LAWS OF NORTH CAROLINA,

1777.

At a General Assembly, begun and held at New Bern, on the Eighth Day of April, in the Year of our Lord One Thousand Seven Hundred and Seventy-seven, and in the First Year of the Independence of the said State: Being the first Session of this Assembly. Richard Caswell, Esq., Governor.

CHAPTER I.

An Act to Establish a Militia in this State.

I. Whereas, a well regulated militia is absolutely necessary for the defending and securing the Liberties of a free State,

II. 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 Militia of this State be divided into six Brigades, viz.: One in each of the Districts of Edenton, New Bern, Wilmington, Halifax, Salisbury and Hillsborough. And each Brigade to be commanded by a Brigadier General. And the Militia of every County shall consist of all the effective men from sixteen to fifty years of age inclusive, to be formed into one or more regiments, each under the command of a Colonel, Lieutenant Colonel and two Majors. Every Regiment shall be divided into companies, consisting of fifty Rank and File at least, two sergeants, two corporals, one Drummer and one Fifer; and each Company to be under the command of a Captain, Lieutenant and Ensign. That every Company shall be divided into four Divisions, who shall draw Lots, for the First, Second, Third and Fourth Turns, to go on service and shall be numbered according to such lots.

III. And be it further enacted that the foregoing arrangements shall immediately upon the publication hereof be made in every County in this State by the Field Officers and Captains in their respective Departments; and that every Captain immediately on such arrangement, and afterwards every six Months shall return a Muster Roll of his Company, divided and numbered as aforesaid, to the Commanding Officer of the Regiment, under pain of forfeiting Five Pounds for every Default; and the commanding officer of each Regiment shall make an exact return from such lists within twenty days after receiving the same, to the Brigadier General of the District under pain of forfeiting Twenty Five Pounds for every Default.

IV. And be it further enacted, that the commanding officer of every Regiment shall whenever thereto required by the Brigadier General of the District, order a General Muster at the most convenient place for his regiment: under pain of Forfeiting Twenty-Five Pounds for every Default: provided he does not call them together more than twice in one year. And every Captain shall muster and train his company, divided as before directed, once in every month and oftener if directed by the commanding officer, under pain of forfeiting Five Pounds for every default. And every soldier refusing or neglecting to attend the General Muster, shall forfeit the sum of ten shillings, to be recovered together with the foregoing forfeitures as hereinafter directed.

V. And be it further enacted, that the Brigadier Generals respectively, shall
return an exact Roll of all the officers and soldiers of their Brigades, distinguished into their proper Companies and divisions, to the Governor, once every year, and oftener if required; under penalty of One Hundred Pounds for every Default.

VI. And be it further enacted, that each Militia soldier shall be furnished with a good Gun, shot bag and powder horn, a Cutlass or Tomahawk, and every Soldier neglecting to appear at any muster, accoutered as above, shall forfeit for every such offence two shillings and six pence (unless he can make it appear that they were not to be procured) to be recovered as other fines. And where any person shall appear to the Field Officers not possessed of sufficient property to afford such arms and accouterments, the same shall be procured at the expense of the County, and given to such persons on muster Days, or when ordered into service, which Guns and Accouterments after such service, shall be returned to the Captain of the Company, and by him carefully preserved for future occasions. And whenever the Militia are called into service, they shall be allowed as follows, viz.: One Baggage Wagon or two Carts for every Company, and one Cart and two Horses for a Brigadier General, one Baggage Cart and two Horses for the Field Officers of each Regiment; Ammunition and Wagons at the Discretion of the Brigadier General; the same rations to them and officers as allowed to the Continental Army, to be supplied by Commissaries appointed by the Brigadier; one Bell tent to each Company, entrenching tools, six axes, and a sufficient number of camp kettles. And the pay of the men and officers as follows, viz.:

<table>
<thead>
<tr>
<th>Rank</th>
<th>Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Colonel per day</td>
<td>12–6</td>
</tr>
<tr>
<td>A Lieutenant Colonel</td>
<td>10</td>
</tr>
<tr>
<td>A Major</td>
<td>10</td>
</tr>
<tr>
<td>A Captain</td>
<td>7–6</td>
</tr>
<tr>
<td>A Lieutenant and Chirurgeon</td>
<td>5</td>
</tr>
<tr>
<td>An Adjutant</td>
<td>7–6</td>
</tr>
<tr>
<td>An Ensign</td>
<td>4–6</td>
</tr>
<tr>
<td>A Sergeant</td>
<td>4</td>
</tr>
<tr>
<td>A Corporal, Drummer and Fifer</td>
<td>3</td>
</tr>
<tr>
<td>A Common Man</td>
<td>2–6</td>
</tr>
<tr>
<td>A Brigadier General</td>
<td>1–12</td>
</tr>
</tbody>
</table>

VII. And be it further Enacted, that the Commanding officer of every Regiment shall return an account of all expenses and Disbursements and pay appertaining to the said Regiment and shall produce as vouchers for such account, the amount rendered on oath of the Captains of the several Companies, and other persons expending or disbursing for the said regiment.

VIII. And be it further enacted, that there shall be ten light horsemen, and no more, from each Regiment, to be arranged in one or more companies, when they shall have joined the Brigade, at the Direction of the Brigadier General.

IX. And be it further Enacted, that no officer or soldier, in the Militia Service shall be tried for any offence against the Militia Law, or the Articles of War, except by a Court Martial to consist only of Militia officers.

X. And be it further Enacted that no Brigade, Regiment, Company or Division of Militia shall be under Command of any but Militia Officers, except when such Militia shall be ordered by the Civil Town to join the Continental Troops: In which case the Continental Officer of equal and the Militia officer of superior Denomination shall command.

XI. And be it further enacted, that such Divisions as shall at any time be
called into service shall be formed into Companies of not less than fifty men each with a proportioned number of officers, Sergeants, Corporals, Fifer and Drummers; and all the officers of each Regiment shall agree among themselves, concerning who shall command the men directed to march into actual service: But if they cannot agree, the Commanding Officer shall cause Lots to be drawn, and the officers on whom such Lot shall fall, shall command in their proper Rank and Department.

XII. And be it further enacted, that all persons within the ages of sixteen and fifty shall be liable to be drafted, and every person so drafted, obliged to serve or find an able bodied person in room. Provided, that the Council of State, and Publick Secretary, and Justice of the Peace, Ministers of some Church regularly settled, and having the Cure of Souls, and Continental post masters, shall not be obliged to attend general or private Musters.

XIII. And be it further enacted, that for all Defaults at Private Musters, the Captains of their respective Companies shall issue Citations against the Delinquents, returnable to the succeeding Muster; and in case of insufficient cause being shown for absence, shall issue his warrant to the sergeant for levying the above Fines; and the fines so collected shall be applied towards providing arms for such as have not sufficient property to procure such for themselves.

XIV. And be it further enacted, that there shall be a Court Martial held the Day after every General Muster, to be composed of one Field Officer and six Captains, or subalterns, at least, which said Court shall have full power to inquire into the Age, and abilities of all persons enlisted and to exempt such as they judge incapable of service and of all neglects and omissions as well by any officers as soldiers; and to hear and determine all appeals whatever; and to dispose of all Fines for the use of the County; 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 Fines.

XV. And be it further enacted, that where any soldier shall neglect or refuse to appear at any general muster, equipped as aforesaid, the Captain of the Company to which he belongs shall return him as a Delinquent to the General Court Martial; and they are directed and required hereby to send citations against such persons, signed by the President and returnable to the next General Court Martial; and on failure of sufficient excuse, they are hereby impowered to issue execution against the Estate of such Delinquents, for the Fines incurred by their neglect or refusal.

XVI. And be it further Enacted, that if any soldier shall during the time of any muster, or when in service, resist his commanding officer or refuse his lawful commands, such soldier shall be punished at the discretion of his officer, by being tied neck and heels not exceeding fifteen minutes. And if any officer or soldier shall refuse to carry such Commands into Execution, be or they so offending shall forfeit and pay the sum of five Pounds, to be levied by a warrant from any Field Officer in the Regiment, and applied as other fines mentioned in this act.

XVII. And be it further enacted, that no officer or soldier going to, continuing at or returning from any Muster in any reasonable time shall be liable to be arrested by any officer, on any civil action or process whatsoever; any Law, Usage or Custom to the contrary notwithstanding.

XVIII. And be it further enacted, that in all cases where it shall be requisite to administer an oath relative to any Military matters, any Commissioned officer is hereby impowered and required to administer the same.

XIX. And to prevent oppression: Be it further enacted, that no officer or soldier of the Militia or regulars in this State, shall press any Wagon, Cart
or Horse or other thing of any nature whatsoever, unless authorized thereto by warrants under the Hands and Seals of two Justices of the Peace (Not being militia officers then in actual service) of the County where such Press shall be necessary. And any officer or soldier before he shall press anything as aforesaid, shall demand the same peaceably from the owner or possessor thereof; and in case of refusal shall produce his warrant aforesaid, before he proceeds to press. And every officer or soldier who shall offend against this act shall forfeit and pay ten pounds for every such offence to the person injured, and be moreover liable to the action or actions of the party grieved; to be recovered before any jurisdiction having cognizance thereof. And every thing so pressed shall be valued by two indifferent persons upon oath, and a certificate of the valuation given by such valuers, to the owner or possessor, from whom the same shall be pressed; in order that if the same shall not be restored to the owner or possessor, he may be allowed such valuation by the publick.

XX. And be it further enacted by the authority aforesaid, that every absentee shall be allowed till the next succeeding muster to make excuse, before the Captain shall issue his warrant; unless against such Defaulters, as he may suspect are about removing themselves out of the County, before such succeeding Muster; in which case it shall and may be lawful for such captain to issue a summons to cause such suspected person to appear before him, and upon hearing him or the person refusing to obey the summons, the Captain shall then proceed as to him seems just. And every person that shall be fined in virtue of this act, and shall think himself injured by his officers, may appeal to the next Court Martial; first giving security in the sum of twenty shillings to appear, and abide by the judgment of the said Court. And if judgment shall be against him, that he will then and there pay the fine, with two shillings costs.

XXI. And be it further enacted by the authority aforesaid, that every person who shall neglect or refuse, on call or alarm given, to appear himself in person, or send an able bodied man in his stead, at such times and places as shall be appointed by his Captain or other officer, shall forfeit and pay ten pounds proclamation money. And it shall and may be lawful for any one Justice of the Peace of the County where such person so falling resides to cause him to be immediately apprehended and committed to Gaol, until he shall find security for his appearance at the next Court Martial. And if such Defaulter shall fail to appear and make satisfactory excuse to the next Court Martial, the President of the said Court Martial is hereby directed and empowered to issue his Warrant for levying the aforesaid Fine, directed to the Sheriff of the County where the offender resides. And such Sheriff who is hereby required and directed to execute the same, shall for every neglect or refusal, forfeit and pay the sum of Twenty Pounds Proclamation Money to be recovered by action of Debt in any Court of Record in this State. And every person 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 his Captain or other officer, or shall quit his post, desert his colours or mutiny, it shall and may be lawful for one Field Officer or more, two Captains, two Lieutenants, and two Ensigns, or the Majority of them openly to hold a Court Martial, first taking the following Oath: which is to be taken by all other Court Martials, viz: You shall swear well and truly to try according to evidence, in the matter now before you, and on trial and conviction to punish the offender according to Martial Law and the nature of the offence may require (death excepted). And for want of such number of officers to compleat a Court Martial the offender shall be
put under guard until such time as there shall be a sufficient number for that purpose.

XXII. And be it further enacted by the Authority aforesaid, that when any Brigade shall be ordered into actual service, the following rules and regulations shall be observed, viz: One Waggon Master shall be appointed by the Field Officers of every Battalion, subject to be removed or rejected by the Brigadier General; who before he enters upon his duty shall take an oath that he shall faithfully execute the said office. And the Commissaries shall every morning make a return to the Waggon-Master of the provisions which the Waggon Master having examined and compared, shall return signed and certified, to the Commanding Officer. And the Waggon Master shall attend as his special duty to the arrangement of the Waggons, taking care that every morning no more begin the march, than one for every ton of provisions, except where there may be half a ton or upwards, over and above what will make a ton for every Waggon but one; in which case the one waggon shall be kept in service, until so much is consumed, as to render it below half a ton. And in all cases where the quantity over a ton for each Waggon, is less than half a ton, the overplus shall be distributed into the other waggons, as equally as may be. And every morning all the empty waggons shall be discharged; each waggon having first obtained a certificate from the Waggon Master, setting forth the number of days it had been in service, and the place where discharged and the distance to return. And for every twenty miles of such return, each waggon shall be allowed twenty shillings, or one Day's pay, and half the sum for such Carts as shall be employed in the service. And every Waggon-Master shall be allowed the pay and rations of a Major. That there be a paymaster to each Brigade who shall attend the same and be allowed Major's pay and rations.

XXIII. And be it further enacted by the authority aforesaid, That the divisions made for drafting the militia in the several counties in this State, according to a resolve of Congress passed at Halifax in May last, shall continue; and the persons who have in pursuance thereof been drafted and actually called forth in the service of this State, shall not be again drafted, nor called into actual service, till, according to the order of the said Divisions, it shall in rotation come to their time to be again drafted and called into the actual service of this State; anything in this act contained to the contrary notwithstanding.

XXIV. Whereas the penalties incurred by some of the Militia, who refused to march in the late expedition against the Cherokees and other enemies, for the necessary Defence of this State, have been imposed agreeable to Act of Assembly, and resolves of Congress; and whereas some of the said penalties incurred and imposed, as aforesaid, have not been collected.

XXV. Be it therefore enacted by the authority aforesaid, That the Colonel or Commanding officer of every Regiment of Militia in this State, shall be and is hereby empowered and authorized to issue his Precept under his hand and seal, directed to the Sheriff of the County, where the offender resides, to levy the said Fines, by Distress and sale of the offender's Goods and Chattels; and the said fines shall be applied in the same manner as other fines imposed by this act. And the sheriffs for their service shall out of the said fines receive the fees allowed by law for levying executions, and for every Neglect or Refusal, shall forfeit and pay the sum of Ten Pounds.
CHAPTER II.

An Act for levying a Tax by General Assessment, and other Purposes.

I. Whereas the levying a tax on property by general assessment will tend to the ease of the inhabitants of this State and will greatly relieve the poor people thereof and as it is absolutely necessary for the support of government and defraying the expenses and contingent charges thereof that a tax be immediately laid and the monies arising therefrom collected as soon as may be.

II. 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 half of a penny be levied on each pound value of all the Lands, Lots, Houses, Slaves, Money, money at interest, Stock in trade, Horses and Cattle in this State.

III. And for the better ascertaining the value of such property, Be it further enacted by the authority aforesaid, that the several County Courts in this State shall at their respective Courts to be held after the first day of July next and so at such Courts yearly and every year lay out their respective counties into moderate and convenient districts and shall appoint a Magistrate for each District to receive from every Inhabitant of such District a just and true amount of his or her Estate as aforesaid on oath within one month after the sitting of such Court which account shall be immediately delivered by the Magistrate so receiving the same to the persons appointed to value the property in such District together with an account of his own estate upon oath.

IV. And be it Enacted by the authority aforesaid, that the said Courts respectively shall appoint three honest and intelligent persons who shall on oath (to be administered by any Justice of the Peace) value the property of each individual as aforesaid, as near as may be within their respective districts and make return thereof to the next succeeding County Court and in case they cannot all agree in such valuation the agreement of any two of them shall be valid, but where they shall all differ in opinion respecting the value of any property, then and in that case, the valuation of each of the said persons shall be added together and the third part of all the three sums shall be adjudged to be the true value of such property and shall be returned to the Court accordingly.

V. And for the more effectual collecting and gathering of the taxes to be applied by virtue of this Act, Be it enacted by the authority aforesaid that the respective Courts shall appoint a Collector or Tax Gatherer within each District who shall collect all the taxes within such District but before executing his said office shall enter into Bond with sufficient security in double the amount of the tax to be collected in his District payable to the Governor or Commander in Chief for the time being for the faithful discharge of his duty and every Tax Gatherer shall be allowed at the rate of six pounds for every Hundred Pounds he shall so collect and so in proportion for a greater or less sum.

VI. And be it enacted by the Authority aforesaid, that the Sheriff of every such County in this State respectively shall and they are hereby required to demand and receive of the Tax Gatherer within their respective Counties all sums of money which shall be collected by virtue of this Act and for that purpose the Sheriffs shall be and they are hereby constituted County Treasurers and shall be allowed at the rate of two pounds for every hundred pounds they shall so receive as aforesaid and every Sheriff before he qualifies as such shall enter into Bond in the Court of his County with two or
more sufficient securities in double the amount of the tax assessed in his County payable to the Governor and Commander in Chief for the time being conditioned that he will well and truly account for and pay to the Treasurer or Treasurers of the State all such sums of money which he shall receive from the Tax Gatherers as aforesaid after deducting the commissions allowed by this Act for his Trouble.

VII. And be it enacted by the authority aforesaid, That every freeman in this State (other than soldiers in the service of the Continent) who does not possess an estate of one hundred pounds value shall pay a poll tax of four shillings to the public in lieu of assessment on property which shall be collected and accounted for in the same manner as other moneys by this act assessed.

VIII. And that a just and true account of the property and persons liable to pay taxes may be had. Be it enacted by the authority aforesaid, that the Magistrate who shall be empowered to receive an account of the property in each respective district shall order the Constable of his District to warn all the inhabitants therein to attend such Magistrate on a certain day and at a certain place which order the constable is hereby required to obey and if the constable shall fail or neglect to summon & warn the inhabitants as aforesaid, he shall forfeit and pay the sum of twenty pounds to be recovered by action of debt in any Court of Record in the name of the Governor for the time being to the use of the State.

IX. And be it further enacted by the authority aforesaid, That owners of land and other property liable to be taxed, as aforesaid which may happen to lie or be situated in a different county than that in which such owner happen to reside shall give in an account of all their taxable property wherever it may be in those counties wherein they reside respectively and the Justice who receives the same shall transmit an account of such part thereof as lies out of his County to the Court of the County wherein the same may be and shall by such Court be delivered to the persons appointed to ascertain the value of property in the District where such property lies who shall value the same in the same manner as other property in their districts & make return as aforesaid and such valuation shall be returned by the Court of the County wherein such valuation shall be made to the Court of the County wherein the owner of such property resides who shall be obliged to pay the assessment thereon to the Tax Gatherers of his District in the same manner as for such of his property as may be valued in his own county.

X. And be it enacted by the authority aforesaid, that if any person shall fail or refuse to give in an account of his or her property agreeable to the directions of this act it shall and may be lawful for the assessors in the respective Counties and Districts to value on oath as nearly as they can estimate the same the value of the property of the person or persons so failing or refusing as aforesaid, and the assessment thereupon shall be one penny for every pound value & shall be collected in the same manner as other assessments mentioned in this Act.

XI. And be it enacted by the authority aforesaid, That if the Justices of the respective County Courts shall fail or neglect to lay out their respective Counties into districts as aforesaid, or shall fail or neglect to appoint a magistrate or persons to ascertain the value of property or a Tax Gatherer in each District or shall fail or neglect to do any other duty by this act required, every Justice so failing or neglecting as aforesaid shall forfeit and pay the sum of one hundred pounds to be recovered by action of Debt in any Court of Record in the name of the Governor for the time being to be applied to the use of the State.
XII. And be it further enacted by the authority aforesaid, that if the Magistrates to be appointed in virtue of this act for receiving an account of Estates in their respective Districts or any of them or any of the persons to be nominated and appointed to value the property of the inhabitants as aforesaid shall refuse or neglect to do the several and respective duties by this act required, or any of them; the person so refusing or neglecting shall forfeit and pay the sum of one hundred pounds to be recovered by action of Debt in the name of the Governor and to be applied to the use of the State.

XIII. And be it enacted by the authority aforesaid, That inventories of the Estates of Testators, Intestates, Minors and Absentees shall be delivered by the Executors, Administrators, Guardians and agents or attorneys respectively, in the same manner as the estates of other persons, and on refusal or neglect shall be valued as aforesaid and the assessment shall be levied of the proper Estate of such Executor, Administrator, Guardian, Agent or Attorney so refusing or neglecting as aforesaid; any Law, Usage or Custom to the contrary notwithstanding.

XIV. And be it further enacted by the authority aforesaid, That the real Estate of persons residing out of this State who have not any personal property therein shall be assessed yearly by the persons appointed to value the estate of the inhabitants and a particular and separate return thereof made to the County Court and if the assessment thereon shall not be discharged within two years after the passing of this act, then such estate, or so much thereof as may be necessary to discharge the several assessments with all contingent charges shall be sold by the Sheriff of the County wherein the same shall be by order of the County Court; any Law or Usage to the contrary notwithstanding.

XV. And be it further enacted by the authority aforesaid, That the estates of the persons appointed to value the property in the respective districts shall be valued and appraised by the Court of the County and the Tax Gatherers shall account with the County Treasurer for the Assessments on their own estates in the same manner as other Taxes.

XVI. And be it further enacted by the Authority aforesaid, That if any Person after being lawfully taxed as aforesaid shall neglect or refuse to pay the sum he shall be so taxed for the space of three months after the first day of October in each year, the respective Collectors, or Tax Gatherers, may and they are hereby empowered to levy the same by Distress and sale of the Goods and Chattels of the Delinquent, and shall be entitled to take & receive for such Distress the sum of two shillings and eight pence and no more; Provided always, that no distress shall be made on slaves without the consent of the real owner thereof if other sufficient personal estate can be found.

XVII. And be it enacted by the authority aforesaid, That the respective County Courts shall transmit yearly to the General Assembly an exact account of the valuation or assessment in their respective Counties, which account shall be signed by the presiding Justice in such Court and certified by the Clerk thereof.

XVIII. And be it Enacted by the authority aforesaid, That the respective Tax Gatherers shall pay the Taxes by them received and levied to the County Treasurer on or before the first day of April in each year, and the County Treasurers shall account with and pay to the Treasurers of the State all such monies as they shall receive by virtue of this act on or before the first day of June yearly, and the Tax Gatherers and County Treasurers, or any of them, failing to account and pay in manner by this act directed, shall forfeit
his or their Commissions, given by this Act and shall be obliged to pay the
whole sums by them so collected and received.

XIX. And be it enacted by the authority aforesaid, That the oath to be
taken by the assessors, or those appointed to value property in the respec-
tive Districts as aforesaid, shall be in the following form, that is to say:

I, A. B., do solemnly swear that I will faithfully and impartially without
prejudice, favor or affection, value and appraise to the best of my knowledge
and understanding, and as nearly as may be, the property which by law
is liable to be taxed in the District wherein I am appointed for that purpose.
So help me God.

XX. And be it further enacted by the authority aforesaid, that the con-
dition of the Bond to be given by the Tax Gatherers shall be as follows,
to-wit:

"Whereas the above bound A. B., is by the County Court of ________
nominated and appointed to collect and gather the public taxes assessed on
the inhabitants in ________ District in the said County. The Condition
therefore of this obligation is such that if the said A. B. shall, and do well
and truly collect and gather all the public taxes in the said District and shall
& will well and truly account for and pay the same to the County Treasurer
in such manner and at such times as the law requires, after deducting his
commissions and such insolvants among those who are liable to pay a poll
tax as the Court of his County shall allow, then the above obligation to be
void, otherwise to remain in full force and effect.

XXI. And be it enacted by the Authority aforesaid, That the condition of the
Bond to be given by the County Treasurers shall be in the following
form, that is to say:

Whereas the above bound ________ Sheriff of ________ County, is by
Law constituted Treasurer of his County for the purpose of receiving from
the different collectors or Tax Gatherers therein the taxes assessed and
laid by act of the General Assembly for the support of Government. Now
the condition of the above obligation is such that if the said ________
Sheriff shall, and do well and truly account with and pay to the Treasurer:
or Treasurers of the State at such time as he is, or shall be by law required,
all such sum or sums of money as he shall, or may receive, from the different
Collectors or tax Gatherers, in his County for Public taxes, then this obliga-
tion to be void, otherwise to remain in full force and effect.

CHAPTER III.

An Act declaring what Crimes and Practices against the State shall be
Treason, and what shall be Misprision of Treason, and providing Punish-
ments adequate to Crimes of both Classes, and for preventing the Dan-
gers which may arise from the Persons disaffected to the 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 all and every
Person and Persons (Prisoners of War excepted) now inhabiting or residing
within the limits of the State of North-Carolina, or who shall voluntarily
come into the same hereafter to inhabit or reside, do owe, and shall pay
Allegiance to the State of North Carolina.

II. And be it further enacted by the Authority aforesaid, That if any Per-
son or Persons belonging to, or residing within this State, and under the
Protection of its Laws, shall take a Commission or Commissions from the
King of Great Britain, or any under his Authority, or other the Enemies of this
State, or the United States of America; or shall levy War against this State, or the Government thereof; or knowingly and willingly shall aid or assist any Enemies at open War against this State, or the United States of America, by joining their Armies, or by inlisting, or procuring or persuading others to inlist for that Purpose, or by furnishing such Enemies with Arms, Ammunition, Provision, or any other Article for their Aid or Comfort; or shall form, or be in any way concerned in forming any Combination, Plot, or Conspiracy, for betraying this State, or the United States of America, into the Hands or Power of any foreign Enemy; or shall give or send any Intelligence to the Enemies of this State for that Purpose; every Person so offending, and being thereof legally convicted by the Evidence of two sufficient Witnesses, or standing mute, or peremptorily challenging more than thirty-five Jurors, in any Court of Oyer and Terminer, or other Court that shall and may be established for the Trial of such Offences, shall be adjudged guilty of High-Treason, and shall suffer Death without the Benefit of Clergy, and his or her Estate shall be forfeited to the State. Provided, That the Judge or Judges of the Court wherein such Conviction may be, shall and may order and appropriate so much of the Traitor's Estate, as to him or them may appear sufficient, for the Support of his or her Family.

III. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons within this State shall attempt to convey Intelligence to the Enemies of this State or of the United States; or shall publicly and deliberately speak or write against our public Defence; or shall maliciously and advisedly endeavour to excite the People to resist the Government of this State, or persuade them to return to a Dependence on the Crown of Great-Britain; or shall knowingly spread false and dispiriting News, or maliciously and advisedly terrify and discourage the People from inlisting into the Service of the State; or shall stir up or excite Tumults, Disorders or Insurrections in the State; or dispose the People to favour the Enemy, or oppose and endeavour to prevent the Measures carrying on in Support of the Freedom and Independence of the said United States; every such Person or Persons being thereof legally convicted by the Evidence of two or more creditable Witnesses, or other sufficient Testimony, shall be adjudged guilty of Misprision of Treason, and shall suffer Imprisonment during the War, and forfeit to the State one Half of his, her or their Lands, Tenements, Goods and Chattels.

IV. And be it further enacted by the Authority aforesaid, That all Offences by this Act declared Misprision of Treason shall be cognizable before any Justice of the Peace of the County where the Offence was committed, or where the Offender can be found; and every Justice of the Peace within this State, on Complaint to him made on the Oath or Affirmation of one or more credible Person or Persons, shall cause such Offender to come before him, and enter Into a Recognizance, with one or more sufficient Surety or Sureties, to be and appear at the next County Court of the County wherein the Offence was committed, and abide the Judgment of the said Court, and in the mean Time to be of the Peace and good Behaviour toward all People in the State; and for Want of such Surety or Sureties, the said Justice shall and may commit such Offender either to the Gaol of the County or District where the Offence was committed, and appoint a Guard for the safe conveying of him to such Gaol. And all Persons charged on Oath or Affirmation with any Crime or Crimes by this Act declared to be Treason against the State, shall be dealt with and proceeded against in like Manner as the Law directs in respect of other capital Crimes.

V. And whereas the safety of the State, and the present critical Situation
of Affairs, make it necessary that all Persons who owe or acknowledge Allegiance or Obedience to the King of Great-Britain, should be removed out of the State; Be it enacted by the Authority aforesaid, That all the late Officers of the King of Great-Britain, and all Persons (Quakers excepted) being Subjects of this State, and now living therein, or who shall hereafter come to live therein, who have traded immediately to Great-Britain or Ireland within ten Years last past, in their own Right, or acted as Factors, Storekeepers, or Agents, here or in any of United States of America, for Merchants residing in Great-Britain or Ireland, shall take the following Oath of Abjuration and Allegiance, or depart out of the State, viz. I will bear faithful and true Allegiance to the State of North Carolina, and will to the utmost of my Power, support and maintain, and defend the independent Government thereof, against George the Third, King of Great Britain, and his Successors, and the Attempts of any other Person, Prince, Power, State, or Potentate, who by secret Arts, Treasons, Conspiracies, or by open Force, shall attempt to subvert the same, and will in every Respect conduct myself as a peaceful, orderly Subject; and that I will disclose and make known to the Governor, some Member of the Council of State, or some Justice of the Peace, all Treasons, Conspiracies, and Attempts, committed or intended against the State, which shall come to my Knowledge. And that all Persons being Quakers, and under the Circumstances above mentioned, shall make the following Affirmation, or depart out of the State: I, A. B. do solemnly and sincerely declare and affirm, that I will bear true Allegiance to the Independent State of North Carolina, and to the Powers and Authorities which are or may be established for the good Government thereof; and I do renounce any Allegiance to the present King of Great-Britain, his Heirs and Successors; and that I will disclose and make known to the Governor, some Member of the Council of State, or Justice of the Peace, all Treasons, Conspiracies, or Attempts, committed or intended against the same, which shall come to my knowledge. And the said Oath or Affirmation shall be taken and subscribed in open Court in the County where the Person or Persons taking the same, shall or do usually reside.

VI. And be it further enacted by the Authority aforesaid, That the County Court in each and every County, and every Justice of Peace in each respective County, shall have full Power to issue Citations against Persons coming within the above Description, as Officers, Merchants, Traders, Factors, Storekeepers, or Agents, and to demand Surety on Recognizance, if necessary, and to require their Attendance at the next ensuing Court to be held for the County; and if any Person so cited (due Proof being made thereof) shall fail or neglect to attend, or attending shall refuse to take the said Oath or Affirmation (as the Case may be) then the said Court shall and may have full Power and Authority to order such Person to depart out of this State to Europe or the West Indies, within Sixty Days, and may take Bond and Security, in the Name of the Governor, for the Benefit of the State, for faithful Compliance with such Order. And if any Person so ordered, shall fail or neglect to depart within the limited Time, such Bond shall be forfeited to the State, without good and sufficient Reason shewn to and approved of by the Governor and Council; and the Justices, or any of them, in the County wherein the Person so failing or neglecting to depart shall be found, shall and may cause him to be apprehended and brought before the Court of the County where the Order was made; and the said Court shall in such Case send the Person so offending, as speedily as may be out of the State, either to Europe or the West-Indies, at the Cost and Charges of such Offender. Provided nevertheless, That all and every such Person and Persons shall have
Liberty to sell and dispose of his or their Estates, and after satisfying all just Demands, to export the amount in Produce (Provisions and Naval Stores excepted) and may also nominate and appoint an Attorney or Attorneys to sell and dispose of his or their Estates, for his or their Use and Benefit; but in Case any Real Estate belonging to any such Person, shall remain unsold for more than three Months next after the Owner thereof hath departed this State, the same shall be forfeited to and for the Use of the Public.

VII. And be it further Enacted by the Authority aforesaid, That if any Person so departing or sent off from this State, shall return to the same, then such Person shall be adjudged guilty of Treason against the State, and shall and may be proceeded against in like Manner as is herein directed in Cases of Treason.

VIII. And be it further enacted by the Authority aforesaid, That each and every Justice in each respective County may cite any Person or Persons to appear before the County Court where such Person or Persons usually reside, and take the aforesaid Oath or Affirmation; and in Case of Non-Attendance or Refusal, the said Court shall and may have full Power to compel such Person or Persons to leave the State, under the same Regulations herein mentioned in other Cases.

CHAPTER IV.

An Act Concerning Oaths.

I. Whereas lawful Oaths, for the Discovery of Truth, and establishing Right, are necessary, and highly conducive to the important Ends of good Government; and being most solemn Appeals to Almighty God, as the omniscient Witness of the Truth, just and omnipotent Avenger of Falsehood, such Oaths ought therefore to be taken and administered with the utmost Sollemnity:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That Judges, Justices of the Peace, and other Persons, who are or shall be empowered to administer Oaths, shall (except in the Cases in this Act excepted) require the Party to be sworn to lay his Hand upon the Holy Evangelists of Almighty God, in Token of his Engagement to speak the Truth, as he hopes to be saved in the Way and Method of Salvation pointed out in the blessed Volume, and in further Token, that if he should swerve from the Truth, he may justly be deprived of all the Blessing of the Gospel, and made liable to the Vengeance which he has imprecated on his own Head; and after repeating the Words So help Me God, shall kiss the Holy Gospels, as a Seal of Confirmation to the said Engagements.

III. And be it enacted by the Authority aforesaid, That in all Cases when any Judges, Justices of the Peace, or other Persons, are or shall be empowered to administer any Manner or Oath in this State, and the Person to be sworn shall be conscientiously scrupulous of taking a Book Oath in Manner aforesaid, and pray the Benefit of this Act, it shall and may be lawful for all such Judges, Justices, and other Persons, and they, and each of them, are hereby required to excuse such Person from laying Hands upon or touching the Holy Gospels; and the said Judges, Justices, and others, are hereby directed in such Case to administer the Oath required, in the following Manner, to-wit, The Party so conscientiously scrupulous, and praying the Benefit of this Act, shall stand with his right Hand lifted up towards Heaven, in Token of his solemn Appeal to the Supreme God, whose Dwelling is in the
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higbest Heavens, and also in Token, that if he should swerve from the Truth, he would draw down the Vengeance of Heaven upon his Head, and shall introduce the Intended Oath with these Words, viz. I, A. B., do appea. to God, as a Witness of the Truth and Avenger of Falsehood, as I shall answer the same at the great Day of Judgment, when the Secrets of all Hearts shall be known, that, &c., as the Words of the Oath may be. And it is hereby declared, That an Oath thus administered and taken, with the right Hand lifted up, is and shall be a lawful Oath in this State; and such Oath shall be admitted and used in all Courts in this State where the same shall be requested as aforesaid, and shall be equally good and valid in Law, to all Intents and Purposes, as if the same Oath had been taken by the Party, having laid his Hand upon, and kised the Holy Gospels.

IV. And be it Enacted by the Authority aforesaid, That the solemn Affirmation of Quakers, Moravians, and Menonists, made in the Manner heretofore used and accustomed, shall be admitted as Evidence in civil Controversies in this State; and where other Persons are required to take an Oath or Oaths to the State, the said Quakers, Moravians and Menonists, shall make their solemn Affirmations in the Words of the said Oath or Oaths, beginning after the Word swear, or shall make such Affirmation as shall be hereafter provided for them by Law.

CHAPTER V.

An Act for the Punishment of such Persons as shall procure or commit any wilful Perjury.

I. Be it enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That every Person who, at any Time after the tenth Day of May, shall unlawfully and corruptly procure or suborn any Witness or Witnesses, by Letters, Rewards, Promises, or by any other sinister and unlawful Labour or means whatsoever, to commit any wilful and corrupt Perjury, in any Matter or Cause whatsoever now depending, or which hereafter shall depend in Suit and Variance, by any Writ, Action, Bill, Complaint, Indictment or Information, in any wise touching or concerning any Crime or Offence, or touching or concerning any Lands, Tenements, or Hereditaments, or any Goods, Chattels, Debts Damages, or other Estate, or Interest whatsoever, in any Court of Equity, Superior Court, Court of Appeals and Writs of Error, Court of Oyer and Terminer, Court of Admiralty, Inferior or County Court, or any Court of Record that shall be established in this State, or before any Commissioner or Commissioners authorised to take Depositions to be given in Evidence in any such Court, or who shall in the Manner, or by any the Means aforesaid, unlawfully and corruptly procure or suborn any Witness or Witnesses, which shall from and after the said tenth Day of May, be sworn to give Testimony for the Purpose of perpetuating the same, every such Offender of the same, being lawfully convicted in any Court having Cognizance thereof, shall stand in the Pillory one Hour, have his or her right Ear nailed thereunto, and be further punished by Fine and Imprisonment, at the Discretion of the Court; and every such Offender shall be discredited, and disallowed forever to be sworn as a Witness in any of the Courts of Record, before Commissioners, or sworn to give Testimony for the Purpose of perpetuating the same aforesaid.

II. And be it enacted by the Authority aforesaid, That every Person who shall after the said tenth Day of May, either by the Subornation, unlawful Procurement, sinister Persuasion, or Means of any other, or by his or her
own Act, Consent, or Agreement, wilfully and corruptly commit any Manner of wilful Perjury by his or her Deposition, in any of the Courts before mentioned, or when being examined before any Commissioner or Commissioners authorized to take Depositions to be given in Evidence in such Court, or when examined for the Purpose of Perpetuating Testimony, every such Offender of the same, being lawfully convicted in any Court having Cognizance thereof, shall stand in the Pillory one Hour, having his or her Ears nailed during the whole Time, and at the Expiration of the said Hour, both Ears of the Offender shall be cut off and severed from the Head, leaving them nailed on the Pillory until the setting of the Sun; and the Offender shall be discredited, and disallowed forever to be sworn as a Witness in any Court in this State, before Commissioners, or for the Purpose of perpetuating Testimony.

III. And be it further enacted by the Authority aforesaid, That every Person who shall after the said tenth Day of May, in any of the Courts aforesaid, or when examined before any Commissioner or Commissioners, or for the Purpose of perpetuating Testimony, commit or make any false, wilful, corrupt Affirmation, in the Mode of Affirmation used, or that shall be used by the Quakers, Moravians, and Menonists, every such Offender of the same, being lawfully convicted in any Court having Cognizance thereof, shall suffer all the Pains, Disabilities, and Punishments, which by this Act are ordained for wilful corrupt Perjury; and also every Person who shall suborn, or unlawfully procure, any such false, wilful, and corrupt Affirmation, to be committed or made, shall suffer all the Pains, Disabilities, and Punishments, which by this Act are ordained for the unlawful Procurement and subornation of wilful Perjury.

CHAPTER VI.

An Act to prevent domestic insurrections, and for other Purposes.

I. Whereas the evil and pernicious Practice of freeing Slaves in this State, ought at this alarming and critical Time to be guarded against by every friend and Wellwisher to his Country:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That no Negro or Mulatto Slave shall hereafter be set free, except for meritorious Services, to be adjudged of and allowed by the County Court, and Licence first had and obtained thereupon. And when any Slave is or shall be set free by his or her Master or Owner otherwise than is herein before directed, it shall and may be lawful for any Free holder in this State, to apprehend and take up such Slave, and deliver him or her to the Sheriff of the County, who, on receiving such Slave, shall give such Freeholder a Receipt for the same; and the Sheriff shall commit all such Slaves to the Gaol of the County, there to remain until the next Court to be held for such County; and the Court of the County shall order all such confined slaves to be sold during the Term to the highest Bidder.

III. Provided always, That the Sheriff, upon committing any such Slave or Slaves, shall at least five Days before such Sale, give Notice in Writing to the last Owner or Owners, or the reputed Owner or Owners of such Slave or Slaves, of the Time and Place of Sale, and of the Name and Names of such Slaves, to the End that such Owner or Owners may, if he or they think proper, make his or their Claim to the same; but if such Owner or Owners shall neglect or refuse to appear on the Day of Sale (due Proof of the Service of such Notice being made to the Satisfaction of the Court) such Owner
or Owners, so neglecting or refusing, shall be forever barred from making any Claim to such Slaves.

IV. And be it further enacted by the Authority aforesaid, That the next Proceeds of the Money arising by such Sale shall be disposed of in the following Manner, that is to say, That one-fifth Part thereof shall be paid to the Takers up of such Negroes or Mulattoes, and that the remaining Part of such Money be paid into the Hands of the Public Treasurers, to defray the contingent Charges of Government, and to no other Intent, Use or Purpose, whatsoever.

V. And be it enacted by the Authority aforesaid, That if any Slave or Slaves shall hereafter be allowed by his or her Master, Mistress, or Overseer, or other Person having the Care of such Slave or Slaves, to hire out him or herself, such Slave may be taken up by any Magistrate or Freeholder, and kept to hard Labour, for the Use of the Poor of the County, for any Time not exceeding Twenty Days; any Law, Usage, or Custom, to the contrary notwithstanding.

CHAPTER VII.

An Act for the Encouragement of the Militia and Volunteers employed in prosecuting the present Indian War.

I. Whereas the vigorous prosecution of the present Indian War may much sooner put an end to the same; In order therefore to encourage and stir up an enterprising spirit among the Militia and Volunteers employed in the said War.

II. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that from and after the first day of June next, if peace shall not be made with the Cherokees before that time, and until peace shall be made, a Premium of fifteen Pounds for each prisoner, and a premium of ten pounds for each scalp, shall be paid out of the Treasury to the Captor being in the service of the State, on producing a prisoner or scalp, and making oath that the prisoner was taken by him after the said first day of June, or that the scalp was taken and fleeced off the Head of an Indian Man slain by himself, after the said first day of June.

III. And be it further enacted by the authority aforesaid, That a premium or reward of forty pounds for each scalp of an Indian Man, and a premium, or reward of Fifty Pounds, for producing an Indian Man Prisoner, be paid to any person in this State, not in the pay thereof who shall voluntarily undertake to make war upon the said Indians after the time aforesaid; Provided peace shall not before that time be made with the same Indians, and until peace shall be made, the Captors making oath as aforesaid, that such scalp or prisoner was taken by him after the said first day of June, and that the Indian so killed or taken was of the Nation of Indians commonly known by the name of the Cherokees; and that the scalp produced was actually taken from an Indian killed by the person claiming the same.

CHAPTER VIII.

An Act for the Appointment of Registers in the several Counties in this State.

I. Whereas it is absolutely necessary for the recording and preserving Deeds that Registers be appointed in the several Counties within this State;

II. Be it therefore enacted by the General Assembly of the State of North
Carolina, and by the authority of the same, that the Justices of the several Counties, and the District of Washington, in this State, have full power and are hereby required, at the first Court held in their several counties and on the second day of such Court, to nominate and appoint some proper person within their respective counties, to be a Register for the same; who shall enjoy the said office during good behavior.

III. And be it further enacted, That each public Register so chosen, shall within three months after he shall enter on his office, give Bond with two sufficient Securities to his Excellency the Governor for the time being, and his successors, in the sum of one thousand pounds, for the faithful discharge of his office; which said Bonds shall be recorded in the several Courts and lodged in the hands of the Clerks. And whoever shall officiate in the said office longer than three months without giving bond and security, as aforesaid, shall forfeit and pay the sum of Forty Pounds; one half to the Informer the other half to the County.

IV. And be it further Enacted by the authority aforesaid, That in case of the death, resignation or removal of any Register for misbehaviour in office in any County, that the Justices of the said County shall appoint another proper person to the Registers office in the same manner and under the foregoing regulations and restrictions.

CHAPTER IX.

An Act to empower the Justices of Bladen County to take into their Possession the Records of said County, now in Possession of Maturin Colville.

I. Whereas, it is represented by the Justices of Bladen County that Maturin Colville, heretofore Clerk of the same County, upon the appointment of Alfred Moore to that office in the year one thousand seven hundred and seventy four refused to deliver up to the Court the Records and other papers belonging to the County. That among the said records are many Wills, Indentures, and settlements of Estates which contain the only evidence of the property of great numbers of persons, particularly of orphans, and that on the Dockets are many suits yet undetermined, and many Judgments which remain unsatisfied, besides divers sums of money paid into the office, belonging to sundry persons, yet unaccounted for to the great injury of the Inhabitants of the said County and others.

II. In order therefore that the records may be restored to the proper office that the injured may be Redressed and that the obstinate and wilful brought to a sense of their Duty and a proper respect for the Law.

III. Be it enacted by the General Assembly of the State of North Carolina, That the Justices of the said County be appointed, and they or any three or more of them are hereby authorized and empowered to demand and receive of and from the said Maturin Colville, and of and from every other person or persons who are or may be in possession of the same, the Records and other papers of the said County and upon refusal or neglect to deliver the same, then the said Justices, or any three or more of them shall and may issue their warrant directed to the Sheriff and other, the officers of the same County, commanding him the said Sheriff to take with him such force as he may think necessary and to apprehend the said Maturin Colville and such other Person or Persons as may have the said Records, or any of them, in possession, and him or them commit to the common jail of the said County until the records shall be produced and delivered up, and also empowering the Sheriff and other officers of the said county to make diligent search in all
suspected places within the same County for the said Records and papers and for that purpose to break open doors and locks where they are suspected to be concealed.

IV. And be it further Enacted by the Authority aforesaid, That all fees and sums of money which may hereafter be paid into the Court of Bladen County, upon any suit depending or Judgment not satisfied on the Dockets, detained by the said Maturin Colville, as well such Fees and Monies which are due to him the said Maturin Colville as to others, shall be paid by the Clerk of the Court for the time being to the person or persons to whom the same shall appear to be due.

CHAP. X.

An Act for the Relief of such Persons who have or may suffer by their Deeds Mesne Conveyances not being proved and registered within the Time heretofore appointed by Law.

I. Whereas many Persons, through Ignorance of the Law, have neglected to have their Deeds and Mesne Conveyances proved and registered according to the Directions of the several Acts of Assembly in such Case made and provided: For Remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That all Deeds and Mesne Conveyances of Lands, Tenements, and Hereditaments, not already registered, acknowledged or proved shall and may, within two Years after the passing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attorney, or proved by one or more of the subscribing Witnesses of the same, and tendered or delivered to the Registers of the Counties where such Lands, Tenements, or Hereditaments, are respectively situated; and all Deeds and Mesne Conveyances whatsoever, which shall be acknowledged or proved according to the Directions of this Act, though not within two Years after the Date of the respective Conveyances, shall be good and valid in Law, and shall enure and take Effect as fully and effectually to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged or proved, and registered, agreeable to the directions of any Act of Assembly heretofore made.

CHAP. XI.

An Act for establishing Fairs in the Town of Halifax, in Halifax County.

I. Be it Enacted by the General Assembly of the State of North Carolina, That a Fair shall and may be held in the Town of Halifax in the county aforesaid, on the first Thursday in November next, and that, after the present year two Fairs shall and may be annually held in the said town on the first Thursday in May, and the first Thursday in November, in every Year; each Fair to continue for three days, for the sale of every kind of Horses and Black cattle, sheep, hogs, pork, and all kinds of provisions, tobacco and every other natural production of the Country; and also for the sale of all and every sort of goods, wares and merchandise, whether foreign or manufactured in this State; and that on the said Fair days, and on three days next before, and three days next after each of the said Fairs, all persons coming to being at or going from the same, together with their Horses,
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Cattle, or other Effects, intended for sale or purchased at the said Fair, shall be free and exempt from all arrests, attachments and Executions whatsoever; except for Capital Offences, Breaches of the Peace, or for Quarrels or controversies that may arise during the said time; in which cases process may be immediately issued, and proceedings thereupon had, in the same manner as if this act had never been made.

II. And in order to prevent Frauds and Imposition in the Sale of blooded Horses; Be it Enacted by the authority aforesaid, That the County Court of Halifax shall and may appoint a register for the said Fairs (and in case of the death, absence, refusal of to act, or misconduct of such Register, may appoint de novo) who shall take an oath for the faithful discharge of his Duty; And every person who shall bring a blooded Horse, Mare, or Gelding, to the said Fair or any of them, for sale, shall deliver, in writing, to the said Register, a Certificate under his or her hand, of the owner and Vender's Name, and the colour, age, and blood, of such Horse, Mare, or Gelding, all which shall be entered by the said Register in a Book to be by him kept for that purpose, and he shall safely keep all such certificates, that recourse may be had to the originals if necessary. And if any person or persons, shall sell or offer for sale, any blooded horses, mares, or Geldings, at the said town of Halifax during the time of the said Fairs, without first delivering to the Register a Certificate, as aforesaid, every person so offending shall forfeit and pay the sum of Ten Pounds, one half to the Use of the informer, the other half to the use of the purchasers, where an actual sale has been made, but where there has been no sale, the whole to the use of the informer, to be recovered on Complaint or Information as is herein after directed.

III. And if any Owner or Vender of any Blooded Horse, Mare, or Gelding, at the said Fairs, shall wilfully deliver in to the Register a false Certificate of the age or blood of such Horse, Mare or Gelding, and shall sell the same, such Owner or Vender on proof made, shall forfeit and pay the sum of ten pounds, to the use of the Purchaser, to be recovered on Complaint or Information as is herein after directed: And the said Owner or Vender, so convicted, shall never after be permitted to sell any blooded Horse, Mare, or Gelding at any of the said Fairs.

IV. And for the tryal of complaints & Information, in the cases above mentioned, and also for the tryal of controversies and disputed bargains arising at the said Fair: Be it Enacted by the Authority aforesaid, That the County Court aforementioned shall and May appoint three Judges (and in case of death or refusal to act of the said Judges, or either of them, may appoint de novo) either of whom may on application, issue citations and subpoenas, and the said Judges, or any two of them shall and may hear and determine, instanter, in all such cases; Provided, the demand or disputed difference in a bargain, does not exceed the value of ten pounds; and shall and may issue executions, and appoint an officer, or officers, to execute the same.

V. And be it further enacted by the authority aforesaid, that all & every person & persons, shall & may have recourse to the Register Book, and the Register shall & may receive for entering every horse, 8d.; for every search, 8d.; and for a copy of a certificate, 8d.; and every Officer appointed by the Judges aforesaid to serve process, shall and may receive for serving a citation or summons, 2s 8d., an execution, 5s 4d., and 10 p. Cent commissions on sales.

VI. This Act shall continue and be in force for two years from the 20th day of May next, and from thence to the end of the next session of General Assembly.
CHAPTER XII.

An Act for enlarging the Time of saving Lots in the Town of Windsor, in Bertie County.

I. Whereas, from the impossibility of securing nails and other necessary materials for building as well as from many other unavoidable hindrances occasioned by the present contest with Great Britain, it hath been put entirely out of the power of the Inhabitants of the Town of Windsor in Bertie County to compleat their Buildings on their respective Lots, within the Time limited by Law,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that every Lot in the said Town on which a house shall be built of the dimensions mentioned in an Act of Assembly entitled “An Act for establishing a Town on the Land of William Gray on Cusby River in Bertie County” or other improvements made thereon, which shall be deemed by the Directors or Commissioners of the said town equal thereto, within three years after the passing of this Act, and also every Lot therein which shall be hereafter sold or conveyed by the Directors or Commissioners of the said Town on which such house shall be erected and built, or other Improvements made which shall be deemed by the Directors or Commissioners of the said Town equal thereto, within the space of two years after the date of the Conveyance executed for the same shall and is hereby declared to be vested in the Grantee thereof, his heirs and assigns in Fee Simple; any Thing in the said Act contained to the contrary notwithstanding.

CHAPTER XIII.

An Act for appointing Commissioners for building a Court-House, Prison, and Stocks for the County of Tryon.

I. Whereas the Commissioners heretofore by Act of Assembly appointed for building a Court House, Prison and Stocks for the said County of Tryon, have failed to discharge the Trust reposed in them;

II. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that William Moore, John Walker, Charles McLean, John Hill, Christian Carpenter and James White, be and are hereby appointed Commissioners for the purpose aforesaid and they or a majority of them are hereby empowered and required to agree and contract with workmen for building a Court House, Prison and Stocks, for the use of the said County at such place as they shall think most convenient on that Tract of Land purchased by the late Commissioners for that purpose and cause the same to be compleated within the term of two years.

III. And be it further enacted, by the authority aforesaid, that the said Commissioners herein named shall have and are hereby declared to have full power and authority to demand, sue for, recover and receive of and from the late sheriffs of said County, or other persons, in whose hands the same may be lodged, all and every sum and sums of money which have been laid as a Tax or Taxes on the Inhabitants of said County for the purpose aforesaid, for which the Sheriff or other Persons, or any of them are liable and in case of failure or neglect in paying the said monies to the Commissioners aforesaid, by the said Sheriffs or other persons, or any of them; he or they so failing or neglecting shall be liable to the same penalties and the same mode of recovery shall be had against him or them, as by law shall or may
be had against sheriffs who neglect or refuse to account for & pay public Taxes.

IV. And whereas a certain tax was laid on the inhabitants of said County by the Justices thereof in virtue of an Act of Assembly passed in the year of our Lord one thousand seven hundred and seventy four, which tax hath not been collected, no officer having been appointed to receive the same.

V. Be it therefore enacted by the authority aforesaid, That the Justices of the said County of Tryon shall have and they are hereby declared to have full power and authority to enforce the said Tax or reverse it, and by another Tax to compleat the Building aforesaid; which Tax laid or enforced by virtue of this Act, shall be collected and accounted for by the Sheriff of the said County and on neglect of the Sheriff to account for and pay the same to the commissioners herein before named he shall be liable to the same pains and penalties, and the same mode of recovery shall be had against him, as by law may be had against Sheriffs who neglect or refuse to account for and pay public taxes.

CHAPTER XIV.

An Act for appointing Commissioners to finish the building of a Court-House, Prison and Stocks in the County of Guilford.

I. Whereas the public buildings for the County of Guilford are not yet finished on account of the tax levied for that purpose not being all collected by reason of the Courts of Justice being discontinued; for Remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That Ralph Gorrells, Robert Lindsey, John Collier, Alexander Caldwell, and Charles Bruce, Esquires, be and they are hereby appointed Commissioners for the purpose aforesaid, and they or a majority of them, are hereby impowered and required to agree and contract with a Workman or Workmen for finishing the Court House, Prison and Stocks for the said County.

III. And be it further Enacted by the Authority aforesaid, that the said Commissioners herein named shall have and they are hereby declared to have full power and authority to demand of and from the late Sheriffs of said County or other persons in whose hands the same may be Lodged all and every sum or sums of money, which have been laid as a tax or taxes on the Inhabitants of said County for the purpose aforesaid, for which the Sheriff or other persons, or any of them are liable, and in case of failure or neglect in paying the said monies to the Commissioners aforesaid, by the said Sheriffs, or other persons or any of them, he or they so failing or neglecting, shall be liable to the same Penalties and the same Mode of Recovery shall 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.

