are hereby nominated Commissioners, in the Place and Stead of the Commissioners nominated in the aforesaid Act, to compleat and finish the said Fort or Fortification; and they, or the Majority of them, shall be and are hereby invested with all the Powers and Authorities given to the Commissioners in the before mentioned Act, nominated and appointed for building the same; and that the said Fort shall be called Fort Granville.

CHAPTER III.

An Act to revive and continue a Clause in an Act of the General Assembly of this Province, intituled, An Act to fix a Place for the Seat of Government, and for keeping Publick Offices, for appointing Circuit Courts and defraying the Expence thereof, and also for establishing the Courts of Justice, and regulating the Proceedings therein.

I. Whereas by an Act of the General Assembly of this Province, passed the Fifth Day of December, One Thousand Seven hundred and Forty Six, intituled, An Act to fix a Place for the Seat of Government, and for keeping Publick offices, for Appointing Circuit Courts, and defraying the Proceedings therein, It is among other Things, Enacted, That a Tax of Four Pence Proclamation Money per Poll, Annually, shall be levied on each and every taxable Person within this Province, for and during the term of Three Years and no longer, to be apply'd towards defraying and paying the Chief Justice and Attorney General, as a Recompence for their Trouble and Expence of going into Circuit.

II. And Whereas by an Act of Assembly, passed the Sixteenth Day of October, in the Year of our Lord One Thousand Seven Hundred and Forty Nine, reciting the said Clauses in the Act above mentioned, the said Tax is further continued from the Expiration of the said Three Years, for and during the term of Three Years longer, and from thence to the End of the next Session of the General Assembly of this Province, and no longer, as in and by the said several recited Acts, may more fully and at large appear: And whereas the Time, limited in the said last mentioned Act, for levying and collecting the said Tax, is now near expiring;

III. Be it therefore Enacted, by the Honourable Matthew Rowan, Esq; President, by and with the Advice and Consent of his Majesty's Councell and General Assembly of this Province, and it is hereby Enacted, by the Au
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authority of the same. That from and after the Expiration of the Time limited in the said Act of Revival, the said Tax of Four Pence Proclamation Money per Poll, shall continue to be levied annually, on each and every taxable Person within this Province, in such Manner as by the said first before recited Clause is directed, and shall be paid to the Treasurer of the District where such Tax is levied respectively and by him applied towards defraying and paying the Chief Justice and Attorney General as aforesaid; any thing in the before recited Acts to the contrary hereof, in any-wise, notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force for the Term of Two Years, next after the passing hereof, and from thence to the End of the next Session of the General Assembly of this Province, and no longer.

CHAPTER V.

An Act, to prohibit the Exportation of Grain in Time of Scarcity.

I. Whereas divers Persons, for private Gain, transport out of this Province, Indian Corn and other Grain, in Time of Scarcity, whereby the Inhabitants are often greatly distressed: For Remedy whereof, for the future,

II. Be it Enacted, by the Honourable Matthew Rowan, Esq; President, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Commander in Chief for the Time being, by and with the Advice and Consent of at least three Members of his Majesty's Council, upon Proof made to them, that the current Price of Indian Corn, in any of the Ports of this Province, exceeds Three Shillings, Proclamation Money, per Bushel, and that the Inhabitants of that part of the Province are like to be distressed for Want of Grain, to issue a Proclamation, thereby prohibiting the Exportation of Indian Corn, Wheat, Pease, or any other Grain, Flour or Meal made of the same, or any or either of them, out of such Port or Part of this Province only, for and during such Time or Times, as he, with the Advice aforesaid, shall judge necessary.

III. And be it further Enacted, by the Authority aforesaid, That all Indian Corn, Wheat, Pease, or other Grain, and all Flour, or Meal, which at any Time during the continuance of such Prohibition, shall be laden or put on Board any Vessel for Transportation, in such Port where the same is prohibited, shall be forfeited, and shall and may be seized by any Officer of the Customs, in any Port in which such Grain or other Commodities aforesaid shall be laden; one Half of such Forfeitures shall be for our Sovereign Lord the King, his Heirs and Successors, for and toward the Contingencies of Government, the other Half to the Officer or Officers who shall seize the same; to be recovered in the General Court of this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Essougn, Privilege, Protection or Wager of Law, shall be allowed or admitted of.

IV. Provided always, That nothing herein contained shall be construed, deemed, or taken to restrain the taking on Board any Ship or Vessel, any Provision of Corn, Pease, Flour, or Meal, necessary for the victualling such Ship or Vessel, for her Voyage; but that the same may be victualled during the Time of such Prohibition, as if this Act had never been made.

V. Provided also, That no Grain or other the Commodities before enumerated, laden on Board any Ship or Vessel in order for Transportation, be-
fore Notice of such Prohibition, shall be liable to Seisure or Forfeiture, if
the Owner or Master of such Vessel shall, in convenient Time after the
Publication of such Prohibition, reland, or cause the same to be relanded,
and disposed of in this Province.

VI. And be it further Enacted, by the Authority aforesaid, That in Case
the Officers of his Majesty's Customs shall neglect immediately to make
such Seisure, and prosecute the same in Manner as aforesaid, on Informa-
tion made him, he shall forfeit and pay the Sum of One Hundred Pounds,
Proclamation Money; one Half to the Informer, the other for and towards
the Contingencies of Government; to be recovered as the other Penalties in
this Act before mentioned, are directed to be recovered.

VII. And be it further Enacted, by the Authority aforesaid, That this Act
shall continue and be in Force, for and during the Term of Three Years after
the passing hereof, and from thence to the end of the next Session of As-
sembly, and no longer.

CHAPTER VIII.

An Act, to amend an Act, intituled, an Act, for dividing Part of Granville,
Johnston, and Bladen Counties, into a County and Parish, by the Name
of Orange County, and the Parish of St. Matthew, and for appointing
Vestrymen for the said Parish, and other Purposes, therein mentioned.

(The following sections were omitted in Vol. 23, p. 391, and are here sup-
plied from the British Records.)

3. And be it further Enacted, by the Authority aforesaid, That Mr. James
Paln, Mr. Josiah Dickson, and Mr. James Taylor, be, and they are hereby
appointed Commissioners, to run the several Lines bounding the said County,
in the Room and Stead of the Commissioners in the before recited Act, ap-
pointed to run the same.

4. And be it further Enacted, by the Authority aforesaid, That the Jurors
directed by the afore-recited Act to attend the General Court at New Bern,
shall and are hereby directed to be returned, and to attend the Court of
Assise, Oyer and Terminer, and General Gaol Delivery, in Edgecomb County,
in like Manner as Jurors for the Counties of Northampton and Granville,
are returned and attend.
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CHAPTER II.

An Act, for the further and better Regulation of the Town called Wilmington, and for repealing the several Acts therein mentioned.

I. Whereas the Acts for erecting the Town of Wilmington and for the further and better regulating thereof, have not answered the End intended, but have occasioned much confusion and Disturbance: For Remedy Whereof,

II. We pray that it may be Enacted, And be it Enacted, by the Honourable Matthew Rowan, Esq; President, and Commander in Chief, 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 the said Town called Wilmington, lying on the East side of the North East Branch of Cape Fear River, shall be bounded and circumscribed in Manner following; that is to say, To the North East, by the Lands of his late Excellency Gabriel Johnston, Esq; deceased, upwards; and below, by the Lands formerly belonging to Michael Dyer; to the Westward, by the North-East Branch of Cape-Fear River; and to the Eastward, by a Line drawn from the said Lands of his late Excellency Gabriel Johnston, Esq; and the Lands formerly belonging to Michael Dyer, One Hundred and Twenty Poles Distant from the River, as may more fully appear by a Plan of the said Town, annexed to an Act intituled, An Act, for the better regulating the Town of Wilmington, and for confirming and establishing the late Survey of the same, with the Plan annexed, passed at New Bern, the Twentieth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty-five, and now in the Secretary's Office; which Plan shall be for ever hereafter the true and exact Plan of the said Town, by a Reference to which, all Disputes in Regard to Streets, Squares, Lots, and their Boundaries, are to be determined for the future.

III. And be it further Enacted, by the Authority aforesaid, That the said Town of Wilmington shall have the Privilege of sending a Representative for the said Town, to sit and vote in General Assembly.

IV. And for the better ascertaining the Method of choosing such Representative, and the Qualification necessary for such a Representative, Be it Enacted, by the Authority aforesaid, That any Person who, on the Day of Election, and for three Months next before, was seized in Fee Simple, or for Term of Life, of a Brick, Stone, or framed House, with one or more Brick or Stone Chimneys, of the Dimensions of Twenty Feet long, and Sixteen Feet wide, within the Bounds of the said Town, shall have a Right to vote for such Representative, and be sufficiently qualified to be a Representative for the said Town.

V. And be it further Enacted, by the Authority aforesaid, That for ever after the passing of this Act, the Courts of the County of New Hanover, the Election of the Representatives to be sent to the General Assembly, the Election of Vestrymen of the Parish of St. James, and all other public Elections for the said County and Town, shall be made and held in the Town of Wilmington, and at no other Place; any Law, Usage, or Custom, to the contrary, notwithstanding.

VI. And be it further Enacted, by the Authority aforesaid, That the Sheriff of the County of New Hanover, the Clerk of the Court for the said
County and the Register of Conveyances of the said County, for the Time being, shall for ever, hold and keep their respective Offices in the said Town of Wilmington, and that if any of the said Officers neglect or refuse so to do, each of them so neglecting or refusing, shall for every Week he shall be a Delinquent, forfeit and pay the Sum of Forty five Shillings, Proclamation Money, to be recovered by any person who shall sue for the same, in the County Court of New Hanover, by Action of Debt, Bill, Plain, or Information wherein no Essoign, Injunction, Protection, Privilege, or Wager of Law, shall be allowed or admitted of; one Half to such Informer, the other Half for the Commissioners of the said Town for the Time being, to be applied for the Use and Benefit of the said Town.

VII. And whereas by the Unskilfulness of former Surveyors, and neglect of the Proprietors, the Course of the Streets, and Bounds of the Squares and Lots were never properly ascertained, by which many Houses are misplaced, some encroaching upon the Streets, and others upon the Lots of their Neighbours: For Remedy whereof,

VIII. Be it Enacted, by the Authority aforesaid, That all such Houses as are now built either wholly or in Part upon the Streets, shall be allowed to remain so, until they are no longer tenable, and then the Owner shall be obliged to pull such House or Houses down, and clear the Street or Streets of all the Rubbish, and when they build, to build within his, her or their Lot or Lots, under the Penalty of Fifty Pounds, Proclamation Money; to be recovered as herein after is directed: And where any Person or Persons has the whole, or any Part of his or their House or Houses, not having a Brick Chimney, or Brick or Stone Cellar, on another Person's Ground, then it shall and may be lawful for the Party injured, to give Notice in Writing to the Owner or Owners of such House or Houses, to remove what Part of the same may be on such Person or Persons Lot or Ground, in Six Months after the Date of such Notice, which he or they shall be obliged to do, under the Penalty of Fifty Pounds, Proclamation Money, to be recovered in the General Court of this Province, by any Party so injured, and to be applied to his proper Use, and to no other purpose whatsoever.

IX. Provided nevertheless, That in case such House or Houses has one or more Brick or Stone Chimney, or Brick or Stone Cellar, then the Owner or Proprietor of such House or Houses, shall not be obliged to move the same, but may be at Liberty, and is hereby allowed to pay a Ground Rent, for what Part he encroaches upon his Neighbour, where Notice or Warning was not, before the building such Chimney or Cellar, given of such Encroachment; which Rent and all Disputes arising about Encroachments and Damages upon Lots, shall be ascertained and determined by the Commissioners of the Town, or the Majority of them: And that the said Commissioners may be better enabled to discharge their Trust, they are hereby required, at the Ex pense of the Town, to get a Copy of the Plan of the said Town, from the original Survey made by Mr. Jeremiah Valt, and lodged in the Secretary's Office; and in Case any Disputes should hereafter arise, to lay out the Streets or Lots according thereto, beginning at the South-East Corner of Capt. John Du Bois's House, on Market street, near the Court-house; from which Corner all future Surveys of the said Town shall be commenced.

X. And be it further Enacted, by the Authority aforesaid, That the said Commissioners or the Majority of them, shall determine all Complaints of Nuisances, by Lumber or Rubbish lying upon the Streets or Wharfs, Dangers of Fire arising from Wooden Chimneys, or any such hazardous Buildings, and
pass such orders as they shall think necessary for the Removal of the same.

XI. And whereas, the Inhabitants have been at a great Expense in Building a Public Wharf, where Boats may come to, and discharge; Be it further Enacted, by the Authority aforesaid, That no Vessel or Vessels, shall lie at the said Wharf, or at any other Public Wharf to be built in the future, without License first obtained from the Commissioners; and if any Person or Persons shall incumber any of the said Wharfs with Naval Stores, Lumber, or any other thing whatsoever, such Person or Persons shall be obliged to remove such Incumbrances within Twenty four Hours after Notice thereof given by the Commissioners, or the Majority of them, under the Penalty of Forty Shillings, Proclamation Money; to be recovered by a Warrant from the Commissioners of the said Town.

XII. And That the said Town of Wilmington may be under better Regulation, Be it Enacted, by the Authority aforesaid, That Wednesdays and Saturdays in every Week, are hereby appointed Market-Days, for all Kinds of Provisions and Goods whatsoever; and the Commissioners of the said Town, for the Time being, or the Majority of them, are hereby empowered to pass such Orders, as they may judge proper, for the better regulating the said Market, for preventing tainted or unwholesome Provisions being sold; for regulating the Price of Bread, baked in the said Town, in Proportion to the Price Flour may, from Time to Time, be sold at, for the better bringing to Justice, or prosecuting according to Law, all Fore-Stallers of Markets, private marketing, buying or dealing with Negroes, bringing Provisions, or other Goods, without proper Tickets from their Masters, Mistresses, or Overseers, for preventing all irregular Mobbs or Cabals of Negroes, or others; for the more effectually bringing to Justice all Criminals and Offenders against the Laws of this Province; and also, for preserving the Peace and Safety of the said Town, to appoint proper Guards or Watches in the said Town, as often as occasion may require, to be ready on all occasions of Riot and Disturbances, or to prevent Malefactors breaking the Prison or Gaol: Provided, that one of the Commissioners be of the Number of the said Watch to give necessary Orders.

XIII. And whereas, it is found to be a great Nuisance to the Inhabitants, the allowing of Hogs to run at large in the said Town; Be it Enacted, by the Authority aforesaid, That none of the Inhabitants of the said Town shall, on any Pretence whatsoever, suffer any Hog or Hogs to run at large within the Bounds of the said Town; and Such Hog or Hogs so running at large, shall be forfeited to any Person who shall seize or kill the same.

XIV. And be it further Enacted, by the Authority aforesaid, That the Commissioners, or the Majority of them, are hereby directed to issue their Warrants, at least Twice Year, to the Constables of the said Town, to warn all the Male Taxables, to clear, repair, and pave the Streets, Lanes, or Alleys, make or mend the public Wharfs, Docks, or Slips, make Water-Courses within the Streets, that there may remain no standing Water; and also to appoint Overseers, and any Person refusing or neglecting to work as directed in the Warrant, or to furnish a good and sufficient Hand in his or their Place, with proper Tools, shall forfeit and pay Two Shillings and Eight Pence, Proclamation Money, per Day, for every such Refusal or Neglect; and if any Person so appointed Overseer, shall refuse or neglect to serve as such, he or they shall forfeit and pay Twenty Shillings, Proclamation Money, per Day, for every Day he shall so refuse or neglect, to be recovered in the same Manner as the fines and Forfeitures are to be recovered by the Commissioners of the Roads; and the Money to be recovered, shall be ap-
plished towards hiring Labourers in their Stead and Place to clear, repair, and pave the Streets in the said Town, and to no other Purpose whatsoever.

XV. Provided always, That no Person exempted by Law from working on Public Roads, shall be themselves compelled to work on the said Streets, Lanes, Alleys, Wharfs, Docks, or Slips, upon any Pretence whatsoever: nor shall any Person be compelled to work above Twelve Days in the Year.

XVI. And be it further Enacted, by the Authority aforesaid, That the Inhabitants of the said Town shall be, and they are hereby exempted, and forever hereafter excused from working on the Country Public Roads, during such Time as they live in the said Town, and no longer.

XVII. And as there are many Lots in the said Town not yet cleared, nor proper Drains nor Runs made through them, to let the Waters have a free Course, to the manifest Injury and Unhealthiness of the Inhabitants of the said Town, Be it further Enacted, by the Authority aforesaid, That the Commissioners for the Time being, or the Majority of them, shall and they are hereby directed to order the Proprietor or Proprietors of the Lot or Lots, to clear all, or any Part of them, and to make proper Drains or Water-Courses through them, within Six Months from the Time of the Date of Such Order, in writing, signed by the Commissioners of the said Town, for the Time being, or the Majority of them; and any persons refusing or neglecting, shall forfeit and pay the sum of Twenty Shillings, Proclamation Money, for every Month they shall refuse or neglect to obey such Order.

XVIII. And whereas the Damages that may arise from Fire in the said Town will be very great, and a Necessity appears for providing one or more Water Engines, Be it Enacted, by the Authority aforesaid, That the Commissioners, or the Majority of them, shall, within Twelve Months after the passing of this Act, value every House within the Bounds of the said Town, and lay a Tax not exceeding Two per Cent of such Value, upon every Owner or Owners of such House or Houses; which Monies so laid, shall by Order of the said Commissioners, or the Majority of them, be collected and applied towards purchasing Water-Engines, Buckets, Ladders, and other Instruments for the extinguishing of Fire; and if any Person shall neglect or refuse to pay such Tax, the same shall be levied, by a Warrant under the Hands of the Commissioners, on the Effects of such Delinquent or Delinquents.

XIX. And be it further Enacted, by the Authority aforesaid, That the Commissioners for the Time being, or the Majority of them, shall, and are hereby empowered to pass any Orders they may judge proper for preventing the building of Necessary Houses on any Stream of Water running through the Town, or having Drains from such Houses into any of the said Streams, to remove such Houses already built; for preventing of Cattle being kept up in a Pen above Three Days, without being sufficiently fed and watered; for preventing Mortar, Clay or Wooden Chimneys being built, and for pulling down such as are already built; for making people keep their Chimneys clean, and raising them to a proper Height, not under Four Feet above the Ridge of the Roof; for preventing the Keeping of Naval Stores or Lumber in any Houses, whereby Damages may arise to Neighbours; for obligeing all Persons to clear the Streets before their Doors, and for all other Things for the Good and Safety of the said Town, and the proper Government of It; consistent with the Laws of this Province; and to Inforce such Orders by laying a Fine not exceeding Two Pounds, Proclamation Money, on all Persons neglecting or refusing to comply therewith.

XX. And be it further Enacted, by the Authority aforesaid, That the Commissioners for the Time being, shall hire a Town-Clerk, and shall keep a Town-Book, in which shall be entered all the Orders they may make, the
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Defaul ters on the Streets, and the Accounts of the Monies they may have received, the Manner they have applied such Monies, and what Sums may remain in their Hands, under a Penalty of Fifty Pounds, Proclamation Money; to be recovered by any Person who shall or may sue for the same, in the General Court of this Province, wherein no Essolgn, Injunction, Protection, or Wager of Law, shall be allowed or admitted of.

XXI. And be it further Enacted, by the Authority aforesaid, That the Commissioners, on going out of Office, shall pay into the Hands of their Successors, Sum or Sums of Money as they have in their Hands; and in Case they should neglect or refuse so to do they shall forfeit and pay Fifty Pounds, Proclamation Money, to be recovered by such succeeding Commissioners, by Action of Debt, in the General Court of this Province, wherein no Essolgn, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

XXII. And whereas oftentimes during Divine Service, there are great Disturbances by People walking and talking near the Place where the same is performed; Be it Enacted, by the Authority aforesaid, That the Constables of the Town, each in their Turn, shall be obliged to walk the Streets during the Time of Divine Service, to prevent all such Disturbances, and to apprehend all Delinquents, who shall be punished as Breakers of the Sabbath.

XXIII. And whereas it may be necessary to lay a Tax on all the Male Taxables in the said Town, Yearly, towards defraying the necessary Charges that may accrue; Be it Enacted by the Authority aforesaid, That the Commissioners, or the Majority of them, for the Time being, are hereby empowered, within Twenty Days after their being chosen, to call the Freeholders of the said Town together, at the Court House, by ringing of the Bell, and there, with the Consent of the Majority then present, lay such Tax as may be agreed on, provided the same does not exceed Two Shillings, Proclamation Money, per Head; such Tax to be collected by Warrant under the Hands and Seals of the Commissioners, or the Majority of them, directed to the Constables of the Town, or either of them, returnable in such Time as therein mentioned.

XXIV. And whereas little Regard has been had to such Orders as the Commissioners of the Town, or the Majority of them, have heretofore made; Be it Enacted, by the Authority aforesaid, That the said Commissioners, or the Majority of them, shall lay such Fines on all who refuse or neglect to obey any of their lawful Orders, after being made public, as they may judge necessary, not exceeding Two Pounds, Proclamation Money, for each Default; to be levied by Warrant under the Hands and Seals of the said Commissioners, or the Majority of them, directed to either of the Constables of the said Town, who are hereby obliged to execute the same; which Fines recovered as aforesaid, shall be applied to the public Fund or Stock of the said Town.

XXV. Provided always, That it shall and may be lawful for any Person or Persons, who shall think himself or themselves injured by such Fine, to appeal to the Justices of the County Court, who are hereby empowered to determine the same in a summary way.

XXVI. And be it Enacted, further, by the Authority aforesaid, That all Fines or Forfeitures not before applied or directed, shall, if above Two Pounds, Proclamation Money, be recovered in any Court of Record within this Province, Respect being had to their Jurisdiction, by the Commissioners for the Time being, or the Majority of them, by Action of Debt, Bill, Plaint, or Information wherein no Essolgn, Injunction, or Wager of Law, shall be allowed or admitted of: And all Fines and Forfeitures mentioned in this Act, not exceeding Two Pounds, Proclamation Money, shall be recovered
by a Warrant under the Hands and Seals of the Commissioners, or the Majority of them, directed to the Constable or Constables of the Town, or either of them, against Body or Goods, as in Actions of Debt, and in all Things subject to the same Rule: All which Fines or Forfeitures recovered in any of the before mentioned Ways shall be applied and paid into the Stock of the said Town.

XXVII. And be it further Enacted, by the Authority aforesaid, That the Commissioners and the Inhabitants shall have free Liberty to hold all their public Meetings, on all Occasions, in the Court-house, and have the Liberty of a Key to the same.

XXVIII. And that Commissioners be regularly chosen, Be it Enacted by the Authority aforesaid, That the Election of Commissioners shall be Yearly and every Year, by the Freeholders of the said Town, qualified to vote for a Representative, by Ballot; and that the Number of Five such as are qualified to be a Representative for the said Town, shall annually, on the First Tuesday in January, be chosen Commissioners, and Two Persons, to be chosen by the Majority of the aforesaid Freeholders, as Inspectors of the Ballot, shall attend and declare who are duly elected Commissioners, in the same Manner as in the Law for regulating Elections of the Members of the General Assembly; and upon the said Five Commissioners being chosen, and their Names properly entered in the Town Book, they shall, before they enter upon their Office, take the following Oath, viz.

I, A. B. do swear, that I will execute the Office of a Commissioner for the Town of Wilmington, faithfully and truly, without Favour or Prejudice, and in all Things act for the Good of the said Town, and the well governing thereof, to the best of my Skill and Judgment, according to Law. So help me God.

XXIX. And be it further Enacted, by the Authority aforesaid, That in Case of Refusal, Removal, or Death of any of the Commissioners, either before or after their being qualified as aforesaid, the other Commissioners, or the Majority of them, shall choose another in the Room of him or them so dying, refusing or removing as aforesaid, who shall be qualified in Manner as before directed.

XXX. And be it further Enacted, by the Authority aforesaid, That the Commissioners chosen on the First Day of January last, by Virtue of an Act, intituled, An Act, for the better regulating the Town of Wilmington, and for confirming and establishing the late Survey of the same, with the Plan thereof annexed, shall be and continue in Office, until the first Tuesday of January next, and shall have the same Power and Authority as the Commissioners to be chosen by this Act shall or may have, and be subject to the same Penalties.

XXXI. And be it further Enacted, by the Authority aforesaid, That if at any Time any Tavern Keeper, Retailer of Liquors, or Keeper of Public Houses, in the said Town, shall suffer any Persons or Persons whatsoever, to sit tippling or drinking in his House, in Time of Divine Service on the Sabbath Day, or shall suffer any Person or Persons to get drunk in his House on the Sabbath Day, such Person or Persons so offending, shall forfeit and pay Twenty Shillings, Proclamation Money, for every such Offence; to be recovered by Warrant under the Hand of any Justice of the Peace for the County of New Hanover, and be paid into the public Stock of the said Town.

XXXII. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever in the said Town, shall, on any Pretence
whenever, give any Credit, Loan, or Trust, to any Mariner or Seaman belonging to, or under the Command of any Master of a Vessel, that now is, or shall at any time hereafter be lying in the River of Cape Fear, exceeding the Sum of Two Shillings and Eight Pence, Proclamation Money, except by the Leave or License of the Master or Commander of the Vessel he belongs to, or where such Sailor or Mariner shall have left the Vessal to apply to either of the Courts of Justice, in any Disputes or Controversies with the Captain or Commander of such Vessel, that then, and in such case, he, she, or they, shall for every such Default, lose all the Monies or Goods so trusted or credited.

XXXIII. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever in the said Town, shall willingly or wilfully entertain, harbour, or keep, or suffer to be entertained, harboured, or kept, directly or indirectly, any Seaman belonging to any Vessel as aforesaid in his, her, or their, House or Houses, exceeding the Space of Six Hours, without the Privity or Consent of his Commander, (except in the case before excepted;) he, she, or they so offending, shall forfeit the Sum of Forty Shillings, Proclamation Money, for every such Offence; to be recovered by Warrant under the Hands of any Two Justices of the Peace, for the County of New Hanover, and paid into the public Stock or Fund of the said Town.

XXXIV. And be it further Enacted, by the Authority aforesaid, That an Act, intituled, An Act, for erecting the Village called Newton, in New Hanover County, into a Town and Township, by the Name of Wilmington, and regulating and ascertaining the Bounds thereof, passed at New Bern, the Twenty-Fifth Day of February, in the Year of our Lord One Thousand Seven Hundred and Thirty Nine; another Act, intituled, An Act, for the further and better regulating of the Town called Wilmington, in New Hanover County, and to establish the Church of the Parish of St. James, to be built in the said Town, passed at Edenton, the Twenty-first Day of August, in the Year of our Lord One Thousand Seven Hundred and Forty, and another Act, intituled, An Act, for the better regulating the Town of Wilmington, and for confirming and establishing the late Survey of the same, with the Plan annexed, passed at New Bern, the Twentieth Day of April, in the Year of Our Lord One Thousand Seven Hundred and Forty-five; and every Clause and Clauses Article and Articles of them, shall be, and are hereby severally from henceforth, repealed.

CHAPTER III.

An Act, for appointing Commissioners of the Roads for the South-West District of New-Hanover County.

I. Whereas several of the Commissioners appointed for the said District by an Act, intituled, An Act, for Impowering the several commissioners herein after named, to make, mend, and repair, all Roads, Bridges, Cuts, and Water-Courses already laid out, or hereafter to be laid out in the several Counties and Districts herein appointed, in such manner as they judge most useful to the Public, are since dead or removed out of the District, and great Disputes have arisen in the appointing others to act in the stead of those deceased or removed, so that at present the Roads and Bridges are greatly out of repair, whereby Travellers meet with many Delays and Obstructions: For Remedy whereof,

II. We pray that it may be Enacted, And be it Enacted, by the Honourable Matthew Rowan, Esq; President, and Commander in Chief, 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 John Davis, Sen. George Moore, William Dry, William Moore, Richard Eagles, James Hasell, Jun. and Schenckingh Moorea Esqrs. be Commissioners of the said South-West District of New-Hanover County; which said Commissioners shall be invested with the same Powers and Authority, and shall enjoy all Rights and Privileges, and be subject to the same Rules and Penalties, as any Commissioners may or ought to be by Virtue of the before recited Act.

CHAPTER IV.

An Additional Act to an Act, intituled, An Act, for impowering the several Commissioners herein after named, to make, mend and repair, all Roads, Bridges, Cuts, and Water-Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts herein after appointed, in such Manner as they judge most useful to the Public.

I. Whereas in and by the said Act, it is, among other Things, Enacted, That Mr. Edward Hyrne, Mr. John Swann, Mr. Jeremiah Vail, Mr. John Ashe, and Mr. James Porteveint, be Commissioners of the Roads for the North-East Branch of Cape-Fear River, as far up as Burgaw Creek, and so over to Black River, and the North-West River, including the Whole Neck between the said Rivers: And whereas the Extent of the said District, as laid out by the said Act, renders it very inconvenient for many of the said Commissioners to act therein:

II. Be it therefore Enacted, by the Honourable Matthew Rowan, Esq; President, and Commander in Chief, 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 the said District be divided as follows; Beginning at the Widdow Moore’s Creek, where it empties itself into Black River, and so following the Main Waters of the said Creek to the Head thereof; and from thence to the Line of Duplin County; and thence along to the Bounds of Bladen County; and thence down to the first Station; which said District, as hereby laid off and divided, shall be a separate District; and Samuel Lewis, John Squires, Hezekiah Done, Allen Sloan, and David Honesy, be, and are hereby appointed Commissioners of the said District; and shall be, and they are hereby invested with the same Power and authority, and under the like Penalties and Regulations, as the said other Commissioners, In the said recited Act, in as full and ample Manner, to all Intents and Purposes, as if the Division and Appointment hereby made had been actually inserted in the said recited Act, at the Time of making thereof.

III. And be it further Enacted, by the Authority aforesaid, That the Commissioners in the said recited Act named, and every of them, are hereby discharged from any Duty or Charge arising, or to arise, on any part of the said District hereby laid off.

CHAPTER V.

An Act, for granting unto the Town of Brunswick, the Privilege of chusing and sending a Representative to the General Assembly.

I. Whereas the Town of Brunswick being a Sea-Port Town, where the King’s Ships be, and many large Merchant Ships, and is as well inhabited as some other Towns in this Province, and yet doth not enjoy the privilege
of sending a Representative to the General Assembly, as other Towns which have fewer Inhabitants: For Remedy whereof,

II. We pray that it may be Enacted, And be it Enacted, by the Honourable Matthew Rowan, Esq., President, and Commander in Chief, by and with the Advice and Consent of his Majesty's Council and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Inhabitants of the said Town of Brunswick shall, for ever, after the passing of this Act, have the privilege of chusing one Representative for the said Town, to sit and vote in General Assembly.

III. And for ascertaining the Method of chusing the said Representative, Be it further Enacted, by the Authority aforesaid, That every Tenant of any Brick, Stone, or Framed habitable House, of the Length of Twenty Feet, and Sixteen Feet wide, within the Bounds of the said Town, who at the Day of Election, and for three Months next before, inhabited such House, shall be entitled to vote in the Election for the Representative of the said Town, to be sent to the General Assembly; and in case there shall be no Tenant of such House in the said Town on the Day of Election, qualified to vote as aforesaid, that then, and in such case, the Person seized of such House, either in Fee Simple, Fee Tail, or for Term of Life, shall be entitled to vote for the Representative aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That no Person shall be qualified to be a Representative for the said Town, to sit in the General Assembly, unless, on the Day of Election, he be, and for three Months next before, was seized, in Fee Simple, of a Brick, Stone, or Framed House, of the Dimensions aforesaid, with one or more Brick Chimney or Chimneys.

CHAPTER VI.

An Act to Impower the Justices of Craven County, to sell the Lot of Land in New Bern, whereon the Court-house, Prison, and Stocks now are.

I. Whereas the Court-house of Craven County is fallen greatly to Decay, and it being highly necessary that the same be rebuilt, and the Court of the said County having passed an Order, and appointed Commissioners for that Purpose; And whereas, by the said Order, the said Court-house is to be erected on Pillars, for the Conveniency of a Market-house; and the intersection of two Streets being allotted by the commissioners of the said Town, as a convenient Place for building the same, the Lot whereon the present Court-house, Prison and Stocks now stand, will be of no Service to the said County, unless the same be sold:

II. Be it therefore Enacted, by the Honourable Matthew Rowan, Esq; President, and Commander in Chief, by and with the Advice and Consent of his Majesty's Council, and the Grand Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the County Court of Craven, be, and is hereby impowered and required to sell, at public Vendue, first giving ten Days Notice of such Sale, the Lot of Ground in New Bern, whereon the present Court-house, Prison, and Stocks, now stand, together with the said Court-house, Prison, and Stocks; and that the Money arising by such Sale, be immediately paid into the Hands of the Commissioners appointed for building the said Court-house, to be by them appropriated towards building and finishing the same.

III. And whereas by the sale of the said Lot, a Place will be wanting whereon to build the Prison of the said County, pursuant to an Order of
the said County Court of Craven, and there being sufficient Room on the
back Part of the Lots appropriated and set apart for erecting the Public
Buildings in the said Town of New Bern; Be it therefore Enacted, by the
Authority aforesaid, That it shall and may be lawful for the Justices of
the said County Court of Craven, to erect and build a Prison for the said
County on the back part of the said Lots.

IV. Provided nevertheless, That the present Court-house, Prison and
Stocks be and remain for the Use of the said County, until a new Prison and
Court-house shall be built by the Commissioners appointed by the said Court
of Craven County.

CHAPTER VII.

An Act, to continue an Act, intituled, An Act, to appoint an Agent to Solicit
the Affairs of this Province, at the several Boards in England, also an
Act, intituled, An Act, to encourage James Davis to set up, and carry on
his business of a Printer in this Province, and for other Purposes therein
mentioned; Also an Act, intituled, An Act, to appoint Inspectors in New
Hanover County, and for regulating the Exports at Cape Fear; and also
one other Act, intituled, An Act for the better regulating the Militia of
this Province.

I. Whereas, the Laws herein mentioned have, by Experience, been found
useful and beneficial, and are near expiring:

II. We pray that it may be Enacted, And be it Enacted, by the Honourable
Matthew Rowan, Esq; President, and Commander in Chief, 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 an Act made the
Fifteenth Day of October, in the Year of our Lord One Thousand Seven
Hundred and Forty Eght, intituled, An Act to appoint an Agent to solicit
Affairs of this Province, at the several Boards in England; which was to
continue and be in force, for and during the Space of Two Years, next after
the Twenty fifth Day of March, One Thousana Seven Hundred and Forty
nine, and no longer, and which, by an Act made the Fifth Day of July, One
Thousand Seven Hundred and Fifty-one, was revived and made in Force,
during the Term of Three Years, to commence from the Twenty-fifth Day of
March then past, and no longer; shall be, and is hereby further continued,
from the Expiration thereof, the Term and Space of Three Years, and from
thence to the End of the next Session of the General Assembly, and no
longer.

III. And be it further Enacted, by the Authority aforesaid, That an Act
made the Fourteenth Day of April, One Thousand Seven Hundred and
Forty-nine, intituled, An Act, for the Encouragement of James Davis, to set
up and carry on his business of a Printer in this Province, and for other
Purposes therein mentioned, which was to continue and be in Force for the
Space of Five Years, shall be, and is hereby continued from the Expiration
thereof for the Term of Three Years, and from thence to the End of the next
Session of the General Assembly, and no longer.

IV. And be it further Enacted, by the Authority aforesaid, That an Act
made in the Year One Thousand Seven Hundred and Fifty-one, intituled,
An Act, to appoint Inspectors in New-Hanover County, and for regulating
the Exports at Cape-Fear, which was to continue and be in Force for the
Term of Three Years from the Ratification thereof, and from thence to the
End of the next Session of Assembly, and no longer; and which, by an
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Act made the Thirty-first Day of March, One Thousand Seven Hundred and Fifty-two, was amended and extended, shall be, and is hereby continued, from the Expiration thereof, for, and during the Term of Three Years, and from thence to the End of the next Session of Assembly, and no longer.

V. And be it further Enacted, by the Authority aforesaid, That an Act made the Twenty-eighth Day of June, One Thousand Seven Hundred and Forty-six, intitled, An Act, for the better regulating the Militia in this Government, which was to continue for Three Years, and from thence to the End of the next session of Assembly, which, by an Act made the Sixteenth Day of October, One Thousand Seven Hundred and Fifty-nine, was altered, explained, and continued for the Term of Five Years, and from thence to the End of the next Session of Assembly, and no longer; shall be, and is hereby continued from the Expiration thereof, the Term of Three Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER VIII.

An Act, for erecting the upper Part of Bladen County into a County and Parish, by the Name of Cumberland County, and St. David's Parish.

I. Whereas the Inhabitants of that Part of Bladen County, within the Lines herein after mentioned, live at such a Distance from the Court-house, that it is very inconvenient for them to attend the ordinary Business of the County there; and there being a sufficient Number of Freeholders and others, within the said Lines to support the Charges of a County among themselves: Therefore for the Ease of the said Inhabitants,

II. We pray that it may be Enacted, And be it Enacted, by the Honourable Matthew Rowan, Esq; President, and Commander in Chief, 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 the upper part of the said County of Bladen, beginning at the Mouth of Cross Creek, running a South-West Line to the Bounds of Bladen County, and North-East to the Line of Duplin County, thence along the dividing Lines of Duplin, Johnston, Orange and Anson Counties; so that all the Inhabitants in Bladen County to the Northward of the Mouth of Cross Creek aforesaid, shall belong to Cumberland County, and the same shall, and is hereby declared and enacted to be a County and Parish, by the Name of Cumberland County and St. David's Parish, with all and every the Rights, Privileges, Benefits, and Advantages whatever; which any other County or Parish in this Province can or may lawfully hold, use, or enjoy.

III. And be it further Enacted, by the Authority aforesaid, That Hector Mac Nell, Esq; be, and is hereby appointed Sheriff of the said County of Cumberland, until the Time prescribed by Law for appointing Sheriffs of this Province; and that Hector Mac Nell; Esq; shall be and is hereby invested with the same Power and Authority as any other Sheriff of any other County in this Province.

IV. And be it further Enacted, by the Authority aforesaid, That John Brooks, William Roberts, Jonathan Evans, Thomas Armstrong, Thomas Jones, Matthew Rayford, William Dawson Thomas Matthews, John Brown, Archibald McNeal, Gilbert Clark, and William Russell, be and are hereby appointed Vestrymen of the said Parish, until the General Election of Vestrymen shall be summoned by the said Sheriff to meet, at such Time and Place as the Majority of the said Vestrymen shall appoint, and qualify themselves as a Vestry, and proceed to Parish Business.
V. Be it further Enacted, by the Authority aforesaid, That all County and Parish Taxes, now due from any of the Inhabitants of that Part of Bladen now erected into the County of Cumberland, shall be collected by the Sheriff of Bladen County; and accounted for in the same Manner as if this Act had never been made.

VI. And be it further Enacted, by the Authority aforesaid, That the Justices of the said County shall hold their first Court at the House of Thomas Armstrong, and at the said Court, or the Court succeeding, by a Majority of those present, and qualified, nominate and appoint a certain Place for building a Court-house, Prison, and Stocks, as near as may be to the Centre of the said County, and shall divide the said County into Districts, and appoint Commissioners of the Roads for the same; and may also make such Rules and Orders for erecting the said Buildings, and Running the dividing Lines, at the equal Expend of the Inhabitants of the said County of Cumberland, by a Poll Tax, as the Majority of the Justices present, shall think necessary and agree, not exceeding One Shilling, Proclamation Money, per Annum, on each Taxable, for Three Years, and no longer.

VII. And be it further Enacted, by the Authority aforesaid, That where any Action is already commenced in Bladen Court, and the Parties or Witnesses are Inhabitants of Cumberland County, all subsequent Process against such Persons, shall be directed to, and be executed by the Sheriff of Bladen County, to the End and final Determination of such Causes, any Law, Usage, or Custom to the contrary, notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That the said County of Cumberland be, and is hereby obliged to send Jurors to the Courts of Assize, Oyer and Terminer, and General Gaol Delivery at Wilmington, as Bladen County now doth; and the Courts of the said County of Cumberland shall be held on the Fourth Tuesdays in April, July, October, and January, every Year.

CHAPTER IX.

An act to appoint and lay out a town on the plantation of Mr. Henry Skibbow, on the east side of the North East Branch of Cape Fear river, at a place called the Sand Hill, and to appoint an inspector in the said town, and other purposes therein mentioned.

I. Whereas the inhabitants of New Hanover, Onslow, and Duplin counties, have petitioned for an act to appoint a town on the plantation of Henry Skibbow on the east side of the north east branch of Cape Fear river, in New Hanover county, at a place called the Sand Hill, and to appoint an inspector for the said town:

II. We therefore pray that it may be enacted, and be it enacted, by the Honourable Matthew Rowan, Esq; President, and commander in chief, 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 as soon as the proprietor of the said land shall acknowledge his consent and concurrence, in open Court of the said county, to have such part of his land laid out for a town as herein after is directed, Alexander Lillington, Samuel Ashe, Thomas Merrick, John Gardner, and Henry Skibbow, are hereby nominated and appointed commissioners; and they, or the majority of them, are hereby invested with full power and authority to lay out forty acres of land
on the said plantation for a town, by the name of New Exeter, and to lay out the said forty acres into lots of half an acre each, with convenient streets and squares, for a church, church yard and market place.

III. And be it further enacted, that every person whatsoever who shall be willing to be an inhabitant of the said town, shall have liberty to take any lot or lots, so to be laid out as aforesaid, and not before taken up; which lot or lots the said commissioners, or any two of them, are hereby directed and empowered to grant, convey and acknowledge, to the person or persons so taking up the same, and to his or their heirs and assigns forever, in fee simple, upon the payment of forty shillings proclamation money.

IV. And be it further enacted, that if any of the above commissioners shall refuse to act, or die, or remove out of this province, that then the remaining commissioners, or the majority of them, shall elect and chuse another person or persons commissioner or commissioners aforesaid, in the room and stead of such person or persons so refusing to act, or that shall die or remove as aforesaid, and such commissioner or commissioners so elected and chosen, are hereby vested with the same powers and authorities, and subject to the like rules and regulations, as the commissioners appointed in virtue of this act.

V. And be it enacted by the authority aforesaid, that John Gardner is hereby appointed Treasurer and receiver of all such sum or sums of money as shall arise by the sale of such lots, for the use herein after mentioned; and on the death, or departure out of the government, of the said treasurer, the said commissioners, or the major part of them, shall appoint some other person treasurer, in the place of the said treasurer so dying or departing the government.

VI. And be it enacted, by the authority aforesaid, that the treasurer aforesaid, and every treasurer that shall or may be hereafter appointed by the commissioners aforesaid, shall give security to the county court, that he shall and will account with and pay in all the monies he shall receive for the sale of all and every the lot or lots that shall be sold, yearly, on the twenty fifth day of March, to Henry Skibbow, or the proprietor of the said lands.

VII. Provided always, that if any lot or lots shall be granted or conveyed by the said commissioner to any person or persons whatsoever, who shall not within two years, build a good substantial habitable framed or brick house, of not less dimensions than twenty feet in length, and sixteen feet wide, besides sheds and lean toes, or make preparation for so doing, as the commissioners, or the majority of them, shall think reasonable, such grant or conveyance shall be void, and it is hereby declared void and of none effect, as if the same had never been made; and the commissioners may grant or convey such lot or lots as is herein before directed, to any other person or persons applying for the same, and paying the money for the said lot, as in this act is before directed, for the use of the said Henry Skibbow, his heirs and assigns.

VIII. And be it further enacted by the authority aforesaid, that the commissioners, or the majority of them, shall be and they are hereby empowered and authorized, to order the removal of all nuisances within the limits of the said town.

IX. And be it further enacted, by the authority aforesaid, that no person inhabitant of the said town, or holding a lot or lots therein, shall inclose the same, or keep the same inclosed, under a common stake fence, but every lot therein shall be paled, or inclosed with posts and rails set up.

X. And be it further enacted by the authority aforesaid, that all persons,
possessors or owners of any lot or lots in the said town, shall, within two years of their grant or conveyance, clear and keep constantly clear, their lot or lots, from all manner of wood, underwood, brush, and grubs, under the penalty of two shillings, proclamation money, for every month such owner or owners of any lot or lots shall neglect to clear, or keep the same clear; to be recovered by a warrant from any Justice of the Peace, and applied by the said commissioners for and towards clearing the streets in the said town. The rest repealed.

CHAPTER X.

An Act, to alter the Times for holding the Courts of Orange, Rowan and Bladen Counties.

I. Whereas, great inconveniences and Delays frequently happen to the Inhabitants of Orange, Rowan, and Bladen Counties, on Account of their Courts being held at such Times as interfere with the General Assize Courts: For Remedy whereof,

II. We pray that it may be Enacted, And be it Enacted, by the Honourable Matthew Rowan, Esq: President, and Commander in Chief, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and the Authority of the same, That the next Court of the County of Orange, after the Second Tuesday in March next, shall be held on the First Tuesday in July then next, and so on the first Tuesday of October, January, April, and July, in every Year. And that the next Court of Rowan County after the Third Tuesday in March next, shall be held on the Second Tuesdays in July, and from thence on the Second Tuesdays in October, January, April, and July, in every Year; And that the next Court of Bladen County, after the third Tuesday in March next, shall be held on the First Tuesdays in May, August, November, and February, in every Year.

III. And be it further Enacted, by the Authority aforesaid, That all Proceedings of the Courts so to be held on the respective Days before mentioned, shall be as valid, and of the same effect, they could or might have been, if held on the Days and Times first appointed, on erecting the said several Counties; and such Alteration in the Date, Test, Return, Trial, Continuances, or References, of any Process or Suit in the said Courts, shall not be alleged or allowed as Error, in any Manner whatsoever.

IV. And be it further Enacted, That all and every Act, and Clause of any Act heretofore made, for appointing other Days for holding the said Courts, shall be, and is hereby declared to be repealed, from and after the last Tuesday in March next.

CHAPTER XI.

An act to amend an act intituled, an Act to appoint a Convenient place for Holding the County Court of Duplin, and to empower the commissioners therein named to build a court-house, prison and stocks, in the said county and for enlarging the bounds thereof.

I. Whereas, in and by the before recited act, Mr. George Mears, Mr. William Houston, and Mr. Joseph Williams, were appointed commissioners for erecting and building a court-house, prison and stocks, in the said county; and also to contract and agree with workmen to build the same, of
such dimensions as shall be agreed on by the county court; and whereas, the building the said court-house, prison and stocks, is retarded and wholly stopped, by reason the said act doth not impower the said George Mears, William Houston, and Joseph Williams, or the majority of them, to build the said court-house, prison and stocks in the said county:

II. We therefore pray that it may be enacted, and be it enacted by the Honourable Matthew Rowan, Esq.; President, 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 the said Mr. George Mears, Mr. William Houston, and Mr. Joseph Williams, or any two of them are hereby impowered to build a court-house, prison and stocks, in the said county of Duplin, and also to contract and agree with workmen to build the same, of such dimensions as is or shall be agreed on by the court of the said county.

III. And be it further enacted, by the authority aforesaid, That the court of the county of Duplin, shall appoint three persons, freeholders in the said county, who on their oaths, shall value the lands fixed on by Mr. Arthur Blackman, Mr. Anthony Williams, Mr. William McGee, Mr. John Brock, and Mr. William Mills, or the majority of them, for building the court-house, prison and stocks, in the said county, and an account of such valuation shall return to the next county court thereafter to be held for the said county; and the amount of such valuation the said county court shall pay to the proprietor or owner of the said land, out of the tax to be raised in virtue of an Act, intitled, An Act, for erecting the upper part of New Hanover county into a county and parish, by the name of Duplin county, and St. Gabriel's parish and for appointing a place for building a court-house, prison, and stocks, in the said county; which said valuation and payment of the same to the said proprietor or owner, entered on the records of the said county, shall be a good and sufficient entitle to the said county for the said land so valued, paid for, and recorded.

CHAPTER XII.

An Act, to appoint a convenient place for holding the county court of Orange, and to impower the commissioners hereafter named, to build a court-house, prison and stocks, in the said county.

I. Whereas, by an act, intitled, an Act, for dividing part of Granville, Johnston, and Bladen counties, into a county and parish, by the name of Orange county, and the parish of St. Matthew, and for appointing vestry men for the said parish, and other purposes therein mentioned; among other things it was enacted, that the Justices of the said court, at the court to be held for the said county at the house of John Gray, on the second Tuesday in June next after passing the said act, or the then next succeeding court, should agree on and appoint a place for building a court-house, prison and stocks, in the said county; which said Justices being then acquainted with the bounds of the said county, did by the order of the said court, appoint a place whereon to build a court-house, prison and stocks; which said place, on examination, is found to be within fifteen miles of the west line of the said county, to the great inconvenience and detriment of the inhabitants of the said county attending the said court: Wherefore,

II. We pray that it may be enacted, and be it enacted, by the Honourable Matthew Rowan, Esq., President, and commander in chief, 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 the court-house, prison, and stocks, for the said county of Orange, shall be erected on or near where the western path crosses the river Eno, on a piece of land where James Watson now lives.

III. And be it further enacted, by the authority aforesaid, That Mr. Alexander Mybain, Mr. John Gray, Mr. John Patterson, Mr. James Ellison, and Mr. Marmaduke Kimbrough, or the majority of them, be, and they are hereby appointed commissioners, to make choice of a suitable and convenient place at or near the said path, where it crosseth Eno river, for the erecting and building thereon a court-house, prison, and stocks; and also to contract and agree with workmen to build the same of such dimensions as to them shall seem meet and convenient.

IV. And for defraying the expense thereof, be it enacted by the authority aforesaid, that the tax laid by the before recited act, shall be applied towards the court-house, prison and stocks, at the place in this act before mentioned.

V. Provided always, that nothing in this act shall be construed to make void any contract or agreement, entered into by the justices of the said county, with any person or persons for building the court-house, prison and stocks at the place appointed by the Justices of the said county in virtue of the before recited act, to annul invalidate, or make void any suit that is, or may be brought thereon.

VI. And be it enacted by the authority aforesaid, That the clause of the before recited act, so far as relates to the appointing a place for building a court-house, prison, and stocks, be, and is hereby repealed and made void to all intents and purposes, and constructions, as if the same had never been made.

CHAPTER XIII.

An Act for appointing and laying out a town on the land of John Jenkins, on the south side of Pee Dee river, in Anson county; and for other purposes therein mentioned.

I. Whereas, the inhabitants of Anson county labour under great disadvantages for want of trade, by being so inconvenient to, and distant from any of the navigable rivers of this province, only Pee Dee, and that discharged itself into South Carolina, which renders it very impracticable for them to dispose of anything that ariseth from the produce of the soil, either to pay their public or private debts, in this province: for remedy whereof,

II. We pray that it may be enacted, and be it enacted, by the Honourable Matthew Rowan, Esq: President, and Commander in chief, 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 as soon as the proprietor of the said land shall acknowledge his consent and concurrence in open court, of the said county, to have such part of his said land laid out for a town, as is herein after directed, Mr. Charles Robinson, Mr. Caleb Howell, Mr. Thomas Tompkins, Mr. William Forbes, and Mr. Edmund Cartledge, are hereby nominated and appointed commissioners; and they or the majority of them, are hereby invested with full power and authority, to lay out fifty acres of land on the said plantation for a town, by the name of Gloucester, and to lay out the same fifty acres into lots of half an acre each,
with convenient streets and squares, for a church church-yard, and market place.

III. And be it further enacted by the authority aforesaid, that when the commissioners, or a majority of them, have laid out the said town as aforesaid, every person whatsoever who is willing to be an inhabitant of the said town, shall have liberty to take up any lot or lots so laid out as aforesaid, and not before taken up, which lot or lots the said commissioners or the majority of them, are hereby empowered to grant, convey, and acknowledge, to the person or persons taking up the same, his or their heirs and assigns forever, in fee-simple, upon the payment of forty shillings proclamation money, to the treasurer hereafter mentioned.

IV. And be it further enacted, by the authority aforesaid, that Thomas Tomkins be, and is hereby appointed treasurer and receiver of all such sum or sums of money, as shall arise by the sale of the said lots, for the use hereafter mentioned; and on the death or departure out of this government by the said treasurer, the said commissioners, or the majority of them, shall appoint some other person treasurer, in the place and stead of the said treasurer so dying or removing.

V. And be it further enacted, by the authority aforesaid, that the treasurer that now is, or may be hereafter appointed by the commissioners aforesaid, shall give security to the county court, in the sum of one hundred pounds, that he will and shall account, with, and pay all the monies he shall receive for the sale of the said lots, that shall be sold yearly, on the first day of May, to the proprietor of the said town.

VI. Provided always, that if any lot or lots shall be granted or conveyed by the said commissioners to any person or persons whatsoever, who shall not, within two years, build a good substantial habitable framed, brick, or stone house, of no less dimensions than twenty four feet in length and sixteen feet wide, besides sheds or leantoes, or make preparation for so doing, as the commissioners or the majority of them, shall, on view, think reasonable, such grant and conveyance shall be void and of none effect, as if the same had never been made: and the commissioners or the majority of them, may grant and convey such lot or lots, which shall not be built on within the time, and in the manner aforesaid, to any other person or persons applying for the same, and paying the purchase money as aforesaid, to the use of the proprietor of the said land.

VII. And be it further enacted, by the authority aforesaid, that the commissioners or the majority of them, shall be, and they are hereby empowered to remove all nuisances within the limits of the said town.

VIII. And be it further enacted, by the authority aforesaid, that all persons, possessors, or owners of any lot or lots in the said town, shall within two years of the date of his or her grant or conveyance, clear, and keep constantly clear, his or her lot or lots, from all manner of wood, underwood, brush, and grubs, under the penalty of one shilling proclamation money, for every month such owner or owners of any lot or lots shall neglect the same, to be recovered by a warrant from any justice of the peace of the county, and applied by the commissioners, for and towards clearing the streets of the said town. The rest Obsolete.
LAWS OF NORTH CAROLINA--1754.

At a General Assembly, begun and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty Four: Being the Second session of this Assembly. Arthur Dobbs, Governor.

CHAPTER I.

An Act, for Establishing the Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery of North Carolina.

I. Whereas, by Reason of the large Extent of this Province, the Attendance of Officers, Jurors, and Suitors, at the Supreme Court of Judicature, and Courts of Assize, as heretofore by Law established, is grievous and burdensome, and it is extremely difficult for the Officers to execute and return Writs and other Process, returnable to the said Courts; whereby great Delays are occasioned in Suits Prosecuted in the said Courts, and the Costs much increased: For Remedy whereof for the future;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the Second Day of March next, at the Times and Places herein after directed, there shall be held Five principal Courts of Judicature for this Province, which Courts shall be, and are hereby established, by the Name of the Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery of North-Carolina; and shall consist of the Chief Justice, for the Time being, and Three other Justices, to be appointed and commissioned for the same, by Commissions to be issued by the Governor, or Commander in Chief for the Time, under the Seal of the Province; who shall have Cognizance of, and are hereby declared to have full Power and Jurisdiction, of all Pleas, real, personal, and mixed, filial Portions, and Distributions of Intestates Estates, and all Pleas of the Crown, and Matters relating to the Breach of the Peace, and Punishment of Offenders, where brought before them by Original Process, Writ, or Error, Appeal from any County Court, or by any other Ways or Means whatsoever; and are hereby declared to have Power and Authority to give Judgment therein, and award Execution thereupon.

III. And be it further Enacted, by the Authority aforesaid, That in Case of the Disability or Absence of the said other Justices, it shall and may be lawful for the Chief Justice to hold the said Courts alone, and to take Cognizance of all Matters in them or any of them, depending; and in Case of the Disability or Absence of the Chief Justice, and where he shall be a Party in any Suit, the Courts shall and may be held in like Manner, by any Two of the other Justices.

IV. Provided nevertheless, That no Person shall take Original Process, for Tryal of any Thing in any of the said Courts, for less Value than Ten Pounds, Proclamation Money; except against the Members of a County Court, or Vestry, or where the Parties Plaintiff and Defendant, live in different Counties.

V. And be it further Enacted, That the Chief Justice, and every other Person, who shall at any Time hereafter, accept the Office of a Judge or Justice of any of the said Courts, before entering upon and executing the same, shall take the Oaths appointed to be taken by Act of Parliament, and repeat and subscribe the Test, and also take the following Oath, to wit,
You shall swear, That you will well and truly serve our Sovereign Lord the King, and his People, in the Office of Chief Justice, (or Justice, as the Case is) of the Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery of North Carolina, for the Counties of ——— and you shall not counsel or assent to any Thing which may turn to the Hurt or disinheriting of the King, by any Way or Colour; and you shall do equal Law and Execution of Right to all the King's Subjects, Rich and Poor, without having regard to any Person, you shall not wittingly or willingly take, by yourself, or any other Person, any Gift or Reward whatsoever, for any Matter or Thing by you done, or to be done, by Virtue of your Office; you shall not take any Fees or other Gratuity of any Person, great or small, except such Salary, Fees, and Perquisites, as shall be by Law appointed, or such Salary as his Majesty, his Heirs or Successors, shall think fit to allow you for your Service; you shall not maintain, by yourself, or any other, privily or openly, any Plea, or Quarrel hanging in any of the King's Courts; you shall not delay Persons of common Rights for the Letters of the King, his Governor of this Province, or of any other Person, nor for any other Cause; and in Case any Letters come to you contrary to Law, you shall nothing do for such Letter; but you shall proceed to do the Law, the said Letters notwithstanding; and finally in all Things belonging to your said Office, during your Continuance therein, you shall faithfully, truly, and justly, according to the best of your skill and Judgment, do equal and impartial Justice, without Fraud. So help you God.

And if any Person shall presume to execute the said Office, without first qualifying according to the Direction of this Act, he shall, for every such Offence, be fined One Hundred Pounds, Proclamation Money; One Mote to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof, and the other Mote to the Informer: To be recovered by Action of Debt, Bill, Plaint, or Information.

VI. And be it Enacted, by the Authority aforesaid, That the Times and Places for holding the said Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery, shall be as follows; to wit, For the Counties of Craven, Carteret, Johnston, Beaufort, and Hyde, at New Bern, on the Third Tuesdays in March and September: Currituck, Pasquotank, Perquimans, Chowan, Bertie and Tyrrell, at Edenton, on the Second Tuesdays in October and April: Northampton, Edgcomb, and Granville, at the Court-house in Enfield, on the First Tuesdays in November and May: Orange, Rowan, and Anson, at the Court-house in Salisbury, on the Fourth Tuesdays in May and November: And New-Hanover, Bladen, Duplin, Onslow, and Cumberland, at Wilmington, on the Fourth Tuesdays in August and February; and shall continue to be held Ten natural Days each, exclusive of Sundays.

VII. Provided nevertheless, if all Suits and other Matters depending in any of the said Courts, shall be finished in less Time than appointed by this Act for holding the same, It shall be lawful to adjourn to the next succeeding Court.

VIII. Provided also, That none of the said Courts shall be discontinued, or any of the Pleas or Proceedings in them depending, by Reason of the Death of the Chief Justice, or other Justices of the said Courts, or any other unavoidable Let or Hindrance of their Attendance to hold Court, according to the Directions of this Act; but in such Case, all Pleas, Causes, and Proceedings whatsoever, being and remaining in any such Court, shall stand continued to the next Court in Course.

IX. And be it further Enacted, by the Authority aforesaid, That all Ori-
PROCEEDINGS, either by Writ or Summons, or any other Manner or Means, to bring any Person or Persons to answer any Action, Bill, Suit, Information, or Plaintiff, in any of the said Courts, and all and every Process, at the Common Law, (except Summons or Subpoenas for Witnesses) regularly and legally belonging to, or concerning any Cause, Matter or Thing, depending or prosecuted in any of the said Courts, shall bear Test of the Chief Justice for the Time being, and shall be issued out of the particular Court from whence the same shall issue, and be by him signed; and shall and may be executed by any Sheriff or other Officer to whom the same shall be directed, and be returned to the Court to which the same, by the Tenor of such Process, shall be returnable.

X. And be it further Enacted, by the Authority aforesaid, That all such Writs and Process, (except Subpoenas to summon Evidences, which may be made returnable immediately) shall be returnable to the First Day of the Court, and be returned Five Days before the Court to which the same are returnable; and shall be executed at least Ten Days before the Beginning of such Court: And if any Person shall take out Original Process whilst the Court is sitting, or within Ten Days before the Beginning of any such Court, such Process shall be made returnable to the Court next succeeding that then sitting, or beginning within Ten Days as aforesaid, and not otherwise; and all such Process issued, made returnable, or executed, at any other Times, or in any other Manner than is herein directed, shall be to all Intents and Purposes void.

XI. Provided always, That nothing herein contained, shall be construed to extend to invalidate or vacate any Process, Warrant, or other Mandate or Precept, issued by any of the Judges or Justices of the said Courts, or Justice of the Peace, or by the Clerk of the Crown, or any Criminal Prosecution, or in his Majesty's Behalf; but that the same may be returnable to any Day in sitting of the Court to which the same is returnable: And the Proceedings in Criminal Suits and Prosecutions, shall be had according to the Laws and Statutes of Great Britain, and this Province; any Thing herein contained to the contrary, in any-wise, notwithstanding.

XII. And be it further Enacted, by the Authority aforesaid, That when any Writ shall issue from any of the said Courts, whereby the Sheriff shall be commanded to take the Body of any Person or Persons, to answer unto any Plaintiff or Plaintiffs in any Action in any of the said Courts, the Sheriff shall take Bond, with Two sufficient Securities, for double the Sum for which the Person or Persons shall be held in Arrest; and shall return such Bond with such Writ, (Executors or Administrators and Persons sued on Penal Statutes, excepted:) And in Case the Sheriff shall fail or neglect to take such Ball, or the Ball returned shall be found insufficient, on Exception taken, then and in that Case the Sheriff shall be deemed and stand Ball for the Defendant; and the Plaintiff shall not be delayed in his Suit or Action, but may and shall proceed according to the Rules hereafter mentioned, and shall and may take out Execution against the Defendant or Sheriff or both: Any Law, Usage, or Custom to the contrary notwithstanding.

XIII. Provided always, That if the Defendant shall be admitted by the Court to enter an Appearance without Ball, or puts in Ball before the Rules to plead shall expire, then the said Sheriff shall be discharged.

XIV. Provided also, That the Defendant may be surrendered at any Time, before final Judgment shall be entered against him.

XV. And be it further Enacted, That when any Sheriff shall return, that he hath taken the Body of any Defendant, and committed him to the
Prison of his County, (which is hereby declared to be the proper Prison for such Commitment,) for Want of Ball, the Plaintiff may enter the Defendant's Appearance, and he shall be at Liberty to plead as if such Appearance had been entered by himself, and the Plaintiff may proceed to Judgment as in other Cases in this Act directed; nevertheless, the Defendant shall not be discharged out of Custody, but by putting in Ball, or Rule of Court.

XVI. And be it further Enacted, That if the Sheriff shall neglect to execute or return any Writ or Writs issuing out of any of the said Courts, which shall be delivered to him Twenty Days before the sitting of the Court to which such Writ or Writs shall be returnable, the Sheriff, for every such Neglect, on Motion of the Plaintiff, and Proof of such Delivery, shall be ordered and obliged to pay the Party grieved, the Sum of Five Pounds, Proclamation Money, and be further liable to the Action of the Party injured; unless the said Sheriff can show sufficient Cause to the Court from whence such Process issued, at the next succeeding Court after such Order.

XVII. And be it further Enacted, That all Ball taken according to the Directions of this Act, shall be deemed, held, and taken to be special Ball, and as such, liable to the Recovery of the Plaintiff; but the Plaintiff, after final Judgment, shall not take out Execution against such Ball, until an Execution be first returned, that the Defendant is not to be found; and also, shall take out a Scire Facias, returnable to the said Court, which shall be made Known to the Ball; and that after the Return of such Execution against the Principal, and Scire Facias aforesaid against the Ball, Execution may issue against the Principal and Securities, or either, or their, or either of their Estates, unless the Ball surrender the Principal at or before the Return of the first Scire Facias; any Law, Usage, or Custom, notwithstanding.

XVIII. Provided nevertheless, That if any Sheriff shall return, on a Scire Facias to him directed, that the Principal is imprisoned in the Prison of his County, or any other Balltwick, by Virtue of any Process in any Civil Action; the Supreme Court to which such Scire Facias is returnable, shall, on the Motion of the Plaintiff for Ball, order and direct, that such Principal be detained in the Gaol where he or she shall be a Prisoner, until he or she shall have paid the Plaintiff's Judgment and Costs, or be otherwise discharged by due Course of Law, a Copy of which Order being served on the Gaoler of such Prison, before such Prisoner's Release, shall be a sufficient Authority for him to retain such Prisoner, until he or she shall have complied with such Order; and also, shall be deemed a Surrender of such Principal, and as such discharge the Ball.

XIX. And for the better ascertaining what process may issue, when the Sheriff shall return, that the Defendant is not to be found within his Balltwick; Be it Enacted, That when the Sheriff shall make Return as aforesaid, in any Civil Action, the Plaintiff or Plaintiffs may issue an Attachment against the Estate of such Defendant, returnable as hereinbefore directed for the Return of Original Process, thereupon to enforce an Appearance, or an alias or Pluries Capias, till such Defendant shall be arrested, at the Election of the Plaintiff or Plaintiffs; and if the Sheriff shall return any Goods by him attached, and the Defendant shall fail to plead within the Time hereinafter directed, the Plaintiff shall be entitled (if in an Action of Debt), to a final Judgment, and if an action on the Case, to a Judgment by Default, and a Writ of Enquiry of Damage, to be executed at the next Court; and the Goods so attached, (if not releived or sold according to the Directions of this Act, for Goods attached on an Original
Attachment,) shall remain in the Custody of the Sheriff, till such Judgment obtained, and then be disposed of in the same Manner as Goods taken on Execution on a Writ of Fieri Faecias; and if the Judgment shall not be satisfied by the Goods attached, the Plaintiff may have Execution for the Residue.

XX. And be it further Enacted, by the Authority aforesaid, That it shall be lawful for the Chief Justice, or other Justices of any of the Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery, or any Justice of the County Courts, (upon Complaint made by any Person, on Oath, that his Debtor is removed, or removing himself out of the County privately, or absconds or conceals himself, so that the ordinary Process of Law cannot be served upon him,) to grant an Attachment against the Estate of such Debtor, wherever the same shall be found, or in the Hands of any Person or Persons indebted to, or having Effects of the Party absconding, or so much thereof as shall be of Value sufficient to satisfy the Debt and Costs of such Complaint; which Attachment shall be returnable to the Court where the Debt or Matter is cognizable: and that such Attachment shall be deemed the leading Process in such Action, and the same Proceedings had thereon, as on an Attachment on a Return of a Non est inventus by the Sheriff.

XXI. Provided always, That every such Justice, before granting such Attachment, shall take Bond and Security of the Party for whom the same shall be issued, in double the Sum to be attached, payable to the Defendant, for satisfying and paying all Costs which shall be awarded to the said Defendant, in Case the Plaintiff suing out the Attachment shall be cast in his Suit, and also, all Damages which shall be recovered against the said Plaintiff for suing out such Attachment: Which Bond shall, by the Justice granting the same, be returned to the Court to which the Attachment is returnable; and every Attachment issued without such Bond taken and returned as aforesaid, and Oath made as aforementioned, is hereby declared void, and shall be dismissed.

XXII. And be it further Enacted, That where any Person, Inhabitant of any other Government, shall be indebted to, or hath done any Tort or Injury to any Person a Resident of this Province, and cannot personally be served with Process, and hath Effects in this Government; any of the said Justices may grant an Attachment against the Estate of such Person indebted, or who hath done any Tort or Injury as aforesaid, under the Rules, Restrictions, and Regulations above-mentioned, and the same Proceeding shall and may be had thereon.

XXIII. And be it further Enacted, by the Authority aforesaid, That when Goods or other Estate of any Person or Persons shall be attached by Virtue of an Attachment, whether judicial or original, it shall and may be lawful for such Person or Persons, his, her or their Attorney, to reprieve the same, by giving Bond, with good Security, to the Sheriff or other Officer serving the said Attachment, (which Bond, the said Sheriff or other Officer, is hereby impowered and required to take) to appear at the Court to which the Attachment shall be returnable, and to abide by, perform and satisfy the Order and Judgment of such Court; and where the Estate so attached is perishable, if the person or persons to whom it belongs shall not within Thirty Days after serving such Attachment, reprieve the same, then such Estate shall be sold at Public Vendue, by the Sheriff or other Officer serving such Attachment; such Sheriff or other Officer having first advertised such Sale, at every Church and Chapel in his County; and the Money arising from
such Sale, shall be liable to the Judgment obtained upon such Attachment, or other Order of such Court; And where the Sheriff or other Officer shall serve an Attachment in the Hand of any Person or Persons indebted to or having any Effects of the Party absconding, he shall, at the same time, summon such Garnishee or Guarantors, to appear at the Court to which the Attachment is returnable; within the first Four Days thereof, there to answer, upon Oath, what he or she is indebted unto such Party, and what Effects of such Party he or she hath in his or her Hands, or had at the Time of serving such Attachment; and where any Attachment shall be returnable, served in the Hands of any Garnishee in Manner aforesaid, It shall be lawful, upon his or her Appearance and Examination in Manner aforesaid, to enter up Judgment, and award Execution against every such Garnishee and Garnishees, for all Sums of Money due from him, her, or them, to the Person absconding, or in his, her, or their Custody or Possession, for the Use of the Party obtaining such Attachment, or so much thereof as shall be of Value sufficient to satisfy the Debt and Costs of the Complainant; and all Goods and Effects whatsoever, in the Hands of any Garnishee or Garnishees belonging to such absconding Person, shall be liable to satisfy such Judgment; And where any Garnishee or Garnishees shall be returned by the Sheriff or other Officer, summoned in Manner aforesaid, and shall fail to appear, and discover, on Oath, in Manner by this Act directed; it shall be lawful, and the Court is hereby authorized to enter up Judgment, and award Execution against every such Garnishee or Garnishees, for the Plaintiffs whole Debt, Damage, and Costs.

XXIV. And whereas divers Persons, possessed of Lands, Tenements, and Hereditaments within this Province, having contracted Debts, or shall hereafter contract Debts, with Traders, and other Persons residing here, have departed, and may depart this Province, without leaving Personal Estate sufficient to satisfy the same; and there not being suitable Provision made, whereby the Lands of such Debtors may be subject to satisfy such Debts: For Remedy whereof; Be it Enacted, by the Authority aforesaid, That any Justice shall and may grant an Attachment, at the Prayer of the Person to whom such Person or Persons as aforesaid shall be indebted, directed to the Sheriff of the County where the Lands lie, returnable to the Court where the Matter is cognizable; and if the Sheriff return that the Person hath no Goods to be found in his Bailiwick, the Court shall grant Judgment for the Debt, due Proof thereof being first made; which said Judgment shall be final in Actions of Debt, and in other Actions, a Writ of Inquiry shall, on the Motion of the Plaintiff, be then executed, upon which Judgment, a Writ of Fiérce Façias shall be awarded, returnable to the next Court, by Virtue whereof, the Sheriff, if he cannot find Goods of the Defendant’s, within his Bailiwick, sufficient to such Judgment, and Costs, shall sell such Lands to the highest Bidder, having first advertised the Sale thereat, at every Church and Chappel in his County, for One Month at least before the Day appointed for the same; and such Sheriff shall give the Purchaser a Deed of Bargain and Sale, which shall be good and sufficient in Law, to convey all the Rights, Title, Property, and Estate, that the Party or Parties, against whom such Judgments shall be obtained, shall have, or could or might claim in such Land; and out of the Money arising by such Sale, shall pay and satisfy such Judgment and Costs, and the Overplus, (if any,) shall pay to the Owner of such Lands.

XXV. And for Prevention of Error in issuing Attachments, and taking
Bonds thereupon; Be it Enacted, That the following Forms shall be kept and observed, to wit,

North-Carolina,

—— County, to wit,

George the Second, by the Grace of God, of Great Britain, France and Ireland, Defender of the Faith, &c. To the Sheriff of ——— County, Greeting. Whereas A. B. hath complained to C. D. our Chief Justice of the Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery of North Carolina, (or as the Case may be,) that E. F. late of your County, Planter, is justly indebted to him in the Sum of ——— (or hath endamaged him in the Sum of ——— as the Case really is,) and hath made Oath, that the said E. F. hath removed himself privately out of your said County, or so absconds or conceals himself, that the ordinary Process of Law cannot be served on him; and hath given Bond and Security, according to the Directions of the Act of Assembly in such Case made and provided: We therefore Command you, that you attach the Estate of the said E. F. if to be found in your Bailiwick, or so much thereof (repleviable upon Bond and Security given;) as shall be of Value sufficient to satisfy the said Debt, or Damages, according to the Complaint and Costs; and such Estate so attached, in your Hands to secure, or so to provide, that the same may be liable to further Proceedings thereupon to be had at our next Supreme Court of Judicature, Oyer and Terminer, and General Gaol Delivery, to be helden for the Counties of ——— at ——— on the ——— Tuesday of ——— next; so as to compell the aforesaid E. F. then and there to appear and answer the above-mentioned Complaint of the aforesaid A. B. when and where you shall make known to our said Court, how you shall have executed this Writ. Witness our said Chief Justice (or whoever grants the Attachment,) this ——— Day of ——— in the ——— Year of our Reign.

The Bond, to wit,

Know all Men by these Presents, That we, A. B., G. H. and I. K., all of the County of ——— are held and firmly bound to E. F. late of the County of ——— in the Sum of ——— (double the Sum in the Attachment,) to be paid to the said E. F. his certain Attorney, Executors, Administrators, or Assigns: To which Payment well and truly to be made, we bind ourselves, and each of us, our, and each of our Heirs, Executors, and Administrators, jointly and severally, firmly, by these Presents. Sealed with our Seals, and dated this ——— Day of ———

The Condition of the above Obligation is such, That whereas the above bounden A. B. hath, the Day of the Date of these Presents, prayed an Attachment against the Estate of the above-named E. F. for the Sum of ——— (the Sum complained for,) and hath obtained the same from C. D. Esq; Chief Justice, (or whatsoever grants the same,) returnable to the Supreme Court of Justice, Oyer and Terminer, and General Gaol Delivery, for the Counties of ——— (here the name of the Counti(s),) on the ——— Tuesday in ——— next: Now if the said A. B. shall prosecute his said Suit with Effect, and in Case he shall be cast therein, shall well and truly pay and satisfy, to the said E. F. all such Costs and Damages as shall be awarded and recovered against the said A. B. then the above Obligation to be void: Otherwise to remain in full Force and Power.

And all such Attachments shall bear Test of, and be signed by the Justice issuing the same.

XXVI. And be it further Enacted, by the Authority aforesaid, That from
and after the Second Day of March next, these following Rules and Methods shall be observed, to wit,

That the Plaintiff shall file his Declaration on or before the Second Day of every Court or Term, in the Office of the Clerk of the Court, and serve the Defendant with a Copy of such Declaration, at least Five Days before the sitting of the Court to which Suit is brought, or a Nol-pross may be entered by the Defendant.

That the Defendant shall appear, and plead or demur, within the first Three Days of the Term to which the Writ is returnable; otherwise the Plaintiff may have Judgment by Default; which in Debt shall be final, unless where Damages are to be suggested on the Roll; and in that Case, and in all Cases where the Plaintiff shall recover in Damages, a Writ of Enquiry shall be executed the next Court: Provided, that where the Nature of the Action requires special pleading, the Court may enlarge the Time, or sufficient Cause shown.

That where the Defendant pleads specially, the Plaintiff shall reply in Three Days, or a Non-Pross may be entered by the Defendant; and if the Plaintiff replies, and in his Replication, tender an Issue, the Defendant shall join Issue or demur in Three Days; and when the Defendant rejoins to the Plaintiff’s Replication, he shall file his rejoinder in Three Days, or Judgment shall in either Case go against the Defendant by Default, unless the Time for pleading shall be enlarged by the Court as aforesaid, and the same Time shall be given, and Rules observed, through the whole Course of Proceedings.

That all issues shall be tried at the next succeeding Court after the issue joined, without any Notice given by the Attorney of either Side, nor shall any cause be continued or delayed, unless special Cause be shown to, and approved by the Court.

That the Clerk of Every Court, before the sitting of the same, shall enter, in a particular Docket to be kept for that Purpose, all such Causes, and those only, in which any Issue is to be tried, Writ of Enquiry to be executed, special Verdict, Case agreed, or Demurrer to be argued, in the same Order as they stand in the Course of Proceedings.

That where a special Verdict shall be found, Case agreed, Demurrer, or Bill of Exception to Evidence, Time shall be allowed, upon Motion of either Party, to the next Court, to argue the same.

That for the more entire and better Preservation of the Records of the Court, where any Cause is finally determined, the Clerk shall enter all the Proceedings therein, and other Matters relating thereto, in a Book well bound with Vellum; so that an entire and perfect Record be made thereof.

That all Causes to be tried by Jurors, be first tried.

That all Motions in Arrest of Judgment, shall be argued in the Three last Days of the Term the Issue is tried; the Defendant’s Attorney first serving the Plaintiff’s Attorney with a Copy of the Reasons in Arrest of Judgment, the next Day after such Motion.

That all Arguments on Writs of Error, Special Verdict, Cases agreed, Demurrers, Petitions for fillal Portions, and Distribution of Intestates Estates, shall be heard the Four last Days of Court.

That when any final Judgment shall be obtained, the Clerk shall allow a Lawyer’s Fee in the Bill of Costs, if the Party employed one; which Fee is hereby declared, in all Cases in the said Courts, to be Thirty Shillings, Proclamation Money.

That no Plea of Abatement shall be received in any of the said Courts,
unless the Party offering the same shall, by Affidavit or otherwise, prove the Truth thereof.

That where a Plea in Abatement shall be pleaded in any Action in either of the said Courts depending, and upon Argument, the same shall be adjudged insufficient, the Plaintiff or Plaintiffs shall recover against the Defendant or Defendants full costs, to the Time of over-ruling such Plea, including the Costs of that Court, a Lawyer's Fee only excepted; and the Plaintiff, in Replevin, or the Defendant, in any other Action, may plead as many several Matters as he shall think necessary for his Defence, so as he be not admitted to plead and demur to the whole.

XXVII. And be it further Enacted, That all the Statutes of Jeoffefalls which are now in force in England, are hereby declared to extend to, and be in Force here; and shall be duly observed by all Judges and Justices of the several Courts of Record within this Province, according to the true Intent and Meaning of the said Statutes.

XXVIII. And be it further Enacted, by the Authoritty aforesaid, That the following Orders, Rules, and Methods of taking the Testimony of Witnesses in all Cases to be depending in the said Courts, be observed and put in Practice; to wit,

That in all Causes where Witnesses are to appear at either of the said Courts, a Subpoena shall be issued by the Clerk for the Time being, directed to the Sheriff of the County where such Person resides, expressly mentioning the Time and Place where the Witnesses are to appear, and the Names of the Parties to the Suit wherein they are to give Evidence, and at whose Instance they are Summoned.

That every Subpoena made returnable immediately, shall be personally served on any Person who shall be thereby summoned as a Witness to attend any of the said Courts.

That a Copy of any Subpoena, issued by the said Clerk in the Vacation, and returnable upon the first or any other Day of the Court, in Case the Person therein named be not found at home, left at the usual Residence or abode of such Witness or Witnesses therein named, by the Sheriff, Ten Days before the Return of such Subpoena, shall be deemed a good and valid Service, and the Person thereby bound to appear.

XXIX. And be it further Enacted, That If any Person be summoned to attend as aforesaid, and shall fail to appear accordingly, every such Person so failing, shall forfeit, to the Person or Persons at whose Suit the Summons issued, Twenty Pounds, Proclamation Money, and shall be further liable to an Action on the Case, for what Damages such Person shall sustain, for Want of such Witness' Testimony.

XXX. Provided always, That if sufficient Cause be shown by the Person so summoned and failing to appear, of his or her Incapacity to attend, at the Time he or she ought to have appeared, then no Forfeiture or Penalty shall be incurred by such Failure; but if sufficient Cause be not shown at the next succeeding Court after such Failure, on Notice given, it shall and may be lawful for the Court, on Motion of the Party for whom such Witness was summoned, to grant Judgment for the Forfeiture aforesaid, against the Person or Persons so summoned and failing to appear as aforesaid: And where any Person summoned as a Witness in any Cause as aforesaid shall be confined in Gaol in any Prison in this Province, any of the Supreme Courts, for the better Manifestation of Truth and Furtherance of Justice, shall and may grant a Habeeus Corpus ad Testificandum, to remove such Person into such Court, the Party praying
such Writ, having first entered into Bond, with sufficient Security, to defray the Expences of such Removal, and to answer for his or her Escape, and all Damages that shall or may be occasioned to any Person or Persons thereby.

XXXI. And be it further Enacted, That if any Witness, by Sickness, Age, or any other Cause, shall be incapable of attending to give his or her Evidence, according to such Summons, on Oath made thereof, or the Truth of the same otherwise sufficiently appearing, the Judge or Justices of the Court where the Suit is depending, shall and may, by Commission or Commissions, from Time to Time, as Need may require impower such and so many Persons as they shall think fit and necessary, to take and receive all and every the Depositions of any Person or Persons so incapacitated as aforesaid.

XXXII. Provided always, That the Party praying for, and obtaining such Commission or Commissions for taking and receiving any Depositions as aforesaid, shall make known to the other Party against whom the same are to be taken, the Time and Place of the Execution of every such Commission, at least Ten Days before the Day appointed for such Execution, who shall have liberty to cross examine such Witnesses; and all Depositions otherwise taken than is herein directed, shall be void, to all Intents and Purposes.

XXXIII. And be it further Enacted, That if any Person who shall be summoned as a Witness, and upon his or her Appearance in either of the Supreme Courts, or any County Court, or before any Person appointed to take Depositions as aforesaid, shall refuse to give Evidence, upon Oath, such Person so refusing, shall immediately be thereupon committed to the Common Gaol, there to remain without Ball or Main-prize, until he or she shall be willing to give Evidence, in such Manner as the Law now doth, or hereafter at any Time, shall direct.

XXXIV. Provided always, That the People called Quakers, shall have the same Liberty of giving their Evidence by way of solemn Affirmation or Declaration as by an Act of Parliament, made in the Eighth of the Reign of the late King George, intituled, An Act, for granting to the People called Quakers, such Terms of Affirmation or Declaration, as may remove the Difficulties which many of them lie under; and that all Negroes and Mulattoes, bond or free, to the Third Generation, and Indian Servants and Slaves, shall be deemed and taken to be incapable in Law to be Witnesses, in any Cause whatsoever, except against each other.

XXXV. And be it further Enacted, That during the Attendance of any Person summoned as a Witness to the Supreme or County Courts, and as such Person is going to and returning from the Place of such Attendance, allowing One Day for every Twenty Five Miles such Persons Residence shall be distant from the same, no Person whosever shall serve or execute, or cause to be served or executed, upon any Person so attending, going to, or returning from such Place of Attendance as aforesaid, any Writ, Process, Warrant, Order, Judgment or Decree in any Cause; and if any such shall be served or executed, the same shall be null and void.

XXXVI. And be it further Enacted, That for every Mile any Person shall travel, either going to or returning from the Place where he or she shall be summoned to appear as a Witness, there shall be paid to him or her by the Person or Persons on whose Behalf the Summons issued, Three Half pence, Proclamation Money, per Mile, together with the necessary Charges of Ferriage in going and returning, and Two Shillings, Proclamation Money, per Day, for every Days Attendance, from the Time ap-
pointed for Appearance until the Time such Person shall have given his or her Evidence, or shall be discharged.

XXXVII. And be it further Enacted, That in any Bill of Costs, there shall not be allowed the Charge of above Three Witnesses to the Proof of any particular matter of fact.

XXXVIII. And be it further Enacted, That the said Supreme Courts shall have Power and Authority to grant Writs of Error, for correcting the Errors of any County Court where the same shall be necessary, and the Party praying such Writ or Writs, shall petition the Court, and assign Error, and some Attorney practising in such Court, shall certify under his Hand, that in his Opinion sufficient Matter of Error is set forth or shewn by the Petitioner and thereupon the Court may order such Writ or Writs to be issued by the Clerk of the Court, or may reject the Petition: And upon granting any such Writ or Writs, and before issuing thereof to the Clerk, the Petitioner shall give Bond and Security, in the Clerk’s Office, to be approved of by the Court, which Bond shall be under the like Penalties and Conditions, and the Parties subjected to Payment of the like Damages and Costs, as in Cases where Writs of Error or Appeals are granted or allowed by any County Court: And if upon Trial of any Appeal or Writ of Error, the Judgment or Decree of any County Court shall be reversed, the Supreme Court shall enter such Judgment, or make such Decree thereupon, as should have been entered or made up, in the Inferior Court, and shall and may issue Execution thereon, without granting a Writ of Procedendo. And to prevent the obtaining Writs of Error by Surprise, the Party praying such Writ in any Civil Cause, shall give Notice to the adverse Party of the Time of his moving or petitioning for such Writ, at least Ten Days before such Motion or Petition; and no such Writ shall at any Time be granted, without producing an Affidavit of such Notice.

XXXIX. Provided always, That no Appeal shall be valid, nor any Writ of Error granted or allowed, for reversing any Judgment or Decree of any County Court, in any Action or Suit whatsoever, where the Debt, Damage, or other Matter recovered shall be of less value than the Sum of Ten Pounds, Proclamation Money, exclusive of Costs; nor shall any Writ of Error or Appeal be granted or allowed, unless a final Judgment or Decree shall be given, and unless the Party praying such Writ or Writs of Error, shall petition for the same within One Year after final Judgment shall be entered, or Decree made in the County Court.

XLI. And for preventing long and oppressive Imprisonments; Be it further Enacted, by the Authority aforesaid, That where any Person shall be committed in any Civil Action, to the Gaol of any County, by Process issuing out of any County Court, for any Matter or Thing cognizable in the Supreme Court, it shall and may be lawful for the Supreme Court of the District within which such Person shall be imprisoned, upon Petition of such Person, and Cause shewn, to issue out a Habeas Corpus cum causa, to remove his or her Body into the Gaol of such Supreme Court, and the Cause of such Commitment, into such Supreme Court; and the Clerk of the Court is hereby authorised and required, upon Direction of the Court, to issue such Writ accordingly, and the Court shall and may proceed therein, and shall, discharge, or remand such Prisoner.

XLII. And be it further Enacted, by the Authority aforesaid, That as well the Chief Justice for the Time being, as the several Clerks and Officers of the said Courts, shall be allowed, and shall have, take and receive, for all Services by them, or any of them to be done, In Pursuance of this
Act, the same Fees and Perquisites as is allowed for the like Services, by
an Act of Assembly made in the Twenty-second Year of his present Ma-
jecty's Reign, intituled, An Act, for regulating the several Officers Fees
within this Province, and ascertaining the method of paying the same.

XLII. And be it further Enacted, by the Authority aforesaid, That all
Causes, Pleas, Writs, Actions, Suits, Plaints, Process, Procepts, Recogni-
ances, Indictments, and Presentments, whatsoever that are or shall be de-
pending in the General Court, Courts of Assize, and General Gaol Deliv-
er of this Province, and every of them, or shall be returnable to, had or shall
have Day or Days in any of the said Courts, or other Matters or Things
in them, and each of them depending, not fully made up or determined
on the aforesaid Second Day of March next, shall be transposed and
carried off the Dockets for each of the said Courts, into the Dockets of
the said Supreme Courts, in the same Order as they shall then stand in
the Dockets of the said General Court, and Courts of Assize, and General
Gaol Delivery respectively, and shall be proceeded in by the said Supreme
Courts, according to the Method by this Act directed, as if the same had
been originally commenced in any of the Supreme Courts; due Regard being
had, that each Court take Cognizance of all such Suits, Matters, and Things,
the Cause or Causes whereof arose, or is suggested to have arisen within the
Limits of their Respective Districts.

XLIII. And whereas the said Chief Justice and Attorney General, must
be at great Expence in attending the said Supreme Courts, at the respect-
ive Times and Places aforesaid; Be it further Enacted, by the Authority
aforesaid, That the Chief Justice, for his Trouble and Expence in attending
the said Courts, shall have and receive the Sum of Two Hundred and
Sixty Pounds, Proclamation Money, annually; and the Attorney General,
One Hundred and Twenty Pounds, Proclamation Money, annually; to be
paid out of the Treasury, by a Warrant under the Hand of the Governor
or Commander in Chief for the Time being.

XLIV. Provided nevertheless, That if the Chief Justice shall fall or
neglect to attend and hold the said Courts, or any of them, or the Attor-
ney-General shall fail to give Attendance by himself or Deputy, no Salary
shall be allowed to the Chief Justice for such Courts as he shall fall or
neglect to attend and hold, nor to the Attorney General, for such as he
shall not give his Attendance at as aforesaid.

XLV. And be it further Enacted, by the Authority aforesaid, That the
Chief Justice for the Time being shall nominate and appoint a skillful and
Knowing Clerk to each of the said Supreme Courts, who, before entering
upon the Execution of his Office, shall enter into Bond, to the Chief Just-
ice, with two good and Sufficient Securities, in the Penalty of Five Hundred
Pounds Sterling, for his well and faithfully keeping and preserving all
Records and Proceedings of the said Courts, and truly and honestly de-
measuring himself in his Office; and shall take an Oath, for the due and
faithful Execution of his Office.

XLVI. And be it further Enacted, That from and after the Ratifica-
tion of this Act, a Tax of Six Pence Proclamation Money, per Poll, shall be
annually levied on the taxable Persons within this Province, and collected
by the Sheriffs of the respective Counties, at the Time all other Taxes are
collected and paid, for and during the Space of Two Years, to be paid
and applied in the Manner following: That is to say, All the Monies aris-
ing by the said Tax in the Counties of Craven, Carteret, Johnston, Beauf-
fort, and Hyde, shall, by each Sheriff, be, at the usual Time, Annually
accounted for, and paid to Mr. Wyriot Ormond, Mr. John Fouville, and
Mr. William Herritage; to be by them, or the major Part of them, applied for and towards the erecting, at the Town of New Bern, an Office for the Preservation of the Records of the Supreme Court of those Counties, and a Prison for the same: And all Monies arising by the said Tax within the Counties of Bertie, Tyrrell, Chowan, Perquimons, Pasquotank, and Currituck shall be paid to Mr. John Campbell, Mr. Thomas Barker, and Mr. Joseph Blount; to be by them, or the major Part of them, applied towards erecting at Edenton, an Office and Prison, for the Supreme Court of the said Counties: All Monies arising by the said Tax within the Counties of Edgecombe, Northampton, and Granville, shall be paid to Mr. John Dawson, Mr. Robert Jones, and Mr. William Kinchin; to be by them, or the Majority of them, applied towards erecting, at Enfield, an Office for the Supreme Court for the said Counties; All Monies arising by the said Tax within the Counties of Rowan, Anson, and Orange, shall be paid to Mr. James Carter, Mr. John Hamer, and Mr. George Smith; to be by them, or the Majority of them, applied towards erecting, at Salisbury, an Office and Prison, for the Supreme Court for the said Counties: And all Monies arising by the said Tax within the Counties of New-Hanover, Bladen, Duplin, Onslow, and Cumberland, shall be paid to Mr. John Starkey, Mr. Cornelius Harnet, and Mr. John Dubois; to be by them, or the Majority of them, applied towards erecting, at Wilmington, an Office and Prison for those Counties: All which said Persons shall account with the Assembly for all Monies by them respectively received, and applied towards the Uses aforesaid; and the said Trustees respectively, before their entering upon the Execution of the said Trust, shall enter into Bond, with good and sufficient Security, to our Sovereign Lord the King, his Heirs and Successors, in the Penalty of Five Hundred Pounds Proclamation Money, with condition, That the said Trustees, or the Majority of them, or the Survivors or Survivor of them, shall well and faithfully perform and execute the Trust by this Act reposed in them; and also account for and pay the Money that they shall receive by Virtue of their said Trust as by this Act they are required: And if there shall be more Money raised from the Tax aforesaid, than shall be sufficient for the Uses and Purposes aforesaid, the Surplus shall be paid by the said Trustees to the respective County Courts within the Districts where the same shall be levied, in Proportion to the Number of Taxables in each respective County, and shall be by the said Courts applied towards lessening the County Levy.

XLVII. And be it further enacted, That the Trustees aforesaid of the several Districts aforesaid, or the Majority of them, the Survivors or Survivor of them, shall have full Power, and are hereby authorized, from Time to Time, to contract and agree with Workmen, and make such Rules and Orders for the more effectual executing of the Trusts by this Act reposed in them, as to them, or the major Part of them, shall be thought necessary and convenient.

XLVIII. And, whereas several Sums of Money have been heretofore levied upon the Tythable Persons of this Province, for defraying the Charge of building Public Offices, which still remain in the Hands of the late Sheriffs, and others who collected and received the same, unapplied: Be it therefore enacted, That the aforesaid Trustees shall and may demand and receive of all and every Person and Persons having any of the said Monies in their Hands, all such Sum and Sums as were collected from, and paid by the Tythable Persons within the District of the said Trustees respectively; and upon Neglect or Refusal of Payment, by
any Person or Persons having any of the said Monies, the said Trustees are hereby authorized, and shall and may commence and maintain an Action or Actions on the Case, against such Person or Persons, in their own Names, in Trust, for the Counties of their Districts, and shall and may recover therein, and the said Monies, when recovered and received by such Trustees, shall be applied and accounted for, in the same Manner as the Taxes by this Act imposed: Any Law, Usage, or Custom, to the contrary, in any-wise, notwithstanding.

XLIX. And be it Enacted, by the Authority aforesaid, That all Writs, and other Process at the Common Law, and all Suits, Appeals, and Proceedings whatsoever issued, granted, or prosecuted in the General Court of this Province at New Bern, wherein Judgment hath been entered, or Decree made, or shall be entered or made, before the aforesaid Second Day of March, shall and may be taken Cognizance of by the Supreme Court of Justice, holden at Newbern aforesaid, and the said Court shall and may award Execution or other Proceedings on any such Judgment or Decree, in the same Manner as if such Suit had been originally commenced in the said Court: Any Law or Usage to the contrary thereof, notwithstanding.

L. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, Clause and Clauses, Article and Articles thereof, heretofore made, for or concerning any Matter or Thing whatsoever, within the Purview of this Act, shall henceforth be, and is, and are hereby repealed and made void, as if the same had never been made.

CHAPTER II.

An Act for Establishing County Courts, for enlarging their Jurisdiction, and Settling the Proceedings therein.

Whereas the Proceedings of the County Courts under the present Regulations are both tedious and Expensive, And their being restrained to take Cognizance of Twenty Pounds Proclamation Only hath by long Experience been found greatly Prejudicial to the Trade and Commerce of this Province. For prevention Whereof for the future,

I. Be it Enacted by the Governor Council and Assembly of this Province, And by the Authority of the same, That in every County of this Province a Court Quarterly in every Year shall be held by the Justices thereof at the several respective Places Already Assigned for that purpose, or at such Place or Places as shall be hereafter Lawfully Appointed, upon the Days herein After limited for each County respectively. Which Courts shall be called County Courts, And taken and held to be Courts of Record. And be it further Enacted that every person nominated and Appointed a Justice of Peace before his entering upon and executing the said Office shall publicly in the Court house of his County and On a Court Day take the Oaths Appointed, or which shall be Appointed to be taken by Act of Parliament, take and subscribe the Oath of Abjuration, repeat and subscribe the Test. And shall Also take the following Oath, to-wit:

You shall swear that as a Justice of the Peace in the County of ——— in all Articles in the Commission to you directed, you shall do equal Right and Justice to the Poor and to the rich, After your Cunning, Wit and Power and According to Law, And you shall not be of Counsel of any Quarrel hanging before you. You shall not let for Gift or other Causes, but well and Truly you shall do your Office of a Justice of the Peace as well within your
County Court as without, And you shall not take any fee, gift or Gratuity, for anything to be done by virtue of your Office. And you shall not Direct or cause to be directed any Warrant by you to be made to the Parties, but you shall direct them to the Sheriff or Bailiffs of the said County or other the King’s Officers or Ministers or other indifferent Persons to do Execution thereof.—So Help You God.

And if any Person Whatsoever shall presume to Execute the Office of a Justice of the Peace without first Qualifying himself in the manner by this Act before required, he shall for every such Offence forfeit & pay One hundred pounds Proclamation Money, One Molety to His Majesty his Heirs & Successors towards the Support of this Government, and the other molety to the Informer to be recovered by Action of Debt in any Court wherein the same is cognizable.

II. And be it further enacted by the Authority aforesaid, That the said County Courts shall be constantly held upon the Days hereafter specified for every County Respectively, that is to say, for the County of Craven on the second Tuesday in May, August, November and February.

Carteret on the first Tuesday in March, June, September and December.

Johnston on the first Tuesday in May, August, November and February.

Beaufort on the second Tuesday in March, June, September and December.

Hide on the first Tuesday in March, June, September and December.

Currituck on the third Tuesday in March, June, September and December.

Pasquoank on the fourth Tuesday in March, June, September and December.

Perquimans on the third Monday in April, July, October and January.

Chowan on the first Tuesday in April, July, October & January.

Bertie on the fourth Tuesday in April, July, October and January.

Tyrrill on the first Tuesday in March, June, September & December.

Northampton on the fourth Thursday in May, August, November & February.

Edgecombe on the third Tuesday in May, August, November and February.

Granville on the first Tuesdays in March, June, September and December.

Orange on the second Tuesday in March, June, September & December.

Rowan on the Third Tuesday in April, July, October & January.

Anson on the Fourth Tuesday in April, July, October & January.

New Hanover on the First Tuesday in February, May, August and November.

Bladen on the fourth Tuesday in January, April, July and October.

Duplin on the second Tuesday in January, April, July and October.

Cumberland on the third Tuesday in January, April, July and October.

And Onslow on the first Tuesday in January, April, July and October.

And every Adjournment shall be to the next succeeding Court in Course and not otherwise.

Provided nevertheless, That if the Business of any of the said Courts cannot be determined on the Court Day the Justices may Adjourn from Day to Day untill all Causes, and Controversies then Depending before them shall be heard and Determined, or otherwise Continued in the manner hereinafter directed.

Provided also, That if through sickness or other Inability, badness of Weather or other Accident, It shall so happen that a Sufficient Number of Justices shall not meet for holding the said Courts upon the Days herein
before appointed, in such Case it shall and May be Lawfull for any one Justice to Adjoin the Court whereof he shall be a Member from Day to day not exceeding Three days, untill a Sufficient Number of Justices can attend to hold Court.

III. And be it further Enacted by the Authority aforesaid, that none of the said Courts, nor Process in any of them Depending, shall be discontinued for or by reason of the Justices falling to Hold Court upon the day by Law appointed But in such Case all Suits, Process, Matters and Things Depending shall Stand Continued, And all Appearances on returns of Process shall be made to the next succeeding Court in Course, in the same Manner as if such succeeding Court had been the same Court to which such Process stood continued, or such Returns or Appearances had been made: And all Recognizances, Bonds, and Obligations for Appearance; And all Returns shall be of the same force and Validity for the Appearance of any Person or Persons at such succeeding Court; And All Summons for Witnesses as effectual as if the next succeeding Court had been Expressly mentioned therein.

IV. And be it further Enacted by the Authority aforesaid, That the Justices of the said County Courts or any three of them shall and may take Cognizance of and are hereby declared to have full Authority and Jurisdiction to hear and determine all Causes whatsoever at the Common Law within their respective Counties where the Debt, Damages and Cause of Action is above twenty five shillings proclamation and shall not exceed Forty pounds like Money (Actions of Trespass, in Ejectment, Formed on in Descender Remainder and Reverter Perjury and Felony, and such Criminal Causes where the Judgment upon Conviction shall be for the Loss of Life or Member excepted) And all petit Larcenies assaults Batteries and Trespasses Breaches of the peace and other misdemeanors of what kind soever of an inferior Nature, and also all filial portions and Legacies and Distributions of Intestates Estates and other Matters thereto relating for any Sum or Sums whatsoever. And the said Justices of the Peace and every of them at all times during their Continuance in that Office as well within their County Courts as without shall have full power and Authority as amply and as fully to all Intents and Purposes as Justices of the Peace in the Counties of England to preserve maintain and keep the peace within their respective Counties. And be it further Enacted that the Attorney General is required and Authorized to appoint a Deputy in each County within this Province which said Deputy shall and may Prosecute all Matters Cognizable in the County Court for and in behalf of His Majesty and shall take and receive thirteen shillings and four pence proclamation money on each and every Bill of Indictment found or presentment made in the said Court in which he or his Deputy shall be.

V. And be it further Enacted that the said County Courts respectively shall and they are hereby Authorized and Impowered annually between the first day of May and the first day of November to assess and lay such tax on the Tithable persons in their respective Counties as shall be sufficient to Defray the Contingent Charges of the same. Which Tax shall be collected by the Sheriff and paid and Accounted for in the same Manner as Publick and Parish taxes are or shall be by Law directed, And by him accounted and paid to the Court or their Order and all Debts and Demands not exceeding Twenty Five Shillings Proclamation Money are hereby Declared to be cognizable and finally determinable by any one Justice of the Peace who may give Judgment and thereupon Award execution against the
Goods and Chattels or Body of the Debtor or Party against whom such Judgment shall be given, which shall be executed and returned by the Sheriff or Constable to whom Directed in the same manner as other Writs of fieri facias or capias ad satisfaciendum are to be executed and returned.

VI. And Be it further Enacted by the Authority aforesaid that it shall be lawful for any Creditor where his Debt exceeds Twenty Five Shillings Proclamation and is of less Value than Five pounds like money to go before any Justice of the Peace of the County where his Debtor resides, and make Oath how much is Justly due to him, And that he has grounds to suspect that such Debtor intends to remove himself and effects privately out of the County, and thereupon such Justice (having first taken bond and Security as in other cases of attachment) shall issue an Attachment against the Estate of such Debtor returnable to his next County Court directed to all Sheriffs and Constables within this Province And by Virtue thereof It shall be lawful as well for the Sheriff as any Constable of the County where such Attachment shall be obtained as for the Sheriff or any Constable of other Counties to pursue and attach such effects and to make return of such Attachment to the Court where the same shall be returnable, and thereupon such Proceedings shall be had and the Officer Executing the same Observe the same rules and Methods as in other Cases of Attachment directed.

And upon complaint made to a Justice of the Peace that any Person indebted to the Complainant in any sum not exceeding Twenty five shillings Proclamation Money is removing out of the County Privately or so absconds or conceals himself that a Warrant cannot be served upon him It shall be lawful for such Justice taking Bond and Security as aforesaid to Grant an Attachment against the Estate of such Debtor or so much thereof as shall be of value sufficient to satisfy the Debt and Costs of the Party praying such Attachment directed to the Sheriff or any Constable of his County returnable before himself or any other Justice thereof who shall and may proceed thereupon as upon an Attachment returnable to Court.

