LAWS OF NORTH CAROLINA,
1781.

At a General Assembly begun and held in Wake County on the ______ day of June, in the year of our Lord one thousand seven hundred and eighty one, and in the sixth year of the independence of the said state: Being the first session of this Assembly. Thomas Burke, Esq., Governor.

CHAPTER I.

An Act for raising Troops out of the Militia of this State for the defence thereof, and for other purposes.

I. Whereas it is necessary to raise troops for the better security and defence of this State, and to prevent as far as may be the distresses occasioned by the frequent drafts from the battalions of militia;

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 colonel or commanding officer of each and every battalion within this State shall, on or before the second Monday in August next, order the field officers and captains of his battalion to meet at the place by law appointed for the general musters of his battalion, or at some other convenient place; and the field officers and captains then and there present shall divide the said battalions, officers and men of every rank included (his excellency the governor, judges of the superior courts of law, attorney general, and continental delegates, excepted) into classes of forty men each, after deducting all such who by themselves or substitutes faithfully served for the space of nine months, agreeable to an act of assembly passed at New Bern in May, 1778, and all such as have been captured and made prisoners when in actual service of this or the United States, and are now on parole, and all such as have been lately drafted or have voluntarily enlisted into the continental service for the space of twelve months, and have hired substitutes: And whereas it may happen that a number not sufficient to make a class, after dividing the battalions into classes of forty men each, may be left, then, and in that case, it shall and may be lawful for the said commissioned officers, by lot, to determine to which class each of them shall be added, there to stand a draft; and the commanding officer of the battalion shall within twenty days thereafter order a general muster of his said battalion, and in case the respective classes do not furnish each a volunteer, he shall proceed to draft one man from each of said classes so falling.

III. And be it further enacted by the authority aforesaid, that the field officers and captains shall class the men in such manner, that each class may be of equal value, as near as may be agreeable to the assessment of their taxable property.

IV. And be it further enacted, that the said volunteers, drafted men, or substitutes, who shall not be in actual service, shall appear at the place of rendezvous appointed by the commanding officer of the county on or before the twentieth day of September, under the pains and penalties herein after mentioned; but if any of the said drafted men should be in actual
service at that time, they shall be allowed forty days after their discharge to appear at the place of rendezvous, or to join their regiment.

V. And be it further enacted, by the authority aforesaid, that the troops raised by virtue of this act shall serve for the term of twelve months, from the time of their general rendezvous at such place or places in this State as may be appointed by his excellency the Governor; and the said troops shall be officered in the following manner: one lieutenant colonel commandant, two majors, eight captains, eight lieutenants, and eight ensigns, and be arranged and organized in the same manner as the battalions of the continental army, the whole to be under the supreme command of the Governor for the time being. Provided, that they shall not be marched out of this State except for the better defence thereof, upon the immediate approach of the enemy, or in pursuit of the enemy on a retreat therefrom.

VI. And be it further enacted by the authority aforesaid, that any person harbouring, concealing or abetting, any soldier deserting from the troops raised by virtue of this act, knowing him to be such, shall on conviction thereof before two justices of the peace of any county of this State, be deemed a continental soldier during the war.

VII. And be it further enacted, by the authority aforesaid, that the commanding officer of each battalion shall make out two exact lists of all the soldiers drafted, or procured by voluntary enlistments, out of his battalion, specifying the names, age, size, complexion, colour of hair and eyes, of each man, also where born, and the names of the captains from whose company taken; one of which by him, or one of his field officers, shall be delivered with the men so raised on or before the eleventh day of October next, at such place of rendezvous in this State as may be appointed by his excellency the Governor, commander of the said troops, or other person appointed to receive them, and also take a receipt for the delivery of the men on the other.

VIII. And be it further enacted, by the authority aforesaid, that each and every class shall furnish and deliver unto the commanding officer of the battalion to which they belong, one blanket, two pairs of stockings, two pair of shoes, two shirts, two leather stocks, one pair of buckskin or thick cloth breeches, one pair of linen overalls, one waistcoat lined, one coat of thick woollen cloth lined with linen, with cape and cuffs of white cloth, one strong hunting shirt, one good woollen or fur hat of a middle size, and also five yards of strong linen, for tents, for the volunteers and drafts of their own class, and in proportion to their taxable property; and the commanding officer is hereby required to cause the said clothing to be appraised by two freeholders, and give certificates to the persons furnishing the same, which shall, after being allowed by the auditors of the district, and a certificate of such allowance obtained from them as in other cases of allowances, be received in payment of public taxes: Any class failing to deliver the same to the commanding officer of the battalion to which they belong on or before the day of general rendezvous, that then the field officers and captains shall appoint a person, whose duty shall be to furnish such articles as the law directs his said class to furnish; and each of the classes who fail to furnish their proportion of clothing, the said person shall have full power and authority to seize and sell such part of the property of such person neglecting as shall be sufficient to defray the proportion of such person, agreeable to his assessment in the year 1781: And in case such person so appointed as aforesaid shall fail or neglect to comply with his duty, then the colonel or commanding officer shall by
warrant seize and sell so much of the property of such person appointed as aforesaid as shall be sufficient to furnish such volunteer, draft or substitute, with such articles as the law directs.

IX. And be it further enacted, by the authority aforesaid, that no substitute for any volunteer or draft shall be received, unless approved of by the officer, or other person appointed to receive the same.

X. And be it further enacted, that officers and soldiers raised by virtue of this act shall in all cases whatsoever be subject to the same rules and discipline, and have the same pay and rations, as the officers and soldiers raised by virtue of the continental congress, during the time they shall continue in service.

XI. And be it further enacted, that all the taxable property within the district of each battalion, whose owners are neither in continental service, or liable to be classed as by this act directed, shall be subject to a tax of three pounds upon every hundred pounds value of their taxable property, agreeable to their assessment for the year 1781 (the property of widows and orphans, and also the property of all quakers, moravians, menonists and dunkards, whose owners are liable to a threefold tax, excepted) an exact list of the owners of which property shall be returned by the respective captains of each battalion to the collectors of public taxes on or before the first day of October next, which tax is to be collected for the present year, and accounted for as other public taxes.

XII. And be it further enacted, by the authority aforesaid, that every militia officer employed in carrying this act into execution shall be allowed pay and rations for the time he is in actual service; and every officer failing to comply with the duties of this act shall forfeit the sum of ten thousand pounds, to be collected in the same manner as fines inflicted by the militia law are collected, which fines shall be paid to the county treasurer for the use of the county.

XIII. And be it further enacted, that the sheriff, for levying any warrant directed to him by the colonel or commanding officer, shall be allowed five per cent. for such service.

XIV. And be it further enacted, that no British deserter, Hessian deserter, apprentice, Indian, sailor, or negro slave, shall be received as a substitute for any volunteer or person drafted in consequence of this act; nor shall any such persons (apprentices excepted) be classed or admitted into the service, in order to exempt any of the said classed from a draft.

XV. And be it enacted, by the authority aforesaid, that all persons who shall be drafted by the direction of this law, or voluntarily enlist in the State troops, who do not appear at the place and time of rendezvous, or send an able bodied substitute in his or their room, or in ten days make a sufficient excuse on oath, shall be held and deemed a continental soldier during the war; and in case such delinquents do not deliver themselves up to the colonels of their respective counties, or some continental officer, in thirty days after, they shall be deemed as deserters from that service, and treated accordingly.

XVI. And be it further enacted, by the authority aforesaid, that any person who shall apprehend and deliver, or cause to be apprehended and delivered to a Continental officer, any deserter from the Continental, the State troops service, or delinquent from the militia service, on producing a receipt for the delivery of such deserter or delinquent to the colonel or commanding officer of the county wherein he shall reside, shall be intitled to an exemption from a three months tour of military duty.

XVII. Be it further enacted, by the authority aforesaid, that one hundred
of the men ordered to be raised by virtue of this Act be commanded by a major, three captains, three lieutenants, and three cornets, exclusive of the officers before mentioned in this Act, to be under the command of the said lieutenant colonel commandant, furnished each with a good horse fourteen hands or upwards high, and properly equipped as horsemen: And that each commanding officer of every county within this State be directed to purchase or impress from his respective county two horses, two saddles, two bridles, two hats or two leather caps, two swords, two pistols, and two pair of boots and spurs, for which he shall grant certificates as in all other cases; all of which horses, and before enumerated articles, the said commanding officer of each county shall deliver at the place of general rendezvous at the time appointed in this Act for the delivery of the aforesaid drafted soldiers.

XVIII. And be it further enacted, by the authority aforesaid, that every person drafted by virtue of this Act shall be intitled to the like specific allowances as the men drafted for twelve months, agreeable to an Act of the General Assembly passed at Halifax in February last are intitled to.

XIX. And be it further enacted, that every volunteer or draft who shall faithfully serve the aforesaid term, shall be exempted from all military duty twelve months next ensuing the time of his discharge; and every person finding a substitute as by this Act admitted, shall be exempted from all military duty during the service of the said substitute, and no longer; and that no discharge to any substitute shall intitle such substitute to any exemption whatever.

CHAPTER II.

An Act for continuing the District Auditors of this State, directing their duty in office, and for other purposes.

