LAWS OF NORTH CAROLINA,
1784.

At a General Assembly begun and held at New Bern on the Twenty Second of October, in the Year of our Lord One Thousand Seven Hundred and Eighty-Four, and in the Ninth Year of the Independence of the said State: Being the First Session of this Assembly. Alexander Martin, Esq., Governor.

CHAPTER I.

An Act to ascertain the number of White and Black Inhabitants, and the Citizens of every Age and Condition in the State.

I. Whereas it is recommended by the United States in Congress assembled, that the number of white and black inhabitants, and free citizens of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description shall be taken in each State; and in order to comply with the above recommendation,

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 several county courts in this State, shall within six months after the passing this Act, appoint a proper person in each captain's district to take a list of the number of white and black inhabitants and the free citizens of every age, sex and condition in each district, which list shall distinguish the number of blacks from the whites and other free inhabitants in the following manner:

<table>
<thead>
<tr>
<th>White males from twenty one years old to sixty.</th>
<th>White males under twenty one years old and above sixty.</th>
<th>White females of every age.</th>
<th>Blacks of each sex from twelve to fifty.</th>
<th>Blacks upwards fifty and under twelve years old.</th>
</tr>
</thead>
</table>

And the list by them so taken, shall be returned to the court which shall sit next after their appointment, which list shall by the clerk of the court be immediately transmitted to the Governor, under the penalty of fifty pounds, to be recovered before any jurisdiction, having cognizance thereof, and applied to the use of the county, and by him sent to our delegates at Congress; and in failure of the appointment aforesaid, by the several county courts within the time limited by this Act, the sheriffs of the several counties, are hereby required to summon three of the justices in the respective counties, who are hereby authorised to make the appointments aforesaid.

III. And be it further Enacted by the authority aforesaid, That if any person who shall be appointed to receive the lists, shall fall or neglect to do the duty by this Act appointed, he 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, for the use of the State; and if any master or mistress of a family, his or her agent, director, manager, or attorney, after due notice given by advertisement of the same at the most public place of the district, shall fail to give in a list of his or her family, as by
this Act required, he or she so failing or neglecting, shall forfeit and pay the sum of fifty pounds, to be recovered and applied as in the case last mentioned.

CHAPTER II.

An Act for the more regular Collecting Payment of, and accounting for the Public Taxes.

I. Whereas the mode heretofore directed by law for the collecting, payment and accounting for the public taxes, hath been found to be extremely irregular, inconvenient and expensive, and large sums remain unaccounted for. For remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all taxes by this assembly imposed, or hereafter to be imposed on the citizens of this State, shall be collected, paid and accounted for, in the manner and form following.

III. Provided nevertheless, that the tax for the year one thousand seven hundred and eighty-five, shall not be collected until the year one thousand seven hundred and eighty-six, any thing contained in this Act to the contrary notwithstanding.

On or before the first day of November, in every year, the clerks of the respective counties within this state, shall furnish the collectors of their counties with a list of the taxable property in their respective districts, as the same lists are directed to be made out by an act passed at Hillsborough on the ninth day of April, in the eighth year of the independence 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;"" and the collectors shall appoint the day and place in each district of said county, in the month of April, when and where he will attend for the purpose of receiving from the inhabitants of such district, the public tax required by law from each inhabitant thereof, agreeable to the list of taxable property furnished him as aforesaid; the said collector having caused eight days previous notice of the time, place, and cause of his attendance, to be given to the inhabitants of the said district, by advertising the same; and if any person or persons so notified, shall neglect, or refuse to pay, or cause to be paid, on the day appointed his part of the public taxes as assessed, it shall and may be lawful for the said collector to levy the same, by distress and sale of the goods and chattels of the persons so neglecting or refusing, and for every distress and sale so made, it shall and may be lawful for such collector, as fees of office, to levy therewith the sum of two shillings and eightpence. Provided always, That the said collector shall give ten days' previous notice of the public sale of the distress taken, and the amount of the tax thereon due, by advertisement at three of the most public places in and near the said district.

IV. And whereas a considerable portion of the public taxes for each year may be paid and discharged in certificates, and old dollar money of this state; and it frequently happens that many persons, when paying their public taxes cannot procure certificates to discharge any part thereof, whereby many sums are paid in money which are accounted for to the treasury in certificates, and old paper currency; to prevent which for the future, Be it Enacted by the authority aforesaid, That the several collectors
shall keep regular accounts of their respective receipts, by inserting in different columns the money and certificates received from each person, and shall make return thereof, and pay the same, or money and certificates of the like kind, and in the same proportion as shall be received, to the sheriffs of their respective counties upon oath, which oath every sheriff is hereby directed and empowered to administer and every sheriff shall cause to be set up in the court house of his county, fair copies of such returns, there to remain for two succeeding terms, and the sheriffs shall pay into the treasury on oath to be administered by the treasurer, the several species of money and certificates, which they shall receive from the different collectors of their respective counties, and shall swear that the monies and certificates so paid, are the same, or of the like kind, and in the like proportion, with the monies and certificates received from the collectors of their respective counties.

V. Provided always, That when any collector or sheriff, shall have taken up and paid any warrant or warrants, such warrant or warrants shall be paid and received as so much money: any thing herein contained to the contrary notwithstanding.—And to prevent mistakes, the oath to be taken by the collectors and sheriffs shall be in the following form, to wit, "I, A. B. do swear that the return by me now made and exhibited, contains a just and true account of all the monies, certificates and dollar bills, by me received in payment of public taxes for the year, and that all monies and certificates by me now paid, bear an exact proportion to what I have received of each, reckoning the different warrants by me taken up as so much of the money by me received. So help me God."

VI. And be it Enacted by the authority aforesaid, That the collectors to be appointed by virtue of this Act, shall have and receive as commissions for collecting the public taxes, and paying the same, three pounds for every hundred pounds, and so in proportion for a greater or less sum, which they shall so receive and pay; and the commissions of collectors and sheriffs shall be by them respectively deducted out of the different sums by them to be received, whether in money or in certificates, and old dollar bills in proportion to the receipts of money and certificates and old dollar bills that is to say, the commissions on the amount of the money shall be retained in money; and the commissions on certificates and old dollar bills, in certificates.

VII. And be it further Enacted by the authority aforesaid, That the treasurer shall account with the General Assembly in the same manner, and upon the same principles as sheriffs are hereby directed to account; and shall take an oath similar to that herein before described. The public tax of each and every county in the State, so collected, shall to the sheriff thereof be accounted for by the collector or collectors, within the first week of the month of June, in every year; and the collector or collectors, so failing to account, shall forfeit all his or their commissions for such collection, and further pay interest on the full amount of his or their collection, for the time he or they may retain the money in his or their hands; and grants of monies by the General Assembly, signed by the speakers of both houses thereof, and warrants issued by his excellency the governor of this state, by the said sheriff or collectors discharged, to them shall be held and deemed good and sufficient acquittances in their settlements of accounts.

VIII. And be it further Enacted by the authority aforesaid, That if any collector, sheriff or other person, holding public monies, shall presume to demand, or accept any fee, gift, gratuity or discount, for paying or taking up any warrant or draught, chargeable upon the taxes, every such offender,
upon due conviction in any court of record, shall forfeit and pay to the State a sum equal to the amount of the draught so taken up, and shall moreover forfeit his whole commissions upon his collection, and be rendered thereafter incapable of holding, or exercising any office of trust, honour or profit, in this State; and the sheriffs of each county, on the annual settlements of their accounts of collection of the public taxes, shall be allowed thereon a commission of three per cent. and the sheriff shall account for the public money by him received at the office of the public treasury between the first week of July, and the first week in August in every year.

IX. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, the business heretofore conducted by treasurers for the several districts of this State, shall be conducted by one treasurer, to be appointed by the General Assembly, who shall keep his office at Hillsborough, whose business and duty it shall be to keep distinct accounts with the several county sheriffs within this State, for the taxes by them hereby directed to be collected, and the return thereof directed to be made into the said office, and with the clerks of superior and county courts, for all sums of money paid on account of any taxes by them by law directed to be collected, and of recognizances forfeited, fines decreed, forfeitures and amercements made by judgements of the said courts, as far as the said recognizances, fines, forfeitures, and amercements, are by law directed for the use and benefit of the State, and of all monies by him received on any account whatsoever; distinguishing particularly the accounts of the separate taxes and impositions laid by law, and their produce, with the payments made by the treasury on the grants of the General Assembly, or the warrants of the Governor, for the time being, or where taxes are or may be laid, for special purposes, to those by law authorized to receive the same.

X. And be it further Enacted by the authority aforesaid, That over and above the usual bonds directed by law to be given by the sheriff of each county before his entering into office, he shall enter into a distinct bond, with two sufficient securities, to be approved of by the county court, in the sum of two thousand pounds of the current money of the State, to the Governor, conditioned for the due collection from the collectors payment and settlement of the public taxes, which to him are hereby directed to be by the county collectors paid, on or within the time by this Act directed, which bond, after having duly recorded the same, the clerk of each county court, is hereby directed to forward to the treasurer of the State, together with a list of the taxable property, of the county, made conformably to the Act of assembly aforesaid.

XI. And be it further Enacted by the authority aforesaid, That if the sheriff or sheriffs of any county within the State, shall neglect or refuse to settle his or their accounts on or within the time limited by this Act, and in manner hereby directed, then it shall and may be lawful for the treasurer of the State to enter up judgment, in the name of the Governor on the same, for the amount of the tax due from such sheriff or sheriffs and their securities, in any court of record within this State, which is hereby declared to be good and valid in law and execution may issue thereon, directed to the succeeding sheriff, or the coroner of the county wherein the delinquent sheriff resides, as if the sheriff and securities had been prosecuted to judgment by the usual processes of the said court; any law, custom or usage to the contrary notwithstanding; and the sheriff so delinquent, is hereby declared to have forfeited all commissions by this Act allowed on his collection of public taxes; and the like remedy is hereby given and declared to each
and every sheriff, against all delinquent collectors within their respective counties.

XII. And be it further Enacted by the authority aforesaid, That if the sheriff of any county within this State, shall die shortly before, or during the time appointed for the collection of public taxes, so that the county court could not have appointed a successor in office, before the time for collecting the taxes in such cases, it may and shall be lawful for their securities to receive the same from the collectors; in which business they are hereby declared to have all the powers, authorities, privileges and emoluments, in and for the receipt and collection of public taxes, which the sheriff deceased possessed and enjoyed.

XIII. And be it further Enacted by the authority aforesaid, That the public treasurer shall on his appointment call for, and demand from the comptroller of this State a list of all persons within this State, described in an Act of assembly passed at Hillsborough, in the sixth year of the independence of this State, intituled "An Act to establish a department for adjusting and liquidating the public accounts of this State, and for appointing a comptroller, and other purposes;" who have not agreeably thereto settled their public accounts; against all and every of said persons, the said treasurer is hereby required to commence an action of debt, as the said comptroller is directed under the eighth section of the said last mentioned Act; and the said treasurer is further hereby required to call for, and demand from the said comptroller, the accounts of all persons indebted to the public, either before or since the revolution, for quitrents received, public monies, or public property of any denomination whatsoever, for which the said treasurer is hereby directed and authorised to commence action of debt, or otherwise, in the name of the Governor, for the balances remaining due to the former province, or present State of North Carolina; to which action or actions so brought, no plea of limitation shall be admitted, any law to the contrary, notwithstanding.

XIV. And be it further Enacted by the authority aforesaid, That to enable the said treasurer to procure testimony, commence and prosecute suits for recovery of such balances due previous to the fourth of July, one thousand seven hundred and seventy-six, it shall and may be lawful for the said treasurer to receive on every recovery so made, the commission of twelve per cent.

XV. And be it further Enacted by the authority aforesaid, That in case of the death or disability of the treasurer during the recess of the General Assembly, then it shall and may be lawful for the Governor, and he is hereby empowered and required, with advice of his council, to appoint some other fitting person to the office of public treasurer, which person so appointed, shall have all the powers, authorities and emoluments hereby granted, subject to the same rules, regulations and penalties hereina directed which office he shall hold until the end of the succeeding session of the General Assembly, and no longer.

XVI. And be it further Enacted by the authority aforesaid, That the said treasurer before he enters into office, shall give bond with sufficient securities, whose property shall be valued at least to the amount of the bond required, the treasurers property included, in the sum of one hundred thousand pounds, to be approved of by the Governor and councill, to the Governor for the use of the State; which bond shall be conditioned for the faithful and diligent discharge of his trust, and accounting for the public monies of this State, and calling to account by law, persons charged with public monies, who shall prove delinquents, and making regular returns from his
office of the proceedings therein, and of the cash on hand, and the sums remaining due, to every session of the General Assembly of this State in person, and as often as thereunto required, to the Governor for the time being; on which bond judgment may be entered up by his successor in office, in the same manner as by this Act is directed on the bonds of delinquent sheriffs against him, the said treasurer and his securities, where the said treasurer hath not fully complied with the duties of his office, as by this Act is directed.

XVII. And be it further Enacted by the authority aforesaid, That if it shall appear that the public treasurer hath failed at any time to pay the public monies in his hands on grants of the General Assembly, on the Governor's warrants, or monies brought into the treasury on special taxes, to those authorized by law to apply for and receive the same, or hath neglected in any instance to call to account as by this Act is directed, any delinquents therein described, by which the public revenue of the State may suffer loss, then and in such case the said treasurer shall be held and deemed accountable for sums due by such delinquents, to all intents and purposes as if the same had actually been paid into his office.

XVIII. And be it further Enacted by the authority aforesaid, That the county sheriffs or the public treasurer shall not discharge any grant of Assembly, or warrant of the Governor hereafter to be issued, unless in the said grant and warrant it shall particularly express the cause and service for which the same issued.

XIX. And be it further Enacted by the authority aforesaid, That the election of the said public treasurer shall be annual, and that in consideration of his office he shall be entitled to and receive the salary of five hundred pounds per annum, in full consideration of all services incident to his office; and the said treasurer is hereby required to take the following oath, viz: "I swear that according to the best of my abilities and judgment I will execute impartially the office of public treasurer in all things according to the true intent and meaning of the Act, for the more regular collecting payment of, and accounting for the public taxes, and that I will not directly or indirectly be concerned in carrying on trade or merchandise of any kind whatsoever, or apply the public money to any other use than by law directed, so help me God."

XX. And be it further Enacted by the authority aforesaid, That the taxes laid for the year one thousand seven hundred and eighty-four, shall be paid by the several sheriffs, into the hands of the treasurer by this Act appointed, any law to the contrary notwithstanding. And the offices of district treasurers, from and after the passing of this Act are hereby declared to cease, and the treasurer hereby appointed is to enter into the execution of his office, on the first day of January, one thousand seven hundred and eighty-five, at Hillsborough as aforesaid, when and where he shall give attendance by himself or clerk.

XXI. And be it Enacted by the authority aforesaid, That all Acts and clauses of Acts heretofore made, which come within purview of this Act, be repealed and made void.

CHAPTER III.

An Act for raising a public Revenue for the support of Government, and to repeal an Act intituled, "An Act to suppress excessive gaming."

I. Whereas a settled revenue is necessary for the maintenance of the Governor, judges of the superior courts, and other officers and persons.
II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is Enacted by the Authority thereof, That from and after the first day of January next, the following duties, impositions and taxes, be collected and accounted for, in manner hereafter pointed out and directed, viz. for every writ or leading process, returnable in the superior court, ten shillings; on every writ or leading process, in any county court, five shillings; on every marriage license, ten shillings; on every ordinary license annually, two pounds; on every deed, recorded in any court, five shillings; on every grant, which shall issue on any entry, hereafter made, when registered, five shillings, to be received by the register, which he shall account for, in the same manner, as clerks of courts account for the tax on deeds, and be under the same penalties and forfeitures for neglect; on every pack of playing cards, imported or brought into this State, eight shillings; on every box and dice, kept in a tavern, or by any person for the purpose of gaming annually, ten shillings; for every billiard-table, ten pounds annually; for a general license to an attorney, ten pounds; for a license to practice in the county courts, five pounds; on every wheel carriage kept for pleasure, ten shillings per wheel annually; for every stud horse, the sum demanded by the owner, for the season of one mare; and that all goods imported by merchants into this State, by land for the sake of trade and commerce, shall pay the same duties as goods imported into this State by water: Provided nevertheless, That no planter or farmer bringing goods for sale, or merchandise into this State, by land, under the amount of twenty pounds, at any one time shall be considered within the purview of this Act.

III. And be it further Enacted by the authority aforesaid, That the clerks of the several courts of record, and the registers be, and they are hereby impowered to demand, take and receive the said taxes; and the tax on marriage and ordinary licenses, shall be paid down, before any such are issued or made out to the party praying the same; and the tax on deeds shall be paid before any such deeds shall be admitted to probate; and the tax on writs, or other leading process, shall be taxed in the bill of costs, and levied on the goods and chattels, lands and tenements, of the person or persons against whom judgment shall or may be given, or against plaintiffs or persons discontining his, her or their suit or action, in the same manner as other costs are levied and recovered: Provided, that no tax shall be collected from the representatives of any deceased plaintiff, by whose death any action may be abated; and in case the defendant or defendants, are insufficient to pay said tax, tho' judgment is given for the plaintiff, yet he shall pay the above tax, and execution shall, and may issue for the same.

IV. And be it further Enacted by the authority aforesaid, That at the first superior or county court, to be held for any district or county, after the present session of General Assembly, the several clerks in the said superior and county courts, and registers, shall give bond, payable to the Governor and his successors in office, with security, to be approved of by the judges or justices of such court, in the sum of one thousand pounds, for their faithful fulfilling and discharging the duties by this law pointed out, and enjoined on them; and on breach of said bond, the treasurer is hereby impowered and required to enter up judgment against such delinquent clerk or clerks, register or registers, in any court of record.

V. And be it further Enacted by the authority aforesaid, That all merchants and others importing goods into this State for the sake of commerce by land, and all and every person bringing into this State by land or water any pack or packs of playing cards, and all keepers of taverns or ordinances, stud horses or carriages kept for pleasure, shall annually at the
time they give in their lists of polls or taxable property, declare on oath to
what amount they or any of them may have imported goods into this State
by land, for the sake of merchandizing; and shall further on oath produce
the invoices of their several purchases at the same time, except as herein
before excepted the number of packs of playing cards imported by land or
water, and the number of dice boxes and dice, billiard tables and stud horses,
or carriages kept for pleasure, belonging to them; and the justices taking
the said lists are hereby impowered and required to assess and lay on the
aforesaid articles the sum or sums by this law directed to be laid on them;
and the collectors are hereby impowered to demand and collect the said
duties and to account for them at the same time and in the same manner as
other taxes are collected and accounted for, and shall have the same com-
misson for their services and be liable to the same penalties and mode of
recovery for failure or neglect of duty.

