

# LAWS OF NORTH CAROLINA, 1778.

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At a General Assembly, begun and held at New Bern on the Fourteenth Day of April, in the Year of our Lord One Thousand Seven Hundred and Seventy Eight, and in the Second Year of our Independence: Being the First Session of this Assembly. *Richard Caswell, Esq., Governor.*

## CHAPTER I.

**An Act for raising Men to complete the Continental Battalions belonging to this State.**

I. Whereas it is absolutely necessary that the continental Battalions belonging to this State be compleated, and it is found impracticable to obtain that End in the common Mode of recruiting;

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 Two Thousand Six Hundred and Forty Eight Men shall be raised and detached from the Militia of this State towards compleating the same, in the following Proportion and Manner, viz. From the County of Craven Eighty Six, Carteret Thirty, Beaufort Twenty Six, Johnston Thirty Four, Hyde Twenty Eight, Dobbs One Hundred and Three, Pitt Thirty Five, New Hanover Thirty Two, Onslow Forty-Seven, Bladen Sixty Three, Duplin Sixty Two, Cumberland Seventy Three, Brunswick Thirteen, Rowan One Hundred and Seventy Four, Mecklenburg One Hundred, Tryon Eighty Three, Anson Seventy Eight, Surry Eighty Eight, Guilford One Hundred and Fifty Six, Burke Sixty Two, Washington Sixty Two, Wilkes Thirty Five, Orange One Hundred, Granville Seventy, Wake Sixty, Chatham Sixty Six, Caswell Seventy Seven, Halifax Eighty Six, Northampton Sixty Two, Edgecombe Sixty Three, Bute One Hundred and Five, Martin Thirty Seven, Nash Fifty Six, Chowan Thirty Three, Perquimons Thirty Three, Pasquotank Forty Five, Currituck Fifty, Bertie Seventy Six, Tyrrell Thirty Four, Hertford Sixty Two, and Camden Forty One. And the Colonel or Commanding Officer in each County is hereby directed to order the Field Officers and Captains to his Regiment belonging to meet at the Court House on or before the Twenty-Fifth Day of May next, and the Field Officers and Captains shall then and there apportion the Men to be raised in the County to the several Companies, in Proportion to the Number of Militia, including Officers of every Rank, his Excellency the Governor only excepted, in each Company respectively, after deducting for such Militia Men only as shall have heretofore actually inlisted good and able bodied Men as regular Soldiers, or cause such to be inlisted, to serve in the continental Army agreeable to the Act passed in May One Thousand Seven Hundred and Seventy Seven, for encouraging the recruiting Service, which said inlistments they shall prove by their own Oath, and the Testimony of an indifferent Person, to be obtained without Fraud or Collusion in due Time, and without the Procurement of Assistance of any continental Officer or Soldier, and the commanding Officer in each and every County shall, within Five Days after such Meeting, order a General Muster at the Place or Places by Law appointed, and he is hereby authorized to offer a Bounty of One Hundred Dollars to every able bodied Man who shall voluntarily enter into the Service, and if a sufficient Number of Volunteers do not turn out,

then the several Companies shall immediately proceed to determine by Ballot who shall go out of each Company, to make up its particular Quota; and the Persons so voted in shall go themselves, or provide able bodied Men to serve in their Stead, and shall be intitled to a Bounty of Fifty Dollars each.

III. And be it further Enacted, by the Authority aforesaid, That if any Company shall refuse to appear and ballot agreeable to this Act, that in that Case the Field Officers shall point out the Men who shall serve. Provided, That it shall not be lawful to vote for any Person who shall produce Certificates of having actually inlisted regular Soldiers, by themselves, or some others for them, to serve in the continental Army, agreeable to the Act passed in May One Thousand Seven Hundred and Seventy Seven, for encouraging the recruiting Service, if such Certificates were granted and obtained fairly and without Fraud, and the Men whose Names are therein mentioned were actually inlisted by or on Account of the Persons claiming such Exemptions, the Proof thereof made agreeable to the Directions of this Act.

IV. And be it further Enacted, by the Authority aforesaid, That each and every Person who shall voluntarily enter or be voted into the Service as aforesaid, shall be intitled to have and receive from the commanding Officer of the County a Pair of Shoes and Stockings, two Shirts, a Hunting Shirt, Waiscoat with Sleeves, a Pair of Breeches and Trousers, a Hat and a Blanket, and Five Yards of Tent Cloth; and every Six Men shall be intitled to have and receive from the said commanding Officer One Axe, and a Pot or Camp Kettle.

V. And in order to procure the Cloathing afore mentioned, Be it Enacted by the Authority aforesaid, That every Company shall furnish and provide One Pair of Shoes and Stockings, Two Shirts, a Hunting Shirt, a Waistcoat with Sleeves, a Pair of Breeches and Trousers, a Hat and a Blanket, Five Yards of Tent Cloth for each and every Man, and One Axe, and a Pot or Camp Kettle, for every six Men raised out of such Company respectively; and the said Articles shall be valued on Oath by Three Freeholders or Householders, who shall grant Certificates of Valuation to the Persons furnishing the same, which Certificates, with Receipts endorsed from the commanding Officer of the County for Delivery thereof, shall be received by the Taxgatherers in Part of Public Taxes: And if any Company shall fail to furnish its Quota of Cloathing, Tent Cloth, Camp Kettles, and Axes, or any Part thereof, the commanding officer of the County shall have Power to cause so much of the property of any Person or Persons belonging to such Company, refusing to furnish his or their quota of the aforesaid Articles, to be seized and sold, as will procure the Cloathing and other Articles wanted, and shall grant Certificates of the Amount, which shall also be received by the Taxgatherers in Part of Public Taxes.

VI. And be it further Enacted, by the Authority aforesaid, That the Brigadier Generals of each District shall take into their Possession, and distribute to the Troops so raised, such Guns as belong to the Public, and are good and sufficient; and in case there should not be Arms for every Man, then, and in that Case, the Colonel or commanding Officer of each County shall purchase Guns for the Men marching from the same, and shall give Certificates to those from whom the Guns are bought; which Certificates, countersigned by the Clerks of the respective Counties, shall be paid by the Treasurer of either District, and allowed in the Settlement of their Accounts with the Public.

VII. And be it Enacted, by the Authority aforesaid, That the Men who shall be raised in Manner aforesaid in the Districts of Halifax, Edenton, New

Bern and Wilmington, shall march to Halifax, and from thence to Petersburg in Virginia, and those who shall be raised in the Districts of Hillsborough and Salisbury, shall rendezvous at Peytonsburg in Pittsylvania, with all possible Expedition, under the command of such continental Officer or Officers as the commanding officer in the continental Service in this State shall appoint for that Purpose; and if there be none such appointed in any County then the commanding Officer of the Militia in such County shall appoint a Person to conduct the Men thereto belonging either to Halifax, or to Peytonsburg in Virginia, as the Case may require, there to be delivered to the continental Officer appointed to receive them, and such Person shall be allowed Captain's Pay and Rations during the Time of his Employment; and the Men who shall be raised in Manner aforesaid, shall serve in the continental Battalions of this State for the Space of Nine Months from the Time that they shall arrive at either of the Places aforesaid, unless sooner discharged, and shall be subject to the same Rules and Discipline and have the same Pay and Rations, as the continental Troops, from the Day of their being voted in or inlisted.

VIII. And be it Enacted, by the Authority aforesaid, That in case any Person so voted in, or voluntarily entering as a Soldier agreeable to the Directions of this Act, shall fail to appear in due Time at the Place of general Rendezvous, or shall desert his Duty during the Time specified in this Act, such Person shall from thenceforward be held and deemed a continental Soldier during the present War, and shall be liable to be taken as such; and every Person who shall voluntarily inlist, or be voted into the Service, in Consequence of this Act, and shall well and faithfully serve as a Soldier, agreeable to the true Intent and Meaning of this Act, shall be free and exempt from serving again as a Soldier for the Space of Three Years next after the Time of his procuring a Certificate of his having served as aforesaid. And if any Person shall harbour or conceal any of the Men who shall voluntarily enter or be voted into the Service as aforesaid, such Person, on Conviction thereof before any Justice of Peace in the County wherein the Offence shall be committed, shall be deemed a continental Soldier, and shall be turned over by the said Justice to a continental Officer, or committed to Gaol for that Purpose, and shall serve for Three Years, or during the War.

IX. And be it Enacted, by the Authority aforesaid, That the Captains of each and every Company shall return descriptive Lists of the Men raised in such Company, specifying the Name, Size, Age, Complexion and Occupation, of the Men so raised, and also the Name and Number of the Company from whence they were taken: And the said commanding Officer shall make two fair Copies of such descriptive Lists, one of which he shall deliver to the continental or other Officer appointed to take Charge of the Men, and he shall take a Receipt for the Delivery of the Men on the other.

X. And be it further Enacted, That the Quakers, Dunkers, Moravians, and Menonists, shall furnish Men in Proportion to their respective Numbers in each County, and in Default thereof, the commanding officer of each and every County is hereby empowered to hire Men instead of the Men to be by them furnished, and by Warrant under his Hand, directed to the Sheriff of the County, to levy the Sum given for such Man or Men on the Goods and Chattels, Lands and Tenements, of any Person belonging to such Sect, as shall refuse or fail to find a Man or Men agreeable to this Act.

XI. And be it Enacted, by the Authority aforesaid, That the Men raised in the County of Rowan, and those raised in the County of Guilford, shall have the Liberty of electing two Captains for each County, and the Men raised in New Hanover County and Brunswick shall elect One Captain joint-

ly; and in such Counties as raise more than Fifty Men, the Men so raised shall and may elect a Captain in every County, and in the Counties which raise a smaller Number than Fifty, the Men shall and may elect One Lieutenant for every County; and the Persons so elected, shall be commissioned accordingly by the Governor, and shall march and continue with their respective Companies, with the Rank of Militia, and the Pay and Rations of regular Captains and Lieutenants, during the Time of their continuing in Service.

XII. And be it Enacted, by the Authority aforesaid, That James Roper and William Sheppard be appointed Contractors for the District of Salisbury, Thomas Hart for the District of Hillsborough, to contract for and purchase Provisions, and issue them to the Men raised in the said Districts until their Arrival at Peytonsburg in Virginia; and that William Bennet be appointed for the District of Edenton, Hardy Bryan for the District of New Bern, Thomas Amis for the District of Wilmington, and William Amis for the District of Halifax, for the like Purposes, until the Men raised in the said District respectively shall arrive at Halifax, and then that William Amis be appointed to take Charge of all those who rendezvous at Halifax, and conduct them as far as Petersburg: And the said Contractors, and every of them, shall grant Certificates to the Owners for the Provisions by them respectively furnished, and shall have full Power to seize Provisions of every Kind from any Persons who shall or may have more Provisions than may be necessary for their own Use or Family Consumption, if the Owners shall refuse to sell the same, and shall grant Certificates as aforesaid; and the said Certificates shall be redeemed at the next Session of Assembly: And the said Contractors shall keep regular Accounts of their Disbursements or Purchases, and of all Certificates by them granted, that the Assembly may not be defrauded by Claimants, and may more easily settle with the said Contractors, who shall be allowed One Hundred and Twenty Dollars per Month for their Trouble, over and above all Sums of Money by them expended for the Purposes aforesaid.

XIII. And be it Enacted, by the Authority aforesaid, That the Colonel or commanding Officer of the Militia in each County be, and he is hereby empowered and required, to furnish the necessary Waggon and Carts for marching the Troops raised in such County, agreeable to the Militia Law.

XIV. And be it further Enacted, by the Authority aforesaid, That the Owners of said Waggon shall be allowed Forty Shillings per Day, and Forage and Shoes for their Horses, and every Cart the Sum of Twenty Shillings per Day, with Forage and Shoes for their Horses; and the said Waggon and Carts with Teams, before marching, shall be appraised by Three Freeholders, that in case of Loss or Death, the Owner may be paid for the same.

XV. And be it Enacted, by the Authority aforesaid, That the continental Deputy Paymaster General be, and he is hereby directed to pay the Troops aforesaid; and that his Excellency the Governor be, and he is hereby empowered to grant Warrants on the Treasury to the said Paymaster for the necessary Sums, taking Security for due Application of the same.

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## CHAPTER II.

### An Act for Restraint of Vagrants, and preventing Desertion.

I. Whereas Desertion, and the Evils arising from vagrant ill disposed People, are become too frequent;

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 able bodied Men who shall be found loitering and neglecting to labour for reasonable Wages, not having Property sufficient to maintain themselves, and all Persons who shall run from their Wives and Children, without leaving suitable means for their Subsistence, and all other idle, vagrant or disorderly Persons, rambling abroad, without betaking themselves to some lawful Employment or honest Labour, or going about begging, shall be deemed Rogues and Vagabonds; and if any such shall be found in any County or Place wandering or gaming, and getting their living by that and other fraudulent Practices, begging or misordering himself or themselves, it shall be lawful for any Justice of the Peace of that County, and he is hereby required, by Warrant under his Hand, to cause such Person or Persons to be brought before him, and to examine and inform himself, as well by the Oath and Examination of the Person or Persons apprehended, as of any other Person, of the Condition and Circumstances of the Person or Persons so apprehended, and if it shall appear to him that he or they come under the Description of Vagabonds within this Act, then the said Justice shall and may cause such Person or Persons to be delivered to some continental Officer immediately, or committed to Gaol, with Directions to the Sheriff or Gaoler for delivering him or them as aforesaid as soon as may conveniently be done.

III. And be it Enacted, by the Authority aforesaid, That the continental Officer to whom any Vagabond shall be delivered in Manner aforesaid, shall enroll the Name of such Vagabond in some Company of the continental Army, and such Vagabond shall then be considered as a Soldier in the continental Army, and be under the same Regulations, Rules and Restrictions, and subject to the same Penalties for Desertion or other Crimes, as other Soldiers in the continental Army: And if such Vagabond shall have left a Wife or Children unprovided with Means of Subsistence, they shall receive from the Treasury of this State the Bounty allowed for Soldiers inlisting voluntarily into the continental Army, to be paid by the Treasurer of the District wherein such Persons shall live, a Certificate being first produced to such Treasurer, from under the Hands of Two Justices, to shew that such a vagabond has actually been delivered over to some continental Officer, and that the Wife or Children claiming such Bounty are left unprovided with Means of subsistence.

IV. And be it further Enacted, by the Authority aforesaid, That if any Person shall harbour, conceal or abet, any Soldier deserting from the Continental Army, the Person so harbouring, concealing or abetting such Soldier, being found guilty thereof, and being an able bodied Man shall be liable to serve in the continental Army for Three Years, or during the war; and it shall and may be lawful for Two Justices of the Peace in each and every County in this State, by Warrant under their Hands, to cause any Person, being able bodied as aforesaid, and suspected of harbouring, concealing or abetting, any continental Soldier, to be apprehended and brought before them, and to examine Witnesses on Oath relative thereto: And if it shall appear to the said Justices that the Person so apprehending is guilty in Manner aforesaid, they shall cause him to be delivered over immediately, or shall commit him to Gaol, to be delivered over as soon as may be to a Continental Officer, who shall enroll his name in some Company in the Continental Army; and such Offender shall then be considered as a continental Soldier, and be under the same Regulations, Rules and Restrictions, and subject to the same Penalties for Desertion or other Crimes, as other Soldiers in the continental Army.

V. And be it Enacted, by the Authority aforesaid, That if any Person, not

being sufficiently able bodied to serve as a Soldier, shall offend in Manner aforesaid, he or she so offending shall forfeit and pay the Sum of Fifty Pounds, and shall be liable to Imprisonment for Three Months; and it shall and may be lawful for any Two Justices to proceed against the Person so offending as herein before directed, and upon Conviction to cause the Penalty aforesaid to be levied on the Estate of such Person, and also to commit him or her to Gaol, for any Time not exceeding Three Months; and the Money so levied shall be paid to, and accounted for by the Sheriff, in the same Manner as Public Taxes.

VI. And be it further Enacted, by the Authority aforesaid, That if any Person shall apprehend any Deserter from the continental Army, and deliver him to some continental officer, or to the Gaoler of the County or District wherein he shall be apprehended, such Person, on producing a Certificate of the Delivery as aforesaid, shall be intitled to a Claim of Twenty Dollars, and One Shilling for every Mile, according to the Distance from the Place of apprehending to the Place of Delivery of such Deserter.

And whereas Persons inimical to the United States are frequently coming into, or travelling through or about this State, and spreading false and discouraging News; Be it Enacted by the Authority aforesaid, That from and after the First Day of May next, it shall and may be lawful for any of the Justices or Field Officers of the Militia, and ever of them, and they are hereby required, in their respective Counties, to stop and examine every Person who shall come into, or be found travelling in this State; and if such Person, being a resident of this State, shall not produce a pass from some Justice of Peace in the County from whence he came, certifying his Business, and also a Certificate that he has taken the Oath of Allegiance to this State, it shall and may be lawful for such Justice or Field Officer to order such Person to return to the County from whence he came, and to commit him to Gaol if necessary, until he shall give Bond and Security to comply with the Order, and such Bond shall be taken in the Name of the Governor for the Time being: And if any Person, not a Resident of this State, shall come into, or be found travelling through the same, and shall not on Examination produce a Pass from some Justice of Peace in the State from whence he last came, and also a Certificate from some Justice of Peace in the State from whence he first came, of his having taken the Oath of Allegiance thereto, it shall and may be lawful for any of the Justices or Field Officers, and every of them, in their respective Counties, to order such Person to return to the State to which he belongs, and to exercise the same Powers and Authorities for enforcing such Order, as before provided against Persons resident in this State.

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### CHAPTER III.

An Act to amend an Act, intituled, 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.

I. Whereas it has been found by experience that divers Parts and Clauses in the said Act are defective, so as to require in some Places an Explanation, and in others an Amendment;

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 in all Cases where the Quantity of Land surveyed shall fall short of the Entry,

that the Entry Takers for each and every County in this State shall, and they are hereby commanded and required, to refund to every Person who already hath, or hereafter may make any Entry, the exact Deficiency which shall or may appear betwixt the actual Survey and the Entry, on the Return of the said Survey.

III. And be it also Enacted, by the Authority aforesaid, That no Entry Taker for the future shall presume to take or receive the Fees due by Law to the Surveyor, but that the same shall be paid to the Surveyor himself, at the Time he really makes the survey, by the Person requiring such Service; and that all Fees heretofore received by Entry Takers for the Use of any Surveyor, be on Application fairly returned to the Person who made the Entry, and paid such Fees.

IV. And whereas by an Act of this present Session of Assembly it is provided, that Two Thousand Six Hundred and Forty Eight effective Men be immediately called forth from this State into the Service of the United States, for a Space of time therein mentioned; and whereas by Reason of such Service, great Inconvenience and Disappointments may arise to those of them who hath made, or may make any Entry of a Claim for Lands in this State, respecting a Completion of their Titles: Be it Enacted, and it is hereby Enacted by the Authority aforesaid, That in all Cases of disputed Claims, where any of the Persons aforesaid, or any other Person in the continental Service from this State, may be a Party, that all Proceedings thereupon be suspended and stopped until the First Day of May, One Thousand Seven Hundred and Seventy Nine, or until the Legislature shall take further Measures thereupon; and every Procedure contrary to the true Intent and Meaning of this Section, is and are hereby declared to be utterly void; and of no Force or Effect in Law, of which all Entry Takers and Surveyors are expressly required to make due Observance.

V. And be it further Enacted, by the Authority aforesaid, That for the future no Person shall presume to enter or survey any Lands within the Indian Hunting Grounds, or without the Limits of the Land heretofore ceded by the Indians, or conquered from them, which Limits Westward are hereby declared to be as follows, that is to say, Beginning at a Point in the dividing Line which hath been agreed upon between the Cherokees and Colony of Virginia, where the Line between that Commonwealth and this State (hereafter to be extended) shall cross or intersect the same; running thence a right Line to the North Bank of the Holston River, at the Mouth of Cloud's Creek, being the second Creek below the Warrior's Ford, at the Mouth of Carter's Valley; thence a right Line, to the highest Point of a Mountain called the High Rock, or Chimney Top; from thence a right Line to the Mouth of Camp Creek, otherwise called McNames's Creek, on the South Bank of Nollichuckie River, about Ten Miles (be the same more or less) below the Mouth of Great Limestone; and from the Mouth of Camp Creek aforesaid, a South East Course, to the Top of the Ridge of the Mountain called the Great Iron Mountain, being the same which divides the Hunting Grounds of the Overhill Cherokees from the Hunting Grounds of the Middle Settlements, and from the Top of the said Ridge of the Iron Mountain a South Course, to the dividing Ridge between the Waters of French Broad River and the Waters of Nollichuckie River; thence a South Westerly Course along the said Ridge, to the great Ridge of the Appellachian Mountains which divide the Eastern and Western Waters; thence with the said dividing Ridge, to the Line that divides the State of South Carolina from this State: And that all Entries and Surveys of Land heretofore made, or which hereafter may be made within the said Indian Boundaries, are hereby declared to be utterly void, and of no

Force or Effect; and the Entry Takers for the Counties of Burke and Washington are hereby strictly commanded immediately to refund to the proper Persons all Sums of Money by them received for the Purpose of any Entry within the Indian Limits as aforesaid, their own Fees for making the Entry included.

VI. And be it also further Enacted by the Authority aforesaid, That no Entry Taker in this State shall be obliged to pay into the Treasury any Sum or Sums of Money by him received, on Account of any Entry of Lands with him made, until the Expiration of Three months after the Date of such Entry; any Law, Usage or Custom, to the contrary notwithstanding.

VII. And be it further Enacted by the Authority aforesaid, That the Surveyors shall run all dividing Lines between Party and Party, according to the Directions they may receive from them, or agreeable to Directions from a Jury, in Cases of contested and disputed Claims, without regarding the cardinal Points; any Law, Usage or Custom, to the contrary notwithstanding.

VIII. And be it further Enacted by the Authority aforesaid, That all Houses and Edifices erected for, and dedicated to the Worship of Almighty God, where the same may have been on vacant or unappropriated Lands, together with Two Acres adjoining the same, shall hereafter be held and kept sacred for Divine Worship, to and for the Use of such Society or Sectary by which the same was originally established.

IX. And be it further Enacted by the Authority aforesaid, That so much of an Act of Assembly, intituled, An Act for opening the Land Office, &c., passed at New Bern in December, One Thousand Seven Hundred and Seventy Seven, which comes within the Purview and Meaning of this Act be, and the same is hereby declared to be repealed and made void, as if the same had never been made.

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#### CHAPTER IV.

**An Act to Alter the Times for holding the several Superior Courts of Law, and for the better arranging the County Courts within this State.**

I. Whereas the Times for holding the several Superior and Inferior Courts of Law within this State, from Experience, are found to be exceedingly inconvenient: 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 August next, 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 Fifteenth 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 First Days of April and October. For the District of Halifax, in the Town of Halifax, for the Counties of Halifax, Northampton, Edgecombe, Bute, Martin, and Nash, on the Fifteenth 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 Camden, 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 Fifteenth 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 Thirtieth Days of May and November. And each Term shall continue Ten 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.

III. And be it Enacted by the Authority aforesaid, That the several County Courts of Pleas and Quarter Sessions for the County of Wake shall be constantly held on the following Days, to-wit, on the First Mondays in March, June, September, and December, in each Year.

IV. And be it Enacted by the Authority aforesaid, That so much of an Act of Assembly, passed at New Bern the Twenty Fourth Day of December, in the Year One Thousand Seven Hundred and Seventy Seven, intituled, An Act for establishing Courts of Law, and for regulating the Proceedings therein, as comes within the Purview of this Act, is, and are hereby henceforth repealed and made void.

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#### CHAPTER V.

**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 Proprietors 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 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 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, repugnant to, or inconsistent with the Freedom and Independence of this State, and the Form of Government therein established, and which have not been otherwise provided for, in the Whole or in Part, not abrogated, repealed, expired, or become obsolete, are hereby declared to be in full Force within this State.

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, intituled, An Act to prevent Card Playing, and other deceitful Gaming, passed at New Bern in the Month of December, in the Year One Thousand Hundred and Seventy; also one 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 Thousand Seven Hundred and Seventy Three, but since repealed by Proclamation; and the following Acts, passed the last Session of Assembly, but which 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 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; be, and are hereby revived, and declared to be in Force, so far as the said Acts are not destructive of, repugnant to, or inconsistent with the Freedom and Independence of this State, and the Form of Government therein established.

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#### CHAPTER VI.

**An Act allowing Salaries to the Governor, Secretary, Delegates, Treasurers, and Members of the Council of State, and other Purposes.**

I. Whereas it may be necessary, for the Safety of this State, that the General Assembly be convened at other Times or Places than those to which the same may be adjourned, and that the Governor, or Commander in Chief for the Time being, should be authorized, in Case any future Assembly should fail to meet at the Time appointed for that Purpose, to adjourn the said Assembly from Day to Day, until there shall be a sufficient Number of the Members to proceed on Business, agreeable to the Constitution; and whereas in Case the General Assembly fail to meet in the Month of April next, it may be doubtful whether the Authority of the Governor and Council will continue longer than one Year from the Time of their Appointments, unless the same is provided for by Law; and whereas the present increased Price of Provisions, and of every other Necessary, renders it improper to ascertain the Salaries of the Governor, the Secretary, the Delegates in Congress, the Treasurers, and Members of the Council of State, otherwise than by a temporary Provision from Year to Year:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That there shall be paid to his Excellency the Governor the annual sum of Twenty Two Hundred Pounds, in Lieu of all Fees for his Services as Governor of this State; that each of the Members of the Council of State be allowed for each Day they shall be on Duty as Councillors of this State, Forty Eight Shillings; that each of the Delegates in Congress shall be allowed the Sum of Sixteen Hundred Pounds per Annum; that each of the Public Treasurers be allowed the annual Sum of Eight Hundred Pounds, for their Services as Treasurers (which Allowances to the aforesaid Officers shall commence from the Time of their Appointments in this Session of General Assembly respectively) and that the Secretary be allowed the annual Sum of Five Hundred Pounds, to commence from the Date hereof, for his Public Services as Secretary of this State, exclusive of the Fees granted him by an Act of Assembly, intituled, An Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties in this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned: And that James Davis, the Public Printer of this State, be allowed the annual Sum of Twelve Hundred Pounds, for his Services as Public Printer, to commence from the Beginning of this present Session of Assembly; and the said Printer shall comply with the Rules and Regulations laid down in an Act, intituled,

An Act for appointing a Printer in the Province passed in December, One Thousand Seven Hundred and Sixty Six, which said Act is hereby declared to be in full Force, so far as it respects the Printer; provided that the Laws and Journals for Washington County may be left with the Clerk of Wilkes County.

III. And be it also Enacted by the Authority aforesaid, That in Case any future Assembly should fail to meet on the Time appointed, or to which the same stands adjourned, It shall and may be lawful for the Governor, or Commander in Chief for the Time being, with the Advice of the Council of State, to prorogue the said Assembly from Day to Day, until there shall appear a sufficient Number of Members to proceed on Business, agreeable to the Constitution: And the Governor, or Commander in Chief for the Time being is hereby authorized to call a Meeting of the General Assembly to the Place to which the same stands adjourned at any Time, in Case it should be deemed absolutely necessary by the Council of State.

IV. And be it Enacted by the Authority aforesaid, That in Case the General Assembly should fail to meet in the Month of April, in the Year One Thousand Seven Hundred and Seventy Nine, it shall and may be lawful for the Governor, or Commander in Chief, and the Members of the Council of State, and they are hereby authorized and empowered, to hold and exercise the Power and Authorities vested in a Governor and Council by the Constitution and Laws of this State, until the Meeting of the First General Assembly which may happen after the last Day of April, in the Year One Thousand Seven Hundred and Seventy Nine, as aforesaid, and no longer.

V. And be it Enacted by the Authority aforesaid, That this Act shall continue and be in Force for and during the Space of Twelve Months, and from thence to the End of the next General Assembly, and no longer.

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#### CHAPTER VII.

An Act to establish Rules to be observed in solemnizing the Rites of Matrimony.

I. Whereas it is absolutely necessary that Rules should be observed concerning celebrating the Rites of Matrimony:

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 regular Ministers of the Gospel of every Denomination, having the Cure of Souls, and all Justices of the Peace in this State, are hereby authorized and empowered to solemnize the Rites of Matrimony, according to the Rites and Ceremonies of their respective Churches, and agreeable to the Rules in this Act prescribed; and the said Ministers may demand and take for every Couple by them married, if by Licence, the Sum of Twenty Shillings lawful Money of this State, and if by Publication, the Sum of Ten Shillings like Money, to their Use, and no more.