VII. And be it enacted by the Authority Aforesaid, that any Justice of the Peace shall and may have Power and is hereby Authorized upon Complaint made by any person or Persons for any Matter or Thing Debt or Damage Cognizable in the County Courts of this Province to grant an Original Attachment against the Estate of any Person absconding or Concealing and removing himself out of the County returnable to such Court observing therein the Rules and Restrictions directed for granting Original Attachments returnable to the Supreme Courts and all Sheriffs and other Officers shall Execute and Return the same and Observe the rules and Directions appointed to be Observed in executing Attachments returnable to the Supreme Courts. And the like Judgment Recovery Relief Remedy and Proceedings shall be had thereupon as in the like cases is grantable in the said Supreme Courts.

VIII. And be it further enacted by the Authority aforesaid, That all original Process by Writ Summons Petition or any other Manner or Means and all subsequent Process thereupon to bring any Person or Persons to answer to any Action Suit Bill Information or Plaint in any County Court (except Subpoenas to summons Evidences which may be made returnable immediately) shall be Issued and bear Test by the Clerk of every County Court respectively and shall be returnable Two days before the Sitting of the Court and shall be executed at least Three Days before the Day Mentioned therein for the return thereof and if any person Issues any Writ or Process whilst such Court is sitting or within Three days before the Begin-
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...ning of the Court such Writ or Process shall be returnable to the Court next after that then sitting or beginning to Sit within three days as Aforesaid And no Otherwise, And all Writs and Process Issued made returnable or executed in any other manner or at any other time than is herein before Directed shall be void and may be Abated.

Provided always that nothing herein Contained shall extend or be construed to invalidate or vacate any Writ Process Warrant or Precept issued by any Justice of the County Courts on any Criminal Prosecution or in his Majesty's behalf but the same may be returnable on any day in the Sitting of the Court And the Proceedings in all Criminal Cases shall be had according to the Laws and Statutes of Great Britain and this Province anything herein Contained to the Contrary Notwithstanding.

IX. And be it further Enacted by the Authority aforesaid, that from and after the second day of March next when any Writ or Process shall issue to take the Body of any Person or Persons to answer unto any Plaintiff in any Civil Action in any County Court the Sheriff shall return therewith a Bond with two sufficient Securites for Double the sum for which the Person shall be held in arrest (Executors Administrators and Persons Sued on Penal Statutes excepted) to the Clerk on or before the first day of Every Court And if the Sheriff shall not return Bail or the Bail so returned shall be found insufficient upon exception taken thereto, then and in such case, the Sheriff shall be taken and stand Bail for the Defendant, and the Plaintiff may proceed in his suit to judgment according to the Rules hereafter mentioned, and on judgement or Recovery may take out Execution against the Defendant or Sheriff or both, Any Law, Usage or Custom to the Contrary notwithstanding.

Provided Always that if the Defendant puts in Bail Before the time to plead given him by the rules hereafter mentioned is expired then the said Sheriff shall be discharged.

Provided Also that the Sheriff may surrender the Defendant in discharge of himself at any time before final Judgment obtained against the Defendant.

X. And be it further enacted by the Authority Aforesaid That where any Judgement Or Decree shall be Obtained in any County Court for any Debt Damages Portion or Legacy or Proportion of an Intestate's Estate, and the Person against whom such Judgment or decree shall be Obtained shall remove him or herself and Effects or shall reside out of the Limits of the Jurisdiction of such Court, it shall be lawful for the Clerk of the Court where the Judgment was given or Decree made at the request of the party for whom the same was rendered to Issue a Writ of fieri facias capias ad satisfaciendum or other process, under the Test hereinbefore prescribed and to direct the same to the Sheriff or other Officer of any County within this Province where the Defendant or Debtor or his Goods shall be found which said Sheriff or other Officer to whom the same shall be directed is hereby Impowered and Required to serve and execute the same, and shall make return thereof to the Court where the Judgment or decree was given in the same manner as if such Process had Issued from the Supreme Court.

And for better ascertaining what Process may be Issued where the Sheriff shall return that the Defendant is not to be found in his Bailiwick, It is hereby Enacted that where any Sheriff shall make such Return the Plaintiff or Plaintiffs in any Civil Action may sue out an Attachment against the Estate of such Defendant returnable as is herein before directed for the return of Original or other subsequent Process thereupon to enforce an appearance or
an Alias or Pluris Capias until such Defendant be arrested at the Election of the Plaintiff or Plaintiffs and if the Sheriff shall return such Attachment executed the Plaintiff shall file his Declaration according to the Rules of the Court and be entitled to a Judgment.

XI. And be it further enacted by the Authority aforesaid, That the same Rules, Methods and Proceedings shall be had, kept, used and observed by the said County Courts and Officers in the granting Issuing Executing Returning and Awarding Judgment on Judicial Attachments, and the like Remedy Recovery and Relief against Sheriffs and Bail as in like cases is provided by Law in Suits Depending in the Supreme Courts.

And for the regular prosecution and Determination of suits entering up Judgments, and Preservation of the Records, Be it further Enacted by the Authority aforesaid, That the following Rules and Methods shall be Observed, to wit—that the plaintiff in any Suit shall file his Declaration on the first Day of the Court or first calling of the Cause in Court & at the same time serve the Defendant or his Attorney with a Copy thereof. That if the Plaintiff fail to file his Declaration or appear and prosecute his Suit, the Defendant may enter a non pros. That the Defendant shall enter his appearance, and file his Plea whether General or Special the first Court, And if he fail so to do, the Plaintiff shall have Judgment, which in Actions of Debt shall be final. Except where the Damages are to be suggested on the Roll, in which Cases and in all others where the Plaintiff shall recover in Damages, a Writ of Enquiry shall be executed next Court.

That all Issues whether General or Special shall be tried and Argued the next succeeding Court unless sufficient cause is shewn to such Court why such Cause shall be continued to the next Court.

That all Causes at issue ready For Trial be first heard and Tried. That every Motion in Arrest of Judgment shall be made ore tenus and argued the last day of the same Court the issue is tried. That where any special verdict shall be found, or demurrer to Evidence at the Motion of either Party Time shall be allowed to the next succeeding Court for hearing.

That in every Cause unless brought by Petition If the Plaintiff recovers or is non suit or where his Suit shall be dismissed or Judgement passed for the Defendant, the Court shall allow in the Bill of Costs fifteen shillings for an Attorney's Fee if the Party employed one.

That the Clerks of every County Court when any Cause is finally Determined, shall enter all Pleadings and other Matters Relating thereto in a Book to be kept for that Purpose that an entire and Perfect Record may be made up.

And for prevention of Delay and Vexation by Dillatory Pleas, It is hereby further Enacted, That No plea in Abatement shall be received in any Action or Suit unless the Truth thereof be sufficiently shown to the Court by Affidavit, or otherwise and in all Actions where the Declaration shall plainly set forth sufficient Matters of Substance for the Court to proceed upon the Merits of the Cause the Suit shall not Abate for the want of Form. And that where any Plea in Abatement shall be pleaded in any Action, and upon Argument thereof—the same shall be adjudged insufficient the Plaintiff or plaintiffs in such Action shall recover against the Defendant or Defendants full costs to the time of overruling such Plea, Including the Costs of that Court, a Lawyer's fee only Excepted.

XII. And be it further Enacted by the Authority aforesaid, That for the more speedy and easy recovery of small Debts It shall be Lawfull for the Justices of any County Court to hear and determine all Suits brought for any Debt or Demand due by Judgement Bond Obligation or Account for
any sum or sums of Money above the Value of Twenty Five Shillings Proclamation Money and of less Value than Five Pounds Like money by Petition without the Solemity of a jury, and the said justices are hereby authorized and required, and shall have full Power and Authority so to do, and to award execution thereupon, and where the Demand shall be of less value than the last mentioned Sum the Plaintiff shall proceed by Petition in the manner by this Act Directed. And if the Plaintiff shall demand a greater sum on purpose to evade this Act, he shall be non suit and pay Costs, and that the Method of Proceeding shall be in a Summary Way, to-wit:

The Petition shall express whether the Debt arises by Judgement Obligation or other Specialty or by Account, and if by Account the same shall be filed together with the petition.

Upon filing such Petition in the Clerk's office a Summons of Course shall be Issued under the Hand of the Clerk returnable to the next Court a copy of which together with the Petition, and of the Account (where the demand is upon an account) shall be delivered to the Defendant or left at his usual place of Abode Ten Days at least before the next succeeding Court and the same being returned executed by a sworn Officer on Oath made of the due Service thereof if the Defendant shall not then appear it shall be lawful for the said Justices to hear and examine into the truth of the Matter complained of, and to determine the Cause upon the Evidence produced, or to dismiss the Petition as to them shall seem Just, and if the Defendant shall appear upon such Summons he shall forthwith put in such Plea or answer thereto as will bring the Matter of Complaint in Issue, and thereupon or if he fails to plead the Court shall instantly proceed to hear and determine the Cause in a summary way upon any such Evidence as shall be given, and shall give Judgment according as the very Right of the Cause and Matter in Law shall appear unto them without Regard to form in the Process Petition or Course of Proceeding so as sufficient Matter be set forth whereupon the Court may give Judgement according to the very Right of the Cause in which Proceedings the Defendant shall have Benefit of all Matters in his Defence that he might have had if he had been sued in the ordinary Forms of Law, and the Court shall not admit of any Delay in the Determination of any such Suit 'till another Court unless good Cause be made Appearance for such Delay But where the Penalty of any Bond or Obligation for Debt shall be Five Pounds or upwards and shall be put in suit the same shall be brought and prosecuted at the Common Law and not by Petition altho' part of the Principal be paid before suit brought, and when any Petition shall be filed in less than Ten days before the Court day next following the filing thereof the Summons thereupon shall be made returnable to the next Court held after the expiration of ten days, and the same being returned executed, or Oath made of the Due Service thereof as aforesaid the Proceedings thereupon at the Return day shall be in like manner as before directed, and that upon every Judgment given upon such Petition if a Lawyer be employed the Clerk shall Tax in the Bill of Costs Seven Shillings and Six Pence for an Attorney's Fees and no more, And for granting appeals from the County Courts to the Supreme Courts of Justice and Obtaining Writs of Error to the said Courts.

XIII. Be it further Enacted by the Authority aforesaid, that when any Person or persons either plaintiff or Defendant shall be Dissatisfied with the Judgment, sentence or Decree, of any County Court, he may pray an appeal from such Judgment Sentence or Decree of such Court to the Supreme Court of the District wherein such County Court is, but before obtaining the same shall enter into Bond with two sufficient securities for pros-
executing the same and performing the judgment, sentence or Decree that the Supreme Court shall enter or make therein in case such Appellant shall be Cast.

And because it frequently happens that in Issuing Process carrying on the Proceedings and rendering Judgment in the said County Courts there is error to reverse judgment—Be it Enacted that when any Defendant is desirous to prosecute a Writ of Error he shall move the County Court where such Suit is Depending to allow a Writ of Error, he first entering Bond as aforementioned, and the Court is hereby empowered and required to allow thereof as if such Writ of Error was then and there produced.

And for carrying on and prosecuting such appeals and Writs of Error be it Enacted by the authority aforesaid that the following Rules and Methods of practice shall be Observed, to-wit: That when any person either Defendant or plaintiff conceives he is Injured by the Judgment sentence or Decree of any County Court, and shall have appealed to the Supreme Court in manner above directed, a Transcript of the Proceedings of the County Courts shall be filed with the Clerk of the Supreme Court fifteen days before the sitting of the Court, and if the Trial in the County Court was of an issue to the County a trial de novo shall be had, and if on a hearing on a petition for a Filial Portion, or Legacy, or Distribution of an Intestate's Estate other matter thereto relating, a Rehearing at the said Court without notice given by either party And if such transcript of the Proceedings is not filed within the time aforesaid, with the Clerk of the Supreme Court or if the Appellant shall fail to appear and prosecute his appeal Then the Judgment Sentence or Decree of the County Court shall be affirmed and the Appellant shall be adjudged to pay double Costs.

Provided that there shall be Thirty Days between the day of Trial or hearing in the County Court and the next succeeding Supreme Court, But when it so happens that there is not Thirty Days between such Trial or hearing and the Supreme Court such Appeal shall be continued And a Transcript of the Proceedings transmitted to the Supreme Court next afterward.

And where any Defendant will prosecute a Writ of Error he may move the County Court where the trial is had and enter into Bond with Security as before mentioned whereupon a Transcript of the Proceedings shall be filed with the Clerk of the Supreme Court fifteen Days before the Court and the Party prosecuting such Writ of Error shall Assign & file Errors in the First four Days of the Court, and in Case such Defendant shall neglect to file such Writ and Assign Error as above said or shall fail to appear and prosecute the same then the Judgment of the County Court shall be affirmed. And the Plaintiff in Error shall be adjudged to pay double Costs Provided that there shall be thirty days between such Motion for Obtaining a Writ of Error and the Time of holding the Supreme Court.

XIV. And be it further Enacted that in every County Court within this Province when an appeal shall be Granted or Writ of Error allowed the Clerk of such Court shall Immediately make up a full & perfect Record of all the Proceedings in such Cause, and shall within Ten days after the adjournment of the Court give an Attested Copy of such Record with a Taxation of all Costs accrued to the Person appealing, or to whom the Writ of Error is allowed and every Clerk neglecting to do the same shall forfeit and pay to the Person intituled to such Attested Copy the sum of Five Pounds Proclamation Money to be recovered by action of Debt Plaintiff or Information in any Court of Record, and the said Clerk shall also be further liable to an action on the case for all such damages as such person shall sustain for Want thereof.
And for the better Discovery of the truth in any Matters whatsoever before the County Courts, Be it enacted by the Authority aforesaid—that the Clerk of every such Court may and he is hereby authorized and required upon the request of either Party to issue one or more summons or summons's for any Person or Persons to attend as Witnesses in any Cause depending before them directed to the Sheriff or other Officer of the County where such Witness or Witnesses do live or usually reside who is hereby Impowered and required to serve such summons or summons's and the witness or Witnesses thereby summoned bound to appear according to the Tenor thereof, and every Person or Persons so summoned and attending shall have the same allowance and be entitled to the same privileges and Exemptions as Witnesses summoned to the Supreme Court have or may claim, and on failure to attend according to such summons, shall be liable to the same penalties Fines Forfeitures and Actions as witnesses summoned to attend the said Supreme Court are liable and Subject to in the like cases and shall and may be Proceeded against Accordingly any Law Custom or usage to the contrary notwithstanding.

And where any Witness, is aged, Infirm, or Otherwise, incapable of attending the Court, such Court upon Motion, of either Party, and the Truth thereof appearing, may Grant a Dedimus to take the Examination of such Witnesses in the same Manner and with such Notice as such Commissions may be Issued Executed and Returned in Proceedings in the Supreme Courts.

XV. And be it further Enacted that every Clerk of the County Courts shall have take & receive for the whole fee chargeable for every Petition for Debt or Assumpst and all the Proceedings therein including a Copy of the Judgment and taxing Costs if required Except the respective Fees for Summoning Witnesses, Entering Attorneys for every Order of Continuance and for issuing Execution where any of these Matters happen Seven Shillings and six pence Proclamation Money and no more, and the Sheriffs shall and may take and Receive two shillings and eight pence for serving a Copy of such Petition and the Summons Issued thereon

XVI. And whereas Many of the Courts of the said Countrys are by the Laws now in force Directed and appointed to be held on different days than those by this Act appointed whereby many of the Proceedings in such Courts may be discontinued, for Remedy whereof, Be it Enacted by the Authority aforesaid, That no Process in any of the said Courts depending shall be discontinued for or by reason of any such alteration of any of the days Appointed for holding any of the said Courts, But in such Cases all suits process Matters or Things in them Depending shall stand continued, and all appearances on returns of Process shall be made to the days and times by this act appointed, and Recognizances Bonds and Obligations for appearance and all Returns of the same, and all Summons for Witnesses so effectual as if the Days by this Act Appointed had been expressly Mentioned therein.

XVII. And be it further Enacted by the Authority aforesaid, That so much of an Act entitled An Act to Fix a Place for the seat of Government, and keeping Public Offices for Appointing Circuit Courts, and Defraying the Expence thereof, and also for Establishing the Courts of Justice and Regulating the Proceedings therein, and all and every other Act and Acts Clause and Clauses heretofore made for and concerning any Matter or thing within the Purview of this Act, shall be and are hereby repealed and made Null and Void to all Intents and Purposes.
CHAPTER III.

An Act, to provide indifferent Jurymen in all Causes, Criminal and Civil, and for an Allowance for the Attendance of Jurors attending at the Supreme Courts.

I. Whereas a just decision of Suits and Controversies in the several Courts of Justice, greatly depends on the Capacity and Integrity of Jurymen:

II. Be it Enacted, by the Governor, Council, and Assembly, That no Person shall be a Juryman, in either of the Supreme Courts of Justice within this Province, who shall not be nominated, summoned, and qualified, as is herein after directed; that is to say, The Justices and Grand Jury of each and every respective County Court shall, and are hereby directed, before every Supreme Court in which Actions arising within such County shall be cognizable, to nominate, alternately, Six discreet Freeholders, to serve on the Grand-Jury, and Six to serve on the Petit-Jury, at such Supreme Court; A List of which Jurors, nominated one half by the Justices, and one half by the Grand-Jury of the County as aforesaid, shall be delivered by the Clerk of each County Court to the Sheriff, who shall, and is hereby required to summon the Persons so nominated to serve as Jurymen at the said Supreme Court; and if any Juryman so summoned shall fail to appear, he shall be fined Three Pounds, unless he can show sufficient Cause to the next succeeding Court to excuse his Non-appearance, which Fine shall be applied to the Payment of such Jurors as shall attend from the said County, and thereby lessen the County Tax; and it shall and may be lawful for such Supreme Court, to order and direct the Sheriff to summon other Freeholders of the By-standers to serve as Jurymen for either Grand or Petit-Juries; and the Persons so summoned, shall be deemed and held to be Lawful Jurymen; provided that such By-standers as shall be summoned to serve on the Petit Jury shall and may every Day be discharged; and the succeeding Day, and so from Day to Day, during the Continuance of the Court, the Sheriff shall summon of the By-standers so many as shall be necessary; and every Person so summoned of the By-standers who shall not appear and serve as a Juryman, shall be fined the Sum of Three Pounds, unless he can show Sufficient Cause, to be admitted by the Court, to be applied as before directed.

III. And that the fines aforesaid may be applied according to the Directions of this Act; Be it Enacted by the Authority aforesaid, That the Fines herein before imposed, shall be levied by the Sheriffs of each respective County wherein each Person shall reside who shall be summoned as a Juryman as is herein directed and shall fail to appear and serve as such, and such Sheriff shall be accountable for the same to the County Court.

IV. And be it further Enacted, by the Authority aforesaid, That the Sheriff of each respective County shall, and he is hereby required, to summon the Freeholders in the List to be delivered to him by the Clerk, at least Ten Days before the sitting of the Supreme Court at which such Freeholders are to attend as Jurors; which he may do personally, or by leaving a Note or Summons in Writing, at the Dwelling-house of such Freeholders so to be nominated as aforesaid.

V. And be it Enacted, by the Authority aforesaid, That the Clerk of each Supreme Court of Justice, shall every Day, during the Continuance of such Court, write the names of all the Petit Jurors appearing, on Scrolls of or Pieces of Paper, which shall be put into a Box, and on every issue in every Suit, where it is not otherwise agreed by Consent, a Child under Ten Years old, in open Court, shall draw out of the said Box, Twelve of the said
Scrolls or Pieces of Paper; and the Persons whose Names shall be on the
said Scrolls or Pieces of Paper drawn as aforesaid, shall be the Jurors to
try Such Issue, provided that they all shall appear; and in Case of Default-
ers, other Scrolls shall be drawn, till a sufficient Number shall appear to
make a compleat Jury.

VI. Provided also, That if any of the Jurors whose Name shall be drawn
as is herein before directed, shall be lawfully challenged, other Scroll shall
be drawn in Manner aforesaid, as Occasion may require, till a compleat
Number of Jurors shall appear.

VII. And whereas the attending the Supreme Courts of Justice, will be
very expensive to Jurors: For Remedy whereof; Be it Enacted, by the
Authority aforesaid, That each and every Juror who shall attend either of the
Supreme Courts of Justice, to which he shall be nominated by the Jus-
tices of the County Court and Grand Jury where he resides, and summoned
in Virtue of this Act, upon producing a Certificate from the Clerk of such
Supreme Court, of the Time of his Attendance, to the Court of the County
where he resides, shall have and receive Three Shillings, Proclamation
Money, for every Days Travelling and Attendance, and an Allowance for his
Ferriages, if certified as aforesaid, to be paid out of the County Tax.

VIII. And be it further Enacted, by the Authority aforesaid, That the
Sheriff of each respective County within this Province, shall, some Time
before the sitting of each respective Court to be held after the Ratification
of this Act, summon Twenty-four Grand Jurors, and Twelve Petit Jurors,
to attend at the County Court of each respective County; which said Jurors
shall appear and give their Attendance accordingly till discharged by the
Court; and that there may not be a Default of Jurors, it shall and may be
lawful, during the sitting of the said County Court, for the Sheriff, by Order
of the Court, to summon of the By-standers, other Jurors to serve on the
Petit-Jury, from Day to Day; and on any Day of the said Court the Justices
may discharge any of the Jurors who shall have served the proceeding Day.

IX. And be it further Enacted, by the Authority aforesaid, That every
Sheriff of each respective County, shall within Ten Days of the sitting of
every succeeding County Court, summon Twelve Freeholders to appear and
serve as Petit Jurors, and may also, by Order of the Court, summon of the
By-standers, from Day to Day, during the sitting of the Court; and every Day
the Court may discharge those who have served the proceeding Day, in
Manner aforesaid.

X. And whereas the Business of the Quarter-Session in the County Court,
does not require such constant Attendance of the Grand Jurors; Be it En-
acted by the Authority aforesaid, That the Sheriff shall summon Twenty-
four Grand Jurors to attend at the respective County Courts, once in Six
Months only, who shall be summoned at least Ten Days before the sitting
of the respective Courts at which they are to attend.

XI. And to enforce the Attendance of Jurymen of the County Courts; Be
it Enacted, by the Authority aforesaid, That every Person who shall here-
after be summoned in Virtue of this Act, to appear either as a Grand Jury
or Petit Jury, at any County Court, and shall fail to appear, or to give his
Attendance till discharged by Order of the Court, such Person so failing to
appear, or to give his Attendance till discharged, shall be fined Forty Shil-
lings, by the Justices of the County Court; to be applied towards defray-
ing the Charges of the County, and lessen the County Tax; unless he
shall shew sufficient Cause to the next succeeding Court for such Failure.
CHAPTER IV.

An Act, for appointing Parishes and Vestries, for the Encouragement of an Orthodox Clergy, for the Advancement of the Protestant Religion, and for the Direction of the Settlement of Parish Accounts.

I. Whereas the present, as well as the future Happiness of Mankind, essentially depends on the Knowledge and Practice of true Religion; and a permanent and certain Provision for an Orthodox Clergy, may conduce to the Encouragement of pious and learned Ministers of the Gospel, to settle and reside in the several Parishes in this Province, to the Advancement of the Protestant Religion, and Encouragement of Virtue and Morality:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That this Government be, and it is hereby divided into distinct Parishes, in the Manner following; That is to say, St. Paul's Parish, in Chowan County: Berkley Parish, in Perquimans County: St. John's Parish, on the South West Side of Pasquotank River, and St. Peter's Parish, on the North-East Side of Pasquotank River, in Pasquotank County: Currituck Parish, in Currituck County: Society Parish, in Bertie County; St. Andrew's Parish in Tyrell County: St. Thomas's Parish, in Beaufort County: St. George's Parish in Hyde County: North-West Parish, in Northampton County: St. John's Parish, in Granville County: St. Matthew's Parish, in Orange County: St. Luke's Parish, in Rowan County: St. David's Parish, in Cumberland County: St. Gabriel's Parish, in Duplin County: St. George's Parish, in Anson County: Edgecombe Parish, in Edgecombe County: St. Martin's Parish, in Bladen County: St. James Parish, on the East Side of Cape-Fear River: And St. Philip's Parish, on the West Side of Cape Fear River, from the Mouth of the said River, running up the North-West River, to the Bounds of the County, Inclusive, of the Island at the Mouth of the North-West and North-East Rivers, commonly called Eagle's Island, in New Hanover County: St. Patrick's Parish, in Johnston County: Christ-Church Parish, in Craven County: St. John's Parish, In Onslow County, and St. John's Parish, in Carteret County.

III. And be it further Enacted, by the Authority aforesaid, That the Freeholders of each respective Parish aforesaid, shall, and they are hereby empowered and directed to meet on the first Monday after the Tenth Day of June next after the Ratification of this Act, at the Court-house or Place where the County Court in each respective County aforesaid is or shall be held, or at the usual Place of electing Vestrymen, and on Easter-Monday every Third Year thereafter, then and there to choose and elect Twelve Freeholders to serve as Vestrymen for the Three Years next ensuing; which Vestrymen so chosen, shall, by the Sheriff or his Deputy, in each of the said Parishes respectively, be summoned to meet at the church, and where there is no Church, at the Court-house or Place where the County Court is or shall be held, within Forty Days next after such Choice, to qualify themselves according to the direction of this Act; and if the said Sheriff by himself or Deputy, shall neglect or refuse to summon the Vestry as aforesaid, he shall forfeit and pay the Sum of Twenty Shillings, Proclamation Money, for each and every Vestryman not summoned as aforesaid, who shall reside within his District; to be levied and applied as herein after directed.

IV. And be it Enacted, by the Authority aforesaid, That every Sheriff or his Deputy, one Month at least before the Election of Vestrymen for the Parish or Parishes within his County, shall give Notice in Writing to the Minister, and every Clerk and Reader within the Parish where such Election is to be held, of the Time and Place appointed for such Election; and the
Minister and Readers respectively, are hereby required to publish such Notice immediately after Divine Service, on every Sunday between the Receipt thereof, and the Day so appointed; and on Failure thereof, each Minister and Reader so offending, shall forfeit and pay the Sum of Five Pounds Proclamation Money and if the Sheriff shall fail to make such Appointment, and give Notice as aforesaid, he shall for such Failure forfeit and pay the Sum of Twenty Pounds like Money; one Moiety of which Penalty shall be to the Parish wherein the Offence shall be committed, and the other Moiety to the Informer to be recovered with Costs of Debt, in any Court of Record.

V. And that the Election may be made in a fair open Manner Be it Enacted, by the Authority aforesaid, That at all Elections of Vestrymen hereafter to be made the Sheriff of the County or his Deputy, shall attend at the Court-house of the County or Place where the County Court is held, or usual Place of electing Vestrymen, and there take the Votes in the following manner: that is to say, He shall open the Poll at Ten o’Clock, in the Forenoon, and after Proclamation to the Freeholders to come and give their Votes for Vestrymen, shall take a List of the Names of the Voters who shall give their Suffrage, which shall be for neither more nor less than Twelve, and the Votes shall be given openly, and the Poll kept open till Sun-set, unless the Majority of the Freeholders there present shall agree to have it closed sooner; and the Sheriff shall then cast up the Number of Votes given for each Candidate, and declare the Twelve who shall have the greatest Number of Suffrages to be duly elected; and in Case of an Equality of Votes among any of the Candidates the Sheriff shall have the casting vote, and in no other Case give his Vote.

VI. And to prevent Disputes concerning who shall be understood to be a Freeholder; Be it further Enacted, That no Person who hath not an Estate Real, for his own Life, or the Life of some other Person, or an Estate of greater Dignity, in Fifty Acres of Land in the Parish for which such Election shall be made, shall be deemed a Freeholder within the Meaning of this Act; and any one of the Candidates may, in Case he suspects any Person going to give his vote, hath not a Freehold within the Meaning of this Act, object to such Person giving his Vote, and require the Sheriff to tender him an Oath or Affirmation concerning his Qualification; which Oath or Affirmation, the Sheriff is hereby empowered and directed to administer, in the following words, to wit: You shall swear (or affirm), That you have been possessed of a Freehold of Fifty Acres of Land for Three Months past, in your own Right, in the Parish of , and that you have not given your Vote before in this Election. So help you God.

VII. And be it further Enacted, That no Person under the Age of Twenty-one Years, shall give his Vote for the Election of Vestrymen in any Parish.

VIII. And to enforce the Attendance of the Freeholders at all future Elections of Vestrymen; Be it further Enacted, That every Person qualified to Vote for Vestrymen in the several and respective Parishes, shall, and he is hereby required, duly to attend and give his Vote at all future Elections, at the Time, and in the Manner as is herein before directed, unless prevented by some bodily infirmity, or legal disability; under the Penalty of Twenty Shillings Proclamation Money: To be recovered by Warrant from any Magistrate within the County.

IX. And be it further Enacted, That if any Person shall hereafter, at an Election of Vestrymen, give his Vote, who is not possessed, in his own Right, of an Estate for Life, or an Estate of higher Dignity, of Fifty Acres of Land in the Parish for the Vestrymen of which he shall give his Vote; such Person shall forfeit Five Pounds, Proclamation Money; To be recov-
erected by Action of Debt, Bill, Plaint, or Information, in the County Court, by
such Person as will sue for the same; wherein no Essoign, Injunction,
Protection, or Wager of Law, shall be admitted; and where such Action
shall be brought, the Onus Probandi shall lie on the Defendant.

X. And be it further Enacted, by the Authority aforesaid, That no Per-
son shall be admitted to be of any Vestry within this Government, that
do not, within Forty Days after his being chosen by the Freeholders as
is before directed, take the Oaths by Law appointed for the Qualification
of Public Officers, and repeat and subscribe the following Declaration,
to-wit: I, A. B., do declare, That I will conform to the Liturgy of the
Church of England, as it is by Law established. And all and every Person
chosen and summoned as is hereinbefore directed, who shall refuse or neglect to
do the same, shall, if he be not a Dissenter from the Church of England,
forfeit and pay the Sum of Forty Shillings Proclamation Money; to be
levied and applied as is herein after directed; and if any Person or Persons
chosen as is hereinbefore directed, shall neglect or refuse to make and
subscribe the said Declaration, the other Persons chosen as aforesaid, or the
Majority of them, shall and may, after their having taken the Oaths, and
repeated and subscribed the aforesaid Declaration, elect and choose another
or other Freeholder or Freeholders in Place of him or them which shall
so refuse or neglect to take the Oaths aforesaid, or to repeat and subscribe
the said Declaration; and such Person or Persons as shall be chosen and
elected by the Vestrymen in Manner aforesaid, shall, after his or their
taking the Oaths, and repeating the Declaration aforesaid, be deemed and
held to be legal Vestrymen, to all Intents and Purposes, as if they had been
elected and chosen by the Freeholders of the County.

XI. And be it further Enacted, by the Authority aforesaid, That the Ves-
trymen of each and every Parish respectively, or a Majority of them, shall,
and they are hereby directed, within Sixty Days after Easter-Monday,
Yearly, to elect and choose out of the said Vestry, Two Persons to execute
the Office of Churchwardens in each and every respective Parish; and if
the Persons elected Churchwardens as aforesaid, or either of them shall
refuse to execute the said Office, he or they so refusing, shall forfeit and
Pay Forty Shillings Proclamation Money, to be levied and applied as is
herein after directed; and the Vestry shall immediately proceed to choose,
in the Room of him or them who refuse to execute the said Office, another
or other Churchwarden or Churchwardens out of the said Vestrymen:
Provided, that no Person whatsoever shall be obliged to serve as Church-
warden in any Parish for more than One Year, at the expiration of which,
the Vestry shall again choose another to succeed him; and the Church-
wardens of every Parish shall purchase, at the Expence of the Parish, Books
well bound in Vellum, for keeping therein a Journal and Register of all
Proceedings of the Vestry, in which shall be fairly stated, the Accounts
of all such Monies as they, from Time to Time, shall receive in Virtue of
their Office, and all Disbursements and Expences made on Account of the
Parish; and within Ninety Days after their Wardenship shall expire, set
up, in the Court-house of their County, on a Court Day, and continue the
same during the sitting of such Court, fair Copies of such Accounts, for
Inspection of the Parishioners.

XII. And be it further Enacted, by the Authority aforesaid, That the Churchwardens, or in Case they refuse or neglect, any Three or more of
the Vestry in each Parish respectively, shall have full Power and Authority
to call the Vestry together at any Time, and upon any Occasion they shall
judge necessary by Warrant or Warrants under their Hands, directed to the several Constables of the several Districts in each respective Parish, who shall be obliged to execute the same; according to the Tenor thereof, under the Penalty of Ten Shillings, for each Vestryman in such Warrant named whom he shall fail to summon; and every Vestryman who shall refuse or neglect to attend the Vestry agreeable to such Summons, shall forfeit and pay the Sum of Ten Shillings Proclamation Money for every such neglect, unless he can shew sufficient cause for his so doing, to be admitted by the Majority of the Vestry at their next Meeting; to be levied as is herein after directed.

XIII. And be it further Enacted, by the Authority aforesaid, That the Vestries of the several Parishes, shall have full Power and Authority, upon the Death or Removal out of their respective Parishes of any Churchwarden or Churchwardens before the Time limited for the executing the said Office is expired, to elect and choose, out of the Vestry, another Churchwarden or Churchwardens, in the Room and stead of the Person or Persons so dead or removed out of the Parish aforesaid; which Churchwarden or Churchwardens so elected, shall serve until the Time appointed by this Act for the Election of Churchwardens.

XIV. And be it further Enacted, by the Authority aforesaid, That the Vestry of each respective Parish, shall have full Power and Authority, and they are hereby directed and required, between Easter Monday, and the First Day of November, Yearly to lay such a Poll-Tax as they shall judge necessary, for purchasing Glebes, and satisfying the Expence of their respective Parishes.

XV. And for the better collection and paying the said Tax; Be it further Enacted, by the Authority aforesaid, That the Vestry of each respective Parish shall, and is hereby authorized and impowered to nominate and appoint such Person as they shall think fit, by the Name of the Collector of the Parish Taxes, to collect and receive the aforesaid Tax, the Person appointed giving Bond, with sufficient Security, that he will duly collect and receive the said Tax, and pay and satisfy unto the Creditors of the Parish, all Taxes levied for such Purpose, and the Overplus (if any), to the Vestry, or their Successors, for the Use of the Parish; which Tax shall be collected at the Time and in the Manner that Public Taxes ought by Law to be collected; and shall be allowed Five Per Cent. for his Trouble, and have full Power and Authority, by Virtue of this Act, upon Neglect or Refusal of Payment of the said Tax, or any Part thereof, by any Person or Persons chargeable therewith, to distrain the Goods and Chattels of the Party refusing or neglecting; and if the Owner thereof shall not pay what is due, within Five Days after such Distress, such Collector may and shall lawfully sell, by Auction the Goods so distrained, or so much thereof as shall be sufficient to satisfy the said Tax, and the Charges of Distress and Sale, returning the Overplus (if any), to the Owner; but shall give Notice of the Sale, by setting up an Advertisement in Writing; at the Church Door in the Parish, or at the most Public Place of Worship where there is no Church, and by publishing the same among the People immediately after Divine Service, on the next Sunday after the Expiration of the said Five Days; which Sale shall not be more than Three Days, nor less than Six Days after Notice so given, and shall be good and effectual in Law against all Persons whatsoever. And if the Vestry of any Parish shall neglect or refuse to lay a sufficient Tax to satisfy the Parish Creditors, in such Case, all and every the Vestrymen of the Parish neglecting or refusing, shall be
liable to the Action of the Party grieved, his or her Executors or Administrators, for all Damages which he or she shall sustain by such Refusal or Neglect.

XVI. And be it further Enacted, by the Authority aforesaid, That in every Parish in this Province, where a good and convenient Glebe is not already purchased and appropriated, a good convenient Tract of Land, to contain Two Hundred Acres at least, shall be purchased by the Vestry, and assigned and set apart for a Glebe, for the Use of the Minister of such Parish, and his Successors in all Times hereafter.

XVII. And where Mansion and convenient Outhouses are not already erected, for the Habitation of the Minister; It is hereby Enacted, That the Vestry of every such Parish shall have Power, and they are hereby authorized and required, to cause to be erected and built on such Glebe, One convenient Mansion-house, Kitchen, Barn, Stable, Dairy and Meet-house, with such other Convenience as they shall think fit.

XVIII. And to the End that the Buildings already erected, or hereafter to be erected upon every Glebe, may be kept in good Repair; It is hereby further Enacted, That every Parish Minister within this Province, shall, during the Time of his being Minister of the Parish, keep and maintain the Mansion-house, and the Out-houses and Conveniences, erected, or to be erected on his Glebe; in tenantable Repair, and shall so leave the same at his Removal from the Parish, or Death (Accidents by Fire or Tempest only excepted), and in Case any Minister shall fail to do so, such Minister, his Executors or Administrators, shall be liable to the Action of the Churchwardens of the Parish for the Time being, wherein the Value of such Repairs shall be recovered, and Damages, with Costs of Suit; and the Damages so recovered, shall be applied and laid out in necessary Repairs upon the Glebe: And every Vestry of a vacant Parish, is hereby impowered and required, to put all the Buildings upon the Glebe of their Parish into such good and sufficient Repair, that they may be fit for the Reception of the succeeding Minister. Provided nevertheless, That any Vestry who shall judge that the Minister has not wilfully committed any waste on his Glebe, may make such necessary Repairs, at the Charge of their Parish, as they shall think fit.

XIX. And to the End that the Clergy may have a decent and comfortable Maintenance and Support, without being obliged to follow any other Employment than that of their Holy Function, in the Cure of their respective Parishes; Be it Enacted, by the Authority aforesaid, That every Minister hereafter to be preferred to, or received into any Parish within this Province, shall have and receive an Annual Salary of Eighty Pounds Proclamation Money; to be levied, assessed, and collected, and paid in Manner herein before directed. Provided always, That no Vestry shall, at any Time make Presentation to any Parish, of a Missionary, whose Duty requires him at any Time to be absent from such Parish; unless such Missionary shall agree with the Vestry for such Yearly Salary as they shall think fit and reasonable, considering the Time his Duty will require him to be absent: And whatever Agreement shall be so made between the Vestry and Minister, shall be binding on such Minister, during the Continuance of such Mission; any Thing herein contained to the contrary, notwithstanding.

XX. And be it further Enacted, by the Authority aforesaid, That the Right of Presentation of a Minister to each respective Parish within this Province, shall be and remain in the Vestry of each respective Parish, for and during the Space of Twelve Months after a Vacancy shall happen in
the same; and if the Vestry in that Time, shall neglect to make Presentation of a Minister to such Parish, it shall and may be lawful for the Governor, or Commander-in-Chief for the Time being, to present; and the Minister so presented to the Parish, shall be deemed and held to be the Minister of such Parish, and entitled to the same Salary and Dues as if the Vestry had made the Presentation, as is herein before directed. Provided nevertheless, That in Case the Vestry of any Parish that shall be vacant one Year, shall procure some neighbouring or other Minister, to serve in the Cure of such vacant Parish, by performing Divine Service once in Three Months; they shall thereby save to themselves, and retain the Right of Presentation, for so long a Time as such Minister shall so serve in the Cure of such vacant Parish: Any Thing herein contained to the contrary, notwithstanding. Provided also, That no Vestry within this Province, shall present for their Minister, any Person who shall not first have a Certificate from the Bishop of London, that such Minister hath been duly ordained conformable to the Doctrine and Discipline of the Church of England, and is of a good Life and Conversation.

XXI. And be it further Enacted, That any Minister of a Parish who shall be guilty of any notorious Immorality, in Disgrace of his Function, and to the Scandal of Religion, on Conviction thereof, before the Supreme Court of Justice, wherein Actions arising in such Parish shall be triable, shall lose his Salary and Dues, which he would otherwise be entitled to; and such Parish shall be held and deemed vacant, and the Vestry impowered to make Presentation of another, in the same Manner as if the Minister so convicted had been naturally dead.

XXII. And be it further Enacted, by the Authority aforesaid, That the Minister of each respective Parish, shall be obliged to officiate in such Parts of the Parish, and at such Times as the Vestry or a Majority of them shall direct at the Time he shall be received into his Parish; and in Case of Failure, it shall be lawful for them to withdraw his Salary, unless other Places shall be afterwards agreed on between such Vestry and Minister; and the Vestry, in Case of such Failure, may, and are hereby impowered to make Presentation of another Minister to such Parish, as is herein before directed to be done in vacant Parishes.

XXIII. And be it further Enacted, by the Authority aforesaid, That the Vestry of every Parish shall have full Power to call every Justice of the Peace, or other Person or Persons whatsoever, to Account, on Oath, and pay to them the Monies in the Hands of him or them belonging to their respective Parishes, or accruing or becoming due to the same, by Virtue of the Laws of this Province; and if any Justice or Justices, or other Person or Persons, shall refuse to appear and account as aforesaid, he or they so neglecting, shall forfeit and pay Twenty Pounds, Proclamation Money: To be recovered by the Churchwardens of the Parish for the Time being, where such Money shall become due, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; wherein no Essollion, Protection, Injunction, or Wager of Law, shall be allowed; and to be applied to the Use of the Parish: And where any Suit shall be brought by the Churchwardens, and the Money shall not be by them recovered and received before the Expiration of their Office, the Suit shall be carried on to Execution by the succeeding Churchwardens, in the Name of their Predecessors, who brought such Suit, and shall be received by such succeeding Churchwardens to the Use of the Parish: Provided, that nothing in this Act shall be construed to repeal any Clause, Matter, or Thing, in an Act of Assembly, intituled,
An Act, to enable the Commissioners herein after mentioned, to finish the Church already begun at Edenton.

XXIV. And be it further Enacted, by the Authority aforesaid, That the several Sums of Money arising and becoming due, by Reason of the Forfeitures and Penalties by this Act inflicted; and for which no Method of Recovery or Application is before directed in this Act, shall be levied within one Week after they shall become due, by Warrant of Distress from any Two of his Majesty's Justices of the Peace within the County where the said Penalty or Forfeiture shall be incurred, and by Sale of the Defendant's Goods, returning the Overplus (if any), to the Owner; and the Money so levied shall be paid to the Churchwardens, for the Use of the Parish.

XXV. And be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof, or so much thereof (except as before excepted), heretofore made, so far as they relate to any Matter or Thing contained within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

XXVI. And be it further Enacted, by the Authority aforesaid, That this Act shall commence, and be in Force, from and after the first Day of June next; and that all Acts heretofore legally made and done by Vestries, heretofore chosen and qualified agreeable to the Laws of this Province, are hereby declared to be as good and valid, as if this Act had never been made.

CHAPTER VI.

An Act for securing the payment of Quit Rents due to His Majesty, and Earl Granville, for quieting the Freholders in the Possession of their lands, and for other Purposes.

I. Whereas from the Imperfect manner of registering & recording Patents Grants & mesne Conveyances heretofore used in the several Publick Offices a compleat Rent roll of the Lands held by ye several Freholders in this Province cannot at present be had by which the payments of Quit Rents due to His Majesty and the Earl Granville have been greatly retarded and many litigious Suits concerning disputed Titles have arisen thereby wherefore for the more easy and speedy collecting the Quit Rents now due or which hereafter shall become due to His Majesty & his Heirs & Successors and to the said Earl Granville his heirs & Assigns and to secure the property and possession of the Lands to the true and rightful owners thereof, We pray your Most Excellent Majesty that It may be Enacted, And Be it Enacted by the Governor Council and Assembly And by the Authority of the same that every person seized or possessed of any lands in the part of this Province the property whereof is in His Majesty shall within twelve months after His Majesty's approbation of this Act publickly signified by the Governor or Commander in Chief for the time being and published by the several Sheriffs of the respective Counties at his Election tender to be recorded the Patent Grant or mesne Conveyance by which he she or they hold any part or parcel of Land either in the Clerks office of the County Court wherein the same lies or in the office of the Auditor General or his Deputy in Case the same shall not heretofore have been recorded or enrolled. And ye Auditor or his Deputy shall have and receive two shillings & eight pence for every Patent Grant or mesne Conveyance so to be recorded in his office and the Clerk the same sum for
every Patent Grant or mesne Conveyance so to be recorded in his office and shall transmit an abstract of every such Patent Grant or Mesne Conveyance to the Office of the Auditor General or his Deputy within six months after the same shall be tendered to be recorded under the penalty of five pounds for every neglect to be recovered by Action of Debt in any Court of Record one half to the use of His Majesty his Heirs and Successors and the other half for the use of such person as shall sue for the same.

II. And be it further Enacted by the Authority aforesaid That any person seized or possessed of any Lands in that part of the Province granted by His Majesty on the seventeenth day of September in the Eighteenth year of his Reign to the Earl Granville by the name stile & title of the Right Honorable John Lord Carteret shall tender to be recorded the Patent Grant or mesne Conveyance by which he, she or they hold any tract or parcel of Land in Earl Granville's office or in the Office of the Clerk of the County Court wherein the same lies unless the same shall have been before recorded or enrolled. And for every Patent, Grant or Mesne Conveyance so to be recorded the Clerk of the County Court shall have & receive the sum of two shillings & eight pence and shall transmit to the office of Earl Granville an abstract of all such Patent, Grants & mesne conveyances as shall be tendered to him to be recorded under the penalty of five pounds to be recovered by Action of Debt in any Court of Record one half to the use of Earl Granville, his Heirs and Assigns, and the other half to the use of such person as shall sue for the same.

III. And be it further Enacted by the Authority aforesaid, That every person who shall refuse or neglect to tender to be recorded any Patent, Grant or mesne Conveyance which by Virtue of this Act ought to be recorded as hereinafter directed shall forfeit and pay ten pounds proclamation money for every patent, grant or mesne conveyance which he, she or they shall so neglect, or refuse to tender to be recorded to be recovered by Action of Debt in any Court of Record wherein no Essollg, Protection or Wager of Law shall be allowed one half to the use of his Majesty, his Heirs & successors, and the other half to the use of such person as will sue for the same if the said neglect shall be in that part of this Province, the Property whereof is in his Majesty or one half to the use of Earl Granville, his Heirs & Assigns, and the other half to the use of such person as shall sue for the same if the neglect be in that part of the Province granted by his Majesty to Earl Granville as is hereinafter mentioned excepting the neglect of minors and persons out of the province, who shall be allowed twelve months after their arriving to full age or coming into the Province to tender their Patents, Grants or mesne Conveyances to be recorded in either of the offices hereinafter mentioned as the case may require. And for completing a Rent Roll yearly to his Majesty and the Earl Granville and that it may be known what Lands from time to time hereafter shall be transferred by Will or mesne conveyance from one person to another.

IV. Be it Enacted by the Authority aforesaid, That the Register in every County within this Province shall on or before the first day of January yearly, transmit to the office of his Majesty's Auditor General, or his Deputy or to the Agent or Agents of Earl Granville If the Lands lie in that part of the Province granted by his Majesty to the said Earl an abstract of all Deeds and mesne conveyances annually registered in his County which abstract is to contain the names of the parties, the Date of the deed, the number of Acres, and Situation of the Lands, under the penalty of five pounds for each neglect to be recovered by action of Debt, bill, plaint, or
Information in any Court of Record by any person who will sue for the same for which the Register shall take of the person registering eight pence for each Deed.

V. And be it further Enacted by the Authority aforesaid, That the Secretary for the time being, or his Deputy shall on or before the first day of January yearly transmit to the office of the Auditor General, or his Deputy, or to the Agents of Earl Granville if the lands lie in that part of the Province granted by his Majesty to the said Earl an Abstract of all Wills recorded in the Secretary’s office containing the date of each with the name or Names of the Devisors and Devisees, the number of Acres and County where the lands devised lie under the like penalty and to be recovered as the penalty heretofore last mentioned for which the Secretary shall take for every Will lodged in his Office eight pence; and whereas, several persons who have been several years in quiet and peaceable possession of Land for which patents have hereto been made out and have by fire or otherwise lost the grants, Patents, or Deeds under which they held the same,

VI. Be it enacted by the authority aforesaid, That all and every person and persons and those claiming under him, or them, who have been in quiet & peaceable possession of any tract or tracts of Land for the space of twenty years next before the Commencement of this Act and hath made or shall make proof thereof before the Governor and Council, or either of the Supreme Courts or County Court where the land lies, such person or persons shall be deemed & held the Lawfull & rightful Owner or Owners of such Lands and shall be subject to such Quit Rents as shall have been theretofore paid for the same Lands and where no Quit Rents have been paid shall pay the arrears & accruing Quit Rents at the rate of four shillings proclamation money per annum, for every Hundred Acres of the said Lands. And such person or persons, his, her or their heirs & assigns, shall quietly and peaceably hold & enjoy the same against all persons whatsoever.

VII. And whereas, for want of proper offices and due attendance of the offices many deeds & Writings made for Lands bona fide purchased & paid for, have not been proved and Registered in due time, Be it further Enacted by the authority aforesaid, That all Deeds and mesne Conveyances which now are or within twelve months after the commencement of this Act shall be proved and registered in the County wherein the same lies, such Deeds & mesne Conveyances shall be as good & valid in Law as if the same at any time heretofore had been proved & registered.

VIII. And whereas, many original Wills, Patents and Deeds have been lost for want of convenient offices to keep the same; Be it further enacted by the Authority aforesaid, That all Copies of Wills, Patents & Deeds heretofore made, issued & executed and attested by the Secretary, or his Deputy, the Clerk of the County Court, County Register, or other proper Officer, shall in all cases be deemed & held to be good & sufficient evidence in Law as if the original Wills, Patents or Deeds, themselves were produced in evidence & all Courts & Judges are hereby required & directed to receive & admit such copies so attested accordingly.

IX. And whereas, through the Ignorance of former Surveyors, some persons have more and others less Land than is mentioned in their Patents, wherefore to prevent Disputes & Inconveniences which otherwise might happen; Be it further enacted by the Authority aforesaid, That any person who suspects another to hold a larger Quantity of Lands within the Bounds
of his Patent than is mentioned in the same may in the presence of two
Witnesses give notice to the owner of the Land mentioned in such Patent to
survey the same and that he intends to apply for a grant for the surplus and
the owner of such land shall within twelve months after such notice have
a resurvey on the said Land and if he finds any surplus more than ten per
cent. which is allowed for variations of instruments he may tender an
Entry of the Remainder of such surplus to the King's Receiver General
where the Land lies in His Majesty's part of the province or to the agent
or agents of Earl Granville in Case the same lies in his District and shall
stand chargeable with all the arrears and accruing Quit Rents of such
surplus Land in the same manner he would have been if the full Quantity
had been expressed in the Patent and his title to such surplus shall and is
hereby declared to be as good and valid in Law as if the same surplus had
been expressed in his Patent or Grant. But if on a resurvey the said Land
the grantee be willing to give up the Surplus he shall & may cause
such Surplus to be admeasured & set off in any part of the Land he shall
Direct.

X. And be it further Enacted by the Authority aforesaid, That if upon
resurveying of any Lands the Quantity shall not amount to so much as is
mentioned in the Patent for such Lands an abatement shall be made of the
Quit Rents in proportion to the Deficiency, and the person who shall give
notice to the owner 'thereof to resurvey the same shall pay to him the
expense of such resurvey to be recovered by a Warrant from two Justices
of any County within the Province.

XI. And be it further Enacted by the Authority aforesaid, That if the
owner of any Land after Notice given to resurvey in manner herein before
directed shall neglect to do the same by the time hereinbefore limited for
that purpose it shall be lawful for the person who shall give such Notice to
resurvey the same and take out a Patent or Grant for such Surplus Land
in his own Name to be admeasured & set off in such part of the Land as
the patentee or grantee, his Heirs and assigns shall appoint. Provided,
that no resurvey shall be demanded or had on the Lands of Infants or per-
sons out of the Province until the time of their attaining to full age or com-
ing into the province; anything herein contained to the contrary notwithstanding.

XII. And that all ressurveys may be justly & impartially made, Be it
further Enacted by ye Authority aforesaid, That every Resurvey hereafter
to be made in any part of this Province shall be made by His Majesty's
Surveyor General or his Deputy, If the Land lies to the Southward of Earl
Granville's Line or by Warrant from the Agent of the Right Honorable the
Earl of Granville, If the Land lies in his Lordship's District, who shall de-
liver to the party, who shall give notice and him to whom notice shall be
given to resurvey his Land a fair plot and Certificate of every tract or par-
cel of Land he shall resurvey.

XIII. And be it further Enacted by the Authority aforesaid, That no
resurvey shall be made by virtue of this Act without Chain Carriers to be
paid by the party Demanding the survey and sworn to measure justly &
exactly to the best of their knowledge and to deliver a true account to the
Surveyor General or Deputy Surveyor, or his Lordship's Agent, as the case
may be, which Oath the Surveyor General and every of his Deputies or
the Lordship's Surveyors, is hereby authorized and required to administer
in such Cases.

XIV. And whereas, there is not Silver & Gold in this Province where-
with to pay the Quit Rents in arrears to his Majesty and Earl Granville, to
the End that the same & all accruing Quit Rents may be paid in the best
manner that the Circumstances of the Inhabitants will admit, Be it further
Enacted by the Authority aforesaid, That all Quit Rents now due and in
arrear, or which hereafter shall be due and in arrear to his Majesty, his
Heirs and Successors, or to Earl Granville, his heirs and Assigns, shall be
paid in Proclamation money or in Inspectors Notes for Tobacco at one
penny proclamation money per pound, or in Indigo at three shillings per
pound at such times as the same shall be payable for County and Parish
Taxes, and whereas, several persons have heretofore taken and still con-
tinue to take, patents and grants for large Quantities of Lands and soon
after sell and dispose of them and remove themselves and effects out of
this Province before the persons who purchased from them have attorned
or paid any Rent to His Majesty's Receiver General, or to Earl Granville's
Agent, which practice is found greatly prejudicial to his Majesty's Revenue
and to the Interest of the said Earl; Wherefore, for Remedy whereof,

XV. Be it Enacted by the Authority aforesaid, that all & every person
or persons who have purchased or hereafter shall purchase any lands from
any person or persons holding by patent, grant or deed under his Majesty,
or Earl Granville shall be liable to pay all Quit Rents in arrear and all
accruing Quit Rents for the Land so purchased and may be sued and dis-
trained for the same in such manner as the person or persons from whom
such purchase is, or shall be made, would have been liable in case such
purchase had not been made.

XVI. And be it further Enacted by the Authority aforesaid, That where
any person or persons shall hold Lands under his Majesty or the Earl
Granville and shall fail to pay the Quit Rents due for the same it shall be
Lawful for the Sheriff or such other person as shall be Lawfully
authorized by Warrant of Distress to Distrain any Slaves, Goods
and Chattels, which shall be found on the Land or in the possession of the
person so indebted or failing to pay notwithstanding such Slaves, Goods
and Chattels shall be comprized in any Deed of Mortgage, and if the Quit
Rents shall not be paid nor the said Slaves, Goods or Chattels repveyed
within five days after such Distress such Sheriff, or other person so author-
ized as aforesaid shall & may Lawfully sell by auction ye Slaves, Goods and
Chattels distrained or so much thereof as shall be sufficient to satisfy the
said Quit Rents and the Charges of Distress & Sale But shall give Notice
by Advertisement of the Day and Place of sale at the Court House of
the County where such Distress shall be made and also at the Church Door
or most publick place of worship in the Parish where the same distress
shall be made and by publishing the same among the people immediately
after Divine Service on the next Sunday after the expiration of the said five
days which sale shall not be in less than three nor more than six Days after
notice so given and shall be good and effectual in Law. Provided, That no
sheriff or other Person, authorized as herein before mentioned shall at any
time make or take unreasonable Distress, or seize or Distrain the Slave
or Slaves of any Person for Quit Rents if other sufficient Distress can be
had upon penalty of being liable to the action of the party grieved grounded
on this Act wherein the plaintiff shall recover his full Costs although the
Damages do not exceed twenty-five shillings.

XVII. And be it further enacted by the Authority aforesaid, That every
sheriff or other person who shall be lawfully authorized to Distrain for Quit
Rents shall within one month after making such Distress pay into the
Hands of his Majesty's Receiver General, or into the hands of the agent of Earl Granville all such money as by virtue of the said Distress he ought to pay. Provided always, that the execution of this Act shall be suspended until his Majesty's approbation thereof be first had and obtained.

CHAPTER VIII.

An Act for raising a fund for paying the Salaries of the Chief Justice and Attorney-General, and for other purposes.

Whereas, there is not at present a sufficient Fund for paying the Salaries of the Chief Justice and Attorney-General for their attending the Supreme Courts of Justice nor a Sufficient provisions of raising the allowance to the members of His Majesty's Council and the Members of the Assembly,

I. Be it Enacted by the Governor, Council and Assembly that an annual Poll Tax of one Shill'g & Six Pence Proclamation money be levied on each Taxable Person within this Province for and during the space of four years from and after the tenth Day of June next after the Ratification of this Act, and no longer; which Tax shall be collected and paid as publick Taxes by Law are payable, and shall by the Sheriffs be paid into the hands of the Treasurers of the respective Districts by the tenth Day of June in each year during the Continuance of the said Tax, under the like penalties as are inflicted on the Sherif in other cases for not accounting and paying publick Taxes.

II. And be it further Enacted by the Authority aforesaid, That the said Tax shall be applied to the payment of the Salaries allowed by Act of Assembly to the Chief Justice and Attorney-General and to paying the claims of persons to whom the publick is or shall be indebted, and for the Allowance to the Members of His Majesty's Council and the Members of Assembly for their publick services in attending General Assembly, and for and towards defraying the Contingent Charges of Government.

And whereas, the sum of two thousand eight hundred Pounds was appropriated for & toward the Contingent Charges of Government by an Act pass'd in the year 1754, Intitled "An Act for Granting to His Majesty the sum of Forty Thousand Pounds in Publick Bills of Credit at the rate of Proclamation Money, to be apply'd toward Defraying the Expence of Raising and Subsisting the Forces for his Majesty's Service in this Province, to be sent to the assistance of his Majesty's Colony of Virginia & for other Purposes therein Mentioned," Under Certain Restrictions in the said Act Mentioned; And Whereas, It is absolutely necessary for His Majesty's Service and for the support of the Credit of this Province that the said Sum of Two Thousand Eight Hundred Pounds shou'd be Immediately Issued for the Contingent Charges of Government, there being at present no Money in the Publick Treasury for that purpose,

III. Be it therefore Enacted by the Authority aforesaid, That the said sum of Two Thousand Eight Hundred Pounds shall be Immediately Issued by the Public Treasurer for the uses and purposes in this Act Mentioned and shall be repaid by the Tax herein before Imposed, and reseaved in the hands of the Public Treasurer until his Majesty's Royal Approbation of the Before recited Act shall be obtained.

IV. And be further Enacted by the Authority aforesaid, That all publick taxes shall annually be paid to the Sheriff by the first day of May, and be accounted for by the Sheriffs of each respective County and by them paid to
the respective Treasurers on or before the tenth Day of June in each year, any Law, Usage or Custom to the Contrary notwithstanding.

CHAPTER X.

An Act to facilitate the raising Recruits to serve his Majesty in the intended Expedition against the French on the Ohio, and guarding the Frontiers of this Province.

Whereas, many of the Youth of this Province, and others, who have no visible Estates, or Employments, stroll from one County to another, neglecting to labour, and by their idle and disorderly Manner of living are burdensome to the honest and industrious Planters, may be useful, if enlisted in his Majesty's Service;

I. Be it therefore Enacted by the Governor, Council and Assembly, and it is hereby Enacted by the Authority of the same, That all able-bodied Persons of the Age of Twenty-one Years, and not exceeding Fifty Years old, not having wherewithal to maintain themselves, who shall be found loitering and neglecting to labour for Wages; all persons who run from their Habitations and leave Wives or Children without suitable Subsistence, and other idle dissolute Persons wandering abroad, without betaking themselves to some lawful Employment or honest labour; shall be deemed and are hereby declared to be Vagrants.

II. And be it further Enacted, by the Authority aforesaid, That any Two Justices of the Peace, upon Complaint to them made, by any Officer appointed by the Governor or Commander-in-Chief for the Time being, to raise and enlist Recruits to serve his Majesty in the intended Expedition against the French on Ohio, or in guarding the Frontiers of this Province, that any such Vagrant is wandering or loitering in any County or Parish within this Province, shall, and they are hereby required, by Warrant, directed to any Sheriff or Constable of their County, to cause such Vagrant to come before them, and to examine and inform them, by the Oath and Examination of the Person apprehended, as well as of any other Person or Persons (which Oath or Oaths, such Justices are hereby empowered to administer, and by any other Ways or Means they shall think proper, of the Condition and Circumstances of the Person apprehended; and if it shall appear that he is under the description of Vagrants within this Act, the said Justices shall, by Warrant, order and direct him to be conveyed by the Sheriff, or from Constable to Constable, under a proper Guard if necessary, until he be delivered to such Officer; and such vagrant, from the Time of being so delivered, shall be held and deemed to be enlisted in his Majesty's Service, and shall be intitled to the same pay, and be subject to the same Discipline, Pains and Penalties, and be clothed and provided for in the same Manner as those who shall enlist voluntary in the same Service.

III. And be it further Enacted, by the Authority aforesaid, That every Person enlisted to serve his Majesty in the intended Expedition aforesaid, or to guard the Frontier of this Province, who shall be wounded in the said Service, shall be cured, and if rendered unable to gain a Livelihood by Labour, shall have suitable Provision made for him by the Public.

IV. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force until the Tenth Day of November, which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty-Six, and no longer.
CHAPTER XII.

An Act to establish a Public Ferry from Newby's Point to Phelps's Point, Whereon the Court-house now stands on Perquimons River.

Whereas, the Court-house in Perquimons County is now situated on Phelps's Point, on the West Side of Perquimons River, and the Inhabitants on the East Side of the said River are obliged to attend at the said Court-house during the sitting of the Court, the Election of Members of Assembly and Vestrymen for the said County, are at the Expence of Ferriage in passing and repassing the said River, when the Inhabitants on the West Side of the said River are not liable to that Expense; For Remedy whereof for the Future,

I. Be it Enacted by the Governor, Council and Assembly, That the Justices of the said County, or the Majority of them, assembled in Court, are hereby authorized, empowered and required, Yearly, and every Year, at the next Court to be held for the said County, after the first day of May, to lay a Tax, not exceeding Two Pence, Proclamation Money, on each Taxable Person in the said County, to be collected and accounted for with the Justices of the said County, by the Sheriff of the said County, as other Taxes of the said County are to be collected and accounted for, and under the like Penalties and Forfeitures; to be by them applied and appropriated, as a Premium or Reward to the several Ferrymen now appointed, or hereafter to be appointed by the Court of the said County, to keep a Ferry from Newby's Point to Phelps's Point, and from the said Court-house; for which they shall, and are hereby obliged, to set over, Ferriage free, all Persons resident in the said County, going to and returning from the said Court, the Election of Burgess, and Vestrymen, and Musters of the said Court.

II. And be it further Enacted, by the Authority aforesaid, That the Justices of the said County are hereby authorized, empowered and required, out of the Monies arising by the Tax so laid and collected as aforesaid, Yearly, and every Year, to allow and pay to the several Ferrymen attending at the Ferry aforesaid, such sums of Money as they shall think reasonable, for their Trouble, in transporting all Persons as shall or may have Occasion to attend at the said Court-house, on the Days and Times aforesaid.

III. And be it further Enacted, by the Authority aforesaid, That the Ferrymen now are appointed, or shall be hereafter appointed by the Court of the said County, to keep Ferry at Newby's Point and Phelps's Point, are hereby required to ferry over the said River, free of any Expence, all Persons resident in the said County during the sitting of said Court, and also all Persons whatever on the Days of Election of Members of the Assembly and Vestrymen, and also all Persons going to and from Musters in the said County, under the Penalty of Forfeiting to the Party refused or neglected the Sum of Ten Shillings, Proclamation Money, for each Neglect or Refusal, to be recovered by a Warrant, on Proof made, before any Justice in the said County.

IV. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of the said Court to take Bond and Security of the said Ferry-keepers in the Sum of Twenty Pounds, Proclamation Money, for their due and faithful Performance of the above said Act; and that all Fines becoming due by Virtue of this Act shall be paid to the Justices of the said Court, to be by them applied towards lessenings the County Tax.

V. And be it further Enacted, That this Act shall continue and be in
Force for and during the Term of Two Years, from and after the passing thereof, and from thence to the End of the next Session of Assembly.

CHAPTER XIII.

An Act to amend an Act, intituled, "An Act for destroying Vermin in this Province.

Whereas, by one Act of Assembly, passed at a General Assembly held at New Bern on the Sixth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty-Eight, intituled, "An Act for destroying Vermin in this Province," it was and is, amongst other Things, Enacted, That any Person or Persons that should Kill any of the Vermin in the said Act mentioned should be intituled to a Claim on the Parish where such Vermin was Killed, to-wit: For every Panther, Ten Shillings; For every Wolf, Ten Shillings; For every Wild-Cat, Two Shillings and Six Pence, Proclamation Money, to be levied as by the said Act directed; which hath encouraged and induced several idle strolling Persons to hunt and range without the inhabited Part of this Government to Kill the said Vermin, whereby to entitle themselves to the said Rewards, to the great Grievance of the Parishes lying to the Westward:

I. Be it therefore Enacted, by the Governor, Council and Assembly, and by the Authority of the same, That no Person whatsoever shall be intituled to any of the said Reward for Killing any of the said Vermin after the first Day of May, next after the passing of this Act, unless the same shall be Killed within Ten Miles of the Plantation of some Inhabitant of the Parish where such Vermin shall be Killed, which shall be proved by the Oath of the Person claiming the Reward, before the Justice to whom the Head or Scalp of such Vermin is produced, and be so certified by him: And that no Vestry shall levy, for any of the said Rewards, upon the Taxable Persons of their Parish unless the Person claiming such Reward shall produce a Certificate in Manner aforementioned; any Thing in the said Act to the contrary thereof in any-wise notwithstanding.
At a General Assembly, begun and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty Four, and from thence continued, by several Prorogations, to the Twenty Fifth Day of September, in the Year of our Lord One Thousand Seven Hundred and Fifty Five: Being the Second Session of this Assembly. Arthur Dobbs, Esq., Governor.

CHAPTER III.

An Act for the Inspection of Pork, Beef, Rice, Indigo, Tar, Pitch, Turpentine, Staves, Headings, Shingles and Lumber.

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* * * And Shingles, to which Places all the said Commodities before sold or exported shall be brought, Examined & Inspected, according to the Directions herein after mentioned, That is to say,

In New Hanover County, at the towns of Brunswick, Wilmington, New Exeter and at New Topsail Sound.

In Onslow County, at Bear Inlet, New River & Bogue Inlet.

In Carteret County, at Beaufort Town & Fort Point, near Old Topsail.

In Craven County, at New Bern Town, Clubfoot Creek, Lower Broad Creek, Hollinsworth’s Landing & Bushe’s Landing on Trent.

In Beaufort County, at Bath Town, Spicer’s & Travis’s, Grists on Tranter’s Creek, at Chocowinnet, Congleton’s, Red Banks, Blunt’s Creek, Mills’s, Salters, Durham’s Creek & South Dividing Creek.

In Hyde County, at Woodstock Town, William Posque’s & Gibbs’s.

In Terrell County, at Hog Town, Gardner’s, Daley’s, Welche’s Creek, Hendrick’s Creek, Scuppernong Warehouse, Scuppernong River, Squaumauge, Little Alligator, Rich’d Surry’s, Meekings’ Landing & Dawson.

In Chowan County, at Edenton, Old Town Landing, Bennitt’s Creek, at the Bridge, Bluff Point & Salem Landing.

In Bertie County, at Salmon Creek, Mau’s Farm, the Warehouses on Chowan River, Van Plett’s, Valkon Creek, Kathrine’s Creek & Whitmills on Sapho.

In Northampton County, at Hill’s Ferry, the Pitch Landing, Murphls & McCann’s Landings.

In Anson County, at Gordon’s Landing on Pee Dee River.

In Perquimans County, at the River Bridge, at Cypress Bridge, at the Court House Landing, at Harvey’s Landing, up the Narrows, at John Barrow’s, up Yopem Creek, at Seth Sumner’s Landing, at Little River Bridge, at John Stevenson’s Little River Point, at Benjamin Harvey Landing, at John Barecliff, Deep Creek, at Wm. Standin’s on Yopim River, at Thomas Week’s Landing, at Cap’n Joseph Sutton’s on Sutton Creek, at Robert Harnman’s Landing, Yopim Creek.

In Pasquotank County, Nixonton, at Symon’s Bridge, at the mouth of Symon’s Creek, at Pigg’s, at W. C. Keel, at Newbegun Creek, at the Ware House, at McCurden’s, at Hixon’s, at the River Bridge, at the Plank Bridge, at Arranew’s Creek, at Burgie Bay, at the mouth of the River, at Seabumb’s Landing, North River.

In Currituck County, the South side of Tully Creek Bridge, at Joseph
Sanders's, at Moyock, at Indian Town Bridge, at Chloonocomat, at Thomas Puln's Landing.

I. And be it further enacted by the authority aforesaid, That where any such inspection is appointed by this Act to be held in any Town, the Court of the County wherein such Town is shall nominate & appoint an Inspector for every such Inspection, who is an inhabitant of, or resides in such Town, and not any other Person.

II. And be it further Enacted by the Authority aforesaid, That no Master or Commander of any Ship or Vessel shall take on board his Ship or Vessel any such Casks or Barrels as aforesaid without being Inspected & stamped as by this Act required, under the Penalty of Ten Pounds for each offence: One Half to the Informer and the other Half to the Church wardens of the Parish wherein the offense shall be committed, to the use of such parish, to be recovered with Costs by actions of Debt, Bill, Plaat or Information in any Court of Record. And if the Master or Commander of a Ship or Vessel shall be sued for the a'd offense he shall be obliged to give Ball to such action, any law, usage or custom to the contrary notwithstanding.

III. And be it further Enacted, That no Collector shall elect out any Ship or Vessel before the Master or Commander of such Ship or Vessel shall have taken the following Oath, to-wit: "* * * You shall swear that you have not received or permitted to be received on board the Ship or Vessel whereof you are Master or Commander since your arrival in this Port, any Barrell of Pork, Beef, Rice, Tar, Pitch or Turpentine that hath not an Inspector's stamp thereon, * * * So help you God," which Oath the Collector of the Port aforesaid or his Deputy is hereby empowered and required to administer, and shall & may take & receive of such Master for administering the said Oath one Shilling proclaim. Money, & the Collector or his Deputy for the Port aforesaid, being informed on Oath by any Person whatsoever that any of the said Commodities have been put on Board any Ship or Vessel without being first Inspected as this Act directs, shall cause search to be made on Board such Ship or Vessel, and on finding any such Commodities not Inspected according to the intent & meaning hereof, shall not clear out such Ship or Vessel or deliver up the Register thereof until such Time as the Master or Commander shall have given bond with securities to the Sheriff of the County wherein such Ship or other Vessel shall be Riding at Anchor to appear and answer the suit of such Collector and Church Wardens for such offence, under the Penalty of Ten Pounds proclaim. Money for every neglect or Default of such Collector, to be recovered by the Church warden of the Parish wherein such Neglect or Default shall be committed, with Costs, by Action of Debt, Bill, Plaat or Information, and apply'd to the use of such Church.

IV. And be it further Enacted, That every such Inspector himself, & not by Deputy or Substitute, shall constantly attend at the places aforesaid, and such other places as the owner of any Pork, Beef, Rice or Indigo shall appoint, at such times as required, for the Inspection of the a'd Commodities, and Tar, Pitch & Turpentine within his County, and shall provide an Iron to stamp or brand any of the Commodities with, bearing the name of the Inspector & his Place of Residence, & if any Inspector so appointed and sworn shall neglect his Duty or stamp any of the Commodities contrary to this Act he shall forfeit and pay for every Barrel, Box or Case of Indico Five Pounds; for every Barrel of Pork, Beef or Rice, Five Shillings; for every Barrel of Tar, Pitch or Turpentine, Two Shillings & Sixpence, and Five Shillings for every neglect of Duty, proclaim. Money, Recoverable before any Jurisdiction having Cognizance thereof, with Costs by the Informer.
V. And be it further Enacted by the Authority aforesaid, That all Pork or Beef Packed within this Province for Sale or Exportation shall be put in good & sufficient Casks and shall contain at least Two Hundred & Twenty Pounds of good, clean, fat, sound, Merchantable Meat, well salted between each Layer, And nailed and pegged, and no more than two heads in one Barrel of Pork, and not any Boar's flesh in any Barrel of Pork, or any Bull's Flesh or Heads in any Barrel of Beef and every Barrel of Rice shall contain at least Thirty One & a half Gallons, Wine Measure, of sound & well-cleaned Rice, & after the same has been Inspected, found good, Merchantable & passed by the Inspector Residing in the County where the same shall be packed & Inspected, every such Barrel shall be by him branded or Stamped as aforesaid and a Certificate or Certificates thereof given to the owner bearing Date the same Day such Commodity or Commodities were Inspected & passed, & every Barrel of Pitch or Turpentine shall, before it be branded or stamped by the Inspector, be weighed in his presence and every Three Hundred & Twenty Two Pounds Weight of Pitch or Turpentine, including the Casks & so in Proportion shall be accounted a lawful Barrel of Pitch or Turpentine. And every Barrel of Tar shall be of the Gauge of Thirty One Gallons & a Half Wine Measure and every Barrel of Tar less size shall be put in Merchantable Casks at the Expense of the owner or Exporter and every Barrel of Tar, Pitch & Turpentine, after the same shall be Inspected, Gauged, found clean, well & truly made Merchantable & passed by the Inspector shall be by him stamped or branded and Certificate or Certificates thereof, given to the owner as aforesaid.

VI. Provided always, that if any Tar, Pitch or Turpentine, shall remain Ten Days or more after the same has been Inspected & passed in manner aforesaid, before the same shall be laden or put on board any Ship or Vessel for Exportation, it shall not be lawful for the owner, or any other person whatsoever, to Lade or put the same on board any Ship or other Vessel as aforesaid until the same shall have been again Inspected & passed by the Inspector, and Certificate or Certificates granted for the same in the same manner as if such Commodities had never been Inspected; anything herein Contained to the Contrary Notwithstanding. And every Person who shall presume to Lade or put on Board any Ship or Vessel, any Tar, Pitch or Turpentine for Exportation as aforesaid, at any time after the Expiration of Ten Days from the time that the same shall have been received & Inspected as aforesaid, shall forfeit and pay the sum of Five Shillings proclamation Money for every such Barrel so Laden, or put on Board any Ship or other Vessel, to be Recovered with Costs, one half to the Informer and the other half to the Use of the Parish wherein such offense shall be committed before any Jurisdiction having Cognizance of the sum or sums so forfeited. And the Master or Commander of such Ship or Vessel shall be Liable to the same Penalty as for Lading Tar, Pitch or Turpentine without being stamped. And the Collector shall, and is hereby required to use the same Method of Proceedings to compel the Payment of the said Penalty as in that Case is directed to be observed. And forasmuch as it is difficult in warm and Rainy Weather to separate Tar from Water, it is hereby Declared that Water shall not be accounted a fraudulent Mixture in any Tar, but that in such Case the Barrel shall not be branded or stamped by the Inspector until the same is as free from water as it can be made; anything herein contained to the Contrary notwithstanding.

VII. And be it further Enacted by the Authority aforesaid, That every Seller or Exporter of Pork, Beef, Rice, Tar, Pitch, or Turpentine, packed
or filled in this Province and Stamped, or Branded, shall produce the Certificate of the Inspector, who inspected the same, and make Oath before a Justice of the Peace within Three Days before Delivery of the Goods sold or Exported, that the several Commodities intended by him to be sold, or Exported, are the same that were Inspected & passed, and do contain the full quantity mentioned in such Certificate without Impeachment to his Knowledge, which Oath the Justice shall & is hereby required to Certify on the back of such Certificate, which Certificate the Seller or Exporter shall deliver to the Buyer, if such Commodity be sold, or the Master of the Ship or Vessel on Board, which the same shall be shipped or laden, if the same shall be Exported, to be kept by such Buyer or Master, and if such Seller or Exporter shall fail or neglect to make such Oath he shall for every such offense forfeit and pay the sum of Ten Pounds proclam. Money to the Informer, to be Recovered with Costs in any Court of Record by Action of Debt, Bill, plaint, or Information.

VIII. And be it further Enacted by the Authority aforesaid, That it may be Lawful for every County Court within this Province, wherein there are not publick Warehouses by Law Erected for the Reception & Inspection of Tobacco, at the expense of such County to erect or Rent a Warehouse, at or near some Publick Landing on a navigable River or Creek, for the Inspection, Reception & Safe keeping of all Indico, at any time hereafter, to be paid or tendered in payment of publick County or Parish Taxes, and shall appoint and direct at what times the Inspector or Inspectors, shall attend to inspect and Receive the same. And every Inspector that shall be appointed by virtue of this Act, shall find Labourers to assist in Weighing the several Commodities he shall inspect & weigh, and also shall find & provide Steel Yards or Scales of the Lawful Standard for that Purpose.

IX. And be it further Enacted by the Authority aforesaid, That all Indico paid and Discharged of Publick, County, or Parish Taxes, by Virtue of any Law of this Province, shall be first brought to one of the Public Warehouses appointed by Act of Assembly for the Inspection of Tobacco, to be erected or Rent by Virtue of this Act as aforesaid, and there Inspected; and any Inspector of the County wherein such Warehouse is appointed or shall be Erected, or Rent as aforesaid, on Notice given shall attend according to the Direction of the County Court & Carefully view & examine all such Indico and if it is dry, free from dirt, sand & every fraudulent Mixture, and is in the opinion of such Inspector, good & Merchantable, and such as will Intitle the Exporter thereof to the Bounty allowed by Act of Parliament, such Inspector shall weigh the same, and be obliged to Deliver to the Person, or Persons bringing the same, as many Promissory Notes under the Hand of such Inspector as he shall be required for the full quantity of Indico, received by him, which Indico such Inspector shall carefully secure in Barrels, Boxes or Casks, and the said Promissory Notes are hereby declared to be current and transferable in Payment of all Publick, County, & Parish Taxes at the rate of, or Price of, Four Shillings Procl. Money Pr. Pound, and shall be paid & satisfied by such Inspector who signed the same upon Demand, and every such Inspector shall be Obliged, and is hereby Required to pack & secure all Indico by him Received in Barrels, Boxes or Casks and for every Barrel, Box or Case by him paid away in Discharge of any Promissory Note or Notes by him given and containing Two Hundred Pounds Weight Nett, and stamped with the Gross Tear Nett Weight and name of the Inspector, and nailed and secured fit for shipping, there shall be paid by the Person receiving the same, the sum of Five Shillings & Six Pence, to the use of such Inspector and so proportionably for Barrels,
Boxes or Cases containing less, and such Inspector shall also have an allowance of Three Pr. Cent. for all Indico; he shall pay away in Discharge of any such Note or Notes for Shrinkage and Wnste, and if any Inspector by whom such Note shall be given shall refuse or Delay to satisfy the same when Demanded he shall forfeit & Pay for every such Refusal or Neglect, the Double Value of such Indico so refused or delayed to be paid, to be recovered before any Jurisdiction having Cognizance thereof with Costs, to the use of the Party grieved.

X. And be it further Enacted, That no Tender of Publick, Conuty, or Parish Taxes in Indico, shall be accounted Lawful unless the Payment of the same be tendered in Inspectors' Notes as aforesaid, nor unless such Payment shall be tendered on or before the first Day of May in the year that they are or shall be payable.

XI. And be it further Enacted, that when any Indico shall be brought to any Inspection, and shall be refused by the Inspector there officiating, the owner shall immediately sort & separate the bad & unmerchantable from such as is by this Act declared to be good & Merchantable at the Warehouse where the same was refused, and the Inspector shall receive so much thereof as in his Opinion is good and Merchantable, and give a Note or Notes for the same.

XII. And be it further Enacted, that every Inspector who shall be appointed by Virtue of this Act to Inspect Indico shall give Constant attendance at the Times & Places by the County Court Ordered & appointed under Penalty of Forfeiting to the Parties grieved, Five Shillings proclaim. Money for every Day he shall fall or neglect to attend, to be recovered with Costs before a Justice of the Peace, unless good Cause shewn for such neglect or failure.

XIII. And be it further Enacted that if any Person or Persons shall sell or Contract for any Indico as good & Merchantable, according to the Directions of this Act, and any Dispute shall arise between the Buyer and Seller, concerning the Quality of the Indico offered or tendered in Discharge of such Contract, it shall and may be lawful for the Parties or either of them, to call the nearest Inspector of the County, wherein such Indico is tendered, or offered as aforesaid, who is hereby Required to Obey such Call & Inspect the same and if it is in the opinion of such Inspectors good, Merchantable, & of Quality to intitle the Exporter to the Bounty allowed by Act of Parliament, he shall pass the same, or otherwise refuse it, and such Inspector shall be paid for his Trouble by the Party against whom he shall give Judgment, Five Shillings & Four Pence Proclaim. Money.

XIV. And be it further Enacted by the Authority aforesaid, That if any Person whatsoever shall forge or Counterfeit any Note of any Inspector, or tender in Payment, or expose to sale any such forged or Counterfeit Note, knowing the same to be such, or Cause to be Exported, any Barrel of Pork, Beef, Rice, Tar, Pitch, or Turpentine, or Barrel, Box, or Case of Indico or expose the same to sale, knowing the stamp or Brand thereon to be forged or counterfeited, or shall put or pack any Pork, Beef, Rice, Tar, Pitch, or Turpentine, or Indico, into any Barrel, Box, or Case stamped or branded, by any Inspector as aforesaid, on Purpose to evade this Act and so sell or export such Commodities without being Inspected; every person so offending and being thereof Lawfully convicted before any Court of Record, shall by Order of such Court have and Receive on his or her Bare Back Thirty-Nine Lashes well laid on. And moreover shall suffer One months Imprisonment without Ball or Maimprize.

XV. And be it further Enacted by the Authority aforesaid, That if any
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Inspector's Note, as alfo. shall be Casually lost, mislaid or Destroyed, the Person or Persons intitled to Receive the Indigo by Virtue of any such Note shall & may go before a Justice of the Peace and make Oath in the Manner by Law Directed, concerning Inspectors' Notes or Receipts for Tobacco being lost, mislaid or destroyed and thereupon shall have the like Remedy and Relief, & be subject & liable to the same Penalties and Punishment for making false Oath therein or producing a forged Certificate knowing the same to be forged, as persons in the like Cases are by the said Law made liable & subject to.

XVI. And be it further Enacted by the Authority aforesaid, that all staves, heading, shingles, Boards, Planks, Joists & square Timber which shall be sold or shipped on Board any Ship or Vessel for Exportation, shall be of the following Dimensions otherwise, shall not be deemed merchantable and shall be forfeited to the uses herein after mentioned, to-wit: Butt staves shall be five feet nine inches long, four inches Broad and an Inch thick on the heart or thin edge. Pike Staves Four Feet Eight Inches Long, four Inches Broad and three quarters of an Inch thick on the Heart or thin edge. Hogshead staves shall be three foot six Inches long, Three inches & a half broad & three Quarters of an Inch thick on the Heart or thin Edge, Except such as are to be Exported to the Northern Colonies which shall be thirty inches Long. Barrel Staves shall be Two Feet Eight Inches Long four Inches broad & three Quarters of an Inch thick on the Heart or thin Edge. White Oke Hogshead Heading shall be Thirty Two Inches long Six inches Broad & One Inch thick on the Heart or thin Edge. Barrel Heading shall be Nineteen Inches long Six Inches broad and three Quarters of an Inch thick on the Heart or thin Edge. Shingles shall be Eighteen & a half Inches Long Five Inches Broad and Five Eights of an Inch thick. Which said several sort's and kinds shall be of the Dimensions aforesaid at the least & well got of good sound Merchantable Timber and every Board Plank or Scantling being marked with the Number of more Feet than they contain shall be forfeited. And no Board or Plank shall be deemed Merchantable or passed by any Inspector that is not free from any Split Twelve Inches long, has an Edge less than half an Inch Thick, and is not free from Holes. That every piece of Scantling, or any other Square Timber marked with the Number of more Feet than it contains, is hereby declared to be Forfeited and shall not be passed. Provided nevertheless, that no stave Heading or Shingles, Boards, Planks or square Timber shall be inspected unless Required.

XVII. And be it further Enacted, That when any Dispute shall arise between the Buyer and Seller of any Staves, Heading, Shingles, Boards, Scantling, Plank or Timber as aforesaid, in respect of the Quality, Dimensions and Quantity thereof it shall and may be Lawful for either Party to call on the nearest Inspector of the County, which Call he is hereby required to Obey to View, Inspect and measure the same and so pass so much thereof, as he shall be of opinion is good and merchantable, according to the directions of this Act and to refuse the rest.

XVIII. And be it further Enacted, That all such Staves, Heading, Shingles, Boards, Planks, Scantling, and Timbers respectively, as shall be found upon View to be unmerchantable and unfit to pass shall be Forfeited to the Use of the Parish wherein such View shall be had, and shall be by the Inspector Refusing the same, sold at Public Sale for the Benefit of such Parish, and the money arising by such Sale, shall be by such Inspector accounted for to the Churchwardens thereof, after Deducting six pr. Cent for his Trouble.

XIX. And be it further Enacted by the Authority aforesaid, That if any
Inspector by this Act to be appointed shall receive, or take directly or indirectly any Fee, Gift, Gratitude, or Reward whatsoever of any Person for Resigning or Giving up his Office of Inspector, he shall not only be forever thereafter disabled from holding or Executing the sd. Office, but for such offence shall Forfeit and pay the Sum of Forty Pounds Proclamation. Money to be recovered with Costs in any Court of Record to the Use of the Informer by action of Debt, Plaint or Information: And every Person offering and Paying, directly or indirectly, any Gratitude or Reward whatsoever, to any Inspector to Resign or Give up his said Office shall for his said Offence be forever disabled from holding the said Office of Inspector in this Province.

XX. And be it further Enacted, That no person taking upon himself the Office of Inspector shall during his Continuance therein, be Capable of being Elected a Member of the Assembly: And if any Member of Assembly shall accept of the sd. Office during his being such, he shall, and is hereby declared from thenceforth to be disabled to serve as a member of Assembly, and shall not sit, Vote, or Act in Assembly but shall be to all Intents and Purposes Incapacitated as if he had never been Returned or Elected a Member of Assembly.

XXI. And be it further Enacted by the Authority aforesaid, that every Inspector shall be Intitled to the following Fees to be paid in Proclamation. Money, to-wit: For every Barrel of Pork, Beef or Rice, Six Pence; For every Barrel of Pitch or Turpentine, Two Pence; For every Barrel of Tar, Three Half Pence; For every Thousand Staves or Heading, One Shilling and four pence. For every Thousand Shingles, Four Pence; For every Thousand Feet Superfluous Measure of Boards, Planks and Skantling, One Shilling and Four Pence; For every Ten of other Lumber, one Shilling.

XXII. And be it further Enacted by the Authority aforesaid; That all and every other Act and Acts, Clause and Clauses, Article and Articles thereof, or for Relating to any Matter or thing within the Purview of this Act shall be and are hereby declared from henceforth Repealed and Made Void.

XXIII. And be it further Enacted, That this Act shall be and Continue in Force for and during the Term of Three Years from and after the aforesaid first day of November, and from thence to the end of the next Sessions of Assembly and no longer.

CHAPTER IV.

An Act for Regulating Orphans, their Guardians and Estates.

Whereas, for want of proper Laws for regulating Guardians, and the Management of Orphans, their Interests and Estates have been greatly Abused and their Education very much neglected; for prevention whereof for the future, Be It Enacted by the Governor, Council and Assembly, and It is hereby Enacted by the Authority of the Same, That where any Person hath or shall have any Child or Children under the age of Twenty-one Years and not Married, It shall and may be lawful to and for the Father of Such Child or Children, whether born at the time of his Death or in Ventre Sa Mere, or whether Such Father be within the age of Twenty-one Years or of full age by Deed executed in his life time or by his last Will and Testament in Writing in Such Manner and from time to time as he Shall think fit, to dispose of the Custody and Tuition of Such Child, or Children, for and during Such time as he, She or they shall remain under the Age of Twenty-one Years, or for any less time to any person or persons other than the people called Quakers and Popish Recusants, and every Such disposition
heretofore made, or hereafter to be made, shall be good and Effectual against all and every Person and persons Claiming the Custody and Tuition of such Child and Children as Guardian in Soccage or otherwise; and the person or persons to whom such Custody and Tuition hath been or shall be so disposed or devised shall and may maintain an Action of ravishment of Ward or Trespass against any person, or persons, who shall wrongfully take away, or detain, any such Child or Children, for the Recovery of Such Child or Children, and Shall and may recover damages for the Same in the said Action with Costs for the benefit of Such Child or Children. Provided Nevertheless, That nothing in this Act contained Shall be Construed to hinder any of the People commonly called Quakers to make such Disposition, or to hinder the Supreme or County Courts from Committing the Guardianship and Custody of their Children to the People of that Persuasion and that every person and persons to whom such Custody and Tuition hath been, or shall be, so disposed or advised as aforesd.; shall and may take unto his and their profession to the use of Such Child and Children the Profits of all Lands, Tenements and Hereditaments, and also the Slaves, Goods, Chattels and personal Estate of such Child or Children and may bring such Action or Actions in relation thereunto, as by Law a Guardian in Common Soccage might do; Provided always, that nothing herein before Contained shall Extend to Discharge any Apprentice from his Apprenticeship. And the Supreme Court of the District or Court of the County wherein Such Guardian Shall reside respectively, upon Complaint to them made of Such Guardian abusing the Trust reposed in him by misusing the Child or Children so Committed to his Tuition as aforesd., in being about or Intending to Marry Such Child or Children In Disagreement, Neglecting the Care of their Education, Suitable to their Estate or wasting, Converting to his own use, or otherwise mismanaging Such Estate, to make and Establish from time to time Such Rules and Orders for Placing Such Child, or Children under the Care and Tuition of any other Person or Persons Securing the Estate, and for the better Education and usage of Such Child or Children as they in their sd. Discretion shall judge meet & necessary.

I. And be it further Enacted by the Authority aforesd., That the Supreme Courts and County Courts of this Province within their respective Jurisdictions, have and Shall have full power and Authority from time to time to take Cognizance of all matters Concerning Orphans and their Estates, and to appoint Guardians in Such Cases where to them it shall appear necessary and shall take good Security of all Guardians by them to be Appointed, for the Estates of the Orphans by them Committed; and if any Court shall Commit an Orphans Estate to the Charge or Guardianship of any person or persons without taking good and Sufficient Security for the Same, the Justice or Justices Appointing Such Guardian Shall be liable for all loss and Damages Sustained by the Orphan for want of SUCH Security being taken, to be recovered by Action at the Common Law in any Court of Record in which the Same is Cognizable in the Suit of the Party grieved. Provided always, That where the Securities were good at the time of their being taken or Accepted, but afterwards became Insolvent, in Such case the Justice or Justices shall not be liable.

II. And be it further Enacted, That the Bond to be given by any person or persons appointed Guardian as aforesd.; shall be made payable to the Justice or Justices present in Court and Granting Such Guardianship, the Survivors or Survivor of them, their Executors and Administrators in trust for the benefit of the Child or Children Committed to the Tuition and Care of such Guardian, which Bond such Court shall cause to be Acknowledged
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before them and Recorded; and that in the Name of the Justice or Justices to whom the Same is made palatable, the Survivors or Survivor of them, their Executors, and Administrators, any Person or Persons injured, may and shall at his, her or their Costs and Charges, Commence and prosecute a Suit against Such Guardian and his Securities, Executors or Administrators, and shall and may recover all damages which he, she or they have Sustained by reason of the breach of the Conditions hereof. Provided always, that if any Verdict or Judgment shall pass for such Guardian or his Sureties, the person at whose Instance such suit shall be commenced or prosecuted shall pay Costs.

III. And be it further Enacted by the Authority aforesaid, That where a Guardian shall be appointed to any Orphan by any Supreme or County Court Such Guardian shall at the next Court after his appointment, Exhibit an Account upon Oath of all the Estate of such Orphan which he, or she, shall have received into his or her hands or possessions, and every Guardian heretofore or hereafter to be by any such Court appointed, shall Annually Exhibit his Account and State of the Profits and Disbursements of the Estate of Such Orphan upon Oath; and such Account to be Exhibited, shall be Entered by the Clerk in particular Books, to be provided and kept for that purpose only. And when the said Courts shall know or be informed that any Guardian or Guardians by them respectively appointed, do waste or convert the money or Estate of any Orphan to his or their own use, or do in any manner mismanage the Same, is about, or intended to marry him or her in disparagement or neglects to Educate or maintain any Orphan According to his or her Degree and Circumstances; or where Such Guardian, or his Securities are likely to become Insolvent Such Court shall have power from time to time to make and Establish Such Rules and Orders for the better Ordering Managing and Securing such Estate and for the better Educating and Maintaining such Orphans, or to appoint another Guardian as they Shall think fit and Convenient.

IV. And be it further Enacted, That every Guardian, Executor or Administrator as Soon as Conveniently the Same may be done, shall by order of the County Court cause the Sheriff to Sell and dispose of all Goods and Chattels of his or her Ward as are or may be liable to perish, Consume or be the worse for using or keeping, (Except in the Instances hereinafter mentioned), for the most that can be got for the same by Public Sale, in Reasonable Lots, and Shall for Enhancing the price thereof give Six Months Credit upon good Security given, for which service the Sheriff shall be allowed by the Court so as Such Allowance does not exceed two and a half p. Cent; And Such Guardian after the time of Such payment is past shall take and pursue all lawful ways and means to receive and recover the money upon pain of being answerable for the Same: And if the Same cannot be received, before the Orphan entitled to receive such Money shall have a right to Demand it, or such Guardian shall be removed from his Guardianship, he or she shall and may assign such Bond to such Orphan, and such Assignment Shall Discharge Such Guardian for so much against him, or her, or them. And where the Profits of any Orphans Estate shall be more than Sufficient to maintain and Educate him, or her the Guardian of such Orphan, shall lend the Surplus and all other Sums of money in his hands belonging to such Orphan upon Bond and good and Sufficient Securities, to be repaid with Interest; which Interest such Guardian shall Account for Annually, and where the person or persons to whom such money shall be lent or their Securities are likely to become insolvent, Such Guardian shall'
use all lawful means to enforce the repayment thereof; on pain of being liable for the same as aforesaid: and an assignment of such last mentioned Bond in either of the aforesaid Cases, Shall Discharge such Guardian for so much as is specified in the Condition thereof.

V. And be it further Enacted, That where any Orphan shall have land and a sufficient number of Slaves to Cultivate and improve the same, Such Slaves unless otherwise ordered by the County Court Shall be employed on the Lands and Plantation of such Orphan; and all Horses, Cattle, Sheep, and Hogs, shall be kept upon such Lands and Plantations, until such Orphan Comes of Age, and he or she shall have the benefit of the Increase, and shall sustain the loss if any shall happen. Provided, nevertheless, that if any such Stocks grow too numerous, or if it will be to the advantage of such Orphan, his or her Guardian shall and may sell by order of the County Court, such part of such Stocks as such Court shall think fit. And all Plate shall be preserved and delivered to such Orphan when at Age in kind, according to weight and Quantity.

VI. And be it further Enacted, That no Guardian shall let or farm out any Land belonging to any Orphan for a longer term than the Orphan be of Age, or in other manner than by lease in writing; And that Special Care be had that the Tenant shall improve the Plantation, and that he or she keep the Houses, Orchards & Fences thereon, or that shall be erected on the same in good and sufficient repair, and leave the same so at the Expiration of Such Lease, and that Provision be made in Such Lease for preventing all kind of waste and Employing any Timber to any other use than the immediate use of the Plantation.

VII. And be it further Enacted, That if the Guardian of any Orphan shall suffer his or her Land to lapse or become forfeited for non-payment of Quitrents such Guardian shall be liable to answer the full value of the Lands as forfeited unto such Orphan at his or her coming of Age. And if it shall so happen that any Orphan Shall not have Slaves to Cultivate his or her Land, and the Guardian of such Orphan cannot rent the same for sufficient to pay and Discharge the Quitrents thereof, and there shall not be personal Estate Sufficient for that purpose, it shall and may be lawful for such Guardian with the Consent and Approbation of the County Court, Annually to Sell and Dispose of, or use so much of the Lighthoofd, to Box so many Pine Trees, or to sell so much of the Timber on the same, as shall raise sufficient to pay and Satisfie the Quitrents thereof and no more.

VIII. And be it further Enacted by the Authority aforesaid, That the Justices of every County Court in this Province respectively, shall on the first day of the Court that shall be held next after the first Day of January in every year, or if no Court be then held, on the first Day of the next Succeeding Court, hold an Orphans Court for the purpose aforesaid, and every person heretofore Appointed, or that Shall hereafter be appointed Guardian to any Orphan by any Court, or by Deed or Will as aforesaid, shall exhibit Such Account as aforesaid, and the Justices of every Court shall at the same Court Examine Into all Accounts of Guardians so to be Exhibited to them, and shall Direct a Summons to Issue returnable to their next Court against all Guardians who shall then fail to appear and render such Account, whether such Guardian be resident in the Same or any other County: and Shall then also enquire Into the Abuses and mismanagement of Guardians and whether they or their Securities are likely to become Insolvent, and thereupon to proceed according to the power in this Act before given. And if any such guardian, shall wilfully neglect after being summoned as aforesaid, to appear, obstinately refuse to Exhibit such Account it shall and may be
lawful for the Court to issue an Attachment for such Contempt, and to
Commit such Guardian, until he or she shall Exhibit such Account. Pro-
vided always, that nothing herein before Contained shall be Construed to
restrain the Power of the County Courts, in inquiring as often as they shall
think proper into the abuses and mismanagement of Guardians, but that it
shall be lawful for them to Execute such power at any time or times, when
to them it shall Appear necessary, anything in this Act Contained to the
Contrary notwithstanding.

IX. And be it further Enacted, That the Church Wardens of every Parish
In this Province shall annually at the Orphans Court to be holden for their
Counties respectively, present to the Justices thereof, upon Oath in Writing
the names of all Orphans, Children within their Parish, that they shall
know have not Guardians appointed them and are not bound out to some
Trade or Employment, and all abuses, mismanagements and neglects of such
Guardians as live within their Parish.

X. And be it further Enacted, That the Justices of every County Court
and the Church Wardens of every Parish respectively, who shall fail or
neglect to do their Duty herein, shall forfeit and pay the Sum of Ten Pounds
Proclamation money each, one half to our Sovereign Lord the King, his
Heirs and Successors to and for the use of the County wherein such neg-
lect or failure shall be, and the other half to the Informer, to be recovered
by Action of Debt, Bill, Plain or Information, with Costs in any Court of
Record.

XI. And be it further Enacted by the Authority aforesd., That it shall
be lawful for every Guardian to Charge in his Account, all reasonable Dis-
sbursements and Expences; And if upon rendering such Account it shall
appear to the Court that such Guardian hath really and bona fide disbursed
more in one year than the Profits of the Orphans Estate do amount unto
for the Education and maintenance of the Orphan Such Guardian shall be
allowed & paid for the Same out of the Profits of such Orphans Estate in
any other year. Provided always, that such Disbursements be in the
opinion of such Court, suitable to the Degree and Circumstances of the
Estate of such Orphan: And that where such Estate shall be of so small
value that no person will Educate or Maintain him or her for the Profits
thereof, Such Orphan shall by direction of the Court be bound apprentice,
every male to some Tradesman, Merchant, Mariner, or other person, ap-
proved by the Court, until he shall attain the Age of Twenty-one Years,
and every Female to some Suitable Employment, till her Age of Eighteen
Years, and the Master or Mistress of every Such Servant shall find and pro-
vide for him or her Diet, Cloaths, Lodging, and Accommodations fit and
necessary, and shall Teach, or Cause him or her to be Taught, to read and
write, and at the Expiration of his or her Apprenticeship shall pay every
such Servant the like allowance as is by law Appointed for Servants by
Indenture or Custom, and on refusal shall be compelled thereto in like
manner; And if upon Complaint made to the County Court it shall appear
that any such Apprentice is ill used, or not Taught the Trade, Profession,
or Employment to which he or she was bound, it shall be lawful for such
Court to remove and Bind him or her to such other person or persons as
they shall think fit.

XII. And be it further Enacted, That the binding of such servant by
Order of Court as aforesd: Shall be by Indenture made in the name of the
presiding Acting Justice of the Court and his Successors of the one part,
and of the Master or Mistress to whom he or she shall be bound of the
other; which Indenture shall be Acknowledged or proved before such Court
and Recorded and a Counterpart thereof, shall remain and be kept in the Clerks office, for the benefit of such Servant; and that any person or persons injured, may and shall at his or her costs ahd Charges prosecute a Suit thereon in the name of Such Justice, or his Successor, and recover all Damages which he or she may have sustained by reason of the Breach of the Covenants therein Contained. And if any Verdict or Judgment Shall pass for such Master or Mistress, he or she shall recover Costs.

XIII. And be it further Enacted by the Authority aforesaid, That where any person who now is or hereafter shall be Security for the Estate of any Orphan, shall conceive himself in danger by reason thereof, and Petition the Court where such Security was entered into for Relief, it shall be lawful for such Court upon Petition to them Exhibited, forthwith to Order Summons to issue against the Party or Parties with and for whom the Petitioner Stands bound, returnable to the next Court, and thereupon to compel Such Party or Parties to give sufficient other or Counter Security, to be approved by the said Court or to Deliver to the Said Estate to the Petitioner or Such other person as the Court shall direct, or they may and are hereby Impowered to make such other order or Rule therein for Relief of the Petitioner and better Securing such Orphan's Estate as to them shall appear just and equitable. Provided always, that such Court shall take good and Sufficient Security of the Person or Persons to whom such estate shall be so Committed in like manner and under the like penalty as is by this Act required, to be taken of Guardians Appointed by the Court and every such Person shall also Exhibit his Account and be Subject to the Rules and Orders of the Court in the same manner to all Intents and purposes as is herein before required of Guardians or they are made Subject unto.

XIV. And be it further Enacted by the Authority aforesaid, That all Legacies, Filial Portions, distributive Shares of Intestates Estates, Sum or Sums of money, or other Estate, due or owing from any Person appointed Guardian to any Orphan from any Executors or administrators, Shall and may be recovered by Petition to the Supreme Court of the District or any County Court; and that in all Suits by Petin. as aforesaid.; in the said Courts respectively, the following rules and methods shall be observed, to-wit:

The Petitioner shall file his Petition in Court, upon Exhibiting the same, and thereupon a Summons shall be Issued by the Clerk of Court; and that upon the Defendants being served therewith, and with a Copy of the said Petition, he shall appear and put in his Answer or Plea upon oath or Demur.

That upon an Answer, Plea, or Demurrer being filed as aforesaid, the Pet'r may move the Court to have the Same Set for hearing and Immediately Argued, and thereupon the Court shall proceed to hear and Determine the same according as the matter in Equity and Law shall appear to them, without regard to form or want of form in the Petition Process, or Course of Proceedings.