I. Whereas it is absolutely necessary that the pay due, or which may hereafter be due, for militia duty, and all other claims against the State for articles furnished or impressed, or which hereafter may be furnished or impressed, should be speedily settled, and certificates granted for 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 a Board of Auditors be constituted and appointed in each of the Districts of Newbern, Wilmington, Hillsborough, Halifax, Edenton, and two for the District of Salisbury, each board to consist of three members, to be composed of the following persons, and a clerk to be chosen by each board respectively, that is to say, James Coor, John Hawks, and William Bryan, Esquires, for the District of Newbern, John Spicer, Sen., William Dixon, and John King, of Bladen, Esquires, for the District of Wilmington, John Macon, William Green, and John Branch, Esquires, for the District of Halifax, Absalom Tatum, Charles Abercrombie, and John Rand, Esquires, for the District of Hillsborough, Edward Everighn, Lawrence Baker, and William Righton, Esquires, for the District of Edenton, Matthew Lock, William Cathey, and David Wilson, Esquires, for the Lower Board, and John Brown, Daniel McKezick, and Alexander Irwin, Esquires, for the Upper Board, comprehending the Counties of Washington, Sullivan, Rutherford, Burke, Lincoln and Wilkes, for the District of Salisbury; and such auditors shall have, and are hereby vested, each board in its respective district, with
full power and authority finally to settle and adjust all claims against the State for militia pay, and for articles which are or may be purchased or impressed for the use of this State (purchases made by County Commissioners or their assistants excepted) as to them may appear just, and to subtract from any claim all such sums as appear to them unreasonable, notwithstanding the same may be duly sworn to, or to lay over and refer all such claims to the State auditors, or the General Assembly, as they may judge necessary.

III. And be it further enacted, by the authority aforesaid, that where it shall so happen that in any claim the articles furnished or impressed shall not have been valued agreeable to law, then, and in all such cases, the following prices in specie shall be allowed, or the lawful value of such specie in the currency of the State, that is to say. For salt beef per barrel seven pounds, fresh beef per hundred weight two pounds four shillings, good pork per barrel eight pounds and sixteen shillings, bacon per pound one shilling and four pence, fresh pork per hundred weight two pounds and sixteen shillings, each good sheep one pound twelve shillings, wheat per bushel twelve shillings, four per hundred pounds one pound sixteen shillings, oats per bushel four shillings, sheaf oats, each large sheaf four pence, rye per bushel eight shillings, hay and corn blades per hundred pounds six shillings, bran per bushel eight pence, corn per bushel six shillings, salt per bushel two pounds, salt in Hillesborough district per bushel three pounds four shillings, salt in Salisbury district per bushel four pounds, good brandy per gallon ten shillings, good whisky per gallon eight shillings, West India rum per gallon fourteen shillings, French taffia per gallon eight shillings, molasses per gallon ten shillings, good cyder per barrel one pound ten shillings, brown sugar per pound one pound six pence, bar iron per pound one shilling four pence, pot iron per pound one shilling four pence, shoeing a horse, each shoe two shillings, hire of a horse per day two shillings six pence, hire of a cart and team each day twelve shillings, hire of a waggon without team each day four shillings, hire of a waggon and four horses, with geer complete and driver, each day twenty four shillings, butter and cheese per pound one shilling and four pence, and when in any claim there shall be articles charged not rated in this act, nor valued agreeable to law, the auditors shall allow such prices as shall appear just, having respect to the rated articles: And the several auditors in their respective districts shall have full power and authority to issue certificates, indented and numbered, for whatever sums they may allow in specie, which certificates shall be signed by at least two of the auditors, and countersigned by the clerk, and all certificates issuing so attested shall be deemed, and are hereby declared lawful vouchers in the settlement of all public accounts, and the tax gatherers, county treasurers, and public treasurers, are hereby directed to receive such certificates in payment of public taxes: And the auditors are hereby respectively required to sit at some convenient place near the centre of the district, at their discretion, from time to time, till the General Assembly shall otherwise direct; and shall by their clerk transmit a copy of their proceedings, together with the counterpart of the certificates by them issued, on oath, to the State Board of Auditors: And it is hereby provided, that in case of the death, neglect, or refusal to act, of any auditor, it shall be lawful for the other members of the board to fill up such vacancy, or on failure thereof, the representatives of the county where the vacancy happens shall fill up the same, and the person so appointed shall have the same privileges and powers as the auditors appointed and nominated in this Act; and such auditors and clerk
shall, before they enter on the execution of their respective duties, take before some justice of the peace the following oath, to wit,

I, A. B., do solemnly swear, that I will faithfully execute the trust reposed in me as auditor for the district of ——— (or clerk, as the case may be) to the best of my skill and judgment, according to law.

IV. And the better to carry this Act into effect, Be it enacted, that the sum of five thousand pounds be paid to the clerk of each board by the treasurer of each district, for purchasing stationary, payment of house rent, and other incidental charges; and the District Auditors and clerk shall each have and receive the sum of twenty shillings specie for each day's attendance on the duties of their appointment, or currency equal to the value of such amount in specie; and the respective clerks shall return on oath an account of the public expenditures of the board, and the number of days each member may have attended, to each session of the General Assembly, or State Auditors, as the law may direct.

V. And whereas certificates issued in consequence of this Act may be as liable to be counterfeited as the present currency of this State, Be it therefore enacted, by the authority aforesaid, that any person issuing false certificates, or counterfeiting or altering such as may be lawfully issued, shall be subject to the same pains and penalties as if they had been guilty of counterfeiting the currency of this State.

VI. And be it further enacted, by the authority aforesaid, that all certificates issued in consequence of this Act, or by the late District Auditors, for sums not less than one pound specie, or the lawful value thereof in the currency of the State, shall bear an interest of six per cent. from the date and be free from taxation until paid, in case such certificate shall remain unpaid until the first day of May, in the year one thousand seven hundred and eighty three, after which time all such certificates shall be payable out of the public treasury of this State; together with the interest due thereon, in specie, or the true and real value of the amount of such specie in the currency of this State; and all such certificates shall at any time before the said first day of May, one thousand seven hundred and eighty three, at the option of the holder, be a tender in payment of public taxes, at the rate of two hundred for one, and the tax-gatherers and treasurers are hereby required to receive them accordingly, the person so tendering the same first indorsing on the back of such certificate the time when, and the officer to whom paid as aforesaid. Provided, that the aforesaid proportion or difference of value between specie and the currency of this State, shall not apply or be considered as the value of any salaries, fees, or other allowances, which by law are rated in specie; all which shall be paid in specie, or the true value of such specie in the currency of the State, any thing in this Act to the contrary notwithstanding.

VII. And be it further enacted, by the authority aforesaid, that the pay due the militia shall be considered in specie, and regulated and settled agreeable to the Act of Assembly regulating the militia in the year one thousand seven hundred and sixty eight.

VIII. And be it further enacted, by the authority aforesaid, that all appraisers of articles impressed, or otherwise entered into public service, the value of which not being ascertained in this Act, shall be valued on oath by two freeholders in specie, as near as may be to the specie value of the same. Provided nevertheless, that all claims for articles furnished this State before the fourteenth day of February last, not heretofore allowed, shall be settled agreeable to the prices ascertained in an Act
of Assembly passed at Halifax, intituled, 'An Act for appointing District
Auditors for the settlement of public claims; provided that no Board of
Auditors shall be at liberty to settle or allow any cloaths lost, ralls burnt,
or any other damages, except for fields of grain, meadows or pasturage, taken
for the use of the army, until ordered by the General Assembly.

IX. And whereas, there is only one commissioner now remaining for the
port of Roanoke, occasioned by the refusal of William Savage to act,
the death of Joseph Hewes, John Campbell and Robert Hardy, and the
law under which they are appointed provides that the survivors or a
majority of them, shall in case of death, refusal or removal, appoint
others in their room: To remove this difficulty, Be it enacted, by the
authority aforesaid, that Robert Smith, Josiah Collins, William Bennett,
and Nathaniel Allen be, and they are hereby appointed commissioners of
the said port, and invested with the same powers as those heretofore by
law appointed.

X. And be it further enacted, by the authority aforesaid, that a brigadier
general of militia be allowed the sum of twenty four shillings specie per
day, together with rations as heretofore allowed by law a brigade major,
and an aid de camp to the brigadier, and waggon master general, when
necessary, shall have the pay and rations of a major; that the brigade
quarter master, waggon master, purchasing commissary, and issuing com-
missary, shall be intituled to receive the pay and rations of a lieutenant;
and the auditors shall not settle the pay of any militia soldier, unless a
pay roll on oath shall be produced from the captain or commanding officer
under whom they served, certifying the term of service, and amount of
pay received by each officer and soldier; and that a sergeant major be
allowed the pay and rations of an ensign.

CHAPTER III.

An Act for levyng a Money and Specific Provision Tax for the year One
Thousand Seven Hundred and Eighty One.

I. Whereas it is absolutely necessary that money and provisions be
collected for defraying contingencies, and supporting the armies which are
or may be employed in defending this State from the ravages of the enemy;

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 present year a public tax of four shillings currency on every
pound value of taxable property, and four pence in the pound on all
monies within this State (Continental and North Carolina loan office
certificates, money and monies on interest belonging to widows and orphans
estates, excepted) provided that the money and money at interest (except
as herein before excepted) shall pay a tax of four pence in the pound, and
no more; and that money and money at interest belonging to Quakers,
Moravians, Menonists, and Dunkards, shall pay a tax of twelve pence in
each pound, and no more.

III. And be it further enacted, that one fourth part of the whole of the
monies arising from this tax be paid and collected in Continental money,
which shall be kept in the treasury, and be appropriated solely to the
discharge of the requisitions of Congress on this State: And that a further
tax of one hundred and fifty pounds currency on all single men whose
taxable property shall not amount to the sum of one thousand pounds
currency, be levied and accounted for pursuant to an Act, intituled, 'An Act for determining what property in this State shall be deemed taxable property, the method of assessing the same, and collecting public taxes, and other purposes,' and an Act passed at Newbern in April, one thousand seven hundred and eighty, for amending the aforesaid Act.