III. And be it further Enacted, by the Authority aforesaid, That the Clerk of each County Court is hereby authorized and empowered to grant Marriage Licences to any Person applying for the same, first taking Bond, in the Name of the Governor for the Time being, and his Successors, with sufficient Security, in the Sum of Five Hundred Pounds lawful Money of this State, with Condition that there is no lawful Cause to obstruct the Marriage for which such Licence is desired, to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, by the Party grieved; which Bond afore-

said shall be taken, and Licence granted, by the Clerk of the County in which the Feme resides, which Licence shall be directed to any authorized Minister or Justice of the Peace, and may demand and take the Sum of Sixteen Shillings lawful Money of this State, and no more, for his service in taking Bond and granting Licence as aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That every Minister of the Gospel, qualified as in this Act before directed, or any other Person appointed by their respective Church as a Reader, is hereby authorized and impowered to publish the Banns of Matrimony between any Two Persons requesting the same, provided that every Publication shall be made Three several Sundays in the Congregation immediately after or during Divine Worship, and shall give a Certificate of such Publication when demanded, directed to any authorized Minister or Justice of the Peace, and may demand and take for his Service the Sum of Four Shillings lawful Money of this State, and no more. Provided, That the People called Quakers shall still retain their former Rules and Privileges in solemnizing the Rites of Matrimony in their own Church, any Thing in this Act contained to the contrary notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That if any Minister or Justice of the Peace shall knowingly join together in Matrimony any Two Persons, in any Way or Manner other than by this Act directed, shall forfeit and pay for every such Offence the Sum of Fifty Pounds lawful Money of this State; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, one Half to him that shall sue for the same, and the other Half to be applied by the Court to the Use of the County where such Forfeiture ariseth, and be also liable to an Action of Damage to the Party grieved: And if any Clerk shall knowingly grant Marriage Licence, in any Way or Manner other than by this Act directed, he shall forfeit and pay for every such Offence the Sum of One Hundred Pounds lawful Money of this State; to be recovered and applied as other Fines in this Act before directed, and be also liable to an Action of Damage to the Party grieved.

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#### CHAPTER VIII.

An Act to impower the County Courts of Pleas and Quarter Sessions in this State to order the laying off Public Roads, and establish and settle Ferries, and other Purposes therein mentioned.

I. Whereas the Acts of Assembly heretofore in Use, for laying out and repairing the Roads within this State, have been found insufficient to answer the End thereby intended, occasioned principally by the Fines being too small that are imposed on Delinquents: 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 Overseers of the Roads who are or shall be hereafter appointed, shall continue in Office, and Do his duty as is hereby directed, for and during the Space of One Year, under the Penal Sum of Ten Pounds Currency of this State; to be recovered by Action of Debt in the County Court where the Delinquent resides, one Half to the Use of him who shall sue for the same, the other towards repairing the Roads and Bridges within the said County. Provided, That no Overseer shall be obliged to serve more than One Year in Three successive Years.

III. And be it further Enacted, That all Persons refusing, when summoned by the Overseers, to attend and do their Duty, shall forfeit and pay the Sum

of Ten Shillings current Money per Day, for every Day he or they shall so neglect or refuse to attend; to be recovered by Warrant from a Justice of the Peace, towards maintaining and keeping in Repair the Road they should have laboured on. Provided also, That the several Persons summoned by the Overseers to work on the Roads as aforesaid, shall not be liable to any Fine for not appearing and doing their Duty, unless they shall be summoned Three Days before the Day appointed for working.

IV. And be it further Enacted by the Authority aforesaid, That an Act, intituled, An Act to impower the Inferior Courts of the several Counties in this State to order the laying out of Public Roads, and establishing and settling Ferries, &c., passed at Wilmington in the Year One Thousand Seven Hundred and Sixty Four, and every Clause and Article of it, except such Parts as are otherwise provided for by this Act, be and continue in full force.

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#### CHAPTER IX.

##### An Act for procuring a Great Seal for this State.

I. Whereas it is necessary that a Great Seal be procured, to be used by the Governor for the Time being as the Seal of this 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 William Tisdale, Esq., be, and he is hereby appointed to cut and engrave a Seal, under the Direction of his Excellency the Governor, for the Use of the State; and the said Seal, when engraved, shall be called the Great Seal of the State of North Carolina, and shall be used and affixed by the Governor for the Time being to all Grants, Proclamations, and other Public Acts of the executive Authority of this State.

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#### CHAPTER X.

##### An Act to compel the late Officers of the Militia in this State to account for and pay to the succeeding commanding Officers all Monies in their Hands arising from the Fines of Delinquents.

I. Whereas many Officers of the Militia have collected large Sums of Money by Virtue of the Law as Fines on Delinquents, and refuse or neglect to account for the same;

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, it shall and may be lawful for the commanding officer in each County within this State, and he is hereby required, to issue Citations to all or any of the late Officers whom he may suspect to have Money in his or their Hands arising from the Fines on Delinquents, to appear at the succeeding Court Martial, and fully account upon Oath for all Monies by him or them collected as aforesaid.

III. And be it further Enacted, by the Authority aforesaid, That if any Person cited as aforesaid, at least Ten Days before the sitting of the Court Martial, and shall refuse or neglect to appear, or appearing, refuse to account for and pay into the Hands of the President of the Court Martial, all Sums of Money in their hands collected from Fines as aforesaid, such Persons neglecting or refusing on such Citation, due proof being made thereof, shall forfeit

and pay the Sum of One Thousand Pounds; to be recovered by the President of the Court Martial, who is hereby required and directed to sue for the same, by Action of Debt, in any Court of Record having Cognizance thereof, the one Half for the Use of the County, towards lessening the County Tax, and the other Half to be applied as other Fines directed by the Militia Law.

IV. And be it Enacted, by the Authority aforesaid, That the commanding Officer of each County in this State shall lay before the Court Martial in his County once in every Year, a true Account of all the Fine Money in his Hands, and the Disbursements, shewing the Quantity of Arms by him purchased, and how they are disposed of; and in case of Neglect or Refusal of any of the said commanding Officers, he shall forfeit and pay the Sum of Five Hundred Pounds; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, by any of the Militia Officers within the County where he resides, to be applied as other Fines in this Act directed.

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#### CHAPTER XI.

An Act to amend an Act, intituled, 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 Allowances made for piloting Vessels over Occacock Bar, and through the Swash to New Bern and Edenton, as directed in an Act of Assembly, intituled, 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, is found to be insufficient for the Services to be performed, and for the Dangers attending the same; and whereas very great Damage hath arisen to this State, by Persons who are not authorized by Law taking Charge of Vessels as Pilots, and by Ignorance, or with Design, causing such Vessel to be wrecked and destroyed: Therefore, to prevent such Abuses for the future,

II. Be it Enacted by the General Assembly of the State of North Carolina, and by the Authority thereof, That from and after the First Day of June next, it shall not be lawful for any Person resident in, and having heretofore acted as a Pilot at Occacock Bar, to take Charge of or attempt to pilot any foreign Vessel over Occacock Bar, or into any Port or Inlet in this State, unless such Person shall previously have obtained a Branch or Licence from the Commissioners of the Navigation, agreeable to the Directions of the before recited Act of Assembly: And in Case any Person shall offend herein, and any Damage should happen to the Vessel, or to any part of the Cargo on Board, after such Person shall so take Charge of, or pretend to act as a Pilot on Board the same, and before such Vessel shall be safely moored in some Harbour within this State, the Persons so offending shall suffer Six Months Imprisonment, without Bail or Mainprize, and shall also forfeit and pay to the Party Injured, or to the Informer, as the Court may order, the Sum of One Thousand Pounds lawful Money of this State, with Costs of Suit: to be recovered by Bill, Plaint, or Information, in any Court of Record in this State having Cognizance thereof; and such person shall also be liable to sech other Pains and Penalties as the Law directs.

III. And be it further Enacted, by the Authority aforesaid, That no Inhabitant of this State shall act as a Pilot, or take Charge of, or attempt to conduct any Vessel over Occacock Bar, or into any of the Inlets in this State, for Fee or Reward, unless such Person shall have obtained from the Com-

missioners of Navigation a Branch or Licence for that Purpose, under the Penalty of Five Hundred Pounds current Money of this State, to be recovered and applied in the Manner by this Act hereby heretofore directed. Provided nevertheless, That it shall and may be lawful for any Person to aid and assist in saving any Vessel which may be in Distress, and also to take and receive after the Danger is over, any Reward which the Owner or Master of such Vessel shall then voluntarily give such Person, as a Compensation for his Service, and no more.

IV. And in order to encourage such good Men as are capable and willing to act as Pilots under the Direction of the Commissioners, and agreeable to the before recited Act of Assembly, intituled, 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: Be it Enacted by the Authority aforesaid, That from and after passing this Act, it shall and may be lawful for the Pilots who shall obtain Branches agreeable to the Directors of the last mentioned Act of Assembly, to take and receive for piloting in over Occacock Bar to Beacon Island Road, or any other Road or Harbour where Vessels usually anchor at, for every Vessel drawing Nine Feet or under, Twenty Shillings per Foot; and from Nine to Eleven Feet, Twenty Five Shillings per Foot; and from Eleven feet and upwards, Thirty Shillings per Foot; and for the piloting such Vessels outward bound over the Bar, the one Half of the aforesaid Rates, Respect being had to the 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 shall be Twenty Shillings per Foot, and from Edenton to the lower Road the same, exclusive of the Pilotage granted by an Act of Assembly, passed in the Year One Thousand Seven Hundred and Seventy Seven, intituled, 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.

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#### CHAPTER XII.

**An Act to prohibit the Exportation of Beef, Pork, Bacon, and Indian Corn.**

I. Whereas the Scarcity of Provisions in this State renders it necessary to lay an Embargo on the Exportation of Beef, Pork, Bacon, and Indian Corn;

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, no Beef, Pork, Bacon, or Indian Corn, shall be exported out of this State, by Land or by Water, by any Person whatever, except only such as shall be sent thereout for the support of the continental Army, or of any Troops sent out of this State, by the Agents, Contractors or Commissaries, acting under Appointments from this State, or the United States, or any of them, and except also such Quantity as may be necessary for the Crew of any Vessel going out upon a Voyage or Cruise, and such as may be purchased by the Agents of the United States, or any of them, as Sea Stores for any Vessels failing on a Voyage or Cruise in the Service of the said United States, or any of them: And any Person who shall export, or endeavour to export, any Beef, Pork, Bacon, or Corn, contrary to this Act, by Water, shall forfeit the Provisions so endeavoured or attempted to be exported, and the Vessel wherein the same shall be found; and the several

Naval Officers in their respective Ports, and the Justices of Peace in the Counties contiguous to Navigation, are hereby authorized and expressly required to seize the same in the Name of this State, and upon Recovery had, such Provisions and Cargo shall be sold, and the Money arising from the Sale applied, one Half to the Use of the State, the other Half to the Use of the Person suing for the same: And any Person who shall export, or attempt to export, any Beef, Pork, Bacon, or Corn, by Land contrary to this Act, shall upon Conviction forfeit and pay double the Value of such Provision; to be recovered by, and to the sole Use of any Person who shall sue for the same, in any Court having Cognizance thereof.

III. And be it further Enacted, by the Authority aforesaid, That if any Justice of Peace, from his own Knowledge, or the Information of others, shall have just Cause to suspect that any Pork, Beef, Bacon, or Corn, is about to be carried out of this State contrary to this Act, he may issue his Warrant for seizing the same; and if the Owner shall not give Security within Twenty Days after such Seizure, that he will not carry or send the same out of this State, such Justice may either retain such Provisions for Public Use, or cause the same to be sold at Public Vendue, for the Benefit, and at the Expence of the Owner: And this Act shall be in Force until the next Session of General Assembly, and no longer.

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#### CHAPTER XIII.

An Act more effectually to punish the Persons concerned in any of the several Species of counterfeiting in this State.

I. Whereas the Law to prevent forging or counterfeiting the Lottery Tickets of the United States and for other Purposes therein mentioned, has by Experience been found insufficient to answer the laudable Purposes therein mentioned: 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 from and after the passing of this Act, if any Person shall forge, counterfeit or alter, or cause to be forged, counterfeited or altered, any of the Public 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 any of the Lottery Tickets of the United States, or any Certificates from the Loan Office of this State, or of the United States, or any of them, or shall forge, counterfeit or alter, any Part of the said Bills of Credit, Lottery Tickets, or Loan Office Certificates, or any of them, or shall pass, or offer to pass, any such forged, counterfeited or altered, Bills of Credit, Lottery Tickets of the United States, or Tickets from the Loan Office of this State, or of the United States, or any of them, knowing the same to be so forged, counterfeited or altered, the Person so offending, and being convicted thereof, or standing mute, or peremptorily challenging more than Thirty Five Jurors, shall be adjudged guilty of Felony, and shall forfeit his or their Lands and Tenements, Goods and Chattels, to the Use of the State, and shall suffer Death as a Felon, without the Benefit of Clergy.



## CHAPTER XIV.

**An Act for ascertaining Sheriffs and Constables Fees in this State.**

I. Whereas the Fees heretofore allowed by Law to Sheriffs and Constables are found inadequate to their Services: 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 from and after the passing of this Act, it shall and may be lawful for the several Sheriffs within this State to have and receive the following Fees, to-wit, For every Arrest, Eight Shillings. For taking Bail Bond, One Shilling and Six Pence. For serving a Copy of a Declaration, Two Shillings. For whipping any Person, Four Shillings. For serving a Subpoena, for each Person named in such Subpoena, four Shillings. For pilloring any Person, Eight Shillings. An Attachment as for an Arrest, and if further Trouble by moving Goods, to be taxed by the Court. Executing a Warrant of Distress, or an Execution against the Body or Goods, if not above Ten Pounds, for each Pound One Shilling and Six Pence, if above Ten Pounds, for each Pound above, One Shilling. Summoning, impanelling, and attending on every Jury in every Cause, Eight Shillings. When a special Venire shall issue by Order of Court, Two Shillings. Putting any Person in the Stocks and releasing, four Shillings. For every Commitment or Mittimus, Four Shillings. A Releasement, Four Shillings. Serving a Writ of Possession of Land, Eight Shillings. Waiting on any Person on a Habeas Corpus, per Day, Four Shillings. Calling every Action each Court, One Shilling. Summoning the Jury on a common Venire, in every Cause, One Shilling. Imprisonment for Felons or Debtors, or any other Person, for each Prisoner per Day, for finding One Pound of wholesome Bread, one Pound of wholesome roasted or boiled Flesh, and not less than two Quarts of Fresh Water, and every other necessary Attendance, and keeping the Prison clean, Three Shillings. If the Prisoner finds himself Victuals and Drink, then the sheriff shall take but Eight Pence.

III. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for every Constable within this State to ask and receive the following Fees, to-wit, For every Warrant executed, Four Shillings. For every Subpoena, One Shilling and Six Pence. For every Execution executed, Four Shillings; and so at the same Rate for every Person where there shall be more than one mentioned in each Warrant, Subpoena, or Execution. For every Attachment, Four Shillings. For summoning a Jury of Inquest, for every Juror, One Shilling. For summoning Evidences on the Trial of Warrants, for every Person summoned, One Shilling and Six Pence. For attending at any Superior or County Court, if summoned by the Sheriff, per Day, Eight Shillings, to be paid out of the County Tax where such Courts shall be held.

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CHAPTER XV.**An Act for repairing Fort Johnston, near the Entrance of Cape Fear River.**

I. Whereas the repairing Fort Johnston, near the Entrance of Cape Fear River, so as to render the same a safe Harbour against the Enemy for all Ships and Vessels trading to America, would tend to greatly encourage Foreigners, as well as the Subjects of these States, to adventure their Property at Sea;

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 Col. William Dry, Richard Quince, Sen., Henry Toomer, and Robert Ellis, be, and they are hereby appointed Commissioners for repairing the said Fort, and that they cause the same to be repaired, and put in a State of Defence, with the greatest Dispatch in their Power.

III. And for defraying the Expence of such Reparations, and furnishing the said Fort with a few Cannon, and other necessary Implements of War; Be it further Enacted by the Authority aforesaid, That a Sum, not exceeding Five Thousand Pounds, shall be paid out of the Public Treasury of this State into the Hands of said Commissioners, who shall give Security to account for the same on Oath to the next General Assembly to be held for this State.

IV. And be it further Enacted by the Authority aforesaid, That the said Fort shall be garrisoned by One Captain, Two Lieutenants, Two Serjeants, One Drummer, One Fifer, and Thirty Five Privates, who shall be intitled to the same Pay, Rations and Emoluments, as Troops in the continental Service.

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#### CHAPTER XVI.

An Act for quieting and securing the Tuscarora Indians, and others claiming under the Tuscaroras, in the Possession of their Lands.

I. Be it Enacted, by the General Assembly, and it is hereby Enacted by the Authority of the same, That Withmell Tuffdick, Chief or Headman of the Tuscarora Nation, and the Tuscarora Indians, now living in the County of Bertie, shall have, hold, occupy, possess and enjoy, all the Lands lying in the County of Bertie aforesaid, whereof they are now seized and possessed (being Part of the Lands hertofore allotted to the Indians aforesaid by solemn Treaty, and confirmed to them and their Successors by Act of Assembly, in the Year One Thousand Seven Hundred and Forty Eight) without Let, Molestation, or Hindrance, clear of all Quitrents, or any Public Demand by Way of Tax whatever, to them the said Tuscarora Indians, and their Heirs and Successors; and that they the said Tuscaroras, and their Heirs and Successors, shall for ever be clear and exempt from every Kind of Poll Tax.

II. And whereas the said Tuscarora Indians, by Nature ignorant, and strongly addicted to drinking, may be easily imposed on by designing Persons, and unwarily deprived of their said Lands; Be it Enacted by the Authority aforesaid, That no Person, for any Consideration whatever, shall hereafter purchase, buy or lease, any Tract or Parcel of Land now claimed by, or in Possession of the said Tuscarora Indians, or any of them; nor shall any Person settle on or cultivate the said Lands, or any Part thereof, in his own Right, or under Pretence as acting as Overseer for the Indians; and if any Person shall hereafter purchase, buy or lease, any Lands of the said Indians, or settle on or cultivate any Part thereof, in his own Right, or as Overseer for the Indians, all such Purchases, Sales, Leases and Agreements, shall be, and they are hereby declared null and void; and the Person so purchasing, buying or leasing, settling on, or cultivating the said Lands, or any Part thereof, shall forfeit and pay the Sum of Three Hundred Pounds current Money for every Hundred Acres by him so purchased, bought or leased, settled on or cultivated as aforesaid, one Half to the Use of the said Tuscarora Indians, the other to the Use of him or her who shall sue for the same; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court having Cognizance thereof. Provided, That the said Tuscarora In-

dians may sell or dispose of their Lands, or any Part thereof, with Consent of the General Assembly first had and obtained.

III. And whereas the Chieftains and Headmen of the Tuscarora Nation living in the County, did on the Twelfth Day of July, in the Year One Thousand Seven Hundred and Sixty Six, for the Consideration of Fifteen Hundred Pounds to them paid by Robert Jones, Jun., William Williams, and Thomas Pugh, by Indenture under their Hands and Seals, demise, grant, and to Farm let, unto the said Robert Jones, William Williams, and Thomas Pugh, a certain Tract of Land lying in the County aforesaid, containing about Eight Thousand Acres, more or less, bounded as follows, to-wit, Beginning at the Mouth of Deep Creek, otherwise called Falling Run; thence running up the said Creek, to the Indian Head Line; thence by the said Line South, Seventeen Degrees East, Twelve Hundred and Eighty Poles; thence a Course parallel with the general Current of the said Creek, to Roanoke River; and then up the River to the Beginning; together with the Appurtenances thereto belonging, to be held and enjoyed by the said Robert Jones, William Williams, and Thomas Pugh, their Executors, Administrators, and Assigns, in Severalty, for and during the Term of One Hundred and Fifty Years, as may more fully appear by the said Indenture, registered in the County Court of Bertie aforesaid, and ratified by Act of Assembly, passed at New Bern in the Year One Thousand Seven Hundred and Sixty-Six; Be it Enacted by the Authority aforesaid, That each and every of the Persons intitled to claim under the Demise afore mentioned, or by Grants from the Persons claiming under the same, or either of them, and their Heirs and Assigns, shall and may have, hold, occupy, possess and enjoy, the several Shares, Dividends, or Parcels of the said Land to them belonging, in as full, free, and absolute Manner, and with the same legal Privileges and Advantages, in every Respect, and subject to the same Taxes, as if the said Land had been originally granted to the said Robert Jones, William Williams, and Thomas Pugh, by Lord Granville, or by this State.

IV. And whereas the said Tuscarora Indians, for good and sufficient Reasons, and for valuable Considerations, have since the Twelfth Day of July, One Thousand Seven Hundred and Sixty Six, and previous to the First Day of December last, demised, granted, and to Farm let, sundry Tracts or Parcels of Land lying in said County of Bertie, to sundry Persons, as by Indentures duly executed may more fully appear; Be it Enacted by the Authority aforesaid, That all the Lands contained in the last mentioned Demises, if the said Demises were fairly, bona fide, and without Fraud, made by, and obtained from the said Tuscarora Indians, since the Year One Thousand Seven Hundred and Sixty Six, and previous to the First Day of December last past, shall not be deemed vacant Lands, or be liable to be entered as such in the Land Office, unless the General Assembly shall hereafter so direct, but nevertheless shall be subject to the same Taxes as other Lands in this State are liable to.

V. And whereas it is suggested by the said Tuscarora Indians that unfair Dealing has been used in obtaining one or more of the Demises afore mentioned, and they the said Indians have at present no Mode for obtaining Redress in such Cases: Be it therefore Enacted by the Authority aforesaid, That the Commissioners herein after mentioned, or a Majority of them, shall and may, upon Complaint of the said Tuscarora Indians, in Court or Meeting assembled; that any Person or Persons has or have unfairly or fraudulently obtained any Grant or Demise for Lands to them belonging since the Year One Thousand Seven Hundred and Sixty Six, and previous to the First Day of December last, summon the Person or Persons so complained against,

or cause him or them to be summoned, to appear before them on a certain Day on the Land in Dispute (giving at least Ten Days Notice previous to the Day in such Summons appointed) then and there to answer the Complaints of the Indians for having fraudulently or unfairly obtained a Grant or Demise of the Land in Question; and shall also summon, or cause to be summoned, a Jury of Twelve Men, being Freeholders in the said County of Bertie, and not resident on, or Owners of any Lands purchased of the said Tuscarora Indians: And the said Commissioners, or a Majority of them, shall attend at the time and Place appointed, with the Jury aforesaid, and having first sworn the Jury to try and determine fairly between the said Indians and the Person or Persons complained against, shall and may cause Witnesses to be examined on both Sides, and receive the Verdict of the Jury, and return the same, with the Pannel, to the next County Court of the said County of Bertie, to be entered upon Record, and such Verdict shall be as good and effectual as if obtained in any Court of Record; and if the same be general, the said Commissioners, or a Majority of them, shall and may appoint one or more Person or Persons to carry the same into Execution; but if special, then the Court shall decide thereon, and cause the Sheriff of the County to carry such Decision into Execution.

VI. And whereas the said Indians are often injured by Horses, Cattle and Hogs, driven on their Lands by the white People, the said Horses, Cattle and Hogs, breaking into their Inclosures, and destroying their Corn and other Effects, and are also frequently deprived of their Property, and abused by ill disposed Persons: For Remedy whereof, and also for Recovery of Rents or Demands now due, or which may hereafter become due and owing to the said Tuscarora Indians; Be it Enacted by the Authority aforesaid, That William Williams, Thomas Pugh, Willie Jones, Simon Turner, and Zedekiah Stone, be and they are hereby appointed Commissioners for the said Indians; and they, or any Three of them, shall and may inquire into Complaints made by the said Indians, summon the persons complained against before them, and award such Restitution and Redress as to them shall seem just and necessary; and may appoint an Officer or Officers to serve Subpoenas, and to execute such Awards and Determinations as they shall or may make in Regard of the Premises: And the Court of the said County of Bertie is hereby authorized and required to fill up, from Time to Time, by new Appointments, any Vacancies which may happen among the Commissioners, by Death or Resignation; and upon Complaint of the Chief or Headman of the Nation, and the Rest of the Indians, in Court of Meeting properly assembled, against any one of the Commissioners for Misbehaviour, may inquire into the Conduct of the Person or Persons complained against, remove him or them, if necessary, and appoint another or others in his or their Stead.

VII. And be it further Enacted by the Authority aforesaid, That the Lands leased by the said Tuscarora Indians to Robert Jones, Jun., William Williams, and Thomas Pugh, and to other Persons, shall revert to, and become the Property of the State, at the Expiration of the Terms the several Leases mentioned, if the said Nation be then extinct: And the Lands now belonging to, and possessed by the said Tuscaroras, shall revert to, and become the Property of the State, whenever the said Nation shall become extinct, or shall entirely abandon or remove themselves of the said Lands, and every Part thereof. Provided, That no Person shall have any Preference of Entry to any of the said Lands by Virtue of any Lease or Occupancy whatsoever since December, One Thousand Hundred and Seventy Six, whenever the General Assembly shall declare the said Lands to be vacant.

## CHAPTER XVII.

## An Act for fortifying Cape Lookout Bay.

I. Whereas the fortifying Cape Lookout Bay, so as to render the same a safe Harbour against the Enemy for all Ships and other Vessels trading to America, and especially to this State, would tend greatly to encourage Foreigners, as well as the Subjects of these States, to adventure their Property at Sea; and as from the natural Strength and Advantages of the surrounding Grounds of the said Bay and Harbour, the same may be made at a small Expence sufficiently strong to answer the great and important Ends aforesaid:

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 Christopher Neale, John Easton, and William Thompson, be, and they are hereby appointed Commissioners for erecting a Battery and Fortification at the said Bay and Harbour of Cape Lookout, and that they cause the same to be erected and put in a State of Defence with the greatest Dispatch in their Power, receiving at the same Time all such Aid and Assistance as Captain Cottineau, Commander of the French Frigate Ferdinand, now lying in the Bay of Cape Lookout aforesaid, shall offer and freely contribute.

III. And for defraying the Expence of building the said Fortification, and furnishing the same with necessary Cannon, and other Arms and Implements of War; Be it further Enacted by the Authority aforesaid, That a Sum, not exceeding Five Thousand Pounds, shall be paid out of the Public Treasury of this State into the Hands of said Commissioners, who shall give Security to account for the same on Oath to the next General Assembly to be held for this State.

IV. And be it further Enacted, by the Authority aforesaid, That the said Fortification shall be garrisoned by One Captain, Two Lieutenants, Two Sergeants, One Drummer, and Fifty Privates, who shall be intitled to the same Pay, Rations and Emoluments, as Troops in the continental Service are.

## CHAPTER XVIII.

## An Act for appointing Commissioners to build a Bridge across Cotentney, and for Other Purposes therein Mentioned.

I. Whereas an Act, intituled, An Act to Invest the Property of a Bridge across Cotentney Creek in John Peacock, his Heirs and Assigns, for the Space of Twenty Five Years, passed in the Year One Thousand Seven Hundred and Fifty One, is ceased; and whereas the Assigns of the said Peacock, the Year before the expiration of the said Twenty Five Years, rebuilt the said Bridge, for the Purpose of receiving Toll from Travellers and others passing over the said Bridge, after the Expiration of the said Term, and hath accordingly received from the Public very considerable Sums of Money for the Soldiery and Public Waggons passing over the said Bridge, as appears from the different Allowances from the Council of Safety and General Assembly for that Purpose, and still continue to receive the same from individuals, so that the Money received for Toll since the Expiration of the Time hath abundantly more than reimbursed every expense attending the building the said Bridge; and whereas the Creek whereat the said Bridge stands hath for many Years past been fordable Six Months in

the Year, and in order to accumulate the Toll thereof, since the Expiration of the Time large Trees have been fell on each Side of the said Bridge, to prevent fording the Creek as usual, to the great injury of the Public:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That if the Assigns of the said Peacock shall hereafter ask, demand or receive, any Toll from any Person or Persons for crossing or passing over the said Bridge, or for any Waggon, Carts, Horses, Cattle, Hogs or Sheep, knowingly, passing over the said Bridge, such person so offending shall forfeit and pay the Sum of Five Pounds for every Toll so received; to be recovered before any Justice of the Peace by any Person who shall prosecute for the same.

III. And whereas it is necessary that a Bridge should be built across the said Creek, for the Benefit of Travellers, and others, and the Inhabitants adjacent thereto being desirous of building the same at their own Expense, provided it be free from all Toll; Be it therefore Enacted, That William Speight and Thomas Edmondson, Esqrs., be, and they are hereby appointed Commissioners for erecting and building a Bridge over the said Creek, at the Place where the said Bridge now stands; and that they be empowered to take Subscriptions from the inhabitants who shall be willing to subscribe towards building the same, and to enforce the Payment thereof.

IV. And for the better erecting and finishing the said Bridge, Be it Enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioners, or the Person or Persons who shall undertake to build the said Bridge, to make Use of such Timber on the Lands of any Person whatsoever as may be most convenient and necessary for the said Bridge, without Impeachment of Waste therefor.

V. And whereas the Bridge built by the Assignees of the aforesaid Peacock will be useful to the Publick until a new Bridge can be erected; Be it therefore Enacted, That the Commissioners hereinbefore named shall have full Power and Authority to treat with the present Owners of the said Bridge, and to purchase the same at such reasonable Price as may be agreed on, and to apply so much of the Money to be subscribed as aforesaid to the Purpose of discharging such Contract as they may make for the Purchase of the said Bridge; any thing herein contained to the contrary notwithstanding.

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#### CHAPTER XIX.

##### An Act to Prevent the Stopping the Fish in the Yadkin River.

I. Whereas divers Persons Inhabitants near the said River have heretofore made a Practice of stopping the same, by building Wares, Dams, or Hedges, with Design to catch Fish, whereby great injury is done to the good People resident above such Wares, Dams, or Hedges aforesaid: 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 from and after the Ratification of this Act, it shall not be lawful for any Person or Persons whatsoever to build or erect, or cause to be built or erected, or keep up any that is already erected, any Ware, Dam, or Hedge in the said River, so as to extend more than two Thirds across the same: but that all Stoppages shall be so made in the said River as to leave one third Part open and free for the Passage of Fish.

III. And be it further Enacted, by the Authority aforesaid, That any Per-

son or Persons who shall offend against this Act, shall forfeit and pay, for every such Offence, the Sum of Twenty Pounds; to be recovered by Action of Debt by any Person who shall sue for the same, to his, her, or their own proper Use.