VI. And be it further Enacted by the authority aforesaid, That the sev-
eral clerks shall and they are hereby required and commanded annually, on
or before the first day of June, to transmit to the treasurer an attested
account of the parties names who have brought suit in their respective
courts, also of those who have paid the aforesaid taxes on marriage and
ordinary licenses and deeds, which account shall be certified by the judges
or presiding justice in such court to have been compared to the several
dockets.

VII. And be it further Enacted by the authority aforesaid, That the regis-
ter of each county shall annually, on or before the month of June, trans-
mitt to the treasurer a list of all deeds and grants registered in his office in
the preceding year.

VIII. And be it further Enacted by the authority aforesaid, That the said
clerks and registers shall pay to the sheriff or treasurer of the county, all
monies that are or shall be paid into their respective offices, arising from
the taxes aforesaid, taking the treasurer's receipt for the same; an attested
copy of which receipt they shall as soon as possible transmit to the com-
troller who is hereby required to charge the treasurer with the amount of
the money so paid by the clerk and registers into his hands; and the sev-
eral clerks and registers for their trouble in collecting and paying the
aforesaid taxes and duties, are hereby impowered to retain for their own
use two and an half per cent. of all taxes so collected and accounted for.

IX. And be it further Enacted by the authority aforesaid, That if any
Clerk or register shall fail so to pay said money, he shall be deemed guilty
of a misdemeanor in office; and upon conviction thereof be removed from
his office, and be deemed forever after incapable of holding any office of
trust or profit in this State.

X. And be it further Enacted by the authority aforesaid, That the tax
hereby imposed on suits in the superior and county courts in this State shall
be and remain a tax appropriated to the sole purpose of the payment of the
salaries allowed by law to the judges of the superior courts of law and
equity, and to the attorney general, as far as the said tax shall be adequate
to the discharge of the said salaries. Provided always, If the said tax col-
lected shall exceed the amount of the salaries aforesaid, then the surplus
shall be applied to the contingencies of the State.

XI. And be it further Enacted by the authority aforesaid, That no person
shall hawk, or carry goods up and down this State, without first obtaining
a permit from some county court of this State, on pain of forfeiting said
goods, or the value thereof, to be sued for and recovered in an action of
debts by any person suing for the same, one half to such suitor's use, and
the other half to the use of the county where such suit shall be determined.

XII. And be it further Enacted by the authority aforesaid, That all
pedlars and other itinerant traders for a permit shall pay to the clerk fifty
pounds, which shall be only for license to hawk and sell for one year; and
the clerk shall account for and pay said monies arising from such permits,
as other monies by this Act are directed, and be liable to the same penalties.

XIII. And be it further Enacted, That an Act of the General Assembly
passed in April, one thousand seven hundred and eighty, intituled, An Act
to suppress excessive gaming, be and the same is hereby repealed and made
void.

CHAPTER IV.

An Act for levying a Tax for the support of Government, and for the redemp-
tion of Continental Money, Old Paper Currency, Specie and other Cer-
tificates.

I. Be it Enacted by the General Assembly of the State of North Caroli-
na, and it is hereby Enacted by the authority of the same, That for the year
one thousand seven hundred and eighty-five, 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 and every 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 con-
tinental 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 with the interest due thereon, 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 the said tax.

II. And be it further Enacted by the authority aforesaid, That the above
mentioned 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
the public taxes; and also an Act, intituled, An Act for the more regular
collecting payment of and accounting for the public taxes.

CHAPTER V.

An Act to Amend An Act of Assembly, Passed at Hillsborough in June,
One Thousand Seven Hundred and Eighty-four, Intituled, An Act for
levying Certain Duties on All Foreign Merchandise Imported into this
State in Aid of the Public Finances, and Directing the Mode of Col-
lecting the Same; and Also to Amend One Other Act Passed in the
Same Year, Intituled, An Act to Prevent the Exportation of Unmer-
chantable commodities; and Also to Amend One Other Act of As-
sembly Passed in May, One Thousand Seven Hundred and Eighty-
Three, Intituled, An Act for Facilitating the Navigation, and Regulat-
ing the Pilotage of the Several Ports of this State.

I. Be it Enacted by the General Assembly of the State of North Caroli
na, and it is hereby Enacted by the authority of the same, That the packages,
commissions and other charges usually added to invoices shall not be
deemed part of the value of the goods mentioned in such invoices, nor shall any duties be paid on any such charges; and it is hereby expressly declared that the amount of the duties shall be calculated on the respective amount or value of goods according to the invoice or account of the same at the last place of exportation, and the amount, or value exchanged into the currency of this State at the rate of seventy-seven and two-thirds per cent. on sterling; which is hereby declared to be the standard between the monies of this State and other countries.

II. And be it Enacted by the authority aforesaid, That a duty of one shilling per dozen bottles shall be collected on all wines, other than Madeira wines; and one shilling per dozen on all cyder in bottles; and also two pence per gallon on all malt liquors not bottled which shall be brought into this State; and the respective collectors of duties shall collect and account for the same as for other duties; and the collectors respectively are hereby authorized to appoint a deputy or deputies as they may think proper, for whose conduct the collector shall be answerable as for himself. And, whereas, several duties are by law enjoined on the collectors for which no fees are allowed, it shall be lawful for each of the said collectors to take and receive for administering an oath, and granting a certificate thereof, the sum of two shillings; for taking a bond, the sum of eight shillings; and for each permit the sum of four shillings and no more; any law to the contrary notwithstanding.

III. And, whereas, agreeable to the before recited Act, It is lawful to give bond and security payable six months after date for all or any duties due by law on foreign merchandise, which when for very small sums is found unnecessary; Be it therefore Enacted by the authority aforesaid, That from and after passing this Act it shall be lawful for the collectors in the several ports in this State to demand and receive in ready money all such duties as may be payable from any person whatsoever, in case such duties do not amount to the sum of ten pounds currency of this State; and in case any person liable to pay such duties which do not amount to the sum of ten pounds as aforesaid, shall refuse or delay to pay the same within forty-eight hours next after his arrival in the port, it shall be lawful for the collector to seize and sell for ready money any part of the goods on which the duties are payable, sufficient to make such duties, and ten per cent. on the amount of the duties to the collectors or vendue masters who may sell the goods so seized as aforesaid; and the collector shall return the balance of the money arising from the goods so sold, if any, to the person entitled to receive the same.

IV. And be it Enacted by the authority aforesaid, That in cases where bonds shall be given for the payment of any lawful duties on goods imported into this State, and the said bonds shall not be paid and discharged agreeable to the tenor thereof; It shall and may be lawful for the collector on motion in any court having cognizance thereof, to have and obtain judgment in such court for the amount due with costs, against the goods and chattels, lands and tenements, of the debtor and his securities, if any, and execution shall issue accordingly; Provided, ten days' previous notice in writing shall have been given to the party, and securities, or such of them against whom judgment shall be moved, or left at the house or usual place of abode of such person or persons, and not otherwise; any law to the contrary notwithstanding.

V. And, whereas, in the Act to prevent the exportation of unmerchantable commodities, it is directed that all barrels of pitch and turpentine shall be covered two-thirds with hoops is found unnecessary; Be it therefore
Enacted by the authority aforesaid, That from and after the passing this
Act it shall be lawful for the inspectors to inspect and brand all barrels of
pitch and turpentine which shall be well secured with twelve good hoops
on each barrel, in case the same shall in other respects be agreeable to
law; nor shall any barrel of pitch or turpentine be refused or condemned
for want of weight, if the barrel shall be good, of full size, and well filled
with good pitch or turpentine; any law to the contrary notwithstanding.

VI. And be it further Enacted, That no inspector shall hereafter refuse
to pass and brand any barrel containing any inspectable commodity on ac-
count of width or thickness of the staves: Provided, no stave exceed five
inches in width and is at least three-quarters of an inch thick at the
chime or cove, and of proportionable thickness in the bilge.

VII. And be it further Enacted by the authority aforesaid, That all fish
hereafter to be exported from this State shall be packed in good and suf-
cient barrels, and shall be inspected by the inspector of the county where
the same may be saved at the time of shipping the same; and where the
barrels shall appear to be good and full of good sound fish, by the best in-
formation the inspector can make by examining or broaching or otherwise,
the same shall be deemed merchantable, on the inspector's marking, branding,
&c.; otherwise it shall not be lawful to export any fish from this State;
any law, usage or custom to the contrary notwithstanding.

VIII. And, whereas, the fees allowed in the said Act to inspectors, are in
some instances inadequate to their services; it is hereby Enacted by the
authority aforesaid, That from and after passing this Act, the respective
inspectors shall and may lawfully take and receive the following fees and
no more: For inspecting each barrel of flax-seed containing seven and a
half bushels, one shilling; for cleaning the same if required, three shillings;
for each barrel of beef or pork, one shilling; for each barrel of rice, flour,
fish or butter, eight pence; for each barrel of tar, two pence; for each bar-
rel of pitch or turpentine, three pence; for each hundred staves or heading,
three pence; for every thousand shingles, one shilling, and for each thou-
sand feet of boards, plank or scantling, one shilling: Provided, the fees
for inspection of staves, heading, shingles, plank and scantling, if required
to be inspected, shall be paid one-half by the purchaser and the other half
by the person selling the same; and the fees of inspection in all other
instances, shall be paid by the purchaser or exporter of the article in-
pected.

IX. And be it further Enacted, That all barrels in which pork or beef
shall be packed for exportation shall be deemed merchantable and may
be passed and branded by any inspector; Provided, they be made of Tur-
key, water or white oak, and are in all other respects agreeable to law;
and that it shall be lawful for the inspectors to inspect all hog's lard which
shall be exported in casks, respecting the quality thereof; for which the in-
spector shall be entitled to fees similar to those allowed in pork; respect
being had to the size of the cask; and the article of hog's fat or lard shall
not hereafter be exported unless in cypress or juniper casks, and inspected;
under the pains and penalties inflicted by law for exporting uninspected
pork, beef or any other commodities liable by law to be inspected.

X. And, whereas, in the Act for facilitating the navigation and regulat-
ing the pilotage of the several ports in this State, it is in the third section
enacted: That all vessels under fifty tons burthen coming into either of
the ports of Beaufort, Bath, Roanoke or Currituck, shall pay to the naval
officer and by him payable to the commissioners of navigation, the tax or
sum of ten shillings each; which if exacted and taken from small vessels
and open boats would be very burthenome and unequal tax, as such ves-
sels or open boats would pay as much as vessels of fifty tons burthen, and
for the purpose of staking the channel, whereby the owners of small boats
receive but little or no advantage: Be it therefore Enacted by the author-
ity aforesaid, That from and after passing this Act, the aforesaid sum or
tax of ten shillings shall not be taken, demanded or received on or from
any vessel or boat whatsoever, whose real burthen does not amount to
twenty tons or more; anything in the last recited Act or any other law to
the contrary notwithstanding.

XI. And, whereas, by an Act passed at the last session of the General
Assembly, intituled, "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;" a tax of six pence was laid on every hundred
acres of land, one shilling and six pence on every poll, and one shilling
and six pence on every hundred pounds value of town lots with their
improvements: And, whereas, it appears that the other States in the Union
have not passed similar Acts, and the said tax having been intended to pay
the quota of this State for the discharge of the public debt: Be it therefore
Enacted by the authority aforesaid, That the collectors of the public tax
within this State for the year one thousand seven hundred and eighty-five,
are hereby authorised and required to collect, pay and account for the
tax laid in and by the before recited Act, in the same manner and under the
same rules, regulations, restrictions and penalties, and entitled to the
same emoluments as is prescribed by an Act passed this session of the
General Assembly, intituled, An Act to amend an Act of Assembly passed
at Hillsborough in June, one thousand seven hundred and eighty-four, inti-
tuled, An Act for levying certain duties on all foreign merchandise im-
ported into this State in aid of the public finances, and directing the mode
of collecting the same; and also to amend one other Act passed the same
year, intituled, An Act to prevent the exportation of unmerchantable com-
modities; and also to amend one other Act of Assembly passed in May,
one thousand seven hundred and eighty-three, intituled, An Act for facilitat-
ing the navigation and regulating the pilotage of the several ports of this
State.

CHAPTER VI.

An Act Directing the Sale of Confiscated Property.

I. Whereas, it appears to this General Assembly that considerable quan-
tities of lands, tenements, hereditaments and movable property, which
have been confiscated under some one or other of the laws of this State
commonly called confiscation laws, yet remains unsold; and it being just
and necessary that the same should be sold for the use and benefit of the
State.

II. Be it therefore Enacted by the General Assembly of the State of
North Carolina, and it is Enacted by the authority thereof, That
all the lands, tenements, hereditaments and movable property within this
State, heretofore confiscated and not yet sold (except such lands which have
not been granted by the crown of Great Britain, or the lords proprietors
of Carolina, or any of them in fee before the fourth day of July, one
thousand seven hundred and seventy-six, and such other lands, tenements,
hereditaments and movable property, which hath or have heretofore been
restored to the former owners by the General Assembly or otherwise dis-
posed of by lawful authority), shall be sold by commissioners in manner hereinafter directed.

III. And be it further Enacted by the authority aforesaid, That the commissioners for the several districts shall be as follows, to-wit: For the district of Morgan, John Walker; for the district of Salisbury, Charles Bruce; for the district of Hillsborough, Archibald Lytle; for the district of Halifax, Nicholas Long; for the district of Edenton, Hardy Murfree, for the district of New Bern, James Armstrong, and for the district of Wilmington, Griffith John McRee.

IV. And be it further Enacted by the authority aforesaid, That the several commissioners by this Act appointed shall have power within their respective districts, and they are hereby required to call on the surveyor of each and every county, respectively, to make actual surveys of all the confiscated lands by this Act Directed to be sold lying within the county whereof he is surveyor. Provided, That no survey shall contain a greater quantity of land than six hundred and forty acres. And the surveyors respectively shall return two fair plats of each and every survey to the commissioners within three months after receiving the commissioners' orders for that purpose, in which return shall be expressed the quantity and situation of the land, together with the name of the late owner or owners, and in case of town lots, the number of the lot, and how improved, shall also be expressed.

V. And be it further Enacted by the authority aforesaid, That the sheriffs of the several counties respectively shall return to the commissioners a list of all negroes and other movable property coming within the meaning of this Act which may be in the county whereof he is sheriff, in which return shall be expressed the quality of each article, the name of the person in whose possession it may be, and the name of the late owner or owners, within six months after the passing of this Act; and the sheriffs respectively shall have power and they are hereby required to cite any person or persons whatsoever suspected of having or concealing confiscated negroes or other movable property in his, her or their hands, to the county court, then and there to answer such questions on oath as the court shall ask relative thereto; and if it shall appear to the said court that any confiscated property as aforesaid is in the hands of any person or persons so examined, the sheriff shall notify the same to the commissioners in their return, and the commissioners are hereby impowered and required to ask for and receive such property for the purposes herein before expressed; and in case of refusal the commissioners are hereby impowered and required to prosecute a suit or suits in the name of the State for the recovery of the full value of such article or articles which is or may have been in his or their hands unaccounted for.

VI. And be it further Enacted by the authority aforesaid, That the lands, tenements, hereditaments and movable property, by this Act intended to be sold for the use and benefit of the State, shall be sold by the commissioners at public vendue to the highest bidder at the court house of the county wherein such lands, tenements, hereditaments and movable property shall be, for the current money of this State, or the certificates granted to the officers and soldiers of the continental line of this State, first giving public notice of the time of sale, as soon as may be after receiving the returns hereinafter directed to be made by the sheriffs and surveyors by advertising the same at the court houses of the districts wherein such property shall be, and by publication thereof in the North Carolina (If there should be a paper published in the State), Virginia and South Carolina gazettes.
at least three months before the day of sale; which advertisement shall clearly express the conditions of sale, the particular tracts of land with their situations, town lots with the quantity of ground each lot contains, the number of the lot and how improved, and also each article of movable property to be sold in each county respectively, together with the name of the person or persons to whom each tract of land, town lot or article of movable property did lately belong, which sales shall be made on credit for twelve months, the purchasers giving bond with sufficient security payable to the Governor for the time being, or his successor, for the use of the State, in double the amount of the purchase money, conditioned for the payment of the principal in current money or certificates as aforesaid, with lawful interest at the end of the term aforesaid.

VII. And be it further Enacted by the authority aforesaid, That the commissioners shall superintend the sales in their own persons, and may continue from day to day so long as may be necessary, and when the sales are completed the commissioners respectively shall make a fair statement of their proceedings, wherein shall be set forth each purchaser's name, the amount of his bond, and also the amount in cash or certificates if any has been received, and shall make return thereof on oath to the comptroller's office, and the comptroller is hereby required to state the same in his books, whereby such commissioners shall become debtor to the public to the amount, but the bonds shall remain in the hands of the commissioners respectively; and when the same becomes due they shall have power and they are hereby required to sue for and recover the same in any court of record within this State having cognizance thereof; and shall pay the money into the treasury, and the treasurer's receipt shall be a voucher for settling their accounts with the public.

VIII. And be it further Enacted by the authority aforesaid, That the commissioners respectively shall transmit to the Secretary's office two fair plats of each and every survey of land and town lot which shall be sold by virtue of this Act within six months after such sales are made; wherein shall be expressed the quantity and description of the land, county where situated, to whom sold, and the price; together with the name of the late owner; and in case of town lots the number of the lot as by the plan of the town where such lots may lie shall also be expressed; and thereupon the Governor and commander-in-chief shall cause grants under the great seal of the State to be made out to the respective purchasers, one of the aforesaid plats shall be annexed to the grant, and the other filed by the secretary; which grants shall be enrolled in the secretary's office in the same manner as other grants; but no grant shall issue from the secretary's office until the purchaser shall have paid the principal and interest of the purchase money; and where it shall so happen that a suit or suits shall be prosecuted against any of the purchasers agreeable to the directions of this Act, the lands, tenements, hereditaments and other property purchased as aforesaid, shall be liable to execution on the judgment of the plaintiff; any thing in this Act to the contrary notwithstanding.

IX. And be it further Enacted by the authority aforesaid, That the commissioners respectively shall give bills of sale for all negroes and other movable property, subject nevertheless to the payment of the purchase money, in the same manner as lands are by this Act made liable.

X. And be it further Enacted by the authority aforesaid, That in case of the death, removal out of the State or resignation of all or any of the commissioners named in this Act, his Excellency the Governor, with the advice
of the council of state, be and he is hereby authorized and empowered to
appoint other commissioners to fill such vacancy or vacancies.

XI. And be it further Enacted by the authority aforesaid, That the com-
missioners respectively before entering upon the execution of their office,
shall enter into bonds with sufficient security to the Governor and com-
mander-in-chief for the time being, in the sum of fifty thousand pounds;
conditioned for the faithful discharge of the duties by this Act reposed in
them, and shall also take an oath before the court of the county where
such commissioners shall reside, that they will truly and faithfully exe-
cute their said office, agreeable to the directions of this Act.

