

# LAWS OF NORTH CAROLINA, 1784.

At a General Assembly begun and held at Hillsborough, on the Nineteenth day of April, in the year of our Lord One Thousand Seven Hundred and Eighty Four, and in the Eighth Year of the Independence of the Said State: Being the first session of this Assembly. *Alexander Martin, Esq.*, Governor.

## CHAPTER I.

An Act to amend an Act, intituled, An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same, and collecting public Taxes.

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 lands as described by the aforementioned Act, town lots with their improvements, all free males and servants twenty-one years old or upwards, and all slaves male and female between the age of twelve and fifty years within this State, shall be subject to the payment of public taxes, and the public taxes on such property and persons shall be assessed and proportioned as follows, viz: All lands shall be liable to be taxed by the quantity, and free-men and male servants twenty-one years old and upwards, and slaves male and female between the age of twelve and fifty years, shall be subject to a poll-tax.

II. And be it further Enacted by the authority aforesaid, That the public tax on each and every poll shall be equal to the public tax on three hundred acres of land, and town lots with their improvements shall be valued as herein after directed.

III. And be it further enacted by the authority aforesaid, That the sheriff of each and every county shall within forty days after the passing of this Act, summon the several justices of the peace within his respective county to attend at the court house, or usual place of holding court, within ten days after the date of such summons, and the said justices, or any five of them so meeting, are hereby authorised and directed to appoint one justice of the peace for every captain's district in such county, and where there shall be a town one for such town, to receive lists of taxable property in such district and town respectively, and the justices when so appointed, shall without delay fix the time and place in each district and town for receiving lists of taxable property; and in order that all the inhabitants may be apprised in due time that such lists are to be received, the justice of each district and town shall order and direct one of the constables to warn every family in such district of the time and place appointed for receiving lists of taxables at least five days previous to such time. Provided always, that if the court of any county shall set within forty days after the passing of this Act, then the sheriff shall warn the justices to attend at such court for the purposes aforesaid, and the court shall appoint the justices for the several districts in their county.

IV. And be it further Enacted by the authority aforesaid, that the inhabitants of the respective districts in each county shall attend at the time and place so to be appointed, and shall return on oath in writing to the

justices appointed to receive the same, the quantity of land, the particular tracts, the counties in which the same lie, with the number of free males and servants twenty-one years old and upwards, the number of slaves male and female between the age of twelve and fifty years, which to him belonged, or who lived in his family, and the number of town lots of which he was possessed on the first day of April then last past; and the oath to be administered by the justices receiving such lists shall be as follows: "You \_\_\_\_\_ do swear or affirm (as the case may be) that this list by you delivered, contains a just and true account of all the property for which by law you are subject to pay taxes, to the best of your knowledge and belief. So help you God."

V. And in order to ascertain the value of town lots with their improvements, Be it enacted by the authority aforesaid, that the justices of the peace when met upon the summons of the sheriff as aforesaid, or in the county court if such court should be held within the time hereinbefore limited, shall nominate and appoint three freeholders in each town within their respective counties, who being duly sworn, shall value the lots in such town with their improvements, to the full value thereof respectively and such valuation shall be subject to public taxation, as follows, to wit: The same tax shall be paid upon every hundred pounds value of such town lots as shall be paid upon every three hundred acres of land, and where they shall not all agree in the value, the agreement of any two of them shall be returned as the true value, but where they all disagree, then the different valuation of three shall be added together, and one third of the amount of the whole shall be deemed the true value of the property.

VI. And whereas there are generally in the towns of this State lots and improvements the property of persons living at a distance, or without the bounds of such towns, by reason of which such property if returned only by the proprietors would not come to the hands of the assessors; for remedy whereof, Be it Enacted by the authority aforesaid, that all property in the several towns shall be returned by the tenants or occupiers thereof unless returned by the proprietors thereof, or the agent, attorneys, trustee or guardian of the proprietor; and when returned by the tenant or occupier, such tenant or occupier shall be liable to pay the taxes thereon assessed, but the absent owner or person in whose care the same shall be, shall nevertheless return such lots in his general return, specifying at the same time in whose actual possession, or under whose immediate superintendency the same may be.

VII. And be it further Enacted by the authority aforesaid, that the justices who shall be appointed to receive the lists of taxable property, and the assessors in every town, shall make fair returns of their lists and assessments respectively to their respective county courts next after such list shall be received and assessments made, and the justices shall in their return (exclusive of the original lists received by them) distinguish the persons names, the several tracts of land, the quantity and situation of each tract, the town lots and number of polls white and black, in the following manner, viz:

Persons names	Quantity in each tract	Situation or place where each tract lies.	Town lots.	Value of town lots with improvements.

Number of free polls.	Number of black polls.	Amount of each person's taxable property.

And the assessors in their return shall distinguish the different town lots, the situation and value thereof, with the amount of each person's property in lots, viz.:

Persons names	No. of lots or parts of lots	Value of lots	Amount of Assessment

VIII. And be it further Enacted by the authority aforesaid, that the clerk of each court shall record at large in alphabetical order, the annual returns to be made by the justices and assessors in his county, and the court shall and may make a reasonable allowance for such service, to be paid out of the county tax; and if any person appointed to receive lists of taxable property, or to assess town lots, shall fail or neglect to discharge the duty of his appointment, the person so failing or neglecting shall forfeit and pay the sum of one hundred pounds, to be recovered in any court of record having cognizance thereof, in the name of the Governor, to the use of the State; and if any master or mistress of a family, his or her agents, factors, managers or attornies, after due notice given as before directed, shall fail or neglect to attend and return inventories for his or her taxable property in manner before mentioned, each and every person so failing shall forfeit and pay the sum of fifty pounds, to be recovered and applied as in the case last mentioned, and the person so failing, or neglecting, shall pay a double tax, the number of polls belonging to the person neglecting as aforesaid to be reported by the justice to the best of his knowledge, and if any executor, administrator, guardian, trustee, agent or attorney, shall after due notice fail to return an inventory to the justice appointed to receive the same of the taxable property in his trust or possession, the property of the testator, intestate, minor or absentee, shall be liable to a double tax, and the justice shall report the same to the best of his knowledge or information; and such double tax shall be levied of the proper estate of such executor, administrator, guardian, trustee, agent or attorney.

IX. And be it further Enacted by the authority aforesaid, that if any person residing out of the State shall fail, by himself, his agent or attorney, to return an inventory of his taxable property, the lands shall be liable to double tax, and the taxable polls if any shall be reported by the justices as aforesaid, and the tax shall be levied thereon in the usual way, provided there be personal estate sufficient to pay the same; but if there shall be no personal estate, or not sufficient to pay the tax, and such tax shall remain unpaid for twelve months after it becomes due, then the lands or so much thereof as may be necessary to pay the tax, with contingent charges, shall be sold by the sheriff by order of the county court, and the sheriff shall account for the same as in other cases.

X. And be it further Enacted by the authority aforesaid, that the several justices appointed to receive lists of taxables, shall make return of their

own lists to the county court, or to some other justice; and the property of assessors of town lots shall be assessed by the county court: And if any justice appointed to receive lists of taxable property, or any assessor of town lots, shall die, refuse to act, or remove out of the county, before the duty of his appointment shall be performed, any three justices of such county may be and they are hereby authorised and directed to appoint another to act in the place of such person so dying, refusing to act, or removing, and the person so appointed shall be on the same footing in all respects as if he had been originally appointed; and the several county courts shall and may allow the assessors of town lots in their respective counties a reasonable sum for their services, which allowance being certified by the clerk of the court, shall be paid by the sheriff out of the public tax, and such sheriff shall be allowed for the same in the settlement of his public accounts.

XI. And be it further Enacted by authority aforesaid, that every person holding lands by title of dower, curtesy or other estate, for life, or on lease for five years or more, computing from the commencement of such lease to the end of the term, shall return an inventory of such estate, and pay the public taxes thereon as in other cases. Provided always, That any person incurring any of the penalties in this act mentioned for omitting to return his list of taxable property, may apply to the county court to which the list shall be returned, or to the next succeeding court, and such court upon sufficient reasons shewn may remit the penalties.

XII. Be it further Enacted by the authority aforesaid, that at the first court in every county to be held next after the first day of April, in every year after the present, such court shall appoint a justice of the peace for each district in the county to receive lists of taxable property for the then present year, and where there shall be any town or towns, three assessors for every town, and the clerk of each county court shall furnish each justice within twenty days after his appointment, with a fair alphabetical copy at large of the list of taxable property within his district the preceding year, under the penalty of ten pounds for each neglect, to be recovered by action of debt in the Governor's name, in any court having cognizance thereof, and to be applied to the use of the State.

XIII. And be it further Enacted by the authority aforesaid, that no person being a justice of the peace shall be a collector of public taxes.

XIV. And be it further Enacted by the authority aforesaid, that if any person shall be possessed of any land for which he is unwilling to pay taxes, he may apply to the court to which the returns of taxable property shall be made by the justices, and by the said court shall be permitted to enter on record such unwillingness, which when done shall operate forever thereafter as a surrender of such lands to the State, and shall be thenceforth liable to be taken up and secured by any person who will perform such requisites as the law directs.

XV. And be it further Enacted by the authority aforesaid, that so much of the Act aforesaid, intituled, An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same, and collecting the public taxes, as relates to stock in trade, slaves under the age of twelve years or over fifty, wheel carriages, horses, mules and cattle and so much of the said Act as comes within the purview of this Act be, and the same is hereby repealed.

## CHAPTER II.

**An Act for altering the time of holding the Annual Elections, and Annual Assemblies, and directing the manner of electing Annual Officers for the succeeding year.**

I. Whereas by holding the annual assemblies in the month of April great inconveniences arise to the members thereof, and others whose private business requires their attendance; many persons being thereby prevented from cultivating their farms on which their means of subsistence depends, which makes it difficult and frequently impossible for many of the members to render the necessary services to the public without manifest injury to themselves: And whereas most if not all the States in the Union have their annual elections in autumn, and their annual Assemblies in the winter, which makes it necessary for the Congress of the United States to settle and adjust the quota of each State at a period long preceding the annual Assemblies for this State, so that the requisitions made to support the union cannot be complied with in proper time: 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 for the future the annual elections of members of the General Assembly shall commence on the third Friday in August in every year, and be held and concluded agreeable to law, and that the next annual election shall begin on the third Friday of August in the present year, in the manner before directed, of which annual elections the sheriffs of the respective counties in this State are hereby directed and required to give due notice by advertisement as the law directs.

III. And be it further Enacted by the authority aforesaid, that the next annual meeting of the General Assembly shall be held on the first Monday in October next after the passing of this Act, and on the first Monday in October in each succeeding year; and that it shall and may be lawful for the General Assembly at their next annual meeting to choose a Governor, council of State, and other annual officers, to succeed those chosen and appointed by this present General Assembly, as soon as the full service of the present officers shall be expired, and to continue in office until the annual Assembly which shall meet in October in the then succeeding year shall make new appointments.

## CHAPTER III.

**An Act vesting a power in the United States in Congress assembled to levy a Duty on Foreign Merchandize, for the use of the United States.**

I. Whereas by a resolve of the United States in Congress assembled, of the eighteenth of April, one thousand seven hundred and eighty-three, it is recommended to the several States as indispensably necessary to the restoration of public credit, and to the punctual and honourable discharge of the public debts, to invest the United States in Congress assembled with a power to levy for the use of the United States, certain duties herein after mentioned upon goods imported into the said States from any foreign port, island or plantation; 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 United States in Congress assembled shall be, and they are hereby

authorised and impowered to levy for the use of the United States, the following duties upon goods imported into this State from any foreign port, island or plantation: Upon all rum, Jamaica proof per gallon four ninetieths of a dollar, upon all other spiritous liquors per gallon three ninetieths of a dollar, upon Madeira wine per gallon twelve ninetieths of a dollar, upon all other wines per gallon, six ninetieths of a dollar, upon common bohea tea per pound six ninetieths of a dollar, upon all other teas per pound twenty-four ninetieths of a dollar, upon pepper per pound three ninetieths of a dollar, upon brown sugar per pound half a ninetieth of a dollar, upon loaf sugar per pound two ninetieths of a dollar, upon all other sugars per pound one ninetieth of a dollar, upon molasses per gallon one ninetieth of a dollar, upon cocoa and coffee per pounds one ninetieth of a dollar, upon all other goods a duty of five per cent. ad valorem, at the time and place of importation.

III. Provided always, that none of the said duties shall be applied to any other purpose than the discharge of the principal or interest of the debt contracted on the faith of the United States for supporting the war, nor be continued for a longer term than twenty-five years: And provided also, that the collectors of the said duties shall be appointed by this State, but when appointed shall be ameanable to, and removable by the United States in Congress assembled.

IV. And be it further Enacted by the authority aforesaid, that in case the legislative or executive power of this State shall not have previously appointed collectors of the said duties, or shall not appoint such collectors and every of them within one month after notice shall be given by Congress for that purpose, or shall fall to make such appointment upon any vacancy by death, resignation or removal from office, the United States in Congress assembled shall and may appoint collectors or a collector of the said States, as the case may require. Provided always, that the person or persons so to be appointed be a citizen or citizens of this State.

V. And be it further Enacted by the authority aforesaid, that the United States in Congress assembled shall have, and they are hereby invested with full power and authority to levy and collect the said duties under such regulations as they shall direct: Provided, that such regulations shall not subject any person to be carried out of this State, nor to be tried in any other manner than the laws and constitution direct, nor to impower any collector to break open any house or store, or any other place in which customable goods which have not paid duty are suspected to be concealed with an intention to avoid the payment of the same, unless such collector shall make oath before some magistrate of the county where such goods are supposed to be concealed in writing, subscribed by the party making such oath that he has good and sufficient reason to believe that such goods are so concealed, and with such design; whereupon the said justice shall grant his warrant for breaking and entering such house to a constable or other executive officer, who in the execution of the said warrant shall be attended by two freeholders and the said justice. And provided also, that the trials on all seizures made in virtue of the regulations to be made by Congress for the collection of the said duties shall be in and before some court of record in this State having cognizance thereof.

VI. And be it further Enacted by the authority aforesaid, that no collector to be appointed for the collection of the said duties shall be eligible to a seat in the General Assembly of this State, or hold any place of profit in this State or any of the United States (the collection of such duties as are or may be imposed on imports for the use of this State only excepted) nor

shall be an importer or in any wise concerned or interested directly or indirectly in carrying on any trade or commerce in any of the articles on which duties are by this Act imposed.

VII. And be it further Enacted by the authority aforesaid, that every of the collectors appointed for carrying the purposes of this Act into effect shall before entering on the duties of his office take the following oath, to-wit: "I, A. B., do solemnly swear or affirm (as the case may be) that I will not directly or indirectly in my own name, or in the name of any person or persons, carry on or be concerned in interest in carrying on any trade or commerce in any of the articles on which duties are imposed by an Act, intituled, An Act for vesting a power in the United States in Congress assembled to levy a duty on foreign merchandize for the use of the United States, during my continuance in office." Which oath shall be taken before any justice of the peace in the county wherein such collectors respectively reside.

VIII. And be it further Enacted by the authority aforesaid, that this Act shall not be in force nor have effect until all the States in the Union shall have invested the United States in Congress assembled with the same or similar powers, and authorities as are before mentioned, which unanimous accession however shall be considered as forming a mutual compact among all the States for and during the term of twenty-five years, and shall be revocable only on the part of this State by the concurrence of the whole, or a majority of the United States in Congress assembled.

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#### CHAPTER IV.

**An Act for laying certain duties therein mentioned on all Foreign Merchandize imported into this State, in aid of the Public Finances, and directing the mode of collecting the same.**

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that from and after the fourth day of July next ensuing the date hereof, the following duties shall be paid on the goods, wares and merchandize, imported by water into this State, in aid of the public finances: Upon all rum of Jamaica proof per gallon four pence, upon all other spiritous liquors three pence, upon Madeira wine one shilling, upon all other wines six-pence, upon all Madeira wine in bottles two shillings per dozen, upon all gin per case three shillings, upon all bottled malt liquor one shilling per dozen, upon all cyder per gallon two-pence, upon common Bohea tea per pound six-pence, upon all other teas two shillings, upon pepper per pound three pence, upon brown sugar per pound an half-penny, upon loaf sugar two-pence, upon all other sugars one penny, upon molasses per gallon one penny, upon cocoa and coffee per pound one penny, upon all other goods a duty of two per cent. ad valorem, at the time and place of importation, to be determined by the original invoices.

II. And be it further Enacted by the authority aforesaid, that the master of every ship or other vessel importing any goods, wares or merchandize, liable to a duty by virtue of this Act to any port or place within this State, shall within forty-eight hours after his arrival at the place of his destination, and before bulk be broken, make a true and just report upon oath to the collector of the duties in the said port or place of the burthen, contents, or lading of such ship or vessel, with the particular number of every cask or package therein laden, and containing any of the aforesaid goods, wares or merchandize, and of all parcels or quantities of any such goods, wares or

merchandize, which may be laden or stowed in bulk on board such ship or vessel, and where and in what port the same was laden or taken on board, upon penalty of one hundred pounds.

III. And be it further Enacted by the authority aforesaid, that none of the goods, wares or merchandize, liable to the said duties, imported or brought into this State by any person or persons whatsoever, shall be landed or put on shore until due entry made thereof on oath by the importer, owner or factor, with the collector of the duties in such port or place, and a true invoice or account of all the goods, wares and merchandize aforesaid, at that port or place where the same was shipped or taken on board, which oath the collector is hereby impowered and required to administer, and to certify the same upon the back of the original invoice, or a true copy thereof to him produced; and thereupon such importer paying the duties laid by this Act, or securing the payment thereof within six months, shall obtain a permit under the hand of such collector for the landing and delivering of the same; and all the goods, wares or merchandize, put on shore, or delivered contrary to the true intent and meaning of this Act, the value thereof shall be forfeited and lost, and may be seized or recovered by the said collector of the port or place where the same shall be put on shore or delivered, or any other person or persons whatsoever.

IV. And be it further Enacted by the authority aforesaid, that if any person or persons whatsoever shall wittingly or willingly make a false entry, and be thereof convicted, such person or persons shall forfeit and pay one hundred pounds, and also forfeit the goods.

V. And be it further Enacted by the authority aforesaid, that the collectors of the duties aforesaid, or any person by them appointed, shall have full power and authority to go and enter on board any ship or other vessel, and from thence to bring on shore (leaving an inventory for the same signed by himself with the captain or some other person on board such vessel) any articles whatever liable to a duty by virtue of this Act, if such duty be not paid or agreed for within forty-eight hours after the entry of such ship or vessel, or bond with sufficient security given if necessary, for payment of the same within six months next after such entry; and if such payment or security be not made or given within twenty days after seizure, the collector of the duties aforesaid is hereby impowered to sell so much thereof, after advertising the same twenty days, as shall be sufficient to discharge the said duties, and two and a half per cent. for the charges of such seizure and sale.

VI. And be it further Enacted by the authority aforesaid, that if any collector appointed by this Act, or any person for him, shall directly or indirectly take or receive any bribe, recompense or reward of any kind whatsoever, for conniving at any false entry of the goods, wares or merchandize, liable to a duty or custom by virtue of this Act, the collector so offending shall forfeit and pay the sum of one hundred pounds, and be for ever disabled in his said office, and rendered incapable of holding any office or employment relating to the customs in this State; and the person or persons giving or offering such bribe shall forfeit and pay one hundred pounds.

VII. And be it further Enacted by the authority aforesaid, that it shall and may be lawful to and for all and every collector of the duties aforesaid, by warrant under the hand of a justice of the peace (which warrant shall not be granted but upon information made to him on oath) and accompanied with a constable and two freeholders, to break open in the day time any house, warehouse or store house, to search for, seize and carry away any of the aforesaid goods, wares and merchandize liable to the duty afore-



said by this Act, and for which the said duty shall not have been paid or secured to be paid as aforesaid; and if any collector, constable or assistant, shall be sued or molested for anything done in execution of the power hereby given them, such collector, constable or assistant, may plead the general issue and give this Act in evidence; and if in any such suit the plaintiff be non-suited, or judgment passed against him, the defendant shall recover double costs; and in all actions, suits or informations to be brought, or where any seizure shall be made pursuant to this Act, if the property thereof be claimed by any person as the owner or importer thereof, in such case the onus probandi shall be upon the owner or claimer.

VIII. And be it further Enacted by the authority aforesaid, that when any of the goods, wares and merchandize aforesaid, shall be consigned to any person other than the master or owner of the ship or vessel importing the same, every person to whom such articles shall be consigned, shall upon the importation thereof pay to the master or owner of the vessel importing the same, or to the collector, the duties payable for such articles by this Act; and if any person or persons to whom such articles shall be consigned as aforesaid shall neglect or refuse to pay the said duties, or give bond and security for the payment thereof, to the master or owner of the ship or vessel importing the same, at such time as the same shall become payable, to be by him assigned over to the collector, it shall and may be lawful for the master or owner of such ship or vessel to detain such goods, wares or merchandize, until the said duties shall be paid as aforesaid.

IX. And be it further Enacted by the authority aforesaid, that where any person is desirous of transporting any of the aforesaid goods, wares or merchandize, from one port to another, and for which the duty has been paid, or secured to be paid, he shall apply to the collector of the duties for a certificate, which certificate the collector is hereby authorised, empowered and required to give, setting forth the invoice of the goods, and that the duties thereof have been paid, or secured to be paid; on producing which to the collector of the duties of such port to which the same shall be transported, and making oath the goods, wares and merchandize, by him transported are bona fide the same for which such certificate was obtained, no further duty shall be demanded; and all goods, wares, and merchandize, liable to the duty aforesaid, brought into any port without such certificate, either by land or water, shall be deemed not to have paid the duty, and such articles or the value thereof shall be forfeited.

X. And be it further Enacted by the authority aforesaid, that if any naval officer of any of the ports in this State shall from and after the fourth day of July next, clear out any vessel importing any of the aforesaid goods, wares and merchandize, before the master shall produce a certificate signed by some one of the collectors appointed by virtue of this Act, that he has paid or secured to be paid the duties aforesaid, he shall forfeit and pay one hundred pounds.

XI. And be it further Enacted by the authority aforesaid, that for preventing disputes about the quantity of liquor or spirits imported and to be rated, the importer without gauging the said liquors or spirits, or weighing the said sugar, shall be allowed ten per cent. for leakage and wastage upon his invoice, and entry made as aforesaid; but if the owner or importer shall suspect the leakage or wastage to be greater, in that case the collector may gauge the said spirits or liquor, and weigh the said sugars, and may charge the importer for gauging or weighing six pence per cask.

XII. And be it further Enacted by the authority aforesaid, that James Read for port Brunswick, John Daves for port Beaufort, Nathan Keals for port Bath, Thomas Benbury for port Roanoke, and Samuel Ferebee for port Currituck, the persons appointed by joint ballot of both houses of the Legislature to collect the Continental impost, be and they are hereby appointed collectors of all the imposts, duties, dues, penalties and forfeitures, growing due and payable to this State by virtue of this Act, and which shall be delivered in the respective ports aforesaid.

XIII. And be it further Enacted by the authority aforesaid, that the collectors of Roanoke, Beaufort and Brunswick, shall keep their offices in the towns of Edenton, New Bern and Wilmington, respectively; and the collector of each respective port in this State shall be commissioned by the Governor for the time being, who is hereby authorised and required to fill up all vacancies which may happen in any of the said ports by temporary appointments, until the Legislature shall appoint; and every collector before entering on the execution of his office shall before some court or justice of the peace for the county, take the following oath: "I, A. B., do solemnly swear, that I will without favour, prejudice or partiality, well and truly execute and discharge the duty of collector for the port of \_\_\_\_\_ to the best of my understanding, according to law; and that I will not be concerned directly or indirectly in exporting or importing any goods or merchandize subject to a duty, during my continuance in the said office, unless for my own particular use and consumption not exceeding the value of two hundred pounds sterling in any one year. So help me God." And if any collector shall be convicted of exporting or importing any goods or merchandize contrary to the said oath, he shall forfeit and pay the sum of five hundred pounds, and his said office shall be vacant: Provided, the suit or prosecution is commenced in the district where such collector usually resides, and within six months next after the offence shall have been committed, and not otherwise.

XIV. And be it further Enacted by the authority aforesaid, That every collector shall fairly keep and render an account of all entries made with him, and before he enters on the execution of his office give bond with sufficient security (which bond shall be lodged in the secretary's office) in the sum of one thousand pounds, to the Governor for the time being, for the use of the State, with condition that he will honestly and faithfully, and justly execute the office of collector of the impost or duty aforesaid at the port to which he is appointed, and will fully and fairly account for on oath, and pay all such sum or sums of money by him received and accounted for every nine months to the public treasurer of the district where he shall exercise his office; and for his receiving the aforesaid duties, and fully and fairly accounting for and paying the same to the treasurer aforesaid, he shall be allowed five per centum, and may deduct the same as his commissions out of such monies as may be received by him.

XV. And be it further Enacted by the authority aforesaid, that the several fines, forfeitures and penalties, which shall be incurred or become due by virtue of this Act, shall and may be sued for, prosecuted and recovered by action of debt in any court of record in this State, where no essoin, privilege, protection or wager of law, shall be allowed or admitted; and one moiety of all the respective forfeitures that shall be incurred by virtue of this Act, shall enure and be to the use of the State, and the other moiety thereof shall go to him or them who will inform and sue for the same: Provided, that such fines, penalties and forfeitures, be sued for within three months after the offence committed, and not after.

XVI. And be it further Enacted by the authority aforesaid, that this Act shall be and continue in force from and after the fourth day of July next, until the Act "vesting a power in the United States in Congress "assembled to levy a duty on foreign merchandize for the United States," shall be in force and have effect.

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CHAPTER V.

An Act for appointing Collectors of the Imposts at the several Ports of this State, and for regulating the duty of Naval Officers, the Officers of Customs, and Masters of vessels.

I. Whereas the increased and increasing trade of this State and the necessary appointment of persons to receive the impost laid by this present General Assembly, make it expedient to regulate the duty of the officers of the customs, in order that commerce may thereby be encouraged, and that the Legislature may be acquainted from time to time with certainty of the value and quantity of the imports and exports of this State;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That collectors for the ports of Currituck, Roanoke, Bath, Beaufort, and Brunswick, shall be chosen by the General Assembly by joint ballot of both houses, and shall be commissioned by the Governor for the time being, and in case of a vacancy during the recess of the General Assembly a temporary appointment shall be made by the Governor until the Legislature shall fill such vacancy; and every collector before entering upon the execution of his office, and every naval officer now in office or hereafter to be appointed, shall enter into bond with two or more good and sufficient securities, in the penalty of five thousand pounds current money payable to the Governor for the time being for the faithful discharge of his office according to law, which bond shall be lodged in the secretary's office, and upon a breach thereof shall be assigned by the Governor for the time being to the party injured, who shall and may maintain an action thereon in his own name, and such bond shall not become void upon the first recovery, or if judgment shall be given for the defendant, but may be put in suit from time to time until the whole penalty shall be recovered; and every collector to be appointed, and every naval officer now in office or hereafter to be appointed, shall exclusive of the oath to be taken for the qualification of public officers take and subscribe the following oath, to-wit: "I, A. B., do solemnly swear that I will without favor, prejudice or partiality well and truly discharge the duty of ——— for the port of ——— according to law, and to the best of my skill and judgment, and that I will not during my continuance in the said office be concerned directly or indirectly in exporting any goods, wares and merchandize, which are liable to the payment of any duty or impost except for my own particular use and consumption not exceeding the value of two hundred pounds sterling in any one year. SO HELP ME GOD." And the same oath shall be taken by the collectors of the duties on imports to be imposed by Congress, anything in the act passed this present session for empowering the United States in Congress assembled to levy a duty on imports notwithstanding; which bonds shall and may be executed, and oath taken before the Governor or commander-in-chief or in any court of record, or before any of the judges: and if any naval officer or collector shall be convicted of being concerned or interested in any com-

merce contrary to the true intent and meaning of the said oath he shall be adjudged incapable of holding his office.

III. And be it further Enacted, by the authority aforesaid, That every master of a vessel coming into any port or inlet within this State shall within forty-eight hours after his arrival therein make report or entry with the naval officer of such port or his deputy, and in case of entering shall deliver to such officer his register belonging to his vessel, with a manifest of his cargo, under the penalty of fifty pounds, to be recovered by action of debt in the name of the Governor or commander-in-chief for the time being, in any court having jurisdiction thereof, and shall be paid into the hands of the commissioners of navigation and pilotage for such port, to be by them applied to the improvement of the navigation; and the master shall at the same time enter into bond with sufficient security in the penalty of five hundred pounds, that he will not when an embargo shall be laid depart this State, unless in going to some other port within the State during the continuance of such embargo, and the naval officer upon the receipt of any order or proclamation for an embargo shall immediately give notice thereof to the several masters of vessels within his port, and no bond given respecting such embargo shall be adjudged to be forfeited unless notice shall be given as aforesaid; and every naval officer before clearing out any vessel shall administer to the master thereof the following oath, or affirmation if a Quaker, to-wit: "I, A. B., master of the vessel called the ———, do swear or affirm, that I will make diligent enquiry and search in my said vessel for all concealed persons of whatever denomination, degree or condition; and that I will not wittingly or willingly carry, or suffer to be carried therein out of this State, or to be taken on board thereof after my departure therefrom, without such pass or certificate as is required by law, any person or persons whatsoever inhabitants of the said State; nor will I carry or suffer to be carried or received as aforesaid, any servant or slave that is not attending his or her master or mistress, unless such servant or slave shall be sent to be transported by such master or mistress, or some other person having authority, for some special purpose. SO HELP ME GOD."

IV. And be it further Enacted by the authority aforesaid, That from and after the first day of July next (until which time the fees now due by law may be taken), the several naval officers may take the following fees for their services and no more, that is to say: For entering and clearing vessels and boats not decked, if bound to any other State or to foreign parts, the fee of eight shillings; for entering and clearing every decked vessel under twenty tons, all necessary services included, the sum of fifteen shillings; for entering and clearing vessels of twenty and under sixty tons, all necessary services included, the sum of thirty shillings; for entering and clearing each vessel of sixty tons and upwards, all necessary services included, the sum of forty shillings; for every register and taking probate thereof, fifteen shillings; and for every permit the sum of eight shillings and no more; for an endorsement on a register on the change of a master, and registering such endorsement, the fee of eight shillings. And when a vessel shall enter with any naval officer and afterwards take a permit to a different port in this State, then only half the fees shall be charged at the port of entry, and the other half at the port of clearance; and if any naval officer shall directly or indirectly demand, extort, exact or receive, under colour of his office or otherwise, any other or larger fees than what is allowed by this Act, or shall refuse to do the particular service or services incident to his office for the fee or fees hereby limited, or shall refuse or delay without cause, or upon

feigned pretences to do the particular duties of his office when thereto required, or shall connive at a false entry, every such naval officer shall forfeit and pay the sum of two hundred pounds, to be recovered at the suit of the person or persons injured, or in case of conniving at a false entry, at the suit of the attorney-general for the State, by action of debt in any court having cognizance thereof; and upon conviction on such action, or by indictment, shall be removed from his office and another appointed in his stead, as in cases of death or resignation. Provided always, That no naval officer shall be sued or prosecuted for any of the said offences unless such suit or prosecution shall be commenced within twelve months after the offence shall be committed.

V. And be it further Enacted by the authority aforesaid, That every naval officer, and collector of duties on imports, shall set up or cause to be set up in the most public place in their respective offices, and constantly keep the same so set up, three fair tables or copies of the fees allowed by this Act, that is to say, one in the English, one in the French, and one in the Dutch language; and also a table of each of the said languages of the duties payable on all goods imported, and the tonage payable on shipping, under the penalty of one hundred pounds for every three months' neglect, after the fourth day of July next; and the said officers respectively shall, on receiving any of the said fees and duties on imports and tonage, give a receipt to the person paying expressing the amount thereof, the time the same shall be paid, and for what in particular such payment shall be made, under the penalty of twenty pounds, to be recovered by action of debt at the suit of the party grieved, with costs.

VI. And be it further Enacted by the authority aforesaid, That no vessel shall be cleared out unless the master thereof produces to the naval officer a manifest of the cargo on board, and a certificate from the collector that the duties on imports and on the tonage of his vessel have been paid or secured according to law; and such master before obtaining a clearance shall make oath (or affirm if a Quaker) that the commodities which have been shipped on board his vessel for exportation, or such of them as the law requires to be inspected, have been inspected and landed according to law; and if the naval officer gives a clearance without such manifest and certificate being produced to him, and oath or affirmation being made as aforesaid he shall forfeit and pay the sum of two hundred pounds to the use of the State, and on conviction shall be adjudged guilty of misbehaviour in office.

VII. And be it further Enacted by the authority aforesaid, That every naval officer or collector shall enter in books to be kept for that purpose fair lists of the entries of all imported goods, and in other books fair lists of the clearances of all vessels with their cargoes, and each of the said officers shall once in six months transmit to the Governor or commander-in-chief fair copies thereof under the like penalties as are hereby inflicted upon naval officers for taking exorbitant fees; and the collector of the respective ports shall countersign all clearances.

VIII. And be it further Enacted by the authority aforesaid, That every ship or vessel liable to pay tonage shall be gauged and measured in manner following, that is to say: Every such ship or vessel shall be measured by the length of the gun deck, deducting three-fifths of the greatest breadth from outside to outside, and multiplying the product by the breadth from out to out, and that product again by half the breadth, and divide the last product by ninety-four, which will give the true contents of the tonage, and the tonage shall be computed and collected accordingly; and the collector

of each port where he has any reason to suspect that any ship or vessel is registered at less tonage than her real burthen shall, and he is hereby empowered and required to go on board such vessel and make a measurement in manner before directed.