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#### CHAPTER XX.

##### **An Act for securing Lots in the Town of Tarborough, in Edgcomb County.**

I. Whereas by an Act of Assembly, passed in the Year One Thousand Seven Hundred and Sixty, intituled, An Act for establishing a Town on the Lands of Joseph Howell, on Tar River, it is provided that the Grantee of every Lot in the said Town shall within Three Years after obtaining a Conveyance for the same, erect and finish thereon a House of the Dimensions therein specified, and on Failure thereof, every Lot whereon such House shall not be erected, shall be reverted in the Directors of the said Town by the said Act appointed; and whereas the Time limited in the said Act has been found too short to compleat the Buildings on the said Lots;

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 Grantee of any Lot or Lots in the said Town that has not been improved agreeable to the said Act, is hereby declared to be the proper Owner, and shall still retain his or her former Title in and to such Lot or Lots, in Fee Simple, any Thing in the aforesaid Act contained to the contrary notwithstanding; provided such Grantee shall within Five Years next after passing this Act erect and finish a House on Such Lot of the Dimensions in the said Act specified, or other Improvements made thereon, which shall be deemed by the Commissioners of the said Town equal therto.

III. And whereas the former Directors and Trustees for the said Town have wholly declined acting, Be it therefore Enacted by the Authority aforesaid, That Robert Bignal, Edward Hall, and Henry Irwin Toole, Esquires, Mr. James Hill, and Mr. William Renn, are hereby constituted and appointed Directors or Commissioners for the said Town, and are hereby invested with as full Powers and Authorities, to all Intents and Purposes, as the former Directors and Trustees were.

IV. And as there were more Lots in the said Town reserved for Public Uses than is necessary for that Purpose, be it therefore Enacted by the Authority aforesaid, That the said Commissioners for the said Town, or a Majority of them, are hereby authorized, required and impowered, within Eight Months after the passing of this Act, to sell and dispose of at public Sale all such Lots, excepting Two for the Use of the Court-House and Prison, for the most they can get for the same, and make Deeds of Sale for the said Lots to the Purchasers, their Heirs and Assigns, and to dispose of the Money so arising from such Sale in paying the Costs of laying out and erecting the said Town, and such other necessary Uses for the Benefit of the said Town as they, or a Majority of them, shall think proper.

## CHAPTER XXI.

**An Act for building a Court-House in the Town of Hillsborough, for the District of Hillsborough.**

I. Whereas the Court-House in the Town of Hillsborough, in the County of Orange, is greatly decayed, and in so ruinous a Condition, that Courts cannot with any Degree of Convenience be held therein;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted Authority of the same, That John Williams (of Granville) Theophilus Hunter, Ambrose Ramsay, William Courtney, Nathaniel Rochester, and James Saunders, Esquires, be, and they are hereby appointed Commissioners, and they, or a Majority of them, shall and may, and they are hereby required, within Twelve 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 Hillsborough, 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 Pounds be levied on the taxable Property in the County of Orange, and Eight Pence on all taxable Persons in said County who are not possessed of property of One Hundred Pounds Value, and Four Pence per Hundred Pounds be levied on all the taxable Property in the Counties of Granville, Wake, Chatham, and Caswell, and Four Pence on all the taxable Persons in the Four last mentionel Counties, who are not possessed of Property of One Hundred Pounds value, for Three Years, that is to say, the Year One Thousand Seven Hundred and Seventy Nine, One Thousand Seven Hundred and Eighty, and One Thousand Seven Hundred and Eighty One, to be collected in the same Manner, and at the same Time, as the Taxes directed to be collected by An Act for levying a Tax by Assessment, and other Purposes, which Tax so collected shall be paid by the Collector of each County to the Commissioners for their respective County, on or before the First Day of February in each Year aforesaid; and the said Commissioners, or a Majority of them, are hereby impowered to apply the Money arising by Virtue of this Act to the Purposes herein intended.

IV. And be it further Enacted by the Authority aforesaid, That each Collector, before entering upon the Execution of his Office, shall enter into Bond, with approved Security, to the Commissioners of his respective county, for the faithful collecting and paying of the Tax aforesaid.

V. And be it further Enacted, by the Authority aforesaid, That the Commissioners shall enter into Bond, with approved security, to the Chairman of their respective County Courts for the Time being, for the faithful applying and accounting for all such Sum or Sums of Money which they may receive in and by Virtue of this Act.

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 compleat the Building aforesaid, then the Surplus shall be refunded to the County Courts of the different Counties, in Proportion to their several Quotas.



## CHAPTER XXII.

**An Act to amend an Act, intituled, 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 Commissioners for the County of Wilkes in the above Act were not impowered to build the Court-House, Prison and Stocks, in any Part of the County where they might think most convenient and proper: 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 George Morris, John Parks, George Gordon, John Witherspoon, John Baston, Francis Heartgrave, and Rowland Judd, be, and they are hereby appointed Commissioners for said County of Wilkes; and they, or a Majority of them, are hereby invested with full Power and Authority to agree and contract with Workmen to build a Court-House, Prison and Stocks, in any Part of the County where they may think the most proper and convenient.

## CHAPTER XXIII.

**An Act to amend an Act, intituled, An Act for establishing a Town in Mecklenburg County, passed in the Year One Thousand Seven Hundred and Sixty Eight.**

I. Whereas the Commissioners for said Town, which is called by the Name of Charlotte, were only impowered by the recited Act to lay out One Hundred Acres into a Town, and such Lots so laid out being all sold, and most of them well improved by good Buildings, and being well situated for inland Trade, and the Situation being pleasant and healthy, has induced our Legislature to establish an Academy in said Town, by the Name of Liberty Hall, and many Persons being induced thereby to settle in the said Town, for the more convenient Education of their Children, it therefore becomes necessary to enlarge the said Town, and there still remains in the Hands of said Commissioners Two Hundred and Sixty Acres belonging to said Town; Therefore,

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 passing of this Act, it shall and may be lawful for the Commissioners of said Town to lay out Eighty Lots more, to be laid out as the Commissioners, or a Majority of them, shall think most convenient, and in the same Manner, and under the Direction of the Act above recited.

III. And be it further Enacted by the Authority aforesaid, That said Commissioners shall for ever hereafter account with and pay into the Hands of the Trustees of said Liberty Hall, all the Monies that shall arise from the Sale and Rents of said Lots, once in every Year, to be applied to the Use of Liberty Hall, in said Town.

IV. And be it further Enacted, by the Authority aforesaid, That in Case said Commissioners, or any of them, should refuse to account for and pay all Money as by this Act directed, he or they so offending shall forfeit and pay the Sum of Five Hundred Pounds, to be recovered by Action of Debt, in any Court having Cognizance thereof, the one Half to be applied to the Use of Liberty Hall, and the other Half to the Person suing for the same; any Law, Usage or Custom, to the contrary notwithstanding.

## CHAPTER XXIV.

**An Act to empower the Justices of Duplin County to take into their Possession the Records of said County, now in the Possession of James Sampson.**

I. Whereas it is represented by the Justices of Duplin County, that James Sampson, heretofore Clerk of the same County, upon the Appointment of William Dickson to that Office, refused to deliver up to the said Court the Records and other Papers belonging to the County; that among the said Records are many Wills, Inventories, 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, to the great Injury of the Inhabitants of the said County, and others: In order therefore that the Records may be restored to the proper Office, that the injured may be redressed, and the obstinate and wilful brought to a Sense of their Duty, and a proper Respect for the Laws;

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 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 James Sampson, 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 the 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 Officers of the same County, commanding him the said Sheriff or other Officers to take with him such Force as he may think necessary, and to apprehend the said James Sampson, 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 Gaol 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.

III. 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 Duplin County, upon any Suit depending, or Judgment not satisfied, on the Docket, detained by the said James Sampson, as well such Fees and Monies which are due to the said James Sampson 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.

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CHAPTER XXV.

**An Act for building a Court-House in Elizabeth Town, in the County of Bladen.**

I. Whereas the Commissioners heretofore by an Act of Assembly appointed for building a Court-House, and other Public Buildings, in Elizabeth Town, in the County of Bladen, 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 William Salter,

Abraham Barns and James Clardy, be and are hereby appointed Commissioners for the purpose aforesaid, and that they or a majority of them are hereby authorised and Impowered to agree and contract with workmen for building a Court House for the use of the said County on a lot in Elizabeth Town laid off for that purpose, 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 for the purpose aforesaid and other public buildings for which the Sheriff or other persons or any of them are liable, and in case of failure or neglect on paying the said money 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 neglect or refuse to account for and pay public tax.

IV. And whereas the tax heretofore laid for the purpose aforesaid will be insufficient to answer the purpose intended thereby, it is therefore further enacted, that the Courts of said County are impowered to levy by assessment a sum not exceeding Three Hundred Pounds on all Taxable property therein, to be assessed, collected and accounted for in the same manner as public taxes.

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#### CHAPTER XXVI.

##### An Act for regulating Cambelton and erecting Public Buildings.

I. Whereas, from the great increase of the trade of the village of Cross Creek, within the liberties of Cambelton, the measures formerly by law established for the regulation of said town are not found conducive in its present situation to the convenience of its inhabitants in order to prevent an easy and beneficial intercourse with the back settlement of this state, and to expedite the distribution of public justice, in the Courts of the County of Cumberland,

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 this session of Assembly, the village of Cross Creek, and town of Cambelton, shall be united into one town under the name of Cambelton, and shall thereafter have, hold, possess and enjoy all rights, powers, privileges and immunities which the village of Cross Creek and town of Cambelton separately, or both collectively, do now, or may at any time hereafter have, hold, possess and enjoy.

III. And be it further enacted by the authority aforesaid, that Peter Mallet, Robert Cochran, Lewis Barge, Daniel Southerland, James Patterson, George Fletcher, and Robert Rowan, be, and they are hereby appointed Commissioners to lay out and regulate the said town, and to make such

streets, ways and allies as to them shall seem most suitable for persons passing to and from different parts of the said town, and convenient for waggons and other carriages driving in the said town, and liberties thereof.

IV. And be it further enacted by the authority aforesaid, that the said Commissioners, after having laid out the said town, in manner as they are hertofore empowered, shall view and value on oath all houses, tenements and improvements which shall interfere, or be in the way of the streets laid out as aforesaid, and may remove or cause the same to be removed; and the damage which shall from thence accrue to the owners of such houses, tenements or improvements, shall be paid to the owners thereof by a tax, to be imposed on the inhabitants of the said town in manner hereinafter directed.

V. And whereas there are several lots which were laid out in the original plan of Cross Creek which have not yet been purchased of the original proprietors, and others which have been purchased, but not improved, or the improvements hitherto made of inconsiderable value; and as it may be for the advantage of the said town that the streets should be run through such lots, or lands adjoining such lots,

VI. Be it therefore enacted by the authority aforesaid, that the said Commissioners or the majority of them, shall cause a valuation to be made of all the lots or lands through which it may be most proper to run the said streets, or so much of them as may be thereby injured, and the proprietors thereof shall be paid accordingly by a tax to be imposed by the said Commissioners upon the inhabitants and owners of houses or lots in the said town, not exceeding the sum of five shillings in each year, for every hundred pounds such inhabitant or owner of houses or lots shall be assessed for their property in that part of the town called Cross Creek, and five shillings on all taxable persons, inhabitants of said town, who are not possessed of property of one hundred pounds value; to be levied, collected and accounted for in the same manner as the taxes directed to be collected for levying a tax by general assessment, and other purposes; which said tax so collected shall be paid into the hands of the Commissioners, or a majority of them and by them shall be applied to the purpose before mentioned,

VII. And be it further enacted by the authority aforesaid, that the said valuation shall be by six freeholders, three of whom shall be of the said Commissioners, the other three shall be nominated by the person owning the lot or land which is the subject of valuation. Provided always, that the persons so nominated by the proprietors shall be freeholders and inhabitants of the town, or within four miles thereof.

VIII. And be it further enacted by the authority aforesaid, that the inhabitants of the said town shall be exempt from working upon the public roads, but shall work upon the streets of said town under the direction of the commissioners, two days in every month, if so much shall be required, and no more; and such persons shall be compellable to work as would have been obliged to have worked upon the public roads, had this law never been made, and shall be subject to the same penalties, and to be recovered in the same manner in the case of failure.

IX. And whereas a Court House, Gaol, Pillory and Stocks are much wanting in the County of Cumberland, and as the upper part of the Town of Camblerton formerly called Cross Creek will be the most proper situation for them.

X. Be it therefore enacted, by the authority aforesaid, That a Court

House, Gaol, Pillory and Stocks shall be built in that part of the town formerly called Cross Creek, and that from and after the passing of this Act Peter Mallet, Robert Cockran, David Smith, Walter Murray and John Matthews shall be and are hereby appointed and constituted Commissioners to design, contract for and cause to be built and finished a sufficient Court House, Gaol, Pillory and Stocks of such Dimensions and materials as to them or the majority of them shall seem convenient, sufficient and proper, and to receive as Donations from well disposed Persons to purchase such lot or lots as shall to them or the majority of them seem best suited for erecting the said buildings upon and to take such deeds and conveyances in law or equity as shall be sufficient to invest a fee simple in the said trustees for the purposes aforesaid, and such estate so invested in them shall be held and deemed for the use of said County for erecting said public buildings upon and no other purpose whatsoever.

XI. And be it further enacted by the authority aforesaid, that six pence per hundred pounds be levied upon the taxable property in the County of Cumberland and six pence on all the taxable persons in said County who are not possessed of property of one hundred pounds value for three years, that is to say, the year one thousand seven hundred and seventy eight, the year one thousand seven hundred and seventy nine, and the year one thousand seven hundred and eighty, 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 tax so collected shall be paid to the Commissioners or the majority of them, and by them shall be applied to defray the expence of Building said Court House, Gaol, Pillory and Stocks.

XII. And be it further enacted by the authority aforesaid, that the Collector and Treasurer of said County 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 for the faithful collection and payment of the aforesaid tax.

XIII. 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 refunded to the Court for said County.

XIV. And be it further enacted by the authority aforesaid, that the trustees in this act named shall proceed immediately to the discharge of the Trust by this act reposed, and shall cause the said Buildings to be finished within twelve months at farthest, and upon the said buildings being finished and payed for they shall render upon oath an account of all the monies by them received upon account for this act, and the sums paid by them on account of the said buildings before the Court of Cumberland County for their approbation, and whatever shall then remain in their hands of the said monies shall be applied to lessening the County Tax.

XV. And be it further enacted by the authority aforesaid, that from and after the passing of this act it shall and may be lawful for the Justices of Cumberland County to hold Court in any Convenient House in the said Town of Cambelton until the aforesaid Buildings are finished, any Law, Custom, or usage to the Contrary notwithstanding.

XVI. And be it further enacted by the authority aforesaid, that the Trustees in this act named or the majority of them, be and are hereby empowered to expose to sale first giving twenty days notice the lot whereon the Court House now stands, and also the lot whereon the Gaol formerly stood,

and the money arising by such sale to be applied towards building the Court House.

XVII. And whereas the owners of lots in that part of the town of Cambelton laid out by act of Assembly in the year one thousand seven hundred and sixty two have never yet got titles for the said Lots owing to the neglect of the Commissioners formerly appointed for that purpose.

XVIII. Be it therefore enacted by the authority aforesaid, that the trustees in this Act named or the majority of them are hereby impowered to grant, convey and acknowledge to the person or persons owning the same, and his heirs and assigns forever in Fee Simple. Provided always, that if any lot or lots shall be granted by the said Commissioners to any person or persons whatsoever who shall not within five years build a good substantial habitable framed house not of less dimensions than twenty feet in length and sixteen feet wide exclusive of sheds, or make such preparation for so doing as the Commissioners or the Majority of them shall on view think reasonable, such grant or conveyance shall be void, and it is hereby declared void and of no effect, as if the same had never been made, and the Commissioners may grant and convey such lot or lots which shall not be built on within the time, and in the manner as is hereinbefore directed to any other person or persons applying for the same and paying three pounds for the use of the original proprietor.

XIX. And be it further enacted by the authority aforesaid, that no Hog or Hogs be permitted to run at large in the said town, but that such Hog or Hogs found running at large at the expiration of three months after the passing of this act may be destroyed by any person who will undertake to do the same and not be subject to any prosecution at law whatever, any law or custom to the contrary notwithstanding.

Read three times and ratified in General Assembly the second day of May, Anno Domini, 1778.

WHITMILL HILL, S. S.  
THOMAS BENBURY, S. C.

# LAWS OF NORTH CAROLINA, 1778.

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At a General Assembly begun and held at Hillsborough, on the eighth day of August, in the Year of Our Lord One Thousand, Seven Hundred and Seventy-Eight, and in the third year of the Independence of the said State, Being the second Session of this Assembly.—*Richard Cuswell, Esq., Governor.*

## CHAPTER I.

**An Act for emitting Eight Hundred and Fifty Thousand Pounds in Bills of Credit, for discharging the debts incurred by this State in raising Men to Reinforce the Battallions belonging to this State in the Continental Army, for calling in all former Emissions, and other purposes.**

1. Whereas this State has incurred debts by raising men to reinforce the battallions thereto belonging in the Army of the United States, upon the particular requisition of Congress, for the payment of which Debts the Public Faith stands pledged, and the time for receiving the Taxes into the Treasury is too remote, and the Quantity thereof not yet ascertained; and whereas many evil disposed persons have counterfeited great Part of the Bills of Credit now current in this State, in such Manner as to be with great difficulty distinguishable, and there is therefore great danger of Injury to individuals, and of Depreciation to the Current Medium. And whereas also the disaffected in this State have endeavored to depreciate the Bills of Credit emitted by the Authority of the Continental Congress, and the Congresses held in this State previous to our Constitution, by forming Comparisons much to the Prejudice of the said Bills of Credit, with the Bills of Credit emitted by the Authority of the British Government; wherefore it is expedient to emit a sum of money in Bills of Credit, sufficient to discharge the said Debts, and call in all the Bills of Credit of former Emissions:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That Eight Hundred and Fifty Thousand Pounds be emitted on the Faith and Credit of this State, in Bills of the following denominations, that is to say, two thousand five hundred of one hundred dollars, five thousand bills of fifty Dollars, three thousand one hundred and twenty-five of forty Dollars, ten thousand of twenty-five Dollars, twelve thousand five hundred of twenty Dollars, fifty thousand of Ten Dollars, fifty thousand of five Dollars, twelve thousand five hundred of four Dollars, twenty five thousand of two Dollars, fifty thousand of one Dollar, one hundred thousand of Half a Dollar, one hundred thousand of one fourth of a Dollar; one hundred thousand of One Eighth of a Dollar, and two hundred thousand of one Sixteenth of a Dollar; that the same be printed in a printing press and that Henry Rhodes, Henry Horn, Jun., Nathan Bryan, Jeremiah Frazier, James Saunders, and George Alexander, be Commissioners to superintend and number the same; that James Kenan, John Lillington, James Williams, Thomas Satterwhite, Jesse Cobb, Benjamin Exum, William Sharp, James Kerr, Orcondates Davis, Benjamin Hawkins, Thomas Harvey and Joseph Jones, be commissioners to receive the same when printed and numbered, to sign the same and to pay it into the hands of the Public Treasurers.

III. And be it further enacted by the authority aforesaid, that the general form of the bills hereby emitted shall be as follows, to-wit:

“State of North Carolina.

“This Bill entitles the Bearer to receive ——— Spanish milled Dollars or the value thereof in Gold or Silver, agreeable to an Act of Assembly passed at Hillsborough the eighth day of August, 1778.”

And such Bill shall be impressed and printed both in the face and reverse thereof, on the edges as well as the Body thereof, with divers Letters, Marks, Devices, and Words which may be difficult of imitation, and which in the opinion of the said Superintendents of the Press, may most effectually secure the same from attempts to counterfeit.

IV. And be it also enacted by the authority aforesaid, that every dollar of the emission aforesaid shall be held and deemed equal to eight shillings proclamation Money, and shall pass current at the same, and be a lawful Tender in all Payments and Contracts within this State, any Law, Custom or Usage to the contrary notwithstanding.

V. And be it also enacted by the authority aforesaid, that the Superintendents shall to each set of signers deliver a sum not exceeding ten thousand pounds at one time taking a receipt for the numbers from the lowest to the highest inclusive, and shall deliver no more to the same set of signers until a receipt shall be produced from some one of the Public Treasurers for the same numbers duly signed.

VI. And be it also enacted by the authority aforesaid, that every commissioner appointed by this act to superintend and number and to sign and pay the said bills of credit to the Public Treasurers shall take an oath well and truly to execute the duties and discharge the trusts by this act required and each and every Commissioner shall enter into Bond to the Governor with sufficient security to be by him approved in the sum of twenty thousand pounds for the due performance of the duties and trusts by this act required.

VII. And be it further enacted by the authority aforesaid, that each and every Commissioner for superintending and numbering the said Bills of Credit shall have and receive Three Hundred Pounds & the Commissioners for signing and paying the same to the Public Treasurers shall have and receive four Dollars for every thousand Bills which they shall respectively sign over and above the expence of paper and printing and that none of the Bills by this act to be emitted shall be signed by more than two of the Commissioners and all Bills of the denomination of two Dollars and under shall be signed by one of the Commissioners only.

VIII. And be it also enacted by the authority aforesaid, that the Commissioners for superintending and numbering the said Bills of Credit shall be empowered to purchase paper and materials and to employ a printer to print the said Bills, and may draw on the Public Treasurers, or either of them for the monies necessary for the same, and their drafts shall be admitted as vouchers in the settlements of the said Treasurers public accounts.

IX. And be it further enacted by the authority aforesaid, that the Treasurers shall attend at the Superior Courts in their respective districts to receive the money to be redeemed by the new Emission, and for this service and for receiving the new emission from the Commissioners and paying it out again shall have and receive five hundred pounds each over and above the salary by law established, and the said Treasurers respectively shall enter into Bond with sufficient security to be approved of by his Excellency



the Governor in the sum of four hundred and twenty five thousand pounds for the faithful discharge of the duties by this act required.

X. And be it further enacted by the authority aforesaid, that the Commissioners hereinbefore appointed for superintending the press and signing the money shall meet at Kingston on the tenth day of September next, to consult and agree on measures to procuring paper and carrying this act into execution, and that the said Commissioners shall begin to print and sign the said Bills of Credit to be by this act emitted on or before the first day of October next.

XI. And be it also enacted by the authority aforesaid, that the Public Treasurers, or either of them, shall receive all Bills of Credit emitted by authority of the Governor, Council and Assembly of North Carolina previous to the establishment of our present Constitution which shall be brought to them or either of them before the first day of February in the year one thousand seven hundred and seventy nine, and all the Bills of Credit emitted by authority of the Congresses of North Carolina which shall be brought to them or either of them before the first day of May in the same year, and shall deliver in exchange for all such monies to the persons producing the same money of the Emission directed by this Act to the amount of the sums by each respectively produced, and that from and after the said first day of February no Bill or Bills of Credit emitted by authority of the Governor, Council and Assembly of North Carolina shall be current within this State nor be held redeemable or at any time chargeable to or upon the public credit thereof, and that from and after the said first day of May no Bill or Bills of Credit emitted by authority of the Congresses of North Carolina shall be current within this State or be held redeemable; any Resolution, Law, Custom or Usage to the Contrary notwithstanding.

XII. And be it also enacted by the authority aforesaid, that whoever shall by printing, writing, engraving, or by any other ways or means counterfeit or attempt to counterfeit any of the said Bills of Credit by this act directed to be emitted or any part, word, letter, name, emblem or device of the same, or shall make or construct any die, press, tipe, or other Instrument or shall have in possession any die, Press, Tipe, or other Instrument for imitating or Counterfeiting any of the said Bills or any part, word, letter, name, emblem or device thereof except by authority of law or in cases where such may be seized in order to bring suspected persons to justice, or shall alter or deface any of the said Bills with intention to change the value or denomination thereof, or shall knowingly pass or utter any counterfeit likeness of any of the said Bills being thereof lawfully convicted by confession or Verdict, or on arraignment or trial shall stand mute or challenge peremptorily more than thirty-five jurymen, every such person shall receive judgment of death without Benefit of Clergy and shall suffer as in case of Felony.

XIII. And be it also enacted by the authority aforesaid, that where it shall appear by due proof to the satisfaction of a jury that any person has printed, written, stamped, or by any ways or means made any bill or bills in the likeness of any of the Bills of Credit by this Act emitted, or any part of the same, altho' such Bill or Bills cannot be produced in evidence, it shall be held and deemed sufficient testimony to convict such person of counterfeiting under this act, any Law, Custom or Usage to the Contrary Notwithstanding.

XIV. And be it also enacted by the authority aforesaid, that six hundred and thirty thousand pounds of the bills by this act emitted shall be appropriated solely to the redemption of the bills of credit by this act directed

to be redeemed, and it shall not be lawful to appropriate any part of the said sum to any other use or purpose whatever.

XV. And be it also enacted by the authority aforesaid, that if any Commissioner appointed by this Act to sign the said Bills of Credit or to superintend and number the same, shall die, refuse to act, resign, remove, or become disabled or disqualified, it shall be lawful for the Governor to appoint one in his stead, and such Commissioner shall give bond and be subject to the same rules and restrictions as Commissioners appointed by this act.

XVI. And be it further enacted that in case the Treasury should not be supplied in due time to exchange the circulating currency of this State by this act called in, it shall be lawful, and the treasurers and others by this act appointed for exchanging the same are hereby required to receive all such sums and grant certificates therefor to be redeemed as soon as the money by this act directed to be emitted shall come into the Public Treasury.

XVII. And be it further enacted by the authority aforesaid, that previous to the superintendents entering upon the business of printing the Bills of Credit by this Act directed, to be entitled, they shall take an oath to break and destroy the Types in such manner as to prevent any Frauds or Impositions.

XVIII. And be it enacted by the authority aforesaid, that the Public Treasurers of this State or either of them shall, and they are hereby directed to attend at the place where the aforesaid money shall be struck to receive the same from the signers.

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## CHAPTER II.

### An Act to make Provisions for the Recovery of Debts due to the United States, or any of them.

I. Whereas it is expedient that provision be made for compelling all such Individuals as have received Money on Account of the United States, or any of them to account and pay all balances due:

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 and may be lawful to commence and prosecute any action or actions, Suit or Suits, for any Debt, duty or Demand, in the name of the United States, or any of them, in any Court of Law or Equity, or before any Judge or Justice within this State, where the Value of such Debt, Duty or Demand, may be cognizable; and every such Action or Suit shall be subject to such Rules, and Regulations, as Actions and Suits of like nature, commenced or prosecuted by any citizen of this State. Provided, that costs shall be recoverable against the Agent, Factor or Attorney, who shall commence the Action or Suit, when Judgment shall be given against the United States, or any of them.

III. And be it also enacted by the authority aforesaid, That in any Action or Suit in the name of the United States, where it shall be made to appear to the Court that a Declaration has been served on the Defendant or Defendants, with Notice to prepare for trial at the next ensuing Term, at least five days before the said Term, issue shall be joined, and the Action or Suit shall be tried the first Term, except in cases where the Court shall grant longer time.

## CHAPTER III.

**An Act to amend an Act passed in the last Session of this present Assembly, Intituled An Act to alter the Terms for holding the several Superior Courts of Law, and for better arranging the County Courts within this State.**

I. Whereas by the said act no provision is made for transferring the several Causes on the Docket of the several Superior Courts and the County Courts in the said Act mentioned, or for making process returnable to the terms as they formerly stood, Returnable to the terms as established by the said Act, whereby a Discontinuation of all Suits and Process in the said Courts must happen, unless prevented by this Assembly, to the great Damage of Suitors in the said Courts, and to the delay of Justice,

II. Be it therefore enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same, that every Suit, Indictment, Recognizance and Process which was depending in the said several Superior Courts and in the County Court in the said act mentioned before the time of passing the same and which hath not been abated, determined or discontinued in due course of Law be and is hereby declared to be transferred to the several Superior Courts and the County Court aforesaid as Established by the said Act, and the Judge or Justices in the said Courts respectively, shall have jurisdiction and take cognizance thereof in the same manner as if the terms had not been altered, and all process, recognizances and other proceedings returnable to any certain day or days in the terms of the said several Superior Courts and County Court as they stood before the passing of the Act aforesaid shall be returned to the same days of the Terms as established by the said Act.

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CHAPTER IV.

**An Act to Repeal part of an Act entitled "An Act allowing Salaries to the Governor, Secretary, Delegates, Treasurers, Members of the Council of State and other Purposes.**

I. Whereas it has been found expedient to increase the number of the Delegates from this State in the Continental Congress and to vary the Duities enjoined them, whereby the Salaries undergo a material Alteration and Provision has been made accordingly.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that An Act entitled An Act Ahowing Salaries to the Governor, Secretary, Delegates, Treasurers, Members of the Council of State and other Purposes, so far as it relates to the salaries of Delegates and their appointments in office, be and it is hereby repealed and made void.

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CHAPTER V.