IV. And whereas a certain Tax was laid on the Inhabitants of said County by an Act of Assembly passed in the Year of our Lord one thousand seven hundred and seventy, and two shillings of the said Tax not being collected;

V. Be it therefore enacted by the authority aforesaid, That a Poll Tax of two shillings be laid on each taxable person in the said County of Guilford for one year to finish and Compleat the said Buildings which tax shall be collected and accounted for by the Sheriff of the said County and on neglect of the Sheriff to account for and pay the same to the Commissioners hereinbefore named he shall be liable to the same Pains and Penalties, and the same mode of recovery shall be had against him as by Law may be had
against Sheriffs who neglect to account for and pay public taxes; Provided nevertheless, that any person who has paid the aforesaid two shillings poll tax for the year one thousand seven hundred and seventy-three shall be exempted from paying the same; anything herein contained to the contrary notwithstanding.

CHAPTER XV.

An Act for establishing a Town on the Lands of John Smith, and other Purposes.

I. Whereas, it is represented to this General Assembly, that a Town on the Lands of John Smith on the North Side of Neuse River, in Johnston County where the Court House and other publick buildings now stand, would tend to the promotion of commerce and be greatly for the ease and convenience of the Inhabitants of that County in attending Courts and other publick Business, and the said John Smith having signified, his free assent by the certificate under his hand to have one hundred acres of said land, laid off for a Town and fifty for Commons.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that the Directors or Trustees hereinafter appointed, or the majority of them, shall as soon as may be, after the passing of this Act, cause one hundred Acres to be laid off in lots of half Acre each, with convenient Streets, Lanes, and Alleys, which Lots as laid off according to the directions of this Act are hereby constituted and erected, a town, and shall be called by the name of Smithfield.

III. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, Benjamin Williams, William Bryan, Samuel Smith, Jun., John Rand, John Smith, John Stevens, and Lewis Bryan, Esquires, be, and they, and every of them, are hereby constituted Directors and Trustees for the designing, building, and carrying on the said Town, and they shall stand seized of an indefeasable Estate in Fee-Simple, 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 a Majority 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. 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 Eighty Lots or upwards, they shall appoint a Day, and give public Notice to the Subscribers of the Day and Place 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 Subscribers shall be intitled to the Lot or Lots which shall be drawn for him, and correspond with the Mark or 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 Acres of Land, in Half Acres as aforesaid, to the Subscribers, their Heirs and Assigns, for ever, and also to every other Person who shall purchase any other 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. 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, such Conveyance for the same, erect, build, and finish, on each Lot so con-
veyed, one well framed or Brick House, Sixteen Feet square at 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 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 they 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 Rules, Regulations, and Restrictions, as the same was or were for-
merly granted, and the Money arising from such Sale be applied by the said
Directors, or a Majority of them, for the Benefit and Improvement of said
Town.

IV. And be it further Enacted, by the Authority aforesaid, That each re-
spective 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 one of them, the Sum of Fifty Shillings for
each Lot by him subscribed for; and in Case of the Neglect or Refusal of any
Subscriber to pay the said Sum, the said Directors shall and may commence
and prosecute a Suit 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 John Smith, his Heirs or Assigns, the
Sum of Forty Shillings for each Lot, in full Satisfaction for the said Land;
and the other Ten Shillings shall be applied towards defraying the Expen-
ces of laying off and Improving the said Town, as a Majority of the Directors
shall think proper.

V. And for continuing the Succession of the 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 surviving Directors, or a Majority of them,
shall assemble, and are hereby impowered, from Time to Time, by Instru-
ment of 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 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.

V. Provided nevertheless, That the said John Smith shall have to his own
Life a Reserve of Seven Lots, exclusive of the said One Hundred Acres, to
secure his Dwelling House and other Houses belonging to him now on the
said Land.

CHAPTER XVI.

An Act for the Regulation of the Town of Hillsborough.

I. Whereas the erecting and establishing the Town of Hillsborough hath
been found highly beneficial and convenient to the Western Parts of this
State, and the same being a healthy pleasant Situation, and convenient to-

Inland Trade:
II. Be it Enacted by the General Assembly of the State of North-Carolina, and it is hereby Enacted, That the Charter of the Town of Hillsborough be and remain, with all and every Privilege therein mentioned, whole and entire, to the Use and Benefit of the present and future Inhabitants of the said Town of Hillsborough.

III. And be it Enacted, by the Authority aforesaid, That William Johnston, James Hogg, John Sheele, William Courtney, and James Watson, Esquires, be, and are hereby appointed Commissioners of the said Town; and they, or a Majority of them, are hereby empowered to bring the former Commissioners to account for any Money that may remain in their Hands; and the Commissioners above mentioned, or a Majority of them, are hereby impowered to lay out such Money agreeable to the Directions hereafter mentioned for laying out the Town Taxes.

IV. And be it Enacted, by the Authority aforesaid, That from and after the passing of this Act the Commissioners, or a Majority of them, shall, and they are hereby required, within Twenty Days after the First Tuesday in June in every Year, to lay such Taxes as they shall judge necessary, not exceeding Twelve Shillings and Six Pence per Poll, on all the taxable Persons in the said Town; which Tax shall be collected by Warrant under the Hands and Seals of the Commissioners, or a Majority of them, directed to any Person they shall appoint to collect the same, returnable at such Time as shall be therein mentioned; which said Collector appointed as aforesaid, is hereby impowered to collect and make Distress for the same, in like Manner as other Collectors of Public or County Taxes shall be impowered by Law; and the Money arising therefrom, after deducting Five per Cent. Commissions, shall by him be paid into the Hands of the Commissioners, or a Majority of them, to be by them applied and laid out in clearing and repairing the Public Streets, Lanes, and Alleys, and in any other Public Work they may judge necessary for the Benefit of the said Town.

V. And be it further Enacted, by the Authority aforesaid, That the Inhabitants of the said Town shall, and they are hereby required, to give in a List of all the taxable Persons in each of their respective Familles, on Oath or Affirmation, to some one of the Commissioners aforesaid, between the First and Second Tuesdays in June in every Year, under the Penalty of Three Pounds for every Neglect; to be recovered by Warrant under the Hands and Seals of the Commissioners of the said Town, or the Majority of them, to be applied to the Public Stock of the said Town.

VI. And be it Enacted, by the Authority aforesaid, That all Persons residing Three Months in the said Town next before the First Tuesday in June in every Year, shall afterwards be subject to pay Taxes in the said Town.

VII. And be it further Enacted, by the Authority aforesaid, That no Person shall after the passing of this Act be obliged to work on the Streets or other Public Places in the said Town, or to pay any other Town Tax but such as is herein before mentioned.

VIII. And be it further Enacted, by the Authority aforesaid, That no Inhabitant of the said Town shall, on any Pretence whatsoever, keep any Hog or Hogs, Shoat or Pig, or any Geese, running at large within the Bounds of the said Town, on Penalty of forfeiting such Hog or Hogs, Shoat or Pig, or Geese, and paying the Sum of Twenty Shillings (or Two and One Half Dollars) to the Party aggrieved; and further, that it shall and may be lawful for any Person whatever after the Tenth Day of June next to shoot, kill, or otherwise destroy, such Hog or Hogs, Shoat or Pig, or Geese, so running at large within the said Town.

IX. And to prevent Dangers arising by Fire, Be it Enacted, by the
Authority aforesaid, That each and every Householder within the said Town of Hillsborough shall procure, or cause to be procured, two sufficient Leather Buckets, and a Ladder, and keep the same in continual Readiness against any Alarm that may be given, occasioned by the breaking out of Fire at any Time in the said Town, on Penalty of paying Twenty Shillings.

X. And whereas the too frequent Custom of Immoderate riding of horses in and through the said Town is found to have a very dangerous Tendency: To prevent which, Be it Enacted, by the Authority aforesaid, That no Person or Persons from and after the passing of this Act, on any Pretence whatsoever, shall immoderately ride or strain any Horse or Mare in or through the said Town, or any of the Streets thereof, on Penalty of forfeiting and paying the Sum of Five Shillings for each and every Offence; to be recovered by Warrant under the Hand and Seal of any Justice of the Peace of the said County.

XI. And be it Enacted, by the Authority aforesaid, That from and after the passing of this Act, the Inhabitants of the Town of Hillsborough are hereby required to meet at the Court-House in said Town on the First Tuesday in September in every Year, then and there to choose Five Commissioners for the said Town; which shall be elected by Ballot, under the Inspection of Two Persons, to be chose by the Freeholders of said Town for that Purpose.

XII. And be it Enacted, by the Authority aforesaid, That as soon as those elected are qualified to proceed on Business, that the former Commissioners are hereby required to give up what Money remains in their Hands of the Town Taxes, and render an Account of their Proceedings to the new Commissioners; and the Commissioners for said Town, from and after the passing of this Act, are required to keep the Town Common open for the Benefit of the Town.

XIII. And be it further Enacted, by the Authority aforesaid, That the Sixth, Seventh and Fifteenth Sections of an Act, intitled, An Act to amend an Act, for establishing a Town on the Land formerly granted to William Churton, lying on the North side the River Enoe, in the County of Orange, passed at New Bern the Third Day of November, One Thousand Seven Hundred and Sixty-Six, shall be and remain in full Force and Virtue.

CHAPTER XVII.

An Act for establishing a new County between Hillsborough and the Virginia Line, by erecting the Northern Part of Orange County into a distinct County, by the Name of Caswell.

I. Whereas the large Extent of the County of Orange renders the Attendance of the Inhabitants of the Northern Part to do Public Duties extremely difficult and expensive: For Remedy whereof.

II. Be it Enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That from and after the First Day of June next, the Inhabitants of the County of Orange lying to the North of a Point Twelve Miles due North of Hillsborough, and bounded as follows, to wit, Beginning at the aforesaid Point, running thence due East to Granville County Line, thence North along Granville County Line to the Virginia Line, thence West along the Virginia Line to Guilford County Line, thence South along Guilford County Line to a Point due West of the Beginning, thence due East to the Beginning, be erected into a distinct County, by the Name of Caswell County.
III. And be it further Enacted, by the Authority aforesaid, That John Butler, John Lee, and James Sanders, Esquires, be, and they are hereby appointed Commissioners, and they are hereby impowered and required to run the said dividing Lines, agreeable to the Directions of this Act; which said Lines when run by the Commissioners, or a Majority of them, shall be by them entered on Record in the Court of each of the said Counties, and shall hereafter be deemed and taken to be the dividing lines between the said Counties of Orange and Caswell; which said Commissioners shall be paid for their Trouble and necessary Expences for running the said Lines, to be paid out of the County Tax.

IV. And for the due Administration of Justice, Be it Enacted by the Authority aforesaid, That Justices of the Peace shall be nominated and commissioned and Courts held, in the said County of Caswell, in the same Manner, and with the same Powers and Jurisdiction, as Justices and Courts in the other Counties of this State; and the Courts of the said County of Caswell shall be held on the second Tuesday in June, September, December, and March, in every Year.

V. And be it Enacted, by the Authority aforesaid, That the said Justices to be appointed for the County of Caswell aforesaid, are hereby directed to meet on the second Tuesday in June next at the House of Thomas Douglass, and take the Oaths appointed for their Qualification; and the Justices for the said County of Caswell, or any Three of them, after being so qualified, shall hold a Court at the Place and Times before appointed; and every of them, at all Times during their Continuance in Office, as well within their Courts as without, shall have and exercise the same Power and Authority, and be subject to the same Forfeitures and Penalties, as other Justices of the Peace within the several Counties in this State are liable to.

VI. And be it further Enacted, by the Authority aforesaid, That a Poll Tax of Two Shillings be laid on each taxable Person in the said County of Caswell for Two Years, for building a Court-House, Prison and Stocks, therein; which Tax shall be collected by the Sheriff of the County aforesaid, at such Times, and in the same Manner as other Taxes are collected, and shall be paid to the Person or Persons who shall be impowered to receive the same; and if any Surplus should arise from the said Tax, that it shall be paid by the said Commissioners to the Court of the said County, to be by them applied towards defraying the contingent Charges of the said County.

VII. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of Orange County, as the said County stands undivided, to make Distress for any Taxes, Levies, Fees, or other Dues, that shall be due from the Inhabitants of the said County on the First Day of June next, in the same Maner as by Law the said Sheriff might or could do if the said Counties had remained undivided, and the said Taxes shall be collected and accounted for in the same Manner as if this Act had never been made; any Thing herein contained to the contrary, notwithstanding.

VIII. And to the End that no Action commenced in Orange County be defeated by the Division aforesaid, Be it Enacted, by the Authority aforesaid, That where any Action is already commenced in Orange County, and the Parties or Evidences shall be Inhabitants of Caswell County, all subsequent Process against such Parties or Witnesses shall be directed to be executed by the Sheriff of Caswell County, to the End and final Determination of said Causes; any Law, Usage or Custom, to the contrary, notwithstanding.

IX. And be it further Enacted, by the Authority aforesaid, That James Sanders, William Moore, John Payne, Thomas Harrison, and John Atkinson,
Esquires, or a Majority of them, be, and they are hereby appointed Commissioners, to lay off and appoint the Place where the Court-House, Prison, and Stocks, for the Use of the said County of Caswell, shall be built, and there to erect, or cause the same to be erected.

X. And be it Enacted, by the Authority aforesaid, That the Sheriff of the said County of Caswell is hereby impowered and directed to account for and pay the Money by him collected for the Purpose of building the aforesaid Court-House, Prison, and Stocks, to the Commissioners aforesaid, after deducting his Commissions for collecting the same.

XI. And be it Enacted, by the Authority aforesaid, That from and after the passing of this Act, the said County of Caswell shall continue to be considered as Part of the District of Hillsborough.

XII. And be it further Enacted, by the Authority aforesaid, That the Commissioners, or a Majority of them, herein before appointed, are hereby impowered and directed to employ Workmen to build the Court House, Prison, and Stocks, in the said County, for the Use thereof, and the said Court, and all Causes, Matters, and Things, in the same depending, after such Court-House shall be built, shall stand adjourned from the Place where the Court shall have been held to the said Court-House.

CHAPTER XVIII.

An Act for dividing the County of Pasquotank, and establishing that Part thereof on the North East Side of Pasquotank River a County, by the Name of Cambden.

I. Whereas by Reason of the Width of Pasquotank River, and the Difficulty of passing the same, especially in boisterous Weather, it is extremely inconvenient for the Inhabitants who live on the North East side of said River to attend Courts and other Public Business in the County of Pasquotank: For Remedy whereof,

II. 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 that part of Pasquotank County lying on the North East side of the said River, and of a Line to be run from the Head of the said River a North West Course to the Virginia Line, shall be, and is hereby established a County, by the Name of Cambden.

III. And for the due administration of Justice, Be it Enacted, by the Authority aforesaid, That Justices of the Peace shall be nominated and commissioned, and Courts held, in the said County of Cambden, in the same Manner, and with the same Powers and Jurisdiction, as Justices and Courts in the other Counties of this State; and the Courts of the said County of Cambden shall be held on the second Tuesday in July, October, January, and April, in every Year.

IV. And be it Enacted, by the Authority aforesaid, that the said Justices to be appointed for the County of Cambden aforesaid, are hereby directed to meet on the second Tuesday in July next at the House of Joseph Jones, and take the Oaths appointed for their Qualification; and the Justices for the said County of Cambden, or any three of them, after being so qualified, shall hold a Court at the Place and Times herein before appointed; and every of them, at all Times during their Continuance in Office, as well within their Courts as without, shall have and exercise the same Power and Authority, and be subjected to the same Forfeitures and Penalties, as other Justices of the Peace within the several Counties in this State are liable to.
V. And be it further Enacted, by the Authority aforesaid, That a Poll Tax of Two Shillings and Eight Pence be laid on each taxable Person in the said County of Cambden for three Years, for building a Court-House, Prison and Stocks, therein; which Tax shall be collected by the Sheriff of the County aforesaid, at such Times, and in the same Manner as other Taxes are collected, and shall be paid to the Person or Persons who shall be impowered to receive the same.

VI. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff or Parish Collector of Pasquotank County, as the said County stands undivided to make Distress for any Taxes, Levies, Fees, or other Dues, that shall be due from the Inhabitants of the said County on the second Tuesday of July next, in the same Manner as by Law the said Sheriff or Parish Collector might or could do, if the said County had remained undivided, and the said Taxes shall be collected and accounted for in the same Manner as if this Act had never been made; any Thing herein contained to the contrary, notwithstanding.

VII. And to the End that no Action, or Suit of any Kind, commenced in Pasquotank County, be defeated by the Division aforesaid; Be it Enacted by the Authority aforesaid, That where any Action or Suit is already commenced in the said County of Pasquotank, and the Parties or any of them, shall be Inhabitants of Cambden County such Action or Suit shall be proceeded on by the Court in which the same was commenced, to the End and final Determination thereof; any Law or Usage, to the contrary, notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That Joseph Jones, Lemuel Sawyer, Isaac Gregory, Demoys Babbage, and Caleb Grandy, Esquires, or a Majority of them, be, and they are hereby appointed Commissioners to lay off and appoint the Place where the Court-House, Prison, and Stocks, for the Use of the said County of Cambden, shall be built, and there to erect, or cause the same to be erected.

IX. And be it Enacted, by the Authority aforesaid, That the Sheriff of the said County of Cambden is hereby impowered and directed to account for and pay the Money by him collected for the Purpose of building the aforesaid Court-House, Prison, and Stocks, to the Commissioners aforesaid, after deducting his Commissions for collecting the same.

X. And be it Enacted, by the Authority aforesaid, That from and after the passing of this Act, the said County of Cambden shall continue to be considered as Part of the District of Edenton.

XI. And be it further Enacted, by the Authority aforesaid, That the Commissioners, or a Majority of them herein before appointed are hereby impowered and directed to employ Workmen to build the Court-House, Prison, and Stocks, in the said County, for the Use thereof; and the said Court, and all Causes, Matters, and Things, in the same depending, after such Court-House shall be built, shall stand adjourned from the Place where the Court shall have been held to the said Court-House.

XII. Be it further Enacted, by the Authority aforesaid, That the Justices of the Court of the said County of Cambden shall have Power to call the Commissioners to erect a Court-House, Prison, and Stocks, to account for the due Application of whatever Monies they may receive for the Purposes mentioned, and if there should be any surplus, apply the same towards defraying the Contingencies of the County. And whenever it shall become necessary to run the North West Line from the Head of Pasquotank River to the Virginia Line, the Justices of the Courts of Cambden and Pasquotank shall appoint one Commissioner from each of the said Counties to run the said Line, and lay a Tax for defraying the Charges thereof; which Line when
run, shall be recorded in the Court of each of the said Counties of Cambden and Pasquotank, and shall from thenceforward be deemed the dividing Line between the said Counties.

XIII. And be it Enacted, by the Authority aforesaid, That the County of Cambden shall be intitled to the same Privileges and Immunities as the other Counties in this State are intitled to.

CHAPTER XIX.

An Act for dividing Rowan County, and other Purposes therein mentioned.

I. Whereas the large extent of the County of Rowan renders it grievous and troublesome to many of the Inhabitants thereof to attend the Courts and general Elections, and other Public Meetings appointed therein;

II. Be it therefore Enacted, by the General Assembly of the State of North-Carolina, and by the Authority of the same, That from and after the First Day of June next the said County of Rowan be divided by a Line, beginning at the Catawba River, on the Line between Rowan and Tryon Counties; thence running up the Meanders of said River to the North End of an Island, known by the name of the Three Cornered Island; thence North to the Ridge that divides the Yadkin and Catawba Waters; then Westerly along the Ridge to the Mountain which divides the Eastern and Western Waters, commonly known by the Name of the Blue Mountain. And that all that Part of the late County of Rowan which lies to the East of the said dividing Line, shall continue and remain a distinct County, by the Name of Rowan; and all that other Part of the said County of Rowan which lies West and South of the said dividing Line, shall thenceforth be erected into a new and distinct County, by the Name of Burke.

III. And for the due Administration of Justice, Be it Enacted, by the Authority aforesaid, That a Court for the said County of Rowan shall be constantly held by the Justices thereof at the Court-House in Salisbury, on the first Tuesdays in May, August, November, and February, in each Year; and also that a Court for the said County of Burke shall be constantly held by the Justices thereof on the fourth Tuesdays of July, October, January and April, in every Year. And the Justices for the said county of Burke are hereby authorized and impowered to hold the first Court in the same at the House of Edward Smith on the fourth Tuesday of July, and all subsequent Courts for the same County on the Days above appointed for holding Courts therein, at any Place to which the said Justices shall from Court to Court adjourn themselves, until a Court-House shall be built for the said County of Burke; and then all Causes, Matters, and Things, depending in said Court, and all Manner of Process returnable to the same, shall be adjourned to such Court-House. And all Courts held in and for the said County of Burke, shall be held by Commission to the Justices, in the same Manner, and under the same Rules and Restrictions, and shall have and exercise the same Power and Jurisdiction, as are or shall be prescribed for other Courts held for the several Counties in this State.

IV. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of the said County of Rowan, as the same stands now undivided, to make Distress for any Levies, Fees, or other Dues, that shall be due from the Inhabitants of the said County on the First Day of June, in the same Manner as by Law the said Sheriff could or might have done if the said County had remained undivided; and the said Levies, Fees, and other Dues, shall be collected and
accounted for in the same Manner as if this Act had never been made, any
thing herein contained to the contrary, notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That after the
First Day of June the said County of Burke shall be, continue, and remain,
Part of the District of the Superior Court of Justice usually held for the
District of Salisbury; and the Sheriff of the said County of Burke shall from
time to time account for and pay to the Public Treasurer of the Southern
District of this State for the Time being, all Public Levies by him collected,
or wherewith he shall stand chargeable, in the same Manner, and under the
like Pains and Penalties, as other Sheriffs.

VI. And be it further Enacted, by the Authority aforesaid, That William
Sharpe, John Harding, and John Perkins, Esquires, be appointed Commis-
ioners, and they are hereby impowered and required to run the said dividing
Lines between the Counties of Rowan and Burke, agreeable to the Directions
of this Act; which said Lines when run by the Commissioners, or a Majority
of them, shall be by them entered on Record in the Court of each of the
said Counties, and shall hereafter be deemed and taken to be the dividing
Lines between the said Counties of Rowan and Burke.

VII. And be it further Enacted, by the Authority aforesaid, That Christo-
pher Beekman, Charles McDowell, George Cathey, Hugh Brevard, George
Welch, James Davidson, and John Cochine, the Survivor or Survivors of
them, be, and they are hereby impowered and directed to agree and contract
with Workmen for erecting and building a Court House, Prison, and Stocks,
for the Use of the said County of Burke, at such Place as they, or a Majority
of them, or their Survivors, shall agree upon.

VIII. And for reimbursing the said Commissioners the Money they shall
expend in erecting the said Buildings, Be it further Enacted, by the Authority
aforesaid, That a Poll Tax of Two Shillings, current Money of the State,
per Annum, shall be levied on each taxable Person in the said County of
Burke, for two Years next after the First Day of June; and that all Persons
who shall neglect to pay the said Tax till after the Tenth Day of March in
each Year, shall be thereafter liable to the same Distress as for non-Pay-
ment of Public Taxes. And the Sheriff of the said County is hereby requir-
ed and directed, on or before the First Day of July, in the said Years re-
spectively, to account for and pay the Money so by him collected to the Com-
missioners aforesaid, after deducting Eight per Cent. for his Trouble in col-
lecting the same; and in Case of Failure or Neglect therein by the said
Sheriff, he shall be liable to the same Penalties as by Law may be had
against Sheriffs who neglect or refuse to account for and pay any Public
Taxes.

IX. And for defraying the Charges of running the said Lines between
the Counties of Rowan and Burke, Be it Enacted, by the Authority aforesaid,
That the Inferior Court of the County of Burke shall lay a sufficient Poll
Tax on the Inhabitants of their said County (which shall be levied in the
same Manner as other Poll Taxes) to pay and satisfy the said Commissioners
for their Charge and Trouble in running the aforesaid Lines.

X. And whereas the Number of Jurors to serve at the Superior Court
for the District of Salisbury, for the County of Rowan, was formerly Twelve;
Be it Enacted, by the Authority aforesaid, That the Justices of the said
County of Rowan shall for the future continue to appoint Six Freeholders
to serve as Grand Jurors, and Six Freeholders to serve as Petit Jurors, at the
said Superior Court of Salisbury.

XI. And be it further Enacted, by the Authority aforesaid, That the Just-
tices of the Inferior Court of Burke County shall, and they are hereby di-
rected, before every Superior Court held for the District of Salisbury aforesaid, to nominate and appoint Six Freeholders to serve as Grand and Petit Jurors at such Superior Court; a List of which Jurors so nominated shall be delivered by the Clerk of such Court to the Sheriff, who shall, and is hereby required to summon the Persons so nominated to serve as Jurymen at the said Superior Court; which Jurymen so nominated, shall have and receive the same allowance, and shall be under the same Rules, Fines, and Restrictions, as other Jurymen in the respective Counties in this State.

XII. And be it further Enacted, by the Authority aforesaid, That the said County of Burke shall be intituled to send the same Number of Members to represent said County in General Assembly, as other Counties in this State are intituled to.

CHAPTER XX.

An Act for incorporating the President and Trustees of Liberty Hall, in the County of Mecklenburg.

I. Whereas the proper Education of Youth in this infant Country is highly necessary, and would answer the most valuable and beneficial Purposes to this State, and the good People thereof; and whereas a very promising Experiment hath been made at a Seminary in the County of Mecklenburg, and a Number of Youths there have made great Advancements in the Knowledge of Learned Languages, and in the Rudiments of the Arts and Sciences, in the Course of a regular and finished Education, which they have since completed at various Colleges in distant Parts of America; and whereas the Seminary aforesaid, and the several Teachers who have successively taught and presided therein, have hitherto been almost wholly supported by private Subscriptions: In order therefore that the said Subscriptions and other Gratuities may be legally possessed and duly applied, and the said Seminary, by the Name of Liberty Hall, may become more extensively and generally useful, for the Encouragement of liberal Knowledge in Languages, Arts and Sciences, and for diffusing the great Advantages of Education upon more liberal, easy, and generous Terms;

II. Be it Enacted, by the General Assembly of the State of North Carolina, and by the Authority of the same, That the said Seminary shall be, and it is hereby declared to be an Academy, by the Name of Liberty Hall.

III. And be it further Enacted, by the Authority aforesaid, That Isaac Alexander, President, and Messrs. Thomas Polk, Thomas Neal, Abraham Alexander, Waightsill Avery, Ephraim Brevard, David Caldwell, James Edmonds, John Simpson, Thomas Rees, Adial Osborn, Samuel McCorkle, John McKnight Alexander, Thomas McCall, and James Hall, be, and they are hereby formed and incorporated into a Body politic and corporate, by the Name of President and Trustees of Liberty Hall, and by that Name shall have perpetual Succession, and a common Seal; and that they the said President and 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 Monies, Goods and Chattels, that shall be given them for the Use of the said Academy, and the same apply according to the Will of the Donors; and by Gift, Purchase or Devise, to take, have, receive, possess, enjoy and retain, to them and their Successors for ever, any Lands, Rents, Tenements and 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 Pur-
poses of establishing and endowing the said Academy of Liberty Hall, in the County of Mecklenburg, building or purchasing suitable and convenient Houses for the same, providing a philosophical Apparatus and public Library, and supporting and paying Salaries to the President, and such Number of Professors and Tutors thereof, as shall be necessary to instruct the Students, and they shall be able to pay out of the public Funds that shall be in their Hands.

IV. And be it Enacted, by the Authority aforesaid, That the said President and 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 and assure to the Purchasers, any such Lands, Rents, Tenements or Hereditaments aforesaid, when the Condition of the Grant to them, or the Will of the Devisor, does not forbid it. And further, that the said President and Trustees, and their Successors, for ever, 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.

V. And be it further Enacted, by the Authority aforesaid, That the said President and Trustees be, and they are hereby impowered, authorized and required, to convene at the Town of Charlotte on the Third Tuesday of October next after passing this Act, and then and there elect and constitute, by Commission in Writing under their Hands, and sealed with the common Seal of the Corporation, such and so many Professors or Tutors as they may think expedient; and then and there, and at all other Times for ever hereafter, when the said President and Trustees, their Successors, or a Majority of them, shall be convened and met together in the said County of Mecklenburg, they shall have full Power and lawful Authority to elect and constitute one or more Professors or Tutors; and also to make and ordain such Laws, Rules and Ordinances, not repugnant to the Laws of this State, for the well ordering and governing the Students, their Morals, Studies, and Academical Exercises, as to them shall seem meet; and to give Certificates to such Students as shall leave the said Academy, certifying their literary Merit, and the Progress they shall have made in useful Knowledge, whether it be in learned Languages, Arts or Sciences, or all of them.

VI. Be it further Enacted, by the Authority aforesaid, That the said President and Tutors, before they enter upon the Execution of the Trust reposed in them by this Act, shall take the Oath appointed for Public Officers, and also the following Oath, viz:

I, A. B., do swear, that I will duly and faithfully, to the best of my Skill and Ability, execute and discharge the several Trusts, Powers and Authorities, wherewith I am invested, by an Act of the General Assembly, Intituled, An Act for incorporating the President and Trustees of Liberty Hall, in the County of Mecklenburg; and that I will endeavour that all Monies, Goods, Chattels, and the Profits of Lands, belonging to this Corporation, shall be duly applied to the Use of the Academy, for the Advancement of Learning, and as near as may be agreeable to the Will of the Donor. SO HELP ME GOD.

And if any President or Trustee of said Academy shall enter upon the Execution of the Trust reposed in him by this Act before taking the said Oaths as above required, he shall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered by Action of Debt, In the Name of the Governor of the State for the Time being, and applied to purchase Books for the Use of the said Academy.
VII. And be it further Enacted, by the Authority aforesaid, That the President and Trustees shall annually in the Month of October, elect and commissionate some Person to be Treasurer for the said Academy, during the Term of one Year; which Treasurer shall enter into Bond, with sufficient Security, 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 Academy 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.

VIII. And whereas it is necessary to make Provision for the Appointment of succeeding Presidents and succeeding Trustees, in order to keep up a perpetual Succession; Be it therefore Enacted, by the Authority aforesaid, That on the Death, Refusal to qualify, Resignation, or Removal out of the State, of the President or any of the Trustees for the Time being, it shall be lawful for the remaining Trustees, or a Majority of them, and they are hereby authorized and required, to convene and meet together in the said County of Mecklenburg, and there elect and appoint another President, or one or more Trustees, in the Room and stead of such President, Trustee or Trustees, dead, refusing to qualify, resigned, or removed out of the State; which President and Trustees so elected and appointed, shall be vested with the same Trusts, Powers and Authorities, as other Fellows and Trustees are invested with by Virtue of this Act, he or they having first taken the Oaths by this Act required.

IX. And be it further Enacted, by the Authority aforesaid, That the said Trustees and their Successors, or a Majority of them, at their Meeting in October annually, and at any other Meeting called for that Purpose (after due Notice given to at least Nine of the Trustees, signifying the Occasion of such Meeting) shall have full Power and Authority to hear any Complaint against the President, or any Professor or Tutor, and for Misbehaviour or Neglect to suspend, or wholly remove him or them from Office, and appoint others to fill the same Office or Offices respectively; and any President so removed from Office, shall from thenceforth cease to be a Member of the Corporation, and the President appointed in his Room and Stead shall be vested with all the Authority and Privileges with which the President by this Act appointed is Invested.

X. Provided nevertheless, and be it further Enacted, That this Act, or any Thing therein contained, shall not extend, or be understood to make this Academy one of those Seminaries, mentioned in the Constitution, to oblige this State to support any President, Professor or Tutor, of said Academy, or other Charge or Expence thereof whatsoever; this Act of Incorporation having been obtained at the earnest Prayer and Intreaty of the said Trustees and others, who were desirous to contribute towards the Support thereof.

Read three Times and Ratified in General Assembly, the Ninth Day of May, An. Dom. 1777.
CHAPTER XXI.

An Act to prevent hunting with a gun, by Fire Light in the night.

I. Whereas, many persons under pretense of hunting for deer in the night by Fire Light, kill Horses and Cattle to the prejudice of the owners thereof.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that if any person or persons shall be discovered hunting in the woods with a gun in the night time by Fire Light, such person or persons so offending shall upon conviction thereof, by the proof of one credible witness, before any justice of the peace in the County where the offence was committed, be compelled to go into the service of the United States, and there serve as a Continental soldier for the space of three years, subject to the same rules, regulations and restrictions as are prescribed by the Continental Congress for the government of the Army, and shall be turned over to the army in the same manner as is directed by an act passed this Session, for the encouragement of the recruiting service.

III. Provided, nevertheless, that in case the said offender shall immediately procure an able bodied and effective man to serve in the Continental Army for the aforesaid term of three years, then the said convicted person shall be excused, and stand acquitted of the judgment passed upon him.

IV. And be it further enacted by the authority aforesaid, that if any slave or slaves shall be discovered hunting in the manner herein before mentioned, such slave or slaves shall upon due conviction thereof before any justice of the peace for the County in which the offence was committed, by the oath of a credible witness, be sentenced to receive thirty-nine lashes on his bare back; and the gun or guns found in the possession of any slave so hunting in the night as aforesaid, shall be forfeited to and become the property of the person or persons that shall discover and prosecute any slave or slaves in manner aforesaid; and the owner of the slave convicted shall be fined in the sum of Five Pounds, to be recovered by warrant before any justice of the peace for the County in which the offence was committed; to be applied towards defraying the contingent charges of the said County.

V. And be it further enacted by the authority aforesaid, that this Act shall be and continue for the term of five months, and from thence to the end of the next Session of Assembly and no longer.

CHAPTER XXII.

An Act to prevent forging or counterfeiting, and punish such persons as shall forge or counterfeit, or Pass or Vend, knowing the same to be forged or Counterfeited, any of the Lottery Tickets of the United States, and for other Purposes.

I. Whereas, the Delegates of the United States in Congress assembled, by a resolution passed the eighteenth day of November, one thousand seven hundred and seventy-six, established a Lottery for the purpose of raising a sum of money or loan for carrying on the present just and necessary war in Defence of the Lives, Liberties and Property of the Inhabitants of the said United States; and have recommended it to the Legislatures of the several States, respectively, to pass such laws as will most effectually tend to prevent the Counterfeiting or forging the tickets of the said Publick Lottery.

II. 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 if any person shall hereafter forge, counterfeit or alter, or procure or cause to be forged, counterfeited or altered, or pass or vend, knowing the same to be forged or counterfeited, any of the Tickets of the Publick Lottery of the United States, as aforesaid, or any part of any such ticket, or shall forge, or counterfeit the Name, or Handwriting, of any manager of the said Lottery, subscribed to any such ticket, whether such ticket so forged, counterfeited or altered, be of the likeness and similitude of the first class of the said lottery tickets already published and issued, or of the likeness and similitude of any other class of the said Lottery Tickets hereafter to be issued; he or she, so offending, shall upon conviction, be adjudged guilty of Felony; and shall forfeit his or her lands and tenements, Goods and Chattels, to the use of the State, and shall suffer the pains of death, as a Felon.

III. And be it enacted by the authority aforesaid, that if any person shall forge, counterfeit, alter, or cause to be forged, counterfeited, or altered, any of the Publick Bills of Credit, emitted by the Congress of the said United States, or any of the Bills of Credit emitted by any Congress, Convention or Assembly of this State, or any of the Bills of Credit emitted and made current by any Congress, Convention, or Assembly of any one of the said United States; or shall forge, counterfeit or alter any part of the said Bills of Credit, or any of them; or shall offer to pass any such forged, counterfeited, or altered Bills of Credit, knowing the same to be so forged, counterfeited or altered; the person so offending shall, upon conviction, be adjudged guilty of felony and shall forfeit his or her lands and tenements, Goods and Chattels, to the use of the State, and shall suffer death as a Felon.

IV. And be it further enacted by the Authority aforesaid, That the Bills of Credit emitted by authority of the Congress of the United States, and the Bills of Credit emitted by authority of the different Congresses of this State, shall be current and a lawful tender in all payments, Trade and Dealings in this State; and shall be deemed in value the same nominal sum in Spanish milled Dollars; and whosoever shall offer, ask or receive more in the said Bills, or any of them, for any Gold, or Silver Coins, Bullion, or any species of money whatsoever than the nominal sum or amount thereof in Spanish milled Dollars, or more in the said Bills or any of them, for any Lands, Houses, Goods, or Commodities, whatsoever, than the same could be purchased at of the same person or persons in gold or silver, or any other species of money whatsoever, or shall offer to sell any Goods, or Commodities for Gold or Silver Coins, or any other species of money whatsoever, and refuse to sell the same for the said Bills of Credit, emitted by the Congress of the United States, or the said Bills of Credit emitted by any Congress of this State, every such person shall be deemed a publick enemy to this and the other United States, and shall forfeit the value of the money so exchanged, or House, Land or Commodity, so sold or offered for sale, as aforesaid, to the use of the State.

V. And be it further enacted by the authority aforesaid, that all debts due and owing by any person, or persons in this State, which at the time of contracting thereof, were to have been paid in sterling money, shall and may be discharged with Continental Bills of Credit, and the Bills of Credit of this State, or either of them, and the rate of four shillings and six pence sterling for each dollar, and in discharge of debts contracted to be paid in the Currency of this State, the same shall be paid in the Bills of Credit aforesaid, at the rate of eight shillings Currency per Dollar; any Law, Usage or Custom to the contrary notwithstanding.

VI. And be it further enacted, that this act shall continue and be in force
for, and during the term of five months, and from thence to the end of the next session of Assembly, and no longer.

CHAPTER XXIII.

An Act for Confirming an Act, entitled, an Act to amend an Act, intituled, an Act what fences are Sufficient, and to amend and continue an Act relating to taking up stray Horses.

I. Whereas, an Act of Assembly of this State passed in the year of our Lord one thousand seven hundred and seventy one, entituled, an Act to amend an Act, entituled an Act what fences are sufficient, and to amend and continue an Act relating to taking up stray horses has been found to be of great utility to this State, and whereas, the said Act expires with this Session of Assembly, therefore,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is enacted by the authority of the same, that the Rangers in the different Counties wherein this Act is to operate shall be appointed, by the County Courts of the said Counties subject to the same Regulations and intituled to the same fees and emoluments as in the aforesaid Act for appointing Rangers Directed, and that the said Acts in every other respect be continued in their full force in the several counties in this State & the District of Washington for and during the term of five months and from thence to the end of the next session of Assembly.

CHAPTER XXIV.

An Act for ascertaining the salary of the Governor, and other purposes therein mentioned.

I. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That the Governor for the time being shall be allowed at the rate of Fifteen Hundred Pounds per annum, for his services in lieu of all Fees, and Emoluments whatsoever, and that each Member of the Council of State, shall be allowed at the rate of twenty shillings per day for each days Travelling to, attending at, and returning from, the Council, with his ferrages to be paid out of the Publick Treasury.

II. And be it further enacted by the authority aforesaid, that the Secretary for the time being shall be allowed at the rate of Two Hundred and fifty Pounds per annum for all publick services, to be paid out of the Publick Treasury, and for private services the Secretary shall have and receive the following fees to be paid by the parties, to-wit: Letters, Testamentary or of Administration, two shillings and eight pence; every commission for a place of profit five shillings and four pence; searching a record, seven pence; copy of a patent, one shilling and four pence; every certificate, seven pence; every testimonial passing the Secretary's office under the seal of the State, five shillings and four pence; filing every paper, seven pence.

III. And be it further enacted by the authority aforesaid, That the several Expresses that shall be necessarily dispatched in the service of the publick shall be paid out of the Publick Treasury.

IV. And be it further enacted by the authority aforesaid, That the Treasurers of this State shall be allowed for their publick services at the rate of five hundred pounds each per annum.

V. And be it further enacted by the authority aforesaid, That each of the
treasurers of this State immediately after the ratification of this Act shall give Bond and Sufficient Security in the sum of One Hundred Thousand Pounds, Current Money of this State, to the Governor for the time being, and his Successors with Condition that he will diligently and faithfully endeavor to collect from the respective Sheriffs and Collectors, and other persons, charged with publick moneys in his District, and well and truly account for and pay to the General Assembly of this State, when thereto required, all publick monies which he shall receive, and for the faithful and regular discharge of the Duties of his said Office, which Bond shall be lodged in the Secretary's Office.

VI. And be it further enacted by the authority aforesaid, That this Act shall continue, and be in force for five months, and from thence to the end of the next session of the General Assembly.

CHAPTER XXV.

An Act for enforcing the Statute Laws and such parts of the Common Law and Acts of Assembly heretofore in use here, and also for enforcing the resolves of the Conventions and Congresses of this State, which have not had their effect, and for other purposes therein mentioned.

I. Whereas, it is absolutely necessary for the safety and good government of this State that Laws be immediately in force here, therefore,

II. Be it enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that all such statutes and such parts of the Common Law and Acts of Assembly heretofore in use here and not destructive of, repugnant to or inconsistent with the freedom and independence of this State not abrogated, repealed, expired, become obsolete, or otherwise provided for, and all and every Resolve and Resolves of the several Conventions or Congresses of this State, which have not had their effect or been repealed shall enure, continue and be in force until the end of next session of General Assembly and no longer.

III. And be it further enacted by the authority aforesaid, that an act entitled an Act to prevent Card Playing, and other Decietful Gaming, passed at New Bern in December, one thousand seven hundred and seventy, shall be and is hereby declared in be in full force until the end of the next session of the General Assembly.

CHAPTER XXVI.

An Act to establish Courts for the trial of Criminals in each District within this State, and for vesting in the several County Courts and Sessions of the Peace, the Power of appointing Jurymen for the said District Courts and Constituting Judges to preside therein.

I. Whereas, it is necessary for the due administration of Justice, that Courts should be established in the several Districts within this State for the trial of Criminals.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that a court of Sessions of the Peace, Oyer and Terminer, and General Goal Delivery shall be held at Salisbury for the District of Salisbury comprehending the Counties of Anson, Rowan, Mecklenburg, Tryon, Guilford, Surry, Burke, and the District of Washington, on the first Tuesday of September and March; at Hillsborough
for the District of Hillesborough, comprehending the Counties of Orange, Granville, Wake, Chatham and Caswell, on the third Tuesday of June and December; at Halifax for the District of Halifax, comprehending the Counties of Halifax, Northampton, Edgecombe and Bute, on the last Tuesday of May and November; at Edenton for the District of Edenton, comprehending the Counties of Chowan, Perquimans, Pasquotank, Currituck, Bertie Tyrrell, Hertford, Martin and Camden, on the third Tuesday of March and September; at New Bern for the District of New Bern, comprehending the Counties of Craven, Carteret, Beaufort, Johnston, Hyde, Dobbs and Pitt, on the first Tuesday of March and September, and at Wilmington for the District of Wilmington, comprehending the Counties of New Hanover, Bladen, Onslow, Duplin & Cumberland, on the third Tuesday of February and August, and each of the said Courts shall continue to be held for the space of five days exclusive of Sundays, by adjournment de die in diem, unless the business shall be concluded in a shorter time.

III. And be it further enacted by the authority aforesaid, That the persons by this present General Assembly appointed, Judges of the said Courts and each of them when commissioned as hereafter mentioned in this Act shall be invested with full power to hold a Court of Sessions of the Peace, Oyer and Terminer and General Gaol Delivery, in each of the Districts aforesaid on the days and places before specified, and to hear, try and determine all crimes, offences and misdemeanors against the safety, peace and good government of the State, which may have been committed or which shall hereafter be committed within any of the said Districts respectively, and to give judgment and award execution thereon, and the Governor or Commander in Chief for the time being, is hereby empowered to issue a Commission or Commissions of the Peace, Oyer and Terminer and General Gaol Delivery, directed to the persons so appointed Judges as aforesaid.

IV. And be it further enacted by the authority aforesaid, That the said Judges, or either of them, shall have power to appoint some practising Lawyer properly qualified to prosecute in each respective Court aforesaid, as attorney for the State, and such Attorney so appointed shall have and receive the sum of Sixteen Pounds for each and every Court he shall so attend and such fees as the Attorney General shall have heretofore received for such services.

V. And be it further enacted by the authority aforesaid, That the justices of the County Courts and Sessions of the Peace, and they are hereby required before the sitting of the Courts of Sessions of the Peace, Oyer and Terminer and General Gaol Delivery of their respective Districts to nominate twenty-four freeholders to serve as grand jurors and twenty-four freeholders to serve as petit jurors at each of such District Courts respectively, and that the number of freeholders to be nominated to serve as jurors shall be as follows, to wit: For Anson eight, Rowan twelve, Mecklenburg six, Tryon four, Burke six, Guilford six, and Surry six, to serve as jurors at the Court to be held for the District of Salisbury. For Orange twelve, Granville twelve, Chatham eight, Wake eight, and Caswell eight, to serve as jurors at the Court to be held for the District of Hillsborough, for Halifax sixteen, Edgecombe ten, Bute ten, Northampton twelve, to serve as jurors at the Court to be held for the District at Halifax. For Chowan ten, Perquimans six, Pasquotank four, Currituck four, Tyrrell four, Martin four, Bertie eight, Hertford six and Camden two, to serve as jurors at the Court to be held for the District of Edenton. For Craven eighteen, Carteret four, Beaufort six, Hyde four, Dobbs six, Johnston four, and Pitt six, to serve as jurors at the Court to be held for the District of New Bern. For Northampton twelve, Bladen eight,
Onslow eight, Cumberland six, Duplin eight, and Brunswick six, to serve as
jurors at the Court to be held for the District of Wilmington, which said
jurors shall be divided into grand and petit jurors by the County Courts of
the respective Counties from whence such jurors shall be sent. Provided
nevertheless, that when the jurors from any County shall not be so divided
by the County Courts that then the District Court hereby established shall
make such Division.

VI. And be it further enacted by the authority aforesaid, That in case it
shall so happen that any of the County Courts & Sessions of the Peace
shall neglect to nominate Jurors as aforesaid, or the Jurors nominated should
not be summoned by the Sheriff, or should fail to appear, or from any other
reason there should be a defect of jurors at any of the said District Courts,
that then it shall and may be lawful for the judge or judges of such Court to
order the Sheriff to summon other freeholders of the bystanders, to serve
either as grand or petit jurors, or in case from the number challenged by any
prisoner there shall not be a sufficient number remain, to make a full jury it
shall in like manner be lawful for the Court to order other freeholders of the
bystanders to be summoned; provided, that such bystanders as are summoned
to serve on the petit jury, shall and may every day be discharged, and the
succeeding day and so from day to day the Sheriff may summon so many
freeholders of the Bystanders as may be necessary, and if any person so
summoned to attend on any jury at such Court shall fail to appear and attend
according to such summons it shall be lawful for the Court to fine every
person so falling, Three Pounds Proclamation money to the use of the County
wherein he is resident, unless he can make a sufficient excuse for his non-
attendance.

VII. And be it further enacted by the authority aforesaid, that the said
judges, or either of them, shall have power to appoint some person properly
qualified to act as Clerk of each respective Court aforesaid, and such Clerk
shall every Day during the continuance of such Court write the names of
all the Petit Jurors appearing, on scrolls of paper which shall be put into
a box and on the trial of every issue, a Child under ten years of age in open
Court shall draw out of the said box twelve of the said scrolls and the per-
sons whose names shall be on the said scrolls drawn as aforesaid, shall be
the jury to try such issue unless they be lawfully challenged, in which case
other scrolls shall be drawn till the Jury be completed.

VIII. And be it further enacted by the authority aforesaid, That each and
every juror who shall attend any of the said District Courts in Virtue of this
Act upon producing a Certificate from the Clerk of such Court setting forth
the time of his attendance to the County Court and Sessions of the Peace
of the County where he resides shall have five shillings proclamation money
allowed him for every day he shall travel and attend as aforesaid, and also
the charge of his ferriages, and the bystanders summoned on the grand jury
shall have the same daily allowance for their attendance only.

IX. And be it further enacted by the authority aforesaid, that the Clerk of
every such District Court shall make up a full and perfect Record of the
proceedings of such Court, for which, and for his attendance and other
services he shall be allowed the sum of two pounds proclamation money,
for every day such Court shall set and he shall so attend and act in as
Clerk thereof, and the Judge or Judges who shall have held such Court shall
make due return of all the Records and Proceedings which shall have been
had and moved before him or them, in such Court into the Secretary's office
within six months after the conclusion of such Court.

X. And be it further enacted by the authority aforesaid, That the Judges
who in virtue of this Act shall hold any of the said Courts shall have and receive the sum of twenty five pounds proclamation money each for every Court they shall so hold.

XI. And be it further enacted by the authority aforesaid, That the several Bills of indictment found at the Court of Sessions of the Peace, Oyer and Terminer, and General Gaol Delivery, lately held in any of the said Districts pursuant to and in virtue of an ordinance passed in the last Congress held at Halifax, intituled "An Ordinance to establish Courts for the trial of Criminals in each District within this State, and for vesting in the several Sessions of the Peace the power of appointing jurymen for the said District Courts and constituting Judges to preside therein" shall be transposed into and all process thereon shall be returnable to and cognizable and that same indictments and process may be heard, tried and determined in and by the several and respective District Courts established by this Act. And the several Persons bound in Recognizance by any of the said late District Courts for their appearance in Court at a certain day shall be obliged to appear at the first Court of Sessions of the Peace, Oyer and Terminer and General Gaol Delivery to be held for each respective District as aforesaid in the same manner as if such person had been expressly bound by such recognizance for their appearance at such respective District Court.

XII. And be it further enacted by the authority aforesaid, That this Act shall continue and be in force to the end of the next session of the General Assembly and no longer.

CHAPTER XXVII.

An Act for erecting County Courts and Sessions of the Peace and also for appointing and Commissioning Justices of the Peace and Sheriffs in and for the several Counties and the District of Washington within this State and for other purposes herein mentioned.

I. Whereas, it is necessary for the Distribution of Justice and the Good Order and Government of this State, that County Courts and Sessions of the Peace, should be held, and Justice of the Peace, Sheriffs and other officers appointed in the several Counties thereof and the District aforesaid.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that the Governor be hereby empowered immediately to issue Commissions of the peace for authorizing the several persons by this present Assembly nominated and appointed Justices of the Peace, for the several counties and the District aforesaid, within this State and likewise a commission of Dedimus Potestatum to proper persons in each of the said Counties and the District aforesaid to qualify the said Justices thereof and each Justice so appointed and commissioned shall be invested with full power and authority within their respective counties and the District aforesaid for keeping the peace and causing offenders against the peace of this State to be apprehended, examined, bailed or committed according to the nature of the offence in as full and ample a manner to all Intents and purposes as any Justices or any conservators of the peace have heretofore of right had and exercised or enjoyed in this State, and that they, or any three of them shall have power to hold a County Court and Session of the Peace in each of their respective Counties on the days above appointed for holding Inferior Courts of Pleas and Quarter Sessions by the Act of Assembly last in force in North Carolina and in the District of Washington on the fourth Tuesday in February, May, August and November, and to enquire of, hear
and determine primer offences and misdemeanors as were cognizable by and within the jurisdiction of the said Inferior Courts of Pleas and Quarter Sessions in virtue of the aforesaid Act of Assembly and to put in execution all laws now in force relating to orphans and guardians, for the proving and recording of deeds, the probate of Wills and the granting Letters Testamentary and of Administration and for granting Commissions for taking the private examination of female coverts and for appointing constables and overseers and Commissioners of Roads and for altering and laying out roads and all other matters relative thereto in such manner and under such restrictions as Inferior Courts of Pleas and Quarter Sessions have heretofore legally done, or Justices of the Peace, commissioned by virtue of this Act may do, pursuant to an Act of this present General Assembly, entitled an Act for enforcing the statute laws and such part of the Common Law and Acts of Assembly heretofore in use here, and also for enforcing such resolves of the Conventions and Congresses of this State which have not had their effect and for other purposes therein mentioned.

III. And be it further enacted, by the authority aforesaid, That upon complaint made to either of the Justices of the Peace in the respective Counties and the District aforesaid by any person, his attorney, agent on oath that any person who owes him a debt has removed, or is removing himself out of the County privately and such plaintiff further testifying the amount of his Debt or Damages to the best of his knowledge, it shall and may be lawful for such Justice thereupon to grant an attachment against the estate of such Defendant wherever the same may be found, or in the hands of any person indebted to or having any of the effects of such Defendant, or so much thereof as shall be of value sufficient to satisfy the Debt or Damages and Costs of such Complaint, such Plaintiff having first given bond to the Defendant with good and sufficient security in double the sum mentioned in such complaint, for the payment of all such damages and costs as shall be recovered and awarded against him at the suit of such defendant in case the plaintiff shall fail or be cast in his suit, which attachment if for any sum not exceeding five pounds proclamation money, shall be returnable before such Justice who shall grant the same, or some other Justice of the peace for the County where such attachment is granted, but if for any sum exceeding five pounds proclamation money, then such attachment shall be returnable into the County Court and Sessions of the Peace heretofore established and the goods or estate attached thereupon may be Replevied by the Defendant, and for the want of such replevin the same shall be liable to be sold and the money arising from such sale shall be subject to the recovery of the plaintiff in the same manner and under the same rules and restrictions as is Directed and provided by an Act of Assembly passed at New Bern the fifth day of December, in the year of our Lord one thousand seven hundred and sixty seven, intituled, 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.

IV. Provided, that the Justices of such County Court and Sessions of the Peace shall not proceed to trial of, or give Judgment or award execution on any such attachment or any civil action or suit heretofore brought in any Inferior Court of Pleas and Quarter Sessions and that nothing herein contained shall extend or be construed to give the County Courts and Sessions of the Peace hereby erected, any jurisdiction or authority to hold, plea or take
cognizance of any civil action or suit whatever except in cases of attachment as above specified.