IX. And be it further Enacted by the authority aforesaid, That the penalties and forfeitures in this Act of which no application is directed, shall and may be sued for in any court having cognizance thereof, one-half thereof to the informer and the other half to the commissioners of navigation where the forfeiture shall be incurred; and that all and every act and acts of Assembly directing the duty or ascertaining the fees of naval officers be, and the same is and are hereby repealed. Provided, That nothing in this Act mentioned shall be construed so as to make void the appointments of either of the naval officers who lately have, and now act as such, all and each of which respectively are hereby declared to be and continue naval officers in their several ports for and during their good behaviour.

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#### CHAPTER VI.

An Act for Levying a Tax for the Support of Government, and for the Redemption of Old Paper Currency, Specie, and Other Certificates.

I. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That for the year one thousand seven hundred and eighty-four, a tax of four shillings on every hundred acres of land, and a tax of twelve shillings on every poll, and a tax of twelve shillings on each hundred pounds value of town lots with their improvements in this State, shall be levied and paid in State currency or in gold or silver, at the rates established by law, in continental or State dollar bills or soldiers' bounty certificates at the rate of eight hundred for one, in specie certificates of any kind at their nominal value, or currency certificates as rated by the act for the sale of confiscated property: Provided, The continental or State dollar bills, specie and other certificates shall not be received for more than one-half of said tax. Provided also, That the inhabitants of the county of Davidson shall be, and they are hereby exempted from the payment of the public tax on polls for the year one thousand seven hundred eighty-four.

II. And be it further Enacted by the authority aforesaid, That the above tax shall be collected, paid and accounted for, as directed by an Act, intituled, An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same, and collecting public taxes; and, An Act passed this present session of Assembly for amending said Act.

III. And, whereas, many Acts of the General Assembly passed heretofore and during this session, for laying district and county taxes, are drawn to correspond with the former mode of assessing property, whereby doubts may arise in the construction of such Acts, Be it therefore Enacted by the authority aforesaid, That every person holding lands by deed or entry where there is no caveat, or holding lands by lease for five years or for life, or in right of dower, shall pay in lieu of the tax in such Acts directed to be levied on the hundred pounds a district or county tax, as the case may be, on every three hundred acres; and also on each and every free poll being twenty-one years of age, and on every slave male and female between twelve and fifty years old, equal to the tax imposed by the said Acts respectively

on each hundred pounds taxable property and no more; any law to the contrary notwithstanding.

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CHAPTER VII.

An Act for Levying a Tax for the Purposes Therein Mentioned, and for Investing the United States in Congress Assembled With a Power to Collect the Same.

I. Whereas, by a resolve of the United States in Congress assembled of the eighteenth of April, one thousand seven hundred and eighty-three, it is recommended to the several States for a term limited to twenty-five years, to appropriate to the discharge of the interest and principal of the debts contracted on the faith of the United States for supporting the war substantial and effectual revenues of such nature as they may judge most convenient for supplying their proportion of one million five hundred thousand dollars annually; and whereas the proportion of this State until the rule of confederation can be carried into practice, is estimated by the United States in Congress assembled to be one hundred and nine thousand and six dollars;

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 there be, and there hereby is granted to the United States in Congress assembled power to collect within this State, for the purpose of discharging the said sum of one hundred and nine thousand and six dollars, being the proportion assigned this State, the following tax under the following regulations and restrictions, that is to say: Six pence currency on every hundred acres of land, one shilling and six pence upon every poll, and one shilling and six pence upon every hundred pounds value of town lots with their improvements; to be ascertained according to an Act of the General Assembly of this State, intituled, "An Act to amend an Act, intituled, An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same, and collecting public taxes; to be accounted for by the collectors, under such regulations as the United States in Congress assembled shall direct." Provided, That such regulations do not extend so far as to subject any citizen of this State to be carried out of the same for trial, or to compel him to answer to any action without the State, or to deprive him of a trial according to the constitution and laws of this State.

III. And be it further Enacted by authority aforesaid, That the collectors of the said taxes shall be appointed by the General Assembly of this State, or during their recess by the Governor by the advice of the council of state, one in each county, which said collectors shall be citizens of the same; and no person shall proceed to execute the office of collector until he shall give bond with ample and sufficient security in two thousand pounds, payable to the Governor for the time being and his successors in office, for the faithful discharge of his duty, which bond shall be entered into at the next county court succeeding such appointment, and lodged in the secretary's office there to be safely kept, and may be put in suit from time to time until the whole penalty is recovered; and before entering on the duty of his office shall also take the following oath before the county court: "I, A. B., do swear as collector for the county of ——— I will well and truly execute the trust reposed in me, agreeable to law." Which oath shall be entered on the minutes of such court, and subscribed by such collector.

IV. And be it further Enacted by the authority aforesaid, That such collectors when so appointed, shall be amenable to, and removable by the United States in Congress assembled; and in case of death, resignation or removal of any collector, a successor shall be appointed within thirty days after the United States in Congress assembled shall give notice for that purpose by the General Assembly, if sitting, and if not by the Governor with the advice of the council of state; and if in case the General Assembly or the Governor and council shall neglect to supply a vacancy occasioned as aforesaid within the term of thirty days after notice as aforesaid, power is hereby given to the United States in Congress assembled to supply and fill the same with some citizen of this State, who shall not proceed to execute the office of collector until he has given bond and taken the oath aforesaid, which oath the county court is hereby authorized and required to administer.

V. And be it further Enacted by the authority aforesaid, That the collectors shall attend by themselves or their deputies in the several districts in their respective counties, one day at least in the month of March in each and every year, previously giving due notice of the time and place, to receive from the inhabitants of such district the taxes herein before mentioned; and if any person after being lawfully notified as aforesaid, shall neglect or refuse to pay the same on or before the first day of April in every year, such collectors may, and they are hereby impowered by themselves or their deputies to levy the same by distress and sale of the goods and chattels of such delinquent; and shall be entitled to take and receive for such distress four shillings and no more. Provided, that no distress shall be made on slaves without the consent of the owner thereof, if other sufficient personal estate can be found; and if it shall appear to any collector that any person in his district is about to remove himself and effects out of the county, then it shall and may be lawful for such collector to destrain on so much of the goods and chattels of such person previous to the said first day of April as will fully pay his or her taxes for that year and charges of distress.

VI. And be it further Enacted by the authority aforesaid, That if the tax on the real estate of persons residing out of this State, or of the inhabitants thereof who have not any personal property therein, shall not be discharged within one year after the same becomes due, then such estate or so much thereof as shall be necessary to discharge such tax, with all contingent charges, shall be sold by the collector by order of the county court, a particular and special return being made for that purpose.

VII. And be it further Enacted by the authority aforesaid, That the revenue so collected shall be carried to the separate credit of this State, and shall be applied to the discharge of the interest and principal of the debts contracted on the faith of the United States for the support of the late war only, and each of the collectors aforesaid shall annually transmit to the General Assembly an account of the proceeds and defalcations of the said revenues in his respective county, and shall be obliged whenever required by the Legislature to produce his book or books for their inspection; and an annual account of the proceeds and application of all the aforesaid revenues shall be made out and transmitted annually by the United States in Congress assembled, specifying also the amount of the whole revenues of this kind received from each State, together with the allowances made to the several officers employed in the collection of the said taxes. Provided nevertheless, That should the tax established as aforesaid yield a sum ex-



ceeding the said proportion of one hundred and nine thousand and six dollars the excess shall be refunded to this State.

VIII. And be it further Enacted by the authority aforesaid, That this Act shall be and continue in force for the space of twenty-five years, in the nature of a grant sacred and inviolable by this State without the concurrence of the whole or a majority of the United States in Congress assembled, as soon as the United States in Congress assembled shall notify the General Assembly of this State, or the Governor or commander-in-chief for the time being, during their recess, that all the other States in the confederation have passed Acts vesting the United States in Congress assembled with power to levy in their respective States like taxes, to be appropriated in like manner, and for the space of twenty-five years, in the nature of a grant sacred and irrevocable by any one or more of them without the concurrence of the whole or a majority of the United States in Congress assembled. Provided, That the monies arising from the said revenue and other monies that may be appropriated for the like purposes shall not be sufficient to discharge the said principal, debt and interest, before the said term of twenty-five years is expired. And provided also, That this State shall have power of changing the mode of levying the tax herein before mentioned, at any time within the aforesaid term of twenty-five years, for any other mode that shall be deemed more convenient to the citizens of this State.

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#### CHAPTER VIII.

##### **An Act for imposing a Duty or Tax in Aid of the Public Revenue Upon the Different Articles Therein Mentioned Sold at Auction or Public Vendue, and for Regulating Auctioneers or Vendue Masters.**

I. Whereas, for the better support of government it becomes necessary that a tax should be imposed upon the nett amount of several articles sold at public auction;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and immediately after the first day of July next a duty or tax of two and a half per cent. be, and the same is hereby assessed and shall be levied upon the nett amount of all lands, negroes, horses, goods, wares and merchandize whatsoever, sold by auction or public vendue in the several towns hereafter mentioned; and every auctioneer or vendue master shall keep in his hands out of the nett amount of such sales, after deducting his own commissions, the sum of fifty shillings for every hundred pounds produced thereby, and so at that rate for a greater or less sum; which said duty shall be paid into the public treasury to be applied towards the support of government.

III. And for the better and more certain collection of the said duty, Be it Enacted by the authority aforesaid, That George Doherty, for the town of Wilmington; Isalah Chaddock, for the town of Beaufort; Thomas Sitgreaves, for the town of New Bern, and Stephen Owen, for the town of Washington; James Emmit, for the town of Fayetteville, and Edmund Blount, for the town of Edenton, be and they are hereby appointed auctioneers or vendue masters; which said auctioneers or vendue masters shall be commissioned by the Governor, and upon a vacancy in any of the said offices the Governor for the time being shall make a temporary appointment until the General Assembly shall fill up the vacancy: and every

vendue master before he shall be impowered to act as such shall enter into bond, payable to the Governor or commander-in-chief for the time being and his successors in office, in the penalty of ten thousand pounds, with sufficient securities, conditioned for the faithful discharge of his duty in office, and that he will well and truly at the end of every three months render an account on oath to the treasurer of the district in which he shall reside of the sales of all goods by him disposed of as auctioneer or vendue master, and which shall be liable to the duty or tax hereby imposed, and shall pay to the said treasurer the taxes arising upon such sales; and the said treasurers are hereby required to call upon the auctioneers or vendue masters within their respective districts once in every three months to render an account of the sales by them made as aforesaid; and in case of neglect or refusal to render such account and make payment as aforesaid, the treasurers are hereby authorised and required to commence an action or actions against him or them for the recovery of the penalty of the said bond, which upon any such neglect is hereby declared to be forfeited to the use of the State.

IV. And be it further Enacted by the authority aforesaid, That if any person or persons shall sell or expose for sale by public auction in any of the said towns any lands, negroes, horses, goods, wares or merchandizes, not their own property, in any of the towns aforesaid, before he or they shall have given bond with securities as aforesaid, or without any appointment to the office of auctioneer or vendue master, every such person or persons shall for every public sale or auction so made forfeit the sum of five hundred pounds current money, to be recovered by action of debt by the respective treasurers in any court having cognizance thereof, and applied to the use of the State.

V. Provided always, and be it Enacted by the authority aforesaid, That nothing in this Act shall extend or be construed to extend to levy any tax from or to prevent the sales of the estates of any deceased persons, or any property, real or personal, sold under any execution, attachment or decree of any court of law or equity, but that all such property and estates shall be sold by the sheriff of the county in which the same shall be situated, except the estates of deceased persons, who by will may direct any particular mode of sale, in which case the will of the testator shall be pursued. And provided also, that goods distrained and sold for rent shall not be liable to any duty or tax.

VI. And be it further Enacted by the authority aforesaid, That every auctioneer or vendue master to be appointed by virtue of this Act, shall and may take and receive for his trouble in selling, keeping an account of, collecting and paying the monies for which such lands, negroes, horses, goods, wares and merchandizes, shall be sold, including the bonds to be taken when the said articles or any of them shall be sold on credit the following commissions, that is to say: On all lands, slaves, horses and goods, wares and merchandizes, sold by the bale, package or cask, forty shillings for every hundred pounds by them to be sold; on all goods, wares and merchandizes by the piece, dozen or set, or any less quantity, two pounds ten shillings for every hundred pounds to be sold, and so in proportion for a greater or less sum; and when any of said articles shall be sold on credit the bonds for securing the payment thereof shall be taken payable to the auctioneer or vendue master who shall sell the same, and shall by him be collected and paid after deducting his own commissions and the duty hereby imposed, to the person or persons to whom such articles shall belong, his or their factor or agents.

## CHAPTER IX.

**An Act for Authorizing the United States in Congress Assembled to Regulate the Trade of This State With Foreign Nations.**

Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That for the more effectual removal and prevention of any restraints now existing, or that may hereafter be laid by foreign powers upon the commerce of the United States, the delegates from this State to Congress are hereby authorized on behalf of the same to agree to and ratify any article or articles by which the Congress of the United States shall be impowered to prevent or prohibit the importation of all foreign goods or commodities in any other than ships or vessels owned by citizens of the United States, or any of them, or such a proportion of seamen citizens of the United States or any of them, as from time to time may be agreed to by nine States in Congress assembled; and the article or articles containing the power aforesaid, or a power substantially the same, when agreed to by the other States in the Union, shall be considered, taken and held as a part of the articles of confederation and perpetual union. Provided always, That this Act shall not be in force until all the States in the Union shall have vested Congress with similar powers.

## CHAPTER X.

**An Act Vesting Certain Powers Therein Mentioned in the United States in Congress Assembled.**

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 United States in Congress assembled, shall be and they are hereby authorized and impowered in the final settlement of the proportion to be born by this State in the general expences of the war, from the commencement thereof until the first day of January, one thousand seven hundred and eighty-two, except the monies loaned to the United States, to assume and adopt such principles as from the particular circumstances of this State and the several States in the Union at different periods may appear just and equitable, without being wholly confined to the rules laid down in the eighth of the articles of confederation, in cases where the same cannot be applied without manifest injustice.

## CHAPTER XI.

**An Act Ceding to the Congress of the United States Certain Western Lands Therein Described, and Authorizing the Delegates from this State in Congress to Execute a Deed or Deeds for the Same.**

I. Whereas, the United States in Congress assembled, by their resolutions of the sixth of September and tenth of October, one thousand seven hundred and eighty, have earnestly recommended to the respective States in the Union claiming or owning vacant Western territory to make cessions of part of the same; and whereas by their resolution of the eighteenth of April, one thousand seven hundred and eighty-three, as a further means as well as hastening the extinguishment of the debts as of establishing the

harmony of the United States, it was recommended to the States which have passed no Acts towards complying with the said resolutions, to make the liberal cessions therein recommended; and this State ever desirous of doing ample justice to the public creditors as well as establishing the harmony of the United States,

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 this State do hereby cede to the Congress of the United States for the said States, all right, title and claim which this State has to the lands west of the Apalachian or Alleghany mountains, beginning at the Virginia line where the said line interseects the extreme height of the said mountain, thence with the said mountain to the thirty-fifth degree of north latitude, being the southern boundary, thence running in the said thirty-fifth degree to the Mississippi, thence up the Mississippi to thirty-six degrees thirty minutes of north latitude, being the northern boundary of this State, thence to the first station; and delegates from this State in the Congress of the United States are hereby authorized and impowered to execute a deed or deeds on the part of this State, conveying to the Congress of the United States all the right, title and claim to the government and territory thereof, that this State now has or ever had in or to the said territory above ceded, upon the following express conditions and reservations, and subject thereto, that is to say: First, That neither the lands nor the inhabitants of the territory westward of this said line shall be estimated after this cession shall be accepted in the ascertaining of the proportion of this State with the United States in the common expence occasioned by the late war. Secondly, That the lands laid off or directed to be laid off by any Act of Acts of Assembly of this State for the officers and soldiers, their heirs and assigns, respectively, and if the bounds of the lands already prescribed for the officers and soldiers of the Continental line of this State shall not contain a sufficient quantity of lands fit for cultivation to make good the several provisions intended by law, that such officer or soldier who shall fall short of his allotment or proportion after all the lands fit for cultivation within the said bounds are appropriated be permitted to take his quota, or such part thereof as may be deficient in any other part of the said Western country not already appropriated within the time limited by law for the said officers and soldiers to survey and lay off their respective proportions; and where entries have been made and titles under them not perfected by grant or otherwise, then and in that case the Governor for the time being shall and is hereby required to perfect such titles in such manner as if this Act had never been passed; and that all entries made by, or grants made to all and every person and persons whatsoever under the laws of this State, and within the limits hereby ceded to the United States, shall have the same force and effect as if this cession had not been made; and that all and every right of occupancy and pre-emption, and every other right reserved by any Act or Acts to persons settled on any occupying any lands within the limits of the lands hereby ceded as aforesaid, and all reservations of hunting grounds for the use of the Indians, shall continue to be in full force in the same manner as if this cession had not been made, and as conditions upon which the said lands are ceded to the United States: And further, it shall be understood, that if any person or persons shall have by virtue of the law commonly called the land law now in force in this State located his or their entry to any spot or piece of ground on which any other person or persons shall have previously located an entry or entries, that then and in that case the person or persons making such entry or entries

or their assignee or assignees, shall have leave and be at full liberty to remove the location of such entry or entries to any lands on which no entry has been specially located, or on any vacant lands included within the limits of the lands hereby ceded; Provided, That nothing herein contained shall extend or be construed to extend to the making good any entry or entries, grant or grants heretofore declared void by any Act or Acts of the General Assembly of this State. Thirdly, That all the lands hereby ceded to the United States and not reserved or appropriated as before shall be considered as a common fund for the use and benefit of such of the United American States as now are or shall become members of the confederation or federal alliance of the said States, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure; and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. Fourthly, That the territory so ceded shall be laid out and formed into a State or States, containing a suitable and convenient extent of territory; and that the State or States so formed shall be a distinct republican State or States and admitted members of the federal union, having the same right of sovereignty as other States; and that the State or States which shall be hereafter erected within the territory now ceded, shall have the most full and absolute right to establish and enjoy, in the fullest latitude, the same constitution and the same bill of rights which are now established in the State of North Carolina, subject to such alterations as may be made by the inhabitants at large or a majority of them, not inconsistent with the confederation of the United States. Provided always, That no regulations made or to be made by Congress shall tend to emancipate slaves, otherwise than shall be directed by the Assembly or Legislature of such State or States. Fifthly, That if Congress do not proceed to accept the lands hereby ceded in due form and give official notice thereof to the delegates of this State, if in Congress, or to the executive or legislative authority within twelve months from the passing of this Act, then this Act shall and will be of no force, and the lands hereby ceded revert to the State.

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#### CHAPTER XII.

**An Act to Prevent Doubts as to the Right of Sovereignty and Jurisdiction In and Over the Territory Lying West of the Apalachian Mountains, for Shutting the Land Office, and for Indemnifying John Armstrong, Esq., Entry-Taker, Against Vexatious Suits for His Conduct in Office.**

I. Whereas the General Assembly by Act passed this session, has ceded on certain conditions therein mentioned to the United States in Congress all the territory which belonged to this State lying west of the Apalachian or Alleghany mountains; and whereas doubts may arise with respect to the sovereignty and jurisdiction of the territory aforesaid until the United States in Congress shall accept or refuse the cession;

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 sovereignty and jurisdiction of this State in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same in all respects until the United States in Congress shall accept the cession, as if the Act aforesaid had never passed.

III. And whereas it is just and right that no further entries of lands within the territory aforesaid should be allowed until the United States in

Congress refuse the cession aforesaid, Be it Enacted by the authority aforesaid, That the said office be and the same is hereby discontinued; and that all entries of lands in the said territory made since the 25th day of May, 1784, or which shall hereafter be made in the said office of John Armstrong, shall be and they are hereby declared void, except such entries of lands as shall be made by the commissioners, agents and surveyors who extended the lines of the lands allotted to the Continental officers and soldiers, and the guards and hunters, chain carriers and markers who attended the said commissioners; which entries shall and may be received by the said John Armstrong agreeable to the report of the committee, and proceedings had thereon in the same manner as if this Act had not passed, and that the said John Armstrong shall not be liable to the action of any person or persons for damages, or to any fine or penalty for refusing to receive any entry or entries of lands except the entries to be made for the lands last above mentioned, lying in the territory aforesaid, on the said 25th day of May, or at any time since, any law to the contrary notwithstanding.

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#### CHAPTER XIII.

**An Act to Impower the Delegates of this State in Congress to Assent to a Repeal of Part of the Eighth of the Articles of Confederation and Perpetual Union Between the Thirteen States of America, and to Subscribe and Ratify the Alteration Proposed in the Recommendation of Congress of the 18th of April, 1783, in Place Thereof, as Part of the Said Instrument of Union.**

I. Whereas, by a resolve of the United States in Congress assembled of the 18th of April, 1783, it is recommended that so much of the eighth of the articles of confederation and perpetual union between the thirteen States of America as is contained in the words following, to-wit: All charges of war and all other expences that shall be incurred for the common defence or general welfare and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury which shall be supplied by the several States in proportion to the value of all land within each State granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall from time to time direct and appoint, be repealed and made void.

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 delegates of this State in Congress be and they are hereby authorised, impowered and directed to assent to the repeal of so much of the eighth of the articles of confederation and perpetual union between the Thirteen States of America as is recited in the foregoing words.

III. And whereas it is also recommended by the United States in Congress assembled in the words following, to-wit: "That all charges of war and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of the common treasury, which shall be supplied by the several States in proportion to the whole number of white and other free citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not com-

prehended in the foregoing description, except Indians not paying taxes, in each State, which number shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint; Be it therefore Enacted by the authority aforesaid, That the delegates of this State in Congress be and they are hereby fully authorised, empowered and directed to subscribe and ratify the same as part of the said instrument of union.

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#### CHAPTER XIV.

**An Act to Amend An Act, intituled, "An Act for Opening the Land Office for the Redemption of Specie and Other Certificates, and for Discharging the Arrears Due to the Army.**

I. Whereas, by the said Act no mode is pointed out for appointing a surveyor or surveyors for surveying the lands entered in the general entry-office kept by Col. John Armstrong.

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 three surveyors be appointed by joint ballot of both houses to survey the said lands, viz.: One to survey those lands that lye between the bounds hereafter described for the surveyor of Greene county and Cumberland mountain, one to survey those lands that lye between the Cumberland mountain and the river Tenasee, and one to survey those lands that lye between the Tenasee and the Mississippi river, who shall each of them give bond with sufficient security in the penal sum of ten thousand pounds, payable to his Excellency the Governor and his successors in office for the faithful discharge of his duty agreeable to law, which said bond shall be deposited in the secretary's office, and upon breach of the condition of the said bond, the same shall be assigned by the Governor to the party or parties injured, who may maintain an action thereon in his or their name, and no such bond shall become void upon its recovery or if judgment shall be given for the defendant, but may be put in suit and prosecuted from time to time until the whole penalty shall be recovered.

III. And be it further Enacted by the authority aforesaid, That the surveyors elected by joint ballot of both houses as aforesaid shall have power, and are hereby authorized to appoint one or more assistant surveyors to assist them in their respective districts in the execution of their offices, for whose conduct the said surveyors so elected by joint ballot of both houses shall be respectively answerable as for their own.

IV. And whereas it appears to this General Assembly that there are a number of grants made out by the secretary for lands formerly entered with the entry-takers appointed in the several counties in this State to receive entries of claims for lands, by virtue of an Act passed at New Bern in December, one thousand seven hundred and seventy-seven, intituled An Act for receiving entries of claims for lands, &c., and a number of said grants lye in the secretary's office for which the fees have not been paid, to the great injury of the secretary; for remedy whereof, Be it Enacted by the authority aforesaid, That if the secretary shall send such grants as now are or hereafter may be made out for any lands that have been entered with any entry-taker in this State, before the fifteenth day of July, one thousand seven hundred and eighty-one, to the county where such grantee or grantees reside; and shall cause the arrival of such grants to be advertised four months at least, immediately succeeding such arrival, at the court

house in such county; that then and in that case it shall and may be lawful for the secretary or his agent to ask, demand and receive one shilling per month after the expiration of the said four months, for each and every grant by him sent and advertised as aforesaid, for which the fees are not paid. Provided further, That nothing in this Act contained shall affect a survey of two thousand acres of land made for David Wilson, Esquire, by the surveyor of Greene county.

V. And whereas, by an Act passed the last session of Assembly, intituled, "An Act to erect a county adjoining the line of Virginia, including a part of Cumberland river," It is provided, That the inhabitants of Davidson county shall be allowed the term of eighteen months to procure certificates to pay for the pre-emptions granted to the inhabitants of the said county; and whereas the time allotted to the said inhabitants for the aforesaid purposes will soon expire, and many of the inhabitants from their remote situation have not been able to procure certificates for the purposes aforesaid, Be it therefore Enacted by the authority aforesaid, That the inhabitants of Davidson county, who have claims of pre-emption, and have not paid for the same, be allowed the term of twelve months, from the passing of this Act, to pay for the same, any law to the contrary notwithstanding.

VI. And to prevent disputes respecting the bounds allotted to the surveyor of Greene county, be it Enacted by the authority aforesaid, that the surveyor of Greene county is hereby authorised to survey all lands for which warrants have been or may be granted by Colonel John Armstrong, entry-taker at Hillsborough, lying westward of the Apalachian mountains, and including all the lands on the waters of Holston from the mouth of French Broad river upwards to the bounds of Washington and Sullivan counties, exclusive of the entries made by the entry-taker of Greene county, any thing in any law to the contrary notwithstanding.

VII. And be it further Enacted by the authority aforesaid, that all tracts of land shall be laid off and surveyed in a square or oblong form, as the law directs, and every survey shall be on the lands entered and as nearly as may be agreeable to the locations thereof; and in case any entry shall be made for lands which have been previously granted or entered and located, the surveyor shall and he is hereby authorised to survey the quantity on any vacant lands in this State, which may be located or described by the person who made the entry, or any other person authorised for that purpose.

#### CHAPTER XV.

An Act to amend an Act, intituled, "An Act for the relief of the Officers and Soldiers of the Continental line, and for other purposes."

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that the surveyor appointed by the Act aforesaid to survey the lands granted to the officers and soldiers of the Continental line of this State shall keep a proper book, wherein he shall enter all locations of lands which have been made agreeable to law, and therein shall insert the name of the person, the number of the location, number of the warrant, quantity of acres, when located, and description of the location, in the following manner:

Persons names.	No. of the warrant.	No. of the location.	Quantity of acres.	When located.	Description.
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II. And be it further Enacted by the authority aforesaid, that from and after the passing of this Act the office of the said surveyor shall be kept at Nashville, in Davidson county, and conducted under the regulations and upon the principles aforementioned, and thereafter no locations made elsewhere shall be deemed valid.

III. And be it further Enacted by the authority aforesaid, that any officer having a warrant for lands may have the same surveyed in one tract; and each and every tract surveyed for officers or soldiers shall be run out at the four Cardinal points of the compass either in a square or in an oblong, which last shall in no case be more than twice as long as it is broad, and no survey of less than one thousand acres, whether the same be made for any officer or soldier, or for any person on account of pre-emption or guard-right, shall be extended across any river or creek, where the same is navigable for batteaux: Provided, that when a mountain, river or creek shall interfere in any survey, one side of such survey may be bounded by such mountain, river or creek, and the other three sides shall be run out at the Cardinal points.

IV. And whereas the money paid into the hands of Willie Jones, Henry Montfort, and Benjamin M'Culloch, commissioners by law appointed to liquidate the accounts of the officers and soldiers of the Continental line is found insufficient for the purposes intended; Be it Enacted by the authority aforesaid, that the further sum of ten thousand pounds be granted for the said purposes to be paid into the hands of the said Henry Montfort and Benjamin McCulloch and John Macon who is hereby appointed a commissioner instead of Willie Jones, resigned; and the said commissioners shall severally enter into bond with security in the sum of thirty thousand pounds, payable to the Governor and his successors in office for the time being, for the faithful discharge of the trust reposed in them, and to account with the General Assembly and pay the balance if any that may remain in their hands, as shall hereafter be directed by the General Assembly, and the said commissioners shall take the following oath: "I, A. B., commissioner for liquidating the accounts of the officers and soldiers of the Continental line, do swear that I will discharge the trust reposed in me to the best of my knowledge, and that I will apply all the money that I shall receive in virtue of my office (my lawful allowance excepted), as the law directs." And the said commissioners, or a majority of them, are hereby authorized to demand and receive out of the tax for the year of one thousand seven hundred and eighty-three the said ten thousand pounds, viz: From the treasurer of Edenton district fifteen hundred and forty pounds, from the treasurer of the district of Newbern, fifteen hundred and forty pounds, from the treasurer of Wilmington district fifteen hundred and forty pounds, from the treasurer of the district of Salisbury fifteen hundred and forty pounds, from the treasurer of the district of Hillsborough fifteen hundred and forty pounds, from the treasurer of the district of Halifax fifteen hundred and forty pounds, from the treasurer of the district of Morgan seven hundred and sixty pounds.

V. And be it further Enacted by the authority aforesaid, that the said commissioners or a majority of them shall settle the accounts of the officers and soldiers not yet adjusted for services prior to first of January, one thousand seven hundred and eighty-two, computing interest to the first of August, one thousand seven hundred and eighty-three, and shall pay one-fourth of the balance in money, and issue indented certificates

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for the remainder, dated the said first day of August, one thousand seven hundred and eighty-three.

VI. And be it further Enacted by the authority aforesaid, that if the sum of ten thousand pounds hereby granted for the purpose of paying one-fourth of the demands for services prior to January, one thousand seven hundred and eighty-two, should still be insufficient, that the commissioners shall nevertheless proceed to settle finally all the accounts to them exhibited, and shall issue certificates for three-fourths of the several balances due as in other cases, and a separate and distinct certificate shewing what is due to each claimant in money, taking a receipt in full, in order that the State may be enabled to settle and obtain full credit with the United States; and the claimants to whom such certificates for the one-fourth part of their demands due in money shall be granted, shall be intitled to have and receive the amount of such certificates in current money out of the tax to be collected for the year one thousand seven hundred and eighty-four, to be paid as the General Assembly shall hereafter direct.

VII. And be it further Enacted by the authority aforesaid, That the said commissioners shall not in future allow or pay the account or claim of any officer or soldier to them exhibited, unless the same, if an officer's account, be certified by General Sumner, or some field-officer who continued in service to the end of the war; and if a soldier's account, by a captain or other commissioned officer, and countersigned by some field-officer who continued in service to the end of the war: And it is also hereby declared, that no pay shall be allowed to any soldier who deserted for the time which elapsed during such desertion notwithstanding he might afterwards join the army; but if any soldier deserted and did not join the army again, such soldier shall not be intitled to any pay or land for the time subsequent to the day of desertion.

VIII. And be it further Enacted by the authority aforesaid, that the said commissioners shall have twenty-four shillings each per day for every day they shall be actually sitting as a board in discharge of the duties of their office, and for the risque and trouble of receiving and paying the money by this Act granted shall have one per cent. to be divided among them, and no more.

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#### CHAPTER XVI.

An Act for the relief of such persons as have been disabled by wounds or rendered incapable of procuring for themselves and families subsistence in the Militia Service of this State, and providing for the Widows and Orphans of such as have died.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the Same, that from and after the passing this Act, that every person who shall come within the above description shall apply to the court of the county in which he or they shall reside, which court on such application, shall certify to the General Assembly the distresses of such person or persons, who shall have an allowance adequate to their relief for one year, which allowance shall be continued for the next succeeding year, and so long as such court shall certify such person to continue under the description aforesaid; which order or certificate of court being countersigned by the speakers of the

General Assembly, shall be a sufficient voucher to any sheriff, collector, or treasurer paying the same, in the settlement of their public accounts.

II. And be it further Enacted by the authority aforesaid, that the widows and orphans of such persons as come within the above description, shall be intitled to obtain relief on application to the county court, in the same manner as those disabled persons before-mentioned.

III. And be it further Enacted by the authority aforesaid, that the allowances made to objects within either of the before-mentioned descriptions during the present session of Assembly, shall be paid by the treasurers or either of them, according to the order contained in the certificate of such allowance, any thing herein contained to the contrary notwithstanding.

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#### CHAPTER XVII.

An Act for the relief of such persons who have through misapprehension entered their lands in a different County from that wherein they lye, by which means they are deprived of a Legal Title; for remedy whereof,

Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that all such entries shall be as good and valid in law as if they had been made in the proper office of the county wherein they lye; and it shall and may be lawful for the surveyor or surveyors who may have the warrants in possession, to lay out and survey the said lands so entered, and make returns thereof to the secretary's office, who is hereby required to issue grants for the same, under the like rules, regulations and restrictions, as prescribed by law; and all such titles heretofore granted or hereafter to be granted, shall be good and valid in law, to secure the property to the grantee, to all intents and purposes as if the said lands had been entered with the entry-taker of the county wherein they lye, any law, usage or custom to the contrary notwithstanding: Provided, that this Act shall extend only to the counties of New-Hanover and Brunswick: And provided also, that no persons shall take any benefit by this Act, unless the lands entered were generally conceived to be within the county wherein such entries may have been made, and the persons making such entries shall have performed public duties, and paid public taxes in such counties, as inhabitants thereof before the time of making such entries.

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#### CHAPTER XVIII.

An Act to describe the Lands granted to Major General Nathaniel Greene, and to confirm the Title thereof in the said Nathaniel Greene, his Heirs and Assigns forever.