That upon the Defendant being served with a Summons and Copy of the Petition Ten Days before the Court to which such Summons is returnable and Oath made thereof; if he Shall fail to Appear and Plead, Answer, or Demur as aforesaid., the Pet'r's Petition shall be taken pro confesso, and the matter thereof decreed Accordingly with Costs, unless on Special Reasons Shewen to and Aproved of by the Court, time shall be Allowed Such Defendant to file such Plea, Answer or Demurrer.
That upon the Petr. dismissing his Petition, or the Same being dismissed for want of prosecution he shall pay Costs.

And if any Defendant shall appear on such Summons, and shall Obstinate refuse to answer the Petition of the Petr., the same shall be taken pro Confesso and the matter decreed as aforesaid.

Every Defendant shall be at liberty to Swear his Answer or Plea before any Justice.

That when a Plea or Demurrer Shall be overruled the Defendant shall file his Answer the same Court.

That when the Petitioner shall be minded to disprove the answer of the Defendant and Support his Claim he may reply.

Commissions to Examine Witnesses may be Awarded by the Court after Replication filed.

The Party taking out such Commission giving the adverse party Ten days Notice of the time and Place of Executing the same.

And that upon a Decree being made on any such Petition, it shall and may be lawful for the Court who shall make the same, to grant Execution against the Defendant's Body, Goods, and Chattels, Lands and Tenements, for Satisfying such Decree and Costs; any Law, Usage or Custom to the Contrary notwithstanding.

XV. And be it further Enacted by the authority afores'd, That when any person Shall conceive himself Injured or aggrieved by the Order or Sentence of any County Court in appointing a Guardian to any Orphan or in removing any Orphan from the Care and Tuition of any person who has been appointed such or on refusing to make Such appointment or removal as afores'd, he may appeal from Such Order or Sentence to the Court of Chancery of this Province or to the Supreme Court of the district at his Option, and the Party praying Such appeal Shall fyle a Copy of the proceedings of the County Court therin with the Clerk of the Chancery or Clerk of the Supreme Court, as the Case may be, fifteen Days before the Sitting of Such Court, and thereupon it Shall and may be lawful for the Court to which Such appeals is made to proceed to rehear the matter and either affirm or reverse Such Order or Sentence, and thereupon to award Execution for all Such Costs and Charges as Shall be occasioned by Such appeal. Provided, nevertheless, that the Party praying Such appeal before the Same Shall be granted by the County Court enter into Bond with Sufficient Security for prosecuting Such Appeal with Effect, and the payment of all Such Costs and Charges as Shall be awarded against him in Case he Shall be Cast in his said appeal. Provided Also, that nothing in this Act contained Shall be Construed to restrain or abridge the Power of the said Court of Chancery in any matter or thing relating to Orphans or their Estates, but that it Shall and may hold, use and exercise and enjoy the Same Jurisdiction, powers and Authorities therein in as full and ample manner to all intents and purposes as if this Act had never been made, any thing herein Contained to the Contrary notwithstanding.

XVI. And be it further Enacted by the Authority afores'd, That an Act of Assembly Intituled "An Act Concerning Orphans," and all and every other Act and Acts, Clause and Clauses thereof, heretofore made for or Concerning any matter or thing within the purview of this Act, Shall be and are hereby from henceforth Repealed and made void.

XVII. And be it further Enacted by the Authority afores'd, That this Act Shall be, Continue and Remain in full force and Virtue for and During the Space and Term of Five Years from the passing thereof, and from Hence to the End of the next Session of Assembly, and no longer.
CHAPTER VII.

An Act to Direct the Method of Appraising Lands whereon Forts or Batteries Now are, or hereafter shall be Erected for the Defence of this Province.

Whereas, His Majesties Service and the Safety of this Province requires that Forts and Batteries should be Erected on the Sea Coast and the Frontiers of this Government on Lands the property of private persons, several of whom are out of the Province, that no Title can be had thereto by purchasing the same, Wherefore that his Majesty's Service may not suffer nor the Defence of this Province be neglected for want of so much Land as may be necessary for the purposes aforesaid,

I. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That it shall and may be lawfull by Order of the Governor or Commander in Chief for the time being for the Sheriff of the County where any Land lies which has heretofore been Appointed or which within one year from the passing of this Act shall be Appointed by the Governor or Commander in Chief for the time being, or Building thereat any Fort or Battery on the Sea Coast or Frontier of this Province, to summon a Jury of Freeholders of the same County, on their Oath to Appraise and set a value on Six Acres of Land so Appointed for every such purpose, which said six Acres of Land shall be Surveyed and a plat thereof, together with the Appraisement of the Jury, returned to the County Court and recorded, and shall immediately thereupon vest in His Majesty. And the said Appraisement so returned and recorded as aforesaid shall be deemed and held Sufficient in Law to Convey the Estate of the former Owner therein to his Majesty, his Heirs and Successors, and shall enure and take Effect as fully and Absolutely to his and their Benefit and Advantage as if the same had been conveyed by Indenture of Bargain and Sale, Lease and Release, or by any other ways and Means whatsoever.

And be it further Enacted by the Authority aforesaid, That at any time after an Appraisement shall be made and returned in pursuance of this Act the former Owner of the Land so Appraised shall, on Application, be paid the Appraised value of the same by the Treasurer of the District wherein the Land lies out of the Publick Money which he shall have in his hands for defraying the contingent Charges of Government.

CHAPTER VIII.

An Act to prevent the Exportation of Provision and live Stock from this Province to the French or Neutral Ports.

Whereas, supplying the Subjects of the French King with Provisions from this Province, in the present Time of Danger, may contribute towards the facilitating of their Designs of making Encroachments and Depredations on his Majesty's Territories in the Northern Provinces; For Prevention whereof,

I. Be it Enacted by the Governor, Council and Assembly, and it is hereby Enacted by the Authority of the same, That from and after the first Day of November next no Person or Persons whatsoever shall export out of this Province into any Port belonging to or in the Possession of the French King, or any of his Subjects, or into any Neutral Port, any Indian Corn, Wheat, Flour, Bread, Rice, Beef, Pork, live Stock or other Provisions whatsoever, or sell, vend or dispose of any such in any such Port, or to any Master, Commander or other Person concerned in Navigation of any Ship belonging to
the said French King or any of his Subjects; and every Master of any Ship or other Vessel which, after the aforesaid First Day of November next, shall be laden in any Port within this Province, shall, before his Ship or Vessel shall be cleared out by the Collector of the Customs in the said Port, enter into Bond, with Two or more good and sufficient Securities, to the Governor or Commander in Chief for the Time being, in the Penalty of Five Hundred Pounds, Proclamation Money, with Condition that he will not vend, sell or dispose of any such Provisions then on Board his Ship or Vessel contrary to the Directions of this Act; and moreover, shall take the following Oath, to-wit: “I, A. B., do swear, that I will not, directly or indirectly, vend, sell or dispose of, or Knowingly suffer or permit any Person or Persons on Board my Vessel to vend sell or dispose of any Indian Corn, Pease, Wheat, Flour, Bread, Beef, Pork, live Stock or other Provisions on Board my said Vessel, to any of the Subjects of the French King, contrary to the Directions of the Act of Assembly intituled, “An Act to prevent the Exportation of Provisions and live Stock to the French or Neutral Ports. So help me God.” And every such Collector is hereby empowered, authorized and required to take such Bond and security, and administer such Oath, and shall and may receive of every such Master or Commander for the same Five Shillings and Four-pence, Proclamation Money; and no Collector shall clear out any Ship or Vessel, or deliver up the Register until the Master or Commander thereof shall have given such Bond and Security, and taken such Oath as aforesaid: And every Collector failing or neglecting to take such Bond, or administer such Oath, shall forfeit and pay the sum of Five Hundred Pounds, Proclamation Money, to be recovered in the Name of the Governor or Commander in Chief for the Time being, by the Informer, with Costs, by Action of Debt, Bill, Plaint or Information, One Half to the Use of this Province towards defraying the contingent Charges thereof, and the other Half to the Use of the Informer; and if any such shall be prosecuted on the said Bond, the Penalty thereof, when recovered, shall be applied and divided in like Manner.

II. And for the better Discovery of Violations of this Act, Be it Enacted, by the Authority aforesaid, That every Master or Commander of any Ship or Vessel laden in this Province which, after the aforesaid first Day of November next, shall be cleared out by any Collector as aforesaid, shall, within Twelve Months after being cleared out, produce to and lodge with the Collector from whom he had such Clearance a Certificate, under the Hand and Seal of a Collector of the Customs in some one of his Majesty’s Plantations of his having delivered his Cargo in some Port of such Plantations; and thereupon such Collector shall deliver up such Bond to be cancelled; and if such Master or Commander shall fail or neglect to produce such Certificate, and lodge the same with the Collector within the Time aforesaid, such Failure or Neglect shall be deemed a Forfeiture of his Bond. Provided nevertheless, That if no Suit shall be commenced on such Bond within Two Years from the Date thereof, the same shall be held and deemed to be null and void, any Thing herein contained to the contrary notwithstanding.

III. And be it further Enacted by the Authority aforesaid, That this Act shall continue and be in Force for and during the Space of Two Years after the aforesaid first Day of November next, and from thence to the End of the next Session of Assembly, and no longer.
An Act to prevent malignant and infectious Distempers being spread by Shipping importing distempered Persons into this Province; and other Purposes.

Whereas, there is no Provision made by any Law of this Province to compel Vessels arriving from Foreign Ports with the Plague, Small-Fox or other infectious Distempers on Board (except such as may arrive at Port Brunswick), to perform Quarantine, altho' the other Parts of this Province are liable to be infected thereby, unless timely prevented:

I. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing of this Act the Master of every Vessel coming in at Occacok Inlet, before he proceeds with his said Vessel to any other Port of this Province, shall go on shore at Fort Granville and there make Oath, before the Commander of the said Fort for the Time being (who is hereby authorized and impowered to administer the said Oath to such Master or Masters), whether or not he hath any contagious Distemper on Board such his Vessel, under the Penalty of Fifty Pounds, Proclamation Money; and the Pilots attending the said Bar or Inlet are hereby commanded and required not to proceed with any Vessel further than the Swatch until such Master of Vessel shall go on shore at Fort Granville and declare, upon Oath, before such Commander for the Time being of the said Fort, whether there be any contagious Distemper on board his Vessel, and until a Permission be given by the Commander of the said Fort for that Purpose, under the like Penalty of Fifty Pounds, Proclamation Money; for which Oath and Permission the Commander of the said Fort for the Time being shall and may have and receive from the Commander of such Vessel the sum of Five Shillings, Proclamation Money.

II. And be it further Enacted by the Authority aforesaid, That if it shall happen that any such Vessel shall have any contagious Distemper on Board, the Commander of the Fort shall order such Vessel to lie opposite to such Fort, or such other Place as he may think proper, until further Orders shall be given by the Governor or Commander in Chief for the Time being, who is hereby authorized and impowered to give such Direction for the said Vessel and her Crew's performing Quarantine as he shall think necessary; and if any Master of a Vessel so ordered to perform Quarantine shall not obey such Order, such Master shall forfeit the sum of Fifty Pounds, Proclamation Money, One Half to be applied towards the Contingent Charges of the Government and the other Mokey to the Informer.

III. And be it further Enacted, That if any Person, Mariner or Passenger, on board such Vessel ordered to perform Quarantine, shall presume to desert or come on shore from the said Vessel, without Licence from the Commander in Chief for the Time being, until she hath fully performed such Quarantine, such Person shall forfeit and pay Fifty Pounds, Proclamation Money; And if any Person or Persons not belonging to such Vessel shall presume to go on board such Vessel before she hath fully performed Quarantine, such Person shall be compelled to stay on board during the whole Time, under the like Penalty of Fifty Pounds.

IV. And be it further Enacted, That all Fines and Forfeitures mentioned in this Act shall be recovered by Action of Debt, Bill, Plaint or Information, in any of the Supreme Courts in this Province, by any Person or Persons who shall inform or sue for the same.
CHAPTER XI.

An Act for ascertaining a proper Place for building thereat a Court-house, Prison, Pillory and Stocks for the County of Beaufort.

Whereas, the County of Beaufort is in Extent from East to West about Seventy Miles, and the Court-house thereof being erected in the Town of Bath, which is within Six Miles of the East Boundary thereof, renders it extremely difficult and inconvenient for the Inhabitants of the said County to attend Courts, General Musters and other Public Duties; and the said Inhabitants having petitioned this Assembly to be relieved:

I. Be it therefore Enacted by the Governor, Council and Assembly, and it is hereby Enacted by the Authority of the same, That Robert Palmer, John Barrow, Edward Salter, John Hardy and William Spler, or the Majority of them, shall and may and they are hereby required, within Six Months after passing this Act, to agree and contract with Workmen for the building and erecting a suitable Court-house, Prison, Pillory and Stocks, for the Use of the said County, on the land of Thomas Bonner, Junr., on the North Side of Pamplico River, in the said County.

II. And be it further Enacted, That so soon as the said Court-house, Prison, Pillory and Stocks shall be erected and finished, the Justices of the Court of the said County shall and are hereby directed and required to adjourn the said Court, by their Order, from the Place where the same now is held at Bath-Town, to the Court-house so to be erected and built on the Land of Thomas Bonner aforesaid, by Virtue of this Act; and all Suits, Actions, Plaints, Pleas and other Matters and Things before the said Court then depending and determined, shall stand adjourned and continued accordingly; and all and every Person and Persons having Day in the said Court, and all Witnesses, bound and obliged to appear at the same according to such Adjournment.

III. And be it further Enacted by the Authority aforesaid, That the said Justices of the said Court shall and are hereby required to levy, on the taxable Persons in their County, sufficient to satisfy and pay the Contract that the said Robert Palmer, John Barrows, Edward Salter, John Hardy and William Spler, or the Majority of them, shall make and enter into for erecting the said Buildings.

IV. And be it further Enacted by the Authority aforesaid, That all and every Act and Acts, Clause and Clauses, Article and Articles thereof, for any Matter or Thing within the Purview of this Act, shall henceforth be repealed and made void.

CHAPTER XII.

An Act to appoint the place for erecting the Court-house and prison in the county of Onslow, and other purposes therein mentioned.

Whereas, by experience it is found that the situation of the court-house in Onslow county, before it was destroyed by the storm, was not central, and by reason of a wide ferry, often impassable, very inconvenient to the greatest part of the inhabitants, and that there are no houses for accommodation near the place; for remedy whereof,

I. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That the Justices of the county of Onslow shall have full power and authority, and are hereby required, within the space of six months next after the passing of this act, to erect a court-house, prison, pil-
lory and stocks for the use of the county, and to agree with workmen to build and finish the same, at Wantland's ferry, in the said county.

II. And be it further enacted, That so much of the county taxes heretofore annually levied for that purpose, and now in the hands of the justices, shall be applied to the erecting the said new court-house, prison, pillory and stocks, near Wantland's ferry, and to no other purpose whatsoever; and that hereafter all elections and other business of the said county shall be transacted at the said court-house by this act appointed to be built and erected.

III. And be it further enacted, That for the convenience of the inhabitants of the said county passing to and from the said court-house to transact their public business, the ferry called Wantland's ferry, at all such times, shall be maintained at the county charge, to be paid out of the county tax.

IV. And be it further enacted, That so much of an act, intituled, "An Act for appointing and laying out a town at or near Mittam's point, on the south side of New River, in Onslow county, by the name of Johnston, for so much thereof as relates to holding the court and transacting all other public business for the said county in the town of Johnston, is hereby from henceforth repealed.

CHAPTER XIV.

An Act for laying out a Road from Orange County Court-house to a Landing on the North-West of Cape Fear River.

Whereas, a Road from Orange County Court-house to a convenient Landing on the North-West River of Cape Fear would be of very great Advantage to the Inhabitants of the said County; which, by reason of the Inhabitants of those Parts belonging already to other Districts, cannot be altered but by Authority of Assembly: Wherefore,

I. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That Mr. John Patterson, Mr. James Taylor and Mr. Lawrence Thompson be, and they are hereby appointed Commissioners, with full Power and Authority to lay out a Road, as convenient as may be, for the said Inhabitants, From Orange County Court-house to a Landing on the North-West of Cape Fear River, near Col. Thomas Armstrong's; and when the said Road shall be so laid out, all the Inhabitants on each side thereof within Five Miles of the same shall be obliged to work thereon; and for Default therein shall be liable to the same Fines and Forfeitures as People liable to work on Public Roads have heretofore been.

II. And be it further Enacted by the Authority aforesaid, That the Commissioners aforesaid shall be invested with the same Power and Authority as other Commissioners of Roads to appoint Overseers of the said Road, and to recover the Fines and Forfeitures by Law directed.
LAWs OF NORTH CAROLINA--1756.

At a General Assembly begun and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty Four, and from thence continued by several Prorogations, to the Thirtieth Day of September, in the Year of our Lord One Thousand Seven Hundred and Fifty Six, being the Third Session of this Assembly. Arthur Dobbs, Governor.

CHAPTER I.

An Act for granting to His Majesty an Aid of Three Thousand Four Hundred Pounds to defray the Expence of erecting a Fort, raising and paying two Companies for the Defence of the Western Frontier of this Province.

Whereas, several Parties of Indians, in the French Interest, have committed divers Hostilities on the Frontiers of this Province: Wherefore, to prevent their further Encroachments and the better to secure the Inhabitants from their future Insults and Depredations,

I. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That the Sum of Three Thousand Four Hundred Pounds be granted to his Majesty, to be applied in erecting a Fort at such Place on the Western Frontier as the Governor or Commander in Chief for the Time being shall appoint; and that two Companies shall be raised and subsisted, each of which said Companies shall consist of Fifty Men, exclusive of one Captain, Two Lieutenants, One Ensign and one Surgeon, and shall be employed in erecting and garrisoning the said Fort, and in garrisoning a Fort already erected at Third Creek, on the South Yadkin, and on such other Duty and Service, in Defence of the Frontier, as the Governor or Commander in Chief for the Time being shall direct.

II. And be it Enacted by the Authority aforesaid, That the Officers and Soldiers of the said two Companies, during the time of their continuing in pay, shall be found and provided with convenient and suitable Clothing and Subsistence, and be allowed and paid the following Pay, per Diem, that is to say, A Captain, Seven Shillings and Six Pence; a Lieutenant, Five Shillings; an Ensign, Four Shillings; a Surgeon, Four Shillings; a Sergeant, Two Shillings; a Corporal, One Shilling; a Drummer, One Shilling, and every Private Soldier Eight Pence, Proclamation Money; And such Allowance or Pay shall, by the Publick Treasurer, be paid by the Governor's Warrant to the respective Captains or Officers of the aforesaid Companies, ordered by the aforesaid Captains to receive the same, once every Quarter, according to the Master Roll of each Company, to be returned to the said Treasurer upon Oath; and after such pay shall be received by such Captain or Officer, if such Captain or Officer, having received the Soldiers' Pay, shall refuse to pay each respective Non-commissioned Officer and Soldier their respective pay once every Month, when it shall become due, at the Rates before mentioned, he shall be forthwith dismissed from his Command and forever rendered incapable of serving in any Post or Office in this Province.

III. And be it further Enacted by the Authority aforesaid, That the said two Companies may be continued and kept in pay from the Tenth Day of November next after the Passing of this Act until the Tenth Day of November, which will be in the Year of our Lord One Thousand Seven Hundred and Fifty Seven, if necessary for his Majesty's Service, and no longer.
IV. And whereas, there is not at present Money in the Treasury out of which the Sum herein granted to his Majesty can be raised, Be it Enacted by the Authority aforesaid, That a Poll-Tax of Two Shillings be and is hereby laid on each taxable Person within this Province for the Year next ensuing; which shall be by the Sheriffs of the several Counties collected, accounted for and paid to the Treasurers of the respective Districts, at the same Time and in such Manner and under the like Penalties as is by Law directed for the collecting and accounting for and paying other publick Taxes, and applied as is hereinafter directed.

V. And be it further Enacted by the Authority aforesaid, That an additional Duty of Two Pence per Gallon be laid on all Wines, Rum and other Spirituous Liquors to be imported into this Province, for and during the Space of one Year from the Passing of this Act, which Duty shall be collected, accounted for and paid by the Collectors of the several Ports, to the Treasurers of the Districts to which the said Ports respectively belong, and applied as hereinafter directed.

VI. And in the present Exigency, to supply the Place of Money to answer the Purposes intended by this Act, Be it Enacted by the Authority aforesaid, That John Starkey, Esquire, be, and he is hereby empowered and directed, to sign publick Notes of Credit to the Amount of the aforesaid Sum of Three Thousand Four Hundred Pounds; the largest of which shall not be for more than Fifty, nor the smallest for less than Five Pounds; which Notes, by their Tenor, shall entitle the Possessors thereof from the Dates they shall respectively bear, to be paid the Sums in the same mentioned out of the public Treasury, with lawful Interest, on the Tenth Day of November, which will be in the Year of our Lord One Thousand Seven Hundred and Fifty Seven.

VII. And be it further Enacted by the Authority aforesaid, That the said John Starkey, on the Tenth Day of November next after the Passing of this Act, and as often afterwards as required, until the said Public Notes of Credit amounting to the said Sum of Three Thousand Four Hundred Pounds, be by him paid, shall make Payment In such Notes to the Amount of such Sum or Sums as the Governor or Commander in Chief for the Time being shall direct, to such Person or Persons as he shall appoint to receive the same; who shall, when required, be accountable to the Assembly for all such Notes as he or they shall receive by such Appointment: And the said Notes shall be dated at the Times on which they shall respectively be paid to the Person or Persons so to be appointed to receive them by Order of the Governor or Commander in Chief aforesaid. Provided nevertheless, That it is the true Intent and Meaning of this Act that all Payments to be made in the said Notes or in Money, for which the same may be exchanged, shall be made to the said Captains, for the Use of their Companies, and to such other Person or Persons as shall be employed by the Governor to procure Materials and Necessaries for to build the said Fort, and not to any other Person or Persons, without their Direction, for the respective Purposes aforesaid.

VIII. And be it further Enacted by the Authority aforesaid, That the said public Notes of Credit shall and may be disposed of, as the Governor or Commander in Chief for the Time being shall think most expedient for his Majesty's Service in defraying the Expence of buying Materials and procuring Necessaries and for building the Fort by this Act intended to be built, and for raising, subsisting and paying the Companies hereby directed to be raised, or in exchanging the same for the Current Money of this Province, to be applied to the Purposes aforesaid.
IX. And be it further Enacted by the Authority aforesaid, That the Possessors of the said public Notes of Credit, at the Expiration of one Year from the Tenth Day of November next after the Passing of this Act, shall be intituled to the Principal and Interest due by the Tenor thereof, in Proclamation Money, to be paid out of the public Treasury: And the Treasurers are hereby directed and required out of the Money which they shall receive by virtue of this Act to pay all such Sums of money as shall be due thereon, and to take in the said Notes, that they may be produced to the Assembly, in order to be burnt.

X. And be it further Enacted by the Authority aforesaid, That all public Notes of Credit, to be signed and paid by the said John Starkey as is herein before directed, shall, within six Months after the Time they become payable, be presented to the public Treasurers, or one of them, for Payment: and the Possessors thereof, failing to present them as aforesaid and demand Payment thereof, shall ever after be barred and precluded from any Demand or Claim on the Public on Account of the same.

XI. And whereas, by an Act of Assembly, intituled, "An Act for granting to his Majesty the Sum of Forty Thousand Pounds in Public Bills of Credit, at the Rate of Proclamation Money, to be applied towards defraying the Expence of raising and subsisting the Forces of his Majesty's Service in this Province to be sent to Virginia, and for other Purposes therein mentioned," it was, amongst other Things, Enacted, That Twelve Thousand Pounds, Proclamation Money, should be applied to the enlisting, subsisting and paying of Forces designed for the Assistance of Virginia against the French and Indians: And, Whereas, after paying the whole Expence of enlisting, subsisting and paying the Forces, which were in Consequence of the said Act employed in the Service aforesaid, there remained the Sum of One Thousand Pounds, which Surplus has not been hitherto appropriated to any Purpose whatsoever: Be it therefore Enacted by the Authority aforesaid, That the said One Thousand Pounds be and is hereby appropriated towards defraying the Expence of erecting the Fort herein before directed to be built, and of raising, paying and subsisting the Companies by this Act intended to be raised; and shall be applied to those Purposes in such Manner as the public Notes of Credit, or Monies for which the same may be exchanged, are, by the Direction of this Act, to be applied.

XII. And be it further Enacted, by the Authority aforesaid, That if the Poll-Tax and Duty on Liquors, hereinbefore imposed and laid, and the said Sum of One Thousand Pounds, the remaining Surplus of the Money appropriated for paying the Forces sent to the Assistance of Virginia, as aforesaid, shall amount to more than will answer the Purposes intended by this Act, whatever shall remain shall be applied towards defraying the contingent Charges of Government, and to no other Use or Purpose whatsoever.

XIII. And be it further Enacted by the Authority aforesaid, That if any Person shall forge or counterfeift any of the public Notes of Credit in this Act directed to be signed, as is herein before mentioned, or pass or transfer the same, in Exchange or Payment, Knowing them to be forged or counterfeited, the Offender being thereof lawfully convicted, shall be adjudged a Felon, and suffer as in Cases of Felony, without Benefit of Clergy.
CHAPTER II.

An Act for the better Regulation of the Militia, and for other Purposes.

Whereas, the Militia of this Province requires to be well disciplined in their Duty, for the Defence of the Country against the common Enemy at this critical Juncture;

I. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That all Freemen and Servants within this Province, between the ages of Sixteen and Sixty, shall compose the Militia of this Province; and that the several Captains of the same shall, within three Months next after the Passing of this Act, and so annually, enroll the Names of all such Freemen and Servants, of which their several Companies shall consist, and return a Copy thereof to the Colonel of their respective Regiments, to which they belong, under a Penalty of Ten Pounds, Proclamation Money; to be levied, accounted for, and applied as is herein after directed: Which Copy, so returned, shall, by every Colonel, be returned to the Governor or Commander in Chief for the Time being, under the like Penalty to be recovered. And that all Persons after having been so enrolled, who shall, at any Time hereafter (unless rendered Incapable by Sickness or Accident) neglect or refuse, when called upon, to appear at such Times and Places where they are ordered by the Colonel or Commanding Officer, there to be mustered, trained and exercised in Armes, and be provided with a well fixed Gun, and a Cartridge Box, and a Sword, Cutlass or Hanger, and have at least nine Charges of Powder and Ball, or Swan Shot, and three spare Flints, and a Worm and Picker, shall forfeit and pay for his Non-Appearance or Want of being accoutred as aforesaid, the Sum of Ten Shillings, Proclamation Money, to be levied and applied as other Fines in this Act are directed. Provided, That no Member of his Majesty's Council, no Minister of the Church of England, no Justice of the Supreme Courts, no Member of Assembly, Secretary, Attorney-General, practising Attorney or Commissioned Officers which have served in the Army, no Justice of the Peace, no Clerks of the Court of Justice, practicing Physician, Surgeon, Overseer having the care of Taxable Slaves, or Ferryman, except such of the said Persons as bear any Military Commission, shall be obliged to inlist themselves or appear at such Musters as aforesaid.

II. And be it Enacted by the Authority aforesaid, That in Case of any Invasion of this Province, or Expedition to be carried on against an Enemy within the Province, it shall be lawful for the Governor or Commander in Chief for the Time being, or any Field Officer by him directed, to raise all, or so many of the Militia, as shall be thought necessary for opposing such Invasion, or supporting such Expedition and the Militia so raised and assembled, shall perform such Duty and Service as they shall be required to do by their commanding Officers. And it is hereby required and directed, the said Militia shall appear furnished with Armes, Ammunition and Accoutrements, as aforesaid; and every Person on such Duty or Service (except as before excepted) on a Call or an Alarm Given, to appear at such Times and Places as shall be appointed by his Captain or other Officer, who shall refuse to march against the Enemy, when commanded, or refuse or neglect to do his Duty, or perform the Service he is put upon by such Captain or other Officer, shall be punished according to the Nature of their Offence, by the Rules and Orders of the Martial Law: And in Case any Enemy make any March or Encroachment upon this Province, in order to surprise, pillage, or distress the Inhabitants of this Province, It shall and may be lawful for any Field Officer, or Captain of the Militia of this
Province, to call upon the Militia of the County, or Company under his command (except those before excepted) to mount Guard, march against the Enemy, or do any other Duty or Service the Defence of the Country may require, and give and continue the Alarm as occasion may happen; and all Persons liable to obey such Command, on Refusal or Disobedience to their Officer or Officers, shall be tried and punished by a Court Martial, composed of not less than Five Officers.

III. And be it further Enacted by the Authority aforesaid, That the several Officers of the Militia, and the Men, when on Duty, and in the actual Service of their Country, shall, from the Day they are ordered on Duty, be paid according to the Rates following; that is to say

<table>
<thead>
<tr>
<th>Rank</th>
<th>Rate</th>
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<tbody>
<tr>
<td>A Colonel, per Day</td>
<td>£ 0.12d 6</td>
</tr>
<tr>
<td>A Lieutenant Colonel</td>
<td>£ 0.10d 0</td>
</tr>
<tr>
<td>A Major</td>
<td>£ 0.10d 0</td>
</tr>
<tr>
<td>A Captain</td>
<td>£ 0.07d 6</td>
</tr>
<tr>
<td>An Adjutant</td>
<td>£ 0.07d 6</td>
</tr>
<tr>
<td>A Lieutenant and Surgeon, each</td>
<td>£ 0.05d 0</td>
</tr>
<tr>
<td>An Ensign</td>
<td>£ 0.04d 6</td>
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<tr>
<td>A Serjeant</td>
<td>£ 0.04d 0</td>
</tr>
<tr>
<td>A Corporal and Drummer, each</td>
<td>£ 0.03d 6</td>
</tr>
<tr>
<td>A Private Man</td>
<td>£ 0.02d 8</td>
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IV. And be it Enacted by the Authority aforesaid, That if any Person shall be disabled in the Service of his Country, so that he cannot acquire a Livelihood, he shall have a good Negro Man purchased and given him, at the Public Charge, for his Maintenance; and if any Man shall be killed in the said Service, leaving behind him a poor Wife or Family, the same Provision shall be made for her or them.

V. And be it Enacted by the Authority aforesaid, That if any Soldier shall resist his commanding Officer, or refuse his lawful Commands when on Muster, or any other Duty, such Soldier shall be punished at the Discretion of his Officer, by being tied Neck and Heels, not exceeding ten Minutes, picketed, or riding the Wooden Horse; and if any Officer or Soldier shall refuse to carry such Commands into Execution, he or they so offending, shall forfeit and Pay the Sum of Five Pounds, Proclamation Money, to be levied and applied as other Fines mentioned in this Act. And if any Soldier upon Duty or on Service, shall quit his Post, desert his Colours, or mutiny, it shall and may be lawful, for one Field Officer or more, Four Captains, Four Lieutenants, Four Ensigns, or the Majority of them, with One Field-Officer, openly to hold a Court-Martial, first taking the following Oath: You shall well and truly try and determine, according to your Evidence, in the Matter now before you, between our Sovereign Lord the King's Majesty, and the Prisoner to be tried. So help you God. And on Trial and Conviction, to punish the Offender or Offenders according to Martial Law, as the Nature of the Offence may require: And for Want of such Number of Officers to compleat a Court-Martial, the Offender shall be kept under a Guard until such Time as there are a sufficient Number of Officers to hold a Court-Martial as aforesaid.

VI. And be it further Enacted by the Authority aforesaid, That the Colonels of each and every Regiment, shall, once in every Year, cause a general Muster to be made of their respective Regiments, at such Times and Places within the several Counties as they shall think proper to appoint; which if any of them shall neglect to do, and fail personally to appear at
such Musters, Sickness or Accident Excepted, he or they so offending, shall forfeit and pay the Sum of Twenty Pounds, Proclamation Money, to be recovered and applied as other Fines herein mentioned.

VII. And be it Enacted by the Authority aforesaid, That every Captain of a Company, shall, five Times Every Year, at such Times and Places, within their Several Districts, as their respective Colonels shall appoint, muster his Company, and see that every soldier in his Company be furnished with such Arms, Ammunition and Accoutrements, as in and by this Act is directed, under the Penalty of Five Pounds Proclamation Money, for each Muster he shall neglect, to be levied and applied as hereafter is directed; And that each and every Company belonging to the several Regiments of the Militia, shall consist of not less than Fifty Private Men, one Clerk, three Serjeants, three Corporals, and one Drummer.

VIII. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, to appoint a Troop or Troops of light Horse, in any County of this Province; which Troop or Troops, so appointed, shall be exempt from musterin in any of the Foot Companies within their several Counties, and shall be mounted on Horses not less than fourteen Hands high, and accou-tred with a good Case of Pistols, a Carabine, with a Swivel, Belt and Bucket, a broad Sword, and Cartridge Box, with twelve Charges of Powder and Ball, all of his own Property, and subject to muster as many Times, as well with Regard to private Musters, as to the General Muster of the County, and under the same Penalties, as in and by this Act is before directed for the Foot to muster.

IX. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Field Officers and Captains of every County, or the major Part of them, whereof, the Colonel, Lieutenant-Colonel, or Major shall be one: and they are hereby required to meet at the Court-house or Place of general Muster of their Counties, respectively, on the Days next following the respective general Musters, which shall be in their Counties, then and there to hold a Court-MartiaL; which said Court shall have full Power to adjourn, from Day to Day, not exceeding three Days, and enquire into the Age and Abilities of all Persons inlisted, and to exempt such as they judge incapable of Service; and of all Neglects and Omissions, as well by any Officer as Delinquent, returned by the Captains and other Officers for Absence from Musters, or appearing without Arms and Accoutrements as by this Act required; and to order the Fines inflicted by this Act to be levied upon such Officers and Delinquents, as shall not then and there make out some Just and reasonable Cause for not complying with their Duty; and to order and dispose of all such Fines, in the first place for buying Drums, Trumpets, Colours, and other Necessaries for the Use of the Company from whence the same shall arise, and afterwards for supplying the Militia with Arms: And the said Court is hereby directed and required to keep a Register of all their Proceedings, and for that Purpose to appoint a Clerk, and to allow him a reasonable salary out of the said Fines; and after the holding of every such Court, the Clerk shall make out Copies of their Orders, and deliver the same, within one Month next following such Court, to the Sheriff of the County, who is hereby empowered and directed to demand and receive the Sums therein charged, of the Persons made chargeable therewith; and in Case of Non-Payment on or before the First Day of May then next following, to levy the same by Distress and Sale of the Goods of the Party refusing, according to the Laws now in Force for enabling the sale of Goods destrained for Public and County Taxes; which
said Fines the Sheriff shall account to the said Court for, at the next Court after the first Day of May, yearly, after deducting Five per Centum for collecting the same, under the like Pains and Penalties, Rules and Restrictions, as for not accounting for public Taxes.

X. And be it further Enacted by the Authority aforesaid, That every Colonel (if a Resident of the County) failing to appear at any General Muster, or such Court as aforesaid, shall, for every such Offence, forfeit and pay the Sum of Five Pounds; and every Captain failing to appear at the said Court, shall forfeit and pay for every failure, Three Pounds, except rendered incapable by Sickness or other Accident: And every Captain, or in his Absence, the next commanding Officer, shall return to the said Court, on Oath, a List of the Persons who shall not appear at the respective Musters to which they shall be called, or shall appear thereat without their Arms or Accoutrements as aforesaid, under the Penalty of Ten Pounds; which said Fines, respectively, shall be assessed and collected as other Fines in this Act, and applied in supplying the Poor of the County with Arms: And every Clerk of such Court failing to deliver Copies of the Orders of the said Court to the Sheriff of the County, within the Time herein before limited, shall forfeit and pay Fifty Pounds; one Half to him or them, who shall sue for the same, and the other Half to the Use of the Poor of the County, to be applied in purchasing Arms as aforesaid, to be recovered in the Supreme Court of the District wherein such Failure or Neglect shall happen, by Action of Debt, with Costs.

XI. And be it Enacted by the Authority aforesaid, That each and every Captain of a Company shall procure a Copy of this Act, and be allowed for the same out of the Fines aforesaid; and shall cause the said Act to be read at the Head of his Company, at least twice a Year, under the Penalty of Five Pounds, Proclamation Money, to be recovered, levied, and applied as aforesaid.

XII. And be it further Enacted by the Authority aforesaid, That this Act shall be and continue in Force, for and during three Years, and from thence to the End of the next Session of Assembly.

XIII. And be it further Enacted by the Authority aforesaid, That from and after the Passing of this Act, all and every other Act and Acts for the Regulation of the Militia of this Province, and all Matters and Things therein contained, are hereby repealed and made null and void.

CHAPTER III.

An Act to amend an Act, for establishing the Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery of North Carolina.

I. Whereas, the Inhabitants of one and the same District, suing and inpleading each other in any other Supreme Court than that of the District wherein they both live, is become a Grievance; for Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That when any Suit or Suits shall hereafter be commenced in any of the Supreme Courts of Justice in this Province, and the Plaintiff and Defendant shall both be Residents of the same District, such Suit or Suits shall be brought to the Court of the District wherein they dwell; and if any Plaintiff or Plaintiffs shall bring any such Suit to any other Court, or Purpose to evade this Act, such Suit may be abated by the
Defendant, with the Costs; any Law, Usage, or Custom to the contrary notwithstanding.

III. And whereas, from a Misconstruction of an Act, intituled, An Act to provide indifferent Jurymen, in all Causes Criminal and Civil, and for an Allowance for the Attendance of Jurors attending at the Supreme Courts; it has been doubted, in Case any County Court should omit to nominate Jurors, or the Sheriffs neglect to summon, or the Jurors nominated and summoned should fail to attend at the Supreme Court of the District, whether such Supreme Court can order Bystanders to be impannelled as Jurors, instead of such who are absent thro' any such Omission or Neglect as aforesaid; it is hereby declared, and the true Intent and Meaning of the said Act is, That in any of the Cases aforesaid; the Supreme Court shall and may, and are hereby required to cause a sufficient Number of the By-standers, being Freeholders, to serve on the Grand and Petit Juries, instead of such Jurors so neglected to be nominated or summoned, or failing to attend.

IV. And be it further Enacted by the Authority aforesaid, That no County Court, or Grand Jury, shall nominate any Overseer of Negroes to serve as a Grand or Petit Juror in any of the Supreme Courts of Justice within this Province; any Law or Usage to the contrary, notwithstanding.

CHAPTER V.

An Act for the Punishment of Mutiny and Desertion, and Preventing the Harboring and Entertaining of Deserted Soldiers.

I. Whereas, the raising and keeping a Number of Forces on the Frontier of this Province, to prevent the Subjects of the French King and His Indian Allies from making Incursions into the same during the Present War, is Judged Prudent and Necessary.

II. Be it therefore Enacted, by the Governor, Council and Assembly and by the authority of the same, That from and after the passing of this Act, all Officers and Soldiers heretofore raised, or which hereafter shall be raised in this Province for the service of His Majesty, who have received pay or have been duly Listed in His Majesty's Service, That shall begin, Excite, Cause or Join in any Mutiny or Sedition, in the Company whereo to he doth belong, or any other Company in His Majesty's Service, and shall not use his utmost endeavors to suppress the same, or coming to the knowledge of any Mutiny or Intended Mutiny shall not, without Delay, give notice to His Commanding Officer, or shall Desert His Majesty's service, or shall leave his post before Relieved; or if any Officer or Soldier in His Majesty's service as aforesaid, shall hold correspondence with any Enemies of His Majesty or give them Advice or Intelligence either by Letters, Messages, Signs, or Tokens in any manner of way whatsoever, or shall treat with such Enemies or enter into any Condition with them without the Licence of the Governor or Commander in Chief for the time being, or shall strike or use any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any Lawfull command of his Superior Officer, all and every person and persons so offending in any of the matters aforesaid, shall suffer Death, or such other punishment as by a General Court Martial shall be inflicted.

III. And be it further Enacted, by the Authority aforesaid, That the Governor or Commander in Chief for the time being, may from time to time Grant a Commission under the Great Seal of this Province to any Officer (not under the Degree of a Field Officer, where a Field Officer
can be had) for holding a General Court Martial, in which Courts Martial all the offences above mentioned and all other offences hereinafter specified shall be tried and proceeded against in such manner as by this Act is directed.

IV. And be it further Enacted, That it shall and may be Lawfull to and for such Courts Martial by their Sentence or Judgment, to inflict Corporal Punishment, not extending to Life or Member, on any Soldier for Immorality, Misbehaviour or neglect of Duty.

V. And it is hereby further Enacted and Declared, That no General Court Martial, which shall have power to sit by virtue of this Act shall consist of less in Number than Thirteen whereof none to be under the Degree of a Commissioned Officer, and the President of such General Court Martial shall not be under the Degree of a Field Officer, unless where a Field Officer cannot be had, in which case the officer next in Seniority, not being under the Degree of a Captain, shall preside at such Court Martial, and that such Court Martial shall have full power and Authority, and are hereby Required and Directed to Administer an Oath to every Witness produced on the Examination or Tryal of any of the offences hereinafter mentioned.

VI. And be it further Enacted, That if there shall not be a sufficient number of Officers in the actual Service of His Majesty to hold such General Court Martial as aforesaid, it shall and may be Lawfull for the Governor or Commander in Chief to Nominate, appoint and Join with such Officers, so many of the Militia Officers of this Province (none of which shall be under the Degree of a Captain) as shall be sufficient to make up the number aforesaid.

VII. Provided always, That in all Tryals of Offenders by General Court Martial, to be held by Virtue of this Act, every Officer present at such Tryal before any Proceedings be had thereupon shall take the following Oaths, to wit: I, A. B. do swear that I will well and Truly, Try and Determine according to the Evidence on the matter now before me between our Sovereign Lord the King, His Majesty and the Prisoner to be tried. So Help me God. I, A. B., do swear that I will Duly Administer Justice according to An Act of Assembly now in force for the Punishment of Mutiny and Desertion and preventing the harboring and Entertaining of Deserted Soldiers, without partiality, favor or Affection. And I further Swear, that I will not Devulge the Sentence of the Court until it shall be appointed by the Governor and Commander in Chief, neither will I disclose or Discover the Vote or Opinion of any particular Member in the Court Martial unless to give Evidence thereof as a witness in a Court of Justice in a Due Course of Law. So Help me God. Which said Oaths the President of the Court is hereby authorized, Impowered and Required to Administer to the respective Members of the same; and when he shall have so done the said Members shall Administer the said Oaths to such President.

VIII. And be it further Enacted, that no sentence of Death shall be given against any Offender in any case whatever unless Nine Officers present in such Court shall concur therein.

IX. And be it further enacted, by the Authority aforesaid, That the President Officiating as such at any General Court Martial shall, and is hereby required, to transmit with as much expedition as may be, a fair copy of the Proceedings and Sentence of such Court Martial to the Governor or, Commander in Chief for the time being, to be by him carefully kept and preserved. Provided nevertheless, that no Sentence of the said Court Martial, where the same shall extend to Life or Member, shall be carried
into Execution until the Governor or Commander in Chief shall approve thereof, and shall have issued His Warrant under his Hand and the Seal of this Province for that Purpose. Provided always, that nothing in this Act contained shall be construed to extend to or concern the Militia Forces of this Province.

X. And be it further enacted, by the Authority aforesaid, That any Soldier who shall hereafter Desert from his Majesty’s Service may be taken up or secured and brought before a Justice of the Peace for the County where taken, and by his Warrant Committed to the next Constable, and Conveyed from Constable to Constable ’till he be delivered to the Captain of the Company from whence he Deserted; and the Constable so Delivering him shall take a Receipt from such Captain for such Deserter. And the Taker up shall be Entitled to a Reward of Twenty Shillings for every such Deserter taken up Ten Miles or under from the place where the Company to which he belongs is quartered or encamped, or Forty Shillings if above Ten Miles, to be paid by such Captain, and reimbursed him out of the Pay of such Deserter. And the Justice before whom such Deserter shall be carried, shall grant a Certificate to the Taker up, reciting his Name, the Name of the Deserter and the Captain of the Company to which he belongs, the place where taken up, whether it was ten miles, or more or less, from the place of Encampment or Quarters of the said Company, and that the taker up made Oath before him to the place of taking, which reward for taking up as aforesaid, shall be paid by the Captain of such Deserter upon the Certificate aforesaid being produced, or may be Compelled thereto by a Warrant from any Magistrate. And if any Deserter shall refuse to tell the name of the Captain or Company to which he belongs he shall be Committed to Gaol until he Declares the same.

XI. And be it further Enacted, by the Authority aforesaid, That any Constable charged with conducting any Deserter shall, and may, and is hereby Impowered to Impress Aid and Assistance for the Safe Conducting of him, and if he shall willingly or negligently suffer him to escape, such Constable or Officer shall pay the Sum of Ten Pounds, Proclamation Money for every such offence. And that if any ordinary Keeper or any other person whatsoever shall at any time entertain, harbor or conceal any Deserter, knowing him to be such, or shall Buy, take and Receive from him any of his Majesty’s Arms, he shall for every such offence forfeit and pay the sum of Ten pounds, Proclamation Money. And if any Magistrate shall know or be informed of any Deserter as aforesaid, being in his County, he shall forthwith issue his Warrant for the Apprehending of him, under the Penalty of Twenty Pounds Proclamation Money; One Moalty of which said several fines and Forfeitures shall be to the use of our Sovereign Lord the King, his Heirs and Successors, for and towards the better support of this Government and the Contingent charges thereof. And the other moalty to him or them who shall sue for the same; Recoverable with Costs by Action of Debt or Information in any County Court.

XII. And be it further Enacted, by the Authority aforesaid, That if upon Examination of such Deserter it shall appear that he belongs to any Regiment in any other Province, then and in that Case the Magistrate before whom he is brought shall commit him to the Prison of his County, and give Intimation thereof to the Governor or Commander in Chief for the time being, who is hereby Impowered and required to order such Deserter to be Conveyed to such Regiment as soon as it can be conveniently done. And in such case the charges of taking up, Imprisoning and Conveying such Deserter as aforesaid, shall be borne by the Publick.
XIII. And be it further Enacted, That this Act shall continue and be in force from and after the Passing thereof, for and during one Year, and from thence till the end of the next Session of Assembly, and no longer.

CHAPTER VIII.

An Act for Laying a Tax for repairing the Court House in Edenton.

I. Whereas, the Court House in Edenton whereat the Supreme Court for the Counties of Currituck, Pasquotank, Perquimons, Chowan, Bertie and Tyrrell, is by Law Directed to be held, is in a ruinous Condition and great Decay; wherefore, that the same may be Decently repaired.

II. Be it Enacted, by the Governor, Council and Assembly, and by the Authority of the same, That a poll Tax of Eight pence per Taxable be laid on each Taxable person in the County of Chowan for two years next Ensuing, which Tax shall be Collected by the Sheriff of the said County, in the same manner and at such time as Publick Taxes are by Law Directed to be Collected, and by him Accounted for and paid to the Commissioners appointed for erecting an Office and Prison at Edenton, aforesaid; And shall be by them applied to the repairing the said Court House in a neat, Decent and Workmanlike manner.

III. And whereas, a Tax has been laid on the Counties of Currituck, Pasquotank, Perquimons, Chowan, Bertie and Tyrrell, for Erecting an Office and Prison in Edenton.

IV. Be it Enacted, by the Authority aforesaid, That if any Surplus shall remain after the said Office and Prison shall be Built, such Surplus shall be, with the Tax hereby laid, applied towards repairing the said Court House.

V. And be it further Enacted, by the Authority aforesaid, That the Commissioners aforesaid shall, with all Convenient speed, Cause the said Court House to be repaired as aforesaid, and on Oath, thereafter render an account of the Monies by them received by Virtue of this Act, together with that of their Disbursements, to the County Court of Chowan.

CHAPTER XV.

An Act to limit the Time for holding County Courts, and other Purposes.

I. Whereas, by an Act of Assembly passed in the Twenty-Eighth Year of his Present Majesty's Reign, intituled, An Act for establishing County Courts, for enlarging their Jurisdictions and settling the Proceedings therein; it is, amongst other Things Enacted, That the Justices of the Courts may adjourn from Day to Day, until all Causes and Controversies depending before them shall be determined or otherwise continued, which is found to be detrimental:

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Justices of the said County Courts, respectively, may continue to hold the said Courts five natural Days, exclusive of Sundays, and no longer; at the End of which Time, if the Causes and Matters depending before them shall not be finally determined, the same shall be continued to the next succeeding Court.

III. And whereas, by the afore-recited Act it is Enacted, That all Debts above the Value of Twenty-five Shillings, Proclamation Money, and of less Value than Five Pounds, like Money, shall be sued for by Petition, and
finally determined without the Solemnity of a Jury, and the Defendant not being obliged to give Bail, in many instances has been found injurious to the Creditor; Be it further Enacted by the Authority aforesaid, That from and after the Passing of this Act, when any such suit shall be Prosecuted for any such Debt, upon the Prosecutor's making Oath before some Justice of the Peace that the Defendant has no visible Estate whereon to serve an Attachment, and that he greatly suspects he will convey himself out of the County; on the making such Oath the Clerk shall certify on the Back of the Petition that such Oath was made, then and in such Case only, the Defendant shall be held to Bail, as is usual when the Proceedings is by Writ; and upon final Determination thereon, if Judgment shall be against the Defendant, the Court shall award Execution for the Sum recovered, and Costs, with this additional Fee of One Shilling, Proclamation Money, to the Officer for taking and returning a Ball Bond as aforesaid, directing the Sheriff to take the Body of the Defendant, if to be found, and if the Defendant is not to be found, that he levy the Sum recovered on the Goods and Chattels of the Ball; any Law, Usage or Custom to the Contrary, notwithstanding.

CHAPTER XVIII.

An Act to impower the Sheriff of Granville, and the Collector of the Taxes of St. John's Parish, to collect Public, County, and Parish Levies.

I. Whereas, from a combination amongst the persons lately Commissioned Justices for the County of Granville, there hath been no Magistrates qualified to receive the List of Taxables therein for the present Year, by reason whereof the Sheriff of the said County cannot make Distress for the Publick & County Levies nor the Collector of the Parish of St. John in the said County for the Parish Levy assessed by the Vestry thereof.

II. Be it therefore Enacted by the Governor, Council and Assembly and by the Authority of the same that it shall and may be Lawful for the said Sheriff of the County, and he is hereby required and directed, on or before the first day of May next, to collect and Receive of the several Persons listed by the Justices of the said County, in the year one thousand Seven Hundred & fifty five, the several sums wherewith the Taxable Persons of the said County stand chargeable the present year, and also for the Collector of the said Parish of St. John, in the said County, to collect and Receive of the said Persons the sum or sums by the Vestry of the said Parish assessed, or to be assessed, for defraying the contingent charges of the said Parish the said Present year, and in case of non-payment of the said Taxes by any Person listed aforesaid., on or before the first day of May next ensuing, it shall and may be Lawful for the said Sheriff and Collector to levy the same by Distress and sale of the Goods of the party neglecting, according to the Directions of the several Laws now in Force, Enabling the Sale of Goods Distrainted for Public County & Parish Taxes. Provided nevertheless, that every person listed aforesaid, his Executors or Administrators which shall, on or before the first Day of May next, appear before a Magistrate of Granville County aforesaid, and make Oath that the Number of his or her Taxables are decreased by Death or otherwise, since the time of being listed and obtain a Certificate thereof, such Oath and Certificate shall discharge every such Person from the Payment of said Taxes for the number of Taxables so proved to be decreased aforesaid.; anything herein contained to the contrary notwithstanding.

III. And be it further Enacted by the Authority aforesaid, That the said
Sheriff and Collector respectively, shall on or before the Tenth Day of June next account for, and pay the several Taxes by them to be received by virtue of this Act, to the several Persons to whom the same are due and payable under the like Penalties as other Sheriffs and Collectors are subject to; and in case of refusal or neglect to pay the same at the Time aforesaid, the like Proceedings, Remedy and Relief, shall and may be had against the Sheriff and Collector respectively, as by Law is provided.

CHAPTER XIX.

An Act for adjourning the County Court of Beaufort, and other Purposes.

I. Whereas, in Pursuance of an Act of Assembly, intitled, An Act for ascertaining a proper Place for building thereat a Court-house, Prison, Pillory, and Stocks, for the County of Beaufort, Edward Salter, John Hardy and William Spier, a Majority of the Commissioners in the said Act named, have caused to be erected, a Court-house, Prison, Pillory and Stocks, on the land of Thomas Bonner, Junior, on the North-Side of Pamlico River; and the Court of the said County have contemnuously refused to levy on the taxable Persons thereof, the Money by the said Commissioners contracted to be given for erecting the said Buildings, and also to adjourn the Court of the said County from Bath Town, where the same is now held, to the said Court-house, as by the said Act they are required:

II. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That all Causes, Pleas, Writs, Actions, Suits, Plaints, Processes, Precepts, Recognizances, Indictments, Presentments, and other Matters and Things in the said Said County Court of Beaufort depending, from and immediately after the Passing of this Act, shall stand adjourned and continued, and are hereby adjourned and continued from the Court-house in Bath Town aforesaid, to the Court-house lately erected on the land of Thomas Bonner; and all Appearances and Returns of Process shall be made on the Day by Law appointed for holding the said Court, to the said Court-house; and all Suitors and Witnesses bound to appear thereat, in the same Manner as if the Justices of the said Court had adjourned the same according to the Directions of the said recited Act.

III. And for re-imbuying the said Commissioners the Money expended in erecting the said Buildings: Be it further Enacted by the Authority aforesaid, That a Poll Tax of Three Shillings, Proclamation Money, shall be levied on each Taxable Person within the said County of Beaufort; which Tax shall, on or before the first Day of May next, be paid to the Sheriff of the said County.

IV. And be it further Enacted by the Authority aforesaid, That all Persons in the said County, neglecting to pay the said Tax till after the aforesaid first day of May, to the Sheriff aforesaid, shall be liable thereafter to the same Distress as for Non-payment of other Taxes. And the said Sheriff of the said County shall, is hereby required and directed, on or before the Tenth Day of June next, to account upon Oath, and pay to the said Edward Salter, John Hardy, and William Spier, the Survivors or Survivor of them, the Money which by Virtue of this Act he ought to receive of the said Taxable Persons of the County of Beaufort, after deducting five per Cent. for collecting the same, under the Penalty of Two Hundred Pounds, Proclamation Money, to be recovered by the said Edward Salter, John Hardy, and William Spier, the Survivors or Survivor of them, by Action of Debt, with Costs.
V. Provided nevertheless, That if the Money so to be collected and paid by the said Sheriff of the County of Beaufort, to the said Edward Salter, John Hardy, and William Spier, shall amount to more than the Sum by them contracted to be paid for erecting the said Buildings, they shall account for and pay the Overplus thereof to the Justices of the said County of Beaufort, which by them shall be applied towards defraying the contingent Charges of the said County.

CHAPTER XXI.


I. Whereas, by an Act of Assembly, passed this present Session intituled, an Act for dividing the Parish of St. Patrick, in the County of Johnson, into two distinct Parishes; the Vestry of St. Patrick's Parish, as it stood entire and undivided, from the Passing of the said Act, is dissolved and made void to all Intents and Purposes; which Parish is divided into two distinct Parishes by the names of St. Patrick and St. Stephen: And whereas, the said Vestry of the Parish of St. Patrick, as it before stood undivided, have not laid any Levy on the Taxable Inhabitants of the said Parish, for the current Year, to defray the contingent Charges thereof.

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That a Poli-Tax of Three Shillings and Four Pence, Proclamation Money, be levied on the Taxable Inhabitants of the said Parishes of St. Patrick and St. Stephen, and shall be collected by the Sheriff of the County of Johnson, and by him accounted for and paid in the same Manner as other Parish Taxes are, and applied towards discharging the contingent Charges, and the several Contracts entered into by the said Vestry of St. Patrick's Parish, as it stood before the passing of the before recited Act; And if any Surplus of the said Tax shall remain, after paying and discharging the contingent Charges and Contracts entered into as aforesaid, the same shall be divided between the said Parishes, in Proportion to the Number of Taxables therein, and paid to the Vestry and Church Wardens of the said Parishes, respectively; any Law to the contrary, notwithstanding.
LAWs OF NORTH CAROLINA--1757.

At a General Assembly, began and held at New Bern, on the Twelfth day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty-four, and from thence continued, by several Prorogations, to the Sixteenth Day of May, in the Year of our Lord One Thousand Seven Hundred and Fifty-seven: Being the Fourth Session of this Assembly. 
Arthur Dobbs, Esq., Governor.

CHAPTER I.

An Act for granting a further Aid to His Majesty for the Assistance of South Carolina, and the Defence of the Frontiers of this Province, and other Purposes.

I. Whereas, our Neighboring Province of South Carolina is threatened with a formidable Invasion from the French and Indians in their Interest and Alliance and our own Frontier much exposed in this Time of War and this Assembly being desirous to shew their Duty and Loyalty to His Majesty and to contribute such further Aid as the needy Circumstances of their Constituents will admit to enable his Excellency, the Governor, to furnish our Quota towards the Support of the Common Cause.

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That the Sum of five thousand three hundred and six pounds be granted to His Majesty, and that two Companies shall be raised and subsisted each of which said Company shall consist of one hundred men, exclusive of one Captain, two Lieutenants, and one Ensign, and one Surgeon, and one Adjutant, to both Companies, which Companies with all possible Dispatch shall March to South Carolina to be there Employed with the Troops in His Majesty's Service in the Defence of the Inhabitants of that Province from the hostile attempts of the French and their Indian Allies during the Time of their continuing in Pay, unless it shall be found necessary for His Majesty's Service that they shall be sooner employed in the defence of this Province in which case it shall and may be lawful for the Governor or Commander in Chief for the Time Being, to cause them to be withdrawn and employed in such manner as may be most conducive to that Purpose.

III. And be it further Enacted by the Authority aforesaid, That the Officers and Soldiers of the aforesaid two Companies to be raised by Virtue of this Act shall from the Time of their being Commissioned or Enlisted have, and receive the same pay and be under the same Discipline and Regulations with the other Officers and Soldiers appointed and raised for the same Service.

IV. And be it further Enacted by the Authority aforesaid, That the Forces to be raised by Virtue of this Act shall be found in suitable Cloathing and subsistence without any Deduction of their Pay for it and may be continued and kept in Pay six months, or longer if necessary, for His Majesty's Service.

V. And be it further Enacted by the Authority aforesaid, That if the Forces to be raised by Virtue of this Act, at the expiration of the Time herein directed for their Continuance in Pay shall be in South Carolina, they shall nevertheless be marched into this Province at the Public Expence
and here discharged; anything herein contained to the Contrary notwithstanding.

VI. And that the Forces that are to March to South Carolina may be well paid and Cloathed. Be it Enacted by the Authority aforesaid, That the Governor or Commander in Chief for the Time being, shall by Warrant or Warrants under his hand directed to the Public Treasurer or Treasurers, of this Province, order and appoint the manner of remitting any Part of the Sum appropriated for the Service aforesaid, to such Person or Persons as he shall Judge proper, which Person or Persons so appointed, shall Act therein as by the Governor directed and be accountable for the Money by him or them received in Virtue of such appointment to the Governor, Council and Assembly.

VII. And to the End that the said two Companies may be compleated in the most expeditious Manner, Be it further Enacted by the Authority aforesaid, That the Officers to be appointed by the Governor or Commander in Chief for the Time being, to enlist the same, shall and are hereby empower'd and directed as an Encouragement to Volunteers to advance and pay to every able bodied Man on his Inlisting in the Service aforesaid the Sum of five Pounds over and above the pay to which he shall be entitled for his Service. And whereas, there is not at Present Money in the Treasury out of which the Sum herein granted can be supplied. Be it Enacted by the Authority aforesaid, That a Poll Tax of Four Shillings & Six Pence be, and is hereby laid on each taxable Person within this Province for one Year next ensuing which shall be collected by the Sheriffs of the several Counties and accounted for and paid to the Treasurers of the respective Districts at the same time and in the same Manner and under the like Penalties as is by Law directed, for the Collecting, accounting for, and paying other public taxes, and applied as hereinafter is Directed.

VIII. And be it further Enacted by the Authority aforesaid, That on every Suit commenced by Writ in either of the Supreme Courts of this Province within two Years after the passing of this Act there shall be Taxed Seven Shillings and Six Pence to be paid by the Party which shall be cast more than the Office, Sheriff's and Attorney's Fees, and shall be Levied by the Sheriff who shall serve the Execution to be issued on the Judgment which shall be thereon given and by him paid to the Clerk who shall account on Oath and pay the same to the Treasurer of the District wherein such Suit shall be brought deducting six pr. Cent. for his Trouble and applied to the Exchanging the Public Notes of Credit directed by this Act to be made and issued. And in every Suit commenced by Writ in either of the County Courts within this Province, within the Time aforesaid, there shall be taxed to be paid by the Party who shall be cast five Shillings more than the Clerk's, Sheriff's and Attorney's Fees, and shall be levied by the Sheriff who shall serve the Execution to be issued on the Judgment which shall be thereon given and by him paid to the Clerk who shall account on Oath and pay the same to the Treasurer of the District wherein such Suit shall be brought deducting six pr. Cent for his Trouble and applied as aforesaid.

IX. And be it further Enacted by the Authority aforesaid, That the several Clerks of the Supreme and County Courts within this Province, shall enter Into Bond in the Sum of two hundred Pounds Proclamation Money with such Security as the Justices of each Supreme and County Court shall judge sufficient at the next Court after the passing of this Act for the faithful receiving, accounting for and paying the several sums of money by them to be received as by this Act is directed. And in the present Exegency to supply the Place of Money to answer the Purposes intended by
this Act, Be it Enacted by the Authority aforesaid, That the Public Treasurer be and are hereby empowered and directed to sign Joyntly public Notes of Credit to the amount of the aforesaid Sum of five thousand, three hundred and Six Pounds of the Denominations following, that is to say, Ten Shillings, Twenty Shillings, Forty Shillings, Five Pounds, which Notes by their Tenor shall intitle the possessor thereof from the Date they shall respectively bear to be paid the Sums in the same mentioned, out of the Public Treasury with Lawful Interest on the twenty-ninth Day of September in the Year of Our Lord one thousand seven hundred and fifty eight, if not before redeemed and no longer.

X. And be it further Enacted by the Authority aforesaid, That the said Public Treasurer so soon as may be after the passing of this Act, and as often after as ordered or required, until the said Public Notes of Credit amounting to the said sum of five thousand, three hundred and six Pounds be by them paid, shall make Payment in such Notes to the Amount of such Sum or Sums as the Governor or Commander in Chief for the time being shall direct to such Person or Persons as he shall appoint to receive the Same, who shall when required be accountable to the Governor, Council and Assembly for all such Notes, he or they shall receive by such appointment, and the said Notes shall be dated at the Time they shall be paid to the Person or Persons receiving the same as aforesaid.

XI. And be it further Enacted by the Authority aforesaid, That the said Notes of Credit shall be disposed of as the Governor or Commander in Chief for the time being, shall judge most expedient for His Majesty’s Service in Defraying the Ex pense of the Troops by this Act directed to be raised, or exchanging the same for the current Money of this Province to be applied to the Purposes aforesaid.

XII. And be it further Enacted by the Authority aforesaid, That the Public Treasurers are hereby directed and required out of the Money they shall receive by Virtue of this Act to pay all such Sums of Money as shall be due thereon and from Time to Time take in the said Notes that they may be produced to the Assembly In Order to be burnt and shall have and receive for their Trouble and Expence in Printing, Signing, Emitting and Exchanging the said Notes two pr. Cent.

XIII. Be it further Enacted by the Authority aforesaid, That the Public Notes of Credit to be issued by Virtue of this Act as herein before directed, shall within Six Months after the Time they become payable, be presented to the Public Treasurers or either of them for Payment and the possessors thereof falling to present them as aforesaid and demand Payment thereof shall ever after be barred and precluded from any Demand or Claim upon the Public on Account of the same.

XIV. And be it further Enacted by the Authority aforesaid, That if any Person shall forge or Counterfeit any of the Public Notes of Credit in this Act directed to be signed as herein before mentioned, or pass or transfer the same in exchange or payment, knowing them to be forged or Counterfeit the Offender being thereof Lawfully convicted shall be judged a Felon and suffer as in Cases of Felony without Benefit of Clergy.

XV. And be it further Enacted by the Authority aforesaid, That if the Poll Tax and other Tax herein before imposed and laid shall amount to more than will answer the purposes intended by this Act, whatsoever doth remain shall be applied toward Defraying the Contingent Charges of Government and to no other use, Design or Purpose whatsoever.

XVI. And be it further Enacted by the Authority aforesaid, That the Fines and Forfeitures in this Act mentioned, shall be recovered by Action of
Debt in any of the Supreme Courts of this Province, One half to the Pro secular and the other half to and for the Use of the Public toward the Con tingent charges thereof.

CHAPTER III.

An Act to revive an Act, to establish a Public Ferry from Newby's Point to Phelps's Point, whereon the Court-house now stands, on Perquims River.

I. Whereas an Act of Assembly, intituled, An Act to establish a Ferry from Newby's Point to Phelps's Point, whereon the Court-house now stands on Perquims River, passed in the Year of our Lord One Thousand Seven Hundred and Fifty-four, has been found to be of great Utility to the Public, but being temporary, and to continue in Force no longer than until the conclusion of this present Session of Assembly.

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That the said Act of Assembly, from and after the passing this Act, shall be and remain in Force during the Term of Five Years, and from thence to the End of the next Session of Assembly and no longer.

CHAPTER IV.

An Act for the finishing the Church in Wilmington.

I. Whereas, by virtue of an Act of Assembly passed in the year one thousand seven hundred and fifty one, intituled, An Act for building a church in Wilmington, in St. James's parish, in New Hanover county, certain commissioners therein named have received the taxes which were laid and the sums which were subscribed, or part of them, for and towards building the said church, and have caused part of the walls of the said church to be built, but have not, for some months, made any progress in the said work, nor have they rendered accounts of what money has been received and expended for the said building; in order therefore to finish the said church, to bring to account all those who have been concerned in receiving and paying money for the same, as well as those who are in arrear for the taxes and subscription, allotted to the said church;

II. Be it enacted by the Governor, Council, and Assembly, and by the authority of the same, that John DuBois, Cornelius Harnett, and George Wakely, Esqrs., or the majority of them, be, and are hereby constituted and appointed commissioners for finishing the said church, in the room and stead of the commissioners appointed in and by the Act herein before recited with full power and authority to them the said John DuBois, Cornelius Harnett and George Wakely, or the majority of them, to account with the former commissioners, or any of them who have received money and effects for the purpose aforesaid; and also, to bring to account every sheriff who is in arrear for parish taxes appropriated to the said church, and all persons who have neglected to pay the sums by them respectively subscribed: and if any former commissioner, the executors or administrators of any commissioners, any sheriff, or other person in arrear, or suspected to be in arrear as aforesaid, or having any money or materials, which have been appropriated for building the said church, in his or their custody, shall refuse or neglect, on request to him or them made, to account with the said John DuBois, Cornelius Harnett, and George Wakely, or the majority of them, upon oath, or to produce vouchers where the nature of the case requires,
and to pay the balance by him or them respectively due; then upon such refusal or neglect, it shall be lawful for the Supreme Court at Wilmington, or for the county court of New Hanover, (where the sum is within the jurisdiction of that court) upon motion of the said John DuBois, Cornelius Harnett, and George Wakely, or the majority of them, to give judgment against such commissioner, sheriff, or other person or persons, for all the money wherewith he is, or they are chargeable, for the purpose aforesaid, and thereupon to award execution against the goods and chattels, lands and tenements, of such commissioner, sheriff or other person; provided that such commissioner, sheriff, or other person, shall have ten days notice of such motion.

III. And be it further enacted by the authority aforesaid, That the said commissioners, or the majority of them, shall every year, at the first meeting of the vestry of St. James's parish, after Easter Monday, render to the said vestry, upon oath, a fair and just account of all the money and effects they shall have received and expended by virtue of the trust hereby in them reposed and the said vestry shall transmit to the session of the General Assembly next after their said meeting, a duplicate of the said accounts, with their report thereon.

IV. And be it further enacted, That the said commissioners, or the majority of them, shall proceed in building and finishing the said church as far as the sums and materials they shall receive by virtue of this Act, will enable them; and in such building and finishing shall be guided by the directions of the vestry of St. James's Parish, which they shall from time to time receive.

CHAPTER V.

An Act for further continuing an Act intituled an Act for the Encouragement of James Davis to Set up and Carry on his Business of a Printer in this Province, and for other Purposes therein mentioned.

I. Whereas, an Act, entitled, an Act for the Encouragement of James Davis to set up and Carry on his Business of a Printer in this Province, and for other purposes therein mentioned, passed at a General Assembly of this Province held at New Bern in the year of our Lord one thousand seven hundred and forty nine was made to Continue in force only for and during the Term of Five years from and after the passing thereof which said Act by an Act passed at Wilmington in the year of our Lord one thousand seven hundred and fifty four was further, continued from the Expiration thereof, for and during the Term of Three years; which said above recited Act Expires with the end of this Session of Assembly; and whereas, it is found by experience that a Printing Office is of great utility to this Province and very much tending to the Promotion of useful Knowledge among the people thereof.

II. Be it therefore Enacted by the Governor, Council and Assembly, and It is hereby Enacted by the Authority of the same, That the said above recited Act continue and be in force from and after the Expiration thereof, for and during the term of Three Years, and from thence to the end of the next Session of Assembly and no longer.

Ratified May 28th, 1757.

MATT. ROWAN, President.
SAML. SWANN, Speaker.

ARTHUR DOBBS, Governor.
LAWS OF NORTH CAROLINA--1757.

At a General Assembly, begun and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty-four, and from thence continued, by several Prorogations, to the Twenty-First Day of November, in the Year of our Lord One Thousand Seven Hundred and Fifty-seven: Being the Fifth Session of this Assembly. Arthur Dobbs, Esq., Governor.

CHAPTER I.

An Act for Granting a further Aid to his Majesty for subsisting the forces necessary to be kept in the pay of this Province, and for other purposes.

I. Whereas, the precarious situation of this Province at the present time of Danger renders it Prudent and Necessary that part of the forces now in the Government's service should be still continued, and this Assembly is desirous to shew their readiness in everything that may promote His Majesty's Interest and the Security of his Subjects.

II. Be it therefore Enacted by the Governor, Council and Assembly, That the sum of Seven Thousand pounds be granted to his Majesty for the paying and subsisting one year — Hundred and fifty of the Troops now in the pay of this Province to make up three Companies each Company to have one Captain, one Lieutenant, one Ensign, five Sergeants, two Corporals and two Drummers and the said Companies shall be paid the following pay, (that is to say) a Captain seven shillings and six pence, A Lieutenant five shillings, an Ensign four shillings, a Seargeant two shillings, a Corporal and Drummer one Shilling each, a Private man eight pence pr. Day, and each Non-Commissioned officer and private man eight pence pr. day each, for subsistence. Which said troops shall be employed during their time and in full pay and shall be employed on such duty as may be necessary in Garrisoning Fort Johnston and Fort Granville, and in Defence of the Western Frontier of this Province and such other places as shall be by the Governor or Commander in Chief for the time being be found necessary for his Majesty's Service and the good of this Colony and shall be under the same regulation and Discipline as regular troops in His Majesty's Service in America.

Provided nevertheless, That if any time within the said one year the cause of their being continued in pay shall cease it shall and may be lawful for the Governor or Commander in Chief for the time being to cause all, or any part of the said Forces to be sooner Discharged; anything herein contained to the Contrary notwithstanding.

III. And to raise the Sum by this Act granted, Be it Enacted by the Authority aforesaid, That a Poll Tax of four shillings and six pence be laid on each Taxable person within this Province to be collected for the year of Our Lord one thousand Seven hundred and fifty eight by the Sheriffs of the several Counties and accounted for and paid to the Treasurers of the several Districts at the same time and in such manner and under the like Penalties as are by Law Directed for the Collecting, accounting for and paying other Publick Taxes and Applied as is hereinafter Directed.

IV. And that his Majesty's Service may not be retarded for want of proper Credit, for the expence of subsisting the said troops, Be it further Enacted
by the Authority aforesaid, That the Public Treasurers be and are hereby
impowered and directed joyntly to sign Notes of Credit to the amount of the
said sum of seven thousand pounds which notes by their Tenor Intitle the
possessors from the Dates they shall respectively bear, to be paid the sums
in the same mentioned out of the Publick Treasury with Lawfull Interest
until the tenth of December which will be in the year of our Lord one thou-
sand seven hundred and fifty eight and no longer.
V. And be it further Enacted by the Authority aforesaid, That the said
Publick Treasurers so soon as may be after the passing of this Act when
ordered until the sum of seven thousand pounds be by them paid shall make
payment in the said notes or in the Current Bills of this Province for
which they may exchange the same to the amount of such sum or sums as
the Governor or Commander in Chief for the time being shall direct to such
person or persons as he shall order and appoint to receive the same who
shall when required be accountable to the Governor and Assembly for all
such sum or sums of Money as he or they shall receive by order, which
notes shall bear date at the time they shall be paid or exchanged as afores-
said.
VI. And be it further Enacted by the Authority aforesaid, That said Notes
of Public Credit or the Money for which they shall be Exchanged by the
Treasurers as herein before directed, shall be discharged as the Governor or
Commander in Chief for the time being, shall judge most Expedient for his
Majesty's Service in paying for subsisting the Troops by this Act Intended
to be Continued in pay.
VII. And be it further Enacted by the Authority aforesaid, That the pub-
lick Treasurers shall and they are hereby Directed to use the moneys they
shall receive for Taxes by this Act Imposed to pay all such sum or sums
as shall be due on the said Notes of Credit to the possessors of the same and
from time to time take in the said Notes that they may be produced to the
Assembly in order ——— and shall have and receive for their trouble
and expence in printing and signing the said Notes Two Pr. Cent.
VIII. And be it further Enacted by the Authority aforesaid, That the said
Publick Notes of Credit to be issued In Virtue of this Act shall within six
months after they become payable be presented to the Publick Treasurers,
or one of them, for Payment and the Possessors thereof failing to present
them as aforesaid and Demand Payment thereof shall ever after be Barred
and Precluded from any Demand or Claim on the Publick on Account of the
same.
IX. And whereas, this Province is largely Indebted to several persons for
claims and there is not at present money in the Treasury wherewith to
pay the same, Be it therefore Enacted by the Authority aforesaid, that the
Publick Treasurers shall joyntly make and sign other Notes of Publick
Credit to the amount of Two thousand Five hundred Pounds and therewith
or with money for which they may exchange the same pay so much of the
debts due from the Province as the said sum will discharge which Notes
shall be of the same Tenor and carry Interest in the same manner as the
other Publick Notes of Credit to be signed by virtue of this Act and the
Treasurers entitled to the same Commissions for their Trouble and Expence
and signing the same.
X. And that the notes last mentioned may be punctually paid and the
Possessors thereof secured in the payment of the principal and Interest shall
be payable to them, Be it Enacted by the Authority aforesaid, That a Tax of
two Shillings be laid on each Taxable person within this Province to be
levied the same year and under like penalties and Accounted for and paid to the Treasurers in the same manner as the Tax of four shillings and six pence heretofore before by this Act Directed to be levied, Accounted for and paid, and the Treasurers shall take up the said Notes by paying to the Possessors thereof the Principal and Interest which may be due to them for the same out of the said Tax and the said Notes shall be taken up that they may be produced to the Assembly to be burnt.

XI. And be it further Enacted by the Authority aforesaid, That if any person shall forge or counterfeit any of the publick notes of Credit by this Act Directed to be signed and Issued as herein before mentioned, or pass, or transfer the same in Exchange or Payment, knowing them to be forged or counterfeited, the offender being thereof Lawfully convicted shall be adjudged a felon and suffer as in cases of felony without benefit of Clergy.

XII. And be it further Enacted by the Authority aforesaid, That if the Tax by this Act imposed shall amount to more than will answer the purposes thereby intended the surplus shall be applied toward defraying the Contingent Charges of Government and to no other use, design, or purpose whatsoever.

XIII. And to the end that whatever shall become due for Principal and Interest on said Notes of Credit may be punctually paid, Be it Enacted by the Authority aforesaid, That if when the said Notes shall be payable the Treasurers shall not have received as much of the Publick Taxes Imposed as will redeem the same it shall and may be lawfull for them and they are hereby required to make up the Deficiency by paying whatever shall be wanting out of part of the Eighteen thousand pounds as shall be in their hands which was laid by the suspending clause in an Act of Assembly; Intituled, An Act for granting to His Majesty the Sum of Forty Thousand Pounds in Publick Bills of Credit at the rate of Proclamation Money to be applied towards defraying the Expence of raising and Subsisting the Forces for his Majesty's service in this Province to be sent to the assistance of His Majesty's Colony of Virginia and for other purposes therein mentioned.

XIV. And for the better supporting the Credit of the said Notes, Be it further Enacted by the Authority aforesaid, That the Sheriffs of every County in this Province shall receive the Notes of Credit to be issued by Virtue of this Act in Discharge of all publick taxes and shall allow to every person paying such notes the Interest due thereupon to the time of such payment for which Interest the person paying the said Notes shall thereupon endorse a Receipt and every Sheriff having such notes shall at making his Payments to the Treasurer be allowed for the principal and Interest thereupon endorsed.

CHAPTER IV.

An Act to impower the Justices of the Supreme Court to take the acknowl-
edgement or Proof of Deeds, and for allowing them a Salary.

I. Whereas, Doubts have arisen whether the Justices of the Supreme Courts of Justice within this Province are impowered to take the acknowledg-ement or Proof of Conveyances of Land, Letters of Attorney, or other Deeds, and Order the recording thereof, And as many inconveniences may arise were they not so impowered; Be it therefore Enacted by the Governor, Council and Assembly and by the Authority of the same; that all and every Conveyance of Land, Letter of Attorney, or other Deed of what kind or
nature soever acknowledged or proved before any of the Justices of the Supreme Court within their respective District shall to all Intents and Purposes be as firm and valid as if the same had been acknowledged or proved before the Chief Justice or County Court; any Law, Usage or Custom to the Contrary notwithstanding. And the Justice before whom such acknowledgment or Proof shall be made, shall have full Power and Authority to Order the Registering of such Conveyance of Land, Letter of Attorney, or other Deed.

II. And be it Enacted by the Authority aforesaid, That from and after the passing of this Act all conveyances in writing and Sealed by Husband and Wife for any Land and by them acknowledged before any Justice of the Supreme Courts within their respective Districts the Wife being first privyly examined before such Justice whether she doth voluntarily assents thereto and Registered according to the Laws of this Province shall be as Valid in Law to convey all the Estate and Title which such Wife may or shall have in any Lands Tenements or Hereditaments, so conveyed whether in Fee simple, right of Dower or other Estate not being Fee Tail as if done by Fine and Recovery or any other Ways or Means whatsoever; any Law, Usage or Custom to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That each and every Justice of the Supreme Court, before whom any Conveyance of Land, Letter of Attorney or other Deed shall be acknowledged or proved may take the same Fee as is by Law allowed the Chief Justice for such Service. And whereas, the Justices of the Supreme Courts of this Province have no salary or other allowance made to them, for holding the said Supreme Courts, when by any Impediment the Chief Justice is rendered Incapable to attend, which occasions them extraordinary attendance and Expence, And as by the Act of Assembly intituled, “An Act for establishing the Supreme Courts of Justice, Oyer and Terminer and general Gaol Delivery of North Carolina.” It is among other things Enacted “that if the Chief Justice shall fail or neglect to attend and hold the said Courts, no Salary shall be allowed to such Chief Justice for such Courts as he shall fail or neglect to attend and hold: Be it therefore Enacted by the Authority aforesaid, That such of the Justices of the Supreme Courts of this Province, as shall hold any of the said Supreme Courts when the Chief Justice shall fail or neglect to attend, shall be allowed and receive as an allowance for their holding every such Court the Sum of Twenty Six Pounds Proclamation Money to be paid by the Treasurer of the Districts respectively, by Warrant from the Governor or Commander in Chief for the time being, which is the Sum that is allowed to the Chief Justice for each Supreme Court, that he attends and holds.

IV. And be it further Enacted by the Authority aforesaid, that it shall and may be lawful in the Absence of the Chief Justice for any One of the Justices of either of the Supreme Courts to adjourn the same from Day to Day for any number of Days during the continuance of the Term, until the Chief Justice shall come, or there shall be a sufficient number of Justices for holding the said Courts and proceeding on the Business in the same Depending.
An Act for Establishing a town on the lands of James Leslie, on Roanoke River.

I. Whereas, it has been represented to this Assembly that the land of James Leslie, lying on the south side of Roanoke river, in Edgecombe county, is a healthy pleasant situation, well watered and commodious for commerce; and sundry merchants, and persons of note, have contracted with the said James Leslie for the purchase of one hundred acres of land, and are desirous that a town should be erected thereon, for promoting the trade and navigation of the said river:

II. Be it therefore Enacted by the Governor, Council and Assembly, and by the authority of the same, That the said one hundred acres of land when the same shall be laid off, according to the directions of this Act, be, and the same is hereby constituted, erected and established a town; and shall be called by the name of Halifax.

III. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, Thomas Barker, Alexander McCulloch, John Gibson, Richard Browning, and Robert Jones, the younger, be, and they and every of them are hereby constituted directors and trustees, for designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate, in fee, in the said one hundred acres of land, to and for the uses, intents, and purposes, hereby expressed and declared; and they, or any three of them, shall have full power and authority to meet as often as they shall think necessary, and to appoint a public quay, and such place on the said river, for a public landing, as to them shall seem convenient; and to lay out four acres of the said one hundred for a market place and other public buildings; and the residue thereof into lots, streets, lanes and alleys, or so much of the same as will make at least one hundred and twenty lots, of half an acre each; and cause a plan thereof to be made, and therein to insert marks and numbers to each lot.

IV. Provided nevertheless, That nothing in this Act contained shall be construed or extend to grant power to the said directors, or their successors, or any other freeholder of the said town, to keep a public ferry at the landing so to be appointed by the said directors, in prejudice to the ferry to the said James Leslie, now by law established. And in case it should hereafter be found necessary to erect a public ferry at the said landing, the right of keeping the same shall remain to the said James Leslie, his heirs and assigns, until he or they shall refuse to comply with the terms by law prescribed for erecting and keeping public ferries.

V. And whereas, subscriptions have already been made for one hundred and twenty lots, to be laid off in the said town; be it further enacted, by the authority aforesaid, that the said directors or the majority of them, within one month after the laying off the said town, shall appoint a time, and give public notice thereof, for meeting the said subscribers on the said land, for determining the property of each particular lot; which shall be done by ballot, in a fair manner, by the direction of, and in presence of the majority of the said directors at least; and each subscriber shall be intitled to the lot or lots which shall happen to be drawn for him, and correspond with the number contained in the plan of the said town; and the said directors, or the majority of them, shall make and execute deeds for granting and conveying the said one hundred and twenty lots to the subscribers, their heirs and assigns, forever; and also to every other person-
who shall purchase any other lot or lots in the said town, at the costs and charges of the grantee to whom the same shall be conveyed; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee-simple.

VI. Provided nevertheless, that every grantee of any lot or lots in the said town, so conveyed, shall, within three years next after the date of the conveyance for the same, erect, build and finish, on each lot so conveyed, one well framed house, sixteen feet square at the least, and ten feet pitch in the clear, or proportionable to such dimensions, if such grantee shall have two or more lots contiguous: and if the owner of any lot shall fail to pursue and comply with the directions in this Act prescribed for building and finishing a house thereon, then such lot upon which such house shall not be built and finished, shall be vested in the said directors; and the said directors or the majority of them, may, and are hereby empowered and authorized to sell such lot for the best price that can be had, to any person applying for the same, in such manner, and under such restrictions, as they could or might have done, if such lot had not before been sold or granted.

VII. And be it further enacted by the authority aforesaid, That the respective subscribers for the said one hundred and twenty lots shall, within one month after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the said directors the sum of forty shillings, proclamation money, for each lot by him subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said directors shall and may commence and prosecute a suit in their own names for the same, and therein recover judgment with costs of suit.

VIII. And be it further Enacted, That all monies which shall arise by a disposal of the said lots, granted by the said directors, and their successors, in execution of this act shall be received by the said directors; and after their reasonable charges and expenses are deducted, shall be by them applied, in the first place, towards paying and satisfying the said James Leslie, one hundred and fifty Pounds, for the said one hundred acres of land; and in the next place, in building and erecting a bridge over Quankey creek, for the convenience of travellers, in going to and returning from the said town; and the overplus thereof towards the advantage and improvement of the said town, in such manner as the majority of the directors shall, from time to time, think convenient.

IX. And for continuing the succession of the said directors until the said town shall be incorporated; be it Enacted by the authority aforesaid, in case of the death, refusal to act, or removal out of the country of any of the said directors, the surviving or other directors, or the major part of them, shall assemble, and are hereby empowered, from time to time, by instrument in writing, under their respective hands and seals to nominate some other person, being an inhabitant or freeholder of the said town, in the place of him so dying, refusing to act, or removing out of the country; which new director, so nominated and appointed, shall, from thenceforth, have the like power and authority, in all things in the matters herein contained, as if he had been expressly named and appointed in and by this Act.
CHAPTER VI.

An Act for the better establishing a Ferry on the North-East side of the North-West River of Cape Fear, being the place commonly called or known by the name of Dawson's Ferry.

I. Whereas, the ferry on the North East side of the North West river of Cape Fear, called Dawson's ferry, hath been of long standing; and found very convenient for travellers, and others; and whereas, the land on the North-East side of the said river, where the public road crosses and leads to Yadkin, and so to South Carolina, is the property of William Dawson, who lives thereon; and being desirous that the said ferry should be continued and fixed at the same place; wherefore, for the encouragement of the said William Dawson, and conveniency of all travellers, and to prevent the removing the ferry from the place aforesaid.

II. Be it Enacted, by the Governor, Council, and Assembly, and by the authority of the same, that the said ferry is hereby invested in, and shall from henceforward, be held and deemed the right and property only of the said William Dawson, his heirs and assigns.

III. And be it further Enacted by the authority aforesaid, That the said William Dawson, his heirs or assigns, shall, as soon as conveniently may be, build or provide a good and substantial boat, fit for the transportation of men and horses, and shall maintain and keep the same always in good repair, and give constant attendance at the said ferry; and shall also, for the true performance of the same, at the county court of Cumberland, next after the passing of this Act, enter into bond, with good and sufficient security, to be adjudged and approved by the said Court.

IV. And be it further Enacted by the authority aforesaid, That after a boat is so built or provided, and the security given as aforesaid, That it shall and may be lawful for the said William Dawson, his heirs or assigns, to take and receive from all persons that shall pass over the said ferry, the following rates: that is to say, four pence, proclamation money, for a man and horse, and two pence like money for a footman; and one shilling for each carriage drawn by one or two horses, and for each horse more four pence; and one penny for each steer, cow, hog or sheep.

V. And whereas, part of the road on each side of the said ferry, wants to be cleared and made good; be it Enacted by the authority aforesaid, That the said William Dawson shall, at his own expense, clear the same; that is to say, on the North-East side of the said river, from the ferry to Black river, and so on the South West or opposite side of the said ferry to Cumberland Court-house; and that the same shall afterwards be kept in repair, and maintained by the commissioners and overseers of the district in which the said roads lie.

CHAPTER VIII.

An Act for Preserving Peace and continuing a good Correspondence with the Indians in Alliance with his Majesty's Subjects.

I. Whereas, nothing can contribute more to the welfare and security of the British Colonies in North America than the preserving a sincere Peace and friendly Correspondence with the several Nations or Tribes of Indians bordering thereon, And it hath been represented that many flagrant Frauds and Abuses have been too frequently committed in the commercial dealings
of his Majesty's Subjects with the said Indians, which cannot but tend
to alienate their Affections, and give the French the greater opportunity of
insinuating themselves and carrying on their destructive Schemes against
the British Colonies, and Whereas, his Majesty hath been pleased to appoint
the Honorable Edmund Atkins, Esquire, to be Agent for and Superintendent
of the Affairs of the several Nations or Tribes of Indians inhabiting the
Frontiers of Virginia, North and South Carolina, and Georgia, and their Con-
federates, in order therefore to render the Execution of a Commission of
so great importance to the welfare and security of his Majesty's Colonies
the more Effectual to the good purposes for which it is intended, Be It
Enacted by the Governor, Council and Assembly, and by the Authority of the
same, That from and after the first day of May next no Person whatsoever
shall presume to deal or Traffic with either the Catawbas or Cherokees or
other Western Indians within the limits of this Province without having
first obtained a License or Permission for such purpose from The Honorable
Edmund Atkins, Esq., his Majesty's Agent for and Superintendent of Indian
Affairs in Virginia, North and South Carolina and Georgia and given Bond
with two sufficient Sureties in the Sum of two hundred Pounds Proclama-
tion Money Payable to the said Edmund Atkins, or his Successor in Office,
with Condition that he and those he shall employ shall demean themselves
honestly and inoffensively to the Indians with whom he shall have Licence
to deal and duly observe such Instructions and Orders in Writing as shall
for the purposes aforesaid and for the better regulation of Trade be given
to him from time to time by the said Edmund Atkins, or his Successor in
Office.

II. And be it further Enacted by the Authority aforesaid, That if any Per-
sion whatever shall after the said first day of May next, Trade or Traffick
with any of the said Indian Nations within the limits of this Province without
having obtained a Licence or permission agreeable to the direction of this
Act he shall forfeit the sum of two hundred Pounds to be recovered by
such person as will sue for the same in any Court of Record, one half to
his own use and the other half to the use of his Majesty towards defraying
the Contingent charges of Government. And it shall and may be lawful for
the said Edmund Atkins, or his Successor in Office, to cause the Person
so offending to be Arrested and to seize his Goods and to cause the Goods so
seized after Ten days notice by advertisement to be sold at Public Auction
and the Money arising by such Sale to lay out for presents to be distributed
among the said Indians in such manner as the said Edmund Atkins, or his
Successor in Office, shall think most likely to fix and confirm the said Indians
in Fraternity and Amity with his Majesty's subjects. And to cause the
Person so arrested to enter into Bond to the said Edmund Atkins, or his
Successor in Office in the Sum of Two Hundred Pounds Proclamation Money
with Conditions that he shall not thereafter deal with any of the said Indians
contrary to the form and Effect of this Act. And in Case the person so
offending shall fail or refuse to give Bond and Security as aforesaid, The said
Edmund Atkins, or his Successor in Office, shall and may cause such Of-
fender to be sent to the Public Gaol of the district wherein such Offence is
committed till he shall before the Supreme Court or the Chief Justice, or
one other of the Justices of the said Supreme Court enter into recognizance
with two sufficient Sureties in the Sum of Five Hundred Pounds Procla-
mation Money, for his good behavior for one Year.

III. And be it further Enacted by the Authority aforesaid, That if the said
Edmund Atkins, or any other Person or Persons, shall be sued for or by
reason of any Act or thing by him or them done agreeable to the directions of this Act, he or they may plead the general issue and give this Act in Evidence. And the Plaintiff, if he shall be cast on the Trial, shall pay double Costs.

IV. And be it further Enacted, That this Act shall continue and be in force Two Years from the said first Day of May next and no longer.

CHAPTER X.

An Act to amend an Act, entitled, An Act for the better regulation of the town of New Bern; and for securing the titles of persons who hold lots in the said town.

I. Whereas, many disputes have arisen among the inhabitants of the said town, concerning who are to be deemed taxables;

II. Be It therefore Enacted, by the Governor, Council and Assembly, and by the authority of the same, That from henceforward, none but males shall be subject to pay the town tax; any usage or custom to the contrary notwithstanding.

III. And whereas, the commissioners of the said town cannot lay a tax without consent of the freeholders, or the majority of them, present, whereby many inconveniences have arisen, greatly prejudicial to the government of the said town; be it Enacted, by the authority aforesaid, That the commissioners of the said town, or the majority of them, shall have full power and authority, to lay any tax on the male taxables of the said town, not exceeding ten shillings per poll, per annum; and the commissioners shall annually, put up an account of the monies by them received and expended, at the courthouse.

IV. And whereas, the allowing of hogs to run at large in the said town, is found to be a great nuisance to the inhabitants; Be it therefore Enacted by the authority aforesaid, That none of the inhabitants of the said town, shall, on any pretence whatever, suffer any of their hogs to run at large within the bounds of the said town; and any hog or hogs, of any inhabitant or inhabitants of the said town, running at large, shall be forfeited to any person who shall seize or kill the same.

V. And be it further Enacted, by the authority aforesaid, That the commissioners, and the inhabitants shall have free liberty to hold all their public meetings, on all occasions, in the court-house, and have the liberty of a key to the same.

VI. And be it further Enacted, by the authority aforesaid, That if at any time any tavern keeper, ordinary-keeper, retailer of liquors, or keeper of a public house in the said town, shall suffer any person or persons whatsoever, to sit tippiling or drinking in his or her house on the Sabbath day; such person or persons so offending, shall forfeit and pay twenty shillings, proclamation money, for every such offence; to be recovered by a warrant, under the hand and seal of any Justice of the Peace for the county of Craven; and which shall be paid into the public stock of the said town.

VII. And be it further Enacted by the authority aforesaid, That if any person or persons whatsoever in the said town, shall, on any pretence whatever, give any credit, loan or trust, to any mariner or seaman, belonging to, or under the command of any master of a vessel, that now is, or shall at any time hereafter be lying in the rivers of Neuse or Trent, exceeding the sum of two shillings and eight pence, proclamation money, except by the
leave or license of the master of the vessel or commander of the vessel be
belongs to, or where such sailor or mariner shall have left the vessel, to
apply to either of the courts of justice, in any disputes or controversies with
the captain or commander of such vessel that then, and in such case, he, she,
or they, shall, for every such default, lose all the monies or goods so trusted
or credited.

VIII. And be it further Enacted, by the authority aforesaid, That if any
person or persons whatsoever in the said town, shall willingly or wilfully,
entertain, harbour or keep, or suffer to be entertained, harboured or kept;
directly or indirectly, any seaman, belonging to any vessel aforesaid, in his,
her, or their house or houses, exceeding the space of twenty four hours,
without the privity and consent of his commander, (except in the case
before excepted), he, she, or they, so offending, shall forfeit the sum of
twenty-five shillings, proclamation money, for every such offence; to be
recovered by warrant, under the hand and seal of any Justice of the Peace
for the county of Craven, and paid into the publick stock or fund of the said
town.

IX. And whereas, the said Town is destitute of a Court-house for the
County Court to sit in; and the Monies for building the same hath not been
hitherto applied for the purposes intended: For Remedy whereof, Be it
therefore Enacted, by the Authority aforesaid, That John Fonville, Esq., be,
and is hereby appointed Commissioner, for building the said Court-house;
who shall give Bond, with Security, to the Committee, appointed by the
Court of the County of Craven, to finish and compleat the same, within the
Time he may agree with them for.

X. And in order to enable the said John Fonville to finish and compleat
the said Court-house, as speedy as possible he can; Be it Enacted, by
the Authority aforesaid, That he shall have, and is hereby invested with full
Power and Authority, to call upon all Persons who may have Monies in
their Hands, to account and pay to him whatever Ballances there may be due
in their Hands on that Account: And on their Refusal or Neglect so to do,
it shall and may be lawful at the Supreme Court, held at New Bern, on
Motion of the said John Fonville, to give Judgment against all and every
such Person or Persons for all the Monies wherewith he or they are charge-
able, with Costs; and thereupon to award Execution against the Goode and
Chattel, Lands and Tenements, of such Person or Persons. Provided, that
such Person or Persons shall have Ten Days previous Notice of such
Motion.

CHAPTER XI.

An Act to enable the Commissioners of the Church of Edenton, to dis-
charge the Contracts by them made, concerning the finishing of the
same.

I. Whereas, the Commissioners of the Church at Edenton, have, pursuant
to Act of Assembly, contracted with a Workman for finishing the Inside
Work of the said Church; but there is not Money in their Hands, appro-
riated to that Use, sufficient for such Purpose;

II. Be it therefore Enacted, by the Governor, Council, and Assembly,
That when the Pews in the said Church shall be finished, it shall and may be
lawful for the said Commissioners, or a Majority of them, and they are
hereby required to cause the same to be numbered; and after setting apart
one of them for the Use of the Governor, and the Members of his Majesty's Council, and one for the Minister officiating in the said Church, and his Family, during the Time of such Minister's continuing to be the Incumbent in St. Paul's Parish, in Chowan County, and Six for the Use of such of the Parishioners as do not incline to Purchase; the said Commissioners, or a Majority of them, shall sell at Public Auction, separately, the other Pews in the said Church; and shall make and execute Deeds, for conveying the Pews so sold, to the respective Purchasers, their Heirs and Assigns, forever; and the Deeds so executed, shall be good and valid in Law, to convey the Fee-simple, and Inheritance of the same, to the Grantee, their Heirs and Assigns, forever respectively.

III. And be it further Enacted by the Authority aforesaid, That the said Commissioners shall apply the Monies arising by the Sale of the said Pews, towards finishing the said Church, and be accountable for the same, as by Law they are accountable for other Monies raised for the said Purpose.
LAWS OF NORTH CAROLINA--1758.

At a General Assembly, begun and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty-Four, and from thence continued, by several Prorogations, to the Twenty-eighth Day of April, in the Year of Our Lord One Thousand Seven Hundred and Fifty-eight: Being the Sixth Session of this Assembly. Arthur Dobbs, Esq., Governor.

CHAPTER I.

An Act for granting an Aid to His Majesty for augmenting the Troops now in the pay of this Province to be joined with those under the Command of Brigadier General Forbes paying them whilst employed in the said Service and for placing Garrisons in the Forts on the Sea Coasts.

I. Whereas, his Majesty at a Considerable Expanse to the British Nation hath been graciously pleased to send a great Naval Armament with numbers of Land Forces, to proceed in offensive operations against our cruel and perfidious Enemies the Subjects of the French King and their Indian Allies; thereby to secure his subjects of North America in the quiet enjoyment of their Religion, Liberties and Properties, and hath graciously invited his said subjects to join in that glorious undertaking. And this Assembly are desirous of demonstrating their Loyalty to his Majesty and Zeal for the common Cause of his Colonies on this Continent, in contributing, to the utmost that the Circumstances of this Country will admit, towards the effectual execution of the said Scheme,

II. Be it therefore Enacted by the Governor, Council and Assembly, and by the authority of the same that the sum of Seven Thousand Pounds be granted to his Majesty for augmenting the Troops now in the pay of this Province to three hundred effective Men exclusive of officers; and clothing, paying and subsisting the said Troops when so augmented. Which said men shall be formed into three Companies and each Company have one Captain, two Lieutenants, one Ensign, one Chirurgeon, four Sergeants, four Corporals & Two drummers; And shall be paid the following pay, to-wit: a Captain ten shillings and eight pence, a Lieutenant six shillings, an Ensign, five shillings, a Chirurgeon five shillings, a Sergeant two shillings, a Corporal and Drummer one shilling each, a private man eight pence P. diem; and each non-commissioned officer and private man eight pence P. diem for subsistence until they shall be joined with his Majesty's Regular Forces & the Troops of the other Colonies under the Command of Brigadier General Forbes; which sd. three Companies shall by order and direction of the Governor or Commander in Chief for the time being be marched or conveyed, as expeditiously as may be, to such place of rendezvous as the said General shall appoint and be employed until the 12th day of December next ensuing, in the same Service and under the same Regulations and Discipline as the said Regular Forces and other Troops; And that the said Forces may be speedily augmented with serviceable men, Be it Enacted by the Authority aforesaid, That the sum of Ten pounds shall be given and paid, as a bounty, to each able Bodied Man who shall
Voluntarily Inlist to serve His Majesty with the Forces now in the Pay of this Government under Command of the said General.

III. Provided nevertheless, That if the Campaign shall be ended before the said twelfth day of December and the necessity of keeping the said Companies in pay cease, it shall and may be lawful for the Governor or Commander in Chief for the time being to cause all or any part of the said Forces to be sooner discharged; anything herein contained to the contrary notwithstanding.

IV. And be it further Enacted by the authority aforesaid, That a poll tax of four shillings and six pence be levied on each taxable person in this Province to be collected for the Year one thousand seven hundred and fifty-nine, by the Sheriffs of the respective Counties; and accounted for and paid to the Treasurers of the respective Districts, at the same Time, in such manner and under the like penalties as are by Law directed for the collecting, accounting for and paying other public Taxes.

V. And be it further Enacted by the authority aforesaid, That an Additional Duty of two Pence P. Gallon be laid on all wine and distilled liquors imported into this Province for and during the Space of four Years from the passing of this Act, which Duty shall be collected under the like Rules, Restrictions and Penalties as other duties on the said Liquors and accounted for and paid by the Collectors of the Several Ports to the Treasurers of the Districts to which the said Ports respectively belong and with the Poll Tax aforesaid be applied as hereinafter directed.

VI. And whereas, There is not money in the Public Treasury to answer the Purposes of this Act; Be it further enacted by the Authority aforesaid, That John Starkey and Thomas Barker, Esqrs., Public Treasurers, be and they are hereby Impowered and required to sign Public Notes of Credit to the amount of the aforesaid sum of seven thousand pounds, to-wit: one thousand of the denomination of forty, four thousand of twenty, and two thousand of ten shillings each; which notes by their Tenor shall intitle the possessors thereof to the sums in them, to be paid out of the Public Treasury with Interest from the Date they respectively shall bear; On the twelfth Day of December one thousand seven hundred and fifty-nine.

VII. And be it further Enacted by the Authority aforesaid, That the Treasurers so soon as conveniently may be after the passing of this Act, when directed, until the said sum of seven thousand pounds be paid, shall make payment in the said Notes, or in the Current Bills of this Province, for which they may exchange the same, to the amount of such sum and sums as the Governor or Commander in Chief shall order, to such Person or Persons as he shall appoint to receive the same; who shall when required, account with the General Assembly, for all such sum & sums of Money as he or they shall receive by such order which Notes shall bear Date at the time they shall be paid or exchanged as aforesaid.

VIII. Provided nevertheless, That if the Governor or Commander in Chief for the time being can procure payment of the proportion, belonging to his Province, of the fifty thousand pounds Sterling, granted by the Parliament of Great Britain toward re-imbursing his Majesty's subjects in North and South Carolina and Virginia the expenses they have been at in defending themselves against the encroachments of the Enemy during the present war the same shall be applied towards paying the three Companies herebefore mentioned, and in that Case the Governor or Commander in Chief shall order the public Treasurer to make payment in the said Notes of Credit of so much only as shall be sufficient to pay and satisfy the residue
of the Disbursements in augmenting, cloathing, paying and subsisting the said Companies and placing proper Garrisons in the Forts on the Sea Coast; anything herein contained to the contrary notwithstanding.

IX. And be it further Enacted by the Authority aforesaid, That the said Public Notes of Credit or the Money for which they shall be exchanged in manner hereinbefore directed or so much thereof as shall be Necessary, shall be disposed of as the Governor or Commander in Chief for the time being, shall direct in augmenting the Forces now in the pay of this Province to the Number hereinbefore mentioned & in paying, Cloathing and Subsisting them when so augmented; and placing proper Garrisons in the Forts, Johnston and Granville, in such manner as the Governor or Commander in Chief shall think will prove most conducive to his Majesty's Service and by this Act is directed.