V. And be it further enacted by the authority aforesaid, That the Justices of the Peace in the several counties and District aforesaid shall have power to appoint a Clerk for each respective County Court and Session of the Peace by a majority of the votes of all the Justices in the Commission of the Peace for such county, or of those who shall during the two first days of the next sitting of the County Courts qualify thereupon and all such clerks when so appointed, shall hold their respective offices during good behavior. Such Clerk taking the oath of allegiance to this State prescribed by Act of the General Assembly for the qualification of Publick Officers and also the oath of office prescribed by the said Act of Assembly last in force for establishing Inferior Courts of Pleas and Quarter Sessions before he shall enter upon the execution of his said office.

VI. And be it further enacted by the authority aforesaid, that the persons appointed Justices of the Peace and Commissioned in pursuance of this Act before entering upon and executing their said office shall take the said oath appointed to be taken for the qualification of publick officers and also the following oath to wit: I, A. B., do swear that as a Justice of the Peace for the County of ———— in all articles in the commission to me directed I will do equal right to the poor and to the rich after my cunning Wit, Power, and to the best of my Judgment 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 fill my office of a Justice of the Peace as well within the County Court and Sessions of the Peace as without, and I will not take any fee, gift, gratuity or reward 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 such to the Sheriff or Constable of the County, or other officers or ministers of the State or other indifferent person to do execution thereof. SO HELP ME GOD.

VII. And to prevent a failure of justice be it further enacted by the authority aforesaid, that the Justices of the Peace at their first session which shall be respectively held after the ratification of this act shall nominate some substantial freeholder in each County, and the District aforesaid, to be Sheriff of the same whom the Governor of this State for the time being is hereby empowered to commission in pursuance of such nomination and such Sheriff shall thereupon hold his said office in virtue of such nomination and commission not exceeding the term of one year from the date of such Commission and each Sheriff shall previous to his entering upon the execution of his office take the oath to this State prescribed by Act of General Assembly for the qualification of publick officers and likewise an oath of office and shall also enter into bond with good and sufficient security in the penalty of one thousand pounds proclamation money, payable to the Governor for the time being and his successors, with condition similar and as near as may be to the form of a bond payable to the King preserved in an Act of Assembly entitled an Act for appointing Sheriffs and directing their Duty in office.

VIII. And in executing all process and in apprehending and securing criminals the several Sheriffs in this State shall be governed by the last mentioned act when it is not inconsistent with or repugnant to the Independence of this State, or the rules and regulations within the same or any Act of this present session, and the Constables appointed by the said respective Counties and the District of Washington as aforesaid, shall before
entering upon the execution of their office take the oath of allegiance to the
State and likewise an oath of office.

IX. And be it further Enacted by the Authority aforesaid, That this Act
Shall continue and be in force for the space of five months from thence to the
end of the next session of Assembly and no longer.

Read three times and ratified in General Assembly, the Ninth Day of
May, 1777.

SAMUEL ASHE, S. S.
ABNER NASH, S. C.
LAWS OF NORTH CAROLINA,
1777.

At a General Assembly begun and held at New Bern on the Fifteenth Day of November, in the Year of our Lord One Thousand Seven Hundred and Seventy-Seven, and in the Second Year of the Independence of the said State: Being the Second Session of this Assembly. Richard Caswell, Esq., Governor.

CHAPTER I.

An Act for establishing Offices, for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned.

Whereas, it is expedient that the Lands within this State should be parcelled out to industrious People, for the Settlement thereof, and increasing the Strength and Number of the People of the Country, by affording an easy and comfortable Subsistence for Families:

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 Peace in every County within this State, on the second Day of the next Court which shall be held after the End of this present Session of Assembly, and afterwards at the next Court which shall be held after each respective Vacancy, shall elect one good and sufficient Person to receive Entries of Claims for Lands within such County respectively, and also one Person properly qualified to be Surveyor of Lands within the same; at which Election, whosoever shall appear to have the Majority of the Votes of the Justices then present, shall be deemed duly elected, and no other; and every Person so duly elected for either of the Offices aforesaid, shall hold the said offices respectively during good Behaviour.

II. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any Person, who is or shall hereafter become a Citizen of this State, according to the Constitution thereof, and who shall perform the several Requisites by this Act required, to enter with the Entry Taker of any County within this State, a Claim for any Lands lying in such County, which have not been granted by the Crown of Great Britain, or the Lords Proprietors of Carolina, or any of them in Fee, before the fourth Day of July, in the Year One Thousand Seven Hundred and Seventy-Six, or which have accrued, or shall accrue to this State, by Treaty or Conquest, every such Citizen, performing every thing by this Act required to be previously done. Provided, That when any Person shall have bona fide, purchased Lands, and has failed to register the Deeds for the same within the Times required by Law, nothing herein contained shall bar him from availing himself of the further Times given for registering such Deeds by any subsequent Law. Provided, That no Person shall be entitled to claim any greater Quantity of Land than Six Hundred and Forty Acres, where the Survey shall be bounded in any Part by vacant Lands, or more than One Thousand Acres, between the Lines of Lands already surveyed and laid out for any other Person.

III. And be it also Enacted, by the Authority aforesaid, That every Person
except a Guardian who shall claim for an Orphan Child, and except Persons absent in the Service of this State, or the United States, before he shall enter a Claim for any of the Lands aforesaid, shall take and subscribe the Oath, or Affirmation, of Allegiance and Abjuration, prescribed by the Law of this State, which Oath the Entry Officer is hereby impowered and required to administer; and every Person claiming shall also, before he shall be entitled to enter a Claim for any of said Lands, pay into the Hands of the Entry Taker at the Rate of Two Pounds Ten Shillings for every Hundred Acres, together with the Fees, which shall be by this Act made lawful.

Provided, That where any Person shall claim a greater Quantity of Lands aforesaid than Six Hundred and Forty Acres for Himself, and one Hundred Acres for his Wife and each of his children, including all that such Persons may have claimed in one or more Tracts or Surveys under this Act, within Twelve Months from the End of this present Session of Assembly, shall pay for every Hundred Acres exceeding the Quantity aforesaid Five Pounds, and so in Proportion.

IV. And it also Enacted, by the Authority aforesaid, That the Claimant of any Land shall produce to the Entry Taker a Writing, setting forth the Name of the County wherein the Land shall be situated, the nearest Water Courses and remarkable Places, and such Water Courses, Lakes, or Ponds as may be therein, the natural Boundaries and Lines of any other Person or Persons if any, which divide it from other Lands; and every such Writing shall be endorsed by the Entry Taker, with the Name of the Claimant, and the Number of Acres claimed, and a Copy thereof shall be entered in a Book, well Bound and ruled, with a large Margin, and into Spaces of equal Distances, every space to contain only one Entry, and every Entry shall be made in the Order of Time in which it shall be received, and numbered in the Margin; and if no Person shall appear within Three Months after to make Claim for the same Lands, the Entry Taker shall deliver to the Party a Copy of the Entry, with its proper Number, and an Order to the County Surveyor to survey the same; which Order shall be written, or printed, on at least a Half Sheet of Paper: But if any Person shall appear within the time aforesaid, and set up a Claim to any Lands which shall be entered, the Entry Taker shall note the same in the Margin of the Book of Entries, opposite to the Claim in Dispute, and shall transmit a copy of the whole to the County Court, to be proceeded on as by this Act is directed, and in the mean Time shall forbear to issue any Order to the Surveyor relative thereto.

V. And whereas many of the good People of this State, during the Discontinuance of Land offices therein, have settled and improved Lands, with Intention to become lawful Proprietors thereof; and by Reason there was no Method of ascertaining the Bounds of their respective Claims, it may happen that Disputes may arise respecting Bounds and Priority of Occupancy; and it is expedient that all such Disputes be terminated with as little Delay and Ex pense as possible, consistent with Justice, and the Constitution of this State: Be it therefore Enacted by the Authority aforesaid, That when the Entry Taker shall certify to the County Court a disputed Claim, in Manner as by this Act directed, the said Court shall order the Sheriff to summon a Jury of good and lawful Men, unconnected by Affinity or Consanguinity with the contending Parties, who shall be above all exceptions, and having given the Parties Ten Days previous Notice, shall go with the said Jury on the premises, and the Jury being sworn to do equal Right between the Parties, to cause the Witnesses on both Sides to be examined, and the Allegations of the Parties to be made before such Jury, and to receive the Verdict of the said Jury, and return the same, together with the
Pannel to the next County Court; and at the said Court, if it shall appear that the Jury have found generally for any of the Parties, then the Court shall order an authentic Copy of the Verdict to be delivered to the Party for whom the same shall be found, who upon entering the same with the Entry Taker, and performing the Requisites by this Act required, shall obtain a Certificate and Order of Survey, in like Manner as if he had made Entry of a Claim for the same Premises; and the Officer shall refund to the other Party all the Money which he has received from him, except the Fees to himself, for the Services actually performed; and in all Cases where the Jury shall find a special Verdict, the County Court shall decide thereon according to the right of the Case, and shall order such Determination to be delivered to the Party, who may thereupon proceed as in Case of a general Verdict. Provided, That where it shall be made to appear to the County Court that the Jury were partial, or not all good and lawful Men as required by the Constitution, or have been influenced by any unfair Practices of the Party for whom they shall find, the said Court shall order a new Trial, and the Proceedings shall be as before directed.

VI. And in Order to prevent Disputes and Delays to Persons in obtaining Titles to the Lands before mentioned, Be it further Enacted, by the Authority aforesaid, That where a Claim shall be made to any Lands for which a prior Claim has been duly entered, before such subsequent Claim shall be received, the Party making the same shall enter into Bond with the Entry Taker, with sufficient Security, payable to the adverse Party, in the Sum of Fifty Pounds, that he will prosecute the said Claim with Effect; and if he shall fail therein, he shall pay all Costs and Damages which shall accrue, which Costs shall not exceed the Fees in Cases of Juries of View in Causes respecting the Title or Bounds of Lands, and the Clerks and Attornies Fees as by Law established in other Causes; but may be diminished by the Courts respectively, as they shall judge right.

VII. Provided, That nothing in this Act contained shall extend to effect the Right, Title or Interest, which any Citizen may have in Lands heretofore obtained by Patent from the Crown of Great Britain, or any Person claiming by, from, or under the same, or to bar any Right of Action, Entry or Possession, to such Lands appertaining; but all such Rights, Titles, Interests, Rights of Action, Entry and Possession, shall be and remain as if this Act had never been made.

VIII. And be it also Enacted by the Authority aforesaid, That every Right, Title, Claim, Interest, or Property, by any Person or Persons set up or pretended to any of the before mentioned Lands which shall not be obtained in Manner by this Act directed, or by Purchase or Inheritance from some Person or Persons becoming Proprietors by Virtue thereof, or which shall be obtained in Fraud, Elusion or Evasion of the Provisions and Restrictions thereof, shall be deemed and are hereby declared utterly void.

IX. And be it further enacted by the Authority aforesaid, That every County Surveyor, upon receiving the Copy of the Entry and Order of Survey for any Claim of Lands, shall as soon as may be lay off and survey the same, agreeable to this Act, and make thereof two fair Plots, the Scale whereof shall be mentioned on such Plots, and shall set down in Words the Beginning, Angles, Distances, Marks, and Water Courses, and other remarkable Places, crossed or touched by or near to the Lines of such Lands, and also the Quantity of Acres, and shall transmit the Plots to the Secretary's Office, together with the Warrant, or Order of Survey, one of which, with the Warrant, shall be filed by the Secretary, and the other annexed to the Grant.
And no Surveys shall be made without Chain Carriers, who shall actually measure the Land surveyed, and shall be paid by the Party for whom the Survey shall be made; and such Chain Carriers shall be sworn to measure justly and truly, and to deliver a true Account thereof to the Surveyor, which Oath every Surveyor is hereby impowered and required to administer: And every Survey shall be bounded by natural Boundaries, or right Lines, running East, West, North and South, and shall be an exact Square or Oblong, the Length not exceeding double the Breadth, unless where such Lines interfere with Lands already granted or surveyed, or unless where the Survey shall be made on any navigable Water; in which last Case the Water shall form one Side of the Survey, and the Breadth on such Water shall not be more than one fourth Part of the Distance back from the Water. Provided, nevertheless, That nothing herein contained shall be construed to extend to prevent any Person from entering a Claim for any Island or Islands in navigable Waters, the Quantity of which shall not exceed what is allowed by this Act to be contained in one Entry.

X. And be it Enacted by the Authority aforesaid, That the Secretary shall make out Grants for all Surveys returned to his Office, which Grants shall be authenticated by the Governor, and countersigned by Secretary, and recorded in his office, ready to be delivered to the Parties to whom the same shall be made, on the first Day of April and October in every Year; and every person obtaining a Grant for Lands, shall within twelve Months after such Grant shall be perfected as aforesaid, cause the same to be registered in the Register's Office of the County where the Lands shall lie, otherwise such Grant shall be void.

XI. And be it further Enacted by the Authority aforesaid, That the several Entry Takers, Surveyors, Registers, and the Secretary, shall be entitled to have and receive the Fees hereafter particularly specified, and no more, that is to say: To the Entry Taker, for all Services, Sixteen Shillings. To the Surveyor, for making the Survey, and all other Services for every Three Hundred Acres or under, Thirty Shillings; and for every One Hundred Acres more, Three Shillings. To the Secretary, for making out the Grants, and recording the same, Five Shillings. To the Governor's Secretary, for the Great Seal, Three Shillings.

XII. And be it also Enacted by the Authority aforesaid, That every Entry taker shall, on or before the first day of April and October in every Year, pay into the Public Treasury all such Monies as he shall receive for Entries; and in Consideration of the said Service, and the Risk of such Monies, and for carrying the Grants from the Secretary's office to his county, and delivering the same when called for to the Persons to whom they shall be made (which he is hereby required to do) it shall and may be lawful for him to retain Two per Cent.

XIII. And be it also Enacted by the Authority aforesaid, That every Entry Taker and Surveyor, before entering upon the Execution of his Office, shall take and subscribe in open Court the Oath prescribed for the Qualification of Officers, and also an Oath that he will well and impartially discharge the several Duties of his respective Office; and shall enter into Bond, with sufficient Security, to be approved by the County Court, in the Sum of Two Thousand Pounds, to the Governor for the Time Being, and his Successors, for the faithful Discharge of his respective Duty; which Bond, upon a Breach of the Condition thereof, shall be assigned by the Governor to the Party or Parties injured, who shall and may maintain an Action or Actions thereon in his or their own Name or Names, and shall not become void upon the first Recovery, or if Judgment be for the Defendant, but may be put in
Suit from Time to Time, until the whole Penalty shall be recovered; and every Entry Taker shall also give Bond, in the Sum of Eight Thousand Pounds, payable to the Governor for the Time being and his Successors, well and truly to pay to the public Treasury all such Monies as he is or shall be required by Law to pay in Virtue of his Office; and in Case where the Entry Taker shall fail to pay the Monies by him received into the Public Treasury as required by Law, the Treasurer shall cite the Delinquent and his Securities to the next Superior Court to be held for the District wherein the County of which he is Entry Taker shall be situated, and such Court shall direct an Issue to be immediately made up and tried by a Jury, and if it shall be found that the Entry Taker has failed to make Payment as by Law required, or shall fail to appear on such Citation, the Court shall give Judgment and award Execution against him and his Securities, for the Sum which shall be found or appear to be due from him. And upon such Citation, the Treasurer shall be entitled to demand and receive of such Entry Taker his Entry Book, and every other Evidence, by Books or Papers, which by this Law such Entry Taker is directed to keep; and if such Entry Taker shall, upon such Demand, neglect or refuse to deliver such Books or Papers to be made Use of in the Trial of such Citation, such Refusal shall be deemed a Presumption amounting to full Proof, and Judgment pass against the Entry Taker for the amount of the whole Sum demanded by the Citation, and Execution shall go accordingly.

XIV. And be it also Enacted by the Authority aforesaid, That every Entry Taker and Surveyor who shall neglect or refuse to perform the several Duties by this Act required, or shall knowingly suffer the Provisions and Restrictions thereof to be eluded or evaded, or shall ask, demand, or receive, directly or indirectly, any greater Fees than are by this Act made lawful, shall forfeit the Sum of Five Hundred Pounds, to be recovered by Action of Debt, Bill or plaint; and moreover shall forfeit all Right to Office, and shall be forever disabled from holding the same, or any other office within this State: Provided that no Person shall take up any Lands under this Act in Washington County, in any greater Quantity than Six Hundred and Forty Acres for himself, and One Hundred Acres for his wife, and One Hundred Acres for each of his Children, until the Legislature shall make further Provision relative thereto.

XV. And provided also, and be it further Enacted, by the Authority aforesaid, That every Person or Persons, and his or their Heirs or Assigns, who in the Office of the late Earl Granville, or in the late Public Land Office, have heretofore made any Entry or Entries, or who since the Death of the said Earl Granville hath possessed and actually improved any vacant or unappropriated Lands for which no just Claim by Entry in any Office shall have been made, shall be intitled, in Preference to all others, to enter and obtain a Grant or Grants for the same, so that such Entry or Entries be made on or before the First Day of January, One Thousand Seven Hundred and Seventy Nine, and so that no such Grant shall contain more than Six Hundred and Forty Acres; subject nevertheless to the Payment of Five Pounds for every Hundred Acres, and so in Proportion, which any Person shall claim over and above the Quantity which by the Provisions of this Act each Person is allowed to claim for the Price of Fifty Shillings for every Hundred Acres, and so in Proportion; any Thing herein before contained to the contrary notwithstanding.

XVI. Provided nevertheless, That this Act shall not extend to confirm any Entry made or Grant obtained in the late Public Land Office, for Lands
in the late Lord Granville's District, or to any Entry which hath heretofore lapsed for want of suing out a Patent or Grant agreeable to the Regulations heretofore established and in Use within this Territory. Provided, also, That nothing in this Act contained shall be construed to prevent or bar any Persons, being Subjects of this State, and claiming Property in any Lands therein by Conveyance or Grant from any Nation of Indians, from the Right of Trial by Jury, or a hearing before the General Assembly of the State at a future Day.

XVII. And be it further Enacted, by the Authority aforesaid, That if any Entry Taker shall be desirous to make any Entry of Lands in his own Name, such Entry shall be made in its Proper Place before a Justice of the Peace of the County not being a Surveyor or Assistant, which Entry the Justice shall return to the County Court at their next sitting, and the County Court shall insert such Entry; and every Entry made by or for such Entry Taker in any other Manner than is herein directed, shall be illegal and void, and any other Person may enter, survey, and obtain a Grant for the same Land.

XVIII. And be it further Enacted by the Authority aforesaid, That no Entry Taker shall receive, for the Use of this State, any other Sort of Money for the Entry of Lands than Continental Bills of Credit, or the Dollar Bills emitted at the Congress held at Hillsborough and Halifax.

CHAPTER II.

An Act for Establishing Courts of Law, and for Regulating the Proceedings therein.

Whereas it is necessary to a due and regular Administration of Justice that Courts be established in 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 from and after the passing of this Act this State shall be, and it is hereby divided into Six several Districts, that is to say, the District of Wilmington, New Bern, Edenton, Halifax, Hillsborough, and Salisbury, in each of which a Court for the Trial of Causes, civil and criminal, shall be established, by the Name of the Superior Court of Law in the District where the same shall be held; and the said Courts shall consist of three Judges, being Men of Abilities, Integrity, and learned in the Law, who shall have Cognizance and legal Jurisdiction of all Pleas, real, personal, and Mixt; and also all Suits and Demands relative to Legacies, Filial Portions, and Estates of Intestates; all Pleas of the State, and criminal Matters, of what Nature, Degree, or Denomination soever, whether brought before them by original or Mesne Process, or by Certiorari, Writ of Error, Appeal from any Inferior Court, or by any other Ways or Means whatsoever; and they are hereby declared to have full Power and Authority to give Judgment, and to award Execution, and all other necessary Process thereupon; and shall have, use, exercise, and enjoy, the same Powers and Authorities, Rights, Privileges, and Preeminences, as were had, used, exercised, and enjoyed, by any former Judges in this Territory, except where it is, or may be otherwise directed by this, or any other Act, or where such Authorities, Rights, Privileges, or Preeminency, or any of them, may be inconsistent with, or repugnant to, the Form of Government and Constitution by Law established: And in Case of the Death or Absence of any of the said Judges, it shall and may be lawful for one or more of the same Judges, by himself or themselves, to hold any of the said
COURTS, and to take Cognizance, and give Judgment, and award Execution, in the same Manner as all the said Judges might have done, had they been present. Provided always, That Demurrers, Cases agreed, special Verdicts, Bills of Exception to Evidence, and Motions in Arrest of Judgment, shall not be argued but before Two or more of the said Judges.

II. And for the Benefit of Suitors, and to prevent Irregularities in making up Records, Be it Enacted by the Authority aforesaid, That the said Judges shall appoint Clerks of Skill and Probity to the several and respective Courts hereby established, who shall each of them give Bond, with sufficient Security, payable to the said Judges, and their Successors in Office, in the Sum of Two Thousand Pounds, for the safe keeping of the Records, and the faithful Discharge of his Duty in Office; which said Bond shall be lodged in the Secretary's Office, and may be put in Suit on the Assignment of the said Judges, or their Successors, by the Party or Parties injured, in his or their own Name; and shall not become void upon the first Recovery, or if Judgment be given against the Plaintiff, but may from time to time be put in Suit, by Action of Debt, until the whole Penalty shall be recovered.

III. And be it Enacted by the Authority aforesaid, That the Clerks of the said Courts, when so appointed, shall hold their Offices during their good Behavior therein; but before entering upon the Execution thereof, shall before his Excellency the Governor take the Oath for the Qualification of Public Officers; and also the following Oath, to wit,

I, A. B. do swear, that by myself, or any other Person, I neither have given, nor will give, to any Person or Persons whatsoever, any Gratuity, Gift, Fee or Reward, in Consideration of my Appointment to the Office of Clerk of the ————; nor have I sold, nor offered to sell, nor will I sell, or offer to sell, my interest in the said Office. I also solemnly Swear, that I do not, directly or indirectly, hold any other lucrative Office in this State. And I do further swear, that I will Execute the Office of Clerk of the ———— for the ———— without Prejudice, Favour, Affection, or Partiality, to the best of my skill and Ability. SO HELP ME GOD.

And the Governor is hereby required to issue his Proclamation to every County of this State, notifying to the good People thereof the Names of those Persons who have qualified as Clerks of the Courts of the respective Districts, agreeable to this Law, and requiring all Persons to pay Obedience to all Precepts issued by them by Virtue thereof: And if it shall be discovered that any of the said Clerks, after his Appointment, shall have violated his said Oath, or willfully, willingly, and corruptly, have done any Thing contrary to the true Intent and Meaning of the said Oath, such Clerk shall be deemed upon Conviction guilty of Misbehavior in Office, and shall for ever afterwards be incapable of holding any Office, civil or military, within this State.

IV. And be it further Enacted by the Authority aforesaid, That the said Judges, before they act as such, shall in open Court, or before the Governor for the Time being, take the Oath appointed for the Qualification of Public Officers, and also the following Oath, to wit,

I, A. B. do solemnly swear, that I will well and truly serve the State of North Carolina, in the Office of ———— of the Superior Courts of Law of the said State. I will do equal Law and Right to all Persons, Rich and poor, without having regard to any Person. I will not willingly, or willingly take by myself, or by any other Person, any Fee, Gift, Gratuity, 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.

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I will not maintain by myself, or by any other, privately or openly, any Plea or Quarrel depending in any of the said Courts. I will not delay any Person of common Right, by Reason of any Letter or Command from any Person or Persons in Authority to me directed, or for any other Cause whatsoever; and in Case any Letters or Orders come to me contrary to Law, I will proceed to enforce the Law, such Letters or Orders notwithstanding. I will not give my Voice for the Appointment of any Person to be Clerk of any of the said Courts, but such of the Candidates as appear to me sufficiently qualified for that Office; and in all such Appointments I will nominate without Reward, the Hope of Reward, Prejudice, Favour, or Partiality, or any other sinister Motive whatsoever. And finally, in all Things belonging to my Office, during my Continuance therein, I will faithfully, truly, and justly, according to the best of my Skill and Judgment, do equal and impartial Justice to the Public and to Individuals. SO HELP ME GOD.

And if any of the said Judges shall presume to act in his Office before he shall have taken the Oaths hereby directed, he shall forfeit and pay One Thousand Pounds, to be recovered by Action of Debt in any of the Superior Courts; one Half to the Use of the State, towards defraying the Charges of Government, and the other Half to the Person or Persons who shall sue for the same.

V. And be it Enacted, by the Authority aforesaid, That the several Superior Courts of Law shall be held for the several Districts in this State on the following Days, and in the following Places, that is to say. For the District of Salisbury, in the town of Salisbury, for the counties of Rowan, Mecklenburg, Tryon, Anson, Surry, Guilford, Burke, Washington, and Wilkes, on the Fifth Days of March and September. For the District of Hillsborough, in the town of Hillsborough, for the Counties of Orange, Granville, Wake, Chatham, and Caswell, on the Twenty Fourth days of March and September. For the District of Halifax, in the town of Halifax, for the counties of Halifax, Northampton, Edgecombe, Bute, Martin, and Nash, on the Twelfth Days of April and October. For the District of Edenton, in the Town of Edenton, for the Counties of Chowan, Perquimans, Pasquotank, Currituck, Bertie, Tyrrell, Hertford, and Cambden, on the First Days of May and November. For the District of New Bern, in the town of New Bern, for the Counties of Craven, Carteret, Beaufort, Johnston, Hyde, Dobbs, and Pitt, on the Twentieth Days of May and November. For the District of Wilmington, in the town of Wilmington, for the Counties of New Hanover, Onslow, Bladen, Duplin, Cumberland, and Brunswick, on the Seventh Days of June and December. And each Term shall continue Twelve natural Days, exclusive of Sundays, by adjournment from day to day, if the Business shall 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 shall happen to fall on a Sunday, then such Court shall be held the next succeeding Day; any thing herein contained to the contrary notwithstanding.

VI. And be it further Enacted, by the Authority aforesaid, That all Persons who have heretofore obtained Licenses to practice as Attorneys in the Courts under the late Government, and have been admitted as such, shall hereafter be permitted to practice in such Courts in which they were heretofore admitted to practice, without any further Examination; and every Person who shall hereafter apply for Admission to Practise as an Attorney, shall undergo an Examination before two or more Judges of the Superior Courts of this State, and if such Person shall be found to possess a competent Share of Law Knowledge, and be a person of upright Character, such Judges shall
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give him a Certificate, under their Hands and Seals, to practise in any Court of this State for which they may judge him qualified.

VII. And be it further Enacted by the Authority aforesaid, That no Person coming into this State from any other State, or from any foreign Country; with an Intention to practise the Law, shall by the said Judges be admitted to practise as an Attorney, unless he shall have previously resided one Year in this State, or unless such Person shall produce to the said Judges a Testimonial from the Chief Magistrate of such State or Country, or from some other competent Authority, that he is of an unexceptionable moral Character; and all such Attornies, before they shall be admitted to practice in any Court, shall in open Court, before the Judges thereof, take the following Oath, viz:

I, A. B. do swear, that I will truly and honestly demean myself in the Practice of an Attorney, according to the best of my Knowledge and Ability. SO HELP ME GOD.

And upon such qualification had, and Oath taken, such Attornies, as well as those who have heretofore obtained Licenses, may act as Attornies during their good Behavior.

VIII. And be it further Enacted, by the Authority aforesaid, That all real Actions, Actions of Ejectment, Trespass, Quare Clausum Fregit, Suits on Penal Statutes, and Pleas of the State, shall be commenced in the Court of the District wherein the Cause of Action shall arise, or the Offence be committed, and not in any other District; and all Actions of Debt, other than on Penal Statutes, all Actions of Detinue and Replevin, Action of Account Render, Assault and Battery, and for the unlawful taking of Goods, all Actions upon the Case, and Suits for Legacies, and for distributive Shares of Intestates Estates, shall be brought to the Court of the District where both Parties reside; and where the Parties live in different Districts, shall be brought to the Court of either District, at the Option of the Plaintiff; and where the Plaintiff shall reside beyond Seas, or in a different State or Government, shall be brought to the Court of the District where the Defendant resides; and where any Action or Suit shall be brought otherwise than is herein directed, such Action or Suit may be abated, on the Plea of the Defendant.

IX. And be it Enacted by the Authority aforesaid, That no Suit shall be originally commenced in any of the said Courts for any Debt or Demand of less Value than One Hundred Pounds, where the Plaintiff and Defendant live in the same District, or for less than Fifty Pounds, where the Parties live in different Districts; and if any Suit shall be commenced contrary to the true intent and meaning hereof, or if any Person shall demand a greater Sum than is due, on Purpose to evade this Act, in either Case the Plaintiff shall be nonsuited, and pay Costs. Provided always, That if the Plaintiff, or any other Person for him, will make an Affidavit (to be filed in the Court) that the Sum for which his suit shall be brought is really due, but that for want of Proof, or that the Time limited for the Recovery of any Article, bars a Recovery, then, and in that Case, such Plaintiff shall have a Verdict and Judgment for what appears to be legally proved; any Thing herein before mentioned to the contrary notwithstanding. And provided also, That nothing herein contained shall extend, or be construed to extend, to Suits on Bonds, penal Bills, or any other Action of Debt, grounded on a Penalty, where the Balance due on such Bond or penal Bill, or other Action of Debt, is not of less value than the Sums herein before mentioned, to be limited for bringing suits in the said Courts.

X. And be it further Enacted by the Authority aforesaid, That if any Plaintiff, or other Person, shall hereafter swear falsely, in order to obtain a.
Recovery in any of the said Courts; he shall, upon Conviction thereof, be adjudged guilty of Perjury, and suffer as in Cases of wilful and corrupt Perjury.

XI. And be it Enacted by the Authority aforesaid, That none of the said Courts, nor any of the Proceedings therein depending, shall be discontinued by Reason of the Death of any of the said Judges, or by their not attending, at any Term; but in such Cases all Pleas, Causes, Matters and Things, there-in depending, shall stand continued and remain in the same Condition in which they shall then be, to the next succeeding Term.

XII. And be it Enacted by the Authority aforesaid, That until the Commencement of the first Term of each of the said Courts, original 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 Courts to the contrary notwithstanding: And after the first term of each Court, the Clerk or Attorney issuing Process, shall mark thereon the Day on which the same shall be issued, and the Sheriff or other Officer receiving the same, in order to execute, shall in like Manner mark on each Process the Day on which he shall have received it; and every Clerk, Attorney, Sheriff, or other Officer, neglecting so to do, shall forfeit and pay the Sum of Fifty Pounds; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, by any Person who shall sue for the same, with Costs.

XIII. And be it further Enacted by the Authority aforesaid, That all Writs and other Process (except Subpoenas for Witnesses returnable immediately) shall be returned the First Day of the Term to which the same shall be returnable, and shall be executed at least Ten Days before the Beginning of such Term; and if any Original or Moine Process shall be taken out within Ten Days before the Beginning of any Term, such Process shall be made returnable to the Term next succeeding that which shall commence within Ten Days after taking out such Process, and not otherwise; and all Process made returnable at any other Term, or executed at any other Time, or in any other Manner, than by this Act is directed, shall be adjudged void upon the Plea of the Defendant.

XIV. Provided nevertheless, That nothing herein contained shall be construed to invalidate or vacate any Process, Warrant or Precept, to be issued by any of the Judges of the said Courts, or any Justice of the Peace, or Clerk of any Court, on any criminal Prosecution on Behalf of the State, but that the same may be issued at any time, and made returnable to any Day of the Term; and the Proceedings on Criminal Suits and Prosecutions shall be agreeable to the Practice heretofore in Use in this Territory, except where the same is or may be otherwise directed, any Thing herein contained to the contrary notwithstanding.

XV. And be it Enacted by the Authority aforesaid, That when any Writ shall issue from any of the said Courts, whereby any Sheriff, or other Officer, shall be commanded to take the Body of any Person or Persons, to answer to any Action in any of the said Courts, such Sheriff shall take Bond, with two sufficient Securities, in double the Sum for which such Person or Persons shall be held in Arrest (Executors, Administrators, and Persons sued on such penal Statutes as do not expressly require Bail, excepted) and shall return such Bond with the Writ; and in Case the Sheriff shall fail or neglect to take such Bail, or the Bail returned be held insufficient, on Exception taken and entered the same Term to which such Process shall be returnable, the Sheriff having due Notice thereof, he shall be deemed and stand as spec-
ional Bail, and the Plaintiff may proceed to Judgment, according to the Rules herein after prescribed.

XVI. And be it Enacted by the Authority aforesaid, That all Bail Bonds returned to any of the said Courts, shall be assigned by the Sheriff returning the same, by Indorsement thereon, in following Form, to-wit, "I, A. B. Sheriff of ———— County, do hereby assign the within obligation and Condition to C. D. the Plaintiff therein named, his Executors and Administrators, to be sued for according to the Statute in such Case made and provided. In Witness whereof, I have Hereunto set my Hand and Seal, the ———— Day of ———— in the Year of our Lord One Thousand Seven Hundred and ————." And every Sheriff failing to make such Assignment, shall be deemed, held, and taken as special Bail, in the same Manner as if no Bail Bond had been returned.

XVII. And be it Enacted by the Authority aforesaid, 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 here declared to the proper Prison for such Commitment) 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 Bail, or Rule of Court.

XVIII. And be it Enacted by the Authority aforesaid, That all Bail taken according to the Directions of this Act, shall be deemed, held and taken to be special Bail, and as such liable to the Recovery of the Plaintiff; but the Plaintiff, after final Judgment, shall not take out Execution against such Bail, until an Execution be first returned that the Defendant is not to be found in his proper County, and until a Scire Facias hath been made known to the Bail, which Scire Facias shall not issue till such Execution shall have been so returned; and after Return of such Execution against the Principal, and Scire Facias against the Bail, Execution may issue against the Principal and Securities, or any of them, or any of their Estates, unless the Bail shall surrender the Principal before the return of the first Scire Facias, or shall appear and plead upon the Return thereof; any Law, Custom, or Practice, to the contrary thereof, in any wise, notwithstanding.

XIX. And it is hereby Enacted by the Authority aforesaid, That the Bail shall have Liberty, before final Judgment obtained against him, to surrender to the Court from which the Process issued, or to the Sheriff returning such Process during the Sitting of such Court, or to the Sheriff in the Recess of such Court, the Principal in Discharge of himself; and such Bail shall, at any Time before such Judgment had, have full Power and Authority to arrest the Body of his Principal, and secure him until he shall have an Opportunity to surrender him to the Sheriff who made the Arrest, or to the Court to which the Process was returnable; and such Sheriff is hereby required to receive such Surrender, and hold the Body of the Defendant in Custody, as if Bail had never been given.

XX. And be it Enacted by the Authority aforesaid, That when any Scire Facias shall by the proper Officer be returned to have been made known to the Bail, and they in Consequence thereof shall appear, they shall be obliged to plead, and the issue shall be tried the same Term to which the Process shall be returned, unless sufficient Cause be shewn to the Court to the contrary; but the Bail shall not be admitted to plead non est Factum, unless they first file an affidavit of the Truth of their Plea.

XXI. Provided nevertheless, That if any Sheriff shall return on a Scire Facias to him directed, that the Principal is imprisoned by Virtue of any
Process civil or criminal, 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 where he or she shall be a prisoner, until the Plaintiff’s judgment and Cost shall be paid, or he or she otherwise discharged by due Course of Law; a Copy of which Order being served on the Keeper of such Prison before such Prisoner’s Release shall be a sufficient Authority for him to retain such Prisoner until such Order be complied with, and shall be deemed a surrender of the Principal, and a Discharge of the Bail.

XXII. And for the better ascertaining what Process shall issue when the Sheriff shall return that the Defendant is not to be found within his County, Be it Enacted by the Authority aforesaid, That when the Sheriff shall make such return in any civil action, the Plaintiff may at his election sue out an Attachment against the Estate of such Defendant, or an Alias or Pliuries Capias, until he be arrested, returnable in the same Manner as original Process; and if the Sheriff shall return any Goods by him attached, and the Defendant shall fail to appear and plead within the Time herein directed, the Plaintiff shall be intitled if in an Action of Debt, to final Judgment, and if in an Action on the Case, to an Interlocutory Judgment, and in Consequence thereof may execute a Writ of Inquiry the next succeeding Term; and the Goods so attached, if not reprieved or sold, according to the Rules herein after prescribed for goods taken on original attachments, shall remain in the Custody of the Sheriff until final Judgment, and then be disposed of in the same Manner as Goods taken in 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.

XXIII. And be it Enacted by the Authority aforesaid, That in Case any Plaintiff shall obtain Judgment final at the first Term to which the Process shall be returnable on an Action of Debt, it shall be lawful for him to execute his Inquiry as to the Value of any foreign Currency or Money for which the Suit may be brought, at the same Term in which such Judgment shall be entered or obtained.

XXIV. And be it Enacted by the Authority aforesaid, That upon any Complaint being made on Oath, to any of the Judges of the said Courts, or to any Justice of any of the County Courts, by any Person or Persons his, her, or their Attorney, Agent or Factor, that any Person hath removed, or is removing him or herself out of the County privately, or so absconds or conceals himself or herself that the ordinary process of Law cannot be served on such Debtor, and if such Plaintiff, his, her, or their Attorney, Agent, or Factor, further swears to the Amount of his, her, or their Debt or Demand, to the best of his, her, or their Knowledge and Belief, it shall be lawful for such Justice, and he is hereby impowered and required, to grant an Attachment against the Estate of such Debtor, wherever the same may be found, or in the Hands of any Person or Persons indebted to, or having any of the Effects of the Defendant, or so much thereof as shall be of value sufficient to satisfy the Debt or Demand, and Costs of such Complaint; which Attachment shall be returned to the Court where the Suit is cognizable and shall be deemed the leading Process in such Action, and the same Proceedings shall be had thereon as on Judicial Attachments.

XXV. 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, his, her, or their Attorney, Agent or Factor, payable to the Defendant, in double the Sum for which the Complaint shall be made, conditioned for satisfying all Costs which shall be awarded to such Defendant in Case the Plaintiff shall be cast in the Suit, and also all Damages which
shall be recovered against the Plaintiff in any Suit or Suits which may be
brought against him, for wrongfully suing out such Attachment; which
Bond, together with the Affidavit of the Party complaining, subscribed with
his proper Name, shall be returned by the Justice taking the same to
the Court to which the Attachment is returnable; and every Attachment
issued without Bond and Affidavit taken, and returned as aforesaid, shall
be abated on the Plea of the Defendant.

XXVI. And for the Ease and Convenience of Creditors and others who
may be injured as aforesaid, and to remove Doubts with Respect to the
Authority of the Justices of the County Courts in issuing Attachments;
Be it Enacted by the Authority aforesaid, That it shall and may be lawful
for any Justice of the County Courts, upon Complaint made to him by any
Person or Persons as aforesaid, to issue Attachments under the Rules and
Regulations before mentioned, and make the same returnable to any of the
said Courts where the same is cognizable; any Law, Usage, or Custom, to
the contrary notwithstanding.

XXVII. And be it Enacted by the Authority aforesaid, That when any
Person who shall be an Inhabitant of any other Government, so that he can-
not personally be served with Process, shall be indebted to any Person a
Resident of this State, and hath any Estate within the same, any of the
said Justices may grant an Attachment against the Estate of such foreign
Person, under the Rules, Restrictions, and Regulations, before mentioned,
and the same Proceedings may be had thereon.

XXVIII. And be it Enacted by the Authority aforesaid, That when any
Goods, or other Estate, shall be attached by Virtue of any Attachment,
whether Judicial or original, it shall and may be lawful for the Defendant
or Defendants, his, her, or their Attorney, Agent or Factor, to reprieve the
same, by giving Bond, with sufficient Security, to the Sheriff, or other
Officer serving such Attachment; which said Bond the Sheriff, or other Of-
licer, is hereby impowered and required to take, to appear at the Court to
which such Attachment is returnable, and to abide by, perform and satisfy,
the Order and Judgment of such Court; and when the Estate attached shall
by Three Justices of the County Court, to be summoned by the Sheriff for
that Purpose, be certified on Oath to be perishable, and the Person or Per-
sons to whom it belongs, his, her, or their Attorney, Agent, or Factor, shall
not within Sixty Days after the serving of such Attachment reprieve the
same, then such Estate shall be sold at public Vendue by the Sheriff, or
other officer, he having first advertised such sale at the Court House, and
other public Places in his County, at least Ten Days before the Sale; and
the Money arising by such Sale shall be liable to the Judgment obtained
upon such Attachment, and deposited in the Hands of the Clerk of the
Court to which the Process shall be returnable, there to wait the Event of
such Judgment; and where the Sheriff, or other Officer, shall serve an
Attachment in the Hands of any Person or Persons supposed to be indebted
to, or supposed to have any of the Effects of the Party absconding or residing
out of this State, he shall at the same Time summon such Person or Persons
as a Garnishee or Garnishees, in Writing, to appear at the Court to which the
Attachment shall be returnable, within the first Four Days of the First Term
thereof, to answer upon Oath what he or she is indebted to the
Defendant, and what Effects of the Defendant he or she hath in his or her
Hands, and had at the Time of serving such Attachment, and what Effects or
Debts of the Defendant there are in the Hands of any other, and what Person
to his or her Knowledge and Belief; and where any Attachment shall be
served in the Hands of any Garnishee in Manner aforesaid, it shall be law-
ful, upon his or her Appearance and Examination, to enter up Judgment, and award Execution against any such Garnishee, for all Sums of Money due to the Defendant from him or her, and for all Effects and Estate of any Kind belonging to the Defendant in his or her Possession or Custody, for the Use of the Plaintiff, or so much thereof as shall be sufficient to satisfy the Debt and Costs, and all Charges incident on levying the same; and all Goods and Effects whatsoever in the Hands of any Garnishee or Garnishees belonging to any Defendant, shall be liable to satisfy the Plaintiff's Judgment, and shall be delivered to the Sheriff, or other Officer serving the Attachment; and where any Garnishee shall be returned by the Sheriff, or other Officer, summoned in Manner aforesaid, and shall fail to appear and discover, on Oath, as by this Act is directed, it shall be lawful for the Court, after solemnly calling the Garnishee, and such Court is hereby authorized and required, to enter a conditional Judgment against such Garnishee, and upon such Judgment so entered, a Scire Facias shall issue against such Garnishee, returnable the next Term, to show Cause, if any he hath, why final Judgment should not be entered against him; and upon such Scire Facias being duly executed and returned, if such Garnishee shall fail to appear at the Next Term, and discover, on Oath, in Manner aforesaid, the Court shall confirm such Judgment, and award Execution for the Plaintiff's whole Judgment and Costs; and if upon the Examination of any Garnishee, it shall appear to the Court that there is any of the Defendant's Estate in the Hands of any Person or Persons who have not been summoned, such Court shall, upon Motion of the Plaintiff, grant a Judicial Attachment, to be levied in the Hands of such Person or Persons having any of the Estate of the Defendant in his, her, or their Custody or Possession, who shall appear and answer, and be liable as other Garnishees.

XXIX. And whereas divers Persons residing in other States or Governments, possessed of Lands, Tenements, and Hereditaments, in this State, may have contracted, or may contract Debts with the Inhabitants of this State, without having personal Estate in the same to satisfy such Debts and Damages; and whereas by the Policy and Genius of our present Constitution, Goods and Chattels sufficient to satisfy the same; Be it therefore Enacted, by the Authority aforesaid, That all Process which heretofore issued against Goods, Chattels, Lands and Tenements, shall for the future issue in the same Manner, and such as issued only against Goods and Chattels, shall hereafter issue against Lands and Tenements, as well as Goods and Chattels; and the Sheriff, upon such Attachment, Execution or other Process, shall proceed to levy the same upon the Goods and Chattels of the Defendant, in the first instance, if any there be; but if to the best of his Knowledge there be no such Goods and Chattels, or not sufficient to answer the Plaintiff's Demand, he shall execute the same upon the Lands and Tenements to the Amount of the whole Debt, of so much as may remain more than the Value of the Goods and Chattels so found, and such Lands and Tenements shall be liable, under the Restriction aforesaid, to be sold to satisfy the Judgment of the Plaintiff; and where any Sheriff shall have levied Process upon Lands and Tenements, in Manner aforesaid, and Judgment shall have been thereupon had, he shall not proceed to sell the same, until in the most public place in his Bailiwick he shall, Forty Days at least before the Day of Sale, have advertised the same.

XXX. Provided always, That it shall be lawful for any Person, against whose Estate any Attachment hath issued as aforesaid, his or her Attorney
Agent or Factor, at any Time before final Judgment entered, or Writ of Inquiry executed, upon giving special Bail, to reprieve the Estate so attached, and plead to issue, so that the Plaintiff is not thereby delayed of his Trial. And provided also, That no Judicial Process shall be issued against the Estate of any Person residing without the Limits of this State, unless such Process is grounded on an original Attachment, or unless the leading Process in the Suit has been executed on the Person of the Defendant when within the State.

XXXI. And to prevent Errors in issuing Attachments, and taking Bonds thereupon, Be it Enacted, by the Authority aforesaid, That the Attachment shall be in the following Form, that is to say,

The State of North Carolina,

To the Sheriff of __________ County, Greeting:

Whereas A. B. (or A. B. Attorney, Agent or Factor, as the Case may be, of C. D.) hath complained, on Oath, to __________ Esquire, Justice of the Superior Courts of Law, or of the County Court of __________, that E. F. __________ is justly indebted to him (or to the said A. B.) to the amount of __________ and Oath having been also made that the said E. F. hath removed, or is about to remove himself out of your County, or so absconds or conceals himself that the ordinary Process of Law cannot be served on him, (or is an inhabitant of another Government, if the case is so) and the said __________ having given Bond and Security, according to the Directions of the Act of the General 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 County, or so much thereof, repleivable on Security, as shall be of Value sufficient to satisfy the said Debt and Costs, according to the Complaint; 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 the Court to be held for __________ of __________ at __________ on the __________ Day of __________ next, so as to compel the said E. F. to appear and answer the above Complaint of the said __________ when and where you shall make known to the said Court how you shall have executed this Writ. Witness __________ Esquire, Justice of the said __________ Court, at __________ the __________ Day of __________ in the __________ Year of American Independence.

Which attachment shall be signed and sealed by the Justice granting 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 __________ all of the County of __________ are held and firmly bound unto __________ in the Sum of __________ to be paid to the said __________ his certain Attorney, Executors, Administrators, or Assigns. For 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 the __________ Day of __________ in the Year of our Lord One Thousand Seven Hundred and __________.

The Condition of the above Obligation is such, that whereas the above bounden __________ hath the Day of the Date hereof prayed an Attachment, at the Suit of __________ against the Estate of the above named __________ for the sum of __________ and hath obtained the same, returnable to the __________ Court to be held at __________ on the __________ Day of __________ next: Now if the said __________ shall prosecute his said Suit with Effect, or in Case he fail therein, shall well and truly pay and satisfy to the said
all such Costs and Damages as shall be awarded and recovered against the said ____________, his Heirs, Executors, or Administrators, in any Suit or Suits which may be hereafter brought for wrongfully suing out the said Attachment; then the above Obligation to be void; otherwise to remain in full Force and Effect.

XXXII. Provided nevertheless, That no Attachment shall be abated for want of Form, if the essential Matters expressed in the foregoing Precedent be set forth in such Attachment.

XXXIII. And be it Enacted, by the Authority aforesaid, That in all Suits commenced or prosecuted by Attachment against the Estate of Persons residing out of the Government, the Court to which the same shall be brought shall stay all Proceedings in such Suits for so long Time as they may think necessary, not exceeding one Year from the time of the Return of such Process, and where it can be conveniently done, Notice shall issue from the Court to the Defendant; and if the Defendant appear, put in Ball, and plead within the Time furnished for his Appearance, in such Case his Estate shall be liberate, and the Garnishee discharged; and it shall be lawful for the Jury to give in Damages legal Interest upon the Plaintiff's Recovery, during the Time of such extraordinary Continuances, even in Cases where Interest is not usually allowed in the Courts.

XXXIV. And be it Enacted by the Authority aforesaid, That the following Rules and Methods shall be observed in the said Courts, 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 shall be brought, and serve the Defendant with a Copy at least five Days before the Commencement of such Term otherwise the Action may be abated on the Plea of the Defendant.

The Defendant shall appear and plead, or demur, within the first Three Days of the Term to which the Writ shall be returnable, otherwise the Plaintiff may have Judgment by Default, which in Actions of Debt shall be final, unless where Damages are suggested on the Roll; and in that Case, and in all others not herein specially provided for, where the Recovery shall be in Damages, a Writ of inquiry shall be executed at the next succeeding Term. Provided, That where the Nature of the Action requires special Pleading, the Time for Pleading may be enlarged.

Where the Defendant pleads specially, the Plaintiff shall reply or demur within Three Days, or a Non Pros may be entered by the Defendant; and if the Plaintiff replies, and in the Replication tenders an Issue, the Defendant shall Join issue, or demur in Three Days, otherwise the Plaintiff may have Judgment; and where the Defendant rejoins to the Plaintiff's Replication, he shall file his Rejoinder within 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.

Where a special Verdict shall be found, a Case agreed, a Demurrer filed, or a Bill of Exceptions to the Evidence tendered, Time shall be allowed, upon Motion of either party, to the next Term to argue the same.

For the better Preservation of the Records of the Courts when any Cause is finally determined, the Clerk of each Court shall enter all the Proceedings therein in a Book well bound, and an entire and perfect Record make thereof.

All Jury Causes shall be first tried.

All motions in Arrest of Judgment shall be argued within the Three last
Days of the Term in which the issue shall be tried, the Defendant's Attorney first serving the Plaintiff's Attorney with a Copy of the Reasons in Arrest of Judgment the Day immediately following that on which such Motion shall be made.

Arguments on Writs of Error, special Verdicts, Cases agreed, Demurrers, Petitions for Legacies, and Distributions of Intestates Estates, shall be heard upon the four last Days of the Term.

No Plea in 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.

Where a Plea in Abatement shall be pleaded, and upon Argument for same shall be adjudged insufficient, the Plaintiff shall recover against the Defendant full Costs to the Time of overruling such Plea, including the Costs of Court; and the Plaintiff in Replevin, or Defendant in any other Action, may plead as many several Matters as may be necessary for his Defence, so that he not admitted to plead and demur to the whole.

XXXV. And be it Enacted by the Authority aforesaid, That all the Statutes of England and Great Britain for the Amendment of the Law, commonly called Statutes of Joefalls, and which were heretofore enforced in this Territory by any Act or Acts of the General Assembly under the late Government, are hereby declared to have continued, and to be now in full Force in this State, 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 the said Statutes, unless where the same are or may be altered by this or any other Act.

XXXVI. And be it Enacted by the Authority aforesaid, That for taking the Testimony of Witnesses in all Causes which may be depending in the Superior and County Courts, the following Rules shall be observed and put in Practice, to wit:

In all Suits where Witnesses are to appear at any of the said Courts, the Clerk, at the Request of the Party, shall issue a Subpoena, directed to the Sheriff, or other officer of the County where such Witness or Witnesses are said to reside, mentioning the Time and Place for his, her, or their Appearance, the Names of the Parties to the Suit wherein the Testimony is to be given, and the Party at whose Instance such Witness or Witnesses is or are summoned.

Every Subpoena made returnable immediately shall be issued only in Term Time, and shall be personally served on the Witness or Witnesses therein named.

A Copy of every Subpoena issued by the Clerks in the Vacation, in Case the Witness or Witnesses therein named is or are not to be found, may be left at their usual Places of Residence; and such Copy, certified by the Sheriff or other Officer, left as aforesaid, shall be deemed a legal Summons, and the Person or Persons therein named shall be bound to appear in the same Manner as if personally summoned.

XXXVII. And be it Enacted by the Authority aforesaid, That every Witness being summoned to appear in any of the said Courts, in Manner as herein before directed, shall appear accordingly, and continue to attend from Term to Term, until discharged by the Court, or the Party at whose Instance such Witness shall be summoned; and in Default thereof, shall forfeit and pay to the Party at whose Instance the Subpoena issued, the Sum of Fifty Pounds, and shall be further liable to the Action of such Party for the
full Damages which may be sustained for want of such Witness's Testimony, who shall recover the same by Scire Facias, with Costs.

XXXVIII. Provided, always, That if it shall so happen that the Suit depending shall in the Vacation be accommodated and settled between the Parties, and the Party at whose Instance such Witness was summoned should neglect or omit to discharge him or her from further Attendance, and he or she, for want of such Discharge, should attend at the next Term, then, and in that Case, the Witness, upon Oath made of the Facts, shall be intitled to a Ticket from the Clerk in the same Manner as other Witnesses, and shall recover from the Party at whose Instance he was summoned, the same Allowance which by this Act is given to Witnesses for their Attendance at the said Court, with Costs. Provided also, That if any Witness shall hereafter swear falsely, in order to obtain a Ticket; he shall upon Conviction be adjudged guilty of Perjury, and suffer as in Cases of Corrupt and wilful Perjury. And provided further, That if sufficient Cause be shewn by the Person so summoned, and failing to appear, of his or her Incapacity to attend at the Time and Place mentioned in the Subpoena, then no Forfeiture or Penalty shall be incurred by such Failure; but if on Notice given by the Court, sufficient Cause be not shewn at the next succeeding Term after such Failure, it shall and may be lawful for such Court, on Motion, to grant Judgment, and award Execution, for the Forfeiture before mentioned, against the Person so summoned and failing to appear as aforesaid.

XXXIX. And be it further Enacted, by the Authority aforesaid, That when any Person who may be a Witness in any Cause in any of the said Courts, shall reside out of this State, or shall by Reason of Age, bodily Infirmity, or any other Cause, be incapable of attending to give his Testimony in Court, Oath thereof being made, or the Truth of the Matter otherwise appearing, the Judge or Judges of the Court wherein such Suit is depending shall and may, by Commission, empower such and so many Persons as may be thought necessary to take and receive the Deposition of such Witness, which being duly taken and returned as herein after is directed, shall be received as legal Testimony.