I. Whereas the General Assembly by an Act passed in April and May session seventeen hundred and eighty-two, intituled, An Act for the relief of the officers and soldiers in the Continental line, and for other purposes therein mentioned, did allot and give to the said Nathaniel Greene, his heirs and assigns, twenty-five thousand acres of land as a mark of their high sense of the extraordinary services of the said Nathaniel Greene; and directed the same to be laid off by the commissioners by the said Act appointed, within the bounds of the lands reserved for the use of the army: And whereas Absalom Tatom, Isaac Shelby, and Anthony Bledsoe,

commissioners appointed by the said Act to examine and superintend the laying off the lands reserved for the use of the army, in pursuance of the said Act; and agreeable thereto did lay off and survey, or cause to be laid off and surveyed, twenty-five thousand acres of land for the said Nathaniel Greene, a plot of which was duly returned, and now is among the public papers, bounded as follows: beginning on the south bank of Duck river, on a sycamore, cherry tree and ash, at the mouth of a small branch, running thence along a line of marked trees, south seven miles and forty-eight poles to two Spanish oaks, a hickory and sugar sapling, thence east six miles and ninety poles to a Spanish oak and hackberry tree, north three miles and three hundred poles to a sugar tree sapling, and two white oak saplings, under a cliff of Duck river where it comes from the northeast, thence down Duck river according to its several meanders to the beginning.

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 absolute property of the land so laid off by the commissioners, and included in the bounds above-mentioned, be and it is hereby vested in fee simple in the said Nathaniel Greene, his heirs and assigns forever; and his Excellency the Governor is hereby directed to make out and execute without delay, on behalf of the State, a good and sufficient grant with the seal of the State annexed in due form, to the said Nathaniel Greene, his heirs and assigns, for the lands above described, and to cause the same to be recorded or registered in the proper offices, and then to transmit the said grant as soon as may be to the said Nathaniel Greene.

III. And be it further Enacted by the authority aforesaid, That all entries, warrants, surveys and grants, which have been made or obtained subsequent to March the eleventh, seventeen hundred and eighty-three, the date of the return of the survey of said Nathaniel Greene's lands, or shall be hereafter made, or obtained by any other person or persons for the said lands, or any part thereof, shall be and they and every of them are hereby declared utterly void, any law to the contrary notwithstanding.

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#### CHAPTER XIX.

**An Act to empower the County Surveyors to make surveys and returns in the manner therein mentioned.**

I. Whereas it has been found impracticable to survey most of the entries of lands made in and adjoining the large swamps in the eastern parts of this State agreeable to the manner directed by the Acts now in force, without putting the persons entering the same to great and unnecessary expence; for remedy whereof,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the surveyors or any of them in the eastern parts of this State, and they or either of them are hereby empowered and required to survey for any person or persons whosoever his or their entries of land already made or that hereafter may be made in or adjoining any of the great swamps, (be the number of entries more or less) in one intire survey, and return the same to the secretary's office, who is hereby empowered and required to make out a grant or grants for the same, agreeable to such return: Provided, that the entries so border on each other as to render this mode more practicable than to survey the same separately.

III. And be it further Enacted by the authority aforesaid, That where two or more persons shall have entered or may hereafter enter lands jointly, or where two or more persons agree to have their entries surveyed jointly in one or more surveys, the surveyor is hereby Impowered and required to survey the same accordingly in one intire survey; and the persons so agreeing to have their entries surveyed, or entering lands jointly, shall hold the same as tenants in common, and not as joint tenants.

IV. And be it further Enacted by the authority aforesaid, That the owner or owners of lands surveyed in manner aforesaid, shall be obliged to pay to the surveyor or surveyors and secretary the same fees as are allowed by law for other lands.

V. And be it further Enacted by the authority aforesaid, That so much of any Act or acts now in force in this State as comes within the purview and meaning of this Act shall be, and the same is hereby repealed and made void.

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#### CHAPTER XX.

An Act for repealing Part of an Act passed at Hillsborough in May, one Thousand Seven Hundred and Eighty-Three, intituled, "An Act for opening the Land Office for the Redemption of Specie and other Certificates, and discharging the arrears due to the Army."

Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That so much of the twelfth section of the Act aforesaid as is contained in these words, viz. "Provided also, and it is hereby expressly declared, That it shall not be lawful for any person or persons to claim, enter or survey the Great Island in Holston river, and if any such entry be made (the same having been made in open violation of treaty) is hereby declared void. And be it Enacted, That the said island shall be and hereby is reserved and appropriated to the sole purpose of holding the beloved talks and treaties on with the said Cherokee Indians, and shall not be granted, sold or disposed of to any person or persons whatever," be and it is hereby repealed and declared utterly void.

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#### CHAPTER XXI.

An Act for the relief of persons who have suffered or may suffer by their Grants, Deeds and Mesne Conveyances not being proved and registered within the time heretofore appointed by Law.

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 grants for lands entered in the late land-office, under the present constitution, which have not been registered within the times heretofore appointed by law, shall and may within two years after the passing of this Act be admitted to registration, and shall be as good and valid as if they had been registered within the time aforesaid; and all grants for lands obtained as aforesaid, which have been registered since the expiration of the time by law appointed for their being registered, shall be as good and valid to all intents and purposes as if they had been registered within the time aforesaid, any law to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, That all deeds and mesne conveyances of lands, tenements and hereditaments not already registered, acknowledged or proved, shall and may within two years after the passing of this Act be acknowledged by the grantor or grantors, his or their agents or attornies, or proved by one or more of the subscribing witnesses to the same, and tendered or delivered to the registers of the counties where such lands, tenements or hereditaments are respectively situated; and all deeds and mesne conveyances whatsoever which shall be acknowledged or proved according to the directions of this Act, though not within two years after the date of such conveyance, shall be good and valid in law, and shall inure and take effect as fully and effectually to the use and behoof of the grantees, their heirs and assigns, and those claiming under them, as if such deed and conveyance had been acknowledged or proved, and registered agreeable to the directions of any law heretofore made: Provided, that nothing in this Act contained shall be construed so as to admit to record or registration, or ratify and enforce any grant or grants heretofore made in Lord Granville's office.

III. And where any purchase of land hath been made within this State since which time the grantor or grantors, or the subscribing witnesses have removed themselves out of the county where such land lies, Be it Enacted by the authority aforesaid, That if any person or persons under the before-mentioned circumstances shall make it appear to the satisfaction of the county court of the county in which such land may lye, the said court is hereby impowered to grant a dedimus, directed to some justice of the peace in the county or State where such grantor or grantors, or any of the subscribing witnesses may be, empowering the said justice to take the acknowledgement or probate of such deed or deeds, and requiring him to certify the same under his hand and seal, directed to the said county court, setting forth that such deed or deeds have either been acknowledged by the grantor or grantors, or otherwise proved by the oath of one or more of the subscribing witnesses; then and in that case such county court is hereby impowered to admit such deed or deeds to record and registry, which shall be as valid in law as if the same had been acknowledged or proved in open court of said county, any law to the contrary notwithstanding.

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#### CHAPTER XXII.

**An Act to regulate the descent of Real Estates, to do away Entails, to make provision for Widows, and prevent frauds in the Execution of last Wills and Testaments.**

I. Whereas it will tend to promote that equality of property which is of the spirit and principle of a genuine republic, that the real estates of persons dying intestate should undergo a more general and equal distribution than has hitherto prevailed in this State,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That when any person shall die seized or possessed of, or having any right, title or interest in and to any estate, or inheritance of land, or other real estate in fee simple, and such person shall die intestate, his or her estate or inheritance, shall descend in the following manner, to wit: To all the sons to be equally divided amongst them, and for want of sons, to all the daughters to be divided amongst them equally, share and share alike, as

tenants in common in severalty, and not as join-tenants, other than such son or daughter as shall have lands settled on him or her by his or her deceased parent in fee simple, equal to the share which shall descend to the other sons or daughters, as the case may be, respectively; and in case any son or daughter shall have lands settled on him or her, by his or her deceased parent, not equal to the share which shall descend to such sons or daughters, as the case may be, respectively as aforesaid, then so much of the lands or other real estate of the deceased shall descend to such son or daughter, so provided for, as will make the estates of all the children entitled by this Act to the inheritance, as nearly equal as can be estimated; and each and every of the children of the deceased so inheriting, shall have, hold and enjoy, in the land so descending, such estate as the said deceased had and held in the same at the time of his decease: Provided always, That if any child of such intestate shall have died in the life-time of the parent, his or her lineal descendants shall be held to represent their parent, and shall stand in the same place he or she would have done, and shall be intitled to the same portion of the estate of their grand-father or grand-mother, as their father or mother would have been entitled to if living; such part or portion to be divided amongst the sons, and for want of sons among the daughters, as tenants in common in severalty, and not as join-tenants.

III. And whereas it is almost peculiar to the law of Great Britain, and founded in principles of the feudal system which no longer apply in that government, and can never apply in this State, that the half-blood should be excluded from the inheritance, Be it therefore Enacted by the authority aforesaid, That if any person dying intestate should at the time of his or her death be seized or possessed of, or have any right, title or interest in or to any estate or inheritance in lands or other real estate in fee simple, and without issue, such estate or inheritance shall descend to his or her brothers, and for want of brothers, to his or her sisters, as well those of half-blood as those of whole-blood; to be divided amongst them equally, share and share alike, as tenants in common and not as joint-tenants, and each and every of them shall have, hold and enjoy in their respective parts or portions such estate or inheritance as the intestate died seized or possessed of, or entitled unto: Provided always, That when the estates shall have descended on the part of the father, and the issue to whom such inheritance shall have descended shall die without issue, male or female, but having brothers or sisters of the paternal side of the half-blood, and brothers or sisters of the maternal line, also of the half-blood, such brothers and sisters respectively of the paternal line shall inherit in the same manner as brothers and sisters of the whole-blood, until such paternal line is exhausted of the half-blood; and the same rule of descent and inheritance shall prevail amongst the half-blood of the maternal line under similar circumstances, to the exclusion of the paternal line: Provided also, That if any brother or sister of the intestate shall have died in the life-time of the intestate, leaving issue male or female, such issue shall represent their deceased parent, and stand in the same place he or she would have done if living, and shall be entitled to the same part or portion of the estate of his or their uncle or aunt, as his or their father or mother would have been entitled unto if living, such part or portion to be divided amongst such representatives, if more than one, among all the sons, and for want of sons, among all the daughters equally, share and share alike, as tenants in common and not as join-tenants.

IV. And be it further Enacted by the authority aforesaid, That the

same rules of descent shall be observed in lineal descendants and collaterals respectively, when the lineal descendants shall be further removed from their ancestor than grand children, and when the collaterals shall be further removed than the children of brothers and sisters.

V. And whereas entails of estates tends only to raise the wealth and importance of particular families and individuals, giving them an unequal and undue influence in a republic, and prove in manifold instances the source of great contention and injustice, Be it therefore Enacted by the authority aforesaid, That from and after the ratification of this Act any person seized or possessed of an estate in general or special tail, whether by purchase or descent, shall be held and deemed to be seized and possessed of the same in fee simple, fully and absolutely without any condition or limitation whatsoever to him, his heirs and assigns forever, and shall have full power and authority to sell or divide the same as he shall think proper, and such estate shall descend under the same rules as other estates in fee simple; and all sales and conveyances made bona-fide, and for valuable consideration, since the first day of January, in the year of our Lord one thousand seven hundred and seventy-seven, by any tenant in tail, in actual possession of any real estate where such estate hath been conveyed in fee simple, shall be good and effectual in law to bar any tenant or tenants in tail, and tenants in remainder of and from all claim and claims, action and actions, and right of entry whatsoever, of in and to such entailed estate, against any purchaser, his heirs or assigns, now in actual possession of such estate, in the same manner as if such tenant in tail had possessed the same in fee simple.

VI. And whereas in real and personal estate held in joint-tenancy the benefit of survivorship is a manifest injustice to the families of such as may happen to die first, Be it therefore Enacted by the authority aforesaid, That in all estates real and personal, held in joint-tenancy, the part or share of any tenant dying shall not for the future descend or go to the surviving tenant or tenants, but shall descend or be vested in the heirs, executors, administrators or assigns respectively of the tenant so dying, in the same manner as estates held by tenancy in common, any law, usage or custom to the contrary notwithstanding: Provided always, That estates held in joint-tenancy for the purposes of carrying on and promoting trade and commerce, or any other useful work or manufacture established and pursued with a view of profit to the parties therein concerned, shall be vested in the surviving partner or partners, in order to enable him or them to settle and adjust the partnership-business and pay off the debts which may have been contracted in pursuit of the said joint-business; but as soon as the same shall be effected the survivor or survivors shall account with and pay and deliver to the heirs, executors, administrators and assigns respectively of the deceased partner or partners, all such part, share and sums of money, as he or they may be entitled to by virtue of the original agreement if any, or according to his or their share or part in the joint-concern, in the same manner as partnership stock is usually settled between joint merchants and the representatives of their deceased partners.

VII. And whereas by the laws of descents as it now stands, when any person seized of a real estate in fee simple, dies intestate without issue, and not having any brother or sister, such estate descends to some collateral relation, notwithstanding that the intestate may have parents living, a doctrine grounded upon a maxim of law not founded in reason, and often iniquitous in its consequences, Be it therefore Enacted by the authority



aforesaid, That in case of any person dying intestate, possessed of an estate of inheritance without leaving any issue, or not having any brother or sister, or the lawful issue of such who shall survive, the estate of such intestate shall be vested in fee simple, in his or her parent, from whom the same was derived; or if such estate was actually purchased or otherwise acquired by such intestate, then the same shall be vested in the father of such intestate if living, but if dead, then in the mother of such intestate and her heirs, and if the mother of the intestate should be dead, then in the heirs of such intestate on the part of the father, and for want of heirs on the part of the father, then to the heirs of the intestate on the part of the mother.

VIII. And whereas the dower allotted by law in lands for widows in the present unimproved state of this country, is a very inadequate provision for the support of such widows, and it is highly just and reasonable that those who by their prudence, economy and industry, have contributed to raise up an estate to their husbands, should be intitled to share in it, Be it therefore Enacted by the authority aforesaid, That if any person shall die intestate, or shall make his last will and testament, and not therein make any express provision for his wife, by giving and devising unto her such part or parcel of his real or personal estate, or to some other for her use, as shall be fully satisfactory to her, such widow may signify her dissent thereto before the judges of the superior court, or in the court of the county wherein she resides, in open court, within six months after the probate of the said will, and then and in that case she shall be intitled to dower in the following manner, to wit: One-third part of all the lands and tenements, and hereditaments, of which her husband died seized or possessed. Provided always, That any conveyances made fraudulently to children or otherwise, with an intention to defeat the widow of the dower hereby allotted, shall be held and deemed to be void, and such widow shall be intitled to dower in such land so fraudulently conveyed as if no conveyance had been made, which said third part shall be and inure to her own proper use, benefit and behoof, for and during the term of her natural life; in which said third part shall be comprehended the dwelling house in which the said husband shall have been accustomed most generally to dwell next before his death, and commonly called the mansion house, together with the offices, outhouses, buildings, and other improvements thereunto belonging or appertaining. Provided always, That in case it should appear to the said judges or justices that the whole of the said dwelling-house, out-houses, offices and appurtenances, cannot be applied to the use of the wife, without manifest injustice to the children or other relations, then and in that case such widow shall be intitled to such part or portions of said dwelling-house, out-houses, offices and improvements thereunto belonging, as they shall conceive will be sufficient to afford her a decent residence, due regard being had to her rank, condition, and past manner of life; which dwelling-house, out-houses, offices and improvements, or such part thereof so allotted the said widow, shall be and inure to her during the term of her natural life; and furthermore, if such husband shall die leaving no child, or not more than two, then and in that case she shall be intitled to one-third part of the personal estate; but if such husband shall die leaving more than two children, then and in that case such widow shall share equally with all the children, she being intitled to a child's part.

IX. And whereas the present mode of suing for dower is dilatory, expensive and intricate, Be it Enacted by the authority aforesaid, That after the

ratification of this Act, it shall and may be lawful for any widow having claim to dower, to file her petition in the superior court of the district, or the court of the county where her husband shall have usually dwelt, setting forth the nature of her claim, and particularly specifying the lands, tenements and hereditaments of which her husband died seized or possessed, and praying that her dower may be allotted to her; whereupon the said court shall issue their writ to the sheriff of the county where the lands, tenements and hereditaments of the deceased husband lie, commanding him to summon twelve free-holders connected with the parties neither by consanguinity or affinity, and intirely disinterested, who upon oath (which oath the sheriff is hereby impowered to administer) shall allot and set off to the said widow, one-third part of all the lands, tenements and hereditaments in the said county, of which the said husband was so as aforesaid seized or possessed, and shall put her in possession of the same, which possession shall vest in her an estate for her natural life, in the third part of the lands, tenements and hereditaments of which her husband was so as aforesaid seized or possessed; and the said sheriff and freeholders shall also put her in possession of the house or mansion, or part or portion thereof, in which her said husband most generally dwelt next before his decease, and of all offices, out-houses, buildings and improvements thereunto belonging, or in any-wise appertaining; and in case of the lands, tenements and hereditaments that were of the estate of the deceased lying in different counties, the court shall issue their writs to the sheriffs of the several counties respectively, commanding them as aforesaid, which writs shall be executed in manner as aforesaid directed, when the lands, tenements and hereditaments lie in the same county; and such sheriff and jury shall also allot and set off to such widow, such part or portion of the personal estate of which her husband died possessed, and to which by this law she shall be intitled, which part or portion shall be and inure to such widow, her executors, administrators and assigns for ever.

X. And be it further Enacted by the authority aforesaid, That the proceedings upon such petitions for dower shall be in a summary manner, and the judges or justices shall at the first court when such petitions are filed, proceed to hear and determine as to them shall seem just and right: Provided always, That the party petitioning for dower, shall give ten days previous notice to the heirs and executors, or executors and administrators of the last will and testament of her deceased husband, and shall serve him, her or them, with a copy of the said petition.

XI. And whereas wills and testaments which ought to be the most solemn and best considered act of a man's life, are in too many instances the most indiscreet, and from weakness of body and mind, and the undue influence of those about them, and from an omission of due ceremonies, the true intentions of the testator are frustrated, and injustice done to those for whom he meant specially to provide, Be it Enacted by the authority aforesaid, That no last will or testament shall be good or sufficient either in law or equity to convey or give any estate in lands, tenements or hereditaments, unless such last will shall have been written in the testator's life-time, and signed by him or some other person in his presence, and by his direction, and subscribed in his presence by two witnesses at least, no one of which shall be interested in the devise of the said lands.

XII. And whereas for want of knowledge in the law many real estates are devised in such a manner as to frustrate the intentions of the testators, and it not unfrequently happens from the difficulty of discovering such intentions, that the posterity of such testators are disinherited, and the

families of such persons whose fortunes are intended to be promoted are left without support; for remedy whereof, Be it therefore Enacted by the authority aforesaid, That from and after the ratification of this Act, where any lands, tenements, hereditaments, or other real estate shall be devised to any person or persons, the same shall be held, deemed and construed to be a devise in fee simple, unless such devise shall in plain or express words, or it shall be plainly intended by such will or some part thereof, that the testator intended to convey an estate of less dignity, any law, usage or custom to the contrary notwithstanding.

XIV. And be it further Enacted by the authority aforesaid, That no written will shall be revoked or altered by a subsequent nuncupative will, except the same be in the life time of the testator reduced to writing and read over to him and approved, and unless the same be proved to have been so done by the oaths of two witnesses at least, who shall be such as are admissable upon trials at common law.

XV. And be it further Enacted by the authority aforesaid, That no nuncupative will in any wise shall be good where the estate exceeds one hundred pounds current money of the State, unless proved by two such witnesses as last mentioned present at the making thereof, and unless they or some of them were specially required to bear witness thereto by the testator himself, and unless it was made in his last sickness in his own habitation or dwelling house, or where he had been previously resident ten days at least, except he be surprized with sickness on a journey or from home, and dies without returning to his dwelling.

XVI. And be it further Enacted by the authority aforesaid, That no nuncupative will shall be proved by the witnesses after six months from the making, unless it were put in writing within ten days, nor shall it be proved till fourteen days after the death of the testator, nor till process hath first issued to call in the widow or next of kin, or both if conveniently to be found to contest it if they think proper.

XVII. And be it further Enacted by the authority aforesaid, That every law heretofore in force in this State, and every clause or part thereof which come within the purview of this Act are hereby repealed and made void.

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#### CHAPTER XXIII.

**A supplemental Act to an Act, intituled, "An Act for proving of Wills and granting Administration, and to prevent frauds in the management of Intestates Estates."**

I. Whereas it is Enacted in the ninth section of the said Act, "That creditors of any person deceased shall make their claims in seven years after the death of such debtor, otherwise such creditor shall be forever barred; and if it shall happen that any sum or sums of money shall hereafter remain in the hands of any administrator after the term of seven years shall be expired, and not recovered by any of kin to the deceased, or by any creditor in that time, the same shall be paid to the church-wardens and vestry to and for the use of the parish where the said money shall remain." And as there are no church-wardens or vestry to make claim in such cases,

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

as soon as an administrator shall have finished his administration on such estates, and no creditor shall make any further demand, the residue of such estate shall be deposited in the treasury, and there to remain without interest, subject to the claim of creditors and the lawful representatives of such decedent without being subject to limitation or time.

III. And be it further Enacted by the authority aforesaid, That the treasurer who is hereby authorized and empowered in all such cases to demand payment of such administrator, and on refusal or delay, to give notice of thirty days to appear and shew cause why he refuses or delays payment, and on non-appearance to enter up judgment, and thereon proceed to execution for the purposes aforesaid.

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#### CHAPTER XXIV.

**An Act directing the appointment of Delegates agreeable to the recommendation of Congress.**

I. Whereas by the fifth of the articles of confederation and perpetual union of the United States it is agreed, that for a more convenient management of the general interest of the United States delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November every year;

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 delegates of this State to the Congress of the United States, shall be chosen at the annual meeting of the General Assembly to serve in Congress one year, to commence on the first Monday in November, next ensuing the time of their appointment; and when vacancies shall happen by removal or resignation of any of the said delegates within the year, others shall be appointed in their stead to serve only for the remainder of that year, and the delegates so appointed shall be furnished with commissions or credentials under the seal of the State, particularly specifying the time of which they are appointed, any law, usage or custom to the contrary notwithstanding.

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#### CHAPTER XXV.

**An Act to amend an Act passed at Hillsborough in the year One Thousand Seven Hundred and Eighty-Three, intituled, "An Act for emitting One Hundred Thousand Pounds for the purpose of Government for One Thousand Seven Hundred and Eighty-Three, for the redemption of the Paper Currency now in circulation, and advancing to the Continental Officers and Soldiers part of their pay and subsistence, and for levying a Tax and appropriating the confiscated property for the redemption of the money now emitted;" and also an Act passed at Halifax in the year One Thousand Seven Hundred and Seventy-Nine, intituled, "An Act for punishing persons concerned in any of the several species of Counterfeiting in this State, to prevent the Counterfeiting of Certificates issued by the Public Authority, and to subject persons guilty of Counterfeiting the Bills of Credit of this State in any of the neighbouring States to the same punishment as if the offence had been committed in this State."**

I. Whereas in the said Act passed at Halifax in the year one thousand seven hundred and seventy-nine, it is Enacted, That if any person or per-

sons shall be found guilty of altering or passing any counterfeit bills of credit, lottery tickets or loan-office certificates, for the second offence he or they shall suffer death without benefit of clergy: And whereas in the said Act passed at Hillsborough in the year one thousand seven hundred and eighty-three, it is Enacted, That whosoever shall by printing, writing, engraving, or by any ways and means counterfeit any of the said bills of credit emitted by virtue of this Act, or any part, word, letter, name, emblem or device of the same, or shall make or construct any die, press, type or other instrument for emitting or counterfeiting any of the said bills, or any part, name, emblem or device thereof (except by authority of law or in case where such may be signed to bring suspected persons to justice) or shall alter or deface any of the said bills with intention to change the value and denomination thereof, or shall knowingly pass or utter any counterfeit likeness of any of the said bills, being thereof lawfully convicted by confession or verdict, or on arraignment on trial shall stand mute or challenge peremptorily more than thirty-five jurymen, every such person or persons shall be subjected to and suffer the same pains and penalties as are provided by an Act passed at Halifax in the year one thousand seven hundred and seventy-nine, intituled, An Act for punishing persons concerned in any of the several species of counterfeiting in this State, and these laws being found ineffectual in preventing the uttering and passing the counterfeit bills aforesaid,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing this Act, if any person or persons shall be a second time convicted of uttering or passing in manner aforesaid any such counterfeit bills of credit, lottery tickets or loan-office certificates, he or they on such second conviction shall suffer death without benefit of clergy, any law to the contrary notwithstanding.

III. And be it further Enacted by the authority aforesaid, That whosoever shall by printing, writing or engraving, or by any other ways or means counterfeit any of the comptrollers, auditors, commissioners, colonels, or any other certificates issued by public authority, or any part, word or letter of the same, with an intention to defraud and deceive, or shall alter or deface any such certificates with an intention to change the value or denomination thereof, or shall knowingly pass or offer to pass or present as a voucher any counterfeit likeness of such certificates, being thereof lawfully convicted, shall suffer the same pains and penalties as are by law inflicted on persons convicted of counterfeiting the bills of credit of this State.

IV. And whereas there is reason to apprehend that wicked and ill-disposed persons resident in the neighbouring States, make a practice of counterfeiting the current bills of credit of this State, and by themselves or emissaries utter or vend the same with an intention to defraud the citizens of this State, Be it therefore Enacted by the authority aforesaid, That all such persons shall be subject to the same mode of trial, and on conviction liable to the same pains and penalties as if the offence had been committed within the limits of this State, and be prosecuted in the superior court of any district within this State.

## CHAPTER XXVI.

## An Act to prevent the exportation of unmerchantable commodities.

I. Whereas the establishment of an inspection for certain articles exported from this State would be of great utility to the commerce thereof,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the justices of the county courts of pleas and quarter sessions, in the several counties hereafter-mentioned, are hereby authorized and required at the first or second court to be held in each of the said counties after the passing of this Act, and on the first court in each county, respectively, which shall be held next after the first day of January in each succeeding year, to nominate and appoint in open court one or more fit or proper person or persons, residing in the said county, to attend at such times and places as are by this Act appointed and directed to inspect all such beef, pork, rice, tar, pitch and turpentine, staves and heading, fish, flour, butter, flax-seed, sawed lumber and shingles, as shall be exposed to sale for exportation within the respective counties according to the directions of this Act; and every inspector so appointed shall before he enters upon or executes his office enter into bond with two good and sufficient securities in the penalty of five hundred pounds current money, for the true and faithful discharge of his office according to the directions of this Act (which bond and securities every such court respectively is hereby impowered and required to demand and take, and cause to be acknowledged before them in open court and recorded), and the said bond shall be made payable to the Governor or commander in chief for the time being and his successors in office, and shall be in force for the term of three years after such inspector shall be out of office, and that in the name of the Governor or commander in chief for the time being, any person or persons injured may and shall at his, her or their costs and charges commence and prosecute a suit or suits on such bond against the parties therein bound, their executors or administrators, and shall and may recover all damages which he, she or they may have sustained by reason of the breach of the condition thereof; and the said bond shall not become void upon the first recovery, or if judgment be given against any plaintiff or plaintiffs who may sue on such bond, but may be put in suit and prosecuted from time to time for the benefit of the party or parties injured until the whole penalty expressed in such bond shall be recovered: Provided always, That if any verdict or judgment shall pass for such inspector or his security, the person or persons at whose instance such suit shall be prosecuted shall pay double costs; and every such inspector shall take the following oath, to wit: I, A. B. do swear that I will faithfully, impartially and diligently execute the office of inspector, and that I will not for favour, affection, prejudice or partiality, brand for any person whatsoever any barrel of beef, pork, rice, tar, pitch or turpentine, fish, flour, butter or flax-seed, or pass any staves or heading, lumber or shingles other than such as are declared lawful by an Act of Assembly, intituled, "An Act to prevent the exportation of unmerchantable commodities," according to the best of my skill and judgment.

III. And be it further Enacted by the authority aforesaid, That the county courts of pleas and quarter-sessions of the respective counties shall be and are hereby authorised and impowered at any time to discharge any inspector from his said office, who shall misbehave himself and act contrary to his duty therein, the party complaining giving such inspector ten days previous notice in writing of the complaint against him with the par-

tiulars thereof; and at the death or on the disability of any of them to appoint another to succeed such dead, disabled or misbehaving inspector, and if any such death should happen in the vacation of such courts, it shall then be lawful for any three justices of such court to nominate and appoint some other fit and proper person as inspector until the next succeeding court for such county, or if any inspector shall be rendered incapable of performing his duty by sickness or other accident, it shall then be lawful for such inspector by and with the consent of three justices to appoint some other person as an assistant during the said inspector's sickness or other disability, which consent shall be certified under their hands and lodged with the clerk of the court of the county wherein the inspector resides, and the person so appointed shall take the same oath as inspectors appointed by the courts, and the inspector shall be liable to the same fines and penalties for the said assistant's bad conduct and misbehaviour as he is liable to for his own.

IV. And be it further Enacted by the authority aforesaid, That the places and landings hereafter-mentioned shall be and are hereby appointed for the inspection of beef, pork, rice, pitch, turpentine, fish, flour, butter, and flax-seed, staves and headings, sawed lumber and shingles, to which places all of the said commodities before sold or exported shall be brought, examined and inspected according to the directions herein after-mentioned, that is to say: In New-Hanover county, at the town of Wilmington, New-Topsail Inlet, and South Washington; in Brunswick county, at the town of Brunswick, Walkersburg and Eagles Island opposite the town of Wilmington, and the Great Island below the Flats, and all other convenient landings; Provided, the inspector appointed by the court of Brunswick county for the landing on Eagles Island, opposite Wilmington, do reside in that town, any thing in this Act to the contrary notwithstanding; in Onslow county, at Swansborough, Bear-Inlet, New River-Inlet, and all other convenient landings; in Carteret county, at Beaufort, David Bell's landing on White-Oak, and Abraham Dudley's on Houston's creek; in Craven county, at Newbern, Clubfoot's creek, Lower Broad creek and Swift creek bridge; in Beaufort county, at Bath, Washington, Broad creek, South Dividing creek, Durham's creek and Blount's creek; in Pitt county, at Martinborough, Lanier's Landing, E. Salter's, Dupree's and Ellis's landings, and Spers's landing, the Red Banks and Simpson's landing; in Hyde county, at Woodstock and Log-House landing; in Tyrrell county, at Ballard's wharf, Coniby and other convenient landings; in Chowan county, at Edenton, Rocky Hock, Black Halls, Red Banks, Wilder's landing; in Bertie county, at the landings heretofore in use for lading of vessels; in Hertford county, at the landings heretofore used for lading of vessels; in Northampton county, at Figure's Point, and Pitch landing, and Jones's warehouse; in Halifax county, at Halifax town and Edwards's ferry; in Edgecomb county, at Tarborough, and all other convenient landings; in Perquimons county, at the landings heretofore used for the lading of vessels; in Pasquotank county, at Nixinton, Newbegun-creek, Pasquotank river bride, Little river bridge, Simon's creek bridge, Winfield and Parmer's landing, Possum Quarter; in Currituck county, at Tull's creek bridge, Moyack creek, Widow Jarvis's near the Narrows, Indian Town bridge, Checonocomick, near Thomas Paine's landing, at the head of Tull's Creek, Currituck court house, mouth of North river, Cowenjack bridge and Lindsay's; in Cumberland county at Fayette-ville; in Camden county, at the landings where commodities have usually been shipped; Wayne county, Cobb's Landing, Spring Bank, old store, West Point; Martin county, at the landings heretofore used; Dobb's county, Kingston,

Abraham Shepperd's, Bryant Whitfield's, Benjamin Caswell's landing, Peacock's bridge; Davidson county, at Nashville; Montgomery county, at Allen's landing; Jones county, at Trenton, Pollock's ferry, and other convenient places; Johnston county, at Smithfield and Boon's landing; Gates county, at Old Town, Bennett's creek and other convenient places: Provided nevertheless, That any person or persons having at any landing, which is not by this Act appointed a place of public inspection, a quantity of merchandize for exportation, and being desirous to ship the same directly on board a vessel for exportation from such landing, it shall and may be lawful for such person or persons intending to ship and export the said merchandize as aforesaid, to call any inspector, who is hereby required to inspect and brand the same under the rules and directions herein mentioned, any thing in this Act contained to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That where any such inspector shall be appointed by this Act to be held in any town that sends a representative to the Assembly, the court of the county wherein such town is shall not nominate or appoint any other inspector or inspectors for any such inspection, but such person or persons who shall during his continuance in office reside in such town.

VI. And be it further Enacted by the authority aforesaid, That no master or commander of any ship or vessel shall take on board his ship or vessel any such cask or barrel, or other inspectable commodity as aforesaid, without being inspected and branded, as by this Act is required, under the penalty of one hundred pounds for each offence, one half to the informer and the other half to the wardens of the county wherein the offence shall be committed, to the use of the poor of such county, to be recovered with costs by action of debt, in any court of record having cognizance thereof.

VII. And be it further Enacted by the authority aforesaid, That no naval officer shall enter any ship or vessel before the master or commander thereof shall have taken the following oath: You shall swear that you will not export in the ship or vessel whereof you are master or commander, any barrel of beef, pork, rice, flax-seed, tar, pitch, turpentine, fish, flour or butter, that shall not have an inspector's brand thereon, except such as shall be necessary for the vessel's use: Which oath the naval officer of the port or his deputy is hereby impowered and required to administer, and shall and may take and receive of such master for the same two shillings and eight-pence and no naval officer shall clear out any ship or vessel until the master shall produce a certificate or certificates from the inspector or inspectors that his cargo has been inspected agreeable to this Act, under the penalty of fifty pounds current money, to be recovered and applyed as before directed.

