

# LAWS OF NORTH CAROLINA, 1785.

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At a General Assembly, begun and held at New Bern on the nineteenth day of November, in the year of our Lord one thousand seven hundred and eighty-five, and in the tenth year of the independence of the said State, it being the first session of this Assembly. *Richard Caswell*, Governor.

## CHAPTER I.

### An Act for Establishing a Militia in This State.

Whereas, in all republican governments a well regulated militia is highly necessary for the defence and safety thereof:

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 freemen and indented servants within this State, from eighteen to fifty years of age shall compose the militia thereof; and that the several captains of the same shall enroll the names of all such freemen and indented servants of which their several companies consist, and shall, at their respective general musters return a copy thereof to the colonel of their respective regiments, under the penalty of ten pounds, to be levied by warrant of distress from the colonel of the regiment, directed to the sheriff of the county to which the said regiment belongs; which sheriff shall be paid out of the said penalty the sum of eight shillings, and in case any sheriff shall neglect or refuse to execute such warrant, he shall forfeit and pay the sum of five pounds, to be recovered before any jurisdiction having cognizance thereof, and applied as herein after directed; which copy so returned, shall by every colonel be returned to the brigadier general of the district within one month after such muster, under the penalty of twenty-five pounds, who is hereby required within three months to transmit the same to the Governor, under the penalty of fifty pounds, to be recovered and applied as other fines by this Act imposed; and that all persons after being so enrolled, who shall at any time (unless rendered incapable by sickness or other accident) neglect or refuse when called upon to appear, at such times and places where ordered by the colonel or commanding officer, there to be mustered, trained and exercised in arms, and be provided with a well fixed gun and cartouch-box, with nine charges of powder made into cartridges and sizeable bullets or swan-shot, and one spare flint, worm and picker, under the penalty, if at a private muster of ten shillings, and if at a general muster twenty shillings, to be levied by a warrant of distress by the captain of the company, directed to the serjeant of the same, who is hereby empowered to execute the said warrant and distrain for the said fines and penalties in the same manner as sheriffs are empowered to distrain for public taxes, and shall make return thereof to the captain, which serjeant shall deduct two shillings and eight-pence for his services out of every fine so levied; and in case such serjeant shall neglect or refuse to serve any warrant or warrants to him directed, he for such neglect or refusal shall be fined forty shillings, to be recovered by a warrant from the captain, directed to another serjeant, under the same penalty, to be accounted for and applied as other fines in this Act directed. Provided always, That every absentee shall be allowed

till the next succeeding muster to make his excuse before the captain shall issue his warrant, unless against such defaulters as he may suspect are about removing themselves out of the county before such succeeding muster; and every person that shall be fined by virtue of this Act, and shall think himself injured by his officers may appeal to the next court-martial, first giving security to appear and abide by the judgment of the said court, and if judgment shall be against him that he will pay then and there pay the fine, with five shillings cost. Provided also, That the members of the General Assembly, Council of State, judges, justices of the peace, secretary of State, attornies, continental delegates, officers who have served in the continental line, officers in the militia of as high rank as captain, who did not resign or were not broke in the time of the war, ministers of the gospel regularly called to the cure of souls, school masters having the care of twelve scholars, students, clerks of the court, physicians, ferrymen, overseers having the care of six taxable slaves, inspectors, public millers, sheriffs, coroners, constables and branch pilots, so long as they shall continue in office shall not be obliged to enlist themselves or appear at such musters.

II. And be it further Enacted by the authority aforesaid, That if the captain, lieutenant and ensign, or any two of them shall adjudge any person or persons enrolled as aforesaid, to be incapable of providing and furnishing him or themselves with arms, ammunition and accoutrements, required by this Act imposed, until such arms and accoutrements shall be provided and delivered him by the court-martial, to be paid out of the fines already collected, and that may hereafter be collected, such court-martial first taking security for the safe keeping of such arms and accoutrements and to be returned when required.

III. And be it further Enacted by the authority aforesaid, That each and every company shall consist of one captain, one lieutenant, one ensign, four serjeants, four corporals, one drummer, one fifer, and not less than fifty privates; the serjeants, corporals, drummer and fifer to be chosen by the captain of the company for which they are appointed, and the first serjeant of each company shall keep an exact list of the same, and shall give his attendance on every muster day, and call the roll agreeable to the directions of the commanding officer of the regiments or company, and make due return (on oath if required) to his captain or officer commanding the company of such persons as were absent on each of the said muster days, under the penalty of fifteen shillings.

IV. And be it further Enacted by the authority aforesaid, That each regiment shall consist of all the companies in the county, except Rowan and Mecklenburgh counties, which shall each have two regiments, and be officered in the following manner, viz. One colonel, or lieutenant colonel commander, one lieutenant-colonel, two majors, one adjutant, one surgeon, one serjeant-major, one drum-major and one fife-major: Provided nevertheless, That when a vacancy for a full colonel shall happen, a commission shall issue to the next officer in rank in said regiment as Lieutenant-colonel commandant. And provided also, That the field-officers of each regiment shall have power to appoint the adjutant and non-commissioned staff officers of the same.

V. And be it further Enacted by the authority aforesaid, That the militia of each district shall compose a brigade, and be commanded by a brigadier general, who shall be allowed an aid-de-camp, major of the brigade, inspector and other officer of the staff department, of his own choosing, who shall be allowed the pay of lieutenant-colonel.

VI. And be it further enacted by the authority aforesaid, That in case of an insurrection within this state, or invasion, it shall and may be lawful for the Governor and Commander in Chief for the time being, or any officer by him directed to raise so many of the militia as shall be thought necessary for opposing such insurrection or invasion, and the militia so raised shall perform such duty or service as they shall be required to do by their commanding officer. And it is hereby required and directed, That the said militia shall appear furnished with arms, ammunition and accoutrements as aforesaid.

VII. And be it further enacted by the authority aforesaid. That every person who shall neglect or refuse on call or alarm given, to appear at such times and places as shall be appointed by his Captain or other officer, shall on due conviction before a court-martial, forfeit and pay ten pounds, to be levied by warrant from the Colonel or Commanding Officer for that service, directed to the Sheriff of the county where the offender resides; and such Sheriff, who is hereby required and directed to execute the same, shall for every neglect or refusal forfeit and pay the sum of ten pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof; and any person who shall refuse to march against the enemy when commanded, or refuse or neglect to do his duty or perform the service he is put upon by his officer, or shall quit his post, desert his colours or mutiny, it shall and may be lawful for the commanding officer of the regiment or corps to order a court-martial for the trial of such offender, first taking the following oath, to-wit, "You shall swear well and truly to try and determine, according to your evidence in the matter now before you, between the State and the prisoner to be tried: So help you God." And on trial and conviction, to punish the offender according to martial law, as the nature of the offence may require (death excepted) and for the want of a sufficient number of officers to compose a court-martial, the offender shall be put under guard (and his crime in writing lodged with the officer of the same) until such time as there are a sufficient number to hold a court-martial.

VIII. And be it further Enacted by the authority aforesaid, That the respective officers, non-commissioned officers and privates, when in actual service shall, from the day they are ordered on duty be paid according to the following rates, viz. A brigadier-general per day one pound four shillings; a colonel or lieutenant-colonel commandant per day twelve shillings and six-pence; lieutenant-colonel per day ten shillings; major per day ten shillings; captain per day seven shillings and six-pence; lieutenant per day five shillings; ensign per day four shillings and six-pence; adjutant per day seven shillings and six-pence; surgeon per day seven shillings and six-pence; serjeant-major per day four shillings; drum-major per day four shillings; fife-major per day four shillings; serjeant per day four shillings; drummer per day three shillings; fifer per day three shillings; corporal per day three shillings, and a private per day two shillings.