XL. Provided always, That the Party praying such Commission shall give such Notice to the adverse Party of the Time and Place when and where such Commission is to be executed, as the Court shall think proper; and the adverse Party shall have Power to cross examine any Witness whose Deposition shall be so taken, and all Depositions otherwise taken than as herein is directed, unless by Consent of Parties, shall be void to all Intents and Purposes.

XLI. And be it further Enacted by the Authority aforesaid, That if any Person who may be a witness in any Cause depending in any of the said Courts, shall be under a Necessity of leaving this State before such Cause is to be tried, or even before such Cause shall be at Issue, upon Oath thereof made before any of the Justices of the said Courts, such Justice is hereby empowered to order the Clerk of the Court where such Cause is depending to Issue a Commission to one or more Persons to take the Deposition of such Witness, Notice being first given to the adverse Party of the Time and Place when and where such Deposition is to be taken, at least Ten Days previous to the Time of executing such Commission; which Deposition when returned; taken in Manner aforesaid, shall be received as legal Evidence.

XLII. And be it further Enacted, by the Authority aforesaid, That if any Person who shall be summoned as a Witness in any of the said Courts, or before any persons appointed to take depositions as aforesaid, shall refuse to give Testimony on Oath, such Person so refusing shall by the Court,
or by the Commissioner before whom he shall be summoned, be committed to the common Prison, there to remain, without Bail or Mainprize, until he shall be willing to give Testimony, in such Manner as the Law doth or may direct. Provided, The People called Quakers shall have the Liberty of giving their Testimony by Way of Solemn Affirmation, in all Causes whatsoever, criminal as well as civil. And provided also, That all Negroes, Indians, Mulattoes, and all Persons of mixed Blood, descended from Negro and Indian Ancestors, to the fourth Generation inclusive (though one Ancestor of each Generation may have been a white Person) whether Bond or free, shall be deemed and taken to be incapable in Law to be Witnesses in any Case whatsoever, except against each other.

XLIII. Be it Enacted by the Authority aforesaid, That every Witness being summoned to appear in any of the said Courts on a criminal Prosecution, or Plea of the State, shall appear accordingly, and continue to attend from Day to Day until discharged by the Court, the Attorney for the State, or the Party at whose Instance he shall be summoned; and in Default thereof, shall forfeit and pay the Sum of One Hundred Pounds, for the Use of the State, unless upon Notice issued and made known, sufficient Cause be shown for such Failure at the next succeeding Term.

XLIV. And be it further Enacted by the Authority aforesaid, That during the Attendance of any Person summoned as a Witness to any Court whatsoever, and during the Time that such Person is going to, and returning from the Place of such Attendance, allowing one Day for every Twenty-Five Miles such Witness has to travel to and from his Place of Residence, no Sheriff or other Officer shall serve or execute on any Person so attending, going to, or returning from such Court, any Writ or Process, Warrant, Order, Judgment, or Decree, in any Cause (Summons for Witnesses excepted) and if any such shall be executed, the same shall be, and is hereby declared null and void.

XLV. And be it further Enacted by the Authority aforesaid, That for every Mile any Witness shall travel, either going to or coming 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 shall have issued, Two Pence Half-penny per Mile, together with the necessary Ferriages, and Six Shillings per Day for every Day he shall attend, until he shall have given Testimony, 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 particular Matter of Fact.

XLVI. And be it Enacted by the Authority aforesaid, That the Clerks of the said Courts are hereby empowered and directed to take Probate of all Evidence Tickets upon Oath, and certify the same.

XLVII. And be it further Enacted by the Authority aforesaid, That the said Courts shall have power and Authority to grant Writs of Error for correcting the Errors of the Inferior Court, and the party praying such Writ, before the same shall issue, shall assign Error, and give Bond and Security, to the Satisfaction of the Court, to abide by, perform and fulfil, the Judgment which shall be given thereon by such Court; and if upon Argument of any Writ of Error, or Trial of any Appeal from an Inferior Court, the Judgment or Decree of the Inferior Court shall be reversed, the Superior Court shall grant Judgment, or make such Decree thereupon, as should have been made up or entered in such Inferior Court, and shall and may issue Execution thereupon, without granting a Writ of Proceedendo; and to prevent the obtaining of Writs of Error by Surprize, the Party praying such Writ in a civil Cause, shall give Notice in Writing to the adverse Party, at least Ten Days before
Motion, of his Intention to move for such Writ, and no such Writ shall be
granted without Affidavit of such Notice.

XLVIII. And be it further Enacted, by the Authority aforesaid, That all
Causes, Actions, Writs, Suits, Attachments, Plaints, Process, Appeals, Re-
ognizances, and Presentments, whatsoever, which remained undetermined
in any of the late Superior Courts within this Territory, or in any of the
late Courts of Oyer and Terminer and General Gaol Delivery, held under any
Act of Assembly or Ordinance of Congress, or such as shall be returnable to,
or had, or shall have Day or Days in any of the said Courts, and other Mat-
ters, and Things in them depending, and not fully determined, except for
criminal Offences committed before the Declaration of Independence, shall
be transferred and put on the Dockets of the respective Courts hereby
established, in the same Order in which they now stand, or ought to stand, on
the Dockets of the said late Courts respectively, and shall be proceeded on
by the courts hereby established according to the Method by this Act direct-
ed, as if they had been originally commenced in any of the same.

XLIX. Provided always, That nothing herein contained shall extend,
or be construed to extend, to such Suits as are now upon the Dockets
of the said late Superior Courts, and still depending, and which were instituted
in the Name of the King of Great Britain, when this Territory was under
his Government, and owed Allegiance to him, for Quittents, and Arrears
of Quittents, said to be due for Lands held of the said King, but that all
such Suits shall be dismissed and done away as if the same had never been
commenced.

L. 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 any of the late Superior Courts within this
Territory, Suit may be brought for the same Cause of Action, and Recovery
had in the Courts hereby established, and Judgment and Execution shall be
awarded, as in other Cases by this Act directed.

LI. And be it Enacted by the Authority aforesaid, That all Writs and other
process, and all Suits, Appeals and Proceedings whatsoever, issued, granted,
or prosecuted, in the said late Superior Courts, or in the said late Courts of
Oyer and Terminer and General Gaol Delivery, wherein Judgment hath
been entered, or Decree made, shall and may be taken Cognizance of by the
Courts hereby established; and such Courts may respectively award Execu-
tion, and other necessary Proceedings on such Judgments and Decrees, in
the same Manner as if such Suits had been originally commenced in such
Courts: any Law, Custom, or Usage, to the contrary notwithstanding.

LII. And be it further Enacted, by the Authority aforesaid, That where in
any of the late Superior Courts, or in any of the late Courts of Oyer and
Terminer and General Gaol Delivery before mentioned, any Recognizance
has been forfeited, or Fine imposed, and not hitherto levied or paid, it shall
and may be lawful for the Courts hereby established, in their respective
Districts, to issue Execution for levying the same, after the Party has been
served with a Scire Facias, and Judgment awarded against him; and on all
Recognizances which shall hereafter be forfeited, and on Fines which shall
hereafter be imposed in any of the Superior Courts, the same Process, shall
issue, and the Fines or Forfeiture be levied in the same Manner, unless
sufficient Cause can be shewn, on the Return of the Scire Facias, why such
Fines or Forfeitures should be discharged, or mitigated by the Court.

LIII. And whereas many of the Prisons within this State are Insufficient
for the Retention of Persons who may commit Offences against the same,
and the Peace and Good Government thereof; therefore, for the speedy Trial
of such Offenders, Be it Enacted by the Authority aforesaid, That the Governor, or Commander in Chief for the Time Being, is hereby impowered and required, by and with the Advice of the Council of State, as often as it shall be found necessary, to issue a Commission to the Justices of the Superior Courts of this State, impowering them, or any of them, to hold a Court of Sessions of the Peace, Oyer and Terminer and General Gaol Delivery, for the Trial of such Offenders; and to hear, try and determine, all Crimes and Misdemeanors, of what Nature or Kind soever, wherewith such Offenders, or any of them, shall stand charged, and to give Judgment, and award Execution thereon.

LIV. And be it further Enacted, by the Authority aforesaid, That the Time elapsed since the Sixth Day of March, One Thousand Seven Hundred and Seventy Three, until the End of the present Session of this General Assembly, shall not be allowed of in the Superior Courts hereby established in any Plea of Limitation, or in the Computation of Time allowed for proving Accounts, under the Act of ascertaining the Method of proving Book Debts.

LV. And be it further Enacted, by the Authority aforesaid, That the Justices of the Peace appointed by this General Assembly at their last Session, and who qualified as such, shall have and hold, and may exercise the Powers of Justices of the Peace, until the Sitting of the next County Court of their respective Counties.

LVI. And be it further Enacted, by the Authority aforesaid, That every Person nominated and appointed a Justice of the Peace, and Justice of any County Court, before entering upon and executing the said Offices, shall publicly, in the Court House of his County, on a Court Day, take the Oaths appointed, or which shall be appointed by the General Assembly, for the Qualification of Public Officers, and also the following Oath, to-wit,

I, A. B. do solemnly swear, that as a Justice of the Peace, and a Justice of the County Court of Pleas and Quarter Sessions in the County of ———— in all Articles in the Commission to me directed, I will do equal Right to the Poor and to the Rich, to the best of my Judgment, and according to the Laws of the State. I will not privately or openly, by myself or any other Person, be of Counsel in any Quarrel or Suit depending before me; and I will hold the County Court and Quarter Session of my County as the Statutes in that Case shall and may direct. The Fines and Amerclaments that shall happen to be made, and the Forfeitures that shall be incurred, I will cause to be duly entered, without Concealment. I will not wittingly or willingly take by myself, or by any other Person for me, any Fee, Gift, Gratufty, or Reward whatsoever, for any Matter or Thing by me to be done by virtue of my Office, except such Fees as are or may be directed and limited by Statute; but well and truly I will do my office of a Justice of the Peace, as well within the County Court of Pleas and Quarter Sessions as without. I will not delay any Person of Common Right, by Reason of any Letter or Order from any Person or Persons In Authority to me directed, or for any other Cause whatever; and if any Letter or Order come to me contrary to Law, I will proceed to enforce the Law, such Letter or Order notwithstanding. I will not direct, or cause to be directed, any Warrant by me to be made to the Parties; but will direct all such Warrants to the Sheriff or Constable of the County, or other the Officers or Ministers of the State, or other indifferent Persons, to do Execution thereof. And finally, in all Things belonging to my Office, during my Continuance therein, I will faithfully, truly, and justly, according to the best of my skill and Judgment, do equal and impartial Justice to the Public and to Individuals. SO HELP ME GOD.

And if any Person whatsoever shall presume to execute the Office of a Jus-
tice of the Peace, or the Office of a Justice of any County Court, without first qualifying himself in the Manner by this Act required, he shall for every such Offence forfeit and pay the Sum of One Hundred Pounds, one Molety thereof to the State, towards the Support of Government, and the other Molety to him or them who will sue for the same; to be recovered, with Costs, by Action of Debt, in any Court where the same may be cognizable.

LVII. And be it Enacted by the Authority aforesaid, That the said County Courts of Pleas and Quarter Sessions shall be constantly held upon the following Days, to-wit, For the County of Anson, on the First Mondays in January, April, July and October. For Mecklenburg, on the Second Mondays in January, April, July, and October. For Tryon, on the Third Mondays in January, April, July, and October. For Burke, on the Fourth Mondays in January, April, July, and October. For Rowan, on the First Mondays in February, May, August, and November. For Surry, on the Second Mondays in February, May, August, and November. For Guilford, on the Third Mondays in February, May, August, and November. For Washington, on the Fourth Mondays in February, May, August, and November. For Granville, on the First Mondays in February, May, August, and November. For Chatham, on the Second Mondays in February, May, August, and November. For Wake, on the Third Mondays in February, May, August, and November. For Orange, on the Fourth Mondays in February, May, August, and November. For Caswell, on the First Mondays in March, June, September, and December. For New Hanover, on the First Mondays in January, April, July, and October. For Onslow, on the Second Mondays in January, April, July, and October. For Duplin, on the Third Mondays in January, April, July, and October. For Cumberland, on the Fourth Mondays in January, April, July, and October. For Bladen, on the First Mondays in February, May, August, and November. For Brunswick, on the Third Mondays in March, June, September, and December. For Bute, on the Second Mondays in February, May, August, and November. For Halifax, on the Third Mondays in February, May, August, and November. For Edgecombe, on the Fourth Mondays in February, May, August, and November. For Nash, on the First Mondays in January, April, July, and October. For Northampton, on the First Mondays in December, March, June, and September. For Martin, on the Second Mondays in December, March, June, and September. For Perquimons, on the Third Mondays in January, April, July, and October. For Currituck, on the First Mondays in March, June, September, and December. For Pasquotank, on the Third Mondays in March, June, September, and December. For Chowan, on the Fourth Mondays in March, June, September, and December. For Tyrrell, on the Third Mondays in February, May, August, and November. For Bertie, on the Second Mondays in February, May, August and November. For Hertford, on the Fourth Mondays in February, May, August, and November. For Camden, on the Second Mondays in March, June, September, and December. For Beaufort, on the First Mondays in March, June, September, and December. For Johnston, on the last Mondays in February, May, August, and November. For Carteret, on the Third Mondays in March, June, September, and December. For Hyde, on the last Mondays in February, May, August, and November. For Pitt, on the Fourth Mondays in January, April, July, and October. For Dobbs, on the First Mondays in January, April, July, and October. For Wilkes, on the First Mondays in March, June, September, and December.

LVIII. Provided nevertheless, That if the Business of any of the said Courts
cannot be determined on the Day of the Term, the Justices may adjourn from Day to Day, not exceeding Six Days; at the End of which Time, the Causes and Matters which may be depending before them, and not then finally determined, shall be continued to the next succeeding Term.

LX. Provided also, That if by Reason or Indisposition, or other Inability, bad Weather, or other Accidents, it shall so happen that a sufficient Number of Justices shall not meet for holding the said Courts, or any of them, on the Days by this Act 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 the Court.

LX. And be it further Enacted, by the Authority aforesaid, That none of the said County Courts, nor any Process in any of them depending, shall be discontinued for or by Reason of the Justices failing to hold Court upon the Day by Law appointed, or of any Alteration of any of the Days appointed for holding the said Courts, but in every such Case, all such Process, Matters, and Things depending, shall stand continued, and all Appearances upon Returns of Process shall be made to the next succeeding Term in Course, in the same Manner as if such succeeding Term had been the same Term to which such Process had stood continued, or such Returns or Appearances had been made; and all Recognizances, Bonds, and Obligations for Appearances, and all Returns, shall be of the same Force and Validity for the Appearance of any Person or Persons at such succeeding Term, and all Summons for Witnesses as effectual, as if the next succeeding Term had been expressly mentioned therein.

LXI. And be it Enacted, by the Authority aforesaid, That the Justices of the said County Courts of Pleas and Quarter Sessions, or any Three of them, shall and may take Cognizance of, and are hereby declared to have full Power and Authority, and Jurisdiction, to hear, try and determine, all Causes whatsoever at the Common Law, within their respective Counties, where the Debt, Damages, or Cause of Action is above Five Pounds, (Actions of Trespass, in Ejectment, Forfeited in Descender, Remainder and Reverter, Dower, Partition, Perjury, and such Felony and Criminal Causes where the Judgment, upon Conviction, shall be for the Loss of Life, Limb, or Member, excepted) and all Petit Larcenies, Assaults, Batteries, and Trespasses, (other than said Acts of Trespass, where the Title of Freehold may come in Question) Breaches of the Peace, and other Misdemeanors of what Kind soever, of an inferior Nature; and all Actions of Detinue, Trover, and on Penal Statutes, Suits for Adul Portions, Legacies, and distributive Shares of Intestates Estates, and all other Matters relating thereto: And the said Justices of the Peace, and every of them, during their Continuance in Office, as well within their County Courts of Pleas and Quarter Sessions as without, shall have full Power and Authority as amply and fully to all Intents and Purposes as any Justice of the Peace in this Territory had, or ought to have had, by Virtue of any Act or Acts of Assembly heretofore made under the late Government, to preserve, maintain and keep the Peace within their respective Counties.

LXII. And be it further Enacted, by the Authority aforesaid, That the said Courts of Pleas and Quarter Sessions shall and may, within their respective Counties, take the Probate of Wills, and order the same to be recorded in proper Books to be kept for that Purpose; and the said Courts shall and may make Orders for issuing Letters Testamentary, and Letters of Administration, which Letters shall be signed and issued by the Clerk of the said Court, and may by Summons, upon Application to them made, com-
pall any Person or Persons whatsoever within their respective Counties having in their Possession any Will or Testament of any deceased Person to exhibit the same to the Court for legal Probate thereof; and whoever being legally summoned shall, in Contempt of the Court, refuse to produce any such Will in his or her Possession, or having been in his or her Possession shall refuse to inform the Court, on Oath, where such Will then is, or in what Manner he or she hath disposed of the same, such Person shall, by Order of Court, be committed to the Common Prison of the County there to remain without Bail, or Mainprize until such Will shall be produced and due Submission made to the Court for the Contempt; and the Court shall, and is hereby empowered, in Case of such Persons Removal, to issue such Summons and Process for Commitment, into any County in this State.

LXIII. Provided always, That if any Person who shall claim a Right to execute any Will, or to administer the Estate of any Intestate, and shall think himself injured by Order of Court for Letters Testamentary or of Administration, shall be intitled to an Appeal to the Superior Court of the District where such Order shall be made subject to the same Regulations as in other Cases of Appeal; and such Superior Court is hereby declared to have Cognizance thereof, and shall, at their Sitting next succeeding such Appeal, determine the same, and upon such Determination had, such Court shall proceed to grant the Letters to the Persons intitled to the same, he or she giving Bond, with sufficient Security for the faithful Discharge of the Trust.

LXIV. And for the better Preservation of Wills and other Papers relating to the Estates of deceased Persons, Be it Enacted, by the Authority aforesaid, That all original Wills, Inventories and Accounts of Executors and Administrators, shall remain in the Clerks Office among the Records of the respective Counties where the same shall be proved or exhibited; and to the said Wills, Inventories and Accounts, any Person may have Access as to the other Records, except for the Time they shall or may be removed before any other Court upon the Determination of any Controversy.

LXV. And be it further Enacted, by the Authority aforesaid, That the Clerks of the County Courts of Pleas and Quarter Sessions shall, in the Month of January Annually, return to the Secretary's Office a List of all Orders for Letters Testamentary, and Letters of Administration, granted by the respective Courts in the preceding year, containing the Names of the Testators and Intestates, their Executors and Administrators, and the Names of the Securities for Administration; and also Copies of the Inventories and Accounts exhibited from Time to Time; which Lists and Copies the Secretary is hereby required to have recorded in his Office alphabetically in Books to be kept for that Purpose; and the Secretary shall and may take and receive for the Copy of every such order, and for the Copy of every such Inventory and every such Account, the same Fees which the Clerks of the Courts are or shall be entitled to for such Services, which Fees the Clerk of the Court of Pleas where the Business shall be transacted is hereby empowered to demand and receive, and shall return the same to the Secretary's Office with the Copies of such Order, Inventory and Account respectively.

LXVI. And be it further Enacted, by the Authority aforesaid, That where any Vacancy now is, or shall hereafter happen in the Office of County Clerk, the Court of Pleas and Quarter Sessions of the County where such Vacancy shall be shall appoint a Person of Skill and Probity to fill such Vacancy; and all Clerks of the said Courts shall hold their Offices during their good Behavior thereof.
LXVII. And be it Enacted, by the Authority aforesaid, That the Clerks of the several County Courts of Pleas and Quarter Sessions, at the first Court to be held in their respective Counties after the Expiration of this present Session of the General Assembly, shall each give Bond, with sufficient Security, in the Sum of Two Thousand Pounds, payable to the Justices of the said Courts respectively, and their Successors in Office, for the safe keeping the Records and the faithful Discharge of his Duty in Office; which said Bond shall be lodged in the Secretary Office, and may be assigned and put in Suit, and Recovery had in the same Manner, and according to the like Rules and Restrictions as are herein before prescribed for Suits on Bonds given by Clerks of the Superior Courts; and each of the said County Court Clerks shall at the same Time, take and subscribe the Oath appointed to be taken for the qualification of Public Officers, and the oath of office herein before directed to be taken by Clerks of the Superior Courts: And the Offences herein before mentioned of any Candidate or Person in Nomination for the Office of Clerk of any of the said County Courts shall incur the same incapacities, and the Violation of the Oath of Office in the particulars herein before specified, shall, on Conviction, be attended with the same Penalties, Incapacities and Disabilities, as are in like Cases to be inflicted on Clerks of the Superior Courts, or Candidates or Persons in Nomination for such Clerkships for such Offences and Violation.

LXVIII. And be it Enacted, by the Authority aforesaid, That the County Courts are hereby authorised and required to appoint an Attorney, properly qualified, to act for and in Behalf of the State in each respective County within this State, who shall hold his Office during good Behavior, and shall and may prosecute all Matters cognizable in the County Court of Pleas and Quarter Sessions wherein he shall be appointed, for and in Behalf of the State.

LXIX. And be it Enacted, by the Authority aforesaid, That all Debts and Demands of Five Pounds, and under, where the Bailance due on any Specialty, Contract, Note or Agreement, or for Goods, Wares and Merchandizes sold and delivered, or Work and Labour done, are hereby declared to be cognizable and 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, which shall be executed and returned by the Sheriff, Constable or other Officer, to whom the same may be directed, In the same Manner as other Writs of Fieri Facias or Capias ad Satisfaciendum are to be executed and returned.

LXX. Provided nevertheless, That if either of the Parties shall be dissatisfied with the Judgment given by such Justice, he may appeal to the next County Court of Pleas and Quarter Sessions, first giving Security for prosecuting such Appeal with Effect: and the Cause shall be re-heard and finally determined by the Justices the same Court, without any further Process, in a summary Way without a Jury; and Judgment shall be given thereupon, and the Party cast shall pay the Cost of all the Proceedings, to be taxed by the Court.

LXXI. Provided also, That the Cause shall be tried by, and the Appeal made from such Justice, Five Days at least before the Term to which the Appeal shall be made, otherwise the Cause shall be continued to the next succeeding Term. And provided further, That the Justice before whom the suit was first heard shall, at the Request of the respective Parties, summons such Witnesses to Court as they shall name, but shall not sit in Court or give Judgment on the Appeal.

LXXII. And be it further Enacted, by the Authority aforesaid, That every
Justice of the County Courts shall have Power, and they are hereby autor-
ized and required, upon any Complaint being made by any Person or Per-
sons, for any Debt or Damage, Matter or Thing, cognizable in the County
Courts of Pleas and Quarter Sessions of this State, to grant an original At-
tachment against the Estate of any Person absconding or concealing him-
self, or removing out of the County privately, returnable to the Court of
such County, observing therein the Rules and Restrictions directed for
granting original Attachments in the Superior Courts; and all Sheriffs and
Coroners shall execute and return the same, and observe the Rules and
Directions appointed to be observed in executing Attachments returnable
to the Superior Courts; and the like Judgment, Recovery, Remedy, Relief,
and Proceedings, shall be had thereupon, as in the like Cases are grantable
in the said Superior Courts.

LXXIII. And be it further Enacted, by the Authority aforesaid, That any
one Justice of the Peace, in Cases where by this Act he has Jurisdiction,
may issue an original Attachment against the Estate of any absconding
or absent Debtor, upon the Oath of the Plaintiff, his Agent or Attorney,
directed to the Sheriff or any Constable of the County, first taking suf-
cient Security, as in other Cases of Attachments; and the Proceedings
thereon shall be in a summary Way, in the same Manner as on a Warrant,
and the defendant may replyve the Goods attached, and either Party may
appeal from the Judgment of the Justice, in Manner as is herein before
directed.

LXXIV. And be it further Enacted, by the Authority aforesaid, That all
original Process, and all subsequent Process thereupon, to bring any Person
or Persons to answer to any Action, Suit, Bill or Plaint, in any County Court
of Pleas and Quarter Sessions (except Subpoenas for Witnesses, which in
Term Time may be made returnable immediately) shall be issued by the
Clerk of such Court, and shall be returnable to the First Day of Term, and
shall be executed at least Five Days before the Return thereof; and if any
Person takes out any Writ or Process whilst such Court is sitting, or within
Five Days before the Beginning of the Term, such Writ or Process shall
be made returnable to the Term next after that then held, or to be held
within Five Days as aforesaid, and not otherwise; and all Writs and Pro-
cess issued, made returnable, or executed in any other Manner, or at any
other Time, than is herein before directed, may be abated upon the Plea
of the Defendant.

LXXV. Provided always, That nothing herein contained shall extend, or
be construed to extend to invalidate or vacate any Writ, Process, Warrant
or Precept, issued by a Justice, or other Officer having Jurisdiction thereof,
on any criminal Prosecution, or in Behalf of the State, but the same may be
made returnable to any Day in the Term; and the Proceedings in all crim-
nal Cases shall be had according to the Laws and Statutes of this State;
and in the Mode heretofore practised within the Limits thereof, under the
Laws formerly in Use therein.

LXXVI. And be it further Enacted, by the Authority aforesaid, That when
any Writ or Process shall issue to take the Body or Bodies of any Person
or Persons, to answer to any Plaintiff in any civil Action in any County Court
of Pleas and Quarter Sessions, the Sheriff shall return therewith a Ball Bond,
with Two sufficient Securities, for double the Sum for which the Person or
Persons shall be held in Arrest (Executors and Administrators, and Persons
sued on such penal Statutes as do not expressly require Ball, excepted) to
the Clerk, on or before the First Day of Every Term; and if the Sheriff shall
not return Ball, or the Ball returned be held insufficient, upon Exception
taken thereto, and entered on the Docket, the same Term to which the Writ
shall be returnable, and Notice given that Term to the Sheriff to justify,
then, and in such Case, the Sheriff shall be held and stand as special Bail
for the Defendant, and the Plaintiff may proceed to Judgment, according
to the Rules herein after mentioned; and the Plaintiff, on 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 by the Rules here-
after 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 said Ball.

LXXVII. And be it further Enacted, by the Authority aforesaid, That where
any Judgment or Decree shall be obtained in any County Court of Pleas
and Quarter Sessions for any Debt, Damages, Portion, Legacy, or distribu-
tive Share 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 such Judgment shall be
given or Decree made, at the Request of the Plaintiff, to issue Execution to
any County of this State where the Defendant or his Goods may be found,
and the Sheriff, or other Officer to whom the same may be directed, is hereby
empowered and required to execute the same, and make return thereof, in
the same Manner as is directed for the Returns of Process issuing from the
Superior Courts.

LXXVIII. 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
County, It is hereby Enacted, That when any Sheriff shall make such Return,
the Plaintiff in any civil Action may take out an Attachment against the
Estate of such Defendant, returnable as is herein before directed for the
Return of other Process, thereupon to enforce an Appearance, or an Alias
or Pluries Capias, until such Defendant be arrested, at the Election of the
Plaintiff; and if the Sheriff shall return such Attachment executed, the
Plaintiff shall file his Declaration according to the Rules of the Court, and
proceed as in other Cases.

LXXIX. And be it further Enacted, by the Authority aforesaid, That the
same Rules, Method and Proceedings, shall be had, kept and observed, by
the said County Courts of Pleas and Quarter Sessions, and the Officers
thereof, in granting, issuing, executing, and returning Process, and awarding
Judgment on judicial Attachments, and the like Remedy, Recovery and
Relief, against the Sheriffs and Bail, as in like Cases are provided by Law
in Suits depending, or to be commenced in the Superior Courts of Law.

LXXX. And for the regular Prosecution and Determination of Suits,
entering up Judgments, and Preservation of the Records in the said County
Courts of Pleas and Quarter Sessions; Be it Enacted, by the Authority
aforesaid, That the following Rules and Methods shall be observed, to-wit,

The Plaintiff in every Suit shall file his Declaration on the First Day of
the Term, or First calling of the Cause in Court, and shall also serve the
Defendant, or his Attorney, with a Copy thereof, at least Five Days before
the Term.

If the Plaintiff fails to file his Declaration, or to appear and prosecute his
Suit, the Defendant may enter a Non Pross.

The Defendant shall enter his Appearance, and file his Plea in Writing,
whether general or special, the First Term; and if he fails so to do, the
Plaintiff shall have Judgment, which in Actions of Debt shall be final, except
where Damages are suggested on the Roll; in which Case, and in all others where the Plaintiff is to recover in Damages, a Writ of Enquiry shall be executed the next succeeding Term.

The Defendant may plead as many several Matters as he may think necessary, so that he be not admitted to plead and demur to the whole.

All issues, whether general or special, shall be heard and tried the next succeeding Term after the issue shall be made up, unless sufficient Cause be shewn to the Court why such Causes should be continued.

All Jury Causes at Issue shall be first heard and tried.

Every motion in Arrest of Judgment shall be argued the last Day of the Term in which the issue shall be 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.

When a special Verdict shall be found, a Case agreed, a Demurrer filed, or a Bill of Exceptions to the Evidence tendered, Time shall be allowed, at the Motion of either Party, to the next succeeding Term.

LXXXI. And for Prevention of Vexation by dilatory Pleas, it is hereby Enacted, by the Authority aforesaid, That no Plea in Abatement shall be received in any Action or Suit in the said County Courts, 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 sufficient Matter of Substance for the Court to proceed upon the Merits of the Cause, the Suit shall not abate for want of Form in the Proceedings; and when any Plea shall be pleaded in any Action, and upon Argument thereof the same shall be adjudged insufficient to abate such Action, the Plaintiff shall recover against the Defendant full Costs to the Time of overruling such Plea, including the Costs of Court.

LXXXII. And for granting Appeals from the County Courts of Pleas and Quarter Sessions to the Superior Courts, be it Enacted, by the Authority aforesaid, That when any Person or Persons, either Plaintiff or Defendant shall be dissatisfied with the Sentence, Judgment or Decree, of any County Court, he may pray an Appeal from such Sentence, Judgment or Decree, to the Superior Court of Law of the District wherein such County Court shall be; but before obtaining the same, shall enter into Bond, with Two sufficient Securities, for prosecuting the same with Effect, and for performing the Judgment, Sentence and Decree, which the Superior Court shall pass or make thereon, in case such Appellant shall have the Cause decided against him.

LXXXIII. And because it may happen that in issuing Process, carrying on the Proceedings, and rendering Judgments in the said County Courts, there may be Error to reverse Judgment; Be it Enacted, by the Authority aforesaid, That when any Person shall be desirous to prosecute a Writ of Error, he shall move the County Court of Pleas and Quarter Sessions where such Suit is or hath been depending, to allow a Writ of Error, he first entering into Bond as before Directed in Cases of Appeals; and the Court is hereby empowered and required to allow thereof, as if such Writ of Error should be then and there produced from the Superior Court.

LXXXIV. And for prosecuting Appeals, Be it Enacted, by the Authority aforesaid, That when any Person shall have appealed to a Superior Court in Manner above directed, a Transcript of the Record of the Suit on which the Appeal shall be made, shall be delivered to the Clerk of the Superior Court at least Fifteen Days before the sitting of the Term, and shall by him be filed the same Day on which he receives the same; and if the Trial of the
County Court was of an issue to the Country, a Trial de Novo shall be had, and it on a hearing on a Petition for a filial Portion or Legacy, or distributive share of an intestate's Estate, or other Matter relating thereto, a re-hearing at the Superior Court, without Notice given by either Party; and if such Transcript of the Record is not filed within the Time aforesaid, or if the Appellant shall fail to appear, or to prosecute his Appeal, then the Judgment, Sentence or Decree, of the County Court shall be affirmed, and the Appellant shall pay double Costs in the Superior Court.

LXXXV. And for prosecuting Writs of Error, Be it Enacted, by the Authority aforesaid, That the following Method of Practice shall be observed, that is to say, A Transcript of the Records and Proceedings in the County Court, in the suit in which any Writ of Error shall be granted or allowed, shall be transmitted and delivered to the Clerk of the Superior Court at least Fifteen Days before the sitting of the Term; and in Case the Plaintiff in Error shall neglect to file such Writ, and assign Error as aforesaid, or shall fail to appear, or to prosecute the same, then the Judgment of the County Court shall be affirmed, and he shall be adjudged to pay double Costs in the Superior Court.

LXXXVI. Provided always, That if it shall so happen that there shall not be Thirty Days between the last Day of the Term or Hearing in the County Court, and the next Term of the Superior Court to which such Appeal shall be made, or Writ of Error allowed, then such Appeal or Writ of Error shall be continued, and a Transcript of the Records and Proceedings shall be transmitted and delivered to the Clerk of the Superior Court the Term succeeding that which shall immediately follow such County Court Term, in which such Trial and Hearing shall be had as aforesaid.

LXXXVII. And be it further Enacted, by the Authority aforesaid, That in every County Court of Pleas and Quarter Sessions within this State, when any Appeal shall be granted, or Writ of Error allowed, the Clerk of such Court shall immediately make a Transcript of all the Proceedings in such Cause, and shall within Ten Days after the final Adjournment of the Term in which the Cause shall be heard, give an Attested Copy of such Record, with a Taxation of all Costs accrued, to the Appellant, or Plaintiff in Error, if required, and shall endorse on such Copy the Day or Days on which the same may have been demanded, and the Day on which it shall be delivered, and sign his Name as Clerk thereto; and if by Reason of the Delay of any Clerk, any Transcript shall not be filed in Time, or that the Record is so erroneously or artificially made up, that the Superior Court cannot proceed thereon, such Clerk, in any of the said Cases, shall, upon Trial, be adjudged guilty of Misbehaviour in Office, and shall forfeit and pay to the Person intituled to such attested Copy the Sum of Fifty Pounds, to be recovered by Action of Debt, in any Court having Cognizance thereof; and shall be further liable to an Action on the Case for all Damages which such Person may sustain, for the Want of such Copy.

LXXXVIII. Provided always, That if the Judge or Judges of the Superior Court should be of Opinion that there appears to be sufficient Matter of Substance in the Transcript of the Record and Proceedings on any Appeal or Writ of Error, to enable them to proceed thereon, the same shall not be dismissed for want of Form, any Thing herein contained to the contrary notwithstanding.

LXXXIX. And be it further Enacted, by the Authority aforesaid, That the Clerks of the Superior Courts respectively, upon receiving a Transcript of the Record and Proceedings in any Suit, on which an Appeal shall be made, or Writ of Error allowed, shall give a Receipt to the Person delivering
the same, and shall immediately endorse thereon the Day on which it shall be delivered; and if he receives it Fifteen Days before the sitting of the Term of the then next Superior Court, he shall enter it upon the Docket of Causes for Trial, and deliver to the Parties such Summons for their Witnesses as they may require; but if such Transcript shall be delivered to the Clerk of the Superior Court within Fifteen Days before the sitting of such Term as aforesaid, then such Clerk shall enter the Cause on the Reference Docket of such Court; and if the Clerk of any Superior Court shall refuse, neglect or omit, to do any of the Duties which he is hereby required to perform, such Clerk shall, upon Trial and Conviction, be deemed guilty of Misbehaviour in Office, and shall forfeit and pay to the Appellant, or Plaintiff in Error, One Hundred Pounds, to be recovered by Action of Debt, in any Court having Cognizance thereof; and be further liable to an Action on the Case for all Damages which such Appellant, or Plaintiff in Error, may sustain, by Reason of such Refusal, Neglect, or Omission.

X.C. And be it further Enacted, by the Authority aforesaid, That all Causes, Actions, Suits, Writs, Plaints, Process, Recognizances, Indictments, and Presentments whatsoever, heretofore commenced, and not yet determined in any of the late Inferior Courts of Pleas and Quarter Sessions in this Territory under the late Government, or in any of the County Courts and Sessions of the Peace established by Ordinance of Congress, or Act of the General Assembly, or such as shall be returnable to, or had, or shall have Day or Days in any of the said late Courts, or other Matters and Things in them or any of them depending, except for criminal Offences committed before the Declaration of Independence, not fully determined, after the passing of this Act shall be transposed and carried off the Dockets of each the said late Courts respectively, into the Dockets of the several County Courts of Pleas and Quarter Sessions by this Act established, in the same Order and Condition in which they shall then stand on the Dockets of the said late Courts respectively, and shall be proceeded on by the County Courts hereby established according to the Method by this and other Acts, passed this Session, is directed, as if the same had been originally commenced therein.

X.CI. 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 said late Courts last mentioned, wherein Judgment hath been entered or Decree made, shall and may be taken Cognizance of by the Courts of the respective Counties by this Act established; and such Courts may respectively award Execution, or other necessary Process, on such Judgment or Decree, and proceed in the same Manner as if such Suits had been originally commenced in the County Courts by this Act established; any Law, Usage, or Custom, to the contrary, notwithstanding.

X.CII. And be it further Enacted, by the Authority aforesaid, That all Suits, Process, Informations, Indictments, Presentments, Recognizances, Bonds, and other Matters (Suits heretofore instituted for Quitrents excepted) commenced, prosecuted, made or taken, and all Penalties, Fines, Forfeitures, and Americanments, incurred in the Name or the Use of the King of Great Britain, when this Territory was under his Government, and owed Allegiance to him, and not yet paid or satisfied, and all Breaches on penal Statutes directed to be prosecuted in the name of the said King, shall be prosecuted and proceeded on in the Name of the State, in the same Manner as if such Suits, Process, Informations, Indictments, Recognizances, Bonds, penal Statutes, and other Matters, had been commenced, prosecuted, made, taken, or directed to be sued in the Name of the State; and the Governor, or Com-
mander in Chief for the Time being, is hereby authorized and required, upon Application made to him for that Purpose, to assign all Sheriffs Bonds, or other Bonds taken in the Name of the said King, by Virtue of any Act of Assembly heretofore made, to the Party or Parties Injured, to be sued for in his or their own proper Name or Names; and all Breaches in Statutes heretofore made in the Time of the late Government, and directed to be prosecuted in the Name of the Governor, and all Bonds made by Virtue of any Act of Assembly payable to the Governor, shall be prosecuted in the Name of the present Governor, or the Commander in Chief for the Time being; and all Breaches on penal Statutes directed to be sued in the Name of the Vestry and Churchwardens of the late respective Parishes, shall be prosecuted in the Name of the Justices of the County where such Parish was situated; and all Penalties on Statutes directed to be for the Use of the King, or the late Lord Proprietors, or to be recovered in their, or either of their Names, to any other Use, shall be to the Use of this State; and all Penalties directed to be applied to the Use of the Public, and to the Uses of the respective Counties, shall be to those Uses respectively; and all Penalties directed to be applied to the Use of the late Parishes respectively, shall be applied to the Use of the respective Counties in which such Parishes were situated; and the several Superior and County Courts hereby established, are hereby authorized and empowered to give Judgment, and award Execution thereon accordingly; any Law, Usage or Custom, to the contrary, in any wise, notwithstanding.

XCIII. And be it further Enacted, by the Authority aforesaid, That all fines, Amerciament, Forfeitures, and Recoveries on penal Statutes, heretofore recovered and paid to any Officer, shall be accounted for and paid in Manner as by this Act is directed; and on Neglect or Refusal, may be sued for and recovered by the Persons respectively to whom Fines, Amerciament, Forfeitures and Recoveries on Penal Statutes, not heretofore recovered are in this Act payable, and all Acts, Amerciament, Forfeitures and Recoveries on penal Statutes, hereafter to be levied and received, and those in the Hands of the late officers, or any of them, shall be paid to the Clerks of the respective Courts where the same shall be imposed or recovered, and shall be paid by such Clerks be accounted for and paid to the Person or Persons to whom the same shall be payable; and all such Fines, Amerciament, Forfeitures and Recoveries on penal Statutes, as are or shall be directed to be applied to the Use of the State, shall by the respective Clerks of the Courts of Law hereby established, be accounted for on Oath, and paid to the Treasurer once in every Year, and the said Clerks shall send certified Transcripts of all such Accounts at the same Time to the General Assembly, at their sitting next ensuing such Payment made; and all such Fines, Amerciament, Forfeitures, and Recoveries on penal Statutes, directed to be applied to any other Public or County Use, and to be received by any other Person or Persons, shall be accounted for in like Manner, and paid to the Person or Persons to whom the same is or may be payable; and if any Clerk shall fail or neglect to account or pay in Manner as by this Act is directed, or shall conceal any Money or Monies which are payable as aforesaid, such Failure or Neglect shall be deemed, upon Conviction, a Misdemeanour in Office, and the Clerk so neglecting or failing, shall for ever afterwards be incapable of holding any Office of Trust or Profit in this State.

XCIV. And be it Enacted, by the Authority aforesaid, That every Person accused of any Crime or Misdemeanor whatsoever, shall be intitled to Council in all Matters which may be necessary for his Defence, as well to
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Pacts as to Law; and every Person on Trial for his Life, may make a peremptory Challenge of Thirty Five Jurors.

XCV. And be it further Enacted, by the Authority aforesaid, That the Clerks of the Superior Courts shall keep their Offices in the respective Towns where the said Courts are directed to be held; and the Clerks of all the several Courts of Law hereby established shall by themselves, or their lawful Deputies, give due Attendance at their respective Offices, and all Deputies shall take the Oath appointed for the Qualification of Public Officers, and an Oath of Office; and in Case of the Death of the Clerk of any Court in the Vacation, his Deputy shall hold the Office of Clerk until he or another shall be appointed agreeable to Law, and shall be intitled to the Fees and Perquisites of the Office until such Appointment; any Law, Usage, or Custom, to the contrary notwithstanding.

XCVI. And whereas Doubts may arise to whom Fees which accrued and became due on Suits and Proceedings in the late Courts, and which at the Time of Discontinuance of the said Courts respectively, or the Removal of any Officer to whom Fees were due, were not finally determined, or which being determined, the Fees due thereon have not been levied or received, shall be paid: For ascertaining whereof, and for providing a Remedy for all Persons to whom any Fees or other Monies are due, and have heretofore been paid to any Officer of any of the late Courts in this State; Be it Enacted, by the Authority aforesaid, That all Fees due to any Person or Persons on Suits or Proceedings in any of the before mentioned late Courts in this Government, which have not been finally determined, or which being determined, the Fees due thereon have not been levied or received, shall be paid to the Person or Persons to whom the same were payable, his or their Executors, Administrators or Assigns; and the Clerks of the several Courts of Law by this Act established, are hereby authorized and required to issue Executions for all such Fees, and when returned to their respective Offices, pay the same to the Persons to whom such Fees are due and payable.

XCVII. And be it Enacted, by the Authority aforesaid, That all Fees and other Monies, heretofore paid into the Hands of any Clerk or Sheriff, and not fully accounted for and paid to the Person or Persons to whom the same were due and payable, his, her, or their Executors, Administrators, or Assigns, and all Fees which were heretofore due and unpaid, but shall be paid hereafter as aforesaid, shall and may be sued for in any Court having Cognizance thereof; and if any of the late or present Clerks, or other Person who may happen to be sued in Virtue of this Act, be at the Time of such Suit in the Possession of any Records, Dockets, Minutes or other Documents, which are suggested to contain Proofs of the Fees or other Monies sued for, and shall upon Notice previously given refuse to produce the same, or shall refuse to make Oath that such Records, Dockets, Minutes or other Documents, contain a full and true Account of all Fees and other Monies by him received by Virtue of his Office, such Defendant shall be deemed guilty of a fraudulent Concealment, and the Plaintiff shall recover the whole Sum for which his Suit shall be brought; any Law, Usage, or Custom, to the contrary in any wise, notwithstanding.

XCVIII. And be it further Enacted, by the Authority aforesaid, That the Time elapsed between the Sixth Day of March, One Thousand Seven Hundred and Seventy Three, and the Nineteenth Day of March, One Thousand Seven Hundred and Seventy Four, and the Time between the Tenth Day of September, One Thousand Seven Hundred and Seventy Five, and the End of this present Session of the General Assembly, shall not be allowed of in the County Courts hereby established in any Pies of Limitation, or in the
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Computation of Time allowed for proving Accounts, under the Act ascertaining the Method of proving Book Debts,

XCIX. And be it further Enacted, by the Authority aforesaid, That in all Actions whatsoever, the Party in whose Favor Judgment shall be given, or in Case of a Nonsuit, Dismissal, or Discontinuance, the Defendant shall be intituled to full Costs, unless where it is or may be otherwise directed by Statute.

C. And be it Enacted, by the Authority aforesaid, That Attachments issued against the Estates of abscissing Debtors, or Persons suspected of Intentions to depart this Territory, by any of the late Committees, or any of the late or present Justices of the Peace, by virtue of any resolve or Ordinance of Congress, or any Resolve or Act of the General Assembly, shall and may be taken Cognizance of by the Courts hereby established, Regard being had to their Respective Jurisdictions, and shall be proceeded on in the same Manner as Attachments which may be issued in Virtue of this Act; any Law, Usage, or Custom, to the contrary, notwithstanding.

Cl. Provided, That no person who hath taken, or shall take Part with the Enemies of America, or who hath or shall refuse, when lawfully required thereto, to take the Oath of Allegiance and Abjuration required by the Laws of this State, or who hath or shall remove from this State, or any of the United States, to avoid giving their Assistance in repelling the Invasions of the common Enemy, or who hath or shall reside, or be under the Dominion of the Enemies of America, other than such as are detained as Prisoners of War, nor any Person claiming by Assignment, Representation, or otherwise, by or under any such Person, shall have or receive any Benefit of this Act; but all Right of commencing or prosecuting any Suit or Suits, Action or Actions, real, personal, or mixt, shall be, and is hereby suspended, and shall remain suspended, until the Legislature shall make further Provision relative thereto.

CHAPTER III.

An Act to regulate and ascertain the Fees of Clerks in the Superior and County Courts, Justices of the Peace, and Attornies, in this State, and directing the Method of paying the same.

I. Whereas it is absolutely necessary that the Fees of Clerks in the Superior and County Courts, the Fees of Justices of the Peace, and Attornies, be regulated and ascertained;

II. 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 future the following Fees only shall be received by the Clerks of the Superior and County Courts, and no other or greater Fees or Charges whatsoever shall be deemed or construed by the former Acts of Assembly, to-wit,

For every leading Process returned to the first Court, and all subsequent Process, Appearances, Pleas, Rules, Orders, and other Services necessary thereon, until making up an Issue inclusive, and also for Dismissal or final Judgment, where either happens, or for Confession of Judgment, to the Clerk of the Court Twelve Shillings. For every Continuance or Reference of every Cause after the second Court, including all Fees for every Service necessary thereon, Four Shillings. For the Court at which the Cause is determined including all Fees for every necessary service thereon, and enter-
ing final Judgment inclusive. Ten Shillings, over and above the Fees above mentioned. For every Subpoena, provided the Party insert no more than Four Witnesses in the same, Two Shillings. For every Execution, or Order of Sale, when necessary, issued and returned, including all Services thereon, with taxing Costs and Copy, and entering Satisfaction, Five Shillings. For every Scire Facias against Bail, with making up an Issue thereon, or entering Judgment, without Plea, including all Fees for every Service necessary thereon (provided that the Party paying Costs shall not be subject to this, unless the Scire Facias is requisite and required by the Plaintiff) Eight Shillings. For giving a Copy of the Record of any Cause, when demanded by either of the Parties, Six Shillings. For every Order or Rule of Court made, or Matters foreign to the Suits depending in Court, and Copy thereof when demanded, Two Shillings and Eight Pence. For entering on the Minutes the Probate of a Will, qualifying Executors, making Certificate, recording the Will, and giving Copy thereof, Ten Shillings and Eight Pence. For granting Administration, taking Bond, and all other Services thereon, Ten Shillings and Eight Pence. For all Services necessary to be done by the Clerk of the Court, towards issuing Letters of Administration or Letters Testamentary, Five Shillings. For all services, proving, recording and filing an Inventory, Account of Sales or Account Current, exhibited by an Executor, Administrator or Guardian, or for Search, Copy, and Certificate of the same, if the Estate be under One Hundred Pounds Value, One Shilling and Four Pence; if above one Hundred Pounds Value, Four Shillings. For every Marriage Licence and Bond, and all other necessary Services thereon, Five Shillings. For Ordinary Licence and Bond, and all the Services necessary to be done thereon, Five Shillings. For Tavern Rates, Two Shillings and Six Pence. For Searching a Record out of Court, Eight Pence. For proving or entering Acknowledgment of a Conveyance of Land, or other Estate, and certifying the same, with the Order for Registration, and Examination of a Feme Covert, without Commission, Two Shillings and Eight Pence. For a Commission to take the Examination of a Feme Covert or Witnesses in any Cause depending in the Superior Court, the Return thereon, entering, and all other Services necessary thereon, Three Shillings. For Guardian or other Bonds taken in Court, and for recording the same and all other necessary Services thereon, every Fee relative thereto included, Eight Shillings. For Indentures for binding out Apprentices, making Order thereon, and filing and recording the same, including all Fees for every Service necessary, Five Shillings and Four Pence. For a special Venire Facias in an Action of Ejectment, or where the Bounds of Lands shall come in Question, when the said Writ shall be issued, Eight Shillings. For a special Verdict or Demurrer, or Motion in Arrest of Judgment, and Argument thereon, Four Shillings. For Writ of Error or Appeal, with a Transcript of the Record, and all Services thereon, Ten Shillings. For making out Certificates of Witnesses or Jurymen's Attendance, Eight Pence. For recording a Mark or Brand, and granting Certificates thereof if required, One Shilling and Four Pence.

III. And be it further Enacted, by the Authority aforesaid, That all the Services to be done by the Clerks of the Superior and County Courts within this State, for which Fees are not provided in this Act, shall be deemed and construed as ex Officio Services, for which the Clerks shall demand no Fee or Reward whatever, except what shall be allowed such Clerks by the County Courts of their respective Counties for such Services.

IV. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Clerks of the Superior and County Courts, on the
Fees not being paid by the Party from whom they are due, to make out Execution, directed to the Sheriff of the County where the Party resides, and the said Sheriff shall levy the same in Virtue of the said Execution as in other Cases; and to the said Execution shall be annexed a Copy of the Bill of Costs of the Fees on which such Execution shall issue, wrote in Words at Length, without any Abreviation whatsoever; and all Executions issuing without the Copy of such Bill of Costs annexed, shall be deemed illegal, and no Sheriff shall serve or execute the same.

V. And be it further Enacted, by the Authority aforesaid, That whenever it shall be the Opinion of the Court that the Party praying a Continuance should not obtain it, without Payment of all Costs attending the same, the whole of these Costs shall be paid before the Continuance is granted; and the Party paying such Costs shall not be intituled to recover them, although the Judgment of the Court should finally be in his Favour.

VI. And be it further Enacted, by the Authority aforesaid, That if any Person shall hereafter conceive himself aggrieved by the Clerk of the Superior or County Courts, in taxing or charging other or greater Fees than by this Act allowed, it shall and may be lawful for such Person, aggrieved, either by himself or his Attorney, to complain to the Court where such offender is Clerk, and the said Court, at the Term to which such Complaint shall be made, shall take such Matter into their Consideration, and the same shall be tried by a Jury; and if the Jury shall find the complaint to be true, and that the Party is guilty of the misdemeanors alleged against him, then the said Court shall not only order Immediate Restitution to be made to the Party injured, together with all Costs and Damages, but also may, and they are hereby required to set such Fine as they shall think Proper on such Clerk, not exceeding the Sum of Fifty Pounds; and the Court shall commit such Clerk to Gaol if he refuses or delays to obey their Judgment, there to remain until he has satisfied the Party injured, agreeable to the Judgment of the Court, and also paid the Fine inflicted on him to the Sheriff; which Fine shall be applied towards defraying the contingent Charges of the County where such Court shall be held, and shall be accounted for by the Sheriff at the same Time as he accounts for the County Tax. Provided, That such Clerk shall have Ten Days Notice in Writing previous to the Sitting of the Court where such Complaint is intended to be made, and that there shall be at least Five Justices on the Trial of such Complaint, if in the County Court; and the Notice shall be in these Words, or to this Effect: "I intend to complain of you to the next ——— Court, for taking more Fees in the Suit of ——— against ——— than the Law allows." And a Copy of this Notice directed to the Clerk, and signed by the Complainant, proved by the Oath of the Person who served it, with a Copy of the Bill of Costs from the officer who levied the same, shall be sufficient for the Jury to ground their Verdict on, and the Court to give Judgment in Pursuance thereof, without any other further Process.

VII. And be it Enacted, by the Authority aforesaid, That if any Clerk shall, during the Sitting of the Court whereof he is Clerk, demand other or greater Fees than by this Act allowed, the Court shall immediately, on Complaint being made thereof, determine what Fee or Fees shall be paid to the said Clerk by the Party complaining.

VIII. And be it further Enacted, by the Authority aforesaid, That if any Clerk of any Court in this State shall hereafter be guilty of any Breach or Neglect of Duty enjoined by Law, either by his own Confession or Verdict of the Jury, it shall, on the second Conviction, be adjudged and deemed a
Mischief in Office, for which such Clerk shall be suspended by the said Court.

IX. Provided nevertheless, That in Case the Clerk shall be dissatisfied with the Determination of the County Court, he may appeal to the Superior Court of the District, in which case there shall be a Trial by Jury; where if the Suspension of the County Court shall be confirmed, the said Clerk shall ever after be rendered incapable of acting as Clerk of any Court of Justice in this State.

X. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for every Justice of the Peace in this State to take and receive the following Fees for Business done out of Court, to-wit,

For every original Attachment granted, taking Bond thereon, included, Five Shillings. For every Warrant, One Shilling. For all the Subpoenas in any one Suit, One Shilling. For every Judgment, One Shilling. For every Execution, One Shilling. And every Justice of the Peace taking, receiving, or demanding, any greater Fee or Reward, for any of the above Services, shall forfeit and pay Ten Pounds for every offence, one Half to the Person injured, the other half to be applied towards defraying the contingent Charges of the County where the Offence is committed; to be recovered by Action of Debt, in the County where such Justice shall reside.