IV. And be it further enacted, by the authority aforesaid, that Quakers, Moravians, Non-Jurors, Moravians, and Dunkards, shall for the present year pay a tax of twelve shillings currency on every pound value of their taxable property, in consideration of their being exempt from militia duty (the property of persons of fifty years of age, widows and orphans, of those denominations, excepted) all which property shall not be liable to pay more than such amount of taxable property belonging to persons liable to militia duty would be liable to pay; and no person shall be considered as a non-juror, excepting only such as having been lawfully called upon, have refused to take the oaths of allegiance to this State. Provided nevertheless, that single men of any of the said denominations, whose taxable property does not amount to one thousand pounds, shall pay a tax of four hundred and fifty pounds currency, exclusive of the tax on property.

V. And be it further enacted, by the authority aforesaid, that in case any county court should neglect to appoint assessors and collectors as the law directs, it shall be lawful for the sheriff, or other officer, to summon the justices to appear at the court house, or other convenient place in the county, on a certain day, and that they, or any five of them, having met, shall be authorized to appoint assessors and collectors; and the persons so appointed shall, on qualifying and giving bond agreeable to law, have the same powers, be entitled to the same emoluments, and be under the same penalties and restrictions, as if they had been appointed by the court of the county in due time, according to law.

VI. And be it further enacted, by the authority aforesaid, that the county treasurer shall, and he is hereby required, within ten days after receiving the public tax from the collectors of the different districts in his county, to pay the same into the public treasury of his district; and the collectors of each respective district shall, and they are hereby required, within sixty days next after receiving the lists or accounts of taxable property in their respective districts, to collect the amount of all such taxes, and after deducting their commissions, pay the remaining sums into the hands of the county treasurer, any law or custom to the contrary notwithstanding. And in case any collector shall refuse or delay to comply with the directions of this act, it shall be lawful for any two justices of the peace for such county, on the application of the county treasurer, to issue their warrant against such offending collector, and finally to hear and determine on the complaint, and to order execution against the goods and chattels, lands and tenements, of such collector and his securities, for the whole amount of the taxes due in his district, including his commissions, which in such case the collector is hereby declared to forfeit; and in like manner, in case any county treasurer shall fail to comply with this act, in paying the amount of the county tax into the public treasury, it shall be lawful for the county court, on complaint of the district treasurer, to summon such county treasurer to appear before them, and provided the county treasurer hath ten days previous notice in writing, whether such county treasurer do appear or not, the court shall proceed to inquire, and by verdict of a jury determine the complaint, and give judgment and award execution against the goods and chattels, lands and tenements, of such county treasurer and his securities, for the whole amount of the public tax which may be due in his county,
making allowance for such sums as the county treasurer could not receive from the district collectors agreeable to this Act; and the court shall also appoint an officer to levy the execution which may issue against any county treasurer, and pay the money into the public treasury without delay, which officer shall, on producing the treasurer's receipt, be entitled to receive two per cent. on the sum paid into the public treasury.

VII. And be it enacted, by the authority aforesaid, that for the present year a specific provision tax be levied on all the taxable property of the inhabitants in this State as follows: Each and every inhabitant of this State shall for every hundred pounds value of their taxable property (money and money at interest excepted) contribute and pay to the commissioner of his respective county one peck of corn, or half a peck of wheat, or one peck or rough rice, or one and one half peck of oats, or one peck of rye, or half a peck of clean rice, or two and a half pounds of good fresh pork, or one and a half pounds of good salted pork, or four pounds of good fresh beef. Provided, that the article of Indian corn shall be delivered between the first day of January and the first day of February next. And provided, also, that every inhabitant of this State shall be allowed on account of the provision tax he may be liable to pay, for all such provisions as he may supply on account of the public after the passing of this Act, and before the first day of February next, in case they produce a certificate of such supply, duly sworn to, to the County Commissioner, and the County Commissioners shall respectively be allowed for all such certificates in the settlement of their public accounts; and in case any such certificate should exceed the amount of the provision tax due them, the commissioners shall give such person a certificate for the balance due, and take a receipt on the original certificate for the amount of the provision tax; and shall be bound and obliged severally to convey and deliver the same at such places, warehouses or magazines, not exceeding three within any county (the County of Rowan excepted, and in that not exceeding four) as may be ordered and directed by the commissioners of each respective county: And that any person who shall refuse or delay to advance his or her proportion of this specific tax in some one or more of the before mentioned articles, agreeable to the true intent and meaning of this Act, between the first day of September and the first day of February next, the collector of the district shall and may, by warrant from the commissioner, make distress, seizure and sale, of the goods and chattels, lands and tenements, of the person so refusing or neglecting, sufficient to purchase double the quantity of such specific supplies, at the highest price then current in the district; and the collector shall pay the same into the hands of the County Commissioner, who shall be answerable for the same in settlement of his accounts; and the collector shall be intitled to receive for every seizure or distress the sum of forty pounds, and no more.

VIII. And be it further enacted, by the authority aforesaid, that all Quakers, Moravians, Menonists, and Dunkards, shall be taxed, and shall pay and deliver in the specific enumerated articles aforesaid, or some one of them as an equivalent, for exemption from militia duty, three times the quantity which the inhabitants liable to militia duty in this State would for the same amount of taxable property be liable to pay; all single men not possessed of one thousand pounds taxable property (such as are in the regular service excepted) shall pay a specific tax on the said sum, any law or custom to the contrary notwithstanding.

IX. And be it further enacted, by the authority aforesaid, that immed-
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Immediately after the passing this Act, the sheriff of each county in this State shall summon the justices within his county to meet at the court house, or some other convenient place, within six days after such notice; who meeting, they, or any five of them, shall, and are hereby required, to nominate and appoint a proper person to be commissioner of such county for carrying the purposes of this Act into effect, and from time to time to fill up vacancies; the said commissioner, before entering on his duty, to give bond with security, in the sum of seven hundred thousand pounds, payable to the Governor or commander in chief for the time being, and his successors, with the following condition:

The condition of the above obligation is such, that whereas the above bounden is appointed commissioner for the county of now if the said shall well and truly execute the office of a commissioner for receiving the specific provision tax for the year one thousand seven hundred and eighty one according to law, then the above obligation to be void, otherwise to remain in full force.

And the commissioner shall also take the following oath:

I, A. B. do swear, that as commissioner for the county of I will well and truly execute the trust reposed in me to the best of my understanding, agreeable to law; that I will not, directly or indirectly, purchase or procure for my own use, or for the use of any other person (articles for my family use and consumption, and for the payment of taxes, only excepted) any of the before enumerated articles, during my continuance in the said office, otherwise than is in this Act directed. So help me God.

And the commissioner for each county respectively shall have power to rent, hire, or seize, for public use, stores, warehouses, and other inclosures, for keeping the before enumerated articles, and shall give receipts for all such provision supplies as may be received in taxes as aforesaid; and shall account for the same, and the monies he may receive by virtue of this Act, with the General Assembly, or such other authority as may be appointed by law.

X. And be it enacted, by the authority aforesaid, that in case any person shall be possessed of more of any of the before mentioned articles of provision than will be sufficient for his or her family use and consumption, and the discharge of the specific tax which may be due, and shall refuse to sell one half the residue to the commissioner of the county for public use, at the current price, the County Commissioners respectively are hereby required to call on some one or more justices of the peace, and two freeholders, who shall determine, and give from under their hands in writing, the quantity which they are of the opinion the person is possessed of more than is absolutely necessary for the purposes aforesaid; and the commissioner is hereby authorized and required to demand, and if necessary, to break open any house or other inclosure and seize, for the public use, the one half of the quantity so certified as aforesaid, giving the owner a certificate for the quantity so taken, and hire or impress carts, or other conveyances, for transporting to some of the public warehouses the articles so purchased or impressed; and the commissioners are hereby empowered to receive, purchase, and if absolutely necessary to impress, salt, barrels, and every other article necessary for curing and safe keeping the provisions they may receive in virtue of this Act, and for that purpose the treasurers of each district are hereby directed to advance the sum of ten thousand pounds to each County Commissioner in his district out of the public treasury, for which he shall be allowed in the settlement of his accounts; and each commissioner who may be appointed in consequence of this Act
shall have and receive five per cent. commissions on all provisions by him received, purchased or impressed, provided that no commissioner shall impress provisions under this Act until he be so ordered by the executive power of this State; And every person who acted as a County Commissioner for the last year, and who still resides in such county, on qualifying and giving bond agreeable to this Act to the chairman of the county court, shall be impowered, and are hereby respectively required, to hold and exercise the duty of commissioner in such county for the present year, in case a new commissioner should not be appointed under the directions of this Act on or before the first day of September next.

XI. And be it further enacted, by the authority aforesaid, that in case any justice of the peace, freeholder, or collector of the public tax, shall on application of the County Commissioner refuse or delay to do or perform any of the duties required of them by this Act, they shall severally forfeit and pay the sum of five thousand pounds for each neglect or refusal; to be recovered in the county court where the forfeiture shall happen, and be applied to the use of the poor in such county: And the County Commissioners of Halifax, Edenton, Newbern, and Wilmington Districts, are hereby impowered, at their discretion, to sell or barter for sale on account of this State, any provision which may be on hand collected in virtue of the specific tax law for the year one thousand seven hundred and eighty (the article of pork excepted) on the best terms they may, keeping a particular account of the quantities of salt so procured, and of the articles of provision so disposed of, all of which provision it shall be lawful to export, any law to the contrary notwithstanding; and the county courts are hereby impowered to settle with the County Commissioners, and the collectors of the public tax, and grant certificates for all such amounts of taxes as they deem insolvents, and could not collect, for which certificates the said commissioners and collectors shall be allowed in settling their public accounts.