IX. And be it further Enacted by the authority aforesaid, That every captain or commanding officer of a company shall, once within two months at such place as he shall think most convenient, muster his company, and see that each non-commissioner and private in his company is furnished with such arms, ammunition and accoutrements as by this Act directed, under the penalty of five pounds for each muster he shall neglect, to be levied by a warrant of distress from the colonel or commanding officer of the regiment to which he belongs, in manner aforesaid, and be applied as by this Act directed.

X. And be it further Enacted by the authority aforesaid, That all officers of the militia shall be resident in the county for which they are appointed, and possess a freehold of fifty acres of land or freehold in some town.

XI. And be it further Enacted by the authority aforesaid, That if any non-commissioned officer or private shall, during the time of muster resist his commanding officer or refuse his lawful commands, shall if a non-commissioned officer be reduced to the ranks and kept under guard during the time of such muster, and if a private shall be fined twenty shillings and be kept under guard during the time of such muster, to be levied by warrant from any field-officer of the regiment and applied as other fines by this Act directed.

XII. And be it further Enacted by the authority aforesaid, That if any number of men not exceeding thirty-six nor less than twenty-four, belonging to any regiment in this State shall desire to form themselves into a troop of horse, shall and may after being approved of by the field officers of the same, form themselves into a troop and give a list of their names to the said field officers; who shall forthwith appoint a captain-lieutenant and cornet out of the commissioned officers of said regiment and recommend them to the Governor to be commissioned accordingly; and when the said troop is officered as aforesaid and not before, the persons enrolled in the said troop shall be and are exempt from their service in the foot company, and shall muster as many times as well with regard to private as general musters of the county, and under the same penalties as in and by this Act before directed for the foot musters.

XIII. And be it further Enacted, That the different troops of horse in each district shall be formed into one regiment, and be commanded by a lieutenant colonel commandant and two majors.

XIV. And be it further Enacted by the authority aforesaid, That every trooper shall, before he is approved of as aforesaid, be furnished with a good serviceable horse not less than fourteen hands high, with a good saddle, bridle, holsters and pistols, a horseman's sword and cap, and a pair of shoe-boots and spurs, with a cartouch box and cartridges suitable for their pistols; and shall receive when in actual service the following pay, to wit. a lieutenant-colonel commandant per day fifteen shillings; a major per day twelve shillings and six-pence; a captain per day ten shillings, a lieutenant and cornet per day seven shillings and six-pence each; a serjeant per day five shillings; a trumpeter, drummer and fifer per day five shillings, and each private man four shillings.

XV. And be it further Enacted by the authority aforesaid, That the colonel or commanding officer of each and every regiment shall, in every year cause two general musters to be made of their respective regiments, at the court house of their county; which if any of them shall fail or neglect to do, and fail to appear at such musters (sickness or accident excepted) he or they so offending shall forfeit and pay the sum of twenty pounds, to be recovered by action of debt in any court of record within this State, one half to the person who shall sue for the same, and the other half to be applied as other fines in this Act directed.

XVI. And be it further Enacted by the authority aforesaid, That the colonel or commanding officer of each and every regiment shall order a court-martial to be held at the court-house of his county (except in the counties before excepted) on the day following their respective general-musters, which said court shall consist of a president, judge-advocate, and twelve members, the president to be appointed by the colonel or commanding offi-

cer of the regiment out of the field officers of the same, and the members to be warned out of the captains and subalterns agreeable to a roster to be kept by the Adjutant of the regiment; and the said court so convened shall have power to enquire into the age and abilities of all persons brought before them, and exempt such as they may judge incapable of service, and also all neglects and omissions, as well by officers as soldiers, and to hear and determine all appeals which shall be made to the court by any non-commissioned officer or private who may think himself unjustly fined by the officers of his company, and to order and dispose of all fines, in the first place for buying drums and fifes, and other necessaries for the use of the company from whence the same shall arise, and afterwards with supplying the militia with arms and accoutrements; and the said court shall cause the judge-advocate (who shall be appointed by the court) to keep a register of all their proceedings, which shall be laid before the colonel or commanding officer of the regiment before the same is published, and allow him a reasonable salary out of the fines. Provided nevertheless, That no regimental court-martial shall have power to try a field officer for breach of duty or otherwise. And provided also, That no officer shall be arraigned before any court-martial on any charge unless the same be lodged in writing with the colonel or commanding-officer of the regiment, setting forth the crime with which he is charged, on which the said colonel or commanding officer shall direct the adjutant of his regiment to arrest such officer, and the adjutant shall at the time of serving the arrest, furnish the officer so arrested with a copy of the same.

XVII. And be it further Enacted by the authority aforesaid, That the court-martial of each and every county shall have full power from time to time, to call the sheriffs or any other person or persons whatsoever to account, on oath, who shall pay to them the monies in the hands of him or them, belonging to their respective regiments, that have accrued or shall or may become due by virtue of this or any other Act, and if any sheriff or other person shall refuse or neglect to appear, account and pay as aforesaid, he shall forfeit and pay the sum of fifty pounds, to be received with costs, by the colonel or commanding officer of the regiment to which such money is or may become due, by action of debt in any court of record in this State, to be applied to the use of the regiment; and when any suit shall be brought by the colonel or commanding officer, and he shall happen to die or resign before such suit shall be determined, the same shall and may be carried on by the next officer in command, in the name of his predecessor who brought such suit, and the death and resignation of such colonel or commanding officer shall not be pleaded in abatement of such suit, nor deemed matter of error, any law, usage or custom to the contrary notwithstanding.

XVIII. And be it further Enacted by the authority aforesaid, That if any officer fails to appear at such court or muster as aforesaid, shall on conviction before a court-martial forfeit and pay, if a colonel, lieutenant-colonel or major, the sum of ten pounds, if a captain the sum of five pounds, and if a lieutenant or ensign the sum of four pounds, unless he or they shall make such excuse for his or their absence as the said court shall judge sufficient, and every captain or commanding officer of a company shall return on oath if required, an exact list of all the persons who have been fined, and whether for absence or want of accoutrements, and every captain or commanding officer of a company shall then and there pay into the court all such fines as he shall have received, under the penalty of fifty pounds, to be levied by a warrant from the colonel or commanding officer of the regiment, which fine shall be applied as other fines by this Act directed.

XIX. And be it further Enacted by the authority aforesaid, That the colonel or commanding officer of each regiment shall procure a copy of this Act and cause it to be read at the head of his regiment each general muster-day, and that each and every captain shall also procure a like copy, and cause it to be read three times in the year at the head of his company, and be allowed for the same out of the fines.

XX. And be it further Enacted by the authority aforesaid, That no officer or soldier ordered or directed by this Act to appear at muster as aforesaid, shall be liable to be taken or arrested by any officer in any civil action or process whatsoever on the day such person or persons is or are directed to appear, in any reasonable time either going to, continuing at or returning home from the place appointed to muster, but every such arrest is hereby declared to be void, and all officers are hereby required to take notice thereof, any law, usage or custom to the contrary notwithstanding.

XXI. And be it further Enacted by the authority aforesaid, That every person able to appear or muster, going to or returning from any muster shall be suffered to pass over any bridge and shall be put over any ferry without delay, free from any charge whatsoever, and if any ferryman shall demand, delay or refuse to put such person or persons over, he shall forfeit and pay for every such offence the sum or twenty shillings, to be recovered by a warrant from a justice of the peace, one half to the informer and the other half to the use of the county wherein the offence was committed.

XXII. And be it further Enacted by the authority aforesaid, That the judge-advocate shall have power to administer all oaths required to be taken by the president and members of any court-martial, also the oath required of witnesses, and shall himself take the following oath, to be administered by the president of such court-martial, viz. "I, A. B. do swear, that I will faithfully execute the duty of my appointment as judge-advocate to the best of my knowledge."