XII. And be it further Enacted by the authority aforesaid, That the com-
missioners respectively shall be entitled to a commission of three per cen-
t for the faithful discharge of the duties by this Act required; to be paid
them by the treasurer on a warrant from the Governor and commander-in-
chief for the time being; which warrant shall be allowed the treasurer in
his accounts with the public: Provided, That the Governor shall not issue
such warrant until such commissioners shall have finally settled their
accounts with the comptroller for the whole amount of sales.

XIII. And be it further Enacted by the authority aforesaid, That the county
surveyors respectively, shall be allowed the sum of forty shillings
for each and every survey by them made; paying the chain bearers and
returning the plates by this Act required; to be paid on a warrant from the
Governor or commander-in-chief for the time being by the treasurer, and
such warrant shall be allowed the treasurer in his accounts with the pub-
lic; and in case any surveyor shall meet with any opposition by force, he
shall apply to the sheriff of the county where such force shall be used, who
on having the same ascertained on oath, shall summon so many of the
inhabitants of his county as may be sufficient to repel such force and sup-
port the surveyor in the execution of his office.

XIV. And be it further Enacted by the authority aforesaid, That the sheriffs
respectively shall return an estimate of their services done in
obedience to this Act to the county courts, who are hereby authorized and
required to make adequate allowances for such services, and the clerk shall
certify the same under his hand and affix the county seal thereto; which
allowance certified as above directed shall be allowed such sheriff in set-
tlement of his accounts with the public.

CHAPTER VII.

An Act to Regulate and Ascertain the Several Officers' Fees Therein Men-
tioned and for Altering the Times of Holding the Superior Courts of
Law and Equity for the Districts of Halifax, Edenton, New Bern and
Wilmington.

I. Be it Enacted by the General Assembly of the State of North Carolina,
and it is hereby Enacted by the authority of the same, That for the future
the several officers herein mentioned, shall take and receive the following,
and no other or greater fees whatsoever, viz.: The clerks of the Superior
Courts of Law and Equity for every leading process returned to the first
court and all subsequent process, appearances, pleas, rules, orders and other
services necessary thereon, until the making up an issue inclusive, and also
for dismissal or final judgment where either happens, or for confession
of judgment, to the clerk of the court, ten shillings; for every continuance
or reference of every cause after the second court, including all fees for
every necessary service, four shillings; for the court at which the cause is determined, including all fees for every necessary service thereon, and entering final judgment inclusive, eighteen shillings; for every subpoena, provided the party insert no more than four witnesses in the same, two shillings; for every execution or order of sale when necessarily issued and returned, including all services thereon, with taxing costs and copy and entering satisfaction, five shillings; for every scire facias against bail, with making an issue thereon or entering judgment without plea, including fees for every service necessary thereon, provided that the party cast shall not be subject to this unless the scire facias is requisite and required by the plaintiff, eight shillings; for giving a copy of the record of any cause when demanded by either of the parties, six shillings; for every recognizance, two shillings; for every order or rule of court, made on matters foreign to the suit depending in court, any copy thereof, when demanded, two shillings and eight pence; for searching a record out of court, one shilling; for a commission to take the examination of a feme covert or witnesses in any cause depending, the return thereon, entering and all other services necessary thereon, three shillings; for a special venire facias in an action of ejectment, or where the bounds of lands shall come in question, when the said writ shall be issued, eight shillings; for a special verdict, demurrer or motion in arrest of judgment, and argument thereon, four shillings; for a writ of error, certiorari or appeal, with a transcript of the record and all services necessary thereon, eight shillings; for making out certificates of witnesses or jurymen’s attendance, eight pence. The clerks of County Courts of Pleas and Quarter Sessions, for every leading process returned to the first court, including all services, together with dismissal or final judgment, where either happens, ten shillings; for every presentment or indictment, six shillings; for entering and filing every recognizance, two shillings; for every continuance or reference of any cause after the second court, including all fees for every service necessary thereon, three shillings; for the court at which the cause is determined, including all services, seven shillings and six pence; for every subpoena, provided the party insert no more than four witnesses in the same, one shilling and six pence; for every execution or order of sale when necessarily issued, including all services thereon, with taxing costs and copy and entering satisfaction, three shillings and nine pence; for every scire facias against bail, with making up an issue thereon or entering judgment without plea, including all fees for every necessary service thereon, provided that the party paying costs shall not be subject to this unless the scire facias is necessary and required by the plaintiff, six shillings; for giving a copy of the record of any cause when demanded by either of the parties, four shillings and six pence; for every order or rule of court, made on matters foreign to the suit depending in court, and copy thereof, if demanded, two shillings; for entering on the minutes the probate of wills, qualifying executors, making certificates, recording the will and giving copy thereof, eight shillings; for granting administration, taking bond and all other services thereon, eight shillings; for proving and recording at length in bound books to be kept for that purpose, and filing an inventory account of sales or account current exhibited by an executor, administrator or guardian, or for search, copy and certificate of the same, if the estate be under one hundred pounds, two shillings; if above, four shillings; for every marriage license and bond, eight shillings for ordinary license and bond and all services necessary to be done therein, eight shillings; for tavern rates, two shillings; for searching a record out of court, one shilling; for proving or entering acknowledgement
of a conveyance of land or other estate and certifying the same, with order of registration and examination of a feme couvert, without commission, two shillings; for a commission to take the examination of a feme couvert, or witnesses in a case depending in said court, entering the return thereon, and other necessary services, two shillings and four pence; for a guardian or other bond taken in court, including all services, six shillings; for indentures for binding out apprentices, including all fees for every service necessary thereon, six shillings; for a special verdict or demurrer, or motion in arrest of judgment, three shillings; for a writ of error or appeal, with a transcript of the record, and all services thereon, eight shillings; for making out certificates of witnesses' attendance, eight pence; for recording a mark or brand and granting a certificate thereof if required, one shilling; and all other services done by the clerks of the county courts are hereby deemed ex officio, amongst which all notices or writs of seire facias against jurymen shall be considered, and the respective courts may allow reasonable satisfaction for the same annually out of the county tax, not exceeding the sum of twenty pounds.

II. And be it further Enacted by the authority aforesaid, That the clerks of the several Superior and County Courts of this State, shall and they are hereby required to put up in some public place in their office an exact copy of the fees by this Act allowed, and also in the court house during the sitting of each court, and for every such failure or neglect, they shall forfeit and pay the sum of five pounds, to be recovered by warrant to the use of any person who will sue for the same.

III. And be it further Enacted by the authority aforesaid, That after the passing this Act, the sheriffs in the several counties in this State shall and may receive for their services the following and no other or larger fees, to-wit: For every arrest, five shillings and four pence; for every bail bond, two shillings; for serving a copy of a declaration, one shilling; for serving a subpoena, for each person named in the same, two shillings and eight pence; for pillorying a person, five shillings; for an attachment, the same as for an arrest, and if further trouble by moving of goods, to be taxed by the court; for executing a warrant of distress or an execution against the body or goods, two and an half per cent.; for summoning, empanelling and attending on every jury, on every cause in court, one shilling; when a special venire shall issue by order of court, for summoning each juror and attending the same, two shillings; putting a person in the stocks and releasing, five shillings and four pence; for every commitment, two shillings and eight pence; for every releasement, two shillings and eight pence; for serving a writ of possession of land, eight shillings; for serving and attending on any person on a habeas corpus, per day, fifteen shillings; for calling every action in court, four pence; for imprisonment of felons or debtors or any other person, for each prisoner, per day, for finding one pound of wholesome bread, one pound of good roasted or boiled flesh and a sufficient quantity of fresh water, and every other necessary attendance and keeping the prisoner clean, one shilling and six pence.

IV. And be it further Enacted by the authority aforesaid, That the register in each county in this State, shall and may take for registering each deed or grant, including certificate thereof, four shillings; for every search, eight pence; for a copy of a grant or deed, four shillings; and for registering every other instrument of writing, four shillings.

V. And be it also Enacted by the authority aforesaid, That the sheriff, constable or other officer may take and receive the following fees: For serving every warrant, two shillings and eight pence; for serving an
execution, two shillings and eight pence; for summoning each witness, one shilling and four pence; for every attachment, two shillings and eight pence; for attendance of a constable every court, when summoned by the sheriff, eight shillings per day; for whipping a negro, by order of court or any justice, two shillings and eight pence.

VI. And be it further Enacted by the authority aforesaid, That the rangers in each and every county in this State may take and receive the following fees from the persons taking up strays, viz.: For each and every horse, mare or gelding, including the certificate entered in his said office, five shillings; for each head of neat cattle, two shillings and six pence; for each head of hogs or sheep, one shilling.

VII. And be it further Enacted by the authority aforesaid, That the coroner may take and receive for his services the following fees: For attending on every inquest, twenty-four shillings; and the same fees for discharging the duties of a sheriff as such sheriff himself would be entitled to by this Act for performing the same services.

VIII. And be it further Enacted by the authority aforesaid, That it shall hereafter be lawful for the clerks of the Superior and County Courts where suits are determined and the fees not paid by the party from whom they are due, to make out executions directed to the sheriff of any county in this State, and the said sheriff shall levy the same as in other cases; and to the said execution shall be annexed a copy of the bill of costs of the fees on which such execution shall issue, written in words at length without any abbreviation whatsoever; and all executions issuing without the copy of such bill of costs annexed shall be deemed illegal, and no sheriff shall serve or execute the same.

IX. And be it further Enacted by the authority aforesaid, That if the clerk of any court, sheriff, register or coroner of any county shall hereafter be guilty of any breach of the duties enjoined him by this Act, either by his own confession or verdict of a jury, it shall, on a second conviction be adjudged and deemed a misbehaviour in office, for which such clerk or other officer herein mentioned shall be removed from office: Provided, nevertheless, That in case such clerk or other officer shall be dissatisfied with the determination of the county court, he may appeal to the Superior Court of the district in which he resides; in which case there shall be a trial by jury, where if the suspension of the county court shall be confirmed, the said clerk or other officer aforesaid, shall ever after be rendered incapable of acting in the said office in any county in this State.

X. And be it further Enacted by the authority aforesaid, That where any sheriff or coroner has heretofore sold any lands in obedience to executions or writs of venditioni exponas to him directed, and not have executed deeds for the same, such sheriff or coroner, though he may be now out of office, shall, and he is hereby required to seal and execute a deed of bargain and sale for such lands to such person or persons who have purchased at vendue and paid the money for the same; and in case any sheriff or coroner having sold any lands as aforesaid, and hath since died or removed out of the State, then his successor in office is hereby required and impowered to make such conveyance as is herein next before directed.

XI. And be it further Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the first day of January, one thousand seven hundred and eighty-five, the Superior Courts of Law and Equity for the Districts of Halifax, Edenton, New Bern and Wilmington shall be held on the days following, to-wit: For Halifax, on the seventeenth days of April and October;
for Edenton on the third days of May and November; for New Bern on the
twentieth days of May and November; for Wilmington on the sixth days of
June and December; to which days all processes of the said Courts, civil
and criminal, shall be returnable to, or to be done or executed on other days
at which the said terms were heretofore to commence, shall be returnable
to and be done and executed on the days by this Act directed for holding the
said courts.

XII. And be it further Enacted, That so much of an Act of the General
Assembly passed in Wake county the fourteenth day of July, one thousand
seven hundred and eighty-one, intituled, "An Act to regulate and ascertain
the several officers' fees therein mentioned," and all other Acts that come
within purview of this Act, are hereby repealed and made void.

XIII. And be it further Enacted by the authority aforesaid, That this Act
shall commence, to be in force and take effect on the first day of April next,
and no sooner.

CHAPTER VIII.

An Act for Repealing Part of an Act Passed at New Bern in November, One
Thousand Seven Hundred and Seventy-Seven, intituled, An Act to
Regulate and Ascertaın the Fees of Clerks in the Superior and County
Courts, Justices of the Peace and Attorneys in This State, and Directing
the Method of Paying the Same; Also Part of An Act Passed at Halif-
fax in January, One Thousand Seven Hundred and Seventy-Nine, also
intituled, An Act to Ascertaining the Fees of Clerks in the Superior and
County Courts, Justices of the Peace, and Attorneys in This State.

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
tenth section of the Act aforesaid passed at New Bern, one thousand seven
hundred and seventy-seven; and also so much of the sixteenth section of
the above Act passed at Halifax in January, one thousand seven hundred
and seventy-nine, as relate to the Justices of the peace in this State taking
and receiving fees for business done out of court, be and they are hereby
repealed and declared utterly void.

CHAPTER IX.

An Act for allowing Salaries to the Succeeding Officers of State, and Repel-
ing so Much of an Act intituled, An Act for allowing Salaries to the Gov-
ernor, Secretary and Other Officers of State, and Other Purposes, as
Comes Within the Purview of This Act.

I. Whereas, It is necessary that the principal officers of State should have
salaries suitable to the dignity of their station, and not incompatible with
the exhausted state of the treasury;

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 officers of
State who are or shall be elected to succeed those now in office, shall have
and receive and be allowed after the following rates: The Governor for
the time being for all his services as Governor at the rate of seven hundred
and fifty pounds per annum; the Secretary of State after the rate of one
hundred pounds per annum, exclusive of such fees as are or may be
established by law, in full of all expenses for public services; to each of
the Delegates for their service at, going to and returning from Congress, sixty-four pounds per month; to each of the Judges, fifty pounds for each and every court he shall attend; to the Attorney-General, forty pounds for every Superior Court he shall attend, besides fees of office; to the Treasurer, five hundred pounds, in lieu of all commissions incident to his office; to each of the members of the Council, twenty shillings per day for every day they shall be employed in going to, returning from and attending the council board.

III. And be it further Enacted by the authority aforesaid, That the Governor for the time being shall appoint a private secretary, who shall enter into books for that purpose all such letters written by and to the Governor as are official and important, and such other letters as the Governor may think necessary, which book or books shall be laid before the next General Assembly and by the clerks carefully preserved in their offices; that the said secretary be allowed one hundred pounds per annum, in full consideration of his services and expenses incidental to his office, exclusive of such fees as are allowed by law: That the comptroller-general of this State be allowed the sum of five hundred pounds per annum for his services, including stationary, and all other expenditures incidental to his office, and also the sum of two hundred and fifty pounds for the purpose of employing clerks.

IV. And be it further Enacted by the authority aforesaid, That so much of an Act intituled, "An Act for allowing salaries to the Governor, Secretary and other officers of State, and other purposes," so far as comes within the purview of this Act, be and is hereby repealed.

CHAPTER X.


I. Whereas, doubts have been suggested that the law referred to in the title of this Act leaves it at least uncertain whether brothers of the half blood shall be entitled to succeed to the inheritance in the same manner as sisters do where there is no brother, nor the issue of any such: To remedy such doubts,

II. Be it declared by the General Assembly of the State of North Carolina, and it is hereby declared by the authority of the same, That in the third section of the said Act it was the intention of the Legislature to let in the brothers of the half blood equally with the brothers of the whole blood, and for want of a brother or brothers, or any lawful issue of such brother or brothers, then to the sisters as well of the half as of the whole blood.

III. And, whereas, by the seventh section of the said Act, real estates actually purchased or otherwise acquired by any intestate, are to descend to the father if living, but if dead then to the mother of such intestate and her heirs, by which the descent may be altered by the accident of death, and the parental line which is favoured in all other instances may be deprived of the inheritance by such accident: For remedy whereof, Be it enacted by the authority aforesaid, That in case of the death of any person
intestate leaving any real estate actually purchased or otherwise acquired, and not having any heirs of his body nor any brother or sister or the lawful issue of such, then such estate shall be vested in the father of such intestate if living, but if dead, then in the mother for life, and after the death of the mother, 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 in the heirs of the intestate on the part of the mother forever.

IV. And be it further Enacted by the authority aforesaid, That such part of the personal estate of any deceased person as may be laid off for the widow, as directed by the eighth section of the before recited Act, and shall consist of slaves, shall be laid off to such widow for life only, and after her death shall go according to the statute of distributions; and every widow of any deceased person, before receiving into her possession any such slaves, shall give bond to the county court in the value thereof, that such slaves with their increase shall be returned to the executors or administrators of her deceased husband immediately upon her death, free of all charges and expences whatsoever: Provided always, That where there are no lawful descendants of the deceased, the widow shall have an absolute estate in such slaves, anything herein to the contrary notwithstanding.

V. And, whereas, the attestation of witnesses to wills and testaments required by the before-mentioned Act, is intended to prevent frauds and impositions by the will of persons hastily drawn up in their last sickness, or from their want of sufficient knowledge for that purpose, and it may be proper to make exceptions from that rule in particular cases: Be it therefore Enacted by the authority aforesaid, That when any last will shall be found amongst the valuable papers or effects of any deceased person, or shall have been lodged in the hands of any person for safe keeping, and the same shall be in the hand writing of such deceased person and his name subscribed thereto or inserted in some part of such will, and if such hand writing is generally known by the acquaintance of such deceased person, and it shall be proved by at least three credible witnesses that they verily believe such will and every part thereof is in the hand writing of the person whose will it appears to be; then and in that case such will shall be sufficient in law to give and convey a sufficient estate in lands, tenements and hereditaments, anything in the before recited Act to the contrary notwithstanding.

VI. And be it Enacted by the authority aforesaid, That all probates of wills in the county courts, as well those made heretofore as those which may be made hereafter, shall be sufficient testimony for the devise of real estates, and attested copies of such wills, or the records thereof by the proper officer shall and may be given in evidence in the same manner as the originals: any law or usage to the contrary notwithstanding: Provided always, That when any fraud may be suggested to have been committed in the drawing or obtaining any last will or any irregularity in the executing or attestation thereof, the party making such suggestion shall and may insist upon the original will being produced to the court, if the same is to be found; and the court wherein any suit is depending, and in which such will may be introduced as testimony, may compel all and every person or persons, whether in office or otherwise, to produce the same.

VII. And, whereas, many persons have been injured by secret deeds of gift to children and others, and for want of formal bills of sale for slaves, and a law for perpetuating such gifts and sales: For remedy whereof, Be it Enacted by the authority aforesaid, That from and after the first day of June next, all sales of slaves shall be in writing, attested by at least one
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credible witness, or otherwise shall not be deemed valid; and all bills of sale
of negroes and deeds of gift of any estate of whatever nature, shall within
nine months after the making thereof, be proved in due form and recorded;
and all bills of sale and deeds of gift not authenticated and perpetuated
in manner by this Act directed shall be void and of no force whatsoever,
any law to the contrary notwithstanding.

CHAPTER XI.

An Act Directing the Mode of Proceeding Against the Real Estates of
Deceased Debtors, Where the personal Estate is Insufficient for the
Payment of the Debts.