CHAPTER IV.

An Act for the relief of such persons as have taken Paroles, and for other purposes.

I. Whereas many of the inhabitants of this State, who have voluntarily and inconsiderately taken paroles, or protection from the officers and others of the British army, who on reflection are becoming sensible of their misconduct, and willing to be subject to the laws of this State;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that every of the inhabitants aforesaid, who on or before the first day of October in the present year, shall voluntarily go before the chairman of the court, or the colonel of his county, take the oath of allegiance to this State, and deliver up, (if not already given up or actually destroyed) on oath, to such officer, all the original paroles and other papers which they may have received from any British officer, or any other person acting under the authority of the King of Great Britain, and shall also swear that they have not kept back any copy of such parole or other paper, all such persons so taking the oath, and delivering up such original paroles or other such papers, after securing a certificate thereof from the said chairman or colonel of his county, shall be liable to all duties, and intitled to all the privileges, which
the other good citizens of this State are liable and entitled to; and the
said colonels and justices are respectively required to make return of
all such paroles and other papers, together with the names and descrip-
tions of the persons to whom they have granted certificates as aforesaid,
to the county court which may first happen after the aforesaid first day
of October next.

III. And be it further enacted, that all such persons who have volun-
tarily applied for, and taken paroles as aforesaid, who shall not on or
before the said first day of October next renew their allegiance and
surrender up all such original paroles and other papers as aforesaid, and
procure a certificate thereof, shall thenceforward be deemed Continental
soldiers, and shall be liable for such neglect to serve twelve months, by
themselves or substitutes, in the Continental army, from the time they may
be delivered into the hands of any Continental officer, intitled nevertheless
to the same pay and allowance in every respect as other Continental
soldiers are intitled to; and every subject of this State who shall after
the said first day of October aforesaid take up and deliver any such
delinquent parole man to any Continental officer, such person shall, on
producing the officer’s receipt, be freed and exempted from one tour of
militia duty. Provided, that nothing in the foregoing Act shall in any wise
be construed so as to exempt or excuse any person who hath voluntarily
supplied the enemy with provisions, or hath taken arms against the State,
from the pains and penalties inflicted on persons guilty of treason or
misprision of treason, agreeable to law.

IV. And be it further enacted, that all persons who shall hereafter
voluntarily go over to, or throw themselves in the way of the enemy, and
take paroles or protection from them, shall be deemed guilty of misprision
of treason, and be prosecuted accordingly. Provided nevertheless, that
this Act shall not be construed so as to excuse any officer either civil
or military, or other person holding any office of profit or trust in this
State, who hath voluntarily gone over to, or fallen into the hands of
the British, and hath taken paroles or protections.

V. And be it further enacted, that all such officers, both civil and
military, who have taken protections or paroles from the enemy, be
suspended from their respective offices until the end of the next General
Assembly, and that the sheriffs or coroners of the respective counties cite
such officers within their several counties to make their personal appear-
ance before the next General Assembly, to shew cause, if any they can,
why they shall not be dismissed from their several offices.

CHAPTER V.

An Act to compel the Counties which have not furnished their quota of
Continental troops, as required by a late Act of the General Assembly
of this State, to furnish the same.

I. Whereas many of the counties of this State have not furnished their
quota of Continental troops, as ordered by an Act of the General Assembly
of this State, intitled, An Act to reduce the six Continental Battalions
belonging to this State to four, to complete the said four battalions, and
for other purposes; and whereas it is necessary that the said quota of
Continental troops should be immediately raised, and employed in the
defence of the State;
II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the colonel or commanding officer of every militia battalion in this State which hath not already been classed, or being classed, have not furnished their proportion of continental troops as aforesaid, shall within six weeks after passing this Act proceed to class, if not already classed, his battalion, and in either case to draft, if drafting should be necessary, from such classes their full quota of troops, in the manner directed by the aforesaid Act; and where any class of any battalion already made have not furnished a volunteer or draft as the said law directs, the colonel or commanding officer shall within the time aforesaid, if volunteers do not offer, make a draft from each of the said classes agreeable to the aforesaid Act; and that this Act shall not be construed so as to oblige any class that have drafted, or provided a volunteer agreeable to law, to furnish again.

III. And be it further enacted, that the officer who shall cause the said continental troops to be drafted as aforesaid, shall under the penalties of the before recited Act, cause the same to be marched as soon as may be to such place as is by the said appointed Act for the district rendezvous of the troops to be raised from his battalion, or to such other place as shall be appointed by the Brigadier General Sumner, or the commanding officer in the Southern army.

IV. And be it further enacted, that the men so drafted shall serve twelve months after their arrival at the place of rendezvous afore mentioned, and shall be subject to the same rules, regulations and penalties, and intitled to the same emoluments, as the continental troops already raised in virtue of the above recited Act. Provided nevertheless, that any county or counties who have furnished any number of men since the sitting of the last Assembly for the southern army, to serve ten months under the command of General Sumpter, shall be considered as having furnished one man in the Continental draft, for every three men in the said service from said county. Provided also, that this Act shall not be construed so as to excuse any county or battalion from furnishing their quota in any future draft, under similar circumstances.

CHAPTER VI.

An Act for the more speedy trial of all persons charged with treason or misprision of treason against this State, or the United States, and other purposes.

I. Whereas experience has shewn that the delay attending the trials of persons charged with either of the above recited crimes in the several superior courts of this State, is attended with very pernicious consequences to this State, whilst it is in a state of warfare: 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 it shall and may be lawful for the governor for the time being, and he is hereby directed, to issue his commission of Oyer and Terminer and General Gaol delivery, directed to any three persons in each district in this State whom he shall deem as best qualified to act as judges, in any court to be held by virtue of this Act in such district, for the trial of persons accused of treason or misprision of treason against this State; and all such persons so appointed shall have full power and authority to hold courts as occasion may require.
in any county in such districts, until the end of the next session of the
General Assembly, and no longer, for the purposes aforesaid.

III. And be it further enacted, by the authority aforesaid, that when
any person or persons owing allegiance to this State, or any of the United
States, shall hereafter be committed or accused of bearing arms, or opposing
this State or the United States, or of committing any other crime which by
the laws of this State are deemed treason or misprison of treason, it shall
be lawful for any one or more of the said judges to be appointed as aforesaid,
to order and direct the sheriff or other proper person, to summon a
grand and petit jury, being free-holders, to appear at such time and place
in any county of the district as such judge or judges may appoint; and the
said judge and judges shall and may, from time to time, appoint some proper
person to act as clerk of the court, and shall cause to be preferred bills of
indictment against all persons so accused as aforesaid, and shall hear, try,
and finally determine on all such offenders as aforesaid, and shall pass
sentence on, and if necessary order immediate execution of all such offenders
who shall be convicted or stand mute; and in case of a default of jurors
attending at any of the said courts, it shall be lawful for the court to direct
the sheriff, or other officer of the county to summon of the bystanders or
others, being freeholders, to compleat the said juries, or any of them; and
that on trial by the petit jury not more than thirty-five challenges shall be
allowed, unless for cause shewn and approved of by the court, any law
or usage to the contrary notwithstanding.

IV. And be it further enacted, by the authority aforesaid, that the said
judges, or any two of them, shall and may, from time to time, appoint some
proper person to prosecute all offences against the State, which may be
triable in any of the said district courts; and no prisoner shall arrest judgment
for any defect or want of form in the indictment or other proceedings,
so that there is sufficient substance to convict such prisoner. Provided
always, that every prisoner shall be at liberty to make his own defence
either by himself or counsel, and demand summonses to enforce the attend-
ces of his witnesses, and if it can be done with safety, a reasonable time
to prepare himself for trial; and the courts may be continued from day to
day, until all the prisoners shall be tried, discharged, or recommitted, as the
court shall direct. Provided always, that if the said court, or any of them,
shall think proper to remit the trial of any offender or offenders, and send
him or them to the superior court, such offender or offenders may be accord-
ingly sent, under a sufficient guard, to be tried by the court of the district
where he committed the offence, and all jurors to be summoned to any of
the courts to be held in virtue of this Act, shall forfeit and pay the sum of
three hundred specie to be recovered as fines on jurors for non-attendance
at the superior courts, and every person so appointed, who shall refuse to
attend and act as a judge, and hold any of the said courts, shall forfeit and
pay the sum of five thousand pounds. Provided always, that if any such
judge shall be an accuser of any person to be tried under this Act, such
judge shall not sit on the trial of such accused persons, anything in any
law to the contrary notwithstanding.

VI. And be it further enacted, by the authority aforesaid, that the person
who may be appointed to prosecute in behalf of this State, or the clerk of
such court, on any trial under this Act, shall draw up the charge or charges
against the offender in a plain, distinct, and comprehensive manner, and
also shall read and present the same to him, the said prosecutor in behalf
of the State and clerk not being considered in any wise confined to the
strict forms of bills of indictment in like cases in the superior courts; and
upon every conviction the court shall order the sheriff, or other proper person, to seize and take into his possession, and return to the General Assembly and State Auditors an inventory of all the goods, chattels, lands and tenements, of such convicted person. Provided always, that the court shall make such provision for maintenance of the wife and children, if any out of the estate of such person, as by the treason Act is directed.