XXIII. And be it further Enacted by the authority aforesaid, That whenever any commissioned officer shall be convicted before a court-martial of having violated this Act, he shall not only be subject to the fines imposed, but shall be cashiered, any law, usage or custom to the contrary notwithstanding.

XXIV. And be it further Enacted by the authority aforesaid, That each and every brigadier-general shall have power and authority to call courts martial, composed of the officers of his brigade not under the rank of captain, for the trial of field-officers, in the same manner as colonels or commanding officers of regiments are herein before directed to call regimental courts martial.

XXV. And be it further Enacted by the authority aforesaid, That when any brigadier-general shall be charged with mal-practice or neglect of duty in his office, the Governor shall order a court-martial, composed of field officers from different regiments, of not less than thirteen members, exclusive of the judge-advocate, in which a brigadier-general shall preside, and if they shall find him guilty of the charge to make report to the next General Assembly.

XXVI. And be it further Enacted by the authority aforesaid, That the same method of training and disciplining of the militia shall be observed as laid down by Baron de Steuben, for training and disciplining the late continental army.

XXVII. And whereas in the county of Rowan it is found inconvenient for the inhabitants who reside on the east side of the Yadkin river to attend

general-musters in the town of Salisbury, for remedy whereof, Be it Enacted by the authority aforesaid, That the colonel or commanding officer of the first battalion shall hereafter cause general-musters for the inhabitants aforesaid to be at Charles Wilson's old field on the east side aforesaid, any thing to the contrary notwithstanding.

XXVIII. And be it further Enacted, that the general musters of the counties of Rowan and Mecklenburgh, except those of the battalion aforesaid, shall be held at such places as such musters have been usually held at heretofore. Provided nevertheless, That nothing in this Act contained shall be construed so as to oblige any of the people called Quakers, Moravians, Dunkards or Menonists to attend any private or general muster.

XXIX. And be it Enacted, That all former laws for regulating the militia of this State, and every part thereof, as far as comes within the purview of this Act be, and they are hereby repealed and made void. (Passed December 29, 1785.)

## CHAPTER II.

An Act for Encreasing the Jurisdiction of the County Courts of Pleas and Quarter Sessions, and of the Justices of the Peace out of Court, and Directing the Time of Holding the Several Courts of this State.

Whereas the extension of the jurisdiction of the courts of pleas and quarter sessions of the several counties within this State, may tend to the more speedy furtherance of justice to the citizens therein.

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the several county courts of pleas and quarter sessions within this State, shall have, hold and exercise jurisdiction in all actions of trespass in ejectment, formedon in descender, remainder and reverter, dower and partition, and of trespass quare clausum fregit; any law to the contrary notwithstanding: and from judgments thereon the same right of appeal is hereby granted to any person or persons thinking himself or themselves aggrieved by reason thereof, as in such case is provided by an Act, entitled, "An Act for establishing courts of law and regulating the proceedings therein." Provided nevertheless, That before the granting of any appeal whatever, the attorney praying the same shall certify to the court in writing reasons for his motion, with his opinion that the same are good and sufficient in law why such appeal ought to be granted; which certificate as aforesaid, signed with the name of the said attorney, shall make part of the record, and be transmitted with the other transcript of the cause to the superior court as aforesaid.

And whereas from the manner in which appeals from the county courts of pleas and quarter sessions have been heretofore obtained in numerous instances, frequent injustice has happened to many just suitors from the delay incident to said appeals: For remedy whereof,

II. Be it it further Enacted, That when any appeal prayed shall not be prosecuted, or the court before whom the said appeal may be determined shall affirm the judgment, then shall the appellant be decreed to pay to the appellee, twelve and an half per cent. interest from the passing of the judgment in the county court by which such appeal may have been granted; and the bonds taken for prosecution of appeals with effect shall hereafter make part of the records sent up to the superior court, on which judgment may be instantly entered up against the appellant and his securities; and

no appeal in any cause or court whatsoever shall be abated by the death of either plaintiff or defendant but may be proceeded on by application of the heirs, executors, administrators or assigns of either party.

III. And be it further Enacted, That it shall not be lawful for any court to grant a continuance of any cause therein depending, but by consent of both parties, or on cause shewn by affidavit filed; which cause shall be held sufficient in law for the said continuance.

IV. And be it further Enacted by the authority aforesaid, That single justices of the peace shall, from and after the passing of this Act, have jurisdiction of all debts and demands of ten pounds and under, where the balance due on any speciality, contract, note or agreement; or for goods, wares and merchandizes sold and delivered, or work or labour done, all which matters and things are hereby declared to be cognizable and determinable before any one justice of the peace out of court, and execution thereon may be awarded as directed by the aforesaid recited Act, entitled "An Act for establishing courts of law and regulating the proceedings therein," subject nevertheless to the appeal of any party as by the said Act is provided. Provided always, That judgments given by any one justice of the peace, execution thereon shall be stayed in the following manner, to wit, For all sums not exceeding forty shillings, twenty days; for all sums above forty shillings and not exceeding five pounds, sixty days; and for all sums above five and not exceeding ten pounds, one hundred and twenty days; for the full and truly payment of which with costs and interest till paid, the party requiring such stay of execution shall give sufficient security if required; and if the said judgment shall not be discharged at the time to which the execution thereon may have been stayed, then it shall and may be lawful for any justice to issue execution in the usual form for the same against the principal and his securities.

V. And be it further Enacted by the authority aforesaid, That the several county courts of pleas and quarter sessions herein after mentioned within this State, shall be held hereafter on the following days: For the county of Brunswick on the fourth Mondays in December, March, June and September: The counties of Lincoln, Montgomery, New Hanover, Tyrrell, Dobbs, and Davidson, on the first Mondays in January, April, July and October: The counties of Onslow, Perquimons, Rutherford, Richmond and Wayne, on the second Mondays in the same months: The counties of Anson, Caswell, Burke and Duplin, on the third Mondays of the same months: The counties of Pitt, Wilkes and Cumberland, on the fourth Mondays; and Warren on the last Mondays of the same months: And for the counties of Johnston, on the last Mondays of February, May, August and November: The counties of Edgcombe, Granville, Rowan and Bladen, on the first Mondays in February, May, August, and November; and for the counties of Nash, Surry, Sampson and Chatham on the second Mondays in the same months: The counties of Guilford, Gates, Halifax, Moore and Bertie, on the third Mondays of the same months: The counties of Rockingham, Hertford and Orange, the fourth Mondays, and Hyde on the last Mondays of the same months; and the county of Martin, on the third Mondays in March, June, September and December: The counties of Northampton, Wake, Beaufort and Currituck, on the first Mondays in March, June, September and December: The counties of Randolph, Craven and Camdeh, on the second Mondays in the same months: The counties of Franklin, Pasquotank and Carteret, on the third Mondays in the same months: The counties of Jones and Chowan, on the fourth Mondays in the same months. To which times respectively, all matters and things in the respective county courts within



this State shall stand adjourned, from the courts which will be next in course after the passing of this Act.

VI. And be it further Enacted by the authority aforesaid, That every coroner in this State at the next court for their respective counties, shall before the justices in court, enter into bond with two or more good and sufficient securities, in the penalty of one thousand pounds, payable to the Governor or his successors, with condition for truly and faithfully executing the office of coroner, and upon a breach of the said condition the bond may be assigned and sued for until the whole penalty is recovered, in like manner as the bonds given by sheriffs.