X. And be it further Enacted by the authority aforesaid, That the public Treasurers shall and they are hereby directed and required out of the Money which they shall receive for the Tax and Duties by this Act imposed to pay all such sums as shall be due on the said Notes of Credit to the possessors of the same and from time to Time take in the said Notes that they may be produced to the Assembly to be burnt; and shall have and receive for their Trouble and expence in printing, signing and paying the said Notes two P. Cent.

XI. And be it further Enacted by the authority aforesaid, That the said Public Bills of Credit shall within six Months after the aforesaid twelfth Day of December be presented to the public Treasurer or one of them for payment thereof, and the possessor of such Notes, failing to present them and demand payment within the said Time shall be for ever barred and precluded from any demand or Claim on the Public for the Interest accrued on such Notes of Credit.

XII. And be it further Enacted by the authority aforesaid, That if any Person shall forge or Counterfeit any of the said Notes of Credit or pass or transfer the same in Exchange or payment knowing them to be forged or Counterfeited, the offender being thereof lawfully convicted shall be adjudged a Felon; and suffer as in cases of Felony without benefit of Clergy.

XIII. And be it further Enacted by the authority aforesaid, That if the Tax and Duties by this Act imposed shall amount to more than will answer the purposes by this Act Intended the surplus shall be applied towards defraying the Contingent Charges of this Government in such manner as the General Assembly shall hereafter direct, and to no other manner or to no other purpose whatsoever.

XIV. And be it further Enacted by the Authority aforesaid, That the Public Notes of Credit by this Act directed to be signed and emitted in manner herein before specified and allowed every other Note and Notes of Credit heretofore signed and emitted by virtue of the Acts of Assembly of this Province shall and are hereby declared to be correct and a lawful Tender in all payments whatsoever wherein proclamation Bills are current or a lawful Tender.

XV. And Whereas, by Marching Forces now in the pay of this Province to join those under the Command of Brigadier General Forbes, The Forts of Johnston and Granville will be left without proper Garrisons to protect the Trade and the Navigation of this Province against attempts that may be made from the Enemy by Sea, Be it further Enacted by the Authority aforesaid, That a Company consisting of one Captain, one Lieutenant and Twenty five able bodied Men each to be enlisted volunteers shall be and
are hereby appointed a Garrison to each of the said Forts under the Command of the respective Captains which shall be appointed by the Governor or Commander in Chief for the time being from and after the Troops now in Garrison in the said Forts shall be marched or sent to the Northward until the twelfth day of December next, and shall be Cloathed in the same manner as other Forces enlisted in this Province; And shall be paid the following pay, to-wit: A Captain six shillings and eight pence, a Lieutenant five shillings and a private man eight pence P. dlem and each private man shall be allowed eight pence P. Dlem for subsistence.

Read three times and Ratified in Open Assembly the Fourth Day of May, 1758.

CHAPTER III.

An Act for altering the times for Holding the Courts in Northampton, Edgecombe, Granville and Orange Counties.

I. Whereas, the times by Law appointed for Holding Courts for the Counties of Northampton, Edgecombe, Granville and Orange are found to be Inconvenient.

II. Be it therefore Enacted by the Governor, Council and Assembly and by the Authority of the same that the Courts for the said Counties respectively shall be held on the days and times following (that is to say) Northampton on the first Tuesday in January, April, July and October. Orange on the second Tuesday, Granville on the third Tuesday and Edgecombe on the last Tuesday in March, June, September and December in every year.

III. And be it further Enacted by the Authority aforesaid, That no Process in any of the said Courts Depending shall be Discontinued for or by Reason of any such alteration of the times for holding the said Courts; And that all Suits, Process and Appearances on return of Process, Recognizances, Bonds and Obligations for appearance of parties, Summons for Witnesses and all other matters and things in the said Courts respectively Depending shall stand Continued to the days and times by this Act appointed as Effectually as if the Days by this Act appointed had been Expressly mentioned therein; any Law, Usage or Custom to the contrary notwithstanding.

CHAPTER IV.

An Act to Confirm and Establish Several Vestries and other purposes.

I. Whereas, several Disputes and Controversies have arisen and are likely to subsist in many Parishes in this Province on Account of the Legality of the Times of holding the late Elections of Vestry Men: For preventing the evil tendency whereof; Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That each Vestryman in this Province who hath been Elected upon proper Notice given by the Sheriff whether at an Election held on Easter Monday or within Twenty Days thereafter, shall be and is hereby Confirmed and Established a Lawful Vestryman and shall and may use and Exercise all the Powers and Authorities that a Vestryman can or ought to do, and shall, and is hereby required to proceed in the Duty of that office under the Rules and
Restrictions, Pains and Penalties that Vestrmen by Law are required to observe and be subject to.

II. Provided nevertheless, That every Vestrman elected at any such Controverted Election who hath not already taken the Oaths of Government, Subscribed the Test and made the Declaration required to be taken and made by one Act of Assembly Intitiled, "An Act for Appointing Parishes and Vestrries for the Encouragement of an Orthodox Clergy, for Advancement of the Protestant Religion and for the Direction of the Settlement of Parish Accounts," shall take and make the same within two months after the passing of this Act, under the Pains and Penalties in the said Act specified. And from and after being qualified as aforesaid, shall be and hereby is declared a Legal Vestrman of the Parish for which he was elected.

III. And be it further Enacted by the Authority aforesaid, That in each Parish wherein an Election of Vestrmen hath not been held on due Notice given by the Sheriff an Election shall be held within three Months after the passing of this Act; upon such Notice and under such Rules and Restrictions and Qualification of the Voters as is prescribed by the afore recited Act, and every person Elected at any such Election shall take the Oaths to his Majesties Person and Government, Subscribe the Test and make the Declaration by the said Act required under the Pains and Penalties therein mentioned. And from thenceforth shall be and hereby is Declared a legal Vestrman until the usual time of Electing Vestrries.

IV. And be it further Enacted by the Authority aforesaid, That every Agreement and order by the Vestr of any Parish heretofore entered into or made or which shall hereafter be made or entered into; for making provision for a Minister to serve the Cure of the Parish; Supporting the poor, or defraying the Contingent Charges thereof, shall be and is hereby Declared good and Available against them and their Successors.

V. And be it further Enacted by the Authority aforesaid that from and after the first Day of December next the Election of Vestrries for the Sev- eral Parishes in this Province shall be held on, or within thirty days after Easter Monday; in those Years in which such Elections are appointed to be held; any Law, or Custom to the Contrary notwithstanding.

VI. And be it further Enacted by the Authority aforesaid, That when any Vestrmean shall hereafter happen to Dye or Remove out of the Parish for which he was Elected the Remaining Vestrmen or a majority of them shall and are hereby Directed and required to Elect another Vestrman instead of him so dying or removing who shall Qualify himself as by the aforesaid Act is required. And thereupon be Invested with all the Powers and Authorities of a Vestrman.

VII. And be it further Enacted by the Authority aforesaid, That when any Collector of a Parish shall hereafter make Distress on the Goods and Chattels of any person chargeable with Parish Taxes, such Goods and Chattels shall not be sold, in less than three nor more than six Days after due notice Given of the Sale thereof by the Officers making such Distress.

CHAPTER V.

An Act for discontinuing the Warehouses at Elbeck's Landing, and erecting others in the Town of Halifax.

I. Whereas, the Directors for the Town of Halifax, out of a Desire of encouraging the Commerce, and speedy Settlement thereof, and promoting
the Navigation of the River Roanoke, have petitioned this Assembly for Leave to remove the Public Warehouses from Elbeck's Landing, and re-build them in the said Town at their Own Expence:

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the First Day of August next, the Public Warehouses at Elbeck's Landing in Edgecombe county, shall be discontinued, and cease to be any longer a place for the Public Inspection of Tobacco.

III. And be it further Enacted, by the Authority aforesaid, That the Directors of the said Town of Halifax, and their Successors, or a Majority of them shall and may, and are hereby impowered and required, at their own proper Charge and Expense, after the said First Day of August, to remove the Public Warehouses and Conveniences which are erected at Elbeck's Landing aforesaid, for the Inspection of Tobacco, and re-build and place them in the said Town, on or before the Tenth Day of October next, on one or some of the Lots already set apart for that Purpose by the said Directors; and it shall be lawful for the said Directors; and all and every other Person or Persons, which they shall employ in removing and rebuilding the said Warehouses, to have free Ingress, Egress, and Regress, into the Lots and Land whereon the said Warehouses and Conveniences are now situate, for that Purpose.

IV. And be it further Enacted, That the said Warehouses, from and after being rebuilt and placed in the Town of Halifax as aforesaid, shall be and are hereby appointed Public Warehouses, and shall be the proper Place for the Reception and Public Inspection of Tobacco; and the County Court of Edgecombe shall, from Time to Time, appoint Inspectors to attend the same, who shall be under the same Regulations, Rules and Restrictions, and intitled to the same Salaries and Emoluments, as is by Law appointed for the Inspectors now attending the Inspection at Elbeck's Landing aforesaid.

V. And be it further Enacted, by the Authority aforesaid, That the Inspectors attending at the said Inspection in the Town of Halifax, out of the first Profits that shall arise from the Perquisites accruing to the same, and Rents of the said Warehouses, shall pay and satisfy to the said Directors, the Sum of Eight Pounds, Proclamation Money, for the Four Lots set apart in the said Town for erecting Public Warehouses on; which money shall be applied by the said Directors for the Improvement and Advantage of the said Town.

VI. And be it further Enacted, by the Authority aforesaid, That the Fee-simple of the said town lots shall be, and are hereby invested in the Justices of the said County Court of Edgecombe, and their Successors; and the said Justices, and their Successors, shall have and receive all the Profits accruing from the Inspection, and the Rents of the Warehouses hereby established thereon, to and for the Use of the Inhabitants of the said County, in the same Manner that they are at present by Law intituled to the Profits of the Inspection and Rents of the Warehouses at Elbeck's Landing: And the said Justice and their successors, shall, from Time to Time, at the Expence of the said Inhabitants, make such Reparations and additional Buildings and Conveniences on the said Lots, as shall be sufficient for the Reception and Safekeeping of all Tobacco brought to the said Inspection.

VII. And be it further Enacted, by the Authority aforesaid, That if the aforesaid Directors shall refuse or neglect to remove the Warehouses and Conveniences from Elbeck's aforesaid, and rebuild and place them on the
Lots herein before mentioned on or before the said Tenth Day of October next ensuing; every Director so neglecting or refusing, shall forfeit and pay to the aforesaid Justices, and their Successors, the Sum of Fifty Pounds, Proclamation Money, each: To be recovered with Cost, by Action of Debt, in any of the Supreme Courts of Justice in this Province; and by the said Justices, and their Successors, applied towards lessening the levy of the said County of Edgecombe.

CHAPTER VI.

An Act for establishing a town on the land of Jonathan Phelps, on Perquimans River.

I. Whereas, it has been represented to this Assembly that the land of Jonathan Phelps, lying on the south west side of Perquimans river, in Perquimans county, where the court house and other public buildings are erected, is a healthy, pleasant situation, well watered and commodious for commerce; and the said Jonathan Phelps having signified his free consent, by a certificate under his hand and seal, to have one hundred acres of the said land laid off for a town, and fifty acres for a town common, which will greatly promote the trade and navigation of the said river:

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Directors or trustees hereafter appointed, or the majority of them, shall, so soon as may be after the passing of this Act, cause the said one hundred acres of land to be laid off in lots of half an acre each, with convenient streets, lanes and alleys, reserving two acres of the said land for a court-house, and other public buildings; which lots, so laid off according to the directions of this Act, is hereby constituted, erected, and established a town, and shall be called by the name of Hertford.

III. And be it further Enacted by the Authority aforesaid, That from and after the passing of this Act, John Rieuuset, Joseph Sutton, John Harvey, John Clayton, and Joseph White, be, and they, and every of them, are hereby constituted directors and trustees, for designing, building, and carrying on the said town; and they shall stand seized of an indefeasible estate in fee, of the said one hundred and fifty acres of land, to and for the intents, uses and purposes, herein expressed and declared; and they or any of three of them, shall have full power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made, and therein to insert a mark or number to each lot, and as soon as the said town shall be laid off as aforesaid, they, and each of them, shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for them; and when the said directors have taken subscriptions for one hundred lots, or upwards, they shall appoint a day, and give public notice to the subscribers of the day appointed for drawing of the said lots, which shall be done by ballot in a fair and open manner, by the direction, and in the presence, of the majority of the said directors at least; and such subscriber shall be entitled to the lot and lots which shall happen to be drawn for him, and correspond with the mark or number contained in the plan of the said town: And the said directors, or a majority of them, shall make and execute deeds for granting and conveying the said one hundred acres of land, in half acres as aforesaid, to the subscribers, their heirs and assigns, forever; and also, to every other person who shall purchase any lot or lots in the said town, at the cost and charges of the said grantee, to whom the said lot or
lots shall be conveyed; and every person claiming any lot or lots, by virtue
of any such conveyance, shall and may hold and enjoy the same in fee-
simple.

IV. Provided nevertheless, That every grantee of any lot or lots in the
said town, so conveyed, shall, within three years next after the date of the
conveyance for the same, erect, build and finish, on each lot so conveyed,
one well framed or brick house, sixteen feet square at the least, and nine
feet pitch in the clear, or proportionable to such dimensions, if such
grantee shall have two or more lots contiguous; and if the owner of any
lot or lots shall fail to comply with the directions in this act prescribed
for building, and finishing a house thereon, then such lot or lots, upon which
such house shall not be built and finished as aforesaid, shall be re vested
in the said directors; and the said directors, or a majority of them, may,
and are hereby impowered and authorized to sell such lot or lots, for the
best price that can be had, to any person applying for the same; and grant
and convey such lot or lots to such person or persons, under the like regu-
lations and restrictions, as the same was or were formerly granted; and the
money arising from such sales, be applied by such directors, or a majority
of them, for the benefit and improvement of the said town.

V. And be it further enacted by the authority aforesaid, That each
respective subscriber who shall subscribe for any lot or lots in the said
town, shall, within one month after it shall be ascertained to whom each
of the said lots doth belong, in manner herein before mentioned, pay and
satisfy to the said directors, or to one of them, the sum of forty-five shil-
lings proclamation money, for each lot by him subscribed for; and in the case
of any refusal or neglect of any subscriber to pay the said sum, the said
directors shall and may commence and prosecute a suit in their own names
for the same, and therein shall recover judgment with costs of suit; and
the said directors shall, as soon as they receive the said money, pay and
satisfy to the said Jonathan Phelps, his heirs or assigns, the sum of forty
shillings, proclamation money, for each lot, in full satisfaction for the said
land, and the other five shillings shall be applied towards defraying the
expense of laying off, and improving the said town, as a majority of the
directors shall think proper.

VI. And for continuing the succession of the directors until the said
town shall be incorporated; be it further Enacted by the authority aforesaid,
in case of the death, refusal to act, or removal out of the county, of any
of the said directors, the surviving directors, or the majority of them shall
assemble and are hereby impowered, from time to time, by instrument in
writing under their respective hands and seals, to nominate some other
person, being a freeholder of the said town, in the place of him so dying,
refusing to act, or removing out of the county; which new directors so nomi-
nated and appointed, shall from thenceforth have the like power and
authority, in all things in the matters herein contained, as if he had been
expressly named and appointed in and by this Act: and when the said
town shall be laid off, the said directors, or a majority of them, are hereby
impowered to remove the court-house, and other public buildings, to a more
convenient part of the town, which may or shall be laid off for that pur-
pose.

VII. Provided nevertheless, That the said Jonathan Phelps shall have
to his own use, his dwelling house, and other out houses, with such lots
as he shall choose adjoining them, not exceeding four lots, exclusive of the
said one hundred acres; and the court of the said county, or their succes-
sors, shall not have power to appoint a public or other ferry at the said
town, in prejudice of the said Jonathan Phelps; but that the keeping of the
said ferry shall remain to the said Jonathan Phelps, his heirs and assigns,
until he or they shall refuse to comply with the terms by law prescribed for
the erecting and keeping public ferries.
LAWS OF NORTH CAROLINA—1758.

At a General Assembly, begun and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty-four, and from thence continued, by several Prorogations, to the Twenty-third Day of November, in the Year of our Lord One Thousand Seven Hundred and Fifty-eight, then held at Edenton: being the Seventh Session of this Assembly. Arthur Dobbs, Esq., Governor.

CHAPTER I.

An Act for granting an Aid to his Majesty, for placing proper Garrisons in the Forts Johnston and Granville; and for other purposes.

I. Whereas, the placing proper Garrisons in the Forts Johnston and Granville, will be a Security to the Trade and Commerce of this Province, and a necessary Defence against the Invasion of the Enemy by Sea.

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That an Aid of Four Thousand Pounds be granted to his Majesty, to defray the expence of Cloathing, Subsisting and Paying Two Companies, each to consist of Forty-seven Men, besides one Captain, one Lieutenant, one Ensign, one Sergeant, one Corporal, and one Drummer; the officers and men of which said Companies shall, during the Time of their serving in this Province, be allowed and paid as follows, to-wit: A Captain, Six Shillings and Eight Pence; a Lieutenant, Five Shillings; an Ensign, Five Shillings; a Sergeant, One Shilling and Four Pence; a Corporal, One Shilling; a Drummer, One Shilling; and a private Man, Eight Pence, Proclamation Money, per Diem; and each non-commissioned Officer, and private Man, Eight Pence per Diem, for Subsistence: Which said Companies shall be employed in garrisoning the Forts Johnston and Granville, or to join his Majesty's forces in any Expedition in North America, as shall be directed by the Governor or Commander in Chief for the Time being; and shall continue in Pay, and be subsisted, until the Tenth Day of December next, if necessary for his Majesty's Service, and no longer.

III. Be it Enacted, by the Authority aforesaid, That each able-bodied Man enlisting voluntarily in the said Service, shall, as soon as may be after enlisting, be properly clothed; for which Expence of Cloathing, and furnishing each Soldier with a Blanket, the Captain shall have an Allowance not exceeding Six Pounds a Man.

IV. And be it further Enacted, by the Authority aforesaid, That if the said Companies or either of them, shall, by Order of the Governor or Commander in Chief for the Time being be sent on any Expedition out of this Province, to join any other of his Majesty's Troops, the Officers and Men so sent on such Expedition, shall have and receive the same Pay, and be under the same Regulations and Discipline, as other Troops on such Service.

V. And whereas, a Taxation by the Poll, is found the most certain and easy Method of raising Money: Be it Enacted, by the Authority aforesaid, That a Poll-Tax of Three Shillings and One Penny, per Taxable, be levied on each Taxable Person within the Province, to be collected for the Year One Thousand Seven Hundred and Sixty, by the Sheriffs of the respective Counties, and accounted for and paid to the Treasurers of the respective Districts, at such Time, in the same Manner, and under the like Penalties,
as is by Law directed for the collecting, accounting for and paying other public Taxes.

VI. And that his Majesty's Service may not be delayed for want of Money to carry into Execution, with all possible Dispatch, the Purposes intended by this Act, Be it Enacted, by the Authority aforesaid, That John Starkey and Thomas Barker, Esquires, Public Treasurers, be and they are hereby impowered and required, to sign Public Notes of Credit to the Amount of the aforesaid Sum of Four Thousand Pounds; and the Notes by them to be emitted, be from Ten Shillings to Forty Shillings, and of no higher Denomination: Which Notes by their Tenor, shall intitle the Possessors thereof, to the Sum in the said Notes respectively mentioned, to be paid out of the Treasury, with Interest, at the Rate of Six per Cent, per Annum, from the Dates they shall respectively bear, to the Tenth Day of June, in the Year of our Lord One Thousand Seven Hundred and Sixty One.

VII. And be it further Enacted, by the Authority aforesaid, That the said Treasurers when directed by the Governor or Commander in Chief for the Time being, until the said Sum of Four Thousand Pounds be paid, shall make Payment in the said Notes, or in Proclamation Bill Money, for which they may exchange the same, to such Person or Persons as he shall appoint to receive the same; and all and every Person so receiving any Sum or Sums from the said Treasurers, or either of them, by such Order, shall, when required, account with the General Assembly for the same.

VIII. Provided nevertheless, That the Captain of each Company shall, as soon as may be, enter into Bond with sufficient Security, to his Majesty, his Heirs and Successors, in the Sum of One Thousand Pounds, Proclamation Money, with Condition, That he will, when required by the General Assembly, account with them for the Sums he shall receive from the Treasurers, or either of them, by Virtue of a Warrant from his Excellency the Governor; which Bond shall be lodged with one of the Treasurers: And in Case of a Breach of the Condition of the said Bond, the same may be put in Suit; and on Judgment being obtained, the Money recovered shall be applied towards defraying the Contingent Charges of Government, or such other Purposes as the General Assembly shall direct, and to no other Use or Purpose.

IX. And be it further Enacted, by the Authority aforesaid, That the Sum by this Act granted, shall, by the Direction of the Governor or Commander in Chief for the Time being, be applied to the Services by the same intended, i.e. the whole shall be necessary; but if a less Sum shall be found sufficient for the Purposes aforesaid, the Surplus shall be applied towards defraying the Contingent Charges of Government, in such Manner as the General Assembly shall hereafter direct, and to no other Use or Purpose.

X. And be it further Enacted, by the Authority aforesaid, That the said Public Treasurers shall, and they are hereby directed, out of the Monies they shall receive by the Tax imposed by this Act, to pay all such Sums as shall be due on the said Notes of Credit, to the Possessors of the same, and to take in the said Notes as they shall become payable, that they may be produced to the Assembly to be burnt; and shall have and receive for their Trouble and Expence in printing, signing, and paying the said Notes, Two per Cent.

XI. And be it further Enacted, by the Authority aforesaid, That the said Notes of Credit shall, within Six Months after they become due, be produced to the Public Treasurers, or one of them, for Payment; and the Possessors
thereof failing to present them for Payment as aforesaid, shall ever after be barred from any Claim on the Public on Account of the Interest accrued on such Notes.

XII. And be it further Enacted, by the Authority aforesaid, That if any Person shall forge or counterfeit any of the said Notes of Credit, or pass or utter the same in Payment or Exchange, knowing them to be forged or counterfeited, the Offender being thereof lawfully convicted, shall be adjudged a Felon, and suffer as in Cases of Felony, without Benefit of Clergy.

XIII. And be it further Enacted, by the Authority aforesaid, That if the Tax imposed by this Act shall amount to more than the said Sum of Four Thousand Pounds, the Surplus shall be applied towards defraying the contingent Charges of Government, as shall be directed by the General Assembly, and to no other Use or Purpose whatsoever.

XIV. And be it further Enacted, by the Authority aforesaid, That the Notes of Credit by this Act directed to be signed and emitted, shall, and are hereby declared to be current, and a lawful Tender in all Payments whatsoever, at Parr with Proclamation Bill Money.

XV. And whereas, the Time appointed by Law for paying the Three Companies raised by this Province, who has been employed under Brigadier General Forbes, will soon expire, and no Provision is made for defraying the Expence of their returning Home; Be it Enacted, by the Authority aforesaid, That there shall be allowed and paid, to every Man of the said three Companies, who shall return to this Province within Twelve Months after the Time of his Discharge from the said Service, the Sum of Five Pounds, out of the Fund appropriated by Law for raising, paying and subsisting the said three Companies, on producing a Certificate from his Commanding Officer of his Discharge.

CHAPTER II.

An Act for Making better Provision for the Clergy.

I. Whereas, the Provision by Law made for the Clergy, is not sufficient to support them;

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Minister of every Parish shall, hereafter, receive an annual Salary of One Hundred Pounds, Proclamation Money, for serving the Cure of the Parish whereof he is a Minister; to be assessed, collected and paid, in Manner as heretofore has been customary; and also a good Glebe, with a Mansion-house, Out houses, and other Conveniences, as by one Act of Assembly, intituled, "An Act for appointing Parishes and "Vestries, for the Encouragement of an Orthodox Clergy, for the Advance- "ment of the Protestant Religion, and for the Direction of the Settlement of "Parish Accounts," is required; and where there is no such Glebe, a further allowance of Twenty Pounds per Annum, until a Glebe shall be purchased and built on as aforesaid; Any Law or Usage to the contrary, notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That so much of the before recited Act as is contrary to this Act, shall be, and is hereby repealed.

IV. Provided nevertheless, That nothing herein contained shall be construed, deemed or taken, to repeal one Act of Assembly, intituled "An Act, "to confirm an Agreement made by the Churchwardens and Vestry of Christ- "Church Parish in Craven County, with the Reverend James Reed;" but
that the same shall continue, and remain of the same Force and Effect, as if this Act had ever been made: Any Thing herein contained to the contrary, notwithstanding.

CHAPTER III.

An Act for erecting a City on Neuse River, upon the Plantation called Tower-Hill, fixing the Seat of Government therein, and building a Governor's House, and public Offices in the same.

I. Whereas, it is absolutely necessary, that the Seat of Government should be fixed; and a House, and Offices, for the Reception and Residence of the Governor or Commander in Chief for the Time being; a House for the convenient sitting and holding of Assemblies; and an Office for the Secretary of this Province, be erected with all possible Expedition, at a proper healthy Place, as central as may be to the Inhabitants of this Government.

II. And forasmuch as the Plantation commonly called Tower-Hill, situate on the North Side of Neuse River, in Dobbs County, hath been found to be healthy and agreeable, having the natural Advantage of a pleasant temperate Air, high and dry Land and wholesome Spring:

III. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the aforesaid Plantation, called Tower-Hill, now being in the Seisin and Possession of his Excellency Arthur Dobbs, Esquire, Governor and Commander in Chief of this Province, and containing Eight Hundred and Fifty Acres of Land shall be, and is hereby reserved and appropriated, for the only sole Use of a City, to be built thereon, and as common thereto; and to no other Use, Intent or Purpose whatsoever.

IV. And be it further Enacted, by the Authority aforesaid, That the said City, when built, and a Governor's House, and Offices, a House for holding Assemblies, and a Secretary's Office, are erected therein, according to the Directions of this Act, shall be, and is hereby declared and established the Seat of Government, for the Province of North Carolina. That the General Assemblies, Courts of Chancery, Courts of Claims, Secretary's Office, and Clerk of the Chancery's Office, may, from Time to Time, be held and kept in the said City; and all Business incident to the Assemblies, and the said Courts, and Matters appertaining to the said Offices, be there done and transacted: Any Law, Usage, or Custom to the contrary, notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That Four Hundred Acres of the aforesaid Plantation of Eight Hundred and Fifty Acres of Land, shall be, and is hereby appointed and set apart to build thereon the said City; which shall be called, and known by the Name of, George City; and the residue thereof shall be and remain for a Common thereto.

VI. Provided nevertheless, That the Committee herein after mentioned, or any Five of them, shall and may and are hereby required, to allot and lay off, Twenty Five Acres of that Part of the said Eight Hundred and Fifty Acres which shall be set apart for a Common to the said City, for the Use of the Governor or Commander in Chief for the Time being, to be by him held and enjoyed, in Severalty, from the rest of the said Common, for a Pasture; and to and for no other Use or Purpose whatsoever; Anything herein contained to the contrary notwithstanding.

VII. And be it further Enacted, by the Authority aforesaid, That Eight Acres, Part of the aforesaid Four Hundred Acres, which shall be agreed upon by the Committee herein after appointed, or any Five of them, be
appropriated to the Use of building thereon a Dwelling-House, and Offices, for the Governor or Commander-In-Chief for the Time being; and two Acres, other Part thereof, be appointed in Manner aforesaid, for a Church to be built on, and Church Yard; and three Acres, another Part of the same, be, in like Manner, appointed to erect a House on for the Assemblies, to be held and kept in, and Secretary's Office: And that the said Buildings for holding Assemblies, shall be for ever called, and known by the Name of, the State-House of North Carolina.

VIII. And be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That the said Buildings shall be erected and built in Manner and Form, and according to the Rules and Dimensions following, to-wit: A Dwelling-House for the Governor or Commander in Chief, Two Story high, Three Bricks thick to the Water-table, and from the Water-Table to the Top of the first Story, two and a half Bricks Thick, and from thence to the Top of the second Story, two Bricks thick; the Length of the said House to be Fifty Feet from Outside to Outside, and the Breadth thereof Forty-five Feet from Outside to Outside; and the first Story shall be Twelve and a half Feet Pitch in the Clear, and the Second Story Ten Feet Pitch in the Clear; The Passage, and two rooms below Stairs, to be neatly Wainscotted, Three Feet and a half high, and the other Parts of them plastered and whitewashed, and the other below Stairs plastered and whitewashed, and ornamented with Paper; and the rooms above Stairs plastered and whitewashed; a Passage in the Middle of the House Fourteen Feet wide in the Clear, and a large neat Stair-Case; The said House to have four Chimneys, and the Roof to be a hipped roof and flat; the Windows in both stories to be Sash Windows; a Cellar, the whole Length of the House, under two Rooms thereof: An Office of Brick, Forty Four Feet in Length, and Twenty Four Feet in Breadth, from Outside to Outside, with one Chimney, and fitted in the Inside in a suitable Manner for a Kitchen: A Stable of Brick, of the same Dimensions as the Kitchen., Part whereof for a Coach Room, and the rest fitted in the Inside with Stalls and proper Conveniences; which said Kitchen shall be placed at Thirty Feet Distance from one Corner of the Front of the said Dwelling-House, and the Stable at the same Distance from the other Corner of the Front of the said House; and a Colonade of Eight Feet wide from Outside to Outside, from each of the said Corners to the said Buildings respectively; and the said Buildings respectively shingled with good Cypress Shingles. A State-House of Two Story high, the Foundation of which shall be Three Bricks thick to the Water-table, and from the Water-Table to the Top of the first Story Two and a half Bricks thick, and from thence to the Top of the Second Story Two Bricks thick; the Length of the said Building to be Seventy Feet, and the Breadth thereof Twenty-Six Feet from Inside to Inside, the first Story to be Twelve and a half Feet Pitch, and the Second Story Ten Feet Pitch in the Clear, and neatly plastered and white-washed; and Forty Feet in the Clear in one End of the lower Story of the said Building shall be parted from the rest by a Wall, and the Inside thereof fitted and properly decorated for holding Assemblies; and Fourteen Feet adjoining the said Partition Wall shall be a Passage or Lobby; and the other Part of the Building divided into Two Divisions, whereof one to be for a large and handsome Stair-Case, and the other for an Office for the Clerk of the Assembly, for depositing in and safe-keeping the Rolls and Papers relating to the said office: And Forty Feet in the Clear in one End of the upper Story of the said Building shall be parted from the rest by a Wall, for holding Councils, a Court of Chancery, and a Court of Claims; and Fourteen Feet adjoining shall be for a Passage, and the other End, except so much as is
necessary for a Stair-Case, shall be for an Office for the Clerk of the Council, and Clerk of the Court of Chancery; and that the Roof shall be a hipped Roof, and flat, and shingled with Cypress Heart Shingles, and the Windows to each Story of the Building, shall be Sash Windows: The lower Part of the said Building shall be, and is hereby appropriated to the Use of the Assembly of North Carolina, for the holding and Keeping Assemblies, and the Office thereto belonging; and the upper Part of the said Building shall be, and is hereby appropriated to the Use of the Governor or Commander in Chief for the Time being, and Council of this Province, for holding Councils, a Court of Chancery, and Court of Claims, and the several Offices to the said Council and Court of Chancery belonging; and to no other Uses, Intent or Purpose. An office for the Secretary, of Brick, with Walls of the same Dimensions as the lower Story of the State-House; the Length whereof to be Forty Two Feet, and the Breadth Twenty Feet, from Outside to Outside, and the Pitch Twelve and a half Feet, and plastered and whitewashed; a Partition in the Middle, and an Inside Chimney in one End of the said Building, The Floor to be Paved with Flag Stones or Bricks; the Roof to be a hipped Roof, and the Windows Sash Windows; the Steps to the Governor's House, State-House, and Secretary's Office, to be Semi-circular, and of Flag Stone or Brick.

IX. And be it further Enacted, by the Authority aforesaid, That the Honorable John Dawon, Lewis DeRossett, and Richard Spaight, Esquires; and John Starkey, John Ashe, John Fonville, Joseph Bryan, John Campbell, and Benjamin Wynns, Esqrs., shall be, and are hereby appointed, a Committee to inspect and oversee the said Buildings, until they shall be finished; and they, or any Five of them, are hereby authorized, impowered and required, to covenant and agree with such and so many Undertakers, Workmen and Overseers, of the said Buildings as they shall think fit; and to give such necessary Orders and Directions therein, from Time to Time, as they shall see Cause, for the carrying on, furtherance, and finishing the said Buildings, respectively, according to the aforesaid Rules and Dimensions: And that the said Committee, or any Five of them, be likewise authorized and impowered, by Virtue of this Act, on the Public Account and Risque, to send for, out of England, or Elsewhere, Hinges, Nails, Glass, Paint, Stone, and such other Materials as they shall think necessary, for carrying on and finishing the said Buildings.

X. And be it further Enacted, by the Authority aforesaid, That the said Committee, or any Five of them, as often as they shall have Occasion for Money for the Uses aforesaid, shall, from Time to Time, apply themselves to the Governor or Commander in Chief for the Time being, to issue his Warrant to one or both of the Treasurers of this Province, requiring him or them to pay so much Money as they shall have Occasion for, not exceeding the Sum of Six Thousand Pounds, Proclamation Money, who is and are hereby impowered and required, to pay the same to the said Committee upon such Warrant; which said Sum or Sums the said Committee shall account for to the General Assembly.

XI. And be it further Enacted, by the Authority aforesaid, That the aforesaid Committee, or any Five of them, shall and may, and are hereby required, after setting apart Eight Acres for building a Governor's House, and Offices thereon, Three Acres for a State-House, and Secretary's Office; and Two Acres for a Church and Church-Yard, and Two Acres for a Market Place; lay out, and proportion, into Streets, Lanes, Alleys, and half Acres, the Residue of the aforesaid Four Hundred Acres of the said Plantation called Tower-Hill, by Virtue of this Act set apart for the Use of the said City of
George; every half Acre of which shall be a distinct Lot of Ground, to build upon in Manner and Form herein after expressed; that is to say, Whatever House is to be built on the Main Street of the said City, the Front thereof shall come within Ten Feet of the Street, and not nearer; and the Houses in the several Lots on the Main street shall front alike: Which said Street shall be called and known by the Name of King Street; and the other Streets and Lanes named by, and built on, according to such Rules and Orders as shall be given and made by the aforesaid Committee or any Five of them.

XII. And be it further Enacted, by the Authority aforesaid, That the aforesaid Committee shall be vested with, and seised of, and in a pure, absolute, perfect, indefeasible Estate of Inheritance, in Fee, of, in, and to the said Plantation and Eight Hundred and Fifty Acres of Land, called Tower-Hill, in special Trust and Confidence, to and for the Uses, Intents and Purposes of this Act, and to and for no other Use, Intent or Purpose whatsoever: And the said Committee or any Five of them, shall and may convey unto any Person or Persons purchasing the same, at the Costs and Charges of such Person and Persons, one or more half Acre or half Acres of the aforesaid Four Hundred Acres hereby appropriated for the Building the said City on, by good and sufficient Deed and Assurance in the Law, (for which Deed the said Committee shall not charge more than Five Shillings, Proclamation Money), unto such Person or Persons, his, her, or their Heirs and Assigns forever; and every Person and Persons claiming any Lot or Lots in the said City by Virtue of any such Conveyance, and conforming him, her, or themselves, to the Terms and Conditions by this Act prescribed, shall and may hold and enjoy the same in Fee-simple.

XIII. Provided nevertheless, That every Grantee of any Lot or Lots in the said City, conveyed in Manner aforesaid, shall within Five Years next after the Date of the Conveyance for the same, erect, build, and finish on each Lot so conveyed, one Stone, Brick or well framed House, Thirty Feet long, and Eighteen Feet wide at the least, and Twelve and a half Feet Pitch at least, if such Lot or Lots be on the Main Street; and Twenty Feet long and Sixteen wide at the least, and Ten Feet Pitch at the least, if such Lot or Lots be on any other Street, or a House or Houses proportionable to such Dimensions, if such Grantee shall have two or more Lots contiguous; And if the Owner of any Lot shall fail to pursue and comply with the Directions of this Act, for building or finishing a House or Houses thereon, then such Lot, upon which such House or Houses shall not be built and finished within the Term aforesaid, shall be vested in the said Committee; and the said Committee or any Five of them, may, and are hereby authorized and impowered, to sell such Lot for the best Price that can be got, to any Person applying for the same, in such Manner, and under such Restrictions, as they could or might have done if such Lot had not been before granted.

XIV. And be it further Enacted, by the Authority aforesaid, That the said Committee, or any Five of them, after laying out the aforesaid Four Hundred Acres of Land, in Manner herein before mentioned, shall make a fair Plan of the Streets, Lanes, Alleys and Lots in the said City, and therein insert a Mark and Number to each Lot; and the said Committee, or any Five of them, shall have full Power and Authority to meet as they shall think necessary, and to establish Rules and Orders for the more regular placing and building Houses in the said City, and repairing and amending the Streets thereof, and removing all Nuisances happening in the same; And if the Inhabitants of the said City shall refuse, fail or obey or pursue such Rules and Orders, shall be liable to the same Penalties as are inflicted for not repairing the
High Ways in the said County of Dobbs which shall and may be recovered before any Justice of the Peace.

XV. And whereas, enabling the said Committee to take Subscriptions for the Lots in the said City, may promote a speedy Sale thereof; Be it therefore Enacted, by the Authority aforesaid, That the said Committee, or any Five of them, may, and are hereby authorized and impowered, to receive and take Subscriptions for Lots in the said City; and the said Committee, or any Five of Them, within One Month after they shall have laid off the said City in Manner herein before directed, and taken Subscriptions for Two Hundred Lots therein, at least, shall appoint a Time, and give Public Notice thereof, for meeting the Subscribers for the said Lots, on the said Land, for determining the Property of each particular Lot; which shall be done by ballot, in a fair Manner, by the Directions of, and in Presence of Five of the said Committee at least; and each Subscriber shall be intitled to the Lot which shall happen to be drawn for him, and correspond with the Number contained in the Plan of the said City.

XVI. And be it further Enacted, by the Authority aforesaid, That every Grantee of any Lot or Lots in the said City, within One Month after the said Committee, or any Five of them, shall have conveyed the same to him, shall pay to the said Committee, or some or one of them, the Sum of Thirty Shillings, Proclamation Money, for each Lot so conveyed to him; and in Case of the Refusal or Neglect of any Grantee to make such Payment, the said Committee shall and may commence and prosecute a Suit in their own Name for the same, and therein shall recover Judgment with Interest, and Costs of Suit.

XVII. And be it further Enacted, by the Authority aforesaid, That there shall be paid and satisfied, out of the Public Treasury, to his Excellency Arthur Dobbs, Esq., Governor of this Province, for the aforesaid Plantation called Tower Hill, and Eight Hundred and Fifty Acres of Land, the Sum of Four Hundred and Fifty Pounds, Proclamation Money, being the Original Price of the said Land, in full Satisfaction for his Right, Interest and Estate therein; And also, that the aforesaid Committee, as often as required, shall render an Account to the General Assembly, of the Profits and Produce of the several half Acres or Lots of Land by them sold in Manner aforesaid, and after allowing the said Committee for their Expenses in executing the Trust by this Act reposed in them, and for their Service therein, the Residue shall be disposed of towards re-imburseing the Public the first Purchase of the said Land.

XVIII. And be it further Enacted, That the said Committee shall keep a Register of all their Proceedings, in Discharge of the respective Trusts by this Act vested in them; and, as often as required; lay the same before the General Assembly for their Inspection.

XIX. And be it further Enacted, That in Case of the Death, Refusal to Act, or Removal out of the Country, of any of the said Committee, the surviving or remaining Members of the Committee, shall, from Time to Time elect and choose some other Person, being a Freeholder of the said City, in the Place of him so dying, refusing to act, or removing out of the Country; who shall be, to all Intents and Purposes, vested with the same Power and Authority, as any other Member of the said Committee in this Act nominated and appointed.

XX. Provided nevertheless, That the aforesaid Committee shall not proceed to design, lay out, and build the said City, or to contract or agree for the erecting therein a Governor's House, and Offices, State-House, or Secre-
tary's Office, or either of them, until they shall have received certain Advice, that the Proportion of the Sum of Fifty Thousand Pounds, Sterling, granted by the Parliament of Great Britain, to North and South Carolinas, and Virginia, towards re-imbuiring a Part of the Expences the said Governments have been at, in defending the Rights and Possessions of the Crown in North-America, is paid, or secured to be paid, to the Agent of this Province: Any Thing herein contained to the contrary notwithstanding.

CHAPTER IV.

An Act to Regulate the Inspection of Pork, Beef, Rice, Flour, Butter, Indico, Tar, Pitch, Turpentine, Staves, Heading, Shingles, Lumber and Deer-Skins.

I. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, no Pork, Beef, Rice, Flour, Butter, Tar, Pitch, Turpentine, Staves, Heading, Shingles, Lumber and Deer-Skins, shall be exposed to Sale for Exportation, or any Indico paid in Discharge of Taxes, until the same shall be duly inspected, under the Regulation herein after expressed; and the Justices of every County Court within this Province, are hereby authorised and required, at the first or second Court to be held in each County, after the first Day of January, yearly, to nominate and appoint, in open Court, one or more, not exceeding Four, fit and proper Persons, residing in the said County, to inspect the Package and Weight of all such Pork, Beef, Rice, Flour, Butter and Indico; and also to inspect the filling of all Tar and Pitch; and to guage and inspect all Turpentine, Staves, Heading, Shingles and Deer Skins, within their respective Counties; and every Inspector so appointed, shall, before he enters upon or executes his Office, enter into Bond, with two or more good and sufficient Securities, in the Penalty of Five Hundred Pounds, Proclamation Money, for the true and faithful Discharge of his Office, according to the Directions of this Act; Which Bond and Securities, every such Court, respectively, is hereby impowered and required to demand, take, and cause to be acknowledged before them in open Court, and recorded; which Bond shall be made payable to the Governor or Commander-in-Chief, and his Successors, and shall be in Force for the Term of Three Years after such Inspector shall be out of Office; and that in the Name of the Governor or Commander in Chief, or his Successors, any Person or Persons injured, may and shall, at his, her, or their Costs and Charges, commence and prosecute a Suit or Suits on such Bond, against the Parties therein bound, their Executors or Administrators, and shall and may recover all Damages which he, she or they, may have sustained, by Reason of the Breach of the Condition thereof; and the same shall not become void upon the first Recovery, or if Judgment shall be given against any Plaintiff or Plaintiffs who shall sue on such Bonds, but may be put in Suit, and prosecuted, from Time to Time, for the Benefit of the Party or Parties injured, and the whole Penalty expressed in such Bond shall be recovered.

II. Provided always, That if any Verdict or Judgment shall pass for such Inspector, or his Security, the Person or Persons at whose Instance such Suit shall be prosecuted, shall pay Costs: And the Inspector shall also take the following Oath, to-wit:

You shall swear, that you will faithfully, impartially and diligently, execute the Office of Inspector; and that you will not for Favour, Affection, Prejudice, Partiality, or other bye Respect, brand any Barrel of Pork, Beef,
Rice, Flour, Tar, Pitch or Turpentine; or any Cask or Firkin of Butter; or any Barrel or Case of Indigo; or pass any Staves, Heading, Shingles, Lumber or Deer-Skins, other than such as are declared lawful by one Act of Assembly intituled, An Act to regulate the Inspection of Pork, Beef, Rice, Flour, Butter, Indigo, Tar, Pitch, Turpentine, Staves, Heading, Shingles, Lumber and Deer-Skins, to any Person whatsoever, according to the best of your Skill and Judgment. So help you God.

III. And be it further Enacted, by the Authority aforesaid, That the respective County Courts shall be, and are hereby authorized and empowered, at any time, to discharge any Inspector from his said Office, who shall misbehave himself, and act contrary to his Duty therein; and at the Death, or on the Disability of any of them, to appoint another to succeed such dead, disabled, or misbehaving Inspector.

IV. And be it further Enacted, by the Authority aforesaid, That the Places and Landings herein after mentioned, shall be, and are hereby appointed, for the Inspection of Tar, Pitch, Turpentine, Staves, Heading and Shingles; to which Places all of the said Commodities, before sold or exported, shall be brought, examined and inspected, according to the Directions hereinafter mentioned that is to say,

In New-Hanover County, at the Towns of Brunswick, Wilmington, New-Exeter, and New-Topsail Sound.

In Onslow County, at Bear-Inlet, New-River, and Bogue-Inlet.

In Carteret County, at Beaufort Town, Fort-Point, near Old-Topsail, and Portsmouth.

In Craven County, at New Bern Town, Clubfoot's Creek, Lower Broad Creek, Bush's Landing, and Hollingsworth's Landing.

In Beaufort County, at Bath Town, William Spier's, Traverse's, Grift's, and Tranter's Creek; at Chocowinity, Congleton's, Red-Banks, Blount's Creek, Mills's, Salters, Durham's Creek, and South-Dividing Creek.

In Hyde County, at Wood-Stock Town, and Silvester's Landing.

In Tyrrel County, at Hog Town, Gardner's, Dayley's, Welsh's Creek, Hendrick's Creek, Scuppernong River, Little Alligator, Richard Lurty's, Meakings's Landing, and Dawson's.

In Chowan County, at Edenton, Old Town Landing, Bennet's Creek, at the Bridge, John Symon's Landing.

In Bertie County, at Salmon Creek, Maul's-Haven, the Warehouses on Chowan River, Van Pel'ts, Wiccon Creek, Catharine's Creek, and Cashie River.

In Northampton County, at Hill's Ferry, the Pitch Landing, Murrfey's Landing, Manney's Landing, Buxton's Warehouse, Jones's Warehouse, and the Place where Ragland's warehouse formerly stood.

In Anson County, at Gordon's Landing on Pee-Dee River.

In Halifax County, at Kahukee, Barnes's Landing, Foster's Bank, and the Town of Halifax.

In Edgecombe County, at Howell's Warehouse.

In Perquimans County, at Cypress Bridge, at Hartford, Saunders's Landing up the Narrows, John Barrow's, Yeopim Creek, at Seth Summer's Landing, at Little River Bridge, John Stevenson's, Little-River Point, Benjamin Harvey's Landing, at John Barclip's, on Deep Creek, William Standin's, on Yeopim River, at Thomas Week's Landing, at Capt. Joseph Sutton's, on Sutton's Creek, at Robert Harman's Landing on Yeopim Creek.

In Pasquotank County, at Nixonton, at Simon's Bridge, at the Mouth of Simon's Creek, at Pigg's, at McKeel's, at Newbegan Creek, at the Warehouse,
at Murden's, at Nixon's, Mouth of the River, at Seaburn's Landing, North River, and at River Bridge.

In Currituck County, the South Side of Gulley's Creek Bridge, at Joseph Sander's, at Moyock, at Indian Town Bridge, at Chicomocomac, at Thomas Pain's Landing.

In Dobbs County, at Stringer's Ferry; at Shepherd's Ferry on Contentney; and at Fellow's Ferry on Neuse River.

V. Provided nevertheless, That if the Merchant willing to Purchase, and the Planter willing to sell, any of the Commodities aforesaid, shall be desirous of having any of them inspected at any convenient Landing which is not by this Act appointed a Place of Public Inspection, it shall and may be lawful for any Inspector of the County wherein such Landing is, to attend and inspect the same, according to the Rules and Directions herein mentioned: Any Thing herein contained to the contrary, notwithstanding.

VI. And be it further Enacted, by the Authority aforesaid, That where any such Inspection is appointed by this Act to be held in any Town, the Court of the County wherein such Town is, shall nominate and appoint an Inspector for every such Inspection who is an Inhabitant of, or resides in such Town; and no other Person.

VII. And be it further Enacted, by the Authority aforesaid, That no Master or Commander of any Ship or Vessel shall take on board his Ship or Vessel any such Cask or Barrel as aforesaid, without being inspected and branded as by this Act required, under the Penalty of Forty Pounds, for each Offence; One Half to the Informer, and the other Half to the Churchwardens of the Parish wherein the Offence shall be committed, to the Use of such Parish; to be recovered with Costs, by Action of Debt, Bill, Pains or Information, in any Court of Record; And if any Master or Commander of a Ship or Vessel shall be sued for the said Offence, he shall be obliged to give Bail to such Action: Any Law, Usage or Custom to the contrary, notwithstanding.

VIII. And be it further Enacted, That no Collector shall enter any Ship or Vessel, before the Master or Commander of such Ship or Vessel shall have taken the following Oath, to wit:

You shall swear, That you will not, this present Voyage, export in the Ship or Vessel wherein you are Master or Commander, any Barrel of Pork, Beef, Rice, Flour, Butter, Tar, Pitch or Turpentine, that shall not have an Inspectors' Brand thereon, according to Law, (except such as shall be necessary for the Vessel's Use.) So help you God.

Which Oath the Collector of the Port, or his Deputy, is hereby impowered and required to administer; and shall and may take and receive of such Master for administering the said Oath, One Shilling, Proclamation Money: And in Case any of the said Commodities have been put on board any Ship or Vessel without being first inspected as this Act directs, it shall and may be lawful for any Two Magistrates or Justices on Information made to them on Oath, to issue a Warrant, directed to the Sheriff, or any Constable, of any County wherein such Vessel shall be riding at Anchor, to cause Search to be made on board such Ship or Vessel; and on finding any such Commodities not inspected according to the Intent and Meaning hereof, such Magistrates or Justices shall certify the same to the Collector; which Collector shall not clear out such Ship or Vessel, nor deliver up the Register thereof, until such Time as the Master or Commander shall have given Bond, with Securities, to the Sheriff of the County wherein such Ship or other Vessel shall be riding at Anchor, to appear and answer the Suit of such Informer.
and Churchwardens for such Offence, under the Penalty of Ten Pounds, Proclamation Money, for every Neglect or Default of such Collector; to be recovered by the Churchwardens of the Parish wherein such Offence shall be committed.

IX. And be it further Enacted, That every Collector, or his Deputy, shall grant a Certificate to the Master or Commander of any Ship or Vessel, of his having taken such Oath, under the Penalty of Ten Pounds, for each Neglect or Refusal; to be recovered by Bill, Plaint or Information, in any Court of Record in this Province; the one Half to him or them that shall sue for the same, the other Half to the Churchwardens, for the Use of the Parish where such Offence shall be committed.

X. And be it further Enacted, That every such Inspector himself, and not by Deputy or Substitute, shall constantly attend at the Places aforesaid, at such Times as required for the Inspection of the said Commodities, and Tar, Pitch and Turpentine within his County; and shall provide an Iron to brand any of the Commodities with, bearing the Name of the Inspector, and his Place of Residence: And if any Inspector so appointed and sworn, shall neglect his Duty, or brand any of the Commodities contrary to this Act, or Brand any empty Barrel, or lend his Brand to any Person or Persons whatsoever, he shall forfeit and pay for every Barrel, Box or Case of Indigo, Five Pounds; for every Barrel of Pork, Beef, Rice, Flour, or Cask of Butter, Five Shillings; for every Barrel of Tar, Pitch or Turpentine, Two Shillings and Six Pence; and for branding any empty Barrel, or lending his Brand, Forty Pounds, Proclamation Money; recoverable by Action of Debt, before any Jurisdiction, having cognizance thereof, with Costs, by the Informer.

XI. And be it further Enacted by the Authority aforesaid, That all Pork or Beef, packed within this Province, for Sale or Exportation, shall be put in good and sufficient White-Oak Cask, which shall not contain more than Thirty-one Gallons and an Half, Wine Measure, each Barrel, and Fifteen Gallons and Three Quarters, each Half Barrel; And all Barrels, and Half Barrels, shall be made of Timber seasoned at least Six Months after the riving the Staves, nor less than half an Inch thick when wrought; the Heading not less than Three Quarters of an Inch Thick, and well doweled; Twelve good substantial Hoops on each Cask; and the whole to be tight, fit to hold Pickle, and workman like; and shall contain at least Two Hundred and Twenty Pounds of Good, clean, sound, merchantable Meat, properly sorted, and well salted between each Layer, and nailed and packed; and no more than Two Heads in one Barrel of Pork, and not any Boar's Flesh in any Barrel of Pork; or any Bull's Flesh or Heads, nor more than two Shanks in any Barrel of Beef: And every Barrel of Rice shall be filled with sound and well cleaned Rice; and after the same has been inspected, found good, merchantable, and passed by the Inspector residing in the County where the same shall be packed and inspected, every such Barrel shall be by him branded as aforesaid, and a Certificate or Certificates thereof given to the Owner, bearing Date the same Day such Commodity or Commodities were inspected and passed: And every Barrel of Pitch or Turpentine shall be hooped with Twelve good Hoops at least; and before it be branded by the Inspector, shall be weighed in his Presence; and every Three Hundred and Twenty-two Pounds Weight of Pitch or Turpentine, including the Cask, and so in Proportion, shall be accounted a Lawful Barrel of Pitch or Turpentine: And every Barrel of Tar shall be of the Guage of Thirty-one Gallons and a Half, Wine Measure, when full-bound, no more than one Third Part of the Staves shall be left bare, and hooped with twelve good Hoops, at least:
and every Barrel of Tar of less size, and fewer than Twelve Hoops, shall be put in Merchantable Cask, at the Expence of the Owner or Exporter: And every Barrel of Tar, Pitch and Turpentine, after the same shall be inspected, guaged, found clean, well and truly made merchantable and passed by the Inspector; shall be by him branded and marked with the mark of the Owner, and a Certificate or Certificates thereof given to the Owner as aforesaid.

XII. Provided always, That if any Tar, Pitch or Turpentine, shall remain Twenty Days or more after the same has been inspected and passed in Manner aforesaid, before the same shall be laden or put on board some Ship or Vessel for Exportation, it shall not be lawful for the Owner or any other Person whatsoever, to lade or put the same on board any Ship or other Vessel as aforesaid, until the same shall have been again inspected and passed by the Inspector, and Certificate or Certificates granted for the same, in the same Manner as if such Commodities had never been inspected; Any Thing herein contained to the contrary, notwithstanding. And every Person who shall presume to lade or put on board any Ship or Vessel any Tar, Pitch or Turpentine, for Exportation as aforesaid, at any Time after the Expiration of Twenty Days from the time that the same shall have been received and inspected as aforesaid, shall forfeit and pay the Sum of Five Shillings, Proclamation Money, for every such Barrel so laden or put on board any Ship or other Vessel; to be recovered by Action of Debt, with Costs, one Half to the Informer, and the other Half to the Use of the Parish wherein such Offence shall be committed, before any Jurisdiction having Cognizance of the Sum or Sums of money so forfeited; and the Master or Commander of any Ship or Vessel shall be liable to the same Penalty as for lading Tar, Pitch or Turpentine, without being branded; and the Justices and Collector shall, and are hereby required, to use the same Method of Proceedings to compel the Payment of the said Penalty, as in that case is directed to be observed.

XIII. And for as much as it is difficult, in warm and rainy Weather, to separate Tar from Water: It is hereby declared, That Water shall not be accounted a fraudulent Mixture in any Tar; but that in such cases, the Barrel shall not be branded by the Inspector until the same is as free from Water as it can be made: Any Thing herein contained to the contrary, notwithstanding.

XIV. And whereas, Pork, Beef, Rice, Flour and Butter, may, by Reason of its being long Kept, become not good, sound and merchantable: Be it further Enacted, by the Authority aforesaid, That none of the said Commodities shall be laden or put on board any Ship or Vessel, if the same have been kept Three Months after they have been inspected, until the same shall have been again inspected and passed by the Inspector, and Certificate or Certificates granted for the same in the same Manner as if such Commodities had never been inspected; any Thing herein contained to the contrary, notwithstanding. And every Person who shall presume to lade or put on board any Ship or Vessel any Pork, Beef, Rice, Flour or Butter, for Exportation as aforesaid, any Time after the Expiration of Three Months from the Time that the same shall have been viewed and inspected as aforesaid, shall forfeit and pay the Sum of Five Shillings, Proclamation Money, for every such Barrel of Pork, Beef, Rice, Flour, and Cask or Firkin of Butter, so laden or put on board any Ship or other Vessel; to be recovered by Warrant, or Action of Debt, with Costs; one Half to the Informer, and the other Half to the Use of the Parish wherein such Offence shall be committed,
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before any Jurisdiction having Cognizance of the Sum or Sums so forfeited; and the Master or Commander of such Ship or Vessel shall be liable to the same Penalty as for lading Pork, Beef, Rice, Flour, or Butter, without being branded; and the Justices and Collector shall, and are hereby required, to use the same Method of Proceedings to compel the Payment of the said Penalty as in that Case is before directed to be observed.

XV. And whereas, also it is difficult for Merchants and other Persons, making Quantities of Pork and Beef, to get good Casks to put it in, it is hereby Enacted, That from and after the passing of this Act, no Cooper, or other Person whatsoever, making Cask, shall expose to Sale any Barrel or half Barrels, for the holding of Pork or Beef, other than such as are by this Act directed to be made for that Use; and every Cooper, or any other Person, making Barrels, or half Barrels, before they deliver or expose the same to Sale, shall set his or their proper Brand upon every Barrel or half Barrel; which Brand he or they shall cause to be recorded in the Office of the Clerk of the Court of the County where he or they shall reside: And every Cooper or other Person exposing to Sale any Cask not agreeable to the Directions of this Act, shall, for such Cask, forfeit and pay Six Shillings and Eight Pence, Proclamation Money, and for not recording his Brand, the Sum of Five Pounds, Proclamation Money; one half to the Churchwardens for the Use of the Parish where the Offence shall be committed, and the other half to him or them that shall sue for the same; to be recovered by Warrant, or Action of Debt, before any Jurisdiction having Cognizance thereof, with Costs; provided the same shall be sued for within Two Months after the Offence committed.

XVI. And be it further Enacted, by the Authority aforesaid, That every Seller or Exporter of Pork, Beef, Rice, Flour, Butter, Tar, Pitch, or Turpentine, packed or filled in this Province, and branded, shall produce the Certificate of the Inspector who inspected the same, and make Oath, if required before a Justice of the Peace, within Three Days before the Delivery of the Goods sold or exported, that the several Commodities intended by him to be sold or exported, are the same, that were inspected and passed, and do contain the full Quantity mentioned in such Certificate, without Embezzlement, to his Knowledge: Which Oath the Justice shall, and is hereby required to certify on the back of such Certificate; which Certificate the Seller shall deliver to the Buyer, if such Commodities be sold, and the Exporter of such Commodities to be exported shall deliver such Certificate to the Master of the Ship or Vessel on board which the same shall be shipped or laden; and if such Seller or Exporter, shall neglect or refuse to make such Oath, if required, he shall for every such Offence, forfeit and pay the Sum of Ten Pounds, Proclamation Money, to the Informer; to be recovered with Costs, in any Court of Record, by Action of Debt, Bill, Plaiznt or Information.

XVII. And be it further Enacted by the Authority aforesaid, That it may be Lawful for every County Court within this Province, wherein there are not Public Warehouses by Law erected for the Reception and Inspection of Tobacco, at the Expense of such County to erect or rent a Warehouse at or near some Public Landing, on a navigable River or Creek, for the Inspection, Reception, and safe keeping of all Indigo, at any Time hereafter to be paid, or tendered in Payment of Public, County or Parish Taxes; and shall appoint and direct at what Times the Inspector or Inspectors shall attend to inspect and receive the same: And every Inspector that shall be appointed by Virtue of this Act shall find Labourers to assist in weighing the several
Commodities he shall inspect and weigh; and also shall find and provide
Steelyards or Scales of the lawful Standard for that Purpose.

XVIII. And be it further Enacted, by the Authority aforesaid, That all
Indico paid in Discharge of Public, County, or Parish Taxes, by Virtue of any
Law of this Province, shall be first brought to one of the Public Warehouses
appointed by Act of Assembly for the Inspection of Tobacco, to be erected
or rented, by Virtue of this Act as aforesaid, and there inspected: And any
Inspector of the County wherein such Warehouses are appointed, or shall
be erected or rented as aforesaid, on Notice given, shall attend according
to the Directions of the County Court, and carefully view and examine all
such Indico; and if it is dry, free from Dirt, Sand, and every fraudulent Mixture,
and is, in the Opinion of such Inspector, good and merchantable, and
such as will intitle the Exporter thereof to the Bounty allowed by Act of Par-
liament, such Inspector shall weigh the same, and be obliged to deliver to
the Person or Persons bringing the same, as many Promissory Notes, under
the Hand of such Inspector, as he shall be required, for the full Quantity of
Indico received by him; which Indico such Inspector shall carefully secure
in Barrels, Boxes or Cases; and the said Promissory Notes are hereby de-
declared to be current and transferable in Payment of all Public, County and
Parish Taxes, at the Rate or Price of Four Shillings, Proclamation Money,
per Pound, and shall be paid and satisfied by such Inspector who signed
the same, upon Demand: And every such Inspector shall be obliged, as is
hereby required, to pack and secure all Indico by him received, in Barrels,
Boxes or Cases; and for every Barrel, Box or Case, by him paid away in
Discharge of any Promissory Note or Notes by him given, and containing
Two Hundred Pounds Weight, Nett, and branded with the Gross, Tare, Nett
Weight, and Name of the Inspector, and nailed and secured, fit for shipping,
there shall be paid, by the Person receiving the same, the Sum of Five
Shillings and Six Pence, to the Use of such Inspector; and so proportionally
for Barrels, Boxes or Cases, containing less; and such Inspector shall also
have an Allowance of Three per Cent. for all Indico he shall pay away in
Discharge of any such Note or Notes, for Shrinkage and Waste; and if any
Inspector by whom such Note shall be given, shall refuse or delay to satisfy
the same when demanded, he shall forfeit and pay, for every such Refusal
or Neglect, the double Value of such Indico so refused or neglected to be
paid; to be recovered by Warrant, or Action of Debt, before any Jurisdiction,
having Cognizance thereof, with Costs, to the Use of the Party grieved.

XIX. And be it further Enacted, That no Tender of Public, County, or
Parish Taxes, in Indico, shall be accounted lawful, unless the payment of the
same be tendered in Inspectors Notes as aforesaid; nor unless such Payment
shall be tendered on or before the first Day of May, in the Year that they
are or shall be payable.

XX. And be it further Enacted, That when any Indico shall be brought
to any Inspection, and shall be refused by the Inspector there officiating,
The Owner shall immediately sort and separate the bad and unmerchantable
from such as is by this Act declared to be good and merchantable, at the
Warehouse where the same was refused; and the Inspector shall receive so
much thereof as in his Opinion is good and merchantable, and give a Note
or Notes for the same.

XXI. And be it further Enacted, That every Inspector who shall be
appointed by Virtue of this Act to inspect Indico, shall give constant Attend-
ance at the Times and Places by the County Court ordered and appointed
under the Penalty of forfeiting, to the Party grieved, Five Shillings, Procla-
mation Money, for every Day he shall fall or neglect to attend; to be recovered by Warrant, with Costs, before a Justice of the Peace, unless good Cause shewn for such Neglect or Failure.

XXII. And be it further Enacted, That if any Person or Persons shall sell or contract for any Indico, as good and merchantable, according to the Directions of this Act, and any Dispute shall arise between the Buyer and Seller, concerning the Quality of the Indico offered or tendered in Discharge of such Contract, it shall and may be lawful for the Parties, or either of them, to call the nearest Inspector of the County wherein such Indico is tendered or offered as aforesaid, who is hereby required to obey such Call and inspect the same; and if it is, in the Opinion of such Inspector, good, merchantable, and of Quality to intitle the Exporter to the Bounty allowed by Act of Parliament, he shall pass the same, or otherwise refuse it, and such Inspector shall be paid for his Trouble by the Party against whom he shall give Judgment, Five Shillings and Four Pence, Proclamation Money.

XXIII. And be it further Enacted by the Authority aforesaid, That if any Person whosever shall forge or counterfeite any Note of any Inspector, or tender in Payment, or expose to sale, any such forged or counterfeited Note, knowing the same to be such; or cause to be exported any Barrel of Pork, Beef, Rice, Flour, Butter, Tar, Pitch or Turpentine; or Barrel, Box or Case of Indico, or expose the same to Sale, Knowing the Brand thereon to be forged or counterfeited; or shall put or pack any Pork, Beef, Rice, Flour, Butter, Tar, Pitch, Turpentine, or Indico, into any Barrel, Firkin, Box or Case, branded by any Inspector as aforesaid, on Purpose to evade this Act, and to sell or export such Commodities without being inspected; every Person so offending, and being thereof lawfully convicted before any Court of Record, shall, by Order of such Court, have and receive, on his or her Back, Thirty-nine Lashes, well laid on; and moreover, shall suffer One Month's Imprisonment, without ball or Mainprize.

XXIV. And be it further Enacted, by the Authority aforesaid, That if any Inspector's Note as aforesaid shall be casually lost, mislaid or destroyed, the Person or Persons intituled to receive the Indico by Virtue of any such Note, shall and may go before a Justice of the Peace, and make Oath, in the Manner by Law directed concerning Inspectors Notes or Receipts for Tobacco being lost, mislaid or destroyed; and thereupon shall have the like Remedy and Reliefe, and be subject and liable to the same Penalties and Punishments for making false Oath therein, or producing forged Certificate, knowing the same to be forged, as Persons in the like Cases are by the said Law made liable and subject to.

XXV. And be it further Enacted, by the Authority aforesaid, That all Staves, Heading, Shingles, Boards, Planks, Joists, and Square Timber, which shall be sold or shipped on board any Ship or Vessel, for Exportation, shall be of the following Dimensions, otherwise shall not be deemed merchantable; and shall be forfeited to the Uses hereinafter mentioned, to wit:

   Butt Staves, shall be Five Feet Nine Inches long, Four Inches broad, and
   an Inch thick on the Heart or thin Edge.

   Pipe Staves, Four Feet Eight Inches long, Four Inches broad, and Three-
   quarters of an Inch thick on the Heart or thin Edge.

   Hoghead Staves, shall be Three Feet Six Inches long, Four Inches broad,
   and Three-quarters of an Inch thick on the Heart or thin Edge.

   Barrel Staves, shall be Two Feet Eight Inches long, Four Inches broad,
   and Three-quarters of an Inch thick on the Heart or thin Edge, for the
European Market; and those to be Exported to the Northern Colonies only, Thirty Inches long, same Breath and Thickness.

White-Oak Hogshead Heading, shall be Thirty-two Inches long, Six Inches broad, and One Inch thick on the Heart or thin Edge.

Barrel Heading, shall be Nineteen Inches long, Six Inches broad, and Three-quarters of an Inch thick on the Heart or thin Edge.

Shingles, shall be Eighteen and a half Inches long, Five Inches broad, and Five Eighths of an Inch thick.

Which said several Sorts and Kinds, shall be of the Dimensions aforesaid, at the least, and well got, of good, sound, merchantable Timber.

And every Board, Plank or Scantling, being marked with the Number of more Feet than they contain, shall be forfeited.

And no Board or Plank shall be deemed merchantable, or passed by any Inspector that is not free from any Split Twelve Inches long, has no Edge less than Half an Inch thick, and is not free from Holes.

That every Piece of Scantling, or any other square Timber, marked with the Number of more Feet than it contains, is hereby declared to be forfeited, and shall not be passed.

That all Deer Skins that shall hereafter be exposed to Sale, shall be clean, and free from Flesh, and the Claws and Skulls taken therefrom, and otherwise merchantable.

XXVI. Provided nevertheless, That no Shingles, Boards, Planks, Square Timber, or Deer-Skins, shall be inspected, unless required.

XXVII. And be it further Enacted, That when any Disputes shall arise between the Buyer and Seller of any Shingles, Boards, Scantling, Plank, Timber, or Deer-Skins, as aforesaid, in respect of the Quality, Dimensions, and Quantity thereof; it shall and may be lawful for either Party, to call on the nearest Inspector of the County (which Call he is hereby required to obey) to view, inspect, and measure the same; and to pass such thereof as he shall be of Opinion is good and merchantable, according to the Directions of this Act, and to refuse the rest.

XXVIII. And be it further Enacted, That such Staves, Heading, Shingles, Boards, Plank, Scantling, Timber, and Deer-Skins, respectively, as shall be found, upon View, to be unmerchantable and unfit to pass, shall be forfeited, to the Use of the Parish wherein such View shall be had; and shall be, by the Inspector refusing the same, sold at Public Sale, for the Benefit of such Parish; and the Money arising by such Sale, shall be, by such Inspector, accounted for to the Churchwardens thereof, after deducting Six per Cent. for his Trouble.

XXXIX. And be it further Enacted, by the Authority aforesaid, That if any Inspector by this Act to be appointed, shall receive or take, directly or indirectly, any Fee, Gift, Gratitude or Reward, whatsoever, of any Person, for resigning or giving up his Office of Inspector, he shall not only be forever thereafter disabled from holding or executing the said Office, but for such Offence, shall forfeit and pay the Sum of Forty Pounds, Proclamation Money; to be recovered, with Costs, in any Court of Record, to the Use of the Informer, by Action of Debt, Plaint or Information: And every Person offering and paying, directly or Indirectly, any Gratitude or Reward whatsoever, to any Inspector, to resign or give up his said Office, shall for his said Offence, be forever disabled from holding the said Office of Inspector in this Province.

XXX. And be it further Enacted, That no Person, taking upon himself the Office of Inspector, shall, during his Continuance therein, be capable of being elected a Member of the Assembly: And if any Member of Assembly
shall accept of the said Office during his being such, he shall be, and is hereby declared, from thenceforth, to be disabled to serve as a Member of Assembly; and shall not sit, vote, or act in Assembly, but shall be, to all Intents and Purposes, incapable, as if he never had been returned or elected a Member of Assembly.

XXXI. And be it further Enacted, by the Authority aforesaid, That every Inspector shall be intitled to the following Fees, to be paid in Proclamation Money; to wit:

For every Barrel of Pork, Beef, or Rice, Eight Pence.
For every Barrel of Flour, Cask, or Firkin of Butter, Two Pence.
For every Barrel of Tar, Three Half Pence.
For every Barrel of Pitch or Turpentine, Two Pence.
For every Thousand Staves or Heading, One Shilling and Four Pence.
For every Thousand Shingles, Four Pence.
For every Thousand Feet, superficial Measure, of Boards, Plank and Scantling, One Shilling and Four Pence.
For every Ton of other Lumber, One Shilling. And,
For inspecting and weighing each Deer-Skin, One Penny.

XXXII. And be it further Enacted, by the Authority aforesaid, That the Inspectors of the several Commodities aforesaid, respectively, that now are, shall continue in Office, and are hereby declared to have full Power and Authority to execute same, until such Time as others shall be, by Virtue of this Act, nominated or appointed to the said Office.

XXXIII. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force, for and during the Term of Three Years, after the passing thereof, and from thence to the End of the next Session of Assembly; and no longer.

CHAPTER XVI.

An Act for establishing a town on the lands formerly belonging to Zachariah Nixon, lying on the North east side of Little river, in Pasquotank county.

I. Whereas, it hath been represented to the Assembly, that in the year of our Lord one thousand seven hundred and forty-six, one hundred and sixty-one and a half acres of land were purchased for a town and commons, fifty acres of which hath been laid out in half acre lots, with convenient streets; that there are now upwards of twenty habitable houses erected thereon, and upwards of seventy inhabitants; and the same might soon be improved, if it was erected into a town by lawful authority.

II. Be it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same, That the said one hundred and sixty-one and a half acres of land, be, and the same is hereby constituted, erected and established a town, and a town commons, and shall be called by the name of Nixon's town.

III. And be it further Enacted, by the Authority aforesaid, That from and after passing this Act, Joseph Robinson, Thomas Nicholson, William Lane, Aaron Morris, and Francis Nixon, be, and they, and every of them, are hereby constituted directors and trustees, for designing, building, and carrying on the said town; and they shall stand seized of an indefeasible estate, in fee, in the said one hundred and sixty-one and a half acres of land, to and for the uses, intents, and purposes, herein expressed and declared; that the said directors, or any three of them, shall have full power and
authority to meet as often as they shall think necessary, and cause an exact plan of one hundred acres of said land to be made, as near as may be, agreeable to the streets already laid out, and to insert a mark or number of each lot; which plan shall be kept in some convenient place in the said town, for the view of such persons who have, or are inclined to have a lot or lots in the same.

IV. Provided nevertheless, that nothing in this Act contained shall be construed or extend to grant power to the said directors, or their successors, or to dispose of, or interfere with, the titles of any lot or lots already saved in the said town, or for which any person or persons have, at the time of passing this Act, a deed of sale or conveyance, signed and executed according to law, either by Zachariah Nixon, in his life time, or by the person impowered by his last will and testament to do the same: but such deeds or conveyances as aforesaid, provided that the lot or lots therein mentioned have or have been saved, or be hereafter saved within three years after the passing this Act, in the same manner as the lots hereafter to be granted are to be saved, pursuant to the directions of this Act are hereby confirmed, in fee, to such person or persons, and to his or their heirs and assigns forever.

V. And whereas, it may be that some person or persons owner or owners of one or more saved lots in the said town has, or have neglected to have the said lot or lots made over to them by deed or conveyance, by either the said Zachariah Nixon, in his life time, or by the person appointed by his last will and testament so to do since his decease; in order, therefore, to quiet and secure the said person or persons in the possession of his or their lot or lots, it is hereby enacted, by the Authority aforesaid, that the said directors, or the majority of them, shall, at the proper cost and charges of the person or persons having one or more saved lot or lots not made over to them, make and execute deeds for granting and conveying the same to him or them, his and their assigns forever.

VI. And be it further Enacted, by the authority aforesaid, That the said directors, or a majority of them, within one month after the laying out of the said town, and making the plan thereof, shall appoint a time, and give public notice thereof, and so from time to time, as often as they shall think it necessary to make sale of any lot or lots therein laying vacant or unimproved, to the highest bidder: and the said directors or a majority of them, shall make and execute deeds for granting and conveying the same to such person, his heirs and assigns, for ever, at the cost and charge of the grantee to whom the same shall be conveyed; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee simple.

VII. Provided nevertheless, That every grantee of any lot or lots in the said town so conveyed, shall, within three years next after the date of the purchase, erect, build, and finish, on each lot so conveyed, one good habitable house, with a brick or stone chimney, twenty feet long, fifteen feet wide, and nine pitch in the clear, or proportionable to such dimensions, if such grantee shall have two or more lots contiguous, and if the owner of any lot shall not comply with the directions by this Act prescribed, for building and finishing an house thereon then such lot shall be resold in the said directors; and the said directors, or the majority of them, may, and they are hereby impowered and authorised, to sell such lot, in the same manner as if the said lot had never been sold or granted; and in the case of the refusal or neglect of any purchaser to pay the sum agreed for, the said directors shall and may commence, and prosecute a suit in their own names, for the same, and thereon recover judgment with costs.
VIII. And be it further Enacted, That all monies which shall arise by the sale of said lots shall be paid to, the said directors, and their successors, and by them applied for the benefit and improvement of the said town, in such manner as the majority of the said directors shall think proper.

IX. And further continuing the succession of the said directors until the said town shall be incorporated, be it further Enacted, by the Authority aforesaid, in case of death, refusal to act, or removal out of the county, of any of the said directors, the remaining directors, or the majority of them, shall assemble at said town, and are hereby empowered from time to time, by instrument in writing, under their respective hands and seals, to nominate some other person, (being a freeholder of the said town), in the place of him so dying, refusing to act, or removal out of the county; which new director, so, nominated and appointed, shall, from thenceforth, have a like power and authority, in all things in the matter herein contained, as if he had been expressly named and appointed in and by this Act.

CHAPTER XVII.

An Act to Establish a Public Ferry from Solley’s Point to Reif’s Point, wherein the Court House now stands on Pasquotank River.

I. Whereas, the Court House in Pasquotank County is now situated on Reif’s Point on the South side of Pasquotank River, and the Inhabitants on the North side of the said River are obliged to attend at the said Court House during the sitting of the Court, The Elections of Members of Assembly and Vestrymen for the said County are at the expense of Ferriage in passing and repassing the said River, when the Inhabitants on the South side of the said River are not liable to that Expence: For Remedy whereof for the Future.

II. Be It Enacted by the Governor, Council and Assembly, And by the Authority of the same, That the Justices of the said County, or the Majority of them, Assembled in Court are hereby Authorized, Empowered, and Required Yearly, and every Year at the next Court to be held for the said County after the first Day of May, to lay a tax not exceeding Two Pence, Proclamation Money, on each Taxable Person in the said County to be collected and Accounted for with the Justices of the said County by the Sheriff of the said County, as other Taxes of the said County are to be Collected and Accounted for, and under the like Penalties and Forfeitures: To be by them applied and appropriated as a reward to the several Ferrmers now Appointed or hereafter to be Appointed by the Court of the said County, to keep a Ferry to and from Solley’s Point to Reif’s Point to and from which they shall and are hereby obliged to set over Ferriage free all Persons resident in the said County going to and returning from the said Court, The Election of Burgessess, and Vestrymen and General Muster of the said County.

III. And be it further Enacted by the Authority aforesaid, That the Justices of the said County are hereby Authorized, Empowered and Required out of the Money’s arising

CHAPTER XX.

An Act to relieve John Pope from a Judgment obtained against him in favor of the Parishes of Edgecombe and St. Mary.

I. Whereas, in the year one thousand seven hundred and fifty-three the vestry of the parish of Edgecombe, in the county of Edgecombe, did lay a
tax of three shillings and two pence, proclamation money, upon each taxable person in the said parish, for defraying the charges of the same, and appointed John Pope, gentleman, collector thereof; but it afterwards appearing that the said vestry was not legal, the said John Pope could not levy the said tax, or otherwise compel payment thereof; notwithstanding which, judgment hath been recovered against the said John Pope for the same, and he hath discharged great part thereof; And the said parish of Edgecombe, since imposing the said tax, hath been divided, and a part thereof erected into a distinct parish, by the name of the parish of St. Mary; and Vestries of the said parishes are in doubt whether they have power to release the said Judgment without paying thereof, or refund the said John Pope, the money by him paid in part thereof:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the authority of the same, That the Vestries of the said parishes respectively, may, and are hereby authorized and impowered, to repay the said John Pope such proportion of the said tax as they respectively have received, and to grant a release or releases to him for such part of the said judgment as they are intitled to receive, or so much of each as to them, in their discretion, shall seem reasonable; any law, or usage to the contrary, notwithstanding.
LAWS OF NORTH CAROLINA--1759.

At a General Assembly, begun and held at New Bern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty-four, and from thence continued by several Prorogations, to the Eighth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty-Nine, to be then held at New Bern; being the Eighth Session of Assembly. 
Arthur Dobbs, Esq., Governor.

CHAPTER I.

An Act, for raising Money for finishing the Churches in the Parishes of St. James and St. Philip, in New Hanover County, by a Lottery.

I. Whereas, the Churches in the Parishes of St. James and St. Philip, in New-Hanover County, remain unfinished for Want of a sufficient Fund for defraying the Expence thereof, beside the Money arising by the late Tax on the Inhabitants of the said Parishes, and the Method of raising Money by a Lottery, in the Manner hereinafter mentioned, being a more easy Way than by an additional Tax for that Purpose.

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the authority of the same, That Mr. Jehu Davis, Mr. Marmaduke Jones, Mr. Alexander Duncan, and Mr. John Paine, or any Three of them, shall be, and are hereby appointed Managers, for undertaking, carrying on, and drawing a Lottery in Wilmington, for the Purposes aforesaid; with Power and Authority to issue Two Thousand Tickets; to be signed by themselves, at the Price of Thirty Shillings, Proclamation Money, each, in the following Form, viz:

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No.-----------------
CAPE-FEAR CHURCH LOTTERY.

This Ticket intitles the Bearer to
whatever Prize shall be drawn against
this Number, deducting Fifteen per
Cent. as by an Act of Assembly passed
in May, 1759.

And on the Twelfth Day of November next, at the Court-house in Wilmington, the said Managers shall begin the Drawing the said Lottery; in which the Tickets shall be calculated as sold, viz:

One Prize of..........................£100 0 0
Four Prizes of......................... 50 each, 200 0 0
Ten Prizes of........................... 40 each, 400 0 0
Twenty-five Prizes of................ 20 each, 500 0 0
Fifty Prizes of........................ 10 each, 500 0 0
One hundred and Six Prizes of.... 5 each, 530 0 0
Three Hundred Prizes of............. 2 10s 750 0 0
One first drawn....................... 10 0 0
One last drawn....................... 10 0 0

£3000 0 0

And the Remainder to be Blanks.
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III. Provided always nevertheless, That in Case the whole Number of Tickets are not disposed of by the Day above mentioned, the said Managers may postpone the drawing thereof, not exceeding Six Months longer.

IV. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the said Managers to deduct, out of the Amount of every Prize, Fifteen per Cent, to be applied as hereafter mentioned: But before the said Managers shall issue any Tickets for the said Lottery, they shall give Bond, payable to his Excellency the Governor, and his Successors, in the Penalty of Three Thousand Pounds, Proclamation Money; with Condition, for their faithful Discharge in the Trust reposed in them by this Act: Which Bond shall be recorded in the County Court of New-Hanover: And any Person injured, may have a Scire Facias, and Judgment thereon, against the Managers, in the Supreme Court, or County Court of New-Hanover, according to their Demand: And if any Manager shall sell or dispose of any Ticket before having given such Bond, he shall forfeit and pay Fifty Pounds, Proclamation: To be recovered by Action of Debt, Bill, Plaint or Information, by any Person that will sue for the same.

V. And be it further Enacted, by the Authority aforesaid, That the said Managers shall, each of them, on or before the last Day of June next, before the Chief Justice, or one of the Justices of the Supreme Court, at Wilmington, take the following Oath, viz:

I, A. B., do solemnly swear, That I will faithfully execute the Office of Manager of the Cape-Fear Church Lottery, according to the Directions of the Act of Assembly in that Case made and provided. So help me God.

And every Manager falling to take such Oath, shall be liable to be sued for a Forfeiture of his Bond above mentioned: Which said Oath shall be certified to the next succeeding County Court of New-Hanover.

VI. And for the more speedy Disposal of the said Tickets; Be it Enacted, That the Managers shall have Power, and they are hereby authorized to take out Tickets, for and in behalf of the said Churches, to the Amount of the Sum of Four Hundred Pounds, Proclamation Money, or any lesser Sum, if they shall think it will be for the Advantage of the Churches aforesaid; and the Tickets so by them taken, shall be paid for out of the Fifteen per Cent. to be deducted out of the several Prizes; and the Money that may arise by the same, and also, the Money arising by the Sale of the other Tickets, after deducting Fifty Pounds for their Trouble and Expend of drawing the Lottery, Keeping the Accounts, paying the Prizes, and all other Charges attending the same, shall, by the said Managers, so soon as the Drawing of the said Lottery shall be over, be paid, One Half to the Commissioners of the Church of St. James, and the other Half to the Commissioners for the Church of St. Phillip; to be by them severally applied for finishing the respective Churches.

VII. And be it further Enacted, by the Authority aforesaid, That all Prizes not demanded within Six Months after the Drawing the same, shall be deemed generously given for the Use of the Churches; and shall be paid over by the Managers to the Commissioners accordingly.
LAWS OF NORTH CAROLINA--1759.

At a General Assembly, begun and held at New Bern, on the Twelfth Day of December, in the Year of Our Lord One Thousand Seven Hundred and Fifty-four, and from thence continued, by several Prorogations, to the Eighth Day of May, in the Year of Our Lord One Thousand Seven Hundred and Fifty-nine, to be then held at New Bern: Being the Ninth Session of this Assembly. Arthur Dobbs, Esq., Governor.

CHAPTER I.

An Act to Amend and Continue an Act, intituled, an Act for the better Regulation of the Militia, and for other Purposes.

I. Whereas, an Act intituled an Act for the better Regulation of the Militia, and other Purposes, is near expiring and the Power by the said Act for raising the Militia and Marching them against the Enemy, is limited to the Opposing Invasions and Supporting Expeditions within this Province only,

II. And Whereas, it is absolutely necessary on this present Immergency that part of the Militia should march to Joyn the Troops of South Carolina, now near our Frontier, and upon an Expedition to Obtain Satisfaction of the Cherokee Indians, for divers Murders and Depredations committed by them on our back Settlements, for remedy whereof,

III. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That the Governor or Commander in Chief for the time being, by, and with the Advice and Consent of His Majesty's Council, may during the Continuance of this Act, Order to be raised and Marched out of this Province so many of the Militia as shall be judged expedient to Joyn the Forces of our Neighboring Provinces of South Carolina and Virginia in Opposing any Invasions or Supporting any Expedition against the Common Enemy, And the Several Officers and Soldiers so raised shall be under the same rules and regulations and lyable to the same pains and Punishments as are Provided in the before recited Act in case of Invasions within this Province.

IV. And be it further Enacted by the Authority aforesaid, That the several Officers of the Militia while in Actual Service shall be allowed the same pay as the Officers of the two Company's now in the pay of this Province and that each Serjeant shall be allowed Two Shillings and Eight Pence, a Corporal Two Shillings, A Drummer two Shillings and each private Man One Shilling and four pence Per Day and their Provisions and Ammunition found them. Provided, nevertheless, That no Commissioned Officer shall receive pay for more than one Commission.

V. And be it further Enacted by the Authority aforesaid, That the before recited Act and every Clause and Part thereof except such part as is hereby amended shall be and Continue in force for and during the space of Six Months and from thence to the end of the next Session of Assembly and no longer.
CHAPTER II.

An Act for Granting an Aid to His Majesty for paying and Subsisting the Forces and Militia now in the pay of this Province, and for other Purposes.

I. Whereas, the Cherokee Indians contrary to their Allegiance have lately committed several horrid Murders and Depredations on his Majesty's Subjects in this and the Neighbouring Provinces, and the present Assembly out of a desire of obtaining Satisfaction for the same, as well as to prevent future Injuries of the like kind, have by one Act of Assembly, Intituled, An Act to amend and continue an Act, Intituled, "An Act for the better Regulation of the Militia, and for other Purposes," Impowered his Excellency the Governor to March the Troops now in the Pay of this Province and so many of the Militia thereof, as he shall think necessary to Join the Forces of South Carolina in an Expedition intended against the said Cherokees.

II. Be it therefore Enacted by the Governor, Council and Assembly, and it is hereby Enacted by the Authority of the same, That His Excellency the Governor, may and he is hereby Authorized and Impowered to Order the Troops now in the Pay of this Province, and so many of the Militia thereof as he shall think necessary to March and Join the Forces of South Carolina in an Expedition as aforesaid, and to continue on the said Duty until the tenth day of February next, if His Majesty's Service shall so long require it, and no longer.

III. And be it further Enacted by the Authority aforesaid, That a Company of the Forces now in the pay of this Province, to consist of one Captain, one Lieutenant, one Ensign, two Drummers and thirty effective Men from and after the said tenth day of February next, shall be employed by the Governor or Commander in Chief for the Time being, in Garrisoning the several Ports of this Province and preventing Incursions by the said Cherokee and shall continue in Pay until the tenth day of November next if the Governor or Commander in Chief shall think that His Majesty's Service will require the said Company so long to be Continued. And shall be paid the following Pay, to-wit: The Captain, Six Shillings and Eight Pence per Diem; The Lieutenant, four Shillings per Diem; The Ensign, Three Shillings; the Drummer, one Shilling; and each private Man Eight pence per Diem. And also shall be allowed six pence per Diem for Subsistence.

IV. And be it further Enacted by the Authority aforesaid, That the sum of Five Thousand Five Hundred Pounds, Proclamation Money, be applied for defraying the Charges of paying and Subsisting the said Forces and Militia agreeable to the Directions of the aforesaid Act and discharging the Arrears due from the Contingent Fund.

V. And whereas, there is no Money in the Publick Treasury to Answer the said Sum to the End that His Majesty's Service may not be Delayed for want thereof, nor the Credit of the Province affected.

VI. Be it further Enacted by the Authority aforesaid, That John Starkey and Thomas Barker, Esquires, Public Treasurers of this Province, out of the Public Notes of Credit already replaced and hereafter to be replaced in their Hands as a Fund for endowing a Public School, building Churches and purchasing Glebes so soon as may be after the passing of this Act when thereunto Required shall make payment out of the said Notes of Credit so as aforesaid Replaced, and to be Replaced with them, for the Purposes aforesaid to the several Creditors of the Public Claims Chargeable on the Contingent Fund to the Amount of Two Thousand Pounds, which said Sum is hereby appropriated to and for Payment of the Debts of the Public, And shall not be
applied to any other Intent or Purpose whatsoever. And the sum of Three Thousand Five Hundred Pounds, the remainder of the said sum of Five Thousand Five Hundred Pounds, shall by the said Treasurer be paid to such Person or Persons as the Governor or Commander in Chief for the Time being, shall by his Warrant, Order and appoint.

VII. Provided nevertheless, That such Person or Persons before Receiving the said Money by Virtue of such Warrant shall enter into Bond with good and sufficient Security to his Majesty, his Heirs and Successors, in double the Sum he shall so Receive, with Condition that he will when required by the General Assembly Account with them for the Sum or Sums, he shall receive from the said Treasurers, or either of them, by Virtue of such Warrant, which Bond shall be Lodged with the Treasurer who takes the same, and in case of Breach of the Condition thereof, the same may be put in Suit on Judgment being obtained, the Money Recovered thereon shall be applied towards defraying the Contingent Charges of Government in such manner as the General Assembly shall Direct, and to no other Use or Purpose whatsoever.

VIII. And be it further Enacted by the Authority aforesaid, That the said Public Treasurers, or one of them, shall and they are hereby required to make a Minute in Writing on the Face of each Note of Credit by them Uttered in payment as aforesaid of the time of such payment, Which Note and Minute thereon shall Entitle the Possessor thereof, to the Principal Sum therein Specified, to be paid out of the Public Treasury on the Tenth day of December, which shall be in the Year of our Lord, one Thousand Seven Hundred and Sixty Three, and until the said Time, the said Notes respectively to the Owners and Possessors thereof, shall and are hereby Declared to answer all and every Purpose, they could or might do by Virtue of the several Acts of Assembly by which they were first Emitted (Interest thereon only Excepted).

IX. And be it further Enacted, That the said Treasurers Respectively, shall and may Charge on their Accounts against the Public for all the Interest accrued on the said Notes until the time of their Receiving them into the Public Treasury, and also shall be paid for their Trouble in making the Minute as aforesaid on the said Notes of Credit, and paying the same away, One per Cent.

X. And be it further Enacted by the Authority aforesaid, That a Poll Tax of One Shilling and Eight Pence shall be laid and Levied on each Taxable Person within this Province, Annually for the Years One Thousand Seven Hundred and Sixty-one, One Thousand Seven Hundred and Sixty-two, and One Thousand Seven Hundred and Sixty-three for Replacing the said Five Thousand Five Hundred Pounds to be Collected by the Sheriffs of the several Counties and accounted for and Paid to the Treasurers of the several Districts at the same time & in such manner, and under the like Penalties as are by Law directed for the Collecting accounting for, and paying other Public Taxes.

XI. And be it further Enacted by the Authority aforesaid, That if the Tax by this Act imposed shall amount to more than will answer the Purposes hereby intended and Directed, the Surplus shall be applied towards Defraying the Contingent Charges of Government in such manner as the Governor, Council and Assembly, shall direct and to no other Use, Design or Purpose whatsoever.
CHAPTER III.

An Act for the Appointment of Vestries.

I. Whereas, it is absolutely necessary that a Vestry be immediately appointed for each parish within this Province to make Provision for the Clergy and support of the Poor.

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the Same, That the Respective persons who now are Vestrymen within this Government, be, and are hereby appointed Vestrymen of the respective Parishes thereof, and shall and may Hold and Enjoy the said office in the respective Parishes in which they now Act as such during the Continuance of this Act.

III. And be it further Enacted by the Authority aforesaid, That the Vestrymen of each parish, or a Majority of them, shall, and they are hereby Required within Forty days after Easter Monday in every year, to Elect and Choose out of the said Vestry two fit Persons to Execute the office of Churchwardens for their Parish, and in Case any Person so Electcd shall refuse to Execute the said Office, the said Vestrymen shall, and may Elect another Churchwarden in the room of him so refusing.

IV. And be it further Enacted, That the Vestries of the Several Parishes shall have full Power and Authority upon the refusal to Act, Death, or Removal out of the Parish of any of the said Vestrymen to Elect and Choose another Vestryman, being a Freeholder, instead of him so refusing, Dying, or Removing out of the Parish.

V. And be it further Enacted by the Authority aforesaid, That the aforesaid Vestrymen respectively, shall within Sixty days after the Passing of this Act take the Oaths by Law Appointed for the Qualification of Public Officers and Repeat and Subscribe the Test, and also repeat and Subscribe the following Declaration, to-wit: I, A. B., do declare that I will conform to the Liturgy of the Church of England as it is by Law Established.

VI. And every Person who shall hereafter be Elected to the Office of a Vestryman agreeable to the direction of this Act shall within Sixty days after his being so Elected, take the oaths aforementioned and repeat and subscribe the Test and Declaration aforesaid, and every Person by this Act appointed, or to be Elected, a Vestryman in manner herein Directed, who shall fail or neglect to Qualify himself in manner aforementioned, shall forfeit and pay the sum of Three pounds to the use of the Parish, whereof he is an Inhabitant to be recovered before any Inferior Court by action of Debt with Costs.

VII. And be it further Enacted by the Authority aforesaid, That the Vestry of each Parish shall have full power and authority and are hereby required between Easter Monday and November yearly, to Lay such a Poll Tax as they shall Judge Necessary for Paying the Salary of a Minister, Supporting the Poor and Satisfying other Expenses of their Respective Parishes.

VIII. And be it further Enacted by the Authority aforesaid, That every Sheriff in this Government shall be, and is hereby appointed, Collector of all such Taxes as shall be laid by the Vestry or Vestries within his County and shall enter into Bond with sufficient Securities to the Churchwardens of every Vestry that he will duly Collect and receive such Taxes and pay the same to the Vestry or their Successors for the use of the Parish which Tax shall be Collected at the time and accounted for in like manner and under the same rules and regulations and subject to the same Method of Recovery as Public Taxes ought by Law to be Collected and Accounted for, and the Sheriff shall be Allowed Six per Cent. for his Trouble.
IX. And be it further Enacted by the Authority aforesaid, That the Freeholders of every parish wherein there is not a Vestry at the Passing of this Act shall, and they are hereby Impowered and required to meet on the first Tuesday in June next at the Court House or place where the Inferior Court shall be held and in the presence of the Sheriff, or under Sheriff, then and there Elect twelve Freeholders to serve as Vestrymen for such Parish, who may Elect Churchwardens and enjoy every other Privilege that any other Vestryman may or can.

X. And be it further Enacted by the Authority aforesaid, That every Vestry shall have full power and authority to Ask, Demand and receive of every person and persons whatsoever, all and every Sum and Sums of Money due to the Parish and to apply the same to the use and Benefit of such parish and in Case any Person or Persons Indebted to any Parish shall refuse to Pay the same it shall and may be Lawful for the Vestry to prosecute a Suit in the name of the Churchwardens for the same, and to recover therein. And the Vestry of every respective Parish shall in Behalf of the parish be answerable to any Creditor for whatsoever Debts are due from their Parish in the same Manner as if such Debts had been Contracted by the said Vestry.

XI. And be it further Enacted by the Authority aforesaid, That the Vestry of every Parish in this province shall hereafter be held at the Church of the Parish or where there is no Church, at the Court House, or usual place of holding the Court of the County; any Usage or Custom to the Contrary notwithstanding.

XII. And be it further Enacted by the Authority aforesaid, That this Act shall Continue and be in force for one year from and after the passing hereof, and from thence to the End of the next Session of Assembly, and no Longer.

CHAPTER VI.

An Act to impower Lawrence Thompson, late Sheriff of Orange County, to Collect and Receive Tax of Two Shillings, Proclamation Money, laid on the Taxable Persons in the County of Orange by an Act of Assembly of this Province, Passed in the Thirteenth Year of the Reign of our Sovereign Lord George the Second of Great Britain, France and Ireland, King and so forth.

I. Whereas, in and by an Act of Assembly of this Province passed the twenty-fifth day of October in the Year of our Lord One Thousand Seven Hundred and Fifty-six, intitled "An Act for Granting to his Majesty an Aid of Three Thousand Four Hundred Pounds to defray the expence of Erecting a Fort, raising and paying two Companies for the Defence of the Western Frontier of this Province," among other things it is Enacted, That a Poll Tax of two shillings on each Taxable Person within this Province for the next ensuing Year should be collected by the Sheriffs of the several Counties and by them accounted for and paid to the Treasurers of the respective Districts at the same time and in the same manner and under like Penalties as is by law directed for the Collecting, accounting for and paying other public Taxes, and applied as is therein directed. And Whereas The said Act, after Ratification thereof, was not transmitted to the said County of Orange in due time, and the Clerk of the Court of the said County, Incerting in the List of Taxables in the said County for the year One Thousand Seven Hundred and Fifty Six, which he delivered to the said Lawrence Thompson whilst he was
Sheriff of the said County as a Guide in collecting the Taxes for that Year; That the whole of the Tax for the said Year from each Taxable person amounted only to Eight Shillings and one penny; Wherefore the said Lawrence Thompson collected and received from each Taxable Person within the said County Eight Shillings and one Penny only, when in Truth the whole of the Public Tax due from each taxable Person for the said Year amounted to Ten Shillings and one penny. And the said Lawrence Thompson being liable to account for and pay to the Treasurer aforesaid, The said Tax of Two Shillings for That Year for each Taxable then in the said County out of his private Estate, to the great Impoverishment of his Family; for Remedy Whereof—

II. Be it Enacted by the Governor, Council and Assembly, And by the Authority of the same, That it may and shall be Lawful for the said Lawrence Thompson, His Heirs, Executors and Administrators, to Collect and receive of and from each Taxable Person then within the said County of Orange the Sum of Two Shillings, Proclamation Money; and in Case of Non Payment of the same after Six Months' public Notice given by the said Lawrence Thompson, his Heirs, Executors or Administrators, of this Act and the contents thereof, It shall and may be Lawful for the said Lawrence Thompson, his Heirs, Executors or Administrators, to levy by Distress and Sale of the Delinquent or Delinquents' Goods and Chattles the said Tax so due from him or her or them in the same manner which he might or could have done during the time of the Sheriffalty of the said Lawrence Thompson.

III. And be it further Enacted by the Authority aforesaid, That in Case the said Lawrence Thompson, his Heirs, Executors or Administrators shall neglect to Collect and Receive the said tax of two shillings, Proclamation Money from the said Taxable persons then within the said County for the space of Two Years from and after the Ratification of this Act, Then and from Thence Forth all the powers and Authorities hereby given to the said Lawrence Thompson, his Heirs, Executors and Administrators, shall Cease and Determine; any thing in this or any former Act or Acts to the contrary, thereof in any wise Notwithstanding.

CHAPTER VII.

An Act for enlarging the time allowed for saving lots in the town of Halifax, preventing the building wooden Chimneys therein, and other purposes.

I. Whereas, by an Act of Assembly, passed in the thirty-first year of his present Majesty, Intituled "An Act for establishing a town on the land of James Leslie, on Roanoke river," among other things, is provided that the grantee of every lot in the said town shall, within three years after obtaining a conveyance for the same, erect and finish thereon a house of the dimensions therein specified; and on failure thereof, every lot whereon such house shall not be so erected shall be revoked in the directors of the said town, by the said act appointed: and, whereas, the small pox have raged in the said town for many months past, whereby many persons have been prevented from saving their lots, agreeable to the direction of the said act:

II. Be it therefore enacted by the Governor, Council and Assembly, and by the authority of the same, That every lot in the said town on which a house shall be erected and built of the dimensions mentioned in the said act within the space of five years next after the passing of this act, and
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also every lot therein which shall hereafter be sold or conveyed on which such house shall be erected within the space of five years after the date of the conveyance made for the same, shall be, and is hereby declared to be vested in the grantee thereof in fee simple; anything in the said recited act to the contrary notwithstanding.

III. And whereas, suffering wooden Chimneys to be built in the said town, may occasion accidents by fire; be it further enacted, by the authority aforesaid, That no person whatsoever shall hereafter erect any wooden chimneys in the said town; and every person who hath already built any such wooden chimney therein shall pull down or remove the same within the term of five years, next after the passing of this Act; and if any person or persons shall presume to act contrary hereto, in erecting any wooden chimney in the said town, or in failing to pull down and remove, within the time aforesaid, any such wooden chimney by him already erected therein, the directors herein aforesaid, or any two of them are hereby authorized, impowered and required, to pull down and destroy every such chimney and shall not be liable to any action or damage for so doing; and if the said directors, or any of them, shall be sued for the same, they may plead the general issue, and give this act in evidence.

IV. And whereas, John Gibson, gentleman, one of the directors of the said town by removing to the colony of Virginia, hath vacated his said office; be it therefore Enacted, by the Authority aforesaid, That from and after the passing of this Act, Thomas Barker, Alexander McCulloch, Robert Jones, Jr., Richard Browning, Stephen Dewy, Thomas McKnight, and Daniel Weldon, gentlemen, be, and are hereby appointed directors, and trustees of the said town; and shall and may use and exercise the same powers and authorities as the directors thereof, appointed by the aforesaid Act could or might have exercised, used, and enjoyed by virtue of the same, and in case of the death, refusal to act, or removal out of the country, of any of the said directors, the surviving or other directors shall and are hereby required, and impowered, to chuse another director, agreeable to the directions of the said Act, in the room of him so dying, refusing to act, or removing out of the country.

V. And be it further Enacted by the authority aforesaid, That the said directors, or any three of them, shall and may, and are hereby authorized and impowered, to make and execute deeds for granting and conveying to every person and persons, who have already purchased, or hereafter shall purchase, any lot or lots in the said town; and every person claiming any such lot or lots, by virtue of any such conveyance, shall and is hereby declared to have an indefeasible estate, in fee-simple in the same.

CHAPTER X.

An Act, to impower and direct the Commissioners of the Districts herein-mentioned, to lay out and make the new Roads.

I. Whereas, a Public Road from Anson County to Livingston's Creek Bridge, on the Bounds of New Hanover County, would be of Great Use and Benefit, as well to the Inhabitants of Anson County, as to those residing on the Little Pee Dee, Drowning Creek, White Marsh, and Parts adjacent, in Bladen County, for transporting their Produce in the most convenient Manner to Market;

II. Be it therefore Enacted, by the Governor, Councell, Assembly, and by the Authority of the same, That the Commissioners of the White Marsh
District, or the Majority of them, shall, within Six Months next, after the passing of this Act, finish laying or staking out, or cause to be staked out in the most convenient Manner, the Road already begun from the East End of the White Marsh Causeway, to Livingston's Creek Bridge aforesaid; and that the said Commissioners, or the Majority of them, shall also, within Twelve Months next after the passing of this Act, lay or stake out, or cause to be staked out, a Road from the Westerly End of the White Marsh Causeway, to the dividing Line between Anson and Bladen Counties, in the most convenient Manner for the Inhabitants of Anson as shall be agreed on by the Majority of the Commissioners of the White Marsh District, with Mr. John Hamer, Charles Robinson, and Morgan Brown, or the Majority of them, and in Case of Failure or Neglect, thereof within the Times aforesaid, they shall forfeit and pay the Sum of Twenty Pounds, Proclamation Money, for such Neglect; and in such case it shall and may be lawful for the Court of either County to appoint and agree with three such Persons, or more, as they shall think proper, to lay or stake out the said Road, who shall be paid out of the Forfeiture aforesaid; and the Road so laid out by the Authority of such Court, shall be, to all Intents and Purposes, the High Road, as effectual as if the same had been laid out by the Commissioners aforesaid.