VIII. And be it further Enacted by the authority aforesaid, That every naval officer or his deputy shall grant a certificate to the master or commander of any ship or vessel of his having taken such oath, under the penalty of twenty-five pounds for each neglect or refusal, to be recovered and applied as herein before directed, for which certificate the naval officer shall and may receive three shillings.

IX. And be it further Enacted by the authority aforesaid, That every such inspector shall constantly attend at the places for which he shall or may be appointed, and shall provide an iron brand any of the commodities, bearing the name of the inspector and his place of residence, and shall find laborers equally with the owner to assist in weighing the several commodities he shall inspect and weigh, and also shall find and provide proper steelyards or scales of the lawful standard for that purpose; and if any inspector shall neglect his duty, or brand or stamp any of the commodities



contrary to this Act, or brand any empty barrel or lend his brand to any person or persons whatsoever, he shall forfeit and pay for every barrel or cask of beef, pork or rice, fish, flour or flax-seed, ten pounds, and for every barrel of tar, pitch or turpentine, twenty shillings, and for branding any empty barrel or lending his brand one hundred pounds, to be recovered with costs, by action of debt, by and for the use of any person who shall sue for the same before any jurisdiction having cognizance thereof, and every other person or persons that shall by any ways or means brand or procure to be branded any cask or barrel as aforesaid, than by the inspector or by his assistant, he or they so offending, shall forfeit and pay for every such offence the same fines and penalties as inspectors are by this Act liable to pay for breach of duty or misbehaviour.

X. And be it further Enacted by the authority aforesaid, That all beef or pork packed within this State for sale or exportation, shall be put in good and sufficient new white oak casks, which shall not contain more than thirty-one gallons and an half, wine measure, each barrel, and fifteen gallons and three quarts each half barrel; and all barrels and half barrels shall be made of timber seasoned at least six months after the riving, the staves not less than half an inch thick when wrought, the heading not less than three quarters of an inch thick and well dowelled, twelve good substantial hoops on each cask; and the whole to be tight, fit to hold pickle, and made in a workman-like manner, and shall contain at least two hundred and twenty pounds of good clean, sound and merchantable meat, well salted and cured with at least half a bushel of salt to each barrel, and nailed and packed, and no more than two heads in one barrel, and not any boar's flesh in any barrel of pork, or any heads or bull's flesh, or more than two shanks in any barrel of beef; and every cask of rice shall be filled with sound and well cleaned rice, and after the same has been inspected, found good and merchantable, every such barrel shall be by him branded as aforesaid, and a certificate thereof given to the owner, bearing date in words at length the same day such commodity was inspected and passed.

XI. And be it further Enacted by the authority aforesaid, That each barrel of fish shall be full of well saved fish and packed with half a bushel of allum salt, and the barrel shall not contain less than thirty-two gallons wine measure, and each barrel of flour shall contain one hundred and ninety-six pounds weight of nett flour well ground, bolted and packed.

XII. And be it further Enacted by the authority aforesaid, That every barrel of pitch or turpentine shall contain thirty-two gallons, and be free from any fraudulent mixture, and in good and sufficient casks made of good seasoned staves at least three quarters of an inch thick and not exceeding four inches in breadth, and each to be at least two-thirds covered with good hoops and the joint of the head placed perpendicular to the bung, and before it be branded by the inspector shall be weighed in his presence, and every barrel of pitch or turpentine shall weigh not less than three hundred and twenty pounds weight including the barrel, and if any pitch or turpentine shall be found by the inspector to be fraudulently mixed, the same shall be condemned and forfeited to the use of the poor where the same shall be, and may by the wardens thereof be cleansed and sold for such use, and every barrel of tar shall be the gauge of thirty-two gallons wine measure, and every barrel of less size or in bad casks not being two-thirds bound with hoops shall be put in merchantable order at the expence of the owner, and every barrel of tar, pitch and turpentine, after the same shall be inspected, gauged, found clean, well filled, and in merchantable order, shall be by him branded: And for as much as it

is difficult in warm and rainy weather to separate tar from water, it is hereby declared, That water shall not be accounted a fraudulent mixture in any tar, but that in such cases the barrel shall not be branded by the inspector until the same is as free from water as it can be made, any thing herein contained to the contrary notwithstanding.

XIII. And be it further Enacted by the authority aforesaid, That every maker of tar, pitch or turpentine, shall mark or brand every such barrel with the initial letters of his or her name not less than one inch long, under the penalty of one shilling for every barrel as may not be so branded, and every person so failing or neglecting shall also pay one half-penny per barrel to the inspector for marking the same with the initial letters of the maker's name, which fee shall be paid by the person paying the fees of inspection, and by him may be charged to the maker, and every inspector shall keep a book in which shall be fairly entered the maker's name and mark of every barrel of beef, pork, rice, tar, pitch and turpentine, flour, fish and butter, the number of barrels landed, the number of barrels inspected of the same mark, the merchant or shipper's name causing the same to be inspected, and the time of inspection, and shall give a certificate of any parcel to any person requiring the same on payment of one shilling.

XIV. And whereas the said commodities by being exposed to the sun or kept too long on hand after inspection may become unmerchantable, Be it further Enacted by the authority aforesaid, That no beef, pork, rice, fish, flour or butter shall be shipped on board any ship or vessel for exportation after the expiration of sixty days from the time the same was inspected, nor any tar, pitch or turpentine after the expiration of twenty days, until the same shall have been again inspected, and certificate or certificates granted in the same manner as if such commodities had never been inspected; any thing herein contained to the contrary notwithstanding: And every person offending herein shall forfeit five hundred pounds, and the master or commander of such ship or vessel shall be liable to the same penalty as for taking on board any of the said commodities without being branded.

XV. And be it further Enacted by the authority aforesaid, That all staves and headings which shall be sold or shipped for exportation shall be of the following dimensions, otherwise not merchantable, to wit: Butt staves shall be five feet nine inches long, four inches broad, and an inch thick on the heart or thin edge and clear of sap; pipe staves four feet eight inches long, four inches broad, and three quarters of an inch thick on the heart or thin edge, and free from sap; hogshead staves shall be three feet six inches long, four inches broad, and three quarters of an inch thick on the heart or thin edge, and free from sap; barrel staves shall be two feet nine inches long, four inches broad, and three quarters of an inch thick on the heart or thin edge, and free from sap; white-oak hogshead heading shall be thirty-two inches long, six inches broad, and one inch thick on the heart or thin edge and clear of sap; barrel heading shall be nineteen inches long, six inches broad, and three quarters of an inch thick on the heart or thin edge and clear of sap, which said several sorts and kinds shall be of the aforesaid dimensions at least and made of sound timber.

XVI. And be it further Enacted by the authority aforesaid, That the dimensions of boards, plank, scantling and shingles shall be as follows, or otherwise not merchantable: All shingles not less than eighteen inches long, four inches broad, and five-eighths of an inch thick, well made and of

sound timber, and no boards or plank shall be deemed merchantable or passed by any inspector that is not free from any split, not less than twelve inches long, hath no edge less than half an inch thick, and as near as may be of an equal thickness at each end; and every board, plank, piece of scantling, or other square timber, being marked with the number of more superficial feet than are contained therein shall be forfeited to the wardens of the county for the use of the poor thereof: Provided nevertheless, That no staves or headings, shingles, boards, plank or scantling shall be inspected unless required by the purchaser.

XVII. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act no cooper or other person whatsoever making casks shall expose to sale any barrel or half-barrel for the holding of pork or beef, other than such as are by this Act directed to be made for that use under the penalty of twenty shillings; and every cooper or other person making barrels or half-barrels before they expose the same to sale shall set his or her proper brand upon the same, which brand shall be recorded in the office of the clerk of the county court where he or they shall reside under the penalty of ten pounds for each and every neglect, and every barrel for tar, pitch and turpentine shall be branded in the manner aforesaid by the maker thereof under the penalty of five shillings.

XVIII. And be it further Enacted by the authority aforesaid, That every seller or exporter of beef, pork, rice, tar, pitch and turpentine, fish, flour, butter and flax-seed, shall produce the certificate of the inspector who inspected the same and make oath or affirmation if required before a justice of the peace on the delivery of the goods sold or exported, that the several commodities by him to be sold or exported are the same that were inspected and passed, and do contain the full quantity mentioned in such certificate without embezzlement to his knowledge, which oath or affirmation the justice shall and is hereby required to certify on the back of the certificate, which certificate the seller shall deliver to the buyer of such commodity sold, and the person exporting such commodities shall deliver such certificate to the master of the ship or vessel on board which the same shall be shipped, and if such seller or exporter shall refuse to make oath or affirmation he shall for every such offence forfeit and pay the sum of one hundred pounds.

XIX. And be it further Enacted by the authority aforesaid, That no person holding any post or place of profit by deputation or otherwise shall be appointed to the office of inspector, and no inspector shall be capable of being elected a member of the Assembly; and if any person shall be appointed to such office and shall accept of any post or place of profit after such appointment he shall be rendered incapable of holding his said office of inspector, and the court shall proceed to appoint another inspector in the room of such person according to the directions of this Act.

XX. And be it further Enacted by the authority aforesaid, That every inspector shall be intitled to take and receive the following fees, to wit: For cleaning and inspecting every cask of flax-seed containing seven bushels one shilling, for every barrel of pork or beef eight-pence, for every barrel or cask of rice, fish, flour or butter six-pence, for every barrel of tar one penny and a half-penny, for every barrel of pitch or turpentine two-pence, for every hundred staves or heading two-pence, for every thousand shingles six-pence.

XXI. And be it further Enacted by the authority aforesaid, That the several fines and forfeitures by this Act inflicted, for which no method of

recovery or application is herein before directed shall and may be recovered with costs before any jurisdiction having cognizance thereof, one-half to the use of the prosecutor, and the other half to the county wherein such penalty shall be incurred to be applied by the justices of the inferior court towards lessening the county tax.

XXII. And be it further enacted by the authority aforesaid, That no inspector shall by himself or others purchase any cullings or other articles that do not pass inspection upon pain of forfeiting fifty pounds, to be recovered and applied in like manner as other fines and forfeitures are directed by this act.

XXIII. And be it further enacted by the authority aforesaid, That the last clause of an act of assembly passed at Newbern in November, one thousand seven hundred and seventy-seven, intituled, An Act to amend the staple of tobacco and prevent frauds be, and the same is hereby repealed and made void.

XXIV. And be it further Enacted by the authority aforesaid, That this Act shall not be in force nor take effect with respect to the exportation of unmerchantable commodities until the first day of September next.

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#### CHAPTER XXVII.

##### An Act for regulating the Pilotage and facilitating the Navigation of Cape Fear River.

I. Whereas the sums allowed by law to the pilots of Cape Fear river are inadequate to their services, by reason of which they refuse to take out branches to enable them to Act, and several of them go to other States where encouragement is greater; and whereas the duty of the pilots and of the commissioners of pilotage is contained in so many different Acts, that it is become necessary to reduce the substance of them all into one, with such additions and amendments as may tend to render the law in that respect more complete;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the commissioners of the pilotage for the bars and river of Cape-Fear, or a majority of them, are hereby authorized and impowered from time to time to examine as many persons as shall offer themselves to be pilots for Cape-Fear river aforesaid, not exceeding ten in number, and on approving any such person to be a pilot shall give to such person a commission under their hands and seals to act as a pilot for the bars or river according as they shall find him qualified.

III. And be it further enacted by the authority aforesaid. That every such person shall before he obtains a commission or branch to be a pilot give bond with two sufficient securities to the Governor or Commander in Chief for the time being, and his successors in office, in the sum of two hundred and fifty pounds lawful money of this State, with condition for the due and faithful discharge of his office, which bond shall be lodged in the Secretary's office in trust for such person or persons as shall appear to be injured by such pilot, and shall be assigned to any person applying for the same, and a copy thereof with a copy of such assignment thereon shall be delivered in order to prosecute such pilot and his securities, and the person or persons to whom any assignment or assignments shall be made shall and may maintain an action thereon, and the bond shall not be void upon the first recovery or if judgment shall be given for the defend-

ant, but may be put in suit from time to time by any person who shall be injured by a breach of the condition thereof until the whole penalty shall be recovered.

IV. And be it further Enacted by the authority aforesaid, That upon the misbehaviour of any pilot in his office, the said commissioners or a majority of them shall and they are hereby authorized and required to remove such pilot from his office by a note in writing directed to him and subscribed by them, and to appoint another in his stead in manner aforesaid, and the commissioners shall put up notice in writing in all public places within the said port, or publish in some convenient newspaper that such pilot is removed.

V. And be it further Enacted by the authority aforesaid, That any number of pilots not exceeding five may be appointed as aforesaid to attend the principal bar of the said river and the New Inlet, and to pilot vessels coming up to or going down from Brunswick and no higher; and such pilots may take and receive for such services for each vessel they shall pilot over the bar or into the New Inlet and up to Brunswick and out again to sea, to wit: For a vessel drawing six feet water three pounds eight shillings, for a vessel drawing seven feet water three pounds thirteen shillings, for a vessel drawing eight feet water four pounds, for a vessel drawing nine feet of water four pounds fourteen shillings, for a vessel drawing ten feet water five pounds, for a vessel drawing eleven feet water six pounds, for a vessel drawing twelve feet water seven pounds seven shillings, for a vessel drawing thirteen feet water eight pounds thirteen shillings, for a vessel drawing fourteen feet water ten pounds, for a vessel drawing fifteen feet water eleven pounds seven shillings, for a vessel drawing sixteen feet water twelve pounds thirteen shillings, for a vessel drawing seventeen feet water fourteen pounds thirteen shillings, for a vessel drawing eighteen feet water seventeen pounds seven shillings, for a vessel drawing nineteen feet water eighteen pounds ten shillings, for a vessel drawing twenty feet water twenty pounds, such draft of water to be computed when the vessel is loaded.

VI. And be it further Enacted by the authority aforesaid, That any number of pilots not exceeding five may be appointed as aforesaid to pilot vessels from Brunswick to Wilmington, who shall and may receive for their services as follows, that is to say: If from Brunswick to Wilmington and back to Brunswick one-half of the aforesaid rates; if to the flats and back to Brunswick one fourth part of the aforesaid rates according to the draught of water such vessels shall draw: Provided always, That in case the trade of the said river should increase so as to require a greater number of pilots the commissioners may authorise one or more persons to act as pilot or pilots until a proper representation can be made to the Legislature to have the number augmented.

VII. And be it further Enacted by the authority aforesaid, That if any pilot who shall be authorised to act as such for Cape Fear shall ask, demand, take or receive any greater fees for his services than are allowed by this Act he shall forfeit and pay the sum of one hundred pounds lawful money of this State, to be recovered by action of debt in any court having cognizance thereof, one-half to the person who shall sue for the same, and the other half to the said commissioners to be by them employed in improving the navigation of the said river; and that all persons concerned may know what fees the pilots may lawfully demand, the commissioners of the pilotage aforesaid shall cause to be affixed in the naval office, in the collector's office, and at Fort Johnston as soon as an officer shall be stationed

there, true copies or tables of the several rates of pilotage as the same are ascertained by this Act.

VIII. And be it further Enacted by the authority aforesaid, That if any vessel shall come over the bar or through the New Inlet before a pilot goes on board the same, the master of such vessel shall not be obliged to pay more than one-half of the pilotage allowed by this Act for bringing vessels to Brunswick, unless such pilot shall make oath that he did his utmost endeavours to get to such vessel before she came over the bar or through the New Inlet as the case may be, any thing herein contained to the contrary notwithstanding.

IX. And whereas many of the Cape Fear pilots have neglected to give due attendance when called upon to pilot vessels up or down the river, Be it therefore Enacted by the authority aforesaid, That when any pilot shall have notice from the master of any vessel or other person in his behalf to attend in piloting such vessel and shall not go on board for that purpose without delay, the pilot having such notice shall forfeit and pay the sum of five pounds (unless he shall at the time of such notice have the actual and personal charge of some other vessel) for each and every day's delay of the vessel of which he had notice to attend by reason of such pilot's neglect, to be recovered by a warrant under the hand of any one of the commissioners on oath being made of the fact (which oath any of the commissioners is hereby authorized to administer) and shall be paid to the master or owner of the vessel so detained or delayed.

X. And be it further Enacted by the authority aforesaid, That if the master of any vessel shall send for or take on board any pilot to conduct such vessel from her station to any other place in the said river, and shall afterwards neglect or delay to remove such vessel (wind and weather permitting) such master shall pay unto the pilot attending ten shillings for each and every day he shall be so detained; and if any vessel which shall be boarded by a pilot without the harbor should happen to be blown off to sea by the violence of the weather, the pilot on board such vessel shall also be intitled to receive from the master thereof ten shillings for every day he shall be at sea until the said vessel shall be brought into port, which sum such master is hereby required to pay.

XI. And be it further Enacted by the authority aforesaid, That if any person not authorized as a pilot for Cape Fear in manner by this Act directed, shall assume and take upon himself the office of pilot, and shall bring or attempt to bring into the said river any vessel whatsoever, such person shall forfeit and pay the sum of twenty pounds, to be recovered by action of debt, one half to the person who shall sue for the same, and the other half to the commissioners for improving the navigation of the said river. Provided always, That it shall be lawful for any person to conduct into the port of Brunswick any vessel in danger from distress of weather or in a leaky condition, any thing herein to the contrary notwithstanding.

XII. And whereas it hath been customary for masters of vessels who are acquainted with the bar of Cape Fear river, the New Inlet, and the river up to Wilmington, to bring their vessels into the harbour and up to the said town without employing any branch pilots, and it being necessary to give good pilots every possible encouragement, Be it therefore Enacted by the authority aforesaid, That when any master of a vessel shall refuse a pilot to come into or up the said river, or any part of the said river to go out of either of the inlets, then such pilots so refused shall be intitled to the full pilotage in the same manner as he would have been had he been

actually employed for the purpose of piloting such vessel; any law, custom, or usage to the contrary notwithstanding.

XIII. And whereas it is necessary that some of the pilots of Cape Fear should reside as near the mouth of the river as possible in order to be ready on all occasions when any vessel may appear off the bar, and there being no situation so convenient as the ground which belongs to the public, on part of which Fort Johnston stood, Be it therefore Enacted by the authority aforesaid, That the commissioners of the said pilotage do suffer such number of pilots as they shall deem necessary to build such houses for the convenience of themselves and families respectively on the public ground as they shall think proper, and that every such pilot may inclose for his own use an acre of ground for his buildings, gardens and other conveniences, to hold the same to such pilot during the time he shall continue in office; and in case such pilot shall die in office, his family shall and may continue in possession of such acre of ground and premises for and during the term of seven years from and after the death of such pilot: Provided always, That none of the pilots shall lay off such acre of ground so near the site of Fort Johnston as to interfere with any fortification hereafter to be erected, of which the commissioners of the pilotage of Cape Fear river are required to take notice, so as to prevent any inconvenient encroachments: Provided also, That the family of any deceased pilot shall not commit any waste on the buildings or improvements made by such pilot; and if any wilful waste shall in such case be committed, such family may be removed by the commissioners.

XIV. And be it further Enacted by the authority aforesaid, That when any branch pilot shall see a vessel on the coast having a signal for a pilot, or shall hear a gun or guns fired off the coast, and shall refuse or neglect to go to the assistance of such vessel, such pilot shall on conviction forfeit and pay the sum of twenty pounds, to be recovered by action of debt in any court of record in this State, the one-half to the informer, and the other half to the master of such vessel.

XV. And be it further Enacted by the authority aforesaid, That if any branch pilot of Cape Fear river shall knowingly suffer any kind of ballast or trash to be thrown out of any vessel into any part of the channel of the said river, and shall not within ten days after the commission of such offence make information thereof to one or more of the commissioners of pilotage, such pilot shall upon conviction be forever rendered incapable of acting as a pilot for the said river or any part thereof.

XVI. And whereas it hath been heretofore customary with the pilots of Cape Fear to be equally concerned in the pilotage of vessels coming into the said river, which has been found to be extremely injurious to commerce; for remedy whereof, Be it Enacted by the authority aforesaid, That for the future it shall not be lawful for any of the branch pilots of the said river to be in partnership with any other pilot; and every person desirous of acting as a branch pilot in the said river shall, before he is authorized so to do, take the following oath before one or more of the commissioners of pilotage, which oath the said commissioners or any of them are hereby authorized to administer, to wit: I, A. B. do solemnly swear that I am not at this time, neither will I at any time hereafter during my continuance as a branch pilot for the inlets or river of Cape Fear, be concerned in any partnership with any other pilot in the business of pilotage, so as to receive therefrom any benefit or advantage to myself or my family. So help me God. And every person refusing or neglecting to take the said oath, shall not be permitted to act as a pilot for Cape Fear.

XVII. And whereas it will greatly facilitate the navigation of vessels trading to Cape Fear river that a light house should be erected at the extreme point of Bald-head or some other convenient place near the bar of said river, in order that vessels may be enabled thereby to avoid the great shoal called the Frying-Pan, Be it therefore Enacted by the authority aforesaid, That an additional duty of six-pence per ton be laid on all ships or vessels coming into the said river to trade, which additional tonnage shall be collected by the collector of the said port in the same manner as the other duty on tonnage imposed by this Act; and the collector shall keep a distinct and separate account thereof from all other duties, and after deducting five per centum for his trouble in collecting and paying the same, shall once in every six months render an account on oath of all such monies as he shall have received for additional tonnage, and pay the same into the hands of the commissioners of navigation and pilotage for the said river, to be by them reserved for raising a fund for the purpose of establishing a light-house as aforesaid.

XVIII. And as erecting beacons and buoys at the mouth of Cape Fear river and staking the channels of said river would greatly facilitate the navigation thereof, Be it therefore Enacted by the authority aforesaid, That a duty of six-pence per ton be and is hereby laid on all vessels coming into the port of Brunswick to unload goods or to take in a cargo from and after the first day of July next, which several duties the collector of the port is hereby directed and impowered to receive; but before the receipt thereof the collector shall give bond with sufficient security to the Governor or commander in chief for the time being, in the sum of one thousand pounds, conditioned that he will well and truly account with and pay to the said commissioners or their orders when thereto required all such sums of money as he shall receive by virtue of this Act, first deducting thereout five per centum for receiving the same; and in case of a breach of the condition of the said bond, the same shall be put in suit, and the monies recovered thereon be applied by the said commissioners in the same manner as the duties if paid to them would have been, that is to say; In erecting beacons, buoys and stakes in manner herein before mentioned; and the said bond shall be lodged with the clerk of the superior court of Wilmington, who is hereby directed to receive the same and give a promissory receipt to the commissioners to be accountable for it.

XIX. And be it further Enacted by the authority aforesaid, That every master or commander of any ship or vessel liable to pay the said duty shall render to the said commissioners or one of them a certificate signed by himself, specifying the amount of the duty with which he shall be charged, and which he shall pay by virtue of this Act; and every master neglecting or refusing to give such certificate before he shall have cleared out in the naval-office, shall forfeit and pay the sum of five pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof in the name of the commissioners, and to be by them applied to the same uses to which the duties aforesaid are applicable; and the commissioners shall carefully keep the said certificates as checks on the collector of the said duties, and the collector shall render to the commissioners on oath an account of all sums by him received for duties on tonnage as aforesaid. That when any ship or vessel shall arrive in the port of Brunswick with any infectious distemper on board, the master and pilot of such vessel shall give immediate information thereof to the commissioners of pilotage, and the said commissioners or any three of them are hereby authorised and required to order such master to perform quarantine with his vessel at



such place and for as many days as he shall think necessary; and if such pilot or master shall neglect to give such information the pilot shall forfeit and pay the sum of fifty pounds, and the master for the like neglect shall forfeit and pay the sum of one hundred pounds; and in case the master of any ship or vessel being ordered to perform quarantine shall refuse to comply with such order he shall forfeit and pay the sum of five hundred pounds, the said forfeitures to be recovered by action of debt in the name of the commissioners for the time being, and applied to the improvement of the navigation of the said river; and in case any master of a vessel shall abscond so as to evade the payment of the said forfeitures or any of them, then and in that case the vessel shall be liable, and such vessel may be attached as the property of such master.

XXI. And be it further Enacted by the authority aforesaid, That the collector of the duty on tonnage aforesaid shall have full power and authority to go on board of any vessel in order to measure and ascertain the burthen thereof, and to examine on oath the master of any vessel for that purpose, and no naval officer shall clear out any vessel till the master shall have produced to him a certificate from the collector of the tonnage duty of his having paid the same under the penalty of twenty pounds.

XXII. And whereas the channel of Cape Fear river hath been greatly injured by the throwing ballast and other trash therein; for remedy whereof, Be it Enacted by the authority aforesaid, That every master of a vessel coming into Cape Fear river shall upon his arrival at Wilmington take the following oath before the naval officer or his lawful deputy, who is hereby impowered and required to administer the same, to wit: I, A. B. do solemnly swear that I have not thrown, or caused or suffered to be thrown, nor will I directly or indirectly throw, or cause or suffer to be thrown any ballast into the channel of Cape Fear river or otherwise so as to injure the same, but that all ballast by me imported shall be landed or thrown entirely above low water mark. So help me God. And if any ballast shall be thrown out of any vessel into any part of the channel of the said river by any sailor, mariner or other person whatsoever, the master of the vessel from whence the same shall be thrown shall forfeit and pay the sum of fifty pounds, to be recovered by action of debt by the commissioners of navigation and pilotage, one-half to the informer, and the other half to be applied in improving the navigation of the said river: Provided always, That no recovery shall be had thereon unless suit shall be brought within twelve months after the time the said offence shall be committed.

XXIII. And whereas several of the inhabitants in the neighbourhood of Cape Fear and parts adjacent, have been greatly injured by masters of vessels carrying slaves and servants out of the said port, and the pilots have been great sufferers by such masters departing without paying their pilotage, Be it therefore Enacted by the authority aforesaid, That in all bonds taken from masters of vessels by virtue of an Act, intituled, An Act for the entering of vessels, and to prevent the exportation of debtors, there shall be the following further conditions added thereto, that is to say, That the master giving such bond, shall not transport or carry off any slave or slaves, servant or servants belonging to any inhabitant of this State, and shall not depart the port without paying the pilotage according to law; and in case of a breach of the condition of such bond, or any part thereof, the master and his securities shall be liable in the same manner as they would have been had the additional conditions not been added.

XXIV. And be it further Enacted by the authority aforesaid, That in case of the death, refusal to act, or removal from New-Hanover and

Brunswick counties, or other disability of any of the present or any future commissioners it shall and may be lawful for the remaining commissioners or the majority of them, and they are hereby directed to elect another or others in the room of such commissioner or commissioners, so that the residence of such new-elected commissioner or commissioners be in Brunswick or New-Hanover county, and as nearly convenient to the river and the town of Wilmington as may be, which commissioner or commissioners so elected shall be vested with the same powers as the other commissioners.

XXV. And be it further Enacted by the authority aforesaid, That the commissioners of the pilotage and navigation of Cape Fear river for the time being, shall have authority in all matters that may concern the navigation of the said river from Negro-Head Point downwards and out of each of the inlets; and with respect to throwing trash in the river at the town of Wilmington and the contraction of wharves, shall have a concurrent jurisdiction with the commissioners of the town of Wilmington, and the commissioners of the pilotage and the commissioners of the said town shall consult together upon the best methods of preventing any injury being done to the channel by wharves or otherwise opposite to the said town; and until a fund can be established for the payment of a harbour-master the commissioners of pilotage or such of them as shall reside in the town of Wilmington shall decide all disputes about the mooring of vessels and other matters which properly fall within the department of a harbour-master.

XXVI. And be it further Enacted by the authority aforesaid, That all and every Act and Acts of the General Assembly for facilitating the navigation and regulating the pilotage of Cape Fear, so far as the same concerns the navigation and pilotage of the said river (excepting the duty of three pence per ton upon shipping which is to continue until the duty laid by this Act takes place and no longer, and the appointment of commissioners of the navigation and pilotage) be, and the same are hereby repealed and made void.

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#### CHAPTER XXVIII.

**An Act for ascertaining the Fees of the Pilots at Ococock, Beaufort, and Bogue Inlets, and for appointing Commissioners of Navigation for Bogue Inlet.**

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 there shall be allowed and paid to every pilot who shall take charge of any vessel the following pilotage, that is to say: For every ship or vessel drawing eight feet water or less from the outside of the bar into Beacon-Island road three shillings per foot, for every vessel that draws more than eight feet water three shillings and six-pence per foot, and that the same wages be allowed to pilots for pilotage outwards as inwards; and for every vessel from Beacon-Island road that draws six feet water or less to Washington forty shillings, and for every vessel that draws above six feet seven shillings and six-pence per foot; and for every vessel from Beacon-Island road that draws six feet water or less to Edenton four pounds ten shillings, and for every vessel that draws above six feet fifteen shillings per foot; and for every vessel from Beacon-Island road that draws six feet water or less to Newbern forty shillings, and for every vessel that draws above six feet seven shillings and six-pence per foot.

II. And be it further Enacted by the authority aforesaid, That there shall be allowed and paid to every pilot who shall take charge of any ship or vessel over the bar of Beaufort the following fees, that is to say: For every ship or vessel drawing eight feet water or less from the outside of the bar to the anchorage at Shackleford's banks or Borden's banks three shillings per foot, for every vessel that draws more than eight feet water three shillings and six-pence per foot.

III. And be it further Enacted by the authority aforesaid, That Edward Starkey, John Starkey, Williams Nelms, George Mitchell, and Reuben Grant, Esquires, be and they are hereby appointed commissioners for the navigation of Bogue inlet, and they are hereby declared to have the same powers and authorities with respect to the pilots and pilotage of the said inlet and its navigation as the commissioners of navigation in the several ports in this State are invested with by law.

IV. And be it further Enacted by the authority aforesaid, That the pilot for every vessel coming into the said inlet drawing less than seven feet from the outside of the bar to the anchorage at or near Bear banks shall be allowed three shillings per foot, and for every vessel drawing more than seven feet shall be allowed three shillings and six-pence, and that the same fees be allowed to pilots for pilotage outwards as inwards in the several ports and harbours abovementioned; any law, usage or custom to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That the commissioners or a majority of them in each respective port, shall have full power and authority to examine pilots touching their qualification, and upon their approbation to grant them certificates to pilot vessels into the aforesaid ports, and shall annex to the branch or certificate of every such pilot a copy of the fees allowed them by this Act, and also a copy of this clause; and in case any person shall attempt to pilot or take charge of any vessel without having obtained a certificate for so doing, and also given bond in manner as is directed in an Act, intituled, "An Act for facilitating the navigation and regulating the pilotage of the several ports of this State," shall forfeit and pay for each and every offence one hundred pounds current money to the use and benefit of any person suing for the same.

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#### CHAPTER XXIX.

**An Act to prescribe the Affirmation of Allegiance and Fidelity to this State to be taken by the People called Quakers, and for granting them certain indulgences therein mentioned.**

I. In order to quiet the consciences and indulge the religious scruples of the people called Quakers, 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 affirmation of allegiance and fidelity to this State shall hereafter be taken by all the above-said people in the following form, to wit: "I, A. B. do solemnly and sincerely declare and affirm, that I will truly and faithfully demean myself as a peaceable subject of the Independent State of North Carolina, and that I will be subject to the powers and authorities that are or may be established for the good government thereof, not inconsistent with the constitution, either by yielding an active or passive obedience thereto, and that I will not abet or join the enemies of this State by any means in any conspiracy whatsoever against the said State, or the

United States of America, and That I will disclose and make known to the legislative or executive powers of the said State all treasonable conspiracies which I shall know to be made or intended against the said State." Which said affirmation being taken before any justice of the peace of the county where they reside, shall entitle them to the rights, privileges and immunities of citizens, in as full and ample a manner as those who have taken the affirmation heretofore prescribed by law.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, it shall be lawful for the people called Quakers to wear their hats as well within the several courts of judicature in this State as elsewhere, unless otherwise ordered by the court.

III. And be it further Enacted by the authority aforesaid, That so much of an Act of the General Assembly passed in the year of our Lord one thousand seven hundred and sixty-two, intituled, An Act for the better care of orphans, and security and management of their estates, as comes within the purview of this Act; and also so much of an Act of the General Assembly passed in the year of our Lord one thousand seven hundred and seventy-nine, intituled, An Act to prescribe the affirmation of allegiance and fidelity to this state to be taken by the Unitas Fratrum, or Moravians, Quakers, Menonists and Dunkards, and granting them certain indulgences therein mentioned and other purposes, as relates to the people called Quakers, shall be, and is hereby repealed and made void and of no effect.

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#### CHAPTER XXX.

An Act to empower the several County Courts therein mentioned to lay a Tax annually for the purpose of erecting or repairing the Court House, Prison and Stocks in each County where necessary, and for defraying the contingent charges of the County.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of each county herein mentioned viz. Chowan, Halifax, Cambden, Edgecomb, Caswell, Wake, Washington, Onslow, Northampton, Currituck, Montgomery, Pasquotank, Hertford, Bertie, Tyrrell, Cumberland, Anson, Nash, Richmond, Brunswick, Orange, Craven, Bladen, Jones, Carteret, Chatham, Burke and Dobbs shall and the same are hereby authorised and empowered from and after the passing of this Act to lay a tax annually not exceeding the sum of four shillings current money on every hundred pounds of taxable property in their county, and a poll-tax of four shillings current money on every taxable person in the said county, for the purpose of erecting, finishing or repairing such court house, prison or stocks, in any county within this State, when the same may be found by the said court to be absolutely necessary, and for the purpose of defraying the contingent charges; which said tax shall be collected and accounted for in the same manner, at the same time and by the same persons who are appointed to collect the public tax in each county, and to be paid into the hands of such person or persons as the several county courts shall from time to time hereafter direct: Provided, That a majority of the acting justices of any court wherein any tax shall be laid in virtue hereof shall be present at the time of laying the same.