VII. And be it further Enacted by the authority aforesaid, That in all trials for the recovery of debts contracted previous to the fourth of July, one thousand seven hundred and seventy-six, no interest shall be allowed from that period until the fourth day of July, one thousand seven hundred and eighty-two, where the debtor shall prove the creditor had refused to receive the current money of the State, or had removed him or herself, or remained out of the State within the aforesaid time, or continued within the British lines. (Passed December 26, 1785.)

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#### CHAPTER III.

##### An Act for the Regulation of Commerce.

Whereas it is become necessary to make some regulations for protecting the commerce of this State and of the United States:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all the duties which have been imposed by former Acts of the General Assembly of this State on goods imported by water, shall be considered as payable on goods that are imported in vessels belonging to citizens of the United States, and the like duties with an addition of twenty per cent. on the same shall be paid on similar goods imported in all vessels owned in whole or in part by foreigners, whose nation at that time have not a treaty of commerce with the United States. Provided nevertheless, That no duty shall be paid on the importation of any goods which have been manufactured within the United States, out of materials which were of the growth of the United States; the owner or master of the vessel in which they are imported, having made oath that such articles and every part thereof are of the manufacture and growth of the United States, or having produced a certificate of the same from the naval officer of the port in which they were shipped.

II. And be it further Enacted, That instead of a duty of two per cent. ad valorem, there shall be paid on all salt imported into this State, in American vessels, or in vessels belonging to the subjects of any government with whom the United States have a treaty of commerce, a duty of two pence per bushel; and all dutiable goods imported by land, shall be considered as having been imported in American bottoms.

III. And be it further Enacted, That a duty of ten shillings shall be paid to the collectors in the ports of Roanoke, Currituck, Beaufort and Bath, on all vessels below the burthen of sixty tons, belonging to the citizens of the United States, or to the subjects of any government with whom the United States in Congress have formed treaties of commerce; and a duty of three pence per ton shall be paid in those ports on all such vessels that are of the burthen of sixty tons or upwards; which duties shall be paid by

said collectors after deducting a commission of five per cent. into the hands of the commissioners of navigation, to be applied instead of the tonnage duty imposed by an Act in 1783, entitled, "An Act for facilitating the navigation, and regulating the pilotage of the several ports of this State;" and so much of the said Act as comes within the perview of this clause, is hereby repealed.

IV. And be it further Enacted, That a duty of five shillings per ton be paid to the collectors of the respective ports in this State, on all vessels belonging wholly or in part to foreigners, of any nation with whom the United States in Congress have not at such time a treaty of commerce; one fourth of which duty shall be paid by said collectors to the commissioners of navigation in their respective ports, and the remainder, after deducting their commissions of two and an half per cent. shall be paid into the treasury of this State.

V. And be it further Enacted, That every naval officer prior to his admitting any vessel to an entry, that is alledged to belong to citizens of the United States, shall administer the following oath or affirmation to the master or chief owner, viz: "Port \_\_\_\_\_ 178\_\_\_\_\_ Then personally appeared before me \_\_\_\_\_ one of the chief owners, or masters (as the case may be) of the \_\_\_\_\_ and made solemn oath, or affirmation, that the said \_\_\_\_\_ is the sole property of the citizens and residents of the United States, and that no foreigner, directly or indirectly hath any share or interest in the same." For which oath and certificate he shall receive four shillings, and no more; and the naval officer shall certify on the back of the register, if it was not thus certified before, that such oath has been made.

VI. And be it further Enacted by the authority aforesaid, That every naval officer, prior to his admitting any vessel to an entry, that is alledged to belong to the subjects of any government with whom the United States have a treaty of commerce, shall administer the following oath to the master or chief owner, which he shall certify on the back of the register, viz: "Port \_\_\_\_\_ 178\_\_\_\_\_ Then personally appeared before me \_\_\_\_\_ one of the chief owners or master of the \_\_\_\_\_ and made solemn oath that the said \_\_\_\_\_ is the property of the subjects and residents of \_\_\_\_\_ and that the subjects of no other nation have any share or interest in the same." For which oath and certificate he shall also be allowed four shillings, and no more.

VII. And be it further Enacted, That the tonnage of all two decked vessels shall continue to be taken, as by the Act, entitled, "An Act for facilitating the navigation, and regulating the pilotage of the several ports of this State;" but the tonnage of all single decked vessels shall be taken as follows, viz.: Multiply the length of the keel by the breadth of the beam, and that product by the depth of the hold, divide that sum by ninety-four, and the quotient shall be the tons required; but when any difficulty shall arise in obtaining the length of the keel, the collector is authorised to measure the breadth of the beam, which, being multiplied by two and a half, the product shall be taken for the length of the keel.

VIII. And be it further Enacted, That the master of any vessel, or the owner or consignee of any goods imported into this State, having given bonds for the payment of the duties, shall be at liberty to reship any part of the same within three months, that may remain in casks, bales or packages which have not been opened; and he shall obtain a credit on his bond for the amount of the duties payable on the goods thus reshipped as soon as he shall have produced a certificate from the collector in any port belonging to any other State in the union, that such goods have been duly entered

there. Provided always, That before any such goods shall be reshipped, the casks and packages may be examined by the collector, that it may be known whether the goods intended to be reshipped are the same which had been previously entered.

IX. And be it further Enacted, That Josiah Collins, William Littlejohn, John Gray Blount, John Wright Stanley and Spyers Singleton, Esquires, be appointed commissioners for improving the coasting navigation; and they or any three of them shall cause a survey to be made of the coast and beacons or land-marks, to be erected on such places and in such manner as they shall think most conducive to the information and safety of vessels coming on the coast; and the expence of such survey and beacons or land-marks shall be paid them by the collectors, by order of the commissioners of navigation, out of the tonnage duties that shall be collected in the ports of Roanoke, Bath, Beaufort and Currituck, after the necessary expence of keeping up the stakes has been deducted; to which surveys and concomitant expences, the commissioners of the several ports mentioned, shall contribute respectively in the same proportions they contribute to the stake-age of the swatch.

X. And be it further Enacted by the authority aforesaid, That the commissioners of navigation heretofore appointed by law, and their successors, shall have full power to cause the navigation from the town of Beaufort to Neuse river, to be staked as other channels, any law to the contrary notwithstanding.

XI. And whereas some persons to evade the payment of duties, may navigate their vessels with a double set of papers, Be it further Enacted, That if it shall appear that any vessel has cleared at any naval office in this State, which was at the time of such clearance possessed of two sets of papers, that is to say, if it shall be made appear that any vessel which has cleared at any naval office in this State, as the property of the citizens of this State, shall afterwards enter and discharge her cargo taken in and cleared as aforesaid, in any foreign port, as the property of a foreigner, said vessel, upon her return to this State shall be forfeited, and may be seized by the naval officer of the port where she may be found, or by any other person who may prosecute the same, for his own benefit and for the benefit of the State.

XII. And be it further Enacted, That this Act shall be in force from the first day of February next.

XIII. And be it further Enacted, That from and after the passing of this Act, the several collectors of the duties on imposts shall not be obliged to settle their accounts with the treasurer of this State oftener than once in every twelve months. (Passed December 29, 1785.)

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#### CHAPTER IV.

##### **An Act to Enable the Public Treasurer More Effectually to Recover Public Monies That Are Now Due or Hereafter May Become Due.**

Whereas it appears to the General Assembly that by the neglect of many of the clerks of the county courts failing to make returns of the former sheriffs, receivers of quit-rents and duties, and county treasurer's bonds, and the taxable property and polls within their respective counties, it is impracticable for the public treasurer to perform the duties by law required. And whereas there are many entry-takers and others, who owe considerable

sums of money, and cannot be called to account by the said treasurer: For remedy whereof,

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 clerk of each and every county court within this State shall, and they and every of them are hereby required to transmit to the public treasurer at his office, on or before the first day of June in each and every year, attested copies of the bonds of the former sheriffs, receivers of quit-rents and duties, and county treasurers, with the amount of taxable property, and polls subject to pay a public tax, for the preceding year, setting forth in such return the quantity of each species of property subject to be taxed as aforesaid, and the number of polls within his county; and at the same time the said clerks shall and they are hereby required to return to the said treasurer, the bonds of the entry-takers of their respective counties, if any such shall be in their office; and if no entry-taker is in the said county, then the clerk shall certify the same to the treasurer.