III. And be it further Enacted, by the Authority aforesaid, That the Commissioners of the Roads for the First District in Bladen County are hereby required, within Two Years next after the passing of this Act to Cause all Persons liable to work upon the Roads from Livingston's Creek to a small Creek or Run, called Plummer's Run, near Carver's Creek, to open and make the said Road, and to make all such Bridges that may be necessary from Livingston's Creek Bridge aforesaid, to a Pine Tree Two Miles to the Eastward of Fryer's Swamp: Which said Pine Tree is hereby declared to be the dividing Line between the first District in Bladen County, and the White Marsh District aforesaid; and that the Commissioners of the White Marsh District are also hereby required, within Two Years next after the passing of this Act, to cause the said Road to be opened and made, and to make, or cause to be made, all such Bridges that may be necessary, from the Pine Tree aforesaid, through the said Swamp, to the East End of the White Marsh Causeway aforesaid: And also that the said Commissioners of the White Marsh District, are likewise hereby required, within Three Years next after the passing of this Act, to cause the said Road to be opened and made and to make, or cause to be made, all such Bridges that may be necessary from the West End of the White Marsh Causeway, to such Place on the Dividing Line between Bladen and Anson Counties, as shall be agreed on by the Majority of the Persons herein before mentioned.

IV. And whereas, a Road on the Southwest Side of Black River, in Bladen County, from the lower Boundary of the said County up the said River to Thomas DeVaun's Ferry, and from thence to Jones Creek Bridge, would prove very beneficial to the Inhabitants of said County, and others; Be it further Enacted, by the Authority aforesaid, That Isaac Jones, Joseph Howard, and Thomas DeVaun, Jun., be, and they are hereby appointed Commissioners of the Roads for the Black River District in Bladen County, with the same Powers and Authorities, and liable to the same Penalties and Duties as any other Commissioner: Which said Commissioners are hereby required, within Two Years after the Passing of this Act, to cause all Persons in the said District liable to work upon the Roads, to open and make a Road on the Southwest Side of Black River, from the lower Boun-
dury of Bladen County up the said River to Thomas Devaun’s Ferry, and from thence to Jones’s Creek Bridge.

V. And be it further Enacted, by the Authority aforesaid, That in Case the Commissioners of the Roads of the said District, or either of them, shall refuse or neglect to make, or cause to be made, the Roads aforesaid, then, and in such Case, they, or either of them, so neglecting or refusing, shall forfeit and pay the Sum of Thirty Pounds, Proclamation Money; and that the Fines and Forfeitures becoming due by Virtue of this Act, shall be recovered by an Action of Debt, in such Court where it is Cognizable, by any Person who will sue for the same; wherein no Essoign, Injunction, Protection, or Wager of Law shall be allowed or admitted of.

VI. And be it further Enacted, by the Authority aforesaid, That one Fifth Part of all Fines and Forfeitures becoming due by Virtue of this Act, shall be to the Person or Persons suing for the same; the other Four Fifths shall be applied by the Court wherein it is recovered, for and towards making the Roads in such Districts where the same shall or may become forfeited.

VII. And be it further Enacted, That Robert Rowan, John Gibbs, John Burgwin, John Turner, and David Mourley, be, and are hereby appointed Commissioners of the White Marsh District, with the same Powers and Authorities, and Liable to the same Penalties and Duties, as any other Commissioners.

CHAPTER XII.

An Act for Appointing Commissioners to finish the Court-house already begun in the Town of New Bern, and for other Purposes.

I. Whereas, the Court-house for the County of Craven, already begun in the Town of New Bern, now lies in a ruinous condition, and the Work not carried on, by the Reason of a Commissioner appointed by an Act of Assembly for that Purpose, wholly neglecting the same;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the Honourable Richard Speight, Esq., John Fonvtelle, Thomas Graves, John Clitherrall, Edmund Hatch, Richard Fenner, and Jacob Blount, Esquires, be, and are hereby appointed Commissioners, for carrying on, and fully compleating the said Court-house, agreeable to the first Plan of the same and that they publicly advertise the Building to be let to the lowest Bidder, giving a reasonable Time of Notice; and that whoever may undertake the said Court-house, to give Bond and Security to the Justices of the said County of Craven, and their Successors, for Completely finishing the same in a Limited Time, by the said Commissioners, or a Majority of them, to be agreed on.

III. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, or a Majority of them, and they, or the Majority of them, are hereby required and directed to call on all Persons who have any Monies in their Hands that have been, or may be levied for building the said Court-house, to account for the same; and on their Neglect or Refusal to pay the same, that the like Method and Proceeding may be had against them by the said Commissioners, as are to be had by the Laws of this Province against Persons who have Public Monies in their Hands and refuse or neglect to account for or pay the same.

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IV. And whereas, by an Act of Assembly, intituled, An Act, for the better Regulation of the Town of New Bern and securing The Titles of Persons who hold Lots in the said Town, The Commissioners of the Town of New Bern are directed to lay a Tax on the Inhabitants thereof for clearing the Streets, making Public Wharfs and for keeping the same in Repair, which has not been found to answer the good Purposes intended by the said Act; Be it therefore Enacted, by the Authority aforesaid, That from and after the passing of this Act, the Male Taxables of the Inhabitants of the said Town of New Bern, shall be liable to work on the streets thereof, make Public Wharfs, and keep the same in Repair, in Lieu of paying the said Tax; any Law, Custom or Usage to the contrary notwithstanding. And That the Commissioners of the said Town are hereby required and directed, to appoint an Overseer; and, by Warrant under their Hands and Seals to him directed, to warn all the Male Taxables of the said Town to work on the Streets, make Public Wharfs, and Repair the same as often as they may require it, not exceeding Twelve Days in the Year: And whoever shall refuse to meet and work on the Streets as aforesaid, or to procure a Person to work for him shall forfeit and pay Two Shillings and Eight Pence, for each and every Day he shall neglect to work as aforesaid; To be recovered before any Magistrate of the County of Craven by the said Overseer, and applied towards hiring a Person to work on the said Streets in the Room of him so neglecting or refusing to work as aforesaid; and the said Overseer is hereby directed and required to keep an exact Account of the Delinquents and return the same, on Oath, to the Commissioners, once in Three Months, on Penalty of Five Pounds for every Neglect; to be recovered by Action of Debt, in any Court of Record, by the said Commissioners, and applied to the common stock of the said Town.

CHAPTER XIII.

An Act for establishing a town on the land formerly granted to William Churton, gentleman, lying on the north side of the river Enoe, in the County of Orange.

I. Whereas, it hath been represented to the Assembly by petition, that in the year of our Lord one thousand seven hundred and fifty-four, four hundred acres were granted to William Churton, which was afterwards laid off by him into a town and common, and that part of the said four hundred acres hath been likewise laid out into lots of one acre each on some of which good habitable houses hath been erected; and that by reason of the healthfulness of the said place and the convenient situation thereof, for inland trade, the same might soon become considerable if it was erected into a town by lawful authority, to which the said William Churton who is now seized in fee, of the greatest part of the said four hundred acres and those who claim by conveyance under him, having consented:

II. Be it therefore Enacted, by the Governor, Council, and Assembly and by the Authority of the Same, that the said four hundred acres of land be, and the same is hereby constituted, erected, and established a town, and town common, and shall be called by the name of Chilcamburg.

III. And be it further Enacted by the Authority aforesaid, That from and after the passing of this Act, James Watson, William Churton, William Reed, Esqrs., William Nunn, and Daniel Cane, gentlemen, and every of them, be, and they, and every of them, are hereby constituted directors and trustees, for designing, building and carrying on the said town; and they shall
stand seized of an indefeasible estate, in fee, and the said four hundred acres of land, to and for the uses, intents, and purposes herein after expressed and declared; that is to say, that the said directors, or any three of them, shall have full power and authority to meet as often as they shall think necessary, and cause an exact plan of two hundred acres of the said land to be made, as near as may be agreeable to the streets and lots already laid out, and the residue thereof shall be and remain for a common thereto; and that the said directors shall insert a mark or number on each lot; which said plan shall be kept in some convenient place in the said town, for the view of such persons who have, or inclined to have a lot or lots in the same.

IV. And be it further Enacted, by the Authority aforesaid, That when the said town shall be laid out, it shall and may be lawful for the said William Churton to reserve to himself and have and keep to his own proper use, four acres of the said town, lying on the south east corner thereof upon the river; three acres of which four acres, have been formerly laid out into lots, and, are now in the plan of the said town, known and distinguished by the letters F, G and H, and one other acre betwixt those lots and the river, and bounded by the lots number 5, and the letters F, G, H, and the river; on which said lots the said William Churton shall stand seized of an indefeasible estate of inheritance, in fee-simple in the same manner as if the said lots had been by him saved in manner as hereafter directed by this Act, in consideration of the many services he hath performed for the inhabitants of the said town, and of his labor, expense, and pains, in laying out the said town.

V. Provided nevertheless, That nothing in this Act contained shall be construed or extend to grant power to the said directors, or their successors, to dispose of, or interfere with the title or titles of any lot or lots already saved in the said town, off of which any person or persons have at the time of passing of this Act, a deed of sale, or conveyance, signed and executed agreeable to law by the said William Churton; but such deed and conveyances as aforesaid, if the lot or lots therein mentioned has or have been saved in manner as specified in the said deed or deeds from the said William Churton, or shall be hereafter saved within two years after the passing of this Act, in the same manner as the lots hereafter to be granted are to be saved pursuant to the directions of this Act, are hereby declared to be good and valid in law, and the grantee or grantees shall have and enjoy an estate, in fee-simple, therein.

VI. Repealed. [Not in record book.]

VII. Repealed. [Not in record book.]

VIII. And be it further Enacted by the Authority aforesaid, That James Watson, Esq., one of the directors as aforesaid, shall be appointed present treasurer, and receiver of all monies arising by virtue of this Act; and on his death, removal out of the said town, or refusal to Act, then the said directors or a majority of them, shall chuse one other of the said directors to succeed him; and every treasurer shall first give sufficient security to the Justices of the County Court of Orange, for the just performance of the said trust.

IX. And be it further Enacted, by the Authority aforesaid, That the said directors, or a majority of them, shall hereby have full power and authority to call any person or persons to account for any sum or sums of money by them received, either by sale of any lots, formerly granted or hereafter to be granted, or from the ground-rent, chargeable on each lot and to receive the same, and give proper and full discharge thereupon.
X. And be it further Enacted by the Authority aforesaid, That all the monies arising by the sale or taking up of the said lots, after the directors' reasonable charges and expenses for their several services are deducted, shall be appropriated, laid out and applied to such other use or uses as the said directors or a majority of them, shall think convenient for encouragement of the said town.

XI. And for continuing the succession of the said directors until the said town shall be incorporated, be it Enacted, by the Authority aforesaid, in case of death, refusal to act, or removal out of the town of any of the said directors, the remaining directors, or the majority of them, shall assemble at the said town, and are hereby empowered, by instrument in writing under their respective hands and seals, to nominate some other person, being a freeholder of the said town, and residing therein, in the place of him so dying, refusing to act, or removal out of the town; which new director so nominated and appointed, shall from thenceforth, have the like power and authority in all things, in the matters herein contained, as if he had been expressly named and appointed in and by this Act.
CHAPTER I.

An Act to establish Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this Province.

I. Whereas, the establishment of Inferior Courts for the Tryals of Causes and punishing offenders under proper Limitations and Restrictions would be of great service and General Utility in the several Counties within this Province,

II. Be it Enacted by the Governor, Council and Assembly and by the Authority of the same, That in every County of this Province a Court Quarterly in every Year shall be held by the Justices thereof at the several respective places already assigned for that purpose or at such place or places as shall be hereafter Lawfully appointed upon the Days hereinafter limited for each County respectively, which Courts shall be called Inferior Courts of Pleas and Quarter Sessions and taken and held to be Courts of Record.

III. And be it further Enacted, That every person nominated and appointed a Justice of Peace before his entering upon and executing the said Office shall publickly in the Court House of his County and on a Court Day take the Oaths appointed, or which shall be appointed to be taken by Act of Parliament, take and subscribe the Oath of Abjuration, repeat and subscribe the Test and shall also take the following Oath, to-wit:

I, A. B., do swear that as a Justice of Peace in the County of . . . . .

In all articles in the Commission to me Directed I will do equal Right and Justice to the poor and to the rich after my Cunning, Wit and Power and according to Law, and I will not be of Counsel in any Quarrel hanging before me. I will not let for gift or other cause but well and truly I will do my Office of a Justice of the Peace as well within the Inferior Courts of Pleas and Quarter Sessions of the said County as without, and I will not take any Fee, Gift or Gratuity for anything to be done by Virtue of my office and I will not Direct, or cause to be directed, any Warrant by me to be made to the parties but I will Direct them to the Sheriff or Constable of the County, or other of the King's Officers or Ministers, or other indifferent person to do execution thereof. So help me God.

And if any person whatsoever shall presume to execute the Office of a Justice of the Peace without first qualifying himself in the manner by this Act before required he shall for every such offence forfeit and pay one hundred Pounds, Proclamation Money, one Moteley to his Majesty, his Heirs and Successors, towards the support of this government, and the other moiety to the Informer to be recovered with Costs by action of Debt in any Court wherein the same is cognizable.

IV. And be it further Enacted, by the Authority aforesaid, That the said Inferior Courts of Pleas and Quarter Sessions shall be constantly held upon the Days hereafter specified for every County respectively, that is to say,
For the County of Craven on the first Tuesday in January, April, July, and October.
Carteret on the first Tuesday in March, June, September and December.
Dobbs on the second Tuesday in January, April, July and October.
Johnston on the third Tuesday in January, April, July and October.
Beaufort on the second Tuesday in March, June, September and December.

Hyde on the first Tuesday in March, June, September and December.
Currituck on the first Tuesday in January, April, July and October.
Pasquotank on the second Tuesday in January, April, July and October.
Perquimans on the third Monday in January, April, July and October.
Chowan on the third Thursday in January, April, July and October.
Bertie on the second Tuesday in January, April, July and October.
Tyrrell on the first Tuesday in March, June, September and December.
Hertford on the first Tuesday in January, April, July and October.
Northampton on the first Tuesday in February, May, August and November.
Halifax on the third Tuesday in March, June, September and December.
Edgecombe on the fourth Tuesday in March, June, September and December.
Granville on the second Tuesday in February, May, August and November.
Orange on the third Tuesday in February, May, August and November.
Rowan on the third Tuesday in January, April, July and October.
Anson on the first Tuesday in February, May, August and November.
New Hanover on the first Tuesday in March, June, September and December.
Bladen on the fourth Tuesday in February, May, August and November.
Duplin on the second Tuesday in February, May, August and November.
Cumberland on the third Tuesday in February, May, August and November.
Onslow on the first Tuesday in February, May, August and November.

And every Adjournment shall be to the next succeeding Court in course and not otherwise,

Provided nevertheless, That if the Business of any of the said Courts cannot be determined on the Court day the Justices may adjourn from Day to Day not exceeding five Days at the end of which time if the Causes and Matters depending before them shall not be finally Determined or otherwise continued in the manner hereinafter Directed the same shall be continued to the next succeeding Court. Provided also, if through sickness or other Inability, badness of Weather, or other accident it shall so happen that a sufficient number of Justices shall not meet for holding the said Courts on the Days herein before appointed in such case, it shall and may be lawful for any one Justice to adjourn the Court, whereof he shall be a Member from Day to Day not exceeding three Days until a sufficient number of Justices can attend to hold Court.

V. And be it further Enacted by the Authority aforesaid, That none of the said Courts, or Process in any of them depending, shall be Discontinued for or by reason of the Justices falling to hold Court upon the Day by Law appointed or of any alteration of any of the said Days appointed for holding the said Courts, but in every such Case all Suits, Process, Matters and Things depending shall stand continued and all Appearances upon returns of Process shall be made to the next succeeding Court in Course in the same manner as if such succeeding Court had been the same Court to which such process stood continued, or such Returns or Appearances had
been made and all Recognizances, bonds and obligations for appearance, and all Returns shall be of the same force and validity, for the appearance of any Person or Persons at such succeeding Court, and all Summons for Witnesses as effectual as if the next succeeding Court had been expressly mentioned therein.

VI. And be it further Enacted by the Authority aforesaid, That the Justices of the said Inferior Courts of Pleas and Quarter Sessions, or any three of them, shall and may take Cognition of and are hereby declared to have full Power and Authority and Jurisdiction to hear and Determine all Causes whatsoever at the Common Law within their respective Counties where the Debt, Damages and Cause of Action is above Forty Shillings Proclamation Money and shall not exceed Fifty Pounds like Money (Actions of Trespass in Ejectment formedon in descender, Remainder, and Reverser, Perjury and Felony, and such Criminal Causes where the Judgment upon Conviction shall be for the loss of life or member excepted) and all petit larcenies, Assaults, Batteries and Trespasses, Breaches of the Peace and other Misdemeanors of what kind soever of an Inferior Nature and all Filial Portions and Legacies and distribution of Intestates Estates and other Matters thereto relating, for any Sum or Sums whatsoever and the said Justices of the Peace and every of them at all times during their Continuance in that Office as well within their Inferior Courts of Pleas and Quarter Sessions as Without shall have full Power and Authority as amply and as fully to all intents and purposes as the Justices of the Peace in the Counties of England to preserve, maintain and keep the Peace within their respective Counties.

VII. And be it Enacted by the Authority aforesaid, That the said Inferior Courts respectively, shall and may by Summons or other legal process upon application to them made, compel any person or persons whatsoever having in their possession any Will or Testament of any deceased person to exhibit the same to the Court in order to a legal probation thereof, and also to receive the probate of Wills, and order the same to be recorded and make orders for issuing Letters Testamentary, and Letters of Administration and the Clerk shall and may take two Shillings and eight pence for recording each Will.

Provided always, that any Person who hath a right to execute any Will or to administer the Estate of an Intestate who shall think himself injured by such Order, may enter a Caveat in the Court wherein such Order shall be made against the Person obtaining the same and the Secretary and his Deputy shall forbear to seal and countersign Letters Testamentary or of Administration till the matter in controversy shall be reheard and Determined before the Governor or Commander in Chief for the Time being and Council. And for the better preservation of Wills.

VIII. Be it further Enacted, by the Authority aforesaid, That all original Wills shall remain in the Clerk's office among the Records of the respective Counties where they shall be proved whereunto any person may have recourse as to other Records except for the time the same shall or may be removed before any other Court, upon the determination of any Controversy.

IX. And be it further Enacted, by the Authority aforesaid, That the Clerk of every Inferior Court aforesaid in the month of October annually shall return to the Secretary's Office a list of all Certificates for obtaining Probates or Administrations granted by their respective Courts from time to time containing the names of the Testators or Intestates, their Executors or Administrators and the names of the securities which list the Secretary
IC hereby required to cause to be recorded in his office Alphabetically in Books for that purpose and shall and may take and receive two shillings and eight pence Proclamation Money for every such order therein mentioned.

X. And be it further Enacted by the Authority aforesaid, That the Attorney General is required and authorized to appoint a Deputy in each County within his Province which said Deputy, shall and may prosecute all matters Cognizable in the Inferior Court of Pleas and Quarter Sessions for and in behalf of his Majesty and shall take and receive thirteen Shillings and four pence, Proclamation Money, on each and every bill of indictment found on Presentment made in the said Court in which he or his Deputy shall be.

XI. And be it further Enacted by the Authority aforesaid, That the said Inferior Courts of Pleas and Quarter Sessions respectively, shall, and they are hereby authorized and impowered annually between the first Day of May and the first Day of November, to assess and lay such Tax on the Taxable Persons in their respective Counties as shall be sufficient to Defray the Contingent Charges of the same, which Tax shall be collected by the Sheriff and paid and accounted for in the same manner as publick and Parish Taxes are or shall be by Law directed and by him accounted for and paid to the Court or their Order, and all Debts and Demands above the value of Twenty Shillings Proclamation Money, and not exceeding Forty Shillings like money are hereby declared to be cognizable and Determinable by any two Justices of the Peace who may give Judgment and thereupon award Execution against the Goods and Chattels or Body of the Debtor or party against whom such Judgment shall be given, which shall be Executed and returned by the Sheriff or Constable to whom Directed in the same manner as other Writs of Fieli Facias or Capias ad Satisfacendum are to be Executed and Returned and all Debts and Demands of Twenty Shillings like Money or under, any one Justice of the Peace shall have full power and Authority to hear, Try and Determine, and to award Execution in the same manner as is herein provided for two Justices where the Debt or Demand shall amount to Forty Shillings.

Provided nevertheless, that if either of the parties shall be dissatisfied with the Judgment given by the Justice or Justices, He may appeal to the next Inferior Court of Pleas and Quarter Sessions first giving Security for Prosecuting such appeal with Effect, which Cause shall be Tried and finally Determined the same Court without any further process in the same manner as Causes are there tried, brought by Original Petition and Summons and Judgment shall thereupon be given and the party cast shall pay the Costs of all Proceedings had thereon to be taxed by the Court. Provided nevertheless, That the Justice or Justices before whom suit was first heard and Determined shall not sit in Court or give Judgment on the Trial of such Appeal.

XII. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawfull for any Creditor, where his Debt doth not exceed Forty Shillings Proclamation Money, to go before any Justice of the Peace and make Oath how much is justly due to him and that he has grounds to suspect that his debtor hath or intends to remove himself and Effects privately out of the County, and thereupon such Justice (having first taken bond and Security as in other cases of Attachments) shall issue an attachment against the Estate of such Debtor returnable before any two Justices of the County, directed to the Sheriff, or any Constable of the County, and by virtue thereof it shall be Lawfull for such Sheriff or Constable to pursue and attach such Effects and make due return of such attachment, and there-
upon such Proceedings shall be had as in other cases of Attachment directed.

XIII. And it further Enacted by the Authority aforesaid, That any Justice of the Peace shall, and may have power, and is hereby authorized, upon complaint being made by any person or persons for any matter or thing, Debt, or Damage Cognizable in the Inferior Courts of Pleas and Quarter Sessions of this Province, to grant an Original Attachment against the Estate of any Person absconding or Concealing and removing himself out of the County, returnable to such Court, observing therein the Rules and Restrictions Directed for granting original Attachments returnable to the Superior Courts of Pleas and Grand Sessions.

XIV. And all Sheriffs and other Officers shall Execute and return the same and observe the Rules and Directions appointed to be observed in executing attachments returnable to the Superior Court; and the like Judgment Recovery, Relief, Remedy and Proceedings shall be had thereupon as in the like cases is grantable in the said Superior Courts.

XV. And it further Enacted by the Authority aforesaid, That all Original Process by Writ, Summons, Petition or any other manner or means and all subsequent Process thereupon to bring any person or persons to answer to any action, Suit, Bill, Information or Plaint in any Inferior Court of Pleas and Quarter Sessions (Except Subpoenas to summons Evidences which may be made returnable immediately) shall be Issued and bear Test by the Clerk of every Inferior Court of Pleas and Quarter Sessions respectively, and shall be returnable on the first day of the sitting of the Court, and shall be executed at least five Days before the Return thereof and if any Person Issues any Writ or Process whilst such Court is sitting or within five days before the beginning of the Court such Writ or Process shall be returnable to the Court next after that then sitting or beginning to sit within five days as aforesaid and not otherwise, and all Writs and Process issued, made Returnable or Executed in any other manner or at any other time than is herein before Directed, may be abated on the plea of the Defendant, provided always, that nothing herein contained shall extend or be construed to invalidate or vacate any Writ, Process, Warrant or Precept, issued by any Justice of the Inferior Courts of Pleas and Quarter Sessions, or any Criminal Prosecution or in his Majesty's behalf, but the same may be returnable on any day in the sitting of the Court and the proceedings in all Criminal Cases shall be had according to the Laws and Statutes of Great Britain and this Province, anything herein contained to the Contrary, notwithstanding.

XVI. And it further Enacted by the Authority aforesaid, That when any Writ or Process shall Issue to take the Body of any Person or Persons to answer unto any Plaintiff in any Civil Action in any Inferior Court of Pleas and Quarter Sessions, the Sheriff shall return therewith a Bond with two sufficient Securities for double the sum for which the Person shall be held in arrest (Executors, Administrators and Persons sued on Penal Statutes Excepted) to the Clerk on or before the first Day of every Court and if the Sheriff shall not return bail or the bail so returned shall be found insufficient, upon exception taken thereto, then in such Case the Sheriff shall be taken and stand Bail for the Defendant and the Plaintiff may proceed in his suit to Judgment according to the Rules hereafter mentioned, and on judgment or Recovery may take out Execution against the Defendant or Sheriff or both; any Law, Usage or Custom to the Contrary, notwithstanding.

Provided always, That if the Defendant puts in Bail before the time to
plead given him by the Rules hereafter mentioned, is expired, then the
Sheriff shall be discharged. Provided also, That the Sheriff may surrender
the Defendant in Discharge of himself at any time before final Judgment
obtained against the Defendant.

XVII. And be it further Enacted by the Authority aforesaid, That where
any Judgment or Decree shall be obtained in any Inferior Court of Pleas
and Quarter Sessions for any Debt, Damages, Portion or Legacy or Proportion
of any Intestate's Estate and the person against whom such Decree
shall be obtained shall remove him or herself and Effects or shall reside
out of the limits of the Jurisdiction of such Court, it shall be Lawfull for the
Clerk of the Court where Judgment was given or Decree made, at the
request of the party for whom the same was rendered, to issue a Writ of
fiere facias, capias ad satisfaciendum, or other Process, under the Test herein
before prescribed and to direct the same to the Sheriff, or other Officer
of any County in this Province, where the Defendant, or Debtor, or his
Goods shall be found, which said Sheriff or other Officer to whom the same
shall be directed is hereby Impowdered and required to serve and execute the
same and shall make return thereof to the Court where the Judgment or
Decree was given in the same manner as if such Process had Issued from
the Superior Court of Pleas and Grand Sessions. And for the better ascertaining
what process may be issued where the Sheriff shall return that the
Defendant is not to be found in his Bailiwick. It is hereby Enacted, that
where any Sheriff shall make such Return the Plaintiff or Plaintiffs in any
Civil Action may sue an Attachment against the Estate of such Defendant,
returnable as is hereinafore directed for the return of Original, or other
subsequent Process thereupon, to enforce an appearance, or an alias or
plurites capias until such Defendant be arrested, at the Election of the
Plaintiff or Plaintiffs, and if the Sheriff shall return such Attachment executed
the Plaintiff shall file his Declaration according to the Rules of the
Court and be Entitled to a Judgment.

XVIII. And be it further Enacted by the Authority aforesaid, That the
same Rules, Methods and Proceedings shall be had, kept and observed by
the said Inferior Court of Pleas and Quarter Sessions and Officers in the
granting, issuing, executing, returning and awarding Judgment on Judicial
Attachments and the like remedy, Recovery and Relief against Sheriffs and
Ball as in like Cases is provided by Law in Suits Depending in the
Superior Court of Pleas and Quarter Sessions. And for the regular Prosecution
and Determination of Suits, Entering up Judgments and Preservation
of the Records.

XIX. Be it therefore Enacted by the Authority aforesaid, That the following
Rules and Methods shall be observed to wit:

That the Plaintiff in every Suit shall file his Declaration on the first
Day of the Court or first calling of the Cause in Court and at the same time
serve the Defendant or his Attorney with a Copy thereof if required.

That if the Plaintiff fail to file his Declaration, or appear and prosecute
his Suit the Defendant may enter a non pros.

That the Defendant shall enter his appearance and file his plea in writing,
whether General or Special, the first Court, and if he fails so to do the
Plaintiff shall have Judgment which in Actions of Debt shall be final except
where Damages are to be suggested on the Roll, in which Case and in all
others where the Plaintiff shall recover in Damages a Writ of Enquiry shall
be Executed the next Court.

That the Defendant may plead as many several matters as he shall think
necessary for his Defence so that he be not admitted to plead and Demur
to the whole.
That all Issues whether General or Special shall be heard and Tried
the next succeeding Court unless sufficient Cause is shewn to such Court
why such Causes shall be continued.
That all Causes at issue ready for Trial be first heard and Tried.
That every motion in arrest of Judgment shall be argued the last Day
of the same Court the Issue is Tried, the Defendant's Attorney first serving
the Plaintiff's Attorney with a Copy of the Reasons in arrest of Judgment,
unless upon sufficient reasons shewn and approved of by the Court further
time shall be allowed.
That where any special Verdict shall be found or Demurrer to Evidence
at the Motion of either Party, time shall be allowed to the next succeeding
Court for Hearing.
That in every Cause unless brought by Petition if the Plaintiff recovers,
or is nonsuited or where his suit shall be Dismissed or Judgment passed
for the Defendant, the Court shall allow in the Bill of Costs fifteen Shillings
Proclamation money for an Attorney's Fee if the Party employed one.
That the Clerk of every Inferior Court of Pleas and Quarter Sessions when
any Cause is determined shall enter all Pleadings and other Matters
relating thereto in a Book kept for that purpose that an entire and perfect
Record may be made up.
XX. And for Prevention of Delay and vexation by Dilatory Pleas it is
hereby further Enacted, that no Plea in abatement shall be received in any
Action or Suit unless the Truth thereof be sufficiently shewn to the Court
by affidavit or otherwise and in all Actions where the Declaration shall
plainly set forth the sufficient matter of substance for the Court to proceed
upon the Merits of the Cause the Suit shall not abate for want of Form and
that where any plea in Abatement shall be pleaded in any Action and upon
Argument thereof the same shall be adjudged Insufficient, the Plaintiff or
Plaintiffs in such Actions shall recover against the Defendant or Defendants
full Costs to the time of over-ruling such plea including the Costs of that
Court a Lawyer's Fee only excepted.
XXI. And be it further Enacted by the Authority aforesaid, That for the
more speedy and easy recovery of small debts it shall be Lawfull for the
Justices of any Inferior Court of Pleas and Quarter Sessions to hear and
finally end and determine all Suits brought for any Debt or Demand due
by Judgment, Obligation, Account or otherwise for any Sum or Sums of
Money above the value of Forty Shillings Proclamation Money and of less
value than Five Pounds like Money, by Petition without the Solemnity of
a Jury, and the said Justices are hereby authorized and required and shall
have full power and authority so to do, and to award Execution thereupon,
and where the Demand shall be of less value than the last mentioned Sum
the Plaintiff shall proceed by Petition in the manner by this Act directed
and if any Plaintiffs shall Demand a greater Sum on purpose to evade this
Act he shall be non-suit and pay Costs and the method of proceeding shall
be in a summary way to-wit: The Petition shall express whether the Debt
arises by Judgment, Obligation, Account, or otherwise, and if by account
the same shall be filed together with the Petitions, upon filing such Petition
in the Clerk's Office a summons of course shall be issued under the Hand
of the Clerk returnable to the next Court, a Copy of which together with
a Copy of the Petition and Copy of the Account (where the Demand is
upon an account) shall be delivered to the Defendant or left at his usual
place of abode ten Days at least before the next succeeding Court and the
same being returned Executed by a Sworn Officer; if the Defendant shall not then appear it shall be Lawfull for the said Justices to hear and examine into the Truth of the Matter complained of and to determine the Cause upon the Evidence produced, or to Dismiss the Petition as to them shall seem just and if the Defendant shall appear upon such Summons he shall forthwith put in such plea or answer thereto as will bring the matter of Complaint in issue and thereupon, or if he fails to plead, the Court shall instantly proceed to hear and Determine the Cause in a Summary way upon any such Evidence as shall be given and shall give Judgment according as the very right of the Cause and Matter in Law shall appear unto them without regard to form in the Process, Petition, or course of proceeding as sufficient Matter be set forth, whereupon the Court may give Judgment according to the very right of the Cause and the Court shall not admit of any delay in the Determination of any such suit till another Court, unless good Cause be made appear for such Delay, but where the Penalty of any Bond or Obligation for Debt shall be five pounds or upwards and shall be put in Suit the same shall be brought and Prosecuted at the common Law and not by Petition afo' part of the Principal be paid before suit brought and when any Petition shall be filed in less than ten Days before the Court Day next following the filing thereof the Summons thereupon shall be made returnable to the next Court held after the Expiration of ten days and the same being Returned Executed, the Proceedings thereupon at the Return day shall be in like manner as before Directed and that upon every Judgment given upon such Petition if a Lawyer be employed the Clerk shall Tax in the Bill of Costs seven Shillings and six pence for an Attorney's Fee and no more.

Provided nevertheless, That the Sheriff upon serving any such Petition shall and may and he is hereby Impowered and required (if Directed by the Petitioner) by Indorsement on his Petition to take Ball as is usual on Executing a Writ and for taking such Ball and returning a Ball Bond shall be allowed One Shilling and Eight Pence to be Taxed in the Bill of Costs, and upon Judgment being recovered against the Defendant in any such Suit the Court shall and may, and are hereby required to award Execution against the Defendant and such Ball jointly unless the Principal shall surrender himself to Gaol or be delivered up by the Ball before Execution being so Granted; any Law, Usage or Custom to the contrary notwithstanding.

XXII. And be it further Enacted, that the Clerk of every Inferior Court shall have, take and receive for the whole Fees chargeable for each Petition and Summons and all the proceedings therein, including a copy of the Judgment, taxing Costs and Entering an Attorney (Except Subpoenas for witnesses, Orders for Continuance and issuing execution where any of the said Matters happen) seven shillings and six pence and no more, and the Sheriff shall, and may take and receive Two Shillings and eight pence for serving a Copy of such Petition and Summons, besides the Fee above mentioned for the Bail Bond.

XXIII. And be it further Enacted by the Authority aforesaid, That every Clerk, Sheriff and other Officer of the said Inferior Court of Pleas and Quarter Sessions may take and receive the Fees herein before mentioned and also for every other service by them respectively to be done shall and may take and receive such Fees and Perquisites as they could or might have done for performing the like services by virtue of one Act of Assembly intituled, An Act for regulating the several Officers Fees within this Province and ascertaining the method of paying the same. And if any Clerk,
Sheriff, or other Officer of the said Courts shall demand, extort, exact or receive any other or larger Fees, or shall refuse to do the particular service of his Office for the Fees in this and the before recited Act expressed or shall introduce any new Fees or charge any such for any pretended service when such service is not actually performed and where the same according to the course of practice is not necessary to be done, every such Clerk, Sheriff and other Officer for every such offence shall be subject to the like pains and penalties as by the said recited Act is inflicted in the like Cases to be recovered and applied as by the aforesaid Act is directed. And for Granting appeals from the Inferior Courts of Pleas and Quarter Sessions to the Superior Courts of Pleas and Grand Sessions and obtaining Writs of Error to the said Courts.

XXIV. Be it further Enacted by the Authority aforesaid, That when any Person or Persons, either Plaintiff or Defendant, shall be dissatisfied with the Judgment, Sentence or Decree of any Inferior Court he may pray an appeal from the Judgment, Sentence or Decree of such Court to the Superior Court of Pleas and Grand Sessions of the District wherein such Inferior Court of Pleas and Quarter Sessions is held. But before obtaining the same shall enter into Bond with two sufficient Securities for prosecuting the same and performing the Judgment, Sentence or Decree that the Superior Court shall enter or make thereon in case such Appellant shall be cast. And because it may happen that in issuing process, carrying on the proceedings and rendering Judgments in the said Superior Courts of Pleas and Quarter Sessions there may be Error to reverse Judgments, Be It Enacted, that when any Defendant is desirous to prosecute a Writ of Error he shall move the Inferior Court of Pleas and Quarter Sessions where such suit is Depending to allow a Writ of Error, he first entering into Bond as aforementioned, and the Court is hereby Impowered and required to allow thereof as if such Writ of Error was then and there produced. And for carrying on and prosecuting such Appeals and Writs of Error, Be it Enacted by the Authority aforesaid, That the following Rules and Methods of Practice shall be observed, to-wit: That when any person, either Defendant or Plaintiff, conceives he is injured by the Judgment, Sentence or Decree of any Inferior Court and shall have appealed to the Superior Court In manner above Directed, a Transcript of the proceedings of the Inferior Court shall be filed with the Clerk of such Superior Court fifteen Days before the sitting of the Court and if the Trial in the Inferior Court was of an Issue to the County, a Trial Denovo shall be had and if on a Hearing on a Petition for a Filial Portion, or Legacy, or Distribution of an Intestate’s Estate, or other Matter thereto relating a Re-hearing at the said Court without Notice given by either party and if such Transcript of the proceedings is not filed within the Time aforesaid with the Clerk of the Superior Court, or if the Appellant shall fail to appear and prosecute his Appeal then the Judgment, Sentence, or Decree of the Inferior Court shall be affirmed and the Appellant shall be adjudged to pay double Costs. Provided that there shall be Thirty days between the Day of Trial or hearing in the Inferior Court and the next succeeding Superior Court. But when it so happens that there are not Thirty Days between such Trial or Hearing and the Superior Court, such appeal shall be continued, and a Transcript of the proceedings transmitted to the Superior Court next after, and where any Defendant will prosecute a Writ of Error he may move the Inferior Court where the Trial is had and enter Into Bond with Security as before mentioned, whereupon a Transcript of the proceedings shall be filed with the Clerk of the Superior Court fifteen Days before the Court and the party prosecuting such Writ of Error shall
assign and file Errors the first four Days of the Court and in case such Def-
endant shall neglect to file such Writ and assign Error as above said or
shall fail to appear and prosecute the same then the Judgment of the In-
ferior Court shall be affirmed and the Plaintiff in Error shall be adjudged to
pay double Costs. Provided, that there shall be Thirty Days between such
Motion for obtaining a Writ of Error and the time of holding the Superior
Court.

XXV. And be it further Enacted by the Authority aforesaid, That in
every Inferior Court within this Province when an Appeal shall be granted,
or Writ of Error allowed, the Clerk of such Court shall immediately make up
a full and perfect Record of all the proceedings in such Cause and shall
within Ten Days after the adjournment of the Court give an attested Copy
of such Record with a Taxation of all Costs accrued to the Person appealing
or to whom the Writ of Error is allowed and every Clerk neglecting to do
the same shall forfeit and pay to the Person entitled to such attested Copy
the sum of Five Pounds Proclamation Money to be recovered by action of
Debt, Plaint or Information in any Court of Record and the said Clerk
shall also be further liable to an Action on the Case for all such Damages
as such Person shall sustain for want thereof.

XXVI. And be it further Enacted by the Authority aforesaid, That if any
action or other Process shall be commenced and prosecuted against the
Sheriff of any County in this Province then instead of other Process which
might be legally taken in like case against any other person, the Clerk of
any Inferior Court of pleas and Quarter Sessions shall upon request issue a
summons directed to the Coroner of the County recting the matter or cause
charged against such Sheriff and summoning him to appear and answer the
same at the next Inferior Court of Pleas and Quarter Sessions to be held
for the said County and if such Sheriff shall not appear according to such
Summons it shall be Lawfull for the Court to award attachment against the
Estate of such Sheriff so failing to appear and thereupon the like Proceed-
ings shall be had as in Cases of other Attachments.

XXVII. And for the better Discovery of the Truth in any Matters whatso-
ever before the Inferior Courts, Be it Enacted by the Authority aforesaid,
That the Clerk of every such Court may and he is hereby authorized and
required upon the Request of either Party to issue one or mor Summons or
Summonses for any Person or Persons to attend as a Witness or Witnesses,
in any Cause Depending before them Directed to the Sheriff or other officer
of the County, where such Witness or Witnesses do live or usually reside
who is hereby Impowered and required to serve such Summons or Sum-
monses and the Witness or Witnesses thereby Summoned shall appear
according to the Tenor thereof and every Person or Persons so summoned
and attending shall have the same allowance and be entitled to the same
Priviledges and Exemptions as Witnesses summoned to any Superior Court
have or may claim, and on failure to attend according to such summons
shall be liable to the same Penalties, fines, forfeitures and Actions as Wit-
nesses summoned to attend the aforesaid Superior Courts are liable and
subject to in the like cases and shall and may be proceeded against accord-
ingly; any Law, Usage or Custom to the contrary, notwithstanding. And
where any Witness is aged, Infirm or otherwise Incapable of attending the
Court and resides out of the County, such Court upon motion of either party
and the truth thereof appearing may Grant a Demimus to take the Exam-
ination of such Witness or Witnesses in the same manner and with such
Notice as such Commissions may be issued, Executed and returned in Pro-
ceedings in the Superior Courts.
XXVIII. And be it further Enacted by the Authority aforesaid, That every Person summoned to appear as a Witness in any of the said Inferior Courts in manner as herein before directed shall appear according to such Summons and continue to attend from Day to Day and from Court to Court until Discharged by the Court or the party at whose instance he was summoned, and in default thereof shall be subject to the pains and penalties herein before mentioned; any Law or usage to the contrary notwithstanding.

XXIX. And be it further Enacted by the Authority aforesaid, That all Causes, Actions, Suits, Writs, Petitions, Summons, Plaints, Process, Recognizances, Indictments and Presentments whatsoever, that are or shall be depending in either of the County Courts in this Province or such as shall be returnable to, or had, or shall have Day or Days in any of the said Courts or other Matters or things in them depending not fully Determined, after the passing of this Act shall be Transposed and carried off the Dockets in each of the County Courts into the Dockets of the said Inferior Courts of Pleas and Quarter Sessions in the same order in which they shall then stand in the Dockets of the said County Courts respectively, and shall be proceeded on by the said Inferior Courts according to the Method by this Act Directed as if the same had been originally commenced in any of the said Inferior Courts.

XXX. And be it further Enacted by the Authority aforesaid, That all Writs and other Process and all Suits and proceedings whatsoever Issued, Granted or Prosecuted in any of the County Courts wherein Judgment hath been entered or decree made shall and may be taken cognizance of by the Inferior Courts of the respective Counties and such Courts may respectively award Execution or other necessary proceedings on such Judgment or Decree in the same manner as if such Suit had been Originally commenced in such Inferior Court; any Law, Usage or Custom to the contrary, notwithstanding.

XXXI. And be it Enacted by the Authority aforesaid, That all Suits here-tofore brought by Petition and Summons in any County Court and not yet Determined, where the Sum Petitioned for is more than Twenty-five Shillings and less than Forty Shillings, the Justices of the Court where such Petitions have respectively been brought and are now Depending may and are hereby required to hear and Determine the same in a Summary way without a Jury and to award Execution thereon; anything herein to the contrary, notwithstanding.

CHAPTER II.

An Act for the better Care of Orphans, and Security and Management of their Estates.

I. Whereas, the greatest part of the Estates in this Province belonging to Orphans are of so inconsiderable value that an application to the Court of Chancery in many instances will occasion an expence which the profits of them are not sufficient to defray: And it having been found by Experience that the Court of each respective County exercising the power of regulating the Education of Orphans, and the Management of their Estates, hath proved of Singular Service to them;

II. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That where any person hath, or shall have, any Child or Children under the Age of Twenty-one Years and not married, it shall and may be lawful to and for the father of such Child, or Children,
whether born at the time of his Death or in Ventre Samere, or whether such Father be within the age of Twenty-one years, or of full age, by Deed executed in his life time, or by his last Will and Testament in writing in such manner and from time to time as he shall think fit to dispose of the custody and tuition of such Child or Children, for and during such time as he, she or they shall remain under the age of twenty-one years, or for any less time to any person or persons, other than the People called Quakers and Popish Recusants, and every such disposition heretofore made, or hereafter to be made, shall be good and Effectual against all and every Person and Persons claiming the Custody and Tuition of such Child or Children as Guardian in Soccage, and all other wise, and the person or persons to whom such Custody and Tuition hath been or shall be so disposed or devised, shall and may maintain an action of Ravishment of Ward, or Trespass against any Person or Persons who shall wrongfully take away, or detain, any such child or children, for the recovery of such child or children, and shall and may recover damages for the same in the said Action with Costs, for the Benefit of such Child or Children.

Provided nevertheless, that nothing in this Act contained shall be construed to hinder any of the people, commonly called Quakers, to make such Disposition, or to hinder the Superior or Inferior Courts from Committing the Guardianship and Custody of their Children to the people of that Persuasion, and that every Person and Persons, to whom such Tuition and Custody hath been, or shall be, so disposed or devised as aforesaid, shall and may take into his and their possession, for the use of such Child and Children, the profits of all Lands, Tenements and Hereditaments, and also, the slaves, Goods, Chattels, and Personal Estate of such Child or Children, and may bring such Action or Actions in relation thereunto as by Law a Guardian in common Soccage might do.

Provided always, that nothing herein before Contained shall extend to discharge any Apprentice from his Apprenticeship, and the Superior Court of the District, or the Inferior Court of Pleas and Quarter Sessions of the County, wherein such Guardian shall reside respectively, upon Complaint to them made of such Guardian, abusing the trust reposed in him, by misusing the Child or Children so committed to his Tuition as aforesaid, in being or intending to marry such Child or Children in disparagement, neglecting the Care of their Education suitable to their Estate, or wasting, Converting to his own use, or otherwise mismanaging such Estate, to make and Establish from time to time such Rules and Orders for placing such Child or Children under the care and Tuition of any other Person or Persons securing the Estate, and for the better Education and Usage of such Child or Children, as they in their discretion shall judge Meet and Necessary.

III. And be it further Enacted by the Authority aforesaid, That the Superior Courts and Inferior Courts of Pleas and Quarter Sessions of this Province, within their respective Jurisdictions, have and shall have full power and authority, from time to time to take Cognizance of all matters concerning Orphans and their Estates, and to appoint Guardians in such Cases where to them it shall appear necessary, and shall take good Security of all Guardians by them to be appointed for the Estates of the Orphans by them committed, and if any Court shall commit an Orphans Estate to the Charge or Guardianship of any Person or persons without taking Good and Sufficient Security for the same, the Justice or Justices appointing such Guardian shall be liable for all loss and Damages sustained by the Orphan for the want of such Security being taken, to be recovered by Action at the
Common Law in any Court of Record in which the same is cognizable at the suit of the Party grieved.

Provided always, That where the Securities were good at the time of their being taken or Accepted, but afterwards became insolvent in such case the Justice or Justices shall not be liable.

IV. And be it further Enacted, That the Bond to be given by any person or Persons appointed Guardian as aforesaid, shall be made payable to the Justice or Justices present in Court, and granting such Guardianship, the Survivors or Survivor of them, their Executors or Administrators in Trust for the benefit of the Child or Children Committed to the Tuition and Care of such Guardian which Bond such Court shall cause to be acknowledged before them and recorded and that in the name of the Justice or Justices to whom the said Bond was made Payable the Survivors or Survivor of them, their Executors or Administrators, any Person or Persons Injured may and shall at his, her or their costs and Charges Commence and prosecute a Suit against such Guardian and his Securities, Executors or Administrators and shall and may recover all Damages which he, she or they have sustained by reason of the Breach of the Condition thereof.

Provided, always, that if any verdict or Judgment shall Pass for such Guardian or his Securities the Person at whose instance such Suit shall be commenced or prosecuted shall pay Costs.

V. And be it further Enacted by the Authority aforesaid, That when a Guardian shall be appointed to an Orphan by any Superior or Inferior Court Such Guardian shall at the next Court after his appointment exhibit an account upon oath of all the Estate of such Orphan which he or she shall have received into his or her hands or possession. And every Guardian heretofore or hereafter to be by any such Court appointed, shall annually exhibit his account and state of the profits and disbursements of the Estate of such Orphan upon Oath, and such Accounts so to be exhibited shall be entered by the Clerk in particular Books to be provided and kept for that purpose only, and when the said Courts shall know, or be informed that any Guardian or Guardians by them respectively appointed, do waste or Convert the money or Estate of any Orphan, to his or their own use, or do in any Manner Mismange the same, is about or intended to marry him or her in disparagement, or neglects to educate or maintain any Orphan according to his or her Degree and Circumstances, or where such Guardian or his securities are likely to become insolvent, such Court shall have Power from time to time to make and establish such rules and orders for the better ordering, Managing and securing such Estate, and for the better Education and maintaining such Orphans or to appoint another Guardian as they shall think fit and convenient.

VI. And be it further Enacted, That every Guardian, Executors or Administrators, as soon as conveniently the same may be done, shall by Order of the Superior or Inferior Court of Pleas and Quarter Sessions, cause the Sheriff to sell and dispose of all the Goods and Chattels of his or her ward as are or may be liable to perish, consume, or be the worse by using or keeping (Except in the instances herein after mentioned) for the most that can be got for the same by public sale in reasonable Lots, and shall for enhancing the price thereof give six months credit upon goods secured, given for which service the Sheriff shall be allowed by the Court, so as such allowance does not exceed two and a half per Cent., and such Guardian after the time of such payment is passed shall take and pursue all lawful ways and
means to receive and recover the money upon pain of being answerable for the same, and if the same cannot be received before the Orphan entitled to receive such money, shall have a right to Demand it, or such Guardian shall be removed from his Guardianship, he or she shall and may assign such Bond to such Orphan and such Assignment shall discharge such Guardian for so much against him, her or them, and where the profits of any Orphans Estate shall be more than sufficient to maintain and educate him or her, the Guardian of such Orphan shall lend the Surplus and all other Sums of Money in his hands belonging to such Orphan upon Bond with good and sufficient securities, to be repaid with interest which Interest such Guardian shall account for annually, and where the person or persons to whom such money shall be lent, or their Securities are likely to become insolvent, such Guardian shall use all Lawful means to enforce the repayment thereof on pain of being liable for the same as aforesaid, and an Assignment of such last mentioned Bond in either of the last mentioned Cases, shall discharge such Guardian for so much as is Specified in the condition thereof.

VII. And be it further Enacted, That where any Orphan shall have Lands, and a sufficient number of slaves to cultivate and improve the same, such Slaves, unless otherwise ordered by the Superior or Inferior Court, shall be employed on the Lands and Plantations of such Orphan, and all Horses, Cattle, Sheep and Hogs shall be kept up on such Lands and Plantations until such Orphan comes of age and he or she shall have the benefit of the increase, and shall sustain the loss if any shall happen.

Provided nevertheless, That if any such stock grow too numerous, or if it will be to the advantage of such Orphan, his or her Guardian shall and may sell by order of the Superior or Inferior Court, such part of such stock as such Court shall think fit and all plate shall be preserved and delivered to such Orphan when at age, in kind, according to weight and quantity.

VIII. And be it further Enacted, That no Guardian shall let, or farm out any Lands belonging to any Orphan for a longer term than the Orphan be of age, or in other manner than by lease in Writing, and that special Care be had that the Tenant shall improve the Plantation, and that he or she keep the Houses, Orchards and Fences thereon, or that shall be Erected on the same, In good and sufficient repair, and lease the same so at the Expiration of such Lease, and that provision be made in such Lease for preventing all kinds or waste and employing any timber to any other use than the Immediate use of the Plantation.

IX. And be it further Enacted, That if the Guardian of any Orphan shall suffer his or her Land to lapse or to become forfeited for non-payment of Quit Rents, such Guardian shall be liable to answer full Value of the Lands so forfeited unto such Orphan at his or her coming of Age. And if it shall so happen that any Orphan shall not have slaves to cultivate his or her Lands and the Guardian of such Orphan cannot rent the same for sufficient to pay and discharge the Quit Rents thereof, and there shall not be Personal Estate sufficient for that purpose, it shall and may be lawful for such Guardian, with the consent and approbation of the Superior or Inferior Court, annually to sell and dispose of or use so much of the Lightwood, to box so many pine Trees, or to sell so much of the Timber of the same, as shall raise sufficient to pay and Satisfy the Quit Rents thereof, and no more.

X. And be it further Enacted by the Authority aforesaid, That the Justices of every Inferior Court of Pleas and Quarter Sessions in this Province respectively, shall, on the first day of the Court that shall be held next after the first day of January in every year, hold an Orphan's Court for the
purpose aforesaid, and every person heretofore appointed, or that shall hereafter be appointed Guardian to any Orphan by any Court or by Deed or Will as aforesaid, shall exhibit such account as aforesaid, and the Justices of every Court shall, at the same Court, examine into all accounts of Guardians so to be exhibited to them and shall direct a Summons to issue, returnable to their next Court against all Guardians who shall then fail to appear and render such account, whether such Guardian be resident in the same or any other County and shall then also enquire into the abuses and mismanagement of Guardians and whether they or their Securities are likely to become Insolvent and thereupon to proceed according to the power in this Act before given, and if any such Guardian shall wilfully neglect after being summoned as aforesaid to appear, or obstinately refuse to exhibit such account, it shall and may be Lawful for the Court to issue an Attachment for such Contempt, and to commit such Guardian until he or she shall exhibit such Account.

Provided always, that nothing herein before contained shall be construed to restrain the power of the Inferior Courts of Pleas and Quarter Sessions in enquiring as often as they shall think proper into the Abuses and mismanagement of Guardians, but that it shall be lawful for them to execute such power at any time or times when to them it shall appear necessary, anything in this act Contained to the Contrary notwithstanding.

XI. And be it further Enacted, That the Churchwardens of every Parish in this Province, shall annually, at the Orphans’ Court to be holden for their Counties, respectively, present to the Justices thereof, upon Oath in writing, the names of all Orphan children within their Parish, that they shall know have not Guardians appointed them, and are not Bound out to some trade or Employment, and all abuses, mismanagements and neglects of such Guardians as live within their Parish.

XII. And be it further Enacted, That the Justices of every Inferior Court, and the Church Wardens of every Parish, respectively, who shall fail or neglect to do their duty herein, shall forfeit and pay the sum of ten Pounds, Proclamation money, each, one half to our Sovereign Lord the King, his Heirs and Successors, to and for the use of the County wherein such neglect or failure shall be, and the other half to the informer, to be recovered with Costs in any Court of Record.

XIII. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for every Guardian to charge in his Account all reasonable disbursements and expences, and if upon rendering such Account it shall appear to the Court that such Guardian hath really and bona fide disbursed more in one Year than the profits of the Orphan’s Estate do amount unto for the education and maintenance of the Orphan, such Guardian shall be allowed and paid for the same out of the Profits of such Orphan’s Estate in any other Year.

Provided always, That such disbursements be in the Opinion of such Court suitable to the degree and circumstances of the Estate of such Orphan, and that where such Estate shall be of so small value that no person will educate and maintain him or her for the profit thereof, such Orphan shall by direction of the Court be Bound apprentice, every male to some Tradesman, Merchant, Mariner or other person approved by the Court, until he shall attain to the Age of Twenty-one Years, and every Female to some Suitable Employment ’till her age of eighteen years, and also such Court may in like manner bind apprentice all free base born children, and every such Female Child being a Mulatto or Mustee, until she shall attain the
Age of Twenty-one Years, and the Master or Mistress of every such apprentice shall find and provide for him or her diet, cloaths, lodging and Accommodation, fit and necessary and shall teach, or cause him or her to be taught, to Read and Write and at the Expiration of his or her apprenticeship, shall pay every such apprentice the like allowance as is by Law appointed for servants by Indenture or Custom, and on refusal shall be Compelled thereto in like manner, and if upon Complaint made to the Inferior Court of Pleas and Quarter Sessions it shall appear that any such apprentice is ill used, or not taught the trade, profession, or Employment, to which he or she was bound, it shall be Lawful for such Court to remove and bind him or her to such other person or persons as they shall think fit.

XIV. And be it further Enacted, That the binding of such apprentices by Order of Court as aforesaid shall be by Indenture made in the name of the Presiding Acting Justice of the Court and his Successors, of the one part, and of the Master or Mistress to whom he or she shall be bound, of the other, which Indenture shall be Acknowledged or proved before such Court and recorded, and a counterpart thereof shall remain and be kept in the Clerk's Office for the benefit of such apprentice and that any person or persons injured, may and shall at his or her costs and charges prosecute a Suit thereon in the name of such Justice or his Successors and recover all damages which he or she may have sustained by reason of the Breach of the Covenants therein contained, and if any verdict or Judgment shall pass for such Master or Mistress, he or she shall recover Costs.

XV. And be it further Enacted by the Authority aforesaid, That where any Person who now is, or hereafter shall be Security for the Estate of any Orphan, shall conceive himself in danger by reason thereof and petition the Court where such security was entered into for relief, it shall be lawful for such Court upon petition to them exhibited forthwith to order summons to Issue against the party or parties with and for whom the petitioner stands bound, returnable to the next Court, and thereupon compel such party or parties to give Sufficient other or Counter Securities, to be approved by the said Court, or to deliver up the said Estate to the said Petitioner, or such other Person as the Court shall direct, or they may and are hereby empowered to make such other Order or rule therein for relief of the Petitioner, and better securing such Orphan's Estate as to them shall appear just and Equitable.

Provided always, That such Court shall take good and Sufficient Security of the Person or Persons to whom such Estate shall be so committed in like manner and under the like penalty as is by this Act required to be taken of Guardians appointed by the Court, and every such Person shall also Exhibit his account and be subject to the rules and Orders of the Court in the same manner to all intents and purposes as is herein before Required of Guardians, or they are made subject unto.

XVI. And be it further Enacted by the Authority aforesaid, That all Legacies, Filial Portions, Distributive Shares of Intestate's Estates, Sum or Sums of Money, or other Estate, due or owing from any person appointed Guardian to any Orphan, or from any Executors or Administrators, shall and may be recovered by petition to the Superior Courts of the District, or any Inferior Court of Pleas and Quarter Sessions, and that in all suits by petition aforesaid, and in the said Courts respectively, the following Rules and Methods shall be observed, to-wit:

The petitioner shall file his Petition in Court upon Exhibiting the same, and thereupon a Summons shall be Issued by the Clerk of Course, and that
upon the Defendants being served therewith and with a copy of the said Petition he shall appear and put in his answer or Plea upon Oath or Demur.

That upon an Answer, Plea or Demurrer being filed as aforesaid, the Petitioner may move the Court to have the same set for hearing and immediately argued, and thereupon the Court shall proceed to hear and determine the same according as the matter in Equity and Law shall appear to them without regard to form, or for want or form, in the Petition Process or Course of Proceedings.

That upon the Defendants being served with a summons and copy of the Petition Ten Days before the Court to which such Summons is returnable and oath made thereof, if he shall fail to appear and plead, answer or Demur as aforesaid, the Petitioners Petition shall be taken pro confesso and the matter thereof Decreed accordingly with Costs unless on special reasons shown to and approved by the Court, time shall be allowed such Defendant to file such Plea, Answer or Demurrer.

That upon the Petitioner dismissing his Petition or the same being dismissed for want of prosecution he shall pay costs.

And if any Defendant shall appear on such Summons and shall obstinately refuse to answer the Petition of the Petitioner the same shall be taken pro Confesso and the matter decreed as aforesaid.

Every Defendant shall be at liberty to swear his answer or plea before any Justice. That when a plea or demurrer shall be overruled the Defendant shall file his Answer the same Court.

That when the Petitioner shall be minded to disprove the answer of the Defendant and Support his Claim he may reply.

Commissions to examine Witnesses, may be awarded by the Court after Replication filed, the party taking out such Commission giving the adverse Party ten days notice of the time and place of Executing the same.

And that upon a Decree being made on any such petition it shall and may be Lawful for the Court who shall make the same to grant Execution against the Defendant's body, Goods and Chattels, Lands and Tenements for satisfying such Decree and Costs; any Law, Usage or Custom to the Contrary notwithstanding.

XVII. And be it further Enacted by the Authority aforesaid, That when any person shall conceive himself injured or Aggrieved by the order or Sentence of any Inferior Court in Appointing a Guardian to any Orphan, or in removing any Orphan from the care and Tuition of any person who has been appointed such, or on refusing to make such Appointment or removal as aforesaid, he may appeal from such order or Sentence to the Court of Chancery of this Province, or to the Superior Court of the district at his Option, and the party praying such appeal shall file a Copy of the Proceedings of the Inferior Court therein, with the Clerk of the Chancery or Clerk of the Superior Court, as the case may be, fifteen Days before the sitting of such Court and thereupon it shall and may be Lawful for the Court to which such appeal is made to proceed to rehear the matter and either affirm or reverse such Order or Sentence, and thereupon to award Execution for all such Costs and Charges as shall be occasioned by such Appeal.

Provided nevertheless, That the party praying such appeal before the same shall be granted by the Inferior Court, shall enter into Bond with Sufficient Security for prosecuting such Appeal with Effect and the Payment of all such Costs and Charges as shall be awarded against his in case he shall be cast in his said appeal.
Provided also, that nothing in this Act contained shall be Construed to
Restrain or abridge the Power of the said Court of Chancery in any matter
or thing relating to Orphans or their Estates, but the said Court shall and
may hold, use, exercise and enjoy the same Jurisdictions, Powers and
Authorities therein, in as full and ample manner to all intents and Purposes
as if this Act had never been made; anything herein Contained to the
Contrary, notwithstanding.

CHAPTER III.

An Act Directing the Method of appointing Jurymen in all Causes, Criminal
and Civil.

I. Whereas, a just Decision of suits and Controversies in the several
Courts of Justice in this Province greatly depend on the Integrity and
Capacity of Jury Men;

II. Be it Enacted by the Governor, Council and Assembly, and by the
Authority of the same, That no Person shall be a Jurymen in either of the
Superior Courts of Pleas and Grand Sessions within this Province who shall
not be nominated, summoned and qualified as is hereinafter directed, That is
to say the Justices of the Inferior Courts within the District of each respec-
tive Superior Court in this Province, shall, and they are hereby directed
before every Superior Court to nominate twenty-four Freeholders to serve
as Grand Jurymen and Twenty-four Freeholders to serve as petit Jurors at
such Superior Court, except the Justices of the said Inferior Courts within
the District of Salisbury, who are hereby required to nominate Twenty-four
Freeholders to serve as Grand Jurymen and only Twelve Freeholders to
serve as Petit Jurors at the Superior Court of the said District.

Provided always, That no Inferior Court shall knowingly Nominate any
Person to serve as a Grand or Petit Juror at two Courts successively, nor
any person to serve on the petit Jury who shall have an action or suit to be
tried at the Superior Court at the term for which he shall be so nominated.

III. And be it further Enacted, That the number of Freeholders to be
nominated for each County to serve as Jurors as aforesaid, shall be pro-
portioned as follows, to-wit:

New Hanover County Sixteen. Bladen County Ten. Onslow County
Eight. Duplin County Eight and Cumberland County Six, for the District of
Wilmington.

Craven County Eighteen, Carteret County four, Beaufort County Twelve,
Hyde County four, Dobbs County Ten, for the District of New Bern.

Northampton County Ten, Halifax County Twelve, Granville County Eight,
Orange County Six, Edgecombe County Eight, Johnston County four, for the
District of Halifax.

Chowan County Ten, Perquimans County Six, Beaufort County Eight, Cur-
rituck County four, Tyrrell County six, Bertie County Eight, and Hertford
County Six, for the District of Edenton.

Rowan County Twenty-two and Anson County fourteen, for the District of
Salisbury.

A list of which Jurors so nominated, shall be delivered by the Clerk of
each Inferior Court of Pleas and Quarter Sessions to the Sheriff who shall
and is hereby required to summon the persons so nominated to serve as Jury-
men at the Superior Court. And if any Juryman so summoned shall fail to
appear he shall be fined three Pounds, Proclamation Money, unless he can
show sufficient cause to the next Court to excuse his non-appearance, which fine shall be applied to the payment of such Jurors as shall attend from the said County and thereby lessen the County Tax.

Provided always, That if the said Inferior Court of Pleas and Quarter Sessions shall fall, or neglect to nominate Freeholders to serve as Grand and Petit Jurors as aforesaid, all the persons so nominated shall fall to attend, it shall and may be Lawful for such Superior Court to order and direct the Sheriff to summon other Freeholder of the by-standers to serve as Jurymen for either grand or petty juries, and the persons so summoned shall be deemed and held to be Lawful Jurymen. Provided, that such by-standers as shall be summoned to serve on the Petty Jury shall and may every Day be discharged, and the succeeding Day, and so from day to day during the Continuance of the Court, the Sheriff shall Summon of the by-standers so many as shall be necessary, and every person so summoned of the bystanders who shall not appear and serve as a juryman, shall be fined the Sum of three Pounds unless he can show sufficient Cause, to be admitted by the Court, to be applied as before directed; And that the Fines aforesaid may be applied according to the directions of this Act.

IV. Be it Enacted by the Authority aforesaid, That the Fines herein imposed shall be levied by the Sheriffs of each respective County wherein each Person shall reside, who shall be summoned as a Jurymen as is herein directed, and shall fail to appear and serve as such, and such Sheriff shall be accountable for the same to the Inferior Court of his County.

V. And be it further Enacted by the Authority aforesaid, That the Sheriff of each respective County shall and he is hereby required to summon the Freeholders in the list to be delivered to him by the Clerk at least ten days before the sitting of the Superior Court, at which such Freeholders are to attend as Jurors, which he may do Personally or by leaving a note or summons in writing at the Dwelling House of such Freeholders so to be nominated as aforesaid.

VI. And be it further Enacted by the Authority aforesaid, That the Clerk of each Superior Court shall every day during the continuance of such Court write the names of all petit jurors appearing, on scrolls or pieces of paper, which shall be put into a box and on every Issue in every Suit, where it is not otherwise agreed by consent, a child, under ten years old, in open Court, shall draw out of the said Box twelve of the said Scrolls or Pieces of paper; and the persons whose names shall be on the said scrolls or pieces of paper drawn as aforesaid, shall be the Jurors to try such Issue. Provided, that they all shall appear, and in case of Defaulters other Scrolls shall be drawn, till a sufficient number shall appear to make a compleat Jury.

Provided also, that if any of the Jurors whose Names shall be drawn as is herein before directed, shall be lawfully challenged, other Scrolls shall be drawn in manner aforesaid as occasion may require, till a compleat number of Jurors shall appear.

VII. And whereas, the attending the Superior Courts, will be very expensive to Jurors, for remedy whereof,

VIII. Be it Enacted by the Authority aforesaid, That each and every Juror who shall attend either of the Superior Courts, to which he shall be nominated as aforesaid, and summoned in virtue of this Act, upon producing Certificate from the Clerk of such Superior Court of the time of his attendance to the Inferior Court of the County where he resides, shall have and receive three shillings, Proclamation Money, for every day he shall travel and attend
as aforesaid, and an allowance for his Ferriages, if certified as aforesaid, to be paid out of the County Tax.

IX. And be it further Enacted by the Authority aforesaid, That the Sheriff of each respective County in this Province shall, five days at least before the sitting of each respective Inferior Court, to be held after the passing of this Act, summon twenty-four freeholders to serve on the Grand Jury and twelve Freeholders to serve on the petty Jury, to attend at such Courts respectively; which said Jurors shall appear and give their attendance accordingly till discharged by the Court, and that there may not be a Default of Jurors it shall and may be Lawful, during the sitting of the Inferior Court, for the Sheriff by Order of the said Court, to summon of the bystanders other Jurors to serve on the Petty Jury, from day to day, and on any day of the said Court the Justices may discharge those who have served the preceding day.

And to enforce the attendance of Jurymen at the said Inferior Court,

X. Be it Enacted by the Authority aforesaid, That every person who shall hereafter be summoned in virtue of this Act to appear, either as a Grand or Petit Jurymen, at any Inferior Court, and shall fail to appear or give his attendance 'till discharged by the order of the Court, such person so falling to appear, or give his attendance, 'till discharged, shall be fined forty shillings, by the Justices of the Inferior Court, to be applied towards defraying the Charges of the County and lessening the County Tax, unless he shall shew sufficient Cause to the next succeeding Court for such failure.

XI. And be it further Enacted by the Authority aforesaid, That this Act shall continue and be in force from and after the passing thereof, for and during the space of one Year, and from thence to the End of the next Sessions of Assembly, and no Longer.

CHAPTER IV.

An Act for Establishing Vestries.

I. Whereas, making provision for the Clergy, providing for the Poor and the due management of Parochial affairs require that a Vestry be established in each Parish in this Province under proper regulations.

II. Be it therefore Enacted by the Governor, Council & Assembly, and by the Authority of the same, That the Freeholders of each Parish shall and are hereby directed to meet on the first Monday in September next after the passing of this Act, at the Court house or place where the County Court is commonly held at, or the usual place of electing Vestrymen, then and there to Choose and elect twelve Freeholders to serve as Vestrymen, which Vestrymen so chosen shall, by the Sheriff or his Deputy, be summoned to meet at the Church in each respective Parish, and where there is no Church, at the Court House or place where the County Court is held, within twenty Days next after such Choice, to Qualify themselves according to the Directions of this Act; and if the Sheriff shall neglect or refuse to summon or cause to be summoned the Vestry as aforesaid he shall forfeit and pay the sum of Twenty Shillings, Proclamation Money, for each and every Vestryman not summoned as aforesaid, to be levied and applied as herein after directed; And the said Sheriff shall be paid by the Parish the sum of two shillings, Proclamation Money, for each Vestryman he shall so summon.

III. And that the election may be made in a fair, open Manner, Be it Enacted by the Authority aforesaid, That at all elections of Vestrymen here-
after to be made, the Sheriff of the County or his Deputy shall attend at the Court house of the County, or place where the County Court is held, or usual place of electing Vestrymen, and there take the votes in the following manner, that is to say: He shall open the Poll at Ten o'clock in the forenoon, and, after proclamation to the Freeholders to come and give their votes for Vestrymen, shall take a List of the names of the voters, who shall give their suffrages; which shall be for neither more nor less than twelve, and the votes shall be given openly and the poll kept open till sunset. And the Sheriff shall then Cast up the Number of Votes given for each Candidate and declare the twelve who shall have the Greatest number of suffrages to be duly Elected; and in case of an Equality of Votes among any of the Candidates, the Sheriff shall have the Casting Vote, and in no other case give his vote.

IV. And to prevent disputes concerning who shall be understood to be a Freeholder, Be it further Enacted by the Authority aforesaid, That no person who is not in actual possession of an Estate Real for his own Life or the life of some other person, or an estate of Greater Dignity, in fifty acres of Land or a Lot in some Town, saved according to Law, in the Parish for which such election shall be made, shall be deemed a Freeholder within the meaning of this Act; and any one of the Candidates may, in Case he suspects any person going to give his vote hath not a freehold within the meaning of this act, object to such person giving his vote, and require the Sheriff to tender him an Oath or affirmation concerning his Qualification, which oath or affirmation the Sheriff is hereby empowered and directed to administer in the following words, to-wit: “You shall swear (or affirm) That you are in actual possession of a Freehold of Fifty Acres of Land in your own right, or the right of some other person, or a Lot in the town of ——, saved according to Law, in the Parish of ——, and that you have not given your vote before in this Election. So Help you God.”

V. And be it further Enacted, That no person under the age of twenty-one years shall be elected a Vestryman or give his vote for the election of Vestrymen in any Parish.

VI. And to enforce the attendance of the Freeholders at such elections, be it further Enacted by the Authority aforesaid, That every person qualified to vote for Vestrymen in their respective Parishes, the People called Quakers excepted, is hereby required to attend and give his vote at the election of Vestrymen in manner herein before directed; unless prevented by some bodily infirmity or other legal disability, under the penalty of twenty shilling, proclamation money, to be recovered by a warrant from any Justice of the Peace within the County: Provided such Penalty be sued for within ten days after the same be incur'd.

VII. And be it further Enacted by the Authority aforesaid, That if any person shall give his vote at such election of Vestrymen who hath not been possessed in his own right of a Freehold in Fifty Acres of Land in manner hereinbefore mentioned, or Lot saved according to Law in some Town in the Parish wherein he shall give such vote, such person shall Forfeit five pounds, proclamation Money, to be recovered by action of Debt or Information in any Inferior Court of Pleas and Quarter Sessions, one half to the Informer and the other half to the use of the Parish wherein such vote shall be given; And where such action shall be brought the onus probandi shall lie on the defendant.

VIII. And be it further Enacted, That the said Vestrymen so elected, having within twenty Days after being elected taken the Oaths appointed to be taken by one act of Parliament made in the first year of the Reign of his late
Majesty King George the First, intituled "An Act for the further Security of His Majesty's person and Government and the succession of the Crown in the Heir of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and Secret Abettors," and the Oath of abjuration and repeated and subscribed the Test, and also subscribe to the following Declaration, to-wit: "I, A. B., will not oppose the Doctrine and Discipline of the Church of England, as by Law established," shall to all intents and purposes be deemed and taken to be the Vestrymen of the respective Parishes for which they were elected.

IX. And be it further Enacted by the Authority aforesaid, That every person chosen in manner aforesaid, who shall refuse or neglect to take the said Oaths and to repeat and subscribe the Test, and also subscribe to the Declaration aforesaid, is hereby declared to be incapable of Acting as a Vestryman, and the other persons chosen and Qualified as aforesaid, or the majority of them, at any Time after the expiration of twenty days after such election, shall elect and choose another Freeholder instead of him so refusing or neglecting. And such Person so elected, after being Qualified in manner aforesaid, shall be held to be a legal Vestryman to all intents & Purposes.

X. And be it further Enacted by the Authority aforesaid, That the Vestry of each respective Parish, or a majority of them, shall and are hereby directed within one month after being elected and Qualified as aforesaid, to elect and choose out of the said Vestry Two persons to execute the office of Church Wardens. And every Vestry shall, and are hereby required at all Times thereafter, within Forty Days after Easter Monday Yearly, to elect and Choose out of the Vestry Two persons to execute the said Office; and if the persons elected Churchwardens as aforesaid by Virtue of this Act, or either of them, shall refuse to Execute the said Office, he or they so refusing shall forfeit and pay the sum of Forty Shillings, Proclamation Money, to be recovered and applied as heretofore after directed, and in such case the Vestry shall proceed to choose in the room of him or them so refusing another or other Church Warden or Church Wardens out of the said Vestrymen. Provided, that no person whatsoever shall be obliged to serve as Church Warden in any Parish longer than one year.

XI. And be it further enacted by the authority aforesaid, That the Church Wardens of every Parish shall purchase, at the Expence of the same, well bound Books for keeping therein a Journal of all proceedings of the Vestry, in which shall be fairly stated accounts of all such money as they from time to time shall receive, in Virtue of their Office, and all Disbursements made on Account of the Parish, and within Ninety Days after their Wardenship shall expire set up in the Court house of their County on a Court Day Copies of such accounts and Continue the same during the sitting of the Court, for Inspection of the Parishioners; and every Church Warden who shall fail or neglect so to do shall Forfeit and pay the sum of Five Pounds, Proclamation Money, to be recovered by Action of Debt or Information in any Inferior Court of Pleas and Quarter Sessions, one half to the use of the Informer and the other half to the use of the Parish wherein such failure or neglect shall happen.

XII. And be it further Enacted by the Authority aforesaid, That the Church Wardens, or in case they refuse or Neglect, any three of the Vestry in any Parish shall have power and authority to call a Vestry upon any Occasion which they shall judge Necessary, by a Summons or Summonses under their hands directed to the Constables of the several Districts of each Parish who are hereby directed to execute the same under penalty of
ten shillings Proclamation money, for each Vestryman in such summons named that they shall fail to summon; And every Vestryman who shall refuse or neglect to attend the Vestry agreeable to such summons, shall forfeit and pay the sum of ten shillings Proclamation Money, for every such Neglect, unless he shall show sufficient cause for so doing, to be admitted by the Vestry at their next meeting, which Penalties shall be recovered and applied as hereinafter directed.

XIII. And be it further Enacted by the Authority aforesaid, That the Vestries of the several Parishes shall have full power and authority, upon the death or removal out of their respective Parishes of any Church Warden or Church Wardens, before the time limited for executing the said Office is expired to elect and choose out of the Vestry, another or other Church Warden or Church Wardens in the place of the person or persons so dead or removed; and every Church Warden so elected shall serve until the Time appointed by this Act for election of Church Wardens under the penalty of Forty Shillings, Proclamation Money.

XIV. And be it further Enacted by the Authority aforesaid, That the Vestry of each respective Parish shall have full Power and Authority and are hereby directed and required, between Easter Monday and the first day of November, yearly, to Lay such a Poll Tax on the taxable persons in their Parish as they shall judge Necessary for building Churches and Chappels, paying the Minister’s Salary, Purchasing a Glebe, erecting a Mansion and convenient out houses thereon, Maintaining the Poor, and Defraying other Incident Charges of their Parish; and if the Vestry of any Parish shall neglect or refuse to Lay a Sufficient Tax to satisfy the Minister and other Creditors of the Parish, in such case the Vestry so refusing or neglecting shall be liable to the Action of the Party grieved, his or her Executors or Administrators, for all Damages which he, she or they shall sustain thereby.

XV. And be it further Enacted by the Authority aforesaid, That no Vestryman hereafter shall be Capable of holding or exercising the Office of Clerk of the Vestry; but the Vestry of every respective Parish shall appoint some other person of skill and probity to officiate as such.

XVI. And for the better collecting and paying the said tax; Be It further Enacted by the Authority aforesaid, That every Sheriff in this Government shall be, and is hereby appointed Collector of all such Taxes as shall be assessed by the Vestry or Vestries within his County, and within forty days after such assessment shall enter into bond, with sufficient securities, to the Church Wardens of every Parish that he will duly collect such Taxes, and pay the same to the Vestry for the use of the Parish, and every Sheriff who shall fail or Neglect to give such Bond and Security, shall forfeit and pay the sum of twenty pounds, Proclamation Money, to be recovered with Costs, by Action of Debt or Information in any Court of Record, by the Church Wardens to whom such Bond and Security ought to have been given, to the use of the Parish, and upon such refusal or neglect of the sheriff the Vestry shall and are hereby required to Nominate and appoint some other person to collect & receive the aforesaid Tax, who shall give Bond and Security to collect and pay the same in manner aforesaid, and thereupon shall and is hereby declared to have full power and authority to collect & receive the same under the like rules & regulations as the Sheriff could or might have collected the said Taxes.

XVII. And be it further Enacted by the Authority aforesaid, That if any Sheriff who hath undertaken the collection of Parish Taxes as aforesaid
shall happen to be removed from his office of Sheriff, or his Time of Service therein Expire before he shall have completed the same, his Power of collecting such Parish Taxes and making Distress for the same shall continue as fully and amply as if he had not been removed or his said office of Sheriff had not expired. And where any such Sheriff, or other Collector, shall happen to die before he hath finished his Collection, the Vestry shall have full power and are hereby Directed to appoint another Collector to finish the same, who, having given Bond and Security for the Discharge of his office, shall be and is hereby invested with the like power and authority for that purpose as the Sheriff or other Collector so dicing had or might have exercised.

XVIII. And be it further Enacted by the Authority aforesaid, That if any Sheriff or other Parish Collector shall neglect or refuse to account for and pay the several Parish Taxes, that have been or hereafter shall be assessed on the Taxable persons of the Parish whereof he is Collector, and wherewith he shall be chargeable according to the directions of this Act, after deducting the Commissions allowed him and the several Sums chargeable to persons who have no Visable Estate in such Parish, it shall and may be Lawful for the Superior Court of the District wherein such Sheriff or Collector shall live, either before or at any time after the expiration of his said office, on Motion of the Church Wardens, to give Judgment against such Sheriff or Collector for all the money wherewith he shall or may be chargeable to such Parish with Costs, and thereupon to award execution against the Goods and Chattels, Lands and Tenements of such Sheriff or Collector; Provided, that he have ten days previous notice of such Motion.

XIX. And be it further Enacted by the Authority aforesaid, That all such Taxes shall be collected and accounted for by the Sheriff or other Collector, on or before the tenth day of June in every year, and the Sheriff or Collector shall be allowed Six Per Cent for his Trouble in Collecting and Paying the same, and is hereby declared to have full power and authority at any time, after the first day of February in every year, upon neglect or refusal of payment of the said Tax, or any part thereof, by any person Chargeable therewith, to distrain the Goods and Chattels of the person so refusing, or Neglecting, And if the owner thereof shall not pay what is due within Five Days after such Distress is made, such Sheriff or Collector shall and may sell by Auction the Goods so distrained, or so much thereof as shall be sufficient to satisfy the said Tax, the sum of two shillings and eight pence, Proclamation Money, for making such distress and Charges on the sale thereof, returning the over plus (if any) to the owner, but shall give notice of the sale by setting up an advertisement in writing at the Church Door in the Parish or at the most publick place of Worship, where there is no Church, and by publishing the same among the people immediately after Divine Service on the next Sunday after the expiration of the said five days; which sale shall not be without less than three Days nor more than Ten Days after notice so given; And shall be good & effectual in Law against all persons whatsoever; Provided always, That no Sheriff or other Officer shall at any time make or take unreasonable distress or seize the slave or slaves of any person for Parish Taxes, if other sufficient Distress shall be shown to such Sheriff or Collector by the person on whom such Distress is made, upon penalty of being liable to the action of the party grieved wherein he shall recover full costs; although the Damages recovered shall be under Forty Shillings.

XX. And be it further Enacted by the Authority aforesaid, That the Ves-
try of every Parish shall have full power from Time to Time to call every Justice of the Peace and other person and persons whatsoever to account, on Oath, and pay to them the monies in the hands of him or them belonging to their Parish, or accruing or becoming due to the same by virtue of the Laws of this Province, and if any Justice or other person shall refuse or neglect to appear & account as aforesaid, he shall forfeit and pay the sum of Twenty Pounds, Proclamation Money, to be recovered with Costs by the Church Wardens of the Parish to which such money is or shall become due, by Action of Debt or Information in any Court of Record, and be applied to the use of the Parish. And where any suit shall be brought by the Church Wardens and they, or either of them, shall happen to die or their Wardenship expire before such suit shall be determined, the same shall and may be carried on by the succeeding Church Wardens in the name of their Predecessors who brought such Suit, and the Death or expiration of office of the Church Warden or Church Wardens shall not be pleaded in abatement of such suit nor deemed matter of Error; Any Law or Usage to the Contrary, Notwithstanding.

XXI. And be it further Enacted by the Authority aforesaid, That the several forfeitures and penalties by this Act inflicted, for which no method of recovery or application is herein before directed, shall and may be recovered with Costs before any Jurisdiction having cognizance thereof, one half to the use of the Informer and the other half to the use of the parish wherein such Penalty shall be incurred.

XXII. And for continuing a succession of the said Vestrys, Be it further Enacted by the Authority aforesaid, That the Sheriff of each County shall and is hereby required within one month after the election of Vestrymen, in manner herein before directed, to deliver to the Vestry or Vestrys within his County an exact amount of the number of suffrages given at such election for each Vestryman, the Seniority in office of whom shall be accounted from the Number of Votes they respectively had given them at th time of being elected. And where an equal number of votes shall have been given at the election for two or more of the Vestrymen, the Seniority of such Vestrymen shall be determined by the suffrages of the remaining Vestrymen, who shall and are hereby empowered to regulate and determine the precedency of those so chosen by an equal number of votes as aforesaid. And every Vestry shall choose a Vestryman or Vestrymen instead of any person or persons who hath ben elected and refused to act, or who shall die or remove out of the Parish, & such person or persons so chosen by the Vestry and such as from time to time shall be elected in manner herein after mentioned shall be deemed the Senior Vestryman or Vestrymen of the Parish for which he or they was or were chosen, until the election of other Vestrymen. And on Easter Monday which shall be in the year of our Lord one thousand seven hundred and sixty-two, and so on Easter Monday in every second year thereafter, the office of the four Junior Vestrymen in every Parish shall become vacant, and on Easter Monday in the year aforesaid, and in every second year thereafter, the Freeholders of each Parish shall and are hereby directed to meet at the Court house or usual place of electing Vestrymen, and then and there choose four other Freeholders in the place and stead of those whose office shall become vacant as aforesaid, and every Vestryman so elected shall take the oaths herein before appointed to be taken for the Qualification of other Vestrymen, Subscribe to the declaration herein before mentiond, and also repeat and subscribe the Teste, and thereafter shall be invested with all the
powers and authorities of other Vestrymen until such time as their office shall become vacant in manner by this act Directed.

XXIII. And be it further Enacted by the Authority aforesaid, That if it shall so happen from badness of weather or any other unavoidable hindrance, that an election of Vestrymen for any Parish shall not be held upon any of the Days by this Act appointed for that purpose, that in such Case the Sheriff shall appoint a time within Twenty Days thereafter for electing Vestrymen in every such Parish and shall summon the Freeholders thereof to attend and elect Vestrymen in the manner by this Act directed, and every such election shall be as good and valid as if made upon the particular day herein appointed for that purpose; anything herein contained to the contrary, notwithstanding.

XXIV. And be it further Enacted by the Authority aforesaid, That the Sheriff of every County within this Province, at the Court next preceding every election of Vestrymen, shall publickly read this Act at the Door of the Court House between the hours of Twelve and one o’clock, and also give Notice of such Election by sitting up an Advertisement in writing at each Church and Chappel, in the Parish on some Sunday, at least forty days before the same, and every Sheriff failing so to do shall forfeit and pay Ten Pounds, Proclamation Money, to be recovered with Costs, in any Inferior Court of Pleas and Quarter Sessions, by Action of Debt, one half to the use of the Parish wherein such failure shall happen, and the other half to him or them who shall sue for the same.

XXV. And be it further Enacted by the Authority aforesaid, That all and every other act and acts, and every Clause and Article thereof, for so much as relates to any matter or thing within the purview of this Act, from henceforth shall be repealed and made void.

CHAPTER V.

An Act for making Provisions for an Orthodox Clergy.

I. Whereas, making a Competent and Certain Provision for the Clergy may tend to encourage Ministers of the Gospel of True Pity and Learning to Settle in the Several Parishes in this Province,

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That every Minister now preferred, or hereafter to be Preferred to, or received into any Parish within this Province as Incumbent thereof, shall have and receive a Salary of One Hundred Pounds, Proclamation Money, to be paid by the Church Wardens on or before the last day of June Annually, and every Minister of a Parish shall and may take and receive for the Services herein after mentioned the following fees, to wit:

For marrying, if by a Licence, twenty shillings; If by Banns, five shillings. For Publishing Banns and Granting Certificate thereof, one Shilling & Six Pence.

For preaching a Funeral sermon, if required, forty shillings Proclamation money, and may demand and receive the said Perquisites if he shall not refuse or neglect to do the said Services, altho’ the same shall be performed by any other Person.

III. And be it further Enacted by the Authority aforesaid, That in every Parish in this Province, where a Good and Convenient Glebe is not already purchased and appropriated, a Good, convenient Tract of Land to Contain Two Hundred Acres at least, shall be Purchased by the Vestry and assigned and set apart for a Glebe for the use of the Minister of such Parish and his
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Successors in all times hereafter, and until such Glebe shall be purchased and buildings erected thereon in manner herein after mentioned, the minister of such Parish shall have and receive the sum of Twenty Pounds Proclamation Money, annually.

IV. And where a Mansion and Convenient out houses are not already erected for the Habitation of the Minister: It is hereby Enacted, That the Vestry of every such Parish shall have power, and they are hereby Authorized and required to cause to be erected and Built in such Glebe, one Convenient Mansion house of thirty eight feet in length and eighteen feet in width, a Kitchen, Barn, Stable, Dairy and Meat-house, with such other Conveniences as they shall think fit.

V. And to the end that the Buildings already erected, or hereafter to be erected upon every Glebe, may be kept in good repair, It is hereby further Enacted, That every Parish Minister within this Province shall, during the time of his being Minister of the Parish, keep and maintain the Mansion house, and the Out-houses and Conveniences erected, or to be erected on his Glebe, in Tenantable repair, and shall so leave the same at his removal from the Parish, or Death, (Accidents by Fire or Tempest only excepted) and in case any Minister shall fail so to do, such Minister, his Executors or Administrators shall be liable to the action of the Church Warden of the Parish for the time being, wherein the value of such repair shall be recovered and Damages, with costs of suit, and the Damages so recovered shall be applied, and laid out in necessary repairs upon the Glebe: And every Vestry of a vacant Parish is hereby empowered and required to put all the Buildings upon the Glebe of their Parish into such good and sufficient repair that they may be fit for the reception of the Succeeding Minister.

Provided nevertheless, That any Vestry who shall judge that the Minister has not wilfully committed any waste on his Glebe, may make such necessary Repairs at the Charge of their Parish, as they shall think fit.

VI. And be it further Enacted by the Authority aforesaid, That the sole right of presentation of a Minister to every Parish within this Province, shall be and remain in the several Vestries for and during the Term of Twelve Months next, after a vacancy shall happen in their respective parishes.

Provided always, That no Vestry shall make Presentation to any Parish of a Missionary whose duty requires him at any time to be absent from such Parish, unless such Missionary shall agree with the Vestry for such Yearly Salary not Exceeding one hundred Pounds Proclamation Money, as they shall think Reasonable, and whatever agreement shall be made between the Vestry and such Minister shall be binding during the continuance of his Mission; anything herein contained to the contrary, notwithstanding.

VII. And be it further Enacted by the Authority aforesaid, That where any Parish is, or shall become vacant by the Death or removal of the minister, or otherwise, the Vestry of such Parish shall have full power to employ some neighboring or other Minister or Ministers for serving in the Cure of such Parish during the Vacancy.

Provided always, that no Vestry shall present as Minister to their Parish, any Person who shall not first have a Certificate from the Bishop of London that such Minister hath been duly Ordained, Conformable to the Doctrine and Discipline of the Church of England and is of a Good Life and Conversation.

VIII. And be it further Enacted by the Authority aforesaid, That if any
Minister of a Parish shall be Guilty of any Gross Immorality in disgrace of his Holy Function, it shall and may be lawful for the Church Wardens and Vestry of the Parish whereof he is Minister, to Exhibit Articles of Complaint against him in the Superior Court of the District wherein such Parish is, and therein to set forth the Crime Committed by such Minister, and the Chief Justice and Justices of the said Court are hereby authorized, empowered and Required, thereupon to order such Minister to appear and answer the said Complaint, and to examine into the Allegations thereof, and to acquit or judge the Minister guilty of the same, and if such Minister by his own Confession, the Examination of Witnesses, or otherwise, shall be found guilty of any notorious Immorality to the Scandal of Religion, the Court shall pass sentence against him that he from thenceforth stand suspended from Serving the Cure of the Parish whereof he is incumbent, and from all Spiritual and Temporal benefits within the same.

Provided always, that if any Minister shall think himself aggrieved by the Sentence or Judgment of such Court he may appeal to the Governor or Commander in Chief for the time being, and Council, who on a Rehearing shall, and may Reverse or affirm such Sentence or Judgment.

IX. And be it further Enacted by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof, for so much as relates to any Matter or thing within the Purview of this Act (Except one Act of Assembly, Intituled, An Act to Confirm an Agreement made by the present Church Wardens and Vestry of Christ Church Parish in Craven County with the Reverend James Reed) from henceforth shall be repealed and made void.

Read three times and ratified in Open Assembly this 23d May, 1760.
LAWs OF NORTH CAROLINA--1760.

At an Assembly, begun and held at New Bern, the Twenty-fourth Day of April, in the Thirty-third Year of the Reign of our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, &c., and from thence continued, by Prorogation, to the Twenty-Sixth Day of May in the Year of our Lord One Thousand Seven Hundred and Sixty: Being the Second Session of this present Assembly. Arthur Dobbs, Esq., Governor.

CHAPTER I.

An Act, for establishing Superior Courts of Pleas and Grand Sessions, and Regulating the Proceedings therein.

I. Whereas, from the extensive Settlements in this Province, it is become greatly inconvenient, and extremely burthensome, for Suitors to attend the General Court at Edenton, or at any one Place within the same; and the Difficulty of procuring the Attendance of Witnesses from Distant and remote Parts, may, in that Case, render ineffectual the Prosecution of the greatest Offenders against his Majesty's Peace and Government.

II. Be it therefore Enacted, by the Governor, Council and Assembly, and by the Authority of the same, That from and after the Tenth Day of June next, this Province shall be divided into Five Districts; that is to say, The Wilmington, New Bern, Edenton, Halifax and Salisbury Districts; in each of which shall be a Court for the Tryal of Causes Civil and Criminal, established by the Name of the Superior Court of Pleas and Grand Sessions, for that District in which the same shall be held: Which Courts shall consist of the Chief Justice of the Province for the Time being, and Three other Justices whom the Governor or Commander in Chief for the Time being is hereby requested to constitute and appoint; who shall have Cognizance, and legal Jurisdiction of all Suits and Pleas, real, personal and mixed; and also try and determine all Suits and Matters relative to Legacies, filial Portions, Estates of Intestates; and all Pleas of the Crown, whether for Treasons, Felonies, Breach of the Peace, or other Crimes and Transgressions, of what Nature or Degree soever; whether brought before them by original or mesne Process, or by Writ of Error or Appeal, from any inferior Court, or by any other Means or Process whatsoever; and are hereby declared to have full Power and Authority, to give Judgment therein, and to award Execution, and all necessary Process thereupon; and to make Orders for issuing Letters Testamentary, and Letters of Administration; And in Case of the Death, or Absence of the Chief Justice, or any of the other Justices, it shall and may be lawful for any one or more of the said Justices, by himself or themselves, to hold any of the said Courts, and to take Cognizance of all Matters in the same depending, and give Judgment, and award Execution, in the same Manner as might have been done in Case the Chief Justice, and the Three other Justices had been all present.

III. Provided nevertheless, That no Suit shall be originally commenced or prosecuted in any of the said Courts for any Debt or Demand of less Value than Ten Pounds Proclamation Money, where the Plaintiff and the Defendant shall live in the same District; and if any Suits shall be com-
menced in any of the said Courts contrary to this Act, the same may be
abated on the Plea of the Defendant.

IV. And be it further Enacted, by the Authority aforesaid, That the
Chief Justice, or any one of the other Justices of the said Superior Courts,
may as well out of Court as within the same, take the Probate or
Acknowledgment of Deeds, or Letters of Attorney, and the private Exami-
nation of Feme-coverts, as hath heretofore been done by the Chief Justice
in like Cases; which Proofs shall be deemed equally good and valid in Law
as if taken in any Court of Record; any Law or Usage to the Contrary,
notwithstanding.

V. And be it Enacted, by the Authority aforesaid, That the said superior
Courts shall and may, each of them, respectively, by Summons, or other
legal Process, upon Application made, compel any Person or Persons what-
soever, having in their possession or Custody, any Will or Testament of any
deceased Person, to exhibit the same to the Court in order to a legal Pro-
bation thereof; and also to receive the Probate of Wills, and order the same
to be recorded; and the Clerk shall and may take Two Shillings and Eight
Pence Proclamation Money, for recording each will.

VI. Provided always, That any Person who hath a Right to execute any
Will, or to administer the Estate of an Intestate, who shall think himself
injured by such Order, may enter a Caveat in the Court wherein such Order
shall be made, against the Person obtaining the same; and the Secretary
and his Deputy shall forbear to seal and countersign Letters Testamentary,
or of Administration, till the Matter In Controversy shall be reheard and
determined before the Governor or Commander in Chief for the Time being,
and Council.

VII. And for the better preserving of Wills proved by the said Courts,
Be it further Enacted, by the Authority aforesaid, That original Wills shall
remain in the Clerk's Office among the Records of the respective Superior
Courts of Pleas and Grand Sessions where they shall be proved; whereunto
any Person may have Recourse as to other Records, except for the Time
the same shall or may be removed before any other Court upon the Deter-
mination of any Controversy.

VIII. And be it further Enacted, by the Authority aforesaid, That the
Clerk of every Superior Court aforesaid, in the Month of October, Annually,
shall return to the Secretary's Office, a List of all Certificates for obtaining
Probates, or Administrations, granted by their respective Courts, from
Time to Time, containing the names of the Testators or Intestates, their
Executors or Administrators, and the Names of the Securities; which Lists
the Secretary is hereby required to cause to be recorded in his Office,
alphabetically, in the Books for that purpose, and shall and may take and
receive Two Shillings and Eight Pence, Proclamation Money, for every
such Order therein mentioned.

IX. And whereas, the Interest and Honour of the Crown, as well as the
Security of the Subject, require that the Courts of Judicature should consist
of Men learned in the Laws; Be It therefore Enacted, by the Authority
aforesaid, That no Person shall, at any Time, be appointed a Justice of the
Superior Courts of Pleas and Grand Sessions within this Province, who shall
not have been regularly called to the Degree of an utter Barrister In some
one of the Inns of Court in England; and is not of Five Years standing
therein at the least; or shall have practiced the Law in the Principal Courts
of Judicature in this Province, with Reputation and Character, by the Space
of Seven Years; or in some one of the adjacent Provinces, to be certified
by the Judges of the Principal Courts of Judicature held in such Province, before his being appointed Justice of the said Superior Courts; nor shall any Person, although qualified as aforesaid, be appointed to the said Office, unless he shall have been an Inhabitant of this Province at least one Year before such Appointment.

X. And be it further Enacted by the Authority aforesaid, That on the Death or Removal of any of the Justices of the Superior Courts of Pleas and Grand Sessions, it shall and may be lawful for the Governor or Commander in Chief for the Time being, to constitute and appoint another or other Justices, qualified as aforesaid, to supply such Vacancy or Vacancies, in the Room of such Justice or Justices so dead or removed.

XI. And be it further Enacted, by the Authority aforesaid, That the Justices of the Superior Courts of Pleas and Grand Sessions of this Province, shall, within the same, conjunctively and separately, have, use, exercise and enjoy, the same Powers and Authorities, Rights, Privileges and Freемı̈nences, as are had, used, exercised and enjoyed, by the Justices of the Courts of Westminster in England; and hold their Offices, quam diu se bene Gesserint.

XII. And be it Enacted, by the Authority aforesaid, That the said Justices to be appointed in pursuance of this Act, for their Trouble and Expence in attending Courts in their respective Offices, shall have and receive the Sum of Twelve Hundred Pounds Proclamation Money, per Annum, to be paid out of the Publick Treasury by the Publick Treasurers for the Time being, by Half Yearly Payments, until such Time as his Majesty shall be graciously pleased to make the same chargeable on his Publick Revenue arising within this Province; that is to say, The said Sum shall be paid to the said Justices in Proportion to the Number of Days they shall respectively officiate as such in each of the said Courts in every Half Year during their Continuance in Office.

XIII. And be it further Enacted, by the Authority aforesaid, That the Clerks of the said Courts, respectively, shall keep an Exact Account of the Number of Days that each of the said Justices shall officiate in the Court whereof he is Clerk, and certify the same to the Publick Treasurers once in every Six Months; and every Clerk failing or neglecting so to do shall forfeit and pay the Sum of One Hundred Pounds Proclamation Money, for every such Failure or Neglect: To be recovered by Action of Debt, with Costs, in any of the said Courts: One Half to the Use of his Majesty, his Heirs and Successors, towards defraying the contingent Charges of this Government, and the other Half to the Justice or Justices thereby Injured.

XIV. And for the Safety ofSubjects, and to prevent Irregularities in making up the Records of the Courts; Be it Enacted, by the Authority aforesaid, That the Chief Justice be, and is hereby empowered, to appoint experienced and discreet Clerks of the Superior Courts of Pleas and Grand Sessions, who shall; each of them, give Bond with good and sufficient Security, to our Sovereign Lord the King, his Heirs and Successors, in the Penalty of One Thousand Pounds, Sterling, for the safe Keeping the Records, and faithful Discharge of his Duty in Office; and also, shall take the Oaths by Law appointed for the Qualification of Publick Officers, repeat and subscribe the Test, and also take an Oath, honestly and truly to demean himself in his Office during his Continuance therein; which said Bond shall be lodged in the Secretary's Office: And in Case of a Breach of the Condition thereof, may be put In Suit for the Benefit of, and at the proper Cost and Charges of the Party or Parties Injured, and shall not become void upon the first
Recovery, or if Judgment shall be given against the King; but may, from
Time to Time, be put in Suit by Action of Debt, or Scire facias, until the
whole Penalty shall be recovered; and when any Judgment shall be obtained
upon such Bond, the Damages assessed, shall by Order of the Court, be
paid to the Person or Persons injured.

XV. And be it further Enacted, by the Authority aforesaid, That the
Chief Justice, for his Trouble and Expence in attending the said Courts,
shall have and receive the Sum of Twenty Six Pounds for each of the said
Courts he shall hold according to the Directions of this Act; and the Attor-
ney General shall likewise be allowed, and receive the Sum of Twelve
Pounds, for each of the said Courts, he shall give Attendance at by himself,
or Deputy, to be paid out of the Publick Treasury by Half Yearly Payments.

XVI. And be it further Enacted, by the Authority aforesaid, That the
Chief Justice, and the rest of the Justices of the Superior Courts of Pleas
and Grand Sessions, shall, before they Act in either of the said Superior
Courts, take the Oaths by Law appointed for the Qualification of Publick
Officers, and repeat and subscribe the Test; and also take the following
Oath of Office, to-wit:

I, A. B. do swear, that I will well and truly serve our Sovereign Lord the
King, and his People, in the Office of Chief Justice, or Justice (as the Case
may be) of the Superior Courts of Pleas and Grand Sessions of North-
Carolina; and I will not counsel nor assent to any Thing that may tend to
the Hurt or disinherit the King; I will do equal Law and Right to all the
King's Subjects, Rich and Poor, without having Regard to any Person;
I will not, wittingly nor willingly, take, by myself, or any other Person, any
Gift or Reward whatsoever for any Matter or Thing by me to be done by
Virtue of my Office, except the Fees and Salary by Law appointed, or such
other Salaries his Majesty, his Heirs and Successors, shall think fit to allow
me for my Service; I will not maintain by myself, or any other, privately,
or openly, any Plea or Quarrel hanging in any of the King's Courts; I will
not delay any Person of common Right for the Letter of the King, or any
other Person to me for any Cause; and in Case any Letters come to me
contrary to Law, I will do nothing for such Letters, but will proceed to do
the Law the said Letters notwithstanding; and finally, in all Things belong-
ing to my said Office during my Continuance therein, I will faithfully, truly
and justly, according to the best of my Skill and Judgment, do equal and
impartal Justice. So help me God.

And if the Chief Justice or either of the other Justices shall presume
to act in his Office, in either of the Superior Courts of Pleas and Grand
Sessions, without taking the Oaths, and subscribing the Test by this Act
directed to be by him taken and subscribed, he shall forfeit Five Hundred
Pounds; to be recovered by Action of Debt, Bill, Plaint or Information, in
either of the Superior Courts of Pleas; One Half to the Use of his Majesty,
his Heirs and Successors, towards defraying the Charges of Government,
and the other Half to the Informer.

XVII. And be it Enacted, by the Authority aforesaid, That the Superior
Courts of Pleas and Grand Sessions, shall, annually, be held for several
Districts in this Province, at the following Times and Places; that is to
say, For the District of Edenton, at the Town of Edenton; for the Counties
of Chowan, Perquimons, Pasquotank, Currituck, Bertie, Tyrrell, and Hert-
ford, on the Twentieth Day of May and November.

In the District of Halifax, at the Town of Halifax; for the Counties of
Northampton, Halifax, Edgecomb, Granville, Johnston, and Orange, on the First Day of March and September.

In the District of Salisbury, at the Town of Salisbury; for the Counties of Rowan and Anson, on the Twenty Second Day of March and September.