XI. And be it Enacted, by the Authority aforesaid, That all Fees by this Act directed to be paid to the Justices of the Peace, shall be taxed in a Bill of Costs, and shall be paid by him who fails in his Suit, or against whom a Recovery shall be had.

XII. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for each and every Attorney at Law to take and receive from their respective Clients the following Fees, to-wit,

For every Action in the Superior Court, except where the Titles or Bounds of Lands come in Question, the Sum of Two Pounds Ten Shillings. For every such Action in the County Court, One Pound Five Shillings. For every real action, or such as respects the Titles of Lands, Five Pounds. For every Petition for the Recovery of Legacies and ailable Portions, or distributive Shares of Intestates Estates, if in the Superior Court, Three Pounds Ten Shillings. If in the Inferior Court, One Pound Fifteen Shillings. For every Opinion or Advice in Matters cognizable in the Superior Court, where no Suit is or shall be brought, and prosecuted or defended by the Attorney giving such Advice, but not otherwise, Twenty Shillings. For every Opinion or Advice in Matters cognizable in the County Court, where no Suit is or shall be brought, and prosecuted or defended by the Attorney giving such Advice, but not otherwise, Ten Shillings.

XIII. And be it further Enacted, by the Authority aforesaid, That the Clerk of each respective Court within this State is hereby directed and required to tax in every Bill of Costs, where an Attorney shall have been actually employed by the Party who shall recover, or be otherwise intitled to receive, such Fee as is by this Act allowed, and no more.

XIV. And be it further Enacted, That if any Attorney, in any Superior or County Court, shall unwittingly or willingly be guilty of any Neglect in any Cause, the Court before whom such Cause shall be depending, on Complaint, and Proof thereof made within Six Months after such Neglect, shall have full Power and Authority to order such Attorney to pay all costs occasioned by such Neglect; and every Bill, Bond, Promise, or other Engagement, of what Denomination soever, for the Payment of any other or larger Fees than before enumerated, shall be utterly void and of no effect; any Usage to the contrary notwithstanding.
LAWs OF NORTH CAROLINA—1777.

XV. And be it further Enacted, by the Authority aforesaid, That every Act and Acts of Assembly now in Force, allowing Fees to Attornies and Clerks of the Superior and County Courts in civil Cases, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAPTER IV.

An Act directing the Method of electing Members of the General Assembly, and other Purposes.

I. Whereas there is not any Law in Force for directing the Mode to be observed in electing Members of the General Assembly;

II. 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 Ratification of this Act, the annual Election of Members of the General Assembly shall be held on the Tenth Day of March in each Year, and if such Day should happen on Saturday or Sunday, then on the Monday next following, at the Court House of the respective Counties; and that the Sheriffs, or other returning Officers, shall advertise the Day and Place of Election at the Court House, and other Public Places within their respective Counties, at least Twenty Days before such Election.

III. Provided always, That during the present War with Great Britain, by Invasion of the Enemy, or any public Commotion or domestic Insurrection, it may become unsafe for the Electors to attend at the Court-Houses of their respective Counties, it shall and may be lawful for the returning Officer of any County where such Invasion, Commotion, or Insurrection, may happen, to appoint any safe Place in his County for the holding of such Election, giving legal Notice thereof to the Electors, any Thing herein contained to the contrary notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That the County Courts respectively, at the Sessions next preceding the Day of Election in every Year, shall appoint Two Inspectors to superintend the Election; and if it shall at any Time so happen that any County Court shall fail to make such Appointment, or any Person so appointed shall refuse to serve, the Sheriff, with the Advice of Three Justices of the Peace, or if none shall be present, Three reputable Freeholders, shall before the Beginning of such Election appoint Inspectors for the Purpose aforesaid; and every Inspector who shall be appointed by either of the Ways aforesaid, and serving pursuant to such Appointment shall be held and deemed eligible at such Election.

V. And be it further Enacted, by the Authority aforesaid, That the Sheriffs, or the returning Officers, shall on the Day, and at the Place for holding each respective Election, be provided with small Boxes, one for receiving the Ballots for the Senator, and the other, receiving the Ballots for Members of the House of Commons, and where there is a Town having a Right of Representation, a third Box for receiving the Ballots for such Town Member; and the returning Officer, or his Deputy, shall receive the Tickets in Presence of the Inspectors, (who are to be appointed as hereafter directed) and put each Ticket into its proper Box; and all the Boxes shall be locked, or otherwise well secured, until the Election shall be finished; and the returning Officer shall keep the Election open Two Days, and no longer; and the returning Officer shall at Sunset of the first Day, and in Presence of the Inspectors, put his Seal on the Place to be made for the Reception of
the Tickets, which shall continue until the Election shall be renewed the succeeding Day, and shall then be taken off in Presence of the Inspectors.

VI. And be it Declared and Enacted, by the Authority aforesaid, That every Person qualified to vote in Manner directed by the Form of Government, who shall attend for that Purpose at any Election, shall give to the returning Officer, in Presence of the Inspectors, a Ticket or Scroll of Paper, rolled up, in which shall be written the Name or Names of the Person or Persons for whom he intends to vote, which Ticket shall be put into its proper Box, in Manner before directed; and at the same time the returning Officer, and each of the Inspectors, shall take down, in separate Lists, the Name of every Person voting, distinguishing those who shall vote for Senators in one List, those for County Members of the House of Commons in a second, and where there shall be a Town Election, those who vote for a Town Member in a third; and when the Election shall be finished, the returning Officer and the Inspectors shall, in Presence of such of the Electors as may choose to attend, open the Boxes one after another, and number the Ballots of one box before they shall open another, at the same Time reading aloud the Names of the Persons who shall appear in each Ticket; and if there shall be two Tickets rolled up together, or if any Ticket shall contain the Names of more Persons than such Elector has a Right to vote for, in either of these Cases, such Ticket shall not be numbered in taking the Ballots, but shall be adjudged void; and when each Class of Tickets shall be numbered, the Person having the greatest Number of Ballots shall be declared duly elected; but where two Persons shall have an equal Number of Votes, the returning Officer shall have the casting Vote, but shall not vote in any other Case whatsoever.

VII. Provided Nevertheless, That it shall and may be lawful for the Sheriff, or other returning Officer of Mecklenburg County, and he is hereby authorized and required, to direct his lawful Deputy to open an Election at the House commonly called The Cold Water Meeting-House, and there, on the first Day of any Election, to receive the Ballots of the Persons intituled to vote in the said County, living on the East Side of Coddle Creek and Rockey River, from the Mouth of the said Creek, under the Rules and Regulations herein before and afterwards directed; and the Ballots so taken shall be sealed up by the Deputy, and transmitted to the returning Officer of Mecklenburg County on the second Day of each Election, on or before One of the Clock in the Afternoon; and such Ballots so taken shall, and are hereby declared to be Part of the Election for the said County, any Thing herein contained to the contrary notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That every Person, before he shall be admitted to give his Vote at any Election, shall, if required, swear (or affirm if a Quaker) that he is qualified to the Constitution, and that he hath not voted before at such Election.

IX. And be it Enacted, by the Authority aforesaid, That every Election hereafter to be made by Virtue of any Writ from either House of the General Assembly, shall be conducted and regulated in the same Manner as annual Elections, so far as the particular Case can be applied to the general Rules.

X. And it is hereby Enacted, by the Authority aforesaid, That every Election hereafter to be made in this State shall begin at Twelve of the Clock at Noon, on the Day appointed for such Election.

XI. And be it further Enacted, by the Authority aforesaid, That if any Person shall hereafter vote at any Election, who by Law shall not be intituled to vote at such Election, he shall forfeit and pay the Sum of five pounds law-
ful Money of this State; to be recovered with Costs, by Action of Debt, in any Court of Record having Cognizance thereof, one Half to the Justices of the County wherein such Election shall be had, to be applied towards lessening the County Tax, and the other Half to him or them who shall sue for the same; and where any Suit shall be brought against any Person for voting as aforesaid, without having a Right to such Vote, the Onus Probandi shall lie upon the Defendant.

XII. And be it Enacted, by the Authority aforesaid, That if any Person shall at any Time before or after any Election, either directly or indirectly, give any Money, Gift, Gratuity, or Reward, to any Elector or Electors, or to any County or Town, in order to be elected, or to procure any other Person to be elected as a Member of the General Assembly, every Person so offending shall forfeit and pay Five Hundred Pounds lawful Money of this State; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, with Costs, and shall be incapacitated to serve as a Member during the Continuance of that General Assembly, for which such Election shall be made as aforesaid.

XIII. And it is further Declared and Enacted, by the Authority aforesaid, That the Delegates from this State in the Congress of the United States, and Officers of the Courts of Admiralty and Courts of Equity, shall be, and are hereby declared to be Incapable of being elected as Members to serve in the General Assembly, or to enjoy Seats therein; and any Member of the General Assembly who shall accept any such Office, shall thereby vacate his Seat therein.

XIV. And be it further Enacted, by the Authority aforesaid, That every Person elected as a Member of the General Assembly shall, before he shall take his Seat therein, take the Oath of Allegiance appointed to be taken for the Qualification of Members of the General Assembly and Public Officers, and also the following Oath, to-wit,

I do solemnly swear, that I have not, by myself or any other Person or Persons, either directly or indirectly, given, or caused to be given, any Gift, Gratuity, Reward, or Present whatsoever, to any Person or Persons, for his or their Votes, to obtain a Seat in the present General Assembly; and that I will not, during my continuing a Member thereof, take or receive privately the Profits, or any Part of the Profits of any Office within this State, either for my own Use, or for the Use or Uses of any Person or Persons whatsoever, otherwise than what is or shall be allowed by Law.  SO HELP ME GOD.

And every Person violating the said Oath, shall be expelled from his Seat in the General Assembly.

XV. And it is further Enacted, by the Authority aforesaid, That if at any Time it shall happen that there shall be no Sheriff in any County qualified according to Law, the Coroner or Coroners in such County is, and are hereby impowered to hold the Election for such County; and such Sheriff or Coroner within Ten Days after every Election, shall at the request of any Person elected to serve in the General Assembly, or other Person in his Behalf, cause fair Copies of the Lists of votes, and the Number of Ticket Ballots for each Candidate, to be made out and delivered to the Person requesting the same, or to his Order, which Lists and Numbers shall be signed by the returning Officer; and if any Officer shall refuse so to do, or to make Elections in any other Manner than by this Act is directed, or shall neglect or refuse to make Returns of the Elections by him to be made or taken, the Officer so offending shall forfeit and pay Five Hundred Pounds lawful Money.
of this State; to be recovered by Action of Debt, in any Court of Record
having Cognizance thereof, with Costs, one Half to the Governor for the Time
Being, for the Use of the State, and the other Half to such Person as shall
sue for the same.

XVI. And be it Enacted, by the Authority aforesaid, That the General
Assembly shall meet for ever hereafter on the First Monday in April in
each Year, which is hereby declared to be the annual Meeting of the Gen-
eral Assembly of this State.

CHAPTER V.

An Act for directing the Method of appointing Jurors in all Causes, Civil and
Criminal.

I. Whereas a Trial by Jury is one of the best Securities of the Rights
of the People, and a just Decision of Suits and Controversies in the several
Courts of Law within this State depend on the Integrity and Capacity of
Jurymen;

II. Be it Enacted by the General Assembly of the State of North Carolina,
and by the Authority of the same, That the Justices of the County Courts
within the District of each Superior Court of Law within this State, shall,
and they are hereby directed, before the Sitting of any Superior Court, to
nominate Forty Eight Freeholders to serve as Jurymen at such Superior
Courts. Provided always, That no County Court shall knowingly nominate
any Person to serve as a Juror at two Courts successively, or any Person
who shall have an Action or Suit at Issue in the Superior Court at the
Term to which he shall be so nominated.

III. And be it further Enacted, by the Authority aforesaid, That the Num-
ber of Freeholders to be nominated for each County to serve as Jurors shall
be proportioned as follows, to-wit, Craven County Twelve, Carteret Six,
Beaufort Six, Hyde Six, Dobbs Eight, Pitt Six, Johnston Four, New Hanover
Twelve, Bladen Eight, Onslow Eight, Duplin Eight, Cumberland Six, Brun-
swick Six, Chowan Ten, Perquimans Five, Pasquotank Six, Currituck Five,
Tyrell Five, Bertie Eight, Hertford Five, Cambden Four, Wilkes Two, Wash-
ington Two, Surry Four, Guilford Six, Anson Six, Mecklenburg Eight, Tryon
Four, Burke Four, Rowan Twelve, Orange Fourteen, Granville Twelve, Wake
Six, Chatham Eight, Caswell Eight, Halifax Twelve, Edgecombe Six, Bute
Ten, Northampton Ten, Nash Six, Martin Four; a List of which Jurors so
nominated shall be delivered by the Clerk of each County Court to the
Sheriff, who shall, and is hereby required to summon the Persons so nom-
nated to serve as Jurymen at the Superior Court; and if any Jurymen so
summoned shall fail to appear, he shall be fined the Sum of Fifty Pounds,
unless he can shew 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.

IV. Provided always, That if any of the said County Courts shall fail
or neglect to nominate Freeholders to serve as Jurors as aforesaid, or
the Persons so nominated shall fail to attend, it shall and may be lawful
for such Superior Court to order and direct the Sheriff to summon other
Freeholders of the Bystanders to serve as Jurymen, and the Persons so
summoned shall be deemed and held as lawful Jurymen. Provided, That
such By-standers as shall be so summoned shall and may every Day be dis-
charged, and the succeeding Day, and so from Day to Day, during the Con-
tinuance 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 Jurymen, shall be fined in the Sum of Three Pounds, unless he can shew sufficient Cause, to be admitted by the Court; to be applied as before directed.

V. And that the Fines may be applied according to the Direction of this Act, Be it further Enacted, by the Authority aforesaid, That the Fines herein imposed shall be levied by the Sheriff of each respective County wherein each Person shall reside, who shall be summoned as 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 County Court of this County.

VI. And be it further Enacted, by the Authority aforesaid, That the Sheriff of each respective County shall, and is hereby required, to summon the Freeholders in the List to be delivered to him by the Clerk of the County Court of his County, at least Ten Days before the Sitting of the Superior Court of 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 Free-Holder so to be nominated as aforesaid.

VII. And be it 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 do appear; and in Case of Defaulters, other Scrolls shall be drawn, till a sufficient Number shall appear to make a complete Jury.

VIII. Provided always, 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 complete Number of Jurors shall be made out.

IX. And whereas the attending Superior Courts 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 Superior Courts to which he shall be nominated as aforesaid, and summoned in Virtue of this Act, upon producing a Certificate from the Clerk of the Superior Court of the Time of his Attendance, to the County Court of the County where he resides, shall have and receive Eight Shillings for every Day he shall travel and attend as aforesaid, and an Allowance for Ferriage, if certified as aforesaid, to be paid out of the County Tax.

X. And be it further Enacted, by the Authority aforesaid, That in all Suits in the Superior and County Courts within this State, wherein the Title or Bounds of Lands shall come in Question, if it shall appear to the Court necessary, such Court may order Two Surveyors, one to be named by each Party, to attend, and run out and survey the Lands in Dispute, agreeable to the Bounds and Lines expressed in each Parties Titles, and make Three accurate Plans of such Surveys, and return the same to such Court; which Order such Surveyors are hereby required to obey, and shall be allowed Twenty Shillings each for every Day they shall be travelling to and from attending the Surveys, and performing the Duty by this Act required; which Allowance shall be taxed in the Bill of Costs, and paid by the Party cast.

XI. Provided nevertheless, if the Parties shall agree to have but One Surveyor appointed to perform such Services, that then, and in such Cases, the Court shall order one Surveyor only to attend, survey, and run out the
Lands in Dispute, who shall return Three Plans in the same Manner, and be intitled to the same Allowance, as he would have been intitled to if Two Surveyors had been appointed.

XII. And be it Enacted, by the Authority aforesaid, That the Justices of the County Courts shall at the Sessions of their respective Courts, nominate Thirty Freeholders to serve as Grand and Petit Jurors at the next ensuing Court of the County and a List thereof shall by the Clerk be delivered to the Sheriff of such County, who is hereby required to summon the Persons therein named to attend as Jurymen at such Courts respectively, at least Five Days before the Sitting of such Court, which said Jury 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 County Court, for the Sheriff, by Order of the said Court, to summon of the By-standers other Jurors, being Freeholders, to serve on the Petit Jury from Day to Day; and on any Day of the said Court, the Justices may discharge those who have served the preceding Day.

XIII. And to enforce the Attendance of Jurymen at the said County Courts, Be it Enacted, by the Authority aforesaid, That every Person who shall hereafter be summoned in Virtue of this Act to appear as Jurymen at any County Court, such Person so failing to appear, or to give his Attendance till discharged by Order of the Court, shall be fined Three Pounds by the Justices of the County 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.

XIV. And be it further Enacted, by the Authority aforesaid, That no Sheriff, or other Officer, shall serve or execute any Writ, or other Process, on the Body of any Juror, during his Attendance on, going to, and returning from any of the said Superior or County Courts; any such Service shall be void, and the Defendant may on Motion be discharged.

XV. And be it further Enacted, by the Authority aforesaid, That the Judges of the Superior Court shall direct the Names of all the Jurors returned from the Counties of the District where such Court shall be held, to be wrote on Scrolls of Paper, which Scrolls of Paper shall be put into a Box, and drawn out by a Boy under Ten Years of Age, and the first Eighteen drawn shall be a Grand Jury for the said Court, and the Residue of the Names in the Box shall be the Names of those who shall serve as a Petit Juror for the said Court.

CHAPTER VI.

An Act to amend an Act for declaring what Crimes and Practices against the State shall be Treason, and what shall be Misprision of Treason, and providing Punishments adequate to Crimes of both Classes, and for preventing the Dangers which may arise from Persons disaffected to the 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 all and every Person or Persons (Prisoners of War excepted) now inhabiting or residing within the Limits of the State of North Carolina, or who shall voluntarily come into the same hereafter to inhabit or reside, do owe and shall pay Allegiance to the State of North Carolina.

II. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons belonging to, or residing within this State, and under
the Protection of its Laws, shall take a Commission or Commissions from the
King of Great Britain; or any under his Authority, or other the Enemies of
this State, or the United States of America, or shall levy War against this
State, or the Government thereof, or knowingly and willfully shall aid or
assist any Enemies at open War against this State, or the United States of
America, by joining their Armies, or by enlisting, or procuring or persuad-
ing others to enlist for that Purpose, or by furnishing such Enemies with
Arms, Ammunition, Provision, or any other Article for their Aid or Com-
fort, or shall form, or be in any wise concerned in forming, any Combi-
nation, Plot or Conspiracy, for betraying this State, or the United States of
America, into the Hands or Power of any Foreign Enemy, or shall give
any Intelligence to the Enemies of this State for that Purpose, every Person
so offending, and being thereof legally convicted by the Evidence of Two
sufficient Witnesses, or standing mute, or peremptorily challenging more
than Thirty Five Jurors, in any Court of Oyer and Terminer, or other Court
that shall and may be established for the Trial of such Offences, shall be
adjudged guilty of High Treason, and shall suffer Death without the Benefit
of Clergy, and his or her Estate shall be forfeited to the State. Provided,
That the Judge or Judges of the Court wherein such Conviction may be,
shall and may order and appropriate so much of the Traitor's Estate as to
him or them may appear sufficient for the Support of his or her Family.

III. And be it further Enacted, by the Authority aforesaid, That if any
Person or Persons within this State shall attempt to convey intelligence
to the Enemies of this State, or of the United States, or shall Publicly
and deliberately speak or write against the Public Defence, or shall malic-
siously and advisedly endeavour to excite the People to resist the Govern-
ment of this State, or persuade them to return to a Dependence on the Crown
of Great Britain, or shall knowingly spread false and disparaging News, or
maliciously and advisedly terrify and discourage the People from enlisting
into the Service of this State, or the United States, or shall stir up or excite
Tumults, Disorders, or Insurrections in the State, or dispose the People to
favor the Enemy, or oppose, or endeavour to prevent the Measures carry-
ning on in Support of the Election of the Freedom and Independence of the said
United States, every such Person or Persons, being thereof legally convict-
ed by the Evidence of Two or more creditable Witnesses, or other sufficient
Testimony, shall be adjudged guilty of Misprison of Treason, and shall suffer
Imprisonment during the War, and forfeit to the State one Half of his, her,
or their Lands, Tenements, Goods and Chattels.

IV. And be it further Enacted, by the Authority aforesaid, That all Off-
cences by this Act declared Misprison of Treason, shall be cognizable be-
fore any Justice of the Peace of the County where the Offence was com-
mitted, or where the Offender can be found; and every Justice of the Peace
within this State, on Complaint to him made on the Oath or Affirmation
of one or more creditable Person or Persons, shall cause such Offender to
come before him, and enter into a Recognizance, with one or more sufficient
Surety or Sureties, to be and appear at the next Superior Court of the District
wherein the Offence was committed, and abide the Judgment of the said
Court, and in the mean Time to be of the Peace and good Behaviour to all
People within the State; and for want of such Surety or Sureties, the said
Justice shall and may commit such Offender either to the Gaol of the County
or District where the Offence was committed, and appoint a Guard for the
safe conveying him to such Gaol; and all Persons charged on Oath or Affirm-
ation with any Crime or Crimes by this Act declared to be Treason against
the State, shall be dealt with, and proceeded against, in like Manner as the Law directs in Respect of other Capital Crimes.

V. And whereas the safety of the State, and the present critical Situation of Affairs, make it necessary that all Persons who owe or acknowledge Allegiance or Obedience to the King of Great Britain should be removed out of the State; Be it Enacted, by the Authority aforesaid, That all the late Officers of the King of Great Britain, and all Persons (Quakers excepted) being Subjects of this State, and now living therein, or who shall hereafter come to live therein, who have traded immediately to Great Britain or Ireland within Ten Years last past, in their own Right, or acted as Factors, Storekeepers or Agents, here or in any of the United States of America or Ireland, shall take the following Oath of Abjuration or Allegiance, or depart out of the State, viz.

I will bear faithful and true Allegiance to the State of North Carolina, and will truly endeavour to support, maintain, and defend the independent Government thereof, against George the Third, King of Great Britain, and his Successors, and the Attempts of any other Person, Prince, Power, State or Potentate, who by secret Arts, Treasons, Conspiracies, or by open Force, shall attempt to subvert the same, and will in every Respect conduct myself as a peaceful orderly Subject; and that I will disclose and make known to the Governor, some Member of the Council of State, or some Justice of the Superior Courts or of the Peace, all Treasons, Conspiracies, and Attempts, committed or intended against the State, which shall come to my knowledge.

And that all Persons being Quakers, Moravians, Menonists, and Dunkards, and under the Circumstances above mentioned, shall make the following Affirmation, or depart the State:

I, A. B., do solemnly and sincerely declare and affirm, that I will bear true Fidelity to the independent State of North Carolina, and to the Powers and Authorities which are or may be established for the good Government thereof; and I do renounce any Fidelity to the present King of Great Britain, His Heirs and Successors; and that I will disclose and make known to the Governor, some Member of the Council of State, Judge of the Superior Court, or Justice of the Peace, all Treasons, Conspiracies, or Attempts, committed or intended against the same, which shall come to my Knowledge.

And the said Oath or Affirmation shall be taken and subscribed in open Court, in the County where the Person or Persons taking the same shall or do usually reside.

VI. And be it further Enacted, by the Authority aforesaid, That the County Courts in each and every County, and every Justice of the Peace in each respective County, shall have full Power to issue Citations against Persons coming within the above Description, as Officers, Merchants, Traders, Factors, Storekeepers, or Agents, and to demand Surety on Recognizance if necessary, and to require their Attendance at the next ensuing Court to be held for the County: And if any Person so cited (due proof being made thereof), shall fail or neglect to attend, or attending shall refuse to take the said Oath or Affirmation (as the Case may be) then the said Court shall and may have full Power and Authority to order such Person to depart out of this State, to Europe or the West Indies, within Sixty Days, and may take Bond and Security, in the Name of the Governor, for the Benefit of the State, for faithful Compliance with such Order; and if any Person so ordered shall fail or neglect to depart within the limited Time such Bond shall be forfeited to the State, without good and sufficient Reasons shown to, and approved of by the Governor and Council; and the Justices, or any of them, in the County wherein the Person so failing or neglecting to depart shall be
found, shall and may cause him to be apprehended and brought before the Court of the County where the Order was made; and the said Court shall in such Case send the Person so offending as speedily as may be out of the State, either to Europe or the West Indies, at the Cost and Charges of such Offender, and to this End shall and may direct the Clerk of the Court to issue an Order or Orders to any Sheriff in the State to seize and sell so much of the Goods and Chattels, Lands and Tenements, of such Person within his Bailiwick, as may be judged necessary by said Court to defray such Costs and Charges, together with the Costs and Charges of apprehending and confining such Person until he shall be sent out of the State; and the Sheriff to whom such Order of Court shall be directed, is hereby required to obey the same, and to execute proper Conveyances, and to return the Money arising by any Sale made by Virtue of such Order, after deducting his Fees and Commissions as in other Cases, to the next County Court of the County from whence such Order issued, under the Penalty of Five Hundred Pounds current Money; to be recovered by Action of Debt, in any Court having Cognizance thereof, one Half for the Use of the State, the other Half to the Person that shall sue for the same; and if any Surplus shall remain after paying all Costs and Charges for apprehending, confining, and sending such Person out of the State, then the County Court shall cause such Surplus to be paid the Owner. Provided nevertheless, That all and every such Person and Persons shall have Liberty to sell and dispose of his or their Estates, and after satisfying all just Demands, to export the Amount in Produce (Provisions and Naval Stores excepted) and may also nominate and appoint an Attorney or Attorneys to sell and dispose of his or their Estates, for his or their Use and Benefit; but in Case any real Estate belonging to any such Person shall remain unsold for more than Three Months next after the Owner thereof hath departed this State, the same shall be forfeited to and for the Use of the Public.

VII. And be it further Enacted, That if any Person so departing, or sent off from this State, shall return to the same, then such Persons shall be adjudged guilty of Treason against the State, and shall and may be proceeded against in like Manner as is herein directed in Cases of Treason.

VIII. And whereas among other Things it was enacted in an Act, intituled, An Act for declaring what Crimes and Practices against the State shall be Treason and what shall be Misprison of Treason, and Providing Punishments adequate to Crimes of both Classes, and for preventing the Dangers which may arise from Persons disaffected to the State, that each and every Justice in each respective County may cite any Person or Persons to appear before the County Court where such person or persons usually reside, and take the aforesaid Oath or Affirmation; and in Case of non-Attendance or Refusal, the said Court shall and may have full Power to compel such Person or Persons to leave the State, under the same Regulations herein mentioned in other Cases. And as some Scruples have arisen with Respect to the Manner by Law required for the Service of such Citations, and as by many it has been held that a Service upon the Person of him intended to be cited was necessary, before his Attendance in Court could be legally compelled, as many suspected Persons, by continual Absence from their Place of Abode, or frequently removing from thence, have rendered the Service of such personal Citations difficult, and in some Cases impracticable, whereby they evade the Intentions of the said Act, and cannot be obliged to take the said Oath prescribed, nor be made subject to the Penalties ordained for neglecting or refusing the same: And whereas there is great Reason to believe that there are divers persons whose Intentions are inimical to the State, who would
in Case of Invasion by our Enemies, or the Expectation of Immediate Support of them, carry such Intentions into Practice, but who artfully in their open Demeanor and Deportment betray no such Design, whereby from not incurring particular Suspicion, they have escaped being cited; and as it becomes the Duty of every Member of Society to give proper Assurance of fidelity to the Government from which he enjoys Protection, and by their Refusal so to do, the Voice of Reason and Justice, confirmed by the Practice of all Nations, proclaim that they should no longer enjoy the Privileges of Freemens of the said State; and as the Penalties ordained by the said Act have been in a great Measure evaded by the Difficulty or Impossibility of procuring Vessels to transport all such Recusants beyond Sea, or from their being unable to pay the Expense of the Voyage, by which Means such Persons still remain within this State, without suffering the Penalties they have justly deserved; Be it further Enacted, by the Authority aforesaid, That the County Court of each respective County which shall sit after the last Day of February, shall divide the County into several Districts, in each of which shall reside one or more Justices of the Peace, which said Justices within their respective Districts are hereby enjoined and required to administer such Oath of Allegiance or Affirmation, as the Case may be, to all free Male Persons above Sixteen Years of Age (Persons non compos Mente, Prisoners of War, only excepted) and such Justice or Justices in their respective Districts so allotted to him or them, shall immediately after the Sitting of the said Court, in different Parts of the said County, one of which shall be the Court-House of the same, and also upon the Church, if any there be, post and publish a Notice in Writing of the Places and Times when and where he or they will attend within their respective Districts to administer such Oath or Affirmation; and all such Persons who are inhabitants of the said Districts respectively (and it is declared that a Residence of one Week shall in this instance constitute any Person an Inhabitant, seafaring Persons and foreign Traders excepted) being above the Age of Sixteen Years, and of sound Mind, shall at such Time attend upon such Justice of the Peace, and take the Oath or Affirmation required, as the case may be, and subscribe the same in a Book which such Justice or Justices shall keep for that Purpose, or in Case of such Juror or Affirmant not being able to write, the Justice shall write such Juror or Affirmant's Name, which Book or List shall at the next succeeding Court be returned to the said Court, together with the Names of those within his or their respective District refusing or neglecting the same; and if any Person (such only as are by this Act excepted) shall fail to attend, or attending at such Time and Place as he shall have been warned by such public Notice, shall refuse to take the Oath, or make such Affirmation, as the Case may be, except as excused by Sickness or unavoidable Necessity, or other sufficient Reason, to be adjudged of by the next County Court, the Party offering such Excuse proffering at the same Time to take such Oath or Affirmation, as the Case may be, which in this Case such County Court are directed to administer, such Person or Persons so offering, shall be ordered by the said County Court next after such Failure or Neglect, to take the said Oath, or quit the State, and depart to the West Indies or Europe in Sixty Days; and if he or they shall fail so to do, and shall at the Expiration of such Term be found within this State, then the County Court shall and may, at their Discretion, either exercise the same Power and Authority with Respect to such Person or Persons, In Order to compel his or their Departure out of the State, as is herein before provided, with Regard to the late Officers of the King of Great Britain, and Persons who have traded to Great Britain or Ireland within Ten Years last
past, or been concerned for, or employed by Persons trading thereto, within the Time aforesaid, or permit him to remain within the State.

IX. And be it further Enacted, by the Authority aforesaid, That all Persons falling or refusing to take the Oath of Allegiance, and permitted by the County Courts, as immediately aforesaid, to remain in the State, shall be adjudged incapable and disabled in Law to have, occupy or enjoy, any Office, Appointment, Licence, or Election of Trust or Profit, civil or Military, within this State, and shall not be capable of being elected to, or aiding by their Votes to elect another to be a Member of Assembly, and shall not by themselves, or by Deputy, Attorney or Trustee, execute any such Office, Trust or Appointment, and shall be disabled to prosecute any Suit at Law or Equity, or to be Guardians, Executors or Administrators, or capable of any Legacy, or Deed of Gift of Lands, and shall be disabled from taking any Lands by Descent or Purchase, or conveying Lands to others for any Term longer than for one year, and shall not keep Guns or other Arms within his or their house, but the same may be seized by a written Order of a Justice of the County in which he or they reside; and after the Expiration of the said Sixty Days, he or they shall not be permitted to depart this State without Permission first had and obtained from the Governor and Council; and in Case of being suffered to depart, shall give Bond and sufficient Security, if such shall be required, not to be aiding to the Enemies of this State during his or their Absence; and in Case of their Departure without such Permission had, he or they shall forfeit all their Goods and Chattels, Lands and Tenements, to the Use of the State. Provided nevertheless, That all and every Person who has already taken the Oath, or made the Affirmation prescribed, before any Authority competent by Law to receive the same, upon his producing a Certificate of the same to the Justice or Justices appointed to administer the said Oath or Affirmation in their respective District where he resides, shall be held and deemed a good Subject of the State, and shall enjoy the Privileges thereof, as if he had made such Oath or Affirmation in Manner as by this Law directed.

X. And be it further Enacted, by the Authority aforesaid, That if any Person who has been banished this State for not having taken the Oath of Allegiance, or made the Affirmation agreeable to the aforesaid Act, passed the last Session of Assembly, shall return hither, or who may be banished in Consequence of this Act, then such Persons shall be held and deemed guilty of Treason against the State, and shall and may be dealt with in like Manner as is herein directed in Cases of Treason.

XI. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes.

XII. And be it further Enacted, by the Authority aforesaid, That this Act shall be published in all the Newspapers of this State, as soon as the same shall have obtained the Sanction of both Houses of Assembly.

CHAPTER VII.

An Act for making Provision for the Poor, 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 the Freemen in each and every County in the State shall meet on Easter Monday next after the passing of this Act, at the Court-House, or Place where the County
Court is commonly held, and on the same Day, and at the same Place, in every three years thereafter, then and there to elect seven Freeholders to serve as Overseers of the Poor; and the Sheriff, or his Deputy, is hereby directed to set up an Advertisement at the Place of Election in each County appointing a Day for the Meeting of the Overseers so elected, which Day shall not be less than Ten, and not more than Thirty Days after the Election; and the said Sheriff, or his Deputy, shall also summon each and every Overseer to meet on the Day so appointed at the Court-House, or usual Place of holding Court in each respective County, to be qualified according to the Directions of this Act; and if the Sheriff shall fail to appoint and advertise a Day of Meeting as aforesaid, or shall fail to summon each and every Overseer in his County to attend on such Day, such Sheriff shall forfeit and pay the Sum of Ten Pounds for the Default first mentioned, and the Sum of Five Pounds for every Overseer not summoned as aforesaid, to be levied and applied as herein after directed; and the Sheriff shall be paid by the County the Sum of Two Shillings and Eight Pence, for every Overseer he shall summon.

II. And be it Enacted, by the Authority aforesaid, That the Sheriff in each respective County shall advertise at the Court-House, and other public Places, the Day of holding the Election of Overseers of the Poor, at least Ten Days before such Election, under the Penalty of Ten Pounds for Neglect; and the Elections of such Overseers shall be held and conducted in the same manner, and under the same Regulations, as Elections of Members of the House of Commons.

III. And be it further Enacted, by the Authority aforesaid, That the Overseers of the Poor so elected, shall at the first Meeting next after such Election take before some Magistrate the Oath by Law appointed to be taken by public Officers, and shall repeat and subscribe the following Oath in a Book to be by them kept for that Purpose, to wit,

I, A. B. do swear, that I will honestly and faithfully discharge my Office as Overseer of the Poor to the best of Skill and Ability, according to Law.

And every Overseer so elected and qualified, shall be deemed and taken to be an Overseer of the Poor in the County for which he was elected for Three Years.

IV. And be it further Enacted, by the Authority aforesaid, That every Person elected an Overseer of the Poor according to this Act, who shall refuse or neglect to qualify as aforesaid, shall forfeit and pay Five Pounds, to be recovered by the Wardens before any Magistrate, and applied to the Use of the Poor; and the other Persons chosen and qualified as aforesaid, shall elect one or more Freeholder or Freeholders, instead of him or them so refusing or neglecting; and such Person or Persons so chosen shall, after being qualified in Manner aforesaid, be held to be a legal Overseer of the Poor, to all Intents and Purposes.

V. And be it further Enacted, by the Authority aforesaid, That the Overseers in each respective County, or a Majority of them, shall at their first Meeting elect Two of their Members to execute the Office of County Wardens for one Year; and if the Persons so elected shall refuse to execute the Office of County Wardens, he or they shall forfeit and pay the Sum of Twenty Pounds, to be recovered and applied as herein after directed; and in such Case, and also in Case of the Death of any County Warden, or Expiration of the Term of Appointment, or Removal out of the County, the said Overseers may proceed to elect another Warden, in the same Manner as in the first Instance. Provided, That no Person shall be obliged to serve as County Warden more than One Year in Three succeeding Years. Provided
also, That no Member of the Council of State, or Member of the General Assembly, shall be compelled to serve in the Office of County Warden, anything herein contained to the contrary notwithstanding.

VI. And be it further Enacted, by the Authority aforesaid, That the County Wardens of every County shall purchase, at the Expense of the same, well bound Books, for keeping a Journal and Minute of the Proceedings of the Overseers of the Poor, 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 by them on Account of the County; and the County Wardens in every County shall, upon the Expiration of their Wardenship, order and direct the Clerk of the Overseers of the Poor in their County to make a fair Copy of such Accounts, and set up the same in the Court House of the County on some Day of the Court next after the Expiration of their Wardenship, there to continue for Inspection during the Sitting of the Court; and the County Wardens and Clerks who shall fail or neglect so to do, shall forfeit the Sum of Ten Pounds, to be recovered by Action of Debt or Information, in any Inferior Court of Pleas and Quarter Sessions, by any Person suing for the same.

VII. And be it further Enacted, by the Authority aforesaid, That the County Wardens, or either of them, or if they shall refuse or neglect, any Three of the Overseers of the Poor in each County, shall have Power to call a Meeting or Court of Overseers when necessary, by Summons under his or their Hand or Hands, directed to the Sheriff or Constables of the County, who are hereby directed to execute the same, under the Penalty of Forty Shillings for every Overseer in such Summons named whom he or they shall fail to summon; and every Overseer so summoned, and refusing or neglecting to attend, shall forfeit and pay the Sum of Forty Shillings, unless such Sheriff, Constables, or Overseer, shall shew sufficient Cause for the Omission to the next succeeding Meeting or Court of Overseers, which Penalties shall be recovered and applied as herein after directed.

VIII. And be it further Enacted, by the Authority aforesaid, That every Agreement and Order by the Vestry of any Parish heretofore entered into or made, for making Provision for a Minister to serve the Cure of the Parish, for supporting the Poor, or defraying the contingent Charges thereof, shall be, and is hereby declared good and available against the Overseers of the Poor in the County wherein such Parish shall be. Provided, That no Minister shall be authorised by any Thing herein contained to claim Salary for Services performed since the Eighteenth Day of December, One Thousand Seven Hundred and Seventy Six.

IX. And be it Enacted, by the Authority aforesaid, That when any Overseer of the Poor shall die or remove out of the County for which he was elected, the remaining Overseers of the Poor, or a Majority of them, shall elect another in his stead; and the Person so elected, being duly qualified, shall have the same Authority as other Overseers of the Poor.

X. And be it further Enacted, That the Meeting or Court of Overseers in every County in this State shall hereafter be held at the Court-House, or usual Place of holding the Court of the County; and that the said Overseers, or a Majority of them, in each County, at their first Meeting respectively, shall appoint some Person of Skill and Probity to officiate as Clerk, but such Person shall not be one of their own Body.

XI. And for Payment of any Arrears now due in any Parish in this State to Ministers or others, for Services heretofore performed; Be it Enacted, by the Authority aforesaid, That the said Overseers, or a Majority of them.
in each County respectively, shall and may at their first Meeting, or within Thirty Days after, lay a Tax, not exceeding One Shilling for every Hundred Pounds Value of all taxable Property, agreeable to the Act for levying a Tax by general Assessment, within such a Parish, and a Poll Tax, not exceeding One Shilling, on all Persons within such Parish not having Estates of the Value of One Hundred Pounds, for the Purpose of paying the Arrears aforesaid; and if the said Overseers of the Poor in any County shall refuse or neglect to lay a sufficient Tax as aforesaid, for the Purposes above mentioned, such Overseers so neglecting or refusing shall be liable to the Action of the Party or Parties aggrieved, his, her, or their Executors or Administrators, for all Damages which he, she, or they, shall or may sustain thereby.

XII. And be it Enacted, by the Authority aforesaid, That the Clerk of each County Court shall furnish the Wardens of his County with a true Copy of all the Inventories of taxable Property returned to the Court whereof he is Clerk within Five Months after the passing of this Act, and the Clerk of each and every County Court to which such Inventories have not been herefore returned, shall furnish the Wardens of his County with a true Copy of such Inventories within Ninety Days after the Court to which such Inventories at any Time hereafter shall be returned, under the Penalty of Twenty Pounds for Neglect; and each and every Clerk shall be allowed the Sum of Forty Shillings for that Service, to be paid by the County Wardens out of the Money arising by that Tax.

XIII. And whereas in some late Parishes Taxes have been laid for the contingent Charges of the same, and the Sheriffs or Collectors who have received the said Taxes have not accounted, and in other Parishes the said Taxes have not been collected; Be it Enacted, by the Authority aforesaid, That the County Wardens in their respective Counties shall have the same Power and Authorities, and may proceed in the same Manner against such Sheriffs or Collectors, as the Churchwardens might heretofore have had or done; and the Overseers of the Poor, or a Majority of them, in their respective Counties, shall and may appoint a Collector or Collectors to collect and receive such Taxes as remain due and uncollected, taking Bond for faithful Compliance; and such Collectors shall have the same Powers, Authorities, and Emoluments, as other Tax Gatherers in this State; and the Money arising from such Collections shall be paid by the said Sheriffs or Collectors to the County Wardens, and applied to the Discharge of Arrears due from the Parishes wherein the same was collected.

XIV. And for making Provision for the Poor in the future, and for Payment of Expenses incident thereto; Be it Enacted, by the Authority aforesaid, That the Overseers of the Poor, in their respective Counties, shall have full Power and Authority, and are hereby directed and required, at their first Meeting after being duly elected, or within Thirty Days after such Meeting, to lay a Tax, not exceeding Six Pence for every Hundred Pounds Value for all taxable Property, agreeable to the Act for levying a Tax by general Assessment, and a Poll Tax, not exceeding Six Pence on all Persons not having Estates of the Value of One Hundred Pounds, within their Counties respectively, for the Purposes aforesaid; and therefore shall and may annually, at their first Meeting after the County Courts of their respective Counties to which the Inventories of taxable Property in this State shall be returnable, lay a Tax, not exceeding Six Pence for every Hundred Pounds Value of all taxable Property within their Counties respectively, and a Poll Tax, not exceeding Six Pence on all Persons not having Estates of the Value of One Hundred Pounds, for the like Purposes; and if the Overseers of the Poor in any county shall neglect or refuse to lay a sufficient tax for the Pur-
poses above mentioned, such Overseers shall in such Case be liable to the
Action of the Parties aggrieved, his, her, or their Executors or Administrators,
for all Damages which he, she, or they shall sustain thereby.

XV. And for collecting of all Taxes intended to be laid by Way of Assessment
on Property under this Act, Be it further Enacted, by the Authority aforesaid, That the Overseers of the Poor in each County shall and may
appoint Collectors to receive the same, and may take Bonds, with sufficient
Securities, of such Collectors, to the Wardens of the County, for duly collect-
ing such Taxes, and paying the same to the Overseers of the Poor for the Purposes Intended; and upon the Death, Refusal to act, or Removal out of
the County of such Collectors, or any of them, may appoint another or other
Collectors, in like manner as at first; and Collectors so appointed shall have
the same Powers, Authorities, and Emoluments, as the Collectors of the
Public Tax.

XVI. And be it Enacted, by the Authority aforesaid, That if any Collector
of Taxes imposed by Virtue of this Act, shall neglect or refuse to account
for and pay the same, or so much thereof as he shall be chargeable with,
after deducting his Commissions, it shall and may be lawful for the Inferior
Court of the County wherein such Collector shall live, either before or at
any Time after the Expiration of his said Office, on Motion of the County
Wardens, to give Judgment against such Collector for all the Money where-
with he shall or may be chargeable to his County, with Costs, and thereupon
to award Execution against the Goods and Chattels, Lands and Tenements,
of such Collector. Provided, That he have Ten Days previous Notice of such
Motion.

XVII. And be it further Enacted, by the Authority aforesaid, That the Parish
Taxes herein before mentioned, and the Tax directed to be laid for the
Payment of Arrears due in any Parish to Ministers or others, for Services
heretofore performed, shall be collected and accounted for by the Sheriffs
or Collectors on or before the First Day of next September; and that the Tax directed to be laid at the first Meeting of the Overseers of the Poor in each County, or within Ten Days after, for making Provision for the Poor in future, and for Payment of Expences incident thereto, shall be collected and accounted for on or before the First Day of March, One Thousand
Seven Hundred and Seventy Eight, and so annually on or before the same
Day.

XVIII. And be it further Enacted, That the Overseers of the Poor, or a
Majority of them, in their respective Counties, shall have the same Powers
and Authorities as Vestries heretofore had in their Parishes in every Res-
pect, the Power of Inducting Ministers, and of laying or applying any future
Tax for Religious Purposes, only excepted.

XIX. 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 re-
covered with Costs, before any Jurisdiction having Cognizance thereof; one
Half to the Use of the Informer, the other Half to the County Wardens, for the
Use of the Poor of the County wherein such Penalties shall be incurred.

XX. And be it Enacted, by the Authority aforesaid, That the Sheriff in
each County shall advertise the Election of Overseers of the Poor at least
Ten Days before such Election, at the Court House, and other public Places;
and every Sheriff failing so to do, shall forfeit and pay Twenty Pounds; to
be recovered with Costs, in any Court having Cognizance thereof, by Action
of Debt, One Half to the County Wardens, for the Use of the Poor of the
County, the other Half to the Person or Persons who shall sue for the same.
XXI. And be it Enacted, by the Authority aforesaid, That if it shall happen, from Badness of Weather, or any other unavoidable Hindrance, that an Election of Overseers of the Poor in any County shall not be held on the Day by this Act appointed for that Purpose, that in such Case the Sheriff shall appoint a time, not less than Ten, nor exceeding Twenty Days thereafter, for electing Overseers of the Poor in such County, and shall summon the Inhabitants having a Right to vote for Members of the House of Commons to attend, and elect in Manner herein before directed; and every such Election shall be as good and valid, as if the same had been made on the Day by this Act directed.

XXII. And for determining all disputes concerning what shall be accounted a legal Settlement, whereby any Person may be intitled to be provided for at the Parish Charge; It is hereby Enacted and Declared, That no Person shall be accounted an Inhabitant, so as to have gained a legal Settlement in any Parish, until such Person shall have been actually resident in such County one whole Year.

XXIII. And be it further Enacted, by the Authority aforesaid, That upon Complaint made by the County Wardens of any County, before a Justice of the Peace, that any poor Person or Persons are come into their County, and likely to become chargeable thereto, it shall be lawful for such Justice, by Warrant under his Hand, to cause such poor Persons to be removed to the County where he or she was legally last settled; but if such poor Person be sick or disabled, and cannot be removed without Danger of Life, the County Wardens shall provide for his or her Maintenance and Cure at the Charge of the Parish, and after Recovery, shall cause him or her to be so removed; and the County wherein he or she was last legally settled shall repay all Charges occasioned by the Sickness, Maintenance, and Cure, of such poor Person, and also all Charges and Expences, if such Person shall die before Removal; and if the County Wardens of the County to which such poor Person belongs, shall refuse to receive and provide for the Person or Persons removed by Warrant as aforesaid, every County Warden so refusing shall forfeit and pay Twenty Pounds, one Half to the Use of the County from whence the Removal was, and the other Half to the Informer; to be recovered by Action of Debt or Information, in the County Court where the Information was made, with Costs of Suit; and if the Wardens of the County where such poor Person was legally settled shall refuse to pay and satisfy all the Charges and Expenses aforesaid, in such Case the Wardens of the County refusing shall be liable for the same, to be recovered with Costs, in the County Court as aforesaid; and if any Housekeeper shall entertain such poor Person, and shall not give Notice thereof to the County Wardens of the County, or one of them, within One Month, he or she so offending shall forfeit and pay the Sum of Five Pounds; to be recovered with Costs, by the County Wardens, for the Use of the County, by Action of Debt or Information, in any County Court.

CHAPTER VIII.

An Act for appointing Sheriffs, and directing their Duty in Office, and for obliging the late Sheriffs and Collectors of Public Monies who are in Arrear, to account for and pay the same, and 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 every County Court shall annually, at the first Court after the first Day of May, elect and
nominate a Freeholder of sufficient Circumstance to execute the Office of Sheriff, who shall thereupon be commissioned by the Governor or Commander in Chief to execute that Office for one Year; and if any Sheriff so nominated shall happen to die in the Time of his Sheriffalty, the Court shall at the next Term elect and nominate another as aforesaid.

II. And be it Enacted, by the Authority aforesaid, That no Sheriff shall be compellable to serve more than one Year, and until the next succeeding Term of his County Court, after Expiration thereof; and every Person accepting the Office of Sheriff shall, before his executing the same, in his County Court take the Oath appointed for the Qualification of Public Officers, and also the following Oath, to-wit,

I, A. B., do solemnly swear, that I will execute the Office of Sheriff of County to the best of my Knowledge and Ability, agreeable to Law; and that I will not take, accept or receive, directly or indirectly, any Fee, Gift, Bribe, Gratuity, or Reward whatsoever, for returning any Man to serve as a Juror, or for making any false Return on any Process to me directed. And I also swear, that I have not given any Fee, Gift, Gratuity, or Reward, or other Thing whatsoever, to any Person or Persons, for his or their Vote or Interest to procure me to be nominated to the said Office; nor will I hereafter give to any Person or Persons such Fee, Gift, Gratuity, or Reward, for having procured, or contributed to procure me to be nominated thereto. SO HELP ME GOD.

And such Sheriff shall also enter into Bond, before the Justices of his County Court, with Two or more good and sufficient Securities, in the Penalty of Five Thousand Pounds, payable to the Governor and his Successors, with Condition in Form following, that is to say,

The Condition of the above Obligation is such, that whereas the above bounden is constituted and appointed Sheriff of County, by a Commission from the Governor, under the Seal of the State, dated the Day of last past; if therefore the said shall well and truly execute and due Return make of Process and Precepts to him directed, and pay and satisfy all Fees and Sums of Money by him received or levied by Virtue of any Process into the proper Office, by which the same by the Tenor thereof ought to be paid, or to the Person or Persons to whom the same shall be due, his, her, or their Executors, Administrators, Attorneys or Agents, and in all other Things well, truly and faithfully, execute the said Office of Sheriff, during his Continuance therein, then the above Obligation to be void, otherwise to remain in full Force and Effect.

Which said Bond every County Court is hereby required and empowered to demand and take, and cause to be acknowledged before them in open Court, and recorded; and upon a Breach of the Condition of such Bond, the same shall be assigned by the Governor to the Party or Parties injured, who may maintain an Action thereon, in his or their Name; and no such Bond shall become void upon the first Recovery, or if Judgment shall be given for the Defendant, but may be put in Suit and prosecuted from Time to Time, until the whole Penalty shall be recovered.

III. And be it further Enacted, by the Authority aforesaid, That every Sheriff who shall be in Office on the first day of January next, shall at the first Court to be held for his County thereafter, enter into Bond with Security, as is directed for Persons accepting the Office of Sheriff; and if any Person who shall hereafter be appointed Sheriff by Virtue of this Act, shall refuse to accept and execute the Office of Sheriff, he shall forfeit and pay the Sum of Fifty Pounds lawful Money of this State, to the Use of the Public; to be recovered in the Name of the Governor, by Action of Debt, in any
Court having cognizance thereof. Provided always, That if any Person who shall hereafter be nominated or appointed to execute the Office of Sheriff of any County in this State, shall be willing to execute the same, but cannot give Security as by this Act is required, and shall make Oath in the County Court that he hath used his best Endeavours, without Fraud or Collusion, to get such Securities, that then such Person shall not incur the Penalty aforesaid, any Thing herein contained to the contrary notwithstanding.

IV. Provided further, and be it Enacted, by the Authority aforesaid, That no Member of the General Assembly, or Council of State, shall be nominated or commissioned, nor shall any practising Attorney be obliged to act as Sheriff of any County within this State.

V. And be it further Enacted, by the Authority aforesaid, 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, under the Penalty of forfeiting Fifty Pounds lawful Money of this State for each Neglect, where such Process shall be delivered to him Twenty Days before the Sitting of the Court to which the same is returnable, to be paid to the Party grieved by Order of such Court, upon Motion and Proof of such Delivery, unless such Sheriff can shew sufficient Cause to the Court at the next succeeding Court after such Order; and for every false Return the Sheriff shall forfeit and pay Fifty Pounds, one Moity thereof to the Party grieved, and the other Moity to him or them that will sue for the same; to be recovered with Costs, by Action of Debt, Bill or Plaint, in any Court of Record, and moreover be further liable to the Action of the Party grieved for Damages; and no Sheriff shall return upon any Writ that the Defendant is not to be found within his Bailiwick, unless such Sheriff shall have actually been at the House or Place of Abode of such Defendant; and where any Defendant shall be a known Inhabitant of any other County than that of the Sheriff to whom such Process shall be directed; the Sheriff shall return the Truth of the Case, and thereupon an Alias shall issue, directed to the Sheriff where such Defendant resides, if the original Process shall issue from a Superior Court, and Variance of the Addition of the Place of Abode of the Defendant shall not be deemed Error, or Matter of Abatement: And in case at any Time there shall be no Person properly qualified to act as Sheriff in any County in this State, that then it shall and may be lawful for the Coroner of such County, and he is hereby required to execute all Process within the same, until some Person shall be appointed, and properly qualified, to act as Sheriff in said County; and such Coroner shall be under the same Rules and Regulations, and subject to the same Fines and Forfeitures, as Sheriffs are by Law, in Relation to the executing and returning of any Process to them directed.

VI. Provided always, That it shall not be lawful for any Sheriff, or other Officer, to execute any Writ or other Process upon a Sunday, or upon any Person attending his Duty at a Muster of the Militia, or any Election of Burgess or Burgessesses, or Overseers of the Poor, or County Wardens, or any Person summoned to attend as an Evidence or a Jury; and all such Services of Process is hereby declared illegal and void, unless the same be issued against any Person or Persons for Treason, Felony, Riot, Robesons, Breach of the Peace, or upon an Escape out of Prison or Custody, and such Process shall and may be executed at any Time or Place.