I. Whereas, doubts are entertained whether the real estates of deceased
debtors in the hands of their heirs or devisees should be subject to the
payment of debts upon judgments obtained against the executors or ad-
ministrators: In order therefore to remove such doubts in future, and to
direct the mode of proceeding in such cases;

II. Be it Enacted by the General Assembly of the State of North Carolina,
and it is hereby Enacted by the authority of the same, That in all suits
at law where the executors or administrators of any deceased person shall
plead fully administered, no assets, or not sufficient assets to satisfy the
plaintiff's demand, and such plea shall be found in favour of the defendant,
the plaintiff may proceed to ascertain his demand and to sign judgment; but
before taking out execution against the real estate of the deceased debtor,
a writ or writs of scire facias shall and may issue, summoning the respective
heirs and devisees of such deceased debtor to shew cause why execution
should not issue against the real estate for the amount of such judgment,
or so much thereof as there may not be personal assets to discharge; and if
judgment shall pass against the heirs or devisees or any of them, execution
shall and may issue against the real estate of the deceased debtor in the
hands of such heirs or devisees against whom judgment shall be given as
aforesaid.

III. Provided always, and be it Enacted by the authority aforesaid, That
when any such heir or devisee shall be a minor and have a guardian, the
scire facias shall be served on such guardian, but where the minor shall
have no guardian, then and in that case the court shall appoint a guardian
to defend the suit for such minor.

IV. And be it Enacted by the authority aforesaid, That when the heirs
and devisees of any deceased debtor or any of them shall reside out of
the State, so that writs of scire facias cannot be served on them, and shall
have no guardians on which the same can be executed, then and in that case
the sheriff shall return the fact to be so, and another scire facias shall issue,
on which the same return shall be made, if the parties still continue to reside
without the limits of this State; on which second return, and likewise on
every second return that the party or parties have been summoned and no
appearance shall be made upon such summons, judgment shall be given
against the real estate in the hands of such heirs or devisees.

V. And be it further Enacted by the Authority aforesaid, That when any
executors or administrators shall plead fully administered, no assets, or not
sufficient to discharge the plaintiff's debt, such plea shall not be received
unless the same, shall be sworn to by the defendant or defendants, but not-
withstanding that such plea should be found in favour of the defendant or
defendants on the trial of the issue, the heirs or devisees shall be permitted
to contest the truth thereof, and upon the plea of such heirs or devisees, that
the executors or administrators have sufficient assets, or have wasted or
concealed the same, the court shall order the trial of a collateral issue
between the executors or administrators and such heirs or devisees, which
if found against the executors or administrators the original plaintiff shall
have execution not only against the goods and chattels of the deceased
debtor, but against the proper goods, chattels, lands and tenements of such
executors or administrators; any law or custom to the contrary notwith-
standing.

VI. And, whereas, it may so happen that the real estate of a deceased
person may by will be distributed among several devisees, and the part de-
vised to one of such devisees may be seized in execution and sold, while
the other devisees continue possessed of such part of the estate as the
testator intended for them; and it is just and reasonable in such cases
that all the devisees should bear an equal proportion of the loss: Be it
therefore Enacted by the authority aforesaid, That it shall and may be
lawful for any devisee so evicted by the sale of the devise to him as afore-
said, to bring his action at law against the other devisee or devisees for
his or their proportion of the value of the land so sold as aforesaid, sug-
gestin in his declaration the value of all the several devisees, and the
recovery against the other devisee or devisees shall be in proportion to the
value of all the devisees, which shall be proved on the trial without having
any regard to the sum for which the estate of the evicted was sold.

CHAPTER XII.

An Act for the More Ready and Effectual Execution of Process Issuing from
the Several Courts of Law and Equity, in Cases Where the Sheriff
or Coroner May Be Resisted, and the Power of the County Should Be
Found Insufficient for the Purpose.

I. Whereas, it appears to this present General Assembly by authentic
documents that in some instances the power of the sheriffs may be insuf-
ficient to enable them to seize the property of debtors, or to give quiet and
peaceful possession of real estates sold under execution; the possessors of
such property, in some parts of the county where the unimproved swamps
and other places of difficult access is favourable to them, conceal them-
sems when they are opposed by force, and when that force is withdrawn
have an opportunity of wreaking their vengeance on innocent persons who
may have purchased their property: For remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Caro-
lina, and it is hereby Enacted by the authority of the same, That when any
sheriff or coroner, or the under officer or deputy of any sheriff or coroner
shall be opposed with force in the execution of his office, or cannot by
summoning the power of the county procure sufficient force to carry into
execution such precepts as he shall be commanded to execute, and to leave
the purchaser of any real or personal property in quiet and peaceable pos-
session of what he shall purchase, upon the affidavit of such officer and two
or more credible persons in writing, of the difficulty and danger of executing
such process, and the danger which may arise to the purchasers thereof,
it shall be lawful for the colonel or commanding officer or officers of any
adjacent county or counties, to raise the militia of such county or counties,
or so many as may be thought necessary for the purpose, and by force and
stratagem to seize the persons of all such persons as shall by any such
depositions appear to use force or threatenings against any civil officer in
the execution of his office, or against any plaintiff or purchaser under any
execution or attachment, and such persons so seized as aforesaid, to convey
under a strong guard to any prison within the State, there to be kept in
safe custody without bail or mainprise, and upon conviction shall be fined
in proportion to his circumstances, and suffer imprisonment at the dis-
cretion of the court, not less than twelve months; and all persons against
whom there shall be any proof of aiding or favouring indirectly any person
or persons who shall oppose a civil officer or use threats as aforesaid, shall
be seized in like manner and committed to imprisonment as aforesaid, unless
he gives good and sufficient security before a justice of the peace in the
sum of at least five hundred pounds for his appearance at the next district
court, there to answer such charges as may be exhibited against him by
the attorney-general or other council for the State, and upon conviction
shall be fined at the discretion of the court: Provided always, that all depo-
sitions taken by virtue of this Act shall be lodged with the colonel or com-
manding officer of the county for his indemnity.

CHAPTER XIII.

An Act for Appointing County Commissioners for Taking Affidavits in
Causes of Law and Equity.

I. Whereas, the distant abode of the Judges of the Superior Courts of
Law and Equity in this State, from a majority of the good people thereof,
who have or may have causes in the said courts depending, wherein by the
present practice of the said courts, it is necessary that affidavits should be
made before some one of the judges before original or mesne process can
issue in said cases, which is inconvenient, expensive and dilatory to suitors
in said courts; for remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Caro-
lina, and it is hereby Enacted by the authority of the same, That from and
after the passing this Act, the said judges may appoint, and they are hereby
directed to appoint one prudent and discreet person in each county as a
commissioner for taking affidavits relative to all causes about being
instituted or depending in any of the courts of law and equity within
this State, on which affidavits being certified by such commissioner to have
been taken before him, the same process, orders and rules may issue from
the said courts or the judges thereof respectively, as if the matter in said
affidavits contained had been sworn to before the said judges in term time
or in the vacation; any law, custom or usage to the contrary notwithstanding.

III. And be it also Enacted by the authority aforesaid, That for every
affidavit so taken and certified, it shall and may be lawful for the said com-
missioners to receive the sum of four shillings, and the person under this
Act appointed by the said judges, are hereby declared to have the author-
ity thereunto competent, and any person or persons who shall, before the
commissioners by virtue of this Act be guilty of swearing falsely, shall on
conviction thereof suffer the pains and penalties by law inflicted on persons
convicted of perjury.
CHAPTER XIV.

An Act to Impower the County Courts of Pleas and Quarter Sessions of the Several Counties in This State to Order the Laying Out Public Roads, and to Establish and Settle Ferries, and to Appoint Where Bridges Shall be Built, and to Clear Inland Rivers and Creeks.

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 roads and ferries in the several counties in this State, that have been laid out or appointed by virtue of any Act of Assembly heretofore made, or by virtue of any order of court, are hereby declared to be public roads and ferries: and that from time to time, and at all times hereafter, the courts of the several counties in this State shall have full power and authority to appoint and settle ferries, and to order the laying out public roads where necessary, and to appoint where bridges shall be made, and to discontinue such roads as are now or shall be hereafter made, as shall be found useless, and to alter roads so as to make them more useful as often as occasion shall require.

II. And be it further Enacted by the authority aforesaid, That every county court within this State, is hereby authorized and impowered to call any person or persons in their respective counties to account for any monies such person or persons may have in his or their hands, by virtue of any distress heretofore made, for default of working on any road in such county, and all such monies to receive and apply towards keeping in repair the roads and bridges on which such default was made.

III. And be it further Enacted by the authority aforesaid, That all roads to be hereafter laid out shall be laid out by a jury of freeholders to the greatest advantage of the inhabitants, and as little as may be to the prejudice of inclosures, which laying out, and such damage as private persons may sustain, shall be done and ascertained by the same jury on oath, which oath shall run in these words, to-wit: “I, A. B., do solemnly swear that I will lay out the road now directed to be laid out by the court of pleas and quarter sessions, to the greatest ease and advantage of the inhabitants, and with as little prejudice to inclosures as may be, without favour or affection, malice or hatred, and to the best of my skill and knowledge. SO HELP ME GOD.” And all damages hereafter to be thus assessed shall be deemed a county charge and be defrayed from the tax on each county laid for contingent charges.

IV. And be it further Enacted by the authority aforesaid, That all roads so laid off shall be deemed public roads, and shall be at the least twenty feet wide, and where to the overseers of roads it may be deemed expedient to make or repair causeways on the same roads they shall be at least fourteen feet wide, and the earth necessary to raise or cover the said causeways shall be taken from each side of the causeway equally and so as to form a drain on each side of the said causeway; and the overseers of public roads are hereby directed to have completely cut and cleared all stumps and runners for the width of sixteen feet in the center of the high ways under their care, of which width necessary bridges through swamps and over small runs, creeks or streams, are hereafter directed to be made.

V. And be it further Enacted by the authority aforesaid, That where a bridge shall be necessary over any place where the overseer with his assistants cannot conveniently make it, the court of that county wherein such place shall be, is hereby impowered and required to contract and agree for the building, keeping and repairing thereof, and to levy the charge in
their county; and when bridges shall be necessary over any such creek or river which divides one county from another, the court of each county shall join in the agreement for building, keeping and repairing the same, and the charge thereof shall be defrayed by both counties in proportion to the number of taxable in each.

VI. And be it further Enacted by the authority aforesaid, That all and every contract, agreement and order by the justices of the court of any of the counties aforesaid, entered into or made for or concerning the building, keeping or repairing bridges in such manner as to them shall seem most proper, shall be good against them and their successors.

VII. And be it further Enacted by the authority aforesaid, That the justices of the courts through whose counties run large water courses or creeks which from the rapidity of the water, and width of the stream may be too burthensome to build bridges and keep them in repair by a tax on the inhabitants, it shall and may be lawful for the majority of the justices of such county where it may be necessary, to contract with builders to build toll-bridges or expensive causeways, for each of which each court is hereby authorised and required to lay the toll to be paid on all persons, horses, carriages and cattle passing over the same, the revenue arising from which for such a number of years as the said courts may agree upon to be granted unto the builders of the said bridges, their heirs and successors, for the building thereof, which bridges being built under the direction of the said courts, and the revenue arising from the toll thereof so granted, the said builder or builders, his or their heirs or successors, shall keep in constant repair at his or their sole expence, in default of which on conviction they are hereby declared to forfeit all right and title to the toll allowed by the court.

VIII. And be it further Enacted by the authority aforesaid, That the court of the said counties shall annually appoint overseers of the highways or roads, who are by this Act obliged to summon all male taxable from the age of sixteen to fifty (except such persons as are or shall be exempt from public services by the Assembly) within their district to meet at such places and times as to them shall seem convenient for the repairing or making such roads as shall be necessary, and except such as are or have been heretofore by law excused from appearing at musters, and such as send three slaves or other three sufficient hands to work on the public roads; and whosoever shall upon such summons refuse or neglect to do and perform their duty therein shall forfeit and pay the sum of five shillings per day for each person so neglecting or refusing, to be recovered by a warrant from any justice of the county and paid by the sheriff or constable to the overseer, and by him to be expended in hiring other hands to work on said roads.

IX. And be it further Enacted by the authority aforesaid, That any person refusing to serve as overseer on any road agreeable to the order of the county court in which he resides, shall forfeit and pay the sum of twenty pounds, to be recovered and applied as other fines and forfeitures by this Act directed. Provided, That no person shall be compelled to serve as overseer of a road in any county more than one year in three. Provided nevertheless, That nothing herein contained shall be construed to exempt overseers of slaves from working on roads. Provided also, That the overseer shall give notice to each free person or the masters, mistresses or overseers of slaves, what kind of tools they and each of them shall bring and work with on the roads at the time of summoning, and that the several persons summoned by the overseers to work on the roads as aforesaid shall
not be liable to any fine for not appearing and doing their duty unless they shall be so summoned three days before the day appointed for working.

X. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for an overseer if required by the majority of the workmen on the road assigned him, to lay off the road in equal apartments for the ease of the labourers, who shall finish his or their parts in a time agreed on between him and each free person, master, mistress or overseer, and on default of any agreeing party the overseer is hereby authorised to cause such part to be finished by hire of other persons to do the same, and thereon to tender his account and demand payment, and on refusal to warrant for the same, and to recover the money to his own use: Provided, the time agreed upon shall not exceed ten days.

XI. And be it further Enacted by the authority aforesaid, That all overseers of roads shall cause to be set up at the forks of all roads within their several districts, a post or posts with arms pointing the way of each and every road, with directions to the most public places to which they lead, with the number of miles from that place as near as can be computed; and every overseer who shall neglect or refuse to do and keep the same in repair shall forfeit and pay for every such neglect the sum of five pounds, to be recovered before any justice of the peace, and applied as other fines in this Act are directed; and every person or persons who shall wantonly remove, knock down or deface the said arms, shall for every such offence forfeit and pay the sum of five pounds.

XII. And be it further Enacted by the authority aforesaid, That the several overseers of the roads, within twelve months next after the passing of this Act, shall cause the public roads within their districts respectively, to be exactly measured, where the same has not already been done, and shall at the end of each mile, mark in a legible and durable manner the number of such miles, beginning, continuing and marking the numbers in such manner and form as the courts of the counties shall severally and respectively direct; and every overseer shall keep up and repair such marks and numbers within his district; and every overseer neglecting or refusing to mile mark, or to repair the mile marks within his district according to the intent and meaning of this Act, for the space of thirty days after their appointment to office, shall forfeit and pay the sum of forty shillings, to be recovered by a warrant before any justice of the peace.

XIII. And be it further Enacted by the authority aforesaid, That if any person or persons whatsoever shall erect or cause to be erected across any public road any bars, he shall be subject to pay to any person who may sue for the same the sum of five pounds, to be recovered before any justice of the peace, to the use of the person who may sue for the same; Provided always, That no gate on any toll-bridge shall be considered as liable to the fine hereby imposed, and no person shall turn, alter or change any public road unless it be by the order of the court of the county, founded upon the report of a jury appointed and sworn as in the cases of laying off new roads, under the penalty of five pounds for each month such road is turned out of the old course without an order of court, to be recovered on a warrant before any justice of the peace by any person suing for the same, and that the old road shall in no case be shut up until the overseer shall certify to the Court that the new opened road is in good and sufficient order.

XIV. And be it further Enacted by the authority aforesaid, That all overseers of roads who shall refuse or neglect to do their duty as is by this Act directed, or who shall not keep the roads and bridges clear and in repair, or let them remain uncleared or out of repair for and during the space
of fifteen days, unless hindered by extreme bad weather, such overseer shall forfeit for each and every such offence the sum of forty shillings over and above such damage as may be sustained, to be recovered by a warrant from any justice of the peace by any person taking out the same, and to be applied to his own use.

XV. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the courts of each and every county in this State shall have full power and authority, and they are hereby directed and required to compel all persons that now do or shall hereafter be appointed to keep a public ferry, or who shall own a bridge receiving toll within the said counties, to give good and sufficient security in the sum of five hundred pounds, payable to the chairman of the said court and his successors, with condition that he or they shall and will constantly find, provide and keep good and sufficient boats or other proper crafts, and keep such bridges in good repair as the case may be, and always to be well attended for travellers or other persons, their horses, carriages and effects over any river or creek; and if any person shall receive damage by any ferryman or keeper of a toll bridge, not having complied with the condition of his bond, the person receiving such damage shall and may bring an action of debt against such ferryman or bridge keeper on such bond in the name of the chairman, and recover for the non performance of the said condition so much damages as he, she or they shall appear to have sustained, and thereupon take out execution for whatever shall be so recovered, and apply the same to his, her or their own use; and it shall and may be lawful for any person detained at any public ferry by reason of the ferryman's not having sufficient boats, or other proper crafts and hands, or by neglecting to do his duty, by a warrant, from a justice of the peace to recover of such ferryman the sum of five pounds for every such default or neglect: Provided that any such recovery shall not be deemed to bar any action for personal damages suffered by any person or persons by reason of the insufficiency of said ferries and boats thereon, and bridges and causeways.

XVI. And, whereas, the opening and cleansing the inland rivers and watercourses within this State may tend to the ease of the inhabitants in the carriage of the produce of the country to market, and be of general utility: Be it therefore Enacted by the authority aforesaid, That the majority of the justices of the county courts shall, and they are hereby authorised and empowered where an Inland river or stream shall run through the county of which they are justices, by order of court to appoint commissioners to view and inspect such river, and make out a scale of the expense of labour with which the opening and clearing the same will be attended, and if the same shall be deemed within the compass of the abilities of the county, and shall judge the burden will be compensated by the utility, to appoint and authorise the commissioners to proceed in the most expeditious manner in the opening and cleansing the same, by taking such hands off the making or repairing the public roads as the court shall permit and direct to be appropriated for such work, which hands shall be placed under overseers in companies, every overseer and company to have a distinct portion of such rivers or streams laid off by the court, which overseers and men of companies are hereby subject to the same rules and double the penalties as by this Act imposed on the overseers and working hands upon public roads. Provided, No overseer or hands appointed to open and cleanse navigable rivers and streams shall be compelled to work on public roads.

XVII. And be it further Enacted by the authority aforesaid, That all
fines and forfeitures mentioned in this Act, and herein not applied, shall be
applied to the use of the county.

XVIII. And be it Enacted by the authority aforesaid, That all and
every public act relative to roads and water courses, and coming within the
meaning and purview of this Act is and are hereby repealed and made void
to all intents and purposes whatsoever. Provided nevertheless, That nothing
in this Act contained shall be construed to alter the method of working on
and clearing the rivers Neuse, Dan, Roanoke and Trent in the manner by the
laws hereofore enacted is directed.

CHAPTER XV.

An Act to Prevent Unjust Appeals, and to Impower the County Courts in
this State to Provide for the Safe Keeping the Estates of Idiots and
Lunaticks.