VII. And be it further enacted, by the authority aforesaid, that the clerk of each district court which may be held under the direction of this Act, shall make a return of the proceedings of such court to the clerk of the superior court of the district.

VIII. And whereas there is no particular mode directed by law for inquiry of persons supposed to be within the meaning of the laws for confiscating property, whereby many innocent persons may be greatly injured: For remedy whereof, Be it enacted, by the authority aforesaid, that the county courts in this State respectively shall, and they are hereby empowered to make inquiry, and call before them for examination every person complained of, or supposed to be within the description and meaning of the aforesaid laws, and to enter on their minutes the names and description of every person in their county, who in the opinion of the court have forfeited his property to the State agreeable to law, and from time to time to furnish the commissioners of confiscated property, sheriff or coroner, with copies of such proceedings, that the property may be secured for public use, as the law directs; And the said courts are also empowered at anytime to re-consider such determinations, and, if necessary, to order the property returned to the owners; and where any property hath already been seized by any such commissioner, sheriff or coroner, as confiscated, the respective courts may inquire, and in case any frauds have been committed, to order the property so wrongfully taken to be returned to the owner, and commit the offender to close gaol, in case he neglect or refuse to obey the order of the court, until he shall be willing to comply with such orders: and the person offending, or acting contrary to the true intent and meaning of this Act, shall be liable to the action of the party offended, and to the fines and forfeitures mentioned in an Act of the General Assembly of this State, intituled, “An Act for securing the quiet and inoffensive inhabitants of this State from being injured, for preventing such property as hath or may be confiscated from being wasted or destroyed, and for other purposes.

CHAPTER VII.

An Act to regulate and ascertain the several Officers' Fees therein mentioned.

I. Whereas it is necessary that clerks, sheriffs, and other officers, should receive for their services a more equal compensation than is by law heretofore allowed them;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that for the future the several officers herein mentioned shall take and receive the following fees only, and no other or greater fees or charge whatever, that is to say. The clerks of the superior court, for every leading process returned to the first court, including all services, together with discharge of final judgment, where either happens, 10s. specie. For every presentment and indictment, 10s. For entering and filing every recognizance, 2s. For every continuance or reference of any cause after the second court, including all fees for every service necessary thereon. 3s. For the court at which the cause is determined, including all services, 7s. 6d. For every subpoena, provided the party insert
no more than four witnesses in the same, 1s. 6d. For every execution or order of sale when necessary issued, including all services thereon, with taxing costs and copy, and entering satisfaction, 3s. 9d. For every scire facias against ball, with making up an issue thereon, or entering judgment without plea, including all fees for every necessary service thereon (provided that the party paying costs shall not be subject to this unless the scire facias is necessary, and required by the plaintiff), 6s. For giving a copy of the record of any cause when demanded by either of the parties, 4s. 6d. For every order of rule of court, made on matters foreign to the suit pending in court, and copy whereof when demanded, 2s. For entering on the minutes the probate of a will, qualifying executors, making certificates, recording the will, and giving copy thereof, 8s. For granting administration, taking bond, and all other services thereon, 8s. For proving, recording and filing an inventory, account of sales or account current, exhibited by an executor, administrator or guardian or for search copy and certificate of the same, if the estate be under one hundred pounds specie, if above, 3s. For every marriage licence or bond, 8s. For ordinary licence and bond, and all the services necessary to be done thereon. For tavern rates, 2s. For searching a record out of court, 6s. For every copy of such record, for proving or entering acknowledgements of a conveyance of land or other estate, and certifying the same, with order of registration and an examination of a feme covert without commission, 2s. For a commission to take the examination of a feme covert or witnesses in a cause depending in the superior court, entering the return thereon, and other necessary services, 2s. 4d. For guardian and other bonds taken in court, including all services, 6s. For indentures for binding out apprentices, including all fees for every service necessary thereon, 4s. 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, 6s. For a special verdict or demurrer or motion in arrest of judgment, 3s. For a writ of error, appeal, or certiorari, with a transcript of the record, and all services thereon, 8s. For making out certificates of witnesses attendance, for recording a mark or brand, and granting certificates thereof if required, 1s. And all other services done by clerks of courts are hereby deemed as ex officio, and the respective courts shall and may allow reasonable satisfaction for the same annually out of the county tax.

III. And be it further enacted, by the authority aforesaid, that after the passing of this act the sheriffs in their respective counties in this State shall and may receive for their services the following and no other or larger fees: For every arrest, 8s. For taking bail bond, 2s. For serving a copy of declaration, 2s. For serving a subpoena, for each person named in the same, 2s. 8d. For piloting a person, 5s. An attachment the same as for an arrest, and if further trouble by moving of goods, to be taxed by the court. Executing a warrant of distress, or an execution against a body or goods, two and an half per cent. on the specie value. For summoning, impanelling, and attending on every jury, on every cause in court, 5s. When a special venire shall issue by order of court, for summoning each juror, and attending the same, 2s. Putting a person in the stocks and releasing, 5s. 4d. For every commitment, 2s. 8d. A release, 2s. 8d. Serving a writ of possession of land, 8s. Serving and attending on any person on a habeas corpus per, day, 10s. Calling every action in court, 4d. For imprisonment of felons or debtors, or any other person, for each prisoner per day, for finding one pound of wholesome bread, one of good roasted or boiled flesh, and a sufficient quantity of fresh water, and every other necessary attendance, and keeping the prison clean, 2s.
IV. And be it further enacted, that the registers in each county in this State shall and may take and receive, for registering each deed or grant, including certificate thereof, 4s. For every search, 8d. For a copy of a grant or deed, 4s. And for registering every other instrument of writing, 4s.

V. And be it also enacted, that from and after the passing of this act the sheriff, constable, or other officer, may take and receive the following fees: For serving every warrant, 2s. 8d. For every attachment, 2s. 8d. For every execution, 2s. 8d. For every witness actually summoned, 1s. 4d. For attending every court, when summoned by the sheriff, 5s. per day.

VI. Be it further enacted, by the authority aforesaid, that the surveyor in each county in this State shall be allowed for each survey that may hereafter make the sum of 16s. specie, in case the survey does not include more than three hundred acres, and the sum of 2s. specie for each hundred acres more than three hundred as aforesaid, unless in cases where the surveyor hath already received his fee for such survey agreeable to any former law, on all which surveys the surveyor shall not be intitled to any greater fees than hath been heretofore allowed by law. And that every entry taker shall be intitled to take and receive for each entry, and for other duties incident to his office, the sum of 8s.

VII. And be it enacted, by the authority aforesaid, that from and after passing this act, it shall not be lawful to enter any lands with any entry taker in this State; and in case any quantity of lands shall be entered with any of the entry takers in this State after the passing hereof, all such entries made shall, and the same are hereby declared null and void; And so much of an act of the General Assembly, intitled, “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,” as comes within the purview and meaning of this act, is hereby declared void; and every entry taker in this State is hereby strictly required to forbear making any further entries, on any pretence whatsoever.

VIII. And be it further enacted, by the authority aforesaid, that the rangers in each and every county in this State shall have and receive, the following fees in specie from the person taking up stray or strays, viz.: For every entry by him to be made, the sum of 5s. and the person taking up stray or strays, for his trouble and expence in taking up the same, and paying as aforesaid, may demand and receive from the person or persons claiming the said stray or strays the sum of 10s. for each horse, 2s. 6d. for each head of cattle, 1s. per head for every hog or sheep.

IX. And be it further enacted, by the authority aforesaid, that all horses, hogs, cattle and sheep, shall be in future valued in specie; and that so much of an act of Assembly, passed at Newbern in the year one thousand seven hundred and seventy seven, intitled, “An Act to prevent abuses in taking up stray horses, cattle, hogs and sheep, and other things therein mentioned,” that comes within the purview of this act, is hereby repealed.

X. And be it further enacted, by the authority aforesaid, that the fees herebybefore enumerated are hereby declared to be rated and settled in specie, which said fees shall be payable in specie, or in currency of this State, at the proportion of two hundred State currency for one in specie, until otherwise ordered by the General Assembly, and every of the respective officers herebybefore mentioned demanding and receiving any greater fees than what is herebybefore enumerated, shall for every offence forfeit and pay the sum of five pounds specie, to be recovered and applied to the party grieved, in any court of record in this State.
XI. And be it further enacted, that the coroner shall take and receive for his services the following fees:

For attending upon every inquest, 11. 4s. And the same fees for discharging the duties of the sheriff, where their duties shall devolve to him by the death or absence of the sheriff of his county, as such sheriff himself would be intitled to by this Act for performing the same service.

XII. And be it further enacted, that so much of an Act of the General Assembly, passed at Newbern the tenth day of May, one thousand seven hundred and eighty, intitled, "An Act to regulate and ascertain the officers' fees therein mentioned," and all other Acts that come within the purview and meaning of this Act, are hereby repealed and made void.

CHAPTER VIII.

An Act directing the duty of the Naval Officers, and for prohibiting the Exportation of Provisions for a limited time, and for other purposes.