II. And be it further Enacted by the authority aforesaid, That all and every Act and Acts so far as they come within the purview of this Act be, and they are hereby repealed and made void.

## CHAPTER XXXI.

**An Act for repealing an Act of the last General Assembly, intituled, An Act to impower the Justices of the County Courts to appoint a County Attorney and Solicitor to prosecute for the State in the County Courts, and for the purpose of appointing a Salary and Fees for the Attorney and Solicitor, and other purposes, and for allowing Fees to Attornies who may hereafter prosecute in the respective Counties in this State, and for regulating the proceedings on Presentments and Indictments.**

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the above recited Act shall be, and it is hereby repealed and made void.

II. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for any attorney who may hereafter prosecute for the State in any of the county courts in any matter civil or criminal, to have and receive the same fees which are by law allowed to the attorney general of this State for like services.

III. And be it further Enacted by the authority aforesaid, That in all criminal prosecutions hereafter to be had by indictment or presentment in the county courts, it shall be sufficient to all intents and purposes that the bill shall contain the charge against the criminal expressed in a plain, simple, intelligible and explicit manner, and that no bill of indictment or presentment shall be quashed, or judgment arrested, for or by reason of any informalties or refinements, when there appears to the county court sufficient in the face of the indictment to induce them to proceed to judgment.

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CHAPTER XXXII.

**An Act to ascertain the measurement of fire-wood sold in the several Towns established within this State by the Legislature.**

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 fire-wood sold in the towns established within this State by the legislative authority, shall be sold by the cord and no otherwise; and that each cord shall contain eight feet in length, four feet in height, and four feet in breadth, and shall be corded by the carter or seller, under the penalty of twenty shillings for each offence, to be recovered against the owner or seller, before a single magistrate by a warrant, which penalty shall be to the use of the informer.

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CHAPTER XXXIII.

**An Act to prevent the several species of hunting therein mentioned. ✓**

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That if any person or persons shall be discovered hunting in the woods with a gun in the night-time by fire-light, such person or persons so offending shall upon conviction by indictment or presentment in any court of record in the State be fined by such court twenty pounds current money, to be applied to the use of the county wherein the offence was committed; and if any person so fined shall fail or refuse to pay such fine, the person so failing or refusing shall

receive thirty-nine lashes on his bare back by order of such court to be well laid on in open view by the sheriff of the county, and shall stand committed until all costs accruing upon the presentment be paid.

II. And whereas many persons make a practice of hunting and killing deer and leaving the carcasses in the woods, Be it Enacted, That if any person shall be convicted as aforesaid of killing any deer and leaving the carcasses thereof in the woods, he shall for every offence forfeit and pay the sum of twenty shillings.

III. And be it further Enacted by the authority aforesaid, That if any slave or slaves shall be discovered hunting in manner herein before-mentioned, the master of such slave or slaves, or the person in whose service he or they may be, shall upon due conviction of such slave or slaves before any justice of the peace of the county wherein such offence may be committed forfeit the sum of five pounds, to be levied by a warrant immediately to be issued by such justice for that purpose; and if any person shall be duly convicted as aforesaid of sending his slave to hunt with a gun in the night by fire-light he shall be subject to the same pains as are provided by this Act to be inflicted on fire-hunters.

IV. And be it further Enacted by the authority aforesaid, That it shall not be lawful for any person on the east side of the Appalachian mountains to kill or destroy any deer running wild in the woods or unfenced grounds in this State by gun or otherwise, between the twentieth day of February and the fifteenth day of August then next succeeding in each year, unless on his own lands; and if any person on the east side of the said mountains shall kill or otherways destroy any deer within the time before described and contrary to the meaning and intent of this Act, every such person shall forfeit and pay for each and every deer so unlawfully killed or destroyed the sum of forty shillings, to be recovered before any justice of the peace, and applied as is by this Act directed: And in case any servant or slave shall on the east side of the said mountains kill or destroy any deer between the twentieth day of February and the fifteenth day of August in any year, the owner of such slave shall be liable to pay the sum of forty shillings for each deer so unlawfully killed or destroyed to be recovered and applied as before directed.

V. And be it further Enacted by the authority aforesaid, That it shall not be lawful for any person or persons on the east side of the Apalachian mountains to hunt with a gun or with dogs on the lands of any other person, without leave obtained from the owner of the said land, under the penalty of forfeiting five pounds for every offence, to be recovered by the owner before any justice of the peace of the county where such offence is committed or the offender resides, and applied one-half to his own use, the other half to the use of the county: Provided, That no such recovery shall be had for the offence aforementioned unless the owner of the land shall by advertisement posted up in two or more public places have forbid the persons so hunting by name, or all persons generally to hunt on his land previous to the offence: Provided Also, That recovery shall not be had in any case whatever unless the prosecution is commenced within one month after the offence is committed.

VI. And be it further Enacted by the authority aforesaid, That so much of the laws heretofore made, which relates to fire-hunting and destroying deer at unseasonable times of the year as comes within the purview of this Act be, and is hereby repealed and made void to all intents and purposes, and construed as if the same had never been made.

VII. And be it further Enacted by the Authority aforesaid, That all fines

imposed and recovered by virtue of this Act shall be one-half to the use of the informer, the other half to the use of the poor of the county wherein the offence shall be committed, except such as are otherwise directed.

VIII. And be it further Enacted by the authority aforesaid, That this Act shall not operate or take effect until the first day of July next.

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#### CHAPTER XXXIV.

##### An Act for the restraint of Idle and Disorderly Persons.

I. Whereas it becomes necessary for the welfare of community to suppress wandering, disorderly and idle persons,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall not be lawful for any person or persons who have no apparent means of subsistence, or neglect applying themselves to some honest calling for the support of themselves and families; and every person so offending, who shall be found sauntering about neglecting their business, and endeavouring to maintain themselves by gaming or other undue means, it shall and may be lawful for any justice of the peace of the county wherein such person may be found, on due proof made, to issue his warrant for such offending person and cause him to be brought before said justice, who is hereby empowered, on conviction, to demand security for his or their good behaviour, and in case of refusal or neglect to commit him or them to the gaol of the county for any term not exceeding ten days, at the expiration of which time he shall be set at liberty if nothing criminal appears against him, the said offender paying all charges arising from such imprisonment; and if such person shall be guilty of the like offence from and after the space of twenty days, he or they so offending shall be deemed a vagrant and be subject to one month's imprisonment with all costs accruing thereon, which if he neglects or refuses to pay, he may be continued in prison until the next court of the county, who may proceed to try the said offender, and if found guilty by a verdict of a jury of good and lawful men, said court may proceed to hire the offender for any time not exceeding the space of six months to make satisfaction for all costs; but if such person or persons so offending be of ill-fame, so that he or they cannot be hired for the cost, nor give sufficient security for the same, and his or their future good behaviour, in that case it shall and may be lawful for said court to cause the offender or offenders to receive thirty-nine lashes on his or their bare back, after which he or they shall be set at liberty, and the cost arising thereon shall become a county charge, which punishment may be inflicted as often as the person may be guilty, allowing twenty days between the punishment and the offence.

III. And be it further Enacted by the authority aforesaid, That it shall not be lawful for any person or persons of ill fame or suspicious characters to remove him or themselves from one county to another in this State without first obtaining a certificate from the sheriff of said county, or some justice of the peace or captain of his company, setting forth his former good behaviour and his intention in removing, whether to settle in said county, or if traveling to set forth his business and destination; and if such traveller should be desirous to make any stay in any county longer than forty-eight hours, he shall first apply to some justice of said county for leave and obtain a certificate for that purpose, setting forth the time of his permission; and if such person shall be found loitering in said county after

the expiration of his permit, or fail to obtain the same agreeable to the true intent and meaning of this Act, such person so offending may be apprehended by any person or persons and carried before some justice of the peace, who may enquire into his character and business, and fine him at his discretion, not exceeding forty shillings; but if the said traveller shall be found on examination to be a person of ill fame, and there be reason to suspect that he is loitering in said county for some evil purpose, attempting to acquire a living by gaming or other bad practices, such justice shall have power to commit any person of like character, until he shall find good and sufficient security for his good behaviour, for any time not exceeding ten days; and such justice of the peace or court of the county shall proceed against such offender in the same manner as is heretofore prescribed for vagrants.

IV. And be it further Enacted by the authority aforesaid, That it shall not be lawful for any house-keeper in this State to harbour any traveller or idle person of the character aforesaid for any longer time than is heretofore specified, under the penalty of five pounds for every such offence, to be recovered by warrant before any justice of the peace of the county where the offence is committed.

V. And be it further Enacted by the authority aforesaid, That it shall not be lawful for any house-keeper to harbour and conceal or hire any orphan child or children without first obtaining leave of some justice of the peace, under the penalty of five pounds; and such justice on granting permission, shall compel the person requiring the same to bring the said orphan child to the next county court, which is hereby required to bind such orphan children agreeable to law.

VI. And be it further Enacted by the authority aforesaid, That all fines inflicted by this Act shall be one-half to the informer, and the other half to the poor of the county.

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#### CHAPTER XXXV.

An Act for prolonging the time given by Law for securing Lots in the several Towns within this State.

I. Whereas the laws now in force for saving to claimants the legal rights of lots in the different towns in this State, from the difficulties which have arisen out of the war, towards building upon and improving the same, require the equitable interference of the Legislature;

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 term of two years from and after the passing of this Act be given to all persons who hold lots in any of the towns within this State for the completion of their buildings, agreeable to the respective Acts of Assembly, in those cases made and provided; any law to the contrary notwithstanding.



## CHAPTER XXXVI.

**An Act for Establishing a Court of Oyer and Terminer and General Gaol Delivery in the County of Davidson.**

I. Whereas, by reason of the remote situation of the county of Davidson from the other inhabited parts of the State, it will be extremely difficult to bring persons guilty of public offences within the same to justice, unless a court be established therein for that purpose;

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 for the time being, shall and he is hereby directed as soon as may be after the passing of this Act to issue a commission to such person as shall be appointed by joint ballot, of both houses of the General Assembly, thereby authorising and empowering him to hold a court in the said county, to be called the Court of Oyer and Terminer and General Gaol Delivery for the County of Davidson twice in each year, for the space of two years, on the third Monday of October and the third Monday of April, and therein to take and receive indictments of all treasons, misprisions of treason, felonies and misdemeanors, alleged to be committed or done in the said county, and to hear, try and determine the same according to the laws of this State, either at the same sitting of the said Court whereat the same indictment or any of them may be found, or at any subsequent sitting, and thereupon to award judgment and execution.

III. And, whereas, it may happen that crimes or misdemeanors of the nature afore mentioned may be committed or done by persons not resident in the said county of Davidson, but living to the north and west of Cumberland mountain, and within the western limits of the State, Be it Enacted by the authority aforesaid, That the judge appointed to hold the said court of oyer and terminer in the county of Davidson, shall have the same power and authority to receive indictments for all treasons, misprisions of treason, felonies and misdemeanors committed and done to the north and west of Cumberland mountain, and within the limits of the State and not within Davidson county, and to try and determine the same, as if the said crimes or misdemeanors had been committed in the county of Davidson; any law or usage to the contrary notwithstanding.

IV. And be it further Enacted by the authority aforesaid, That the court of pleas and quarter sessions for the county of Davidson that shall be held next before any sitting of the said court, shall nominate and appoint thirty-six of the most reputable landholders of the said county to serve as jurors at the then next sitting of the said court, and shall cause them to be summoned accordingly by the sheriff, and the said persons so summoned shall be obliged to appear at the same sitting to which they shall have been summoned under the same pains and penalties as provided to compel the appearance of jurors at the superior courts of law and equity in this State, and shall be entitled to the same immunities and wages when attending or going to or returning from the said court, as jurors attending, returning from or going to the said superior courts are intitled to; and upon the appearance of the said jurors at such sitting, the court shall cause a number of the said persons not exceeding eighteen to be balloted, drawn and sworn to be of the grand jury, in the same manner as is practiced in other courts of record in this State, who shall be charged to enquire for the county aforesaid into the offences afore-mentioned, and the remainder of the said jurors summoned shall serve as petit jurors of the said court, who

shall upon every trial to be had at such sitting be balloted and sworn in manner aforesaid; and the said court shall have power in default of such persons as were summoned by order of the county court to attend as jurors to award process, to summon so many of the bystanders, being reputable landholders as aforesaid as are necessary to repair the deficiency occasioned by defaulters, and cause them when necessary to be sworn on the petit jury, and to fine them for making default after summons, according to the direction of the court.

V. And be it further Enacted by the authority aforesaid, That the said Court of Oyer and Terminer and General Gaol Delivery for the county of Davidson, shall have full power to award all such process and take such recognizances for appearances of persons accused, or who are necessary to be produced to give evidence, or for their good behaviour, and use all such other lawful ways and means to effectuate the purpose of the said commission as is awarded, taken or used in other courts of record in this State for the like purposes, and in like manner to enforce a compliance with such process, and award judgment and execution upon the breaches of such recognizances.

VI. And be it further Enacted by the authority aforesaid, That the sitting of the said Court may be continued by adjournment for the space of five days, exclusive of Sundays, should the number or waitings of the causes therein to be determined require it.

VII. And be it further Enacted by the authority aforesaid, That the person commissioned by virtue of this Act to hold the said Court, shall previous to his entering upon the execution of his office take and subscribe before three justices of the peace for the said county, the oath of allegiance and fidelity to this State; and also an oath for the faithful execution of the said commission, similar to that prescribed to be taken by the judges of law in this State, to be devised by the said justices.

VIII. And be it further Enacted by the authority aforesaid, That the said Court shall have full power to appoint some person of integrity and skill in the law to act in the said Court as attorney for the State; and the judge of the said Court shall be allowed for every Court he shall hold the sum of twenty-five pounds; and the attorney shall be allowed for every Court he shall attend upon the duties of his appointment the sum of twenty pounds, to be paid out of the taxes to be collected for the year one thousand seven hundred and eighty-four, from the inhabitants west of the Cumberland mountain.

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#### CHAPTER XXXVII.

##### An Act for Extending the Navigation of Roanoke River.

I. Whereas, extending the navigation of Roanoke River through the Falls and upwards will be of great benefit to the inhabitants of this State and those of Virginia; and whereas the commonwealth of Virginia have passed an Act appointing trustees to extend the same from the North Carolina line to the fork of Staunton and Dan rivers, and up the rivers Staunton and Dan to the head thereof;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Allen Jones, Samuel Lockhart, William Hudson, Henry Montfort, Thomas Eaton, Eaton Haynes, Benjamin Hawkins, Thomas Person, James Galloway

and Alexander Martin, Esq's., be, and they are hereby nominated, constituted and appointed trustees for clearing so much of Roanoke and Dan Rivers as shall be within this State, and they are hereby respectively authorized and impowered to take and receive subscriptions for that purpose; and if any person or persons shall neglect, fail or refuse to pay the several sums of money respectively subscribed for the purpose of this Act, it shall and may be lawful for the said trustees respectively, or undertaker, to sue for and recover the same in the name of the trustees or undertaker for the clearing of the said rivers (whereof they are by this Act respectively appointed trustees) by warrant, where the subscription shall not exceed five pounds, and by action of debt if any larger sum.

III. And be it further Enacted by the authority aforesaid, That the said trustees respectively, or a major part of them, shall have full power and authority to contract and agree with any person or persons for clearing so much of the said rivers as shall be within this State, in such manner as to the said trustees shall seem most proper, and to remove all ledges and rocks, or stops, which the said trustees shall think may in any wise obstruct the said navigation.

IV. And be it further Enacted by the authority aforesaid, That the said trustees respectively, or a major part of them, shall have full power and authority to lay off, plan and design a road for a carrying place round the Great Falls, or any other falls on Roanoke, or to lay off, plan and execute a canal or canals with or without a lock or locks around or through the same, in the manner that to them shall seem best to perfect the navigation and answer the intention of this Act, and for this purpose to lay off, plan or execute a road for a carrying place, to cut the canal or canals, and fix a lock or locks on the same, through any person's land where it shall be necessary to lay off or cut the same; any law, usage or custom to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That the said trustees respectively, or a majority of them, from time to time or as often as they shall see occasion, shall and may nominate and appoint one or more of their number willing to undertake the same, to be receiver or receivers of all the monies that shall be subscribed for the purpose of this Act, who shall give bond with sufficient security in a reasonable penalty to the Governor for the time being, with a condition that he or they, his or their executors and administrators, at all times when required, shall and will truly and faithfully account with the said trustees or undertaker for all monies which shall come to the hands of such receiver or receivers for the purpose of this Act, and pay the same to such person or persons as the said trustees, or a major part of those who agree to Act, shall order and direct.

VI. And be it further Enacted by the authority aforesaid, That upon proper application by the said trustees or a major part of them, made to any of the courts of the counties adjoining the said rivers, it shall and may be lawful for the said courts, and they are hereby directed and required to order all the hands, or so many as may be required, within two miles of the said river liable to work on any road, to attend the orders of the trustees or undertaker to do and perform such labour as shall be required of them to answer the intention of this Act; and upon neglect or refusal of any person or persons to do and perform such labour after three days' previous notice, he or they so refusing or neglecting shall for every day pay the sum of ten shillings, to be recovered by warrant before any justice of the peace by either of the trustees or the undertaker, and applied to answer the inten-

tion of this Act: Provided, That no person shall be compelled to work more than twelve days in any one year.

VII. And be it further Enacted by the authority aforesaid, That no ledge or stone, or other stop, that in anywise obstructs the navigation of the said river, canal or canals, or a road for a carrying place, shall be placed or set therein; and any person who shall presume to set up or make any in the said river, canal or canals, or road for a carrying place, shall forfeit and pay one hundred pounds for every such offence, one-half to the informer, the other to the trustees, to be applied to the purpose of carrying this Act into effect.

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#### CHAPTER XXXVIII.

##### An Act to Facilitate the Navigation of Neuse River.

I. Whereas, the rendering Neuse River navigable for small crafts would be productive of many good consequences;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the justices of the courts of Craven, Dobbs, Johnston and Wayne counties, and they are hereby required at the first court which shall be held for their respective counties after the first day of July yearly, to apportion and lay off in convenient districts all the inhabitants of their counties respectively, resident within eight miles of the river Neuse, and above Batchelor's creek on the south side of Neuse river, and above the mouth of Swift's creek on the north side thereof, and appoint for each district some person properly qualified as overseer, who shall cause all persons within the district so allotted him who are liable to work on public roads to work at least six days in each and every year on the said river Neuse, unless the county court shall otherwise direct, when he shall cause that they be employed in cutting into proper lengths all logs, removing brush and other incumbrances which obstruct the navigation, and in killing all kinds of trees like to fall into and obstruct the navigation or said river, under the penalty of fifty pounds for failure or neglect, to be recovered and applied as fines and forfeitures incurred by overseers of roads; and all and every person liable to work as aforesaid who shall fail when summoned or warned (agreeably to the custom in cases of working on roads), to appear with such tools as the overseers shall direct and work accordingly, shall forfeit and pay the sum of ten shillings for each day he shall fail or neglect, to be recovered and applied as fines for failing to appear and work on public roads.

III. And be it further Enacted by the authority aforesaid, That all Acts and parts of Acts heretofore made which comes within the purview and meaning of this Act be, and they are hereby repealed and made void.

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#### CHAPTER XXXIX.

##### An Act for Clearing and Opening the Navigation of Trent River in Jones County.

I. Whereas, the opening and clearing Trent River from the lower bounds of the county to the fork of Tuckahoe would render the same more useful and advantageous, and will be of great utility in transporting tar,

pitch, turpentine, and every other kind of produce to market, and greatly enhance the value of the lands in the said county;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Lewis Bryan, William Rendol, William Harrison, Lemuel Hatch, Sen., and Edward Whitty be, and they are hereby appointed commissioners, and that they or a majority of them are hereby impowered to lay off the said river into convenient districts; and that all the inhabitants of said county liable to work on public roads, except such of the inhabitants as live to the westward of a line from Abraham Kernegy's old field to Thomas Kent's, and except all persons who live at the distance of eight miles from the said river, shall by order of the commissioners to the several overseers of the roads work on said river in their respective districts so laid off and allotted to them by the commissioners, and shall continue to work from time to time whenever the commissioners shall think it necessary; and in case of neglect or refusal of the overseers to act or to warn their respective companies to work on said river when ordered by the commissioners, shall forfeit and pay for every such neglect or refusal the sum of fifty pounds current money, to be recovered by the commissioners or either of them by action of debt in any court of record having cognizance thereof, and by them applied for clearing said river; and in case of neglect or refusal of any person liable to work or who shall fail to send their hands, having three days' previous notice from the overseer, he or she so failing shall forfeit and pay for each and every hand the sum of ten shillings current money for every day, to be recovered by the overseer in the same manner as other fines are recovered from delinquents of public roads, and by him paid into the hands of the commissioners or either of them, and by them applied as other fines by this Act directed.

III. And in order to keep the navigation of said river open, Be it further Enacted by the authority aforesaid, That in case any person shall fall any trees or make any hedges in or across said river, shall forfeit and pay for every such offence, being thereof convicted before any justice of the peace of said county, the sum of five pounds current money, and remove the obstruction at their own expence; and if any negro slave found guilty of any of the before-mentioned offences and convicted thereof, shall by order of a single justice receive thirty-nine lashes on his or her bare back for each and every offence.

IV. And for continuing the succession of the commissioners, Be it further Enacted by the authority aforesaid, That in case of the death, refusal to act, or removal out of the county of any of the commissioners, the county court of Jones is hereby impowered from time to time to appoint others in his or their stead, which said commissioners being so appointed shall from thenceforth have the like power and authority in all things in the matters herein contained, as if he or they had been expressly named and appointed by this Act.

## CHAPTER XL.

**An Act for Appointing Commissioners in the District of Morgan for the Purpose of Erecting a Court House, Prison and Stocks in the County of Burke, for the Use of Said District, and for Levying a Tax to Complete the Same, also for Laying Out and Establishing a Town in Burke County.**

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Waightstill Avery, James Johnston, William Lenoir, Joseph McDowell and John Walker, Esquires, be, and they are hereby appointed commissioners for the purposes aforesaid, and that they or a majority of them be, and are hereby appointed and required as soon as may be after the passing of this Act to agree and contract for one hundred acres of land in the county of Burke, as near the center thereof as may be convenient; and also to agree and contract with workmen for erecting and building thereon a court house, prison and stocks, which when finished shall be and remain to the use of the district of Morgan.

II. And to enable the commissioners to carry this Act into effect, Be it further Enacted by the authority aforesaid, That a tax of one shilling on every hundred pounds be laid on all taxable property in the county of Burke, and a tax of four pence on all taxable property in the counties of Lincoln, Rutherford and Wilkes for two years, to be collected by the respective sheriffs or collectors of the said counties, and accounted for and paid to the said commissioners at the same time and in the same manner, and under the like penalties and restrictions as is or may be directed for collecting, accounting for, and paying other public taxes.

III. And be it further Enacted by the authority aforesaid, That before the said commissioners shall enter upon their trust or take into their hands any of the monies to be collected by this Act, they shall enter into bond in the sum of one thousand pounds specie, payable to the Governor and commander-in-chief of this State for the time being and his successors, conditioned for the faithful discharge of the trust reposed in them.

IV. And whereas, it would tend much to the advantage of the inhabitants of Burke and those of the district of Morgan generally, to have a town laid out and established on the land which shall be purchased by the commissioners for erecting the public buildings above mentioned, on ———, Be it therefore Enacted by the authority aforesaid, That the commissioners appointed by this Act for the purpose of purchasing one hundred acres of land for the public buildings aforesaid be, and they are hereby appointed commissioners for designing and laying the same off into a town, and as soon as they have so done they shall cause the same to be formed into acre lots, with convenient streets, lanes and allies, which lots so laid off agreeable to the directions of this Act, are hereby established and erected a town, and shall be called by the name of Morgansborough.

V. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the commissioners above named shall be, and they and every of them are hereby constituted directors and trustees for the designing, building and laying out the said town, and they shall stand seized of an indefeasible estate in fee simple of the said one hundred acres of land, to and for the uses, intents and purposes hereby expressed and declared; and they or a majority of them shall have full power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made and therein to insert a mark or number to each lot; and as soon

as the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for the same, and when the said directors have taken subscriptions for fifty lots or upwards, they shall appoint a day and give public notice to the subscribers of the day and place appointed for the drawing of said lots, which shall be done by ballot in a fair and open manner, under the direction and in the presence of the said directors or a majority of them; and such subscriber shall be entitled to the lot or lots which shall be drawn for him and correspond with the mark or number contained in the plan of said town; and the said directors or a majority of them shall make and execute deeds for granting and conveying the said one hundred acres of land in acre lots as aforesaid to the subscribers, their heirs and assigns forever, and also to every other person who shall purchase any other lot or lots in the said town; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee simple: Provided, nevertheless, That every grantee of any lot or lots in the said town so conveyed shall, within three years next after such conveyance for the same, erect, build and finish on each lot so conveyed one well framed, square logged, or brick house, sixteen feet square at least, and eight feet pitch in the clear or proportionable to such dimensions; and if the owner of any lot or lots shall fail to comply with the directions in this Act prescribed for building and finishing a house thereon, such lot or lots upon which such house shall not be built and finished as aforesaid, shall be revested in the said directors; and the said directors or a majority of them may, and they are hereby impowered and authorised to sell such lot or lots for the best price that can be had, to any person applying for the same, and grant and convey such lot or lots to such person or persons under the like rules and regulations as the same was or were formerly granted; and the money arising from such sale be applied by the said directors or a majority of them for the benefit and improvement of the said town.

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#### CHAPTER XLI.

**An Act for the Promotion of Learning in the District of Hillsborough, and to Amend an Act for Establishing an Academy in the Neighbourhood of Hillsborough.**

I. Whereas, by an Act of Assembly, intituled, An Act for establishing an academy in the district of Hillsborough, certain persons therein named were appointed trustees to carry the said Act into execution; and, whereas, divers of the said commissioners by death or removal out of the State cannot be convened;

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 remaining commissioners resident in this State, provided there be three of them at the least, shall have power and authority to nominate others in the room of those who are dead or removed out of the State.

III. And be it further Enacted by the authority aforesaid, That the commissioners or a majority of them shall be a board for business, and when assembled shall have the powers and authorities given by this Act, as well as by the Act which this is intended to amend; and upon the death or removal out of the State, or refusal to act of any of the said commissioners, those remaining, or a majority of them shall have power and authority to name others in their stead.

IV. And be it further Enacted by the authority aforesaid, That so much of an Act, intituled, An Act for establishing an academy in the neighbourhood of Hillsborough, so far as it comes within the purview of this Act and no further, is hereby repealed and made void.

V. And be it further Enacted by the authority aforesaid, That the said commissioners shall on the second Monday of July next ensuing the ratification of this Act, and on the second Monday of January, April, July and October in every year thereafter, meet in the town of Hillsborough, then and there receive into the hands of a treasurer by them appointed all sums of money subscribed and paid (all sums subscribed and not paid to them then and there duly to be accounted for) and to receive all farther and other donations, and in case of refusal or neglect of any person or persons to pay according to the true intent of his promise, obligation, covenant or agreement, such commissioners may, and they are hereby empowered in the name of their chairman to bring suit before any justice of the peace, or any court of record in the district where such contract shall be made, having cognizance thereof, and recover in an action of debt the sum or sums due from such person or persons so falling or neglecting, to be applied by the said commissioners to the purposes of erecting and maintaining such school.

VI. And be it further Enacted by the authority aforesaid, That by and with the consent of all persons having any right, title or interest in the church erected in the town of Hillsborough (already far gone to decay) such persons being of Episcopal persuasion, and as such claiming interest in the said church, such consent being first obtained by notice in writing, promulgated in the most public part of the county, calling on such persons to object, if any objections they have upon such notice given, and no reasonable objection made, the said building with the ground upon which it stands shall be held and deemed to be invested in the said commissioners, for the uses and purposes following, to-wit: That the said church shall be, with as much economy and expedition as possible, put in decent repair; and so put in repair, shall on every Sunday in every year be open to the ministers of every sect or persuasion, being Christians, there to inculcate the truths of their holy religion: Provided always, That every dispute relative to a preference to the said church in officiating there by ministers of different or of the same sects shall be determined by the said commissioners; and in any dispute between an Episcopalian and ministers of any other persuasion as to a preference to the pulpit, the former (circumstances being otherwise equal) shall be preferred, as the church was founded for the Episcopal persuasion, and to them by the constitution properly appertains.

VII. And be it further Enacted by the authority aforesaid, That tutors or schoolmasters appointed and authorised by the said commissioners, shall teach and instruct in the said school in such branches of learning as the commissioners shall direct; and such persons so appointed and authorised by the majority of the whole board, and no others shall be privileged to teach or instruct within the said church; and if any person shall without permission first had and obtained from a majority of the said commissioners presume to teach within the said church, he shall forfeit and pay the sum of fifty pounds, to be recovered by the commissioners by action of debt in the name of the chairman, for the uses pointed out by this Act.

VIII. And be it further Enacted by the authority aforesaid, That the said commissioners shall yearly, and every year on the second Monday in July, appoint out of their own body a chairman, clerk and treasurer; and the commissioners shall be a body incorporated for the purposes of carrying



this Act into execution, and for receiving donations from all charitable and well disposed persons for the uses of the said school, and shall have power and authority to visit the said school at proper times and seasons, to inspect the progress of students in useful learning, but shall confer no degrees, nor shall such school be called or considered as one of those seminaries established by the special direction of the constitution.

IX. And be it further Enacted by the authority aforesaid, That it shall be lawful for a majority of such commissioners to remove any tutor or master guilty of immorality, neglect or misbehaviour in office.

X. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners to open a lottery for the purpose of raising a sum of money for repairing the said building, employing masters and tutors, and for the other purposes of this Act; Provided, That the whole profits of the said lottery shall not amount to more than five hundred pounds current money of this State; and to appoint trustees to manage such lottery, such trustees giving security for the faithful performance of their duty, and that all profits arising from the said lottery shall be applied to the uses of the said school or academy, agreeable to the directions of the aforesaid commissioners.

XI. And be it further Enacted by the authority aforesaid, That the said commissioners be, and they are hereby impowered to make sale of such part of the ornaments, utensils and decorations of the said church as shall not be necessary to the reparation thereof, the proceeds to be applied to the purposes of the said school.

XII. And be it further Enacted by the authority aforesaid, That during the next session of the General Assembly, if the Assembly shall be in the town of Hillsborough, and at any future session thereof in the said town, the said buildings may be made use of by the said Assembly sitting in their legislative capacity during such session.

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#### CHAPTER XLII.

**An Act to Amend an Act Passed at New Bern the First Day of December, One Thousand Seven Hundred and Sixty-Six, Intituled, "An Act for Establishing a School House in the Town of New Bern."**

I. Whereas, the school house heretofore established under the before recited Act has answered very valuable purposes, but in the course of the late war, by the death and removal of many of the trustees, and from other unavoidable accidents, the building is much impaired, and the education of youth neglected;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the said school shall be distinguished and known by the name of the New Bern Academy; and that the Honourable Richard Caswell and Abner Nash, Esquires, John Wright Stanley, William Blount, John Sitgraves, Spyres Singleton, William McClure, William Bryan and Richard Dobbs Spaight, Esquires, be, and they are hereby appointed trustees and directors of the said academy, and shall be and they are hereby incorporated into a body politic and corporate by the name of the incorporated society, for promoting and establishing the New Bern Academy, by which name they shall have perpetual succession, and a common seal, which they may alter or amend at discretion, and under the aforesaid name they and their successors shall be able and capable in law to

have, purchase, receive, possess and retain to them and their successors forever in trust and confidence for the said academy, any lands, rents, tenements and hereditaments, and also to sell, grant, demise, alien or dispose of the same, and to receive and take any charity gift or donation to the said academy; and the said trustees and their successors by the aforesaid name may sue and implead, be sued and impleaded, answer and be answered in all courts of record within this State, and shall from time to time under their common seal, make such rules, regulations and ordinances for the admission or dismission of the several masters and teachers in the said academy, and for the better regulating and well ordering of the same as to them shall seem requisite and necessary for the promotion of learning and virtue: Provided such rules and ordinances be not repugnant to the laws of the State.

III. And be it further Enacted by the authority aforesaid, That the several lots of land, together with their improvements, granted by the before-recited Act to the trustees of the public school in New Bern in trust and confidence be, and the same are hereby vested in the trustees and directors by this Act appointed, and their successors forever, in trust and confidence to and for the uses and purposes by this Act intended.

IV. And, whereas, there are in the town of New Bern four lots of land known in the plan of the said town by the numbers two hundred and forty-eight, two hundred and forty-nine, two hundred and fifty and two hundred and fifty-one, which were granted by the commissioners of the said town to John Starkey, Edward Griffith and Jeremiah Vall, by deed bearing date the seventeenth day of April, in the year of our Lord one thousand seven hundred and fifty, in trust and confidence for the use of the public forever, and are declared to be saved lots and reserved as aforesaid by an Act passed at New Bern in the year of our Lord one thousand seven hundred and fifty-one; and the uses and purposes for which the said lots were reserved having no longer any existence, Be it therefore Enacted by th authority aforesaid, That three of the aforesaid lots, to-wit: Those known in the plan of the said town by the numbers two hundred and forty-nine, two hundred and fifty and two hundred and fifty-one, shall be, and they are hereby declared to be vested in the aforesaid trustees and directors and their successors forever, any law to the contrary notwithstanding; and the lot known in the plan of the town by the number two hundred and forty-eight whereon the public gaol now stands, is hereby reserved for the use of the public as directed by the before recited Act.