II. And be it further Enacted by the authority aforesaid, That the clerk of each and every of the superior and county courts shall, and they are hereby required at the time for making returns of the copies of the former sheriffs, receivers of quit-rents and duties, and county treasurer's bonds as aforesaid, to render unto the treasurer, an account of the fines, forfeitures and amercements that are due and payable for the use of the State; and at the same time pay into the treasury the money due thereon, or so much thereof as he shall have received; and if no such fines or forfeitures have been recovered in any of the said courts, the clerk of such court shall certify the same.

III. And be it further Enacted by the authority aforesaid, That on application of the treasurer to the clerk of any county court for a copy of the record certifying who was the sheriff, receiver of quit-rents and duties, and county treasurer, and their securities, for any one or more years since the year one thousand seven hundred and fifty; or for the sheriffs bonds, or a copy thereof if recorded in his said office, or for the amount of the public taxes for any one or more years, or for the settlement made by any sheriff with the court of such county, the said clerk is hereby directed and required to transmit the same unto the treasurer, and for each and every copy made and transmitted by such clerk, he shall be allowed the sum of eight shillings, to be paid out of the county tax, on his producing the treasurer's receipt therefor.

IV. And be it further Enacted by the authority aforesaid, That if any of the clerks of the superior or county courts, shall fail or neglect to comply with the directions of this Act, he or they so offending, shall forfeit and pay the sum of fifty pounds current money, to be recovered by action of debt in any court of record having cognizance thereof; and the public treasurer is hereby required to commence and prosecute a suit or suits, in the name of the Governor for the same; and on recovery thereof to be applied as other public monies.

V. And be it further Enacted by the authority aforesaid, That each and every officer and other person within this State, who hath in his or their possession any bonds for which the money due thereon is payable for the use of the State, are hereby required to deliver such bonds into the treasurer's office as soon as may be. Provided, That this Act shall not be construed to extend to compel the collectors of impost to deliver up the bonds

taken for payment of the duties on goods imported into this State or superintendents of sales of confiscated property.

VI. And be it further Enacted by the authority aforesaid, That if any former sheriff, receiver of quit-rents or duties, or county treasurer, shall hereafter fail or neglect to account for and pay into the public treasury the public tax of his county, at the time by law required, he shall not be allowed his commissions on the money by him received or to be received by virtue of his said office, unless such former sheriff, receiver of quit-rents and duties, or county treasurer, shall produce a certificate from the clerk of the court, that the said county treasurer, proceeded agreeable to Act of Assembly for the recovery of the said tax from the collector or collectors who failed to account with him.

VII. And be it further Enacted by the authority aforesaid, That the treasurer shall and is hereby required, as soon as may be after the first day of December in each year, to make an exact statement of the balances due on the public tax by each former sheriff or county treasurer for the preceding year, and publish the same. (Passed December 29, 1785.)

#### CHAPTER V.

##### An Act for Emitting One Hundred Thousand Pounds Paper Currency, for the Purposes Therein Expressed.

Whereas the pressing circumstances of our domestic and foreign debts, evince the necessity of emitting a further sum of one hundred thousand pounds in paper currency, to be applied to discharge a part of the foreign debts due from the United States, and a part of the current expences of the federal government. As also to make provision for the payment of the civil list of the government of this State, and for the redemption of certificates issued for interest by the commissioners of continental loans in this State, and also for the redemption of due bills issued by Benjamin M'Culloch and Henry Montfort, Esquires, commissioners appointed to settle with the officers and soldiers of the continental line of this State:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That one hundred thousand pounds be emitted in paper bills of credit on the faith and credit of this State, in bills of the following denominations, to wit, Twenty-four thousand three hundred and seventy-five bills of forty shillings each, twenty-five thousand bills of twenty shillings each, twenty-five thousand bills of ten shillings each, twenty-five thousand bills of five shillings each, twenty-five thousand bills of two shillings and six pence each, twenty-five thousand bills of two shillings each, twenty-five thousand bills of one shilling each, and twenty-five thousand bills of six-pence each: That the same be printed in a printing press; and that such persons as shall be elected by joint ballot of both houses of the General Assembly, shall be commissioners to sign and deliver the same to the public treasurer, to be by him applied as hereafter by this Act directed.

II. And be it further Enacted by the authority aforesaid, That the general form of the bills hereby directed to be emitted, shall be as follows, to wit, "This Bill of ——— shillings shall be a tender in all payments whatsoever, agreeable to an Act of Assembly passed at New Bern, the twenty-ninth day of December, Anno Domini one thousand seven hundred and eighty-five." And such bills shall be impressed and printed the whole of them on good paper of the same fabrication, both in the face and reverse

thereof, on the edges as well as the body, with divers letters, marks, devices and words; which may be difficult of imitation, and which in the opinion of the said superintendents may most effectually secure the same from attempts to counterfeit.

III. And be it further Enacted by the authority aforesaid, That each pound of the emission aforesaid, shall be deemed and held equal to two and an half Spanish milled dollars, and shall be a lawful tender in all payments whatever.

IV. And be it further Enacted by the authority aforesaid, That the persons appointed by this Act to superintend the press, number, sign and pay the bills into the public treasury, shall each take an oath before some justice of the peace, well and truly to execute the duties and discharge the trust by this Act required; and they shall enter into bond to the Governor for the time being and his successors, with sufficient security to be by him approved, in the sum of two hundred thousand pounds, for the faithful and due performance of the duties by this Act required.

V. And be it further Enacted by the authority aforesaid, That each and every commissioner for superintending the press, and numbering or signing, and paying into the public treasury, shall receive for every thousand bills by them signed or numbered and delivered into the public treasury, the sum of twelve shillings, to be paid out of the money by them paid into the treasury.

VI. And be it further Enacted by the authority aforesaid, That the commissioners by this Act appointed, shall be and are hereby empowered to purchase paper and materials, and to employ a printer to print the said bills, and may draw on the treasury into which the aforesaid bills shall be paid for the money necessary for the same, and their drafts shall be admitted as vouchers in the settlement of the treasurer's public accounts.

VII. And be it further Enacted by the authority aforesaid, That the superintendents of the press, as soon as they have struck the sum of money hereby directed to be emitted, shall break and destroy, or cause to be broken or destroyed, such types, dies, or other emblems as they shall have used in printing and impressing the same.

VIII. And be it further Enacted by the authority aforesaid, That whoever shall, by printing, writing, engraving, or by any other ways and means, counterfeit any of the said bills of credit emitted by virtue of this Act, or any part, words, letters, name, emblem or device of the same; or shall make any die, press, type or other instrument for emitting or counterfeiting any of the said bills, or any part, letter, name or device thereof, except by authority of law, (or in case where such may be signed in order to bring suspected persons to justice;) or shall alter or deface any of the said bills with intention to change the value or denomination thereof; or shall knowingly pass or utter any counterfeit likeness of any of the said bills, being thereof lawfully convicted by confession or verdict, or on arraignment on trial stand mute, or challenge peremptorily more than thirty-five jurors, every such person shall suffer death without benefit of clergy.