I. Whereas the honourable the continental Congress hath recommended that the said United-States make laws for the more effectually presenting the abuses and deceitful practices of the British, in making use of papers which they take in American vessels, and for preventing the exportation of provisions;

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 naval officers in the different ports of this State respectively shall, and they are hereby required, to cause the master and chief mate of every armed or unarmed vessel going from any of the ports in this State, to undersign the clearance or other papers of the said vessel, and to indorse under his the said naval officer's hand and seal on such clearance or other papers, a minute description of the age, stature and complexion, of the said master and mate; and the naval officer shall and may refuse to grant clearances and other papers to all such vessels, in case the master or mate shall refuse to sign such clearance or other papers, and give such descriptions as are in this Act required: And the master and owner of every vessel coming into any of the ports in this State, shall forfeit and pay the sum of fifty thousand pounds currency, to be recovered in any court of record of this State by the naval officer, who is hereby required to sue for the same (and the forfeiture so recovered by order of the court be applied one fourth part to the use of said naval officer, and the other three fourths to the public treasury of this State) for every refusal or neglect to enter his vessel with the naval officer in due time, agreeable to the directions of an Act of the General Assembly, intitled, "An Act for appointing naval officers at the different ports in this State, and directing their duty in office, and for other purposes.

III. And be it enacted, by the authority aforesaid, that the naval officers of the ports of Roanoke, Bath, Currituck and Beaufort, take and receive from every vessel coming in over Occacock bar between twenty and fifty tons burthen and upwards the sum of ten shillings in specie, and from every vessel of fifty tons and upward the sum of sixteen shillings specie, or the value in the currency of this State, for the use of the pilots, to enable them to keep up stakes and marks in the swash and channels leading from Occacock bar to Newbern, Bath and Edenton; for which sums the naval officers shall be accountable to the commissioners of investigation in their respective ports, agreeable to law, for the purposes aforesaid.
IV. And be it enacted, by the authority aforesaid, that from and after passing this Act, the naval officers in the respective ports in this State shall and may, in lieu of all the allowances heretofore made by law, take and receive the following fees: For entering and clearing each vessel of twenty tons burthen and upwards, for taking bonds and descriptions as by this Act directed, and for all other necessary services included, the sum of ten shillings specie, for each permit, five shillings, and for each register, ten shillings; all of which sums shall be paid in specie, or the true value of such specie in the currency of the State, at the time such fees shall become due.

V. And be it further enacted, by the authority aforesaid, that it shall not be lawful to export, or in anywise remove out of this State, by land or water, any kind of provisions, until the end of the next session of the General Assembly, excepting only such quantities as shall be necessary for victualing the crew of any vessel going on a voyage or cruise, unless permitted by his excellency the Governor, by and with the advice of the council of the State; and in case any person shall remove or attempt to remove out of the State, any corn, wheat, flour, pork, beef, or bacon, other than is hereby allowed and admitted, it shall be lawful for the naval officer, or the sheriff of any county, to seize all such provisions, together with the vessel and other conveyance in which such provisions are exported, or attempted to be exported; all of which provisions, vessels and other conveyances are hereby declared absolutely forfeited to this State; and the owner of such vessel or provisions shall accordingly forfeit the same, or the value thereof, as the court may decree; to be tried, condemned and recovered, in any court of admiralty of this State, and applied one fourth part to the seizing officer, and the other three fourths to the public treasury of the State.

VI. And be it further enacted, by the authority aforesaid, that the one half of all salt imported into this State from and after passing this Act shall be secured to the importer, and shall be free and exempt from all manner of impressment on account of the public; and in case any salt shall be hereafter impressed for the use of this State, it shall be lawful for the naval officer of the port where such impressment is made to suffer and permit the importer of such salt to ship and export so much provisions of any kind as such naval officer shall deem equal in value to the amount of the salt so impressed as aforesaid, anything in any law to the contrary notwithstanding.

CHAPTER IX.

An Act for protecting and securing the navigation of Occacock Bar; and the Sounds and Rivers communicating therewith, and other purposes.

I. Whereas the trade of this State has of late been much interrupted and injured, and the merchants and others have suffered very great losses by the capture of their vessels in the sounds and rivers, communicating with Occacock bar; and the inhabitants living near those sounds and rivers, have been, and still are exposed and liable to be plundered by the enemies vessels, to the ruin of individuals, and the great injury of the State in general: For remedy whereof,

II. Be it enacted by the General Assembly of North Carolina, and it is hereby enacted, by the authority of the same, that two armed vessels of ten or twelve guns, and seventy-five men each, officers inclusive and two armed row galleys of forty men each, officers inclusive and such artillery as they may be able to carry, be immediately fitted out, for the purpose of protecting the navigation of Occacock bar and the sounds and rivers
which have communication with it; one of the armed vessels and one of the armed galleys as aforesaid, to be fitted out from each of the districts of Edenton and Newbern.

III. And be it enacted, by the authority aforesaid, that Robert Smith, Josiah Collins, Alexander Black, William Bennett, and Joseph Smith, shall be commissioners for the district of Edenton, and James Green, Enoch Ward, Henry Vipon, John Tilman and Richard Blackledge, commissioners for the district of Newbern, for the purpose of procuring, equipping and fitting out all the vessels and galleys aforesaid; which commissioners aforesaid are hereby empowered and authorized, for and in behalf of the State, to buy, hire, or otherwise procure, vessels and galleys suitable for the purpose and also guns, ammunition, sails, rigging, tackle, and all other materials or things that may be wanted to compleat the vessels and galleys aforesaid; but if the commissioners aforesaid shall not be able to buy, hire, or procure, vessels suitable to the purpose aforesaid, they, or any three of them, are hereby empowered to impress, for the use of the State, such vessels belonging to the inhabitants thereof as they may think fitting for the service, and all the guns, ammunition, sails, rigging, tackle and other materials, that may be wanted for them; and if the commissioners aforesaid be reduced to the necessity of impressing vessels or other articles for the purposes aforesaid, they are to have the vessels or other articles they may impress or hire valued by three freeholders upon oath; and the said commissioners, or any three of them, are hereby empowered to grant certificates for all such vessels or materials as they may either buy or impress, specifying the value to be paid in specie, or the currency of this State at the exchange at the time of payment, which certificate shall be clear of taxation until paid, and shall be redeemed or paid off by the treasurer on or before the first day of January, one thousand seven hundred and eighty-two; and it shall be lawful for the said commissioners to insure, on account of this State, all such vessels as they may hire or impress, so that, In case of loss, the owners of such hired or impressed vessels may be paid for the same out of the public treasury of this State.

IV. And be it enacted, by the authority aforesaid, that should the commissioners aforesaid meet with resistance in the execution of their office, they are hereby empowered to call upon the commanding officer of the county where such resistance is made for such assistance as may be necessary, which commanding officer is hereby ordered and required to grant them the assistance required.

V. And be it enacted, by the authority aforesaid, that the commissioners aforesaid shall be, and they are hereby empowered to appoint one captain, two lieutenants (to whom his excellency the Governor will grant commissions) and the master, who is to act as pilot, one gunner, one boatswain, and ten seamen, to each of the armed vessels, who are to be shipped for any term of time not exceeding six months, and shall receive the following pay: Each captain per month twelve pounds specie, or its value in currency, each lieutenant eight pounds, each master eight pounds, each gunner four pounds, each carpenter six pounds, each boatswain four pounds, and each seaman three pounds; and to each of the galleys the said commissioners shall appoint one captain, one lieutenant, one gunner, one boatswain, and three seamen, who shall be entitled to the same pay as the officers of equal rank and the seamen of the armed vessels are allowed.

VI. And be it enacted, by the authority aforesaid, that the commissioners aforesaid, shall endeavour, by voluntary enlistment, to raise for each of the armed vessels fifty-nine men to compleat the complement of their crew: And
the commissioners aforesaid, or any three of them, shall appoint such officers of marines as may be necessary for each vessel and galley; but if the commissioners shall not be able to enlist a sufficient number of volunteers, they are to apply to the brigadier general of the district, who is hereby required to furnish out of the district drafts as many men as he be demanded by the said commissioners for compleating the crews of the said vessels and galleys; and those who faithfully serve on board the said vessels or galleys, whether volunteers or drafted men, for the term of three months, shall be considered as having performed a tour of duty in the militia service, and be intitled to receive the same pay as the militia in actual service.

VII. And be it enacted, by the authority aforesaid, that the commissioners aforesaid, or any three of them, are hereby empowered to apply to his excellency, the Governor, who is hereby impowered to grant them warrants upon the treasurers for such sums as shall be necessary for the payment of the officers and seamen belonging to the said vessels and galleys, and other necessary expenditures, for which they are to account.

VIII. And be it further enacted, by the authority aforesaid, that the said commissioners, or any three of them, are impowered to apply to the county commissioners for such provisions as may be wanted for victualling said vessels and galleys; which provisions the county commissioners are hereby required to supply; but if a sufficiency of provisions cannot be procured by them from the county commissioners, the commissioners aforesaid, or any three of them, are hereby impowered to buy or impress the provisions required.

IX. And be it enacted, by the authority aforesaid, that the commissioners aforesaid, or any three of them, are hereby impowered to order the said vessels and galleys to cruise either in concert or separately, at such places within Occoocock bar, as to them shall seem most expedient and necessary for the public benefit; and the commissioners of both districts shall correspond and inform each other whenever the enemy may appear, that the whole force if necessary may be collected to oppose them; and whenever it may be necessary, the said commissioners are to appoint one of the captains to act as commodore, when the rest must obey during his appointment. Provided, nevertheless, that the whole of this armament be, and it is hereby made subject to the orders and commands of the supreme executive powers and to the orders, commands, and control, of the General Assembly of this State.

X. And be it enacted, by the authority aforesaid, that the said commissioners shall keep just and clear accounts of all sums of money which they receive, of their expenses and expenditures, of all articles bought or impressed by them, and of all certificates granted by them and they shall be allowed, upon the adjustment and settlement of their accounts, a reasonable compensation by the General Assembly, for their trouble in performing the services hereinbefore directed.