I. Whereas, an Act for the above purposes is necessary and would be
attended with general utility;

II. Be it therefore Enacted by the General Assembly of the State of
North Carolina, and it is Enacted by the authority thereof, That whenever
upon the allowance of an appeal from a judgment in any county court in
debt or otherwise, such judgment shall be affirmed in the Superior Court,
or the appellant should discontinue his appeal, then such appellant shall pay
to the plaintiff in the original action at the rate of six per cent. upon the
judgment so affirmed, the total sum mentioned in the judgment appealed
from, computing from the time of the appeal to the affirmation of the judg-
ment, and the said interest shall be added to the said judgment in the
Superior Court, and execution shall issue for the same; and in every bond
to be given for the obtaining of an appeal from a judgment in any county
court, mention shall be made in the condition thereof of the said six per
cent. be paid by the parties bound, in case of an affirmation of the judg-
ment of such county court.

III. And, whereas, there are in divers parts of this State idiots and
lunaticks possessed of considerable property who waste and destroy the
same, and make improvident dispositions thereof; Be it therefore Enacted,
That it shall and may be lawful for every county court in this State wher-
ever any such idiots or lunaticks shall be within the Jurisdiction thereof, to
appoint him or her a guardian, taking bond for the faithful administration of
the trust reposed in them, in the same manner as bonds are taken from the
 guardians of orphans; and such guardians when so appointed shall continue
during the pleasure of the court, and shall have the same powers to all
intents, constructions and purposes, and shall be subject to the same rules,
orders and restrictions, as guardians of orphans appointed by the court, such
ideoticy or lunacy to be ascertained by the inquisition of a jury by virtue of
a writ to be issued by such court to the sheriff of the county for that
purpose.

CHAPTER XVI.

An Act to Repeal an Act of the Last General Assembly, Intituled, An Act
Ceding to the Congress of the United States Certain Western Lands
Therein Described, and Authorising the Delegates from This State in
Congress to Execute a Deed or Deeds for the Same.

I. Whereas, at the last General Assembly, began and held at Hillsborough
on the nineteenth day of April last, an Act was passed ceding to the Com-
gress of the United States certain Western lands therein described, and authorising the delegates from this State in Congress to execute a deed or deeds for the same, which territory when ceded was to 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: And, whereas, the cession so intended was made in full confidence that the whole expense of the Indian expeditions and militia aids to the State of South Carolina and Georgia should pass to account in our quota of the continental expences incurred by the late war: and also that the other States holding Western territory would make similar cessions, and that all the States would unanimously grant imposed of five per cent. as a common fund for the discharge of the federal debt: And, whereas, the States of Massachusetts and Connecticut, after accepting the cession of New York and Virginia, have since put in claims for the whole or a large part of that territory, and all the above expected measures for constituting a substantial common fund, have been either frustrated or delayed:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That an Act of the last General Assembly, Intituled, "An Act ceding to the Congress of the United States certain Western lands therein described, and authorising the delegates from this State to execute a deed or deeds for the same," shall be and the same is hereby repealed, and every clause and article thereof declared null and void to all intents and purposes as if the same had never been made.

CHAPTER XVII.

An Act for Obtaining an Accurate Account of the Militia Service During the Late War, in Order that the Claims of This State Upon the United States May Be Ascertained.

I. Whereas, several States in the Union have made claims for militia service, and particular expeditions which do not fall within the description of such services as Congress have determined should be carried to the charge of the United States; and, whereas, many expeditions undertaken by the militia and other troops of this State without the express direction of Congress or any continental commander, were of such nature and so circumstanced as to preclude the possibility of an application to Congress or any such commander, without hazarding the safety of the State and endangering the common cause: In order therefore that the services and expenditures of this State in the cause of the United States may be the more easily and accurately ascertained,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That immediately after ratification of this Act, the Governor or commander-in-chief for the time being shall issue his orders to the brigadiers or commanding officers of the respective districts to collect from the different officers in such districts, and from such as have been officers at any time during the war or their representatives, complete muster rolls of all militia that have at any time been in service since the nineteenth day of April, in the year one thousand seven hundred and seventy-five, or other sufficient documents thereof, in which shall be specified the number of men, the continuance of each tour of duty, and under what command called out and continued in service.
III. And be it further Enacted by the authority aforesaid, That the several brigadiers or commanding officers shall call upon all officers within their respective districts, and all others who have acted as officers at any time during the war or their representatives, as well those who have filled the office of brigadiers as others for all such muster rolls, letters from superior officers, and other documents of whatever kind, whether from civil or military authority, which may now be in the possession of them, or which they or any of them have in their power to procure; and all demands and requisitions made by virtue of this Act shall be in writing; and the colonels or commanding officers of counties shall issue their orders in like manner to the other field officers and captains in their respective districts, and when any person who acted as an officer of any denomination shall be dead or removed, the requisition in case of death shall be made to the representatives of the deceased person, and in case of removal (if to any other county in the State) to the commanding officer of such county; and the several brigadiers and other officers are hereby required and directed to call on all and every person and persons who may have in their possession any of the documents required by this Act, and if any person or persons shall refuse or neglect to deliver any muster rolls, letters or documents required by this Act, or shall refuse or neglect to certify and authenticate such muster rolls, letters or documents, or shall refuse or neglect to give such information in writing as he may be possessed of, the person so offending shall forfeit and pay the sum of fifty pounds, to be recovered by action of debt in the name of the Governor for the time being, in any court of record having cognizance thereof.

IV. And be it further Enacted by the authority aforesaid, That the Governor for the time being shall cause to be collected all letters from general officers of the United States, all orders for calling into actual service the State regiment and militia, and all letters from continental officers to the executive authority of this State, as also to call upon the comptroller for such papers and documents as may be in his office as have a tendency to support the demands hereby intended to be made, and have fair copies made of such letters or orders, or such extracts from the letters as may be necessary to effect the purposes intended by this Act; and the Governor for the time being is required to use all possible dispatch in every part of the business required by this Act, so that the necessary documents may be in readiness to be forwarded to the delegates of this State in Congress on or before the first day of October next, and to forward them accordingly as soon as they shall be prepared for that purpose.

V. And be it further Enacted by the authority aforesaid, That the Governor shall by virtue of this Act instruct the delegates of this State in Congress to lay the above-mentioned documents before Congress, and in the name of the State to require that this State shall have credit with the United States for the expence of the different expeditions and militia service in such manner as may be consistent with equity and justice, having a due regard to the remote situation of this State from Congress and the commander-in-chief during a great part of the war, and to the pressing necessity of the different services when there was no continental general in the Southern department.
CHAPTER XVIII.

An Act to Amend an Act Passed at the Last Session of the General Assembly, intituled, "An Act for the Relief of Such Persons as Have Been Disabled by Wounds or Rendered Incapable or 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. Whereas, the mode prescribed in the before recited Act for the relief of persons therein described, is found to be inconvenient to those who apply to the General Assembly, and an estimate of the amount, such applications and advances from the public treasury cannot be made with ease and precision;

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 at the first court which shall be held in each county after the first day of January in every year, the justices of the several county courts are empowered, and they are hereby authorised and required to receive the applications of all persons within their counties respectively of the description mentioned in the aforesaid Act, and thereupon determine such sum of money as they may judge necessary for the relief of such persons for one year, and enter the same upon record.

III. And be it further Enacted by the authority aforesaid, That the said several county courts at their first session on or after the first day of January in every year, are empowered, and they are hereby authorised and required to levy a tax within their respective counties, on the same principles and in the same proportion with respect to land, polls and other taxable property prescribed for public and county taxes, as may be sufficient to pay and discharge the several sums which may be granted for the relief of the persons described aforesaid.

IV. And be it further Enacted by the authority aforesaid, That the tax so laid for the purpose aforesaid, shall be collected and accounted for by the same officers, and under similar rules, regulations and penalties; and they are entitled to the same emoluments as are or may be provided for the collection and payment of public and county taxes within this State.

V. And be it further Enacted by the authority aforesaid, That the tax collected as aforesaid, shall be paid into the hands of some discreet person appointed by the court as treasurer for that purpose, who shall enter into bond with sufficient security, conditioned for the faithful discharge of the trust reposed in him, and whose duty it shall be to receive the said tax, and pay out the same agreeable to the order of the said courts from time to time; for which service the said treasurer shall be allowed two per cent. and no more: and every of the treasurers so appointed as aforesaid, shall lay before their respective county courts annually a fair state of their several accounts, under the penalty of two hundred pounds, recoverable in the said county courts respectively, and applied in aid of the county tax.

VI. And be it further Enacted by the authority aforesaid, That the several treasurers aforesaid shall, and they are hereby required, in the latter end of every third year after the first day of January next, to transmit to the public treasurer a fair and just statement of all their receipts and payments during the three preceding years, for the relief of the persons before described respectively, under the penalty of five hundred pounds, to be recovered and applied to the use of the State; and the said public treasurer is hereby required to lay the said accounts before the next General Assembly, in order that the same may be examined, and due credit given to such
counties as may have advanced more than their equitable share of money for the purposes aforesaid.

CHAPTER XIX.

An Act to Prevent the Issuing of Grants for Lands on the Western Waters to Such as Have Paid for the Entry Thereof in Counterfeit Certificates, and Until the Surveyors' Fees Shall be Paid, and Making Provision for Those Who May Have Entered Lands Previously Located by Others.

I. Whereas it hath been made known unto this General Assembly by the entry-taker appointed under an Act of Assembly passed at Hillsborough on the eighteenth day of April, in the seventh year of American Independence, intitled, An Act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army, that large sums of counterfeit specie certificates have been paid into his office for entries of lands made under the said Act, for which grants have not yet been issued from the secretary's office as by the said Act is directed.

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 said entry-taker to deliver to the secretary of state, all such counterfeit certificates so received with an endorsement of the persons by whom paid, which certificates shall be accompanied with descriptive lists of each parcel of the counterfeit certificates as aforesaid, containing an account of each certificate, the board of auditors in whose name issued, and the person to whom said to be issued, the amount of certificates, by whom paid, with the quantity of land and number of entry, which shall be subject to a detention of grant as by this law directed, to which the entry-taker aforesaid or his assistant in office shall subjoin the following affidavit: "I do swear that the above list is just and true to the best of my knowledge, SO HELP ME GOD." Which oath the secretary of State is hereby required and empowered to administer.

III. And be it further Enacted by the authority aforesaid, That the certificates being returned into the said office of the secretary of State under the restrictions before recited, it shall and may be lawful for said secretary to stop in his office the grants of lands for which the entries thereof have been paid for in counterfeit certificates, agreeable to the entry taker's return aforesaid, until the same shall be exchanged by the person or persons claiming such grant, with good and true specie or other certificates to the same value as by law directed to the amount of such counterfeit certificates paid for the same, or with the paper currency of this State, emitted under the Act of Assembly passed at Hillsborough in the month of April, one thousand seven hundred and eighty-three, intituled, An Act for emitting one hundred thousand pounds in paper currency for the purposes of government for seventeen hundred and eighty-three, for the redemption of paper currency now in circulation, and advancing to the continental officers and soldiers part of their pay and subsistence, and for levying a tax and appropriating the confiscated property for the redemption of the money now to be emitted.

IV. And be it further Enacted by the authority aforesaid, That the secretary shall give the entry taker a certificate of the amount of counterfeit certificates by him received by virtue of this Act, which certificate shall be a sufficient voucher for said entry taker in passing his public accounts; a any law, usage or custom to the contrary notwithstanding.
V. And whereas the surveyors appointed by the last General Assembly to survey and lay off the lands on the western waters, from the far distant residence of the numerous proprietors may find it impracticable to collect the fees for their services: Be it therefore Enacted by the authority aforesaid, That where the persons claiming grants under their entries and surveys shall not produce receipts of their having paid the surveyor or surveyors, then it shall and may be lawful for the secretary of State to demand and receive the same, and without discharge of which he is hereby directed to stop the said grants.

VI. And be it Enacted by the authority aforesaid, 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 be at full liberty to remove his or their warrant or warrants to any other lands on which no entry or entries have been previously specially located; and the surveyor or surveyors are hereby authorised and required to survey and make return thereof in like manner as for other surveys and return as by law directed.

VII. And be it further Enacted by the authority aforesaid, That in case it shall happen that there is not a sufficient quantity of tillable land within the boundaries laid off for the officers and soldiers of the continental line of this State, the deficiency shall and is hereby directed to be made up on any unappropriated lands within the limits of this State, any law to the contrary notwithstanding.

CHAPTER XX.

An Act to describe and ascertain such persons who owed Allegiance to this State, and to impose certain Disqualifications on certain persons therein described.

I. Whereas the citizens of this State at the expense of much blood and treasure have emerged from a cruel and dangerous war, and whereas sundry persons who resided within this State, and who by every moral and political obligation owed obedience and allegiance to the same being lost to a sense of the rights of mankind, attached themselves to the then common enemy and continued with them throughout the late war, whereby the calamities thereof were greatly increased. And whereas in all well regulated governments it is just and necessary to prevent all such persons as may be dangerous to the harmony of the community from participating in the public councils and in the government 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 all and every person above the age of twenty-one years, who at any time voluntarily attached himself to, or traiterously corresponded with, or in any manner aided or abetted the British troops in prosecuting the late war, shall be incapable of holding and exercising the office of Governor, counsel or State, delegate in Congress, judge or justice of the peace, member of the General Assembly, sheriff, coroner, clerk of a court and all military offices.

III. And be it further Enacted by the authority aforesaid, That any person of the above description offering himself as a candidate or consenting to serve as a member for any county in the General Assembly of this
State, shall forfeit and pay the sum of fifty pounds for every such offence, to be recovered in any court of record within this State, one half to be applied to the use of the prosecutor and the other half to the use of the county where such offence may happen.

IV. Provided nevertheless, That nothing contained in this Act shall be construed to encourage or permit the return to this State of any person who may have been a resident of the same, and who has at any time during the late war attached themselves to the enemy, and who may have acted by commission or otherwise as officers, in any military or judicial department, and who have not submitted to the laws of this State before the day of the ratification of the definitive treaty.

CHAPTER XXI.

An Act for Altering the Oath of Allegiance, and the Oath and Affirmation of Fidelity.

I. Whereas the oath of allegiance and abjuration required to be taken by persons holding places of trust and profit, and the oath and affirmation of fidelity were framed in the infancy of the present government, when the dominion and sovereignty of this State were claimed by the king and parliament of Great Britain: And whereas by the late treaty of peace the said king hath expressly acknowledged this State, and the other United States, to be free sovereign and independent: It is therefore become necessary that the oaths and affirmation should be altered.

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same: That every person who shall hereafter be elected a member of the General Assembly or who shall be appointed to hold any office of trust or profit in this State, shall before taking his seat in the General Assembly or executing the office to which he shall be appointed, make oath to, repeat and subscribe the following form, viz.: "I, A. B., do solemnly and sincerely swear that I will be faithful and bear true allegiance to the Independent State of North Carolina, and to the powers and authorities which are or may be established for the government thereof, not inconsistent with the constitution; and I will do my utmost endeavour to disclose and make known to the legislative or executive powers of the said State, all treasons and traitorous conspiracies which I shall know to be made or intended against the said State: and I do faithfully promise that I will endeavour to support, maintain and defend the independence of the said State against all persons and powers whatsoever; and all these things I do plainly swear according to these express words by me spoken, and according to the plain and common sense and signification of the same words, heartily, willingly and truly, and without any equivocation, mental evasion or secret reservation whatsoever. SO HELP ME GOD."

III. And be it further Enacted by the authority aforesaid, That all persons hereafter to be admitted citizens of this State, or who shall be required to take an oath of allegiance and fidelity thereto (Quakers, Moravians, Menonists and Dunkards excepted) shall take and subscribe the following oath, that is to say: "I, A. B., do swear that I will be faithful and bear true allegiance to the State of North Carolina, and I will truly endeavour to support, maintain and defend the independent government thereof, against all powers and persons who by secret arts or open force shall endeavour to subvert the same, and will in every respect conduct myself as a peaceable orderly citizen, and that I will disclose and make known to the legislature,
or some person or persons in civil authority, all treasons, conspiracies or attempts committed or intended against the said State which shall come to my knowledge, SO HELP ME GOD.” And all Quakers, Moravians, Menonists and Dunkards to be admitted citizens, or who shall be required to testify their fidelity to the State, shall make the following affirmation, that is to say: “I, A. B., do solemnly and sincerely declare and affirm that I will pay obedience to the Independent State of North Carolina, and to the powers and authorities which are or may be established for the good government thereof, and that I will disclose and make known to the legislature or some person or persons in civil authority, all treasons, conspiracies or attempts committed or intended against the said State which shall come to my knowledge.” Provided always, That this Act shall not be in force until after the first day of April next.

CHAPTER XXII.

An Act to amend an Act intitled, 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 it is found highly inconvenient to the members of the General Assembly to give their attendance on the first Monday in October annually;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is Enacted by the authority of the same: That the next annual meeting of the General Assembly shall be on the first Monday in November next; and annually on the same day in each succeeding year: and that it shall and may be lawful for the first Assembly, at their first annual meeting to choose a Governor and other officers of State, to succeed such as may be now chosen by the General Assembly.

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

CHAPTER XXIII.

An Act to prevent persons holding Offices of profit from enjoying seats in the General Assembly.

I. Whereas it is contrary to the spirit of the constitution, and the principle of a genuine republic, that any person possessing a lucrative office, should also hold a seat in the general representative of the people:

II. Be it therefore Enacted by the General Assembly of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the present session of the General Assembly, every person holding a public office of profit, either by stated salary or commissions, shall be and they are hereby declared to be incapable of being elected as members to serve in the General Assembly, or to enjoy seats therein; and any member of the General Assembly who shall accept any such office shall thereby vacate his seat, any law, usage or custom to the contrary notwithstanding.
CHAPTER XXIV.

An Act to limit the time of the continuance of the several Boards of Auditors in this State, and of the Board for settling and liquidating the accounts of the Continental Officers and Soldiers to a certain period, and to impower the Treasurer to pay out of the Tax for the year Seventeen Hundred and Eighty-Four the money which was to have been paid agreeable to an Act of Assembly passed at Hillsborough in June last.

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 each of the boards of auditors in this State shall continue to sit and execute the business of its institution for thirty days between the passing of this Act and the first day of February next, and shall from and after the said time be, and each of the said boards are hereby dissolved: and also the board for settling and liquidating the accounts of the officers and soldiers of the continental line belonging to this State shall continue to sit and exercise the powers with which they are invested by law, until the first day of February next, and afterwards shall be dissolved and entirely annihilated. And each of the boards above mentioned shall as soon as may be after the passing of this Act, give public notice in the North Carolina Gazette where it may be conveniently done, or if it cannot be done then in the most public places in the district wherein each of the said boards have usually been set.