IX. And be it further Enacted by the authority aforesaid, That if any commissioner appointed by this Act to sign the said bills of credit, or superintend and number the same, shall die, refuse to act, or resign, remove or become disabled or disqualified, it shall and may be lawful for the Governor to appoint one in his stead; and such commissioner shall give bond, and be subject to the same rules and regulations as the commissioners heretofore named.

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

of credit to be emitted in virtue of this Act, shall be impressed, signed and numbered at Hillsborough.

XI. And be it further Enacted by the authority aforesaid, That the treasurer after receiving the money by this Act directed to be emitted, shall be and is hereby directed and required to pay the same out of the treasury for the purposes in manner hereafter mentioned, and for no other purposes, that is to say, To a warrant of the Governor in favour of the commissioners for their expenditures in printing and purchasing paper, they having first settled their accounts with the comptroller of this State; to the warrant of Governor for the allowance of the commissioners for superintending the press, numbering, signing and delivering the bills into the public treasury; to the order of the General Assembly for allowances given to their members and officers for their attendance and service, and the warrant of the Governor for the salary or allowance of the civil list for their services performed.

XII. And be it further Enacted by the authority aforesaid, That a further sum, not exceeding thirty-six thousand pounds, shall be paid to such persons as shall be elected by ballot as aforesaid for the express purpose of purchasing tobacco, deliverable at the towns of Halifax, Tarborough and Fayetteville; whereof the commissioners for Fayetteville shall receive sixteen thousand pounds; which commissioners shall not on any occasion be allowed to give more than fifty shillings for each hundred weight of merchantable tobacco by them respectively purchased, when inspected at the respective warehouses of the said towns; which said tobacco shall be purchased by the said commissioners, and shall be by them shipped to such ports in Europe, or the West Indies, or elsewhere, as they shall be advised by the board of treasury, to such persons from whom bills of exchange or monies may be procured for the payment of the proportionable part of this State, of the debt due from the United States, to be subject to the orders of the board of treasury of the United States, and to obtain releases and discharges for so much monies paid as aforesaid in behalf of this State: whose transactions shall be laid before the Governor every three months, and before the next General Assembly: and the Governor shall from time to time, whenever it shall appear from their report that any considerable quantity of tobacco is in the hands of the commissioners ready for exportation, give information thereof to the board aforesaid, and request their direction with respect to the same: and the said commissioners shall for their trouble be allowed the sum of two and an half per cent. for this service: provided that the commissioners to be appointed by virtue of this Act, shall previous to entering into the execution of their office take the following oath, "I, A. B. do solemnly swear that I will not trade with or part from any of the public money by me received by virtue of my appointment, but as is prescribed by the true intent and meaning of this Act:" and the said commissioners before their receiving the said monies and entering upon the duties of their appointment, shall enter into bond with two or more securities, in double the sum they shall respectively receive, payable to the Governor for the time being and his successors in office, for the true and faithful performance of the trusts reposed in them and duties by this Act directed.

XIII. And be it further Enacted by the authority aforesaid, That the residue of the said sum of money emitted as aforesaid, shall be reserved in the hands of the treasurer for the payment of all such claims which have been granted or which shall hereafter be granted to the citizens of this or the United States, or any other person whatsoever, by the General Assembly,

he or they obtaining the Governor's warrant for such claim particularly specified.

XIV. And be it further Enacted by the authority aforesaid, That the tax of Six-pence 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 property, shall be levied in each and every year, to commence and be first paid for the year one thousand seven hundred and eighty-six; which shall be a sinking fund to sink the paper money in circulation, no part of which shall again go in circulation except the commissions given for the collection of said tax. (Passed December 29, 1785.)

#### CHAPTER VI.

An Additional Act to Amend the Several Acts for Regulating the Town of Wilmington, and to Regulate and Restrain the Conduct of Slaves and Others in the Said Town, and in the Towns of Washington, Edenton and Fayetteville. ✓

Whereas the proprietors of the water lots in the southern end of the town of Wilmington, have petitioned this present General Assembly, setting forth that the said lots, occasioned by the winding of the river, are of a very inconvenient length, measuring from Front street to the water, where shortest about four hundred and seventy feet, and where longest about eight hundred and thirty feet; and praying that a communication from South street through the said lots until it intersects Church street, and as near to Nun street as may be found proper and convenient, may be opened and established by law, in such manner as will be most beneficial to the owners thereof, and as the commissioners of the said town shall direct, but so as that such communication shall not be less than sixty-six feet wide. And whereas it appears from the said petition, that the original proprietor of the said town of Wilmington intersected the said lots with a street, and that many of them were sold and disposed of as divided by the said street, and it will be more commodious for the inhabitants and others who may have occasion to transact business in the said town, to have the communication opened and established by law:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the commissioners of the said town of Wilmington, and they are hereby required to lay out a new street, from South street across the water-lots until it shall intersect Church street, and as near to Nun street as shall be found proper and convenient; and that such new streets shall be laid off and marked as soon as the same can conveniently be done after the passing of this Act.

And whereas after the said street shall be laid off, most of the water lots between South street and Castle street, will still continue much longer than any other lots in the said town and it may be found convenient to open a street through them near the river:

II. Be it therefore Enacted by the authority aforesaid, That the commissioners of the said town, may by the consent of the proprietors of three-fourth parts of the said lots, between South street and Castle street, lay out and mark a street intersecting the said lots near the water, but so as to leave sufficient room for wharves and warehouses, and not less than sixty-six feet for the width of such street.

III. And be it Enacted by the authority aforesaid, That the streets, and each of them to be laid off and marked by virtue of this Act, shall be



deemed public streets; and shall be under the same jurisdiction, restrictions and regulations as other streets in the said town of Wilmington.

And whereas the raising a revenue by casual and other taxations and rents will tend to lessen the annual tax on the inhabitants of the said town of Wilmington:

IV. Be it therefore Enacted by the authority aforesaid, That the said commissioners shall out of the public monies which shall from year to year be by them assessed and collected, or which shall be paid to the town treasurer for fines or otherwise, construct and erect stalls in the market places; and that all persons bringing provisions of any kinds, or fruits, for sale, shall pay for the use of the said market place or stall such tax as shall be assessed by the commissioners from time to time; which taxes shall be rated according to the quantity of provisions and fruits to be exposed to sale in the said market places, That is to say, Stipulated sums for every beef, mutton and veal and so of all other animal food; and stipulated sums for certain quantities of fruits and other vegetable productions to be paid to such officers as shall be appointed to collect the same, by the persons respectively who shall bring such provisions and fruits to the said town for sale, whether by land or water. Provided always, That the commissioners may suffer and permit persons bringing provisions and fruits to market in boats, to sell and dispose of the same at any public or private wharf, with the consent of the owner thereof; and persons bringing such by land to sell the same (butcher's meat excepted) from their carts contiguous to the market places.

V. And be it Enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the said town, and they are hereby required as soon as their funds will permit, to build cellars under their market places or other public buildings in the said town, where the elevation of the ground will permit such cellars to be sunk of a proper depth; and such cellars to rent out from time to time for the benefit of the said town.

And whereas it is customary for many persons, as well in the country as in the several towns in this State, to permit their slaves to hire themselves out from day to day, by which great profits are acquired, and it is reasonable that those persons who derive such advantages from the labour of their slaves in the towns should contribute more than the ordinary taxes towards its support, and at the same time that a distinction should be made between such slaves as may be returned as taxable property in the said towns respectively, and such whose owners reside in the country, and return their taxable property there, although part of their slaves generally work in the towns. And whereas permitting slaves to hire themselves under proper restrictions and regulations, may be rendered convenient for such persons as may occasionally want daily labourers:

VI. Be it therefore Enacted by the authority aforesaid, That from and after the first day of May next, it shall not be lawful for any slave in the towns of Wilmington, Washington, Edenton or Fayetteville, to hire her or himself out, without first producing a permission in writing from the owner, or other persons having the care or management of such slave, directed to the commissioners, trustees or directors of the town where such slave shall be; who thereupon shall cause the said permission to be entered by the town clerk in their books and filed, for which the owner of the slave shall pay a fee of one shilling; and the commissioners shall cause a leaden or pewter badge to be affixed to some conspicuous part of the outer garment of such slave with a device, which may be altered from time to time, expressive of the intention of such badge; and every slave having a badge

in manner by this Act directed, may hire him or herself out, and may lawfully be hired by any person or persons whatever.