**An Act to prevent trading with the Cherokee Indians without license first had and obtained; and also to prevent Trespasses upon the Indian Hunting Grounds.**

I. Whereas, divers Avarocious and ill-disposed persons, have by Frauds in Traffick, or by Trespassing upon the Hunting Grounds of the Cherokee In-

dians, and divers other abuses, excited their Jealousies and Suspensions, which if not seasonably quieted, and such abuses in future prevented, may involve this and other of the United States in a bloody and expensive Indian War,

II. Be it therefore enacted by the Assembly of this State, and by the authority of the same, that no Person or Inhabitant of this State, shall trade, traffick, or barter with the Cherokee Indians within the Indian Country, unless he shall first obtain a License for so doing, from the Judges of the Superior Courts; and if any person shall trade, traffick or barter contrary to the true Spirit and Intention of this Act, such person or persons so offending, shall, upon conviction thereof, duly had and obtained in the Superior Court of the District nearest the place where such offence shall have been committed, forfeit and pay the sum of Five Hundred Pounds Current Money of this State, one half thereof to the use of the Informer, the other to the Governor of this State, to be applied to defray the Contingent Charges of Government; to be recovered by Action of Debt, Bill, Plaint or Indictment, wherein no Essoign, Excuse, or Plea in Abatement shall be admitted to the Jurisdiction of the said Court, nor shall Process be discontinued for or by reason of any Omission or Errors not substantially material; and in case such Offender or Offenders shall not within twenty four hours after conviction, pay into the hands of the Sheriff of the County in which such District Court shall be held, the said Sum of Five Hundred Pounds, and all Costs arising upon such prosecution, he shall stand in the Pillory two hours, and receive thirty nine lashes upon his bare back, and shall stand Committed to the Gaol of the District until such sums shall be compleatly discharged and paid.

III. And be it further enacted by the authority aforesaid, That if any person shall hereafter be guilty of trespassing upon the Indian Hunting Grounds, knowing them to be such, he shall suffer the same Penalties, Fines and Forfeitures, to be prosecuted, sued for and recovered, and inflicted, as are by this act heretofore directed, with respect to Persons trafficking with the Cherokee Indians, and under the same Rules, Regulations, Latitude and Restrictions, prescribed to be had against the offenders specified in this Act heretofore, and all Fines and Forfeitures shall be applied in Manner as before directed.

ALLEN JONES, S. S.

THOMAS BENBURY, S. C.

# LAWS OF NORTH CAROLINA, 1778. 9

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At a General Assembly begun and held at New Bern, on the Fourteenth day of April, in the Year of Our Lord One Thousand Seven Hundred and Seventy Eight, and from thence continued by Adjournments and Prorogations to the Nineteenth day of January, at Halifax, in the Year of Our Lord One Thousand Seven Hundred and Seventy-nine. Being the third Session of this Assembly.

## CHAPTER I.

### An Act to Regulate and 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 as it heretofore stood by an Act intituled An Act to Establish a militia in this State, 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, except Quakers, Menonists, Dunkards, and Moravians 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, one Fifer; and each Company to be under the command of a Captain, Lieutenant, and Ensign, That every Company shall stand divided into four Divisions, and shall go on service according to the first, second, third and fourth numbers as they have heretofore drawn, under an Act intituled an Act to Establish a Militia in this State, provided nevertheless, That where any Militia man shall remove himself out of one Company into another, he shall produce a Certificate from the Captain of the Company from which he came, setting forth the Division to which he belonged, and the Duty he has performed in that Division and the Captain of the Company to which he came; shall cause him to be enrolled in the Division he stood in before his removal; And if any person so removing shall fail to produce such Certificate when thereto required by the Captain of the Company to which by his removal he shall or may belong such Captain shall cause the person so failing to be enrolled in the Division then liable to be called out and shall serve accordingly.

III. And be it further Enacted by the Authority aforesaid, That in every County where the Militia have not been divided and numbered as aforesaid, that the Commanding Officer of such County shall immediately upon the publication hereof cause such Militia to be divided and numbered as aforesaid, under the penalty of One Hundred Pounds to be recovered by action of Debt, by any person suing for the same in any Court of Record having cognizance thereof.

IV. And be it further Enacted by the Authority aforesaid, that every Captain shall on or before the twentieth day of April next and once in every six months afterwards return a Muster Roll of his Company divided and numbered as aforesaid to the Commanding Officer of the Regiment, under pain of forfeiting fifty 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 two Hundred and fifty pounds for every default.

V. And be it further Enacted by the Authority aforesaid, That the Commanding Officer of every Regiment shall once in every year, and oftener if thereto required by the Brigadier General of the District, order a general Muster at the Court House of their County or such place where the Court is held or such other places as is or may be appointed by law, 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 two Months 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 Forty Shillings, and if a private muster twenty shillings, to be recovered as herein-after directed.

VI. And be it further Enacted by the Authority aforesaid, 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 five hundred pounds for every default.

VII. And be it further Enacted by the Authority aforesaid, That each Militia Soldier shall be furnished with a Good Gun, Shot bag a Cartouch Box or powder Horn, a Cutlass or Tomahawk and every Soldier neglecting to appear at any Muster accoutred as above shall forfeit for every such offence ten shillings if at a General Muster and five shillings if at a private Muster (unless he can make it appear they were not to be procured) to be recovered as other Fines, and when 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 cost 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, one Baggage Waggon or two Carts for the field Officers of each Regiment, two Waggons or four Carts for the Captains and Subaltern Officers of each Regiment and two Waggons or four Carts to each Company if necessary; each Waggon with four Horses to be allowed ten Dollars per Day, each Cart with two Horses to be allowed five Dollars per Day and to be found forage and shoes for their Horses, Ammunition Waggons 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, Entrenching Tools, Six Axes and a sufficient number of Camp Kettles to be furnished by the Commanding Officer of each Regiment and the pay of the men and Officers as follows, (to-wit): a Colonel per Day forty shillings, Lieutenant Colonel thirty-six Shillings, a major thirty-six Shillings, a Captain twenty-eight Shillings, Lieutenant twenty four Shillings, a surgeon thirty six Shillings, an adjutant twenty-four Shillings, an Ensign twenty shillings, a Serjeant twelve shil-

lings, a Corporal, Drummer and Fifer ten shillings, each rank and file man eight shillings and that the non-Commissioned Officers and privates shall have and receive a Bounty of twenty Dollars for every month they shall be according to the Governor's orders on actual Duty, a Brigadier General five pounds and each Brigadier shall be allowed one Baggage Waggon.

VIII. And be it further Enacted by the Authority aforesaid that there shall be one Quarter Master to every Brigade, who shall be appointed by the Brigadier General with power to appoint Deputies, and every Colonel or Commanding Officer of a Battalion shall appoint a Quarter Master to attend the same, or any Detachment 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 shall be compelled to produce Vouchers on Oath for every expenditure before the same shall be allowed and the Quarter Master for each Brigade shall not appoint more than one Deputy for each Regiment and each Brigade Quarter Master shall be allowed Captains pay and Rations, and each Deputy Lieutenants pay and Rations.

IX. And be it further enacted by the Authority aforesaid, that there shall be twenty five 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, and that each and every Light Horse man shall find and provide his own Horse and accoutrements, and shall have the same bounty as a foot Soldier and sixteen Shillings per day together with Forage and Shoes for his Horse; and a Chaplain may be appointed to each Brigade by the Brigadier General to be approved of by the Field Officers of the Brigade which Chaplain shall have the same pay and Rations as a Colonel and be allowed forage for his Horse.

X. 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 composed of Militia Officers.

XI. And be it further Enacted, that no Brigade, Regiment 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.

XII. 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, Sergeants, Corporals, Rifers 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 Lotts to be drawn and the Officers on whom such lot shall fall shall command in their proper rank and department, and such Draft of Officers shall be taken and made previous to the draft of the Soldiers and if any Officer shall resign prior to the Draught of the Militia Soldiers aforesaid, such Officer shall be placed in the Division then liable to a Draft and if any Officer on whom the lot of Commanding aforesaid may fall should resign his command before the Expiration of the Service such Officer shall forfeit and pay the sum of five Hundred pounds to be applied and recovered as other fines are herein Directed, provided, that nothing herein contained shall extend or be construed to extend to bar any Officer or Officers from

resigning his or their Office before any alarm or orders for raising men without incurring any penalty by this Act inflicted.

XIII. 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 his room, provided that the Governor, Speaker of both Houses of the Assembly, Justices of the Superior Court of Law, Attorney General, Continental Delegates, Public Secretary, Quakers, Minonists, Dunkards, Moravians and such persons as shall heretofore actually inlisted good and able bodied men as regular Soldiers or caused such to be inlisted to serve in the Continental Army agreeable to an Act passed in May One thousand Seven Hundred and Seventy-seven for encouraging the Recruiting Service, which said Enlistments they shall prove by their own Oath and the Testimony of an indifferent person to be obtained without Fraud or Collusion in due time and without the procurement or assistance of any Continental Officer or Soldier, shall be exempted from a Draft and that no Justice of the Peace, member of the Council of State, ministers of every Denomination regularly called and having the Cure of Souls, Treasurer of the Town Office, Physicians or Surgeons, Continental post masters and post Riders shall be obliged to attend General or Private Musters but shall nevertheless be subject to a Draft.

XIV. And be it further Enacted that for all Defaults at private Musters if the Delinquent shall fail to appear at the next Succeeding Muster & show 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 toward providing Arms for such as have not sufficient property to procure such for themselves.

XV. Provided that when 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 Defaulter requiring him by a certain Day not exceeding ten from the Date thereof to appear and show 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; And if any person shall withdraw himself or abscond from the Company to which he belongs after being lawfully drafted or shall desert his Colours when on actual Service such person shall be held and deemed a Continental Soldier during the War.

XVI. 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 inlisted and to exempt such as they Judge incapable of Service and of all neglects and omissions as well by any Officer as Soldier, 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.



XVII. And be it further Enacted that if any Soldier shall during the time of any Muster resist his Commanding Officer or refuse his lawful Commands, such Soldier shall and may be taken into Custody by order of the Commanding Officer and shall pay such a fine as his said Officer shall assess, not exceeding the sum of ten pounds if at a private Muster, or twenty pounds if at a General Muster; Provided, nevertheless, that such offending Soldier shall have a right of appealing to the succeeding Court Martial to be held for his County, he first giving Bond and Security in double the sum assessed to the Commanding Officer that he shall well and truly prosecute the said Appeal with effect, and if the said offending Soldier shall fail in his appeal it shall and may be lawful for the said Court Martial to confirm such fine with costs at their discretion.

XVIII. And be it further Enacted that if any Officer or Soldier shall neglect or refuse to appear when drafted or otherwise called into actual Service or fail to deliver an able bodied man in his room to the Commanding Officer of the County to which such drafted person may belong (and the said Officer is hereby required to receive such substitute and to give from under his Hand a discharge to such drafted person so providing such substitute) such delinquent so failing or refusing to appear and march agreeable to Command of his Officer, after having received five days previous notice of such draft shall be held and deemed a Continental Soldier for one year and the service of such substitute shall be considered as the service of the drafted person himself and such drafted person shall be entitled to the same legal exemption in future drafts as if he had rendered personal Service; Provided always, that no person shall be received as a Substitute who shall be in the same division with the Drafted person offering such substitute.

XIX. And be it further Enacted by the Authority of the same, that if any Officer or Soldier when in actual Service shall wilfully disobey the lawful Commands of his Superior or Commanding Officer it shall and may be lawful for such his commanding Officer to cause him to be arrested and held in safe Custody until a Court Martial can be held over such offender (the said Court not to consist of less than one Field Officer, three Captains, three Lieutenants and three Ensigns, or a Majority of them from the Regiment to which such Officer or Soldier shall belong and such Offender shall suffer such Punishment as such Court Martial shall direct; Provided always, that if this offender shall be an Officer he shall not be subject to any Corporal punishment, and whether he be Officer or Soldier he shall not be subject to the loss of Life, Limb or Member.

XV. 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.

XVI. And be it further Enacted that in all Cases where it shall be requisite to administer an Oath relative to any Military Matters, any Field Officer or Captain is hereby required to administer the same.

XVII. And be it further Enacted, That no Officer or Soldier of the Militia or Regulars in this State shall press any Waggon, 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 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 impress, and if the owner or possessor shall still refuse the Thing demanded, it shall be lawful to impress the same and every Officer or Soldier who shall offend against this Act shall forfeit and pay One Hundred 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 everything so pressed or obtained shall be valued by two freeholders 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 Publick. And in case such Article or Articles so impressed shall be injured while in the publick Service the damage shall be valued as other Articles by this Law are directed to be valued and he shall receive the amount of such Valuation.

XVIII. 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, one Waggon Master shall be appointed to every twelve Waggon and that the Commanding Officer shall continue or discharge the same at his discretion, 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 Waggon as equally as may be, and every Morning all the Empty Waggon shall be discharged except otherwise ordered by the Commanding Officer as aforesaid, 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 one day's pay; and half the sum shall be allowed such Carts as shall be employed in the Service; and every Waggon Master shall be allowed the pay and Rations of a Captain; 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 Roll of the Brigade to which he belongs for such Sums as he shall pay away.

XIX. And be it further Enacted by the Authority aforesaid, That the Provisions made for Drafting 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 or voluntarily enlisted and actually called forth into the Service of this State shall not be again drafted or called into actual service of this State till, according to the order of the said provision it shall in rotation come to their turn to be again drafted and called into actual Service of this State; anything in this Act contained to the Contrary notwithstanding.

XX. 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 One Hundred Pounds, A Lieutenant Colonel the sum of Seventy-five pounds, A Major the sum of Seventy-five, A Captain the Sum of Fifty pounds, Lieutenant the sum of Thirty pounds, and an Ensign the Sum of twenty 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 Moiety whereof shall be paid to the Brigadier General of the District, to be applied towards purchasing Arms, &c., for the use of the County where the Forfeiture shall be, and the other Half to the person who shall sue for the same.

XXI. 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 Publick Officers, and also the following Oath towit: I, A. B., do solemnly swear that I will execute the office of \_\_\_\_\_ to the best of my skill and abilities and without Favour, Affection or Partiality, and according to law, so help me God.

XXII. And be it further Enacted by the Authority aforesaid, that where any Invasion or Insurrection shall happen within this State, that the nearest Militia Officer shall give immediate Notice thereof to the Commanding Officer of the County who shall communicate the same as soon as may be to the Brigadier General of the District, who shall convey the same to the Governor, or Commander in Chief, and in the meantime every such Officer shall Use his Utmost Endeavors to collect a Force sufficient to repel the Enemy, or suppress the Insurrection; and every Officer failing herein shall be subject to such punishment as shall be adjudged by a Court Martial.

XXIII. And be it further 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 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 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 or mistress 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.

XXIV. And be it further Enacted by the Authority aforesaid, That when the Militia of this State shall be ordered into Service the Commanding Officer shall receive a Tent for every Six men under his Command from the Commissary of Stores, and after the Expiration of such Service the Commanding Officer shall return the Tents together with all Pots, Camp Kettles, Axes & other Tools to the Colonels of their respective Counties where all such articles shall be carefully preserved by him for further Occasions.

XXX. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Commanding Officer of the Militia in this State, to continue any Brigade, Regiment or Division of Militia on actual service for any time not exceeding three months if he shall think that the safety

of the State require it. Provided, it shall not intend to be construed to extend to authorize him to continue the Militia now on Actual Service out of this State longer than the Time they were drafted for.

XXVI. And be it further Enacted by the Authority aforesaid, that when any Complaint shall be made against any Officer of the Militia the Commanding Officer, if the Complaint be not against Himself, if so the next Officer in Command shall cause a Court Martial to be called which shall consist of one or more of the Field Officers, and at least the Majority of the Captains of the Regiment, who shall hear the Charges and Allegations made against any Officer or Officers; Provided such be made upon Oath, and a Notice of ten days at least given to the party complained against, and if such Complaint shall appear to be well founded and to warrant a removal of such officer, the said Court Martial shall and may sentence such person accordingly and at the same time recommend a proper person to succeed such Officer, and if such sentence relates to a Field Officer the president of the Court shall make return of all the proceedings of the said Court Martial to the next General Assembly. But if the same relates to a Captain or Subaltern Officer the said President shall make return of the said Proceedings to the Brigadier of the District and if the same be approved by him, then the Commanding Officer of the County shall proceed to procure a Commission from the Government for such person so recommended.

XXVII. And be it further Enacted by the Authority aforesaid, That if any number of men not exceeding thirty or less than fifteen, shall form themselves into a Company of Horse, accoutreing each and every man thereof with a Carbine, a Cutlass and a pair of pistols, under the Command of a Captain, Lieutenant, and Cornet, it shall and may be lawful for such Company, first reporting the same to the Colonel of the County to which this Company belongs at the same time recommending the officers for the said Company to obtain from the Governor to whom the Colonel Commandant of the County in which they reside is hereby required to signify the same, Commissions for the same recommended Officers and thenceforth as long as the said Company may continue shall be exempt from all foot Service whatsoever; and when on Service the Captain shall have and receive forty Shillings per Day, Lieutenant thirty-six, and Cornet twenty-four; Provided, nevertheless, that the said Company shall be as much subject to the Command and Orders of the Colonel of the Regiment to which they may belong as any Company of foot within the Same.

XXVIII. Whereas the Court House in Rowan County is situate upwards of forty miles from the north west Extremity of said County which renders it very inconvenient and disadvantageous to the Inhabitants of that part of said County to attend General Musters; for Remedy whereof,

XXIX. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, that from and after the passing of this Act it shall and may be lawful for the Commanding Officer of said County whenever it shall be found necessary to hold a General Muster, to order the District of the following Captains to meet at Reed's old field near Henry Chambers' (viz) Joseph Dickens, David Crawford, David Caldwell, George Davidson, Patrick Morrison, James Person, Gilbuth Falls, William Wilson, Jacob Nochles, Samuel Reed.

XXX. And be it further Enacted by the Authority aforesaid, That it shall not be lawful for the Comanding Officer of said County to order the aforesaid

Districts to meet at the Court House of said County unless it may be absolutely necessary to call the whole Regiment together.

XXXI. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Commanding Officer of Said County when he orders a General Muster of said District to order one or more of the Field Officers of said County to attend the same & there hold a Court Martial to try and determine all matters and things in as full and as ample a manner as any other Regimental Court Martial in this State.

XXXII. And be it further Enacted by the Authority aforesaid, that in case of the Death or resignation of all, or any of the said Captains, it shall not be construed so as to effect any of the said Districts as they now stand, so as to deprive any Militia man in said District from the Benefit of this Act; any Law, Usage, or Custom to the Contrary notwithstanding.

XXXIII. And be it further Enacted by the Authority aforesaid, That the Militia of this State now in actual Service Shall from the passing of this Act be intitled to the same pay, Rations and Subsistence and all other privileges which any of the Militia of this State are intitled to by Virtue of this Act.

XXXV. And be it further Enacted by the Authority aforesaid that all former Acts or parts of Acts which come within the purview of this Act are hereby repealed.

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## CHAPTER II.

**An Act for raising Forces for the defence of this and the neighbouring States and other purposes therein mentioned.**

I. Whereas it is necessary for the support of this and the neighbouring States that a force should be immediately embodied and marched to the seasonable relief of the militia of this Government who are now in actual service and whose time of service will expire in the month of April next,

II. Be it therefore enacted by the General Assembly of this State, and by the authority of the same, that the Governor do immediately issue orders to the Colonels of the respective Counties, directing them to call a general Muster of the Militia of the several counties, and such Colonels are hereby impowered to enlist all such able bodied men who will engage to serve this State for three months from the time of leaving the limits thereof, and shall pay as a bounty to all such able bodied volunteers the sum of three hundred dollars and such volunteers shall be further entitled to the daily pay and subsistence which the militia when in actual service are authorized to receive and shall be further entitled to draw upon the public Commissary daily and every day for a Gill of Spirits,

III. And be it further enacted that in case a sufficient number of volunteers cannot be had the Colonels of the respective Regiments shall direct draughts to be made in such manner and in such proportions as has been heretofore directed by the Law of this State for regulating the mode of draughts.

IV. And be it further enacted by the authority aforesaid that the Governor shall allot to each and every County of this State its respective proportion of fifteen hundred men, which proportion such County is hereby enjoined to furnish; and the Colonels of the respective regiments are impowered and directed to raise their proportionable number in the

first instance by the enlistment of volunteers as aforesaid and in case of their deficiency to complete the Quota by draughts and such draughted soldiers shall be entitled to a bounty of One Hundred and Fifty Dollars, the pay and subsistence of Militia and a Gill of Spirits; and such draughted soldier shall be bound to serve for three months from the time of leaving the limits of this State.

V. And be it further Enacted by the authority aforesaid, That the Governor shall immediately order the men commonly called nine months men and heretofore raised by virtue of an act of Assembly of this State, to march immediately to join the army under the command of General Lincoln.

VI. And whereas many persons lately draughted to march to the Southward to reinforce the army under General Lincoln, have failed or refused to march accordingly or after marching and continuing in service for some time have deserted and returned home, be it therefore enacted by the authority aforesaid that the Colonels or Commanding Officers in their respective Counties shall order all such persons to march agreeable to the orders issued by his Excellency the Governor, and if any person so ordered shall fail to comply, he shall be subject to the pains and penalties in such case by the Laws provided for regulating the militia of this State.

VII. And be it further Enacted by the authority aforesaid, that the volunteers and drafted men by this act directed to be raised shall be formed into two Regiments to be commanded by militia officers and that the Field Officers and other Officers necessary for the command of one of the said Regiments shall be taken out of the Districts of Hillsborough and Salisbury, and the officers necessary for the other Regiments from the Districts of Halifax, Edenton, New Bern and Wilmington agreeable to the Militia Law.

VIII. And be it further Enacted by the Authority aforesaid, That his Excellency the Governor be Directed to grant Warrants on the Treasurer's or either of them to the Colonels or Commanding Officers in their respective Counties for so much money as shall appear to him to be necessary to pay the bounty proposed and held out by this Act to Volunteers and Drafted men taking bond and security for faithfully applying and accounting for the same.

IX. And be it further Enacted by the authority aforesaid, that if any Colonel or commanding officer shall advance the bounty by this Act directed to be paid to the Volunteers and drafted men, such Colonel or Commanding Officer shall be entitled to receive the sum by him so advanced with six per centum Interest thereon out of the public Treasury on Settlement of his account with the General Assembly.

X. And be it further Enacted by the Authority aforesaid, That the Governor with the advice of the Counsel shall be empowered to order the drafted men and also the Volunteers hereby directed to be raised, to the Assistance of our neighbouring State and without the limits of this Government whenever our own safety or the necessary defence of our neighbouring States shall require.

XI. Provided always, That this Authority so invested in the Governor and Council of this State shall not be considered longer to continue than during the term this act shall be in force and this act shall continue in force for the term of six months and no longer.

## CHAPTER III.

**An Act for Ascertaining what Property in this State shall be deemed Taxable Property, the Method of Assessing the same, and Collecting the Public Taxes and other Purposes.**

I. Whereas the levying a Tax by General Assessment on property will tend to the ease of the Inhabitants of this 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 all Lotts and Lands with their Improvements, Slaves under the age of Sixty Years, Horses, all Cattle from one year old and upward, Money, Money at Interest, and Stocks in Trade of every kind wherever the same may be, all Bonds, Notes and other obligations, which bear or include Interest, shall be held and deemed taxable property liable to be assessed and the Taxes laid thereon by law collected agreeable to the Directions of this Act.

III. Provided, that the words "Stock in Trade" shall not be construed to extend to materials which any Trademan or Manufacturer may have on hand for carrying on such Trade or Manufacture.

IV. 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 within this State which such person was possessed of in his own right, or as Agent, Factor, or Attorney for any other person on the first day of April then last past, distinguishing the ages of the slaves; 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 just and true account of all such articles as by this law are declared to be taxable property which he was possessed of as aforesaid on the first day of April then last past, which account shall be immediately delivered by the Justice receiving the same to the persons appointed to ascertain the value of the taxable property of the Inhabitants of such County, 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 Lotts, Lands and their improvements, slaves under sixty years of age, Horses, Cattle from one year old and upward, Money, Money at Interest, Stock in Trade, Bonds, Notes, and other Obligations which bear or include Interest, which to me belonged or were in my possession as Agent, Factor or Attorney on the first day of April last without deductions for any demands against me, and that I have not directly or indirectly lent or conveyed away any part of my property with intent to evade payment of the tax to which by law the same is liable, So Help Me God."

V. And be it further Enacted by the authority aforesaid, That the said County Court shall annually appoint in their respective Counties as many honest and intelligent Freeholders as they shall think proper, provided the whole shall not exceed fifteen in number, and to every three of the said number such portion of the County shall be assigned to be assessed as the County Court shall think fit, who shall on oath, to be administered by any justice of the peace, value each individual part of the taxable property of

every inhabitant of such county (negroes and cattle not excepted) as near as may be to what they suppose the same would separately and distinctly then sell for at public sale for the Currency of this State, 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 kind or part of Taxable 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 deemed the value of the said property and returned to the Court accordingly. And such Assessors shall make a due, particular and faithful return of all rateable property and in such return shall specify that the several tracts of land belonging to each Individual, the quantity they contain, the County wherein they lie, and the Clerk of each County Court shall send a fair copy of all such returns to him made to the General Assembly annually under the penalty of five hundred pounds.

VI. And whereas doubts have arisen whether lands which have been entered in the Land Office and for which Deeds have not yet been obtained, should be deemed taxable property;

VII. Be it Enacted by the authority aforesaid, that where any person or persons have heretofore made or shall hereafter make entries of Land in the Land Office of this State agreeable to the Act in such cases made, and where no caveats have been entered against such entries, that then and in that case such lands shall be given as taxable property and assessed accordingly; provided always, that this clause shall not affect any Lands subject to the operation of the confiscation law, all entries of which are hereby declared null and Void.

VIII. Provided nevertheless, that all cattle from one year old and upwards, shall be, and they are hereby rated at ten pounds per head, that all slaves under five years of age and all who are between the ages of fifty and sixty shall be rated at one hundred and fifty pounds each, all slaves of five years old and under ten years, and all between the age of forty and fifty shall be rated at four hundred pounds each, and all slaves of ten years old and upwards not exceeding the age of forty years shall be rated at seven hundred pounds each; Provided nevertheless, that slaves disabled by bodily infirmities or void of reason, such incapacity to be adjudged and certified by the County Court, shall not be considered as taxable property, nor given in as such by the respective proprietors. And the persons so 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 and to the best of my Information and understanding, according to law, value and appraise the taxable property directed by law to be valued and appraised of the Inhabitants of the County wherein I am appointed for that purpose. So Help Me God."

IX. 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 and true intent and meaning of this act it shall and may be lawful for the assessors in their respective Counties 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 four fold 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 other public taxes.

X. 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 four 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 four hundred pounds taxable property which shall be collected and accounted for as other taxes mentioned in this act.

XI. Provided nevertheless, that married men who are not possessed of one hundred pounds of taxable property shall pay annually in lieu of assessment a poll tax equal to the tax for that year on one hundred pounds.

XII. And be it further Enacted by the authority aforesaid, That the Sheriff or each respective County shall collect the public tax and after deducting five per cent for his commissions, pay the same into the hands of one of the Public Treasurers of this State on or before the first day of April in each year and the said sheriffs respectively, shall previous to their collecting any of the public taxes 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 or Commander in Chief, with Obligation that he will well and truly account for and pay to the Public Treasurers all such sums of money as he is liable for, agreeable to the directions of this act, and in case any Sheriff shall fail to collect, account for and pay the public Taxes as by this act directed, such Sheriffs shall forfeit his Commissions and be liable to pay the whole sums which he ought or should have collected and when any Sheriff shall be in arrears it shall be lawful for either of the Treasurers and they are hereby required to move for judgment on the Bond of such Sheriff in any Court having Cognizance thereof, and such Court upon due proof before them made that ten days previous notice had been given to such Sheriff or his Securities, such Court shall cause the Sheriff to be called, and if he 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 such Sheriff 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.

XIII. And be it further Enacted by the authority aforesaid, that in order to collect the public taxes with ease and convenience to the Inhabitants the Sheriff of each County in this State, after giving due notice thereof, shall within two months after the Court to which the Assessors shall make their return, annually attend two Days in each District in their respective Counties to receive from the Inhabitants of such district their public taxes; and in case any person, after being lawfully taxed as aforesaid, shall neglect or refuse to pay the sum he shall be so taxed, on or before the first dy of January in every year, such Sheriff may and they are hereby impowered to levy the same by Distress and Sale of the Goods and Chattels of such Delinquent and shall be entitled to take and receive for such Distress the sum of two Dollars and no more; Provided, 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 shall transmit yearly to the Secretary's Office an exact account of the valuation on assessment and of the rated property in their respective Counties, which account shall be signed by the presiding Justice in such Court and certified by the Clerk thereof.

XIV. And be it further Enacted by the authority aforesaid, and it is hereby provided that where it shall appear to the Sheriff that any person in his County is about to remove himself and effects out of the said County, that then it shall and may be lawful for the said Sheriff to distrain on so much of the goods and chattels of such person as will fully pay his taxes for that year and the Charges of such Distress.

XV. And be it further Enacted by the authority aforesaid, that the Justices of the respective County Courts who 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 for each District, the accounts of the taxable property of the Inhabitants thereof or fail to appoint Constables to warn the Inhabitants of each District to give in on oath to the Justices appointed to receive the same on account of their taxable property, and 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 five hundred pounds good and lawful money of the State to be recovered by Action of Debt in the name of the Governor and applied to the use of the public.

XVI. And be it enacted that any three Justices of any County on the death, inability, removal or refusal to act of any of the Justices appointed by the County Court to receive lists of taxable property from the Inhabitants of said County, or any of the Assessors appointed to value the taxable property aforesaid, shall and they are hereby impowered and required to appoint other justices or assessors in the stead of those so refusing to act, dying, removing or being disabled.

XVII. And be it further enacted by the authority aforesaid, That Inventories of the Estates of Testators, Intestates, Minors, and other persons having in possession the taxable property of persons residing out of this State and absentees shall be delivered by the Executors, Administrators, Guardians, Agents, Attorneys or other persons having possession of taxable property belonging to persons resident out of this State 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 person or persons aforesaid; any Law, Usage or Custom to the Contrary notwithstanding.