V. And be it further Enacted by the authority aforesaid, That the trustees of the said academy, or a majority of them, shall at their first meeting, and thence after annually appoint out of their number a president and a secretary, and a fit and proper person to be treasurer to the said society, who shall enter into bond with good and sufficient security in a competent sum to be adjudged of by the directors for the faithful discharge of his office and the trust reposed in him, into whose hands shall be paid all monies of or belonging to the said academy, and for which the said treasurer shall account annually with the directors, and upon his refusal or neglect to settle and pay the balance remaining in his hands to the succeeding treasurer or the order of the directors, the same method of recovery may be had against him as is provided for the recovery of public monies in the hands of sheriffs or other persons.

VI. And be it further Enacted by the authority aforesaid, That on the death, refusal to act, or removal out of the State of any of the trustees, the remaining trustees or a majority of them shall elect other trustees in

the room and stead of those dead, removed or refusing to act, who shall be invested with the same powers and authorities as the other trustees and directors appointed by this Act.

VII. And be it further Enacted by the authority aforesaid, That the trustees shall appoint public visitations of the academy once in every six months, when they shall examine what progress is made by the several students and grant certificates to such as shall leave the academy, certifying their literary merit and the progress they shall have made in useful knowledge, whether it be in learned languages, arts or sciences, or all of them: Provided always, That they shall not on any pretence grant degrees or titles, such as the degree of batchelor or master of arts, or doctor in any faculty.

VIII. And be it further Enacted by the authority aforesaid, That the trustees shall not in any case sell lands or dispose of the monies belonging to the academy unless a majority of the society is present or at their stated half yearly visitations; and that no rector, professor or tutor in the said academy shall at any time be chosen a trustee thereof, but that his Excellency the Governor of the State for the time being may at any of their visitations take a seat in the society.

IX. And be it further Enacted by the authority aforesaid, That the rector, professors and tutors of the said academy shall be exempted from military duty: Provided, That no person shall claim such exemption unless he has been at least six months a stated tutor, rector or professor in the academy, and continues in that duty.

X. And be it further Enacted by the authority aforesaid, That the trustees by this Act appointed shall have full power and authority to demand, receive and recover from all persons whatsoever all monies, rents, goods or other effects of what nature or kind soever due, owing or belonging to the late public school aforesaid, and to dispose of and apply the same as is by this Act directed.

XI. And be it further Enacted by the authority aforesaid, That nothing in this Act shall be construed to prevent the trustees from distinguishing their public hall, museum or library, by the names of such persons or societies as may within two years from the passing of this Act give the most liberal donations to the academy.

XII. And be it further Enacted by the authority aforesaid, That so much of the two before recited Acts as is repugnant to or come within the purview of this Act be, and the same is hereby repealed and made void to all intents and purposes as if the same had never been made: Provided, That this academy shall not be deemed to be one of those seminaries of learning directed by the constitution of this State to be established and supported by public authority.

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#### CHAPTER XLIII.

##### An Act for Establishing a Town in Jones County on the Lands of Thomas Webber and Others.

I. Whereas, it is represented to the General Assembly that a town on the lands of Thomas Webber, Lewis Bryan, Henry Smith and Samuel Hill, on the south side of Trent River in Jones county, where the court house now stands, would tend to the promotion of commerce, and the inhabitants of said county be greatly benefited thereby;

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 directors or trustees hereafter appointed or a majority of them, shall as soon as may be after the passing of this Act, agree with or purchase from the said Thomas Webber, Lewis Bryan, Henry Smitn and Samuel Hill, one hundred acres of land for the purposes aforesaid; and after having so agreed for the said land, shall as soon as may be lay off forty acres in half acre lots, exclusive of streets, with convenient streets, lanes and allies, and sixty acres for town commons, which lots so laid off according to the directions of this Act are hereby constituted and erected a town, and shall be called by the name of Trenton.

III. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act Abner Nash, Frederick Harget, Lewis Bryan, John Bryan, William Randol, John Isler and Edward Whitty be, and they and every of them are hereby constituted directors and trustees for the purchasing and agreeing for one hundred acres of land as aforesaid, and for the designing, building and carrying on the said town; and they shall stand seized of an undefeasible estate in fee simple of the said one hundred acres of land, to and for the uses, intent and purposes hereby expressed and declared; and they or a majority of them shall have full power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made, and therein to assert a mark or number to each lot; and when the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for them; and when the said directors have taken subscriptions for fifty lots or upwards, they shall appoint a day and give public notice to the subscribers of the day and place appointed for the drawing the said lots, which shall be done by ballot in fair and open manner, by the direction and in the presence of the majority of the said directors at least; and such subscribers shall be entitled to the lot or lots which shall be drawn for him, and correspond with the mark or number contained in the plan of said town; and the said directors or a majority of them shall make and execute deeds for granting and conveying the said forty acres of land in half acres as aforesaid to the subscribers, their heirs and assigns forever; and also to every other person who shall purchase any other lot or lots in the said town; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee simple: Provided nevertheless, That every grantee of any lot or lots in the said town so conveyed shall within three years next after such conveyance for the same erect, build and finish on each lot so conveyed one well framed or brick house, sixteen feet square at least, and ten feet pitch in the clear, or proportionable to such dimensions, if such grantee shall have two or more lots contiguous; and if the owner of any lot or lots shall fail to comply with the directions in this Act prescribed for building and finishing a house thereon, then such lot or lots upon which such house shall not be built and finished as aforesaid, shall be revested in the said directors, and the said directors or a majority of them may, and they are hereby impowered and authorized to sell such lot or lots for the best price that can be had to any person applying for the same, and grant and convey such lot or lots to such persons under the like rules, regulations and restrictions as the same was or were formerly granted, and the money arising from such sale be applied by the said directors or a majority of them for the benefit and improvement of said town.

IV. And be it further Enacted by the authority aforesaid, That each respective subscriber who shall subscribe for any lot or lots in the said

town, shall within one month after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned, pay and satisfy to the said directors or one of them the sum of three pounds for each lot by him subscribed for; and in case of neglect or refusal of any subscriber to pay the said sum, the said directors shall and may commence and prosecute a suit for the same, and therein shall recover judgment with costs of suit.

V. And for continuing the succession of the directors until the said town shall be incorporated, Be it further Enacted by the authority aforesaid, That in case of the death, refusal to act, or removal out of the county of any of the said directors, the surviving directors or a majority of them shall assemble, and are hereby impowered from time to time by instrument of writing under their respective hands and seals to nominate some other person, being a freeholder of the said town, in the place of him so dying, refusing to act, or removing out of the county, which director so nominated and appointed shall from thenceforth have the like power and authority in all things in the matters herein contained as if he had been expressly named and appointed in, and by this Act.

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#### CHAPTER XLIV.

**An Act to Establish a Town on the Land of John Walker at a Place Called Deep Water Point, Joining Fort Johnston on the River Cape Fear, in Brunswick County.**

I. Whereas, it has been represented to this Assembly that the land of John Walker, lying on the river Cape Fear, at a place called Deep Water Point, in Brunswick county, is a pleasant and healthy situation, and commodious for trade and commerce, and the said John Walker having acknowledged his free consent to have a sufficient quantity of the said land laid off for a town, which will greatly promote the trade of said river;

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 directors or trustees hereinafter appointed, or a majority of them, shall so soon as may be after the passing of this Act, cause a sufficient quantity of said Walker's lands to be laid off into lots of half an acre each, with convenient streets, lanes and alleys, reserving two acres of said land for a court house, church and other public buildings, likewise five acres to John Walker, the proprietor, for their respective uses; which land so laid off according to the direction of this Act, is hereby constituted, erected and established a town, and shall be called by the name of Walkersburg.

III. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, Timothy Bloodworth, Henry Toomer, Henry Young, Joseph Eagle and George Blyth, Esquires, be and they and every of them are hereby constituted directors and trustees for designing, laying out, building, and carrying on the said town; and they shall stand seized of an indefeasible estate in fee of the said quantity of lands so laid off, to and for the use, intents and purposes hereby expressed and declared; and they or a majority of them, shall have power and authority to meet as often as they shall think proper; and cause a plan thereof to be made, and therein to insert a mark or number to each lot; and as soon as the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots, of such persons as are willing to subscribe for them; and when the said directors have taken subscriptions for fifty lots

or upwards, they shall appoint a day and give public notice to the subscribers of the day appointed for the drawing of said lots, which shall be done by ballot in a fair and open manner by the directions and in the presence of the majority of the said directors at least; and such subscriber shall be entitled to the lot or lots which shall happen to be drawn for him, and correspond with the mark or number contained in the plan of the said town; and the said directors, or a majority of them, shall make and execute deeds for granting and conveying the said quantity of land so laid off by the said commissioners into half acre lots as aforesaid, to the subscribers, their heirs and assigns forever, under the rules and restrictions and provisos hereafter mentioned; and also to every other person who shall purchase any other lot or lots in the said town, at the cost and charges of the grantee to whom the said lot or lots shall be conveyed; and every person claiming any lot or lots by virtue of any such conveyance shall, and may hold the same in fee simple: Provided nevertheless, That every grantee of any lot or lots in the said town so conveyed, shall within three years next after the date of the conveyance for the same erect, build and finish on each lot so conveyed one well framed or brick house, twenty-four by sixteen feet at the least, and nine feet pitch in the clear, with a brick or stone chimney, or proportionable to such dimensions if such grantee shall have two or more lots contiguous; and if the owner of any lot or lots shall fail to comply with the directions in this Act prescribed for building and finishing a house thereon, such lot or lots upon which a house shall not be built and finished as aforesaid, shall be free for any other person or persons to take up in the same manner, and under the like rules and restrictions as other lots are directed to be granted to any other person or persons, after the subscription lots are drawn for; and in case any person owner of a saved lot or lots in the said town shall die without heirs, or legally disposing thereof, then in such case such lot or lots shall be sold by the executor or administrator for the benefit of the creditors of the person so dying, if there be any such; but if such person be not indebted, or the sales amount to more than sufficient to discharge the debts, then the amount of sale of such lot or lots, or of the overplus aforesaid, shall be applied by the directors to the benefit and improvement of said town; anything in this Act contained to the contrary notwithstanding.

IV. And be it further Enacted by the authority aforesaid, That each respective subscriber who shall subscribe for any lot or lots in the said town, shall within one month after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned, pay and satisfy to the treasurer of the said town ten pounds for each lot by him subscribed for; and in case of refusal or neglect of any subscriber to pay the said sum, the treasurer shall and may commence and prosecute a suit in his own name, and therein shall recover judgment, with costs of suit; and the said treasurer as soon as he receives the said money, shall pay and satisfy to the said John Walker, his executors, administrators, or assigns, the sum of eight pounds for each lot, in full satisfaction for the said land; and the other shall be applied towards defraying the expences of laying off and improving the said town, as a majority of the directors shall think necessary.

V. And be it further Enacted by the authority aforesaid, That Henry Toomer be, and is hereby appointed treasurer of the said town, who shall enter into bond with sufficient security to the justices of the court of the said county of Brunswick, in the penal sum of two thousand pounds, that he will well and truly account with and pay the monies he shall receive in virtue of his office, to such person or persons as by this Act is directed;

and on the death or removal of the said treasurer the remaining directors, or any three of them by certificates under their hands and seals, shall nominate and appoint one other of the directors to be treasurer of the said town, and so in like manner from time to time as often as the said office shall become vacant as aforesaid; and such treasurer or treasurers shall enter into bond with security, in the same manner as the treasurer by this Act appointed.

VI. And for continuing the succession of the said directors until the said town shall be incorporated, Be it further Enacted by the authority aforesaid, That in case of the death or refusal to act of any of the said directors, the remaining directors, or the majority of them, shall assemble and are hereby impowered from time to time by instrument in writing under their hands and seals, to nominate some other person being a freeholder in the said town in the place of him so dying or refusing to act; which new directors so nominated and appointed shall from thenceforth have the like power and authority in all things in the matters herein contained, as if they had been expressly named and appointed in and by this Act.

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CHAPTER XLV.

An Act for establishing and laying out a town in Richmond County by the name of Rockingham.

I. Whereas the establishing and laying out a town in the county of Richmond on the public land at the court house thereof would be of great advantage to the inhabitants, and be a considerable means of raising money for building the public buildings of said county;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the commissioners heretofore appointed for contracting for the building of the public buildings of Richmond county, or a majority of them, be and they are hereby authorized and impowered to lay out all the public lands by them purchased for the use of the public at Richmond court house into a town of half acre lots, with proper streets, &c., which shall be called and known by the name of Rockingham; one or more of the said lots to be reserved for the use of the public buildings, and the other lots to be disposed of by the said commissioners towards raising the money for completing the said public buildings; and the said commissioners are hereby authorized to make good and sufficient titles in fee simple to the respective purchasers for the said lots.

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CHAPTER XLVI.

An Act to amend an Act, intituled, "An Act for establishing a town on the Land of William Herritage, at a place called Atkins's Banks, in Dobbs County."

I. Whereas the erecting and establishing a town in the county of Dobbs has been a means of promoting trade and commerce; and the Act of Assembly passed in the year of our Lord one thousand seven hundred and sixty-two for establishing the same, is found to want alterations and amendments,

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 one hundred and fifty acres of land constituted, erected and established

a town and town-common by the name of Kingston, shall from and after the passing of this Act be called and known by the name of Kinston.

III. And whereas the greater number of the directors and trustees of the said town appointed in the said Act are dead or removed out of the said county, and it being doubted whether those remaining have power to supply the vacancies by electing others, Be it therefore Enacted by the authority aforesaid, That the Honourable Richard Caswell, Esquire, Jesse Cobb, William Caswell, Isaac Wingate, Richard Caswell the younger, John Herritage, and John Sheppard, Esquires, shall be, and they are hereby appointed trustees and directors of the said town in the place and stead of those appointed by or elected in virtue of the aforesaid Act, and shall and may use and exercise the same powers and authorities as the directors or trustees of the said town appointed by the said Act could or might have exercised, used and enjoyed by virtue of the same; and in case of the death, refusal to act, or removal out of the county of any of the said directors, the surviving or other directors, or a majority of them, shall and they are hereby impowered to choose another director or directors in the room of such so dying, refusing to act or removing out of the county; and such director or directors shall have the same power and authority as if expressly named and appointed in and by this Act.

IV. And be it further Enacted by the authority aforesaid, That for the future the courts of the said county, the election of representatives, the election of wardens of the poor, general musters and other legal public meetings of the inhabitants of the said county shall be held in the said town; and the sheriff of the said county, the clerk of the county court, and the register of the county and their successors in office, shall hold and keep their respective offices in the said town of Kinston, and at no other place whatever; any custom or usage to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That no suit, writ or other process that is or shall be made returnable to the next county court of pleas and quarter sessions to be held for the county of Dobbs after the passing of this Act shall be abated or vacated, or any bailbond, recognizance or other instrument of writing become void or invalid, but the same shall be good, available in law, and as effectual to every intent and purpose whatsoever as if the alteration of the name of the said town and town-common had never been made; and that so much of the above recited Act as is not altered by this Act shall be, and is hereby declared to be of the same force and effect in relation to the said town and town-common as if the same had been originally called by the name of Kinston.

VI. And be it further Enacted by the authority aforesaid, That one-half of the lot comprehending the southern part thereof, known in the plan of the said town by the number of seventy-six, be and hereby is vested in the justices of the said county of Dobbs and their successors in office for the sole purpose of erecting a gaol thereon for the use of the said county; and the trustees and directors of the said town are hereby declared to have no power to dispose of or convey the said lot to any other person or persons, or for any other use whatsoever; any thing in the before recited Act to the contrary notwithstanding.

VII. And be it further Enacted by the authority aforesaid, That the directors and trustees of the said town shall be vested with, and are hereby declared to have power to call upon such person and persons as have received any monies or engaged by subscription to pay any such, or who may hereafter subscribe any money for the erecting, building and finishing the court house, prison and stocks in the said town for the payment



of the same; and in case of neglect or refusal to pay such money they shall and may, and are hereby impowered and authorized in the name of the treasurer of the said town to sue for and recover the same before any jurisdiction having cognizance thereof, and shall cause the same to be applied to the purposes of the said subscriptions, and to no other use or purpose whatsoever.

VIII. And be it further Enacted by the authority aforesaid, That the directors and trustees for the time being, or a majority of them, shall and are hereby impowered to pass any order that they may judge proper for opening the streets, preventing mortar, clay or wooden chimnies being built, and pulling down such as are already built, if judged by them to be a nuisance, for obliging the inhabitants to keep their chimnies clean and raising them to a proper height, for obliging all persons to clear the streets before their houses, and for all other things for the good and safety of the said town and the proper regulation of it, consistently with the laws of the State, and to enforce such orders by laying a fine not exceeding forty shillings on all persons neglecting or refusing to comply therewith, to be levied by a warrant from such directors and trustees, and sale of the offenders goods in the same manner as goods are lawfully sold for the payment of small debts, and the money applied to the use and benefit of the said town.

IX. And be it further Enacted by the authority aforesaid, That the directors and trustees of the said town, or a majority of them, shall as often as they think proper appoint a town clerk, and shall keep a town book in which shall be entered the time of taking the entries of lots, the orders they may make, the persons names who make such entries, the time when the deeds are granted, an account of the monies they receive, the manner of applying the same, and the sums remaining on hand; and such clerk may take and receive for the entry of each lot, and drawing the deed for the same, the sum of eight shillings and no more.

X. And be it further Enacted by the authority aforesaid, That the justices of the said county of Dobbs shall, and they are hereby impowered yearly to appoint some fit and proper person inhabitant of the said town overseer of the same, who shall as often as there shall be occasion summon the male inhabitants of the said town liable by law to work on public roads to clear and repair the streets and alleys thereof, and remove any nuisance or nuisances within the same, and if such inhabitants shall fail or refuse to appear on such summons and work in the said town at such times and places as the overseer shall direct (two days' notice being given before the day appointed for working), such person so neglecting or refusing or the master or mistress of such person being an apprentice, servant or slave, shall forfeit and pay the sum of ten shillings for every day he shall so neglect or refuse, to be recovered by a warrant from any justice of the peace for the said county, to be applied to the purpose of employing persons to work on and keep the streets and alleys in the said town clean and in good order and repair; and the inhabitants of the said town of Kinston shall be, and for the future are by this Act declared to be exempt from working on any of the public roads out of the said town.

XI. And be it further Enacted by the authority aforesaid, That none of the inhabitants of the said town shall on any pretence whatsoever suffer any of their hogs or geese to run or be at large within the bounds of the said town; and any hog or hogs, goose or geese running at large in the said town, shall be forfeited to any person who shall kill or seize the same.

XII. And be it further Enacted by the authority aforesaid, That so much of the Act for establishing the town of Kinston as is repugnant to or inconsistent with this Act be and is hereby repealed and made void.

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CHAPTER XLVII.

An Act for establishing a Town on Cumberland River at a place called the Bluff, near the French Lick.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the directors or trustees herein after appointed, or a majority of them, shall so soon as may be after the passing of this Act cause two hundred acres of land, situate on the south side of Cumberland river at a place called the Bluff, adjacent to the French Lick, in which the said Lick shall not be included, to be laid off in lots of one acre each, with convenient streets, lanes, and alleys, reserving four acres for the purpose of erecting public buildings, on which land so laid off according to the directions of this Act, is hereby constituted, erected and established a town, and shall be called and known by the name of Nash-Ville, in memory of the patriotic and brave General Nash.

II. And be it further Enacted by the authority aforesaid, That from and after the passing this Act, Samuel Barden, Thomas Maloy, Daniel Smith, James Shaw, and Isaac Lindsay, be, they and every of them are hereby constituted directors and trustees for erecting and laying out and carrying on the said town; and they shall stand seized of an indefeasible estate in fee of the said two hundred acres of land, to and for the uses, intents and purposes hereby expressed and declared; and they or any three of them shall have power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made, and therein to insert a mark or number to each lot; and as soon as the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for the same; and when the said directors have taken subscriptions for fifty lots or upwards they shall appoint a day and give public notice to the subscribers of the day appointed for the drawing of the said lots, which shall be done by ballot in a fair and open manner, which shall be done by the directions and in the presence of a majority of the said directors at least; and such subscriber shall be entitled to the lot or lots which shall happen to be drawn for him, and correspond with the mark or number contained in the plan of the said town; and the said directors or a majority of them shall make and execute deeds for granting and conveying the said two hundred acres of land in lots of one acre as aforesaid, to the subscribers, their heirs, and assigns forever, under the rules and restrictions and provisos hereafter-mentioned; and also to every other person who shall purchase any lot or lots in the said town, at the cost and charges of the grantee to whom the said lot or lots shall be conveyed; and every person claiming any lot or lots by virtue of such conveyance, shall and may hold and enjoy the same in fee simple:

Provided nevertheless, That every grantee of any lot or lots in the said town so conveyed, shall within three years after the date of the conveyance for the same erect, build and finish on each lot so conveyed one well framed or square logged, or brick, or stone house, sixteen feet square at least, and eight feet pitch in the clear, with a brick or stone chimney, or proportionable to such dimensions if such grantee have two or more lots contiguous; and if the owner of any lot or lots shall fail to comply with

the directions in this Act prescribed for building and finishing a house thereon, such lot or lots upon which a house shall not be built and finished as aforesaid, shall be free for any other person or persons to take up in the same manner and under the same rules and restrictions as other lots are directed to be granted to any other person or persons after the subscription lots are drawn for.

III. And be it further Enacted by the authority aforesaid, That each respective subscriber who shall subscribe for any lot or lots in the said town, shall within one month after it shall be ascertained to whom each of the said lots doth belong in manner hereinafter-mentioned, pay and satisfy to the treasurer of the said town four pounds specie for each lot by him subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the treasurer may and shall commence and prosecute a suit in his own name for the same, and therein shall recover judgment with costs of suit; and the said treasurer shall as soon as he receives the said money pay the same into the hands of Ephraim M'Lean, Andrew Ewen, and Jonathan Drake, to be by them applied to the purpose of building a court house, prison and stocks upon the before reserved public lots, for the use and benefit of Davidson county; and the said Ephraim M'Lean, Andrew Ewen, and Jonathan Drake, are hereby directed and required to give bond with approved security to the justices of the said court for the faithful application of the same, in the penal sum of one thousand pounds specie, previous to their receiving the same.

IV. And be it further Enacted by the authority aforesaid, That Samuel Barden be, and hereby is appointed treasurer of the said town, who shall enter into bond with sufficient security to the justices of the said court of Davidson county, in the penal sum of one thousand pounds, that he will well and truly account with and pay the monies he shall receive in virtue of his office to each person and persons as by this Act he is directed; and on the death of the said treasurer the remaining directors, or any three of them, by certificate under their hands and seals, shall nominate and appoint one other of the said directors to be treasurer of the said town; and so in like manner from time to time as often as the said office shall become vacant as aforesaid; and such treasurer or treasurers shall enter into bond with security, in the same manner as the treasurer by this Act appointed.

V. And for the continuing the succession of the said directors until the said town shall be incorporated, Be it further Enacted by the authority aforesaid, That in case of the death or refusal to act of any of the said directors, the remaining directors, or a majority of them, are hereby empowered from time to time, by instrument in writing under their hands and seals, to nominate some other person being a freeholder in the said town in the place of him so dying or refusing to act; which new director so nominated and appointed shall from thenceforth have the like power and authority in all things and matters herein contained as if he had been expressly named and appointed in and by this Act: Provided, That James Robertson shall have leave to choose four lots in such part of the said town as he shall think proper, for which he shall pay the said commissioners four pounds for each lot, and shall have deeds for the same, in the same manner as directed by this Act in other cases.

## CHAPTER XLVIII.

**An Act for Annexing Certain Lands Laid off by Thomas Respiss, Esquire, to the Town of Washington, and for Impowering the Commissioners to Lay a Tax on the Inhabitants of Said Town.**

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act all that tract or parcel of land lately laid out by Thomas Respiss, Esquire, immediately above and adjoining the town of Washington, containing fifty-two lots, shall be and is hereby annexed to the said town, and shall hereafter be considered as part of the town of Washington, and subject to the same rules and regulations.

II. And, whereas, it is necessary that the streets should be kept in repair and other useful improvements made therein, Be it Enacted by the authority aforesaid, That from and after the passing of this Act the commissioners of the said town, or a majority of them, shall and they are hereby required within sixty days after the first day of April in every year to lay such a tax as they may judge necessary, not exceeding one shilling on every hundred pounds value of taxable property, which tax shall be collected by warrant under the hands and seals of the commissioners or a majority of them, directed to any person they shall appoint to collect the same, returnable at such time as shall be therein mentioned, which said collector appointed as aforesaid is hereby empowered to collect, and make distress for the same in like manner as sheriffs or other collectors of public or county taxes are empowered by law, and the money arising therefrom, after deducting five per cent. commissions, shall be by them paid into the hands of the commissioners or a majority of them, to be by them applied and laid out in clearing and repairing the public streets, and in any other public improvements they may judge necessary for the benefit of the said town.

III. And be it further Enacted by the authority aforesaid, That all persons residing three months in the said town next before the first day of April in every year shall be subject to pay taxes in the same, which said tax shall be levied on all taxable property within the said town, and a poll tax of two shillings on all single persons liable to pay taxes in said town not possessed of one hundred pounds taxable property, in the same manner as public taxes are by law to be levied, and shall be given in at the same time and in the same manner as other taxable property is by law, and the justice who shall receive said list is hereby required to return the same to the commissioners within sixty days after the first day of April annually.

IV. And be it further Enacted by the authority aforesaid, That no inhabitant of the said town shall on any pretence whatsoever keep any hog or hogs, shoat or pig running at large within the bounds of said town, under the penalty of forfeiting said hog or hogs, shoat or pig; and it shall be lawful for any person or persons having resided three months in said town to shoot, kill or otherwise destroy such hog or hogs, shoat or pig so running at large within the bounds of said town.

## CHAPTER XLIX.

**An Act to Amend An Act, Intituled, "An Act for the Regulation of the Town of Wilmington."**

I. Whereas, by an Act, intituled, An Act for the regulation of the town of Wilmington, passed in the year one thousand seven hundred and sixty-

six, the commissioners of the said town are directed at least twice in every year to warn all the male taxables to clear, repair and pave the streets, lanes or alleys, and to make or mend wharves, docks or ships, which hath been found by experience to be inconvenient and burthensome, and not to answer the purposes thereby intended; 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 the commissioners of the said town shall annually levy a tax not exceeding ten shillings on every hundred pounds value of taxable property within the said town, and a proportionable poll tax on all persons who do not possess in the said town the value of one hundred pounds in taxable property, which tax shall be collected by a warrant under the hands and seals of the commissioners, directed to such persons as they shall appoint for that purpose; and the collector to be appointed as aforesaid, is hereby impowered and directed to collect and make distress for the same in like manner as collectors of public taxes, and the monies arising therefrom, after deducting five per cent. for commissions, shall by him be paid into the hands of the town treasurer, to be by the commissioners applied and laid out in clearing cleaning and repairing the streets and public passages, making and repairing water courses, public wharves and docks, paying officers for transacting the business of the town, and in such other public work and business as the commissioners may deem necessary.

III. And the more effectually to ascertain the taxable property within the said town, Be it Enacted by the authority aforesaid, That every inhabitant thereof shall yearly, at the time he shall give in his taxable property to be assessed for the use of the State, distinguish in the list he shall return what part thereof is situated within the said town; and if any inhabitant shall fail so to do, the commissioners shall and may order the town tax to be levied for the whole amount of the taxable property of the person so failing as aforesaid, although part thereof may not be within the said town; anything herein contained to the contrary notwithstanding: And it is hereby declared, That every person inhabiting or occupying any house or other building or improvement, or any wharf or lot within the said town, shall be liable to the payment of the tax thereof, unless the same shall have been returned by some other inhabitant.

IV. And, whereas, the fire engines of the said town are greatly out of repair, and some parts thereof entirely destroyed, Be it therefore Enacted by the authority aforesaid, That the said commissioners shall and they are hereby required as soon as they shall be possessed of a sufficient fund for that purpose cause the said engines to be repaired, and when so repaired, that they have the same worked at least once in every month, under the penalty of forty shillings for every month which they shall neglect to have the same done, to be recovered by any person who shall sue for the same in any court of record having cognizance thereof.

V. And, whereas, from the many incroachments made on the streets of the said town by erecting piazzas, porches, platforms and other buildings thereon, the inhabitants and others are greatly incommoded, and much injury may arise by fire being thereby communicated across the streets; for remedy whereof, Be it Enacted by the authority aforesaid, That the commissioners of the said town are hereby impowered and required to order all such incroachments from which danger may be apprehended to be removed under such penalties as they shall think necessary to impose; and where any incroachments shall be found on any street or streets from which no immediate danger is to be apprehended, the said commissioners shall im-

pose a ground rent not exceeding three pounds ten shillings to be paid annually for each piazza, porch, platform or other incroachment on the street adjoining to or being before any one house or tenement, to be applied to the public stock of the said town; and if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seals of the commissioners, directed to a constable or other officer to be by them appointed, on the goods and chattels of the delinquent: Provided always, That uncovered piazzas or platforms, and uncovered porches not exceeding seven feet wide (including steps and cellar doors) shall not be liable to pay any ground rent; anything herein contained to the contrary notwithstanding.

VI. And be it further Enacted by the authority aforesaid, That no persons shall hereafter be permitted to inclose or cover any piazza, porch or platform already built and not permitted by this Act, nor be at liberty to repair the same; nor shall any person for the future make any incroachment on the street without the express consent of the commissioners in writing, and that only for uncovered platforms not exceeding seven feet in width, including steps and cellar doors; and if any encroachment shall be made contrary to the intent and meaning of this Act, or any such incroachment now standing and not liable to be removed should be repaired, the commissioners are hereby impowered and required to cause the same to be taken down, or to impose such penalty as they shall judge reasonable, not exceeding the sum of seven pounds for every year such repaired incroachment shall be suffered to remain, to be recovered by action of debt before any jurisdiction having cognizance thereof, and the person suffering such incroachment shall be also liable to be indicted for a nuisance.

VII. And be it further Enacted by the authority aforesaid, That the commissioners of the said town and their successors in office shall, and they are hereby declared to be a body politic and corporate, by the name and designation of the Commissioners of the Town of Wilmington, and that they may sue and be sued, implead and be impleaded as such, and shall have power and authority to make orders not inconsistent with the constitution, for carrying this and the before-mentioned Act into execution, and to appoint a treasurer, clerk, surveyor, fire-masters, and such other officers as shall appear to them necessary for the good government of the said town, ascertaining the salaries, fees and perquisites of such officers.

VIII. And be it further Enacted by the authority aforesaid, That the said commissioners are hereby particularly required and directed to ascertain the distance to which wharves may be extended into the river so as to prevent any incroachments on the channel, and to cause all persons who are owners or occupiers of wharves, or who may hereafter make wharves to raise walls of stone, brick or timber, at least one foot above the surface of each wharf, so as to prevent sand or earth being carried into the river by floods of rain; and the said commissioners are required to be particularly careful in that respect in constructing all public wharves, great injury having already been done for want of that necessary precaution, the channel being in many places considerably narrowed; the said commissioners are also particularly required and directed to prevent any buildings from being erected, until the ground on which such buildings are intended to be shall be first divided from the street by a line to be drawn by the town surveyor, under an order from the said commissioners; and all and every person, and person or persons constructing or building, or attempting to construct or build any wharf or wharves, or any tenement or other building contrary to the true intent and meaning of this Act, shall be liable to pay a

fine to the said commissioners for the use of the said town not exceeding the sum of five pounds, to be recovered as aforesaid, and moreover such building or incroachment shall be removed at the expence of the party offending.

IX. And be it further Enacted by the authority aforesaid, That the commissioners of the said town are hereby particularly required and directed to make the necessary regulations to prevent slaves from keeping houses in the said town, and to impose fines and penalties on the owners and tenants of houses who shall suffer the same to be occupied by slaves, and to prevent all persons from dealing with slaves not having tickets from their masters or overseers, to remove all nuisances, to erect a fire company to prevent fires being made on the wharves and in the streets, more especially in stormy weather and in the night time, and to oblige the inhabitants to keep a sufficient number of water buckets in their houses with their names thereon to be ready in cases of fire, to regulate the markets and to enforce their orders and regulations by laying fines and imposing penalties on all persons refusing or neglecting to comply therewith, to be recovered before any jurisdiction having cognizance thereof: Provided always, That if the offender be a slave, then and in that case such slave shall be adjudged to be whipped by a constable or other officer of the said town at the discretion of the commissioners, unless the master or mistress of the offending slave shall pay the fine: And provided also, That it shall and may be lawful for any person who shall think himself aggrieved by the judgment of the commissioners to appeal from such judgment to the Court of New Hanover county, first giving security to prosecute the appeal, which said court is hereby impowered to determine the same by a lawful jury.

X. And be it further Enacted by the authority aforesaid, That the commissioners for the time being shall call all persons to account for any monies which may be in their hands belonging to the said town, and to issue warrants for all sums which may appear to be due; and that all sums of money mentioned in the aforesaid Act passed in the year one thousand seven hundred and fifty-six is hereby declared to be of the same value as the present circulating money of this State.

XI. And, whereas, there are not at present any acting commissioners in the said town, Be it therefore Enacted by the authority aforesaid, That the sheriff of New Hanover county shall immediately after the first day of July next, warn all the male inhabitants of the said town to meet at some convenient place therein, on the third Monday in the said month to choose commissioners for the remainder of the present year; and the said sheriff shall on the said third Monday in July hold the election for commissioners of the said town by ballot, and in the same manner as for a member of the General Assembly; and all the inhabitants of the town who shall on the said day be qualified to vote for a member to represent the said town in the General Assembly, shall be entitled to vote for commissioners.