VII. And be it Enacted by the authority aforesaid, That for all slaves who shall have badges as above directed, and who shall be town taxables, there shall be paid as follows, to wit, For every male slave being a tradesman there shall be paid yearly to the commissioners, trustees or directors the sum of sixteen shillings; for every male slave not being a tradesman the sum of ten shillings, and for every female slave the sum of eight shillings; but if any slaves having such badges shall not be returned as town taxables, then there shall be paid for every male slave being a tradesman twenty-four shillings; for every male slave not being a tradesman the sum of fifteen shillings, and for every female slave twelve shillings, to be applied as other taxes assessed and collected in the said towns.

And that the taxes upon slaves having badges may be more easily collected and all fraud and evasion prevented:

VIII. Be it Enacted by the authority aforesaid, That the taxes imposed by this Act on slaves who shall be returned as town taxables, shall be paid and collected in the same manner as other town taxes; and that the taxes imposed on such slaves as may not be returned as town taxables, shall be paid or secured to be paid, to the satisfaction of the commissioners, trustees or directors, on or before the first day of July in every year, before any badge shall be by them granted as aforesaid.

And whereas there are many slaves in the said towns, who contrary to law have houses of their own, or are permitted to reside in the outhouses or kitchens of divers of the inhabitants, or in the houses of the free negroes, mulattoes, persons of mixed blood and others, and work and labour for themselves in several trades and occupations, stipulating to pay their owners such daily, weekly or monthly wages as shall be demanded of them; by reason of which robberies and frauds frequently happen, servants are corrupted, and the poor white inhabitants are deprived of the means of earning their subsistence by labour: For remedy whereof,

IX. Be it Enacted by the authority aforesaid, That no slave shall be permitted to exercise any trade or occupation in the said towns respectively without a certificate from the owner, or other persons having the care or management thereof, directed as aforesaid, or without such badge as shall be given to slaves permitted to hire themselves; and all slaves permitted to exercise any trade or occupation as aforesaid, shall be subject to pay the same tax as slaves who are not returnable as taxable property in the towns aforesaid, and to be paid or secured in manner as before directed. Provided always, That nothing herein contained, shall extend or be construed to extend to prohibit any person or persons residing in the said towns respectively, from hiring out their slaves, or in employing such slaves in exercising any trade or occupation under the immediate direction of their owners residing in the said town, so that such slave or slaves be not permitted to receive the wages contracted for, nor the value of any article manufactured or made, or the work and labour done, but in all such cases the owner or other person having the care of slaves, shall make the contract and receive the monies arising therefrom.

And in order to discriminate between free negroes, mulattoes and other persons of mixed blood, and slaves:

X. Be it Enacted by the authority aforesaid, That all persons of the above mentioned description, who are or shall be free, shall on or before the said first day of May next, apply to the commissioners, trustees or directors of the respective towns aforesaid, in order to have their names regis-

tered; and every such person coming into the said towns respectively to reside, shall within three days after their arrival make the like application; and the commissioners, trustees or directors are hereby authorised and required to give every such free person a badge of cloth, of such colour or colours as they shall respectively direct, to be fixed on the left shoulder, and to have thereon wrought in legible capital letters the word FREE: For registration of each of which names the town clerk shall receive two shillings, and the commissioners, trustees and directors respectively shall receive the sum of eight shillings for the use of their respective towns; which registration and badge shall continue in force during the time that such free person shall remain an inhabitant of the town in which he or she shall reside; and if any free negro, mullatto or other person of mixed blood, shall neglect or refuse to apply to the commissioners, trustees or directors as aforesaid, or shall refuse to receive a badge in manner by this Act directed, every such person so neglecting or refusing shall be subject to pay the same tax that is hereby imposed on slaves who are not returned as town taxables, and who shall have badges to enable them to hire themselves; and that such free persons may be the better known, the justices of the peace who shall receive the returns of taxable property in said towns, shall in their yearly returns describe all such persons as are free, and are negroes, mullattoes or otherwise of mixed blood as aforesaid; and all such persons as aforesaid not paying their fines, fees and taxes shall be hired out for so long time as will pay the same respectively.

XI. And be it further Enacted by the authority aforesaid, That the commissioners of the said town, shall and may from time to time, make such ordinances and regulations, and under such fines, forfeitures and penalties as to them shall seem reasonable, for the better carrying the intentions of this Act, and other Acts for the better regulation of the said towns into execution, but so as that such ordinances and regulations do not contravene the fundamental constitution and laws of the State, and so that the party thinking himself aggrieved thereby may appeal to the county court.

XII. And be it Enacted by the authority aforesaid, That if any slave permitted to hire him or herself out in manner by this Act directed should happen to be capitally convicted for any crime committed during the time that he or she shall have such permission, the owner of such slave shall not be allowed any compensation from the public or otherwise for the value thereof when executed.

XIII. And be it also Enacted by the authority aforesaid, That if any free person of mixed blood, or any free negro, residing within any of the said towns, shall be convicted of any felonious crimes with slaves in the town where he or she shall so reside, or shall receive any goods from any slave or slaves without a ticket from his, her or their owner or other person having the care and management of such slave or slaves, or shall receive or harbour in his or her house or otherwise, any runaway or absconding slave or slaves, every such free person being a negro or of mixed blood as aforesaid, shall upon conviction, forfeit and pay to the commissioners, trustees or directors of the town in which he or she shall reside the sum of ten pounds, to be levied of his or her property real or personal and applied to the stock of the town. Provided always, That if any such free person so convicted as aforesaid, shall upon such conviction signify his or her consent to remove from such town, and shall give security for such removal within ten days thereafter; and also that he or she will not reside in such town or within ten miles thereof, for the space of seven years, then it shall and may be lawful for the commissioners, trustees or directors as

the case may be to take such security payable to themselves and their successors in office, and upon breach of the condition to put the same in suit and recover the penalty for the use of their town; and upon such bond being taken with security as aforesaid, the penalty inflicted upon conviction as before directed, shall be remitted to the offender, any thing herein contained to the contrary notwithstanding.

And whereas the laws and regulations made to prevent dealing and trafficking with slaves, have been found insufficient to prevent that dangerous and pernicious practice:

XIV. Be it therefore Enacted by the authority aforesaid, That if any free person shall either buy from or sell to any slave or slaves, or shall barter with any slave or slaves, any kind of goods or commodities whatsoever, or other thing, without a permission in writing from the master, mistress or other person having the management of such slave or slaves, every such free person shall on conviction forfeit and pay the sum of ten pounds, to be levied of his or her property as other recoveries by law; and if the offender shall not have sufficient property to satisfy the judgment, then such offender shall be committed to close custody, and shall remain in prison without bail or mainprize for any time not exceeding three months.

XV. And it is hereby further Enacted by the authority aforesaid, That if any person or persons shall be convicted of entertaining any slave or slaves in his, her or their house or houses, or other place or places, in any manner whatsoever, for money or otherwise, every person convicted thereof shall forfeit and pay to the commissioners, trustees or directors of the town where such offence shall be committed, for the first offence ten pounds, for the second offence twenty pounds, and for the third offence shall be whipped publicly not exceeding thirty-nine lashes, and shall be thereby rendered infamous. Provided always, That when the offender shall be unable to pay the forfeiture, he or she may be whipped for the first or second offence or either of them.