XVIII. 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 one year after the same becomes 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 lie by order of the County Court; any law or usage to the contrary notwithstanding, and the taxable part of the estate of the persons appointed to value the property of the inhabitants of each respective County in this State shall be valued and appraised by the Court of the County wherein they reside and the Sheriff

shall collect and account for the same with the public Treasurer as for other taxes.

XIX. And be it further Enacted by the Authority aforesaid, that the respective County Courts in this State may allow the assessors of taxable property reasonable satisfaction for their services, which allowance being certified by the Clerk of such Court shall be paid by the Sheriff of such County, who shall be allowed for the same in the settlement of his public accounts and may also allow the persons appointed to summons 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.

XX. And be it further enacted by the authority aforesaid, that every person holding lands by Title of Dower, Courtesy or other Estate for life or on lease for five years or more shall pay all such taxes as shall be on the same assessed in like manner as other owners of land are required by this Act.

XXI. And be it further Enacted by the authority aforesaid, That the Moravians, Quakers, Minonists, and Dunkers shall pay a three fold tax and all others who shall refuse to take an oath of Allegiance as the Law directs, shall also pay a three fold tax, and if any person coming within either of the aforesaid denominations, or refusing to take the oath as aforesaid, shall fail to return an inventory of his taxable property, according to law, the person so failing shall pay four times the tax which shall be assessed on persons in this State who comply in every respect with the laws thereof.

XXII. And be it further enacted by the authority aforesaid, That where it shall have so happened that any county in this State or any District of a county in this State, or any individual by any means whatsoever have failed, refused or neglected to give in Inventories of their property or contribute and pay their proper taxes due by act of Assembly for the year one thousand seven hundred and seventy eight now last past, that all such Counties, Districts and persons shall be taxed and liable to pay two pence in the pound on the value of their or his taxable property over and above what the other persons in this State who paid their taxes the last year shall be liable to.

XXIII. And be it further enacted by the authority aforesaid, That an Act entitled an Act for levying a tax by general Assessment and other purposes, passed at New Bern in April one thousand seven hundred and seventy seven; and also an Act passed at New Bern in November one thousand seven hundred and seventy seven, entitled an Act for amending an Act entitled an Act for levying a tax by assessment, and other purposes, be and the same are hereby repealed and made void.

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#### CHAPTER IV.

**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, and other purposes.**

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

III. 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 Dismission or final judgment, where either happens, or for confession of judgment to the Clerk of the Court forty shillings, for every Continuance or reprieve of every cause, after the second Court including all fees, for every Service necessary thereon, eight shillings. For the Court at which the Cause is determined including all fees for every necessary service thereon, and entering final judgment inclusive, twenty shillings over and above the fees above mentioned. For every subpoena, provided that the party insert no more than four witnesses in the same, four shillings. For every execution or order of sale, when necessary, issued and returned, including all services thereon Taxing Costs and Copy and Entering Satisfaction, Sixteen Shillings. For every scire facias against Ball, with making up an issue thereon, or Entering Judgment without plea, including all fees for every service thereon (provided that the party having costs shall not be subject to this unless the scire facias is necessary and required by the plaintiff) sixteen shillings. For giving a copy of the record of any cause when demanded by either of the parties, twelve shillings. For every order or rule of Court made or matters foreign to the suits pending in Court, and copy thereof when demanded five shillings and four pence. For entering on the minutes the probate of a will, qualifying Executors, making Certificate, recording the will and giving copy thereof, twenty-four shillings.

IV. For granting Administration, taking bond and all other services thereon, twenty-four shillings. For all services necessary to be done by the Clerk of the Court towards issuing Letters of Administration or Letters Testementary, Ten 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 each Copy and Certificate of the same, if the estate be under one hundred pounds value, four shillings; if above one hundred pounds value, eight shillings. For every marriage license and bond and all other necessary services thereon, sixteen shillings. For ordinary license and Bond and all the services necessary to be done thereon, ten shillings. For tavern rates, five shillings. For searching a record out of Court, two shillings. For proving or entering acknowledgment of a Conveyance of Land or other estate and certifying the same with the order of registration, and examination of a feme covert, without Commission five shillings. 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, eight shillings. For Guardian or other Bonds taken in Court and for receiving the same and all other services necessary 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, ten shillings. 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, Sixteen Shillings. For a special verdict, or Demurrer, or motion in arrest of Judgment and agreement thereon, Eight Shillings. For Writ of Error, Appeal or Certiorari with a transcript of the Record, and all services thereon twenty shillings. For making out certificates of witnesses or jurymen's attendance, one shilling. For recording a Mark or Brand and granting Certificate thereof if required, three shillings.

V. 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 ex-officio services for which the Clerks shall demand no fee or reward whatsoever, except what shall be allowed such Clerks by the County Courts of their respective Counties for such services.

VI. 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 by 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 abbreviation 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.

VII. 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 shall 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 entitled to recover them although the judgment of the Court should finally be in his favour.

VIII. And be it further enacted by the Authority aforesaid, that if any person shall hereafter conceive himself aggrieved by any 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 guilty of the misdemeanors alledged 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 one hundred 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 applyed towards defraying the contingent charges of the County.

IX. And be it further enacted by the authority aforesaid, that it shall and may be lawful for every justice of the peace in the 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, ten shillings. For every warrant, two shillings. For all the subpoenas in any one suit, two shillings. For every judgment, two shillings. For every execution, two shillings, 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 twenty 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.

X. 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 the Bill of Costs and shall be paid by him who falls in his suit, or against whom a recovery shall be had.

XI. 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 title of bounds of Lands come in question, Ten Pounds. For every such action in the County Court, Five Pounds. For every real Action or such as respects the Titles of Lands, Twenty Pounds. For every Petition for the Recovery of Legacies and Filial Portions, or Distributive shares, of Intestates Estates, if in the Superior Court, ten pounds; if in the Inferior Court, Five Pounds. For every opinion or advice in writing 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, Four Pounds. For every opinion or advice in writing 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, two pounds.

XII. And be it further enacted by the authority aforesaid, that from and after the passing of this act it shall and may be lawful for the Sheriffs within this State to have the following fees: For every arrest, sixteen shillings; for taking bail Bond, three shillings; for serving a Copy of a Declaration, four Shillings; for Whipping any Person, Eight Shillings; for serving a subpoena for each person named in the same, eight shillings; for Pilloring any person, sixteen shillings; an attachment, the same as if for an arrest, and if further Trouble by moving Goods to be Taxed by the Court, executing a Warrant of Distress, or an execution against the body or goods, if not above Ten Pounds for each pound three shillings, if above ten pounds, for each pound above one shilling, summoning, impannelling and attending on every Jury on every Cause in Court, Eight Shillings; when a special Venire shall Issue by Order of Court for Summoning each juror and attending the same, four shillings; Putting any Person in the Stocks and releasing, eight Shillings; for every commitment, eight Shillings; a Releasement, eight Shillings; Serving a writ of possession of land, Sixteen Shillings; Serving and attending on any Person on a habeas Corpus per day, Eight Shillings; calling every Action in Court, two Shillings.

XIII. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for every Constable within this State, to ask, Demand and Receive the following Fees, to-wit: For every Warant executed, Eight Shillings; for every Subpoena, three shillings; for every execution served, eight shillings; and at the same rate for every person where there shall be more than one mentioned in each warrant, subpoena or execution; for every attachment, eight shillings; Summoning a jury of Inquest for every Juror, two Shillings; Summoning evidences on the trial of Warrants for every person summoned, three shillings; and for attending any Superior or County Court if summoned by a sheriff, sixteen Shillings per day to be paid out of the County tax where such Courts shall be held.

XIV. And be it further Enacted by the authority aforesaid, That the register in each County in the State shall be entitled to have and receive Two Dollars for registering each Deed including Certificates thereof and Eight shillings for every Search & Certificate and for every other instrument of writing eight Shillings each.

XV. And be it further enacted by the authority aforesaid, That each At-

torney acting for and in behalf of the State in the respective County Courts shall and may take and receive for every Indictment or Presentment the sum of Five Pounds and on all Indictments found not true, the sum of two pounds ten shillings from the prosecutor; and the Clerk of the Court shall and may take and receive for every Indictment or Presentment the sum of two pounds, and for each Continuance, Ten Shillings, and Determination final, twenty shillings.

XVI. 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 actively employed by the party who shall recover, or be otherwise intitled to receive such fees as is by this Act allowed and no more.

XVII. And be it further Enacted, That if any Attorney in any Superior or County Court shall wittingly 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.

XVIII. And be it further enacted by the authority aforesaid, That the Sheriffs in each respective County in this State do supply with good and wholesome provisions all such persons other than prisoners of war who shall be Committed to their Care or Custody by any authority of this State and that he be allowed for the same, Eight Shillings per Day each, and that the said Sheriffs respectively do pay and allow out of the public moneys in their hands to every Prisoner of War who by order of any two Justices of the Peace shall be in his Custody or who shall be paroled to his county the following Sums, that is to say for each Commissioned Officer the sum of Four Dollars per day and to every other Prisoner of War the sum of two Dollars shall be accounted for by the Sheriff at the same time that he accounts for the County Tax.

XIX. 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. 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, and 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.

XX. 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 deemed and adjudged a

misbehaviour in office for which such Clerk shall be suspended by the said Court. 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.

XXI. And whereas, great injustice is done to witnesses appearing in behalf of the State by their having no allowance for their attendance at the Superior and County Courts as such.

XXII. Be it therefore enacted by the authority aforesaid, That from the passing of this act such witnesses shall be allowed the same pay for their daily attendance as is allowed to witnesses attending upon civil prosecutions & such fees for allowance shall be paid by the Defendant upon Conviction, and if the State shall fall upon the prosecution of any offence if an Inferior Nature, the Court may at their Discretion order the costs to be paid by the Prosecutor in case Such Prosecutor shall appear to have been frivolese or malicious and in case the Defendant shall not be able to pay costs or the Court shall not think proper to order the prosecutor to pay the same, that then and in that case the Clerk of the Superior & County Courts shall grant a Certificate of Attendance to such witnesses in manner as tickets are directed to be granted to Witnesses in civil Causes and such Tickets may be received by the Sheriffs in payment of public Dues.

XXIII. And be it enacted by the authority aforesaid, That the Inspectors of pork, Tar, Pitch and Turpentine shall have and receive for their services the following Fees, to-wit: For inspecting a Barrel of Pork, six shillings; of Tar, ten pence; Pitch and Turpentine, one shilling and four pence.

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#### CHAPTER V.

An Act to Carry Into Effect an Act, passed at New Bern in November, in the year one thousand seven hundred and seventy-seven, entitled, 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 who shall so appear, and shall not be admitted as Citizens, and for other purposes therein mentioned; and for other Purposes.

I. Whereas it is Enacted by the Act aforesaid, passed at New Bern in November, one thousand seven hundred and seventy-seven, 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 abetted 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 confis-



cated 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. And whereas, many Persons who come within the Descriptions of the aforesaid Act recited, or some one of them, have failed or neglected to appear before the General Assembly during the present Session, and submit to the State whether they shall be admitted as Citizens thereof, and restored to the Possessions which to them once belonged; whereby all such Persons have clearly incurred, and are become liable to the Penalties of the aforesaid Act:

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 every Person and Persons, who come within or are included by the Descriptions in the aforesaid Act, or either of them, shall be, and are hereby declared to be forfeited to the State, and shall be vested in the same, for the uses and Purposes hereinafter mentioned, and for no other Purpose whatsoever.

III. And be it Enacted by the Authority aforesaid, That three Commissioners shall be appointed by the County Court in each County, who shall give Bond, with three or more Sureties, in the Sum of two hundred and fifty Thousand Pounds, to the Governor for the Time being, for the Use of the State, for the faithful Discharge of their Duty, according to Law; and shall also take the Oath of Allegiance, and the following Oath, previous to entering on their Office:

I, A. B., do swear, that I will faithfully discharge the Trust reposed in me as a Commissioner, to the best of my Knowledge, according to Law; and that I will fully account for all Money or Effects that shall come to my Hands in Consequence of my Appointment, as the Law directs. So Help Me God.

And the said Commissioners, or a Majority of them, in their respective Counties, shall have full Power and Authority to take Possession of all Lands, Tenements, Hereditaments and moveable Property, in the Name and for the Use of the State, which by this Act are declared to be forfeited to the State, and shall give Receipts or Discharges, which shall forever indemnify and acquit the Persons delivering or paying the same, their Heirs, Executors and Administrators, against any future claim for the Articles or Money mentioned in such Receipts or Discharges.

IV. And in order to Discover all Property, real and personal, by this Act declared to be forfeited, Be it enacted by the authority aforesaid, That the said Commissioners, or any two of them, shall and may order the several Constables to summon all the Inhabitants in their respective Counties to appear before them at convenient Times and Places, to give in, on Oath, an Account of such forfeited Property; when they, or a Majority of them, being present, shall administer the following Oath or Affirmation to the Inhabitants so appearing:

I, A. B., do swear, or affirm, that this account by me rendered, contains a full and true Account, to the best of my Knowledge of all the Lands, Tenements, Hereditaments and moveable Property, in the County of ——— which belonged on the fourth Day of July, one thousand seven hundred and seventy six, or at any Time since, to any Person or Persons who come within

or are included by the Descriptions, or either of them, recited in the Confiscation Act, passed at New Bern in November, one thousand seven hundred and seventy-seven; and further that the said Account contains, to the best of my Recollection, the full Amount of all and every Sum and Sums of Money which now are by me, due and owing to any such Person or Persons, including Interest (if any) by Bond, Note or Account, or by Virtue of any Trust whatsoever;

And if any Person summoned as aforesaid shall fail to appear, or appearing, shall fail to render an Account as above mentioned, on Oath or Affirmation, as the Case may be, in such Case, the said Commissioners, or any two of them shall have Power to Commit such Person, if present, to close Gaol, until he shall comply with the Law; and if absent, shall issue a Warrant directed to any Sheriff or Constable, to apprehend and bring such absent Person before them, at any Place on a future Day, when if he or she shall refuse to render an Account on Oath as aforesaid, he or she shall also be Committed to close Gaol, until he or she shall render an Account on Oath or Affirmation as aforesaid; and the said Commissioners are hereby invested with power to administer the Oath, issue Warrants, and make Commitments, in Manner aforesaid.

V. And be it further enacted by the Authority aforesaid, That the County Courts shall have the same Powers to require and compel the Oath aforesaid mentioned from the Commissioners themselves, which the Commissioners have respecting others, and the Commissioners shall account for any Money, or other Effects declared Forfeited by this Act, due by them, or in their Possession, in the same Manner as in other Cases.

VI. And be it further Enacted by the Authority aforesaid, That the said Commissioners shall enter in a Book, to be kept for the Purpose, all Lands, Tenements, Hereditaments, and moveable Property, forfeited by this Act, which shall come to their Knowledge or Possession, in their respective Counties, together with the names of the former Owners, and also whether the same, or any Part thereof, be claimed by any Subject of this State, or of any of the United States, and shall specify all Sums of Money due and owing by the Inhabitants thereof in Manner above mentioned, together with the names of the former Creditors, and the names of the Persons from whom the same are or shall be due, and whether the same be due by Bond, Note or Otherwise; and shall make Report of their Proceedings to every County Court which shall be held in their Counties respectively; And the several County Courts shall have power to remove such Commissioners, and appoint others if necessary, and also to fill Vacancies, occasioned by Death or Removal out of the County of any Commissioner, and the said County Courts shall and may order the Commissioners to rent such Lands, Tenements and Hereditaments in such Quantities; and for such Terms as they shall think best, so that no Tract exceeds Six hundred and forty Acres, and no Term one year, taking Bond and security in the name of the Governor for the Time being, for the Use and Benefit of the State; and the said Courts shall order all Negroes, or other Personal Property forfeited by this Act, to be sold at Public Auction, and at such Times and Places as the said Court shall think Proper, and the Commissioners shall thereupon proceed accordingly; and all Contracts and Sales made by such Commissioners, agreeable to the Directions of the said County Courts, and of this Act, shall be, and they are hereby declared good and valid, to all Intents and Purposes; Provided nevertheless, That the Wife, Child or Children of such Absentee or Absentees, now in or under the Protection of this State,

or the United States, shall be allowed so much of the Estate of such Absentee, as such Wife, Child or Children might have enjoyed, and have been allowed, if such Absentee had died intestate in this State, or any of the United States.

VII. Provided, that if it shall appear to any County Court that any Person, being a subject of this State, or of any of the United States, has or pretends to have any Right or Title in Law, to any Lands, Tenements, Hereditaments or moveable property, declared forfeited by this Act, such Court shall stay all further proceedings of the Commissioners thereupon, and shall send up a true and exact State of such Claim to the Superior Court of the District, which Superior Court shall proceed to inquire into and determine the Legal Right and Title of the Person so claiming, by Jury, in the same Manner as in Suits at Common Law, and such Determination when had shall be final, and the Clerk of the Superior Court shall transmit a Copy thereof to the County Court wherein the Dispute originated, which shall proceed according to such determination.

VIII. Provided, also, that if any Real or Personal Estate belonging to any Orphan or other Person, not comprehended or included by the Descriptions in the Act aforementioned, or either of them, shall be sold by Virtue of this Act, such Orphan or other Person, notwithstanding he, she or they shall have failed or neglected to exhibit such Claim to the County Court previous to the sale, shall on due and sufficient Proof made before the General Assembly, be entitled to receive the whole amount of the Sales, with Six per cent Interest thereon.

IX. And Provided, likewise, that all Persons being Subjects of this State, or of any of the United States, and having just Claims or Demands against any Estate or Estates declared forfeited by this Act, and actually Sold or Converted to the Use of the State in Consequence thereof, shall, upon due Proof made before the General Assembly, be entitled to receive their several Demands, if the Sales or Uses be sufficient, but if not, shall receive in Proportion to their several Demands.

X. And be it further Enacted by the Authority aforesaid, That the Commissioners in their respective Counties shall have the same Powers and Authorities to Demand, make Distress for and receive all sums of Money due and owing by the Inhabitants thereof, and declared forfeited to the State by this Act; and shall be subject to the same Pains, Penalties and Restrictions, and shall account with the Public Treasurers for the same, and also for all Money arising from Rents of Lands, Hire of Negroes or Sale of Perishable Property, at the same Times, and in the same Manner as Sheriffs or County Treasurers have or are liable to by Law for the Collecting and accounting for public Taxes; and shall have and receive for their Services at the Rate of two per Cent each.

XI. And Provided also, that if any subject of this State, or of any of the United States, has any demand against any Person subject to the Penalties of this Act, and such Person has not Personal Estate sufficient to satisfy such Debt or Demand, that then so much of the real estate of such Person shall be sold as will be sufficient to satisfy and discharge such Debt or Debts; and the County Courts respectively are hereby Authorized to examine into any such Claims, and to order Juries to try the same, and to award Judgment and Execution as the case may require.

XII. And be it enacted by the Authority aforesaid, That all Entries already made, or which shall hereafter be made, of any Lands, Tenements, or Hereditaments which come within the Meaning of the Confiscation Act,

passed at New Bern in November in the Year one thousand seven hundred and seventy-seven, or of this Act, shall be utterly void and of none Effect.

Provided, that nothing contained in this Act shall be construed to invalidate or repeal any part of an Act passed during this present Session of the General Assembly, entitled An Act to Enable the Inhabitants of a Tract of Land lying in Mecklenburg County, known by the name of Governor Dobbs's Tract, Number Five, to make Entries thereof, and obtain Titles for the same.

XIII. And be it further Enacted by the Authority aforesaid, That the Clerk of each and every County Court shall transmit to the General Assembly, a complete Transcript of the Report or Reports of the Commissioners in their respective Counties, and of the Proceedings of such Courts thereupon, under the Penalty of five hundred Pounds, to be recovered by Action of Debt, in the name of the Governor for the Time being, and applied to the Use of the State.

XIV. And whereas, many persons who heretofore refused to take the Oath of Allegiance to this State, and were compelled to leave the same in Consequence thereof, by Virtue of an Act of Assembly, passed at New Bern in April, in the year one thousand seven hundred and seventy-seven, entitled, 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; and of another Act passed at New Bern in November in the year one thousand seven hundred and seventy-seven, to amend the aforesaid Act; have failed or neglected to appoint Lawful Agents or Attornies to receive and give Discharges for Debts due and owing by the Inhabitants of this State to Persons who so departed therefrom, whereby many honest and well meaning people are defeated of an Opportunity to discharge such Debts, Be it therefore further enacted by the Authority aforesaid, That the said Commissioners, or either of them, in their respective Counties shall have full Power and Authority to receive and give Discharges for all such Debts as the Inhabitants thereof shall voluntarily offer to pay; and such Discharges shall forever indemnify the Persons paying the same against him, her or them, to whom the same were due, to the Amount specified in such Discharges; and the said Commissioners shall return a separate Account of their Proceedings herein to every County Court, specifying the Creditor's Name, that of the Person paying the Debt (whether due by Bond, Note or Account) the amount thereof, and shall be liable to the same Pains, Penalties and Restrictions, for faithfully accounting for and paying the same, as hereinbefore provided in other cases.

XV. And whereas it may happen that many Absentees from the State may have left Fathers or Mothers in advanced Age, and whose sole Dependence for their Subsistence has been upon the Property and Filial Attention of their Children; and unless some Provision is made to allot some Part of the Property of such Absentees to the Support of such Aged, Indigent Persons, they must be reduced to the most abject Wretchedness, Be it therefore Enacted by the Authority aforesaid, That when any such Indigent Person, Father or Mother, shall make application to the Superior Court of the District where such Person shall reside, such Superior Court is hereby empowered to set off and allot to such aged Parent such Part or Portion of the Estate of the Absentee as such Aged Person hath heretofore been accustomed to receive and enjoy, and as much more as shall be necessary

for the Subsistence of such aged or infirm Parent; such Allowance to invest only an Estate for the Life of such aged and infirm Parent.

#### CHAPTER VI.

**An Act to amend An Act entitled, An Act to amend 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.**

I. Whereas it is enacted and provided by the Act before mentioned, passed at New Bern in November, one thousand seven hundred and seventy-seven, that every person and 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 have possessed, and actually improved any vacant or unappropriated Land, for which no Just Claim by Entry in any Office shall have been made, shall be entitled in preference to all others, to enter or 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 whereas Doubts, Difficulties and Injustice have frequently arisen in consequence of the aforesaid Provision; 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 from and after the Passing of this Act, in the Trial of any Dispute which has already arisen, and remains undetermined, or which may hereafter arise, for Preference of entering and obtaining a grant for unappropriated Land, if it shall appear that any Person hath seated himself on Lands within the Bounds of any former Entry or Survey, and for which no Grant was ever obtained, and hath improved and continued in peaceful possession of the same, by himself, or some Person for him, for seven Years, without interruption by or from the person claiming, or Declaration of Rights to the Person so possessed under such Entry or Survey, in such case, the person claiming under such former entry or survey, shall be forever barred of his right of entry of the Land in Question, and the Preference shall be given to him who settled on, and continued in peaceable possession of the same, his Heirs or Assigns; any Law to the Contrary notwithstanding.

III. And in order to explain what shall be considered as an improvement of Land, Be it Enacted by the Authority aforesaid, that no person shall hereafter be entitled to any preference of entering or obtaining a Grant for unappropriated Land under pretence of Improvement thereof, unless it shall appear upon the trial that such Claimant had previous to his application for Entry, erected a House thereon, or cleared, enclosed and cultivated a part thereof.

IV. And be it further Enacted by the authority aforesaid, That if any person shall think himself aggrieved or injured by the Determination of any County Court, in any future Trial respecting the vacant or unappropriated Lands, such person shall have a right to appeal to the Superior Court of the District wherein such Lands lie; and such County Court is hereby authorized and directed to grant such Appeal and transmit the Proceedings to such Superior Court, the Appellant first giving Bond and Security to prosecute such Appeal with effect.

V. And for the better ascertaining the power, and directing the Duty of

Surveyors, Be it enacted by the authority aforesaid, That it shall and may be lawful for each and every Surveyor in this State, in his respective County, to appoint a Deputy or Deputies, who shall previous to entering on the execution of his or their office, be qualified in a similar Manner with the Surveyor; and the Surveyor making such appointment shall be liable and accountable for the Conduct of such Deputy or Deputies in the same manner as for his own conduct in office.

VI. And be it further Enacted by the authority aforesaid, That where it shall happen that the Bounds of two or more Entries join or intersect each other, the Surveyor shall, and he is hereby required to survey such Entries in turn, the eldest being first surveyed, provided such entry be not caveated; but when that shall be the case it shall not be lawful for the Surveyor to survey either of the entries so joining or intersecting each other, until a final determination be had on such Caveat.

VII. And be it further enacted by the authority aforesaid, That every Surveyor in this State shall, and he is hereby required to return all Warrants of Surveys to him directed according to Law, within twelve months after receiving the same, under the Penalty of One Hundred Pounds for every Default; to be recovered by Action of Debt by any Person suing for the same, before any Jurisdiction having Cognizance thereof, and applied to his own Use.

VIII. And be it Enacted by the authority aforesaid, That so much of the Act passed at New Bern in November, one thousand seven hundred and seventy seven, 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; and of the Act passed at New Bern in April, one thousand seven hundred and seventy eight, to amend the aforesaid Act, as comes within the Purview of this Act, shall be, and are hereby repealed.

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## CHAPTER VII.

**An Act for Appointing Naval Officers at the different Ports of this State and directing their Duty in Office; and for other purposes.**

I. Whereas, the resolutions of the General Assembly and of the Governor and Council of this State for prohibiting the exportation of any kind of produce are rendered ineffectual for want of a Law to enforce Obedience thereto and whereas the laws for the regulation of Trade cannot be observed unless there are Officers appointed for that purpose and therein duly 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 two 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. Provided nevertheless, that nothing herein contained shall vacate the appointment of such naval officers as have been heretofore appointed by the General Assembly and have qualified, given bond and received commission from his Excellency the Governor as the Law directs and who are now in the execution of such office, all which said officers are hereby declared to be during their good behaviour; Naval Officers in the respective ports to which they have been appointed as aforesaid.

IV. Provided always, That the naval officers which have been heretofore appointed shall also give bond as aforesaid in the sum of two thousand pounds.

V. And be it enacted by the authority aforesaid, That any 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 & 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 the Superior Courts, or in any Court of Law in the District or County where he may reside.

VI. 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 filling up, signing, sealing, taking the probate of, and issuing every Register the sum of Four Dollars; for entering and clearing every decked vessel under twenty tons Burthen, for administering the Oath, taking Bond, and all other necessary services Included, five pounds; and for every vessel of Twenty Tons Burthen and upwards including all necessary services, the sum of six pounds; and for every permit or clearance for any vessel, going from one port to another, either within the State or to a neighboring state, through an Inland navigation, the sum of forty shillings.

VII. And be it further 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, and that all persons may Know what fees are due to the said officers,

VIII. Be it further 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.

IX. And it is hereby declared and Enacted by the Authority aforesaid, That if any naval officer shall demand, extort, exact or receive under color 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.

X. And be it further Enacted by the authority aforesaid, That every master of a Vessel shall within forty eight hours next after his vessel shall arrive in any harbour of any of the aforesaid ports, make report and Entry with the naval officer of such port, or his Deputy, and shall if required deliver on Oath to such officer, his Register and other papers belonging to his Vessel, and also a Manifest of the cargo which be brought into this State in such vessel, under the penalty of one hundred pounds Current

Money of the State, to be recovered in the Court of Admiralty with costs, and applied one half to the use of the Informer and the other half to the use of this State.

XI. And be it further Enacted, that in any case any person shall presume to take on board for exportation any kind of grain or other provisions, which at that time may be prohibited, exportations by embargo or otherwise, or shall attempt to export any provisions which at the time of making such attempt was prohibited, or shall attempt to leave the port without applying to the officer of such port for a permit or Clearance, such person shall on conviction in the Court of Admiralty, forfeit and pay for every such offence the sum of five Hundred pounds current Money of this State, together with the article, or articles so prohibited, to be applied one half to the use of the Informer and the other half to the use of this State and shall be further liable to pay the costs of the Court; anything in any Law heretofore made to the contrary notwithstanding.

XII. And be it further enacted by the Authority aforesaid, That the severest penalties in this act mentioned, to which the naval officers may be liable, 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 officer shall happen, and not otherwise.

XIII. And be it further enacted by the authority aforesaid, That an Act entitled "An Act for appointing Naval Officers in the Different ports of this State, and directing their duty in office," passed at New Bern the twenty-fourth day of December, one thousand seven hundred and seventy-seven, and all other acts and resolves heretofore made or passed relative to the duty of the said Naval Officers be and are hereby repealed, and made void.

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#### CHAPTER VIII.

**An Act to amend Part of an Act for emitting Eight Hundred and Fifty Thousand Pounds in Bills of Credit, for discharging the Debts incurred by this State in raising Men to re-inforce the Battalions belonging to this State in the Continental Army, for calling in all former Emissions; and for other Purposes.**

I. Whereas, by the before recited Act it is directed that two hundred thousand Bills of one Sixteenth of a Dollar be printed for the Purposes therein mentioned, and it is found by experience that the printing the same will be attached with considerable Expence, for no considerable Utility to the Public;

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 Commissioners be, and they are hereby empowered to print twelve thousand five hundred dollar bills, in the Room and stead of the two hundred thousand Bills of one Sixteenth of a Dollar.