XII. And in order that a succession of commissioners may be kept up, Be it Enacted by the authority aforesaid, That the commissioners for the time being shall on the twentieth day of December next, and so on the twentieth day in December in every year afterwards, cause the town clerk to warn the inhabitants of the said town to attend at the court house, or other convenient place thereon, on the first Monday in January following, to elect five commissioners for the then current year; and the election shall be held by the town clerk in preference to the old commissioners in manner as before directed; and the power of the old commissioners shall not cease until a sufficient number of the new chosen commissioners shall accept the ap-

pointment and be qualified according to law; and in case of death, refusal to act, or removal of any of the said commissioners, another or others shall be elected in like manner in his or their stead, eight days' previous notice being given of the time and place of the intended election.

XIII. And be it further Enacted by the authority aforesaid, That in all acts of the said commissioners a majority of them shall constitute a quorum for the purposes intended by this act; and that the commissioners to be chosen from time to time by virtue hereof, shall have all the powers, authorities and pre-eminences with those to be chosen in the first instance; and the commissioners to be chosen in the month of July next, shall impose the tax on the inhabitants of the said town for the present year, that the same may be collected and applied without loss of time for the benefit thereof.

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#### CHAPTER L.

##### An Act to Regulate the Town of Hillsborough and to Repeal all Laws Now in Force Which Come Within the Purview Hereof.

I. Whereas, the laws now in force for the regulation of the town of Hillsborough are found inadequate to the purposes for which they were intended;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That William Hooper, James Hogg, John Taylor, Archibald Lytle, John Estes, William Courtney, James Williams and John Nichols be, and they are hereby appointed commissioners for the town of Hillsborough, and shall have full power and authority to act and do everything that former commissioners for said town lawfully might do or have done, and shall keep the streets in good repair and order, and shall have power and authority to appoint an overseer or overseers of the streets, and shall have full power to summons the inhabitants of the said town to work upon the streets; and in case of the failure or refusal of any inhabitant so summoned to work upon the streets, or to procure a sufficient substitute to perform such work, such inhabitant so failing shall forfeit and pay ten shillings for each and every day's neglect or refusal, to be recovered in a summary way by complaint made to one or more of the aforesaid commissioners, such fine or forfeiture to be paid into the hands of the chairman of the said commissioners, to be applied to the use of the town in such manner as the commissioners shall direct: Provided always, That no person within the limits of the said town, or the privileges thereof, shall be compelled to work more than ten days in any one year; and in case of the death, removal, neglect, or refusal to act of any of the said commissioners, it may be lawful for the freeholders of the said town to assemble and elect another or others; and he or they so elected shall have the same power and authority as those nominated and appointed by this Act.

III. And, whereas, it has been found inconvenient to collect and enforce the attendance of the commissioners when the exigencies of the town required it, Be it therefore Enacted by the authority aforesaid, That if any commissioner shall (after notice or summons subscribed by three of the commissioners, and countersigned by their clerk, such notice or summons to contain the time and place of meeting, and to be served twelve hours at least previous to such meeting) fail to give his attendance, he shall forfeit and pay ten shillings, unless prevented by sickness, or such other cause



as shall be satisfactory to a board of commissioners, which shall not consist of less than a majority of the whole number; such fine or forfeiture to be recovered and applied as the fines heretofore mentioned.

IV. And be it further Enacted by the authority aforesaid, That the said commissioners shall meet on the second Monday in July, October, January and April, and oftener if circumstances shall render it necessary, and at their first meeting elect a chairman, who shall be the treasurer to the said commissioners and preside and vote at their meeting; and they shall also elect a clerk or register, who shall keep all plots, plans, deeds, grants, records and registers, and all other public papers relative to the said town, and of all proceedings heretofore had, and which may be had before the commissioners of the said town; the said chairman and clerk to be chosen out of the commissioners aforesaid.

V. And be it further Enacted by the authority aforesaid, That the commissioners at their first meeting shall pass an order or ordinance directing in what manner the streets of the said town (for the convenience of inhabitants and others) shall be paved and otherwise improved, which order or ordinance the inhabitants of the said town shall be bound to obey and carry into execution within twelve months after passing the same, under the penalty of ten pounds for every month's failure or neglect by any one of the said inhabitants after the expiration of the said twelve months, to be recovered in manner before directed as to other fines, and applied one-half to the use of the informer, the other half to the use of the town as the said commissioners shall direct.

VI. And be it further Enacted by the authority aforesaid, That none of the inhabitants of the said town shall on any pretence whatsoever suffer any of the swine, or geese, or goats to run at large within the bounds of the said town of Hillsborough; and every swine, goose or geese, goat or goats, running at large in the said town, shall be forfeited to any person who shall seize or kill the same, to whomsoever they may belong.

VII. And be it further Enacted by the authority aforesaid, That the commissioners be and they are hereby impowered to contract with some person to inclose within a fence the church-yard and the graves therein comprehended, and to impose a tax not exceeding two shillings per poll upon every white taxable person within the said town and the privileges thereof, and upon every black male or female the property of the inhabitants of the said town, to be and continue for the term of two years, to be collected by a constable or other person appointed by the said commissioners, which constable in case of neglect or refusal is hereby appointed to distrain for the same; which tax when collected shall be paid in to the hands of the treasurer or chairman of the said commissioners, and applied towards the decently inclosing the said burial yard, the surplus thereof, if any there be, to be applied to the use of the inhabitants of the town, for the further regulation and improvement thereof.

VIII. And be it further Enacted by the authority aforesaid, That all laws and clauses of laws coming within the purview hereof are hereby declared to be void.

## CHAPTER LI.

**An Act to Amend An Act, intituled, An Act for Purchasing a Lot or Lots in the Town of Wilmington, for the Purpose of Building a Jail for the District of Wilmington and Other Purposes, and for Repairing the Court House of the Said District.**

I. Whereas, the trustees named in an Act, intituled, An Act for purchasing a lot or lots in the town of Wilmington, for the purpose of building a jail for the district of Wilmington and other purposes, passed at Hillsborough in May, one thousand seven hundred and eighty-three, have not yet been able to purchase a convenient lot of ground on which to erect a prison for the said district;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said trustees shall not purchase less than half an acre of ground for the purpose aforesaid, that there may be sufficient room for a yard for the use of the prisoners, and a garden for the jailer, and ground on which to erect a workhouse at a future day; and that such lot or lots be purchased in such part of the said town where it may be convenient to visit the said prison, but at the same time so removed from the principal part thereof as to avoid giving the high prices which lots generally bear therein.

III. And, whereas, the district court house in the said town was during the war stripped of the flooring the windows thereof destroyed, and the same is otherwise greatly injured; and until a permanent prison can be constructed it becomes immediately necessary to erect a temporary jail, not only for the purposes of confining common offenders and debtors, but for restraining riotous seamen and slaves; and the taxes heretofore imposed not being sufficient to answer all the purposes intended by this and the before recited Act, Be it therefore Enacted by the authority aforesaid, That a tax for the present year of one shilling and four pence per poll, and so in proportion for lands, be laid upon the inhabitants in the county of New Hanover, and a tax of six pence per poll, and so in proportion for lands, upon the inhabitants in the counties of Onslow, Duplin, Bladen, Brunswick, Fayette, Sampson and Moore; and the said taxes shall be assessed and collected in the same manner as public taxes, and shall be paid into the hands of the said trustees, or to the order of a majority of them; and the said tax shall continue to be assessed and collected for the two next successive years, under the same pains and penalties for non-payment as may be had and used for the non-payment of public taxes; and the said trustees shall and may have and use the same mode of recovery against the collectors of the said taxes, as against the collectors of public taxes.

IV. And for the better securing the said taxes when collected, and the monies already collected, or heretofore imposed by virtue of any former Act of the General Assembly, Be it further Enacted by the authority aforesaid, That the said trustees, or a majority of them, shall appoint a treasurer to receive the same, who shall enter into bond with sufficient securities, in the penalty of one thousand pounds, payable to the said trustees, conditioned that he will, when thereto required, pay to the order or orders of the said trustees all such sum or sums of money as he shall receive by virtue of this Act, first deducting thereout at the rate of two and a half per centum, for his trouble in receiving and paying the same, which bond shall be lodged with the clerk of the superior court of Wilmington district, and may and shall be put in suit for a breach of the condition thereof; and in case of such suit the treasurer shall not be entitled to any commissions for re-

ceiving and paying the monies imposed by this or any other Act, but judgment shall be given against him for the whole of the said monies which shall be paid to him, without any deductions whatever.

V. And be it further Enacted by the authority aforesaid, That the said trustees shall take a deed or deeds for the grounds which they may purchase for the purpose of a district jail to themselves in trust, for the use and uses of the said district; and shall as soon as the same can conveniently be effected, erect thereon a good and sufficient temporary jail, of such materials and dimensions as they shall think necessary; which jail when so erected shall be held and taken to be the jail of the said district, until another more convenient can be built; and the said trustees shall out of the monies already collected proceed without delay to the repair of the court house in the said town, so as to render the same fit for the public business as speedily as possible.

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CHAPTER LII.

An Act for levying a further Tax in the District of Halifax for repairing the Court House and Gaol of said District.

I. Whereas, the tax levied for the year one thousand seven hundred and eighty-three for the purposes aforesaid is found insufficient to complete the intended repairs,

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 eight-pence current money be levied on every hundred pounds taxable property in the county of Halifax, and a poll-tax of eight-pence current money on every person whose estate is not assessed to one hundred pounds in said county; and that four-pence current money be levied on every hundred pounds taxable property in the counties of Edgcomb, Northampton, Warren, Franklin, Nash, and Martin, and a poll-tax of four-pence on every person liable to the payment of a poll-tax, for the year one thousand seven hundred and eighty-four as aforesaid, to be collected, paid and applied in the same manner as the tax directed to be levied for one thousand seven hundred and eighty-three, by an Act intituled, An act for levying a tax on every hundred pounds taxable property in the district of Halifax, for repairing the court-house and gaol of said district.

III. And be it further Enacted by the authority aforesaid, That each and every of the commissioners by the above-mentioned Act appointed, or such of them as shall agree to act in the premises, shall give bond with sufficient security, in the sum of one thousand pounds current money, for the faithful discharge of the trust reposed in them by this Act and the Act aforesaid; and to account with the several county courts of the district, for their respective proportions of the overplus, if any, that may remain of the aforesaid tax, payable to the Governor for the time being, and his successors in office; which bond shall be lodged in the office of the clerk of the county courts of Halifax.

## CHAPTER LIII.

An Act for appointing Commissioners for selling the Granaries in the Counties of Franklin and Warren, and for repealing an Act, intituled, "An Act for appointing Commissioners for selling the Lot number forty-four in Warrenton, whereon the Public Granary now stands, and for other purposes, and for altering the times of holding Courts in the County of Caswell."

I. Whereas the confirmation of peace with the United States of America and Great Britain has rendered the aforesaid granaries useless,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That James Derby, William Hill and Pateswell Milner, or a majority of them, be and they are hereby appointed commissioners for selling the granary in the county of Franklin; and that John Macon, Benjamin Hawkins and James Payne, Esquires, or a majority of them, be and they are hereby appointed commissioners for selling the granary in the county of Warren.

III. And be it further Enacted by the authority aforesaid, That the above-said granaries shall be sold by their respective commissioners separately to the highest bidder, the purchasers giving bond and security to the said commissioners, payable twelve months after the day of sale, with interest from the date, and the money arising from such sale to be accounted for by the said commissioners, and applied as other county monies.

IV. And be it further Enacted by the authority aforesaid, That all and every part of an Act, intituled, An Act for selling the lot number forty-four in Warrenton, whereon the public granary now stands, and other purposes, be, and the same is hereby repealed and made utterly void.

V. And whereas the days heretofore appointed for holding courts in the county of Caswell are found inconvenient, Be it therefore Enacted by the authority aforesaid, That the court of pleas and quarter sessions for the county of Caswell from and after the passing of this Act, shall be held on the third Monday in July, October, January, and April, annually; and every process, recognizance, and all proceedings whatever returnable to the said court, shall be returned on the court days by this Act appointed, and all causes depending in the said courts shall stand continued to the same days; any law, usage or custom to the contrary notwithstanding.

## CHAPTER LIV.

An Act to authorise and impower Isaac Gregory, Esquire, formerly Sheriff of Pasquotank, now Pasquotank and Cambden Counties, to collect the arrears of Taxes due him from the inhabitants of said Counties, for the years one thousand seven hundred and sixty nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, and one thousand seven hundred and seventy-four.

I. Whereas it is represented to this General Assembly that in consequence of the difficulties and confusion introduced by the commencement of the late war, large arrears of taxes, remains still due to Isaac Gregory, sheriff of Pasquotank, now Pasquotank and Cambden counties,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That

from and after the passing of this Act it shall and may be lawful for Isaac Gregory, Esquire, of Cambden county, or for any other person or persons, by him authorized and impowered to receive and collect from all persons such arrears as may be due him for taxes, payable by the then inhabitants of Pasquotank county, in the years one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, and one thousand seven hundred and seventy-four, after the manner and custom by which taxes were then by law collected; such collection to be made agreeable to the rules and lists of those years respectively; Provided nevertheless, If any person on whom a demand for such arrears of taxes may be made shall produce a receipt or receipts of his having paid the same, or in case of the loss of such receipts, shall within ten days after the demand is made, make oath before a justice of the peace of his having paid the same, or that he was not at the time for which the arrears of the taxes may be demanded liable to pay taxes in such county; on obtaining a certificate from the justice of the peace of his having so done, such person shall be exonerated and discharged from such demand.

III. And be it further Enacted by the authority, That the said Isaac Gregory, or the person or persons for that purpose by him authorised and impowered, shall give at least one months notice by advertising the same at the most public places within each of the counties of Pasquotank and Cambden, of the times and places when and where he or they will attend in order to receive such arrears of taxes; and all persons paying or tendering the same within the time limited, shall not be liable to either costs or charges; but in case of failure it shall and may be lawful for the said Isaac Gregory, or the person or persons by him authorised and impowered as aforesaid, to make distress for the same in like manner as was by law prescribed for sheriffs to distrain for taxes in those times, for which such arrears are due and payable.

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#### CHAPTER LV.

An Act to authorise Richmond Pearson to collect the Specific Tax which remains due from the inhabitants of the County of Rowan for the year seventeen hundred and eighty-one; and also the Commissioners of Franklin County to collect the arrears of Taxes of said County for the years seventeen hundred and eighty, seventeen hundred and eighty-one, and seventeen hundred and eighty-two.

I. Whereas the specific tax for the county of Rowan for the year seventeen hundred and eighty-one, hath not been fully collected by reason of the resignation of the county commissioners for that year; and whereas some doubts have arisen as to the legality of the appointment of the commissioner of specific taxes of said county, for the year seventeen hundred and eighty-two, and as to his powers of collecting the arrearages of said taxes for the year seventeen hundred and eighty-one,

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 Richmond Pearson be, and he is hereby authorised and appointed to collect the value of the said specific tax in money which remains due from the inhabitants of the said county for the year seventeen hundred and eighty-one, according to the rates affixed by the last specific tax law, and that he

collect the said tax and account for the same under the same directions and penalties which sheriffs and collectors are by law bound and liable.

III. And be it further Enacted by the authority aforesaid, That the commissioners for receiving the specific tax in the county of Franklin, is hereby authorized and impowered to collect the arrearages of said taxes for the years seventeen hundred and eighty, seventeen hundred and eighty-one, and seventeen hundred and eighty-two, agreeable to the last specific tax-law; any law to the contrary notwithstanding.

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CHAPTER LVI.

An Act to impower Arthur Brown, Esquire, late Sheriff of Bertie County to collect the arrears of Taxes due for the said county in the year one thousand seven hundred and seventy-four, and one thousand seven hundred and seventy-five.

I. Whereas through the unavoidable confusion of the times great deficiencies are like to arise in the collection of the taxes for the county of Bertie, for the years one thousand seven hundred and seventy-four, and one thousand seven hundred and seventy-five, whereby Arthur Brown, late sheriff of said county will become liable to the payment of large sums of money to the public,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, Arthur Brown, late sheriff of Bertie county, or some person for that purpose authorised and impowered by him, shall have full power and authority to receive and collect the arrears of taxes due for the said county of Bertie, for the year of one thousand seven hundred and seventy-four, and for the year one thousand seven hundred and seventy-five, in the same manner and form as taxes were then by law collected.

III. And be it further Enacted by the authority aforesaid, That the said Arthur Brown, or such person as he shall for that purpose impower, do collect and receive such arrears of taxes according to the list and rates of each of the said years respectively appointed: Provided nevertheless, That if any person against whom any demand of such arrears of taxes shall be made shall produce a receipt or receipts of his having paid the same, or in case of the loss or mislaying such receipt or receipts, shall make oath before any justice of the peace within ten days after such demand made, of his having paid and discharged the same, or part thereof, or that he was not at that time a taxable in the said county, and obtain a certificate of the same from said justice, such person shall be exonerated and discharged from such demand, either in part or the whole as the case may be.

IV. And be it further Enacted by the authority aforesaid, That the said Arthur Brown, or the person by him for that purpose authorized and impowered, shall give one month's notice by public advertising the same at the court house of said county, and all other public places within the same. of the time and place he, or such person as he shall for that purpose authorise and impower, will attend to receive such arrears of taxes; and all persons paying the same on or before the time appointed by such notice shall not be liable to pay any costs or charges; and if any person or persons shall fall to pay such arrears of taxes agreeable to this Act, it shall and may be lawful for the said Arthur Brown, or such person as he shall authorize and impower, to make distress for the same, in the same manner

as was at the time the said taxes became due, by law appointed for sheriffs to distrain in other cases of the like nature.

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CHAPTER LVII.

An Act to Impower Edward Winslow to Receive Storage of Tobacco Inspected and Deposited in the Warehouse by Him Built at Fayetteville, by Permission of the Court of Cumberland.

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 Edward Winslow, his heirs or assigns, for the term of fifteen years from the passing of this Act, to take and receive a storage on tobacco inspected and deposited in the said warehouse, at the following rates, that is to say: Four shillings for each hogshead of tobacco inspected in the said warehouse: Provided, It does not lay in the said warehouse more than twelve months, and one shilling per month for each hogshead that shall continue in the said warehouse over and above twelve months, to be paid by the person taking out or removing such tobacco from the warehouse: And provided, The said Winslow does and shall keep the said warehouse in good and sufficient repair for the inspection and storage of tobacco.

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CHAPTER LVIII.

An Act for the Relief of Sundry Petitioners Inhabitants of Davidson County Whose Names Are Therein Mentioned.

I. Be It Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the persons whose names follow, viz.: John Cockrill, Ann Cockrill, formerly the widow Ann Johnston; Robert Espey, James Espey, John Buchanan, Cornelius Ruddle, James Mulkerin, James Tood, Isaac Johnston, John Gibson, Francis Armstrong, John Kennedy, junior, Mark Robertson William Ellis, James Thompson, James Shaw, James Franklin, Henry Howdishall, Pierce Castillo, Morris Shean, William Logan, David Flood, John White, Peter Leoney, William Collins, Jonas Manfee, Daniel Williams, John Evans, Andrew Thomson, Gasper Manseo, George Freeland, Daniel Johnston, Edward Swanson, Andrew Kellow, Francis Hodge, John Mulkerin, James Freeland, John Tucker, James Foster, Amos Heaton, Dennis Condry, Frederick Stump, Russel Gower, Andrew Ersin, Thomas Rater, Isaac Lindsey, Moses Winters, James Harris, John Brown, Lewis Crane, John Montgomery, Stephen Ray, Daniel Hogan, Thomas Spencer, Humphrey Hogan, Haydon Wells, Henry Ramsey, John Barrow, John Thomas, William Stewart, Samuel Walker, David Rounseval, Arthur McAdoe, James McAdoe, Henry Turney, Samuel Barton, John Dunham, Ephraim Pratt, William Overall and James Robertson, and the heirs or devisees of Zachariah White, Alexander Buchanan, James Leper, James Harrod, Alexander Thomson, David Maxwell, Robert Lucas, Timothy Tirrell, William Hood, Edward Carvin, William Nicely, James Shanklin, Samuel Morrow, George Kennedy, John Robertson, Abel Gowen, senior, Abel Gowen, junior, Nicholas Trammell, Phillip Mason, James Turpin, Nathan Turpin, Jacob Stump, Nicholas Gentry, William Cooper, Jacob Jones, James Mayfield, William Green, William Johnston, Samuel Scott, George Aspic, William Leighton, John Crutch-

field, Joseph Hay, John Searcey, Isaac Lucas, Patrick Quigley, Jacob Stull, Joseph Milligan, Abraham Jenes, David Fane, Benjamin Porter, Edward Larimore, William Gausney, Jonathan Jennings, David Gervin, Jesse Bialston, Joseph Renfrew, Philip Conrod, William Gausway, John Bernard, John Lumiden, John Gilkey, Solomon Phelps, James John, Thomas Hainey, Alexander Allerson, John Blackamore, James Fowler, John Macmurtry, John Shoeley, John Galloway and Isaac Lasovour, who were killed in the defence and settlement of the said county of Davidson, shall each and every one of them be entitled to receive from the Governor for the time being a grant for six hundred and forty acres of land, without being obliged to pay any price for the same: Provided, That every person receiving such grant shall pay the surveyors and other fees of office.

II. And be it further Enacted by the authority aforesaid, That Christopher Gais, senior, Christopher Gais, junior, Jonathan Gais, Kasper Bocher, Richard Breeze, Phines Cocke, Mark Nobles, John Kitts, Isaac Mayfield, Samuel Hollis, Isaac Rounsevall, Eneas Thomas, Joshua Thomas, Caleb Winters, John Buchanan, senior, John Kennedy, junior, John Castello, Robert Thomson and Samson Williams, shall each and every one of them be entitled to enter with the entry-taker of Davidson county six hundred and forty acres of land, without being obliged to pay any price for the same, except surveyors' and others fees of office, which they and each of them may locate on any vacant land in the said county, the lands laid out for the officers and soldiers excepted; and the Governor is hereby authorized and required to make such grant in the same manner to each and every of the before-named persons as if they had paid the full price of ten pounds per hundred acres.

III. And lest disputes may arise by two or more pre-emption rights being located on the entry-taker's books of Davidson county for the same place, Be it further Enacted by the authority aforesaid, That in such case the person in whose name such entry be first made shall have the preference, and a grant shall pass to him for the same; and the person or persons in whose name any other entry or entries shall be made and located to the same place may, and it shall be lawful for them to locate the same on any other vacant lands; any law, usage, or custom to the contrary notwithstanding.

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#### CHAPTER LIX.

**An Act to Alter the Place of Holding the County Court in Pasquotank County from Winfield to the Town of Nixonton in the Said County, and to Erect a New Court House, Prison, Pillory and Stocks in the Said County.**

I. Whereas, it is found that the situation of the court house in Pasquotank county is inconvenient to the greatest part of the inhabitants, which, together with the ruinous condition of the prison and the want of proper accommodations for persons obliged to attend on court and other public business at the place where the court house now stands, renders it necessary to alter the place of holding the courts to the town of Nixonton;

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 Abraham Symons, Ambrose Knox, Devotion Davis, Joseph Stokeley and Benjamin White are hereby appointed commissioners to erect a court house, prison, pillory and stocks for the use of the said county; and they, or a majority of them, to agree with workmen to build and finish the same at the



town of Nixonton, in the said county; and if one or more of the said commissioners should remove from the said county, or die, then the survivor or survivors shall elect and chuse another or other commissioners to act in his or their stead.

III. And be it further Enacted by the authority aforesaid, That the said commissioners are hereby impowered to receive all subscription money now collected or to be collected for building a court house for the use of the said county at the town of Nixonton, of thirty-five feet by twenty-five, and sufficient and completely to finish the same; and not to proceed in the fulfilling this Act till an ample sum is vested in their possession for the purpose of building the said court house.

IV. And be it further Enacted by the authority aforesaid, That so soon as the said court house, prison, pillory and stocks shall be erected and finished, the justices of the said county shall, and are hereby directed and required to adjourn the said court, by their order, from the place where the same is now held at Winfield to the court house so to be erected and built at the town of Nixonton by virtue of this Act; and all suits, actions, complaints, pleas, and other matters and things before the said court then depending and undetermined shall stand adjourned and continued accordingly; and all and every person and persons having day in the said court, and all witnesses shall be bound and obliged to appear at the same according to such adjournment.

V. And be it further Enacted by the authority aforesaid, That the said commissioners, or any two of them, are hereby impowered to purchase of the commissioners of the said town four lots of land within the said town, for the purpose of erecting buildings thereon, to hold to them the said commissioners and their heirs in fee simple, to the use of the said county for the purpose aforesaid.

VI. And be it further Enacted by the authority aforesaid, That the justices of the said county are hereby authorized and impowered to levy a tax of one shilling on each and every hundred pounds taxable property within the said county, and the sum of one shilling on each person not taxed by his property; which tax shall be collected by the sheriff and by him accounted for to the justices of the said county, for which he shall be allowed five per cent.

VII. And be it further Enacted by the authority aforesaid, That the said justices are hereby impowered to sell all the materials of the old court house and prison, which together with the aforesaid tax to be applied to the building and finishing of said prison, pillory and stocks; and on the completion of the said buildings, if there shall remain any overplus of money in their hands, to pay the same to the justices of the said county, and by them to be applied towards the payment of the contingent charges of the said county.

VIII. And be it further Enacted by the authority aforesaid, That all and every Act and Acts, clause or article heretofore made, for anything within the purview of this Act is, and are hereby repealed and made void.

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#### CHAPTER LX.

An Act for Impowering the Court of Brunswick County to Adjourn to the Place Which They Shall Think Most Convenient for Holding the Same.

I. Whereas, by an Act of the General Assembly passed in the year of our Lord one thousand seven hundred and seventy-nine, the place for holding

the courts of said county was altered from the town of Brunswick to the plantation of John Bell at Lockwood's Folly, and a tax laid upon the inhabitants of the county for paying the expences of erecting a court house, prison and stocks thereon, which by the depreciation of the currency was totally inadequate, and it being inconvenient and disagreeable to Robert Bell, the present possessor of the said land, to have the court held at his house;

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 said court be impowered, and they are hereby authorized to adjourn to any convenient house not more than two miles distant from Lockwood's Folly bridge, until the necessary public buildings of the said county can be erected.

III. And be it further Enacted by the authority aforesaid, That William Gauze, Samuel Leonard, Lewis Dupree, Jacob Leonard and Henry Walters, be and are hereby appointed commissioners for agreeing with and employing proper workmen to build a good and substantial court house, prison and stocks for the use of the said county, and that they be and are hereby impowered to purchase five acres of land where they or a majority of them shall think most convenient within the distance above described; and that in case of the death, removal or refusing to act of any of the aforesaid commissioners, that the remaining commissioners, or a majority of them, shall have power to appoint others to act in their stead.

IV. And be it further Enacted by the authority aforesaid, That a tax not exceeding the sum of one shilling on every hundred pounds value of taxable property in the said county, and the like sum on every person liable to pay tax in the said county who is not possessed of one hundred pounds value, may be laid by the county court, to be paid annually for the term of two years, and to be collected by the county collectors at the same time and in the same manner that the public tax shall be collected, and shall be by them paid into the hands of the commissioners or either of them, who shall be accountable to the county court of Brunswick for the sums which they shall have received, and the balance, if any, after compleating the aforesaid buildings, shall be applied towards defraying the county charges.

V. And be it further Enacted by the authority aforesaid, That so much of an Act of the General Assembly of this State, intituled, An Act for erecting a court house, prison and stocks in Brunswick county, and other purposes, as comes within the purview of this Act, be hereby repealed and declared void and of no effect to all intents and purposes whatsoever.

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#### CHAPTER LXI.

**An Act for Laying a Tax in the County of Northampton for Repairing the Public Buildings Thereof, and to Appoint and Impower Commissioners for that Purpose.**

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a tax of one shilling be laid on each and every hundred pounds value of taxable property within the county of Northampton for one year, to be collected by the persons appointed to collect the public taxes therein, and to be accounted for in the same manner and under the same restrictions as other public taxes are; which said taxes when collected shall be paid into the hands of the commissioners hereinafter mentioned, for the purpose of making such repairs as may be deemed necessary on the buildings aforesaid.

II. And be it also Enacted by the authority aforesaid, That Allen Jones, Howell Edmonds and Samuel Lockhart shall be, and they are hereby appointed commissioners; and they, or a majority of them, are hereby impowered and authorized to contract and agree with workmen for repairing the said public buildings in the county of Northampton aforesaid; and they, or a majority of them, are hereby authorised and impowered to sell and dispose of the lands whereon the public buildings now stand, and to execute a deed or deeds for that purpose; and also to contract for one or more acres of land to remove the buildings upon, which may be more convenient than the present situation: Provided, That the land so purchased shall be within one-eighth of a mile of the place where the court house now stands; and the commissioners aforesaid are hereby required and authorized to receive a deed or deeds, conveying the lands so purchased by them to the justices of the said county, and their successors in trust for the county aforesaid.

III. And be it further Enacted by the authority aforesaid, That in case there shall remain in the hands of the commissioners aforesaid any of the above monies, the same shall be paid into the hands of the justices of the said county of Northampton, to be by them applied towards defraying the contingent charges of the said county.

IV. And be it also Enacted by the authority aforesaid, That the commissioners appointed by this Act, or such of them as shall agree to act in the premises, shall give bond with sufficient security, in the sum of five hundred pounds current money for the faithful discharge of the trust reposed in them by this Act, payable to the Governor for the time being, and his successors in office; which bond shall be lodged in the office of the clerk of the county.

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#### CHAPTER LXII.

An Act to Impower the Executors of John Bowman, Deceased, to Pay Into the Hands of the Treasury Such Sums of Money as He Received for the Public as Sheriff for Burke County, Without Depreciation.

I. Whereas, John Bowman, deceased, in his life time was appointed sheriff of Burke county, by virtue of which appointment he acted as sheriff of the said county, and collected a part of the tax thereof in the year one thousand seven hundred and seventy-nine; and as the said John Bowman fell in the service of his country at the battle fought at Ramsower's in June, one thousand seven hundred and eighty, who did leave in the hands of his executors the money he had collected for the public before his death, which money still remains in the hands of his executors unaccounted for to the public;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the treasurer of the district of Morgan be, and is hereby directed to receive of the executors of the said Bowman, deceased, all such sums of money by them received as aforesaid, they first making oath before some justice of said county that they believe it to be the identical money collected for the public by the said Bowman, and that they have not speculated on the said monies to the use or advantage of themselves, or the heirs of the said John Bowman, deceased; and upon such oath made by the executors as aforesaid, the treasurer for the district of Morgan shall give them a receipt for such monies as they may have in their hands collected by the

said John Bowman as aforesaid, which receipt shall be as good and valid in law as if the said John Bowman had actually paid the said money into the hands of the treasurer before his death.

III. And be it further Enacted by the authority aforesaid, That the collectors for the county of Burke for this present year shall have full power and authority to collect all the monies that still remain due to the public, either in the county of Burke, or in that part of Lincoln county that was taken off Burke county and added to Lincoln county, and to levy distress for the same, and account according to the scale of depreciation established by law, computed from the time that such taxes became due, in the same manner as the said John Bowman might or could have done before his death.

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#### CHAPTER LXIII.

**An Act to Encourage Enoch Ward, Spyers Singleton, Christopher Neale and Company, to cut a Canal from Club Foot's Creek to Harlow's Creek.**

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That if the said Enoch Ward, Spyers Singleton, Christopher Neale and Company, do or shall within the term of seven years from the passing this Act cut, or cause to be cut, a canal from Club Foot's Creek to Harlow's Creek, the same shall be vested in the said Enoch Ward, Spyers Singleton, Christopher Neale, their heirs and assigns; and it shall and may be lawful for the said Enoch Ward, Spyers Singleton, Christopher Neale and Company, their heirs and assigns, to exact and levy a toll on all boats and vessels that shall pass through the same, at such rate and proportion as to them shall seem best: Provided, The said toll shall by the said Enoch Ward, Spyers Singleton, Christopher Neale and Company, their heirs and assigns, be levied every year between the first and tenth days in January, and advertised at the respective entrances into the said canal.

II. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the public to take the said canal when cut into their hands, upon paying to the said Enoch Ward, Spyers Singleton, Christopher Neale and Company, their heirs and assigns, double the cost and charges of cutting the same, together with lawful interest on the said cost and charges.

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#### CHAPTER LXIV.

**An Act Vesting in James Williams, his heirs, executors, administrators and Assigns, the Property of the Toll-Bridge, Known by the Name of McCraney's Bridge, on the Lower Little River in Cumberland County.**

I. Whereas, the bridge over the lower Little River in Cumberland county, at the place known by the name of McCraney's Bridge, now the property of James Williams, has by experience been found very convenient for travellers, and the said James Williams being desirous of keeping the said bridge in good repair at his own expence, on condition of having the benefits therof for the space of twenty-five years;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the said James Williams, his heirs, executors,

administrators or assigns, to repair in the most substantial manner the bridge aforesaid; and after such repairs are compleatly finished, it shall and may be lawful for the said James Williams, his heirs, executors, administrators or assigns, to keep a sufficient gate thereon, and take and receive from all persons that pass over the same the following rates, that is to say: For every man and horse four pence, for every horse and chair one shilling, for every four wheeled riding carriage, including the horses drawing the same, two shillings, for every cart one shilling, for every waggon two shillings, for every led horse or ox three pence, for every head of neat cattle one penny, for every head of hogs or sheep one-half penny. Provided nevertheless, That no toll shall be demanded or received from any person when attending general or private musters, the annual elections, nor from the members of the General Assembly when on public business.