In the District of Wilmington, at the Town of Wilmington; for the Counties of New-Hanover, Bladen, Onslow, Duplin, and Cumberland, on the Fifteenth Day of April and October.

In the District of New Bern, at the Town of New Bern; for the Counties of Craven, Carteret, Beaufort, Hyde, and Dobbs, on the Thirtieth Day of April and October.

And each Term shall continue Ten natural Days, exclusive of Sundays, by Adjournment, de die in Diem, if the Business shall require so long Time, otherwise may be sooner determined.

XVIII. Provided always, That if the Day by this Act appointed for holding any of the said Courts, shall fall on a Sunday, then such Court shall be held the next succeeding Day; any Thing herein contained to the contrary notwithstanding.

XIX. And be it further Enacted, by the Authority aforesaid, That all real Actions, Ejectments, and Actions of Trespass, Quare Clausum Fravigt, Suits on Penal Statutes and Pleas of the Crown, shall be commenced and prosecuted in the Superior Court of the District wherein the Cause of Action shall have arisen, or the Offence shall have been committed, and not in any other District, unless for Riots, Insurrections or Transgressions, wherein Two or more Persons shall have been jointly concerned; in either of which Cases it shall and may be lawful for the Party aggrieved, or the King's Attorney-General, to prosecute such Malefactors in the Superior Court in any other District than that in which the Offence shall have been committed; Any Thing herein contained to the contrary notwithstanding. And all Actions of Debt or other than on Penal Statutes, all Actions of Detinue, Replevin, Actions of Account Render, Action of Trespass for Assault and Battery, and for the unlawful taking of Goods; all Actions upon the Case and Suit for Legacies, or for the Distributive Shares of Intestates Estates, where the Plaintiff and Defendant live in the same District, shall be brought to the Superior Court of such District, and not to any other: And where any such Action or Suit shall be brought to the Court of any other District than that in which both Parties live, such Action or Suit may be abated by the Plea of the Defendant, unless on sufficient Reasons shewn, on Oath, and approved, for bringing such Suit in some other District, Leave be granted to the Plaintiff by some one of the Judges of the Courts, and by him certified, previous to the Commencement of such Suit; in which Case, it may be lawful to prosecute any of the said Actions or Suits in the Court of any District adjacent to that in which the Parties reside; any Thing herein contained to the contrary notwithstanding.

XX. And be it further Enacted, by the Authority aforesaid, That the said Courts shall not be discontinued, nor any of the Proceedings in them depending, by Reason of the Death of the Chief Justice, or any of the other Justices, or any other Let or Hindrance of their attending at any Term, but in such Case, all Pleas, Causes, Matters and Things therein depending, shall stand continued in the same Condition in which they then shall be, to the next succeeding Term.

XXI. And be it further Enacted, by the Authority aforesaid, That every Summons, Writt, and other legal Process, to compel any Person to appear in any of the Superior Courts of Pleas and Grand Sessions, shall bear Test
of the Chief Justice, and be signed by the Clerk of the Court from whence such Process shall issue, and be made returnable to the same Court; and the Sheriff shall return the said Writ or Process to such Court accordingly.

XXII. And be it further Enacted, by the Authority aforesaid, That until the Commencement of the first Term of each of the said Superior Courts, respectively, Writs and other Process may bear Test at the Time of issuing the same; and such Writs and Process so tested before such Term, shall be valid in Law; any Usage or Practice of Court to the contrary notwithstanding.

XXIII. And be it further Enacted, by the Authority aforesaid, That all such Writs or Process, except Subpoenas for Witnesses, returnable immedi-
ately shall be returnable the first Day of the Term to which the same is
returnable, and shall be executed at least Ten Days before the Beginning of such Term: And if any original or mesne Process shall be taken out in
Term Time, or within Ten Days before the Beginning of any Term, such Process shall be made returnable to the Term next succeeding, or the Term succeeding that which shall commence within Ten Days after taking out such Process, and not otherwise; and all Process made returnable, or executed at any other Time, or in any other Manner than by this Act directed, shall be void.

XXIV. Provided always, That nothing herein contained shall be construed to invalidate or vacate any Process, Warrant or Precept, issued by any of the Justices of the said Courts, or Justices of the Peace, or Clerk of the Crown, on any Criminal Prosecution, or in his Majesty's Behalf, but that the same may be returnable at any Day in the Term to which the same is returnable; and the Proceedings in Criminal Suits and Prosecutions shall be had according to the Laws and Statutes of Great-Britain, and of this Province; any Thing herein contained to the contrary notwithstanding.

XXV. And be it Enacted, by the Authority aforesaid, That when any Writ shall issue from any of the said Courts, whereby the Sheriff shall be commanded to take the Body of any Person or Persons to answer in any Action in either of the said Courts, such Sheriff shall take Bond, with Two sufficient Securities, for double the Sum for which such Person or Persons shall be held in Arrest; except where the Defendants are Executors or Administrators, or sued on Penal Statutes, and shall return such Bond with the Writ: And in Case the Sheriff shall fail or neglect to take such Ball, or the Ball returned be held insufficient on Exception taken, the Sheriff, in either of the said Cases, shall be deemed and stand as Special Ball, and the Plaintiff may proceed on to Judgment according to the Rules herein after mentioned; and shall and may take out Execution against the Defendant, or Sheriff, or both; any Usage or Custom to the contrary notwithstanding.

XXVI. Provided always, That if the Defendant shall be admitted to enter his Appearance without Bail, and shall put in Bail before the Rules to plead shall expire then the said Sheriff shall be discharged. Provided also, That the Defendant may be surrendered at any Time before final Judgment be entered against him.

XXVII. And be it further Enacted, That when any Sheriff shall return that he hath taken the Body of any Defendant and committed him to the Prison of his County, (which is hereby declared to be the proper Prison for such commitment,) for Want of Bail, the Plaintiff may enter the Defendant's Appearance, and he shall be at Liberty to plead as if such Appearance has been entered by Himself, and the Plaintiff may proceed to Judgment
as in other Cases in this Act directed; nevertheless, the Defendant shall not be discharged out of Custody but by putting in Bail, or Rule of Court.

XXVIII. And be it further Enacted, by the Authority aforesaid, That if the Sheriff shall neglect to return any Writ or Writs issuing out of any of the said Courts, which shall be delivered to him Twenty Days before the sitting of the Court to which such Writ or Writs shall be returnable, the Sheriff, for every such Neglect, on Motion of the Plaintiff, and Proof of such Delivery, shall be ordered and obliged to pay the Party aggrieved the Sum of Five Pounds, Proclamation Money, and be further liable to the Action of the Party injured; unless the said Sheriff can show sufficient Cause to the Court from whence such Process issued, at the next succeeding Court after such Order.

XXIX. And be it further Enacted, That all Ball taken according to the Directions of this Act, shall be deemed, held and taken to be special Ball, and as such, liable to the Recovery of the Plaintiff; but the Plaintiff, after final Judgment, shall not take out Execution against such Ball until an Execution be first returned, that the Defendant is not to be found; and also shall take out a Scire facias, returnable to the said Court, which shall be made known to the Ball; and that after the Return of such Execution against the Principal, and Scire facias aforesaid against the Ball, Execution may issue against the Principal and Securities, or either of them, or either of their Estates, unless the Ball shall surrender the Principal at or before the Return of the first Scire facias; any Law, Usage, or Custom to the contrary notwithstanding.

XXX. Provided nevertheless, if any Sheriff shall return, on a Scire facias to him directed, that the Principal is imprisoned in the Prison of his County, or any other, by Virtue of any Process in any Civil Action, the Court to which such Scire facias is returnable, shall, on Motion of the Plaintiff or Ball, order and direct that such Principal be retained in the Gaol where he or she shall be a Prisoner, until he or she shall have paid the Plaintiff's Judgment with Costs, or be otherwise discharged by due course of Law; a Copy of which Order being served on the Gaoler of such Prison before such Prisoner's Releasement, shall be a sufficient Authority to him to retain such Prisoner until such Order shall be complied with; and also shall be deemed a SURRENDER of such Principal and as such discharge the Ball.

XXXI. And for the better ascertaining what Process shall issue when the Sheriff shall return that the Defendant is not to be found within his Bailiwick; Be it Enacted, That when the Sheriff shall make return as aforesaid, in any Civil Action, the Plaintiff or Plaintiffs, at his or their Election, may sue out an Attachment against the Estate of such Defendant, or an Alias, or Pluries Capias, until he be arrested, returnable as is heretofore directed for the Return of original Process; And if the Sheriff shall return any Goods by him attached, and the Defendant shall fail to plead within the Time hereinafter directed, the Plaintiff shall be intitled, if in an Action of Debt, to final Judgment, and if in an Action on the Case, a Judgment by Default, and a Writ of Enquiry of Damages to be executed at the next Court; and the Goods so attached, if not releived or sold, according to the Directions of this Act for Goods attached on original Attachment, shall remain in the Custody of the Sheriff till such Judgment obtained, and then to be disposed of in the same Manner as Goods taken on Execution on a Writ of Fieri Facias; and if the Judgment shall not be satisfied by the Goods attached, the Plaintiff may have Execution for the Residue.

XXXII. And be it further Enacted, by the Authority aforesaid, That it shall be lawful for the Chief Justice, or other Justices of the said Superior
Courts, or any Justice of an Inferior Court, upon Complaint made by any Person, on Oath, that his Debtor has removed, or is removing himself out of the County privately, or absconds or conceals himself so that the ordinary Process of Law cannot be served upon him, to grant an Attachment against the Estate of such Debtor, wherever the same shall be found, or in the Hands of any Person or Persons indebted to, or having the Effects of the party absconding, or so much thereof as shall be of value sufficient to satisfy the Debt and Costs of such Complaint; which Attachment shall be returnable to the Court where the Debt or Matter is cognizable; and such Attachment shall be deemed the leading Process in such Action; and the same Proceedings shall be had thereon as on an Attachment on a Return of a Non est Inventus by the Sheriff.

XXXIII. Provided always, That every such Justice, before the granting such Attachment, shall take Bond and Security of the Party for whom the same shall be issued, in double the Sum to be attached, payable to the Defendant, for satisfying and paying all Costs which shall be awarded to the said Defendant in Case the Plaintiff suing out the Attachment should be cast in his Suit; and also all Damages which shall be recovered against the said Plaintiff for suing out such Attachment; Which Bond shall be returned to the Court to which the Attachment is returnable, by the Justice who shall grant the same; and every Attachment issued without such Bond taken and returned as aforesaid, and Oath made as aforementioned, is hereby declared void, and shall be abated.

XXXIV. And be it further Enacted, That where any Person, Inhabitant of any other Government, shall be indebted to, or hath done any Tort or Injury to any Person, a Resident of this Province, and cannot personally be served with Process and hath Effects in this Government, any of the said Justices may grant an Attachment against the Estate of such Person indebted, or who hath done any Tort or Injury as aforesaid, under the Rules, Restrictions, and Regulations aforementioned; and the same Proceedings may be had thereon.

XXXV. And be it Enacted, by the Authority aforesaid, That when Goods or other Estate shall be attached by Virtue of an Attachment, whether judicial or original, it shall and may be lawful for such Person or Persons, his, her, or their Attorney, to reaply the same, by giving Bond with good Security to the Sheriff or other Officer serving the said Attachment, (which Bond the Sheriff or other Officer is hereby Impowered and required to take) to appear at the Court to which the Attachment shall be returnable; and to abide by, perform and satisfy the Order and Judgment of such Court: And where the Estate attached is perishable, if the Person or Persons to whom it belongs shall not, within Thirty Days after serving such Attachment, reaply the same, then such Estate shall be sold at Public Vendue by the Sheriff or other Officer serving such Attachment; such Sheriff or other Officer having first advertised such Sale at every Church and Chapel in his County; and the Money arising from such Sale shall be liable to the Judgment obtained upon such Attachment, or other Order of such Court: And where the Sheriff or other Officer shall serve an Attachment in the Hands of any Person or Persons indebted to, or having any of the effects of the party absconding, he shall, at the same time, summons such Garnishee or Garnishees to appear at the Court to which the Attachment is returnable, within the first four days thereof, there to answer upon oath, what he or she is indebted to such party, and what Effects of such Party he or she hath in his or her Hands, and had at the Time of serving the Attachment; and where any Attachment shall be returned, served in the Hands of any
Garnishee in Manner aforesaid, it shall be lawful, upon his or her Appearance and Examination in Manner aforesaid, to enter up Judgment, and award Execution, against every such Garnishee and Garnishees, for all Sums of Money due from him, her, or them, to the Person absconding, or in his, her, or their Custody or Possession, for the Use of the Party obtaining such Attachment, or so much thereof as shall be of value sufficient to satisfy the Debt and Costs of Complaint; and all Goods and Effects whatsoever, in the Hands of any Garnishee or Garnishees, belonging to such absconding Persons, shall be liable to satisfy such Judgment: And whereas any Garnishee shall be returned by the Sheriff or other Officer, summoned in Manner aforesaid, and shall fail to appear and discover, on Oath, in Manner by this Act directed, it shall be lawful, and the Court is hereby authorized, to enter a conditional Judgment against such Garnishee; and if he shall fail to appear at the next Court and discover, on Oath, in Manner aforesaid, and also to give sufficient Reasons for his not appearing agreeable to such Summons, the Court shall, and are hereby required, to confirm such Judgment, and award Execution, for the Plaintiff's whole Debt, or Damages and Costs.

XXXVI. And whereas divers Persons, possessed of Lands, Tenements and Hereditaments within this Province, having contracted, or who may contract Debts with Merchants and others, or have committed or may commit Torts or Injuries to Persons therein; and have departed, or may depart the same without leaving personal Estate to satisfy such Debts: For Remedy whereof; Be it Enacted, by the Authority aforesaid, That any Justice shall and may grant an Attachment at the Prayer of the Person or Persons to whom such Debtor or Debtors shall be indebted, or to whom such Tort or Injury hath or may be done, directed to the Sheriff of the County where the Lands lie, returnable to the Court wherein the same is cognizable; and if the Sheriff return that the Person has no personal Estate within his Bailiwick, the Court shall grant Judgment for the Debt due, Proof being first made; which Judgment, in Actions of Debt, shall be final; and in other Actions, a Writ of Enquiry shall be executed, on the Plaintiff's Motion, and a Writ of Fieri Facias shall be awarded, returnable to the next Court, by Virtue whereof, the Sheriff, if he cannot find personal Estate of the Defendant within his Bailiwick sufficient to satisfy such Judgment and Costs, shall sell such Lands and Tenements, having given Public Notice of such Sale for One Month at least before the Day appointed for the same; and shall give the Purchaser a Deed of Bargain and Sale; which shall, and is hereby declared to be good and effectual in Law to convey all the Right, Title, Property and Estate of the Defendant or Defendants in such Lands or Tenements; and out of the Money arising by such Sale, shall satisfy and pay the said Judgments and Costs; and pay the Overplus (if any) to the Defendant or Defendants.

XXXVII. And for Prevention of Error in the Issuing Attachments and taking Bonds thereupon; Be it Enacted by the Authority aforesaid, That the following Form shall be observed and used, that is to say, the Attachment as follows, to wit:

NORTH CAROLINA,

........................County, ss.

George the Second, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. To the Sheriff of................ County, Greeting. Whereas, A. B. hath complained to C. D., our Chief Jus-
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Of the Justices of the Superior Courts of Pleas and Grand Sessions, of the Province of North Carolina, or of one of the Justices of the Inferior Courts of Pleas, of the County of ............ (as the case may be), that E. F., late of your County, Planter, is justly indebted to him in the Sum of ........, or hath damaged him to the Amount of ........ (as the Complaint shall be made), and hath made Oath that the said E. F. hath removed himself privately out of your said county, or so absconds or conceals himself that the ordinary Process of Law cannot be served on him; and hath given Bond and Security according to the Direction of the Act of Assembly in such Case made and provided. We therefore command you that you attach the Estate of the said E. F. (if to be found in your Bailiwick), or so much thereof, reprievable on Security, as shall be of Value sufficient to satisfy the said Debt or Damages, according to the Complaint and Costs; and such Estate so attached, in your Hands to secure, or so to provide that the same may be liable to further Proceedings thereupon, to be had at our next Superior Court of Pleas and Grand Sessions, to be held for the District of ........ at the Term of ........ on the ........ next, so as to compel the said E. F. to appear and answer the above Complaint of the said A. B. when and where you shall make known to our said Court how you shall have executed this Writ. Witness ........ our said Chief Justice of our said Province at ........ aforesaid the ........ Day of ........ in the ........ Year of our Reign.

Which Attachment shall be signed by the Chief Justice, or other Justice who shall grant the same; and the Bond to be given on obtaining such Attachment, shall be in the following Form, to-wit:

Know all Men by these Presents, That We A. B., G. K. and I. K. all of the County of ........ are held and firmly bound unto E. F. in the Sum of ........ (double the Sum in the Attachment) to be paid to the said E. F. his Executors, Administrators, or Assigns: To which Payment well and truly to be made, we bind ourselves, and each of us, our, and each of our Heirs, Executors, and Administrators, jointly and severally, firmly by these Presents. Sealed with our Seals, and dated this ........ Day of ........ in the Year of our Lord.

The Condition of the above Obligation is such, that whereas the above bounden A. B. hath, the Day of the Date of these Presents, prayed an Attachment against the Estate of the above mentioned E. F. for the Sum of ........ (double the Sum in the Attachment) to be paid to the said E. F. for the Sum of ........ (the Sum complained for) and hath obtained the same, returnable to the next Superior Court of Pleas and Grand Sessions, to be held for the District of ........ on the ........ next: Now if the said A. B. shall prosecute his said Suit with Effect, or in Case he be cast therein, shall well and truly pay and satisfy to the said E. F. all such Costs and Damages as shall be awarded and recovered against the said A. B. then the above Obligation to be void; otherwise to remain in full Force and Virtue.

XXXVIII. And be it further Enacted, by the Authority aforesaid, That the following Rules and Methods shall be observed in the Superior Courts of Pleas and Grand Sessions, to-wit:

The Plaintiff shall file his Declaration in the Clerk's Office on or before the Second Day of the Term to which his Suit is brought, and serve the Defendant with a Copy at least Five Days before the Commencement of such Term, or the Action shall be abated, upon the Plea of the Defendant.

That the Defendant shall appear and plead, or demur, within the first Three Days of the Term to which the Writ is returnable, otherwise the Plaintiff may have Judgment by Default; in which Case Judgment shall
be final, unless where Damages out to be suggested on the Roll; and in that Case, and in all others where the Recovery shall be in Damages, a Writ of Enquiry shall be executed at the next Term. Provided, That where the Nature of the Action requires Special pleading, the Time for pleading may be enlarged by the Court.

That where the Defendant pleads specially, the Plaintiff shall reply or demur in Three Days, or a Non-pross be entered by the Defendant; and if the Plaintiff replies, and in his Replication tenders an Issue, the Defendant shall Join Issue, or Demur, in Three Days, or the Plaintiff may have Judgment; and when the Defendant rejoins to the Plaintiff's Replication, he shall file his Rejoinder in Three Days, or Judgment shall go against him, unless the Time for pleading shall be enlarged as aforesaid, and the same Time shall be given, and Rules observed, through the whole Course of the Pleadings.

That all Issues shall be tried at the Term next succeeding after Issue joined, without Notice of Tryal on either Side; nor shall any Cause be delayed or continued longer without special Cause shewn to, and approved by the Court.

That the Clerk of every Court, before the Commencement of the Term, shall enter, in a particular Docket to be kept for that Purpose, all such Causes, and those only, in which any Issue is to be tried, or Damages to be enquired, special Verdict, Case agreed, or Demurrer to be argued, in the same Order as the Suits stand in the Course of Proceedings.

That when a Special Verdict shall be found, Case agreed, Demurrer, or Bill of Exception to Evidence tendered, Time shall be allowed, upon Motion of either Party, to the next Term to argue the same.

That for the more entire and better Preservation of the Records of the Courts where any Cause is finally determined, the Clerk shall enter all the Proceedings therein, and other Matters relating thereto, in a Book well Bound, so that an entire and perfect Record may be made thereof.

That all Jury Causes be first tried.

That all Motions in arrest of Judgment, shall be argued within the Three last Days of the Term the Issue is tried; the Defendant's Attorney first serving the Plaintiff's Attorney with a Copy of the Reasons, in arrest of Judgment; the next Day after such Motion.

That Arguments on Writs of Error, special Verdict, Cases agreed, Demurrers, Petitions for Legacies, and Distributions of Intestates Estates, shall be heard within the Four last Days of the Term.

That when any final Judgment shall be obtained, the Clerk shall allow a Lawyer's Fee in the Bill of Costs, if the Party employed one, which is hereby declared to be Thirty Shillings, Proclamation Money.

That no Plea of Abatement shall be received in any of the said Courts, unless the Party offering the same shall, by Affidavit, or otherwise, prove the Truth of such Plea.

That where a Plea in Abatement shall be pleaded in any Action in either of the said Courts depending, and upon Argument the same shall be adjudged insufficient, the Plaintiff or Plaintiffs shall recover, against the Defendant, full Costs, to the Time of over ruling such Plea, including the Costs of that Court, a Lawyer's Fee only excepted, and the Plaintiff, in Replevin, or the Defendant, in any other Action, may plead as many several Matters as may be necessary for his Defence, so as he be not admitted to plead and demur to the whole.

XXXIX. And be it further Enacted, That all the Statutes of Jeofalls, and
Amendments which are now in Force in England, are hereby declared to extend to, and be in Force in this Province; and shall be duly observed by all Judges and Justices of the several Courts of Record within the same, according to the true Intent and Meaning of said Statutes.

XL. And be it further Enacted, by the Authority aforesaid, That the following Orders, Rules and Methods, for taking the Testimony of Witnesses, in all Cases to be depending in the said Courts, be observed and put in Practice, to-wit:

That in all Causes where witnesses are to appear at either of the said Courts, a Subpoena shall be issued by the Clerk, directed to the Sheriff of the County where the Witness or Witnesses reside, mentioning the Time and Place for their Appearance, and the Names of the Parties to the Suit wherein they are to give Evidence, and at whose Instance they are summoned.

That every Subpoena, returnable immediately, shall be personally served on any Person who shall be thereby summoned as a Witness to attend any of the said Courts.

That a Copy of every Subpoena, issued by the Clerk, in the Vacation, and returnable to the first, or any other Day of the Term, in Case the Witness or Witnesses to be thereby summoned are not found at Home, may be left at the usual Place of Residence of such Witness or Witnesses; and the leaving such Copy as aforesaid, shall be a good and legal Service; and the Person or Persons thereby summoned, are bound to appear under the like Penalty as if Personally summoned.

XLII. Provided always, That if sufficient Cause be shewn by the Person so summoned, or for whom Copies shall be so left, and failing to appear, of his or her Incapacity to attend at the Time he or she ought to have appeared, then no Forfeiture or Penalty shall be incurred by such Failure; but if sufficient Cause be not shewn at the next succeeding Term after such Failure or Notice given, it shall and may be lawful for the Court, on Motion, to grant Judgment for the Forfeiture before mentioned, against the Person or Persons so summoned and failing to appear as aforesaid: And when any Person summoned as a Witness in any Cause as aforesaid, shall be confined in any Prison or Gaol in this Province, the Superior Court, for the better Manifestation of the Truth and Advancement of Justice, shall and may grant a Habeas Corpus ad Testificandum, to remove such Person into such Court; the Party praying such Writ having first entered into Bond, with sufficient Security, to defray the Expences of such Removal; and to answer, in Case of such Witness's Escape, all Damages that shall or may be occasioned to any Person thereby.

XLIII. And be it further Enacted, by the Authority aforesaid, That every Person summoned to appear as a Witness in any of the said Superior Courts, in Manner as herein before directed, shall appear according to such Summons, and continue to attend from Day to Day, and from Court to Court, until discharged by the Court, or the Party at whose Instance he was summoned; and in Default thereof, shall be subject to the Pains and Penalties
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herein before mentioned; any Law or Usage to the contrary notwithstanding.

XLIV. And be it further Enacted by the Authority aforesaid, That if any Witness, by Sickness, Age, or any other Cause, shall be incapable of attending Court to give Evidence, or shall reside out of the Province, on Oath made thereof, or the Truth of the same otherwise sufficiently appearing, the Judge or Justice of the Court wherein the Suit is depending, shall and may, by Commission, as from Time to Time may be necessary, empower such and so many Persons as they shall think necessary, to take and receive a Deposition of such Witnesses; which, when duly returned, shall be received as legal Evidence.

XLV. Provided always, That the party praying such Commission as aforesaid, shall make known to the adverse Party, the Time and Place when and where such Commission is to be executed, at least ten Days before the Execution thereof; and the adverse Party shall have Liberty to cross examine any Witness or Witnesses whose Deposition shall be so taken; and all Depositions otherwise taken than is herein directed, unless by Consent of Parties, shall be void, to all Intents and Purposes; And if any Person who shall be summoned as a Witness in either of the Superior Courts, or before any Person appointed to take Depositions as aforesaid, shall refuse to give Evidence, on Oath, such Person so refusing, shall be committed to the common Gaol, there to remain without Ball or Mainprize, until he or she shall be willing to give Testimony in such Manner as the Law now doth, or hereafter shall direct: Provided, That the People called Quakers, shall have the same Liberty of giving their Evidence, by Way of solemn Affirmation, as by Act of Parliament made in the Eighth Year of the Reign of his Majesty King George the First, intituled, An Act, for granting to the People called Quakers, such Terms of Affirmation or Declaration as may remove the Difficulty which many of them lie under; and that all Negroes, Indians, Mulattoes, and all of mixed Blood, descended from Negro or Indian Ancestors to the Third Generation, Bond or Free, shall be deemed and taken to be incapable in Law to be Witnesses in any Cause whatsoever, except against each other.

XLVI. And be it further Enacted, by the Authority aforesaid, That during the Attendance of any Person summoned as a Witness to a Superior or Inferior Court, and as such Person is going to and returning from the Place of such Attendance, allowing one Day for every Twenty-five Miles such Person’s Residence shall be distant from the same, no Sheriff or other Officer shall serve or execute, on any Person so attending, going to, or returning from such Court, any Writ, Process, Warrant, Order, Judgment or Decree, in any Cause; and if any such shall be served or executed, the same shall and is hereby declared to be null and void.

XLVII. And be it further Enacted by the Authority aforesaid, That for every Mile any Witness shall travel, either going to or returning from the Court to which such Witness shall be summoned to appear, there shall be paid to him by the Party at whose Instance the Subpoena issued, Three Half-pence, Proclamation Money, per Mile, together with the necessary Charges of Ferriage; and Two Shillings like money for every Days Attendance, from the Time appointed for Appearance until the Time such Person shall have given Evidence, or shall be discharged; provided, That in any Bill of Costs, there shall not be allowed the Charge of more than Two Witnesses to any one particular Matter of Fact.

XLVIII. And be it further Enacted by the Authority aforesaid, That the
Superior Courts shall have Power and Authority to grant Writs of Error for Correcting the Errors of any Inferior Court where the same shall be necessary, and the Party praying such Writ of Error before the same shall issue, shall assign Error, and give Bond and Security, to be approved by the Court, to abide by, perform, and fulfill the Judgment which shall be given thereon by such Court: And if upon Argument, if any Writ of Error, or Tryal of any Appeal from any Inferior Court, the Judgment or Decree of any Inferior Court shall be reversed, the Superior shall grant such Judgment, or make such Decree thereupon as should have been entered or made up in such Inferior Court; and shall and may issue Execution thereon without granting a Writ of Procedendo; and to Prevent the obtaining Writs of Error by Surprize, the Party praying such Writ, in a Civil Cause, shall give Notice to the adverse Party of his moving for such Writ at least Ten Days before such Motion; and no such Writ shall be granted without an Affidavit of such Notice.

XLIX. And for preventing long and oppressive Imprisonments, Be it Enacted, by the Authority aforesaid, That where any Person shall be committed, in any Civil Action, to the Gaol of any County, by Process issuing out of any Inferior Court, for any Matter cognizable in the Superior Court, it shall and may be lawful for the Superior Court of the District within which such Person shall be imprisoned, upon Petition, and Cause shewn by the Person so imprisoned, to issue out a Habeas Corpus Cum Causa, to remove the Body of such Defendant in the Gaol of such Superior Court, which is hereby declared to be the Gaol of the Supreme Court formerly held in such District, and the Cause of such Commitment into the said Superior Court; and the Clerk of such Superior Court is hereby authorized and required, upon Direction of the Court, to issue such Writ accordingly; and the Court shall and may proceed therein, and ball, or discharge, or remand such Prisoner as the Right of the Case shall require.

L. And be it further Enacted, by the Authority aforesaid, That as well the Chief Justice for the Time being, as the several Clerks, and other ministerial Officers of the said Courts, shall be allowed, and shall have, take and receive for all Services by them, or any of them done, the same Fees as are allowed for the like Services by an Act of Assembly, intitul'd, An Act for regulating the several Officers Fees within this Province, and ascertaining the Method of paying the same.

LL. And be it further Enacted, by the Authority aforesaid, That all Causes, Actions, Writs, Suits, Plaints, Process, Recognizances, Indictments, and Presentments whatsoever, that are, or shall be depending in the General Court, or either of the Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery within Province, or such as shall be returnable to, or had, or shall have Day or Days in any of the said Courts, or other Matters or Things in them depending not fully determined on the Tenth Day of June next, shall be transposed and carried off the Dockets in each of the said Courts, into the Dockets of the said Superior Courts, in the same Order they shall then stand in the Dockets of the General Court and Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery, respectively; and shall be proceeded in by the said Superior Courts according to the Methods by this Act directed, as if the same had been originally commenced in any of the Superior Courts; due Regard being had that such Court take Cognizance of all such Suits, Matters and Things, the Cause or Causes whereof arise, or is suggested to have arisen within their respective Districts.
LII. And be it further Enacted, by the Authority aforesaid, That in all Cases wherein by any Act of Assembly heretofore made, Action is given, or Recovery directed to be had in the General Court, or in any of the Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery, within this Province; in every such Case, after the passing of this Act, suit may be brought for the same Cause of Action, and Recovery had in some of the Superior Courts of Pleas and Grand Sessions; and Judgment and Execution shall be entered as in other cases by this Act directed.

LIII. And be it further Enacted, by the Authority aforesaid, That all Writs and other Process, and all Suits, Appeals and Proceedings whatsoever, issued, granted or prosecuted, in the General Court, or either of the Supreme Courts, wherein Judgment hath been entered, or Decree made, shall and may be taken Cognizance of by the Superior Courts of the respective Districts wherein the Causes of Action did arise, or was suggested to have arisen; and such Courts may, respectively, award Execution, or other necessary Proceedings on such Judgment or Decree, in the same Manner as if such Suit had been originally commenced in such Court; any Law or Usage to the contrary notwithstanding.

LIV. And be it further Enacted, by the Authority aforesaid, That where in the General Court, or any of the Supreme Courts, County or Inferior Courts, any Recognizance has been, or shall be forfeited or Fine imposed, and not hitherto paid; it shall be lawful for the Superior Court of the District in which such Recognizance was or shall be forfeited, or Fine imposed, to issue Execution for levying the same, after the Party shall be served with a Writ of Scire facias, and fails to shew sufficient Cause to the contrary; and in all Recognizances which shall hereafter be forfeited, or Fine which shall hereafter be imposed in any of the Superior Courts, the same Process shall issue, and the Forfeitures be levied in the same Manner, unless sufficient Cause be shewn on the Return of a scire facias, why such Forfeiture should be discharged, or mitigated by the Court.

LV. And whereas, many of the Prisons within this Province are insufficient for the Retention of Persons who commit capital and other Offences against his Majesty, his Peace and Government: Therefore, for the speedy Tryal of such Offenders: Be it Enacted by the Authority aforesaid, That the Governor or Commander in Chief for the Time being, so often as he shall find it necessary, is hereby impowered and authorized to issue a Commission of Oyer and Terminer, and General Gaol Delivery, under the Great Seal of the Province, directed to the Chief Justice, and the rest of the Justices of the said Courts, or any one or more of them, for the Tryal of such Offenders; and the Chief Justice, and other Justices so commissioned, after Receipt thereof, are hereby impowered, to hold a Court within the Time limited by such Commission, for the Tryal of every such Offender; and to hear and determine all Treasons, Murders, Burglaries, Felonies, Trespasses, Crimes and Misdemeanors, of what Nature or Kindsoever, wherewith such Offender or Offenders is or shall stand charged; and to give Judgment and award Execution.

LVII. And be it further Enacted, by the Authority aforesaid, That the Chief Justice or other Justices so commissioned, on receiving such Commission, shall order the Clerk of the Court for the District where such Court of Oyer and Terminer is to be held, to issue Writs of Venire-facias, directed to the Sheriff of the respective Counties within such District, to serve as Grand and Petit Jurors at such Court; which Writs the said Clerk
is hereby empowered and required to issue, Six Days at least before the Day of holding every Court of Oyer and Terminer; to summon Six good and lawful Men as Grand-Jurors, and Six other good and lawful Men as Petit Jurors, being Freeholders, to appear and attend at such Court; which Persons so summoned as Grand-Jurors, or so many of them as shall appear, (together with other good and lawful Freeholders of the By-standers, if necessary, to add such to make a sufficient number of Grand-Jurors) shall be a Grand-Jury; and it shall be lawful for such Grand-Jury to enquire of, and present all Treasons, Factions and other Offences cognizable in the said Court, which shall have been committed or done within any County or Counties within such District: And the Freeholders so summoned as Petit-Jurors, or so many of them as shall appear, (not being challenged) together with so many other good and lawful Freeholders of the Bystanders, as shall make up the Number of Twelve, shall be, and are hereby declared to be a lawful Jury for the Tryal of any Person or Persons Indicted of Treason, Felony, or other Crime or Misdemeanor, before the said Court of Oyer and Terminer: And if any Person so summoned to serve on the Grand or Petit Jury before such Court, shall fail to appear and attend, It shall be lawful for the said Court to fine every Person so failing Three Pounds; to the Use of the County whereof he is a Resident.

LVII. And whereas, as well the Dignity of the Courts as the Security of the Suitsors, depends greatly on the Capacity and Probity of Lawyers practicing in the same: Be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That no Person who hath not already obtained a License, shall hereafter be admitted as an Attorney to practice the Law, or a Councillor to plead in the Superior or Inferior Courts in this Province, unless he shall first have been regularly examined as to his Knowledge in Matters of Law, and the Practice of Courts, by some one of the Judges of the Superior Courts; and shall have obtained a Certificate under the Hand of such Judge, recommending him to the Governor or Commander in Chief for the Time being, as properly qualified to practice the Law, or plead as aforesaid, and shall likewise have obtained a Certificate from the Justices of the Inferior Court of the County wherein he shall reside, certifying him to be a Person of good Character; and no License shall hereafter be granted to any Person to practice the Law, or plead in any of the Courts of Law or Equity, until such Certificates shall be by him obtained. Provided, That nothing in this Act shall be construed to prevent the Governor or Commander in Chief for the Time, from granting a License to any Person who shall remove from some other Part of his Majesty's Dominions into this Province, without the Certificate of a County Court within the same, so as such Person shall bring Credentials from the Governor, or Judges of the Principal Courts of Justice of the Province, Colony, or Dominion, from which he shall so have removed, properly testifying his Character as aforesaid; any Thing herein contained to the contrary notwithstanding.

LVIII. Provided also, That nothing herein contained, shall be construed to debar any Lawyer called to the Degree of a Barrister in England, from practicing or pleading in any of the Courts of Judicature in this Province, in the same Manner as might have been done before the passing of this Act.

LIX. And be it further Enacted, by the Authority aforesaid, That all and every Act and Acts heretofore made, wherein mention is made of, or Relation had to the Superior Court of Pleas and Grand Sessions, the same shall, and are hereby declared to relate to this Act; and the several Powers
In the said Act shall operate and be exercised in as full and ample Manner, to all Intents and Purposes, as if the passing of this Act had preceded the passing of such Act or Acts.

LX. Provided always, That if his Majesty shall not give his Royal Allowance and Confirmation of this Act within the Space of Two Years after the Tenth Day of November next; that then, and from thenceforth, the same shall be null and void, and the several Powers and Authorities therein contained cease and determine; any Thing herein contained to the contrary notwithstanding.
LAWS OF NORTH CAROLINA--1760.

At an Assembly, begun and held at New Bern, the Twenty-fourth Day of April, in the Thirty Third Year of the Reign of our Sovereign Lord George the Second, by the Grace of God, Great Britain, France, and Ireland, King, &c., and from thence continued, by several Prorogations, to the Thirtieth Day of November, in the Year of our Lord One Thousand Seven Hundred and Sixty, to be then held at Wilmington: Being the Fourth Session of this present Assembly. Arthur Dobbs, Esq., Governor.

CHAPTER IV.

An Act to Impower the Inhabitants of several Parishes Within this Province that have no Legal Vestry within their respective Parishes to Meet and Elect Vestries.

I. Whereas, by an Act of Assembly passed at New Bern the Twenty-Fourth Day of April in the Thirty Third Year of His Majesty's Reign, Intituled, An Act for Establishing Vestries, The Several and Respective Vestries Elected and Chosen by Virtue of the aforesaid Act, were to meet within Twenty Days next after such Choice, To Qualify Themselves according to the Directions therein Mentioned; and whereas, several Parishes within this Province, either through their Vestries Neglect to Qualify Themselves, or for want of proper Magistrates to administer the Oaths, have no Legal Vestries within their respective Parishes to make provision for the Poor and the due Management of Parochial affairs.

II. We pray that it may be Enacted, And be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That the Sheriff of each and Every County, within this Province wherein there is a parish that has no Vestry, Either Legally Elected and Chosen, or Being so Chosen and not Qualified according to the Directions of the before Recited Act, shall and are hereby Directed to Give Notice of such Election To the Freeholders within every Parish as aforesaid (not having a Legal Vestry), in the Manner and form prescribed in the Act for Establishing Vestries, To Meet at the Court House, or usual place of electing Vestries, within Such Parishes, on the first Monday in March next, then and there to Choose and Elect Twelve Freeholders of such Parish, being Qualified as Directed by the before mentioned Act, to serve as Vestrymen of such Parish, who shall be after they are so Chosen, under the Same Rules, Regulations and Restrictions, and Liable to the same Fines and Forfeitures, and have and Exercise the Same Power and Authority, as is directed and inflicted by the before Recited Act on other Vestrymen for Neglect or Breach of Duty.

III. And be it Enacted by the Authority aforesaid, That Each and Every Respective Vestry within this Province shall, and they are hereby Directed to be held in the Church of the said Parish; Provided, The said Church be so far Finished as to admit of Divine Service to be performed therein and at no other Place whatsoever.

IV. And be it further Enacted by the Authority aforesaid, That the Candidates for Vestrymen in Each Respectable Parish, or the Majority of them, shall Nominate or appoint to assist the Sheriff two Substantial Freeholders of each Parish where such Election shall happen; To take the Suffrages or vote of the Freeholders intituled to Vote at such Election, and the Vote so
taken by them, shall be given to the Sheriff of the County, wherein such Parish doth belong, in order to Declare who hath the Majority of Suffrages, to sit and Act as Vestrymen of the said Parish.

CHAPTER V.

An Act for altering the Time of Holding the Inferior Court of Pleas and Quarter Sessions in the County of Chowan.

I. Whereas, the times appointed by Law for holding the Inferior Court of Pleas and Quarter Sessions, in the County of Chowan, Interfering with the Courts of the adjacent Counties, is found to be Inconvenient to the Suitors and Others whose attendance is required in such Courts: For Remedy whereof,

II. Be it Enacted by the Governor, Councill and Assembly, and by the Authority of the same, That from and after the passing of This Act the Inferior Court of Pleas and Quarter Sessions in the said County of Chowan, shall be Annually held on the Fourth Monday in January, April, July and October, and shall and may be at each respective Court, adjourned de die in diem, under the like Regulations as is Directed by Law for Adjournment of Other Inferior Courts of Pleas and Quarter Sessions, within this Province; any Law, Statute or usage to the Contrary notwithstanding.

III. And be it further Enacted by the Authority aforesaid, That all writs, summons and other process, and by the Tenor thereof: returnable to the Inferior Court of Pleas and Quarter Sessions in the said County, on the Third Tuesday in January next, shall be returned to the Inferior Court of Pleas and Quarter Sessions to be held for the said County on the fourth Monday in January aforesaid, and The Court shall take Cognizance thereof, and proceed Thereon as if the same had been made Originally returnable on the said Fourth Monday in January; The Form and Tenor of such Writ, Summons and other Process to the contrary Notwithstanding.

IV. Be it further Enacted by the Authority aforesaid, That all Actions, Suits and process, now Depending in the Inferior Court of Pleas and Quarter Sessions in the said County, shall stand continued to the Inferior Court of Pleas and Quarter Sessions to be held for the said County on the Fourth Monday in January next, and the Court shall proceed, or decree thereon, to Judgment and execution thereon, agreeable to the Rules and Directions of Law to be Observed by other Courts within this province, in Actions, Suits and process in the Same Depending, and that no Action, Suit, or Process, shall abate, or be Discontinued, or Otherwise be out of Court, For or by reason of The Alteration Hereby Directed, to be made in the times for holding the Said Courts.

V. And be it further Enacted by the Authority aforesaid, That the said Inferior Court of Pleas and Quarter Sessions, as hereby Directed to be held, Shall and May, award Execution on any Judgment or Sentence heretofore Given in any Inferior Court, or County Court, in the same manner as might have been done if This Act had never been Passed.

CHAPTER IX.

An Act for establishing a town on the land of Joseph Howell, on Tar river.

I. Whereas, it hath been represented to this Assembly, that the land of Joseph Howell, lying on the South side of Tar river, in Edgecomb county,
is a healthy, pleasant situation, well watered and commodious for trade and commerce: And James Moir, Lawrence Tool, Aquilla Sugg, Elisha Battle, and Benjamin Hart, have contracted with the said Joseph Howell, for the purchase of one hundred and fifty acres of the said land, and have accepted and taken a deed of cessionment for the aforesaid one hundred and fifty acres from the said Joseph Howell and caused the same to be laid off in lots and streets, and also a part thereof for a common for the use of the said town and have sold a great number of the said lots of half an acre each to sundry persons, who are desirous that a town shall be established for promoting the trade and navigation of the said river:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the authority of the same, That the said one hundred and fifty acres of land so laid off by the trustees or commissioners as aforesaid, be, and the same is hereby constituted and erected, and established a town and shall be called by the name of Tarboro.

III. And be it further Enacted by the Authority aforesaid, That James Moir, Lawrence Tool, Aquilla Sugg, Elisha Battle and Benjamin Hart, be, and they, and every of them, are hereby constituted directors and trustees, for designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate, in fee, in the said one hundred and fifty acres of land, to and for the uses, intents and purposes, hereby expressed and declared; and they, or the majority of them shall have full power and authority to meet as often as they shall think necessary and to appoint a public Quay, and such place on the said river for a public landing as to them shall seem convenient; and cause a plan of the said town as laid off by the said James Moir, Lawrence Tool, Aquilla Sugg, Elisha Battle, and Benjamin Hart, to be recorded, and filed among the records of the court of the county of Edgecomb.

IV. And whereas, subscriptions have already been made for one hundred and twenty-one lots already laid off in the said town, and the same drawn for by the several subscribers or their agents; be it therefore enacted, by the authority aforesaid, that the said directors, or the majority of them, shall make and execute a deed for granting and conveying the said one hundred and twenty-one lots to the subscribers, their heirs and assigns for ever; and also, to every person who shall purchase any other lot or lots in the said town, at the cost and charges of the grantee to whom the same shall be conveyed; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold the same in fee simple.

V. Provided nevertheless, That every grantee of any lot or lots in the said town so conveyed, or hereafter to be conveyed shall, within three years next after the day of the conveyance for the same, erect, build and finish, on each lot so conveyed, one well framed house, sixteen feet square at the least, and ten feet high in the clear, with brick or stone chimney or chimneys, or proportionable to such dimensions, If such grantee shall have two or more lots contiguous, and if the owner of any lot shall fail to pursue and comply with the directions in this act prescribed for building and finishing a house thereon, then such lot upon which such house shall not be built and finished, shall be revested in the said directors; and they, or the majority of them may, and are hereby empowered and authorized, to sell such lot for the price that can be had, to any person applying for the same, in such manner, and under such restrictions, as they could or might have done, if such lot had not been before sold or granted: and the money
arising by such sale, to be applied as the directors, or the majority of
them, shall think proper, for the use of the town.
VI. And for continuing the succession of the said directors until the
said town be incorporated, be it further Enacted, by the authority aforesaid,
That in the case of the death, refusal to act, or removal out of the county,
of any of the said directors, the surviving or other director or the majority
of them, shall assemble, and are hereby empowered from time to time by
instrument of writing under their respective hands and seals, to nominate
some other person, being an inhabitant or freeholder in the said town, in
the place of him so dying, refusing to act, or removing out of the town,
which new director so nominated and appointed, shall, from thenceforth,
have the like power and authority in all things in the matters herein con-
tained, as if he had been expressly named and appointed in and by
this Act.

CHAPTER X.

An Act to amend an Act, intituled, an Act for the better regulation of the
Town of New Bern, and for securing the titles of persons who hold lots
in the said town, passed the 30th day of September, one thousand
seven hundred and fifty-six.
I. Whereas, by the before recited Act the freeholders of the said town
have liberty annually, on the second Tuesday in November, to meet at the
court-house, then and there to elect and chuse five freeholders of the said
town to be commissioners for the same, but no directions to the Sheriff,
or any other person, to open the poll, or receive the votes for electing such
commissioners, and the same hath been neglected or refused by the sheriff,
on the day appointed as aforesaid for electing commissioners for the ensuing
year, whereby the town is at present without commissioners to the great
detriment thereof: wherefore,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the
authority of the same, That the Sheriff of Craven county, or his deputy
shall, on the second Tuesday in January next, before the hour of ten o'clock
in the morning, open the poll, and receive the votes of the freeholders for
electing the said commissioners, as directed in the before mentioned act,
and continue the same open until sunset, then shall proclaim the persons
to be commissioners who shall have the most suffrages: and in like manner
shall, on the second Tuesday in November annually open the poll, receive
the vote, and proclaim the commissioners as before directed under the pen-
alty of fifty pounds, proclamation money, for every neglect or refusal of com-
plying with the directions of this Act; to be recovered from the said sheriff
by the action of debt, bill, plaint, or information, in any court of record,
wherein no essoign, injunction, or wager of law, shall be allowed or
admitted, by any person who shall sue for the same within one year after
such neglect or refusal; one half to the prosecutor, the other half to be paid
to the commissioners for the use of the said town, to be applied towards
fencing in the same, which commissioners so chosen or elected, shall have
all the powers and authorities mentioned in the said recited Act, or any
other act now in force, relating to the said town of New Bern.
CHAPTER XI.

An Act for destroying Crows, Blackbirds, and Squirrels in the County of Hyde.

I. Whereas, by the numerous increase of Crows, Blackbirds, and Squirrels, much damage and injury is yearly done, as well to growing corn as to mast, in the County of Hyde; and without some speedy remedy be taken to prevent their future increase, much greater damage and injury will yearly ensue: For remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That every Master, Mistress, or Overseer of any family, except such Masters, Mistresses, and Overseers, as dwell in that part of the said county called Mattamuskeet, in the said county, shall kill, or cause to be killed in every year, Two Crows, Fifty Blackbirds and Five Squirrels, for each taxable he or she shall inlist in the county aforesaid; under the penalty of forfeiting and paying the sum of Two Shillings, Proclamation money, for every Two Crows, for every Fifty Blackbirds, Two Shillings, and for every Five Squirrels, One Shilling, he or she shall so fail or neglect to kill or cause to be killed, in the county aforesaid; to be applied as is hereafter directed.

III. And be it further Enacted, by the Authority aforesaid, That every Master, Mistress, or Overseer, on any plantation, on making oath before any justice of the peace for the county aforesaid, that he or she hath killed or caused to be killed, Two Crows, Fifty Blackbirds and Five Squirrels, for each taxable person he or she shall have inlisted, then the justice shall give unto the person aforesaid a certificate, signifying the same, and the number of Crows, Blackbirds and Squirrels so killed.

IV. And for the more effectual recovering the fines aforesaid, Be it further Enacted, by the Authority aforesaid, That the sheriff of the county aforesaid, at the time of receiving the public taxes shall demand and receive of each master, mistress, or overseer, a certificate as aforesaid that he or she hath killed, or caused to be killed, Two Crows, Fifty Blackbirds, and Five Squirrels for the last year past; That on neglect or refusal to produce a certificate or pay, the penalties aforesaid, that the sheriff shall make distress on the goods and chattels of the person or persons so failing or neglecting to kill or cause to be killed, Two Crows, Fifty Blackbirds, and Five Squirrels; and sell the goods so attached at public sale, first giving notice five days, by advertising the same at the courthouse and other convenient places; and shall return the surplus if any, to the owner; and the sheriff shall be allowed Two Shillings Proclamation money, for his trouble of collecting and paying the same to the justices of the inferior court of quarter sessions which said justices shall apply the said fines toward lessening the county charges.

V. And be it further Enacted, by the Authority aforesaid, That if the sheriff shall refuse or neglect to collect the fines and forfeitures as aforesaid, he shall forfeit and pay the sum of Five Pounds proclamation money; one half to him that will sue for the same, to be recovered in any court of record; the other half of the said fine to be paid to the Churchwardens for the use of the parish.

VI. And be it further Enacted, That this Act shall be in force for and during the space of two years, from the first day of January next ensuing this date.
CHAPTER XII.

An Act for Continuing James Davis Printer to This Province.

I. Whereas, it is necessary that a Printing Office should be kept up in this Province,

II. Be it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That James Davis be Employed as Printer to this Province, for and During the Term of one Year from and after the passing of This Act, and from thence to the end of the next session of Assembly and no longer.

III. And be it further Enacted by the Authority aforesaid, That the said James Davis, for and in consideration of the Yearly Salary herein after mentioned, shall print the Governor's Speech, The Council and Assembly's Address, The Journal of the House of Assembly, and all such Laws as shall be passed, at each Session as soon as the same Can or may be done, and shall Transmit One Copy of them to his Excellency the Governor, one to each member of his Majesty's Honourable Council, and also one copy to each Member of the Assembly in the Several Counties in this Province, one Copy to each of the Clerks of the Houses of Assembly for the use of the said Assembly, one copy to the Secretary for the use of the Council, likewise one Copy of such Laws to the Clerk of each Superior Courts for the use of the said Court, one copy to each of the Clerks of the Respective Inferior Courts of Pleas and Quarter Sessions in this Province for the use of such Courts, and also one Copy to each and every justice of the several Counties within this Province, not exceeding Twelve Copies to be sent to the said Justices of any one County, and supply such Copies of the said Journals and Laws as may be Necessary to be Transmitted from This province to the Boards of Offices in England as usual, and also shall Print and Transmit to the Proper places the public Proclamation and all other Acts of Government.

IV. And be it further Enacted by the Authority aforesaid, That the Clerks of the Council and Assembly, for the Time being, the Secretary of the Province for the time being and all the other officers within this Province, shall and they are hereby Required to Deliver to the said James Davis, Examined and Attested Copies of Such Speeches, Journals, Laws, Proclamations, and all Acts of Government, In their Respective Offices which are herein before Directed to be printed as soon as possible, the same may or can be Done, not Exceeding one month after the same shall come to his or their hands and shall be demanded by the said James Davis, and that if any of the said Officers shall neglect or refuse to do the same, he shall forfeit and pay the sum of Twenty-five Pounds Proclamation Money, to him or them who will sue for the same which shall and may be recovered in any Court of Record in this Province, by action of Debt, Bill, Plaint, or Information, wherein no protection, Injunction or Wager of Law shall be allowed or admitted.

V. And be it further Enacted, by the Authority aforesaid, That the several Officers shall be paid by the publick for all such Copies as they are hereby required to Make out and Deliver to the said James Davis, the same Fees and allowance as by Law they have a Right to Receive or Demand for such Services.

VI. And be it further Enacted by the Authority aforesaid, That the said James Davis for performing the Services aforesaid mentioned shall be paid and allowed by the Publick the Yearly Salary of Two Hundred Pounds-Proclama-
tion Money, and that the same be paid him by the Treasurer out of the publick Treasury, or half Yearly Payments by a Warrant from the Governor or Commander in Chief for the time being on the Treasurer.

VII. And be it Further Enacted by the authority aforesaid, That for payment of The aforesaid Sallary a poll Tax of four pence, proclamation money, be laid on the Taxable persons within this Province, for and During the Term of one Year, which shall be Collected, accounted for and paid by the Respective Sheriffs of this province, In the same manner and under the same penalties as other publick Taxes, and if any Surplus shall remain after paying the Said Sallary The Same Shall Be applied by the Governor, Council and Assembly Towards Discharging the Contingent Charges of Government; Provided, nevertheless, That the publick Treasurer or Treasurers shall not pay the aforesaid Two Hundred pounds to the said James Davis unless he shall produce to such Treasurer a Receipt from the Clerks of the Superior and Inferior Courts, Respectively, within this Province, of his having Delivered To Such Clerks within Two Months after he shall receive the Same from the Several persons who are to Furnish him with Copies thereof, the Laws which by Virtue of This Act he is To send to the several Courts, Clerks and Justices of the peace aforesaid, and the said Clerks of the ..., respectively, are hereby ordered And Directed To take into his Care and possession all Laws which the said James Davis Shall send him, and shall give a receipt for the same, for the Several Persons aforesaid, and the Twelve Copies of the Laws to be sent as aforesaid for the justices of the several Counties shall be Delivered by such Clerk to the Twelve justices who shall be Qualified and first apply for the same, under the penalty of Fourty Shillings, Proclamation money, To be recovered by a Warrant from two Justices of the peace, for the person to whom the same ought to be Delivered.

Read three times and Ratified in Open Assembly the 3d day of May, Anno Dom. 1760.
LAWS OF NORTH CAROLINA--1761.

At an Assembly, begun and held at Wilmington, the Twentieth Day of March, in the First Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty-one: Being the First Session of this present Assembly. Arthur Dobbs, Esq., Governor.

CHAPTER I.

An Act for granting to his Majesty an Aid of Twenty Thousand Pounds, Proclamation Money, for raising, Cloathing and paying Five Hundred effective Men, exclusive of Officers, to be employed, as his Excellency the General or Commander in Chief of his Majesty's Forces in America, or his Excellency the Governor or Commander in Chief of this Province shall direct or appoint, for paying & subsisting fifty Men & Officers now in Garrison, and for appointing an Agent to represent to his Majesty and his Ministers the Loyalty and dutiful Behaviour of the inhabitants of this Province and their Zeal for his Majesty's Service, and also to lay before his Majesty and his Ministers proper Documents of the Charges and Expenses this Province hath been or shall be at, in his Majesty's Service during the present War, and to solicit the Affairs of this Province, at the several Boards in England, and other Purposes.

(These are the first eight sections which were omitted Vol. 23, p. 539.)

I. Whereas, the Assembly of this Province are desirous of showing their Zeal and Loyalty to his Majesty: by raising as many Forces as the Indigent Circumstances of their Constituents will admitt, to assist in the common Cause against his Majesty's Enemies.

II. Be it therefore Enacted by the Governor, Council and Assembly and by the authority of the same, that the sum of Twenty Thousand Pounds, Proclamation Money, be and is hereby granted to his Majesty for raising Five Hundred effective Men, exclusive of Commissioned Officers, and for cloathing, subsisting and paying the same for and during the Space of Seven Months, from and after the first Day of May next, after passing this Act. And shall be formed in a Regiment consisting of Five Companies of One Hundred Men each, exclusive of Commissioned Officers, which said Regiment shall be commanded by one Colonel, one Lieutenant Colonel and one Major, each of which said Officers shall command one of the said Companies and the other Two Companies shall be commanded by one Captain each. And the said Five Companies shall have each Two Lieutenants, one Ensign, Four Sergeants, Four Corporals and Two Drummers, and likewise to attend the said Regiment one Adjutant, one Surgeon and a Surgeons Mate. And the said Regiment shall receive the following Pay, to-wit: The Colonel fifteen shillings, the Lieutenant Colonel Twelve Shillings and Six Pence, The Major Ten Shillings, The Surgeon Five Shillings, the Surgeons Mate four Shillings, the Adjutant Five Shillings, a Captain Seven Shillings and Six pence, a Lieutenant Five Shillings, an Ensign Four Shillings, a Serjeant Two Shillings, a Corporal and Drummer one shilling and six Pence each, and each Private Man one shilling Per Diem, Proclamation
Money. And each non Commissioned Officer and Private Man shall be allowed Eight Pence Per Diem for subsistance, until they shall join his Majesty's other Forces, to be paid to such Person or Persons as the Governor or Commander in Chief shall appoint for provide for and subsist the said men. And the said Regiment shall continue in Pay for and during the space of Seven months from and after the first Day of May next, after the passing of this Act. And shall march and join the Forces of South Carolina or Virginia, or be employed on any other Service as his Excellency the General and Commander in Chief of his Majesty's Forces in America, or his Excellency the Governor or Commander in Chief of this Province, shall direct, and shall be under the same Regulations and Discipline and subject to the same Punishment for Neglect or Breach of Duty as the Regular Troops in his Majesty's Service in America.

III. Provided nevertheless, That if the said Service shall not require the said Forces to be so long continued in Pay it shall and may be lawful for the Governor or Commander in Chief to cause all or any Part of the said Troops to be Discharged; anything herein Contained to the contrary, Notwithstanding.

IV. Provided also, That if the said Forces hereby intended to be raised shall be ordered out of this Province to join his Majesty's other Forces or otherwise. The said Forces, while they are so employed as aforesaid in any other Province, shall have and receive the same Pay and allowance as his Majesty's regular Forces in America; Anything herein contained to the Contrary, notwithstanding.

V. And be it further Enacted by the Authority aforesaid, That the Sum of Five Pounds, Proclamation Money, shall be paid and given as a Bounty to each able Bodied Man who shall enlist in the said Regiment, to be paid by the Captain of each of the said Companies. And every Captain neglecting so to do shall, and is hereby declared to be incapable thereafter of having any Command or serving as an Officer in the aforesaid Regiment, and in case he shall thereafter continue in the said Service he shall not be allowed any Pay for the same nor have any Claim on the Publick on that account.

VI. And be it further Enacted by the Authority aforesaid, That the Officer shall have and receive Twenty Shillings, Proclamation Money, for each able bodied Man he shall enlist in the said Service and shall produce on the settlement of his Accomp't with the Publick a Receipt for the Bounty given by him to each able bodied Man he shall so enlist.

VII. And be it further Enacted by the Authority aforesaid, That no Person in the Service shall hold or Enjoy two Commissions, or Posts, and if any Person contrary to the intent and meaning of this Act shall have several Commissions, or be appointed to act in different Capacities, or discharge two or more Duties in the same, be shall have an allowance from the Publick for one Service only.

VIII. And be it further Enacted by the Authority aforesaid, That every Person raised by Virtue of this Act, if Disbanded out of this Province, shall be allowed for his travelling Expences Home, the same Sum Pr. Day as is allowed in this Act for his Pay and subsistance while in Service, allowing ten Miles to be a Days Journey; Provided he returns into this Province within Six Months after being so disbanded, and produceth a Certificate from his Comanding Officer of his being so discharged.

(The rest of this Act, beginning with Section 9, has already been printed, 23 State Records, 539-541.)
CHAPTER III.

An Act to Impower the Inhabitants of several Parishes within this Province, that have no legal Vestry within their respective Parishes, to Meet and Elect Vestries.

I. Whereas, by Act of Assembly Passed at New Bern the Twenty-fourth day of April, in the Thirty third year of his late Majesty's Reign, Entitled "An Act for Establishing Vestries," the several and respective Vestries Elected & Chosen by Virtue of the aforesaid Act were to meet within Twenty Days next after such Choice, to Qualify themselves according to the directions therein mentioned; and whereas, several Parishes within this Province, either through their Vestries neglecting to Qualify themselves or for want of Proper Magistrates to Administer the Oaths, have no legal vestries within their respective Parishes to make Provision for the Poor and the due management of Pococitical Affairs.

II. We pray that it may be Enacted, & be it Enacted by the Governor, Council & Assembly, and by the authority of the same, that the Sheriff of each and every County within this Province wherein there is a Parish that has no Vestry Legally Elected and Chosen, or being so Chosen & not Qualified according to the directions of the Before Recited Act, shall & are hereby directed to give notice of such Election to the Freeholders of every Parish as aforesaid (not having a Legal Vestry in the manner & Form Prescribed in the above rected Act for Establishing Vestrys) to meet at the Court House or Usual Place of Electing Vestrys within such Parishes, on the first Monday in September next, then and there to Elect and Choose Twelve Freeholders of such Parish, Being Qualified as is directed by the before mentioned Act, to serve as Vestrymen of such Parish who shall be, after they are so Chosen, under the same Rules, Regulations and Restrictions and Liable to the same Fines and Forfeitures and have and Exercise the same Power and Authority, as is directed and Inflicted by the Before recited Act on other Vestrymen for Neglect or Breach of Duty.

III. And whereas, there is no Provision made by the Before recited Act when there shall be any Vestrymen Chosen, not being Qualified within the meaning and Intent of the aforesaid Act; Therefore, be it Enacted by the Authority aforesaid, that if any Person or Persons shall have been heretofore Elected or that shall hereafter be Elected a Vestryman or Vestrymen and shall not be Qualified for the same within the meaning and Intent of the said Act, it shall and may be Lawful for the Majority of the Vestrymen so Chosen and Being Qualified, or that shall hereafter be Chosen and Qualified, and they are hereby Authorized and Directed if the Member so Elected and not Qualified as aforesaid shall not exceed Three, to choose one or more Persons not exceeding the number as aforesaid, Being Qualified as Directed for other Vestrymen, in the room and stead of the Vestrymen so Chosen as aforesaid, not being Qualified, and in Case there shall be more than three Vestrymen first Chosen that shall not be Qualified as by the aforesaid Act, the Vestrymen so chosen and Qualified shall give notice thereof to the Sheriff of the County within Twenty Days next after their entering on the office of Vestrymen, and the Sheriff of such County is hereby ordered and Directed as soon as Conveniently Can, after the Receipt of such Notice, to advertise the same at Every Church and Chapel within such Parish thereby requiring the Parishioners to appear at a Certain Day therein mentioned, at the Usual Place of Electing Vestrys, then & there to Choose other Persons in Lieu and stead of those not Qualified, to serve as Vestrymen as aforesaid; which notice shall not be less than ten nor more than
Twenty Days before such Election, and the Parishioners are hereby Directed to meet and Choose other Persons Qualified to be Vestrymen in the same manner and under the like Rules and be Subject to the same Fines and Forfeitures as is Directed and Inflicted by the before Recited Act, and the Vestrymen so Chosen in the Room and Stead of those not being Qualified, shall appear before some Justice of the Peace for the said County wherein such Parish shall be, who is hereby Declared to be the Proper Officer for administering the oaths of Government and the Declaration, to all Vestrymen for the future, and then and there take the Oaths appointed by Law for the Qualification of Public Officers and also repeat and subscribe the tests and the Declaration as by the aforesaid Act the Vestry are to repeat, which said Vestrymen shall be Deemed the Junior Vestrymen.

IV. And whereas, there has been some Doubt whether the Vestry of the several Parishes are by Law Impowered to allow any Ministers which they shall Employ any larger or greater Salary than one Hundred Pounds, over and above the sum of money allowed such Minister for a Glebe; to Prevent which for the future, We pray that it may be enacted and be it Enacted by the authority aforesaid, That from and after the Passing this Act the several and Respective Parishes within this Province that have already a Minister officiating in the same, or that shall hereafter employ a minister, shall not allow or give him a less Salary than one Hundred Pounds, Proclamation Money, over and above the sum to be allowed him for a Glebe; Any Law, Usage or Custom to the Contrary notwithstanding.

V. And be It Enacted by the Authority aforesaid, That the Candidates for Vestrymen in each respective Parish, or the majority of them, shall nominate or appoint to assist the Two Substantial Freeholders of each Parish where such Election is held to take the Suffrages or Poll of the Freeholders, Intitled to vote at such Elections, and in case the candidates shall neglect or Refuse to appoint two Freeholders as aforesaid, then and in such case the Sheriff shall nominate and appoint Two Freeholders to take the Suffrages or Poll aforesaid, and the Poll so taken by them shall be given to the Sheriff of the County wherein such Parish doth Belong in order to declare who hath the majority of suffrages to sit and Act as Vestrymen of the said Parish.

CHAPTER V.

An Act to Amend and Improve The Navigation from Currituck Inlet through The District in Currituck County to Albemarle Sound.

I. Whereas, the Trade and Commerce of the said County of Currituck will be greatly Encouraged, Increased and Benefitted if the Navigation from Currituck Inlet to Albemarle Sound was amended and Improved; which may be Effected at a small Expence so that Trading Vessels of Thirty Tons Burthen or Upwards may Pass and Repass from the Inlet to the Sound aforesaid.

II. Be It therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same; that Joshua Campbell, John Woodhouse and William Mackie or the majority of them be, and they are hereby Commissioned, Authorized and Appointed to Contract and Agree with such person or persons as shall be willing to undertake the same; for any sum or sums not exceeding One Hundred and Fifty Pounds, Proclamation Money, to amend the said Navigation in manner aforesaid from Currituck Inlet to Albemarle Sound.
III. And for Enabling the said Commissioners to pay such Sum or Sums of Money as they or the majority of them shall Contract or Agree to pay such person or persons as shall undertake to amend the said Navigation as aforesaid,

IV. Be it Enacted, That the Receiver of the Duties of Tonnage of Vessels Coming into the District of Currituck, appointed by Act of Assembly Held at New Bern, the Twelfth day of December, in the Year of Our Lord One Thousand Seven Hundred and Fifty-four, Intitled "an Act for Granting to his Majesty a Duty upon the Tonnage of Ships and Other Vessels coming into this province," for the purpose therein mentioned, shall sell at public vendue, having first advertised the same at least Twenty Days at the Court House and Publick Chapels within the said County, so much of the Powder and Lead by him received in pursuance of the aforesaid Act, and the Money arising by such Sale shall be paid by the aforesaid Receiver to the Commissioners, or the Majority of them, and shall be by them applied for the amending of the said navigation.

V. And whereas, the powder and lead in the hands of the Receiver of the said Duty in the port of Currituck is Insufficient to Raise the said Sum of One Hundred and Fifty pounds,

VI. Be it Enacted by the Authority aforesaid, That from and after the Passing of this Act a Tax of one shilling per Poll for two Years next ensuing, shall be levied on all the Taxable persons within the said County and collected by the Sheriff of the same, and the said Sheriff is hereby Authorized and Impowered to collect and Distain for the said Tax in the same Manner at the same Time as other Taxes are usually Received, Distained for and Taken, and the said Sheriff shall pay the money arising by the said Tax by him levied to the aforesaid Commissioners for the use and purpose heretofore mentioned, and to no other Use and purpose whatsoever.

VII. And be it further Enacted by the Authority aforesaid, That from and after the Passing of this Act, Instead of the powder and Lead Duty Payable in the port of Currituck the Receiver of the said Duty shall Receive the Same In proclamation Money, at the Rate of Two Shillings per Ton for every Vessall that Shall Enter the said port, for five Years From and after the passing of this Act, and Be Intitled to five per cent Commissions on Such Money and no more; And the said Collector or Receiver, his Successor or Successors, shall pay the money Arising from the said Duty Yearly and Every Year, to the Commissioners Appointed for the Discharge of such Contract or Contracts made by them, or the Majority of them as aforesaid; any Laws, Custom or Usage to the Contrary, Notwithstanding.

VIII. And be it further Enacted by the Authority aforesaid, That the Commissioners As Often as required shall account with the Inferior Court of Pleas and Quarter Sessions for the said County for such Money as shall be by them Respectively Received by Virtue of this Act; and the Surplus, if any, shall Be Applyed in aid of the County Tax.
CHAPTER VIII.

An Act for building a Court-house in the Town of New Bern, in the County of Craven for raising a Tax, and for appointing Commissioners for building the same; and for repealing an Act passed at Wilmington the 20th day of November, 1759, intituled, An Act for appointing Commissioners for finishing the Court-house already begun in the Town of New Bern; and for other purposes.

I. Whereas, the said County is at present, and hath been for some years past without a court-house to hold their courts in; and the commissioners mentioned in the above recited act, having neglected building and finishing the court-house therein mentioned, to the great detriment and inconvenience of the inhabitants thereof;

II. Be it therefore enacted, and it is hereby enacted, by the Governor, Council and Assembly, and by the authority of the same, That a Court-house for the said county, not exceeding sixty feet long, and forty feet wide in the clear, be built on the public lot in the town of Newbern, nearly opposite Mr. Rice's red house, or in the intersection of Broad street, where a court-house is already begun, which soever of the said places they, the commissioners herein after appointed for carrying on the said building or a majority of them shall judge most convenient.

III. And be it further enacted by the authority aforesaid, that a poll tax of two shillings, proclamation money, be, and is hereby laid on each taxable person within the said county of Craven, yearly, for three years, from and after the passing of this Act; to be levied and collected by the sheriff of the said county, in like manner, and at the same time, as public taxes are collected; which shall by him be accounted for, and paid into the hands of the honourable Richard Speight, Esq., Joseph Leech, and John Fonville, Esqrs., commissioners hereby appointed for building and finishing the said court-house, or the majority of them, or their orders, who are to build the same at their discretion; the first collection of the said tax to be made, accounted for, and paid by the said sheriff unto the said commissioners or their orders, on or before the tenth day of April, seventeen sixty two, and so annually, till the said three years are expired.

IV. And for the better enabling the said commissioners to carry on and finish the said court-house as soon as may be, it is hereby enacted, by the authority aforesaid, That they the said commissioners, or the majority of them shall be, and they are hereby invested with full power and authority to sell and dispose of the lot belonging to the said county, wherein the old court-house and prison formerly stood, at public venoue at any time hereafter, on giving public notice thereof, at least twenty days before the sale; and after such sale to convey and make over the same in fee simple to the person or persons so buying and paying for the same, and to their heirs, executors, administrators and assigns, by such instrument or instruments as shall be sufficient and available in law.

V. And be it further Enacted, by the Authority aforesaid, That the Sheriff of the County aforesaid, shall, before he receives any Part of the Tax herein laid, enter into Bond, with two sufficient Securities, to the said Commissioners, that he will duly collect and pay the same unto the said Commissioners for the Uses aforesaid; and every such Sheriff who shall fail or neglect to give such Bond and Security, shall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered with costs, by Action of Debt or Information in any Court of Record, by the said Commissioners, or the Majority of them, for and towards building and finishing the said
Court House; and upon such Refusal or Neglect of such Sheriff, they the
said Commissioners, or the Majority of them shall, and are hereby required,
to nominate and appoint some other Person to collect and receive the aforesaid Tax; who shall give Bond and Security to collect and pay the same in Manner aforesaid; and thereupon shall and is hereby declared to have full Power and Authority to collect and receive the same, under the like Rules and Regulations as the Sheriff could or might have received the same.

VI. And be it further Enacted, by the Authority aforesaid, That the
before recited Act, intituled, An Act for appointing Commissioners for finishing the Court-house already begun in the Town of New Bern, and for other Purposes, be, and is hereby from hence repealed and made void.

CHAPTER XIII.

An Act to appoint Commissioners of the Roads for a certain District in Bladen County.

I. Whereas, a Road which makes out of the North West high Road in Bladen County, about Five Miles below the Court house, which was very useful to the Inhabitants, as well as to People travelling to South Carolina, is now so neglected for Want of Commissioners, that it is become impassable, to the great Detriment of the Public:

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That William Stewart, William Johnston, Andrew Mattalant, Joshua Stephens, and Daniel Shipman, be, and they are hereby appointed Commissioners of the said Road, as well as all other Roads within their District; and are invested with the same Powers and Authoritie, and liable to the same Penalties, as other Commissioners of Roads in this Province are liable to.

III. And be it further Enacted, by the Authority aforesaid, That the District over which the said Commissioners are to have Jurisdiction, shall begin from where Brown’s Creek intersects the North West Main Road, from thence over the Brown Marsh to the Western Prong of the Waggmaw; and from thence to the Double Branch, within Six Miles of the Branches of Drowning Creek, taking in the Bridges near John Green’s on the White Marsh.

CHAPTER XIV.

An Act to Impower the several Superior and Inferior Courts within this Province to admit a copy of the last Will and Testament of any Person deceased, to be given in Evidence.

I. Whereas, by the Laws now in force all original Wills are necessary to be produced on the Tryal of Land Causes, and as the said Wills are deposited in the Office of the Secretary of This Province, or in those of the Clerks of the several Superior Courts of Pleas and Grand Sessions, or Inferior Courts of Pleas and Quarter Sessions, and any Person whose Title may depend on such will has no Power to compel the Delivery thereof, and sundry Inconveniences may arise by compelling any of the several Officers aforesaid to absent themselves from the respective Places appointed for those Purposes, to the great Delay of the other Business they may have to transact by the Duty of their respective offices, as well as Dangerous Consequences by moving such Will, to those Persons whose Titles may
depend thereon; for Remedy whereof, we pray that it may be Enacted, And be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing of this Act if either Plaintiff or Defendant in any Cause now depending, or that shall hereafter be depending, in any of the Superior or Inferior Courts within this Province shall have occasion to produce the last Will and Testament of any Person deceased in Evidence upon the Tryal of such Cause, He shall and may apply himself to the Secretary of the Province for the time being, or the Clerk of any Superior or Inferior Court within this Province where the said Will shall be lodged, for a Copy of such Will, who and each of them are hereby authorized and directed to make or cause to be made a True and Perfect Copy of such Will as aforesaid, subscribed by the said Secretary or his Deputy or by such Superior or Inferior Court Clerk, and such Officer shall, if he or they cannot attend at the Tryal of the said Cause, make an Affidavit before some Justice of the Peace within this Province that he hath examined such Will and compared the Copy therewith and that the same is a True Copy of such last Will, and shall insert all Interlineations or obliterations therein or mutation of Words, if any such there are, and shall remark in such his affidavit whether the same are taken notice of by the Witnesses to the said Will to be made before the publication thereof by the Testator; which said Copy so attested with a Deposition made as aforesaid, certified by a Justice as aforesaid, shall and may be given in evidence and shall be of as full force and Efficiency as if the original Will of such person was then and there produced; Any Law, Usage or Custom to the Contrary Notwithstanding. Provided nevertheless, That if either Plaintiff or Defendant in any Cause as aforesaid, shall have Cause to believe that such Will as aforesaid was not legally and voluntarily executed, or that the Person was not of sound and disposing Mind and Memory, or that the same was Forged, or any other Matter or thing which would make Void such Will, upon Affidavit made thereof before one of the Judges of the Superior Courts, or a Justice of one of the Inferior Courts where there shall be a Cause depending in such Superior or Inferior Court and certified by such Judge or Justice to the Clerk of the Court where such Cause shall be depending, upon the receipt of which such Clerk is hereby directed to issue a Ducls Tecum directed to the Secretary or Clerk of the Superior or Inferior Court where such Will shall be lodged, which said Secretary or his Deputy or Clerk as aforesaid, as the Case may be, shall attend at such Court with the Original Will as aforesaid, under the like Penalties as are Inflicted and Directed by Law for Witnesses not Attending in other Causes, and Moreover shall be liable to the suit of the Party for Damages as in other Cases for witnesses not attending.

II. And be it further Enacted by the Authority aforesaid, That if the Secretary or his Deputy, or Clerk of any Superior or Inferior Court as aforesaid (as the Case may be), shall give their attendance at any of the said Courts as aforesaid, with the Original Will of any Person Deceased, the Secretary or his Deputy, or the Clerk of such Court, shall be allowed Five Shillings Per Diem for their Attendance at such Court and also Five Shillings per Diem for travelling, allowing thirty Miles for each Day, which said allowance shall be taxed in the Bill of Costs in the same Manner as in other Cases.

III. And be it further Enacted by the Authority aforesaid, That this Act shall be in force for and during the space of Two Years and from thence to the end of the next Sessions of Assembly, and no longer.
LAWS OF NORTH CAROLINA—1761.

CHAPTER XV.

An Act to dock the entail of certain lands therein mentioned, vesting the fee simple thereof in Blake Baker, and for settling other lands, in lieu thereof to the same uses.

I. Whereas, Col. Barnaby McKinney, late of this province, deceased, being in his life time, seized in his demesne, as of fee of and into, certain tracts of land lying and being in Halifax county (formerly Edgecomb), and being so seized, the said Barnaby McKinney did, by his last Will and testament, in writing, bearing date the thirteenth day of August in the year of our Lord one thousand seven hundred and thirty seven, devised to his son Richard M‘Kinney, in fee tail (together with other lands), that tract of land, whereon the said Barnaby M‘Kinney then lived; bounded as followeth: Beginning at the upper end of the Cypress Gut on Morattuck River, at a place called the old Milldam, thence by the windings of the said Gut, to the great ditch; thence along the said ditch to the corner thereof at the road; and thence by the courses of the Cypress Gut to where William Brown's head line crosses the same; then by Brown's headline to his corner near the head of Merry branch; then by Brown's lower line, to a Maple on aforatock river; as also, Two hundred acres of land, purchased of Col. William Maule, adjoining William Brown's lower line; and all the remainder of the said Barnaby M‘Kinney's lands on the south side of Morattock river, not before devised; and if the said son Richard should die without lawful heir or issue, then the plantation whereon the said Barnaby M‘Kinney then lived, with three hundred acres of land adjoining should descend to his son John M‘Kinney in fee-tail; and all other the lands before devised to the said Richard M‘Kinney, should go to the two daughters of the said Barnaby M‘Kinney, to-wit: Patience Lane an Mourning Pope, and the heirs of their two bodies lawfully begotten, and to their heirs forever, equally to be divided between them, and soon after died; and the said Richard M‘Kinney, after the death of the said testator, in consequence of the said devise, became seized and possessed of the lands aforesaid, and so died seized thereof without lawful issue; by means whereof John Lane, and Henry Pope, the lawful heirs of Patience Lane and Mourning Pope, became seized as heirs at law to the said Patience and Mourning of the lands in the aforesaid devise mentioned; except the plantation, and three hundred acres of land limited as aforesaid to the said John M‘Kinney. And the said John Lane, Heir at Law to the said Patience Lane, who, by the will of the said testator, in default of lawful issue of the said Richard M‘Kinney, was intituled to one half of the said lands so limited to the said Patience and Mourning, entered, and was seized, and possessed thereof; and apprehending that he had a fee simple estate therein, agreed to sell the same to Col. Joseph Lane, for the consideration of Four Hundred Pounds, and executed a lease and release to the said Col. Joseph Lane, for his part or share of the lands so limited to the said Patience and Mourning; and the said Joseph Lane apprehending that he had (after the conveyance by the said John Lane executed) an absolute estate, in fee simple, to the said lands so conveyed by the said John Lane, agreed to sell the same to Blake Baker, for the consideration of five hundred pounds, and executed deeds of conveyance for the same to the said Blake Baker. And also, whereas, the said John Lane is seized, in fee-simple, of, and into, one certain tract or parcel of land, containing by estimation, six hundred and eighty three acres, lying and being in the parish of Edgecomb, in the County of Halifax, lately purchased by him of Joseph Lane by 25—30
deed of Feossment; and also, whereas, it will be greatly to the advantage of the eldest son of the said John Lane, to dock the entail of the said lands so limited to the said Patience, his mother, whereby the said John may be enabled to provide for his younger children, and to settle the other parcel of land purchased of Joseph Lane as aforesaid, whereof he is seized in fee-simple, to the same uses; and forasmuch as notice has been published three Sundays successively in the several churches and chapels in the said parish of Edgecomb, in the county of Halifax, that application would be made to this present General Assembly, to dock the intail of the said dividend of land so limited to the said Patience, upon settling the other lands to the same uses, pursuant to your Majesty's instructions:

II. May it therefore please your most Excellent Majesty, at the humble suit of the said John Lane, and the said Blake Baker that it may be enacted, and be it Enacted, by the Governor, Council, and Assembly, and by the authority of the same, that the said land so limited, as aforesaid to the said Patience Lane, so as aforesaid agreed to be sold to the said Joseph Lane and by him to the said Blake Baker, be, and are hereby vested in the said Blake Baker, his heirs and assigns, in fee-simple, to the only proper use and behoof of the said Blake Baker, his heirs and assigns forever. And that the other parcel of land herein before mentioned to be purchased by the said John Lane, lying and being in the county of Halifax, be, and is hereby vested in the said John Lane, in the same manner as by the said will directed for the other lands so limited to the said Patience; and the same shall remain, go, and descend, to all and every such person and persons, and for such estate or estates and in such manner and form, as the said lands so limited to the said Patience would have remained, gone and descended, by virtue of any limitations in the will of the said Barnaby M'Kinney before mentioned, as if this act had never been made; saving to the King's most excellent Majesty, his heirs and successors, and to all and every person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will aforesaid of the said Barnaby M'Kinney, all such right, title, interest, claim, and demand, as they every or any of them should or might claim if this Act had never been made.

III. And also, whereas, the said Barnaby M'Kinney, by his last will and testament as aforesaid, devised to his daughter Christian M'Kinney, and the heirs of her body lawfully begotten, and their heirs forever, three hundred and twenty acres of land more or less, being the plantation leased to Dr. James Thompson, known by the name of Walnut Fork, and two hundred and fifty acres more or less; including the plantation where James Denson lived; and all the lands between the Cypress Gut and Isaac Reck's line, and the Black pond; and the said Christian intermarried with William Hurst, late of Halifax county, by whom she had Issue, Mary, her only child and heir; and sometime after the death of the said Barnaby M'Kinney the said Christian departed this life, leaving issue the said Mary, who is entitled to the aforesaid two tracts or parcels of land so devised to the said Christian her mother; and apprehending that the said land had a fee-simple estate therein, and in order to purchase other land and slaves of greater value than the aforesaid two tracts of land to advance her fortune and interest, agreed to sell the same to Blake Baker, for the consideration of five hundred pounds. and whereas, the said Mary is seized in fee-simple of and into one tract of land, containing by estimation, two hundred and seventy-five acres, lying and being in the county of Halifax, conveyed to William Hurst, father of the said Mary, by Benjamin Sherrod and Patience his wife, and by deed of gift, conveyed to the said Mary by the said William Hurst, her father;
and also two hundred acres, lying and being in Northampton county, purchased of Paul Patrick, and Agnis his wife, by the aforesaid William Hurst, and by him conveyed to the said Mary by deed of gift: And whereas, it would be greatly to the advantage of the said Mary to dock the entail of the said two tracts of land so devised to the said Christian her mother; and to settle the other parcels of land whereof the said Mary deceased, is seized in fee-simple being of greater value to the same uses; And forasmuch as notice has been published three Sundays successively, at the churches and chapels in the parish of Edgecomb, in the county of Halifax, that application would be made to this present General Assembly to dock the entail of the aforesaid two tracts or parcels of land so devised to the said Christian, upon settling the other lands of greater value to the same uses, pursuant to your Majesty's instructions:

IV. May it therefore please your most excellent Majesty, at the humble suit of the aforesaid Mary Hurst and Blake Baker, that it may be enacted, and be it Enacted, by the Governor, Council and Assembly, and by the Authority of the same, that the two tracts or parcels of land so devised as aforesaid to the said Christian, so as aforesaid agreed to be sold to the said Blake Baker, be, and are hereby vested in the said Blake Baker, his heirs and assigns, in fee-simple, to the only proper use and benefit of the said Blake Baker, his heirs and assigns forever; and that the aforesaid two hundred acres of land herein before mentioned, lying and being in Northampton county, conveyed to the said Mary by deed of Gift as aforesaid, be, and is hereby vested in the said Mary Hurst, in the same manner as is by the said will directed for the other land so devised to the said Christian, in lieu and stead of the aforesaid three hundred and twenty acres of land so devised as aforesaid, and that the aforesaid two hundred and seventy-five acres before mentioned, lying and being in the county of Halifax, conveyed to the aforesaid Mary, by William Hurst, her father as aforesaid, be, and is hereby vested in the said Mary Hurst, in the same manner as is by the said Will directed for the other lands so devised to the said Christian, in lieu and stead of the aforesaid two hundred and fifty acres of land so devised as aforesaid, commonly called the Callodonia plantation; and the aforesaid two tracts or parcels of land so conveyed as aforesaid to the said Mary, shall remain, go, and descend to all and every such person and persons and for such estate and estates and in such manner and form as the aforesaid two tracts or parcels of land so devised to the said Christian severally would have remained, gone and descended by virtue of any devise or limitation in the will of the said Barnaby M'Kinney before mentioned as if this act had never been made, saving to the King's most excellent Majesty, his heirs and successors, and to all and every other person or persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the will, of the said Barnaby M'Kinney as aforesaid: or otherwise, all such rights, title, interest, claim and demand, as they or any of them should or might claim if this act had never been made. Provided always, that this Act or anything herein contained shall not take effect or be in force, until his Majesty's approbation be had to the same.

Read three times and ratified in open Assembly, the 33d day of April, 1761.
LAWS OF NORTH CAROLINA --1762.

At an Assembly begun and held at New Bern, the Third Day of November, in the Third Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty-two: Being the First Session of this present Assembly. Arthur Dobbs, Esq., Governor.

CHAPTER XIII.

An Act for establishing a town on the land of William Herritage, at a place called Atkin's Banks, in Dobbs county.

I. Whereas, it has been represented to this Assembly, that the land of William Herritage, lying on the north side of Neuse river, at a place called Atkin's Banks, in Dobbs county, is a pleasant and healthy situation, and commodious for trade and commerce; and the said William Herritage having acknowledged his free consent to have one hundred acres of the said land laid off for a town, and fifty acres for a town common, which will greatly promote the trade of the said river:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the authority of the same, That the directors or trustees hereinafter appointed, or a majority of them, shall, so soon as may be, after the passing this act, cause the said one hundred acres of land to be laid off in lots of half an acre each, with convenient streets, lanes, and allies, reserving one acre and a half of the said land whereon the chappel and public warehouse now stands, for their respective uses; which land so laid off, according to the direction of this act, is hereby constituted, erected and established a town, and shall be called by the name of Kingston.

III. And be it further Enacted by the Authority aforesaid, That from and after the passing this act, Francis M'Lewean, Richard Caswell, Simon Bright, Jun., John Shire and David Gordon, be, and they and every of them, are hereby constituted directors and trustees, for designing, building, and carrying on the said town; and they shall stand seised of an indefeasible estate, in fee, of the said one hundred and fifty acres of land, to and for the uses, intents and purposes hereby expressed and declared; and they or any three of them shall have power and Authority to meet, as often as they shall think necessary and cause a plan thereof to be made and therein to insert a mark or number to each lot and as soon as the said town shall be laid off as aforesaid, they, and each of them, shall have power to take subscriptions for the said lots, of such persons as are willing to subscribe for them: and when the said directors have taken subscriptions for fifty lots or upwards, they shall appoint a day, and give public notice to the subscribers of the day appointed for the drawing of the said lots which shall be done by ballot, in a fair and open manner by the direction, and in the presence of the majority of the said directors, at least; and such subscriber shall be intituled to the lot or lots which shall happen to be drawn for him, and correspond with the mark or number contained in the plan of the said town; and the said directors or a majority of them, shall make and execute deeds for granting and conveying the said one hundred acres of land, in half acres, as aforesaid to the subscribers, their heirs and assigns, forever, under the rules, restrictions and provisions hereafter mentioned, and also to

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every other person who shall purchase any lot or lots in the said town, at
the cost and charges of the grantee to whom the said lot or lots shall be
conveyed; and every person claiming any lot or lots by virtue of any such
conveyance shall and may hold and enjoy the same in fee-simple.

IV. Provided nevertheless, That every grantee of any lot or lots in the
said town so conveyed, shall, within three years next after the date of the
conveyance for the same, erect, build and finish on each lot so conveyed,
one well framed or brick house, sixteen feet square at the least, and nine
feet pitch in the clear, with a brick or stone chimney, or proportionable to
such dimensions, if such grantee shall have two or more lots contiguous;
and if the owner of any lot or lots shall fail to comply with the directions
in this act prescribed for building and finishing a house thereon; such lot
or lots upon which a house shall not be built and finished as aforesaid, shall
be free for any other person or persons to take up, in the same manner and
under the like rules and restrictions, as other lots are directed to be
granted to any other person or persons after the subscription lots are
drawn for: and in case any person, owner of a saved lot or lots in the said
town, shall die without heir or legally disposing thereof, then, and in such
case, such lot or lots shall revert and come to the said William Herritage,
his heirs and assigns; any thing in this act contained to the contrary not-
withstanding.

V. And be it further Enacted, by the Authority aforesaid, That each
respective subscriber who shall subscribe for any lot or lots in the said
town, shall, within one month after it shall be ascertained to whom each of
the said lots doth belong, in manner herein before mentioned, pay and
satisfy to the treasurer of the said town, forty five shillings, proclamation
money, for each lot by him subscribed for, and in case of the refusal or
neglect of any subscriber to pay the said sum the treasurer shall and may
commence and prosecute a suit in his own name, for the same, and therein
shall recover judgment, with costs of suit; and the said treasurer shall as
soon as he receives the said money pay and satisfy to the said William
Herritage, his executors, administrators, and assigns, the sum of forty
shillings, proclamation money, for each lot, in full satisfaction for the
said lands; and the other five shillings shall be applied towards defraying
the expences of laying off and improving the said town as a majority of the
directors shall think necessary.

VI. And be it further Enacted by the Authority aforesaid, That Francis
Macklewean be, and is hereby appointed treasurer of the said town, who
shall enter into bond with sufficient security to the Justices of the Inferior
Court of the said County of Dobbs in the penal sum of three hundred pounds,
that he will well and truly account with, and pay the monies he shall receive
in virtue of his office to such person and persons as by this act he is
directed; and on the death or removal out of the county of the said treas-
urer, the remaining directors or any three of them by certificate under their
hands and seals, shall nominate and appoint one other of the said directors
to be treasurer of the said town; and so in like manner from time to time,
as often as the said office shall become vacant as aforesaid; and such treas-
urer or treasurers shall enter into bond with security in the same manner
as the treasurer by this act appointed.

VII. And for continuing the succession of the said directors until the
said town shall be incorporated; be it further Enacted, by the Authority
aforesaid, That in case of the death, refusal to act, or removal out of the
county, of any of the said directors the remaining directors or the majority
of them, shall assemble, and are hereby empowered, from time to time, by
instrument in writing, under their hands and seals, to nominate some other
person, being a Freeholder in the said town, in the place of him so
dying refusing to act, or removing out of the county, which new director so
ominated and appointed, shall from thenceforth, have the like power
and authority, in all things in the matters herein contained, as if he had
been expressly named and appointed in and by this act.

CHAPTER XIV.

An Act for establishing a town on the lands of John and William Russell,
Minors, sons of John Russell, deceased, on the West side of the North-
West branch of Cape Fear River, near the Mouth of Cross Creek, by the
Name of Campbellton, and other purposes.

I. Whereas, the establishing a town on the lands of John and William
Russell, minors, sons of John Russell, deceased, on the west side of the
north-west branch of Cape Fear river, near the mouth of Cross Creek, will
greatly encourage honest and able traders to reside therein; by means
whereof, the trade of the counties of Anson and Rowan which at present
centers in Charlestown, South Carolina, to the great prejudice of this
Province, will be drawn down to the said town; And whereas, the erecting
a town on the said lands will be of great benefit and advantage to the
said minors, in as much as the lands adjoining thereto will become of much
greater value; therefore,

II. Be it Enacted by the Governor, Council and Assembly and by the
Authority of the same, That the Honorable John Sampson, Esq., Cornelius
Harnett, Maurice Moore, Hugh Waddle, William Dry, Hector McNelle,
Walter Gibson, Alexander McAllister, Richard Lyon, William Bartram,
and John Wilcocks, Esquires, are hereby appointed commissioners and
are vested with full power and authority to lay off one hundred acres
of land, part of a tract of six hundred and forty acres, belonging to John
and William Russell, minors, sons of John Russell, deceased, situate on
the west side of the North-West branch of Cape Fear River, below the mouth
of Cross Creek, for a town by the name of Campbellton; and the said Com-
missioners, or the majority of them are hereby directed and empowered,
to lay out the said one hundred acres of land, as soon as conveniently may
be, after the passing of this act into lots of half an acre each, with conven-
ient streets, and a square for public buildings.

III. And be it further Enacted, by the Authority aforesaid, That when
the commissioners, or the major part of them, have laid out the said town
into lots and streets as aforesaid, which lots being regularly numbered,
and subscriptions taken for fifty lots, or upwards, they shall appoint a
day for drawing the said lots, and give public notice thereof, at least three
months before drawing the same, which shall be by ballot, in a fair and
open manner, in their presence; and the subscriber shall be entitled to the
lot which shall happen to be drawn for him and correspond with the number
contained in the plan of the said town; which lot or lots the commissioners
before appointed or the majority of them hereby empowered to grant,
convey, and acknowledge, to the person or persons so drawing the same,
and his heirs and assigns, forever, in fee simple, upon the payment of
three pounds, proclamation money, to the treasurer hereinafter named.

IV. And be it further Enacted by the Authority aforesaid, That Richard
Lyon, Esq., be, and is hereby appointed treasurer and receiver of all such
sum and sums of money which shall arise by the sale of the said lots, for
the uses hereafter mentioned: and on the death or departure out of the
government of the said treasurer, the said commissioners, or the major part.
of them, shall appoint some other person treasurer, in the place of the said
treasurer.

V. And be it further Enacted by the Authority aforesaid, That the treas-
urer herein appointed, and every treasurer that shall or may be hereafter
appointed by the commissioners aforesaid, shall give security to the
Inferior Court of the county, in the sum of one thousand pounds, procla-
mation money, that he shall and will account with, and pay in all the mon-
ies he shall receive by the sale of all and every the lot and lots that shall be
sold, yearly, as is the first day of January, into the hands of the guardian or
guardians of the said minors, John and William Russell, for the sole use and
benefit of them the said minors.

VI. Provided always, That if any lot or lots shall be granted and con-
voyed by the said commissioners, to any person or persons whatsoever, who
shall not, within three years, built a good substantial frame house, not of
less dimensions than twenty feet of length, and sixteen feet wide, exclusive
of sheds, or make such preparation for so doing, as the commissioners,
or the major part of them shall, on view, think reasonable; such grant or
conveyance shall be void, and it is hereby declared void and of none effect
as if the same had never been made; and the commissioners may grant and
convey such lot or lots which shall not be built on within the time, and in
the manner as is herein before directed, to any other person or persons
applying for the same, and paying the money for the said lot as in this act is
before directed, for the use of the said minors John and William Russell.

VII. And whereas, part of the said one hundred acres of land, whereon
the said town of Campbelton is hereby intended to be built,'is in Bladen
county; and the inhabitants of Cumberland county have petitioned that
such part thereof may be added to Cumberland, and that the Court House,
Prison, and Stocks, be removed to, and erected in the said town; be it
Enacted by the Governor, Council, and Assembly, and by the Authority of
the same, That so much of the said land, being in Bladen county, as shall
be judged necessary for establishing the said town, by the commissioners
heretofore appointed, or the majority of them (provided the same do not
exceed one hundred acres of land), is hereby annexed to and declared to
be part of Cumberland county; any law, usage, or custom, to the contrary
in anywise notwithstanding.

VIII. And be it further Enacted, by the authority aforesaid, That the com-
missioners herein before appointed, or the majority of them, are hereby
empowered and directed, to run an east line down to the river; beginning
at the dividing line between Cumberland and Bladen, two hundred poles
below the mouth of Cross-Creek, which line being so run, as above directed,
shall be henceforth taken and deemed to be the dividing line between the
counties of Cumberland and Bladen; any Law or Usage to the contrary
notwithstanding.

IX. And be it further Enacted, by the Authority aforesaid, That the Ju-
stitces of the said County of Cumberland, are hereby empowered and
directed, to lay a Yearly Tax, not exceeding One Shilling, Proclamation
Money, for Two Years, commencing the First Day of January next, to be
paid and collected as other Public Taxes are, and to be applied towards
building a Court-House, Prison and Stocks.

X. And be it further Enacted, by the Authority aforesaid, That as soon
as such Court-house and Prison shall be built, that then the Courts of the
said county of Cumberland, shall be held in the said Town, and at no other
Place whatsoever; and all Matters and Suits therein depending and un-dermined, in the Court of the said County of Cumberland, shall stand adjourned to the Court to be held at the said Town of Campbellton.

XII. And be it further Enacted, by the Authority aforesaid, That the said Justices may make Use of the old Court-house and Prison, for the Use of the said Court-house and Gaol, to be built in the said Town as aforesaid, or by selling the same, and applying the Money arising by such Sale, towards erecting the said Buildings in the said Town.

CHAPTER XV.

An Act to lay a tax on the Inhabitants of the several counties of the District of Halifax Superior Court, to repair the public prison thereof, and other purposes.

I. Whereas, the public prison of Halifax District, has, by experience, been found to be insufficient for the safe keeping of prisoners committed to the same; for remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That a Poll Tax of Eight Pence, Proclamation Money, be, and is hereby laid on each Taxable Person in the County of Halifax; and a Poll Tax of Four Pence, Proclamation Money, on each Taxable Person in the Counties of Northampton, Edgecomb, Granville, and Johnston, for the ensuing Year; which said Tax shall be paid, collected, and distrainted for by the Sheriff of each County respectively, in the same Manner, and under the like Rules, Fines, Forfeitures, and Penalties, as other Taxes are by Law to be collected paid, and distrainted for; and such Tax, when so collected by the said Sheriff shall be paid into the Hands of Honourable Alexander McCulloch, Esq., John Bradford, and Blake Baker, Esqrs., or the Majority of them, on or before the Tenth Day of January, which shall be in the year of Our Lord One Thousand Seven Hundred and Sixty Four; who are hereby empowered and directed, or a Majority of them, to agree with Workmen for repairing the Prison, in the Town of Halifax, erecting a Wall around the same, and building a Gaoler's House thereto, in such Manner as the said Commissioners, or the Majority of them, shall think most proper: And the Money to be collected and paid shall, by the said Commissioners, or the Majority of them, be applied towards paying such Workmen as aforesaid; and the Overplus, if any, shall by them be disposed of towards defraying the Public Charges of the District of Halifax Superior Court.

III. And be it further Enacted, by the Authority aforesaid, That if any, or either of the said Sheriffs before mentioned, shall fail or neglect to pay the Money to be collected by Virtue of this Act, in the Hands of said Commissioners or the Majority of them, on or before the said Tenth Day of January, it shall and may be lawful, and the aforesaid Commissioners, or the Majority of them are hereby required to proceed against such Sheriff so neglecting in the Superior Court of Halifax District, or either of the Superior Courts within this Province, in the like Manner as Sheriffs are to be proceeded against in other Cases for the non-payment of Public Monies which they shall have received.

IV. And be it further Enacted, by the Authority aforesaid, That after such buildings and repairs shall be made as aforesaid, when any person or persons within the District of Halifax Superior Court, shall be apprehended for any criminal offence, that on a conviction thereof, would incur
the loss of life or member, it shall and may be lawful for the Inferior Court or Justice of the peace, as the case may be, before whom an examination of such criminal shall be had, if such Court or Justice shall think it necessary, to commit such criminal to the aforesaid gaol, and the sheriff of the county wherein such criminal shall be, is hereby directed and ordered to convey such criminal to the said gaol, and deliver him or them to the sheriff, or keeper thereof; and take a receipt for such prisoner or prisoners from the said sheriff, or keeper; which shall be his discharge for such criminal or criminals.

V. And be it further Enacted by the Authority aforesaid, That after such buildings and repairs shall be made as aforesaid, the sheriff of the county of Halifax, for the time being, is hereby required and directed when any criminal shall be committed to the said gaol, to employ some person of integrity to be keeper thereof; who shall constantly reside in the said gaoler's house during the time such criminal shall be in gaol; and shall also take all lawful means for preventing such criminal from escaping.

VI. And be it further Enacted by the Authority aforesaid, That all incident charges attending the commitment and keeping such criminal or criminals, shall, if such criminal or criminals have not sufficient estate to satisfy the same, be paid by the public.

CHAPTER XVI.

An Act to Impower Thomas Bonner, Jun., late Sheriff, to receive and collect the Arrears of Taxes due in the Counties of Beaufort and Pitt, for the Year One Thousand Seven Hundred and Sixty.

I. Whereas, no List of Taxables was taken for the Year One Thousand Seven Hundred and Sixty, in the County of Beaufort which then included Pitt County, many of the Inhabitants of the said Counties have neglected to pay their respective Taxes by a Law imposed for that Year; and Thomas Bonner, the younger, then Sheriff of the said County, not being enabled to make Distress for the same for Want of such List;

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the said Thomas Bonner, Jun., late Sheriff, shall have full Power and Authority, by himself, or Deputies, to receive and collect the Arrears of the Taxes due for the Year One Thousand Seven Hundred and Sixty in the Counties of Beaufort and Pitt, in the same Manner and Form as Sheriffs by Law are directed; and that the said Thomas Bonner, Jun., late Sheriff, be intitled to the same Fees for receiving and collecting as are by Law allowed to Sheriffs for that Purpose.

III. And be it further Enacted, by the Authority aforesaid, That the said Thomas Bonner, Jun., late Sheriff, do collect and receive the said Taxes by the List of the year One Thousand Seven Hundred and Fifty-Nine; which said List shall be taken and deemed as the List of One Thousand Seven Hundred and Sixty.

IV. Provided nevertheless, That if any Person shall not have had so many Taxable Persons in the Year One Thousand Seven Hundred and Sixty, as he had in the Year One Thousand Seven Hundred and Fifty-Nine, it shall and may be lawful for such Persons to make Oath before some Justice of the Peace, to the exact Number of Taxable Persons in his Family for the Year One Thousand Seven Hundred and Sixty and obtain a Certificate of the
same from such Justice; which being produced to the said Thomas Bonner, he shall not demand or receive for more than is in the said Certificate mentioned,

V. And be it further Enacted, by the Authority aforesaid, That the said Thomas Bonner, late Sheriff as aforesaid, shall, within Two Months after the passing of this Act, give Public Notice by advertising the same at the Court-house and several Chappels within the Counties of Beaufort and Pitt, of the Times and Places he shall attend to receive the same, at least One Month before he shall make Distress for the same; and all Persons paying the same on or before the Time appointed by such Notice, shall not be liable for any further Cost or Charge.

VI. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall fail to pay the said Taxes agreeable to this Act, it shall and may be lawful for the said Thomas Bonner late Sheriff, to make Distress for the same, in the same Manner as by Law appointed for Sheriffs to distraint; and shall take and receive the same Fees as is allowed in such Cases.

VII. And be it further Enacted, by the Authority aforesaid, That the said Thomas Bonner, Jun., late Sheriff, shall account for the said Taxes by him received In Virtue of this Act, on or before the Tenth Day of June next, which will be in the Year of Our Lord One Thousand Seven Hundred and Sixty Three, by paying the said Public Tax to the Treasurer of the Southern District of this Province; and pay and account with the then Churchwardens of St. Thomas Parish in Beaufort County, for the Parish Tax and pay the County Tax to the Court of Beaufort County, in the same Manner as Sheriffs are by Law directed to account in the like Cases: And in Case of his Refusal or Neglect to comply with the Directions of this Act, it shall and may be lawful to have such Proceedings and Remedy against him the said Thomas Bonner, as against Sheriffs in the like Cases.