III. And whereas the present Exegencies of the State require the Monies now in the hands of the Treasurers to defray the Expences thereof, and renders it necessary to give a further Day for the Redemption of the said late Emissions; Be it therefore Enacted by the authority aforesaid, That the Monies emitted by the Act of Assembly passed at Hillsborough, one thousand seven hundred and seventy-eight, shall be retained in the hands of



the said Treasurers to defray the Expences aforesaid; and that the Redemption of the Emissions of the Congress at Hillsborough, one thousand seven hundred and seventy-five, and Congress at Halifax, one thousand seven hundred and seventy-six, be deferred and postponed to the first day of May, one thousand seven hundred and eighty.

IV. And be it further Enacted by the authority aforesaid, that so much of said Act as comes within the purview of this Act, shall be repealed and made void; any Thing contained in said Act, to the contrary, notwithstanding.

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#### CHAPTER IX.

**An Act to amend an Act entitled "An Act to Regulate the Pilotage of Cape Fear and Ocacock Bars and the River leading from the same to Brunswick, Wilmington, New Bern, Bath and Edenton.**

I. Whereas at this time when the Sea is infested with Privateers and Pilots are exposed to the hazard of being trepanned and carried off by Enemies Ships holding out false Signals and as it is necessary that the rates of Pilotage should be regulated by the Dangers and Trouble of exercising this employment, and bear a proportion to the Depreciation of the Currency, and as the Pilotage of Cape Fear is especially liable to these Inconveniences,

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 Cape Fear Bar and River shall be and they are hereby allowed the Pilotage hereafter mentioned, and no more, to-wit: Coming over Cape Fear Bar and up to Brunswick for each Vessel drawing six feet water, eighteen shillings per foot; from six to ten feet, twenty-one shillings per foot; from ten to twelve feet, twenty-four shillings per foot; from twelve to thirteen feet, twenty-seven shillings per foot; from thirteen to fourteen feet, thirty shillings per foot; for fifteen feet, thirty-seven shillings and six pence per foot; for sixteen feet, forty-five shillings per foot; and for each ship or vessel drawing seventeen feet of water, fifty two shillings and six pence per foot, and for piloting a ship or other vessel from Brunswick to Great Island, the Quarter part of the said rates according to the Draught of the water of such vessels 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 allowed the respective rates or Pilotage aforesaid, except the Bar Pilotage, which shall be one half only.

III. And whereas by the Death, Absence, Removal and Distance of some of the Commissioners of the Pilotage for the port of Brunswick, it becomes necessary to appoint others in their stead,

IV. Be it therefore enacted by the authority aforesaid, That William Williamson, Francis Brice, Parker Quince, George Hooper, Robert Ellis, and Henry Toomer, be and they are hereby appointed Commissioners of the said River.

V. And be it further Enacted by the authority aforesaid, That so much of an Act of Assembly, entitled "An Act to Regulate the Pilotage of Cape Fear and Ocacock Bars and the river leading from the same to Brunswick, Wilmington, New Bern, Bath and Edenton," as comes within the purview of this Act, shall be and is hereby declared to be void and of no Effect.

CHAPTER X.

**An Act to prescribe the Affirmation of Allegiance and Fidelity to this State to be taken by the Unitas Fratrum, or Moravians, Quakers, Menonists and Dunkards, and granting them certain Indulgences therein mentioned, and other Purposes.**

I. In order to quiet the consciences and indulge the religious Scruples of the Sects called the Unitas Fratrum, or Moravians, Quakers, Menonists, and Dunkards,

II. Be it Enacted by the General Assembly of the State of North Carolina, and by and with the Authority of the same, That the Affirmation of Allegiance and Fidelity to this State shall hereafter be taken by all the above People in the Form following, viz:

I, A. B., do solemnly and sincerely declare and affirm, in the Presence of Almighty God, that I will truly and faithfully demean myself as a peaceable subject of the Independent State of North Carolina, and will be subject to the Powers and Authorities that are or may be established for the good Government thereof, not inconsistent with the Constitution, by yielding either an active or passive obedience thereto; and that I will not abet or join the Subjects or Forces of the King of Great Britain, or others, the Enemies of this State, by any means, in any Conspiracy whatsoever, against the said State or the United States of America; and that I will make known to the Governor or 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. Which said affirmation being taken before any Justice of the Peace in the County where they reside, at or before the first day of May next, shall entitle them to all those Rights, Privileges and Immunities, they heretofore respectively enjoyed; any Law to the Contrary notwithstanding; the Assessment and Payment of Taxes only excepted.

III. And be it further enacted by the authority aforesaid, That all and every of the said people upon taking and subscribing the affirmation of Allegiance and Fidelity to this State as aforesaid, before the Entry-taker of the County, may re-enter all their lands formerly made in Earl Granville's Office, or Public Land Office, or any Lands they, or either of them, have had the Prior Occupancy of, or may enter a Caveat or Claim, against any Person or Persons, who may have entered or surveyed the same; provided such entry, caveat or claim, be made at or before the first day of May next, after the passing of this Act, and shall be entitled in preference of all others to obtain a Grant for the same, according to the Rules of the Act of Assembly for Establishing Offices for receiving Entries of Claims for Lands, &c.

IV. And whereas, many ignorant, though good subjects of this State, have not taken the Oath of Allegiance, owing to the neglect of the Justices of the Peace in many Counties, Be it therefore Enacted by the authority aforesaid, That all residents of this State, who have not been inimical, or heretofore refused to take the oath when particularly called on, and who shall take the Oath of Allegiance to this State prescribed by Law before the first day of May next, or who have taken the said Oath since the time prescribed by the said Law, shall be admitted to all the Rights, Immunities and Privileges of Citizens, hereby granted to the Moravians and other People; any Law to the Contrary notwithstanding.

## CHAPTER XI.

✓ An Act to Prevent the Stealing of Slaves or by Violation, Seduction or any other Means, taking or conveying away any slave or slaves, the property of another; and for other purposes therein mentioned.

I. Whereas, it is necessary that the promiscuous practice of stealing or other ways carrying away slaves the property of others, as also of stealing and carrying off free negroes and mulattoes with an intention to sell and appropriate the same, should be discouraged by a law with additional penalties.

II. Be it enacted by the General Assembly and by the authority of the same, that any person or persons who shall hereafter steal or shall by violence, seduction or any other means, take or convey away any slave or slaves, the property of another, with an intention to sell or dispose of to another or appropriate to their own use such slave or slaves, or who shall hereafter by violence or any other means, take or convey any free negro or free negroes or persons of mixed blood, out of this State to another, with an intention to sell or dispose of such free Negro or free negroes or persons of mixed blood, and being thereof legally convicted or shall upon his arraignment peremptorily challenge more than thirty five jurors or shall stand mute, shall be judged guilty of Felony and shall suffer death without benefit of Clergy.

III. And whereas, many evil disposed and dishonest persons make it a practice to deal and traffick with slaves to the very great injury of the owners of such slaves.

IV. Be it therefore further enacted by the authority aforesaid, That any person or persons who shall hereafter purchase any articles or commodity of or shall have any kind of dealing whatsoever with any slave or slaves, without permission first had and obtained from the master or mistress of such slave or slaves either personally or in writing being thereof legally convicted in the Superior Court of the County where such offence shall be committed, shall forfeit the sum of one Hundred Pounds Current money to be applied by the said Court for the use of the poor of the County and shall stand imprisoned ten days without bail or mainprize.

V. And whereas, many evil disposed persons frequently entice or persuade slaves, without any intention to steal them, and servants to absent themselves from their master or mistress and oftentimes harbour and maintain runaway servants and slaves.

VI. Be it therefore further enacted by the authority aforesaid, That any person or persons who shall hereafter entice or persuade any servant or slave to absent him or herself, from his or her master or mistress, or who shall harbour or maintain any run away servant or slave shall for every such offence forfeit and pay to the master or mistress of such servant or slave, the sum of one hundred pounds Current money, to be recovered by action of debt in any jurisdiction having cognizance thereof, and be further liable to the said Master or Mistress, in an action for damages wherein no Essoign, injunction, protection, or wager of Law shall be allowed or admitted: notwithstanding any Law, Usage, or Custom to the contrary.

VII. And be it further enacted by the authority aforesaid, That the Clerk of every County Court of this State, shall on the third day of every Court, read this Act in the presence and hearing of the County Court, under penalty of five pounds for every neglect.

VIII. And be it further enacted by the authority aforesaid, That this Law shall take effect and be binding upon the subjects of this State on the first day of April next, and afterwards, and not sooner.

IX. And be it further enacted by the authority aforesaid, That so much of an Act of Assembly of this State, entitled An Act concerning Servants and Slaves, as comes within the purview of this Act, is hereby repealed and declared to be void and of no effect to all intents and purposes whatsoever.

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CHAPTER XII.

An Act for Apprehending and selling certain Slaves set free contrary to Law and for Confirming the Sales of Others, and for other purposes. ✓

I. Whereas, by an Act entitled an Act to prevent Domestick Insurrections & for other purposes, it is provided, that no person shall liberate his or her slave except for meritorious Services, to be judged of and allowed by the County Court, and by the said Act, it is Directed in what Manner and for what purposes such liberated slaves shall be apprehended and sold; and whereas, before the passing of the said Act, and since the sixteenth day of April, one thousand seven hundred and seventy five, divers evil minded persons, intending to disturb the public peace, did liberate and set free their slaves, notwithstanding the same was especially contrary to the Laws of this State and the County Courts of Perquimans and Pasquotank, conceiving they had power to proceed against all such liberated slaves, did order them to be sold to the highest bidder, and whereas, doubts have now arisen whether the purchasers of such slaves have a good and legal title thereto, 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 such sales made bona fide and for valuable consideration shall be deemed good and valid to all intents and purposes, and as many negroes are now going at large to the terror of the good People of this State, who were liberated in manner aforesaid previous to the passing of the said recited Act,

III. Be it further enacted by the Authority aforesaid, That the same proceeding shall and may be had against all such illegally liberated slaves as is directed in the said recited Act intitled, An Act to prevent domestic insurrections, and for other purposes, in the same manner as if such negro slaves had been set free after the passing of the same; Provided, that nothing herein contained shall deprive of Liberty any Slave who having been liberated & not sold by order of any Court has enlisted in the service of this or the United States previous to the passing of this Act.

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CHAPTER XIII.

An Act for levying a Tax for the Year one thousand seven hundred and seventy nine; and other purposes.

I. Whereas, it is necessary that the Treasury should be as soon as possible supplied with money sufficient to defray the public expence,

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-nine a Tax of three

pence shall be paid for every pound value of the Taxable property within this State, and a proportionate 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 for ascertaining what property in this State shall be deemed Taxable property and the manner of assessing the same; 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 further Enacted by the authority aforesaid, That a further Tax of six pence over and above the aforesaid three pence in every pound value of Taxable property belonging to Moravians, Quakers, Menonists or Dunkards shall be paid for the year one thousand seven hundred and seventy nine and shall be levied and accounted for in the manner above directed.

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#### CHAPTER XIV.

**An Act for laying a further Tax on the taxable property of the Inhabitants of Cambden County for the purposes of finishing and compleating the Court House, Prison and Stocks of the said County.**

I. Whereas the provision made by Law . . . . . the Court House, Prison and Stocks for the County of Cambden are found inadequate thereto, 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 there shall be a Tax of Two Shillings and Six pence levied on all the taxable property of the Inhabitants of the Said County for the purposes aforesaid, and a Tax of Two Shillings and Six Pence on all persons of full Age having not property to the Value of One Hundred pounds for Three Years, and that the same shall be collected in the same manner and under the same Rules and Penalties, as other Taxes in this State are, and shall be Paid into the Hands of the Commissioners already appointed for Building and finishing the said Court House, Prison and Stocks.

III. And be it further Enacted by the Authority aforesaid, That the said Commissioners shall account with their said County Court for all Monies received by them by Virtue of this Act, and if any Surplus shall remain after the said public Buildings are finished, the same shall be applied by the said County Court towards defraying the contingent Charges of the said County.

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#### CHAPTER XV.

**An Act for Altering the times of holding certain County Courts of Pleas and Quarter Sessions therein mentioned.**

I. Whereas, the times at present appointed for holding the County Courts of Pleas and Quarter Sessions for the Counties of Tyrrell, Perquimons and Caswell have in many respects been found inconvenient.

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 first Day of March the said County Courts of Pleas and Quarter Sessions shall be held at the times hereinafter appointed instead of the times at present appointed by Law; that is to say, the County Courts of

Pleas and Quarter Sessions for the County of Tyrrell on the first Mondays in January, April, July and October, in each year, and the County Court of Pleas and Quarter Sessions for the County of Perquimons on the second Mondays in January, April, July and October in each year, and the County Courts of Pleas and Quarter Sessions for the County of Caswell on the third Mondays in March, June, September and December.

III. And be it further enacted by the authority aforesaid, That all matters of Business whatsoever now returnable in the said County Court of Pleas and Quarter Sessions for the County of Tyrrell to the third Monday in February next shall be deemed returnable to the first Monday in April next, and all Person or Persons who have Day or Days of appearance at the said Court on the third Monday in February next shall and may appear at the said Court on the first Monday in April ensuing, which shall be deemed legal and sufficient to all intents and purposes in the same manner as if they had made their appearance on the third Monday in February next in case this Act had never been made, and all matters of Business whatsoever now returnable in the said County Court of Pleas and Quarter Sessions for the County of Perquimons to the third Monday in April next shall be Deemed returnable to the second Monday in April next, and all person or persons who have day or days of appearance at the said Court on the Third Monday in April next shall and may appear at the said Court at the second Monday in April next, which shall be deemed legal and sufficient to all intents and purposes in the same manner as if he or they had made their appearance on the third Monday in April next in case this Act had never been made, and all proceedings now depending in the County Court of Caswell undetermined or returnable to the said Court shall stand adjourned to the Day or Days appointed aforesaid for holding the said Court, and all matters of business which before the passing of this Act might legally be transacted at the respective times heretofore appointed for holding the said County Courts shall and may be hereafter be transacted at the several times appointed by this Act for holding of the same.

IV. And be it further enacted by the authority aforesaid, That each of the said County Courts may be adjourned in the same manner and for as long a time if necessary, as those held on the days formerly appointed.

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#### CHAPTER XVI.

##### An Act for extending the Boundary Line between this State and the Common Wealth of Virginia.

I. Whereas, the Inhabitants of this State, and those of the Common Wealth of Virginia, have settled themselves further Westwardly than the Boundary between the said two States hath hitherto been extended, and it becomes expedient in order to prevent disputes among such settlers that the same should be now further extended and marked,

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 Orandatus Davis, John Williams, Caswell James Kerr, William Bailey Smith and Richard Henderson, or any three of them be, and they are hereby appointed Commissioners with full power and authority to meet with other Commissioners from the Common Wealth of Virginia, and to proceed to extend and mark the line between that Common Wealth and this State,

beginning where Joshua Fry and Peter Jefferson, Commissioners on the part of Virginia, together with Daniel Weldon and William Churton from North Carolina formerly appointed to run the said line, ended their work, and if that be found to be truly in the Latitude of thirty-six degrees thirty minutes North then to run from thence due West to Tennessee or the Ohio River or if it be found not truly in the said Latitude, then to run from the said place, due North or due South into the said Latitude, and thence due West to the said Tennessee or Ohio River, correcting the said Course at due Intervals by Astronomical observation, if either of the Commissioners by this Act appointed shall decline, or be unable to go thro' the duties of his appointment the Governor and Council shall appoint some other to Act in his stead. The said Commissioners shall nominate such skillful surveyor to execute their directions and such other attendants as shall be necessary, and shall endeavor to procure the most Accurate Instruments, which if injured in the said service shall be made good at the public expence, or wholly paid for at the election of the proprietor if borrowed from an individual, or of such other person or persons as shall have authority to make such Election, if borrowed from any Seminary of Learning, each Commissioner shall be allowed for his trouble herein ten dollars per day for every day he shall attend, and the surveyor with the Chain Carriers, and other attendants, shall be allowed such Sums as the Commissioners shall certify they respectively ought to receive, and be paid by either Treasurers of this State out of any public Monies in their Hands, together with allowance to the Commissioners as aforesaid. And the said Commissioners are hereby directed to make report of their proceedings to the General Assembly. And whereas, from the hostile disposition of the Indian Nations it may be unsafe for the Commissioners and their Attendants to proceed on the business hereby directed without a sufficient Guard to protect them.

III. Be it therefore further Enacted by the Authority aforesaid, That the Governor with the advice of the Council shall, on application of the Commissioners, direct and order a sufficient number of officers & men to be raised for that purpose by Voluntary Enlistment, or if that cannot be done then to be furnished from the Militia of such Counties as shall be convenient to attend the said Commissions as a Guard and for their safe conduct in the prosecution of the Business by this Act directed, shall order them a sufficient Number of Tents and Camp Utensils and shall appoint a Commissary to furnish the necessary provisions during the time they shall be employed for the purpose aforesaid.

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#### CHAPTER XVII.

**An Act to Enable the Inhabitants of a Tract of Land Lying in Mecklenburg County Known by the name of Governor Dobbs' Tract, Number Five, to make Entries thereof and obtain Titles for the same.**

I. Whereas, Abner Nash, Esquire, obtained a Judgment in Halifax Superior Court against Edward Brice Dobbs, and Conway Richard Dobbs, Heirs at Law of the late Arthur Dobbs, Esquire, Governor of North Carolina, for the sum of Three Thousand five Hundred pounds Proclamation Money: to satisfy which an Execution issued from the said Court, April Term one thousand seven hundred and seventy Eight, against the Estate of the said Defendants, directed to the Sheriff of Mecklenburg County, who by Virtue

thereof levied the same on a certain tract of Land in said County, known by the name of Governor Dobbs's Tract Number Five, formerly containing One Hundred Thousand Acres, and exposed the same to sale; when certain of the Inhabitants thereof replevied the said Land, and satisfied said Debt with the Costs, And whereas, by An Act of the General Assembly passed December the Twenty Fourth, one thousand seven hundred and seventy seven, all property and Estates belonging to such persons therein described who fail to comply with the Requisites thereof, were and are by the said Act confiscated to the use of this State; and whereas, the Inhabitants of said Land have preserved the same for the Use of the State, which otherwise would have been private property, it is just and reasonable that they should be entitled to obtain Grants thereof in Fee from this State,

II. Be it therefore Enacted by the General Assembly of North Carolina, and by and with the Authority of the same, That all such Inhabitants who have actually paid money to satisfy and discharge said Judgment and Execution as aforesaid, shall have the preference of all other persons to enter said Lands on which are their Improvements and obtain Grants for the same according to the Rules and Directions of the Act of Assembly, for establishing offices for recovering Entries of Claims for Lands, &c. Provided such Entries or Entry or Caveat of the same be made and entered with the Entry Taker of the County before the first day of June, one thousand seven hundred and seventy-nine.

III. And be it further enacted, by the authority aforesaid, That no Entry of said Land shall extend to include any Other Improvement than that for which the Entry was made, and which was in possession of, or claimed by another person before the first day of January, one thousand and seven hundred and seventy Eight, and when Disputes shall arise between party and party with regard to the right of Improvement, Occupancy or Boundary, the same Proceedings and Trial thereof shall be had as by the said Act and this is Directed.

IV. And be it further Enacted by the Authority aforesaid, That such persons entering such Lands who have not contributed their share of money in satisfying the said Judgment and Execution shall advance to the Entry Taker Twelve Pounds Ten Shillings for every Hundred Acres by them so to be taken up and entered, to be applied to the use of the State and accounted for by said Entry Taker as in said Act Directed.

V. Provided, that no person or persons shall be entitled to enter any of the aforesaid Lands, but those who now are the Inhabitants of and living on the said Tract; provided also, that no one person shall be entitled to enter for and obtain a Grant for more than Six Hundred and Forty Acres.

#### CHAPTER XVIII.

An Act for Dividing Craven County into two Distinct Counties, and for other purposes therein mentioned.

I. Whereas, the large extent of the County of Craven, renders the attendance of the Inhabitants on the extreme part thereof at the Court House to perform public duties, difficult and expensive, 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 from and after the passing of this Act, the said County of Craven shall be divided into



two distinct Counties, by a line beginning at that part of Carteret line, which lies directly South from the Head of Reedy Branch, running thence to the head of the said Branch, and so down the meanders of the same to Trent River, thence up Trent River to the mouth of Deep Gulley Branch, to Dover or Batchelor Desart, thence up Dover or Batchelor Desart to the plantation of Thomas Kent, thence a direct Course to the South West Bridge, at Dobbs County Line, and that all that part of the said County of Craven which lies above or Westwardly of the said dividing line, shall be established a new and distinct County by the name of Jones.

III. And be it further Enacted by the Authority aforesaid, That John Bryan, Emanuel Simmons and Christopher Neale or a majority of them be, and they are hereby appointed Commissioners to lay out and mark so much of the said dividing line as is not a natural Boundary, and that the same shall be recorded in the respective Courts of said Counties.

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 shall be held in the said County of Jones, in the same manner and with the same Jurisdictions as Justices & Courts in other Counties have and Exercise, and that the Courts for the said County of Jones, shall be held constantly on the third Mondays in March, June, September and December in each and every Year.

V. And be it further Enacted by the Authority aforesaid that John Bryan, Emanuel Simmons, Edmund Hatch, John Isler and Lewis Bryan, or a majority of them, be, and they are hereby appointed Commissioners, for fixing on the most central and convenient place in the said County for building a Court House, Prison and Stocks, and for purchasing five Acres of Land at such place for the use and benefit of the said County, and when the said place is fixed upon, and the said Land purchased, the said Commissioners or a majority of them, shall and they are hereby empowered to Contract and agree with Workmen for the building and finishing thereat a Court House, Prison and Stocks—And as it will necessarily be a considerable time before the said Building can be completed.

VI. Be it Enacted by the Authority aforesaid, That the first Court to be held for the County aforesaid, shall be held at the House of Thomas Webber at Trent Bridge, and the Justices when met, and having formed a Court shall either continue to hold their subsequent Court at the said House, until the Court House shall be built, or shall have power to adjourn to any other more convenient place in the said County; they having first duly qualified themselves by taking the Oaths prescribed by Law in such Cases, and the said Justices being so qualified are hereby declared during their Continuance in Office as well within their County Courts as without to have the same powers, and Authorities, and to be subject to the same forfeitures and penalties, as Other Justices of the Peace in this State are liable to.

VII. And be it further Enacted by the Authority aforesaid, That all Causes, Pleas and Suits, and every Species of Controversy and litigation whatsoever in the County Court of Craven, now commenced or depending shall be proceeded on in the said Court, in the same manner as if this Act had never been made.

VIII. And be it further Enacted by the Authority aforesaid, That a tax of three shillings be laid on every Hundred pounds Value of taxable property in the said County of Jones, to be levied agreeable to the Assessment Act, and a poll Tax of three Shillings on all persons in the said County who have not taxable property to the value of One Hundred pounds, for two years for

the purpose of defraying the expences of purchasing the said Land, erecting the public Buildings thereon, and paying the Commissioners for their Trouble and Expences in and about the premises; which said Taxes shall be collected in the same manner and under the like Conditions, as other public taxes are, and shall be paid into the Hands of the Commissioners appointed for building a Court House, &c., the Collectors first deducting their Commissions for their trouble of collecting the same; and in case there shall remain any surplus after defraying the expences aforesaid, the same shall be applied by the County Court towards defraying the Contingent Charges of the said County.

IX. And be it further Enacted by the Authority aforesaid, That the said Commissioners shall from time to time, when called on by their County Court, account for the Monies by them received, for the purposes aforesaid, and when the Building shall be compleated, and other expences defrayed, the said Court on settlement with them, shall make a reasonable allowance for their trouble, and expence, and shall apply any surplus that may remain in manner as is before directed.

X. And be it Enacted by the authority aforesaid, That nothing herein contained, shall be construed to bar the Sheriff, or Collectors of the County of Craven, as the same stood undivided, to make distress for any taxes, fees or other dues, which may be owing from the Inhabitants of the said County, at the time of passing this Act, in the same manner as if this Act had never been made.

XI. And be it further Enacted by the Authority aforesaid, That the said County of Jones shall be and remain part of the District of New Bern, and the Justices of the said County, shall appoint five free holders to serve as Jurors, at the Superior Court of New Bern aforesaid, and the said County, shall have and enjoy the same rights and privileges, of sending members to the General Assembly, as other Counties in this State have.

XII. And be it further Enacted by the Authority aforesaid, That after the passing of this Act, the County Court of Craven shall nominate, and appoint, no more than seven Jurymen to attend the Superior Court of New Bern.

XIII. And be it further Enacted by the Authority aforesaid, That all Warrants for surveying vacant Lands, within the County of Jones, not already executed, shall be executed, by the proper Surveyor of the said County.

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#### CHAPTER XIX.

**An Act for dividng Bute County into Two Distinct Counties and for other purposes therein mentioned.**

I. Whereas, the large extent of the County of Bute renders the attendance of the Inhabitants in the extreme parts of said County 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 it is hereby Enacted by the Authority of the same, That from and after the passing of this Act the County of Bute shall be divided into two distinct Counties by a direct line from the Granville line to Halifax or Nash County line as the case may be, leaving in each part or division an equal quantity of Acres as near as can be ascertained, and in order that the same may be ascertained with as much precision as possible.

III. Be it further Enacted by the Authority aforesaid, that Julius Nichols,

William Duke, John Falian, John Norwood and Matthew Thomas, or a majority of them be, and they are hereby appointed commissioners to measure the lines of said County on every side and to run the dividing line so as to make each respective division as convenient to the respective persons residing therein as possible, which said lines when run by the commissioners, or a majority of them, shall be entered on the Record of each County, and all that part or division which lies North of said line & adjacent to Virginia shall be a distinct County by the name of Warren, and all that part or division that lies South of said line shall be a distinct County by the name of Franklin; 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 each of the respective Counties of Warren and Franklin in the same manner and with the same powers and Jurisdiction as Justices & Courts in other Counties in this State, and the Courts for the County of Warren shall be constantly held on the second Monday in February, May, August and November in each and every year, and the Courts for the County of Franklin shall be constantly held on the third Monday in March, June, September & December in each and every Year, and the first Court for the County of Warren shall be held at the present Court House on the second Monday in February, and the first Court for the County of Franklin shall be held at the house of Benjamin Seawell, lately owned by Bell, and the Justices for each of the Counties of Warren and Franklin are hereby authorized to adjourn to such places in their respective Counties as they shall think most convenient to hold all subsequent Courts until Court Houses shall be built in each respective County, and in order that the Center of each County may be found as near as may be for the purpose of building a Court House, Prison & Stocks, the aforesaid Commissioners appointed to Measure & run the dividing line, are hereby appointed Commissioners to find the center of each County; but if the same shall not be Convenient to good water then the Commissioners are hereby authorized to fix the place for Sitting the Court House, &c., at the most convenient place where good water may be had nearest the said center and that Julius Nichols, William Duke & John Falian, or any two of them be appointed Commissioners in the County of Warren and that John Norwood, Matthew Thomas and Joseph Norris be appointed Commissioners, or any two of them, for the County of Franklin, which said Commissioners are hereby authorized and empowered to purchase one hundred acres of land where the place for building the Court House, &c., shall be fixed on in each respective County, but if the proprietor or proprietors, of said Lands shall refuse to sell the same for a reasonable price, then the Commissioners are hereby authorized to purchase one hundred acres of any other person or persons as near the Center as the aforesaid convenience of Water will permit.

IV. And be it further Enacted by the Authority aforesaid, That the said Justices to be appointed for the Counties of Warren and Franklin are hereby directed to meet on the same days and at the same places before appointed for holding Courts in each of the said Counties & take the oaths prescribed for their qualification, and each and every of them at all times during their continuance in Office as well within their County Courts as without, shall hold and exercise the same power and authority and be subject to the same forfeitures and Penalties as other Justices of the Peace in this State are liable to.

V. And be it further enacted by the authority aforesaid, that Julius Nichols, William Duke and John Falian, or any two of them, be empowered

and directed to agree and contract with proper workmen to erect a Court House, &c., in the County of Warren, and that John Norwood, Matthew Thomas and Joseph Norris, or any two of them, be impowered and directed to agree and contract with proper workmen to erect a Court House, &c., in the County of Franklin.

VI. And be it further Enacted by the Authority aforesaid, That all Causes, Pleas, Suits, Actions, and every Species of Controversy whatever in the County Court of Bute now depending and unfinished shall be transposed to the Dockets of the Court of Warren County in the same order and arrangement as the same now stands on the Dockets and Records of the said County of Bute.

VII. And be it further Enacted by the authority aforesaid, That a tax of two shillings and six pence be laid on every hundred pounds value of all Taxable property on the Inhabitants of the Counties of Warren and Franklin agreeable to the Assessment Act and a poll Tax of six shillings & six pence on all persons who have not an Estate of one hundred pounds taxable property, for three years, for the purpose of paying the Commissioners for their services as well as for the aforesaid Land, Court House, &c., and to be collected in the same manner as other public Taxes and to be paid into the hands of the said Commissioners for the purposes aforesaid, after the Collectors deducting their Lawful Commissions for collecting the same.

VIII. And be it further Enacted by the authority aforesaid, That nothing herein contained shall be construed to bar the Sheriff or Collectors of the County of Bute as the said County stood undivided to make distress for any Taxes, Fees or other dues as shall be due from the Inhabitants of said County at the time of passing this Act in the same manner as by Law the said Sheriff or Collectors might or could have done if the said County had remained undivided & the said Taxes, Fees, and other Dues shall be Collected and accounted for in the same manner as if this Act had never been made; anything herein contained to the Contrary notwithstanding.