VII. And be it further Enacted, by the Authority aforesaid, That from and after the first Court which shall happen after the First Day of January next, each and every Sheriff within this State shall, on levying any Execution
for any Debt, Damages or Costs, make out, if required, a Bill of his Fees
due on such Action or Suit, and set down under the said Bill a true Copy
of the Clerk's, Attorney's, and other endorsed Fees, separately and distinctly,
and give a Receipt for the same to the Party against whom such Execution
shall issue, and also shall endorse the Amount of his own Fees he shall so
take on such Execution, to be entered by the Clerk on the Execution
Docket, for which Copy the said Sheriff may demand and receive One Shill-
ing of the Person requesting the same; and if any Sheriff, or other Officer,
impowered to levy any Execution, shall fail so to do, such Sheriff or other
Officer shall forfeit and pay Fifty Pounds to any Person who will sue for the
same.

VIII. And be it Enacted, by the Authority aforesaid, That it shall not be
lawful for any Sheriff, or his Officer or Deputy, to take any Obligation
of or from any Person or Persons in his Custody, for or concerning any
Matter or Thing relating to his Office, otherwise payable than to him-
self as Sheriff, and dischargeable upon the Prisoner's Appearance, and
rendering himself at the Day and Place required in the Writ, whereupon
he was or shall be taken or arrested, and his Securities discharging
themselves therefrom as special Ball of such Prisoner, or such
Person or Persons keeping within the Limits and Rules of any
Prison; and every other Obligation taken by any Sheriff in other
Manner or Form by Colour of his Office, shall be null and void, except in any
special Case any other Obligation is or shall be by Law particularly and
expressly directed; and that no Sheriff shall demand, exact, take or receive,
any greater Fee or Reward whatsoever, nor shall have any Allowance, Re-
ward or Satisfaction, from the Public, for any Service by him done, other
than such Sum as the County Court shall allow for ex-Officio Services, and
the Allowances given and provided, or which shall be from Time to Time
given and provided by Law.

IX. And be it further Enacted, by the Authority aforesaid, That if any
Person committed, rendered, or charged in Execution, or upon mesne Pro-
cess, to any Prison shall thence escape, it shall and may be lawful to and
for any Justice of the Peace of the County where such Prisoner was in Cus-
tody, upon Oath of such Escape made before him by the Sheriff, Under-
sheriff, or Gaoler, or other credible Person, to grant to any Person demanding
the same, one or more Warrant or Warrants, under his Hand and Seal,
directed to all Sheriffs, Bailiffs, and Constables within this State, reciting the
Cause of such Person's Commitment, and the Time of his or their Escape,
and commanding them, and every of them in their respective Counties and
Precincts, to seize and re-take such Prisoner so escaped or going at large,
and being so taken, forthwith to convey to the Prison where Debtors are
usually kept in the County where such re-taking shall be, there to be kept
in safe Custody until he or she be thence discharged by due Course of Law;
which Warrant the Sheriff is required to obey, and receive the Prisoner into
his safe Custody, and to give a Note to the Person or Persons delivering
him, her, or them; certifying his receipt of such Prisoner, and shall also
make Return of the Execution of such Warrant to the Court of the County
where such Prisoner escaped, and if he or she was there in Custody charged
in Execution, then the said Sheriff shall safely keep him or her without
Bail or Mainprize, until he or she shall have made full Payment and Satis-
faction to the Plaintiff or Plaintiffs, Creditor or Creditors, in whose Name
such Execution was issued out, or until the Judgment or Judgments obtained
against him or her shall be reversed or discharged by due Course of Law:
And if any such Prisoner shall have been in Custody upon mesne Process in any Action of Debt, or upon the Case, the Sheriff to whom he or she shall be so committed shall, in like Manner, keep such Prisoner in his safe Custody; and make Return of the Execution of the Warrant by which he or she was re-taken to the Court of the County wherein he or she was first arrested; and thereupon it shall be lawful for the said Court, upon the Plaintiff's filing his Declaration and entering the Defendant's Appearance, to proceed to give Judgment thereon, in the same Manner as if the Defendant had appeared in Court and refused to plead, unless such Defendant shall cause special Bail to be entered in said Court, and shall immediately plead to issue; and thereupon a Certificate under the Hand of the Clerk of the said Court, that such Bail is given and delivered to the Sheriff in whose Custody such Defendant shall then be, it shall be lawful for him to set at large such Prisoner, and not otherwise; but where any Prisoner escaped, and re-taken upon such Warrant as aforesaid, shall thereafter be charged with Treason, Felony, or other capital Crime, in Behalf of this State, for which he or she ought to be tried in one of the Superior Courts, and shall be for such Cause removed to any Gaol of such Court, every such Prisoner shall be charged in such Gaol with all the Causes wherewith he or she stood charged in the Gaol from whence he or she escaped, or was removed, until he or she be thence delivered by due Course of Law; any Law, Usage, or Custom, to the contrary notwithstanding.

X. And be it further Enacted, by the Authority aforesaid, That if any Sheriff or other Officer hath made, or shall make any Return upon any Writ of Fieri Facias or Venditioni Exponas, that he hath levied the Debt, Damages and Costs, or Fees, as in such Writ required, or any part thereof, and hath not or shall not pay the same into the proper Office, or to the Party to whom the same is payable, or his Attorney, at the Return of such Writ, or hath or shall return upon any Writ of Capias ad Satisfaciendum, or Attachment, for not performing a Decree in Chancery for the Payment of any Sum of Money or other Matter, that he hath taken the Body or Bodies of any Defendant or Defendants, and hath the same ready to satisfy the Money or other Matter in such Writ mentioned, and shall have actually received the Money or other Matter from the Defendant or Defendants, or any Part thereof or suffered him, her or them, to escape with Consent of such Sheriff or Officer, and hath not or shall not pay the same into the proper Office, or to the Party to whom the same is payable, or his Attorney, that then, and in either of the said Cases, it shall and may be lawful for the Creditor, at whose Suit of Fieri Facias, Venditioni Exponas, Capias ad Satisfaciendum, or Attachment, hath or shall issue, upon Motion made in the Court from whence such Writ issued, or in the Superior Court of the District wherein such Sheriff shall reside, to demand Judgment against such Sheriff or other Officer, for the Money or other Matter mentioned in such Writ, and such Court is hereby authorized and required to give Judgment accordingly for the same, with Costs, and to award Execution against the Goods and Chattels, Lands and Tenements, of such Sheriff, provided such Sheriff have Ten Days previous Notice of such Motion; and where it shall so happen that the Time of any Persons sheriffalty shall be expired, or he shall be removed from his Office, before such Motion made by the Creditor or Creditors, the same Remedy, Proceedings, and Relief shall and may be had against him, as if such Person was actually in Office; any Thing contained to the contrary notwithstanding.

XI. And be it further Enacted, by the Authority aforesaid, That where any Sheriff shall take the Body of any Debtor in Execution, and shall wilfully or
negligently suffer such Debtor to escape, and such Sheriff, or Person suing out such Execution, shall die before a Recovery can be had against such Sheriff for such Escape, the Person suing out such Execution, his Executors or Administrators, shall and may have and maintain an Action of Debt against such Sheriff, his Executors or Administrators, for the Recovery of all such Sums of Money as are mentioned in the said Execution, and Damages for detaining the same; any Law, Usage or Custom, to the contrary notwithstanding.

XII. And for removing all Controversies touching the Manner of turning over Prisoners, upon the Sheriff's quitting his Office; Be it further Enacted, by the Authority aforesaid, That the Delivery of Prisoners by Indenture between the old Sheriff and the new, or the entering upon Record in Court the Names of the several Prisoners, and the Causes of their Commitment, delivered over to the new Sheriff, shall be sufficient to discharge the late Sheriff from all Suits and Actions for any Escape that shall happen.

XIII. And be it Enacted, by the Authority aforesaid, That the Justices of the respective Counties in this State shall nominate and appoint Registers in the same Manner as is herein before directed for the Choice of Sheriffs, and the Registers so appointed shall hold their respective Offices during their good Behaviour; but each Register, before entering upon the Execution of his Office, shall take the Oath appointed for the Qualification of Public Officers, and an Oath of Office; and shall give Bond, in the Penalty of Five Thousand Pounds, payable to the Governor for the Time being, and his Successors, for the true and faithful Discharge of his Office; which Bond, upon a Breach thereof, shall be assigned to the Party or Parties injured, and may be put in Suit from Time to Time until the whole Penalty shall be recovered.

XIV. And be it further Enacted, by the Authority aforesaid, That every County Court in this State shall, and they are hereby empowered, to appoint two or more Coroners within their County, if they shall be of opinion that more than one will be necessary.

XV. And be it further Enacted and Declared, by the Authority aforesaid, That the Governor for the Time being shall, from Time to Time, as any Vacancy may happen, appoint one or more Persons, properly qualified, to act as Notary or Notaries at the different Ports in this State; and the said Notaries, and every of them, shall take the Oath appointed to be taken for the Qualification of Public Officers, and also an Oath of Office, which Oath may be taken in, and administered by the Court of the County in which such Notary shall reside. Provided always, That there shall not be more than one Notary appointed to reside in any one Place at the same Time.

XVI. And whereas divers Persons, who have formerly been Sheriffs and Collectors of Public Monies within this Territory, are still in Arrear to the Public, and it being necessary that a final Settlement of all such Matters should be made, and that all Public Monies should be paid into the Treasury; Be it therefore Enacted, by the Authority aforesaid, That the Treasurers of this State be, and are hereby authorized and required, to call all such Sheriffs and Collectors to Account, and to institute Suits against them for the Monies by them respectively due and unaccounted for, and that the Proceedings thereon shall be agreeable to the Laws last in Force in this Territory, for the Recovery of Taxes and other Public Monies; and the Treasurers shall be obliged to account therefor in the same Manner, as if such Laws had still continued and been in full Force.

XVII. And be it also Enacted, by the Authority aforesaid, That every late Sheriff and Collector of Public Monies, his lawful Representatives or Securities, shall and may finish the Collection of any Taxes or Duties yet in
Arrear and unpaid, in the same Manner as might have been done under the Laws last in Force for such Purposes.

XVIII. And be it further Enacted, by the Authority aforesaid, That the late Receiver General, and all Deputy Receivers, shall account for and pay into the Hands of the Public Treasurers, or either of them, all such Monies as they may have received by Virtue of their respective Offices, and which on the Fourth Day of July, One Thousand Seven Hundred and Seventy Six, remained in their Hands unaccounted for; and if any of them shall fail so to do above Six Months after the Ratification of this Act, the Attorney General is hereby authorized to commence a Prosecution against such Delinquent; and to the End that the Deputy Receivers who may have Monies in their Hands may be known, the Justices of the respective County Courts, within Three Months after the passing of this Act, shall transmit to the Public Treasurers respectively, the Names of such Persons as have been Deputy Receivers in their respective Counties, certified by the Clerk, for Twenty Years last past; and every such Deputy as shall not produce a full Discharge from the Receiver General, and make Oath that he hath fully accounted for and paid all the Monies by him received, shall be prosecuted, and notwithstanding a Verdict may be in his Favour, shall pay Costs.

XIX. And whereas there are considerable Sums of Money in the Hands of the Clerks of the late Superior and Inferior Courts, for Governors Fees by them received on Marriage Licences, Letters Testamentary and of Administration, and Guardianship, and other Fees and Monies by them received for the late Governor, or for the Use of the State; and as all such Monies should of Right be accounted for, and paid to the Use of the Public, Be it Enacted, by the Authority aforesaid, That the said late Clerks shall, on or before the First Day of June next, render an Account, on Oath, to the Justices of the respective Counties whereof they were lately Clerks, and to the Justices of the Superior Courts, of all the Fees and Monies by them respectively received for the Use of the late Governor, and of this State, not yet accounted for, and pay the same into the Hands of the present Clerks, in open Court, and the Justices shall cause a Copy of every such Account to be recorded in the Minutes of the Court; and the Clerks of the County Courts hereby established shall be accountable for all such Monies by them received, in the same Manner as for the Monies paid into their respective Offices.

XX. And be it Enacted, by the Authority aforesaid, That the Justices of the respective Superior and County Courts shall cause the Dockets, Minutes and Records, of the late Superior and Inferior Courts to be inspected and examined, and an Account of all Fines, Forfeitures, Amencements, and Recoveries on Penal Statutes, where any such Recovery, or Part thereof, was for any Public, County, or Parish use, to be taken, and to whom the same had been paid, and direct that the same be paid agreeable to Law, and on Failure thereof to be sued for.

CHAPTER IX.

An Act to prevent Abuses in taking up Stray Horses, Cattle, Hogs and Sheep, and other Things therein mentioned.

I. Whereas it becomes difficult to recover stray Horses, Cattle, Sheep and Hogs for want of some legal Provision to effect the same;

II. 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 respective Courts in each County within this State shall appoint a Ranger for their respective Counties, who shall hold his office during good Behaviour; and that every Freeholder who shall take up any stray Horse, Mare, Gelding or Colt, neat Cattle, Hog or Sheep, shall within Ten Days after the taking up of such Stray (the Owner of such Stray or Strays being to him unknown) make Information on Oath before the Ranger of the County wherein such Stray or Strays shall be taken up, of the Marks, Brands, and Colour, of each and every such Stray or Strays, and that the same was taken up at his or her Plantation or Place of Abode, and that the Marks or Brands have not been altered or defaced, by Means of, or to the Knowledge of such Taker up; whereupon such Ranger is hereby required to issue his Summons to any Two Freeholders of the Neighborhood, who after taking the following Oath, to-wit,

"You shall swear that you will well and truly view and appraise the Stray or Strays (as the Case may be) in the Summons to you directed without Favour or Partiality, according to your Skill and Ability. SO HELP YOU GOD," before the Ranger (who is hereby authorized to administer the same) or some Justice of the Peace for the County where such Stray or Strays shall be so taken up, shall view and appraise such Stray or Strays, and make Return thereof to the said Ranger, under their Hands and Seals; which Appraisement, with a particular and exact Description of the Marks, Brands, Age and Colour, as near as can be ascertained, of each and every such Stray or Strays, together with the Time of taking up, and Place of Abode of the Person taking up the same, shall by such Ranger be entered in a Book to be by him kept for that Purpose, and shall during the Sitting of the next succeeding Court in the County where such Entry shall be made, put up an Advertisement in the most public Place, describing therein the Kind, Marks, Brands, and Colour of all Strays entered as aforesaid; and the Ranger shall have and receive from the Person taking up such Stray or Strays, the Sum of Five Shillings for every such Entry to be by him made; and the Person taking up such Stray or Strays, for his Trouble and Expence in taking up the same, and paying as aforesaid, may demand and receive of the Person claiming the Property of the said Stray or Strays, the Sum of Five Shillings for each Horse, Two Shillings and Six Pence for each Head of Cattle, and One Shilling per Head for every Hog or Sheep.

III. And be it further Enacted, by the Authority aforesaid, That the Property of every stray Horse, Mare, Gelding or Colt, neat Cattle, Hog or Sheep, Twelve Months after such Appraisement, and no property proved by the Owner thereof, shall be deemed to be vested in the Person taking up the same.

IV. Provided nevertheless, That it shall and may be lawful for the former Owner of any such Stray or Strays, at any Time within Twelve Months after such Appraisement as aforesaid, on proving his Property to the same, by his own Oath or otherwise, to demand and recover such Stray or Strays, or the Valuation thereof, the Claimant first paying the Ranger's Fee, and the Reward for taking up the same.

V. Provided also, That where the Taker up of any Stray shall have been at any Expence for keeping and maintaining such Stray, it shall be lawful for him to retain the same until the Owner or Claimer thereof shall pay all such Expence; which Expence shall be ascertained in the following Manner, to-wit, The Taker up shall obtain from some Justice of the Peace a Warrant, Impowering Three Freeholders, by the said Justice to be named, to declare on Oath, upon view of the said Stray, and Examination of Witnesses if necessary, how much the said Taker up ought to demand for the
Keeping and Maintenance of the Stray; and such Sum as shall by the said Freeholders, or any Two of them, be so declared, shall be the Sum which the Taker up is and shall be intitled to demand and receive, before the Owner or Claimer can take the Stray out of his Possession.

VI. And be it further Enacted, by the Authority aforesaid, That after the Expiration of Twelve Months, each and every Person so taking up any Stray or Strays, and no Property proved by the Owner thereof, shall account for and pay into the Hands of the County Treasurer, Two Thirds of the appraised Value of all such Stray or Strays, after deducting the Ranger's Fee, and the Reward for taking up the same; and in case any Person so taking up any Stray or Strays, according to the Intent and Meaning of this Act, shall neglect or refuse to account with the said Treasurer, as in this Act before directed, he or she so falling shall forfeit and pay double the appraised Value of all such Stray or Strays by him or her so taken up, to be recovered by Action of Debt; before any Jurisdiction having Cognizance thereof, one Half to the Person suing for the same, and the other Half to the Use of the County wherein such Stray or Strays may be taken up; which said Treasurer is hereby authorized and required to receive and account for the same in the same Manner, and under the same Regulations and Restrictions, as other County Monies; which said Money shall be applied to the Use of the County, where such Stray or Strays shall be so taken up.

VII. Provided nevertheless, That it shall and may be lawful for the former Owner thereof, at any Time, on proving his Property by the Oath of one or more Indifferent Witnesses, to demand and receive from the County Treasurer Two Thirds of the appraised Value of all such Stray or Strays so accounted for as aforesaid, deducting therefrom the Ranger's Fee, the Reward for taking up, and the Treasurer's Commissions of Two and a Half Per Cent. for receiving and accounting for the same.

VIII. Provided always, That if after the Appraisement of any Stray Horse, Mare, Gelding or Colt, and Entry thereof made with the Ranger as aforesaid, such Stray should happen to die within the Space of Six Months after such Appraisement, the Person taking up such Stray or Strays shall not be answerable for the same, unless such Death appears to have been occasioned by Ill Usage or Abuse.

IX. And be it further Enacted, by the Authority aforesaid, That if any Person, not being a Freeholder, shall presume to take up any Stray Horse, Mare, Gelding or Colt, neat Cattle, Hog or Sheep, or if any Freeholder shall take any such Stray or Strays at any other Place than on his own Land, or shall make Use of any such Stray or Strays before the same shall be appraised as aforesaid, he or she so offending shall for every such Offence forfeit and pay the Sum of Five Pounds, to the Use of the Informer; to be covered with Costs, before any Jurisdiction having Cognizance thereof, and be further liable to the Action of the Party grieved. Provided nevertheless, That nothing herein contained shall extend to prevent any Person from taking up any Stray or Strays of any Kind, and carrying the same immediately to the Owner thereof.

X. And be it further Enacted, by the Authority aforesaid, That for the more Speedy Recovery of Strays, it shall and may be lawful for any Person, at all Times hereafter, to look over and search the Entry Books by the Act directed to be kept by the Ranger in each County in this State, for any Information he may want as to any Horse, Mare, Gelding, or Colt, neat Cattle, Hog or Sheep, which heretofore has, or hereafter may stray away from the Owner thereof, the Person requesting such Search first paying One Shilling therefor to the Ranger keeping such Book.
CHAPTER X.

An Act for ascertaining the Oath of Allegiance and Abjuration.

I. Whereas it is necessary, to prevent Persons disaffected to the present Government from enjoying Seats in the Legislature, or holding Offices under the State, that the Oath of Allegiance and Abjuration should be ascertained by a permanent Law;

II. 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 every Person who shall hereafter be elected as a Member of the General Assembly, or who shall be appointed to hold any Office of Trust or Profit in this State, shall, before taking his Seat in the General Assembly, or executing the Office to which he shall be appointed as aforesaid, repeat and subscribe the following Oath, that is to say,

I, A. B., do solemnly and sincerely promise and swear, that I will be faithful and bear true Allegiance to the State of North Carolina, and to the Powers and Authorities which are or may be established for the Government thereof, not inconsistent with the Constitution. And I do solemnly and sincerely declare, that I do believe in my Conscience that neither the King of Great Britain, nor the Parliament thereof, jointly with the said King or separately, or any foreign Prince, Person, State, or Potentate, have, or ought to have any Right or Title to the Dominion or Sovereignty of this State, or to any part of the Government thereof. And I do renounce, refuse, and abjure any Allegiance or Obedience to them, or any of them, or to any Person or Persons put in Authority by or under them, or any of them. And I will do my utmost Endeavours to disclose and make known to the Legislative or executive Powers of the said State, all Treasons and traitorous Conspiracies and Attempts whatsoever, which I shall know to be made or intended against the said State. And I do faithfully promise, that I will endeavour to support, maintain and defend, the Independence of the said State, against him the said King, and all other Persons whatsoever. And all these Things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever. And I do make this Acknowledgment, Abjuration, and Promise, heartily, willingly, and truly. SO HELP ME GOD.

CHAPTER XI.

An Act for appointing Naval Officers in the different Ports of this State, and directing their Duty in Office.

I. Whereas the Laws for the Regulation of Trade cannot be observed, unless there are Officers appointed for that Purpose, and their Duty ascertained;

II. 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 Naval Officers for the Ports of Currituck, Roanoke, Bath, Beaufort, and Brunswick, shall be chosen by the General Assembly by Joint Ballot of both Houses, and shall be commissioned by the Governor for the Time being, and shall each give Bond payable to the Governor and his Successors, In the Sum of One Thousand Pounds, for the faithful Discharge of his Duty in Office; which Bond
shall be lodged in the Secretary's Office, and upon a Breach thereof shall be assigned by the Governor for the Time being to the Party injured, who shall and may maintain a suit thereon in his own Name, and shall not become void upon the first Recovery, or if Judgment be given for the Defendant, but may be put in Suit from Time to Time, by Action of Debt, until the whole Penalty shall be recovered.

III. And be it Enacted, by the Authority aforesaid, That every Person to be appointed a Naval Officer as aforesaid, before entering upon the Execution of his Office, shall swear that he will well and truly execute the said Office, without Prejudice or Partiality, and to the best of his Knowledge, agreeable to Law; which Oath may be taken before the Governor, any of the Justices of the Court of Equity or of the Superior Courts, or in any Court of Law in the District or County where he may reside.

IV. And be it Enacted, by the Authority aforesaid, That the Naval Officers may take the following Fees for their Services, and no more, to-wit,

For entering and clearing Vessels or Boats not decked, if bound to any other State, or to foreign Parts, the Fee of Four Shillings. For entering and clearing every decked Vessel under Twenty Tons Burthen, for administering the Oaths, taking Bonds, and all other necessary Services included, Four Dollars. And for every Vessel of Twenty Tons Burthen and upwards, including all necessary Services, the Sum of Five Dollars.

V. And be it Enacted, by the Authority aforesaid, That every Naval Officer shall on the Receipt of any Fees, give to the Person paying the same, if demanded, a Ticket of such Fees, with a Receipt for the same, under the Penalty of forfeiting for each Refusal the Sum of Fifty Pounds.

VI. And that all Persons may know what Fees are due to the said Officers, Be it Enacted, by the Authority aforesaid, That the several Naval Officers in this State shall, within Three Months after the Ratification of this Act, put up publicly in their respective Offices a Table of the Fees that may legally be taken by them according to the Directions of this Act, and shall continually keep up the same, under the Penalty of paying for each Day such Table shall not be so kept up the Sum of Twenty Shillings.

VII. And it is hereby Declared and Enacted, by the Authority aforesaid, That if any Naval Officer shall demand, extort, exact or receive, under Colour of his Office, any other or larger Fees than what is particularly mentioned in this Act, or shall refuse to do the particular Service for the Fee or Fees in this Act expressed, such Naval Officer for every such Offence shall forfeit and pay the Sum of One Thousand Pounds.

VIII. And be it further Enacted, by the Authority aforesaid, That the several Penalties in this Act mentioned shall and may be recovered by Action of Debt, in any Court of Record, by the Person or Persons grieved, with Costs, provided the suit be commenced within Six Months next after the Forfeiture or Refusal of such Naval Officers shall happen, and not otherwise.

CHAPTER XII.

An Act to amend the Staple of Tobacco, and prevent Frauds.

I. Whereas the Law heretofore in Force for amending the Staple of Tobacco, and preventing Frauds, hath been found highly beneficial to this State, as well as to the Planters of that Commodity;

II. 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
Inspectors of Tobacco appointed by the County Courts since the last Session of Assembly at any Public Warehouses in this State, be, and they are hereby continued, and declared to be Inspectors at the respective Warehouses for which they were appointed, until Appointments can be had agreeable to this Act, and shall have the same Powers, Authorities and Emoluments, and be subject to the Rules, Regulations and Restrictions, herein after mentioned.

III. Be it Enacted, by the Authority aforesaid, That the Inferior Court of any County in this State, where the Tobacco Inspections and Warehouses are already established, shall annually, at the first Court to be held for their County after the first Day of June, appoint Two discreet and careful Men, well acquainted with the Nature and Qualities of Tobacco, to be Inspectors thereof, who shall well and carefully examine every Hogshead, Cask, or Parcel of Tobacco, brought to their Warehouse, and such Tobacco as they shall find good, sound and merchantable, and fit for Exportation, they shall cause to be immediately headed, hooped, and nailed, and the Number nett, and Weight and Tare, with the Name of the Warehouse, stamped or marked thereon; and for all Tobacco so passed by them in Crop Hogsheads, they shall give to the Owner thereof a Receipt, containing the Warehouse, Number, Gross, Tare, and nett Weight, the Kind of Tobacco, and therein oblige themselves to deliver the same Tobacco to such Owner, or his Order, for Exportation, when demanded; and for all such Tobacco as they shall pass in Parcels, they shall give the Owner a Transfer Note, and all such parcels of Tobacco they shall immediately pack and prize into Hogsheads of at least One Thousand nett Weight, to be by them paid in Discharge of such Transfer Notes to the Persons who shall be possessed of them, deducting from their Transfer Notes when returned to them at the Rate of Two per Cent. for the first Month, and One per Cent. for every Month after One, for Shrinkage, and may also charge out of such Transfer Notes Thirty Pounds of Tobacco for the Cask; and all Tobacco brought into their Warehouses, which in their Judgment is not good, sound, and merchantable, they shall cause to be immediately burned; and where Tobacco is offered for Inspection, and it appears to them Part thereof is only fit to pass, the Owner thereof may separate such good Tobacco from the bad, and that only which is bad shall be burned; but if the Owner refuses to have the same separated, then the Inspectors shall and may burn the whole; and where the Inspectors at any Warehouse shall disagree in their Opinion of the Quality of any Hogshead of Tobacco, or where the Tobacco to be inspected is the Property of one of the Inspectors, then another sworn Inspector from the nearest Warehouse, or Justice of Peace, shall be called, and shall decide, and receive or reject the same; and where any Inspector shall die, or be rendered by Sickness or Accident unable to attend his Duty, then it shall be lawful for any Three Justices of the County to appoint and swear in any proper Person to act as Inspector, until the Disability of the other be removed, or until the Court shall appoint; and such Person so appointed to act shall be under the same Penalties, and intituled to a proportionable Part of the Salary for the Time he shall act, and be under the same Regulations, as if originally appointed by the Court.

IV. And be it further Enacted, by the Authority aforesaid, That the Inspectors to be appointed in Virtue of this Act shall give Bond and Security, to be approved by the Justices appointing them, in the Penalty of One Thousand Pounds, payable to the Governor, or Commander in Chief for the Time being, with Condition they shall respectively execute the Office of Inspector of Tobacco faithfully and truly, according to the Laws in that
Case made; which Bond, on any Suggestion made to the Commander in Chief for the Time being of a Breach thereof, shall by him be assigned to the Party injured, to be put in Suit, and shall not be void on any Recovery, until the whole Penalty be recovered; and such Inspectors shall, before they enter the Duties of their Office, take in open Court the following Oath, to-wit,

You shall swear, that you will carefully and diligently view and examine all Tobacco brought to any Public Warehouse whereof you are appointed to be Inspector, and all other Tobacco which you shall be called upon to view and Inspect, and that not separate and apart from your Fellow, but in his Presence, And that you will not receive any Tobacco that is not in your Judgment sound, well conditioned, merchantable, and clear of Trash; nor receive, pass or stamp, any Tobacco Hogshead, or Cask of Tobacco, prohibited by an Act of Assembly, intituled, An Act for regulating the Inspection of Tobacco, and preventing frauds. And that you will not change, alter, or give out any Tobacco, other than such Hogshead or Cask for which the Receipt to be taken in was given; but that you will in all Things well and faithfully discharge your Duty in the Office of an Inspector, according to the Directions of the said Act, without Fear, Favour, Affection, Malice, or Partiality. SO HELP YOU GOD.

V. And be it further Enacted, by the Authority aforesaid, That no Tobacco shall be exported out this State until the same has been carried to some Inspection, and there viewed, passed, and stamped, according to the Directions of this Act, or which has already been so done, according to the Laws heretofore in Force; and the Inspectors at every Inspection which is, or shall by Virtue of this Act be appointed, on delivering out any Tobacco from their Warehouse for Exportation, shall deliver therewith to the Master or Skipper of the Vessel receiving the same, a Manifest thereof, signed by them, containing the Marks, Numbers, Gross, Nett and Tare, of every Hogshead or Cask then delivered, with the Name of the Warehouse, and the Name of the Vessel and Master thereof in which the same is intended to be exported, and the Name of the Skipper; which Manifest, in case the Tobacco be delivered to any River Craft to be lightened down to any Seaport, shall be delivered therewith, by the Skipper of such Craft, on Board the Ship or Vessel in which the same is to be exported; or in case such Vessel cannot take it in, then in the most convenient Warehouse at or near such Seaport, there to remain until the same shall be shipped in some other Vessel for Exportation, according to the true Intent and Meaning hereof; and all Tobacco Water-borne with Intention to elude this Act, is hereby declared to be forfeited, and shall be the Property of any Person who shall seize and take Possession of the same; and in Case of Suit against the Person seizing such Tobacco, he may on the General Issue give this Act in Evidence.

VI. And be it further Enacted, by the Authority aforesaid, That the Inspectors at Halifax Warehouses shall constantly attend their Duty at the said Warehouses from the Tenth Day of October to the Tenth Day of July in every Year, on Penalty of forfeiting Forty Shillings for each Day either of them shall neglect the same, Sickness or unavoidable Accidents excepted; which Forfeiture shall and may be recovered by Warrant before any Magistrate of the County where the Inspector resides, by any Person suing for the same, to the Use of the Person suing, and shall furthermore be liable to the Action of the Party aggrieved for such Damages as he may sustain; and the Inspectors at the said Inspection of Halifax shall have and receive for their Attendance the Sum of Seventy Five Pounds each, and the Inspectors at Jones's the Sum of Thirty Seven Pounds Ten Shillings each, annually, to
commence from the Tenth Day of October last past, to be paid by the Justices of the inferior Court for their respective Counties, out of the County money: And the Justices of any County within this State may, and are hereby directed and impowered, if necessary, to appoint such Places for the inspection of Tobacco in their County, and Inspectors to attend thereat, as to them shall seem most proper, so as such Place of Inspection be at a Landing on some sufficient Navigable Stream; and also may, at the Expence of their Counties, purchase or rent Ground, build or rent Warehouses, provide Scales and Weights, and other Matters incident to an Inspection, and allow such Salaries to the Inspectors as they shall judge proper, to be paid out of the Money assessed for the Maintenance and support of the County Charges; and also shall at any such Inspection, order and limit the Time for the Attendance of such Inspectors at their respective Warehouses; and any Inspector so to be appointed, shall be under the like Bond, Security, and Oath, and subject to the same Forfeiture, Method of Recovery, and Application, as is above directed for the non-Attendance of the Inspectors at Halifax Warehouses.

VII. And for defraying the Charges of Inspection, Be it Enacted, by the Authority aforesaid, That for every Hoghead or Cask of Crop Tobacco delivered by the Inspectors for Exportation, there shall be paid to them by the Owner or Skipper thereof Eight Shillings current Money of this State, for the Use of the County; and for every Hoghead of Transfer Tobacco priz'd up by them to the Weight herein directed, the Sum of Ten Shillings like Money, Five Shillings whereof for the Use of the County, and the other Five Shillings to reimburse them for Prizing and Nails: And the Inspectors shall, at the first Court for their County after the Tenth Day of July in every Year, lay before the said Court an Account on Oath of all Tobacco by them delivered for Exportation, and also an Account of their Transfer Tobacco remaining on Hand, and what Transfer Notes are not returned to them, shewing what has been gained or lost on the Allowance for Shrinkage above directed, and make a full Settlement with the Court for all Monies they are chargeable with in Virtue of this Act, before they shall obtain any Order from the Court for the Salaries which are or shall be allowed them.

VIII. Be it further Enacted, by the Authority aforesaid, That the Inspectors at Jones's Warehouse, and the Pitch Landing, in Northampton County, respectively, shall pay and satisfy to the Owners of the same the Sum of One Shilling and Six Pence for every Hoghead of Tobacco received, inspected, and delivered out of the said Warehouses, to be deducted out of the Eight Shillings per Hoghead directed to be received for the Use of the County, the Owners of such Warehouses keeping the same in Repair.

IX. And be it further Enacted, by the Authority aforesaid, That no Naval Officer in this State shall clear outwards any Ship or Vessel having Tobacco on Board, until the Captain or Master thereof shall produce and deliver to him such Manifest as above directed, signed by the Inspectors where the same was Inspected, for all Tobacco he has on Board; and the Naval Officer clearing such Ship or Vessel, is hereby directed to administer to such Captain or Master, before delivering such Clearance, an Oath to this Purport: That the Manifest by him produced contains a true account of the Mark, Number, Tare and Nett Weight, stamped or marked on each Hoghead of Tobacco on Board his Vessel, as they were taken down before the same was stowed away. And the said Naval Officer is hereby authorized to take and receive two Shillings for administering the said Oath. And every Naval Officer who shall clear out any Vessel having Tobacco on Board,
without receiving such Manifest, and causing such Oath to be made before
them, shall forfeit the Sum of Fifty Pounds Proclamation Money; to be
recovered in any Court of Record in this State, by and for the Use of any
Person who shall sue for the same.

X. And be it further Enacted, by the Authority aforesaid, That if any Per-
son shall forge or counterfeit the Stamp, Note or Receipt, of any Inspector,
or offer for sale or payment, or demand of any Inspector, Tobacco on
any such forged Notes or Receipt, knowing it to be such, or shall cause
to be exported any Hogshead or Cask of Tobacco stamped with a forged
or counterfeit stamp, or shall take any Stave, Plank or Heading, out
of any Hogshead of Tobacco stamped as herein directed, after such
Hogshead shall have been delivered from any of the Public Warehouses,
every Person so offending, and being thereof legally convicted, shall be
adjudged a Felon, and suffer as in Cases of Felony; and if any Inspector's
Note shall be lost or destroyed, the Owner thereof may, on making Oath
before some Magistrate of the Quantity of Tobacco mentioned in the same,
and that the Note is lost or destroyed, and that he or she so making Oath
is the lawful Owner thereof, and intitled to receive the Tobacco therein
mentioned, obtain a Certificate from the Justice administering such Oath,
and shall thereby be intitled to receive the Tobacco for which the lost
Note was given; and if any Person shall be convicted of making a false
Oath, or producing a forged Certificate, in the above Case, knowing the
same to be forged, he shall suffer as in Cases of wilful and corrupt Perjury.

XI. And be it further Enacted, by the Authority aforesaid, That if any
Warehouse at any of the Tobacco Inspections in this State, that is or shall
be appointed, shall happen to be burned, and Tobacco therein destroyed,
the Value of the Tobacco so burned shall be paid to the Proprietor thereof
by the Counties where the same was made, in Proportion to the Quantity
brought to Inspection by the different Counties; and where such Accident
shall happen, no Inspector shall be sued, by Reason of any Notes or Re-
cipts by them given for Tobacco so burned.

XII. And be it further Enacted, by the Authority aforesaid, That no In-
spector of Tobacco shall be capable of being elected Member of Assembly,
during his Continuance in his Office of Inspector, or within one Year after;
nor shall any Inspector, directly or indirectly, buy or receive, by Way of
Barter, Loan or Exchange, any Tobacco whatsoever (Payments in Tobacco
for their own Rents excepted) under the Penalty of forfeiting their Office:
And when any Person demands Tobacco of any inspector on their Notes,
and shall have cause to doubt the same hath received Damage after Inspec-
tion, Three Justices of the County, not being Merchants, where the Tobacco
is, shall on the application of the Person demanding the Tobacco, repair
immediately to the Warehouse, and there (being first sworn before some other
Justice, who is hereby empowered to administer such Oath) well and care-
fully view and examine the said Tobacco in Dispute, and give their Opinion
thereon whether the same ought to pass or be rejected, according to the
best of their Judgment and Conscience, without Favour or Affection; and
if in their Judgment it is good, sound, and fit for Exportation, the Tobacco
so passed shall be a sufficient Tender to the Party demanding on the Notes
for the same, and In that Case the Party so calling a Review, shall pay and
satisfy to the Justices so attending Eight Shillings each; but if they reject
the Tobacco so reviewed, in that Case the Inspectors shall pay the said
Justices Eight Shillings each, and shall be liable to the Owner of the Notes
for the Value of the Tobacco so rejected, and such Damages as he may
sustain by laying out of the same from the Time of demanding.
XIII. And be it further Enacted, by the Authority aforesaid, That no Slaves within the Counties of Halifax, Northampton, Bute, Granville, Edgecombe, and Wake, for his own Benefit, shall cultivate any Tobacco, under the Penalty of Five Pounds current Money of this State for every Five Hundred Hills so cultivated, to be recovered from the Master, Owner or Overseer, of such Slaves, by Action of Debt, before any Jurisdiction having Cognizance thereof; one Half to the Informer, and the other Half to the Use of the County where such Slave shall reside.

XIV. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall extend to the Ports of Beaufort, Bath, or Currituck, but that the Naval Officers shall clear out Vessels with Tobacco in the same Manner as heretofore.

CHAPTER XIII.

An Act for amending an Act, intituled, An Act for levying a Tax by Assessment and other Purposes passed the last Session of this Assembly.

I. Whereas the levying a tax by General Assessment on Property will tend to the Ease of the Inhabitants of this State, and will greatly relieve the poor People thereof; and as the Mode for assessing Property, and collecting Public Taxes in this State, should be appertained and established by Law.

II. 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 Lands and Lots, with their Improvements; Slaves, Money, Money at Interest, and Stock in Trade, wherever the same may be, all Bonds, Notes, or other Obligations for Value on Interest, all Horses and neat Cattle, in this State, shall be held and deemed taxable Property liable to be assessed, and the Taxes laid thereon by Law collected in the Manner directed by this Act.

III. And be it further Enacted, by the Authority aforesaid, That the several County Courts in this State shall at their respective Courts to be held after the First Day of April next, and so at such Courts yearly, and every Year, lay out their respective Counties into moderate and convenient Districts, and shall appoint a Justice of the Peace in each District to receive from every Inhabitant thereof a just and true Account, on Oath, of all the taxable Property which such Person had in Care, or was possessed of in his own Right, or as Agent, Factor or Attorney, or in Trust for any other Person, on the First Day of April then last past; and every Inhabitant of the respective Districts of each County in this State shall, within One Month after such Court, return on Oath to the Justice appointed to receive the same, a true and just Account of all such Articles as by this Act are declared to be taxable Property, which to him belonged as aforesaid on the First Day of April then last past; which Accounts shall be immediately delivered by the Justice receiving the same to the Person appointed to value the taxable Property of the Inhabitants of such District, together with an Account of the taxable Part of his own Estate, upon Oath: And the said Justice of the Peace is hereby required to administer to every Person delivering such Account as aforesaid, the following Oath:

I, A. B. do swear, that the List by me now delivered contains a just Account of all the Lands, Lots, Houses, and their Improvements, Slaves, Money, Money at Interest, Stock in Trade, Bonds, Notes, and other Obligations for Value on Interest, and of all the Horses and neat Cattle which to me belonged, or which were in my Care or Possession as Agent, Factor or Attorney, or in Trust for any other Person whatsoever, on the First Day
of April last, without Deduction for any Demands against me, of whatever Kind. SO HELP ME GOD. And that I have not, directly or indirectly, lent or conveyed away any Money, or other Part of my Property, by any Means whatsoever, with Intent thereby to evade Payment of the Tax to which by law the same is liable.

IV. And be it further Enacted, by the Authority aforesaid, That the said Courts respectively shall annually appoint Three honest and intelligent Persons in each District of their respective Counties, who shall on Oath, to be administered by any Justice of the Peace, value the taxable Property of the Inhabitants of such District, as near as may be, to what the same would then sell for at public Sale for ready Money, and make Return thereof to the next succeeding County Court; and in case they cannot all agree in such Valuation, the Agreement of any Two shall be valid, but where they shall all differ in Opinion respecting the Value of any Property, then, and in that Case, the Valuation of each of the said Persons shall be added together, and the third Part of all the three Sums shall be returned to the Court accordingly; and the Persons appointed to value the taxable Property of such Inhabitants, shall respectively, previous to their valuing the same, take before some Justice of the Peace the following Oath:

I. A. B. do solemnly swear, that I will faithfully, without Favour or Prejudice, and to the best of my Understanding, according to Law, value and appraise the taxable Property of the Inhabitants of the District wherein I am appointed for that Purpose. SO HELP ME GOD.

V. And be it further Enacted, by the Authority aforesaid, That in case any Person or Persons, his, her, or their Attorney, Agent or Factor, shall fail or refuse in due Time to give In to the Justice of the Peace appointed to receive the same, on oath, an account of all his, her, or their taxable Property, agreeable to the Directions, true Intent and Meaning of this Act, it shall and may be lawful for the Assessors in their respective Districts to value and appraise, to the best of their Knowledge, the taxable Property of the Person or Persons so failing or refusing as aforesaid; and the Tax on all such Property shall be fourfold the Sum which such Amount of taxable Property for that Year would otherwise have been liable to, and shall be collected and accounted for as all other Public Taxes:

VI. And be it further Enacted, by the Authority aforesaid, That every Freeman in this State of the Age of Twenty One Years and upwards (other than Soldiers in the Service of the Continent, or of this State) who shall not possess the value of One Hundred Pounds in taxable Property, shall pay annually, in Lieu of Assessment on Property, a Poll Tax equal to the Tax for that Year on One Hundred Pounds taxable Property, which shall be collected and accounted for as other Taxes mentioned in this Act.

VII. And be it Enacted, by the Authority aforesaid, That the respective Taxgathers shall collect the Public Tax, and after deducting their Commissions, pay the same to the County Treasurer, on or before the First Day of February in each year; and the County Treasurers in this State shall, after deducting their respective Commissions, settle with and pay into the Hands of one of the Public Treasurers of the State, on or before the First Day of March in each Year, all such Monies as they shall have received from the public Taxgathers; and the County Treasurer and Public Taxgathers, or any of them, failing to account and pay in Manner by this Act directed, shall forfeit his or their Commissions given by this Act, and shall be liable to pay the whole Sums which they respectively ought to have collected, received and paid: And when any Taxgatherer or County Treasurer shall be in Arrear, it shall be lawful for the Person to whom such
Arrears are payable, and he is hereby required, to move for Judgment on the Bond of the Person so in Arrear, in any Court having Cognizance thereof; and such Court, upon due Proof before them made that the Obligors have had Ten Days previous Notice, shall cause them to be called, and if they shall appear and contest the same, the Court shall order an Issue to be speedily made up, and tried by a Jury, and shall give Judgment and award Execution accordingly; but where the Obligors shall fail to appear, the Court shall cause a Jury to be sworn, to inquire what Arrears are due, and shall give Judgment and award Execution accordingly.

VIII. And be it further Enacted, by the Authority aforesaid, That every Justice of the Peace who shall be appointed to receive Lists of taxable Property from the Inhabitants of their respective Districts, or any of them, or any of the Persons to be appointed to value the Property of the Inhabitants aforesaid, who shall refuse or neglect to do and perform the several and respective Duties required of them by this Act, or any of them, the Person or Persons so refusing or neglecting, shall forfeit and pay for every such Refusal or Neglect the Sum of One Hundred Pounds good and lawful Money of this State; to be recovered by Action of Debt, in the Name of the Governor, and applied to the Use of the Public.

IX. And be it Enacted, by the Authority aforesaid, That Inventories of the Estates of Testators, Intestates, Minors and Absentees, shall be delivered by the Executors, Administrators, Guardians, Agents or Attorneys, respectively, in the same Manner as the Estates of other Persons, and on Refusal or Neglect, shall be valued as aforesaid; and the Tax shall be levied of the proper Estate of such Executor, Administrator, Guardian, Agent or Attorney, so refusing or neglecting as aforesaid, any Law, Usage or Custom, to the contrary notwithstanding.

X. And be it further Enacted, by the Authority aforesaid, That the real Estates of Persons residing out of this State, or Inhabitants thereof, who have not any personal property therein, shall be assessed yearly by the Persons appointed to value the Estates of the Inhabitants, and a particular and separate Return thereof made to the County Court; and if the Assessment thereon shall not be discharged within Two Years after the same became due, then such Estate, or so much thereof as may be necessary to discharge the several Assessments, with all contingent Charges, shall be sold by the Sheriff of the County wherein the same shall be, by Order of the County Court, any Law or Usage to the contrary notwithstanding; and the taxable Part of the Estates of the Persons appointed to value the Property of the Inhabitants of the respective Districts of every County in this State, shall be valued and appraised by the Court of the County wherein they reside, and the Taxgatherers shall collect and account for the same, and for their own Taxes, with the County Treasurer, as for other Public Taxes.

XI. And be it further Enacted, by the Authority aforesaid, That if any Person, after being lawfully taxed as aforesaid, shall neglect or refuse to pay the sum he shall be so taxed for the Space of One Month after the First Day of December in every Year, the respective Collectors or Taxgatherers may, and they are hereby empowered to levy the same by Distress and Sale of the Goods and Chattels of such Delinquent, and shall be intitled to take and receive for such Distress the Sum of Two Shillings and Eight Pence, and no more.

XII. Provided always, That no Distress shall be made on Slaves without the Consent of the Owner thereof, if other sufficient personal Estate can be found; and the respective County Courts in this State shall transmit yearly
to the General Assembly an exact Account of the Valuation or Assessment in their respective Counties, which Account shall be signed by the presiding Justice in such Court, and certified by the Clerk thereof.

XIII. And for the more effectual collecting and gathering of the Taxes to be assessed in Virtue of this Act, Be it Enacted, by the Authority aforesaid, That the respective County Courts in this State shall appoint a Collector or Taxgatherer within each District of each respective County, who shall collect all the Taxes of such District, but before executing his said Office shall enter into Bond, with sufficient Security, in double the Sum by him to be collected, payable to the Governor or Commander in Chief for the Time being, for the faithful Discharge of his Duty; and every Taxgatherer shall be allowed at the Rate of Six Pounds for every Hundred Pounds he shall so collect, and so in proportion for a greater or less Sum.

XIV. And be it further Enacted, by the Authority aforesaid, That the Sheriffs of every County in this State respectively shall, and they are hereby required to demand and receive of the Taxgatherers within their respective Counties, all Sums of Money which shall be collected for Public Taxes by the said Taxgatherers, and for that Purpose the Sheriffs shall be, and they are hereby respectively constituted County Treasurers, and shall be allowed at the Rate of Two Pounds for every Hundred Pounds they shall so receive as aforesaid; and every Sheriff, before he qualifies as such, shall enter into a Bond in the Court of his County, with Two or more sufficient Securities, in double the Amount of the Tax assessed in his County, payable to the Governor or Commander in Chief, with Condition that he will well and truly account for, and pay to the Public Treasurer or Treasurers, all such Sums of Money as he shall receive from the Taxgatherers aforesaid, after deducting the Commissions allowed him by this Act.

XV. And be it Enacted, by the Authority aforesaid, That if the Justices of the respective County Courts shall fail or neglect to lay out their respective Counties into Districts as directed by this Act, or fail or neglect to appoint a Justice of the Peace in each District to receive the Accounts of the taxable Property of the Inhabitants thereof, or Persons to ascertain the Value of such Property, or a Taxgatherer in each District to collect the Public Taxes, or shall fail or neglect any other Duty by this Act required, every Justice so failing or neglecting as aforesaid, shall forfeit and pay for each Neglect the Sum of One Hundred Pounds; to be recovered by Action of Debt, in any Court of Record, in the Name of the Governor or Commander in Chief, and applied to the Use of this State.

XVI. And be it further Enacted, by the Authority aforesaid, That the respective County Courts in this State may allow the Assessors of taxable Property, and the Persons appointed to summon the Inhabitants to return to the Justices Inventories of such property, a reasonable Sum annually out of the contingent County Tax, as a Recompence for such Services.

XVII. And be it Enacted, by the Authority aforesaid, That every Person holding Lands by Title of Dower, Courtesy, or other Estate for Life, or on Lease for Ten Years or more, shall pay all such Taxes as shall be on the same assessed, in like Manner as other Owners of Lands are required by this Act.

XVIII. And be it also Enacted, by the Authority aforesaid, That the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, and Nineteenth Sections of an Act of Assembly, intituled, An Act for levying a Tax by General Assessment, and other Purposes, be, and
the same are hereby declared to be repealed, made null and void, to all
Intents and Purposes, as if the same had never been made.

CHAPTER XIV.

An Act to enforce such Parts of the Statute and Common Laws as have been
heretofore in Force and Use here, and the Acts of Assembly made and
passed when this Territory was under the Government of the late Proprieters,
and the Crown of Great Britain; and for reviving the several
Acts therein mentioned.

I. Whereas Doubts may arise upon the Revolution in Government, whether
any and what Laws continue in Force here: For Prevention of which,
II. 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
such Statutes and Parts of Statutes, and such Parts of the Common Law,
as were heretofore in Force and Use within this Territory, and all the Acts
of the late General Assemblies thereof, or so much of the said Statutes, Common
Law, and Acts of Assembly, as are not destructive of, or repugnant to;
or inconsistent with, the Freedom and Independence of this State, and the
Form of Government therein established, and which have not otherwise
been provided for in Whole or in Part, not abrogated, repealed, expired, or
become obsolete, are hereby declared to be in full Force within this State,
and shall be observed accordingly.

III. And be it Enacted, by the Authority aforesaid, That one Act of the
General Assembly made under the late Government, intituled, An Act for the
more advantageous and easy Manner of obtaining Partitions of Lands in
Coparcenary, Joint Tenancy, and Tenancy in Common; one other Act, inti-
tuled, An Act to prevent Card Playing, and other deceitful Gaming, passed
at New Bern in the Month of December One Thousand Seven Hundred and
Seventy, and since expired; and also one other Act, intituled, An Act for the
Relief of Insolvent Debtors, with Respect to the Imprisonment of their
Persons, made and passed at New Bern the Sixth Day of March, One Thou-
sand Seven Hundred and Seventy Three, but since repealed by Procla-
mination; and the following Acts, passed last session of this present General
Assembly, but which will expire with this Session, if not revived, to-wit,
An Act to prevent hunting with a Gun by Fire Light in the Night; and An
Act to prevent counterfeiting the Lottery Tickets of the United States, and
other Purposes; and An Act to promote the recruiting Service, apprehending
Deserters, and other Purposes therein mentioned; be, and are hereby re-
vived, and declared to be in full Force, so far as the said Acts are not de-
structive of, repugnant to, or inconsistent with, the Freedom and Inde-
pendence of this State, and the Form of Government therein established.

IV. And be it further Enacted, That this Act shall be, continue, and re-
main in full Force and Virtue, till the End of the next Session of Assembly,
and no longer.

CHAPTER XV.

An Act to amend an Act, intituled, An Act to establish a Militia in this State.

I. Whereas a well regulated Militia is absolutely necessary for the de-
defending and securing the Liberties of a free State.
II. 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 Captain of Militia within this State, once in every Six Months, shall return a Muster Roll of his Company, divided and numbered as by the Act aforesaid is directed, to the commanding Officer of the Regiment, under Pain of forfeiting Five Pounds for every default; and the commanding Officer of each Regiment shall make an exact Return from such Lists within Twenty Days after receiving the same to the Brigadier General of the District, under Pain of forfeiting Twenty Five Pounds for every District.

III. And be it further Enacted, That the Commanding Officer of every Regiment shall twice in every Year, and oftener if thereto required by the Brigadier General of the District, order a general Return, at the most convenient Place for his Regiment, under Pain of forfeiting Twenty-Five Pounds for every Default; and every Captain shall muster and train his Company, divided as before directed, once in every Month, and oftener if directed by the commanding Officer, under pain of Forfeiting Five Pounds for every Default; and every soldier neglecting or refusing to attend the General Muster, shall forfeit the Sum of Twenty Shillings; and if a Private Muster Ten Shillings, to be recovered, together with the foregoing forfeitures, as herein after directed.

IV. And be it further Enacted, That the Brigadier Generals respectively shall return an exact Roll of all the Officers and Soldiers of their Brigades, distinguished into their proper Companies and Divisions, to the Governor once in every Year, and oftener if required, under the Penalty of One Hundred Pounds for every Default.