II. And be it further Enacted by the authority aforesaid, That the public treasurer be and he is hereby required to pay into the hands of Benjamin M'Culloch and Henry Montfort, the balance yet deficient of the sum directed to be paid into the hands of the commissioners for settling and liquidating the officers and soldiers accounts by an Act passed at Hillsborough in June last, out of the monies arising from the tax for the year one thousand seven hundred and eighty-four; and that their receipts for such money shall be a voucher for the treasurer in the settlement of his accounts with the public.

III. And be it further Enacted by the authority aforesaid, That upon the commissioners appointed to settle and liquidate officers and soldiers accounts, settling any account with officer or soldier not having money in their hands, they shall issue to such person a certificate for three fourths of the sum due, agreeable to law.

IV. Whereas the auditors for the district of Hillsborough, by removal and refusal will leave the said district without persons to settle and adjust the accounts thereof: Be it therefore Enacted by the authority aforesaid, That John Young, Samuel Smith and Alexander Mebane, shall be and they are hereby appointed auditors for the said district, which persons before entering on their office shall take the oath appointed by law.

CHAPTER XXV.


I. Whereas the justice and policy of a rising commercial republic requires that all foreigners, transient persons, owners, masters, supercargoes or mariners of all foreign vessels, and all mariners and seafaring men whatever, and affairs maritime and mercantile should not be subject to the delays arising from the forms of courts of law heretofore established.

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 each of
the towns of Edenton, Washington, New Bern and Wilmington, a judge shall
be appointed by the General Assembly, who on any complaint made of wrong
done or contract broken by, or to any foreigners, transient persons, owners,
masters, supercargoes or mariners of foreign vessels, or any seafaring men,
or on any subject whatever of a maritime or mercantile nature relative to
the above description of persons in the above named towns, or in the ports,
harbours, inlets or towns situated within the respective districts of Edenton,
Washington, New Bern and Wilmington aforesaid, then the said judge shall
by his precept directed to the sheriff, cause to be summoned before him, the
parties and all and every person who can give testimony in the cause to
appear before him, and a jury of good and lawful men of the above men-
tioned places or neighbourhood thereof; to whom shall be allowed the usual
challenges, that of want of freehold excepted; who are to decide in the mat-
ter of controversy depending, agreeable to the laws merchant and mari-
time, and amongst civilized nations, and the decision shall be made within
twelve days from the notice issued.

III. And be it further Enacted by the authority aforesaid, That the courts
by this Act established shall have cognizance of all matters and things in
action relative to or proceeding from the laws heretofore made or hereafter
to be made for seizures of vessels or imported merchandizes, or to fines or
forfeitures for defrauding the revenues of this State.

IV. And be it further Enacted by the authority aforesaid, That if any
person or persons shall think himself or themselves aggrieved by any deci-
sion made in the courts aforesaid, then it shall and may be lawful for him
or them to appeal to the succeeding court of law and equity within their
respective districts on the equity side of the said courts to which the said
appeal is prayed and returned, the cause shall be finally heard and deter-
dined, and if the person or persons praying such appeal are residents of
this State, and the decree of the superior court of law and equity shall be
for the appellee or appellees, then shall the said citizen with amount of
judgment affirmed be obliged instanter to pay the same and treble cost of
suit for the use of the appellant.

V. And be it further Enacted by the authority aforesaid, That all pro-
cess from the courts by this Act established shall have equal power and
authority with other process from any court of record within this State, of
which number the said courts hereby established shall be held and deemed
to all intents and purposes.

VI. And be it further Enacted by the authority aforesaid, That unto the
courts by this Act created shall be added the jurisdiction heretofore exer-
cised by courts of admiralty in this State, with the powers and authorities
thereunto incident.

VII. And be it further Enacted by the authority aforesaid, That the pro-
cedings in the courts hereby established shall be by libel or petition and
answer, and that the rules of decision shall be the law of nations, the cus-
ton of merchants, the ordinances of Congress, and commercial treaties of
the United States.

VIII. And be it further Enacted by the authority aforesaid, That to the
said courts shall be allowed two officers, to wit, register and marshall; and
on every cause the judge shall be entitled to the following fees, to wit;
on every cause first day one pound six shillings and eight pence; on every
day more than one sitting thirteen shillings and four pence; for warrant
of arrest or other warrant two shillings; for admitting libel or petition
two shillings; for filing answer two shillings; for every citation two shil-
lings; for every definitive sentence ten shillings. Register the following fees, to wit: for filing every paper one shilling; registering libel, answer, replication or decree, five shillings; taking every affidavit in writing one shilling; dismission of suit, continuance and citation, one shilling and six pence; for every subpoena one shilling. And the marshal shall be allowed the following fees, to wit: for service and return of every warrant, decree, citation, movitio or notice, five shillings each; for attending every day the court shall sit, and two and an half per cent. on all sales made in virtue of a decree of said court, five shillings; and all costs of suits shall be paid by the party cast. Provided always, That this Act shall not extend to any foreigner or foreigners, or other persons who shall have resided six months in this State. And Provided always, That no debt shall be sued for and recovered in virtue of this Act, unless the contract was made or the debt created within this State.

CHAPTER XXVI.

An Act to prevent Horse-Stealing.

I. Whereas it is represented to this General Assembly that a banditti of rogues have confederated to steal horses in the frontiers of this State, and the neighboring States, and by shifting them from one to another pass them through many hands so suddenly and secretly that when one is detected with a stolen horse they have witnesses among themselves to enable the possessor to prove a purchase from a second, and be from a third, and during the time necessarily taken up in proving the pretended past purchases, the confederated villain who first stole the horse has notice from the others to make his escape and elude justice.

II. Be it therefore Enacted by the General Assembly, and by the authority of the same, That from and after the passing of this Act every person who shall purchase or obtain by swap any horse, mare or gelding, shall take a bill of sale for the same, attested by one or more witnesses, and shall take a written certificate thereof before some justice of the peace; which bills of sale and certificates shall set forth the names of the parties, the places of their abodes, and the colour and description of the horse, mare or gelding so sold or swapped.

III. And be it further Enacted by the authority aforesaid, That no person prosecuted for stealing any horse, mare or gelding, shall on his trial for the same be permitted to give in evidence or allege for his acquittal any purchase or swap, unless a bill of sale or certificate of such sale or swap from some justice of the peace was actually obtained.

CHAPTER XXVII.

An Act to alter the time of holding the several County Courts of Pleas and Quarter Sessions therein mentioned, and for appointing a Vendue Master in the Town of Edenton.

I. Whereas the times appointed by law for holding the county courts of pleas and quarter sessions of Nash, Mecklenburgh, Lincoln, Greene, Washington and Sullivan counties, are found to be inconvenient;

II. Be it therefore Enacted by the General Assembly, and by the authority thereof, That from and after the passing this Act the county courts of pleas and quarter sessions of the county of Mecklenburgh shall be held on the
fourth Mondays of December, March, June and September; of Lincoln on the first Mondays in January, April, July and October; of Greene on the first Mondays in May, August, November and February; of Washington on the second Mondays in said months; of Sullivan on the third Mondays in said months.

III. And be it further Enacted by the authority aforesaid, That all suits, causes, matters and things depending in the said courts, every recognizance and every process continued or returnable to the days heretofore appointed by law for holding the said courts, shall stand continued and returned to the days appointed by this Act for holding the said courts, and shall have the same force, effect and validity, as if they had been continued and made returnable to the days appointed by this Act for holding said courts.

IV. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the county courts of Nash shall be held on the second Mondays in February, May, August and November; and the justices of the said county court are hereby authorised and required to hold the next county court on the said second Monday in February next; and all returns of writs, recognizances and other documents, shall be made on the said second Monday of February next; and all proceedings thereon shall be good and valid in law, as if the same had been returned on the first Monday of January, any law to the contrary notwithstanding.

V. And whereas Edmund Blount, who was appointed vendue master for the town of Edenton by Act of Assembly passed at Hillsborough, then was and still continues to be sheriff of the county of Chowan, by which means the first office remains vacant; Be it therefore Enacted by the authority aforesaid, That Matthew O'Mally be, and he is hereby appointed vendue master of the town of Edenton, in the room of the aforesaid Edmund Blount, to have and enjoy the same privileges and emoluments, and to be under the like penalties, regulations and restrictions, any law to the contrary notwithstanding.

CHAPTER XXVIII.

An Act for dividing the District of Morgan.

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 district of Morgan be divided in the following manner, that is to say: The counties of Burke, Lincoln, Rutherford and Wilkes, shall be and remain the district of Morgan; and the counties of Washington, Sullivan, Davidson and Greene, immediately after the passing this Act shall be and are hereby declared to be a distinct and separate district by the name of Washington; and an assistant judge and attorney general shall be nominated and appointed by the General Assembly for the superior court of law and equity for the said district, and to exercise the same powers, and to have the same privileges and emoluments within the said district as the judges and attorney general within this State hold and exercise, and shall twice every year sit and hold a superior court of law and equity, one session thereof beginning on the fifteenth day of February, and the other on the fifteenth day of August annually; and the said sessions respectively shall each be continued by adjournment for ten days, exclusive of Sundays, unless the business depending in such court shall be sooner finished.

II. And be it further Enacted by the authority aforesaid, That the
judges of the said superior court of law and equity for the said district of Washington shall possess and exercise as full and ample power and authority in all causes, matters and business whatsoever, both in court and out of court within the said district of Washington as the judges of the several superior courts of law and equity for this State do now possess or may exercise in any other district of this State; and the judges shall be allowed for attendance and service at every court held for the said district of Washington, the sum of fifty pounds each; and the attorney-general, or in his absence such gentleman as the court shall appoint to transact the business in his department, the sum of forty pounds.

III. And be it further Enacted by the authority aforesaid, That the several county courts in the said district of Washington, at their respective sessions next before the sitting of the superior court of law and equity therein, shall appoint persons to serve as grand and petit jurors at the same as follows: In Washington fifteen, in Sullivan twelve, in Greene twenty-one; who shall receive the same pay, and be liable to the same penalties as jurymen appointed to serve at the superior courts of law and equity in other districts.

IV. And be it further Enacted by the authority aforesaid, That the county courts of Morgan district shall appoint jurymen to serve at the superior courts of law and equity therein as follows: Burke, sixteen; Lincoln, thirteen, Wilkes, nine; Rutherford, ten.

V. And be it further Enacted by the authority aforesaid, That if the day of the month as above prescribed for the first day of any term of said superior court of law and equity for the district of Washington shall happen to be Sunday, then such term shall begin on the day following; and that the same courts for the district of Washington shall be held at Washington court house until some other place shall be appointed by Act of Assembly.

VI. And whereas one judge cannot decide on demurrers, writs of error, and other matters that may arise before said judge; Be it therefore Enacted by the authority aforesaid, That when any one of the Judges of the former superior courts of law and equity shall attend said court, he shall be allowed the sum of eighty pounds for his services.

CHAPTER XXIX.

An Act for the encouragement of Learning in the District of Salisbury.

I. Whereas it appears to this General Assembly by the petition of the trustees of an academy at Charlotte in Mecklenburg county, lately known by the name Liberty Hall, that from various reasons the same is in an entire state of decay, and that it would be more eligible to have an academy for the education of youth at or near Salisbury, in the county of Rowan; and whereas the General Assembly are at all times disposed to give every proper encouragement for the promotion of learning, virtue and religion;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is Enacted by the authority of the same: That his excellency Governor Martin, the Hon. Samuel Spencer, Abraham Alexander, John McKnitt Alexander, Adial Osborn, Samuel M'Cockie, James Hall, David Caldwell, Spruce McCoy, Anthony Newman, William H. Harington, Matthew Locke, Thomas Polk, William Sharpe, Adam Alexander, Peter Randolph, Joseph Williams, Benjamin Herndon, George Henry Burger, Joseph Winston, John Brown, William Hill, Caleb Pifer, Joseph Dickson, John Walker, Charles M'Dowall, Thomas Frohock, Valentine Beard, John Lewis Beard,
Sam. Shutes, John Steele, Maxwell Chambers and Matthew Troy, shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the title of 'The trustees of Salisbury academy,' late known by the name of Liberty Hall; and by the name of the trustees of Salisbury Academy shall have perpetual succession and a common seal; and that the said trustees and their successors by the name aforesaid, or any nine or more of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels, that shall be given them for the use of the said academy, and the same apply according to the will of the donors; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors forever, any lands, rents, tenements or hereditaments of what kind, nature or quality soever the same may be, in special trust and confidence that the same or the profits thereof, shall be applied to and for the uses and purposes of establishing and endowing the said Salisbury academy in the county of Rowan, building or purchasing suitable and convenient houses for the same, providing a philosophical apparatus and public library, and supporting and paying salaries to the president and such number of professors and tutors thereof as shall be necessary to instruct the students, and such as they shall be able to pay out of the funds that shall be in their hands.

III. And be it further Enacted by the authority aforesaid, that the said trustees and their successors, or any nine or more of them by the name aforesaid, shall be able and capable in law to bargain, sell, grant, demise, alien or dispose of, and convey and assure to the purchasers, all such lands, rents, tenements or hereditaments aforesaid, when the condition of the grant to them, or the will of the devisor doth not forbid the same: And further that the said trustees and their successors for ever, or any nine or more of them shall be able and capable in law by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered in all courts of record whatsoever.

IV. And be it further Enacted by the authority aforesaid, That the said trustees or any seventeen or more of them be, and they are hereby empowered and authorised to convene at Salisbury on the twenty-second day of March next after passing this Act, and then and there agree and determine on the place where it may appear to them or a majority of them then present most convenient and proper to purchase or erect buildings for the said seminary; and also then and there elect and constitute by commission in writing under their or a majority of their hands, and sealed with the common seal of the corporation, a proper person to preside at the said academy, who shall be a trustee during his continuance in office; and such president being so elected and commissioned, and the trustees or their successors, or any nine or more of them, at all other times thereafter, when convened and met together within the said county of Rowan, shall have full power and lawful authority to elect and constitute one or more professors or tutors, a secretary, a treasurer and steward; and also to make and ordain such laws, rules and regulations, not repugnant to the laws of this State, for the well ordering and governing the students, their morals, studies and academical exercises, as to them shall seem meet; and to give certificates to such students as shall leave the said academy, certifying their literary merit and the progress they have made in useful knowledge; in general they shall or may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue; And also that the said trustees, or any nine or more of them are hereby impowered, and shall have lawful authority to remove or
displace the professors or tutors, the secretary, treasurer and steward, or
any of them, if they should find it necessary; and further, that on the death,
resignation or refusal to act, of either the professors or tutors, the secre-
tary, treasurer or steward, others shall be elected in the room and stead of
those dead, resigned or refusing to act.

V. And be it further Enacted by the authority aforesaid, That the treas-
urer of the said board of trustees shall enter into bond with sufficient secu-
ritv to the trustees aforesaid in the sum of one thousand pounds, conditioned
for the faithful discharge of his office, and the trust reposed in him, and
that all monies and chattels belonging to the said corporation that shall be
in his hands at the expiration of his office shall then be immediately paid and
delivered into the hands of the succeeding treasurer; and every treasurer
shall receive all monies, donations, gifts, bequests and charities whatsoever,
that may belong or accrue to the said academy during his office, and at the
expiration thereof shall account with the trustees for the same, and the
same pay and deliver over to the succeeding treasurer; and on his neglect
or refusal to pay and deliver as aforesaid the same method of recovering may
be had against him as is or may be provided for the recovery of monies
from sheriffs or other persons chargeable with public monies.

VI. And be it further Enacted by the authority aforesaid, That on the
death of any trustee, or in case any trustee should resign or neglect to
serve during the space of two years after his or their appointment, then
said trustees or any nine or more of them shall elect some fit person or
persons in the room of him or them dead, resigning or so neglecting to act.

VII. And be it further Enacted by the authority aforesaid, That nothing
contained in this Act shall be considered as tending to prevent the trustees
from distinguishing their public hall, or their library by the names of such
persons as may within two years give the most liberal donations to the said
seminary. Provided That this seminary shall not be construed to be one
of those mentioned in and intended by the constitution.

CHAPTER XXX.

An Act for levying a Tax in the Counties in Hillsborough and Salisbury
Districts for the repairs of the District Buildings in the Towns of Hills-
borough and Salisbury, and directing the method of calling to Account
all Commissioners of Public Buildings heretofore or hereafter to be
appointed.

I. Whereas it is necessary that the court house, prison and stocks, in the
town of Hillsborough should be put in good repair, and it has been ascer-
tained that the provision heretofore made is not sufficient for the purpose
aforesaid; and whereas it is just and right that the counties in the district of
Hillsborough should contribute their quotas for the repairs 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
there shall be collected the sum of four-pence for each and every hundred
acres of land, and the sum of one shilling for each and every person liable
by law to pay a poll tax in the county of Orange, for the year one thousand
seven hundred and eighty-five.

III. And be it further Enacted by the authority aforesaid, That each and
every hundred acres of land shall be subject to a tax of two pence, and that
each and every person subject to a poll-tax shall be liable to pay the sum of
six pence, for the year one thousand seven hundred and eighty-five, in the
counties of Wake, Chatham, Randolph, Granville and Caswell, for the repairs of the court house, prison and stocks, in the town of Hillsborough; and that those taxes be collected by the same persons in each county as other county taxes are collected, those collectors to be subject to the same rules, regulations, restrictions and penalties, that collectors of public monies are.

IV. And be it further Enacted by the authority aforesaid, That the inhabitants of the town of Hillsborough pay a tax of one shilling in every hundred pounds taxable property.

V. And be it further Enacted by the authority aforesaid, That Joseph Stewart, Richard Bennehan, James Mebane and Teagam Jones, are hereby appointed commissioners for the said repairs, and are authorised to receive the said taxes so to be collected from the collector; and the said commissioners are by this law authorised to sue for and recover the said taxes as district treasurers have heretofore been authorised.

VI. And be it Enacted by the authority aforesaid, That if any surplus money should remain in the hands of the commissioners they are directed to return to the justices of the county that which has been by them paid over and above, which said surplus shall by the county court be applied as part of the county tax.

VII. And be it further Enacted by the authority aforesaid, That the said commissioners shall take an oath for the faithful performance of the trust in them reposed by this Act.

VIII. And for erecting a district court house in the town of Salisbury: Whereas, the court house in the town of Salisbury is so far decayed that it is impracticable to repair the same: Be it therefore Enacted by the General Assembly, and it is hereby Enacted by the authority of the same, That for the year one thousand seven hundred and eighty-five, one shilling on every poll, and four pence on every hundred acres of land, be levied in the county of Rowan; and six pence on every poll, and two pence on every hundred acres of land in the counties of Mecklenburg, Anson, Richmond, Montgomery, Surry and Guilford, and a tax on every hundred pounds value of town lots with their improvements equal to that of a poll in the several counties in the said district, to be collected and accounted for in the same manner as other taxes, for the purpose of building a court house in the town of Salisbury for the district thereof.