IX. And be it further Enacted by the Authority aforesaid, That the Justices of the County Courts of Warren and Franklin shall each appoint five freeholders to serve as Jurors at the Superior Courts for the District of Halifax.

X. And be it further Enacted by the Authority aforesaid, That from and after the passing of this Act the said Counties of Warren and Franklin shall be considered as part of the District of Halifax and shall be entitled to send the same number of members to represent said Counties in General Assembly as other Counties in this State, and to enjoy all the privileges & immunities as other Counties in this State are entitled to.

XI. And be it further Enacted by the Authority aforesaid, That each of the County Courts of Warren and Franklin shall allow reasonable pay to their respective Commissioners appointed in each of their Counties for their Services, and may direct the Commissioners appointed to receive Taxes for said purposes to pay them the same, and after the Commissioners have fully paid for the Lands and County Buildings aforesaid, they the said Commissioners shall account with their respective Courts for the due application of whatever sum of Money they may have received for the purposes aforesaid, and if there should remain any Surplus the Counties of Warren and Franklin shall appropriate the same towards defraying the Contingencies of their respective Counties.

XII. And be it further Enacted by the Authority aforesaid, That the Justices which are now in the Commission for the County of Bute shall continue

in Office and be empowered to hold Courts and execute all and every thing to the office of the Justice of Peace belonging in the Counties of Warren and Franklin without any new Commission; anything to the contrary herein notwithstanding.

XIII. And be it Enacted by the Authority aforesaid, That the Lands entered with the entry taker for Bute as it stands undivided which lie in Franklin and are not yet surveyed, shall be Surveyed by the Surveyor of Franklin, and the entry taker is hereby Commanded to issue his warrants to the same.

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#### CHAPTER XX.

An Act for dividing Hertford County, and other purposes therein mentioned.

I. Whereas, by reason of the Width of Chowan River, and the difficulty of passing the same, especially in Bolsterous Weather, it is extremely Inconvenient for the Inhabitants of the North East ends of the said River, to attend Courts, and other public business as also for the ease and convenience of the Inhabitants on the North side of Chowan and Perquimans Counties, it is necessary that the same be divided into a Distinct and separate County.

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 Hertford County that lies on the North East side of Chowan River, and all that part of Chowan and Perquimans Counties, that lies on the North Side of Katherine, and Warwick Creeks, and bounded as follows, (that is to say) beginning at the Virginia line, on Chowan River, thence down the said River to the mouth of Katherine Creek, thence up the said Creek, to the mouth of Warwick Creek, thence up said Creek to the Head, thence a direct line to the Head of the Indian Branch in Perquimans County, thence down said Branch to the Great Dismal Swamp, thence a North east Course to the Virginia line, thence Westwardly along said line to the beginning, and all that part of Hertford, Chowan, & Perquimans Counties, included in said lines, shall be and is hereby Established a County by the name of Gates.

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 Gates, 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 Gates shall be held on the first Monday in May, August, November and February in each and every year.

IV. And be it Enacted by the Authority aforesaid, That the said Justices to be appointed for the County of Gates aforesaid, are hereby directed to meet on the first Monday in April next, at the house of Kadar Riddick, and take the Oaths appointed for their qualification, and the Justices of the said County of Gates, or any three of them, after being so qualified shall hold a Court, at the place and times hereinbefore Appointed, and every of them, at all times during their continuance in office, as well within their County 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 a Tax of three Shillings, be laid on each Hundred Pounds Value of Taxable property in said County, and also a poll Tax of three Shillings for each person liable to pay Tax, who is not possessed of One Hundred Pounds value of Taxable property in said County of Gates, 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 empowered to receive the same.

VI. And be it further Enacted by the Authority aforesaid, That nothing herein contained shall be construed to Debar the Sheriffs, or Parish Collectors of Hertford, Chowan, and Perquimons Counties, or Tax Gatherers of either of said Counties, as they now stand undivided, to make Distress for any Taxes, Levies, fees or other dues that shall be due from the Inhabitants of said County, on the first Monday in April next, in the same manner as by Law the said Sheriff, Parish Collectors, or Tax Gatherers might or could have done 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; anything herein Contained to the Contrary notwithstanding.

VII. And to the end that no Action, or Suit of any kind commenced in the Counties of Hertford, Chowan and Perquimons be Defeated by the Division aforesaid, Be it Enacted by the Authority aforesaid, that where any Action or Suit is already commenced in either of the said Counties of Hertford, Chowan and Perquimons, and the parties or any of them, shall be inhabitants of Gates 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 Lawrence Baker, William Baker, Luke Sumner, Elisha Hunter & John Benton, Junior, or a majority of them, be and they are hereby appointed Commissioners, to lay off and appoint the most central, and convenient place, where the Court House, Prison and Stocks, (for the use of the said County of Gates) shall be built; and there to erect, or cause the same to be erected.

IX. And be it further Enacted by the Authority aforesaid, That the Sheriff of the said County of Gates, 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 this Act, the said County of Gates shall continue, and 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 empowered, and directed, to employ workmen for building a 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 or the Court of said County of Gates, 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 men-

tioned, 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 Lines, agreeable to this Act, the Justices of the Counties of Chowan, Perquimons and Gates shall appoint one Commissioner from each of said Counties of Chowan, Perquimons & Gates, 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 Chowan, Perquimons and Gates, and shall thenceforward be deemed the dividing line between the said Counties.

XIII. And be it further Enacted by the Authority aforesaid, that the County of Gates shall be intitled to the same privileges and Immunities as the other Counties in this State are intitled to.

XIV. And be it further Enacted by the Authority aforesaid, that the Justices for the County of Gates, at every County Court, next preceding each Superior Court, to be held for the District shall and are hereby required, to nominate and appoint Freeholders to serve as Jurors, at the Superior Court for the District of Edenton, which Jurors so appointed shall be Entitled to the same pay, and allowance, as Jurors appointed from other Counties to attend the said District Courts, and liable to the same fines and penalties for non-attendance as other Jurymen.

XV. And be it further Enacted by the Authority aforesaid, that the County Court of Chowan, shall in future nominate and appoint only Six Jurors to attend the District Court; any Law, or Custom to the Contrary Notwithstanding.

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#### CHAPTER XXI.

**An Act for dividing the County of Anson into two Distinct Counties, and other purposes therein mentioned.**

I. Whereas, the large extent of the County of Anson renders it grievous and troublesome to many of the Inhabitants thereof, to attend the Courts, 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 passing of this Act the said County of Anson be divided by the Road leading from Monroe's Bridge on Drowning Creek to Colson's Ferry to a point opposite the Mouth of Rocky River, thence running a direct Line crossing Pee-dee River to the Mouth of Rocky River, thence up the various courses of Rocky River to the Dividing Line between the Counties of Anson and Mecklenburg, and that all that part of the said County of Anson, which lies to the North of the said dividing Line, shall be erected into a new and Distinct County by the name of Montgomery. And for the due Administration of Justice.

III. Be it Enacted by the Authority aforesaid, That Courts for the said County of Montgomery shall be constantly held by the Justices thereof on the first Mondays in April, July, October and January, and the Justices for the said County of Montgomery are hereby authorized and impowered to hold the first Court in the said County of Montgomery at the House of Henry Mungers on the first Monday in April next, and all subsequent Courts for the said County of Montgomery on the Days above mentioned 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 Montgomery, and then all Causes, Matters and Things depending in the 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 Montgomery shall be held by Commission to the Justices in the same manner and under the same Rules and Restrictions and shall have, hold and exercise the same power and Jurisdiction as are, or shall be, prescribed for other Courts held for the several Counties within 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 Anson, as the same stood undivided, to make Distress for any Taxes, Fees or other Dues now actually due and owing from the Inhabitants of the said County as it formerly stood undivided, 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 Taxes, Fees and other Dues, shall be collected and accounted for in the same manner as if this Act had never been made; anything herein contained to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the said County of Montgomery shall be, continue, and remain part of the District of Salisbury, and the Sheriff of the said County of Montgomery shall from Time to Time account for and pay to the Treasurer of the Southern District for the Time being, all public monies by him received, or wherewith he shall stand chargeable in the same manner and under the same pains and penalties as other County Treasurers.

VI. And be it further enacted by the Authority aforesaid, That Henry Mungers, Walton Harris and James Pickett, be appointed Commissioners, and they are hereby required to run the said dividing Line between the said Counties of Anson and Montgomery agreeable to the Directions of this Act, which said Line when run by the Commissioners, or a Majority of them, shall be entered on the Records of each of the said Counties, and shall thereafter be deemed and taken for the dividing Line between the said Counties of Anson and Montgomery.

VII. And be it further Enacted by the Authority aforesaid, That West Harris, James Allen, Edmund Lilly and James Roper Walton, or a majority of them be, and they are hereby impowered and directed to agree and contract for at least fifty Acres of Land, and also to agree and contract with Workmen for building a Court House, Prison and Stocks for the use of the said County of Montgomery thereon, at such place as they, or a Majority of them or their Survivors shall agree upon, and for re-imbursing the said Commissioners the Money they shall expend in erecting the said Buildings and running the dividing Line between the said Counties.

VIII. Be it Enacted by the Authority aforesaid, that a Tax of Three Shillings on each Hundred pounds value of taxable property shall be, and is hereby assessed on the taxable property in the said County of Montgomery for two years, to commence from the first day of April, and that a poll Tax of Twelve Shillings on each taxable person for two years, and that all persons who shall neglect or refuse to pay the same at the time limited for payment of public Taxes, shall be liable to the same penalties and Distress as for non-payment of Public Taxes and the Collectors of said County are hereby required to collect, account for and pay the Monies so collected to



the Commissioners aforesaid after deducting his or their Commissions for collecting the same; and in case of failure or neglect in any of the said Collectors, such Collector so failing 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 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 Anson, shall continue & may be prosecuted to a final end and Determination; anything in this Act contained to the contrary notwithstanding.

X. And be it further Enacted by the Authority aforesaid, That the said County Court of Montgomery shall from and after the first day of April nominate and appoint three Freeholders to serve as Jurors at the Superior Courts held for the District of Salisbury.

XI. And be it Enacted by the Authority aforesaid, That all Entries of Land lying in the County of Montgomery which hath or shall hereafter be made with the Entry Taker of Anson County, on or before the second Monday in April, and shall remain unsurveyed on the day aforesaid; that it shall and may be lawful for the said Entry Taker of Anson, and he is hereby required to issue Warrants for all such Entries as aforesaid, to the Surveyor of the said County of Montgomery; any thing in this Act contained to the Contrary Notwithstanding.

XII. And be it Enacted by the Authority aforesaid That the said County Court of Anson from and after the passing of this Act shall nominate and appoint Four Freeholders to attend the Superior Court of Salisbury as Jurors.

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#### CHAPTER XXII.

**An Act for dividing the County of Guilford into two distinct Counties, and other purposes therein mentioned.**

I. Whereas, the large extent of the County of Guilford renders it grievous and troublesome to many of the Inhabitants thereof to attend the Courts, General Muster, Elections and other Public Meetings;

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 the said County of Guilford be divided into two separate and distinct Counties; Beginning on the Anson Line at the Corner of Rowan, thence running North twenty eight Miles, then East to the Orange Line, and all that part of the said County of Guilford that lies South of the aforesaid line shall continue to remain a distinct and separate County by the name of Randolph. And for the due Administration of Justice,

III. Be it Enacted by the Authority aforesaid, That a Court for the County of Randolph shall be held by the Justices thereof on the second Mondays of March, June, September and December, and the Justices for the said County of Randolph are hereby authorized and empowered to hold their first Court in the same at the House of Abraham Reese on the Second Monday of March 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, Prison and Stocks shall be built for the said County of Randolph, and then all Courts, Musters and Elections and Things depending in the 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 Randolph shall be held in the same manner and under the same Rules and Restrictions, and shall have and exercise the same powers and Jurisdiction as are or shall be provided 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 Sheriff and Collectors of the said County of Guilford, as the same stood undivided, to make Distress for any Levies, Fees, or other dues, now actually due, and owing from the Inhabitants of the said County as it formerly stood undivided, in the same manner as by law the said Sheriff or Collector 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 on or before the first day of April next the Sheriff of Randolph shall from Time to Time account for and pay to the 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 Pain and Penalties as other Sheriffs.

VI. And be it further Enacted by the Authority aforesaid, That Thomas Owen, John Collier, John Adineal, and Jacob Shepperd be, and are hereby appointed Commissioners for running the dividing Line between the aforesaid Counties of Guilford and Randolph Agreeable to this Act: And Abraham Tatom, William Cole, John Hinds, John Collier and William Bell, commissioners for fixing upon the most convenient place for erecting the Court House, Prison and Stocks for said County of Randolph, as also for contracting with and employing Workmen to build the same; and they are hereby empowered and required to run the said dividing Line between the said County of Guilford and the County of Randolph 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 the Record in the County Court of each of said Counties and shall thereafter be deemed and taken to be the dividing Line between the said County of Guilford and the said County of Randolph.

VII. And be it further enacted by the Authority aforesaid, That the Tax of two shillings on each hundred pounds shall be and is hereby assessed on the taxable Property in the said County of Randolph for Three Years, to commence from the first Day of April next, and that all persons who shall refuse or Neglect to pay the said Tax at the time limited for the payment of the Public Taxes shall be liable to the same Penalties and Distresses for non-payment of public Taxes, and the Collectors of the said County are hereby required and directed to account for, and pay the Money by him 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 of the said Collectors, such Collector so failing 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.

VIII. And be it Enacted by the Authority aforesaid, That all manner of

Suits, Causes, Pleas, whether Civil or Criminal now Commenced and Depending in the County Court of Guilford shall continue and may be prosecuted to a final End and Determination; anything in this Act to the Contrary notwithstanding.

IX. And be it further Enacted by the Authority aforesaid, That the said County of Randolph shall be annexed to the District of Hillsborough, and three Jurymen shall be appointed by the said County Court to attend the Superior Courts of Hillsborough in the same manner and under the same Penalties as Jurors are appointed in other Counties.

X. And be it further Enacted by the Authority aforesaid, That all Justices of the Peace and all Militia Officers within the said County of Randolph, and also within all the new Counties erected and established at this present Session of Assembly shall continue to exercise their respective Offices and Commissions until the first Meeting of the Courts of the said respective new Counties.

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#### CHAPTER XXIII.

**An Act for Dividing Tryon County into two distinct Counties by the names of Lincoln and Rutherford, and for other purposes therein mentioned.**

I. Whereas, the large extent of the County of Tryon renders the attendance of the Inhabitants on the extreme parts of said County to do publick duties extremely difficult and expensive; 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 from and after the passing of this Act, the County of Tryon shall be divided into two distinct Counties, by a Line beginning at the South Line, near Broad River, on the dividing ridge between Buffalo Creek and Little Broad River, thence along said ridge, to the Line of Burke thence along said Line unto the old Cherokee line, thence a due West course into the top of a dividing ridge between the Eastering and Westering Waters, thence along said ridge unto the old line Claimed by South Carolina, and all that part of the said County which lies on the East side of the said line shall be called, and known by the name of Lincoln County, and all that part of the County which lies on the other or West side thereof, shall be called and known by the name of Rutherford County.

III. And be it further Enacted by the Authority aforesaid, That Sampson Lambkin, Benjamin Harden, John Walker & Jonathan Gullett be appointed Commissioners and are hereby required and impowered to run the said dividing line agreeable to the directions of this Act, which said Lines when run by the Commissioners, or a majority of them shall be 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; which said Commissioners, shall be paid for their trouble and necessary expence for running the said lines; to be paid out of the County Tax of said Counties.

IV. And be it enacted by the Authority aforesaid, That after the said dividing line shall be run as in this Act Directed, the persons who are now in the Commission of the Peace for the County of Tryon shall be and continue Justices of the Peace for the Counties wherein they respectively reside at the time of running the aforesaid dividing line between the Counties of Lincoln & Rutherford and shall be impowered to hold Courts, and execute all and everything to the office of Justice of the Peace belonging in the said

Counties of Lincoln & Rutherford, without any new Commission; anything to the contrary notwithstanding.

V. Be it Enacted by the authority aforesaid, That Justices of the Peace shall be nominated and Commissioned and Courts held in each of the respective Counties of Lincoln & Rutherford in the same manner and with the same powers and Jurisdictions as Justices & Courts in the other Counties of this State; the Courts for the County of Lincoln shall be constantly held on the third Monday in April, July, October & January in each and every year, and the Courts for the County of Rutherford shall be constantly held on the fourth Monday in April, July, October & January in each and every year, and the first Court for the County of Rutherford shall be held at Col. John Walker's, and the Justices of the County of Rutherford are hereby authorized to adjourn to such place in their county as they shall think most convenient to hold all subsequent Courts at until a Court House shall be Built.

VI. And be it further Enacted by the authority aforesaid, That the sum of two shillings for two years be laid upon every Hundred pounds value of the Taxable property within the said County of Rutherford and a poll Tax of two shillings upon every Freeman whose property does not amount to the value of one Hundred pounds, for the purpose of Building a Court House, Prison & Stocks therein; which said 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 empowered 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 Tryon County as it stood undivided to make distress for any Taxes, fees, or other dues, which shall be due from the Inhabitants of the said County on the first day of April next, in the same manner as by Law, the said Sheriff might or could do, if the said County remained undivided, and to the end that no action commenced in Tryon County be defeated by the division aforesaid, Be it enacted by the authority aforesaid, That where any action is already commenced in Tryon County and the parties or Evidences shall be Inhabitants of Lincoln County all subsequent process against such parties or evidences shall be directed to be executed by the Sheriff of Lincoln County to the end & final Determination of said Causes; any Law, Usage, or Custom to the contrary notwithstanding.

VIII. And be it further Enacted by the Authority aforesaid, That Benjamin Harden, Thomas Welch, Abraham Kuyrkendol, John Earls & John Potts, and they are hereby appointed Commissioners to lay off and appoint the place, where the Court House, Prison & Stocks for the use of the said County 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 Rutherford County is hereby empowered and directed to account for and pay the money by him so 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 further Enacted by the authority aforesaid, That from and after the passing of this Act the said Counties of Lincoln & Rutherford shall continue to be considered as part of the District of Salisbury.

XI. And be it further Enacted by the authority aforesaid, That the Com-

missioners, or a majority of them by this Act appointed, are hereby impowered and directed to employ workmen to build the Court House, Prison and Stocks in the said County of Rutherford—for the use thereof, and the said Court and all Causes and matters therein 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. And be it further Enacted by the authority aforesaid, that Christopher Carpenter, Valentine Money, James Reed, John Patrick & William Grimes, be and are hereby appointed Commissioners to purchase one hundred acres of Land in the most central and convenient part of the said County of Lincoln to erect a Court House, Prison & Stocks on, and to contract with and employ persons to build a Court House, Prison and Stocks in the County aforesaid.

XIII. And be it further Enacted by the Authority aforesaid, That an additional Tax of Two Shillings be for two years laid upon every Hundred pounds value of Taxable property within the said County, and a poll Tax of one shilling upon every Freeman for the purpose of Building a Court House, Prison and Stocks therein which said 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 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.

XIV. And be it further enacted by the authority aforesaid, That all monies hitherto raised for the purpose of Building a Court House, Prison and Stocks in the County of Tryon be equally divided between the Counties of Lincoln & Rutherford, and the respective Commissioners herein named are hereby impowered to Demand, receive, or sue for the same, from all such persons as may have any in their hands.

XV. And be it further enacted by the Authority aforesaid, That from and after the passing of this Act it shall and may be Lawful for the County Court of the County of Lincoln to nominate and appoint three Jurors to attend the General Court held at Salisbury for the District of Salisbury, & for the County Court of Rutherford to nominate and appoint for said General Court three Jurors.

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#### CHAPTER XXIV.

**An Act to amend an Act, intituled an Act for Erecting a Prison in the Town of Edenton for the use of the District of Edenton, and other Purposes.**

I. Whereas, the provision heretofore made for Erecting a Prison for the District of Edenton from the Great Scarcity & High Prices of Materials and the Difficulty of obtaining workmen is now insufficient to answer the purposes thereby intended; and, whereas, the Court House of the Said District is in want of some repairs which may now be done at a Small Expence but if Neglected will require a Considerable Sum for that purpose,

II. Be it therefore Enacted by the General Assembly and it is hereby Enacted by the authority of the same, That Joseph Hews, William Bennett, Charles Bonafield and Josiah Collins, Esquires, 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, and for making such repairs to the Court House of the said District as may be Necessary.

III. And be it further enacted by the Authority aforesaid, That an Assessment 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 County of Currituck, Pasquotank, Perquimans, Bertie, Tyrrel, Hertford, Camden and Gates for Two years to be collected for, the present and succeeding year by the Sheriffs or Collectors of the said Counties respectively exclusive of the Tax laid by the said before recited Act and shall be accounted for and paid to the said Trustees and directors at the same time in the same manner and under the like penalties and restrictions as by law is directed for collecting, accounting for and paying Public Taxes and shall be by the said Trustees & Directors applied to the purposes of this Act, and the before recited Act, and also to the payment of such Ballance as may appear on Settlement to be due to the Trustees and directors heretofore appointed for erecting a Court House and Prison for the use of the District of Edenton.

IV. And whereas, in some of the Counties in said District no assessment was made, or Tax collected in the year 1778 for the purposes intended by the before recited Act, be it therefore Enacted by the Authority aforesaid, that the Sheriffs & Collectors of such counties as have neglected to pay the said Tax in the year 1778 shall and are hereby authorized and empowered to collect such arrears of Taxes at the time of their next Collection to the intent and purpose that the whole of the said Tax laid by the before recited Act, and by this Act may be duly Collected and paid in for the purposes aforesaid.

V. And whereas, no provision hath been made for the purchase of one or more Lotts in the Town of Edenton, whereupon the said Prison may be erected.

VI. Be it therefore Enacted by the authority aforesaid, That the said Trustees and Directors, or a majority of them be, and they are hereby empowered to purchase one or more Lotts in the said Town for the purpose aforesaid and to take one or more Deeds to themselves in trust for the use, benefit and behoof of the State of North Carolina in fee simple and that such lotts be hereafter improved for the purposes aforesaid.

VII. And whereas, it is highly necessary that the said prison be erected as soon as possible and there may be occasion for money for carrying on and compleating the said prison and Court House before the said Tax can be Collected.

VIII. Be it therefore Enacted by the authority aforesaid, That the said Trustees and Directors be and they are hereby empowered to Borrow as much money as they shall think necessary not exceeding the sum of three thousand pounds to bear interest at the rate of six per cent. per annum to be paid as soon as sufficient of the said Tax shall be received for that purpose.

IX. And be it further enacted by the authority aforesaid, That before the said Trustees and Directors shall enter upon their said Trust, or to take into their hands any of the moneys aforesaid they shall enter into bond in the sum of Five thousand pounds payable to the Justices of the County Court of Chowan and their successors with condition for the faithful Discharge of the trusts in them reposed by this Act and the before recited Act.

X. And be it further enacted by the authority aforesaid, That if the Taxes

arising by virtue of this Act and the before recited Act, shall be more than sufficient to compleat the purposes herein directed the surplus thereof, shall by the trustees herein named be paid to the Court of each county in proportion to the Taxes collected from each of the said Counties and paid by the Sheriffs to the said Trustees & Directors.

XI. And be it further Enacted by the Authority aforesaid, That Adley Osborn, David Woodson and John Dunn, or any two of them, be appointed Commissioners to employ workmen to build a new Court House in the Town of Salisbury and that a tax of four pence on every Hundred pounds of rated and assessed property be collected this year from the inhabitants of the county of Rowan, and Two pence on every hundred pounds rated and assessed property from the inhabitants of each and every other county in the District of Salisbury which Tax when Collected shall be paid to the aforesaid Commissioners and applied to the above purpose.

XII. And be it enacted by the authority aforesaid, That John Broadford, Benjamine McCulloch, John Geddy & Christopher Dudley, or any three of them be appointed Commissioners to Employ Workmen to repair the Court House in the Town of Halifax, and that a Tax of Four pence on every Hundred pounds of rated and assessed property be collected this year from the Inhabitants of the County of Halifax and Two Pence on Every Hundred Pounds of rated and assessed property from the Inhabitants of each and every other County in the District of Halifax which Tax when collected shall be paid to the aforesaid Commissioners and applied to the above purpose—the said Commissioners to settle their accounts with the Assembly of this State.

XIII. And be it further enacted by the authority aforesaid, That the Courts of the New Counties made this General Assembly shall at their Sessions after the first Day of April next choose a Clerk, Sheriff, Entry Taker & Surveyor for each of the said Counties; and that the Surveyor appointed for any new County as aforesaid shall run out all such lands as were entered with the entry taker of the old County before the date of passing this act and shall make return of their works with the same power as the surveyor of the old county had.

XIV. And be it further enacted by the authority aforesaid, That all Justices of the Peace formerly in the Commission of the old County and now residing in the new County Shall exercise all the powers and authorities thereof as before until the time appointed by law for holding and Qualifying in said new Courts and also in Lieu of a Sheriff to hold an Election in said New Counties that any three of said old Justices shall appoint some proper person to hold the election for members to represent said County in the General Assembly and make return which shall be equally valid with a return made by any sheriff; any Law to the contrary notwithstanding.

#### CHAPTER XXV.

An Act for the regulation of the Town of Newbern and for other purposes therein Mentioned.

I. Whereas it is become necessary that Sundry Laws passed before the declaration of Independence for Settling and regulating the Town of Newbern from the change of Government should be amended and continued.

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 an

Act of Assembly passed at Edenton the twenty-third of November, one thousand seven hundred and seventy-three, Intituled an Act for better settling the town of Newbern in the Precinct of Craven, and that the twelfth and thirteenth sections of an Act of Assembly passed at Edenton the twenty-first day of August, one thousand seven hundred and forty, Intituled An Act to enable the Commissioners hereinafter mentioned to erect and finish a Church in Newbern in Craven County and parish in the province aforesaid, and for the better regulation of the said Town, and other purposes therein mentioned, and that An Act of Assembly passed at Newbern the twenty-seventh of September, one thousand seven hundred and fifty-one, Intituled An Act to Confirm four Lots in Newbern Town lately conveyed to the Commissioners for Public Buildings, for the use of the Public forever; and also the sixth, seventh, eighth, ninth, tenth, eleventh, eighteenth and nineteenth sections of an act of Assembly, passed at Newbern the thirteenth day of September, one thousand seven hundred and fifty-six, Intituled An Act for the better regulation of the Town of Newbern, and for securing the Titles of persons who hold Lots in the said Town; and also one other Act of Assembly, passed at Newbern the nineteenth day of November, one thousand seven hundred and seventy-one, Intituled An Act for amending an Act for the better regulation of the Town of Newbern, and for securing the Titles of Persons who hold Lots in the said Town, shall be and are hereby confirmed and continued in force and use and shall be received as evidence in any Court of Law or Equity where Suits may be hereafter commenced for recovery of any Lot or Lots within the said Town, where the Titles of such Lots may come into question by any person or persons having a legal claim and instituting his, her or their suit for recovery thereof.

III. And be it further enacted by the Authority aforesaid, that the Books in which the proceedings of the Commissioners were entered by themselves or their Clerk of the Town respecting the election of Commissioners, laying Taxes, granting and conveying Lots, Entries of Lots, Certificates Granted certifying that the same Lots had been built on as the Law required, and expressed in their Commissioners' Deed and also the Book of Entries in which the first entries were made by the Treasurer of the town, for all lots to be granted, that the said Books and all the legal proceedings and acts of the Commissioners therein entered agreeable to the Acts of Assembly above recited, shall be and are hereby confirmed and shall be received as evidence in any Court of Law or equity where the titles of Lots may come into question.

IV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the freeholders and freemen within the town of Newbern to meet at the Court House in their said Town on the second Tuesday in May next, and there to elect by ballot five freeholders of the said Town to be Commissioners of the same, and the Sheriff of Craven County, or his Deputy, is hereby required to attend on the same day at the hour of ten o'clock in the morning, open the poll and be provided with a small box, into which the Tickets shall be put in the presence of two Inspectors and the returning officer, and each Inspector shall take down in separate lists the name of every person voting, and when the election shall be finished the returning officer and Inspector shall, in the presence of such electors as may choose to attend, open the Box, and number the ballots, 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 than five persons, in either of these cases, it shall not be numbered in taking the Ballots, but shall be adjudged void; and in like manner, the said Sheriff or his Deputy, first giving ten days' notice, shall, on the second Tuesday in May, annually, open the poll, remove the votes and proclaim the Commissioners for the ensuing year, under the penalty of one hundred pounds, lawful money of this state, for every neglect or refusal of complying with the directions of this act to be recovered from the said Sheriff by action of Debt, bill, plaint or Information, in any Court of Record in this State, by any person or persons who shall sue for the same in one year after such neglect or refusal, one-half to the prosecutor and the other half to be paid to the Treasurer of the Town for the use of the said Town, to be applied by the Commissioners toward the contingent charges of the town; and the Commissioners so chosen and elected, and their names being entered on the Journals of the said Town, shall, before they enter upon the execution of their said office, take the Oath of Allegiance to the State before some Justice of the Peace, and also the following oath, viz.: "I, A. B., do swear that I will execute the office of a Commissioner for the Town of Newbern faithfully & to the utmost of my power in all things act for the good of the said Town and the well-governing thereof, to the best of my skill and judgment, agreeable to Law, So help me God." Which said Commissioners, after they have been so sworn, shall proceed to choose one out of their own number to be the Treasurer of the said Town for that year, into whose hands all monies arising or becoming due to the said Town shall be paid, and there kept until otherwise disposed of for the benefit and improvement of the said Town, as the said Commissioners or a majority of them shall direct.