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**CHAPTER LXV.**

**An Act to Authorise Theophilus Evans to Receive Toll at Rock Fish Bridge, By Him Built in Bladen County.**

I. Whereas, it is represented to this General Assembly that Theophilus Evans, at a very considerable expence, hath built a beneficial and useful bridge on his own land across Rockfish Creek in Bladen county, convenient for the great road leading from Fayetteville to Wilmington to cross the same; and whereas it is just and right that the said Theophilus Evans should be authorised to take a reasonable toll for a limited time, as a recompence for his trouble and the cost of building the said bridge, and keeping the same in good repair;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the said Theophilus Evans, his heirs and assigns, for fifteen years next after passing this Act, to demand and receive toll at the said bridge for all wheel-carriages, men, horses and cattle that shall pass the same; and to put up a gate and lock thereon to compel the payment thereof; and the said Theophilus Evans, his heirs and assigns, shall be regulated at all times by the county court in respect to the sums he or they shall demand and receive as aforesaid.

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**CHAPTER LXVI.**

**An Act to Encourage Enoch Sawyer to make a road through Pasquotank River Swamp Opposite to His Piantation.**

I. Whereas, a road through Pasquotank River Swamp opposite to Sawyer's ferry would be of great advantage to travellers crossing Pasquotank River; and Enoch Sawyer having agreed to make it at his own expence, on condition of having the benefit thereof for the term of twenty-five years;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the said Enoch Sawyer to make a good and sufficient road or causeway through the said swamp opposite to the said ferry, which shall be at least twenty feet wide, and one foot high above common tides; and after making the said road as aforesaid, it shall and may be lawful for the said Enoch Sawyer, his heirs, executors, administrators and assigns, to take and receive from all persons that shall pass

through the same and cross his ferry, the following rates and no more, that is to say: For every person six pence, for every horse six pence, for every carriage of two wheels one shilling, for every carriage of four wheels two shillings, for every head of neat cattle four pence, for every hog or sheep one penny, for and during the term of twenty-five years and no longer.

III. And be it further Enacted by the authority aforesaid, That if any person or persons shall for fee or reward, contrary to the intent of this Act, transport or carry any person or persons, their horses, carriages or effects, over the said ferry, such person or persons so offending shall for every offence forfeit and pay the sum of twenty shillings, to be recovered by warrant before any justice of the peace, to be paid one-half to the informer, the other half to the said Enoch Sawyer, his heirs or assigns.

IV. And be it further Enacted by the authority aforesaid, That the said Enoch Sawyer, his executors, administrators, and assigns, shall provide good and sufficient boats or other craft for the transporting travellers and their effects; and shall keep the same, as also the said road or causeway in good and sufficient repair during the said term, under the penalty of five pounds specie for every neglect, one-half to the informer, the other half towards lessening the county tax, to be recovered in manner aforesaid.

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#### CHAPTER LXVII.

##### **An Act to Encourage Benjamin Smith to Repair and Complete the Bridges and Causeways Through the Great Island Opposite Wilmington.**

I. Whereas, it appears that the encouragement formerly granted to William Dry, Esquire, for making a public road through the Great Island opposite to the borough of Wilmington was totally inadequate to the purpose intended; and the inferior court of Brunswick county have unanimously raised the rates of ferriage to and from the before-mentioned island, and recommended to the Legislature "To grant unto the proprietor of said ferries such encouragement by law as may be necessary to finish a very laborious undertaking, which will be attended with great public utility;"

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 Benjamin Smith, his heirs, executors, administrators, or assigns, shall within three years from the passing of this Act finish and complete a good and sufficient road through the said island, sixteen feet wide upon the surface, and two feet above high water mark at spring tides; the ditches on each side to be not less than eight feet wide, sufficiently clear to admit the free course of water for draining the causeway, and the inside of the ditches not to be less than fifteen feet from the outside of the causeway; also to make bridges agreeable to law over all the creeks that the said road shall cross, under the penalty of five hundred pounds, to be recovered by action of debt in any court of record having cognizance thereof, the one-half to the person suing for the same, the other to be applied towards lessening the county tax.

III. And for the good encouragement of said Benjamin Smith to finish completely the road above mentioned, in the best and most permanent method, Be it further Enacted by the authority aforesaid, That in consideration thereof, he, the said Benjamin Smith, his heirs and assigns, shall and may hereafter receive for transporting passengers, their horses and effects over the Northwest and Northeast Rivers, and Middle Creek, the following rates: For every foot passenger one shilling, for every single

horse one shilling, for every single man and horse two shillings, for every wheel carriage nine pence per wheel, for every head of neat cattle six pence, for every head of sheep or hogs three pence, and for going over one of the said rivers half the said rates.

IV. And as a further encouragement to the said Benjamin Smith to cut, make, finish and keep the said ditches, road and bridges in constant repair, Be it Enacted by the authority aforesaid, That it shall and may be lawful for the said Benjamin Smith, his heirs and assigns, to be exempt from working his slaves on any other public roads in this State for the term of one year.

V. And be it further Enacted by the authority aforesaid, That the said Benjamin Smith, his heirs or assigns, shall from time to time after the said road and bridges are completely finished, forever thereafter, at his or their expence, keep the said road and bridges in sufficient and constant repair; and in case the said Benjamin Smith, his heirs, executors, administrators or assigns, shall fail or neglect so to do, he or they shall be liable to the same pains and penalties for such failure or neglect as the overseers of any public road are liable to by virtue of any Act or Acts of Assembly of this State.

VI. And be it further Enacted by the authority aforesaid, That if any person or persons shall for fee or reward, contrary to the intent and meaning of this Act, transport, or carry any person or persons, their horses, carriages or effects, over either of the branches of Cape Fear River, in order to his or their passing through or over the said island, such person or persons so offending shall for each and every offence forfeit and pay the sum of five pounds, to be recovered by a warrant from any justice of the peace, one-half to the informer, and the other half to the said Benjamin Smith, his heirs, executors, administrators or assigns.

VII. And be it further Enacted by the authority aforesaid, That the said Benjamin Smith, his heirs, executors, administrators, or assigns, shall provide good and sufficient boats and other proper crafts for transporting all travellers, their horses, carriages and effects; and forever hereafter shall keep the same in sufficient and constant repair, and well and properly attend, under the same pains and penalties for such failure or neglect as the keepers of any public ferries are liable to by virtue of any Act or Acts of Assembly of this State, one-half to the person suing for the same, and the other half to be applied towards lessening the county tax, to be recovered in any court of record within the counties of Brunswick or New Hanover, wherein the same is cognizable.

VIII. And be it further Enacted by the authority aforesaid, That all and every other Act and Acts heretofore made, or so much thereof as comes within the purview of this Act and are contrary thereto be, and are hereby repealed, made void and of none effect.

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#### CHAPTER LXVIII.

##### An Act for Appointing a Public Printer, and Directing His Duty in Office.

I. Whereas, it is necessary that the Acts and journals of the Legislature be printed and published as soon as possible;

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 Thomas Davis be, and he is hereby appointed public printer for and during

the term of one year, to commence with the present session of the Assembly.

III. And be it further Enacted by the authority aforesaid, That the said Davis shall within four months from the receipt of the original bills at his office, print and transmit one fair copy of the Acts and journals of each and every session of Assembly to his Excellency the Governor, and one fair copy of the said Acts and journals for each of the members of the General Assembly, and also one fair copy for the clerks of each house of the Assembly, one fair copy of the Acts of each session for the secretary, one for each of the judges of the Superior Courts, one for the Attorney-General, and one for each of the clerks of the Superior and County Courts, and one for each of the justices in the respective counties in this State.

IV. And be it further Enacted by the authority aforesaid, That if the said Superior Court clerks or any of them shall refuse to receive when rendered to them, or neglect to deliver out the said laws when demanded at his office by order from the clerks of the county courts, he or they so offending shall forfeit and pay the sum of fifty pounds current money, to be recovered by action of debt in any court of record having cognizance thereof by any person who may sue for the same.

V. And be it further Enacted by the authority aforesaid, That the said printer shall as soon as may be after the expiration of four months from the receipt of the said bills at his office transmit to each of the delegates of this State in Congress one fair copy of the said Acts and journals.

VI. And be it further Enacted by the authority aforesaid, That the said Thomas Davis, for and in consideration of such services, shall be allowed the sum of five hundred pounds: Provided there shall be another session of the General Assembly in the present year; but if there shall not be another session, then that the said Thomas Davis for the services aforementioned shall be allowed the sum of four hundred pounds current money and no more.

VII. And be it further Enacted by the authority aforesaid, That if the said Thomas Davis shall refuse or neglect to print the laws and journals as by this Act directed, then and in such cases his Excellency the Governor shall and may employ another printer to perform the said services, and such printer shall on so doing be entitled to the allowance provided by this Act.

VIII. And be it further Enacted by the authority aforesaid, That the said Thomas Davis, as often as necessary, do on the requisition of the Governor, print all proclamations and other public Acts of government in consideration of the above allowance.

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#### CHAPTER LXIX.

**An Act to Enable Mary Dowd to Sue for and Recover to Her Own Use and the Use of Her Children by Her Husband, Conner Dowd, All Debts Due and Owing to the Said Conner, and All Other Things in Action Which the Said Conner Dowd Might Lawfully Sue for and Recover Were He a Citizen of This State, and Entitled to the Benefits of Its Laws.**

I. Whereas, Conner Dowd, the husband of Mary Dowd, hath attached himself in the cause of the late war to the British forces, whereby his property became forfeited to this State, but the court of the county of Chatham in which county the said property chiefly lay was returned to and allotted for the maintainance of the said Mary and her and his children, together with



all debts and other things due and owing to the said Conner previous to the said forfeiture, but the said Mary, inasmuch as her husband is in full life, is disqualified to maintain suits for the recovery thereof;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the distribution and allotment of the property above-mentioned by the county court of Chatham to and for the use of the said Mary and her children as above mentioned shall be, and the same is hereby confirmed and established, and shall remain valid and indefeasible in law; and the said Mary shall be, and she is hereby enabled in her own name, and to and for her own use and the use of the children aforesaid, to sue for and recover all debts and other things in action whatsoever which to the said Conner belonged or which he was entitled to, or might have brought action for and have recovered previous to those acts of rebellion, or nonconformity to the laws of the State which were the causes of the said forfeiture; and the coverture of the said Mary shall not be pleaded or pleadable to any action commenced by her for or on account of any of the debts or things aforesaid, saving and reserving nevertheless to all and every person and persons whatsoever all and every action and right of action which they would have had respectively, had the said estate still remained in possession of the said Conner Dowd, in the same manner as if this Act had never been made: And it is hereby declared and Enacted, That any such action may be commenced by original attachment against the said Conner Dowd, in which the said Mary may be brought into court as a garnishee, or against her, the said Mary, in the first instance; any law or usage to the contrary notwithstanding.

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CHAPTER LXX.

An Act for Enfranchising Ned Griffin, Late the Property of William Kitchen. ✓

I. Whereas, Ned Griffin, late the property of William Kitchen, of Edgecomb county, was promised the full enjoyments of his liberty, on condition that he, the said Ned Griffin, should faithfully serve as a soldier in the continental line of this State for and during the term of twelve months; and whereas the said Ned Griffin did faithfully on his part perform the condition, and whereas it is just and reasonable that the said Ned Griffin should receive the reward promised for the services which he performed;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said Ned Griffin, late the property of William Kitchen, shall forever hereafter be in every respect declared to be a freeman; and he shall be, and he is hereby enfranchised and forever delivered and discharged from the yoke of slavery; any law, usage or custom to the contrary thereof in anywise notwithstanding.

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CHAPTER LXXI.

An Act to Vest in Nathaniel Allen and Others Certain Lands Therein Mentioned.

I. Whereas, Nathaniel Allen, Allen Jones, Nathaniel Jones, William Richardson Davie, Samuel Dickinson, James West Greene and James An-

derson, have requested proper public encouragement to drain the lake of Scupperlong in the county of Tyrrel;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all the lands lying below the present low water mark of the said lake of Scupperlong, which they, the said Nathaniel Allen, Allen Jones, Nathaniel Jones, William Richardson Davie, Samuel Dickinson, James West Green and James Anderson, their heirs or assigns, shall drain within the term of seven years is hereby given and granted to them, their heirs and assigns forever, to hold to them, their heirs and assigns respectively, as tenants in common, and not as join tenants.

III. And be it further Enacted by the authority aforesaid, That the lands by them so acquired in the lake of Scupperlong aforesaid, shall be exempt from the payment of taxes for the term of seven years above mentioned, saving, however and reserving to all manner of persons all legal claims whatsoever.

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#### CHAPTER LXXII.

**An Act to Amend An Act Passed in the Year One Thousand Seven Hundred and Eighty-three, Intituled, An Act to Vest Certain Lands in Fee Simple in Richard Henderson and Others.**

I. Whereas, for reasons made known to and admitted by the General Assembly, the survey of the said lands could not be completed within the time prescribed by the said Act;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said Richard Henderson and Company shall have full power, right and authority to compleat the said survey according to the said Act of Assembly; and if completed within the space of twelve months from the ratification of this Act, shall be as full and effectual to all intents and purposes as if completed within the time prescribed by the said Act.

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#### CHAPTER LXXIII.

**An Act to Alter the Name of Frederick Totevine to Frederick Lane.**

I. Whereas, Frederick, the son of Mary Totevine, late of Craven county, hath from the time of his nativity, been called and known by the name of Frederick Totevine, and for special reasons the said Frederick hath petitioned this Assembly and earnestly prayed that his name might be altered by a law from Totevine to Lane; and the reasons set forth in the said petition being judged sufficient;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the name of Frederick Totevine shall be altered to the name of Frederick Lane, and shall thenceforth be called and known by the name of Frederick Lane, and that by the said name of Frederick Lane he shall and may sue and be sued, plead and be impleaded in any court of law or equity, and obtain and possess lands and all other species of property by will, devise, donation, grant, purchase, or otherwise; and he may by the same name of Frederick Lane sell and dispose of lands and other property already or hereafter to be acquired, and finally

in all things the said Frederick shall be able and capable in law and equity of negotiating and transacting all manner of business by the name of Frederick Lane, in as full and ample a manner as if he had been called and known by no other name from the time of his nativity; any law, usage or custom to the contrary notwithstanding.

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CHAPTER LXXIV.

An Act for altering the names of Joshua Taylor, Moses Taylor, Aaron Taylor, Mark Taylor, and William Taylor, to that of Joshua Suggs, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg.

I. Whereas, it is the earnest request of Moses Sugg, the natural father of the said Joshua, Moses, Aaron, Mark, and William, that they should assume his surname;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the ratification of this Act the names of the said Joshua Taylor, Moses Taylor, Aaron Taylor, Mark Taylor, and William Taylor, shall be altered to the names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg; and they shall henceforth be called and known by the names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg; and that all and every devise, bequest, legacy, grant, deed, bill, promissory note, or other writing or assumption, of or from any person or persons whatsoever, heretofore made, granted, or done to the said Joshua, Moses, Aaron, Mark and William, by the names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg and William Sugg shall be good and valid in law to all intents and purposes; and that by the names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg and William Sugg they shall be, and hereby are jointly and severally and respectively enabled to take, receive, have, possess and enjoy any and every devise, bequest, legacy, Estate, right, title, interest and property of, in and to any lands, tenements, hereditaments, goods, monies, profits, sum or sums of money, credits or chattels whatever, which shall or may be given, granted, assigned, conveyed, or made payable to him or them by the said names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg, in and by virtue of any last will or testament, deed, bill of sale, conveyance, bond, obligation, bill, promissory note, or other writing or assumption of, or from any person or persons whatsoever; and that by the names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg, he or they shall and may sue, and be sued and impleaded in any action or suit, as well in law as in equity or otherwise, and may therein plead, answer and defend, in full and ample manner, to all intents and purposes; and that by the said names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg, he or they shall and may from the ratification of this Act in all things whatever, be subject to the same restrictions, and intitled to the same privileges, benefits and emoluments, as if he or they had from the time of his or their nativity hitherto been lawfully called and known by the said names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg.

## CHAPTER LXXV.

## An Act for dividing Duplin County.

I. Whereas by reason of the large extent of said county, it is greatly inconvenient for the inhabitants to attend the courts and other public duties by law required;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the said county of Duplin shall be divided into two distinct counties by a line beginning on the line that divides Duplin from New Hanover county where the main road crosses Bultail, a branch of Rockfish creek; and running thence a straight line to the lower bridge on Stewart's creek, from thence a direct line to Goshen swamp at the mouth of Young's swamp, thence due-north to the Wayne line; and all that part of the said county of Duplin which lies west of the above line, shall be established into a separate and distinct county by the name of Sampson.

III. And be it further Enacted by the authority aforesaid, That Joseph Dickson, William Dickson, David Dodd, Edward Dickson and William Taylor, or a majority of them, be and they are hereby appointed commissioners to run and lay off the said dividing line between the said county of Duplin and Sampson, and the same shall be recorded in the courts of said counties.

IV. And for the due administration of justice, Be it further Enacted by the authority aforesaid, That justices of the peace shall be nominated and commissioned, and courts shall be held in the said county of Sampson in the same manner and with the same jurisdiction as justices in other courts have and exercise, and that the courts of the said county of Sampson shall be held on the third Monday of June, September, December and March in every year; and the courts of the said county of Duplin shall be held by the justices thereof on the third Mondays of January, April, July and October in each and every year.

V. And be it further Enacted by the authority aforesaid, That Thomas Hooks, John Whitehead, William Hubbard, Robert Southerland, Daniel Teachey, John Lanier, Edward Dickson and Daniel Hicks, or a majority of them, be and they are hereby appointed commissioners for fixing on the most central and convenient place in Duplin county for building a court house, prison and stocks, and for purchasing a quantity of land not exceeding five acres at such place and for the use and benefit of said county; and when the said place is fixed upon, and the said lands purchased, the said commissioners or a majority of them shall, and they are hereby empowered to contract with workmen for building and finishing thereat a court house, prison and stocks, and to take a deed or mesne conveyance for said land for the use of the county.

VI. And be it further Enacted by the authority aforesaid, That if any of the said commissioners appointed by this Act die, remove or refuse to act, it shall and may be lawful for the remaining commissioners to appoint another person in his stead, who shall and may use and exercise the same power and authority as the commissioners appointed by this Act.

VII. And as it will be a considerable time before the said buildings can be completed, Be it Enacted by the authority aforesaid, That the first court to be held for the county of Sampson shall be held at the house of James Myhand, and the justices when met and formed a court, shall either continue to hold their subsequent courts at the said house until the court house

shall be built, or shall have power to adjourn to any place more convenient in the said county, they having first duly qualified themselves by the oaths prescribed by law in such cases, and the said justices being so qualified, are hereby declared during their continuance in office, as well within their county courts as without, to have the same powers and authorities, and to be subject to the same forfeitures and penalties as justices of the peace in this State are liable to.

VIII. And be it further Enacted by the authority aforesaid, That Richard Herring, Thomas Thornton, John Fort, John Owens, John Holley, Jonathan Parker and Thomas Ivey, be, and they or a majority of them are hereby appointed commissioners to fix on a central and convenient place to erect the public buildings in the said county of Sampson, and purchase five acres of land, and take a deed for the same as is directed for the county of Duplin, and to agree with a workman to build a court house, prison and stocks for the use of the said county of Sampson.

IX. And be it further Enacted by the authority aforesaid, That the first court of the said county of Duplin shall be held at the public store of James James's, and the justices thereof may when met either continue to hold the courts there or adjourn to a more convenient place as they may judge best, and have, hold and exercise all the powers and authorities that county courts in this State hold or enjoy; and that all causes, pleas and suits, and every species of controversy and litigation whatsoever now in the county court of Duplin, shall continue and be finally determined in the court of the said county of Duplin.

X. And be it further Enacted by the authority aforesaid, That a tax of one shilling specie be laid on every hundred pounds taxable property, and a tax of one shilling on every poll within the said counties of Duplin and Sampson who do not possess one hundred pounds taxable property for two years, for the purpose of defraying the expenses and purchasing said lands, erecting the public buildings thereon, and reimbursing the said commissioners what reasonable expences they may be at in the premises, which said taxes shall be collected in the same mannr as other taxes are, and shall be paid into the hands of the commissioners for building the court house, &c. for the counties of Duplin and Sampson, the collector or collectors first deducting his or their commissions for the trouble of collecting and paying the same to the commissioners; in case there shall remain any surplus after defraying the expences aforesaid, the same shall be applied by the county courts towards defraying the contingent charges of the same.

XI. And be it further Enacted by the authority. That the said commissioners shall from time to time when called on by their county court account for the monies by them received for the purposes aforesaid; and when the buildings shall be compleated and other expences paid, their said county courts on settlement with them may make a reasonable allowance for their trouble and expence, and apply the surplus if any as before directed.

XII. And be it further Enacted by the authority aforesaid, That nothing herein contained shall be construed to stop or hinder the sheriff or collectors of Duplin, as the same stood undivided, to make distress for fees or other dues which may be owing from the inhabitants of said county at the time of passing this Act, in the same manner as if it had never been made.

XIII. And be it further Enacted by the authority aforesaid, That the said county of Sampson shall be and remain part of the district of Wilmington, and shall furnish four freeholders to attend the superior court as Jurors at Wilmington aforesaid; and the said county of Duplin shall after the pass-

ing of this Act nominate and appoint four jurymen to attend the said superior court of Wilmington.

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CHAPTER LXXVI.

An Act for Dividing Cumberland County Into Two Distinct Counties.

I. Whereas the county of Cumberland is so extensive that it is extremely inconvenient for the inhabitants to attend courts and public meetings,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the fourth day of July next, the county of Cumberland shall be divided into two distinct counties, by a line beginning at Cole's bridge on Drowning creek, thence a direct line to the corner of Wake and Johnston counties in Cumberland line, and all that part of Cumberland lying to the north-west of the new line, shall be a separate and distinct county by the name of Moore county.

III. And be it further Enacted by the authority aforesaid, That the lower part of Cumberland county laying south east of said line, shall be a separate and distinct county, and known by the name of Fayette county.

IV. And be it also Enacted by the authority aforesaid, That nothing herein contained shall be construed to deter the sheriff and collectors of taxes, or other officers, or any of them in the said county of Cumberland as it stood undivided from levying any executions, or making distress for any taxes, fees, or other duties, that may be due from the inhabitants thereof, on or before the fourth day of July next, in the same manner as if this Act had never been made; any thing herein contained to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That the courts for the county of Fayette be held at the place where the courts of Cumberland county are at present established, on the fourth Mondays in January, April, July, and October in every year: And that the courts for the county of Moore hereafter shall be held at such place, within the said county, as the commissioners herein after-named shall appoint, on the fourth Mondays in February, May, August, and November in every year; and that all causes, pleas, writs, actions, suits, plaints, process, precepts, recognizances, and other matters and things in the said court of Cumberland depending, from and immediately after the first day of August next, shall stand adjourned and continued from the present court house of the said county to such place as the said commissioners, or a majority of them, shall direct and appoint as aforesaid; and all appearances and returns which shall be to be made on the days appointed by law for holding the said court of Cumberland, shall hereafter be made to the first court that shall be held for that county wherein the cause of action arose, and all suitors and witnesses bound to appear thereat, in the same manner as if the said court had not been removed from the present court house; any law, usage, or custom to the contrary notwithstanding.

VI. And be it further Enacted by the authority aforesaid, That Thomas Matthews, John Robertson, Willis Dikerson, Philip Alston, and John Jackson, or the majority of them, shall be, and are hereby appointed commissioners, and impowered and directed to agree with workmen for erecting and building a court house, prison, and stocks, for the use of said county of Moore, and for purchasing materials for that purpose; and for enabling the said commissioners to defray the expence of said buildings, a tax of

one shilling on every hundred pounds of taxable property within the said county of Moore, as the same is established by this Act; and an equal sum on every unmarried man not possessed of the value of one hundred pounds shall be levied and collected, in the same manner as public taxes are or shall be levied and collected; and all persons who shall refuse or neglect to pay the taxes by this Act imposed upon them, at the time and in the manner which is or shall be appointed by law for the payment of public taxes, shall be liable to distress and sale of their property, in the same manner as for non-payment of public taxes: And it is further declared, That the said tax shall be collected by the officer or officers who is or may be appointed to collect the public tax; and such officer or officers shall give security to the said commissioners for the faithful discharge of his or their duty; and shall be intitled to the same commissions, and liable to the same penalties, restrictions, process and remedy for enforcing the payment thereof, as by law may be had against collectors or receivers of public monies.

VII. And be it further Enacted by the authority aforesaid, That the county courts of Moore and Fayette shall nominate the following number of freeholders to serve as jurors in the superior court for the district of Wilmington, of which district the said counties are hereby declared to be part, that is to say: For the county of Moore four, and for the county of Fayette four; any law or statute to the contrary notwithstanding.

VIII. And be it further Enacted by the authority aforesaid, That for running the dividing line, Thomas Matthews and Ica Adkins, be, and they are hereby appointed commissioners, and impowered to lay off, run and make the said dividing line, agreeable to the directions of this Act; which said line when run by the commissioners herein named, shall be by them entered of record in the courts of the counties of which the said line is to be boundary; and shall hereafter be deemed the dividing line between the said counties.

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#### CHAPTER LXXVII.

An Act to amend an Act, intituled, An Act to amend an Act, intituled, An Act for dividing Tryon County, and other purposes.

I. Whereas it has been represented to the General Assembly that the place agreed on by the commissioners in the Act aforesaid for the purpose of building a court house, prison and stocks for the county of Rutherford, is not only very inconvenient to many of the inhabitants of the said county, but unfit in every respect for the purposes thereby intended;

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 Phelix Walker, James Whitesides, Alexander M'Donald, William Nevel, and William M'Murray, be and they are hereby appointed commissioners for surveying the said county, and invested with full power and authority to purchase fifty acres of land as near the centre of the same as is practicable, for the purpose of building the court house, prison and stocks thereon for the county aforesaid.

III. And be it further Enacted by the authority aforesaid, That the commissioners by this Act appointed are hereby invested with all the other powers and authorities with which the commissioners were invested by an Act for dividing the county of Tryon, and to lay out and settle the place where to erect the court house, prison and stocks.

IV. And be it further Enacted by the authority aforesaid, That so much

of an Act, intituled, An Act to amend an Act, intituled, An Act for dividing Tryon county, and other purposes, as comes within the purview and meaning of this Act, be and the same is hereby repealed and made void.

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CHAPTER LXXVIII.

An Act for altering the line between the Counties of Lincoln and Burke, and appointing Commissioners to fix on a convenient place in the said County of Lincoln to erect the Public Buildings of the said County.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the boundary line between the counties of Burke and Lincoln shall hereafter be as follows, to wit: Beginning at the Horse Ford on Catawba river, running thence to John Hawson Hendry river, thence to William Orrson Jacobs river, and thence to the intersection of the counties of Burke, Lincoln and Rutherford, as they now stand.

II. And be it further Enacted by the authority aforesaid, That so much of the county of Burke as shall by this alteration (by said boundary line) fall into the county of Lincoln, shall be subject in respect of its inhabitants to the distresses of the sheriffs of the said county of Burke for all arrears of public money by them due, in the same manner as if this Act had never been made.

III. And be it further Enacted by the authority aforesaid, That David Vance and John Crooth be and are hereby appointed commissioners to run the said boundary line as above directed by this Act, for which service they shall be paid out of the county tax of Lincoln next collected after said service is done.

IV. And be it further Enacted by the authority aforesaid, That Joseph Dixon, John Crooth, John Wilson, Joseph Steel and Nicholas Friday, Esquires, or a majority of them, be and are hereby appointed commissioners to purchase one hundred acres of land in the most convenient place, and as near the centre of said county as may be; and the said commissioners, or a majority of them, are hereby empowered to agree with proper workmen to build a court house, prison and stocks on the said land by them so purchased for the use of the county of Lincoln.

V. And be it further Enacted by the authority aforesaid, That the said commissioners by this Act appointed, shall have full power and authority to call on all commissioners heretofore appointed by any former Act of Assembly (for the above purpose) for all monies they may have in their hands raised out of the said county of Lincoln, and the same be applied by the commissioners herein appointed to the use of erecting the public buildings as herein by this Act directed; and that the said commissioners as herein appointed previous to the execution of the trust reposed in them by this Act, shall enter into bonds with sufficient security for the faithful application of all monies by them so received, for the execution of the intent and meaning of this Act.

VI. And be it further Enacted by the authority aforesaid, That if there should be any surplus money remaining in the hands of the said commissioners after the said public buildings are completed, it shall and may be lawful for the court of said county to call for and receive the same, to be by them applied in defraying the contingent charges of said county of Lincoln.



## CHAPTER LXXIX.

**An Act for extending the dividing line between the Counties of Edgcomb and Martin, and between the Counties of Martin and Pitt.**

I. Whereas there is no established line between the counties aforesaid; and whereas disputes may arise respecting 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 Isaac Sessums, Joseph Hart, Nathan Mayo, Joseph Cooper and Solomon Cherry, commissioners, or a majority of them, be and they are hereby authorized and impowered as soon as may be after the passing this Act to extend the dividing line between the counties aforesaid, beginning in the old line that formerly divided Edgecombe and Halifax at or near Benjamin Cotton's, running thence a direct course to the line that divides Martin and Pitt counties at or near Charles Council's.

III. And be it further Enacted by the authority aforesaid, That where any vacant lands may have been entered in either of the said counties (and not surveyed) over the said line, the same shall have preference according to the date of such entry, as fully as if it had been made in the county where the land shall appear to be.

IV. And be it further Enacted by the authority aforesaid, That the aforesaid commissioners shall within six months after running the said line make return thereof to each of their respective county courts, which shall be entered on record, and be held and deemed the dividing line between the counties aforesaid.

V. And be it further Enacted by the authority aforesaid, That the commissioners by this Act appointed, shall be allowed for their trouble and expence of running said line by the respective county courts.

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**CHAPTER LXXX.**

**An Act for Extending the Boundary Line Between the Counties of Currituck and Camden, and for Allowing Surveyors Further Time to Make Their Returns.**

I. Whereas there is no established boundary line between the said counties of Currituck and Camden; and whereas disputes may arise respecting the same,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the following shall hereafter be held and deemed the boundary line between the said counties; that is to say: Beginning at the head of North river where the same forks into two runs, thence a direct course to the middle of Lamb's toll-road or bridge, thence a direct course to the Virginia line, so as to divide that part of the Great Dismal Swamp, as nearly as may be between the said counties.

III. And be it further Enacted by the authority aforesaid, That the Justices of the county courts of Currituck and Camden are hereby authorised and impowered to appoint commissioners, not exceeding three in each county, for running the said boundary line, and shall pay the necessary expences attending the same out of their respective county taxes.

IV. And be it further Enacted by the authority aforesaid, That where any vacant lands may have been entered in either of the said counties over the said line, the same shall have preference according to the date of such entry as fully as though it had been made in the county where the land shall appear to be.

V. And whereas by reason of the great difficulty of making surveys in the swamps and low lands in this State, the surveyors in many counties have not made their returns agreeable to law, Be it further Enacted by the authority aforesaid, That the county surveyors shall be allowed a further time of twelve months from and after the passing this Act for making their returns; any law, usage, or custom to the contrary notwithstanding.

Read three times, and ratified in General Assembly, the Second Day of June, Anno Domini, one thousand seven hundred and eighty-four.

RICHARD CASWELL, S. S.  
THOMAS BENBURY, S. C.

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RESOLUTION AND REPORT OF COMMITTEE.

NORTH CAROLINA.

In the House of Commons, 2 June, 1784.

Resolved, That the report of the committee what tax is proper to be laid be printed with the laws, that the people at large may know the sum required for the civil list.

THOMAS BENBURY, S. C.

By order, J. HUNT, C. H. C.

In the Senate, 2 June, 1784.

Concurred with,

By order, J. HAYWOOD, Ck.

RICHARD CASWELL, S. S.

The Committee on the tax bill report, That it will be necessary to raise the following sums for the support of the civil list for the year 1784:

For the Governor.....	£ 1,000
Governor's Secretary .....	200
Council of State .....	100
Secretary of State.....	175
Comptroller .....	800
First Clerk .....	250
Two other Clerks.....	300
The Judges, each £700.....	2,100
Attorney General .....	660
Three Delegates in Congress, including time for traveling .....	3,360
Seven Treasurers, each £100.....	700
Three extras, as hitherto allowed.....	700
Ten Boards of Auditors, supposed to sit sixty days in this year .....	2,400
Commissioners for settling the officers' and soldiers' accounts .....	120
Members of the Legislature, their Clerks and all expences .....	15,000
Stationary, &c., for the Comptroller's office.....	100
The Public Printer .....	500

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£28,465

Ten per cent. for collection and deficiencies on this sum      284 2

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£31,311 2

The committee further report, That it will be necessary to raise for sundry allowances granted this year the sum of eight thousand six hundred and eighty-eight pounds eighteen shillings, making in all, including the civil list, the sum of forty thousand pounds; to raise which sum, the committee recommend the following tax on lands and polls: On every hundred acres of land, two shillings, which, on nineteen million of acres, the supposed quantity in this State, will raise £19,000. On every poll, six shillings, which, allowing there are 80,000 polls, will raise £24,000. These two sums together, supposing no deficiencies and that the calculations are just, will be £3,000 more than the sum required, and will remain for the after appropriation of the Legislature.

The Committee further report, That it will be necessary to levy a like tax of forty-three thousand pounds, to form a sinking fund for the State Dollar bills, soldiers' bounty certificates, specie certificates, and currency certificates; and for this purpose they recommend a like tax of two shillings on every hundred acres of land, and six shillings on every poll.

The committee remark, That they have comprehended in their calculations, the property in towns, to be valued according to the method of assessment pointed out by Act of the present Legislature; but that there should not be any doubt on this head, they have been explicit in the amendment which they offer to the bill.

In the House of Commons, 2 June, 1784.

Read and Concurred with.

THOMAS BENBURY, S. C.

By order, J. HUNT, C. H. C.

In the Senate, 2 June, 1784.

Read and Concurred with.

RICHARD CASWELL, S. S.

By order, J. HAYWOOD, Clk.