CHAPTER X.

An Act for drafting the Militia to reinforce the Southern Army.

I. Whereas it is necessary for the support of this and the neighboring States, that a force be immediately embodied and marched to the seasonable relief of the Southern army under the command of the honourable Major General Greene;

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 Governor do immediately issue orders to the commanding officer of the district of Salisbury to forward on, without loss of time, the militia ready drafted to the assistance of General Greene, and also to make a further draft, so as to complete the number from that district to one thousand men, including those already drafted, to be drawn from each county in proportion to the number it contains, including those already drafted from each county respectively.

III. And be it further enacted, by the authority aforesaid, that the Governor immediately issue orders to the brigadier general for the district of Hillsborough to draft five hundred men, to be forwarded on to reinforce the Southern army, to be armed and equipped in the best manner from their respective counties.

IV. And be it further enacted, that the said reinforcement shall march to such parts or places in this State, and in the State of South Carolina, or Virginia, as the commander in chief of the Southern army shall direct, and such reinforcement shall be under the same rules and discipline as the continental troops after they shall have joined the army which they may be ordered to reinforce, and shall receive the same pay allowed to the militia of this State in actual service. Provided always, that for any offence, every officer and soldier of the said reinforcement shall be tried by a court martial composed of their own officers, and no other.

V. And be it further enacted, that the said reinforcement shall not be compelled to serve more than three months from the time of their arrival at headquarters, or joining any division or post by order of the commander in chief of the Southern army, or crossing the limits of this State, whichever may first happen.

VI. And be it further enacted, that the Governor, by and with the advice of the council of State, is hereby empowered to order out any number of militia that he may think proper and necessary, not exceeding four thousand for the use of the Southern department; and further, that he be empowered, with the advice of the council, to dispose of the troops already raised, or ordered to be raised in the districts of Halifax, Edenton, Newbern, and Wilmington, in such manner as he may think proper for the defence of this State, or the Southern department; provided such troops shall not be compelled to serve a longer time than three months, agreeable to the militia law.

CHAPTER XI.

An Act for vesting a power in the honourable the Continental Congress to Levy a Duty of five per cent. upon all Foreign Merchandize, except such articles as are therein excepted, and for other purposes.

I. Whereas by a resolve the honourable the continental Congress bearing date the third of February, one thousand seven hundred and eighty-one, and by sundry other resolves, it is recommended to the several States to vest a power in Congress of raising a revenue for the purpose of discharging the principal and interest of the debts already contracted, or which may be contracted during the war on the faith of the United States, and the necessity of complying with this recommendation being evident:

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 honourable the continental Congress be, and are hereby fully empowered to levy,
for the use of the United States, a duty of five per centum, ad valorem, at the time and place of importation, upon all goods, wares and merchandise of foreign growth or manufacture, which may be imported in this State from any foreign port, island or plantation after the first day of August, one thousand seven hundred and eighty-one. Provided, nevertheless, that arms, ammunition, clothing, and other articles imported on account of the United States, or any of them; wool cards, cotton cards, and wire for making them, and salt, during the war, be, and they are hereby exempted from the duty of five per centum aforesaid.

III. Be it enacted by the authority aforesaid, that the honourable the continental Congress be, and they are hereby impowered to levy a like duty of five per centum upon all prizes and prize goods that may be condemned in the courts of admiralty of this State.

IV. Be it enacted, by the authority aforesaid, that the honourable, the continental Congress be, and they are hereby impowered to nominate and appoint, at such places in this State as may be most convenient, such persons as they may think proper to collect the duty aforesaid, and to lay such penalties on persons refusing or neglecting to pay said duty, to take such measures for the recovery thereof, and to make all such arrangements as to them may seem necessary and expedient; provided such penalties, mode of recovery, and arrangements, be general and uniform through the several States.

V. Be it further enacted, by the authority aforesaid, that this Act shall be, continue and remain in force, until the principal and interest of the debts already contracted, or which may be contracted on the faith of the United States, for supporting the present war, be fully and finally discharged, and no longer. Provided nevertheless, that this Act shall not be in force, nor have effect, until all the United States from New Hampshire to North Carolina, both inclusive, shall have invested Congress with the same powers and authorities as are mentioned in this Act.

CHAPTER XII.

An Act allowing salaries to the Governor, Delegates Judges of the Superior Courts, Attorney General, Public Secretary, Treasurers, Members of the Council of the State, and Public Printer.

I. Whereas, it is necessary that the principal officers of this State should be allowed salaries suitable and adequate to the dignity of their respective offices;

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 his excellency, the Governor, be allowed annually seven hundred and fifty pounds specie, in full for his services as Governor, that each of the delegates of this State be allowed seventy-five pounds specie per month, during the time of their travelling to and from, and attendance at Congress; that each of the judges be allowed forty pounds specie for each and every court he shall attend, to be paid by either of the public treasurers at quarterly payments; that the attorney general be allowed for each court he shall attend twenty pounds specie, together with all the fees by law established; that each of the public treasurers be allowed annually sixty pounds specie for their services, and in lieu of all commissions incident to their appointments; that the Secretary of State be allowed two hundred pounds specie annually, exclusive of such
fees as are allowed him by an act for establishing offices for receiving entries of claims of lands in the several counties of this State, &c., that each of the members of the council of State be allowed one pound specie for each and every day they shall attend at the council board; that the public printer of the State be allowed the sum of two hundred and fifty pounds specie per annum for his public services, exclusive of the prime cost of the paper he may expend in printing the journal of the General Assembly and the laws of this State, for which paper he shall be allowed by the State auditors or the General Assembly.

CHAPTER XIII.

An Act to enable the Governor, with the advice of the Council of the State, to procure Tobacco for the purpose of obtaining Arms and for other purposes.

I. Whereas an immediate supply of arms, and military stores are essentially necessary for the preservation of this State, and as they can only be procured with tobacco, or other exportable articles.

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 his excellency the Governor with the advice of the council, is hereby empowered to purchase or to cause to be purchased, for the use of this State, if possible, two thousand stand of arms, five thousand pounds of powder, seven and a half tons of lead, three thousand blankets, on the best terms they can be procured, and to have the two thousand stand of arms procured at Philadelphia repaired, and brought into this State as soon as possible; for which purpose it shall be lawful for his excellency, the Governor, by and with the advice of the council of State, to purchase, borrow, or if absolutely necessary, to impress so much tobacco, or other exportable produce, as will answer and be sufficient to defray the expence of repairing and bringing into this State the said two thousand stand of arms, and for the payment of all such other arms, ammunition and blankets, as aforesaid, which may be so purchased, and actually delivered in this State on or before the second day of April next.

III. And be it enacted, by the authority aforesaid, that his excellency the Governor, or the person who may be by him appointed for the purpose aforesaid, shall grant certificates for all such quantities of tobacco, or other exportable articles aforesaid, as may be so purchased, borrowed or impressed, such articles being first valued in specie, agreeable to law; all which certificates which shall bear an interest of six per cent. and be free from taxation, and shall be redeemed on or before the first day of December, one thousand seven hundred and eighty-three, in specie, or the value thereof in the currency of this State. Provided, that should it be more agreeable to the owner to lend the tobacco, the Governor with the advice of the council, or any person appointed by him, is hereby empowered to borrow the same, and pledge the faith of this State, for its being faithfully repaid at a future day.

IV. And be it further enacted, by the authority aforesaid, that where any uninspected tobacco, or other exportable article, shall be either bought, borrowed or impressed, it shall be lawful for the persons buying, borrowing or impressing the same, to hire or impress horses, carriages and teams, or boats or vessels, to convey such tobacco to a convenient warehouse or place of exportation within this State, and have the same inspected; to grant certificates in the same manner, as is before directed, and also to grant certificates
for the hire of horses, or carriages and teams, or boats and vessels, employed
in transporting the tobacco aforesaid, and to the inspectors for their inspec-
tion fees.

V. And be it further enacted, that the appointments, powers and authori-
ties, of the commercial agent, and of the commissioners of trade, heretofore
appointed for the State, be, and they are hereby suspended, until the next
session of the General Assembly; and the said commercial agent and com-
missioners of trade shall settle with the State auditors, or the General
Assembly, or commissioners for that purpose appointed by the General
Assembly, for all their commercial transactions in behalf and on account of
the State.

CHAPTER XIV.

An Act to compel all such Parties who have received, or have been intrusted
with Public Monies, to account for the same, and for other purposes.

I. Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, that all commissaries,
quarter masters and pay masters, the commercial agent, commissioner of
trade, commissioners of confiscated property, officers who have received
money for the purpose of recruiting or paying soldiers, all treasurers, sher-
iffs and collectors, and persons who have received or been intrusted with
public monies not yet accounted for, in this State, shall, and they are hereby
severally required to settle their respective accounts with the General As-
sembly; or State auditors on or before the first day of October next; and
the State auditors are hereby respectively required on all such settlements,
to add the interest and depreciation of the money on all balance due the pub-
ic at the rate of two hundred for one; first reducing the said balances at
the time they become due or payable to the public in specie; and in case
any person so settling shall refuse or delay to pay such balances, deprecia-
tion and interest, the auditors shall bring suits for the same as this Act
directs.

II. And be it further enacted, that if any of the above described or partic-
ularized persons shall fail to settle their public accounts with the General
Assembly or the State auditors, at the times before prescribed and limited,
the penalty of the bond of such person, together with the depreciation there-
upon from the day of the date thereof, given for the faithful application of
money received by him, or the faithful discharge of his duty or office, shall
within forty days after such failure be sued for by the said board of auditors
in some one of the said county courts within this State; by which county
court, if it shall appear to them that the said failure shall have really hap-
penned, an execution shall be awarded against the goods and chattels, lands
tenements, of the defendant, directed to the sheriff of the county where
the defendant resides, or wherein the effects of the defendant may be.