V. And be it further Enacted, That each Militia Soldier shall be furnished with a good Gun, Shot Bag, and Powder Horn, a Cutlass or Tomahawk; and every Soldier neglecting to appear at any Muster accoutered as above shall forfeit, for every such Offence, Two Shillings and Six Pence, (unless he can make it appear they were not to be procured) to be recovered as other Fines: And where any Person shall appear to the Field Officers not possessed of sufficient Property to afford such Arms and Accoutrements, the same shall be procured at the Expence of the County and given to such Persons on muster Days, or when ordered into Service, which Guns and Accoutrements, after such Service, shall be returned to the Captain of the Company and by him carefully preserved for future Occasions: And whenever the Militia are called into Service they shall be allowed as follows, viz. Two Baggage Wagons or Four Carts for every Company, and one Wagon or Two Carts for a Brigadier-General. One Wagon or Two Carts for the Field Officers of each Regiment. Two Wagons or Four Carts for the subaltern Officers of each Regiment. Ammunition Wagons at the Discretion of the Brigadier-General. The same Rations to Men and Officers as allowed to the continental Army, to be supplied by Commissaries appointed by the Brigadier. One Bell Tent to each Company; Intrenching Tools, Six Axes, and a sufficient Number of Camp Kettles. And the Pay of the Men and Officers as follows, to wit. A Colonel, per Day, Twelve Shillings and Six Pence. A Lieutenant Colonel, Ten Shillings. A Major, Ten Shillings. A Captain, Seven Shillings and Six Pence. A Lieutenant and Surgeon, Five Shillings. An Adjutant, Seven Shillings and Six Pence. An Ensign, Four Shillings and Six Pence. A Serjeant, Four Shillings. A Corporal, Drummer, and Fifer, Three Shillings. Each Rank and File Man, Two Shillings and Six Pence. A Brigadier General, One Pound Twelve Shillings.

VI. And be it Enacted, by the Authority aforesaid, That there shall be one Quarter Master to every Brigade, with Power to appoint Deputies, with the Consent of the Brigadier General; and every Colonel, or commanding
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Officer of a Battalion, shall appoint a Quarter Master to attend the same, or any Detachments thereof, when ordered into actual Service, to continue only until such Battalion or Detachment shall join the Brigade of which it shall be a Part; and every Quarter Master shall keep an exact Account of the Disbursements within his Department, and produce Vouchers for every Expenditure before the same shall be allowed.

VII. And be it further Enacted, That there shall be Ten Light-Horse-Men, and no more, from each Regiment, to be arrayed in one or more Companies when they shall have joined the Brigade, at the Discretion of the Brigadier General.

VIII. And be it further Enacted, That no Officer or Soldier in the Militia Service shall be tried for any Offence against the Militia Law, or the Articles of War, except by a Court Martial, to consist only of Militia Officers.

IX. And be it further Enacted, That no Brigade, Regiment, Company, or Division of Militia, shall be under Command of any but Militia Officers, except when such Militia shall be ordered by the civil Power to join the continental Troops, in which Case the Continental Officer of equal, and the militia Officer of superior Denomination, shall command.

X. And be it further Enacted, That such Division as shall at any Time be called into Service, shall be formed into Companies of not less than Fifty Men each, with a proportionable Number of Officers, Serjeants, Cor-

porals, Fifers and Drummers, and all the Officers of each Regiment shall agree among themselves concerning who shall command the Men directed to march into actual service; but if they cannot agree, the commanding Officer shall cause lots to be drawn, and the Officers on whom such Lot shall fall shall command in their proper Rank and Department.

XI. And be it further Enacted, That all Persons within the Ages of Six-

teen and Fifty shall be liable to be drafted, and every Person so drafted obliged to serve, or find an able bodied Person in his Room; provided that the Council of State, Public Secretary, Justices of the Superior Courts of Law and Equity, Justices of the Peace, Attorney General, Ministers of some Church regularly called, and having the Cure of Souls, Treasurer of the Loan Office, Clerks of Courts, Entry Takers and Surveyors, and continental Postmasters and Postriders, shall not be obliged to attend general or private Musters.

XII. And be it further Enacted, That for all Defaults at private Musters, if the Delinquent shall fail to appear at the next succeeding Muster, and shew sufficient Cause for such Default, the Captain shall issue his Warrant to the Serjeant for levying the above Fines by Distress on the Delinquent's Goods and Chattels, and the fines so collected shall be applied towards providing Arms for such as have not sufficient Property to procure such for themselves; and when no Property can be found, the Delinquent shall and may be taken in Custody, and unless he can find Security for the Payment of the Fine incurred before the next Muster, shall and may be committed for the same for a Space not exceeding Two Days, and shall pay the Prison Fees.

XIII. Provided, That where any Person shall fail to appear at any private Muster, and the Captain of the Company may suspect such Person of having an Intention of removing himself out of the County before the next succeeding Muster, in such Case it shall and may be lawful for the Captain to issue a Citation against such Default, requiring him by a certain Day, not exceeding Ten from the Date thereof, to appear and shew Cause. If any he can, why the Fine should not be levied; and if he shall fail to appear, or appearing, to make sufficient Excuse, he shall be subject to the same
Proceedings as if he had failed to make Excuse at the succeeding Muster: And every Person who shall think himself aggrieved, may complain to the next Court Martial, and if the said Court shall think he was unjustly fined, they shall order the Money to be refunded, if paid, and if any Security has been given, that the same be released.

XIV. And be it further Enacted, That there shall be a Court Martial held the Day after every General Muster, to be composed of one Field Officer, and Six Captains or Subalterns at least, which said Court shall have full Power to inquire into the Age and Abilities of all Persons enlisted, and to exempt such as they judge Incapable of Service, and of all Neglects and Omissions, as well by any Officers or Soldiers, and to hear and determine all Appeals whatever, and to dispose of all Fines for the Use of the County; 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 allow him a reasonable Salary out of the Fines.

XV. And be it further Enacted, That if any Soldier shall during the Time of any Muster, or when in Service, resist his commanding Officer, or refuse his lawful Commands, such Soldier shall be punished at the Discretion of his officer, by being tied Neck and Heels not exceeding Fifteen Minutes; and if any Officer or Soldier shall refuse to carry such Commands into Execution, every one so offending shall forfeit and pay the Sum of Five Pounds, to be levied by a Warrant from any Field Officer in the Regiment, on the Goods and Chattels of the Delinquent, and applied as other Fines mentioned in this Act; and if no Goods or Chattels shall be found, it shall and may be lawful to seize and commit such Delinquent for a Space not exceeding four Days, and shall pay the Prison Fees.

XVI. And be it further Enacted, That no Officer or Soldier going to, continuing at, or returning from any Muster, in any reasonable Time, shall be liable to be arrested by any Officer in any civil Action or Process whatever, any Law, Usage or Custom, to the contrary notwithstanding.

XVII. And be it further Enacted, That in all Cases where it shall be requisite to administer an Oath relative to any military Matters, any commissioned Officer is hereby required to administer the same.

XVIII. Be it further Enacted, That no Officer or Soldier of the Militia or Regulars in the State shall press any Wagon, Cart or Horse, Arms or other Things, of any Nature whatsoever, unless authorized thereto by Warrants under the Hands and Seals of two Justices of the Peace (not being Militia officers then in actual service) of the County where such Press shall be necessary; and any Officer or Soldier before he shall press any Thing as aforesaid, shall demand the same peaceably from the Owner or Possessor thereof, and in Case of Refusal, shall produce his Warrant aforesaid before he proceeds to press, and if the Owner or Possessor shall still refuse the Thing demanded, it shall be lawful to press the same; and every Officer or Soldier who shall offend against this Act, shall forfeit and pay Ten Pounds for every such Offence to the Person injured, and be moreover liable to the Action or Actions of the Party grievances, to be recovered before any Jurisdiction having Cognizance thereof; and every thing so pressed or obtained shall be valued by two Indifferent Persons, on Oath, and a Certificate of the Valuation given by such Valuers to the Owner or Possessor from whom the same shall be pressed or obtained, in order that if the same shall not be restored to the Owner or Possessor, he may be allowed such Valuation by the Public.

XIX. And be it further Enacted, by the Authority aforesaid, That every Person who shall neglect or refuse, on Call or Alarm given, to appear himself in Person, or send an able bodied Man in his Stead, at such Times and
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Places as shall be appointed by his Captain or other Officer, or 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 his Captain or other Officer, or shall quit his Post, desert his Colours; or mutiny, it shall and may be lawful for the commanding Officer of the Brigade, Regiment or Company, to whom such Defaulter shall belong, to send a Guard to take him into Custody; and also for one Field Officer or more, two Captains, two Lieutenants, and two Ensigns, or the Majority of them, openly to hold a Court Martial, first taking the following Oath, which is to be taken by all other Court Martials, viz.

You shall swear well and truly to try, according to Evidence, in the Matter now before you.

And on Trial and Conviction to punish the Offender according to Martial Law, as the Nature of the Offence may require (Death excepted.) And for want of such Number of Officers to compleat a Court Martial, the Offender shall be kept under Guard until such Time as there shall be a sufficient Number for that Purpose.

XX. Provided, That where any Person shall produce a proper authenticated Certificate from the yearly or quarterly Meeting of the Society of People called Quakers, or the religious governing Authorities of the People called Moravians, Dunkards, and Menonists, every such Person shall be subject to a Fine of Twenty Five Pounds, to be levied of his Goods and Chattels, Lands and Tenements, or of the Goods and Chattels, Lands and Tenements, or any such Society, which may belong to them, in Lieu of their personal Service on any Alarm or Expedition, such Fine to be paid into the Public Treasury, and applied to defray the Expences of the War.

XXI. And be it further Enacted, by the Authority aforesaid, That when any Brigade shall be ordered into actual Service, the following Rules and Regulations shall be observed, viz. One Waggon Master shall be appointed by the Field Officers of every Battalion, subject to be removed or rejected by the Brigadier General, who before he enters upon his Duty, shall take an Oath, that he shall faithfully execute the said Office; and the Commissaries shall every Morning make a Return to the Waggon Master of the Provisions, which the Waggon Master having examined and compared, shall return signed and certified to the commanding Officer; and the Waggon Master shall attend, as his special Duty, to the Arrangement of the Wagons, taking Care that every Morning no more begin to march than one for every Ton of Provisions, except where there may be Half a Ton or upwards over and above what will make a Ton for every Waggon but one, in which Case the one Waggon shall be kept in Service until so much is consumed as to render it below Half a Ton; and in all Cases where the Quantity over a Ton for each Waggon is less than Half a Ton, the Overplus shall be distributed into the other Waggons as equally as may be; and every Morning all the empty Waggons shall be discharged, each Waggon having first obtained a Certificate from the Waggon Master, setting forth the Number of Days it had been in Service, and the Place where discharged, and the Distance to return; and for every Twenty Miles of such Return, each Waggon shall be allowed Twenty Shillings, or one Day's Pay, and Half the Sum shall be allowed for such Carts as shall be employed in the Service; and every Waggon Master shall be allowed the Pay and Rations of a Major: Also that there be a Paymaster to be appointed to each Brigade, who shall attend the same, and be allowed Major's Pay and Rations; and he shall produce as Vouchers, Receipts from every Officer and Soldier who shall appear on the Muster Rolls of the Brigade to which he belongs, for such Sums as he shall pay away.
XXII. And be it further Enacted, by the Authority aforesaid, That the Divisions made for draftig the Militia in the several Counties in this State, according to a resolve of Congress, passed at Halifax in May, One Thousand Seven Hundred and Seventy Six, shall continue, and the Persons who have in Pursuance thereof been drafted, and actually called forth into the Service of this State, shall not be again drafted, nor called into actual Service, till according to the Order of the said Divisions, it shall in Rotation come to their Turn to be again drafted, and called into the actual Service of this State, any thing in this Act contained to the contrary notwithstanding.

XXIII. Whereas the Penalties incurred by some of the Militia, who refused to march on the late Expedition against the Cherokee Indians, and other Enemies, for the necessary Defence of this State, have been imposed agreeable to Act of Assembly, and Resolves of Congress; and whereas some of the said Penalties incurred and imposed as aforesaid have not been collected, be it therefore Enacted, by the Authority aforesaid, That the Colonel or Commanding Officer of every Regiment of Militia in this State shall, and he is hereby empowered and authorized to issue his Precept under his Hand and Seal, directed to the Sheriff of the County where the Offender resides, to levy the said Fines by Distress and Sale of the Offenders Goods and Chattels, and the said Fines shall be applied in the same Manner as other Fines imposed by this Act; and the Sheriffs for this Service, shall out of the said Fines receive the Fees allowed by Law for levying Executions, and for every Neglect or Refusal shall forfeit and pay the Sum of Ten Pounds.

XXIV. And be it Enacted, by the Authority aforesaid, That if any Militia Officer shall fail or neglect to call his respective Regiment, Company or Corps, together, or to exercise, discipline and train the same when assembled, in Manner as by this Act is directed, such Officer so failing or neglecting as aforesaid, shall forfeit and pay as follows, to wit, A Colonel Commandant, the Sum of Twenty Five Pounds, a Lieutenant Colonel, the Sum of Twenty Pounds, a Major, the Sum of Twenty Pounds, a Captain, the Sum of Ten Pounds, a Lieutenant, the Sum of Five Pounds, and an Ensign, the Sum of Five Pounds; which several Penalties and Forfeitures may be sued for and recovered by Action of Debt, Bill or PLAint, before any Jurisdiction having Cognizance thereof, with Costs; one Molety whereof shall be paid to the Brigadier General of the District, to be applied towards purchasing Arms, &c., for the Use of the Militia of the County where the Forfeiture shall be, and the other Half to the Person who shall sue for the same.

XXV. And be it further Enacted, by the Authority aforesaid, That every Militia Officer, before he shall enter upon the Execution of his Office, shall take the Oath appointed for the Qualification of Public Officers.

XXVI. And be it also Enacted, by the Authority aforesaid, That where any Invasion or Insurrection shall happen within this State, the nearest Militia Officer shall give immediate Notice thereof to his next superior Officer, who shall communicate the same to the next Superior, and so on to the Brigadier General, who shall convey the same to the Governor or Commander in Chief, and in the mean Time every such Officer shall use his utmost Endeavours to collect a Force sufficient to repel the Enemy, or suppress the Insurrection; and every Officer falling herein, shall be subject to such Punishment as shall be adjudged by a Court Martial.

XXVII. And be it Enacted, by the Authority aforesaid, That every Sergeant, for levying any Fine for not attending at general or private Musters, and for not appearing properly equipped, shall have and receive the following Fees, viz: For Fines for non-Attendance Four Shillings, for Fines for not being equipped One Shilling and Four Pence, to be paid out of the said
Fines. And when any Apprentice or Servant, or any Minor, shall absent himself from Militia Duties, he shall be subject to the Penalties by this Act directed for Offences of the same Nature; and if by this Act such Offences are made subject to a Fine or Fines, such Fine or Fines shall be levied by Distress upon the Effects of the Master of such Servant or Apprentice, or upon the Effects of the Parent of such Minor, or of his Guardian, in Case he shall be an Orphan.

XXVIII. And be it also Enacted, by the Authority aforesaid, That all and every Section of the Act before mentioned, which shall come within the Purview of this Act, shall be, and is hereby repealed.

CHAPTER XVI.

An Act to impower the Court of Admiralty of this State to have Jurisdiction in all Cases of Capture of the Ships and other Vessels of the Inhabitants and Subjects of Great Britain, to establish the Trial by Jury in the said Court in Cases of Capture.

I. Whereas the Continental Congress, by several Resolves, have declared that all Ships and Vessels, as well Ships of War and Transports as Merchant Ships and Vessels, their Tackle, Apparel and Furniture, and all Goods, Wares and Merchandize, belonging to any Inhabitant or Inhabitants of Great Britain, or to any Subject or Subjects of the King of Great Britain (except the Inhabitants of Bermuda and Providence, or Bahama Islands) taken on the High Seas, or between high and low Water Mark, by any armed Vessel, fitted out by any private Person or Persons to whom Commissions shall be granted, or by any of the Vessels of War of these United States, or by any Vessel of War fitted out by, and at the Expense of any of the United States, or which shall happen to be taken near the Shores of any of these States by the People from the Country, or Detachments from the Army, shall be deemed and adjudged lawful Prize; and whereas the said Congress have recommended to the several Assemblies or Legislatures in the said States as soon as possible to erect Courts of Justice, or to give Jurisdiction to those already established in the said States, for determining concerning the Captures to be made as aforesaid, and also recommended that all Trials in such Case be had by a Jury, under such Qualifications as to the respective Legislatures shall be expedient.

II. Be it therefore Enacted, by the General Assembly of this State, and by the Authority of the same, That the Court of Admiralty of this State shall have Jurisdiction, and may proceed to the Trial and Condemnation of all such Ships and Vessels, their Tackle, Apparel and Furniture, and all Goods, Wares and Merchandize, on Board thereof, as are herein before mentioned; and the Judge of the said Court for the Time being is hereby authorized and required, on Petition to him for that Purpose, to appoint a Court to be forthwith held, that only one Monition shall issue, returnable on the Fourth Day from the Time of Instituting the Suit, and on the return of the said Monition, that the Judge shall order a Jury to be summoned, returnable within Four Days thereafter, previous to all Claims to any Ship or Vessel, Goods, Wares or Merchandize, shall be duly entered and made in the usual Form, and attested on Oath on the Return of the said Monition, and not after, and the Claimant or Claimants shall, at the Time of exhibiting the same, give sufficient Security, to be approved of by the Judge of the said Court, to pay double the Costs necessarily incurred by exhibiting his or their Claim, to the Captor or Captors of such Ships, Vessel, Goods, Wares or Mer-
chandize, if the Jury shall find the same to be lawful Prize, and his or their Claim be dismissed; if no Claim be entered within the Time limited, the Jury shall nevertheless be sworn to try the Cause, and their Verdict, with the Decree of the Judge founded thereon, shall be final and conclusive.

III. Provided nevertheless, and it is hereby further Enacted, by the Authority aforesaid, That if any Captor or Captors, Claimant or Claimants, shall not rest satisfied with the Judgment, Sentence or Decree, given in such Court of Admiralty, it shall and may be lawful for the Party or Parties thereby aggrieved to appeal from the same to the Continental Congress, or to such Person or Persons as they shall appoint for the Trial of Appeals, so as the same be demanded within Five Days after definitive Sentence, and lodged with the Secretary of Congress within Forty Days afterwards, except in Case of the Death of the said Secretary during the Recess of Congress, in which Case the said Appeal shall be lodged in Congress within Twenty Days after the Meeting thereof; and provided the Party appealing shall give good and sufficient Security that he or they will effectually prosecute such Appeal, and answer the Condemnation, and also pay treble such Costs as shall be awarded, in Case the Sentence of such Court of Admiralty be affirmed. Provided always, That the Execution of any Sentence so appealed from as aforesaid, shall not be suspended by Reason of such Appeal, in Case the Party or Parties appellant shall give sufficient Security, to be approved of by the Court in which such Sentence shall be given, to pay the full Value thereof to the Appellant or Appellants, in Case the Sentence so appealed from shall be reversed.

IV. And be it further Enacted, by the Authority aforesaid, That every Judge of Admiralty in this State, when any Cause shall be depending in his Court, shall have Power, and is hereby authorised and required, to issue his Precept, directed to the Marshal, commanding him to summon Twenty Four Freeholders to serve as Jurors, which Precept the Marshal shall execute; and any Person summoned, neglecting or refusing to appear, or appearing shall refuse to serve, the Jury in any Cause then ready for Trial shall be subject and liable to a Fine of Forty Shillings, to be imposed by the Court, which shall be levied by Warrant of Distress and Sale of the Offenders Goods and Chattels, under the Hand and Seal of the Judge of the said Court, for the Time being, to be directed to the Marshal and when recovered shall be paid into the Treasury, and applied to the Use of the State; and the Jurymen who shall serve in the several Courts of Admiralty in this State, shall be allowed Six Shillings per Day for their Attendance.

V. And whereas in the said Resolve it is declared that all Ships or Vessels, with their Tackle, Apparel and Furniture, Goods, Wares and Merchandize, belonging to any Inhabitant or Inhabitants of Great Britain, or any Subject or Subjects of the King of Great Britain (except the Inhabitants of Bermuda and Providence, or Bahama Islands) which shall be taken by any Vessel of War fitted out by, and at the Expence of any of the United States, shall be deemed forfeited, and divided in such Manner and Proportions as the Assembly of such State shall direct; Be it therefore Enacted, by the Authority aforesaid, That all Ships and Vessels except Vessels of War, with their Tackle, Apparel and Furniture, Goods, Wares and Merchandize, belonging to any Inhabitant or Inhabitants of Great Britain, or any Subject or Subjects of the King of Great Britain (except the Inhabitants of Bermuda and Providence, or Bahama Islands) which shall be hereafter taken by any Vessel of War fitted out by, and at the Expence of the State, shall be divided, one half thereof amongst the Officers, Seamen and Mariners, or Persons acting as such, belonging to, or on Board such Vessel of War, in the
following Proportions, that is to say, To the Captain, Two Sixteenth Shares; to the Lieutenants and the Officer of Marines, One Sixteenth Share; to the Warrant Officers, One Sixteenth Share; to the petty Officers, One Sixteenth Share; and to the Seamen and Marines, or other Persons acting as such, Three Sixteenth Shares; and the other Half to the Use of this State. Provided always, That Vessels of War belonging to the King of Great Britain, or Privateers fitted out for the Purposes of cruizing against the subjects of the United States of America, and not for Trade, with their Guns, Tackle, Furniture, Apparel, and all Merchandise found on Board, taken as aforesaid, shall after Payment of the Fees of Condemnation, be wholly divided and shared to and amongst the Officers, Seamen and Marines, or Persons acting as such, on Board of, or belonging to such Vessel of War, fitted out by, and at the Expence of this State, in the following Manner, that is to say, Four Sixteenths to the Captain; to the Lieutenants and Officers of Marines, Two Sixteenth Shares; to the warrant Officers, Two Sixteenth Shares; to the petty Officers, Two Sixteenth Shares; and to the Seamen and Marines, or other Persons acting as such, Six Sixteenth Shares.

VI. And be it further Enacted, by the Authority aforesaid, That if any Ship, Vessel or Boat, or any Goods therein, belonging to any Person or Persons residing in, or owing Allegiance to the free United States of America, hath been, or shall hereafter be surprised and taken by any Ships or Vessels of War belonging to the King of Great Britain, or the Ships or Vessels of any of his Subjects thereto authorized by him, and the same shall be retaken and brought into this State by any Ship or other Vessels of War, fitted out under the Authority of the Continental Congress, or by any particular State, or at the Expence and Risk of Private Persons of any of the said States, and the former Owner or Owners of such Ship, Vessel, Boat, or Goods, or any Person or Persons on their Behalf, shall exhibit his or their Claim or Claims in the said Court of Admiralty within the time herein before limited for Exhibition or Claims, and on the Trial of the Cause shall establish and prove the same to the Satisfaction of the Jury, they shall find a Verdict in Favour of such Claimant or Claimants, and the Judge of the said Court is hereby enjoined and required thereupon immediately to order the said Ship, Vessel, Boat, or Goods, to be restored to such former Owner or Owners, he or they paying for, and in Lieu of Salvage, One Eighth part of the true Value of the Vessel and Cargo, or either of them, if the same hath or have been in Possession of the Enemy Twenty Four Hours, One Fifth Part, if more than Twenty Four Hours, and less than Forty Eight Hours, One Third if more than Forty Eight Hours, and less than Ninety Six Hours, and One Half, if more than Ninety Six Hours, together with the Costs of Suit (unless such Vessel and Cargo shall after the Capture have been legally condemned as a Prize by some Court of Admiralty, in which Case the Re-captors shall have the whole) which Salvage shall be divided by the Captains, Officers, and others, respectively intitled thereto, if fitted out by this State, in the same Proportion as Prizes are herein first before directed to be divided.

VII. And be it further Enacted, by the Authority aforesaid, That all Books, Papers and Writings, found in any Ship or Vessel taken as Prize, shall without Delay, on Oath of the Captor, be brought into the Register of the Court of Admiralty wherein such Ship or Vessel may be proceeded against in order to Condemnation, and until such Condemnation or Acquittal, the Ship or Vessel, and her Cargo, shall be under the Joint Care of the Captor and the Marshall of the Court of Admiralty, subject nevertheless to such Rules and Orders as the Judge of the said Court shall think proper to make in the Premises.
VIII. And be it further Enacted, by the Authority aforesaid, That no Regis-
trer or Deputy Register, or any Marshal or Deputy Marshal, of or belong-
ing to the Court of Admiralty of this State, shall either directly or indirectly
act, or be concerned in any Manner, either as an Advocate or Proctor, in
any Cause, Matter or Business whatsoever, that shall be depending in the
Court to which such Register or Deputy Register, Marshal or Deputy Mar-
shall, shall belong; and that every such Register or Deputy Register, Marshal
or Deputy Marshal, who shall be guilty of such Offence, being thereof law-
fully convicted on Indictment, shall from thenceforth absolutely forfeit his
respective Office and Employment in and belonging to the said Court.

IX. And be it further Enacted, by the Authority aforesaid, That there shall
not be paid unto or amongst the Judge, Register, and Marshal of the said
Court, for, towards, or relating to the adjudging or condemning of such Cap-
ture as aforesaid, as lawful Prize, or acquitting the same, more than the
Sum of One Hundred and Sixty Dollars, to be divided amongst them in the
following Proportions, viz. To the Judge, Eighty Dollars; to the Register,
Fifty Dollars, except in Cases of Appeal, when he shall be allowed the usual
Fees for Copies of the Proceedings; and to the Marshal, Thirty Dollars; and
the Marshal shall be intitled to receive Two per Cent. on all Sales of Cap-
tures, Vessels or Cargoes, condemned in any of the said Courts; and the
whole of such in every Cause, including the Fees of the Judge, Marshal and
Register, and also the Wages of the Jury, shall be paid by the Libellants,
in Case the Cause shall be determined against them; and in Case it shall be
determined in their Favour, then the said Fees and Wages shall be paid out
of the Sales of such Capture, unless where there shall be a Claim or Claims,
in which Case the Claimant or Claimants against whom the Cause shall be
decided, shall pay such Costs; and the Judge shall also tax to the Marshal
his Bill, for all reasonable Costs and Charges for his Care of any Vessel or
Cargo committed to his Custody, and also for Storage of Goods, and other
necessary Expences, &c., which shall be paid in the same manner as other
Costs.

X. And be it further Enacted, That if any Commander or Commanders,
Officer or Officers, Seamen, Marines, Soldiers or others, shall break Bulk on
Board, or embezzle any of the Money, Jewels, Plate, Goods, Wares, Merchan-
dize, Tackle, Furniture or Apparel, of or belonging to such Vessel, Prize or
Prizes, so taken, such Commander, Officer, Seaman, Marine, Soldier or other,
shall forfeit treble the Value of the Thing embezzled, one Third Part thereof
to the Use of this State, and the other two Third Parts thereof to him or
them who shall sue for the same, by Action of Debt, Bill or Plaint, in any
Court of Record in this State, wherein no Essoin, Protection, or Wager of
Law, or more than one Imparinance, shall be allowed; and shall likewise
forfeit all his Share of such Prize to this State.

XI. And be it also Enacted, by the Authority aforesaid, That Payment shall
be made to the respective Persons intitled thereto, or their Agents, of the
several and respective Shares of the Prize or Prizes that they may be inti-
tled to, within Twenty Days after the Sale thereof, by the Marshal as
foresaid, and that Five Days previous Notice of such intended Payment be
given by them in the Public Gazette of this State, if there be any Gazette,
and if not, then by affixing up such Notice in Writting at the most public
Place where such Court shall be held.

XII. And be it further Enacted, by the Authority aforesaid, That the pres-
ent Marshals of the Courts of Admiralty, immediately after the passing of
his Act, and all future Marshals previous to his or their entering upon the
Execution of their respective Offices, shall give Bond, with two Sureties, in
the Penal Sum of Two Thousand Pounds, to the Governor for the Time being, for the due and faithful Execution of his Office, and also for the Payment of Proceeds of all Prizes that may come into his Hands, within Twenty Days after the sale of such Prizes respectively; which Bond shall be lodged in the Secretary's Office of this State, to be put in Suit on the Application of any Person aggrieved by the said Marshal in the Execution of his Office: And upon the Condemnation of any Prize of greater Value than the above mentioned Penalty, the Judge of the Court of Admiralty, before the Sale of such Prize, shall cause the Marshal of such Court to enter into Bond, with sufficient Security, in such Sum as will be sufficient to secure the Payment of the Produce of the Sales of such Prize; and if the Marshall shall be unable or unwilling to give them such Security, he may be suspended, and another appointed, from Time to Time, until the Sitting of the General Assembly.

XIII. And be it also Enacted, That if the Marshal of the Court shall refuse and neglect to publish such Notice as is herein before directed to be given, they, and every of them, for every such Offence, shall forfeit and pay the Sum of Ten Pounds; to be recovered by any Person who shall sue for the same, in any Court of Record in this State, wherein no Essoin, Protection or Privilege, shall be allowed.

XIV. And be it further Enacted, by the Authority aforesaid, That in all Distributions of Prize Money, the Rules, Regulations, Provisions, and Restrictions, made at any Time, and in Force, by Resolutions of the Continental Congress, shall be observed, except in such Cases where the Owners and Crews of private Ships of War shall by particular Contract otherwise provide.

XV. And whereas in some Cases properly maritime, the Jurisdiction of the Court of Admiralty may hereafter be called in Question; Be it therefore Enacted, by the Authority aforesaid, That all Suits for Freight, Mariners Wages, Breach of Charter Parties for Voyages to be made, so as the Penalty be not demanded, and Suits for building, repairing, saving, or the necessary Victualing for a Ship, against the Ship or Vessel, and not against any Party by Name, but such as may choose to make himself a Party, and all Disputes concerning Salvage, and all Matters and Transactions that are in their Nature maritime, shall be tried and determined in the Court of Admiralty.

CHAPTER XVII.

An Act, for confiscating the Property of all such Persons as are inimical to the United States, and of such Persons as shall not, within a certain Time therein mentioned appear and submit to the State whether they shall be received as Citizens thereof, and of such Persons as shall so appear and shall not be admitted as Citizens, and for other Purposes therein mentioned.

I. Whereas divers persons who have heretofore owned and possessed lands, Tenements and Hereditaments, and also moveable Property in this State, have withdrawn themselves from the same, and attached themselves to the Enemies of the United States of America; and also divers Persons who have withdrawn to Places beyond the Bounds of any of the United States, in order to avoid bearing their proper and equal Part in Defence of the Freedom and Independence of the same; and also divers Persons who having been
beyond the Bounds of the United States at the Beginning of the present War, have failed to return and unite their Effects for the common Defence of American Liberty; and it is expedient and just that every Person for whom Property is protected in any State should be and appear within the same, or join in Defence thereof whenever the same is threatened or invaded; and it is also just that a reasonable Time be given for such as have it in their Power to allude favourable or mitigating Circumstances to induce this State, ever attentive to the Rights of natural Justice, and ever ready and willing to receive to Grace and Favour all who are sincerely attached to Liberty, to receive them as Citizens, and restore them to the Possessions which once belonged to them.

II. 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 the Lands, Tenements, Hereditaments, and moveable Property within this State, and all and every Right, Title and Interest therein, of which any Person was seized or possessed, or to which any Person had Title on the Fourth Day of July in the Year One Thousand Seven Hundred and Seventy Six, who on the said Day was absent from this State, and every Part of the United States, and who still is absent from the same, or who hath at any Time during the present War attached himself to, or aided or abettet the Enemies of the United States, or who has withdrawn himself from this or any of the United States after the Day aforesaid, and still resides beyond the Limits of the United States, shall and are hereby declared to be confiscated to the Use of this State; unless such Person shall, at the next General Assembly which shall be held after the First Day of October, in the Year One Thousand Seven Hundred and Seventy Eight, appear, and be by the said Assembly admitted to the Privilege of a Citizen of this State, and restored to the Possessions and Property which to him once belonged within the same.

III. Provided, That this Act shall not extend to such Persons as are, or have been actually employed in the Service of the United States, or any of them, and have not deserted to the Enemy, or traitorously violated their Trust, as are imprisoned, of unsound Mind, or under the Age of Twenty One Years.

IV. And provided also, That nothing herein contained shall be construed to give Permission to such Persons as have removed themselves, or have been removed under the compulsive Authority of any Law of this State, or who have removed themselves to avoid taking the Oath of Allegiance to this State, to return thereto, or to avoid any Sales of Lands, Tenements, Hereditaments, or movable Property, by such Persons bona fide made before their Departure, or pursuant to an Act of Assembly, passed at the last Session of this Assembly, intituled, An Act for declaring what Crimes and Practices against the State shall be Treason, and what shall be Misprision of Treason, and providing Punishments adequate to Crimes of both Classes, and for preventing the Danger which may arise from Persons disaffected to the State.

CHAPTER XVIII.

An Act to regulate the Pilotage of Cape Fear and Occacock Bars, and the Rivers leading from the same to Brunswick, Wilmington, New Bern, Bath and Edenton.

I. Whereas the Pilotage of the Bars and Rivers in this State is at pres-
ent under no Regulation by Law, and many Abuses may be committed, and
the same much neglected, greatly to the Prejudice of Navigation and Trade;
II. 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 Pilots of the different Bars, Rivers and Creeks,
of this State, shall be, and they are hereby allowed the Pilotage hereafter
mentioned, and no more, to-wit, Coming over Cape Fear Bar, and up to Bruns-
wick, for each Vessel drawing Six Feet Water, Twelve Shillings per Foot;
from Six to Ten Feet, Fourteen Shillings per Foot; from Ten to Twelve Feet,
Sixteen Shillings per Foot; from Twelve to Thirteen Feet, Eighteen Shil-
lings per Foot; from Thirteen to Fourteen Feet, Twenty Shillings per Foot;
for Fifteen Feet, Twenty Five Shillings per Foot; for Sixteen Feet, Thirty
Shillings per Foot; and for each Ship or Vessel drawing Seventeen Feet
Water, Thirty Five Shillings per Foot: And for Piloting a Ship or other
Vessel from Brunswick to Great Island, the Quarter Part of said Rates,
according to the Draught of Water of such Vessel respectively; and from
Great Island over the Flats, up to Wilmington, the One Quarter Part of the
Rates aforesaid; and for every Vessel outward bound, they are hereby al-
lowed the respective Rates or Pilotage aforesaid, excepting the Bar Pilotage,
which shall be One Half only; and for Piloting any Ship or Vessel in, over
Ocaccocock Bar to Beacon Island Road, or any other Road or Harbour where
Vessels usually anchor at, drawing Nine Feet or under, Twelve Shillings
per Foot; and from Nine to Eleven Feet, Sixteen Shillings per Foot; and
from Eleven Feet and upwards, Twenty Shillings per Foot; and for the pilot-
ing each Vessel outward bound over the said Bar of Ocaccocock, the One Half
of the said Rates, Respect being had to the Particular Draught of Water
such Vessel shall draw: And the Pilotage from the Lower Road to New
Bern, shall be Twelve Shillings per Foot, and from New Bern to the Lower
Road the same; and the Pilotage from the Lower Road to Edenton Twenty
Shillings per Foot, and from Edenton to the Lower Road the same; and the
Pilotage from the Lower Road to Bath Town shall be Ten Shillings per Foot,
and from Bath Town to the Lower Road the same; and the Swash Pilotage
for Vessels not taking a River Pilot, shall be sixteen Shillings for each
Vessel.

III. And be it Enacted, by the Authority aforesaid, That Richard Quinnc,
William Lord, William Wilkinson, Francis Brice, William Purviance, and
John Dubolb, be, and they are hereby appointed Commissioners of the Navi-
gation and Pilotage of Cape Fear River; and that Richard Ellis, John Till-
man, Christopher Neale, David Barron, and John Green, be, and they are
hereby appointed Commissioners of the Navigation and Pilotage of New
Bern; and that Nathan Keals, Thomas Repliss, Sen., Thomas Bonner, James
Adams, and John Cooper, be, and they are hereby appointed Commissioners
of Navigation and Pilotage for Bath Town; and that Joseph Hewes, John
Campbell, Robert Hardy, Robert Smith, and William Savage, be, and they
are hereby appointed Commissioners of Navigation and Pilotage for Edenton;
and they, or a Majority of them, for the respective Ports for which
they are appointed aforesaid, are hereby authorized and impowered, from
Time to Time, to examine such and so many Persons as shall offer them-
selves as Pilots for the respective Bars and Ports aforesaid, touching his or
their Abilities.

IV. And be it Enacted, by the Authority aforesaid, That the said Com-
misssioners for the respective Ports aforesaid, or the Majority of them, on
their approving any Person to be Pilot, shall give to such Person a Certificate
under their Hands, to the Governor or Commander in Chief for the Time
being, in order for his Approbation, and to obtain a Branch under his Hand and Seal, to act as a Pilot for the Port and Bar for which the said Commissioners so certifying are appointed.

V. And be it further Enacted, by the Authority aforesaid, That every such person shall, before he obtains a Branch to be a Pilot, give Bond, with Two sufficient Securities, to the Commissioners hereby appointed, and their Successors, for the Port in which he shall obtain a Branch, in the Sum of Five Hundred Pounds, with a Condition for his due and faithful Performance of his Duty as a Pilot; which Bond shall be in Trust for such Person or Persons as shall appear to be injured by such Pilots Negligence or Non-Performance of the condition of said Bond, and shall be assigned to any Person or Persons so injured petitioning the same, who shall and may maintain an Action thereon.

VI. And be it Enacted, by the Authority aforesaid, That when any Branch Pilot shall see, or be informed of any Vessel on the Coast, having a Signal out for a Pilot (if not judged to be an Enemy) and shall neglect or refuse to go to her Assistance, on proper Proof being thereof made, such Pilot or Pilots shall forfeit and pay the Sum of One Hundred Pounds; to be recovered by Action of Debt, in any Court of Record in said State, one Half to the Informer, and the other to the Owner or Owners of said Vessel.

VII. And be it Enacted, by the Authority aforesaid, That when any Ship or Vessel, bound to any of the Ports of this State, shall have the Smallpox, or any other infectious Distemper on Board, the Master and Pilot of such Ship or Vessel shall give immediate Information thereof to the Commissioners of Navigation of the Port they are bound to; and the said Commissioners, or any of them, are hereby impowered and directed to order and command the said Master of such Ship or Vessel to perform Quarantine with his said Ship or Vessel, at such Place, and Number of Days, as they shall think necessary; and if the said Pilot or Master shall neglect or refuse to give such Information, they shall forfeit and pay for every such Neglect the Sum of Five Hundred Pounds; to be recovered in any Court of Record in this State, one Half to the Informer, and the other to the Commissioners, to be by them apiled as hereafter appointed.

VIII. And be it Enacted, by the Authority aforesaid, That upon the Misbehaviour of any Pilot in his Office, the Commissioners aforesaid, or a Majority of them, in the Port where such Pilot belongs, shall, and they are hereby authorized and impowered, to remove such Pilot or Pilots so misbehaving from his or their Office.

IX. And be it further Enacted, by the Authority aforesaid, That if any Person shall take the Charge of any Ship or Vessel as Pilot after the First Day of February next, over the Bars, or through the Rivers and Creeks aforesaid, other than such as shall be licensed to act as a Pilot aforesaid, every Person so offending, and being thereof convicted in any Court of Record having Cognizance thereof, shall for every such Offence forfeit and pay the Sum of Fifty Pounds; to be recovered by the Commissioners, and by them applied as herein after directed, or suffer Three Months Imprisonment.

X. And be it further Enacted, by the Authority aforesaid, That in case of Death, Refusal to Act, Departure out of the State, or other Disability, of any of the said Commissioners, it shall and may be lawful for the remaining Commissioners, or the Majority of them, in such Port where such Circumstance may happen, to elect one or more, from Time to Time, in the Room and stead of the Commissioner or Commissioners disqualified or disabled as aforesaid, so as to keep up the first mentioned Number for each respec-
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tive Port; which Commissioners so elected shall be, and are hereby invested with all the Power and Authority of any Commissioners herein before named.

XI. And for the further Encouragement of such Pilots who shall be active in their Office, and board vessels at sea; Be it therefore Enacted, by the Authority aforesaid, That when any Pilot shall offer his Service to any Master of a Vessel bound in over the said Bars of Oeccacock and Cape Fear, he shall be intituled (although the Master of such Vessel shall refuse to employ him) to the same Pilotage which he would have been intituled to if he had taken charge of the said Vessel, and the Master shall be obliged to pay the same; and in case of Refusal, such Pilot or Pilots reporting the same to the Naval Officer of the Port he arrives at, such Naval Officer is hereby required not to clear out such Vessel until such Pilotage is fully discharged and paid: And if any Ship or Vessel coming into said Harbours or Inlets, taking a Pilot on Board, shall be by contrary Winds or otherwise drove off the Coast, the Master or Owner of such Ship or Vessel shall allow and pay the said Pilot Five Shillings for each and every Day he shall be on Board such Vessel, over and above his Pilotage.

XII. And whereas the erecting Beacons, Buoys and Stakes, as soon as possible, in the different Harbours near the Bars, and from thence up the Rivers and Creeks branching out of the same, where Vessels usually come to and anchor in, will greatly facilitate the Navigation thereof; Be it therefore Enacted, That a Tax shall be paid on every Vessel of Fifty Tons or under, coming in over Oeccacock Bar, the Sum of Sixteen Shillings; from Fifty to One Hundred Tons and upwards, Forty Shillings; and that the Commissioners of the respective Ports aforesaid agree, without Delay, with some proper Person or Persons for executing the same, and keeping them in proper Order, on the best Terms they can; and that they shall, and are hereby empowered to draw on the Naval Officer of their respective Ports annually (who shall and is hereby empowered to receive the above Tax) for such Sum or Sums of Money out of the same (if so much is in his Hands) as will defray the said Expence: And should the said Tax and Penalties heretofore mentioned be found more than is necessary for defraying the said Expence, the said Commissioners, or a Majority of them, shall have Power to draw for the same, and apply it towards improving the Navigation thereof.

XIII. And be it further Enacted, by the Authority aforesaid, That Two Fifths of the Expence attending the setting up the said Beacons, Buoys and Stakes, of the Royal Shoal, and those necessary between that and Oeccacock Bar, and the staking out of the Swash, be paid for by the Commissioners for Port Roanoke, One Fifth by the Commissioners for the Port of Bath, and the remaining Two Fifths by the Commissioners of New Bern, out of the aforesaid Tax and Forfeitures.

XIV. And be it further Enacted, by the Authority aforesaid, That the Commissioners appointed by this Act for the Town of New Bern be empowered to employ proper Persons to stake out the Channel from Harcourt’s Island to Harbour Island, the Expence of which shall be paid as the staking of other Channels is by this Act directed to be paid.

XV. And be it Enacted, by the Authority aforesaid, That no Commander, or other Person, belonging to any Vessel trading to this State, shall cast or throw overboard any stone or other ballast whatsoever into any Channel within said Ports, or wilfully pull down, destroy or remove, any Beacon, Stake, or other Marks, erected or placed in and by Virtue of this Act; and that he or they so offending, shall for every such Offence forfeit and pay the Sum of One Hundred Pounds, to be recovered in any Court of Record in this
State, one Half to the Informer, and the other to the Commissioners, to be by them applied as before directed.

XVI. And be it Enacted, by the Authority aforesaid, That the Collector of the Tax aforesaid shall be entitled to Five Per Cent, for his Trouble in receiving and paying the same, and that he shall account with the Commissioners annually, upon Oath, if required, for all Sums of Money he may receive in and by Virtue of this Act.

XVII. And be it Enacted, by the Authority aforesaid, That all Acts, Clause, or Clauses of Acts, relative to Pilotage or Navigation, heretofore in Force in this State, be, and they are hereby repealed.

XVIII. And be it Enacted, by the Authority aforesaid, That this Act, and every Clause therein contained, shall continue and remain in full Force and Virtue for and during the Continuance of the present War, and from thence until the End of the next Session of the General Assembly.

CHAPTER XIX.

An Act to Enable the Governor to send an Aid from the Militia to oppose the Enemies of the United States, if the same shall be requested by Congress.

I. Whereas opposing the Enemies of the United States, by vigorous and powerful Efforts, will greatly tend to bring the present War to a speedy and happy Conclusion, and this State is at all Times willing and desirous of assisting, to the utmost of its Power, in the common Defence;

II. 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 Governor, or Commander in Chief for the Time being, upon the Request of Congress for that Purpose made, to detach from the Militia of this State an Aid, not exceeding Five Thousand Men in Manner following, that is to say, Every Regiment shall be required to furnish its Proportion of the said Aid, according to the Number it contains, and that the commanding Officer of every Regiment shall be, and he is hereby empowered, to offer a Bounty of Fifty Dollars to every Person who shall engage as a Volunteer in the said Service, and the Deficiency, if any, shall be supplied by Drafts, agreeable to the Militia Law, and every Person drafted for the said Service shall be intitled to a Bounty of Twenty Five Dollars; and every such commanding Officer shall return as soon as may be, to the Governor or Commander in Chief for the Time being, a Roll of Such Persons as shall be detached from his Regiment, distinguishing them into Volunteers and drafted Men; and every Volunteer and drafted Militia Man shall be intitled to receive the Bounty to them respectively given by this Act, as soon as they shall enter into the Service, or be drafted; and the Governor, or Commander in Chief for the Time being, is hereby authorized to draw on the Treasury for such Sums of Money as may be necessary to defray the same.

III. And be it Enacted, by the Authority aforesaid, That the said Aid shall march to such Parts or Places within the United States as the Congress shall direct, and be and continue in Service during the next Campaign, not exceeding Twelve Months; and such Aid shall be under the same Rules and Discipline as the continental Troops, after they shall have joined the Army which they may be ordered to reinforce, and shall receive the same Pay allowed the Militia in this State. Provided always, That for any Offence, every Officer and Soldier of the said Reinforcement shall be tried by the Courts Martial composed of their own Officers, and none other.
IV. And be it also Enacted, by the Authority aforesaid, That the Governor may march to conduct and command the said Militia, if it shall be adjudged by him, with the Advice of the Council of State, consistent with the Safety of this State, and of Use to the Public Service.

V. And be it further Enacted, by the Authority aforesaid, That in case the Governor of this State for the Time being shall by Virtue of this Act march without the Limits of this State, he shall have the rank of a Major General of Militia from the passing of this Act, and shall draw Pay from the Day when by Virtue of this Act he shall pass the Limits of this State, during the Time he shall be on such Service; and he is hereby impowered to call as many Officers into Service as he shall think the Service absolutely requires, having Respect to the Regiments to which such Officers belong, and complying with the Rules prescribed by the Militia Law; and make every Provision for the March of such Troops, and Transportation of Stores, Baggage, Provision and Forage, as may tend to expedite the Progress of the Army, and consist with as much Economy as the Nature of the Operations will admit of.

VI. Provided, That no Person shall be subject to be drafted for compleating the Aid aforesaid, who has been already drafted, and in actual Service, in any Division, Battalion, Company or Detachment, for more than Two Months at any one Time since the Commencement of the present War; and all others shall, if a Draft be necessary, be subject to an equal Draught.

VII. And be it also Enacted, by the Authority aforesaid, That in Case the Governor shall not find it expedient to march with the said Aid, he shall appoint the Commanding Officer thereof a Major General, and such Major General shall have the Pay and other Appointment to such Rank belonging in the Continental Army.

CHAPTER XX.

An Act for Establishing the Salaries of the Justices of the Superior Courts, and of the Attorney General.

I. Whereas it is necessary, in order to obtain a due Administration of Justice, that the Justices of the Superior Courts, and the Attorney General, should be Men of Eminence in the Profession of the Law, which cannot otherwise be effected, than by providing for them suitable to the Dignity of their respective Stations;

II. 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 each of the said Justices shall be paid the Sum of One Hundred Pounds for each and every Superior Court he shall so attend, to be paid out of the Treasury by quarterly Payments.

III. Provided always, That if any of the said Justices should be prevented by Sickness, or any unavoidable Accident, from attending at any of the said Courts, and the same be made appear on Oath, such Justice shall be paid Fifty Pounds for each and every such Court, and no more.

IV. And be it Enacted, by the Authority aforesaid, That the Attorney General shall be paid the Sum of Fifty Pounds for each and every Superior Court he shall attend, together with the Fees by Law established.

V. Provided, That if it should so happen that the Attorney General should not attend at any Superior Court, that then it shall and may be lawful for
the Court to appoint a Deputy to act in his stead, who is hereby intitled to the same Fees as the Attorney General is intitled to, and also the Sum of Twenty-Five Pounds for every Court he shall so act in.

CHAPTER XXI.

An Act for establishing a Loan Office in this State.

I. Whereas the Congress of Delegates for the United States of America have recommended it to the different States of the Union that Loan Offices should be established in each of them, for the Purposes of borrowing Money to support the present War against Great Britain;

II. 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 Loan Office be established in the Town of New Bern, to receive all such Monies as may be lent in this State, pursuant to the Resolutions of the said Congress; and that such Office be under the Directions of the Congress of the United States, or their Board of Treasury, agreeable to the Rules and Regulations which are or may be established for such Purposes.

III. And be it further Enacted, by the Authority aforesaid, That the General Assembly shall, by joint Ballot of both Houses, appoint a Person to execute the several Duties to the Loan Office appertaining, who shall be called the Treasurer of the Loan Office for the State of North Carolina; and the said Treasurer, before entering on the Execution of his office, shall give Bond, with sufficient Securities, to be approved by the Governor and Council, in the Sum of Three Hundred Thousand Dollars, payable to the Governor and his Successors, conditioned for the due and faithful accounting for all such Certificates as he may receive from the Continental Treasury, and the Payment of all such Monies as shall be received on such Certificates, in such Manner as shall be directed by Congress; and also duly and faithfully to the utmost of his Power, to issue all Loan Office Certificates which shall come to his Hands; and likewise well and faithfully to discharge all the other duties of the said Office, in such Manner as the said Congress have directed, or may direct: And such Treasurer shall, and is hereby declared to be intitled to all the Commissions, Fees, Perquisites and Profits, allowed by the Congress for such Services; and shall be exempt from serving in the Militia, or doing any duty as a Militia Man, during his Continuance in the said Office.

IV. And for the Ease and Convenience of Persons who may incline to lend Monies to the United States on the said Certificates, and to the End that the Loan Office may more speedily, and with less Expence to Individuals, be supplied with Money for the said Purposes; Be it Enacted, by the Authority aforesaid, That the said Treasurer shall be, and he is hereby impowered to appoint a Deputy in each of the Towns of Salisbury, Hillsborough, Halifax, Edenton, and Wilmington, for whose Conduct the said Treasurer shall be answerable; and the said Treasurer shall account for all Certificates that shall be to them delivered, and for all Monies to be by them received, in the same Manner as for Certificates delivered, or Monies paid to himself, in Virtue of this Act.
CHAPTER XXII.

An Act declaring what Fences are Sufficient, and to Provide a Remedy for Abuses.

I. Whereas the Peace and Harmony of every Neighborhood much depends on good and sufficient Fences;

II. 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 every Planter shall make a sufficient Fence about his cleared Ground under Cultivation, at least Five Feet high, unless where some navigable Stream or deep Water Course shall be, that may be deemed sufficient instead of a Fence aforesaid.

III. And be it further Enacted, by the Authority aforesaid, That upon Complaint made by any Person to any Justice of the Peace of the County of any Trespass or Damages done by Horses, Cattle or Hogs, it shall and may be lawful for such Justice, and he is hereby authorized and required, to cause to be summoned Two Freeholders, Indifferently chosen, who (together with himself) shall view and examine, on Oath, whether the Complainant’s Fence be sufficient or not, and what Damage he hath sustained by Means of the Trespass; and certify the same under their Hands and Seals; and if it shall appear that the said Fence be sufficient, then the Owner of such Horses, Cattle or Hogs, shall make full Satisfaction for the Trespass or Damages to the Party injured, to be recovered before any Jurisdiction having Cognizance thereof; but if it shall appear that the said Fence be insufficient, then the Owner of such Horses, Cattle or Hogs, shall not be liable to make Satisfaction for such Injury or Damages aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That if any Person whose Fence shall be adjudged insufficient, shall with Guns, Dogs, or otherwise, unreasonably chase, worry, maim or kill, any Horses, Cattle or Hogs, or cause the same to be done, such Person so offending shall make full Satisfaction for all such Damages to the Party injured, to be recovered as aforesaid.

CHAPTER XXIII.

An Act to encourage the building of Public Mills, and directing the Duty of Millers.

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 Water Grist Mill already built, or which shall hereafter be built, that hath or shall at any Time grind for Toll, shall be held and deemed, and is hereby declared to be a Public Mill.

II. And be it further Enacted, by the Authority aforesaid, That any Person willing to build such Mill, who hath Land only on one side of a Run, shall exhibit his Petition to the County Court, and therein shew who is the Proprietor on the opposite side of the Run, whereupon a Summons shall issue to such Proprietor to appear at the next Court, and answer the Allegations of such Petition; and the Court also at the same Time shall order Four honest Freeholders to lay off, view and value, on Oath, an Acre of the Land of such Proprietor, and also an Acre of the Land of the Petitioner opposite thereto, and to report their Opinion and Proceedings thereon to the next Court, and thereupon the Court shall order the said Report to be recorded; and if it take not away Houses, Orchards, Gardens, or other Im-
mediate Conveniences, shall and may, and are hereby impowered and authorized, to grant Leave to the Petitioner, or such Proprietor, to erect such Mill at the Place proposed, as in their Discretion shall seem reasonable, and to order the Costs of such Petition to be paid by the Person to whom such Leave shall be granted.

III. Provided always, That the Person to whom such Leave is granted shall pay down in Court, for the Acre of Land he shall obtain thereby, the Valuation Money, and procure a Record to be made thereof, which shall be a good and effectual Seizen in Law to create to such Person, his Heirs and Assigns, a Fee Simple in such Acre of Land.

IV. And provided also, That where any Grist Mill has been heretofore erected by Order of Court, it shall not be lawful for any Court, on the Petition of any Person whatever, to grant any Part of the Tract whereon such Mill stands, for the Purpose of building another Mill within Two Miles above or below the Mill already erected.

V. Provided nevertheless, That it shall not be lawful for any Court to grant Leave to any Person to erect a Mill so as to overflow any other Mill, or create a Nuisance to the Neighbourhood, any Thing herein contained to the contrary notwithstanding.

VI. Provided also, That the Person so being seized, shall within One Year begin to build a Water Mill, and finish the same within Three Years, and shall thereafter keep up the same for the Use and Ease of all such as shall be Customers to it, otherwise the said Land shall return to the Person from whom it was taken, or to such other Person as shall have his Right, unless the Time for finishing the same, for Reasons shewn to and approved of by the Court, be enlarged.