CHAPTER XVII.

An Act to Establish a Public Road from the Court-house in Currituck county, across the Great Swamp, to the Bridge on North River, near the Indian Town.

I. Whereas, for Want of a Public Road from the Court-house in the said County to the North River Bridge, Persons travelling between the said Places are subject to great Inconveniences; For Remedy whereof,

II. Be it Enacted, by the Governor, Council and Assembly, and by the Authority of the same, That a Public Road to lead from the Court-house in the county of Currituck across the Great Swamp to the North River Bridge near the Indian Town, be marked, staked, and laid out in the nearest and most convenient Manner over the Great Swamp, for the Use of his Majesty's Subjects with the least Injury to Private Property that may be, by a Jury of the following Persons, or a Majority of them, on Oath, to-wit: William Ferebee, Samuel Barnard, Jeremiah Mercer, William Snowden, Jun., Richard Stanley, Edom Simmons, Caleb Church, James Deslen, William Monceres, John Walker, and Aarcomb Parker, in the space of six months after the passing of this Act; and the said Jury or a Majority of them, after having marked, staked, and laid out the same, shall and they are hereby ordered and directed to make a due Plan thereof, and the same return, with an Account of their Proceedings, to the next Inferior Court of Pleas and
Quarter Sessions thereafter to be held for the said County; and the Justices of the said Court are hereby directed to receive the same and are thereupon ordered and authorized to nominate and appoint one or more proper Persons to be Overseer or Overseers of the said Road so laid out by the said Jury, or the Majority of them; and shall direct the Warrant or Warrants to the Person or Persons so nominated commanding him or them to order a sworn Constable to summon and Warn such of the Inhabitants, with their Servants and Slaves being contiguous, and near to the said Road, (as are not exempted by law from such Service), as shall be mentioned in the said Warrant or Warrants to clear and work on the said Road; and also, by their Warrant or Warrants, enjoining and commanding the said Overseer or Overseers to finish his or their part or parts, in the Space of two years, computing from the Date of his or their Warrant or Warrants; which said Road shall, and is hereby directed, to be cleared, grubbed, causewayed and Bridges made, where requisite, in like Manner as Roads and Public Highways are directed to be cleared, grubbed, causewayed, and Bridges made, by an Act, intituled, An Act for establishing Public Roads and Ferries, and for the better Regulation of the same in several Counties.

III. And be it further Enacted, by the Authority aforesaid, That if any in the clearing, causewaying, or for the building of Bridges on the said Road, any Timber or other Trees shall be cut down and an Action of Trespass shall be brought for the same, the Defendant or Defendants may plead the General Issue, in Barr of such Action, and may give this Act in Evidence; whereupon the Plaintiff shall be Non-suit, any pay Costs.

IV. And be it further Enacted, by the Authority aforesaid, That if the said Overseer or Overseers shall refuse or neglect to act, or shall not have accomplished and finished his or their Parts in the Time mentioned as aforesaid, the Person so neglecting or refusing shall forfeit and pay the sum of Twenty Pounds, Proclamation Money; to be recovered by Action of Debt, by any Person who shall sue for the same to be applied to the only proper Use and Advantage of the Plaintiff in such Action; wherein no Essoin, Injunction, Protection, or Wager of Law, shall be allowed or admitted: And that if any Person mentioned in the said Warrant or Warrants, shall refuse to appear himself, or to send his or her Servants or Slaves, or refuse to work or hinder his or her Servants or Slaves, from doing Duty when they appear; in such cases, the said Overseer or Overseers upon making Complaint to a single Magistrate, the said Magistrate is hereby directed to command the Person complained of to be brought before him, or some other Justice of the Peace of the said County to answer the same: Which Justice, upon Examination into the Merits of the Matter, shall give Judgment, if the Defendant shall be found Delinquent that he or she shall pay to the Overseer complaining for each person, Servant or Slave, found Delinquent, the Sum of Two Shillings and Eight Pence, Proclamation Money, and thereupon shall give Judgment and issue Execution for the same, with Costs, or otherwise dismiss the said Warrant.

V. And be it further Enacted, by the Authority aforesaid, That when the said Road is finished, the same shall be deemed, taken, and esteemed a Public Road; and that the Justices of the Inferior Courts shall appoint one or more Districts on the same; and that the said Road shall be under the same Regulations, and the Overseer or Overseers, and the several Persons appointed or ordered to Oversee, or to work thereon, shall be subject to the several Fines and Penalties directed to be inflicted on Delinquents by the above recited Act.
CHAPTER XVIII.

An Act for destroying Vermin in the Counties of Orange, and other Counties therein Mentioned.

I. Whereas, the Counties of Orange, Granville, Johnston, Tyrrell, and Edgecomb, are much infested with Wolves and other Vermin, to the great Prejudice of the Inhabitants of the said Counties: For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That every Person or Persons who shall kill any of the Vermin hereinafter mentioned within any of the Counties aforesaid, shall be intitled to a claim upon the County where such Vermin shall be killed for the several Rewards as follows: For every Panther, Ten Shil-ling-s; every Wolf, Ten Shillings; and every Wildcat, Two Shillings and Eight pence, to be paid as hereafter directed.

III. And be it further Enacted by the Authority aforesaid, That any person who shall have a Claim for killing any of the aforesaid Vermin, are hereby directed to produce the Head or Scalp of the aforesaid Vermin, with both Ears, before a Magistrate, who is to administer an Oath to such Person claiming the same, that it was taken and killed within the Bounds of such County where the Claim is desired to be paid and if it be a Servant, Slave, or Indian, that shall kill any such Vermin of which the Head or Scalp shall be produced as aforesaid, the Master or Owner of such Servant or Slave or he that makes claim for such Scalp or Scals for an Indian, shall make Oath before such Magistrate that he verily believes the same was taken and killed within the County where the same is claimed; which Oath being administered to the Person who makes the Claim, the said Magistrate is hereby directed to give the said Person a Certificate for the same; which done, the said Magistrate shall immediately cause the Head or Scalp to be destroyed by burning the same.

IV. And be it Enacted, by the Authority aforesaid, That any Person or Persons having a Certificate from any Magistrate within the County for taking and killing any of the Vermin aforesaid, shall upon producing the same to the Sheriff of the County where such Certificates was obtained, be entitled to, and the said Sheriff is hereby directed and required to pay to such Person or Persons, the Sum or Sums due upon such Certificate or Certificates; which several Sums so paid, shall be allowed to the Sheriff in his Settlement with the Court for the County Tax.

V. And be it further Enacted, by the Authority aforesaid, That the Justices of the several Inferior Courts of Pleas and Quarter Sessions in the Counties aforesaid, are hereby required, authorized and impowered, to lay a Tax on the several Taxable Persons within the respective Counties for discharging the said Claims.

VI. And be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in force for and during the Term of Two Years, and from thence to the End of the next Session of Assembly and no longer.

CHAPTER XIX.

An Act to enable the Commissioners of the Church of Edenton to discharge the Contract by them made with the Workmen employed in finishing the inside of the said Church.

I. Whereas, by an Act, intituled, "An Act to enable the Commissioners to finish the Church already begun at Edenton," the said Commissioners had,
pursuant to the said Act of Assembly, contracted with Workmen to finish the inside Work of the said Church; but not having Money in their Hands to perfect the same, did apply to the Assembly for relief, and whereas, by a further Act, intituled, An Act to enable the Commissioners of the Church of Edenton to discharge the Contracts by them made concerning the finishing of the same, it was Enacted, That when the Pews in the said Church should be finished they should be sold agreeable to the last recited Act, and for the Purposes therein mentioned, whereupon the Commissioners did set up the said Pews for sale by Public Auction, separately, (Reservation being made as is by the said recited Act reserved) which sale the said Commissioners desisted from, on the Discontent it gave to, and on the Remonstrance of, the Parishioners of the said Parish; Whereupon, on the Petition of the Petitioners of the said Parish, it is prayed it may be Enacted; and

II. Be it Enacted, by the Governor, Council, and Assembly and by the Authority of the same, That a tax of two shillings Proclamation Money, for three Years, be laid on each and every Taxable Person within the Parish of St. Paul's, in the County of Chowan, to be levied for the Three ensuing Years, and collected by the Sheriff for the Time being, under the like Penalties, and accounted for, to the Commissioners of the said Church, as other Public Parish Taxes are levied, collected, and accounted for, within this Province; and the said Commissioners, or the Majority of them, are hereby authorized and directed, to pay out of the Money so levied, the several Workmen to whom the said Commissioners are indebted on account of the said Church, and to no other Purpose whatsoever.

III. And whereas, by the Failure of Profits arising by the Sale of the Pews in the said Church, the Workmen employed by the Commissioners are greatly delayed in receiving the Sum contracted for by the Commissioners; Be it therefore Enacted by the Authority aforesaid, That the Commissioners for finishing the said Church, or a Majority of them, shall, and are hereby empowered by the Virtue of this Act, to borrow a Sum not exceeding One Hundred Pounds, Proclamation money, allowing lawful Interest for the same, to enable them to pay off the Workmen as soon as may be; which Sum, so to be borrowed aforesaid, shall be repaid to the Party lending the same, out of the Money arising by Virtue of this Act.

CHAPTER XX.

An Act for enlarging the time for saving lots in the town of Hertford and other Purposes.

I. Whereas, by one act of Assembly, passed in the thirty second year of the reign of his late Majesty, intituled, an Act for establishing a town on the lands of Jonathan Phelps, in Perquimans county, among other things, it is provided, that the grantee of every lot in the said town shall, within three years after the obtaining a conveyance for the same, erect and finish thereon a house, of the dimensions therein specified; and on failure thereof, every lot whereon such house shall not be erected shall be revested in the directors of the said town by the said act appointed; and whereas, the time limited by the said act has been found too short to complete the buildings on the said lots, whereby many persons are now likely to forfeit the same:

II. Be it therefore Enacted, by the Governor, Council and Assembly, and by the Authority of the same, That every lot in the said town on which a house shall be erected and built, of the dimensions mentioned in the said
act, within the space of five years, next after the passing of this Act; and also, every lot therein, which shall hereafter be sold or conveyed, on which such house shall be erected within the space of five years after the date of the conveyance made for the same, shall be, and is hereby declared to have vested in the grantee thereof, in fee-simple; anything to the contrary in the said recited Act notwithstanding.

III. And whereas, suffering wooden chimneys to be built in the said town may occasion accidents by fire, be it further Enacted, by the Authority aforesaid, that no person whatsoever shall hereafter erect any wooden chimney in the said town; and every person who hath already built any such wooden chimney therein, shall pull down the same within the term of five years next after the passing of this Act; and if any person or persons shall presume to act contrary thereto; in erecting any wooden chimney in the said town, or in failing to pull down or remove, within the time aforesaid, any such wooden chimney by him already erected therein, the directors mentioned in the before recited act, or any two of them, are hereby authorized, empowered and required, to pull down and destroy every such chimney, and shall not be liable to an action for damage for so doing; and if the directors or any of them shall be sued for the same, they may plead the general issue and give this act in evidence.

IV. And be it further Enacted by the Authority aforesaid, That the said directors or any three of them, shall and may, and are hereby authorized and empowered, to make and execute deeds for granting and conveying to every person and persons, who already have purchased, or hereafter shall purchase any lot or lots in the said town; and every person claiming any such lot or lots by virtue of any such conveyance, shall, and is hereby declared to have an indefeasible estate, in fee-simple, in the same.

CHAPTER XXI.

An Act for altering the Method of Working on the Roads, and appointing Public Ferries, within the Counties of Duplin, Cumberland, Rowan, and Anson.

I. Whereas, the present Method of working on the Roads, and appointing Public Ferries within the said Counties of Duplin, Cumberland, Rowan, and Anson, is found inconvenient, and not so agreeable to the Inhabitants of the said Counties as the Method prescribed by an Act of Assembly passed at New Bern in the Year of our Lord One Thousand Seven Hundred and Fifty-six, intituled an Act, for establishing Public Roads and Ferries and for the better Regulation of the same in several Counties:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the Method of working on Public Roads and appointing Public Ferries in the said Counties of Duplin, Cumberland, Rowan and Anson, shall be in the same Manner, and under the same Regulations and Restrictions as is directed for the several Counties mentioned in an Act of Assembly passed at New Bern in the Year of our Lord One Thousand seven hundred and Fifty Six, intituled, An Act for establishing Public Roads and Ferries, and for the better Regulation of the same in several Counties; and that the said Act, and that every Clause and Article thereof, be of as full Force and Efficacy, to all Intents and Purposes, within the said Counties of Duplin, Cumberland, Rowan, and Anson, as it is in the several Counties particularly mentioned.
in the said Act; any Act of Assembly to the contrary notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, That all and every Clause and Clauses in one Act of Assembly made and passed in the Year of Our Lord One Thousand Seven Hundred and Forty Five, intituled, An Act for impowering the several Commissioners hereinafter named to make, mend, and repair, all Roads, Bridges, Cuts and Watercourses, already laid out, or hereafter to be laid out, in the several counties and Districts hereinafter appointed in such Manner as they judge most useful to the Public so far as relates to the said Counties of Duplin, Cumberland, Rowan, and Anson is hereby repealed and for the future made void.

CHAPTER XXIII.

An Act for increasing the Salaries of the Inspectors of Tobacco at the Warehouse in the Town of Halifax.

I. Whereas, the Salaries by Law allowed to the Inspectors of Tobacco at the Warehouse in the Town of Halifax, have been found inadequate to the Trouble and Expence of attending the said Inspection and Insufficient to encourage honest and skilful Persons to undertake the same; by Reason whereof, much Tobacco of a mean Quality has been passed and many other Abuses committed at the said Inspection to the Prejudice of all Persons concerned therein: For Remedy whereof,

II. Be it Enacted by the Governor, Council, and Assembly and by the Authority of the same, That in Lieu of the Salary heretofore by Law allowed, there shall be paid to each of the Inspectors of the said Warehouse, the sum of Fifty Pounds, Proclamation money, per Annum; any Law, Usage or Custom to the contrary, in any wise notwithstanding.

CHAPTER XXIV.

An Act to amend and further continue an Act, intituled, An Act to establish a Public Ferry from Newby's Point to Phelps's Point, whereon the Court House now stands, on Perquimans River.

I. Whereas, an Act of Assembly, Intituled, An Act to revive an Act, to establish a Public Ferry from Newby's Point to Phelps's Point, whereon the Court-house now stands, on Perquimans River, passed in the Year of our Lord One Thousand Seven Hundred and Fifty Seven, has been found of great utility, to the Public; but being temporary and to continue in Force no longer than until the Conclusion of this present Session of Assembly:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the before recited Act shall continue and be in force during the Term of Five Years, from and after the passing of this Act, and from thence to the end of the next Session of Assembly, and no longer.

III. And whereas, the Tax of Two Pence on each of the Taxable Persons mentioned in the said Act, is found not to be sufficient to defray the Expence thereof; Be it therefore Enacted, by the Authority aforesaid, That the Justices of the Inferior Court of the said County are hereby Authorized, Impowered and required at the first Court to be held for their County, between the First Day of May and the First Day of November, annually,
to lay a Tax not exceeding Three Pence, per Poll, on the Taxable Persons in their County; to be collected, accounted for, and applied as by the before mentioned Act is directed; any Thing in the said Act contained to the Contrary notwithstanding.

CHAPTER XXV.

An Act to impower and direct the Commissioners of the Districts hereafter mentioned to lay out and make a Road through Regan's Swamp, in Bladen County, to the Court-house in the said County.

I. Whereas, a Public Road through Regan's Swamp to the Court-house in Bladen County, will be of great Benefit and Utility, as well to the Inhabitants of Pee Dee, as to those residing on the Westerly Side of the said Swamp, in order to transport their Produce and Effects to Markets, and attend the Courts:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Archibald McKinsaith, Joseph Regan, and Joseph Fort, are hereby appointed Commissioners of the Roads, on the Westerly Side of Regan's Swamp in Bladen County aforesaid; and they are directed and authorized, within Six Months after the passing of this Act to lay or stake out or cause to be laid or staked out a Road from the Westerly Side of the said Swamp thro' the same to Johnston's Bluff; and that the said Commissioners or a Majority of them shall, within Two Years next after the passing of this Act, cause all Persons liable to work on the Roads on their side of the Swamp, to Work upon, open, and make the said Roads thro' the said Swamp to Johnston's Bluff aforesaid; and to causeway all or any part that may be necessary; and also, make all such bridges that are or may be requisite therein.

III. And be it further Enacted by the Authority aforesaid, That Hugh Waddle, Robert Jonston, and William McRee, Esqrs., are appointed Commissioners of the Roads on the Easterly Side of the said Swamp, from Johnston's Bluff to the Court-house; and are hereby likewise directed and authorized, within Six Months after the passing of this Act, to lay or stake out or cause to be laid or staked out a Road from the said Bluff in as direct a Course as possible to Bladen Court-house; and that the said Commissioners last mentioned, or the majority of them, shall also, within Two Years next after the passing of this Act, cause all Persons liable to work between the Easterly Side of the said Swamp and the North-West River, residing within Fifteen Miles of the said Bluff to work upon, open, and make the said Road to the Court-house aforesaid; and to make or cause to be made all Bridges that may be necessary in their said District.

IV. And be it further Enacted, by the Authority aforesaid, That In Case the Commissioners of the Roads of the said District or either of them shall refuse or neglect to lay or stake out or cause to be laid or staked out in the Time before limited; and also, to make or cause to be made the Roads aforesaid within their respective Districts then and in such case the respective Commissioners or either of them refusing or neglecting, shall forfeit and pay the Sum of Twenty Pounds Proclamation money; And that the Fines and Forfeitures becoming due by Virtue of this Act shall be recovered by Action of Debt, in such Court wherein the same is cognizable by any Person who will sue for the same; One Fifth Part thereof to the Person or Persons suing for the same, and the other Four Fifths to be applied by the
Court wherein it is recovered, for and towards making the Roads in such District where the same shall or may become forfeited.

V. And be it further Enacted, by the Authority aforesaid, That the Commissioners herein before mentioned shall and are hereby invested with the same Power and Authority and liable to the like Penalties and Duties as any other Commissioner whatsoever.

CHAPTER XXVI.

An Act to impower and direct the Commissioners of the District herein mentioned to lay out and make a Road from John Howard's Ferry on Black River, through Colley's Swamp to the North West River, in Bladen County.

I. Whereas, a Public Road from Black River through Colley's Swamp to the North West River, at or near Col. Bartram's Plantation, would be of great Benefit to travellers:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That John Howard, Othnlie Strahan, and George Thomas are hereby appointed Commissioners of the Road by this Act to be laid out and made; and they, or the Majority of them, are hereby directed and authorized, within Six Months next after the passing of this Act, to lay or stake, or cause to be laid or staked out, a Road from John Howard's Ferry on Black River, through Colley's Swamp to such a Place on the North West River as will be most convenient for Travellers passing or from the Southward over the White Marsh Causeway: And that the said Commissioners, or the Majority of them, shall, within Two Years next after the passing of this Act, cause all Persons liable to work on the Roads between the said Rivers, residing within Six Miles of any Part of the said Road, to work upon, open, and make the said Road; and to make or cause to be made all Bridges that is or may be necessary therein.

III. And be it further Enacted, by the Authority aforesaid, That in Case the said Commissioners shall refuse or neglect to lay or stake out, or cause to be laid or staked out, within the Time before limited; and also, to make, or cause to be made, the Road aforesaid, with all such Bridges that may be necessary: And that the Fines and Forfeitures becoming due by Virtue of this Act, shall be recovered by Action of Debt, in such Court wherein the same is cognizable, by any Person who will sue for the same; One fifth thereof to the Person or Persons suing for the same, and the other Four Fifths to be applied by the Court wherein it is recovered, for and towards making the said Roads.

IV. And be it further Enacted by the Authority aforesaid, That the Commissioners herein before mentioned, shall, and they are hereby invested with the same Power and Authority and liable to the like Penalties and Duties as any other Commissioners whatsoever.

CHAPTER XXVIII.

An Act to establish a Ferry from Soiley's Point to Relf's Point, whereon the Court-house now stands, on Pasquotank River.

I. Whereas, the Court-house in Pasquotank County is now situate on Relf's Point on the South side of Pasquotank river, and the Inhabitants on
the North Side of the said River are obliged to attend at the said Court-
house, the Courts, the Elections of Members of Assembly, and Vestrymen
for the said County and are at the Expenese of Ferriage in passing and
repassing the said River; For Remedy whereof,

II. Be it Enacted, by the Governor, Council, and Assembly, and by the
Authority of the same, That the Court of the said County are hereby
authorized, Impowered, and required, Yearly and every year, at the next
Court to be held for the said County, after the First Day of May to lay a Tax,
not exceeding Two Pence Proclamation Money, on each Taxable Person in
the said County, to be collected and accounted for with the Justices of the
said County, by the Sheriff of the said County, as other Taxes of the said
County are to be collected and accounted for, and to be by them applied as
a Reward to the several Ferrymen now appointed or hereafter to be
appointed by the Court of the said County, to keep a Ferry to and from
Solley's Point to Reil's Point; to and from which they shall and are hereby
obliged, to set over, Ferriage Free, all Persons Resident in the said County,
going to, and returning from the said Court, the Election of Burgessses and
Vestrymen and General Musters of the said County.

II. And be it further Enacted, by the Authority aforesaid, That the Justi-
ces of the said County, are hereby authorized, Impowered, and required,
out of the Monies arising by the Tax so laid and collected as aforesaid,
Yearly, and every Year, to allow and Pay to the several Ferrymen attending
at the Ferry aforesaid such Sums of Money as they shall think reasonable
for their Trouble, in Transporting all Persons who shall or may have occa-
sion to attend at the said Court-house, on the Days and Times aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That the Ferrymen that now are appointed, or shall be hereafter appointed by the
Court of the said County, to keep a Ferry at Solley's Point and Reil's Point,
are hereby required, to ferry over the said River, free of any Expence all
Persons resident in the said County, during the sitting of the said Courts and
also, all Persons whatsoever, on the Days of Election of Members of As-
sembly and Vestrymen; and also, all Persons going to, and from General Mus-
ters, within the said County; under the Penalty of Forfeiting to the Party
refused or neglected, the Sum of Ten Shillings Proclamation Money, for
every such Neglect or Refusal to be recovered by a Warrant on Proof made
before any Justice of the said County, to the Use of the Party so refused.

V. And be it further Enacted, by the Authority aforesaid, That it shall
and may be lawful for the Justices of the said Courts to take bond and
Security of the Ferry-keepers in the Sum of Twenty Pounds, Proclamation
Money for the due and faithful Performance of their Duty therein.

VI. And be it further Enacted, by the Authority aforesaid, That this Act
shall be and continue in Force for and during the Term of Two Years from
and after the passing thereof and from thence to the End of the next Ses-
sion of Assembly, and no longer.

Read three times and ratified in Open Assembly, 11 December, 1762.
LAWS OF NORTH CAROLINA--1764.

At an Assembly, begun and held at Wilmington, the Thirtieth Day of January, in the Fifth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c, and in the Year of Our Lord One Thousand Seven Hundred and Sixty-Four: Being the First Session of this present Assembly. Arthur Dobbs, Esq., Governor.

CHAPTER XVI.

An Act for ascertaining a proper Place for Building thereat a Court-House, Clerk's Office, Prison and Stocks, for the County of Edgecomb.

I. Whereas, Redman's Old Field on Tyoncoca, the place heretofore appointed for building thereat a court-house, prison, and offices and for holding thereat the court for the said county, is found to be inconvenient and very improper for that purpose; and the Justices of their sessions for that county having certified the same to this Assembly and recommended the town of Tarborough as the most proper place for that purpose, and the inhabitants of the said county having petitioned for the same:

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That Mr. Aquilla Sugg, Mr. William Haywood, Mr. Joseph Howell, Mr. Sherwood Haywood, and Mr. James Hall, or a majority of them, shall and may, and they are hereby required and directed to agree and contract with workmen for the building and erecting a suitable and sufficient court-house, clerk's office, prison and stocks; for the use of the said county in the town of Tarborough, on such parts of the lots set apart by the commissioners or trustees for the said town, as to them shall seem most proper.

III. And be it further Enacted, by the Authority aforesaid, That a Poll Tax of two shillings, Proclamation money, be levied on each Taxable Person within the said County of Edgecomb, annually, for Two Years next after the passing of this Act; which Tax shall be collected by the Sheriff of the said County of Edgecomb, in the same Manner and under the same Rules, and the same Penalties, as other Taxes are by Law to be collected; and the Money arising from the Tax aforesaid, as the same is collected by the Sheriff of the said County, shall be accounted for and paid to the aforesaid Aquilla Sugg, William Haywood, Joseph Howel, Sherwood Haywood and James Hall, to be applied by them in discharge of their Contracts for the buildings in this Act mentioned; and the Overplus thereof (if any) shall by the said Trustees be accounted for and paid to the Justices of the said County of Edgecomb to be by them applied towards the contingent charges of the County in aid of the County Tax.

IV. And be it further Enacted by the Authority aforesaid, That if the Sheriff of the said County who shall receive the Tax by this Act assessed, shall neglect or refuse to account for and pay the same to the Trustees in this Act named, after deducting the usual Commissions for collecting and such Insolvents as shall be allowed him by the Court of the said County; it shall and may be lawful for the Superior Court of the District of Halifax, either before, or at any Time after the Expiration of the Office of such Sheriff on motion of the Trustees in this Act named or the Survivors of
them, to enter up Judgment against such Sheriff for all the Monies where-with he shall be chargeable by Virtue of this Act, with Costs; and there-upon award Execution against the Goods and Chattels, Lands and Tenemnts of such Sheriff. Provided always, the said Sheriff shall have Ten Days previous Notice of such Motion.

V. And be it further Enacted by the Authority aforesaid, That from and after the passing of this Act, the Inferior Court of Pleas and Quarter Sessions for the county of Edgecomb, shall be constantly held by the Justices of the said County at some convenient house in the town of Tarborough to be appointed by the said Justices, on the fourth Tuesdays in April, July, October, and January, yearly, until the court-house for the said county be built; and all causes, pleas, writs, actions, suits, plaints, process, precepts, recognizances, indictments, presentments, and other matters and things in the said court of Edgecomb depending immediately after the passing of this Act shall stand adjourned and continued and are hereby adjourned and continued from the court-house at Redman’s old field, on Tyoncoca aforesaid, to the court to be held for the said county in the town of Tarborough, as in this Act is above directed; and all appearances and returns of process shall be made to the Inferior Court of Pleas to be held for the said county at the town aforesaid; and all suitors and witnesses shall be bound to appear thereat, in the same manner, and under the same penalties, as if the said court had been continued at the said Redman’s old field.

VI. And be it further Enacted by the Authority aforesaid, That so much of the one act of Assembly passed at Edenton, intituled, An Act for dividing Edgecomb county, as comes within the purview of this Act shall be thenceforth repealed.

CHAPTER XX.

An Act for the building of a House for a School and the Residence of a School Master in the Town of New Bern.

I. Whereas, the Inhabitants of the Town of New Bern, and Craven County, for the encouraging and promoting of Learning, are willing and desirous of building a House for a School, with proper Conveniences for the Residence of a School-Master, in the said town, by Subscription; and Part of the Four Lots formerly appropriated for the building of a Church on, and other Purposes, by an Act of Assembly passed the Twenty First Day of August, One Thousand Seven Hundred and Forty, being deemed the most proper and convenient Part of the said Town for the same:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That Half of Two of the said Lots, known in the Plan of the said Town by the Numbers of 59, and 60, beginning at the Corner of Craven and Pollock Streets, and running along Pollock Street Six Poles and a half; then across the said Two Lots, Number 59 and 60, in a parallel Line with Craven Street, Thirteen Poles to the North Side of Lot Number 60; then along the said lot in a parallel Line with Pollock Street to Craven Street then along Craven Street Thirteen Poles to the Beginning; shall, and is hereby vested in the Reverend Mr. James Reed, Mr. John Williams, Mr. Joseph Leech, Mr. Thomas Clifford Howe, Mr. Thomas Hasten, Mr. Richard Cogdell, and Mr. Richard Fenner, and their Successors, as Trustees, for the Uses and Purposes aforesaid, for ever, and for no other Use or Purpose whatsoever; and they the said Trustees, and their successors, or the Majority of them, are hereby invested with full
Power and Authority to make such Rules and Orders from Time to Time as to them shall seem most proper, for the building, encouraging, and regulating the same; and shall and may, from Time to Time, appoint such Person or Persons as they shall judge most fit and proper to keep the said School; and on the Misbehaviour of any Schoolmaster, to appoint such other Person as they shall judge more proper, in the Room and Stead of such misbehaving Schoolmaster.

III. And in Order that the Number of the said Trustees may be kept up; Be it further Enacted, by the Authority aforesaid, That on the Death or Removal out of the Province of any of them, it shall and may be lawful for the Majority of the remaining Part of them, together with a Majority of the surviving Persons who shall subscribe and pay to the Amount of Five Pounds towards building and promoting the said School, who shall be present at any Election herein after directed, from Time to Time, as often as Occasion shall require, to choose at the said School-house, some other Person in the Room and Stead of every such Trustee, they the said surviving Trustees first giving due Notice to the said Subscribers, of the Time such Choice is to be made, by giving at least Ten Days Notice thereof, by putting up Advertisements at the Church and said School-House Doors.

Read three times and ratified in open Assembly, 9 March, 1764.
Chapter X.

An Act for enlarging the time for saving lots in the town of Halifax, and other purposes.

I. Whereas, from many unavoidable hindrances, it hath been impracticable for the proprietors of lots in the town of Halifax to complete the buildings on the said lots agreeable to law:

II. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That every lot in the said town on which a house shall be erected and built of the dimensions mentioned in one act of Assembly, intituled, an Act for establishing a town on the land of James Leslie, on Roanoke river; or one other Act, intituled an Act for enlarging the time for saving lots in the town of Halifax, preventing the building of wooden chimneys therein, and other purposes; within the space of three years next after the passing of this Act; and also every lot therein which hereafter shall be sold or conveyed, on which such house shall be erected within the space of three years after the date of the conveyance executed for the same, shall, and is hereby declared to be vested in the grantee thereof, and his heirs and assigns in fee-simple; any thing contained to the contrary in the said recited Acts, notwithstanding.

III. And be it further Enacted by the Authority aforesaid, That when any lot in the said town shall hereafter lapes, by reason of its not being built on, the directors and trustees of the said town, or the majority of them, shall and may, and are hereby directed and required, to sell such lot at public vendue, for the best price that can be got, and to give the purchasers a deed of bargain and sale for the lot by him so purchased.

IV. And be it further Enacted by the Authority aforesaid, That the directors and trustees of the said town, shall and may and are hereby directed and required, to make sale of all other lots in the said town not already disposed of, for the best price that can be got; and to give the purchaser of every such lot a deed of bargain and sale for the same.

V. And be it further Enacted by the Authority aforesaid, That the fee-simple estate of every lot in the said town heretofore sold and conveyed in pursuance of either of the aforesaid acts, or that shall hereafter be sold or conveyed by virtue of this present Act of Assembly, that hath been or shall be built on, within the time or times limited within the said acts, or this present Act, shall be, and is hereby vested in the purchaser of such lot, his heirs and assigns, against every person claiming or to claim any right or interest therein.

VI. And be it further Enacted by the Authority aforesaid, That all monies which the said directors and trustees shall from time to time, receive, for
any lot or lots by them to be sold or disposed of, shall by them be applied to the common use and benefit of the said town.

VII. And be it further Enacted by the Authority aforesaid, That it shall not be lawful for any person whatsoever to erect any wooden chimney in the said town; and every person who hath already built any such chimney therein shall pull down the same within the space of six months after the passing of this Act; and if any person shall presume to act contrary hereto, in erecting any wooden chimney in the said town, or in failing to pull down any such already erected, it shall and may be lawful for the said directors and trustees, or the majority of them, by their order to direct the Sheriff of the county of Halifax to pull down and destroy every such chimney; which order the said Sheriff is hereby directed and required to obey, and shall be paid for every such service the sum of twenty shillings Proclamation money, by the party offending, and in case he shall fail or neglect to pay the same, it shall be levied on his goods and chattels, by a warrant of distress from the directors and trustees of the said town or the majority of them.

VIII. And whereas, some of the directors and trustees of the said town are dead, and others of them removed out of the country; be it therefore Enacted by the Authority aforesaid, That from and after the passing of this Act, the honourable Alexander M'Culloch, Esq., Robert Jones, Jun., Blake Baker, Joseph Montfort, John Eelbank, James Young, and John Thompson, gentlemen, shall be, and they are hereby appointed directors and trustees of the said town in the place and stead of those appointed by, or elected in virtue of the afore-recited acts; and shall and may use and exercise the same powers and authorities as the directors or trustees of the said town, appointed by the first recited Act, could or might have exercised and enjoyed by virtue of the same: and in case of death, refusal to act, or removal out of the country, of any of the said directors, the surviving or other directors shall, and they are hereby required and empowered, to choose another director, or other directors, in the room of such so dying, refusing to act, or removing out of the country; and such director or directors shall have the same power and authority, as if expressly named and appointed in and by this Act.

CHAPTER XI.

An Act to encourage and impower William Dry to make a Public Road through the great island opposite to the borough of Wilmington.

I. Whereas, a road through the great island opposite to the borough of Wilmington will be very beneficial to travellers going to and from South Carolina, and to others going to the town of Brunswick, and up the North-west river of Cape Fear, and the said William Dry, being desirous to make and finish the same:

II. Be it Enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the said William Dry shall within six months after the passing of this Act, stake and lay off or cause to be staked and laid off, a road through the said island, beginning at his land on the said island opposite to market street in the said borough, and running westerly the nearest and most convenient way across to the north west river.

III. And be it further Enacted by the Authority aforesaid, That the said William Dry, his heirs, executors, or administrators, shall within three years after the passing of this Act, make and finish a good sufficient road through
the said island, sixteen feet wide and one foot above high water mark at
spring tides, the ditches to be cleared from end to end, and the inside of
the ditches not to be less than six feet distant from the outside of the cause-
way, and convenient for carriages to pass and repass; and to make bridges
good and substantial, and agreeable to Law over all the creeks that the
said roads shall cross under the penalty of two hundred pounds, Procla-
mation Money; to be recovered by action of debt, in any court of record,
having cognizance thereof, the one half to the person suing for the same,
and the other half to be applied towards lessening the county tax.

IV. And to encourage the said William Dry to make and finish the said
road, be it further Enacted by the Authority aforesaid, That in consideration
of the said William Dry's making and finishing the road as aforesaid, the
ferry to be kept on both sides of the North-west river which the said road
leads to, as also the ferry to be kept on both sides the north east river
opposite to market street in the borough of Wilmington, and all perquisites
and profits arising therefrom, are hereby vested in the said William Dry,
his heirs and assigns forever; and the said William Dry, his heirs and
assigns, shall and may hereafter receive for transporting passengers, their
horses and effects, over each of the said ferries the following rates, to-wit:
For every foot passenger, four pence; for every single man and horse,
eight pence; and when more than one man and horse for each man and
horse, four pence; for every two wheel carriage and its passengers, drawn
by one or two horses, one shilling and four pence; for every four wheel
carriage and its passengers, drawn by two or four horses, two shillings and
eight pence; for every horse in the two wheel carriage more than two, in
the four wheel carriage more than four, four pence each.

V. And as a further encouragement to the said William Dry, to cut, make,
finish, and keep the said road and bridges in constant repair; be it Enacted
by the Authority aforesaid, That it shall and may be lawful for the said
William Dry, his heirs and assigns, to be exempt from working twenty
black men on any other public roads in this Province, for and during the term
or space of five years, from and after the passing of this Act and no longer.

VI. And be it further Enacted by the Authority aforesaid, That as soon
as the said road is well and completely finished, and bridges built as afores-
said, the said William Dry, his heirs and assigns, shall, from time to time,
forever thereafter, at his or their own expense, keep the said roads and
bridges in sufficient and constant repair, and in case the said William Dry
his heirs, executors, administrators, or assigns, shall fail or neglect so to
do, he or they shall be liable to the same pains and penalties for such
failure or neglect, as the overseers of any public road are liable to by
virtue of any act or acts of Assembly of this province.

VII. And be it further Enacted, that if any person or persons shall, for
fee or reward, contrary to the intent and meaning of this act, transport or
carry any person or persons, their horses, carriages, or effects, over either
of the branches of Cape Fear river, in order to his or their passing through
or over the said island, such person or persons so offending shall, for every
offences, forfeit and pay the sum of twenty shillings; to be recovered by
warrant from any justice of the peace; one half to be paid to the informer
and the other half to the said William Dry, his heirs or assigns.

VIII. And be it further Enacted, by the Authority aforesaid, That it shall
and may be lawful for the said William Dry to make use of any timber on
either side of the said road that may be necessary for making and finishing
the same.

IX. And be it further Enacted by the Authority aforesaid, That the said
CHAPTER XIII.

An Act to prevent the unreasonable destruction of fish in the rivers Meherrin, Pee Dee, and Catawba.

I. Whereas, many avaricious persons, by fishing with several seines at the same fishing place, and by keeping the nets extended across the rivers Meherrin, Pee Dee, and Catawba, prevent the fish from passing up the said rivers, so that the inhabitants living on the upper parts of said rivers are deprived from the benefit of catching fish therein;

II. Be it therefore Enacted by the Governor, Council and Assembly, and by the authority of the same, that it shall not be lawful for any person or persons, whatsoever, from and after the passing of this Act, to draw or fish with more than one seine at any one fishing place or within one eighth of a mile of each other on the said rivers, at a time, during the season for fishing, or to keep a net or seine extended and fixed across either of them, or to make any hedges, stops, or dams on the same, to hinder or prevent the fish from passing up the said river; and if any person or persons shall offend herein, he or they shall, for every such offence, forfeit and pay the sum of ten pounds, Proclamation money; to be recovered by the informer, in any court of record, with cause, by action of debt.

CHAPTER XV.

An Act to continue an Act therein mentioned.

I. Whereas, by one Act of Assembly, passed at Wilmington in the Fourth Year of the Reign of his present Majesty, intituled, An Act to empower the Sheriff of Orange for the Time being, to collect and apply the Arrears of the Taxes due in the said County for the several Years therein mentioned, hath not had its full Effect:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the said recited Act, and every Article and Clause thereof, and all the Powers and Authorities mentioned therein, shall be, continue, and remain in Force, until the Duties, Purposes, Services, and Trusts therein expressed, shall be fully performed and completed; any Thing in the said Act contained to the contrary, notwithstanding.

CHAPTER XVI.

An Act for the Relief of Abraham Jones, Esq., former Sheriff of Edgecomb County.

I. Whereas, Abraham Jones, Esq., was, in the Year One Thousand Seven Hundred and Fifty Eight, and for sometime before, Sheriff of Edgecomb
County, and as such chargeable with, and accountable for, the several Public Taxes by Law assessed for that Year, and also with the Arrears then due; but being superseded in his said Office in the Beginning of the Year following, when the said Taxes were payable, and altho' impowered by Law, yet being prevented by uncommon accidents from collecting the same, as by his humble Petition to this General Assembly is set forth; and having prayed to be relieved therein:

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That it shall and may be lawful for the Court of the said County of Edgecomb and they are hereby authorized and required, to allow unto the said Abraham Jones in his Accounts such Number of Delinquents for the Time he was Sheriff of Edgecomb or Collector of Taxes as such, as he shall by his own Oath, or otherwise, prove to be in Arrear to him whereof he shall make and Exhibit to the said Court, on Oath, a fair List or Lists, expressing therein the Names of each Person chargeable and for what Year; which List or Lists of Taxables in Arrear to be returned as aforesaid by the said Abraham Jones or attested Copies thereof, shall, by the said Court of the County of Edgecomb, be put into the hands of the Sheriff of Edgecomb and Halifax, and they and each of them are hereby authorized and required to collect and account with, and pay, to the Treasurer of the Northern District, all such Sums as they shall collect by Virtue of this Act, and the same shall be from the said Treasurer allowed towards discharging the Debt due from the said Abraham Jones to the Public: And if any Person in Arrear for the Public Taxes above mentioned, shall neglect or refuse to pay them to the Sheriff by this Act impowered to receive the same, it shall and may be lawful for such Sheriff to distrain and sell so much of the Goods and Chattels of such Person as shall be sufficient to satisfy such Taxes, and Charges of Distress: And if any Sheriff chargeable with the Taxes above mentioned, in Virtue of this Act, shall, after the Tenth Day of June next, neglect or refuse to account for, and pay all such Sums of Money as he shall receive in Virtue of this Act to the Treasurer of the Northern District, deducting the usual Commissions for receiving, it shall and may be lawful for the said Treasurer to proceed against such Sheriff, by Motion, to final Judgment and Execution, in the Superior Court for the District of Halifax, in the same Manner as by Law he is impowered to proceed for other Taxes; giving such Sheriff at least Ten Days previous Notice in Writing thereof.
At an Assembly, begun and held at Wilmington, the Third Day of February, in the Fourth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty-Four; and from thence continued by several Prorogations, to the Third Day of May, in the Fifth Year of the Reign of our said Sovereign Lord George the Third, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty-five; to be then held at New Bern: Being the Third Session of this Present Assembly. Arthur Dobbs, Esq., Governor.

CHAPTER III.

An Act confirming the Title of William Dry, Esquire, to certain lands therein mentioned.

I. Whereas, George Pollock, late of Bertie County, Esquire, deceased, in his life time, to wit: On the Twenty Second Day of April, in the Year One Thousand Seven Hundred and Sixty Two, did make and Execute to the said William Dry, Esquire, a certain Writing Obligatory, binding himself, his Heirs, Executors and Administrators, in the Sum of Two Thousand Pounds Proclamation Money, with condition, that the said George Pollock, should well and truly make and convey to the said William Dry, Esquire, his Heirs and Assigns, a good and sufficient Estate in Fee-simple, of, in, and to a certain Tract or Parcel of Land containing about Nine Hundred Acres, lying and being in Craven County, and is Part of, and adjoining the Town of New Bern, being the Tract of Land formerly granted to Daniel Richardson, by Patent, by the late Lords Proprietors, bearing Date the Twelfth Day of January, in the Year One Thousand Seven Hundred and Thirteen-Fourteen, (on Record in the Secretary's Office of this Province, Reference being thereunto had, may more fully appear) and by him the said Daniel sold and conveyed to Thomas Pollock, Esquire, Grandfather of the said George Pollock; and also convey, transfer, assign and make over to the said William Dry, his Heirs and Assigns, all the Estate Right, Title, Interest, Property, Claim and Demand, of the said George Pollock in and to the several Lots and Parcels of Land belonging to the said George Pollock in the said Town of New Bern; as also, all the Estate, Right, Title, Interest, Property, Claim and Demand, of the said George Pollock, of, in, and to all vacant Lots of Land and all Lots escheated or escheatable in the said town of New Bern, by Reason of non-Improvement, or otherwise. And whereas, the said George Pollock since departed this Life having first made and executed his last Will and Testament in writing, and therein and thereby devised all his Lands, Tenements, and Hereditaments to Cullen Pollock and Thomas Pollock, Esquires, in Tall Male, and appointed them the said Cullen and Thomas, Executors thereof: And whereas, the said Heirs at Law of the said George Pollock are under age, and the said Cullen and Thomas are destitute that the condition of the said Writing Obligatory, should be confirmed and compiled with.

II. Be it therefore Enacted, by the Lieutenant Governor, Council and Assembly, and by the Authority of the same, And it is hereby Enacted,
That all the Estate, right, Title, Interest, Property, Claim and Demand, of the said George Pollock, of, in, and to the said Tract or Parcel of land, containing Nine Hundred Acres, be the same, more or less with the Appurtenances; as also, of, in, and to the several Lots or Parcels of Land belonging to the said George Pollock, in the Town of New Bern, with all the Estate, Right, Title, Interest, Property, Claim and Demand, of the said George Pollock, of, in, and to all vacant Lots; all Lots or Parcels of Lands escheated or escheatable in the said Town; be, and are hereby declared to be vested in the said William Dry, his Heirs and Assigns, in as full and ample a Manner as the said George Pollock at the time of making and executing the said Writing Obligatory, or at any Time or Times since, might or could have conveyed the same to any Person whatsoever.

CHAPTER IV.

An Act to Impower the Sheriff of Orange County to Collect a Tax of One Shilling and Six Pence, Proclamation Money, laid on the Taxable Persons in the said County, by an Act of Assembly of this Province, passed in the Fourth Year of the Reign of his Present Majesty.

I. Whereas, in and by an Act of Assembly of this Province, passed the Ninth Day of March, in the Year of our Lord One Thousand Seven Hundred and Sixty-Four, intituled, An Act to continue An Act intituled An Act to make Provision for paying the Chief Justice, and Attorney’s General’s Salaries, and defraying the Contingent Charges of Government, passed in the Year of Our Lord One Thousand Seven Hundred and Fifty Eight, in which said Act so continued, among other Things, it is Enacted, That a Poll Tax of One Shilling and Six Pence, on each Taxable Person in this Province, should be collected by the Sheriffs of the several Counties, and by them accounted for, and paid to the Treasurers of the respective Districts at the same Time, and in the same Manner, and under the same Penalties, as is by Law directed, for the collecting, accounting for, and paying other Taxes, and applied as is therein directed: And whereas, the Act for continuing said Act, after the Ratification thereof, was not transmitted to the said County of Orange in due Time; and the Treasurer of the Southern District having given Instruction from under his Hand, as a Guide to Thomas Hart, Esquire, then Sheriff, in collecting the Public Taxes for the Year One Thousand Seven Hundred and Sixty Three, That the whole of the Public Tax for the said Year from each Taxable Person, amounted only to Five Shillings and Eight Pence; Wherefore the said Thomas Hart, Sheriff as aforesaid, collected and received from each Taxable Person within the said County, Five Shillings and Eight Pence only; when, in Truth, the whole of the Public Tax due from each Taxable Person for said Year, amounted to Seven Shillings and Two Pence; and the said Thomas Hart being liable to account for and pay to the Treasurer the said Tax of One Shilling and Six Pence for the Year One Thousand Seven Hundred and Sixty Three, for each Taxable then in the said County, out of his private Estate, to the great Impoverishment of his Family: For Remedy whereof,

II. Be it Enacted, by the Lieutenant Governor, Council and Assembly, and by the Authority of the same, That the said Poll Tax of One Shilling and Six Pence for each Taxable in the County of Orange Part of the Public Tax omitted by the said Thomas Hart, in his collection in the Year
One Thousand Seven Hundred and Sixty Three, shall be received and collected by the Sheriff of Orange County in his Collection of Public Taxes in the Year of our Lord One Thousand Seven Hundred and Sixty Five; which said Tax of one shilling and Six Pence so collected, shall by him be accounted for, and paid by the Treasurer of the District, in the same Manner, and under the like Penalties as are by Law directed for the collecting accounting for, and paying of other Public Taxes.

III. And be it further Enacted, by the Authority aforesaid, That the said Thomas Hart, his Heirs, Executors, and Administrators, shall stand for ever released, acquitted, exonerated, and discharged from being answerable or accountable to the public Treasurer of the District, or any other Whomsoever, for the Payment of any other or greater Sum or Sums of Money, as Sheriff of Orange County, for the Year One Thousand Seven Hundred and Sixty Three, than Five Shillings and Eight Pence for each Taxable Person, as the public Tax for the said Year One Thousand Seven Hundred and Sixty Three.

Read three times and ratified in open Assembly, 27 November, 1764.
LAWS OF NORTH CAROLINA--1766.

At an Assembly, begun and held at New Bern, the Third Day of November, in the Seventh Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, Great-Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty-six: Being the First Session of this present Assembly. William Tryon, Esq., Governor.

CHAPTER I.

An Act for appointing a Public Treasurer in the Room of John Starkey, Esquire, Deceased.

I. Whereas, by an Act passed at a General Assembly, begun and held at Wilmington the Thirtieth Day of January, in the third year of his Present Majesty's Reign, and in the year of our Lord One Thousand Seven Hundred and Sixty Four, intituled "An Act for appointing Public Treasurers," John Starkey, Esquire, was constituted Public Treasurer, for the Counties of Anson, Beaufort, Bladen, Brunswick, Craven, Carteret, Cumberland, Duplin, Dobbs, Hyde, Johnston, Mecklenburgh, New Hanover, Onslow, Pitt, and Rowan, and the said Office having become Vacant by the death of the said John Starkey Esquire.

II. Be it therefore Enacted by the Governor, Council and Assembly, and it is hereby Enacted by the Authority of the same, That John Ashe, Esquire, be and he is hereby appointed Public Treasurer for the Counties of Anson, Beaufort, Bladen, Brunswick, Craven, Carteret, Cumberland, Duplin, Dobbs, Hyde, Johnston, Mecklenburgh, New Hanover, Onslow, Pitt, and Rowan, in the room of the said John Starkey, Esquire, deceased; which said Treasurer shall before he Enters upon his said Office, give bond with Sufficient Security to our Sovereign the King, his Heirs and Successors, in the Sum of Ten Thousand Pounds Lawful Money of Great Britain, with condition, that he shall well and truly Account for and pay to the General Assembly of this Province all Public monies he shall at any time receive on account of the Public Taxes or Otherwise; And for the faithful and regular discharge of his said Office, which Bond shall be Lodged in the Secretary's Office, and in Case of the breach of the Condition thereof, may be recovered in any Superior Court of Justice within this Province.

III. And be it further Enacted by the Authority aforesaid, That the said Treasurer, is hereby Impowered and directed to receive all Public Monies and Taxes payable within the said Counties, and Each of them, and the Sheriff of each of the said Counties and other receivers of Public Monies within any of the said Counties, are hereby Impowered and directed, on or before the tenth day of June yearly, to Account with upon Oath and pay into the hands of the said Treasurer, all such Public Monies as the said Treasurer is hereby Impowered to receive.

IV. And be it further Enacted by the Authority aforesaid, That the said Treasurer shall be allowed five per Cent on all the money by him received and accounted for, and paid into the General Assembly as aforesaid.

V. And be it further Enacted by the Authority aforesaid, That the said Treasurer shall have the same power and authority and be subject to the
same Pains and Penalties and Restrictions as Public Treasurers were
intitled or subject to, in and by an Act passed in the General Assembly held
at New Bern the Sixth day of April, One Thousand Seven Hundred and
forty-eight, Intitled, An Act to appoint Public Treasurer.
VI. And be it further Enacted, that this Act, shall be and continue in
force for and During the term of three years and from thence to the end
of the next Session of Assembly and no Longer.

CHAPTER V.
An Act for Reviving and re-enacting the Several Acts of Assembly relating
to the Inspection of Tobacco.
I. Whereas, the Several Acts of Assembly relating to the Inspection of
Tobacco in this Province are Expired; and whereas, they have been found
Useful and Convenient, Be it Enacted by the Governor, Council and Assembly
and by the Authority of the same, That so much of an Act, Entitled An Act
to Establish Ware Houses for the Inspection of Tobacco in the County of
Dobbs and other purposes, and of an Act, intitled an Act to restrain the
Exportation of Bad and Unmerchantable Tobacco and for Preventing Fraud
in his Majesty's Customs, And one other Act entitled, An Act to amend
an Act to Restrain the Exportation of Unmerchantable Tobacco, and for
preventing Frauds in his Majesty's Customs, and also one other Act
entitled An Act for Establishing a Ware House for the Inspection of
Tobacco on the Land of Thomas Barnes in the County of Halifax, and other
purposes; and all the Powers and Authorities in them respectively Men-
tioned (except as herein after excepted), shall and are hereby Declared
to be Revised and Re-enacted and shall Commence, Continue and be in
force from and after the passing of this Act, until the end of the next
Sessions of Assembly and no longer; anything Contained in the said Acts
to the Contrary, notwithstanding.
II. And be it further Enacted by the Authority aforesaid, That the Salary
which by Law is appointed to be paid to the Inspectors, who officiate at the
Ware House at Barnes's in Halifax County, henceforth shall be Discontinued
and cease, and the said Inspectors from and after the passing of this
Act instead thereof shall and may take and Receive to their own proper
use Three Shillings, Proclamation Money, for each Hogshead of Crop
Tobacco, and five Shillings like money for every Hogshead of Transfer
Tobacco which shall be inspected at the said Inspection, and which at Pres-
ent is by Law directed to be paid to the Use of the County by the Exporter
thereof; any Law or Usage to the Contrary, Notwithstanding.
III. And whereas, an Act intitled an Act for enlarging the time for
Inspection of Tobacco at the Warehouse in the Town of Tarborough in the
County of Edgecomb and for Encreasing the salaries of the Inspectors
thereof, doth direct the Inspectors by the said Act to be appointed to have
and receive for their Services in attending the said Inspection Annually,
the Sum of Forty pounds each; which Salaries are found by reason of the
small quantity of Tobacco brought to the said Warehouse to be too large.
IV. Be it therefore Enacted by the Authority aforesaid, That so much of
the afore recited Act as relates to the Salaries thereof be henceforth
repealed and made Void, and that the said Inspectors for the Town of Tar-
borough be henceforth allowed the sum of Fifteen pounds each per Annum,
and no more; anything in the above recited Act to the Contrary notwithstanding.

V. Whereas, the Public Ware House at Pace's Landing on Roanoke River in Northampton County is found to be of no Use: Be it Enacted by the Authority aforesaid, That the said Ware House shall henceforth cease to be a public Ware House.

CHAPTER VI.

An Act to amend & Continue An Act, Intituled An Act for Appointing a Militia.

I. Whereas, an Act for appointing a Militia passed at a General Assembly held at Wilmington on the thirtieth day of January, in the year of our Lord One Thousand Seven hundred & Sixty four, was to continue and be in force for and during the Term of Three Years and no longer, and is now near expiring, & it being found Necessary that the said Act should be amended and continued,

II. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That the Provincial Troops appointed to Garrison Fort Johnston at the mouth of Cape Fear, in this Province, be and are hereby declared to be subject to the Rules of Military Discipline according to the Several Acts of Parliament and Articles of War for Regulating the forces employed in his Majesty's Service; and whereas, there are not a Sufficient Number of Commissioned Officers belonging to the said Garrison to hold a Court Martial for the Trial and punishment of any Soldier or Soldiers for any Crime or Offence done or Committed by any of them, belonging to the said Garrison.

III. Be it therefore Enacted by the Authority aforesaid, That the Governor or Commander-in-Chief for the Time being on Complaint of the Commanding Officer of said Fort, is hereby Impowered to Issue his Warrant whereby Appointing & Commanding as many Commissioned Officers belonging to the Regiment of the Militia of Brunswick County as may be necessary to constitute a Court Martial for the purposes aforesaid, which said Court Martial is hereby Authorized and impowered to proceed to the Trial & passing of Sentence against such Soldier or Soldiers in the same manner & under the same Regulations as directed by the said Several Acts of Parliament & Articles of War—Death Excepted.

IV. And be it further Enacted by the Authority aforesaid, That this Act & the Act before recited as by this Act amended, shall be & continue in force from & after the passing of the same & until the end of the next Session of Assembly and no longer.

CHAPTER VII.

An Act to amend an Act Intituled, an Act for rendering more effectual the laws making Lands and other real Estates liable to the payment of debts.

I. Whereas, an Act of Assembly passed at Wilmington the twenty-fifth day of October, in the Year of our Lord One Thousand Seven hundred and Sixty four, Intituled an Act for rendering more effectual the laws making Lands and other real Estates liable for the payment of debts, hath by Experience been found Injurious and of pernicious Tendency, for Remedy whereof,
II. Be it Enacted by the Governor, Council and Assembly, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act, every Sheriff or other Officer within this Province, who by Virtue of an Execution does expose to sale any Lands or negroes shall first Summons two Justices of the Peace and one Freeholder of the County wherein such lands are situated, to appear at a particular day by him directed diligently to inspect and true valuation of the same to render in writing under their hands and Seals, which said Instrument shall by them be produced before any other Justice of the said County wherein such lands are situated or Negroes taken in Execution, which Justices is hereby required to administer the following Oath, and make a Certificate thereof on the back of such Instrument, to-wit: You and each of you shall swear that this Instrument of writing by you produced contains a true valuation of one (or more as the Case may be) tract or Tracts of Land Situate in the County of ——— on ——— (or Negroes as the Case may be) and taken by virtue of an Execution at the Instance of———— and that you have proceeded in such Valuation without favor or dislike to either Party upon a careful view and according to the best of your knowledge and Information. So help you God; which said Instrument of writing with the Certificate aforesaid shall by them be delivered to the said Sheriffs who upon exposing such lands or Negroes to Sale, shall not dispose of them to any person or persons whatsoever for a less Sum than two-thirds of such Valuation, under the Penalty of One Thousand Pounds Proclamation Money, to be recovered by an action of Debt in any Court of Record within this Province, by and for the use of the party Grieved. Provided always, If any Land or Lands, Negro or Negroes, set up for sale as aforesaid, shall not be disposed of agreeable to the true intent and meaning of this Act, the Plaintiff may, if he Chooses, take the said Land or Negroes at two-thirds the Valuation thereof, and the Sheriff is hereby Impowered and directed to give such Plaintiff a deed or bill of Sale for the same in the same manner as he might have done had the land or Negroes been sold at Public Vendue. Provided, also, that if the Plaintiff doth not take the Land at two-thirds of the valuation the Sheriff or other officer shall again advertise them till they are Sold, and in Case the Justices and Freeholders when summoned by the Sheriff or other officer to value any lands or Negroes as aforesaid, shall neglect or refuse to attend, unless prevented by sickness or some very sufficient Cause, he or they so neglecting, shall forfeit and pay the Sum of Forty Shillings for such Neglect or refusal, to be recovered by a Warrant from any Justice of the peace in the County and to be applied to the use of the party injured.

III. And be it Further Enacted by the Authority aforesaid, that the said Sheriff or other Officer for summoning the Justices and Freeholders as aforesaid, shall be and is hereby Intitled to receive the Sum of two Shillings and Eight pence for each person so summoned.

IV. Provided always, That in Case any person at whose Suit any Execution against Lands or Negroes has or may issue as aforesaid, shall conceive himself aggrieved or injured by any such Valuation made as aforesaid, he may appeal to the Inferior Court of the County wherein such Lands or Negroes may be, who on examining into the matter (in a summary way) may appoint two other Justices and one other Freeholder to proceed in a second valuation of the said Lands or Negroes—under the aforesaid Oath and regulations, upon which valuation returned to the next Court, the
Justices shall judge upon the same and determine without Appeal on the Valuation to be fixed on such Land or Negroes upon which valuation the Sheriff and parties shall proceed as aforesaid.

V. Provided always, That nothing in this Act contained shall be deemed or construed to extend to any Execution or Executions for any debt or debts payable to Merchants in Great Britain; or to any Executions already levied.

VI. And be it further Enacted by the Authority aforesaid, That this Act shall continue and be in force for and during the term of One Year, and from thence to the end of the next Session of Assembly, and no longer.

CHAPTER XI.

An Act to Lay a Tax on Peddlars and other Itinerant Traders Coming into this Province.

I. Whereas, there are many Peddlars and Itinerant Traders, who sell and dispose of Goods, Wares and Merchandise in this Government who pay no Tax towards the necessary Support thereof, But depart out of the Province as soon as they have sold and disposed of the same, whereby the honest Planters of the Country are Burdened with the Payment of all Taxes to Support the Public Faith.

II. Wherefore be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the first day of January next after the passing of this Act, every Peddlar or Itinerant Trader who shall Come into this Province by Land and Carry about the Country to Courts and other Public Places, Goods, Wares or Merchandise in Wagons, Cart, or on Horses, or otherwise, to offer for sale and to Dispose of such Goods, Wares, and Merchandise (except such Traders as have been settled in this Province the term of one year or whose family Consists of Five Taxables or Traders or Merchants who import Goods, Wares and Merchandise by water into this Province), shall conform him, her or themselves to the Rules and Regulations hereafter mentioned (that is to say) every Peddlar, Itinerant Trader or Petty Chapman, Bringing Goods, Wares or Merchandise into this Province to offer for sale in order to Dispose thereof, within two days after his arrival or the Arrival of such Goods, Wares and Merchandise, before he Disposes of any such Goods, Wares or Merchandise, shall repair to the Clerk of the Court of the County he first comes to in this Province, and to Deliver in upon Oath (which Oath the said Clerk is hereby Authorized and required to Administer), the amount of the Sum total of what all such Goods, Wares and Merchandise by him brought or imported into this Government Cost; and shall also pay into the hands of said Clerk an Import or Duty, after the rate of Ten per cent on the same. And thereupon such Clerk shall Certify to the Governor or Commander-In-Chief for the time being, the name of the Person and the Amount of the Cost of the Goods, Wares and Merchandise as Sworn to, by the Importer; And also that the Import or Duty is paid, who is hereby Authorized and Impowered on Such Certificate Annually to grant a Licence to such Peddlar, Itinerant Trader or Petty Chapman, and it shall and may be lawful for the Governor or Commander In Chief for the time being, to take and receive for each License so Granted Forty Shillings. Proclamation Money, and the said Clerk may take & receive to himself for administering the Oath, and giving of the Certificate Ten Shillings, Proclamation Money.
III. And be it further Enacted by the Authority aforesaid, That if any Itinerant Trader, Peddler or Petty Chapman (except as before Excepted), from and after the first day of January next be found Trading as aforesaid without a Licence, or shall refuse to show it on Demand, such Person shall forfeit and Pay for each and every such Offence Fifty Pounds, Proclamation Money, to be Recovered by any Person that will sue for the same, in any Superior Court in this Province by Action of Debt, One half thereof to the Prosecutor, the other half to the Use of the County wherein such Offender shall be Discovered.

IV. And be it further Enacted by the Authority aforesaid, That the Several and respective Clerks, shall annually account upon Oath with the Public Treasurers of this Province in their Respective Districts; and for Receiving the aforesaid Import or Duties, and fully accounting for, and Paying the same, shall be allowed five per Cent.

V. And be it further Enacted by the Authority aforesaid, that if any Clerk of a County who is appointed to receive the said Import or duty, shall take, receive or accept of any Bribe, Gift or Reward, or Conivne at any false Account not duly Sworn to, as in and by this Act is directed, or knowingly Permit or suffer any Concealment of any Goods, wares or merchandize lyable to or Chargeable with the aforesaid imports and Duty, shall for every Offence forfeit and pay Fifty pounds, Proclamation Money, to be recovered by any Person that will sue for the same, by Action of Debt in any Superior Court in this Province, One half to the Prosecutor, the other half to the Use of the County wherein the Offence is Committed.

VI. Be it further Enacted by the Authority aforesaid, That the Money arising by the Import or Duty in Virtue of this Act, shall be applied towards defraying the Contingent Charges of this Government, to be applied as the Governor, Council and Assembly shall Direct.

VII. And be it further Enacted by the Authority aforesaid, That this act shall be and Continue in force for and during the Term of three years next Ensuing, and from thence to the End of the next Session of Assembly, and no Longer.

CHAPTER XII.

An Act to amend an Act intituled, an Act to prevent the Exportation of Unmerchantable Commodities.

I. Whereas, it is found by Experience, that the before Recited Act is insufficient to answer the Salutary Purposes intended,

II. Be it Enacted by the Governor, Council and Assembly and by the Authority of the same, That from and after the first Day of June next no Inspector shall Pass or Brand any Barrill, or barrils of Tar, Pitch or Turpentine that does not Contain full Thirty-two Gallons Wine Measure and in every other manner agreeable to the several Rules & Restrictions, and under the Several Penalties as are provided by the said recited Act.

III. And whereas, Several Frauds and inconveniences have hitherto arose by Reason of the Venders of Tar, Pitch and Turpentine have mostly in many parts Delivered those Commodities with the Barrels Unbranded, Be it further Enacted by the Authority aforesaid, That from and after the first day of February next, every maker of Tar, Pitch and Turpentine, before they sell the same, shall have their Cask or Casks Branded plainly with the initial Letters of their Name not less than One Inch long and Breadth in
Proportion, under Penalty of one Shilling, Proclamation Money, for every Barrel as may not be so Branded; to be paid to any one who may demand the same, or on refusal, to be recovered by Warrant before any Single Magistrate.

IV. And be it further Enacted by the Authority aforesaid, That all Staves and heading shall be of the like dimensions as in the before Recited Act, clear of sap.

CHAPTER XV.

An Act to amend an Act, intituled, An Act for establishing a town on the land formerly granted to William Churton, gentleman, lying on the North side of the Eno river in the County of Orange.

I. Whereas, the erecting and establishing a town in the county of Orange has been found serviceable, in promoting inland trade and commerce in the western part of this Province; and whereas, the Act of Assembly passed at New Bern in the year of our Lord one thousand seven hundred and fifty-seven, for establishing the same, is found to stand in need of many alterations and amendments;

II. Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, That the four hundred acres of land, by said Act constituted, erected, and established a town, and town common, by the name of Childsburg, shall from and after the passing of this Act, be known and called by the name of Hillsborough.

III. And be it further Enacted by the Authority aforesaid, That forever, after the passing of this Act, the courts of the county of Orange, the election of representatives, and the election of vestrymen, shall be held in the town of Hillsborough; and at no other place; any law, usage, or custom, to the contrary notwithstanding.

IV. And be it further Enacted by the Authority aforesaid, That no suit, writ, or other process, that is, or shall be made returnable to the next Inferior Court of Pleas and Quarter Sessions, to be held for the county of Orange, after the passing of this Act, shall be abated or vacated; or any ball, bond, recognizance, or any other instrument of writing, become void or invalidated; but the same shall be good, available, and effectual in law, to every intent and purpose whatsoever, as if the alteration of the name of the said town, and town common, had never been made.

V. And be it further Enacted by the Authority aforesaid, That so much of the before recited Act, (except as hereafter excepted), shall be, and is hereby declared to be of the same force, effect, and validity, in relation to the said town and town common, as if the same had originally been called by the name of Hillsborough.

VI. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the treasurer of the said town, and his successors in office, for the consideration of twenty shillings, Proclamation Money, to make an entry of any lot of land therein lying vacant or unimproved (except those lots reserved by the aforesaid Act of Assembly to William Churton, Esq. and such spring lots as the directors and trustees of the said town and their successors shall think fit and convenient to be reserved and left free to the inhabitants of the said town to be supplied with water; and the lot No. 1 in the plan of the said town, which is hereby reserved for the use of the public as a place for market-house, court-house, prison, pillory
and stocks; and also, such lots as shall or may be thought necessary, to be reserved by the directors of the said town and their successors, for erecting thereon a church and school, and for a church-yard; and the said directors and trustees, or a majority of them, shall, at the expiration of two years from the date of making the entry with the treasurer as aforesaid, make and execute a deed for granting the same, to the person making the entry, his heirs and assigns, forever, at the cost, and charges of the person to whom the same shall be conveyed, he paying over and above the entry money, eight pence, Proclamation Money, annually, for each and every lot that shall be so conveyed; which shall be applied by the said commissioners, and their successors to the payment of the quit rents due, or hereafter to be due to the Earl of Granville, his heirs and assigns, and if any overplus be remaining, the same shall be laid out for the benefit and improvement of the said town; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same, in fee-simple.

VII. Provided nevertheless, That all and every person who heretofore has, or hereafter may make an entry of any lot or lots in the said town, shall, within two years next after the day of entry, and taking up the same erect, build, and finish, on each lot so entered one brick, stone, or frame house, at least twenty feet long, sixteen feet wide, and nine feet pitch in the clear, with brick or stone chimney, or proportionable to such dimensions, if any such person shall have two lots contiguous; and if the owner or taker up of any lot, shall fail to pursue and comply with the directions in this Act described, for building and finishing a house thereon, then the property of such lot, upon which such house shall not be built and finished, shall be and continue in the said directors and trustees; and a majority of them, may and are hereby impowered and authorized to sell such lot by public sale, or otherwise, for the best price that can be had; and the purchaser of any such lot or lots complying, in all things, with the directions and regulations before in this Act described, with respect to building and finishing of a house or houses on the said lot or lots; otherwise the same may be sold to any other person or persons under the like conditions; and in case of the refusal or neglect of any person who shall or may take up any Lot, or purchase any ground in the said town, to pay the sum agreed for, the said directors, or their successors, shall and may commence and prosecute a suit in their own names for the same, and recover judgment therein, with costs.

VIII. And whereas, by the plan of the said town, thirty three feet square, or two square poles of ground, are taken from the front corner of each corner lot, at the crossing or intersection of each main street, in the said town; and as it can be of no use or public benefit whatsoever, to have that quantity of ground taken as aforesaid from each corner Lot;

IX. Be it Enacted by the Governor, Council and Assembly and by the Authority of the same, That the directors and trustees of the said town, or the majority of them, are hereby authorized, impowered and required on or before the fourteenth day of January next after the passing of this act, to sell, to the highest bidder, not exceeding ten pounds, Proclamation Money, each and every one of the said pieces of ground of the dimensions of two square poles, which according to the plan of the said town, were taken from the front corner of each corner lot (ten days previous notice being given of such sale) and the said directors and trustees, or a majority of them, are hereby authorized and required, to make and execute one or more deed or deeds, for granting and confirming the same to such purchaser or
purchasers, his or their heirs and assigns forever, at the cost and charges of the grantee or grantees to whom the same shall be conveyed.

X. Provided always, That in the sale of the two square poles of ground adjoining the lot number twenty-six, the preference shall be and is hereby allowed to Mr. William Nunn, in case he will give as much as any other bidder not exceeding ten pounds, Proclamation Money; the same privilege is granted to Mr. James Young in the sale of the square adjoining the lot number twenty-five; and also the like privilege is granted to Mr. Edmund Fanning in the sale of the square adjoining the lot number six in the plan of the said town.

XI. Provided, that it shall not be lawful for the said directors and trustees of the said town to sell or dispose of the front corner, or any part of the lots reserved to the aforesaid William Churton, or to the use of the public, by this or the before recited Act, or the corner of any lot hereafter to be taken up in the said town; but that the two square poles of ground be deemed part of the said lot to which it joins.

XII. And whereas, the allowing of hogs and geese to run at large in the said town, is found to be a great nuisance to the Inhabitants; be it Enacted by the Authority aforesaid, That none of the Inhabitants of the said town shall, on any pretence whatsoever, suffer any of their hogs or geese to run or be at large within the bounds of the said town; and any hog or hogs, goose or geese running at large in the said town, shall be forfeited to any person who shall seize or kill the same.

XIII. And be it further Enacted by the Authority aforesaid, That from and after the ratification of this Act, it shall and may be lawful for the Justices of the county of Orange yearly, to appoint some proper person, inhabitant of the said town, overseer of the same; which overseer so appointed as often as there shall be occasion summons the male taxables, inhabitants of the said town, to clear and repair the streets thereof, and remove any nuisance or nuisances within the same; and if any such male taxable (except such as are exempted by Law from working on public roads), direct (two days notice being given before the day appointed for working) such persons so neglecting or refusing or the master or mistress of such persons shall forfeit the sum of two shillings and eight pence, Proclamation Money, for every day he shall so neglect or refuse; to be recovered by warrant from any justice of the peace of the said county, and apply to the use of the employing persons to work and keep the streets of the said town clear and in good order.

XIV. And be it further Enacted, by the Authority aforesaid, That the inhabitants of Hillsborough shall be and are for the future exempted from working on any of the public roads within this Province.

XV. And be it further Enacted by the Authority aforesaid, That the Sheriff of the county of Orange, the clerk of the court of the said county, the register of the said county, and their successors, shall, during their continuance in office, hold and keep their respective offices, in the said town of Hillsborough, and that if any of the said officers shall neglect and refuse so to do, each of them so neglecting or refusing shall for every month he shall so fail, forfeit and pay the sum of twenty shillings, Proclamation Money, to be recovered before any jurisdiction having cognizance thereof; one half to the informer, and the other half to the directors of the said town; to be applied to the use and benefit of the said town.

XVI. And be it further Enacted by the Authority aforesaid, That the directors and trustees for the time being, or a majority of them shall and
are hereby empowered to pass any order that they may judge proper for preventing mortar, clay, or wooden chimneys being built, and pulling down such already built (if thought to be a nuisance) for making the people keep their chimneys clean and raising them to a proper height, for obliging all persons to clean the streets before their houses, and for all other things for the good and safety of the said town, and the proper regulation of it consistently with the laws of this province; and to enforce such orders, by laying a fine, not exceeding forty shillings, Proclamation Money, on all persons neglecting or refusing to comply therewith.

XVII. And be it further Enacted by the Authority aforesaid, That the directors and trustees of the said town, or a majority of them, shall, as often as they shall think proper, appoint a town clerk, and shall keep a town book; in which shall be entered the time of taking the entries of lots and the orders they may make, the account of the monies they have received, or hereafter may receive, the manner of applying such money and the sums remaining in hand, under the penalty of fifty pounds, Proclamation Money; to be recovered by any person who shall or may sue for the same, in any court in this province having jurisdiction thereof, one half to the prosecutor, the other half to the use of the said town.

XVIII. And be it further Enacted by the Authority aforesaid, That all the monies arising by the sale of any ground, or taking up of any lot in the said town, or any other way by virtue of this or the before recited Act, be appropriated, laid out, and applied to such use or uses as the said directors or a majority of them shall think convenient for the better encouragement of the said town.

XIX. And be it further Enacted by the Authority aforesaid, That the sixth and seventh sections, and so much of the second and third sections of the before recited Act as is repugnant to this Act be, and is hereby repealed and made null and void.

CHAPTER XVI.

An Act to continue an Act Intituled an Act to Suppress excessive and deceitful Gaming.

I. Whereas, an Act passed at Wilmington the thirtieth day of January, in the fifth year of the Reign of his present Majesty, Intituled an Act to suppress excessive and deceitful gaming, will expire at the End of this present Session of Assembly; and whereas the said Act hath been found useful and convenient,

II. Be it therefore Enacted by the Governor, Council and Assembly, and is hereby Enacted by the Authority of the same, That the before recited Act shall continue and be in force for and during the term of Two years from the passing of this Act, and from thence to the end of the next Session of Assembly, and no longer.

Read three Times and Ratified in Open Assembly, the first Day of December, Anno Dom. 1766.

CHAPTER XVIII.

An Act to Prevent Hunting for and Killing Deer in the Manner therein mentioned.

I. Whereas, many Persons do, under a pretence of Hunting for Deer in
the Night time by Fire light Kill and Destroy Horses and Cattle, to the
great Prejudice of the Owners, to prevent which for the Future,

II. Be it Enacted by the Governor, Council and Assembly, and by the
Authority of the same, That if any person shall be discovered hunting with
a Gun in the Night time by Firelight Such Person or Persons shall forfeit
and pay for every Offence Twenty pounds, Proclamation Money, to be re-
covered by Action of Debt by any Person who shall Sue for the Same in any
Court of Record, one half to the informer, the other half for the Use of
the parish wherein the Offence is committed.

III. And whereas, it often happens that Servants and others who are
not able to pay the fine by this Act directed are Guilty of hunting in the
Night and carrying of Fire light for that Purpose,

IV. Be it therefore Enacted by the Authority aforesaid, That if any per-
son or persons Convicted of the Offence aforesaid shall not be able to pay
the Penalty herein mentioned, the Court may Order such Person or persons
so offending and unable to pay as aforesaid thirty-nine Lashes, to be well
Laid on his Bare Back at the Public Whipping Post, for every such
Offence.

V. And be it further Enacted by the Authority aforesaid, That an Act
of Assembly entitled "An Act to prevent hunting for & killing Deer in the
Manner herein Mentioned," passed the Twenty-Seventh day of November,
One thousand Seven hundred and Sixty four, be and is hereby repealed
and made Void to all intents and purposes as if the same had never been
made.

Read three Times and Ratified in open Assembly the first day of Decem-
ber, Anno Dom. 1766.

CHAPTER XXI.

An Act to Prevent the Unreasonable Destruction of Fish in Neuse River,
Tar River, Fishing Creek, Rocky River, The South Fork of Catawba
River, The South fork of the Yadkin River and Contentney Creek.

I. Whereas, many Avaricious persons, by Extending Seins, Nets, Hedges,
Stops or Dams across Neuse River, Tar River, Fishing Creek, Rocky River,
the South fork of the Catawba River, the South fork of the Atkin River and
Contentney Creek, prevent fish from passing up the said Streams, to the
Prejudice of the Upper Inhabitants of the same.

II. Be it therefore Enacted by the Governor, Council and Assembly, and
it is hereby Enacted by the Authority of the Same, That from and after the
passing of this Act, it shall not be Lawful for any Person or persons whom-
soever, between the tenth day of February and the Tenth day of May in
any year hereafter during the Continuance of this Act, to Continue, extend
or Erect any Sean or Seans, net or Nets, hedge, Stop or dam (Mill Dams Ex-
cepted) across either of the said Rivers or Creeks below the respective
parts thereof herein Mentioned, that is to say, no such Obstruction shall be
Admitted across Neuse River above the forks, Across Tar River below the
main forks of said River, Across great fishing Creek below the County of
Bute, across Rocky River below Moses Alexander's Mill, and the South fork
of the Catawba River below Henry Whittenes; and that all and every Per-
son or Persons having already Erected, or who shall hereafter Erect or
Cause to be Erected any such Obstruction, Mill Dams Excepted, as afore-
said, across either of the said Rivers or Creeks below the respective parts
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thereof heretofore mentioned; shall in every year after passing this Act and During the Continuance thereof make or leave open a Vacancy of at least Thirty feet near the Middle of such River or Creek, from the tenth day of February to the tenth day of May, Under the Penalty of Twenty pounds, proclamation Money, for such his, her or their Neglect or refusal, to be Recovered by Action of Debt, Bill, Plaist or Information in any Court of Record within this Province, to the Use of the parish agreed by such Obstruction from which the said River or Creek shall Descend.

III. And be it further Enacted by the Authority Aforesaid, That this Act shall Continue and be in force for and During the term of five years, and from thence to the end of the next Session of Assembly, and no Longer.

Read three times and Ratified in Open Assembly, the First day of Decemr., Anno Domini 1766.

CHAPTER XXII.

An act to amend an act intitled "An act for establishing the titles of the freeholders in Edenton, for laying a tax for finishing the church begun in the said town, and for further improvements, and for better regulation thereof.

I. Whereas, since the passing of the above mentioned act some of the commissioners hereby appointed and nominated have moved themselves and others are dead, by which means it becomes necessary that others should be appointed in order that a succession of them may be continued; to answer the purposes of the above mentioned act,

II. Be it therefore enacted by the Governor, Council and Assembly, and by the authority of the same, That from and after the passing of this act Joseph Blount, William Lowther, Samuel Johnston, Joseph Hewes and George Blair, gentlemen, and every of them, be and are hereby constituted and appointed commissioners for the town of Edenton aforesaid, who shall have, exercise and enjoy the same powers, rights and privileges as the commissioners by the before recited act did or might have exercised and enjoyed; and that in case of the death or removal of the treasurer or any of the commissioners out of the county of Chowan, the eldest commissioner shall succeed to the office of treasurer and other commissioner or commissioners shall be chosen in manner as by the said act is directed.

III. And be it further enacted by the authority aforesaid, That every grantee of a lot or lots heretofore granted, shall, within four months after the passing of this act, clear and grub up such lot or lots, under the penalty of ten shillings for each and every lot, which by that time shall not be cleared or grubbed up, and that the grantee of every lot hereafter to be granted shall also, within four months from the date of his deed, also clear and grub up his lot or lots, under the penalties aforesaid, to be recovered and applied in such manner as penalties by the aforementioned act are recoverable and applied.

IV. And whereas, the suffering of hogs and geese to run at large in the said town is found to be injurious to the properties of the inhabitants thereof, be it therefore enacted by the authority aforesaid, That none of the inhabitants of the said town shall, within two months after the passing of this act, suffer any of their hogs or geese to run at large within the bounds of the said town, and any hog or hogs, goose or geese running at large shall be forfeited to the commissioners, and the same, by an order from one of
them under his hand directed to the constable, be by him sold to the highest bidder for the benefit of the said town.

V. And for the prevention of fire in the said town, be it enacted by the authority aforesaid, That every housekeeper shall sweep or cause to be swept, the chimneys of his dwelling house, store and kitchen at least once in every month, between the months of October and April, under the penalty of twenty shillings for every chimney so unswept within the time aforesaid, to be recovered by warrant from under the hand of any one of the commissioners and applied for the benefit of the said town; and in case the chimney of any dwelling house, store or kitchen shall catch on fire through neglect in manner before directed, in the said town, the possessor of such house, store or kitchen shall pay to the commissioners of the said town the sum of five pounds, to be recovered and applied in manner as before directed.

VI. And whereas, it frequently happens that masters of vessels, not belonging to the province, bring their vessels to the public wharfs already erected in the said town, and there vend and retail their cargoes, and have the benefit of the said wharfs; be it therefore enacted by the authority aforesaid, That every master of a vessel not belonging to the province, or directly from Great Britain, shall, for each and every day he shall lie with his said vessel at any one of the said wharfs, pay to the commissioners of the said town the sum of two shillings per day; and in failure of payment thereof the same shall and may be levied upon the body or goods and chattels of the delinquent by a warrant under the hand of any one commissioner, directed to a constable, and the money be applied as before directed.

VII. And be it further enacted by the authority aforesaid, That within two months after the passing of this act any occupier of any lot or lots whereon now is or shall be built any habitable house shall have a ladder of a proportionable length to the height of his house, which said ladder shall be constantly kept up against his house, that in case of fire relief may be immediately afforded, under the penalty of twenty shillings, to be recovered and applied as aforesaid.

CHAPTER XXVIII.

An Act to encourage Benjamin Heron, Esq., to build a bridge over the north-east branch of Cape Fear river at or near the place where the ferry is now kept by Edward Davis.

I. Whereas, a bridge over the north-east branch of Cape Fear river at or near the place where the ferry is now kept by Edward Davis would be much for the convenience of all travellers; and as the land on both sides the River belongs to Benjamin Heron, Esq., the said Benjamin Heron is desirous of building a bridge there at his own expense, on condition that the benefit thereof be vested in him, his heirs and assigns forever;

II. Be it therefore enacted by the Governor, Council and Assembly, and by the authority of the same, That it shall and may be lawful for the said Benjamin Heron, his heirs, executors, administrators or assigns, to erect and build a good, strong and substantial bridge over the north-east branch of Cape Fear river, as near as he conveniently can to the place where the ferry is now kept by Edward Davis; which bridge shall have one wide arch of thirty feet for rafts and pett.aiugas to pass through, and six feet high above high water mark, and be made to draw up occasionally for the navigation of vessels of large burthen; and after building and erecting the
bridge as aforesaid, it shall and may be lawful for the said Benjamin Heron, his heirs, executors, administrators or assigns, to keep a sufficient gate thereon and take and receive from all persons that shall pass over the same at the following rates, that is to say: For every man and horse, six pence; for every four wheel carriage drawn by two horses or oxen, two shillings; and for every two wheel carriage drawn by one or two horses or oxen, one shilling; and for every horse or ox more, four pence each; and for every head of neat cattle, three half pence; and for every twenty hogs or sheep, eighteen pence, and so in proportion for a greater or lesser number of hogs or sheep; and for all travellers on foot, four pence.

III. And be it further enacted by the authority aforesaid, That after the said bridge is so built and completely erected as aforesaid (provided it shall be completed within four years after the passing of this act), it shall not be lawful for any person whatsoever to keep any ferry, build any bridge or set any person or persons, carriage or carriages, cattle, hogs or sheep, over the said river for fee or reward within six miles of the same, under the penalty of twenty shillings, proclamation money, for each and every offence, to be recovered by a warrant by the said Benjamin Heron, his heirs, executors, administrators or assigns, before any magistrate of the county of New Hanover, to be applied to the use of the proprietor of the said bridge at the time of the offence being committed.

IV. And be it further enacted by the authority aforesaid, that when the said bridge shall be built and erected, as aforesaid, the said Benjamin Heron, his heirs, executors, administrators or assigns, shall for ever thereafter keep the same in good order and fit for passing over, and in case of any neglect shall be subject to the same pains and penalties as other keepers of public bridges and ferries are liable to by the laws of this province.

CHAPTER XXIX.

An Act for confirming a lease made by the Tuscara Indians to Robert Jones, jun., William Williams and Thomas Pugh, Esquires.

I. Whereas, a number of the Tuscara Indians, being desirous of moving themselves from their lands on Roanoke river, in Bertie county, in this province, and settling and incorporating themselves with the nations of Indians on the River Susquehanna; and whereas, the said Tuscara Indians, in order to defray the expence of removing themselves and their effects from this province to the settlements on the river Susquehanna, did, on the twelfth day of July, in the year one thousand seven hundred and fifty-six, for the consideration of fifteen hundred pounds, proclamation money, before that time paid and advanced to them, the said Tuscara Indians, by the said Robert Jones, William Williams and Thomas Pugh, by an indenture under the hands and seals of James Allen, John Wiggins, Billy George, Snip Nose George, Billy Cain, Charles Cornells, Thomas Blount, John Rogers, George Blount, Wineoak Charles, Billy Basket, Billy Owen, Lewis Tuffelick, Isaac Miller, Harry, Samuel Bridgers, Thomas Seneca, Thomas Howit, Billy Sockey, Billy Cornells, John Seneca, Thomas Basket, John Cain, Billy Dennis, William Taylor, Owens, John Walker, Billy Mitchell, Billy Netop, Billy Blount, Tom Jack, John Lightwood, Billy Roberts, James Mitchell, Captain Joe and William Pugh, chieftains and headmen of the said nation of Tuscara Indians, for and on behalf of themselves and the rest of the Indians of the said Tuscara nation, on the one part, and the said Robert Jones, William Williams and Thomas Pugh, of the other
part, did demise, grant and to farm let, a certain dividend of land, situate and lying on Roanoke river, in the county aforesaid, containing about eight thousand acres, be the same more or less, and bounded as follows, to-wit: Beginning at the mouth of Deep creek, otherwise called Falling run, thence running up the said creek to the Indian head line; hence by the said line south fifty seven degrees east one thousand two hundred and eighty poles; thence a course parallel with the general current of the said creek to Roanoke river aforesaid, and up the river to the beginning; together with all trees, timber trees, woods, underwoods, ways, waters and appurtenances whatsoever, to the said dividend, tract or parcel of land belonging or in any wise appertaining; to have and to hold the said dividend, tract or parcel of land, with all and singular the appurtenances unto the said Robert Jones, William Williams and Thomas Pugh, their executors, administrators or assigns, without impeachment of waste, to be by the said Robert Jones, William Williams and Thomas Pugh, respectively, their executors, administrators and assigns, held and enjoyed in severalty; that is to say, one third part of the said dividend, tract or parcel of land, into three equal parts to be divided, unto the said Robert Jones, his executors, administrators and assigns; one other third part thereof, the same into three equal parts to be divided, unto the said Williams Williams, his executors, administrators and assigns; the remaining third part thereof, the same into three equal parts to be divided, unto the said Thomas Pugh, his executors, administrators and assigns; from the said twelfth day of July, in the year aforesaid, for and during the term of one hundred and fifty years from thence next ensuing, and fully to be compleated and ended, the said Robert Jones, William Williams and Thomas Pugh, their executors, administrators and assigns, yielding and paying therefor yearly, and every year during the said term, to the said Tuscarora Indians and their assigns one pepper corn, if demanded, at or upon feast of St. Michael the archangel.

II. And whereas, the said nation of Tuscarora Indians are desirous that the indenture of the lease made between the said James Allen, John Wiggins, Billy George, Snip Nose George, Billy Cain, Charles Cornellus, Thomas Blount, John Rogers, George Blount, Wineak Charles, Billy Basket, Billy Owen, Lewis Tuffdick, Isaac Miller, Harry, Samuel Bridgers, Thomas Seneca, Thomas Howitt, Billy Sacket, Billy Cornellus, John Seneca, Thomas Basket, John Cain, Billy Dennis, William Taylor, Owens, John Walker, Billy Mitchell, Billy Netop, Billy Blount, Tom Jack, John Lightwood, Billy Roberts, James Mitchell, Captain Joe and William Pugh, Chiefs and headmen of the said nation of Tuscarora Indians, and the said Robert Jones, William Williams and Thomas Pugh, should have the force and validity of the Assembly; and that it shall be lawful for the said Robert Jones, William Williams and Thomas Pugh, their executors, administrators and assigns, to enter upon, occupy, possess and enjoy the said dividend, tract or parcel of land, demised aforesaid, without let, hindrance or molestation of any person or persons whatsoever, and without incurring any penalties whatsoever by reason of their so entering upon, occupying, possessing and enjoying the said tract or parcel of land, without impeachment for waste.

III. And whereas, the said Robert Jones, since the said twelfth day of July, in the year aforesaid, hath departed this life, having first made his last will and testament, and therein and thereby bequeathed his proportion and share of the said tract or parcel of land, demised as before said, unto his sons Allen Jones and Willie Jones, their executors, administrators, and assigns;
IV. 'Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, and it is hereby Enacted, That the said Indenture of the demise is hereby ratified and confirmed; and that it shall and may be lawful for the said Allen Jones and Willie Jones, in right of the said Robert Jones, the said William Williams, and Thomas Pugh, their executors, administrators, and assigns, to enter upon, occupy, possess, and enjoy the said dividend, tract or parcel of land, according to the form and effect of the said Indenture of the demise; that is to say, that it shall and may be lawful for the said Allen and Willie Jones, their executors, administrators, and assigns, to enter upon, occupy, possess, and enjoy, one third part of the said dividend, tract or parcel of land, the same to be divided into three equal parts, for, and during the term aforesaid; the said William Williams, his executors, administrators and assigns, to enter upon, occupy, possess, and enjoy, one third part thereof, the same into three equal parts to be divided, for and during the term aforesaid; and the said Thomas Pugh, his executors, administrators and assigns to enter upon, occupy, possess, and enjoy, the remaining third part thereof, for and during the term aforesaid.

V. And be it further Enacted, by the Authority aforesaid, That the said Allen Jones, Willie Jones, William Williams, and Thomas Pugh, their executors, administrators, and assigns, are hereby exempted from the penalties of an Act of Assembly, passed at New Bern the fifteenth day of October in the year of our Lord One Thousand Seven Hundred and Forty-eight, intituled, An Act for ascertaining the bound of a certain tract of land formerly laid out by treaty for the use of the Tuscarora Indians, so long as they or any of them shall occupy or have the same and to prevent any other person or persons taking up land, or settling within the said bounds by pretence of any purchase or purchases made or that shall be made from the said Indians; and that shall and may be lawful for the said Allen Jones and Willie Jones, William Williams, and Thomas Pugh, their executors, administrators, and assigns, to occupy, possess and enjoy, the said dividend, tract or parcel of land demised as aforesaid, during the term aforesaid, without impeachment of waste, and without the let, molestation, or hindrance, of any person or persons whatsoever.

VI. Provided always, and be it Enacted, by the Authority aforesaid, That nothing herein contained shall be construed as to invalidate the title or titles of any person or persons who have obtained in a grant or grants for any tract or parcel of land within the limits or boundaries of the lands of the said Tuscarora Indians, before the fifteenth day of October, one thousand seven hundred and forty eight.

VII. Provided also, and it is hereby Enacted, by the authority aforesaid, That the said Allen Jones, Willie Jones, William Williams, and Thomas Pugh, their executors, administrators, and assigns, shall yearly and each year, during the term aforesaid, on the twenty first day of March pay the right honourable Earl of Granville, his heirs and assigns, a quit rent of four shillings, Proclamation Money, for every hundred acres of land contained within the limits or boundaries of the lands demised as aforesaid; and in case the said quit rents shall be in arrear at any time within the term aforesaid, that then it shall and may be lawful for the Earl of Granville, his heirs and assigns, to sue for and recover all such arrearages of rent, of and from the said Allen Jones, Willie Jones, William Williams, and Thomas Pugh, their executors, administrators and assigns, by all lawful ways and means whatsoever.
LAWS OF NORTH CAROLINA--1767.

At an Assembly, begun and held at New Bern, the Third Day of November, in the Seventh Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty-six: and from thence continued, by Prorogation, to the Fifth Day of December, in the Year of our Lord One Thousand Seven Hundred and Sixty-seven: Being the Second Session of this present Assembly. William Tryon, Esq., Governor.

CHAPTER XIV.

An Act for Destroying Crows and Squirrels in the Several Counties therein Mentioned.

I. Whereas, the great Increase of Crows and Squirrels in the Counties hereafter mentioned is found to be injurious and prejudicial to the Inhabitants thereof,

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That every Master and Mistress of a Family and Overseer of a Plantation where the Master or Mistress doth not reside in the same County, in the Counties of Craven, Dobbs, Granville, Pasquotank, Rowan, Cumberland, Mecklenburgh and Hyde shall kill, or Cause to be killed in every year, Seven Crows or Squirrels for each Taxable he or she shall enrol, under the Penalty of forfeitng and paying four pence for every Crow or Squirrel he or she shall neglect to kill, or Cause to be killed, to be recovered and applied as hereinafter directed. Provided always, that no Taxables, Constant residents in any of the Towns in the Counties in the Bill mentioned, shall be included in this Act.

III. And be it further Enacted by the Authority aforesaid, That every Master, Mistress or Overseer as aforesaid, on killing any crow or crows, squirrel or squirrels as aforesaid, shall produce the head of such Crow or Crows, and also the scalp or Scalps of such Squirrel or Squirrels, to some Justice of the Peace, who thereupon shall give a Certificate to such Person or Persons, mentioning the Numbers of Crows heads and Squirrels Scalps so produced, who on giving such Certificate shall destroy or cause to be destroyed, such Heads and Scalps in his presence.

IV. And be it further Enacted by the Authority aforesaid, That in Case any Person shall produce a Certificate in which a Greater Number than Seven Squirrels or Crows shall be inserted in any Certificate for every Taxable he or she shall be Chargeable with, the Sheriff shall immediately on receipt thereof, pay unto the party producing the same, The sum of four pence for each and every such Squirrel and Crow over and above the number by this Act required, which Sheriff shall be allowed the said Moneys in passing his accounts with the Court of the County whereof he shall be Sheriff.

V. And for the effectual recovering the Penalty aforesaid, Be it further Enacted by the Authority aforesaid, That the Sheriff of the respective Counties herein before mentioned, at the time of receiving the County Taxes, shall demand of each and every person chargeable with Taxes, such certificate for that Year and on neglect or refusal to produce the same, to pay
the Penalties aforesaid The Sheriff shall and is hereby empowered and
directed to make Distress upon the Estate of such Person or Persons for
the Penalties aforesaid, in the same Manner as by Law he is empowered
to make Distress for Public, County and Parish Taxes, and shall account
with and pay the same to the Justices of his County under the same rules,
pains and penalties and have and receive the same allowances as for
receiving, accounting for and paying Public, County and Parish Taxes, which
penalties shall, by the Justices, be applied towards defraying the County
Charges.

VI. And be it further Enacted by the Authority aforesaid, That this Act
shall be and continue in force for and during the Term of One Year from
and after the passing thereof, and no longer.

CHAPTER XIX.

An Act to Continue the Acts therein mentioned for appointing a Militia.

I. Whereas, an Act for appointing a Militia Passed at a General Assem-
by held at Wilmington on the Thirteenth day of January, in the year of
Our Lord One thousand Seven hundred and Sixty four; was to continue
and be in force for and during the Term of Three Years and no longer, which
said Act was amended and Continued by an Act of the General Assembly
held at New Bern on the Third day of November, in the Year of our Lord
One Thousand seven hundred and Sixty six, intitled an Act to amend and
Continue an Act, Entitled an Act for appointing a Militia, and was, to be
and Continue in force until the end of the next session of the Assembly,
and no longer. And it being found necessary that the said Act be further
Continued.

II. Be it therefore Enacted by the Governor, Council and Assembly,
and by the Authority of the same, that the before rected Acts be and
remain in force until the next Session of the Assembly and no longer.

CHAPTER XXIII.

An Act to amend an Act intitled an Act for the Regulation of the Town of
Wilmington.

I. Whereas, by the before rected Act the Commissioners of the Town
of Wilmington have no Power to Levy or recover any fines or forfeitures,
from persons refusing or Neglecting to work on the Streets of the said
Town, reference being therein had to an Act of Assembly for appointing
Commissioners of the roads in several Counties, which Act has been since
repealed,

II. Be it therefore Enacted by the Governor, Council and Assembly, and
by the Authority of the same, That from and after the Passing of this Act
all fines and forfeitures which shall or may become due from any person
or persons refusing or Neglecting to work on the Streets or other Publick
places in the said Town, by order of the Commissioners appointed by this
Act, shall be recovered by Distress and Sale of the offenders goods & Chatt-
tels, by Virtue of a Warrant under the hands and Seals of the said Commis-
sioners, or the Majority of them, Directed to one of the Constables, who
shall and he is hereby Impowered to Levy the same by Sale of the Offend-
ers goods at Public Vendue, to the highest bidder, and the said constable
shall be allowed for executing the said Warrant, One Shilling and three pence, Proclamation money, and two and a half p. cent for the sum levied, and after the forfeiture and charges paid he shall return the Overplus, if any, to the owner, which Warrant shall be in the following words, viz: 

III. Whereas, Information upon Oath hath been made unto us, Commissioners of the Town of Wilmington, by A. B. that C. D. is a Defaulter upon the Streets with . . . . . . Taxables for . . . . . . days, which at the fine of Two Shillings and Eight Pence each by Law established amounts to the Sum of . . . . . . and that the said C. D. has refused to make Satisfactory for the same. These are therefore to Command and require you to seize so much of the Goods and Chattels of the said C. D. as will pay and satisfy the said Sum of . . . . . . with costs, and the same Goods so seized unless redeemed by payment of the said Sum of . . . . . . with costs in Ten days after Seizure, that you sell and dispose of and the Money arising thereby you pay to us, for which this shall be your Warrant, Given, &c.

IV. And whereas, the Inhabitants of the said Town have been at great expense in procuring an Engine for the Extinguishing of fire, which is now out of repair,

V. Be it further Enacted by the Authority aforesaid, That the said Commissioners, or the Majority of them, shall and they are hereby required within Six Months after the passing of this Act, to have the said Engine repaired and that they Cause the same to be properly worked at least once in every month under the penalty of Forty Shillings, Proclamation money, for every Month they shall Neglect to have the same done, to be recovered by any Person who shall sue for the same before any Justice of the Peace of New Hanover County and the cost of the repairing and working the said Engine shall be paid out of the Publick Stock of the said Town.

VI. And be it further Enacted by the Authority aforesaid, That the said Commissioners, or the Majority of them, shall and they are hereby Impowered and required within One Year after the Passing of this Act, to Sink Two Wells in the Streets near the Court-house, and to fix proper Pumps therein, in Order to have Water Convenient in case of Accidents by fire, and the expense to be paid out of the Publick Stock of the said town.

VII. And be it further Enacted, That the Constables of the said Town refusing or Neglecting to walk the Streets, in turn, in time of Divine Service near the place where the same shall be performed as by Law appointed, shall each of them Forfeit and Pay for every such Neglect the sum of Twenty Shillings, Proclamation Money, to be recovered by Warrant under the hands and seals of the said Commissioners, or the Majority of them, and the Onus Probandi shall be on the Defendant, and the money arising therefrom shall be paid into the publick Stock of the said Town.

VIII. And that the said town of Wilmington, may be more regularly Supplied with all kinds of provision.

IX. Be it further Enacted by the Authority aforesaid, That the said Commissioners, or the Majority of them, are hereby Authorized and Impowered from time to time, and at all times hereafter, to pass such Orders as they may Judge necessary for the regulating the Market of the said Town, for ascertaining the place where the same shall be held, for appointing a Clerk of the Market if Necessary, to prevent persons forestalling the Market, for Regulating the Assize of bread and weights and Measures, and every other Matter and thing relative thereto; and to Inforce the same by laying fines on all persons who shall refuse or neglect to comply with the said Orders, to be recovered and applied in the same manner and under the same Limitations as are prescribed by the before recited Act.
X. And be it further Enacted by the Authority aforesaid, that the said Commissioners, or the Majority of them, shall and they are hereby Impowered to pass such Orders as they may Judge Necessary to prevent Slaves from keeping Houses in the said Town, or any Person or Persons Dealing with Slaves not having tickets from their Masters, to prevent or Remove all kinds of Nuisances whatsoever, to Oblige the Inhabitants to keep a Sufficient Number of Leathern Bucketts in their Houses with their Names thereon, to be ready in case of fire, to Erect a fire Company under such regulations as they may think necessary, to prevent any person making fires upon the Warfs, and every other Matter and thing for the good Government and safety of the said Town, consistent with the Laws of this province, and to enforce such orders by Laying fines on all persons Neglecting or refusing to comply therewith, to be recovered and applied in the same Manner and under the same limitations as is prescribed by the before recited Act.

XI. Provided always, that if the offender be a slave, then in such case the said Slave shall be whipped by one of the Constables of the said Town at the Discretion of the said Commissioners, or the Majority of them, not exceeding forty Lashes unless the Master or Mistress of such slave shall pay the fine.

XII. Provided also, that it shall and may be Lawfull for any person or persons who shall think him or themselves aggrieved by the Judgment or Determination of the said Commissioners, or the Majority of them, to appeal from such Judgment or Determination, to the Justices of the Inferior Court of Pleas and Quarter Sessions of New Hanover County, first giving security to prosecute such Appeal, which said Justices are hereby Impowered to Determine the same in a Summary way.

XIII. And be it further Enacted by the Authority aforesaid, That this Act shall be and Continue in force for and During One Year from the passing thereof and no longer.

Read three times and Ratified in Open Assembly the 11th day of January, Anno Dom. 1768.

WILLIAM TRYON, Esq., Governor.
JOHN RUTHERFORD, President.
JOHN HARVEY, Speaker.
LAWS OF NORTH CAROLINA -- 1768.

At an Assembly, begun and held at New Bern, the Third Day of November in the Seventh Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c., and, in the Year of our Lord One Thousand Seven Hundred and Sixty-six; and from thence continued, by Prorogation, to the Seventh Day of November, in the Year of our Lord One Thousand Seven Hundred and Sixty-eight. Being the Third Session of this present Assembly. William Tryon, Esq., Governor.

CHAPTER IV.


I. Whereas, Great Injuries have Arisen from Disposing of Lands, Goods and Chattels taken on Executions, from the great Scarcity of Currency: for Remedy thereof,

II. Be it Enacted by the Governor, Council and Assembly, and it is hereby Enacted by the Authority of the Same, That from and after the passing of this Act no Sheriff or other officer within this Province to whom Execution shall be directed, shall levy the same on Lands or Negroes, where other sufficient Distress of Commodities fit for Exportation is shown; and every Sheriff or other Officer who by Virtue of an Execution shall expose to Sale any Lands, Goods or Chattels of what nature or kind soever, where the sum Levied for, does exceed the sum of five pounds shall first Summons one Justice of the Peace, and two freeholders of the County. One to be named by the Plaintiff, the other by the Defendant, and on their Neglect to be named by the Sheriff, to Appear at a particular day and place to inspect and Value the same; and the said Justices and Freeholders shall render in Writing under their hands and Seals, a true Valuation of the same to some other Justice of the County, who is hereby required to administer the following Oath, and Certify on the back of such Instrument, viz:

"You and each of you do swear that this Instrument of writing by you produced, Contains a true Valuation of one or more (as the Case may be) Tract or Tracts of Land Situated in the County of .......... on .......... or Goods (as the Case may be) and taken by virtue of an Execution at the Instance of .......... And that you have proceeded in such valuation upon a Careful View and According to Law, to the best of your knowledge and Information without favour or Dislike to either party. So help you God."