III. And be it further enacted, by the authority aforesaid, that the sheriff
to whom such execution shall be directed shall levy the same as may be
therein directed, and as is directed by law in like cases, and shall pay the
sums levied in consequence thereof into the hands of the public treasurer of
the district wherein he resides, taking a receipt for the same; which he, the
said sheriff, shall deliver within ninety days afterwards to the State board
of auditors, under the penalty of ten thousand pounds, to be recovered by the
said board, and applied to the public uses.

IV. And be it further enacted, by the authority aforesaid, that the said
board shall cause all such receipts to be recorded, in order that they may have it in their power hereafter to oblige the treasurers to account for the sums therein acknowledged to have been received.

V. And be it further enacted, by the authority aforesaid, that where any of the above mentioned or described persons shall settle their accounts with the public as is herein before required with the board of auditors, and it shall appear upon the settlement that any balances are due the public which ought to be paid, or which are necessary to be retained for public purposes in the hands of the persons from whom they may be due, and the person or persons from whom such balances may be due shall not pay up the same at the time of settlement, with the depreciation and interest thereupon, the said board of auditors shall within ten days thereafter commence and prosecute an action or actions (as is herein before directed in cases where the aforesaid persons shall fail to account) against the person or persons so failing to pay up the balances aforesaid, not only for the balance due, but also for such depreciation in damages thereupon, from the day that the said balances first became due, as the jury shall think just, and shall ascertain.

VI. And be it further enacted, by the authority aforesaid, that the said boards of auditors shall cause all the settlements made with them in consequence of this Act, to be entered in well bound books kept for that particular purpose, which shall be laid before the General Assembly at the next session after the said settlements shall be made and at all times after when called for.

CHAPTER XV.

An Act to relieve all such persons as are rendered incapable of Procuring themselves and families subsistence, by reason of wounds received in defence of their Country, and for other purposes.

I. Whereas many of the good people of this State, while in defence of their country have been wounded, and thereby rendered unable to procure a comfortable subsistence;

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the respective county courts, on application of such wounded or disabled persons, in their counties, setting forth what sum shall be necessary for their support and maintenance, as the nature of the case may require.

III. And whereas many persons have died, and others may die, from wounds received in defence of their country, and the widows and orphans of such may be reduced to want thereby; Be it therefore enacted that the same may be under consideration of the county courts as for wounded men, and provided for accordingly.

IV. And whereas by the Invasion of this State, the overseers of the poor in many counties have neglected to qualify according to law; be it therefore enacted, that the sheriffs of such counties summons their overseers to meet at their respective court houses on some certain day as soon as may be possible to qualify, that provision may be made for the poor.

V. And whereas many overseers of the poor in different counties in this State refuse or neglect to qualify and act when chosen, by which means the poor are often reduced to great distress, to the scandal and disgrace of society; Be it therefore enacted by the General Assembly that when any person shall hereafter be chosen an overseer of the poor in the county, and when summoned by the sheriff shall neglect or refuse to qualify, such person
so refusing or neglecting shall forfeit the sum of ten pounds specie, or the value in currency, to be ascertained by the court; to be recovered in any court of record; and applied to the use of the poor of the county in which he resides, any law to the contrary notwithstanding.

VI. And be it further enacted, by the authority aforesaid, that the justices of the county court of Gates be, and are hereby authorized and empowered, to make any further allowance they may judge just and reasonable to the undertakers of the public buildings, to enable them to perform the same.

VII. And be it further enacted, by the authority aforesaid, that the justices of Gates county aforesaid are hereby authorized and empowered to lay a further tax on the inhabitants of the said county, to defray the expense of finishing the public buildings of said county, to be collected and accounted for by the sheriff, under the same rules and regulations as for other taxes laid by the court aforesaid.

VIII. And be it further enacted, that it shall and may be lawful for the overseers in the respective counties in this State to levy a tax not exceeding ten shillings upon every hundred pounds taxable property, for the support of the poor.

IX. And be it further enacted, that the sheriffs of the several counties in this State which have not held elections for the choice of the overseers of the poor at the times by law appointed, shall as soon as may be, after the passing of this Act cause elections to be held in their respective counties for the purpose of electing overseers of the poor, first giving such notice as this law requires; which overseers when elected shall be invested with the same powers as if they had been elected as the law before directs.

X. Whereas, by occasion of the movements of the enemy through this State, the freeholders of the counties of Orange and Caswell neglected to elect overseers of the poor on the day by law appointed for that purpose, but have since, after being thereto requested by the sheriff of said counties, chosen proper persons to serve as overseers aforesaid; Be it further enacted by the authority aforesaid, that the proceedings of the said overseers, consistent with the power allowed overseers by law heretofore, for the future, until the day in course for a new election, be, and are hereby declared lawful, and as full and ample manner as if the said overseers had been elected agreeable to law.

CHAPTER XVI.

An Act for securing all articles left by the British troops in this State, taken from the citizens as well as others, and for other purposes.

I. Whereas the British troops in marching through this State have left a number of horses, waggons, negroes and other articles, which have been chiefly taken from the citizens thereof; In order that the same may be secured, so that the proper owners secure them again.

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 sheriff of each respective county is hereby strictly required and empowered to take into his care all such waggons, horses, negroes and arms so left, he first entering all such horses on the stray book in the county where he resides; which horses when entered and appraised, and the waggons and arms, shall be delivered to the most convenient quartermaster, who is hereby required to give a receipt for the same, which receipt the sheriff shall keep in his hands until called for; And all negroes and other articles which he
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may find in his county as before described, the negroes he is hereby empowered to hire out for any term not exceeding twelve months (to be delivered however to the owner at any time before the expiration of the said term, in which case the hire shall be proportionately discounted) and shall make return of the wagons, horses and arms to the next General Assembly, and also make return of the sum arising from the hire of such negroes, and the sale of the horses.

III. Be it further enacted, by the authority aforesaid, that where any person or persons shall make it appear to the satisfaction of the sheriff of his county that the British troops or their abettors took from him or them any of their horses without making adequate satisfaction, except that of leaving other horses on the plantation, the sheriff shall not take from such person such horses so left, unless the number left exceeds the number taken away; and where cases of this kind should happen, the persons who have said horses are hereby strictly required, under the penalty of twenty thousand pounds for each horse, to enter them on the stray book of his said county, so that the owner by applying may get the same; all sheriffs and others who have, or may have any such property in their hands, are required to deliver it to the owners thereof, due proof first being made by the claimant.

CHAPTER XVII.

An Act to enable the Justices of New Hanover County to hold a Court in any part of said County, and for other purposes.

I. Whereas the town of Wilmington is now in the hands of the enemy, by which means no legal court can be held in the county of New Hanover: 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 while the enemy continue to keep possession of the town of Wilmington, It shall and may be lawful for the justices of New Hanover county to hold court or courts in any part of the said county, and their proceedings shall be deemed as lawful, to all intents and purposes, as if the said court or courts had been held in the court house of said county, first giving timely notice thereof; any law, usage or custom, to the contrary notwithstanding.

III. And whereas, the clerk of the said county court is now in the hands of the enemy, Be it enacted, that the said court is hereby empowered to elect a clerk pro tempore to transact the business until the said clerk shall be restored to office, or during good behaviour, who shall be intitulated to the same perquisites, and subject to the same fines and penalties, as any other clerk of the county courts, while he continues in that office.

IV. And whereas the commissioners appointed by an Act of the General Assembly, passed at Halifax in one thousand seven hundred and seventy-eight, intituled, "An Act for dividing the county of Tryon, to lay out and settle the place where to erect the court house, prison and stocks, for the county of Rutherford, and to erect the same," have not complied with the said Act: For remedy whereof, Be it further enacted, by the authority aforesaid, that John Esrie, Robert Porter, William Whiteside, James Miller, of the county of Rutherford, and William Morrison, esquire, of Burke county, or a majority, be, and they are hereby appointed commissioners, to lay out and settle the place where to set the court house, prison and stocks, for the county of
Rutherford; they, or a majority of them, to have all the powers and authorities that the commissioners were invested with by the former Act.

V. Be it further enacted, that after the passing of this Act, the times of holding the inferior courts of pleas and quarter sessions for the county of Caswell be the first Monday in March, June, September and December, and all continuances, recognizances, writs, and other process, be made and returned to the said days.

CHAPTER XVIII.

An Act to amend an Act passed at Newbern in May, one thousand seven hundred and eighty, intitled, "An Act to inlarge the jurisdiction of Justices of the Peace, and for other purposes.

I. Whereas the rapid depreciation of the circulating currency of this State has rendered it difficult and troublesome to many of the good people thereof to collect the debts of a small value: For remedy whereof,

II. Be it enacted by the General Assembly, that all debts and demands of two thousand pounds and under, where the balance due on any specialty, contract, note or agreement, or goods, wares and merchandize, or for anything else, are hereby declared to be cognizable and determinable by any one justice of peace by warrant, first being returned in the usual mode heretofore prescribed by law.

III. And be it further enacted, that so much of the before recited Act, as comes within the purview and meaning of this Act, is hereby declared to be repealed and made void.

Read three times, and ratified in General Assembly, the 14th day of July, 1781.

ALEX. MARTIN, S. S.
THOMAS BENBURY, S. C.