IX. And be it further Enacted by the authority aforesaid, That Maxwell Chambers, Anthony Newman and John Lewis Baird, are appointed commissioners for building said court house, who shall enter into bond to the chairman of the county court of Rowan, conditioned that they shall faithfully account for all such sums of money as they shall receive for the purposes aforesaid; and the several sheriffs of Rowan, Mecklenburg, Anson, Richmond, Montgomery, Surry and Guilford counties, are hereby directed and required to pay the monies arising from the said taxes into the hands of the said commissioners for the purposes aforesaid: and in case that any of the said sheriffs shall make default in payment of the monies as aforesaid the said commissioners or any one of them are hereby empowered to sue for and recover said monies of such sheriff, together with costs of suit.

X. And, whereas, great abuses have arisen from the neglect of the several commissioners heretofore appointed within this State, for the repairing as well of the district as of the county court houses, and other public buildings: Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the justices of the several county courts within this State be and they are hereby empowered, authorised and required, whenever they think necessary, to call
on all and every person who is, has been or shall be a commissioner for building or repairing public buildings, whether for the district or the counties wherein they reside, to call for all monies by them received for any or either of the aforesaid purposes; and on failure, neglect or refusal, of any commissioner when called on by the justices of any county court, to lay before them an account of all monies by them received and the expenditures of the same, it shall and may be lawful for the said justices to enter up judgment against such delinquent commissioner or commissioners for such sum or sums of money as by the receipts of the county treasurer, sheriffs or collectors, they may appear to have received, and execution for the same may and shall issue for the same to the use of the county or district, as the case may be, with costs; any law to the contrary notwithstanding.

XI. And be it further Enacted by the authority aforesaid, That the tax levied by Act of Assembly passed at Hillsborough in the year one thousand seven hundred and eighty-three for repairing the court house and prison in the town of Salisbury, be converted to the use of rebuilding said court house, and repairing the prison.

CHAPTER XXXI.

An Additional 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 Gaol for the District of Wilmington, and Other Purposes;" Passed at Hillsborough in the Year One Thousand Seven Hundred and Eighty-Three: And an Act, intituled, "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 Gaol for the District of Wilmington, and Other Purposes, and for Repairing the Court House of Said District;'" Passed at Hillsborough Last Assembly.

I. Whereas, the trustees named in the Act for purchasing a lot or lots in the town of Wilmington, for the purpose of building a gaol for the district of Wilmington, have failed to purchase the said lot or lots, and to collect the monies imposed by the same Act, or to perform any part of the services required thereby, or by an Act to amend the said Act, passed by the last General Assembly; and, whereas, the most of the said trustees live at such a distance from each other that it is inconvenient for them to meet so frequently as may be necessary to carry into effect the purposes intended by the said Acts;

II. Be it therefore Enacted by the General Assembly of North Carolina, and it is hereby Enacted by the authority of the same, That James Gaskie, John Fergus, James Read, John Huske, Thomas McClain, Henry Toomer and Alexander Hestler, be and they are hereby nominated and appointed trustees in addition to the persons named in the first mentioned Act to carry the said Act and the Act to amend the same, passed last General Assembly, into effect; and the said trustees or a majority of them are invested with all the powers and authority to carry the same Acts into execution with which the trustees named in the said first mentioned were invested.
CHAPTER XXXII.

An Act to Establish the Principal Streets of Fayetteville as Laid Down in a Plan of the Said Town by Commissioners Appointed by an Act Passed at Hillsborough, the Eighteenth Day of April, in the Seventh Year of the Independence of This State, intituled, "An Act for Appointing the Several Persons Therein Named to Lay Out the Streets in Upper Camberton in Cumberland County, and for the Future Regulation of the Said Town, and Giving a Further Time for Saving Lots in the Lower Town, and For Altering the Name of Camberton to Fayetteville."

I. Whereas, the persons by the said Act appointed have surveyed and laid off six principal streets and two squares in the said town, as by a plan thereof returned to the last session of Assembly and lodged in the secretary's office will more fully appear;

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 principal streets and squares shall be confirmed and established agreeable to the said plan, and hereby they are confirmed and established.

III. And be it further Enacted by the authority aforesaid, That all power and authority by the said recited Act given to the commissioners that hath either not been enforced or hath been suspended, shall succeed to the directors chosen by the inhabitants of the said town on the first day of January last, and their successors in office, together with the authority by the said Act granted to the said directors as a body corporate.

IV. And be it further Enacted by the authority aforesaid, That any person or persons convicted before the said directors of obstructing the said principal streets or squares, by erecting new works on any part thereof contrary to the above recited Act, or permitting old works to remain therein a longer time than limited by the commissioners in their report filed in the secretary's office with the said plan, or hereafter to be limited by the said directors, shall by the judgment of the said directors remove the same at his or their own expense; and for any contempt of the said judgment every person or persons so offending shall forfeit the sum of five pounds for every month he or they shall suffer such works or buildings to remain after being noticed by the directors to remove the same. And it is Enacted, That all forfeitures in consequence of such contempt shall be vested in the corporation of the directors for the use of the said town.

V. And be it further Enacted by the authority aforesaid, That all former streets, roads and passages in the said town not interfering with the beauty and regularity of the principal streets and squares aforesaid, agreeable to the plan thereof, shall remain in their present situation. Provided, That it shall and may be lawful for the said directors to lay off such new streets as to them may seem most conformable to regularity and convenience, which said streets shall not be less than fifty feet in breadth; and the said streets on being so laid off are hereby declared subject to the same rules and regulations with the principal streets in the said town.

CHAPTER XXXIII.

An Act for the Inspection of Tobacco in the Town of Hillsborough.

I. Whereas, it may be beneficial to the planters of tobacco in the Western parts of this State that an inspection of that commodity be established in the town of Hillsborough;
II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of Orange shall annually appoint two discreet and careful men, well acquainted with the nature and qualities of tobacco to be inspectors thereof, who shall take the same oath, be subject to the same rules, regulations and restrictions, to which inspectors of tobacco are subject by an Act of the General Assembly passed at Halifax in the year one thousand seven hundred and seventy-seven, intituled, "An Act to amend the staple of tobacco, and prevent frauds."

III. And be it further Enacted by the authority aforesaid, That the inspectors so appointed shall have and receive of the owners of tobacco the sum of eight shillings for each and every hogshedd, and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full, for their trouble, finding nails, prising and everything necessary thereto.

IV. And be it further Enacted by the authority aforesaid, That all tobacco so inspected shall be held and deemed merchantable tobacco as if the same had been inspected at any other inspection in this State. Provided, That nothing herein contained shall extend or be construed to extend to prevent the reinspection of any tobacco inspected at Hillsborough agreeable to this Act, by the inspectors lawfully appointed at any inspection heretofore established by law to which it shall or may be carried for exportation if it shall appear that the tobacco so inspected has been rolled or otherwise damaged in its passage from the warehouse at Hillsborough to the port where it may be received. And provided also, That no tobacco inspected at said warehouse shall be held or deemed a lawful tender, or payment of any tobacco contract heretofore made, until reinspected at some other warehouse; any law to the contrary notwithstanding.

CHAPTER XXXIV.

An Act to Remove All Disabilities from Simon Cleary, and Others Therein Named.

I. Whereas, Timothy Cleary (otherwise Clear), late of the town of New Bern, deceased, departed this life on or about the month of September, in the year of our Lord one thousand seven hundred and seventy-five, without issue, possessed of a considerable real and personal estate, the real estate descending to his eldest brother and heir at law, Simon Cleary, and the personal estate, after deducting the distributive share of the widow to the said Simon Cleary, Patrick Cleary, Esther Lectle, widow, otherwise Cleary, Thomas Conner and Margaret, his wife, otherwise Cleary, and Mary Cleary, single woman, brothers and sisters of the said Timothy; And, whereas, the said brothers and sisters of the deceased, were inhabitants of the Kingdom of Ireland and other parts without the limits of the United States, by reason of which the commissioners of confiscated estates for the county of Craven have seized and sold the greatest part of the said estate, which formerly belonged to the said Simon Cleary, Patrick Cleary, Esther Lectle, Thomas Conner and Margaret, his wife, and Mary Cleary; the said Simon, Patrick, Esther, Margaret and Mary, nor any of them, not appearing at the first General Assembly which was held after the first day of October, one thousand seven hundred and seventy-eight, agreeably to an Act commonly called the confiscation Act, passed in December, one thousand seven hundred and seventy-seven; and, whereas, the said Patrick Cleary hath applied
to this present General Assembly and offered testimonials to induce a belief that he hath made several attempts to come to this State during the war, properly impoverished by his brothers and sisters; the first of which attempts appears to be on or about the latter end of the year one thousand seven hundred and seventy-six, but was each and every time unfortunately taken by privateers; and, whereas, the General Assembly have resolved that the several claimants of the estate of the said Timothy are entitled to relief, and have voted that they shall receive out of the public treasury the amount of the sales of the said estate, and it is necessary that they should be further relieved by enabling them or some of them to commence an action or actions for the recovery of such part of the estate as hath not been sold, and the rents, issues and profits thereof, and of such things in action, if any, as may be in the hands of individuals.

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 Patrick Cleary to sue for and obtain letters of administration on the personal estate of his deceased brother, unadministered by James Coor, John Hawks and David Barron, and the survivors of them, and as administrator to commence and prosecute such suit and suits as may be necessary and in the name of the said Simon Cleary, other the heir or heirs at law of the said Timothy, to commence and prosecute to final judgment any suit or suits, either in law or equity, which may be necessary for the recovery of any of the real estate which was of said Timothy Clear, any law to the contrary notwithstanding.

CHAPTER XXXV.

An Act to Amend an Act, Intitled, "An Act for Establishing a Town in Jones County;" Also One Other Act, Intitled, "An Act for Dividing Craven County Into Two Distinct Counties, and for Other Purposes Therein Mentioned."

I. Whereas, by the last recited Act the commissioners appointed for erecting the public buildings of Jones county did, agreeable to said Act, purchase five acres of land for the purposes aforesaid, which said five acres of land are more than are found necessary for the public buildings of said county, and are in the most valuable part of the town of Trenton;

II. Be it therefore Enacted by the General Assembly, and by the authority of the same, That the directors or trustees appointed by the first recited Act for establishing a town in Jones county, and their successors, shall stand seized of an indefeasible estate in fee simple of the said five acres of land, and cause the same to be divided into half acre lots, numbered and inserted in the plan of said town, and take subscriptions for the same; and the said directors or a majority of them shall execute deeds of conveyance under the same rules, regulations and restrictions, as is directed by the before recited Act, and the money arising from such sale shall be applied towards finishing the public buildings of said county.

III. And be it further Enacted by the authority aforesaid, That the justices of the said county of Jones, or a majority of them, shall make choice of any one lot within the said town that they shall think most convenient, for the sole purpose of erecting a gaol thereon, for the use of the said county; and the lot so chosen shall be and is hereby vested in the justices of said county of Jones, and their successors in office, for the purpose aforesaid; and the trustees and directors of the said town are here-
by declared to have no power to convey the said lot to any person, or for any other use whatsoever; anything in the before recited Acts to the contrary notwithstanding.

IV. And be it further Enacted by the authority aforesaid, That the directors and trustees for the time being, or a majority of them, shall and are hereby empowered to make any order they may think proper for opening streets, preventing mortar, clay or wooden chimneys being built, and pulling down such as are already built, if judged by them to be a nuisance, 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, consistent with the laws of the State, and to enforce such orders by laying a fine, not exceeding five pounds, on all persons neglecting or refusing to comply therewith, to be levied by a warrant from such directors and trustees, and sale of the offender's 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.

CHAPTER XXXVI.

An Act to Establish the Town of Morgan, and to Direct the Building a Court House and Prison in the Same, for the District of Morgan.

I. Whereas, the commissioners appointed by a late Act of Assembly have purchased two hundred and thirty acres of land in Burke county for a town and town common, at a place called the Alder Springs, and have laid off twelve lots of twelve rods square, and forty-two lots six rods in front and twelve rods back, with two main streets six rods wide; and have reserved four lots of twelve rods square for the said public buildings, and for the convenience of water agreeable to a plan herewith presented to this General Assembly;

II. Be it therefore Enacted by the Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said two hundred and thirty acres of land shall be, and the same is hereby established a town by the name of Morgan, agreeable to the said plan.

III. And be it further Enacted by the authority aforesaid, That the said four lots of twelve rods square reserved for the public buildings, and for the convenience of water, shall be and remain public property for the same uses forever.

IV. And if any private person shall for his own use build, place or make on any part of the said four lots, or in the streets of the said town, any house, cabbins, stable, or other obstruction, the commissioners of the said town hereafter appointed, and their successors, shall have full power and authority to pull down, destroy and remove the same houses, cabbins, stables and obstructions, so raised or made.

V. And be it further Enacted by the authority aforesaid, That General McDowell, John Blanton and Alexander Irwin, be and they are hereby appointed commissioners of the said town of Morgan, and they are hereby empowered and directed to sell out the said lands in lots, thirteen adjoining and nearest the court house square at ten pounds each, and the remainder in proportion; and out of the monies arising from the sales first pay forty pounds, being the purchase money for the said lands, and the remainder thereof apply towards building a court house and prison for the said district of Morgan on the lots reserved for that purpose; and the said commissioners are hereby empowered to demand and receive the taxes collected, and which
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shall be collected in the district of Morgan, for building the said court house and prison, and are hereby fully empowered to apply the said monies to the purposes aforesaid, and to let out the whole or any part of the work at public auction to the lowest bidder or by private contract, and to make all and every other contract for work and materials that shall be necessary to carry on the said buildings with dispatch.

CHAPTER XXXVII.

An Act for Impowering the County Courts of Warren and Franklin to Levy a Further Tax on the Inhabitants of Said Counties, for Defraying the Expence of Building a Court House, Prison and Stocks.

I. Whereas, the tax heretofore levied by law for the purposes aforesaid is not sufficient to answer the end thereby intended;

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 county courts of Warren and Franklin are hereby vested with full power to levy a further tax for the purposes aforesaid, not exceeding one shilling and six pence on each and every poll subject to the payment of taxes, and a like tax on every hundred pounds of assessable property, and a tax of six pence on every hundred acres of land, to be collected for the years one thousand seven hundred and eighty-five and one thousand seven hundred and eighty-six, in the same manner and accounted for as all other taxes.

CHAPTER XXXVIII.

An Act to Amend an Act, Intituled, "An Act for Levying a Tax on Every Hundred Pounds Value of Taxable Property in the District of New Bern, for Repairing the District Gaol.

I. Whereas, the before recited Act has not had its effect on account of some of the commissioners not inclining to act, and the gaol still remains in a ruinous state, and the money collected in virtue of said Act unappropriated;

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 John Hawks, John Council Bryan and Samuel Chapman, Esquires, be and they are hereby appointed commissioners for the purpose of repairing the said district gaol, in the room of those heretofore appointed; and they or a majority of them are hereby vested with all the powers, privileges and authorities, which the former commissioners are by law vested with, for the purpose of carrying the said Act into effect.

III. And be it further Enacted by the authority aforesaid, That the said commissioners shall immediately after the passing of this Act notify the several sheriffs, former commissioners and all or any other person or persons, having any of the money arising by virtue of said Act in their hands, to settle for and pay the same into their hands; and in case of failure they, the aforesaid commissioners, shall have the same method of recovery against the several sheriffs and others which the law directs to be had against sheriffs and others holding public monies.
CHAPTER XXXIX.

An Act to Impower the County Court of Wayne to Lay a Tax Annually, for the Purpose of Finishing and Compleating the Court House, Prison and Stocks, and for Defraying the Contingent Charges of Said County.

I. Whereas, the tax heretofore laid is not found sufficient for the purpose of finishing and compleating the court house, prison and stocks, in the said county;

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 county court of Wayne is hereby authorised and impowered, from and after the passing of this Act, to lay a tax annually not exceeding the sum of two pence current money on every hundred acres of land in said county, and a poll tax of six pence like money on every taxable person in said county, for the term of two years, for the purpose of finishing and compleating the court house, prison and stocks, 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 said county, and to be paid into the hands of such person or persons as the court of said county shall from time to time direct, after a sufficient sum is paid into the hands of the acting commissioners, who are hereby authorised and impowered to receive the same from such collector or collectors as shall or may be appointed by the said court; and in case of refusal or neglect in paying the said monies into the hands of such person or persons as are appointed by virtue of this Act, the said sheriff or other person, or any of them so refusing or neglecting, shall be liable to the same penalties, and the same mode of recovery shall or may be had against him or them, as by law shall or may be had against sheriffs who neglect or refuse to account for and pay public taxes.

CHAPTER XL.

An Act for Impowering the Commissioners of Public Buildings in Bladen County to Sell the Public Lots Reserved for Said Buildings, to Purchase Others and Build the Court House on the Street, if More Eligible in Their Opinion.

I. Whereas, the lots reserved in the town of Elizabeth for erecting the court house and other public buildings on are inconveniently situated, and by no means agreeable to the wishes of the inhabitants of the said county;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is Enacted by the authority of the same, That the commissioners or a majority of them, who were heretofore appointed to superintend the public buildings of said county of Bladen, are hereby authorised and impowered to sell the said public lots in the town of Elizabeth, and convey titles in fee simple for the same; and that the said commissioners shall be further impowered to purchase such other lot or lots as they or a majority of them shall think proper, for the purpose of erecting the said public buildings on.

III. And be it further Enacted by the authority aforesaid, That if the said commissioners or a majority of them should be of opinion that the court house of the said county of Bladen, for conveniency should be erected on a street of the said town of Elizabeth, then and in that case it shall be
lawful for the said court house to stand in such place as by the said com-
misriers or a majority of them shall be directed.

IV. Provided, and be it Enacted, That the said commissioners shall and
are hereby directed to account for all such monies as shall remain in their
hand from the sale of said lots over and above what they may lay out in
purchases for the aforesaid purposes.

CHAPTER XLI.

An Act for Removing the Public Buildings of Mecklenburg County from
Charlotte to the Centre of Said County, Appointing Commissioners
to Find Said Centre, and to Superintend the Erecting a Court House,
Prison and Stocks, as Near Said Centre as Convenience Will Permit,
and Altering the Mode of Annual Elections in Said County.