VII. Provided likewise, That if any Water Mill belonging to any Person within the Age of Twenty One Years, Feme Covert, Non Compos Mentis, or imprisoned, be let fall, burnt, or otherwise destroyed, that then such Person or Persons, and their Heir or Heirs, shall have Three Years to rebuild and repair such Mill, after his or their full Age, Discoverture, coming of sound Mind, or Enlargement out of Prison.

VIII. And be it further Enacted, by the Authority aforesaids, That if any Person shall think himself aggrieved by the Order or Determination of the County Court, he may appeal therefrom to the next Superior Court for the District in which the said Land doth lie, giving Bond and Security as usual; which Court shall, and is hereby authorized and impowerd to take Cognizance of the same, and to confirm such Order, or reverse the same, and to give such Judgment therein as the County Court ought to have rendered.

IX. And be it further Enacted, by the Authority aforesaids, That every Person who hath built any Mill in Consequence of any Order of Court, and hath actually paid the Money according to the Valuation of any Acre of Land as by this Act directed, to be laid off and valued, shall be, and is hereby declared to stand seized thereof, to him, his Heirs and Assigns, in absolute Property, in the same manner, and under the same Restrictions, Limitations and Conditions, as if the same had been originally granted by virtue of the Powers and Authorities of this Act.

X. And be it further Enacted, by the Authority aforesaids, That all Millers shall grind according to Turn, and shall well and sufficiently grind the Grain brought to their Mills, if Water will permit, and shall take no more Toll for grinding than One Sixth Part of the Indian Corn, and one Eighth Part of the Wheat, in the Districts of Edenton, New Bern, Wilmington, and Halifax, and the Eighth of the Corn and Wheat in the Districts of Hillsborough and Salisbury, and one Fourteenth Part for chopping Grain of any Grind;
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 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 shall be made; and if any Slave or Indian that shall kill any Vermin, of which the Head or Scalp shall be produced as aforesaid, the Master or Owner of such Slave or Indian, or he that makes Claim for such Scalp or Scaps in Behalf of any Slave or Indian, shall make Oath before such Magistrate, that he verily believes the same was taken and killed within the Counties wherein the same was claimed; which Oath being administered, the Magistrate is hereby directed to give a Certificate for the same, and immediately cause such Scalp to be destroyed.

IV. And be it further Enacted, by the Authority aforesaid, That any Person having a Certificate from any such Justice of the Peace shall, upon producing the same to the Person who shall be appointed to collect and account for the Taxes of the County where such Certificate was obtained, be inti-
tied to receive the Reward by this Act given for such Scalp or Scalps, or to have the same discounted in the Settlement of his County Tax; and every such Certificate shall be deemed a sufficient Voucher for the Collector of the County Tax, on his Settlement for the same.

V. 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, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XXV.

An Act to Prevent burning the Woods.

I. Whereas the frequent burning of the Woods is found to be destructive to Cattle and Hogs, extremely prejudicial to the Soil, and oftentimes of fatal Consequences to Planters and Farmers, by destroying their Fences and other Improvements: For Prevention of which Evils,

II. 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 not be lawful for any Person whatsoever to set Fire to any Woods except it be his own Property, and in that Case it shall not be lawful for him to set Fire to his own Woods, without first giving Notice to all Persons owning Lands adjacent to such Wood Lands intended to be fired at least Two Days before the time of setting such Wood on Fire, and also taking effectual Care to extinguish such Fire before it shall reach any vacant or patented Lands, contiguous to or adjacent such Lands so fired.

III. And be it further Enacted, by the Authority aforesaid, That every Person offending against this Act shall forfeit and pay the sum of Ten Pounds, to be recovered by Action of Debt, Bill, Plaintiff or Information, to the Use of the Person who shall sue or prosecute for the same; and shall also be further liable to the Party injured by such unlawful firing of the woods, for all Damages that may accrue therefrom.

IV. And be it further Enacted, by the Authority aforesaid, That if any Slave, Free Negro or Mulatto, or vagrant Person, unable to pay the fine aforesaid, shall be convicted of setting fire to any Woods, contrary to the true Meaning of this Act, such Person, on Conviction thereof, shall have and receive on his bare back Thirty Nine Lashes, well laid on, at the Public Whipping-Post.

CHAPTER XXVI.

An Act for Levying a Tax for the Year One Thousand Seven Hundred and Seventy-Eight.

I. Whereas it is necessary, for the Support of the just and necessary War in which the United States are engaged against the Crown of Great Britain, in Defence of the Liberty and Independence of the said States, and the Rights of Mankind, that the Treasury be as soon as possible supplied with Money sufficient to defray the Quota of the Expence of the said War, which this State ought of Right to sustain; and it is expedient to support the Credit of the Money emitted for the Purposes of the said War by the Congress of the United States, and by the Congress of this State; and nothing can answer such Purposes so effectually, and with such Convenience and
Advantage to this State, as a general Tax, in Proportion to the Ability of each individual Citizen throughout the same;

II. 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 Year One Thousand Seven Hundred and Seventy Eight a Tax of Two Pence shall be paid for every Pound Value of Taxable Property within this State, and a proportionable Poll Tax on all such Freemen as are subject to the Payment of a Poll Tax, pursuant to an Act passed this present session of Assembly, intituled, An Act to amend an Act for levying a Tax by general Assessment, and other Purposes, and that all such Taxes be levied and accounted for pursuant to the Directions of the said Act.

III. And be it also Enacted, by the Authority aforesaid, That in the several Counties within this State, where the One Halfpenny Tax laid by a certain Act passed the last Session of this Assembly, intituled, An Act for levying a Tax by general Assessment, and other Purposes, has not been levied, nor any Assessment made pursuant to the said Act, the Tax for the Year One Thousand Seven Hundred and Seventy Eight shall be Two Pence Halfpenny, and the Poll Tax Twenty Shillings and Eight Pence, to be levied and accounted for in like Manner as other Taxes by this Act imposed.

IV. And be it also Enacted, by the Authority aforesaid, That every Tax-gatherer and County Treasurer appointed under the said Act of Assembly, intituled, An Act for levying a Tax by general Assessment, and other Purposes, shall proceed to collect the Tax laid by such Act, and to pay and account for the same as required by the said Act, any Law to the contrary notwithstanding.

CHAPTER XXVII.

An Act for appointing Commissioners to lay off and mark a Road from the Court House in the County of Washington, through the Mountains, into the County of Burke.

I. Whereas the Inhabitants of Washington County would derive great Advantages from a Public Road leading directly through the Mountains into the County of Burke, for Horses, Carts, and Waggons, to pass to the Sea Ports in this State and South Carolina, and it is hereby Enacted by the Authority of the same, That Charles McDowell, John McDowell, Samuel Bright, Ezekiel Smith, and Jacob Womack, be, and they are hereby appointed Commissioners, and they, or a Majority of them, are empowered and authorized to lay off and mark a Road by the nearest and best Way from the House of Charles Robinson, where the Court hath been held in the County of Washington, to the House of Edward Smith, where the Court hath been held in the County of Burke; and the said Commissioners, or such Majority of them as shall lay off and cause the said Road to be marked, shall, and they are hereby required to return a proper Survey thereof, certified under their Hands and Seals, to the respective Courts of the said Counties of Washington and Burke.

II. Be it therefore Enacted, by the Authority aforesaid, That after the said Road shall be laid off and marked, and a Survey thereof returned as aforesaid, the Court of the Counties of Burke and Washington respectively shall have full Power and Authority within their respective Counties to appoint Officers, and make Order for such Number of the Inhabitants as they shall think proper, to clear out, work upon, and keep the said Road in Repair.
IV. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, for their Service in laying off and causing the said Road to be marked, shall be allowed the Sum of Eight Shillings per Day, and the Chain Carriers and Markers shall be allowed per Day agreeable to Contract with the Commissioners for the same; and when a stated Account of the said Services, properly authenticated, shall be laid before the Courts of the said Counties respectively, and approved, the allowances shall be paid out of the contingent County Tax of the said Counties respectively where the Services were done.

CHAPTER XXVIII.

An Act to facilitate the Navigation of Port Currituck.

I. Whereas the erecting of Stakes and Beacons from Albemarle through the Sound to Currituck Inlet, will tend much to the Interest and Advantage of Sundry Merchants, Masters and Owners of Vessels, belonging to this State, in negotiating and carrying on their Business, Trade and Commerce, to and from the State of Virginia:

II. 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 John Humphries and Thomas Taylor be, and are hereby constituted and appointed Commissioners, and authorized and impowered to agree and contract with such Person or Persons as are willing and fit to be employed, for clearing away and removing any Obstructions found in the Channel from Albemarle through the Sound to Currituck Inlet, and for staking out the said Channel, and erecting Beacons, for the better Discovery thereof by such Masters of Vessels and Mariners as shall sail along the same, in such Manner as the said Commissioners shall conceive will best promote the Navigation of the said Port, provided that the Sum they shall engage to pay the Person or Persons so doing the Services aforesaid, do not exceed the sum of One Hundred Pounds.

III. And for reimbursing the said Commissioners the Sum they may expend for the Purposes aforesaid, and for keeping up the said Stakes, Beacons, and other Marks, necessary for indicating and pointing out the said Channel for the future; Be it further Enacted, by the Authority aforesaid, That the Master of every Vessel sailing to the said Port shall pay to the Naval Officer of the said Port the Sum of Two Dollars, before his Vessel shall be cleared out, to be paid to, and applied by the said Commissioners for the Purposes aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall wilfully pull down, remove or destroy, any Beacon, Stake, or other Mark, erected or placed in Virtue of this Act, he or they shall for every such Offence forfeit and pay the Sum of Five Pounds, to be recovered before any Jurisdiction having Cognizance thereof; one Half to the Naval Officer of the said Port, to be paid and applied for the Purposes and in Manner aforesaid, and the other half to him or them that will sue for the same.
CHAPTER XXIX.

An Act to empower the Courts for the Counties of Tryon and Guilford to lay a Tax by Assessment, for finishing the Court-Houses, Prison and Stocks, in the said Counties; and also to empower the several Counties in the District of Wilmington to levy Taxes for building a District Gaol, and Gaoler's House, in the Town of Wilmington, and other Purposes.

I. Whereas by two Acts of the last Session of Assembly, Commissioners were appointed in the Counties of Tryon and Guilford for building Court Houses, Prisons and Stocks, in the said Counties, and the said Commissioners respectively are thereby empowered to enforce the Collection of the Taxes heretofore laid for the said Purposes, and the Justices of the Courts of the respective Counties are directed to lay such other Taxes as may be sufficient to complete the said Buildings; and whereas the Mode of Taxation heretofore in Use is inconsistent with that adopted by the present General Assembly: For Remedy whereof,

II. 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 the said Counties of Tryon and Guilford, a Tax not exceeding One Farthing in the Pound in the County of Tryon, and Eight Pence in the Hundred Pound in Guilford County (and a Tax not exceeding Eight Pence in the County of Guilford, and Eighteen Pence in the County of Tryon, on all the taxable Persons within the said Counties respectively, who have not Property to the amount of One Hundred Pounds) on all the taxable Property therein, shall be levied by the Justices of the said Counties respectively, for the Purposes of building and finishing the Court-Houses, Prisons and Stocks, in the same Counties; which Tax shall be collected and paid to the Commissioners of the respective Counties for the Purposes aforesaid, for and during the Space of Two Years in Tryon County, and One Year in Guilford County.

III. And whereas in the County of Guilford divers Persons of the People called Quakers have been fined for not attending Militia Duty, and many of their Horses and other Effects have been sold for the Payment of the said Fines, whereby considerable Sums of Money remain in the Sheriff's Hands after satisfying the same, which the said People called Quakers, from conscientious Scruples, refuse to receive; Be it therefore Enacted, by the Authority aforesaid, That all the Surplus Money in the Hands of the Sheriff of Guilford aforesaid, arising by the Sale of any of the Effects of the People called Quakers for the Payment of Militia Fines, shall be paid by the said Sheriff into the Hands of Charles Bruce and Robert Lindsey, Esquires, to the Use of the Proper Owners; and if the Sheriff shall neglect or refuse to pay such surplus Money as aforesaid, according to the Directions of this Act, the aforesaid Commissioners shall and may maintain an Action for the same in any Court having Cognizance thereof, and on the Trial of any such Action the Onus Probandi, with Respect to the surplus Monies in the Hands of such Sheriff, shall lie upon the Defendant.

IV. And be it Enacted, by the Authority aforesaid, That so much of the said Two Acts, passed last Session of Assembly, as tend to lay a Poll Tax on the Inhabitants of Tryon and Guilford Counties, for the Purposes of building the Court-Houses, Prison and Stocks, in the said Counties, are hereby repealed and made void.

V. And whereas the Public Gaol for the District of Wilmington has been consumed by Fire, and it being necessary that a new Gaol should be erected for the Purposes both of the County of New Hanover and of the said District; Be it further Enacted, by the Authority aforesaid, That William Wil-
kinson, John Dubois, Henry Toomer, Richard Player, and Andrew Ronaldson, be, and they are hereby appointed Trustees for designing, building and finishing, a good and sufficient Gaol and Gaoler's House, of such Dimensions and Materials, on the Lot of Ground in the Town of Wilmington where the Gaol which was last built, as a temporary substitute for the District Gaol which was burnt down, stood, as to them or the Majority of them, or their Survivors, shall seem most proper and convenient; which Gaol and Gaoler's House when so erected, shall be and remain the Public Gaol and Gaoler's House of the several Counties within the District of Wilmington aforesaid.

VI. And be it further Enacted, by the Authority aforesaid, That the Sum of Two Thousand One Hundred Pounds shall be collected from the several Counties in the District of Wilmington, in the following Proportions, to-wit, From the County of New Hanover Six Hundred Pounds, and from the Counties of Duplin, Cumberland, Bladen, Onslow, and Brunswick, Three Hundred Pounds each; which said Taxes shall be by the Taxgatherers of the respective Counties in the District aforesaid for the Time being be collected, in the same Manner, and under the same Penalties for Non-payment thereof, as is directed by Law for the collecting other Public Taxes; and the Money arising therefrom shall be accounted for and paid by the said Taxgatherers to the Trustees, or a Majority of them, or their survivors as aforesaid, and by them applied towards discharging the Contracts they shall enter into for the Buildings aforesaid.

VII. And be it further Enacted, by the Authority aforesaid, That if any Taxgatherer or Taxgatherers, who shall be chargeable with any of the Taxes by this Act assessed, shall neglect to account for, and pay to the Trustees aforesaid, or the Majority of them, or their Survivors, such Sums as he shall be chargeable with in Virtue of this Act, after deducting the usual Commission for collecting, and such Insolvents as shall be allowed agreeable to Law, the said Trustees, or the Majority of them, or their Survivors, shall have the same Method of Proceeding against such Taxgatherer or Taxgatherers, as is by Law directed against Taxgatherers for not accounting for other Public Monies by them received.

VIII. And be it further Enacted, by the Authority aforesaid, That the Justices of the Courts of the respective Counties in the said District shall summon every Sheriff or other Person to appear before them, and account for and pay all Sums of Money which such Sheriff or other Person shall have heretofore collected by Virtue of any Act of Assembly formerly in Force in this State, imposing a Tax upon the Inhabitants of the said District for the Purpose of erecting a Gaol in Wilmington, to be used as a District Gaol, where such Tax so collected has not been heretofore accounted for and paid as by Law directed; and such Arrears shall be paid to the said Trustees, or a Majority of them, to be applied as other Taxes are by this Act directed to be applied: And such Sheriff or Sheriffs, or other Persons, who shall be so summoned, and fail to attend, or attending shall refuse to account for and pay the Sums which they shall have so collected and not have accounted for, shall be subject to the same Pains, Penalties, Fines and Forfeitures, as Sheriffs are liable to for failing to account for other Public Monies by them received.

IX. And be it further Enacted, by the Authority aforesaid, That the Trustees, or the Majority of them, or their Survivors, shall immediately proceed to the Discharge of the Trust by this Act reposed in them, and shall cause the said Building to be finished within Two Years from the passing of this Act, and shall immediately thereafter lay an Account of their Proceedings.
herein, upon Oath, of all Monies they shall receive and pay on Account of the said Building, before the Court of each of the Counties herein named for their Approbation; and the Surplusage of the said Tax, if any, shall be by them paid to the Justices of the said several Counties, in Proportion to the Tax collected in the said Counties respectively, to be applied towards the contingent Charges of the said Counties.

X. And be it further Enacted, by the Authority aforesaid, That after such Gaol shall be erected when any Person or Persons shall be apprehended for any offence committed within the District aforesaid, it shall and may be lawful for the Magistrate or Magistrates before whom such Offender shall be examined, if he or they think it necessary, to commit such Offender to the aforesaid Gaol; and the Sheriff of the County for the Time being where such Offender shall be apprehended, is hereby authorized and required to convey such Offender to the said Gaol, and deliver him or her to the Sheriff or Keeper thereof, and take a Receipt of such Sheriff or Keeper, which shall be his Discharge for such Prisoner.

XI. And be it further Enacted, by the Authority aforesaid, That after the said Gaol and Gaoler's House shall be built as aforesaid, the Sheriff of the County of New Hanover for the Time being, is hereby directed and required to employ some Person of Integrity to be Keeper of the said Gaol, who during the Time any Person committed for a capital Offence shall be in the said Gaol, shall constantly reside in the said Gaoler's House, and take all lawful Ways and Means from preventing the Escape of such Offender.

CHAPTER XXX.

An Act for dividing Edgecombe County, and other Purposes therein mentioned.

I. Whereas the large Extent of the County of Edgecombe renders it grievous and troublesome to many of the Inhabitants thereof to attend the Courts and General Elections, and other Public Meetings appointed therein;

II. 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 present Session of Assembly, the said County of Edgecombe be divided by a Line, beginning at the cool Springs, at John Powell's on Fishing Creek, thence running to the Falls of Tar River, from thence to the Widow Rose's on Contentney; and that all that Part of the late County of Edgecombe which lies to the East of the said dividing line, shall continue and remain a distinct County, by the Name of Edgecombe; and that all that other Part of the said County of Edgecombe which lies West of the said dividing Line, shall henceforth be erected into a new and distinct County, by the Name of Nash County.

III. And for the due Administration of Justice, Be it Enacted, by the Authority aforesaid, That a Court for the said County of Nash shall be held constantly by the Justices thereof on the First Monday in April, July, October, and January; and the Justices for the said County of Nash are hereby authorized and impowered to hold the first Court in the same at the House of Micajah Thomas, on the First Monday in April next, and all subsequent Courts for the said County on the Days above appointed for holding Courts therein, at any Place to which the said Justices shall from Court to Court adjourn themselves, until a Court House shall be built for the said County of Nash, and then all Causes, Matters and Things, depend-
ing in said Court, and all Manner of Process returnable to the same, shall be adjourned to such Court House; and all Courts held in and for the said County of Nash shall be held by Commission to the Justices, in the same Manner, and under the same Rules and Restrictions, and shall have and exercise the same Power and Jurisdiction, as are or shall be prescribed for other Courts held for the several Counties in this State.

IV. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the late Sheriffs and Collectors of the said County of Edgecombe, as the same stood undivided, to make Distress for any Levies, Fees, or other Dues, now actually due and owing from the Inhabitants of said County as it formerly stood undivided, in the same Manner by Law the said Sheriff or Collectors could or might have done, if the said County had remained undivided; and the said Levies, Fees, and other Dues, shall be collected and accounted for in the same Manner as if this Act had never been made, any Thing herein contained to the contrary notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That after the passing of this Act the said County of Nash shall be, continue and remain, Part of the District of the Superior Court of Law and Justice usually held for the District of Halifax; and the County Treasurer of the said County of Nash shall from Time to Time account for and pay to the Public Treasurer of the Northern District of this State for the Time being, all Public Levies by him collected, or wherewith he shall stand chargeable, in the same Manner, and under the like Penalties and Penalties, as other County Treasurers,

VI. And be it further Enacted, by the Authority aforesaid, That Joseph Clinch, Arthur Arrington, Henry Horn, Jun., Daniel Ross, and Isaac Horn, be appointed Commissioners, and they are hereby empowered and required to run the said dividing Lines between the Counties of Edgecombe and Nash, agreeable to the Directions of this Act; which said Lines when run by the Commissioners, or a Majority of them, shall be by them entered on Record in the Court of each of the said Counties, and shall thereafter be deemed and taken to be the dividing Lines between the said Counties of Edgecombe and Nash.

VII. And be it further Enacted, by the Authority aforesaid, That Duncan Lamon, Nathan Boddie, Matthew Drake, Edward Clinch, and Arthur Arrington, Esquires, the Survivor or Survivors of them, be, and they are hereby empowered and directed to agree and contract with Workmen for erecting and building a Court House, Prison and Stocks, for the Use of the said County of Nash, at such Place as they, or a Majority of them, or their Survivors, shall agree upon.

VIII. And for reimbursing the said Commissioners the Money they shall expend in erecting the said Buildings, and running the dividing Lines between the said Counties; Be it Enacted, by the Authority aforesaid, That a Tax of one Farthing in the Pound shall be, and is hereby assessed on the taxable Property in the said County of Nash for Two Years, to commence from the passing of this Act; and that all Persons who shall refuse or neglect to pay the said Tax at the Time limited for Payment of Public Taxes, shall be Hable to the same Penalties and Distress as for Non-Payment of Public Taxes: And the Collectors of the said County are hereby required and directed to account for and pay the Monies by them so collected to the Commissioners aforesaid, after deducting Six per Cent. for their Trouble in collecting the same; and in case of Failure or Neglect in any of the said Collectors, such Collector so falling or neglecting shall be liable to the
same Penalties and Recoveries, as by Law may be had against Collectors of Public Taxes in like Cases.

IX. And be it further Enacted, by the Authority aforesaid, That all Manner of Suits, Causes and Pleas, whether civil or criminal, now commenced and depending in the County Court of Edgecombe, shall continue, and may be prosecuted to a final End and Determination, any Thing in this Act to the contrary notwithstanding.

CHAPTER XXXI.

An Act for erecting the District of Washington into a County, by the Name of Washington 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 late District of Washington, and all that Part of this State comprehended within the following Lines, shall be erected into a new and distinct County, by the Name of Washington County, viz. Beginning at the most North Westerly Part of the County of Wilkes, on the Virginia Line; thence running with the Line of Wilkes County, to a Point Thirty Six Miles South of the Virginia Line; thence due West, to the Ridge of the great iron Mountain which heretofore divided the Hunting Grounds of the Overhill Cherokees, from those of the Middle Settlements and Valley; thence running a South Westerly Course, along the said Ridge, to the Unacoy Mountain, where the trading Path crosses the same from the Valley to the Overhills; thence South with the Line of this State, adjoinning the State of South Carolina; thence due West, to the great River Mississippi; thence up the said River the Courses thereof, to a Point due West from the Beginning; thence due East with the Line of this State, to the Beginning: And it is hereby declared, that all that Part of this State comprehended within the Lines aforesaid shall from henceforth be and remain the County of Washington, and shall be, and is hereby declared to be Part of the District of Salisbury.

II. And be it further Enecated, by the Authority aforesaid, and it is hereby Declared, That all that Part of this State lying West of Rowan County, and South of the County of Washington, shall be, and is hereby declared to be Part of the County of Burke.

III. And for the due Administration of Justice, Be it Enacted, by the Authority aforesaid, That Justices of the Peace shall be nominated and commissioned, and Courts held in the said County of Washington, in the same Manner, and with the same Powers and Jurisdiction, as Justices and Courts in the other Counties in this State; and that the Courts of the said County of Washington shall be held on the Fourth Mondays in February, May, August, and November.

IV. And be it Enacted, by the Authority aforesaid, That the said Justices to be appointed for the County of Washington, are hereby directed to meet on the Fourth Monday in February next, at the House of Charles Robertson, and take the Oaths appointed for their Qualification; and the said Justices, or any Three of them, after being so qualified, shall hold a Court at the Place and Times herein before appointed, and every of them, at all Times during their Continuance in Office, as well within their Courts as without, shall have and exercise the same Power and Authority, and be subject to the same Forfeitures and Penalties, as other Justices of the Peace within the several Counties in this State are liable to.

V. And be it further Enacted, by the Authority aforesaid, That John Carter,
Andrew Greer, William Cobb, Jacob Womack, George Russell, John Sevier and James Stuart, Esquires, or a Majority of them, be, and they are hereby appointed Commissioners to lay off and appoint the Place where the Court House, Prison and Stocks, for the Use of the said County of Washington, shall be built, and there to erect, or cause the same to be erected.

VI. And for defraying the Expence of the said Buildings, Be it Enacted, by the Authority aforesaid, That a Tax of Two Shillings and Six Pence per Hundred Pounds be laid on all the taxable Property which is liable to be assessed in the said County of Washington, and also a poll tax of Two Shillings and Six Pence on every Free man in the said County who shall not possess an Estate of One Hundred Pounds Value of taxable Property (Soldiers in the continental Service or the Service of this State excepted) and that the same shall be assessed and collected by the same Persons, and in the same Manner, as the Public State Tax in the said County; and that the tax to be assessed by Virtue of this Act, when assessed and collected, shall be paid into the Hands of the Commissioners herein named for erecting the Public Buildings; and on Non-payment of the Tax to be collected in Virtue of this Act from the several Collectors thereof, the said Collectors shall be liable to the same Penalties as for other Public Taxes, and the said Commissioners shall be intitled to the same Mode of Recovery against the said Collectors, as the Public Treasurers are intitled to have against them on Non-Payment of the Public Taxes.

VII. And be it further Enacted, by the Authority aforesaid, That if the Tax to be assessed by Virtue of this Act should be more than sufficient to complete the said Public Buildings, the Overplus remaining in the Hands of the said Commissioners shall be applied to the defraying the contingent Charges of the County.

VIII. And be it Enacted, by the Authority aforesaid, That the Sheriff of the said County of Washington is hereby impowered and directed to account for and pay the Money by him collected for the Purpose of building the aforesaid Court House, Prison and Stocks, to the Commissioners aforesaid, after deducting his Commissions for collecting the same.

IX. And be it further Enacted, by the Authority aforesaid, That the Commissioners herein before appointed, or a Majority of them, are hereby impowered and directed to employ Workmen to build the Court House, Prison and Stocks, in the said County of Washington; and the Court of the said County shall and may be held at the House of Charles Robertson, in the said County, until the Court House shall be built, and immediately after the same is built shall stand adjourned to the Court House.

X. And be it further Enacted, by the Authority aforesaid, That the County of Washington shall be intitled to the same Privileges and Immunities as other Counties in this State.

CHAPTER XXXII.

An Act for erecting Part of the County of Surry, and Part of the District of Washington, into a separate and distinct County, by the Name of Wilkes.

I. Whereas the large extent of the County of Surry, and the District of Washington, renders it grievous and burthensome to many of the Inhabitants thereof to attend the Courts, General Musters, and other Public Meetings therein;

II. Be it therefore Enacted by the General Assembly of the State of North
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Carolina, and it is hereby Enacted by the Authority of the same, That from and after the Fifteenth Day of February next after the Passing of this Act, the said County of Surry and District of Washington be divided by the following Lines: Beginning at a Point Twenty Six Miles due West of Surry Court House, thence North to the Virginia Line, thence West along the said Line to the Ridge that divides the Waters of Holston and New Rivers, thence along the said Ridge to Burke County Line, thence Eastwardly along the Line that divides the Counties of Surry and Burke to Rowan County Line, thence along Rowan County Line to a Point due South of the Beginning, thence North to the Beginning, be erected into a distinct County, by the Name of Wilkes.

III. And for the due Administration of Justice, Be it Enacted by the Authority aforesaid, That from and after the Fifteenth Day of February next, an Inferior Court of Pleas and Quarter Sessions shall be held for the said County of Wilkes at the House of Mr. John Brown, on the first Mondays in March, June, September, and December, by Commission to the Justices, in the same Manner as other Inferior Courts of Pleas and Quarter Sessions are held within this State; and the said Inferior Court shall take Cognizance of all Matters, Suits and Things, and is hereby vested with the same Powers, Jurisdictions and Authorities, as any other Inferior Court shall or can have within this State.

IV. And be it further Enacted, by the Authority aforesaid, That the Justices to be appointed for the County of Wilkes, are hereby directed to meet on the First Monday in March next, at the House of John Brown aforesaid, and take the Oaths appointed for their Qualification; and the Justices of the said County of Wilkes, or any Three of Them, after being so qualified, shall hold an Inferior Court of Pleas and Quarter Sessions at the Times herein before mentioned, and the said Justices of the Peace, and every of them, at all Times during their Continuance in Office, as well within their Inferior Courts of Pleas and Quarter Sessions as without, shall have and exercise the same Powers and Authorities, and be subject to the same Forfeitures and Penalties, as other Justices of the Peace of the several Counties within this State are liable.

V. And be it further Enacted, by the Authority aforesaid, That Charles Gordon, Benjamin Cleveland, Joseph Herndon, and Elisha Issacs, be, and they are hereby appointed Commissioners for the said County of Wilkès, who are hereby invested with full Power and Authority to contract and agree with Workmen to build a Court House, Prison and Stocks in the said County.

VI. And be it further Enacted, by the Authority aforesaid, That a Tax not exceeding One Shilling shall be levied on each Hundred Pounds Value of all the assessable Property of the said County of Wilkes, for the Term of Two Years, for the Purpose of Public Buildings, as in this Act before directed; which said Tax shall be collected at such Times, and accounted for in the same Manner, and under the same Regulations as other County Taxes are or shall be collected and accounted for in this State.

VII. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff or Collectors of Taxes in the said County of Surry, as it now stands undivided, to make Distress for any Levies, Fees, or other Dues that shall be due from the Inhabitants of the said County on the said Fifteenth Day of February, in the same Manner as by Law the said Sheriffs or Collectors could or might have done if the said County had remained undivided; and the said Levies, Fees and other Dues, shall be accounted for in the same Manner as if this Act
had never been made, any Thing herein contained to the contrary notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That after the said Fifteenth Day of February, the said County of Wilkes shall be, continue, and remain Part of the District of the Superior Court of Justice usually held for the District of Salisbury; and the Treasurer of the said County of Wilkes shall, from Time to Time, account for and pay to the Public Treasurer of this State for the Time being, all such Public Taxes by him collected, or wherewith he shall stand chargeable, in the same Manner, and under the like Pains and Penalties as other County Treasurers.

IX. And be it further Enacted, by the Authority aforesaid, That Henry Speer, Joseph Herndon, and Robert Lanier, be appointed Commissioners, and they, or a Majority of them, are hereby impowered and required to run the dividing Line between the Counties of Surry and Wilkes, agreeable to the Directions of this Act; which said Lines when run by the Commissioners aforesaid, shall be by them entered on Record in the Court of each of the said Counties of Surry and Wilkes.

CHAPTER XXXIII.

An Act for adding Part of the County of Duplin to Johnston.

I. Whereas the upper Part of Duplin County is very extensive in Length, which renders it burthensome to the Inhabitants of Johnston and Cumberland Counties, by reason of the said County of Duplin running up Twenty Miles between Johnston and Cumberland Counties, not more than Three Miles wide, which obstructs the making of Roads and keeping them in Repair, much to the Injury of the Inhabitants of the aforesaid Counties and Damage of Travellers:

II. 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 Duplin County above Dismal Creek be added to the County of Johnston, and that it be divided by said Creek, beginning at the Mouth of the Creek, Cumberland Line, thence running up the Meanders of the said Creek an East Course to Johnston County Line; and that from and after the passing of this Act, that all that Part of Duplin County above said Creek be annexed to, and made Part of the County of Johnston, and the Inhabitants thereof shall be subject and liable to the same Rules, Orders, Taxes, and Privileges, as any other the Inhabitants of the County of Johnston.

CHAPTER XXXIV.

An Act for erecting a Prison in the Town of Edenton, for the Use of the District of Edenton.

I. Whereas it is necessary that a new Prison should be built for the Use of the District of Edenton:

II. 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 Joseph Hewes, William Bennett, and Charles Bonfield, Esqrs., be, and they are hereby nominated and appointed Trustees and Directors for building and erecting a good and sufficient Prison for the Use of the District aforesaid, and for that Purpose to contract and agree with proper Persons for compleating
and finishing the said Prison, in such Manner as they shall think necessary
and convenient.

III. And be it further Enacted, by the Authority aforesaid, That an AsseSS·
ment of One Shilling be levied on each Hundred Pounds Value within the
County of Chowan, and of Six Pence on each Hundred Pounds Value within
the Counties of Currituck, Pasquotank, Perquimans, Bertie, Tyrrell,
Hertford, and Camibden, for Two Years, to be collected for the present and
succeeding Year by the Sheriffs or Collectors of the said Counties respective·
ly, and accounted for and paid to the said Trustees and Directors, at the
same Time, in the same Manner, and under the like Penalties and Restricti·
ons, as by Law is directed for collecting, accounting for, and paying Public
Taxes.

IV. And be it further Enacted, by the Authority aforesaid, That before
the said Trustees and Directors 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 Justices of the Coun·
ty Court of Chowan, and their Successors, with Condition for the faithful
Discharge of the Trusts in them reposed by this Act.

V. And be it further Enacted, by the Authority aforesaid, That if the Taxes
arising by Virtue of this Act shall be more than sufficient to compleat the
Buildings herein directed, the Surplus thereof shall by the Trustees herein
named be paid to the Court of each County, in Proportion to the Taxes col·
lected from each of the said Counties, and paid by the Sheriffs to the Trust·
tees.

CHAPTER XXXV.

An Act to ratify and confirm an Act, intituled, An Act for the Regulation
of the Town of Wilmington; also to revive an Act, intituled, An Act
for the Regulation of the Town of Wilmington.

I. Whereas an Act, passed 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 Thirtieth Day of September, in the Year of our
Lord One Thousand Seven Hundred and Fifty Six, intituled, An Act for the
Regulation of the Town of Wilmington, has been found highly beneficial
and convenient to the Inhabitants of the said Town, and the Neighborhood
thereof; and whereas by the Separation of this State from Great Britain,
and all Dependence thereupon, such Act must cease and be void, unless rati·
fied and confirmed by the General Assembly of this our Independent State;

II. 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 Act, and every Clause and Part thereof, perfectly consistent with the
Constitution of Laws of this State, and so far as it stands un repealed by any
subsequent Law passed in this State during its Dependence on Great Britain,
be, and hereby is declared to be in full Force and Virtue.

III. And whereas an Act passed at an Assembly held at New Bern on
the Nineteenth Day of November, in the Twelfth Year of the Reign of the
King of Great Britain, and during the Dependence of this State thereupon,
intituled, An Act to amend an Act for the Regulation of the Town, has been
also found very beneficial in its Operation, and the same has expired, and
it being necessary that the said last mentioned Act should be revived; Be
it further Enacted, by the Authority aforesaid, That the said last mentioned Act, and every Clause and Article thereof, so far as it perfectly consists with the Constitution of this State, and the Laws thereof, be and continue in Force for and during the Term of Three Years from and after the passing thereof, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XXXVI.

An Act for levying a Tax for defraying the Contingencies of the several Counties in this State, and other Purposes.

I. Whereas it is necessary to make Provision for discharging the Contracts and Agreements heretofore made by the Inferior Courts in the several Counties in this State, and for other good and necessary Purposes;

II. 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 future an Annual Tax, not exceeding One Shilling for every Hundred Pound only of all taxable Property in this State, be levied for the Purposes aforesaid, which Value shall be assessed and the Tax collected by the Assessors and Collectors of the Public Taxes respectively, at the same Time, and in the same Manner, and under the Rules, Restrictions, Forfeitures and Allowances, as made and directed for assessing Property and collecting Public Taxes in an Act of the General Assembly, intituled, An Act for levying a Tax by General Assessment, and other Purposes; and the said Collectors in each District of every County in this State are hereby empowered and required to collect the aforesaid Tax, or so much thereof as the County Court shall order, and pay the same on or before the First Day of April annually into the Hands of the Trustee of the respective County, whose Receipt shall be a sufficient Discharge to such Collector.

III. And be it further Enacted, by the Authority aforesaid, That the Justices of the several County Courts in this State shall, during the Sitting of their respective Courts to be held next after the First Day of July, in the Year of our Lord One Thousand Seven Hundred and Seventy Eight, and so at such Courts yearly, and every Year, proceed to consider what Sums of Money will be necessary and sufficient for the Purposes mentioned in this Act, and for the other Contingencies of their respective Counties; and in case they should determine that the Tax by this Act imposed will be greater than the Inhabitants of such County can conveniently pay, or will raise more Money than will be wanted for the aforesaid Purposes, the Court may order that the Collectors do collect only so much thereof as they may think necessary and expedient, and the Public Collectors are hereby empowered and required to collect the same accordingly, and no more, of the Tax by this Act laid on taxable Property, any Thing herein before contained to the contrary notwithstanding: And the said Court shall, and they are hereby required, in each respective County, during the Term aforesaid, to appoint one good and proper Person to act as a Trustee for One Year for the Purposes herein mentioned, which Appointments shall be entered on the Records of the said Court; and the Person so appointed, after giving Bond and sufficient Security for the faithful Discharge of his Duty, agreeable to the Directions of this Act, and the Orders of the Court, is hereby directed, and shall have full Power and Authority to sue for, recover and receive, from the late Sheriff of the County, and from all other Persons, all Monies which may be in their Hands due and payable to, and for the Use of such County, and shall
also receive from the Collectors all such Sums of Money as they shall be liable for in Virtue of this Act; which Monies the Trustees respectively shall apply as the County Court may direct, and to no other Use or Purpose whatsoever.

IV. And be it further Enacted, by the Authority aforesaid, That in case of the Death, Disqualification, Neglect, or Refusal to Act, of any of the Trustees by this Act to be appointed, the Court of the County where such Death, Disqualification, Neglect or Refusal, shall happen, may proceed to appoint one other good and proper Person to fill up such Vacancy until the next annual Appointment, under the Rules and Regulations before described; and such Trustee during his Continuance in that Appointment, shall have the same Powers and Authorities which by this Act are given to other County Trustees; and the County Courts in this State are hereby respectively invested with full Power to direct the Application of all Monies arising by Virtue of this Act to and for the Purposes herein mentioned, and to any other good and necessary Purpose for the Use of the County, and may allow the County Trustee a reasonable Salary out of the same for his Services.

V. And be it also Enacted by the Authority aforesaid, That every Freeman in this State (other than Soldiers in the continental Service) who does not possess the Value of One Hundred Pounds in taxable Property, shall pay annually a Tax of One Shilling in Lieu of Assessment on Property, which Sum shall be collected and accounted for as other Taxes mentioned in this Act; and in case any Justice of the Peace, or Trustee of any County in this State, shall neglect or refuse to do and perform the several and respective Duties by this Act required, or any of them, or if the Clerk of any County shall neglect or refuse to furnish the several Collectors in due Time with attested Copies of such Orders as the Court of his County may make respecting the Collection of the aforesaid Tax, the Person so offending, refusing or neglecting, shall forfeit and pay for every Neglect or Refusal the Sum of Five Pounds good and lawful Money of this State; to be recovered by Action of Debt, in the Name of the Governor or Commander in Chief for the Time Being, to and for the Use of the County where the Offence was committed.

CHAPTER XXXVII.

An Act for securing Lots in Elizabeth Town, in Bladen County.

I. Whereas from the Impossibility of procuring Nails and other necessary Materials for Building, as well as from many other unavoidable Hindrances, occasioned by the present Contest with Great Britain, it has been put entirely out of the Power of the Inhabitants of the Town of Elizabeth, in Bladen County, to compleat their Buildings on their respective Lots within the Time limited by Law;

II. 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 every Lot in the said Town, on which a House shall be built of the Dimensions mentioned in an Act of assembly, intituled, An Act for establishing a Town on the Land of Isaac Jones, on Cape Fear River, in Bladen County, or other Improvements made thereon, which shall be deemed by the Directors or Commissioners of said Town equal thereto, within the Space of Three Years after the passing of this Act, shall and is hereby declared to be vested in the Grantee thereof, his Heirs and Assigns, in fee simple, any Thing in the said Act contained to the contrary notwithstanding.
CHAPTER XXXVIII.

An Act for adding Part of Brunswick County to Bladen, and Part of Bladen to Brunswick County.

I. Whereas the Part of Brunswick County on the Western side of Waggamaw Lake, lying between the dividing Line of Brunswick and Bladen Counties, and the Swamp called the Devil's Elbow, renders it extremely inconvenient for the few Persons who reside thereon to attend Courts and Public Duties in Brunswick County, being obliged to go a considerable Distance into Bladen County, and to make a large Circuit before they get into their own County on any direct Road; and whereas the Lands on the Northern Side of the said Swamp is of easy Access on the Bladen Side, and proves an Asylum for Vagabonds and Persons of evil Fame, who do not pay Taxes in any County, and are out of the Reach of any Process that can issue from Bladen, to the great Prejudice of the neighbouring Inhabitants; and whereas those Parts of Bladen County on the Eastern Side of the Northwest River, as high up the said River as Brunswick County reaches on the Western Side, make Part of the Plantations of the Inhabitants of Brunswick County who live on the said River, and will make it very inconvenient and expensive for them to give in their Lands and other Estates in Bladen County, and subject them to many other Inconveniences: For Remedy whereof,

II. 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 Brunswick County on the Western side of Waggamaw Lake, lying between Brunswick and Bladen Line, and the Southern Side of the Swamp known by the Name of the Devil's Elbow, beginning at the Outlet from the said Lake, and running around the outermost Side of the said Swamp called the Devil's Elbow, until it intersects the said Line a South West Course to the Province Line, shall be, and is hereby added to, and made Part of Bladen County; and that all those Parts of Bladen County lying on the Eastern Side of the Northwest River, beginning at the upper Corner of the Plantation of John Granger, Sen., Esq; on the same Side of the River, and running thence a North East Course to Black River, including all the Lands from the said Line downwards to New Hanover Line, be, and are hereby added to, and made Part of Brunswick County.

III. Provided always, That this Act shall not extend, or be construed to extend to prevent the late Sheriffs, or any Collectors of Public or County Taxes in the Counties of Bladen and Brunswick, or any of them, from making Distress for any Taxes, Fees, or other Dues, now payable, in the same Manner as if this Act had never been made.

IV. And be it Enacted, by the Authority aforesaid, That John Turner, Duncan Morrison, Edward Wingate, and John Drew, Esquires, be appointed Commissioners, and they are hereby empowered and required to run the dividing Line from the White Marsh Swamp to the Province Line; and that Thomas Brown, George Lucas, Thomas Nell, and John Davis, be appointed Commissioners, and they are hereby empowered and required to run the dividing Line, from the Eastern Side of the Northwest River, agreeable to the Directions of this Act; which said Lines when run by the Commissioners, or a Majority of them, shall be by them entered on Record in the Court of each of the said Counties, and shall hereafter be deemed and taken to be the dividing Lines between the said Counties of Brunswick and Bladen.
CHAPTER XXXIX.

An Act for building a Court House in the Town of Salisbury, for the District of Salisbury.

I. Whereas the Court House in the Town of Salisbury, in the County of Rowan, is greatly decayed, and in so ruinous a condition that Courts cannot be held therein;

II. 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 Maxwell Chambers, Anthony Newman, David Love, Hezekiah Alexander, James Johnston, Charles McDowell, Robert Lanier, Robert Lindsay, John Sevier, and Charles Gordon, Esquires, be, and are hereby appointed Commissioners, and they, or any Four of them, shall and may and they are hereby required, within Eighteen Months after the passing of this Act, to agree and contract with Workmen for building and erecting a new Court House in the Town of Salisbury, on the Lot of Ground whereon the Court House now stands.

III. And be it further Enacted, by the Authority aforesaid, That Eight Pence per Hundred Pound be levied on the taxable Property in the County of Rowan, and Eight Pence on all taxable Persons in said County who are not possessed of Property of One Hundred Pound Value, and Four Pence per Hundred Pound be levied on the taxable Property in the Counties of Anson, Mecklenburg, Tryon, Burke, Guilford, Surry, Washington and Wilkes, and Four Pence on all taxable Persons within the last mentioned Counties who are not possessed of Property of One Hundred Pounds Value, for Two Years, that is to say, the Year One Thousand Seven Hundred and Seventy Eight, and the Year One Thousand Seven Hundred and Seventy-Nine, to be levied, collected and accounted for, in the same Manner, and at the same Times, as the Taxes directed to be collected by an Act for levying a Tax by general Assessment, and other Purposes; which said Tax so collected, shall be paid to the Commissioners or a Majority of them, and by them shall be applied to defray and pay for building said Court House.

IV. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or a Majority of them, after the aforesaid Building shall be erected, built and finished, shall render an Account of the Monies by them received: in Virtue of this Act, together with that of their Disbursements, to the County Court of Rowan.

V. And be it further Enacted, by the Authority aforesaid, That the Collectors and County Treasurers of the respective Counties in the said District of Salisbury for the Time being, shall before he or they collect or receive any Part of the Tax herein laid, enter into Bond, with Two sufficient Securities, to the said Commissioners, for the faithful Collection and Payment of the aforesaid Tax.

VI. And be it further Enacted, by the Authority aforesaid, That in case the Money arising by this Act should be more than sufficient to complete the Buildings aforesaid, then the Surplus shall be returned to the County Courts of the different Counties, in Proportion to their several Quotas.

CHAPTER XL.

An Act for laying a Tax to defray the Expence of the Public Buildings in the County of Burke, and other Purposes therein mentioned.

I. Whereas the Poll Tax heretofore laid on the Inhabitants of Burke County by Act of Assembly, for the Purpose of defraying the Expence of
the Public Buildings in the said County hath not been collected; and where-
as a Tax on Property is deemed more equitable, and would be much easier
and more speedily collected by the Collectors of the Public Taxes for the
State;
II. 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 Two Shillings per Hundred Pounds be laid on all the taxable Property
which is liable to be assessed in the said County of Burke, and that the same
shall be assessed and collected by the same Persons, and in the same Man-
ner, as the Public State Tax in the said County; and that the Tax to be
assessed by Virtue of this Act, when assessed and collected, shall be paid
into the Hands of the Commissioners herein after named for fixing the
Court House, and erecting the Public Building in the said County of Burke:
And on Non-payment of the Tax to be collected by Virtue of this Act from
the several Collectors thereof, the said Collectors shall be liable to the same
Penalties as for other public Taxes, and the said Commissioners shall be
intitled to the same Mode of Recovery against the said Collectors, as the
Public Treasurers are intitled to have against them on Non-payment of the
Public Taxes.
III. And be it further Enacted, by the Authority aforesaid, That if the Tax
to be assessed by Virtue of this Act should be more than sufficient to com-
plete the said Public Buildings, the Overplus remaining in the Hands of the
Commissioners shall be applied to the defraying the contingent Charges
of the County.
IV. And whereas the Commissioners heretofore appointed for fixing a
Place for the Court-House, and erecting the Public Buildings thereon in the
County of Burke, for the Use of the same, have neglected that Duty; Be it
therefore Enacted by the Authority aforesaid, That Christopher Beekman,
Charles McDowell, George Cathey, Hugh Brevard, George Willthong, James
Davidison, John Conally, Andrew Woods, and William Sharp, Esquires, of
Rowan County, be, and they are hereby appointed Commissioners for fixing
a Place for the Court-House, and building a Court-House, Prison and Stocks,
in the County of Burke, for the Use of the same; and they, or a Majority of
them, are hereby invested with full Power to fix the Place, and compleat
the said Buildings.
V. And be it further Enacted, by the Authority aforesaid That so much of
an Act of the last Session of this Assembly, intituled, An Act for dividing
Rowan County, and other purposes therein mentioned, as comes within the
Purview of this Act, shall be, and is hereby repealed.

CHAPTER XLII.

An Act to amend an Act, passed the last Session of this Assembly, intituled,
An Act for establishing a new County between Hillsborough and the Vir-
ginia Line, by erecting the Northern Part of Orange County into a dis-
tinct County, by the Name of Caswell.

I. Whereas so much of the said Act as respects the levying of a Tax for
defraying the Expenses of the Public Buildings in the said County of Cas-
well, is found to lay the Burthen of the same unequally: For Remedy
whereof,

II. 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 Sum, not
exceeding Two Shillings per Hundred Pounds Value of taxable Property be
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levied on the Inhabitants of the said County of Caswell by Assessment, in like Manner as all other Taxes are levied within this State, and a Tax, not exceeding Two Shillings, on each Person of said County who by the Assessment Act is liable to a Poll Tax; which Taxes shall be collected for the Years One Thousand Seven Hundred and Seventy Eight and One Thousand Seven Hundred and Seventy Nine, and that the same be collected and accounted for as other Taxes, and paid to the Commissioners named in the Aforesaid Act, in like Manner as the Poll Tax directed to be levied by the said Act was to have been paid; and so much of the said Act as respects the levying a Poll Tax be, and is hereby repealed.

CHAPTER XLII.

An Act for adding Part of Anson County to Bladen.

I. Whereas the Inhabitants of the lower End of Anson County labour under great Inconveniences in attending the Courts and other Public Meetings of the said County at the Court-House thereof, and being more Convenient for those Purposes to the County of Bladen, are desirous to be annexed thereto;

II. 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 Pickett, Charles Medlock, Abraham Barns, and Richard Smith, Esquires, be, and they are hereby appointed Commissioners, and they, or a Majority of them, are required and directed, within Three Months after the Passing of this Act, to run and mark, or cause the same to be done, a Line from Drowning Creek Bank, beginning where Overstreet's Bridge formerly was, thence running the shortest course to the dividing Line between this State and the State of South Carolina; and all that part bounded to the lower End by the Line above directed to be marked, and along the said South Line to where it crosses Drowning Creek, shall be, and is hereby annexed to, and made Part of the County of Bladen, and the Inhabitants thereof shall be subject and liable to the same Rules, Orders, Taxes, and Privileges, as any other of the Inhabitants of the said County of Bladen.

CHAPTER LXIII.

An Act for empowering Commissioners to build a Prison and Stocks in the County of Duplin, and other Purposes therein mentioned.

I. Whereas the Commissioners heretofore by Act of Assembly appointed for building a Prison and Stocks in the County of Duplin, have failed to discharge the Trust reposed in them;

II. 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 Thomas Kenan, Robert Dickson, and Thomas Hicks, be, and are hereby appointed Commissioners for the Purposes aforesaid, and they, or a Majority of them, are hereby authorized and impowered to agree and contract with Workmen for building a Prison and Stocks for the Use of the said County, on the Lot whereon the Court House now stands; and if any of the Commissioners appointed by this Act should die, remove out of the County, or refuse to act, the remaining Commissioners shall appoint another Commissioner or Commissioners, in the Room and stead of such Commissioner or Commissioners.
so dying, removing, or refusing to act; and the Commissioners so appointed, shall have the same Powers as the Commissioners appointed by this Act.

III. And be it further Enacted, by the Authority aforesaid, That the said Commissioners herein named, or a Majority of them, shall have full Power and Authority to demand, sue for, recover and receive, of and from the late Sheriffs and Commissioners of said County, or any other Person in whose Hands the same may be, all and every Sum or Sums which have been laid as a Tax or Taxes on the Inhabitants of said County for the Purpose aforesaid, for which the Sheriff or other Persons, or any of them, are liable; and in case of Failure or Neglect in paying the said Monies to the Commissioners herein named by the said Sheriffs or other Persons, or any of them, he or they so failing or neglecting shall be liable to the same Penalties, and the same Mode of Recovery may be had against him or them, as by Law should or might have been had against Sheriffs who neglected or refused to account for and pay Public Taxes.

IV. And whereas the Tax heretofore laid for the Purposes aforesaid will be insufficient to answer the Purposes intended thereby, It is therefore further Enacted, That the Court of the said County are hereby Impowered to levy by Assessment a Sum, not exceeding Two Hundred Pounds, on all the taxable Property therein, to be assessed, collected and accounted for, in the same Manner as Public Taxes.

CHAPTER XLIV.

An Act to ratify 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; also to ratify 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; also to ratify an Act, intituled, An Act for amending 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.

I. Whereas it is necessary, for the better Regulation of the Town of New Bern, that the above recited Acts should be continued and enforced.

II. 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 Acts, so far as they are conformable to the present Constitution, are and shall be in Force for and until the End of the next Session of the General Assembly, and no longer.

CHAPTER XLV.

An Act for the Regulation of the Town of Edenton.

I. Whereas the Regulation of the Town of Edenton would be highly beneficial and convenient to the Inhabitants thereof;

II. 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, Joseph Hewes, Robert Smith, William Bennett, Charles Bondfield, and Samuel Dickenson, Esquires, be, and they are hereby appointed Commissioners of the said Town; and they, or a Majority of them, are hereby invested with the same Powers, and made subject to the same Rules and Regulations, as Commissioners heretofore appointed.
III. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, the Commissioners of the said Town, or a Majority of them, shall, and they are hereby required, within Sixty Days after the First Day of January in every year, to lay such Tax as they may Judge necessary, not exceeding Eight Shillings; which Tax shall be collected by Warrant under the Hands and Seals of the Commissioners, or a Majority of them, directed to any Person they shall appoint to collect the same, returnable at such Time as shall be therein mentioned; which said Collector, appointed as aforesaid, is hereby empowered to collect and make Distress for the same, in like Manner as the Sheriffs or other Collectors of Public, County, or Parish Taxes, are empowered by Law; and the Money arising therefrom, after deducting Six per Cent. Commissions, shall by him be paid into the Hands of the Commissioners, or a Majority of them, to be by them applied and laid out in clearing and repairing the Publick Streets, Lanes and Alleys, and in any other Public Work they may judge necessary for the Benefit of the said Town.

IV. And be it further Enacted, by the Authority aforesaid, That all Persons residing Three Months in the said Town next before the First Day of January in every Year, shall afterwards be subject to pay Taxes in the said Town.

Read Three Times and ratified in General Assembly the Twenty-fourth Day of December, 1777.

SAMUEL ASHE, S. S.
ABNER NASH, S. C.