V. And be it further enacted by the authority aforesaid, that the said Treasurer, before he shall enter upon the execution of his said office, shall take the oath of Allegiance to the State before some Justice of the Peace, and shall give bond with two sufficient Securities in the sum of one thousand pounds, lawful money of this State, to the Commissioners of the said Town and their successors, for the faithful discharge of his office and accounting for and paying all monies which may come into his hands when called upon by the succeeding Treasurer or Commissioners, which bond the said Commissioners are hereby authorized and empowered to take.

VI. And be it further enacted by the authority aforesaid that the Commissioners of the said Town shall choose and appoint a proper person to be their Clerk of the said Town, to act as such during good behaviour, who before he enters upon the execution of his office shall take the oath of Allegiance to the State and enter into Bond to the Commissioners of the said Town and their successors with two sufficient securities in the sum of five hundred pounds, lawful money of this State, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the Books and papers put into his care, and keeping a regular and Fair Journal of the proceedings of the Commissioners during his continuance in the said office, and the said Clerk is hereby authorized and required to Demand and receive from the person or persons in whose hands the same may be all the Books, Journals and papers belonging to the said Town, which were in the care and possession of the former, to which books, Journals and papers all persons shall have free access on paying two shillings, under the penalty of forty shillings for every refusal.

VII. And be it further enacted by the authority aforesaid that if any of the said Commissioners before the next annual election should die, re-

move out of the County or refuse to qualify, the remaining Commissioners shall elect and choose others in the room and stead of those dying, removing or refusing to qualify as aforesaid, which said Commissioners so chosen and qualifying by taking the oaths as aforesaid shall have the same powers as the other Commissioners have by this act, and for the better determining who shall be qualified to be elected as a Commissioner of the Town.

VIII. Be it enacted, that no person shall be deemed qualified to act as Commissioner of the Town of Newbern unless he hath a Lot of Land therein with a house on the same of no less dimensions than twenty feet long and sixteen feet wide, with a brick chimney to the same, in his own right in fee, and who shall have beside a visible Estate of at least one hundred pounds, lawful money.

IX. And be it further enacted by the authority aforesaid, that the Commissioners and Inhabitants shall have free Liberty to hold all their public meetings on all Questions in the Court House of the said Town, and that from and after the passing of this Act it shall and may be lawful for the Commissioners of Newbern or a majority of them, to meet at the Court House aforesaid some time in the month of May or June, annually, and when met shall proceed to nominate and appoint one of their number to receive a List of Taxable property for the year ensuing, and give public notice thereof by advertisement to the Inhabitants of the said Town to appear before such Commissioners so appointed and give in upon oath a list of his, her or their taxable property which they may own or possess in their own right or as an executor, Administrator, Guardian, et cetera, in the said Town, which oath the said Commissioner is hereby authorized and empowered to administer; and the person or persons who shall neglect or refuse to give in his or their List in manner and form aforesaid within twenty Days after notice given as aforesaid shall forfeit and pay the sum of forty shillings for each and every neglect, and also shall be liable to pay a double Tax for that year; and the Commissioner so appointed to receive the List of Taxable property is hereby required to return the said List by him taken to the Commissioners or the treasurer of the Town without delay; and the Commissioners are also required as soon as convenient to set up a Copy of such Lists at the Court House in the said Town every year, and that the Clerk of the said Town shall enter a Fair copy thereof in the Journals of the Commissioners, and under a penalty of fifty pounds for every neglect or refusal, to be recovered by action of Debt in the Inferior Court of Craven County by any person who will bring suit for the same, one-half to the prosecutor and the other half to the Commissioners for the use of the town; and be it further enacted by the authority aforesaid, that if the Commissioners of the said Town shall neglect or refuse to nominate and appoint annually one of their number agreeable to the direction of this Act to take the said List of taxable Property as aforesaid, they shall forfeit and pay the sum of fifty pounds, lawful money, to be recovered by Action of Debt in the Inferior Court of Craven County by any person who will bring suit for the same, one-half to the prosecutor and the other half to the use of the Town; and the Commissioners of the said Town, or a majority of them, are hereby authorized and empowered some time in the month of July, annually, to lay a tax, not exceeding four shillings on each hundred pounds value of all the taxable property in the said Town, for the purpose of defraying the Contingent charges thereof; and the said Commissioners, or a majority of them, are also empowered and required, some time in the month of July, annually, to appoint three Freeholders of the said Town to assess the value

of the Taxable property therein, which assessors are hereby required to assess the same in the manner and under the rules and restrictions as directed in an Act of Assembly for assessing Taxable property and collecting Public Taxes, et cetera.

X. And be it further enacted by the authority aforesaid, that the Commissioners, or a majority of them, shall annually at the time of laying the Town taxes, nominate and appoint a proper person to collect the same, to whom shall be delivered a fair Copy of the List of Taxable Property and assessment taken for that year agreeable to this act, and the person so appointed, before he enters upon the execution of his office, shall, before some Justice of the Peace in Craven County, take the oath of Allegiance to the State and enter into Bond with sufficient security in the sum of five hundred pounds, Lawful money of this State, to the Commissioners of the Town and their successors; and in case the person so appointed shall refuse to serve or fail to give security as aforesaid, the said Commissioners shall and may proceed to nominate and appoint any other person who may be willing to act and enter into Bond with security in manner as aforesaid; and the Collector so appointed shall, and is hereby empowered, directed and required to collect the said Taxes and pay the same to the Treasurer of the said Town on or before the tenth day of October in every year, after deducting four per centum commissions for his Trouble in making the said Collection; and if any such Collector shall neglect or refuse to account for on Oath and pay the several Taxes wherewith he is chargeable, according to the Directions of this Act, after deducting his Commission, it shall and may be Lawful for the Superior Court of Newbern District, or the Inferior Court of Craven County, on motion of the Commissioners or the majority of them, or on motion of the Treasurer of the Town, on their behalf, to give Judgment against such collector and his Securities for all monies wherewith he shall or may be chargeable to the Town, with costs of Suit, and thereupon to award execution against the body or against the goods and chattels, Lands and Tenements of such Collector and his securities; Provided, always, that the said Collector shall have ten days' previous notice of such Motion.

XI. And be it further enacted by the authority aforesaid, That if the Inhabitants of the said Town or others being liable by this Act, shall neglect or refuse to pay the said Tax on or before the tenth Day of September in every year, it shall and may be lawful for the Collector to levy the same by Distress and sale of the Offender's Goods and Chattels, and shall take and receive for his trouble thirty shillings for each distress, and no more; and after deducting the Taxes due, and fee for Distress, the overplus of the Goods and Chattels sold, shall be returned to the owner.

XII. And be it further enacted by the authority aforesaid, that the Commissioners of the Town so chosen, and being qualified agreeable to the Directions of this Act, shall be and are hereby incorporated into a Body Politic and Corporate by the name of the Commissioners of Newbern, and by that name to have annual succession by the election of Freeholders and Freemen of the said Town, as by this act is before directed, and a common seal; and that they and their successors by the name aforesaid shall be able and capable in Law, to have, purchase, receive, enjoy, possess and retain to them and their successors for ever in trust and confidence for the said Town, any Lands, rents, Tenements and Hereditaments of what kind, nature or quality soever, and also to grant, sell, demise, alien or dispose of the same; also to receive or take any gifts or donations whatsoever to the said Town, and by the same name to sue and implead, be sued and impleaded,

answer and be answered, in all Courts of Record whatsoever; and from time to time, and at all times hereafter, under their common seal, to make such rules, orders, regulations and ordinances as to them shall seem meet for re-paving the Streets, erecting public wharves, appointing Market places and regulating the same, erecting public pumps and keeping in repair those already erected, appointing Town watchers or patrols, and making proper allowances for services and for all such other necessary ordinances, rules and orders, which may tend to the advantage, improvement and Good Government of the said Town; and the same rules, Regulations and Ordinances from time to time to alter, change, amend or discontinue, as to the said Commissioners or a majority of them shall appear necessary and best answer the purposes intended for regulating and governing the said Town; and also shall have full and ample power to force a compliance and observance to such necessary regulations by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding the sum of five pounds, Current Money, for every refusal or neglect, to be recovered by Warrant under hand and seal of some Justice of the Peace of the County of Craven, directed to the Sheriff, Deputy Sheriff or Town Constable, to summon such delinquent to appear before such Justices at a certain day mentioned in the said Warrant, and on conviction the said Justice is hereby required to give Judgment and award execution, which the said officer is hereby required to execute by Distress and Sale of the Offender's Goods and Chattels, which fine when levied and received shall be paid into the hands of the Treasurer of the Town, who is to receive the same as part of the Common Stock of the Town, and by him to be accounted for; and the Commissioners, or a majority of them, are hereby invested with full power and authority to lay out and appropriate all monies which shall be paid into the Treasury of the said Town by this Act as they shall think most for the good of the said Town.

XIII. And be it further enacted by the authority aforesaid that the Commissioners shall provide a Book in which shall be kept an account of all monies by them received and expended, and once in every year a transcript therefrom shall be by the Commissioners made out and set up in the Court House for the satisfaction of the Inhabitants of the said Town, under the penalty of twenty pounds, lawful money of this State, for every neglect or refusal, to be recovered in the Inferior Court of Craven County by any person who shall sue for the same by action of Debt, Bill, Plaint or Information, one-half to him or them who shall sue for the same, the other to the benefit of the Town, to be paid to the treasurer thereof.

XIV. Whereas, at an Assembly begun and held at New Bern, the nineteenth day of November, one thousand seven hundred and seventy-one, An Act was passed, entitled "An Act for amending An Act entitled An Act for the better Regulation of the Town of Newbern, and for securing the titles of persons who hold lots in the said Town," which said recited Act directed and required the Commissioners of the Town of Newbern to lay out a Street in the said Town from the North side of Pollock Street, at right angles with the East and West corners of the North point of the palace to the bounds of the Town, which Street so laid out shall be called and known by the name of George Street; and that the Street called Eden Street, from Pollock Street Northward, be thenceforth discontinued; and that the said Commissioners, after having so laid out the said George Street, and set up marks at the corners of the several squares in the said Town, shall make, or cause to be made, a fair and accurate plan of the said Town. And,

whereas, the Commissioners did proceed in virtue of the said Act of Assembly to lay out the said Street, called George Street, and have also made a fair and accurate plan of the said Town, with proper descriptions, and set up marks at the corners of the several squares, as the above recited Act directs, which plan, and one copy thereof made on parchment, have been laid before this present Assembly: For Confirmation, therefore, be it enacted by the authority aforesaid, that the said plan shall ever hereafter be deemed the true plan of the said Town, and shall be lodged in the Register's office of the County of Craven, and one copy thereof lodged with the Clerk of the said Town, by him to be safe kept, and that all persons may have free access thereto on paying of two shillings for each inspection; and if the said Clerk shall refuse or neglect to show the said plan to such persons as shall require the same, on paying the fee aforesaid, he shall for every such refusal or neglect forfeit and pay the sum of forty shillings, to be recovered by the party requiring the same, by a Warrant before any Justice of the Peace with Costs, and in order to ascertain the true Beginning,

XV. Be it further enacted, that the South west corner of the Church, Lot number sixty-six, where stands a stone fixed in the ground, so as to make the course from the corner of the Church above the water table of the same to bear South Sixty-two Degrees West Twenty-eight feet nine inches, to the said Stone, which shall forever hereafter be deemed the proper beginning of the plan of the said Town.

XVI. And be it further enacted by the authority aforesaid, that in case any part of the Houses, fences or other improvements, belonging to any of the Inhabitants of the said Town, shall appear to be in the Streets of the said Town, or any part of the Lots of other Inhabitants thereof, occasioned by running the streets agreeable to the aforesaid plan, then, and in that case, the proper owner of any such Houses, fences or other improvements, shall and may have his option, whether to remove such improvements, or to use, occupy or possess the same, as heretofore. Provided all such owners shall not amend or repair such fences; anything in this Act to the Contrary notwithstanding.

XVII. And whereas, by an Act of Assembly, passed at New Bern the fifth day of December, one thousand seven hundred and sixty-seven, Intituled "An Act for Investing certain Lots in the Town of Newbern in his Excellency, the Governor, and his Successors," in the fifth section of the said recited Act it appears that part of Front Street, from Metcalf to Eden Street, being the South front of the Palace, was then vested in the Governor, which has been Prejudicial to many of the Inhabitants of the Town, by means of that part of the Street being stopped, which obstruction has been much complained of: For remedy whereof,

XVIII. Be it Enacted by the Authority aforesaid, that it shall and may be lawful for the Commissioners of the Town, or a majority of them, to cause that part of Front Street, which, by the said recited Act, was vested in the Governor, to be again opened for the benefit of the public, in the same manner as any other Street of the Town, any Law to the Contrary notwithstanding; and that so much of the said recited Act that comes within the purview of this Act, is hereby repealed and made void.

Provided, always, that the moving the fence from the South side of the Street to the North side, on the bounds of the Palace Square, shall be done at the proper Cost and charges of the Town by the Commissioners.

XIX. And be it further enacted by the authority aforesaid, that all that part of the front of the Town of Newbern aforesaid, commonly called Union

Point Front, Beginning at the angle made by the intersection of the South side of Front Street of Trent River, and the East side of Front Street of Neuse River, running with Front Street Easterly to the Channel of Neuse River, then down Neuse River Channel to the mouth of Trent River Channel, then with Trent River Channel to the Eastermost side of Front Street, then with said Street to the Beginning, shall be, and is hereby vested in the Commissioners of the said Town of Newbern to be elected in Virtue of this Act, and their successors, forever, to and for the use of the said Town; and that the said Commissioners, and their successors, forever, shall and may take and receive the rents, Issues and profits of the same, for the use of the said Town, and to and for no other use, intent or purpose, whatsoever.

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#### CHAPTER XXVI.

An Act to lay off and establish a Town near Chatham Court House on the Plantation and Land formerly the Property of Ambrose Edwards, now entered in the Land Office by Ambrose George, in said County.

I. Whereas, Representation hath been made to the General Assembly, that the Inhabitants of Chatham County are very desirous of having a Town laid off and established on the said plantation and Land, being a healthy, pleasant situation and well Watered, which from the many Neighboring Inhabitants and rich and extensive settlements would be a very proper and convenient place for that purpose, was the same established by Lawful authority, which would Encourage Merchants, Traders and Artificers to become settlers therein, and thereby would greatly promote an Inland Trade, greatly to the Benefit of the Western Inhabitants of this 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 two Hundred Acres of the said Land, including the Plantation aforesaid, be laid out for a Town and Town Commons and be established by the name of Chatham, and that Jeduthun Harper, Edward Waddell, Matthew Jones, Mial Scurlock, James Williams and John Ramsay, from and after the passing of this act, be and are hereby appointed and constituted Commissioners and Trustees for laying out, Building and carrying on the said Town; and they, or a majority of them, shall, so soon as may be after the passing of this Act, cause the said Two Hundred Acres of Land to be laid off into Two Hundred Lots of half an Acre each, with convenient Streets, and the remainder to be reserved as a Town Commons for the use of the said Town; and that a majority of the said Commissioners and Trustees shall have full power and authority to meet as often as they shall think necessary, and cause a plan of the said Town to be made, and therein mark or number each lot in the several squares thereof; and from and after the passing of this Act, they, and each of them, shall have full power to take subscriptions for the said Lots of such persons as shall be willing to subscribe for the same; and when the said Town shall be fully subscribed for, the said Commissioners shall appoint a day and give public notice thereof 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 a majority of the said Trustees, and such subscriber shall be entitled to the Lot which shall be drawn for him and correspond with the mark or number contained in the plan of the said Town, and the said Commissioners are hereby impowered to grant good and sufficient Titles in fee simple to the said Lots at the Cost of each Subscriber;

provided, Nevertheless, that every Grantee, his Heirs and Assigns of any Lot in the said Town so conveyed shall within five years next after the date of the conveyance of the same erect, Build and finish on the said Lot so conveyed one Brick, Stone or well framed House of the dimensions of twenty feet long and sixteen feet wide, and Ten feet pitch in the Clear at least, with a Brick or Stone Chimney; and if the owner of any Lot shall fail to comply with the directions herein prescribed for Building and finishing a House thereon, then such Lot upon which such house shall not be Built and finished as aforesaid, shall be vested in the said Commissioners and Trustees, and they or a majority of them shall and are hereby authorized to sell (on public notice first given) such Lot to the highest Bidder, to whom shall be Granted and Conveyed such Lot, under the like Regulations and restrictions as the same was before Granted, and the Money arising from such sale to be applied by the Trustees aforesaid or a majority of them for the Benefit and Improvement of the said Town.

III. And be it further enacted by the authority aforesaid, that each respective subscriber for any Lot in the said Town, shall, at the time of drawing for the said Lots, pay into the hands of the said Commissioners the Sum of Ten Pounds and one Dollar, and the said Commissioners are hereby directed to pay to the present proprietor the said sum of Ten Pounds for each Lot drawn for, at the time the said Proprietor relinquishes his Title to the same, and that the Dollar to be paid on each Lot to be kept in the hands of the said Commissioners to pay the contingent charges of laying off and Erecting the said Town.

IV. Be it Enacted by the authority aforesaid, that in case of the refusal, Death or removal out of the County of any of the said Commissioners, the surviving Commissioners and Trustees, or a majority of them, Assembled together, shall and are hereby empowered to appoint from time to time by Instrument in writing under their Hands and Seals, some other person, being a Freeholder in the said Town and County in the place of him so refusing, Dying or removing out of the said County, which said Instrument of Writing shall be Recorded in the County Court and Registered in the Register's Office; which new Trustee so appointed shall thenceforth have the like power and authority in all matters and things herein contained as if he had been expressly named and appointed by this Act.

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#### CHAPTER XXVII.

##### **An Act for erecting a Court House, prison and Stocks in Brunswick County, and for other purposes.**

I. Whereas, a Court House, prison and Stocks in Brunswick County is absolutely necessary for the Conveniency of 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 William Goss, Edward Wingate and Samuel Leonard be and are hereby appointed Commissioners for the purposes aforesaid, and that they, or a majority of them, are hereby authorized and empowered to agree and contract with Workmen for building a Court House, Prison and Stocks, for the use of the County of Brunswick, at or near Lockwoods-Folly-Bridge. And that in case of the Death, removal or refusing to act of any of the aforesaid Commissioners, that the other Commissioners, or a majority of them, shall have power to appoint others to act in their stead, and that the Commis-

sloners so appointed shall have the same powers as those appointed by the General Assembly.

III. And be it Enacted by the Authority aforesaid, that a Tax not exceeding the sum of One Shilling and sixpence on every Hundred pounds value of Taxable property in the said County, and the like sum on every person liable to pay tax in the said County, who is not possessed of one Hundred pounds value, to be paid annually, for the Term of three Years, and to be collected by the County Collectors, at the same time, and in the same manner that the public Tax shall be collected; And shall be by them paid into the Hands of the Commissioners, or either of them, who shall be accountable to the County Court of Brunswick for the sums which they shall have received; and the Balance, if any, after compleating the aforesaid Buildings, shall go towards defraying the County Charges.

IV. And be it Enacted by the Authority aforesaid, that from and after March next, the Court for the said County be held at John Bell's until the Court House shall be built.

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#### CHAPTER XXVIII.

**An Act for annexing Part of Halifax County to Edgecombe, and other purposes.**

I. Whereas, the lower Corner of Halifax County that lies next to Fishing Creek is much more Convenient to the Public Buildings of Edgecombe County than to those of Halifax; 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 from and after the passing of this Act all that part of Halifax County lying below a Line begining at John Wall's and Drewry Crokers dividing Corner Tree on Fishing Creek, then along said Wall's Line to the back Corner, thence a Direct Line as near as may be to the Fork of the Marsh Swamp at or near Matthew Parker's, then down said Swamp to Deep Creek and across said Creek to the Mouth of the Indian Branch, then the Various Courses of said Branch to the Martin County Line, shall be held and deemed part of the County of Edgecombe, and the Inhabitants thereof shall be under the same Rules and Restrictions as the other Inhabitants of Edgecombe are.

Provided, nevertheless, that nothing herein contained shall be construed so as to hinder any former Sheriff, Collector or Tax Gatherer from Collecting his or their Taxes in the Same Manner as if this Act had never been made.

III. And whereas, several of the Inhabitants of that part of Halifax County that by this Act is annexed to Edgecombe have entered Land in the Entry Office of Halifax,

IV. Be it therefore Enacted by the Authority aforesaid, That where any Person shall have entered Land as aforesaid, the Entry Taker of the County of Halifax is hereby impowered and directed to make out the Warrants and Orders of Survey and direct them to the Surveyor of Edgecombe County, which Said Surveyor is hereby ordered and impowered to Survey said Land, to take the same Fees and make the same Transmittance thereof as if the same had been entered in the Entry Office of Edgecombe.

V. And be it further enacted by the Authority aforesaid, that Major Isaac Sessums, William Hackney, John Whitaker and Benjamin Dickens be appointed Commissioners, and they, or a majority of them, are hereby



impowered and required to run the dividing Line between the Counties of Halifax and Edgecombe, agreeable to the Directions of this Act; which said Line, when run by the Commissioners aforesaid, shall be by them entered on Record in each of the said Counties of Halifax and Edgecombe.

VI. And, whereas, that part of the deviding Line between the Counties of Edgecombe and Pitt on the North side of Tar River (as by Law directed) has never been run,

VII. Be it therefore Enacted by the Authority aforesaid, That Jacob Little, Amos Adkinson and Charles Walderson are appointed Commissioners, and they are hereby impowered and directed to run said Line; beginning on Martin County Line, as near as they conveniently can in a direct Course between the dwelling House of William Jackson and the Mouth of the Cheeks Run on Tar River; then a Straight Course to the Mouth of said Cheeks Run on said River; which Line when run, by the Commissioners, or a majority of them, agreeable to the Directions of this Act, shall be by them entered on Record in each of the Counties of Edgecombe and Pitt.

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#### CHAPTER XXIX.

##### An Act to Establish an Academy in the Neighborhood of Hillsborough.

I. Whereas, the proper Education of Youth in this State is highly necessary and would answer the most valuable and beneficial purposes to this State, and the good people thereof; and, Whereas, the Neighbourhood of Hillsborough from the Healthiness of its Situation, and the great plenty of provisions with which it abounds, is a fit and proper place to erect a Seminary; And, whereas, a number of Gentlemen have, in order to promote and encourage such a valuable and beneficial establishment as the Erecting of a Seminary at the place aforesaid, subscribed very considerable Sums which, together with what Sums may be subscribed, will be sufficient to answer all the expense attending 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 William Hooper, Alexander Martin, John Kinchen, Thomas Burke, Thomas Hart, Nathaniel Rochester, James Hogg, William Johnston, Esquires, and the Reverend Mr. Frazier, be, and are hereby constituted and appointed Trustees, with full power and authority to receive into their Hands and possession all Monies which have already been subscribed, or which shall be hereafter subscribed, for the purpose of erecting a Seminary in the Neighborhood of Hillsborough, and to ask for and Demand of the several Subscribers all sums by them respectively subscribed; and in case of refusal by any of them to pay the same, to sue for and recover by Action of Debt, in the name of the said Trustees, the sum which the person so refusing shall have subscribed, in any Jurisdiction having Cognizance thereof; and the said Monies when by them collected and received, to be applied to the uses and purposes hereinafter mentioned, Viz., that the said Trustees, or a majority of them, shall immediately after ratification of this Act, meet in the Town of Hillsborough and make choice of some convenient and suitable place in the Neighbourhood of the said Town to erect the aforesaid Seminary, and to contract for and purchase the same, & after such purchase made, to employ persons to build suitable and convenient Houses, to contract with and Employ Tutors, and to perform every Act or Acts, Thing

or Things, which they shall think necessary for the advancement and promotion of the said Seminary.

III. And be it further enacted by the Authority aforesaid, that the said Seminary shall be, and it is hereby directed to be, an Academy, by the name of Science Hall.

IV. And be it further Enacted by the Authority aforesaid, That the said Trustees of the said Academy of Science Hall, shall be, and are hereby declared to be invested with the same Rights, Powers, Privileges and Immunities, to all intents & purposes whatsoever, as the Trustees of the Academy of Liberty Hall are invested with, by an Act of General Assembly of this State, passed in Newbern on the eighth day of April, one thousand seven hundred and seventy-seven, intitled "an Act for Incorporating the President and Trustees of Liberty Hall, in the County of Mecklenburg"; and the said Academy shall be, and is hereby declared to be under the same Rules, Regulations and Restrictions, as the said Academy of Liberty Hall is by the said Act.

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#### CHAPTER XXX.

An Act to invest the Property of a Bridge or Causeway in Gideon Lamb, his heirs and Assigns (by him already built through the Great Dismal Swamp, from Lebanon to Camden County) for the Term of Twenty-five Years.

I. Whereas, a Bridge or Causeway through the Great Dismal Swamp, from Lebanon to Camden County, is much for the Convenience of Travellers, and of public Utility, and Gideon Lamb having already built one at a considerable Expence, only Aided by a small Subscription of the adjacent Inhabitants, who consent and petition that he should be allowed the Privilege of taking and receiving from Travellers (foot passengers excepted) Such Rates as the Courts of Pasquotank or Camden County shall, from Time to Time, direct for Crossing Relfe's Ferry; and petitioning to be invested with the sole Property of the said Bridge or Causeway for the Space of Twenty Five Years;

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 said Gideon Lamb, his Heirs or Assigns, to keep a Sufficient Gate on the Bridge or Causeway built by him through the Great Dismal Swamp, from Lebanon to Camden County, and take and receive from all persons that shall pass over the same (foot passengers excepted) Such Rates as the Courts of Camden and Pasquotank Counties shall direct, to be paid at the same Time by Passengers Crossing Pasquotank River, at Relfe's Ferry, being the same distance, for and during the Space of Twenty Five Years, and no longer.

III. And be it further Enacted, That during the Time the said Bridge or Causeway shall be kept in sufficient Repair, and fit for Travellers and Carriages to pass and repass the same, it shall not be lawful for any person whatsoever to build any Bridge or Causeway, or Set any person or persons, Carriage or Carriages, Cattle, Hogs or Sheep, over the said Swamp, for Fee or Reward, within one Mile of the said Bridge or Causeway, during the Time aforesaid, under the Penalty of Fifty pounds, proclamation Money, for each and every offence; to be recovered by the said Gideon Lamb, his Heirs, Executors, Administrators or Assigns, in any Court of Record in the said State, to be applied to the use of the proprietor of the Bridge built by the said

Gideon Lamb; and during the said Time, the Right and Property of the said Bridge or Causeway is hereby invested in the said Gideon Lamb, his Heirs, Executors, Administrators or Assigns.

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CHAPTER XXXI.

An Act to Impower the County Courts of Martin and Tyrrell to lay a further Tax for Defraying the Expence of the Public Buildings in said Counties.

I. Whereas, by an Act of the General Assembly passed at Newbern the nineteenth day of March, 1774, entitled an Act for Erecting part of the Counties of Tyrrell & Halifax into one distinct County by the name of Martin, and for other purposes therein Mentioned; and, Whereas, the Tax laid by the said Act is found insufficient to defray the Expence of the Public Buildings of the Counties of Martin and Tyrrell aforesaid;

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 County Courts of Martin & Tyrrell be authorized and impowered to lay a Tax for one Year, not exceeding two Shillings, to be levied on every hundred pounds value of all the Taxable property of the said Counties of Martin & Tyrrell, and a poll Tax not exceeding two shillings on every taxable person in the said Counties of Martin and Tyrrell that is not possessed with taxable property to the amount of one hundred pounds, which tax shall be collected in the same manner as other public taxes; and such Tax, when collected, shall be paid into the Hands of the Commissioners of the respective Counties of Martin & Tyrrell, appointed in the above recited Act, and be by them applyed towards paying the workmen employed to complete the public Buildings of the said Counties, and the surplus (if any) shall be paid to the Courts of each of the said Counties and be by them applyed towards defraying the contingent charges thereof: Provided, nevertheless, that it shall and may be Lawful for the County Courts of Tyrrell and Martin aforesaid to make such further allowance to the persons who undertook and completed the aforesaid public Buildings, as they may judge reasonable and necessary, exclusive of the sums they contracted and agreed for; anything in this or the before recited Act to the Contrary notwithstanding.

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CHAPTER XXXII.

An Act to Impower the Court of Bertie County to levy a further Tax for Compleating the public Buildings of said County.

I. Whereas, by an Act of Assembly for that purpose made and provided, the Justices of the County Court of Bertie were impow'ered to appoint Commissioners to agree and contract with a Workman or Workmen for erecting and Completing the public Buildings of said County, in pursuance of which Commissioners have been appointed, who contracted with a certain Thomas Rhoads for the purpose aforesaid; who, from the unforeseen Consequences of the present War, and the great depreciation of the present Currency, is like to be greatly distressed by complying with the said Contract, unless a further allowance be made him;

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 farther tax of two Shillings and six pence be levied on every Hundred pounds value of taxable property in said County, and a poll tax of two Shillings and Six pence on every person in said County not possessed of taxable property to the value of One Hundred pounds, for the space of two years; which Taxes shall be collected and Accounted for in the same manner as other County Taxes, and shall be paid into the Hands of the Commissioners, and by them appropriated towards making such farther allowance to the said Thomas Rhoads as they shall deem equitable and just, for compleating the Buildings aforesaid; and the Surplus, if any, shall be by the Court of said County applied towards defraying the Contingent Charges thereof.

Read three times and Ratified in General Assembly, the 12 Day of February, Anno Dom. 1779.

ALLEN JONES, S. S.  
THOS. BENBURY, S. C.