Which said Instrument of Writing, with the Certificate, shall be by them Delivered to the Sheriff, who upon Exposing such Lands, Goods or Chattels to Sale, shall not Dispose of them for a less sum than Two Thirds of such Valuation, under the penalty of One Thousand pounds, to be Recovered by Action of Debt in any Court within this Province having Cognizance thereof, by and for the use of the party Grieved.

III. And be it further Enacted by the Authority aforesaid, That if any Lands, Goods or Chattels set up for sale as aforesaid, shall not be Dispose of, the plaintiff shall take the said Lands or Chattels at two thirds the Valuation thereof; and the Sheriff or other Officer is hereby empowered

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and directed to give such plaintiff a Deed or Bill of Sale for the same, in
the same manner as he might have done, had the Land, Goods or Chattels
been sold at Publick Vendue.

IV. Provided, That in Case any person Shall Conceive himself Aggrieved
by such Valuation made as aforesaid, he may appeal to the Next Inferior
Court of the County wherein such Lands or Chattels may be, who on
Examination may appoint one other Justice and two other Freeholders to
proceed in a Second Valuation of the said Lands or Chattels, under the
aforesaid Oath and Regulations, upon which valuation returned to the next
Court, the Justices shall Judge upon the same without appeal, and the Sheriff
and partys shall proceed as aforesaid.

V. Provided always, That nothing in this Act Contained shall be Deemed
or Construed to extend to any Execution or Executions for any Debt or
debts payable to his majesty, to this province, or to Merchants in Great
Britain, or to any Execution already levied.

VI. And be it further Enacted by the Authority aforesaid, That the
Sheriff or other officer shall be and is hereby intituled to receive the Sum
of Two Shillings and eight pence for each and every Justice and freeholder
so summoned, and every Justice and Freeholder that shall neglect or refuse
to attend, unless prevented by sickness or some other sufficient Cause, he
or they so neglecting or Refusing, shall forfeit and pay the sum of Five
pounds, to be recovered in the Inferior Court of the County by Action of
Debt, and applied to the use of the Parish.

VII. And be it further Enacted by the Authority aforesaid, that this Act
shall continue and be in force, for and during the term of One Year, and
from thence to the end of the next Session of Assembly and no longer.

CHAPTER XV.

An Act to Encourage the Importation of British Copper Half-pence and for
making Them a Tender for the Payment of small Debts.

I. Whereas, the Importation of British Copper Half-Pence into this
Province and making them a tender for the payment of small Debts will be
found of great Utility to the Inhabitants,

II. Be it Enacted by the Governor, Council and Assembly, and by the
Authority of the same, That from and after the passing of this Act, British
Copper Half-Pence shall be received and taken in all payments at the rate
of Twelve of the said Half-pence for One Shilling Proclamation Money.

III. Provided always, That no person shall be Obliged to receive more
than the value of ten Shillings, Proclamation Money, in such half-pence for
the Payment of any Debt whatsoever.

IV. And be it further Enacted by the Authority aforesaid, That this Act
shall be and continue in force for and during the term and Space of five
Years from the passing thereof and no longer.

CHAPTER XVII.

An Act to Continue an Act, intituled an Act to amend an Act, intituled an Act
for the Regulation of the Town of Wilmington.

I. Whereas, the before recited Act has been found Greatly to Contribute
to the Good Regulation of the Town of Wilmington, and the time of its
Continuance being near Expiring,
II. Be it Enacted by the Governor, Council and Assembly and by the Authority of the same, That the said Act shall be and Continue in force, from the expiration thereof, for and during the term and Space of one year and no Longer.

CHAPTER XVIII.

An Act for declaring certain Lots in the Town of New Bern taken up by the Trustees for Promoting the Public School in the said Town, saved and improved according to Law; and to impower the said Trustees to collect the subscriptions due to the said School.

I. Whereas, the Incorporated Society for Promoting the Public School in New Bern have taken up two Lots of Land lying and being in the said Town and known in the plan thereof by the Numbers or Figures 328 and 329, and are contiguous to and in the same Square in which the said Society have erected a large and convenient Building for the Use and Accommodation of the Master and Scholars of the said School. And It being inconvenient that any other Building should be Erected on the said Lots.

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That the said Building already Erected shall be held, deemed and taken to be a Sufficient saving and Improvement of the said Lots Number 328 and 329 within the extent and meaning of the Act of Assembly in that case made and provided, And the said two Lots are hereby declared to be saved and Improved Lots accordingly; anything in the said Act of Assembly to the Contrary notwithstanding.

III. And whereas, Sundry Donations have been made by Subscription for the benefit of the said school, which the said Society have neglected to collect and receive; And Whereas, it is apprehended that the Statute of Limitations will be a Barr to any action that may be brought by the said Society for recovering of the said Subscriptions.

IV. Be it therefore Enacted by the Authority aforesaid, that it shall and may be Lawful for the said Society to commence an Action or Actions on the said Subscriptions against all and every person or persons for any Sum or Sums by him or them subscribed for, and that upon such Action or Actions the said Statute of Limitations shall be no barr; Provided, That such Action or Actions shall be brought by the said Society within the space of Twelve Months from and after the passing of this Act and not after.

CHAPTER XIX.

An Act for destroying Crows, and Squirrels in the several Counties therein Mentioned.

I. Whereas, the great Increase of Crows and Squirrels in the Counties heretofore mentioned, is found to be injurious and prejudicial to the Inhabitants thereof.

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That every Master or Mistress of a family, and Overseer of a Plantation, where the Master or Mistress doth not reside in the same County, in the Counties of Craven, Granville, Pasquotank, Rowan, Cumberland, Mecklenburg, Orange and Bute, shall kill or cause to be killed in every year, Seven Crows or Squirrels for each Taxable, he, or she, shall inlist, under the penalty of forfeiting and paying four pence, for every Crow
or Squirrel, he or she shall neglect to kill, or cause to be killed, to be recovered, and applied, as hereinafter directed.

III. Provided always, That no Taxables, constant Residents in any of the towns in the Counties in the Bill mentioned, shall be included in this Act.

IV. And be it further Enacted by the Authority aforesaid, That every Master, Mistress of a Family or Overseer as aforesaid, on killing any Crow or Crows, Squirrel or Squirrels, as aforesaid, shall produce the Head of such Crow or Crows, and also the Scalp or Sculps of such Squirrel or Squirrels, to some Justice of the Peace, who thereupon shall give a Certificate to such person or persons, mentioning the number of Crows Heads, and Squirrel Sculps so produced; who on giving such Certificate shall destroy or cause to be destroyed, such Heads or Sculps in his presence.

V. And for the effectual recovering the penalties aforesaid, Be it further Enacted by the Authority aforesaid, That the Sheriffs of the respective Counties, hereinafter mentioned, at the time of receiving the County Taxes, shall demand of each and every person chargeable with Taxes, such Certificate for that year, and on neglect or refusal to produce the same, or pay the penalties aforesaid, the Sheriff shall and is hereby impowered and directed, to make Distress upon the Estate of such Person, or Persons, for the penalties aforesaid, in the same manner as by Law he is impowered to make Distress for public, County and parish Taxes, and shall account with, and pay the same, to the Justices of his County, under the same Rules, pains, & penalties, and have and receive the same Allowances, as for receiving, accounting for, and paying public, county, and parish Taxes; which penalties, shall by the Justices be applied, towards defraying the County Charges.

VI. And be it further Enacted by the Authority aforesaid, That this Act shall be and continue in force for and during the Term of One year, from and after the passing thereof, and no longer.

Read three times and ratified in Open Assembly this third Day of December, 1768.

JAMES HASELL, President.

JOHN HARVEY, Speaker.

WILLIAM TRYON, Esq., Governor.
LAWS OF NORTH CAROLINA--1769.

At an Assembly, begun and held at New Bern, the Twenty-third day of October, in the Ninth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Sixty-nine: Being the First Session of this present Assembly. William Tryon, Esq., Governor.

CHAPTER I.

An Act for appointing an Agent to solicit the Affairs of this Province at the Several Boards in England.

I. Whereas, it is necessary that some person or persons properly Qualified be appointed by Public Authority to solicit and truly Represent the affairs of this Province at the several Boards in England,

II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That Henry Eustace McCulloch, Esquire, be and is hereby appointed Agent for this Province to solicit, Represent and Transact all such public affairs and business now relating to the said Province, or that shall or may be moved concerning the same, at any of the said Boards in England during the said Term, according as he shall, from time to time, find occasion or be directed and instructed by the Committee of Correspondence hereinafter appointed. And the said Henry Eustace McCulloch have and receive for his Trouble and Expenses in soliciting the Affairs and public concerns of this Province the sum of Two Hundred pounds sterling, paid in London annually, to be paid by Warrant from His Excellency the Governor, out of the Public Treasury to the said Committee and by them to be remitted to the said Henry Eustace McCulloch.

III. And be it further Enacted by the Authority aforesaid, That the Honorable Lewis Henry DeRassett, Alexander McCulloch and Robert Palmer, Esquires, members of Council, John Harvey, Joseph Montfort, Edward Vail, John Campbell & Benjamin Harvey, Esquires, or the Majority of them, or the Majority of the survivors of them, be and they are hereby nominated and appointed a Committee to correspond with and from time to time during the continuance of this Act, to advise, direct and instruct the said Henry Eustace McCulloch in all such matters relating to this Province as may be moved or solicited, or that they may think proper at any time to move or solicit, before any of the Boards in England, and the said Committee shall, from time to time when thereto required, lay before the General Assembly of this Province the advices they shall receive from the said Agent and also copy of such dispatches, Orders and directions as they shall send to him.

IV. And be it further Enacted by the Authority aforesaid, That this Act shall continue and be in force for and during the term of two years from and after the second day of December next.

CHAPTER II.

An Act for Confirming the Qualification of Henry Lockey, Sheriff of Beaufort County.

I. Whereas, neither of the three persons recommended by his Excellency the Governor, as proper persons to serve as Sheriff for the County of Beau-
fort, by the Inferior Court of the said County in April One Thousand Seven
Hundred and Sixty Eight, did apply for a Commission.

II. And whereas, the then acting Sheriff did resign his said office of
Sheriff at July Inferior Court next following, by which means the said
County became Destitute of a Sheriff, and the Coroner of the said County
refusing to Act under the rules and regulations agreeable to the true Intent
and meaning of an Act of Assembly, Intitled An Act for appointment Sheriffs
and directing their duty in office.

III. And whereas, the said Henry Lockey being one of the three persons
recommended to His Excellency the Governor, by the Inferior Court of the
County aforesaid, at April Court aforesaid, did Obtain a Commission from
His Excellency the Governor bearing date the third day of November next
following his said recommendation from the Inferior Court aforesaid, And
in order that publick as well as Private business should not be delayed
in the said County for the want of an executive Officer, a Sufficient number
of the Justices of the Peace for the said County (which by Act of Assembly
are authorized to hold an Inferior Court) did meet at the Court-House of the
said County, with the Clerk of the Inferior Court of the said County, in
the month of November aforesaid, and then and there did take from the
said Henry Lockey the Bonds and Securities agreeable to an Act of Assembly
in such case made and provided, and did cause the said Henry Lockey to
take the several oaths by law appointed for his qualification. Whereupon,
the said Henry Lockey did immediately enter upon the execution of his said
office.

IV. And whereas, the legality of the said Henry Lockey's qualification
as aforesaid, is by some persons disputed.

V. Be it therefore Enacted by the Governor, Council and Assembly, and
by the Authority of the same, That the qualification of the said Henry
Lockey as aforesaid, and every act and acts by him done under such qualifi-
cation in virtue of his office as Sheriff of the said County of Beaufort, is
hereby declared to be good and valid in Law, to all intents and purposes
whatsoever.

Ratified 6th day of November, 1769.
LAWS OF NORTH CAROLINA—1770.

At an Assembly begun and held at New Bern, the Fifth Day of December, in the eleventh Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c., and in the Year of our Lord One Thousand Seven Hundred and Seventy; being the first Session of this present Assembly. William Tryon, Esq., Governor.

CHAPTER I.

An Act for preventing Tumultuous and riotous Assemblies, and for the more speedy and effectually punishing the Rioters, and for restoring and preserving the public peace of this Province.

Whereas of late many seditious Riots and tumults have been in divers Parts of this Province to the disturbance of the Public Peace, the Obstruction of the Course of Justice, and tending to subvert the Constitution, and the same are yet continued and fomented by Persons disaffected to his Majesty's Government. And whereas it hath been doubted by some how far the Laws now in Force are sufficient to inflict Punishment adequate to such heinous Offences.

Be it therefore enacted by the Governor, Council and Assembly, and by the Authority of the same, That if any Persons to the Number of ten or more, being unlawfully, tumultuously and riotously assembled together, to the disturbance of the Public Peace, at any time after the first Day of February next, and being openly required or commanded by any one or more Justices of the Peace or Sheriff to disperse themselves, and peaceably to depart to their Habitations, shall to the number of ten or more, notwithstanding such Command or request made remain or continue together by the space of one Hour after such Command or request, that then continuing together, to the number of ten or more, shall be adjudged Felony and the Offenders therein and each of them, shall be adjudged Felons and shall suffer Death as in Case of Felony and shall be utterly excluded from his or their Clergy, if found guilty by a verdict of a Jury or shall confess the same, upon his or their Arraignment, or will not answer directly to the same, according to the Laws of this Province, or shall stand mute or shall be outlawed, and every such Justice of the Peace and Sheriff within the limits of their respective Jurisdictions, are hereby authorized, empowered and required on Notice or knowledge of any such unlawful, riotous and tumultuous assembly to resort to the Place where such unlawful, riotous and tumultuous Assembly shall be, of Persons to the number of Ten or more and there to make, or cause to be made such Request or Command.

And be it further enacted by the authority aforesaid, that if such Persons so unlawfully, riotously and tumultuously assembled, or ten or more of them, after such Request or Command made in manner aforesaid shall continue together and not disperse themselves within one Hour, that then it shall and may be lawful to and for every Justice of the Peace or Sheriff of the County where such Assembly shall be, and also to and for such Person and Persons as shall be commanded to be aiding and assisting to any such Justice of the Peace or Sheriff, who are hereby authorized, empowered and required to command all His Majesty's Subjects of this Province of Age and Ability to be assisting to them therein, to seize and apprehend such Persons so unlawfully, riotously and tumultuously continuing together, after such Request
or Command made as aforesaid, and forthwith to carry the Persons so apprehended before one or more of his Majesty’s Justices of the Peace of the County where such Persons shall be so apprehended in Order to their being proceeded against for such Offences according to law. And that if the Persons so unlawfully, riotously and tumultuously assembled or any of them shall happen to be killed, maimed or hurt in the dispersing, seizing or apprehending, or endeavouring to disperse, seize or apprehend them, by Reason of their Resistance, that then every such Justice of the Peace, Sheriff, under Sheriff and all other Persons being aiding or assisting to them or any of them shall be free discharged and indemnified, as well against the King, his Heirs and Successors as against all and every other Person and Persons of for and concerning the killing, maiming or hurting of any such Person or Persons so unlawfully, riotously and tumultuously assembled.

And be it further enacted by the Authority aforesaid that if any Persons to the Number of Ten or more, unlawfully, riotously and tumultuously assembled together to the disturbance of the public Peace, shall unlawfully and with Force at any time after the first Day of March next, during the sitting of any of the Courts of Judicature within the Province, with an intention to obstruct or disturb the proceedings of such Court, assault, beat or wound or openly threaten to assault, beat or wound any of the Judges, Justices or other Officers of such Court, during the continuance of the term or shall assault, beat or wound or openly threaten to assault, beat or wound, shall unlawfully and with Force hinder or obstruct any Sheriff, Under Sheriff, Coroner, or Collector of the public Taxes in the discharge or execution of his or their Office or shall unlawfully and with Force demolish, pull down or destroy or begin to demolish, pull down or destroy any Church or Chapel or any Building for religious Worship or any Court House or Prison or any Dwelling House, Barn, Stable or other Outhouse that then every such Offence shall be adjudged Felony, And the Offenders therein their Leaders Abettors and Advisers shall be adjudged felonies and shall suffer death as in due case of felony and be utterly excluded from his or their Clergy, if found guilty by verdict of a Jury or shall confess the same upon his or their arraignment or will not answer directly to the same according to the Laws of this Province or shall stand mute or shall be outlawed.

And whereas it hath been found by experience that there is great Difficulty in bringing to justice Persons who have been or may be guilty of any of the Offences before mentioned: For Remedy thereof, Be it enacted by the Authority aforesaid that it shall and may be lawful to and for the Attorney General of this Province for the time being or his deputies to commence Prosecution against any Person or Persons who have at any time since the first Day of March last or shall at any time hereafter commit or perpetrate any of the Crimes or Offences heretofore mentioned in any Superior Court within this Province or in any Court of Oyer and Terminer by the Governor or Commander in Chief for the time being, specially instituted and appointed and the Judges or Justices of such Court are hereby authorized, empowered and required to take Cognizance of all such Crimes and Offences, and proceed to give Judgment and award Execution thereon, although in a different County or District from that wherein the Crime was committed and that all Proceedings thereupon shall be deemed equally valid and sufficient in Law as if the same had been prosecuted in the County or District wherein the offence was committed, any Law, Usage or Custom to the Contrary notwithstanding.

And be it further enacted, by the authority aforesaid that the Judges or Justices of such Court of Oyer and Terminer so commissioned shall direct the Clerk of the District wherein such Court of Oyer and Terminer is to be
held to issue Writs of Venire Facias, and the proceedings thereon to be in all respects the same as directed by an Act of Assembly passed at New Bern in January in the year of our Lord One thousand seven hundred and sixty-eight entitled An Act for dividing this Province into six several districts and for establishing a superior Court of Justice in each of the said districts and regulating the proceedings therein, and for providing adequate salaries for the Chief Justice and the Associate Justices of the said superior Courts.

Provided nevertheless that no Person or Persons heretofore guilty of any of the Crimes or Offences in this Act before mentioned aforesaid convicted thereof in a different county or district from that wherein such Offence was committed shall be subject to any other or greater punishment than he or they would or might have been had this Act never been made.

And to the end that the Justice of the Province be not eluded by the resistance or escape of such enormous Offenders, Be it further enacted by the Authority aforesaid, that from and after the passing of this Act, if any Bill or Bills of an indictment be found or presentment or presentments made against any Person or Persons for any of the Crimes or Offences heretofore mentioned it shall and may be Lawful for the Judges or Justices of the superior Court or Court of Oyer and Terminer, wherein such indictment shall be found or presentment made and they are hereby empowered and required to issue their proclamation to be affixed or put up at the Court House and each Church or Chappel of the county where the crime was committed, commanding the Person or Persons against whom such Bill of Indictment is found or Presentment made to surrender himself or themselves to the Sheriff of the county wherein such Court is held within sixty Days. And in case such Person or Persons do not surrender himself or themselves accordingly, he or they shall be deemed guilty of the offence charged in the Indictment found or Presentment made in like manner as if he or they had been arraigned and convicted thereof by due course of Law. And it shall and may be lawful to and for any Person or Persons to kill and destroy such Offender or Offenders and such Person or Persons killing such Offender or Offenders shall be free discharged and indemnified, as well against the King, his Heirs and successors, as against all and every Person and Persons for and concerning the killing and destroying such Offender or Offenders and the Lands and chattels of such Offender or Offenders shall be forfeited to His Majesty, his Heirs and successors, to be sold by the Sheriff, for the best Price that may be had, at public Vendue, after notice by Advertisement ten Days, and the Monies arising from such sale to be paid to the Treasurer of the District wherein the same shall be sold and applied towards defraying the contingent charges of Government.

And whereas by the great Riots and Insurrections at the last superior Court held for the district of Hillsborough it may be justly apprehended that some endeavours will be made to protect those who have been guilty of such Riots and Insurrections as well as those who may hereafter be guilty of the crimes and Offences heretofore mentioned: For prevention thereof and restoring Peace & Stability to the regular Government of this Province, Be it enacted by the Authority aforesaid, that the Governor or Commander in Chief for the time being is hereby fully authorized and empowered to order and command that necessary Draughts be made from the different Regiments of Militia in this Province to be under the command of such Officer or Officers as he may think proper to appoint for that purpose at the Public Expense to be by him employed in Aid and Assistance of the Execution of this Law, as well as to protect the Sheriffs and collectors of the public Revenue in Discharge of their several Duties, which draught or Detachment of Officers and
Soldiers when made shall be found, provided for, and paid, in the same manner and at the same rates and subject to the same rules and discipline as directed in case of an insurrection in and by an act of assembly made in the year of our Lord one thousand seven hundred and sixty-eight, intitled An act for establishing a militia in this province.

And for effectually carrying into execution the purposes aforesaid, be it enacted by the authority aforesaid, that it shall and may be lawful for the governor and commander in chief for the time being to draw upon both or either of the publick treasurers of this province, by warrant from under his hand and seal, for the payment of any such sums of money as shall or may be immediately necessary for the carrying on and performing of such service, and the said treasurers or either of them are hereby directed and required to answer and pay such warrants as aforesaid out of the contingent fund which shall be allowed in their settlement of the public accounts.

And be it further enacted by the authority aforesaid, that if any number of men shall be found emboldened and in an armed and hostile manner, to withstand or oppose any military forces raised in virtue of this act, and shall when openly and publicly required commanded by any justice of the peace or sheriff of the county where the same shall happen, to lay down their arms and surrender themselves, that then and in such case the said persons so unlawfully assembled and withstanding, opposing and resisting shall be considered as traitors and may be treated accordingly.

And be it further enacted by the authority aforesaid, that the justices of every inferior court shall cause this act to be read at the court house door, the second day of each court for their counties, and that the minister, clerk or reader of every parish in this province shall read or cause the same to be read at every church, chapel or other place of public worship within their respective parishes, once in three months at least immediately after divine service, during the continuance of this act.

And be it enacted, by the authority aforesaid that this act shall continue and be in force for one year and no longer.

Ratified 15 January, 1771.

CHAPTER III.

An act for founding establishing and endowing of Queen's College in the town of Charlotte in Mecklenburg county.

Whereas the proper education of youth has always been considered as the most certain source of tranquility, happiness and improvement both of private families and of states and empires and there being no institution or seminary of learning established in this province, whether the rising generation may repair, after having acquired at a grammar school a competent knowledge of the Greek, Hebrew and Latin languages to imbibe the principles of science and virtue and to obtain under learned, pious and exemplary teachers in a collegiate or academic mode of instruction a regular and finished education in order to qualify them for the service of their friends and country, and whereas several grammar schools have been long taught in the western parts of this government, in which many students have made very considerable progress in the languages and other literary attainments, and it being thought by many pious, learned and public spirit people that great and singular benefits & advantages would be derived to the publick, could some one of them receive the encouragement and sanction of a law, for the estab-
LAWS OF NORTH CAROLINA—1770.

Ilament thereof on a lasting & permanent basis, wherefore Be it enacted by the Governor, Council and Assembly and by the authority of the same that Messrs. Edmund Fanning, Thomas Polk, Robert Harris, Junior, Abraham Alexander, Hezekiah Alexander, John McNitt Alexander, Ezekiel Polk, Thomas Neal, Wm. Richardson, Hezekiah T. Balseh, Joseph Alexander, Waitstell Avery, Henry Patillo and Abner Nash, be and they are hereby formed and incorporated into a Body Politic or Corporate, by the name of the Fellows and Trustees of the Incorporated Society, for founding, establishing and endowing Queens College in Charlotte Town and by that name to have perpetual succession and a Common Seal, and that they and their Successors by the Name aforesaid shall be able and capable in Law to purchase, have receive enjoy possess and retain to them and their Successors for ever, in special trust and confidence to and for the uses and purposes of founding establishing & endowing the said College, and supporting a President of the same and the number of three or less tutors, any Lands, Rents, Tenements and Hereditaments of what kind nature or quality whatsoever and also to sell, grant, demise, alien or dispose of the same, and also receive and take any charity, gift or donation, whatsoever to the said College and by the same name to sue implead be sued and impleaded, answer and be answered in all Courts of Record whatsoever.

And be it further enacted by the Authority aforesaid that Edmund Fanning, Thomas Polk, Robert Harris Junior, Abraham Alexander, Hezekiah Alexander, John McNitt Alexander, Ezekiel Polk, Thomas Neal, Wm. Richardson, Hezekiah Balseh, Joseph Alexander, Waitstell Avery, Henry Patillo & Abner Nash, Trustees and Fellows or a majority of them are hereby authorized, required and directed to meet at the Grammar school in the County of Mecklenburg aforesaid on the 1st day of March next after the passing of this Act then and there to elect, nominate, constitute and appoint by commission in writing under their hands sealed with the common seal of the said College, some learned, pious, exemplary and discreet person to be President of the said College and in like manner three or a less number of Tutors duly qualified for instructing & educating of the students of the said College and from time to time thereafter at the said School until the College shall be erected in the Town of Charlotte aforesaid and then in the Hall of the said College to convene & meet together and under their common Seal to make such Rules, Regulations & Ordinances for the admission or dismissal of the President and Tutors of said College and for ascertaining the time of the admission of students or members and also the time of their continuance at College before they shall be entitled to receive the degree of Batchelor and Master of Arts, which said degrees the President of said College for the time being is hereby authorized & empowered to confer at the Public commencement on such as may be thought deserving of receiving the honours of the said Seminary of Learning and In Testimony thereof to give and deliver to the said Student so graduated a diploma under the Seal of the said College and signed by the President and a majority of the said fellows and Trustees. Also for directing the mode of Instruction and the course of studies to be pursued by the several classes, and for the better regulating and well ordering the Morals, Studies and Collegiate exercises of the Students & Members of the said College as to them shall seem requisite and necessary and best calculated to answer the good purposes hereby intended provided always that the said rules and ordinances correspond and be as near as may be agreeable to the Laws & Customs of the Universities of Oxford & Cambridge or those of the Colleges in America.

And provided further that no person shall be admitted to be President of the said College but who is of the Established Church and who upon being nomi-
nated & appointed by the Fellows and Trustees as aforesaid or the majority of them shall be duly licensed by the Governor or Commander in Chief for the time being.

And be it further enacted by the authority aforesaid that the said fellows and Trustees before they be deemed qualified to enter on the execution of the Trust reposed in them by this Act do before some Magistrate, take the several Oaths of Government, subscribe the Test, and also take the following Oath to wit.

I, A. B. do swear that I will duly and faithfully to the best of my skill and ability execute and discharge the several Trust, Power and Authorities wherein I am invested by an Act of Assembly, for founding, establishing and endowing of a College in Charlotte and that in all things for the well ordering and Government thereof I will do equal and impartial Justice to the best of my Knowledge, so help me God.

And be it further enacted by the authority aforesaid, that the said Fellows and Trustees or a majority of them after their qualification as aforesaid shall meet at the School House the first day of March next after the passing hereof, to nominate and elect out of their number a fit and proper person to be Treasurer to the said Society, which Treasurer shall be annually elected on the first Tuesday in March, into whose hands shall be paid all moneys of or belonging to the said School, he first giving Bond and security in the sum of three thousand pounds Proclamation money to the first in nomination of his Brother Fellows and Trustees for the faithful discharge of his Office and the Trust reposed in him, and that the said Treasurer shall annually on the said first Tuesday in March settle his Accounts with the Fellows and Trustees of all disbursements, donations, gifts, bequests, or other charities that may belong or accrue to the said College the preceding year, and upon the said Treasurer's neglect or refusal to settle and pay over to the succeeding Treasurer what money may be in his hands belonging to the said Society the same method of recovery may be had against him as is provided for the recovery of monies from Sheriffs or other persons chargeable with publick monies.

And whereas it will be necessary that a Successor of the Fellows and Trustees should be kept up, be it enacted by the authority aforesaid, that on the death, refusal to qualify or removal out of the Province of the said Fellows and Trustees the remaining Fellows and Trustees, or a majority of them, shall elect, nominate and appoint by commission under the seal of the said College, signed by the said Fellows and Trustees, or a majority of them, other Fellows and Trustees in the room and stead of those dead, removed out of the Province or refusing to act, which Fellows and Trustees so elected, nominated and appointed shall be vested with the same Trusts, Powers and authorities as other Fellows and Trustees, He or they first taking the several Oaths by this Act directed for his or their qualification.

And the said Fellows and Trustees being desirous that some certain revenue be raised for founding, establishing and endowing the said College. Be it enacted by the authority aforesaid, that a duty of six pence per gallon on all rum or other spirituous liquors brought into and disposed of in Mecklenburg County be paid for and during the space of ten years from and after the passing of this Act, by the owners and carriers thereof, for and towards raising a fund for the purposes aforesaid, which said duties shall be collected, accounted for and paid to the Treasurer of the said College in the same manner and under the same Penalties and Restrictions as other duties on spirituous liquors are now paid and collected by law.

Ratified 15 January 1771.
LAWS OF NORTH CAROLINA—1771

At an Assembly, begun and held at New Bern, the Nineteenth Day of November, in the Twelfth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c., and in the Year, of our Lord One Thousand Seven Hundred and Seventy-one: Being the Second Session of this Assembly. William Tryon, Esq., Governor.

CHAPTER IX.

An Act to Amend an Act intitled, An Act for the founding, establishing, and endowing, of Queens College, in the town of Charlotte, in Mecklenburg County.

I. Whereas, by the before recited Act the President of the College is required, at the Public Commencement to confer the Honors of the said Seminary on such as shall be thought deserving, and in Testimony thereof to give such Scholar or Scholars so graduated a diploma, which shall be signed by the President, and the Majority of the Fellows and Trustees of the said College: and as it sometimes happens that the said President cannot be present at such Commencement, whereby such scholar or scholars cannot be graduated as aforesaid;

II. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same. That it shall and may be lawful for the Trustees and fellows of the said College, or a majority of them, and they are hereby authorized, empowered, and required to Elect, nominate, constitute, and appoint in the same manner as in the before recited Act is directed, a Vice-President, which said Vice President, so elected, in the Absence of the President, shall and hereby is declared to have the same Privilages, Powers and Authorities as the President of the said College is invested with.

CHAPTER XV.

An Act to enlarge the Time for several Sheriffs to settle their Accounts with the Justices of the Inferior Courts of Pleas and Quarter-Sessions of the Counties therein mentioned.

I. Whereas, by reason of the late public disorders & disturbances in the Counties of Anson, Rowan, Orange and Mecklenburg it hath been impracticable for Griffith Rutherford, Francis Lock, Andrew Alston, William Temple Cole, Charles Metlock, Martha Digs, James Picket, William Picket, John Lea, Tyrree Harris, John Butler & James Wille to compleat their collection of public Taxes so as to make a settlement with the Justices of the Inferior Court of the said respective Counties at the time appointed for that purpose in an Act of Assembly passed at New Bern the fifth day of December in the eighth year of his Majesties reign, intitled “An Act to enlarge the time for Sheriffs to settle their Accounts with the Justices of the Inferior Court of Pleas and Quarter Sessions in the Counties therein mentioned.” Whereby the said Sheriffs and their respective Securities are become liable to the payment of Large Sums, they were unable to Collect within the time by Law limited for collecting and Accounting for the same.
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II. Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, That the Justices of the said Counties of Anson, Rowan, Orange, Mecklenburg, respectively, shall and may have full power and Authority in any Inferior Court to be held in their respective Counties within one year from and after the passing of this Act to settle and Account with the said Griffith Rutherford, Francis Lock, Andrew Allison, William Temple Coles, Charles Medlock, Marshall Diggs, James Pickett, William Pickett, John Lea, Tyree Harris, John Butler & James Wylee for the Collection of the County Tax in the same manner & form as they are Impowered by Law to settle for the same, and the said Griffith Rutherford, Francis Lock, Andrew Allison, William Temple Coles, Charles Medlock, Marshall Diggs, James Pickett, William Pickett, John Lea, Tyree Harris, John Butler & James Wylee shall be entitled to the same allowance, benefits and advantages as if the settlement had been made by them respectively, at the time by the said Act allowed and established and shall have all and Exercise the same power & authority to make distress for Levies and be entitled to the same Commissions & allowance as by Law Sheriffs are intituled to.

CHAPTER XXIII.

An Act for appointing and Impowering Francis Moseley, of Anson County, and James McCoy, of Rowan County, to collect and receive the Taxes which are due from the Inhabitants of the said Counties for the year one thousand seven hundred and seventy.

I. Whereas, no Person was appointed and qualified Sheriff of the County of Anson or for the County of Rowan for the Year of our Lord one thousand seven hundred and seventy and the Inhabitants of the said Counties have not paid their Taxes for that Year.

II. Be it therefore Enacted by the Governor, Council and Assembly, and by the Authority of the same, That from and after the passing of this Act Francis Moseley, of Anson County, and James McCoy, of Rowan County, shall be and are hereby appointed, directed and Impowered to collect and receive the Public, County and Parish Tax which are due from the persons who were Inhabitants of the said Counties respectively, for the year one thousand seven hundred and seventy in the same manner and form as Sheriffs by Law are directed, and that the said Francis Moseley and James McCoy be entitled to the same fees for receiving and collecting as are by Law allowed to Sheriffs for that purpose.

III. And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall fail to pay the said Taxes agreeable to this Act it shall and may be Lawfull for the said Francis Moseley and the said James McCoy, after giving due notice by advertising the same in different places in their respective Counties, to make Distress for the same in the same manner as by Law appointed for Sheriffs to distrain, and shall take and receive the same fees as is allowed in such cases.

IV. And be it further Enacted by the Authority aforesaid, That the said Francis Moseley and James McCoy shall account for all such Taxes by them respectively received, or wherewith they, or either of them, shall be chargeable in virtue of this Act within twelve months after the passing thereof, by paying the Public Tax to the Treasurer of the Southern District of this Province, the County and Parish Tax to the Court and Vestry of the respective
County and Parish in the same manner as Sheriffs are by law directed
to account in the like Cases, and in the case of refusal or neglect to comply
with the Directions of this Act it shall and may be lawful to have such pro-
ceedings against the said Francis Mosely and James McCoy, or either of
them, as against Sheriffs in the like cases.

Provided always, that before the said Francis Mosely and the said James
McCoy enters upon the Collection of the said Taxes they shall give Bond with
sufficient Security before the Inferior Court of the respective Counties of
Anson and Rowan in the same manner as Sheriffs usually do in such cases.

Read three times and ratified in open Assembly this twenty-third day of
December, 1771.
APPENDIX.

(The following supplies Sections XVI to XXVIII in the "Court Act" of 1762, which sections were lost and not obtainable, when Vol. 23 was printed. See Vol. 23, p. 553.—Ed.)

XVI. (Following word "defendant" last word on p. 553 of vol. 23), live in the same District, shall be brought to the Superior Court of such District, and not to any other, except in the Cases aforementioned: And where any such Action or Suit shall be brought to the Court of any other District than that in which both Parties live, such Action or Suit may be abated by the Plea of the Defendant, unless on sufficient Reasons shown, on Oath, and approved, for bringing such Suit in some other District, Leave be granted to the Plaintiff by the Chief Justice, or some one of the Associate Justices of the Courts, and by him certified previous to the Commencement of such Suit; in which Case it may be lawful to prosecute any of the said Actions or Suits in the Court of any District adjacent to that in which the Parties reside; any Thing herein contained to the contrary notwithstanding.

XVII. And be it further Enacted, by the Authority aforesaid, That the said Courts shall not be discontinued, nor any of the Proceedings in them depending, by Reason of the Death of the Chief Justice, or any of the Associate Justices, or any other Lett or Hindrance their not attending at any Term; but in such Case, all Pleas, Causes, Matters and Things, therein depending, shall stand continued in the same Condition in which they then shall be, to the next succeeding Term.

XVIII. And be it further Enacted by the Authority aforesaid, That every Summons, Writ, and other legal Process, to compel any Person to appear in any of the Superior Courts of Justice, shall bear Test of the Chief Justice, and be signed by the Clerk of the Court from whence such Process shall issue, and be made returnable to the same Court; and the Sheriff shall return the said Writ or Process to such Court accordingly.

XIX. And be it further Enacted, by the Authority aforesaid, That until the Commencement of the First Term of each of the said Superior Courts respectively, Writs and other Process may bear Test at the Time of issuing the same, and such Writs and Process so tested before such Term shall be valid in Law; any Usage or Practise of the Court to the contrary notwithstanding.

XX. And be it further Enacted, by the Authority aforesaid, That all such Writs or Process, except Subpoenas for Witnesses returnable immediately, shall be returnable the first Day of the Term to which the same is returnable, and shall be executed at least Ten Days before the Beginning of such Term: And if any original or mesne Process shall be taken out in Term Time, or within Ten Days before the Beginning of any Term, such Process shall be made returnable to the Term next succeeding, or the Term succeeding that which shall commence within Ten Days after taking out such Process, and not otherwise; and all Process made returnable or executed at any other Time, or in any other Manner than directed by this Act shall be void.

XXI. Provided always, That nothing herein contained shall be construed to invalidate or vacate any Process, Warrant, or Precept, issued by
the Chief Justice, or either of the Associate Justices of the said Courts, or any Justice of the Peace, or the Clerk of the Crown, on any Criminal Prosecution, or in his Majesty's Behalf, but that the same may be returnable at any Day in the Term, to which the same is returnable; and the Proceedings in Criminal Suits and Prosecutions shall be had according to the Laws and Statutes of Great Britain, and of this Province; any Thing herein contained to the contrary notwithstanding.

XXII. And be it further Enacted, by the Authority aforesaid, That when any Writ shall issue from any of the said Courts, whereby the Sheriff shall be commanded to take the Body of any Person or Persons to answer in any Action in either of the said Courts, such Sheriff shall take Bond, with Two sufficient Securities, for double the Sum for which such Person or Persons shall be held in Arrest; except where the Defendants are Executors or Administrators, or sued on penal Statutes, and shall return such Bond with the Writ; And in Case the Sheriff shall fail or neglect to take such Ball, or the Ball returned be held insufficient, on Exception taken, the Sheriff, in either of the said Cases, shall be deemed and stand as special Ball, and the Plaintiff may proceed to Judgment according to the Rules herein after mentioned; and shall and may take out Execution against the Defendant or Sheriff, or both; any Usage or Custom to the contrary notwithstanding.

XXIII. Provided always, That if the Defendant shall be admitted to enter his Appearance without Ball, and shall put in Ball before the Rules to plead shall expire, then the said Sheriff shall be discharged. Provided also, That the Defendant may be surrendered at any Time before final Judgment be entered against him.

XXIV. And be it further Enacted, That when any Sheriff shall return, that he have taken the Body of any Defendant and committed him to the Prison of his County, (which is hereby declared to be the proper Prison for such Commitment), for Want of Ball, the Plaintiff may enter the Defendant's Appearance, and he shall be at Liberty to plead as if such Appearance had been entered by himself, and the Plaintiff may proceed to Judgment as in other Cases in this Act directed, nevertheless, the Defendant shall not be discharged out of Custody but by putting in Ball, or Rule of Court.

XXV. And be it further Enacted, by the Authority aforesaid, That if the Sheriff shall neglect to return any Writ or Writs issuing out of any of the said Courts, which shall be delivered to him Twenty Days before the sitting of the Court to which such Writ or Writs shall be returnable, the Sheriff, for every such Neglect, on Motion of the Plaintiff, and Proof of such Delivery, shall be ordered and obliged to pay the Party aggrieved the Sum of Five Pounds, Proclamation Money, and be further liable to the Action of the Party injured; unless the Sheriff can show sufficient Cause to the court from whence such Process issued, at the next succeeding Court after such Order.

XXVI. And be it further Enacted, That all Ball taken according to the Directions of this Act, shall be deemed, held, and taken to be special Ball, and as such liable to the Recovery of the Plaintiff; but the Plaintiff, after final Judgment, shall not take out Execution against such Ball, until an Execution be first returned, that the Defendant is not to be found; and also, shall take out a Scire Facias, returnable to the said Court, which shall be made known to the Ball; and that after the return of such execution against the Principal, and Scire Facias aforesaid, against the Ball, Execution may issue against the Principal, and Securities, or either of them, or either of their Estates; unless the ball shall surrender the Principal at or before
the Return of the first Scire Facias; any Law, Usage or Custom to the con-
trary notwithstanding.

XXVII. Provided nevertheless, If any Sheriff shall return on a Scire
Facias to him directed, that the principal is imprisoned in the Prison of his
County, or any other, by Virtue of any Process, in any Civil Action, the court
to which such Scire Facias is returnable, shall, on Motion of the Plaintiff or
Bail, order and direct that such Principal be retained in the Gaol where he
or she shall be a Prisoner, until he or she shall have paid the Plaintiff's
Judgment, and Costs, or be otherwise discharged by due Course of Law; a
Copy of which Order being served on the Gaoler of such Prison, before such
Prisoner's Release, shall be sufficient Authority for him to retain such
Prisoner until such Order shall be complied with; and also shall be deemed
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Forty Thousand Pounds, in Public Bills of Credit,
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towards defraying the Expence of raising and sub-
sisting the Forces for his Majesty's Service in
this Province, to be sent to the assistance of his
Majesty's Colony of Virginia, and for other pur-
poses therein mentioned...................... 23. 392-398

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the Town called Wilmington, and for repealing the
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Chapter 3. An Act for appointing Commissioners of the
Roads for the South West District of New Han-
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impowering the several Commissioners hereinafter
named, to make and repair all Roads, Bridges,
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after to be laid out in the several Counties and
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Chapter 7. An Act to continue an Act, intitled an Act to ap-
point an Agent to sollicit the Affairs of this Pro-
vince at the several Boards in England; also an
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to set up and carry on his Business of a Printer
in this Province, and for other purposes therein
mentioned; also an Act intitled An Act to appoint
Inspectors in New Hanover County, and for regu-
late the Exports at Cape Fear; and also One
other Act, intitled An Act for the better regu-
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ceedings therein ......................title only, 23. 400
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Chapter 8. An Act for raising a Fund for paying the Salaries of the Chief Justices and Attorney-General, and for other Purposes ..............title only, 23. 402
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Chapter 12. An Act to Appoint the place for erecting the Court-house and Prison in the County of Onslow, and other Purposes therein mentioned..title only, 23. 438
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Chapter 13. An Act for erecting that part of Rowan County called Wachovia into a distinct Parish .......... 23. 438-439

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Chapter 7. An Act to amend an Act, intituled An Act to restrain the Exportation of bad and unmerchantable Tobacco, and for preventing Frauds in his Majesty's Customs .......................... 23. 443-444

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Chapter 18.  An Act to empower the Sheriff of Granville, and the Collector of the Taxes of St. John's Parish, to collect Public, County and Parish Levies. title only. 23. 469 in full, 25. 342-343

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Chapter 22.  An Act to re-establish the Counties of Rowan, Cumberland and Orange. 23. 470-471

Chapter 23.  An Act for consolidating the Parishes of St. John and St. Peter, in the County of Pasquotank. 23. 471-472

Chapter 24.  An Act for dividing the Parish of Edgecomb, in the County of Edgecomb, into Distinct Parishes 23. 472-474

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Chapter 3.  An Act to revive an Act to establish a Public Ferry from Newby's Point to Phelp's Point, whereon the Court-house now stands, on Perquimans River. title only, 23. 475 in full, 25. 348

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Chapter 7. An Act to obviate Doubts concerning Fees due on Proceedings in the Supreme Courts of Justice, Oyer and Terminer, and General Gaol Delivery... 23. 479-480

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Chapter 4. An Act to confirm and establish several Vestries, and other Purposes. 23. 484

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Chapter 6. An Act for establishing a Town on the Land of Jonathan Phelps, on Perquimons River. 23. 484

1758 (November Session).

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Chapter 2. An Act for making better Provision for the Clergy. 23. 485

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In part, 23. 402-404

Chapter 14. An Act to amend an Act intituled An Act for building and maintaining of Court-houses, Prison and Stocks, in every County within this Province, and appointing Rules for each County Prison for Debtors .................................................. 23. 509

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Chapter 3. An Act directing the Method of appointing Jurymen in all Causes, Criminal and Civil...title only, 23. 510
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       present Church Wardens and Vestry of Edgecomb
       Parish, in the County of Halifax, with the Rev. Mr.
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       Halifax; for increasing the Salaries of the Inspectors
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1760 (JUNE SESSION).

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1760 (NOVEMBER SESSION).

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       shall be qualified to vote at the said Elections,
       or to be elected a Member of the General Assem-
       by; and to direct the Method to be observed in
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       and for the effectual collecting all Taxes for the
       Future due and payable, and other Purposes there-
       in mentioned ..................................... 23. 526-531
Chapter 3. An Act for erecting the upper Part of Beaufort
       County into a County and Parish, by the Name of
       Pitt County, and St. Michael's Parish; and for ad-
       journing the Court from the Court-House on the
       Land of Thomas Bonner, to the Court-House in
       Bath Town; and other Purposes therein men-
       tioned ........................................... 23. 531-534
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       ishes within this Province, that have no legal Ves-
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Chapter 6. An Act to amend an Act, intituled, An Act for the Relief of such Persons as have suffered or may suffer, by not having had their Deeds and Missae Conveyances proved and registered within the Time heretofore appointed for such Purposes, and to prevent Disputes and Law Suits concerning Lands, 23. 534-535

Chapter 7. An Act to amend and continue an Act intituled An Act for appointing a Militia, 23. 535

Chapter 8. An Act for raising Money by a Lottery, towards finishing the Churches at Wilmington and Brunswick; and for applying the Produce of the Slaves, and other Effects taken from the Spaniards at Cape Fear, in the Year of our Lord One Thousand Seven Hundred and Forty Eight, to the same Purposes, 23. 535-537

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Chapter 11. An Act for destroying Black Birds, Crows, and Squirrels, in the County of Hyde, title only, 23. 538
      In full, 25. 464

Chapter 12. An Act for continuing James Davis Printer to this Province, title only, 23. 538
      In full, 25. 455-456

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1761 (MARCH SESSION).

Chapter 1. An Act for granting to his Majesty an aid of Twenty Thousand Pounds, Proclamation Money, for raising, Clothing, and paying, Five Hundred effective Men, exclusive of officers, to be employed as his Excellency the General, or Commander in chief of his Majesty's Forces in America, or his Excellency the Governor, or Commander in Chief of this Province, shall direct or appoint for paying and subsisting Fifty Men and Officers, now in Garrison; and for appointing an Agent to represent his Majesty and his Ministers the Loyalty and the Dutiful Behavior of the Inhabitants of this Province, and their Zeal for his Majesty's Service; and also
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Chapter 4. An Act to appoint Commissioners to further Improve and amend the Navigation of New River, in Onslow County, to raise a Fund by Lottery, to defray the Expence thereof. 23. 542-544

Chapter 5. An Act to amend and improve the Navigation from Currituck Inlet through the District in Currituck County, to Albemarle Sound title only, 23. 544

Chapter 6. An Act to Impower the Inferior Court of Pleas and Quarter Session for the County of Northampton, to lay a Tax to pay sundry Persons who have suffered by the burning of Pace's Warehouse in the said County; and other Purposes. 23. 544-545

Chapter 7. An Act for Altering the Times of holding the Superior Court of Pleas and Grand Sessions for the District of New Bern; and also the Inferior Courts of Pleas and Quarter Sessions in the Counties of Orange, and Carteret; and for other Purposes... 23. 545-546

Chapter 8. An Act for building a Court House in the Town of New Bern, in the County of Craven for raising a Tax, and for appointing Commissioners for building the same; and for repealing an Act passed at Wilmington the 20th Day of November, 1759, intituled an Act, for appointing Commissioners for finishing the Court House already begun in the Town of New Bern; and for other Purposes title only, 23. 546

Chapter 9. An Act to prevent the Exacting of Illegal and exorbitant Fees in levyng Executions by Sheriffs, and other Officers title only, 23. 546-547

Chapter 10. An Act for amending an Act, intituled, An Act for dividing the Parish of St. John, in Granville County title only, 23. 547

Chapter 11. An Act for adding Part of Orange County to Johnston County, and for ascertaining the Dividing Line between the said Counties. 23. 547-548
Chapter 12. An Act for enlarging the Time for Inspection of Tobacco at the Public Warehouse in the Town of Tarborogh, in the County of Edgecomb, and for increasing the Salaries of the Inspectors thereof. 23. 548

Chapter 13. An Act to appoint Commissioners of the Roads for a Certain District in Bladen County...title only, 23. 549
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Chapter 14. An Act to impower the several Superior and Inferior Courts within this Province to admit a Copy of the last Will and Testament of any Person deceased to be given in Evidence........title only, 23. 549
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Chapter 15. An Act to dock the Entail of certain Lands therein mentioned, vesting the Fee-simple thereof in Blake Baker, and for settling other Lands in Lieu thereof to the same Uses...............title only, 23. 549
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1762 (NOVEMBER SESSION).

Chapter 1. An Act for dividing this Province into Five several Districts, and for establishing a Superior Court of Justice in each of the said districts, & regulating the Proceedings therein .................in part 23. 550-563
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Chapter 2. An Act to establish Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this Province ........................................ 23. 563-574

Chapter 3. An Act to impower the several Inferior Courts of Pleas and Quarter Sessions to try all Causes commenced in the late Inferior Courts, where the Debt, Damage, or Thing, sued for, does not exceed Fifty Pounds, Proclamation Money........ 23. 574-575

Chapter 4. An Act directing the Method of appointing Jurymen in all Causes, criminal and Civil........ 23. 575-577

Chapter 5. An Act for the better Care of Orphans, and Security and Management of their Estates........ 23. 577-583

Chapter 6. An Act for making Provision for an Orthodox Clergy ................................... 23. 583-585

Chapter 7. An Act for the further continuing and amending an Act for appointing a Militia; and also to continue one other Act intituled, An Act to amend and continue an Act, intitled, An Act for appointing a Militia ........................................ 23. 585

Chapter 8. An Act appointing the method of dividing Intestates Estates ........................................ 23. 586

Chapter 9. An Act for the more easy recovery of Money due upon Promissory Notes, and to render such Notes negotiable ........................................ 23. 586-588

Chapter 10. An Act to amend An Act, intituled An Act for the Relief of Poor Debtors, as to the Imprisonment of their Persons; passed the Fourteenth Day of April, in the Year of Our Lord One Thousand Seven Hundred and Forty-nine ............... 23. 588

Chapter 11. An Act to amend and further continue an Act, intituled An Act for facilitating the Navigation of Port
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Bath, Port Roanoke, and Port Beaufort; passed the
Thirty-first Day of May, One Thousand Seven
Hundred and Fifty-two, for Five Years............ 23. 588-589

Chapter 12. An Act for dividing the County of Anson, and
other Purposes ................................. 23. 589-592

Chapter 13. An Act for establishing a Town on the Land of
William Herritage, at a Place called Atkin's
Banks, in Dobbs County...................... title only, 23. 592
in full, 25. 468-470

Chapter 14. An Act for establishing a Town on the Lands of
John and William Russell, Minors, Sons of John
Russell, deceased, on the West Side of the North-
West Branch of Cape Fear River, near the Mouth
of Cross Creek, by the Name of Campbellton, and
other Purposes ................................... title only, 23. 592
in full, 25. 470-472

Chapter 15. An Act to lay a Tax on the Inhabitants of the sev-
eral Counties of the District of Halifax Superior
Court, to repair the Public Prison thereof, and
other Purposes ................................. title only, 23. 592
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Chapter 16. An Act to Impower Thomas Bonner, Jun., late
Sheriff, to receive and Collect the Arrears of Taxes
due in the Counties of Beaufort and Pitt, for the
Year One Thousand Seven Hundred and Sixty.

Chapter 17. An Act to establish a Public Road from the Court
House in Currituck County, across the great
Swamp, to the Bridge on North River, near the
Indian Town ................................... title only, 23. 592
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Chapter 18. An Act for destroying Vermin in the County of
Orange, and other Counties therein mentioned.
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Chapter 19. An Act to enable the Commissioners of the Church
of Edenton to discharge the Contract by them
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Chapter 20. An Act for enlarging the Time allowed for saving
Lots in the Town of Hertford, and other Purposes.
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in full, 25. 477-478

Chapter 21. An Act for altering the Method of working on the
Roads, and appointing Public Ferries, within the
Counties of Duplin, Cumberland, Rowan, and
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Chapter 22. An Act to apply the Money already levied on the
Taxable Inhabitants of Currituck County, by Virtue of an Act, intitled, An Act to amend and
Improve the Navigation from Currituck Inlet,
through the District in Currituck County, to Albe-
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Chapter 23. An Act for Increasing the Salaries of the Inspectors of Tobacco at the Ware House in the Town of Halifax. ........................................ title only, 22. 594
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Chapter 24. An Act to amend and further continue an Act, inti-
tuled, An Act to establish a Public Ferry from Newby's Point to Phelp's Point, whereon the Court House now stands on Perquimans River. title only, 22. 594
in full, 25. 479-480

Chapter 25. An Act to Impower & direct the commissioners of the Districts hereafter mentioned to lay out & make a Road through Regan's Swamp, in Bla-
den Co. to the Court House in said County.

Chapter 26. An Act to Impower and direct the Commissioners of the District herein mentioned to lay out and make a Road from John Howard's Ferry on Black River, through Colley's Swamp to the North West River, in Bladen County. .................. title only, 22. 594
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Chapter 27. An Act to encourage Joseph Howell to build a Bridge over Tar River, at or near the Place called Howell's Ferry, at Tarborough in Edgecomb County. .................. 22. 594-595

Chapter 28. An Act to establish a Ferry from Solley's Point to Relf's Point, whereon the Court-House now Stands, on Pasquotank River......... title only, 22. 595
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1784 (JANUARY SESSION).

Chapter 1. An Act for appointing a Militia. .................. 22. 596-601
Chapter 3. An Act to Impower the Inferior Courts of the sev-
eral Counties in this Province to order the laying out of Public Roads, and establish and settle Ferries; and to appoint where Bridges shall be built, for the Use and Ease of the Inhabitants of this Province; and to clear navigable Rivers and Creeks. .................. 22. 607-611

Chapter 4. An Act to suppress excessive and deceitful Gaming. .................. 22. 611-613
Chapter 5. An Act for encouraging the Culture of Hemp and Flax, and other Purposes. .................. 22. 613-614
Chapter 6. An Act to amend an Act, intituled, An Act for the Relief of such Persons as have suffered, or may suffer, by not having had their Deeds and Meems-Conveyances proved and registered within the Time heretofore appointed for such Purposes; and to prevent Disputes and Law Suits, concerning Lands. .................. 22. 614-616
Chapter 7. An Act for the more Effectual Suppressing of Felonies, and Punishment of Counterfeiters of the Paper Currency of this Province, and of Virginia.  \[23. 616-617\]

Chapter 8. An Act to continue an Act, intitled, An Act to make Provision for paying the Chief Justice and Attorney-General's Salaries, and defraying the Contingent Charges of Government; passed in the Year of our Lord One Thousand Seven Hundred and Fifty Eight. \[23. 617\]

Chapter 9. An Act for destroying Vermin in this Province. \[23. 617-618\]

Chapter 10. An Act for appointing Public Treasurers. \[23. 618-619\]

Chapter 11. An Act for erecting in the Town of Halifax a Public Gaol, and Gaoler's House, for the District of Halifax, in this Province. \[23. 619-621\]

Chapter 12. An Act for laying a Tax on the Inhabitants of the several Counties of the District of Salisbury Superior Court to repair the Public Gaol thereof. \[23. 621-622\]

Chapter 13. An Act to continue an Act, intitled An Act to amend and further Continue an Act, intitled An Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort; passed the Thirty First Day of May, One Thousand Seven Hundred and Fifty Two, for Five Years. \[23. 622\]

Chapter 14. An Act for erecting Part of St. Philip's Parish, in New Hanover County, and the lower Part of Bladen County, into a separate County, by the Name of Brunswick County; and for dividing the County of Granville, and erecting that Part thereof called St. John's Parish, into a separate and distinct County, by the Name of Bute County. \[23. 622-627\]

Chapter 15. An Act to empower the Sheriff of the County of Orange for the Time Being, to collect and apply the Arrears of the Taxes due in the said County for the several Years therein Mentioned. \[23. 627-629\]

Chapter 16. An Act for ascertaining a proper Place for building thereat a Court-house, Clerk's Office, Prison and Stocks, for the County of Edgecomb. \[23. 629\] (In full, \[25. 483-484\]

Chapter 17. An Act directing the Boundary Line between the County of Dobbs and Pitt, and appointing Commissioners to see the same Run. \[23. 629\]

Chapter 18. An Act for altering the dividing Line between the Counties of Bladen and Cumberland. \[23. 630\]

Chapter 19. An Act for annexing Part of Craven County to Dobbs County. \[23. 630-631\]

Chapter 20. An Act for the Building of a house for a school and the residence of a school Master in the Town of New Bern. \[23. 631\] (In full, \[25. 484-485\]

**1764 (OCTOBER SESSION).**

Chapter 1. An Act to amend and continue an Act, intitled, An Act for dividing this Province into Five several Districts and for establishing a Superior Court...
of Justice in each of the said Districts, and regulating the Proceedings therein. 23. 632-633

Chapter 2. An Act to amend and continue an Act, intituled, An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province 23. 633-634

Chapter 3. An Act for continuing an Act, intituled, An Act directing the Method of appointing Jurymen in all Causes, Criminal and Civil 23. 634-636

Chapter 4. An Act for rendering more Effectual the Laws making Lands and other Real Estates liable to the Payment of Debts 23. 636-639

Chapter 5. An Act to prevent the Exportation of Unmerchantable Commodities. 23. 639-649

Chapter 6. An Act for regulating the Pilotage of Cape Fear River, and other Purposes. 23. 650-654

Chapter 7. An Act for Regulating Proceedings in the Court held for the Borough of Wilmington 23. 654-656

Chapter 8. An Act to amend An Act therein mentioned, concerning Servants and Slaves. 23. 656

Chapter 9. An Act to prevent hunting for, and killing Deer in the Manner therein mentioned 23. 656

Chapter 10. An Act for enlarging the Time for saving Lots in the Town of Halifax, and other Purposes. title only, 23. 657

in full, 25. 486-487

Chapter 11. An Act to encourage and impower William Dry to make a Public Road through the great Island opposite to the Borough of Wilmington. title only, 23. 657

in full, 25. 487-489

Chapter 12. An Act to confirm the Vestry already chosen for the Parish of St. John, in the County of Bute; and to enable the Freeholders of the Parishes within the Counties of Pasquotank, Anson, and Currituck, to elect Vestrymen. 23. 657

Chapter 13. An Act to prevent the Unreasonable Destruction of Fish in the Rivers Meherein, Peebee, and Catshawba title only, 23. 657

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Chapter 14. An Act for altering the Boundary Line between the Counties of Northampton & Hertford. 23. 658

Chapter 15. An Act to continue an Act therein mentioned. title only, 23. 658

in full, 25. 489

Chapter 16. An Act for the Relief of Abraham Jones, Esq., former Sheriff of Edgecomb County. title only, 23. 658

in full, 25. 489-490

Chapter 17. An Act to increase the salary of the Reverend Thomas Burgess, Minister of Edgecomb Parish, in the County of Halifax 23. 658-659

1766 (MAY SESSION).

Chapter 1. An Act for establishing an Orthodox Clergy 23. 660-662

Chapter 2. An Act for opening and cutting two Roads from the Ferry on the Northwest River, opposite Eagle's
Chapter 3. An Act confirming the Title of William Dry, Esquire, to certain lands therein mentioned. title only, 23. 663
            in full, 25. 491-492

Chapter 4. An Act to empower the Sheriff of Orange County to collect a Tax of one Shilling and Six Pence, Proclamation Money, laid on the Taxable Persons in the said County, by an Act of Assembly of this Province, passed in the Fourth Year of the Reign of his Present Majesty. title only, 23. 663
            in full, 25. 492-493

1766 (NOVEMBER SESSION).

Chapter 1. An Act for appointing a Public Treasurer in the room of John Starkey, Esq., deceased. title only, 23. 664
            in full, 25. 494-495

Chapter 2. An Act for erecting a Convenient Building within the Town of New Bern, for the residence of the Governor or Commander in Chief for the Time Being. 23. 664-665

Chapter 3. An Act appointing the Method of distributing Intestates' Estates. 23. 665-666

Chapter 4. An Act for the Relief of such Persons as have suffered or may suffer, by not having had their Deeds and mesne Conveyances proved and registered within the Time heretofore appointed for such Purposes. 23. 666-667

Chapter 5. An Act for reviving and re-enacting the several Acts of Assembly relating to the Inspection of Tobacco. title only, 23. 667
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Chapter 6. An Act to amend and continue an Act, entitled, an Act for appointing a Militia. title only, 23. 667
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Chapter 7. An Act to amend an Act, entitled, An Act for rendering more effectual the Laws making Lands, and other real Estates, liable to the Payment of Debts. title only, 23. 667
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Chapter 8. An Act for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort. 23. 667-672

Chapter 9. An Act to amend an Act, intituled, an Act concerning Marriages. 23. 672-674

Chapter 10. An Act for a further Allowance of Commissions to Sheriffs, and Collectors of Taxes, and other Purposes therein mentioned. 23. 674

Chapter 11. An Act to lay a Tax on Pedlars, and other Itinerant Traders, coming into this Province. title only, 23. 674
            in full, 25. 498-499

Chapter 12. An Act to amend an Act, entitled, an Act to prevent the Exportation of unmerchantable Commodities. title only, 23. 675
            in full, 25. 499-500
CAPTIONS—LAWS 1766.

Chapter 13. An Act for appointing a Printer to this Province. 22. 675
Chapter 14. An Act to prevent the Inhabitants of South Carolina driving their Stocks of Cattle from thence to range and feed in this Province, and other Purposes. 22. 676-677
Chapter 15. An Act to amend an Act, intituled, an Act for establishing a Town on the Lands formerly granted to William Churton, Gentleman, lying on the North side of Enoe River, in the County of Orange. 22. 677
Chapter 16. An Act to continue an Act, intituled, An Act to suppress excessive and deceitful Gaming. title only, 22. 677
Chapter 17. An Act for further continuing an Act, intituled an Act for the restraint of Vagrants, and for making Provision for the Poor, and other Purposes. 22. 678
Chapter 18. An Act to prevent hunting for and killing Deer in the Manner therein mentioned. title only, 22. 678
Chapter 19. An Act for establishing a School House in the Town of New Bern. 22. 678-680
Chapter 20. An Act to impower the Justices of Beaufort County to build a Court-house, Prison and Stocks in Bath Town for the Use of the said County. 22. 680-681
Chapter 21. An Act to prevent the unreasonable Destruction of Fish in Neuse River, Tar River, Fishing Creek, Rocky River, the South Fork of Catawba River, the South Fork of the Yadkin River, and Contentney Creek. title only, 22. 681
Chapter 22. An Act to amend an Act, intituled, An Act for establishing the Titles of the Freeholders in Edenton, for laying a Tax for finishing the Church begun in the said Town, and for the Further Improvement and better Regulation thereof. title only, 22. 681
Chapter 23. An Act to amend an Act, intituled, An Act for regulating the Pilotage of Cape Fear River, and for other Purposes. 22. 682-683
Chapter 25. An Act for Joining the Navigation of Old Topsail Inlet to Neuse River by cutting a Navigable Canal from the Head of Harlow’s Creek to Club Foot’s Creek. 22. 684-685
Chapter 26. An Act to impower the Church Wardens and Vestrymen of St. John’s Parish, in the County of Bute, to approprate the Surplusage Money levied for erecting the public Buildings in said County to the use of the said Parish of St. John’s. 22. 685-686
Chapter 27. An Act for ascertaining the boundary lines between the Counties of New Hanover and Duplin. 22. 686-687
CAPTIONS—LAWS 1766-67.

Chapter 28. An Act to encourage Benjamin Heron, Esq., to build a Bridge over the North East Branch of Cape Fear River, at or near the Place where the Ferry is now Kept by Edward Davis. title only. 23. 687 in full. 25. 506-507

Chapter 29. An Act for confirming a lease made by the Tuscarora Indians to Robert Jones, Jun., William Williams and Thomas Pugh, Esquires. title only. 23. 687 in full. 25. 507-509

1767 (DECEMBER SESSION, 1767, NOT 1768).

Chapter 1. An Act for dividing this Province into six several Districts, and for establishing a Superior Court of Justice in each of the said Districts, and regulating the Proceedings therein; and for Providing adequate Salaries for the Chief Justice and the Associate Justices of the said Superior Courts. 23. 688-703

Chapter 2. An Act to amend and continue the several Acts for establishing Inferior Courts of Plea and Quarter Sessions in the several Counties in this Province 23. 703-704

Chapter 3. An Act directing the Method of appointing Jurymen in all Causes, Criminal and Civil. 23. 704-708

Chapter 4. An Act for vesting certain Lots in the Town of New Bern in his Excellency the Governor, and his Successors. 23. 708-711

Chapter 5. An additional Act to an Act for erecting a Convenient Building within the Town of New Bern for the Residence of the Governor, or Commander in Chief for the Time Being. 23. 711-713

Chapter 6. An Act for appointing Sheriffs and directing their Duty in Office. 23. 713-723

Chapter 7. An Act to appoint a Public Treasurer of the Northern District, and other Purposes. 23. 723-725

Chapter 8. An Act for regulating Ordinaries and Restraint of Tippling Houses. 23. 725-728

Chapter 9. An Act for regulating the Inspection of Tobacco and preventing Frauds in His Majesty’s Customs. 23. 728-741

Chapter 10. An Act for establishing Public Warehouses in the Towns of Halifax and Cambpliton for the Inspection of Hemp and Flax. 23. 741-744

Chapter 11. An Act for building a Public Gaol and Gaoler’s House for the District of New Bern, in the Town of New Bern. 23. 744-745


Chapter 13. An Act concerning Idle and Dissolute Persons. 23. 746-747

Chapter 14. An Act for destroying Crows and Squirrels in the several Counties therein Mentioned. title only. 23. 747 in full. 25. 510-511

Chapter 15. An Act to Impower the Justices of Currituck County to build a Prison, Pillory and Stocks in the said County, on the Lot whereon the Court-house now stands, for the Use of the said County. 23. 747-748
Chapter 16. An Act for appointing an Inspector for the great Island opposite Wilmington in Brunswick County .............................................. 23. 748
Chapter 17. An Act for establishing the Vestry elected for the Parish of St. Stephen, in Johnston County ........................................ 23. 749
Chapter 18. An Act for Defraying the contingent Charges of Government .............................................................................. 23. 749
Chapter 19. An Act to continue the Acts therein mentioned for appointing a Militia ................................................................. title only, 23. 749
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Chapter 20. An Act to amend An Act, entitled, An Act to encourage Persons to settle in the Town of Brunswick, on the South West Side of Cape Fear River ................................................................. 23. 749-760
Chapter 22. An Act to continue an Act, entitled, An Act for enlarging the Time allowed for saving Lots in the Town of Hertford, and other Purposes; and to establish a Ferry from the Town of Hertford, on the West Side of Perquimans River, to Newby's Point, on the East side of the said River ......................................................................................................................... 23. 752-753
Chapter 23. An Act to amend an Act, entitled, An Act for the Regulation of the Town of Wilmington ................................................................. title only, 23. 753
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Chapter 24. An Act for laying out a Public Road from the Frontiers of this Province, through the Counties of Mecklenburg, Rowan, Anson and Bladen, to Wilmington and Brunswick ......................................................................................................................... 23. 753-754
Chapter 25. An Act for annexing Part of Northampton County to the County of Bute ......................................................................................... 23. 754-755
Chapter 26. An Act for establishing a town on the Land of William Gray, on Cushie River, in Bertie County ..................................................... 23. 755-756
Chapter 27. An Act for vesting the Title of certain Persons to Three Hundred Acres of Land, situate on the lower Part of Cape Fear and adjoining Fort Johnston, and for vesting the same in the Crown for his Majesty's Service and the Benefit of the said Fort and Garrison ......................................................................................................................... 23. 757-758

1768 (NOVEMBER SESSION, 1766, NOT 1768).

Chapter 1. An Act to amend and explain an Act entitled, An Act for establishing an Orthodox Clergy ......................................................... 23. 759
Chapter 2. An Act to amend and continue an Act, entitled, An Act, concerning of Vestries ......................................................................................... 23. 759-760
Chapter 3. An Act for establishing a Militia in this Province ................................................................................................................................. 23. 760-765
Chapter 4. An Act to direct Sheriffs in levying Executions and the Disposal of Lands, Goods and Chattels taken thereon .............. title only, 23. 765
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Chapter 5. An Act to explain and amend an Act, entitled, An Act for dividing this Province into Six several Districts, and for establishing a Superior Court of Justice in each of the said Districts, and regulat-
CHAPTER 6. An Act to relieve such Persons who have purchased lands sold by Execution and have not obtained Titles to the same. 23. 766-767

CHAPTER 7. An Act to enlarge the Time for Sheriffs to settle their Accounts with the Justices of the Inferior Courts of Pleas and Quarter Sessions of the Counties therein mentioned. 23. 767-768

CHAPTER 8. An Act to amend an Act for establishing Public Warehouses in the Towns of Halifax and Campbellton for the Inspection of Hemp and Flax, and other purposes. 23. 768-769

CHAPTER 9. An Act to amend an Act entitled, An Act to restrain the Keeping of too great a Number of Horses and Mares and for amending the Breed. 23. 769

CHAPTER 10. An Act for dividing the County of Mecklenburg, and other Purposes. 23. 769-772

CHAPTER 11. An Act for establishing a Town in Mecklenburg County. 23. 772-773

CHAPTER 12. An Act for establishing a Town on the Land of Benjamin Wynn, on Chowan River. 23. 773-775

CHAPTER 13. An Act to amend an Act, entitled, 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. 23. 775-776


CHAPTER 15. An Act to encourage the British Copper Half Pence, and for making them a tender for the payment of small debts. 23. 779 in full. 25. 515

CHAPTER 16. An Act to Appoint Commissioners to Build a Prison, Pillory and Stocks on the Lot whereon the Court-house now stands in Duplin County. 23. 779

CHAPTER 17. An Act to continue an Act, entitled an Act to amend an Act, entitled, An Act for the Regulation of the Town of Wilmington. 23. 779 in full. 25. 515-516

CHAPTER 18. An Act for declaring certain Lots in the Town of New Bern, taken up by the Trustees for promoting the Public Schools in the said Town, saved and improved according to Law, and to empower the said Trustees to collect the Subscriptions due to the said school. 23. 780 in full. 25. 516

CHAPTER 19. An Act for destroying Crows and Squirrels in the several Counties therein Mentioned. 23. 780 in full. 25. 516-517
Chapter 20. An Act for altering the Times of holding the Inferior Courts of the Counties therein mentioned. 23. 780-781

Chapter 21. An Act for making Provision for the Payment of the Forces raised to suppress the late Insurrection on the Western Frontiers, providing for the Public Claims and for the more easy Collecting the annual Taxes of Government. 23. 781-783

1768 (OCTOBER SESSION).

Chapter 1. An Act for appointing an Agent to solicit the Affairs of this Province at the several Boards in England title only, 23. 784

Chapter 2. An Act for confirming the Qualification of Henry Lockey, Sheriff of Beaufort County title only, 23. 784

Chapter 3. An Act to encourage the destroying of Vermin in the several Counties therein mentioned. 23. 784-785

Chapter 4. An Act to Impower the Justices in the several Counties therein Mentioned to establishing free Ferries and Bridges in their respective Counties, and lay a Tax for defraying the Charges thereof. 23. 785-786

1770 (DECEMBER SESSION).

Chapter 1. An Act for Preventing Tumults and Riotous Assemblies, for the more speedy and effectual punishing the Rioters, and for restoring and preserving the Public Peace of this Province. Summarized 6. 646

Chapter 2. An Act to encourage the further Settlement of this Province title only, 23. 787

Chapter 3. An Act for founding, establishing and endowing of Queen's College, in the Town of Charlotte, in Mecklenburg County title only, 23. 787

Chapter 4. An Act for an Addition to, and Amendment of an Act, entitled, An Act for Appointing a Militia. 23. 787-788

Chapter 5. An Act to Ascertaining Attorneys Fees. 23. 788-789

Chapter 6. An Act to amend an Act, entitled, An Act for appointing Sheriffs and directing their Duty in Office. 23. 789-790

Chapter 7. An Act to prevent the Exportation of Unmerchantable Commodities 23. 790-801

Chapter 8. An Act for further continuing an Act for appointing a Printer to this Province. 23. 801

Chapter 9. An Act for the relief of such Persons who have or may suffer by their Deeds and mesne Conveyances not being proved and registered within the Time heretofore appointed by Law. 23. 801

Chapter 10. An Act to prevent hunting for and killing Deer in the Manner therein mentioned. 23. 801-803

Chapter 11. An Act for appointing Commissioners for erecting and building a Court-house, Prison and Stocks for the County of Tryon. 23. 803
Chapter 12. An Act to prevent the untimely Destruction of Fish in Core Sound, Bogue Sound and the Straights in Carteret County. ..................................... title only, 23. 803

Chapter 13. An Act to appoint Commissioners for finishing the Church in Wilmington in the Room and Stead of John DuBois and George Wakely, Esquires, deceased ......................................................... 23. 803-804

Chapter 14. An Act to establish a Public Inspection of Tobacco in the County of Johnston ...................................... 23. 804

Chapter 15. An Act for the Relief of such Persons who have or may suffer by the loss of the Records in Bladen County, and for the Election of Vestrymen for the Parish of St. Martin's ......................................................... 23. 804-805

Chapter 16. An Act for the better settling, regulating and improving the Town of Beaufort, in the County of Carteret, and for annexing Oeacock Island to the said County ......................................................... 23. 805-810

Chapter 17. An Act for the regulation of the Town of Salisbury, securing the Inhabitants in their Possessions, and to encourage the Settlement of the said Town ......................................................... 23. 810-813

Chapter 18. An Act to amend An Act, entitled, An Act to empower the Inferior Courts of the several Counties in this Province to order the laying out of Public Roads, and to establish and settle Ferries, and to appoint where Bridges shall be built for the Use and Ease of the Inhabitants of this Province, and to clear navigable Rivers and Creeks ......................................................... 23. 814

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Chapter 11. An Act for vesting a power in the honourable the Continental Congress to Levy a Duty of five per cent. upon all Foreign Merchandise, except such articles as are therein excepted, and for other purposes .................................................. 24. 405-406


Chapter 13. An Act to enable the Governor, with the advice of the Council of the State, to procure Tobacco for the purpose of obtaining Arms and, for other purposes .................................................. 24. 407-408

Chapter 14. An Act to compel all such Parties who have received, or have been intrusted with Public Moneys, to account for the same, and for other purposes. .................................................. 24. 408-409

Chapter 15. An Act to relieve all such persons as are rendered incapable of Procuring themselves and families subsistence, by reason of wounds received in defence of their Country, and for other purposes .................................................. 24. 409-410

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Chapter 17. An Act to enable the Justices of New Hanover County to hold a Court in any part of said County, and for other purposes. .......................... 24. 411-412

Chapter 18. An Act to Amend an Act passed at New Bern in May, one thousand seven hundred and eighty, intitled "An Act to enlarge the Jurisdiction of Justices of the Peace, and for other purposes.... 24. 412
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1782. (APRIL SESSION).

Chapter 1. An Act for Raising troops to compleat the Continental Battalions of this State, and other purposes

Chapter 2. An Act to compel all persons who have acted as Commissaries or Quarter-masters, in the Militia line of this State, to account for public stores, and for restraining Impressments, and for other purposes

Chapter 3. An Act for the relief of the Officers and Soldiers in the Continental line, and for other purposes therein mentioned

Chapter 4. An Act to amend an Act, passed at the last session of the General Assembly, intituled, An Act for continuing the District Auditors of this State directing their duty in office, and for other purposes; And also another Act, passed at Halifax, on the eighteenth day of January, one thousand seven hundred and eighty one, intituled, An Act for appointing District Auditors for the Settlement of Public Claims

Chapter 5. An Act for the relief of Persons who have suffered, or may suffer, by their Deeds and Mesne Conveyances not being Proved and Registered, within the time heretofore appointed by law

Chapter 6. An Act directing the sale of Confiscated Property

Chapter 7. An Act for ascertaining what property in this State shall be deemed Taxable Property, the method of assessing the same, and collecting Public Taxes

Chapter 8. An Act for levying a Specific Provision Tax, for defraying contingencies, and supporting the Armies of the United States, for the year One Thousand Seven Hundred and Eighty Two

Chapter 9. An Act to amend an Act passed the last Session of the General Assembly, intituled, An Act for levying a Specific and Pecuniary Tax

Chapter 10. An Act for raising a Revenue for the Support of Government

Chapter 11. An Act for giving an Equity Jurisdiction to the Superior Courts

Chapter 12. An Act to establish a Department for Adjusting and Liquidating the Public Accounts of this State, and for appointing a Comptroller, and other purposes

Chapter 13. An Act for ascertaining the salaries of the Governor, Secretary, and other Officers of the State

Chapter 14. An Act to regulate and ascertain the fees to the Secretary of State, the Governor’s Private Secretary, the Surveyors, and other Officers

Chapter 15. An Act for the security of the Bank of North America
Chapter 16. An Act to confirm certain Patents therein specified, issued in Virginia, for Lands which on the extension of the Boundary Line between this State and that, are found to lie within the State of North Carolina. .................................................. 24. 446-447

Chapter 17. An Act for appointing a place for the Future Meetings of the General Assembly. .......................... 24. 448

Chapter 18. An Act to amend an Act intitled, An Act to amend an Act passed at New Bern in May, one thousand seven hundred and eighty, intitled, An Act to enlarge the jurisdiction of Justices of the Peace, and for other purposes ................................................................. 24. 448

Chapter 19. An Act to Amend an Act passed at New Bern the second day of May, one thousand seven hundred and seventy eight, intitled An Act to impair the County Courts of Pleas and Quarter Sessions in this State to order the laying off Public Roads, and establish and settle Ferries, and other purposes therein mentioned .................................................. 24. 449

Chapter 20. An Act to prolong the time of saving lots in the several Towns in this State .......................................................... 24. 449-450

Chapter 21. An Act for Dividing the Rowan Regiment of Militia into two separate and distinct Regiments. 24. 450

Chapter 22. An Act for Dividing the District of Salisbury... 24. 450-452

Chapter 23. An Act for regulating the town of Edenton...... 24. 453-454

Chapter 24. An Act for the promotion of learning in the district of Edenton.................................................. 24. 454-455


Chapter 26. An Act for appointing Commissioners to examine the claims of Thomas Clark, and others, against the estate of James Murray, and other purposes therein mentioned .................................................. 24. 456-457

Chapter 27. An Act for establishing a Town on the lands formerly belonging to Colonel James Bonner, at the Forks of Tar River, in the County of Beaufort .... 24. 458-459

Chapter 28. An Act to alleviate in some degree the Distressed Inhabitants of the several Counties in the District of Wilmington .................................................. 24. 459-460


Chapter 30. An Act to amend the several Acts passed within this State, to prevent the stoppage of the passage of Fish up the several Rivers therein mentioned. 24. 460

Chapter 31. An Act to Alter the time of holding several County Courts of Pleas and Quarter Sessions within the District of Morgan.................................................. 24. 460-461

Chapter 32. An Act to Impower the Commissioners therein mentioned to Repair the Public Buildings in the Town of Hillsborough, and other purposes...... 24. 461-462

Chapter 33. An Act to encourage Caleb Grainger to build a Bridge over Smith's Creek at the place where the late bridge stood in Hanover County. .............. 24. 462-463
Chapter 34. An Act to appoint Commissioners for fixing on a place within the County of Anson, to build a Court House, Prison and Stocks, and other purposes therein contained .......................... 24. 463-464

Chapter 35. An Act for appointing Commissioners to fix a place to build a Court-House, Prison and Stocks, in the County of Wayne, and for other purposes........ 24. 464-466

Chapter 36. An Act to vest in Frederick William Marshall, Esquire, of Salem, in Surry County, the lands of the Unitas Fratrum, in this State, for the use of the said United Brethren, and other purposes.... 24. 466

Chapter 37. An Act to vest the title of a certain Tract of Land in Robert Cummins............................ 24. 466-467

Chapter 38. An Act to confirm a certain Patent therein mentioned .................................................. 24. 467-468

Chapter 39. An Act for establishing the Copy of a Deed therein mentioned ........................................... 24. 468-469

Chapter 40. An Act to vest in John Hay the property of certain lands in Duplin county......................... 24. 469

Chapter 41. An Act for erecting a Prison in the County of Bertie, and finishing the Court House............. 24. 469-470

Chapter 42. An Act to amend an Act, intituled, An Act for dividing Edgecombe County, and for other purposes therein mentioned.................. 24. 471

Chapter 43. An Act for levying a further tax of One Shilling on every Hundred Pounds value of taxable property in the County of Jones, for defraying the expense of compleating the public buildings thereof. 24. 471-472

Chapter 44. An Act for levying a further Tax of one shilling on every Hundred Pounds value of taxable Property in the County of Cambden, for defraying the Expenses of compleating the Public Buildings thereof ........................................ 24. 472

Chapter 45. An Act for adding part of Burke county to Lincoin, for appointing Commissioners for the purpose therein mentioned, and for laying a Tax to compleat the Public Buildings therein........ 24. 472-473

Chapter 46. An Act to amend an Act, intituled, An Act for dividing Tryon County, and other purposes...... 24. 473

Chapter 47. An Act to oblige the Inhabitants of Bladen County to attend Public meetings with their Arms.... 24. 474

1783. (APRIL SESSION).

Chapter 1. An Act for emitting One Hundred Thousand Pounds in Paper Currency, for the purposes of government for seventeen hundred and eighty three, for the redemption of paper currency now in circulation, and advancing to the Continental officers and soldiers part of their pay and subsistance, and for levying a tax, and appropriating the confiscated property for the redemption of the the money now to be emitted.................. 24. 475-478
Chapter 2. An Act for opening the Land Office for the redemption of specie and other certificates, and discharging the arrears due to the army. 24. 478-482

Chapter 3. An Act to amend an Act, intituled, An Act for the relief of the Officers and Soldiers of the Continental Line, and for other purposes. 24. 482-486

Chapter 4. An Act for the establishing a Scale of Depreciation, with a provision for Suits commenced for Paper Currency, and for Suspending the operation of the Laws therein mentioned. 24. 485-488

Chapter 5. An Act to indemnify such persons as have acted in defence of the State, and for the preservation of Peace during the late War, from vexatious suits and prosecution. 24. 488-489

Chapter 6. An Act for Pardon and Oblivion. 24. 489-490

Chapter 7. An Act to suspend the operation of executions, for a time therein mentioned. 24. 490-491

Chapter 8. An Act to prevent vexatious suits, and to confirm the rights and titles of sundry citizens therein mentioned. 24. 491

Chapter 9. An Act to Inhibit and put an end to the entering up Judgments on bonds commonly called judgment bonds. 24. 491-492

Chapter 10. An Act to amend the Assessment Law, passed last Assembly at Hillsborough. 24. 492-493

Chapter 11. An Act to enforce the attendance of jurors in this State, to provide for their subsistence in attending, also to ascertain the pay of witnesses attending Courts, and other purposes. 24. 493-494

Chapter 12. An Act to Impower the Justices of the County Courts to appoint a County Attorney and Solicitor, to Prosecute for the State In the County Courts, and for the purpose of appointing a Salary and the fees of the Attorney and Solicitor, and other purposes. 24. 494-495

Chapter 13. An Act for appointing Commissioners to take into their possession sundry Articles of Public Property, and to secure the same from embezzlement and further waste. 24. 495-496

Chapter 14. An Act to amend an Act passed in the year of our Lord, one thousand seven hundred and forty-one, intituled, An Act concerning Servants and Slaves. 24. 496-497

Chapter 15. An Act to vest the Courts of the several Counties in this State with power to call to account, as therein mentioned, the Commissioners of Confiscated Property for their respective Counties. 24. 497-498

Chapter 16. An Act to amend an Act passed at New Bern, the fifteenth day of November, in the year one thousand seven hundred and seventy-seven, for making provision for the poor, and other purposes. 24. 498-499

Chapter 17. An additional Act to an Act, intituled, An Act to establish a Department for adjusting and liquidating the public accounts of this State, and for
appointing a Comptroller, and other purposes... 24. 499-500

Chapter 18. An Act to amend an Act passed at Hillsborough the twelfth day of May, in the year one thousand seven hundred and eighty-two, intituled, An Act for the relief of persons who have suffered, or may suffer by their deeds and mesne conveyances not being registered within the time heretofore appointed by law................................. 24. 500

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Chapter 20. An Act for facilitating the navigation, and regulat- ing the pilotage of the several ports of this State ......................................................... 24. 502-508

Chapter 21. An Act for appointing an agent and holding a treaty with the Cherokee Indians, and for other purposes .......................................................... 24. 509-510


Chapter 24. An Act for the promotion of learning in the district of Wilmington ......................................................... 24. 511-513

Chapter 25. An Act for appointing the several persons therein named to lay out the streets in Upper Cambleton, in Cumberland county, and for the future regulation of the said town, and giving a further time for saving of lots in the lower town, and also for altering the name of Cambleton to Fayetteville ......................................................... 24. 513-517

Chapter 26. An Act for Regulating the Town of Halifax.. 24. 517-519

Chapter 27. An Act for levying a Tax on every Hundred Pounds taxable property in the District of Halifax, for repairing the Court House and Gaol of said District ......................................................... 24. 519

Chapter 28. An Act to amend an Act, intituled, An Act for regulat- ing the Town of Edenton......................... 24. 519-520

Chapter 29. An Act for purchasing a lot or lots in the Town of Wilmington, for the purpose of building a gaol for the District of Wilmington, and other purposes 24. 520-522

Chapter 30. An Act for levying a Tax on every hundred pounds value of Taxable Property in the District of New Bern for repairing the gaol of the District........ 24. 522

Chapter 31. An Act for repairing the Court-House and Prison in the Town of Salisbury, for the District of Salisbury................. 24. 523

Chapter 32. An Act for altering the time of holding of the County Courts of Plains and Quarter sessions in the Counties of Caswell, Warren, and Edgcomb, in this State, and other purposes.................. 24. 523-525

Chapter 33. An Act for the relief of Thomas Clark, and other persons therein named, and to vest in them an
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indefeasible title of certain Lands, Hereditaments, Goods, Chattels, Rights and Credits, formerly the Estate of James Murray, and to enable them to take possession thereof ....................... 24. 525-527

Chapter 34. An Act to vest the Title of Certain Lands in Joseph Herring ...................... 24. 527

Chapter 35. An Act to enable Thomas Hill, guardian of Elizabeth Henry Hill, to convey to Joseph Cocke, and Winnifred, his wife, the negro slaves therein mentioned, in satisfaction of the right of dower of the said Winnifred, in the lands, tenements and hereditaments, which were of Henry Hill, deceased, her late husband. ............................. 24. 527-528

Chapter 36. An Act to vest the fee simple of certain lands therein mentioned in Thomas Eaton, his heirs and assigns .............................................. 24. 528-529

Chapter 37. An Act to vest the Title of a piece or parcel of land lying in Camden County, in Isaac Guilford, and his heirs, in fee simple .................................. 24. 529-530

Chapter 38. An Act to vest certain lands in fee simple in Richard Henderson and others ................ 24. 530-531

Chapter 39. An Act to encourage John and James Bonner, Junior, of Beaufort county, to clear and make a road through the great swamp and marsh, on the south side of Pamlico River, opposite the town of Washington ........................................ 24. 531-532

Chapter 40. An Act to amend an Act, intituled, "An Act to vest the property of a bridge or causeway in Gideon Lamb, and his heirs, by him already built through the great Dismal Swamp, from Lebanon to Camden, for the term of twenty-five years." ........... 24. 532-533

Chapter 41. An Act to vest the title of certain lands, and other property therein mentioned, in Thomas Cotton, James Cotton, and their sister ...................... 24. 533

Chapter 42. An Act for vesting the title of certain lands herein mentioned, in Ralph Miller, his heirs and assigns .............................................. 24. 533-534

Chapter 43. An Act for establishing two public schools in the county of Onslow, and for other purposes ..................................................... 24. 534-535

Chapter 44. An Act to incorporate trustees for two academical schools in the district of Morgan .................. 24. 535-536

Chapter 45. An Act to keep open Roanoke River for the passage of fish up the same, and other purposes therein mentioned ............................. 24. 536-537

Chapter 46. An Act authorizing James Davis, Esquire, to revise, print and publish all the Laws now in force and use in this State, for appointing a Public Printer and other purposes ..................title only, 24. 537

Chapter 47. An Act for establishing a Town on the land formerly belonging to William Best, at the place where the road leading from Salisbury to the Cheraws crosses the road leading from Mask's Ferry to Camden in Anson County ........................................ 24. 537-538

Chapter 48. An Act for cutting a Canal from Clubfoot's Creek to Harlow's Creek to open a communication be-
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Chapter 49. An Act for appointing Commissioners for selling the Lot No. Forty-four, in Warrenton, Whereon the Public Granary now stands, and other purposes ........................................... title only, 24. 538

Chapter 50. An Act for altering the name of Jonathan Bronocks to that of Jonathan Bryant......................... 24. 539

Chapter 51. An Act for dividing Washington County into two distinct Counties, and erecting a County by the name of Green .................................................. 24. 539-540

Chapter 52. An Act to erect a County adjoining the line of Virginia, including a part of Cumberland River... 24. 540

Chapter 53. An Act for fixing on a place in the County of Anson for building a Court House, Prison and Stocks, and for other purposes therein mentioned. 24. 540-541

Chapter 54. An Act for building a Court House and Prison in Elizabeth-town, in the County of Bladen title only, 24. 541

Chapter 55. An Act for appointing Commissioners to fix on place for building a Court House, Prison and Stocks in the county of Randolph, and for other purposes ........................................... 24. 541

Chapter 56. An Act for establishing a Court-House, Prison and Stocks at the place whereon they are now erected on the plantation of Henry Monger, in Montgomery County .................................................. 24. 542

Chapter 57. An Act for levying a tax of one shilling specie on every hundred pounds value of taxable property in Warren County, for the purpose of building a Court-House, Prison and Stocks for the use of said County ........................................... title only, 24. 542

Chapter 58. An Act for levying a Tax of one Shilling Specie on every Hundred Pounds value of Taxable Property in Franklin County, for the purpose of building a Court House, Prison and Stocks and other purposes, for the use of the said County...title only, 24. 542

Chapter 59. An Act for levying a Tax on every Hundred Pounds value of Taxable Property in the County of Lincoln, for the building a Court House, Prison and Stocks for the use of said County...title only, 24. 542

1784. (APRIL SESSION).

Chapter 1. An Act to amend an Act, intituled, An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same, and collecting public Taxes............ 24. 543-546

Chapter 2. An Act for altering the time of holding the Annual Elections, and Annual Assemblies, and directing the manner of electing Annual Officers for the succeeding year......................... 24. 547

Chapter 3. An Act vesting a power in the United States in Congress assembled to levy a Duty on Foreign Merchandise, for the use of the United States... 24. 547-549
Chapter 4. An Act for laying certain duties therein mentioned on all Foreign Merchandize imported into this State, in aid of the Public Finances, and directing the mode of collecting the same............ 24. 549-553

Chapter 5. An Act for appointing Collectors of the Imposts at the several Ports of this State, and for regulating the duty of Naval Officers, the Officers of Customs, and Masters of vessels..................... 24. 553-556


Chapter 7. An Act for Levying a Tax for the Purposes Therein Mentioned, and for investing the United States in Congress Assembled With a Power to Collect the same. ........................................... 24. 557-559

Chapter 8. An Act for Imposing a Duty or Tax in Aid of the Public Revenue Upon the Different Articles Therein Mentioned Sold at Auction or Public Vendue, and for Regulating Auctioneers or Vendue Masters ...................................................... 24. 559-560

Chapter 9. An Act for Authorizing the United States in Congress Assembled to Regulate the Trade of This State With Foreign Nations................................. 24. 561

Chapter 10. An Act Vesting Certain Powers Therein Mentioned in the United States in Congress Assembled ................................................................. 24. 561

Chapter 11. An Act Ceding to the Congress of the United States Certain Western Lands Therein Described, and Authorizing the Delegates from this State in Congress to Execute a Deed or Deeds for the Same. ......................................................... 24. 561-563

Chapter 12. An Act to Prevent Doubts as to the Rights of Sovereignty and Jurisdiction in and Over the Territory Lying West of the Appalachian Mountains, for Shutting the Land Office, and for Indemnifying John Armstrong, Esq., Entry-Taker, Against Vexatious Suits for His Conduct in Office........... 24. 563-564

Chapter 13. An Act to Impower the Delegates of this State in Congress to Assent to a Repeal of Part of the Eighth of the Articles of Confederation and Perpetual Union Between the Thirteen States of America, and to Subscribe and Ratify the Alteration Proposed in the Recommendation of Congress of the 18th of April, 1783, in Place Thereof, as Part of the said Instrument of Union.......... 24. 564-565

Chapter 14. An Act to Amend An Act, Intituled, "An Act for Opening the Land Office for the Redemption of Specie and Other Certificates, and for Discharging the Arrears Due to the Army......................... 24. 565-566

Chapter 15. An Act to amend an Act, intituled, "An Act for the relief of the Officers and Soldiers of the Continental line, and for other purposes."............... 24. 566-568

Chapter 16. An Act for the relief of such persons as have been disabled by wounds or rendered incapable of pro-
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Chapter 17. An Act for the relief of such persons who have through misapprehension entered their lands in a different County from that wherein they lye, by which means they are deprived of a Legal Title for remedy whereof .......................... 24. 568-569

Chapter 18. An Act to describe the Lands granted to Major General Nathaniel Greene, and to confirm the Title thereof in the said Nathaniel Greene, his Heirs and Assigns forever.......................... 24. 569-570

Chapter 19. An Act to Impower the County Surveyors to make surveys and returns in the manner therein mentioned .......................................................... 24. 570-571

Chapter 20. An Act for repealing Part of an Act passed at Hillsborough in May, one Thousand Seven Hundred and Eighty-Three, intituled, “An Act for opening the Land Office for the Redemption of Specie and other Certificates, and discharging the arrears due to the Army.”.......................... 24. 571

Chapter 21. An Act for the relief of persons who have suffered or may suffer by their Grants, Deeds and Mesne Conveyances not being proved and registered within the time heretofore appointed by Law.............. 24. 571-572

Chapter 22. An Act to regulate the descent of Real Estates, to do away Entails, to make provision for Widows, and prevent frauds in the Execution of last Wills and Testaments .................................................. 24. 572-577

Chapter 23. A supplemental Act to an Act, intituled, An Act for proving of Wills and Granting Administration, and to prevent frauds in the management of Intestates Estates ........................................... 24. 577-578

Chapter 24. An Act directing the appointment of Delegates agreeable to the recommendation of Congress..... 24. 578

Chapter 25. An Act to amend an Act passed at Hillsborough in the year One Thousand Seven Hundred and Eighty-Three, intituled, “An Act for emitting One Hundred Thousand Pounds for the purpose of Government for One Thousand Seven Hundred and Eighty-Three, for the redemption of the Paper Currency now in circulation, and advancing to the Continental Officers and Soldiers part of their pay and subsistence, and for levying a Tax and appropriating the confiscated property for the redemption of the money now emitted;” and also an Act passed at Halifax in the year One Thousand Seven Hundred and Seventy-Nine, intituled, “An Act for punishing persons concerned in any of the several species of Counterfeiting in this State, to prevent the Counterfeiting of Certificates issued by the Public Authority, and to subject persons guilty of Counterfeiting the Bills of Credit of this State in any of the neighbouring
States to the same punishment as if the offence had been committed in this State." .................. 24. 578-579


Chapter 27. An Act for regulating the Pilotage and facilitating the Navigation of Cape Fear River .......... 24. 586-592

Chapter 28. An Act for ascertaining the Fees of the Pilots at Oacacock, Beaufort, and Bogue Inlets, and for appointing Commissioners of Navigation for Bogue Inlet ........................................ 24. 592-593

Chapter 29. An Act to prescribe the Affirmation of Allegiance and Fidelity to this State to be taken by the People called Quakers, and for granting them certain indulgences therein mentioned ............... 24. 593-594

Chapter 30. An Act to Impover the several County Courts therein mentioned to lay a Tax annually for the purpose of erecting or repairing the Court-House, Prison and Stocks in each County where necessary, and for defraying the contingent charges of the County ........................................ 24. 594

Chapter 31. An Act for repealing an Act of the last General Assembly, intituled, An Act to Impover the Justices of the County Courts to appoint a County Attorney and Solicitor to prosecute for the State in the County Courts, and for the purpose of appointing a Salary and Fees for the Attorney and Solicitor, and other purposes, and for allowing Fees to Attorneys who may hereafter prosecute in the respective Counties in this State, and for regulating the proceedings on Presentments and Indictments .................................................. 24. 595

Chapter 32. An Act to ascertain the measurement of fire-wood sold in the several Towns established within this State by the Legislature ........................................ 24. 595

Chapter 33. An Act to prevent the several species of hunting therein mentioned .............................. 24. 595-597

Chapter 34. An Act for the restraint of Idle and Disorderly Persons ............................................. 24. 597-598

Chapter 35. An Act for prolonging the time given by Law for securing Lots in the several Towns within this State ............................................................... 24. 598

Chapter 36. An Act for Establishing a Court of Oyer and Terminer and General Gaol Delivery In the County of Davidson ................................................................. 24. 599-600

Chapter 37. An Act for Extending the Navigation of Roanoke River ............................................... 24. 600-602

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Chapter 39. An Act for Clearing and Opening the Navigation of Trent River In Jones County .................. 24. 602-603

Chapter 40. An Act for Appointing Commissioners in the District of Morgan for the Purpose of Erecting a Court-House, Prison and Stocks in the County of Burke, for the Use of Said District, and for Levy-
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ing a Tax to Complete the Same, also for Laying Out and Establishing a Town in Burke County.... 24. 604-605

Chapter 41. An Act for the Promotion of Learning in the District of Hillsborough, and to Amend an Act for Establishing an Academy in the Neighbourhood of Hillsborough .................................................. 24. 605-607

Chapter 42. An Act to Amend an Act Passed at New Bern the First Day of December, One Thousand Seven Hundred and Sixty-Six, Intituled, "An Act for Establishing a School-House in the Town of New Bern." 24. 607-609

Chapter 43. An Act for Establishing a Town in Jones County on the Lands of Thomas Webber and Others.... 24. 609-611

Chapter 44. An Act to Establish a Town on the Land of John Walker at a Place Called Deep Water Point, Joining Fort Johnston on the River Cape Fear, in Brunswick County .................................................. 24. 611-613

Chapter 45. An Act for establishing and laying out a town in Richmond County by the name of Rockingham.... 24. 613


Chapter 47. An Act for establishing a Town on Cumberland River at a place called the Bluff, near the French Lick .................................................. 24. 616-617

Chapter 48. An Act for Annexing Certain Lands Laid Off by Thomas Repiss, Esquire, to the Town of Washington, and for Impowering the Commissioners to Lay a Tax on the Inhabitants of Said Town.... 24. 618

Chapter 49. An Act to Amend An Act, Intituled, "An Act for the Regulation of the Town of Wilmington.".... 24. 618-622

Chapter 50. An Act to Regulate the Town of Hillsborough and to Repeal all Laws Now in Force Which Come Within the Purview Hereof.................. 24. 622-623

Chapter 51. An Act to Amend An Act, Intituled, An Act for Purchasing a Lot or Lots in the Town of Wilmington, for the Purpose of Building a Jail for the District of Wilmington and Other Purposes, and for Repairing the Court-House of the Said District .......................... 24. 624-625

Chapter 52. An Act for levying a further Tax in the District of Halifax for repairing the Court-House and Gaol of said District .................................................. 24. 625

Chapter 53. An Act for appointing Commissioners for selling the Granaries in the Counties of Franklin and Warren, and for repealing an Act, intituled, "An Act for appointing Commissioners for selling the Lot number forty-four in Warrenton, whereon the Public Granary now stands, and for other purposes, and for altering the times of holding Courts in the County of Caswell." .................. 24. 626

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Chapter 54.  An Act to authorize and Impower Isaac Gregory, Esquire, formerly Sheriff of Pasquotank, now Pasquotank and Cambden Counties, to collect the arrears of Taxes due him from the inhabitants of said Counties, for the years one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, and one thousand seven hundred and seventy-four .............................. 24. 626-627

Chapter 55.  An Act to authorize Richmond Pearson to collect the Specific Tax which remains due from the inhabitants of the County of Rowan for the year seventeen hundred and eighty-one; and also the Commissioners of Franklin County to collect the arrears of Taxes of said County for the years seventeen hundred and eighty, seventeen hundred and eighty-one, and seventeen hundred and eighty-two. 24. 627-628

Chapter 56.  An Act to Impower Arthur Brown, Esquire, late Sheriff of Bertie County to collect the arrears of Taxes due for the said county in the year one thousand seven hundred and seventy-four and one thousand seven hundred and seventy-five......... 24. 628-629

Chapter 57.  An Act to Impower Edward Winslow to Receive Storage of Tobacco Inspected and Deposited in the Warehouse by Him Built at Fayetteville, by Permission of the Court of Cumberland..................... 24. 629

Chapter 58.  An Act for the Relief of Sundry Petitioners Inhabitants of Davidson County whose names are Therein Mentioned. .............................................................. 24. 629-630

Chapter 59.  An Act to Alter the Place of Holding the County Court in Pasquotank County from Winfield to the Town of Nixonton in the said County, and to Erect a New Court-House, Prison, Pillory and Stocks in the Said County..................................................... 24. 630-631

Chapter 60.  An Act for Impowering the Court of Brunswick County to Adjourn to the Place Which They shall Think Most Convenient for Holding the same.... 24. 631-632

Chapter 61.  An Act for Laying a Tax in the County of Northampton for Repairing the Public Buildings Thereof, and to appoint and Impower Commissioners for that Purpose .................................................... 24. 632-633

Chapter 62.  An Act to Impower the Executors of John Bowman, Deceased, to pay Into the Hands of the Treasury such Sums of Money as He Received for the Public as Sheriff for Burke County, Without Depreciation. .................................................... 24. 633-634

Chapter 63.  An Act to Encourage Enoch Ward, Spencers, Singleton, Christopher Neale and Company, to cut a Canal from Club Foot’s Creek to Harlow’s Creek. 24. 634

Chapter 64.  An Act Vesting in James Williams, his heirs, executors, administrators and Assigns, the Property of the Toll-Bridge, known by the Name of McCraney’s Bridge, on the Lower Little River in Cumberland County ................................................................. 24. 634-635
Chapter 65. An Act to Authorise Theophilus Evans to Receive Toll at Rock Fish Bridge, by him built in Bladen County .................................................. 24. 635

Chapter 66. An Act to Encourage Enoch Sawyer to make a Road through Pasquotank River Swamp opposite to his Plantation .............................................. 24. 635-636

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