I. Whereas, the present court house of said county stands within ten
miles of Catawba River, and within eight miles of the Catawba Indians’
land, being the western limits of said county, and upwards of forty miles
from the eastern limits of said county; and in order that justice may be
done to the inhabitants 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
Colonel George Alexander, William Matthews, Samuel Harris, Zacheus Wil-
son, Hezekiah Alexander, Colonel Robert Irwin, John Leopard, James Henry
and Martin Phifer, Junior, be and they are hereby appointed commissioners
to make an accurate survey of said county, and in case said centre should
be found not to exceed seven miles from Charlotte this Act is to be void and
of no effect, but if said centre should exceed seven miles from Charlotte,
said commissioners are authorised to purchase four acres land in the most
convenient place not exceeding one mile from the said centre, for the pur-
pose of erecting the public buildings thereon; and the said commis-
sioners are hereby empowered and directed to agree and contract with work-
men for erecting, building and finishing a court house, prison and stocks,
for the use of the said county of Mecklenburg, at such place as a majority
of said commissioners shall agree upon, limited as aforesaid.

III. And be it further Enacted by the authority aforesaid, That a tax of
one shilling on each poll, and a tax of four pence on each hundred acres of
land shall be and is hereby assessed on the polls and land in said county
for two years, to commence from the passing of this Act, for the purpose of
defraying the expence of erecting said buildings, and running the lines of
said county as required by this Act; and that all persons who shall neglect
or refuse to pay the said tax at the time limited for the payment of pub-
lc taxes, shall be liable to the same penalties and distress as for the
non-payment of public taxes; and the collectors of the said county are here-
by required and directed to account for all the monies by them so col-
lected to the commissioners aforesaid, after deducting five per cent. for
their trouble in collecting the same; and in case of failure or neglect in
any of the said collectors, such collector so failing or neglecting shall be
liable to the penalties and recoveries as by law may be had against col-
lectors of public taxes.

IV. And be it further Enacted by the authority aforesaid, That said
commissioners are hereby empowered and required to call on the stray mas-
ter of said county to settle with and pay into the hands of said commis-
sioners all the monies that may be in the hands of the said stray master
by virtue of his office as stray master, an account of which monies said stray master shall render on oath to the said commissioners, together with all obligations for money in consequence of his office, to be applied by said commissioners towards defraying the expence of said buildings; and in case said stray master, after twenty days' previous notice, should neglect or refuse to comply with the requisitions of this Act, he shall forfeit and pay unto the said commissioners the sum of five hundred pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof, any law to the contrary notwithstanding.

V. And be it Enacted by the authority aforesaid, That the justices of the said county are hereby required to adjourn themselves to the new court house as soon as it may be fit for their reception; and that from and after the passing of this Act the annual elections for Representatives in General Assembly shall be held at the place appointed by said commissioners for said court house for the whole county, any law to the contrary notwithstanding.

CHAPTER XLII.
An Act for Clearing and Opening the Navigation of Tar River and Fishing Creek, in the Counties of Pitt, Edgecomb and Halifax.

I. Whereas the opening and clearing Tar river, from the dividing line of Beaufort and Pitt counties up to the dividing line of Pitt and Edgecomb counties, and from thence up the said river as far as the county court of Edgecomb shall think proper; and the said Fishing creek from the mouth thereof up to Wlati's bridge, would render the said river and creek useful and advantageous, and will be of great utility in transporting every kind of produce to market, and greatly enhance the value of lands in the said counties;

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 counties of Pitt, Edgecomb and Halifax, at the first court to be held for their respective counties after the first day of March next, and they are hereby required to apportion and lay off in convenient districts all the inhabitants of their counties respectively who are resident within six miles of the said river or creek, and appoint some person in each of the said districts properly qualified as overseer who shall cause all persons within the district to him allotted who are liable to work on public roads, to work on that part or division of the said river or creek which the court of the county wherein he resides shall direct, at least six days in each and every year, unless otherwise directed by the court, when they shall cause the inhabitants of the district to him allotted as aforesaid to be employed in cutting and removing all logs, brush and other incumbrances, which obstruct the navigation, and also in cutting down or otherwise killing all kinds of trees likely to fall into or obstruct the navigation of the aforesaid river or creek, under the penalty of fifty pounds current money 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 agreeable to the custom in case of working on roads, to appear with such tools as the overseer shall direct and work accordingly, shall forfeit and pay the sum of ten shillings each day
he shall fall or neglect, to be recovered and applied as fines for falling to
appear and work on public roads.
III. And in order to keep the navigation of the said river and creek open,
Be it Enacted, That in case any person shall fall any tree, or make any
hedge in or across the said river or creek, or otherwise obstruct the naviga-
tion thereof, shall for every such offence, being thereof convicted before
any justice of the peace of the county wherein the offence shall be com-
mited, forfeit and pay the sum of five pounds current money, and be obliged
to remove the obstruction at their own expense, and shall be further liable
to the action of any person or persons injured thereby; and if any negro
slave found guilty of any of the above mentioned offences and convicted
thereof, he, she or they, by order of a justice of the peace shall receive
thirty-nine lashes well laid on his or her bare back for each and every such
offence.

CHAPTER XLIII.

An Act to Amend an Act, Intituled, “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. Whereas by the aforesaid Act the commissioners are restrained from
moving and rebuilding the court house in Northampton county more than
one-eighth of a mile from the place whereon the court house now stands,
which by no means coincides with the wishes of the inhabitants of 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
the commissioners appointed by the aforesaid Act, or such of them as shall
agree to act, may and they are hereby authorised and impowered to contract
for one or more acres of land to remove the buildings upon, more convenient
than the present any where on the tract of land on which they now stand; any
thing in the afore recited Act to the contrary notwithstanding.

CHAPTER XLIV.

An Act to Amend an Act, Intituled, “An Act for Dividing the County of,
Cumberland,” Passed at Hillsborough Last General Assembly, and to
Confirm the Proceedings of the Justices of Moore County, and to Alter
the Time of Holding the Courts of Said County.

I. Whereas by some mistake in describing the dividing line of the late
county of Cumberland, it has been directed to be laid off in a different man-
ner from what was intended; for remedy whereof,

II. Be It Enacted by the General Assembly of the State of North Car-
olina, and it is hereby Enacted by the authority of the same, That the
line for dividing the county of Cumberland shall begin at Cole’s bridge, on
Drowning creek, thence a direct line to the Cumberland and Chatham line,
on the south side of the river Cape Fear; and that Thomas Armstrong,
William Seals and William Rand, or a majority of them be and they are
hereby appointed commissioners to appoint and agree with a surveyor for
the purpose of running the said dividing line; and the said line when so
run shall be held, deemed and taken to be the dividing line of the said
county of Cumberland, and that the lower county continue and remain by
the name of Cumberland county; and that the justices in the said county hold the courts at the place where they were usually held in the said county on the fourth Mondays in January, April, July, and October, in every year; and that all causes, pleas, writs, actions, suits, plaints, process, precepts, recognizances and other matters and things, in the said court depending, shall continue and remain to be tried in the said county.

III. And be it further Enacted by the authority aforesaid, That all that part of the county lying to the northwest of the new line, shall be and continue by the name of Moore county.

IV. And whereas for the want of the Act for dividing the said county of Cumberland the justices of Moore county held their court of pleas and quarter sessions for the said county of Moore on the third Monday in August instead of the fourth Monday in the same month, by reason of which the act and proceedings of the same justices are liable to be avoided; for remedy whereof, Be it Enacted by the authority aforesaid, That all and every order, rule, writ, process, matter or thing made, ordered, done or performed, by the justices of the said county of Moore on the third Monday in August last shall be equally valid and binding as if done on the fourth Monday in the same month, and that for the future the courts for the said county of Moore shall be held on the third Mondays in November, February, May and August; and all writs, process and other matters in the said county now depending, shall be continued to, and have day of the said third Monday in November, February, May and August, any law or usage to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That Thomas Matthews, John Cox, Phillip Johnson and William Mears, be and they are hereby constituted and appointed commissioners to fix a place for the public buildings for the county of Moore, and the place so fixed by the commissioners or a majority of them, shall be the place for holding the courts of the said county of Moore; and further to enable the commissioners to defray the expense of the said buildings a tax of four pence on every hundred acres of land, and on one shilling on every taxable person in the said county of Moore for two years, as the same is established by this Act, 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.

VI. And be it further Enacted by the authority aforesaid, 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 bond and security to the said commissioners for the faithful discharge of his or their duty, and shall be entitled 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 Cumberland shall nominate the following number of freeholders, to serve as jurors at the superior court for the district of Wilmington, of which district the said counties are hereby declared to be part, that is to say, the county of Moore four, and for the county of Cumberland four; any law or statute to the contrary notwithstanding.

VIII. And be it further Enacted by the authority aforesaid, That so much of an Act, intituled, An Act for dividing the county of Cumberland into two
distinct counties, passed at the last General Assembly at Hillsborough, as
comes within the purview and meaning of this Act be, and the same is
hereby repealed.

CHAPTER XLV.

An Act for Extending the Dividing Line between the Counties of Hyde and
Tyrrel.

I. Whereas the line between the counties of Hyde and Tyrrel has never
been extended, by which means the lands lying on the supposed boundary
have been indiscriminately entered in the said counties; for remedy
whereof,

II. Be it Enacted by the General Assembly of the State of North Caro-
olina, and it is hereby Enacted by the authority of the same, That Southy
Rew, John Eburns, Israel Watson, James Anderson, William Blount and
Nathaniel Jones, or any four of them be and they are hereby appointed
commissioners for the counties of Hyde and Tyrrel, and that they or any
four of them shall meet on or before the first day of December, seventeen
hundred and eighty-five, and jointly proceed to run and mark the said line
as follows: Beginning where the counties of Beaufort, Martin and Tyrrel
corner, thence a direct course to Long Shoal river, and thence the same
course continued to Pamptico Sound.

III. And be it further Enacted by the authority aforesaid, That the com-
missoners so appointed shall be allowed a reasonable compensation for
their services and expenses by the justices of their respective county courts,
to be paid out of the county tax.

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 in the great Dismal swamp, the same shall have prefer-
ence and effect according to the date of such entry, as fully as though it
had been made in the county where the said land shall be on the extension
of the dividing line.

CHAPTER XLVI.

An Act to Release James Underwood and Job Ward from the Forfeiture of
a Recognizance Entered Into for the Appearance of a Certain Daniel
Campbell, Before the Superior Court of Hillsborough District, and from
a Judgment Given Upon the Said Forfeiture.

I. Whereas James Underwood and Job Ward were bound by a recogni-
ance for the appearance of a certain Daniel Campbell before the superior
court of Hillsborough district, to answer certain treasonable charges there
to be exhibited against him, and by the failure of the said Campbell to
appear according to the said recognizance before the said court, judgment
has been given against them for the sum of five hundred pounds, and their
effects are now liable to be sold to satisfy the said judgment; and whereas it
is represented to this General Assembly that the said James Underwood and
Job Ward are in very indigent circumstances, and that the execution of the
said judgment will reduce them and their families to very great distress:

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 same James Underwood and Job Ward be and they are hereby
released and fully and entirely discharged from the forfeiture and judgment
aforesaid, in the same manner as if the said forfeiture had never happened.

CHAPTER XLVII.

An Act to Enable Benjamin Blount, of Tyrrel County, Trustee to Thomas
Bogg to Sue and Recover for and to the Use and Uses of the Children
of the Said Thomas Bogg all Debts Due and Owing to the Said Thomas
Bogg, and all Other Things in Action, Which the Said Thomas Bogg
Might have Lawfully Sued for and Recovered.

I. Whereas Thomas Bogg making it a matter of conscience of taking the
oath of allegiance to this State agreeable to an Act of Assembly made and
provided for that purpose, did on the twenty-seventh day of September in
the year of our Lord one thousand seven hundred and seventy seven, sell
and dispose of all his estate both real and personal, agreeable to an Act of
Assembly granting those persons who refused to take the oath aforesaid
the liberty and privilege of disposing of their property: And whereas the
said Thomas Bogg willing to make a necessary provision for his wife and
children, did on the said twenty-seventh of September, one thousand seven
hundred and seventy-seven, transfer and set over unto Benjamin Blount,
senior, of Tyrrel county, all the estate aforesaid by a deed of trust for the
benefit and support of his wife and children: And whereas Hannah Bogg,
the wife of the said Thomas Bogg, is since dead, so that the children in
some measure are left destitute, and several suits have been commenced
against the estate of the said Thomas Bogg, which may tend to impoverish
his children unless the said trustee should be empowered to sue in his own
name for the debts and other things in action which were of the said
Thomas Bogg.

II. Be it therefore Enacted by the General Assembly, and by the authority
thereof, That it shall and may be lawful for the said Benjamin Blount, his
executors and administrators, to institute a suit or suits in his or their own
name or names as trustees of the same Thomas Bogg, against every person
or persons indebted to or having any of the effects of said Thomas Bogg
in possession, or having converted the same to his or their own use, and
to obtain judgment against such person or persons for the use of the
children of the said Thomas Bogg, in the same manner as he the said
Thomas Bogg might have done previous to the revolution in government, on
giving bond and security to the county court of Tyrrel in such sum as the
justices shall require for the due and faithful application of such amounts
as he shall recover to the bona fide creditors of the said Tho. Bogg, and the
use and uses of his children and no others, any law or usage to the con-
trary notwithstanding.

CHAPTER XLVIII.

An Act to Secure the Property of Elizabeth Bonner, in Beaufort County, in
the Hands of Trustees.

I. Whereas Elizabeth Bonner in Beaufort county, being of lawful age but
of weak mind and understanding, and having some property given to her by
the will of her late father, Thomas Bonner, deceased, and being liable to
seduction by designing persons for want of a proper authority to control
the said Elizabeth Bonner, and to conduct her property in the best manner for her use;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Thomas Bonner, brother of the said Elizabeth Bonner, and only surviving executor of the said Tho. Bonner, dec. and John Bonner, be and they are hereby appointed trustees and authorised to take into their care and possession all the interest and property of the said Elizabeth Bonner, and to make a true inventory thereof, which inventory shall be exhibited in the county court of Beaufort upon oath by the trustees within six months after the passing of this Act; and the said Elizabeth Bonner shall be subject to the control of the said trustees; and that no contract, bargain or agreement, made by the said Elizabeth Bonner with any person or persons whatsoever shall be binding or of any force without the approbation and consent of the trustees aforesaid.

III. And be it further Enacted by the authority aforesaid, That the said trustees shall render their accounts of their proceedings in trust, to the county court of Beaufort annually upon oath, and the same shall be recorded by the clerk in the orphan book.

IV. And be it further Enacted by the authority aforesaid, That the said trustees before they shall possess themselves of the property of the said Elizabeth Bonner, by virtue of this Act, shall enter into bond and security to the county court aforesaid, for the safe keeping and proper care of the said estate to the full amount thereof.

V. And be it further Enacted by the authority aforesaid, That if the trustees by this Act appointed shall die or remove, that then and in that case full power and authority is hereby invested in the county court of Beaufort to appoint other trustees under the same rules and regulations as in this Act directed.

VI. And be it further Enacted by the authority aforesaid, That the aforesaid trustees shall furnish the said Elizabeth Bonner from time to time at all times sufficient entertainment and apparel that may be suitable to her fortune and the profits thereof, and account for the same as before directed.

CHAPTER XLIX.


I. Whereas it is represented to this General Assembly, that a grant made to Richard Commingforth in the year one thousand six hundred and ninety-eight for a certain tract of land laying in Currituck county and bounded as follows, to wit: Beginning at a pine on the bank head on the sound side running with the sound about south twenty degrees east forty-seven chains to Ann Bailey's patent line, thence north seventy-five degrees west ninety-one and a half chains with said line to a pine, thence about north twenty degrees west forty-seven chains to an oak, thence south seventy-five degrees east ninety-one and an half chains to the first station; which said tract of land contains by estimation four hundred and thirty acres, and by unavoidable accident is destroyed or lost, whereby the title of the said land has become precarious; 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 so much of
the said tract of land as has been not conveyed away in fee simple by said Richard Commingforth shall be and the same is hereby confirmed in and to the said Richard Commingforth, his heirs and assigns forever as fully to all constructions and intents whatever, as the same would have remained had the said grant not been lost or destroyed, and as if the said Richard Commingforth had the same now in his possession ready to be produced in defence and support of his title to the said land and in the same manner that so much of the said tract of land and every parcel thereof as has been legally conveyed away by the said Richard shall be, and is hereby confirmed to the grantees or bargainees of the said land in the same plight and condition, and with the same quantity of interest therein as is specified in the deed or deeds granted by the said Richard Commingforth for the same, and provided that such deed or deeds have been executed and made with all the solemnities necessary in law to the perfecting such deed or deeds, such deed or deeds shall be good and indefeasible in law, and shall be deemed to convey the interest therein specified in the same manner as if the grant above mentioned had never been lost or destroyed. Provided, That nothing herein shall be construed so as to extend the lines contained in the said patent, or to give title to any other land than what was included in the old marked or processioned lines of said patent.

Read three times, and ratified in General Assembly, the twenty-fifth day of November, Anno Domini one thousand seven hundred and eighty-four.

RICHARD CASWELL, S. S.
WILLIAM BLOUNT, S. C.
LAWS OF NORTH CAROLINA—1784.

NORTH CAROLINA.

In the House of Commons, November 25, 1784.

Resolved, That the estimate of the civil list, the incidental and continental charges of the expence of 1785, be made out by the clerk from the law establishing the salaries of the next year, and the report of the committee on that head, and that the same be published by the public printer with the laws of this session.

WM. BLOUNT, Speaker.

By order, JOHN HUNT, Clerk.

In the Senate, November 25, 1784.

The foregoing resolution was read and concurred with.

RICHARD CASWELL, Speaker.

By order JOHN HAYWOOD, Clerk.

An Estimate of the civil list, incidental and continental charges of the expence of the year 1785, made agreeable to the above resolution, as follows:

His Excellency the Governor, seven hundred and fifty pounds... £ 750
Private Secretary, one hundred pounds.......................... 100
Secretary of State, one hundred pounds.......................... 100
Delegates in Congress, three thousand three hundred and sixty pounds ........................................ 3,360
Council of State, one hundred pounds.......................... 100
Comptroller-General, including stationery, five hundred pounds...... 500
Ditto, for the purpose of employing clerks, two hundred and fifty pounds ........................................ 250
Judges of the Superior Courts, two thousand one hundred pounds.. 2,100
Attorney-General, six hundred pounds.......................... 600
Treasurer, five hundred pounds.......................... 500
Commissioners for settling officers' and soldiers' accounts, one hundred and twenty pounds........................................ 120
Members of the General Assembly, clerks, servants, stationary, &c., six thousand pounds ........................................ 6,000
Public Printer, four hundred pounds.......................... 400
Interest due to the United States on the Federal debt, the quota of North Carolina, including thirty thousand dollars interest due to the continental line of this State, on the settlement of the late commissioners, being one hundred and nine thousand dollars, forty-three thousand six hundred pounds.......................... 43,600
Allowance granted by the General Assembly on loan, ten thousand pounds ........................................ 10,000

Amount total .......................................................... £ 68,480

JOHN HUNT, Clerk of the Commons.