And in order that persons dealing with slaves without permission as aforesaid, may the more easily be convicted:

XVI. Be it Enacted by the authority aforesaid, That if any slave shall be seen going into any store or other house, and such slave shall carry into such store or house, any article or articles which may be supposed for sale, or any bottle, jug or other thing in which liquor may be conveyed, or shall bring out of such house or store anything which may be supposed to have been purchased therein, and such slave shall not have a badge as herein before directed for slaves who may be permitted to follow some trade or occupation, and proof shall be made of the facts, the same shall be deemed sufficient to convict the offender, unless he or she can produce a permission as aforesaid in writing from the master, mistress or person having the management of such slave. Provided always, That nothing herein contained shall be construed to prevent any slave or slaves from delivering to any person or persons residing in any of the said towns, any article of provisions or other thing which may be sent to any such person from their friends in the country or elsewhere, provided such slave has a written permission for so doing.

XVII. And be it further Enacted by the authority aforesaid, That commissioners, trustees and directors of the said towns respectively, are hereby empowered and required to make such additions to and explanations of the several clauses of this Act, relative to slaves, free negroes, and free persons of mixed blood, as may tend to carry the same more effectually into execution against all persons who come within the purview thereof. Pro-

vided always, That all appeals from the commissioners, trustees or directors of the said towns respectively shall be tried by a jury. (Passed December 29, 1785.)

#### CHAPTER VII.

✓ An Act to Secure and Quiet in Their Possessions all Such Persons, Their Heirs and Assigns who Have Purchased, or May Hereafter Purchase Lands and Tenements, Goods and Chattels, Which Have Been Sold, or May Hereafter Be Sold by Commissioners of Forfeited Estates, Legally Appointed for That Purpose.

Whereas by force of sundry Acts of the General Assembly of this State, heretofore passed, commonly called Confiscation Acts, the lands and tenements, goods and chattels, rights and credits of divers persons, specified by name, and all other persons in circumstances similar to those so specified, are declared to be forfeited to this State, and in virtue of the said Acts, and of other Acts for carrying into effect the said Acts, commissioners have been from time to time appointed for seizing all such forfeited estates and making sale thereof for the use and benefit of the said State. And whereas it is declared by the said Act that the sales of the said commissioners shall be good and valid in law, and shall vest in the purchaser, his heirs and assigns, as good and absolute estate in fee simple, in all such property so purchased, as the person from whom sold possessed on the fourth day of July, one thousand seven hundred and seventy-six, or at any time since; and the said Acts do further provide; that in case any estate so sold should afterwards appear to have been the property of infants, feme coverts, or any person or persons not described or meant to be included in the penalties of the said confiscation laws, that then and in such case, such favorable circumstances being made to appear to the satisfaction of the General Assembly, such person or persons should be entitled to receive all such sums of money or monies which such estate or estates did sell for, together with an interest of six per cent. thereon: And whereas in virtue of the said Acts of the General Assembly, commissioners have been appointed, and in pursuance of their duty have actually sold and disposed of great part of the estates so heretofore forfeited and vested in this State, to the citizens thereof and of the United States; and it is highly reasonable and just that all such purchasers, their heirs and assigns, should be protected from expensive and vexatious law-suits which have been or may be commenced against them or any of them by the abnoxious and disqualified persons so specified in said Acts, commonly called Confiscation Acts, or by any other person, or persons whatsoever, claiming by, from or under them or any or either of them, by any Act, deed, gift, will or other conveyance whatsoever, unless the same were actually made bona fide before the fourth day of July one thousand seven hundred and seventy-six: Wherefore,

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 persons holding or deriving titles to any real or personal estate, under a sale or sales lawfully made by commissioners of forfeited estates legally appointed for such purposes, shall be deemed not liable to answer any suit or suits in law or equity, which hath been, or may be commenced by any person or persons so specified or described in the said confiscation Acts as inimical to the States, or by any person or persons whatsoever, claiming by, from, or under them, or any or either of them; and that the courts respectively,

shall and may, and they are hereby required, in all such cases upon the motion or affidavit of the defendant or other person, and by his deeds and other documents, making it appear that he holds and derives his title to the lands, or chattels in question, under and by the sale of a commissioner or commissioners of forfeited estates legally appointed, to dismiss all such suitors, suits, action or actions, at the proper costs and charges of the plaintiff or plaintiffs, any law, usage or custom to the contrary notwithstanding. (Passed December 29, 1785.)

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#### CHAPTER VIII.

**An Additional Act to an Act, Entitled, "An Act for Raising a Public Revenue for the Support of Government," and to Repeal an Act, Entitled, "An Act to Suppress Excessive Gaming."**

Whereas since the passing of the before recited Act, an evil species of gaming has been introduced into this State, known by the name of the A. B. C. and E. O. tables, greatly to the prejudice of the good people of this State: For remedy whereof,

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 following duties, impositions and taxes be collected and accounted for in the same manner as the duties and taxes imposed by the before recited Act, in addition to said Act, that is to say, on every A. B. C. table now in or that hereafter shall be brought or made in this State, the sum of two hundred and fifty pounds; for every E. O. table the same sum, and for every species of gaming of like kind and nature, the sum of two hundred and fifty pounds as aforesaid.

II. And be it further Enacted, That it shall not be lawful for any person or persons claiming or owning one or more of the said tables, to remove himself or table, or attempt to move himself or table out of the county, where such shall be under the penalty of paying the sum of five hundred pounds, to be recovered in any court of record in this State, one half for the person suing for the same, and the other half for the use of the State, until such person claiming or owning any of the above-mentioned tables shall fully comply with the direction and intention of this Act. (Passed December 10, 1785.)

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#### CHAPTER IX.

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

I. Be it 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-six, a tax of five shillings on every hundred acres of land, and a tax of fifteen shillings on every poll, and a tax of fifteen shillings on each and every hundred pounds vaule of town lots with their improvements, in this State, shall be levied and paid in State currency, or in gold or silver at the rates established by law, in continental or State dollar bills, or soldiers bounty certificates at the rate of eight hundred for one, in specie certificates of any kind at their nominal value 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 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, entitled "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, entitled "An Act for the more regular collecting, payment of and accounting for the public taxes." (Passed December 29, 1785.)

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#### CHAPTER X.

##### **An Act to Amend an Act, Entitled "An Act for Opening the Land Office and Other Purposes."**

Whereas it is found altogether impracticable for the different surveyors within this State, to compleat their surveys in their districts and counties agreeable to an Act of the General Assembly, passed at Hillsborough in the year seventeen hundred and eighty-three.

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 in order to secure the rights of those persons who have entered lands with any of the entry-takers, or may be possessed of warrants granted by the secretary of State to the officers and soldiers of the continental line of this State, a further indulgence of eighteen months be granted the surveyors, in order to compleat the surveys on such warrants as may have issued previous to the passing of this Act, any law to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, That in all cases where the office of entry-taker shall become vacant, that then and in that case, the successor in office shall and is hereby authorized and required to make out and issue all warrants which shall not have been made out, that all warrants so made out and issued shall be and are hereby made as valid as if they had been executed by the entry-taker who received the entry. Provided, That such entry-taker shall not be accountable for such monies as by law directed to be received for entries of land made previous to his appointment to the office. (Passed December 29, 1785.)

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#### CHAPTER XI.

##### **An Act to Amend an Act Passed at New Bern in November One Thousand Seven Hundred and Eighty-Four, Entitled "An Act to Describe and Ascertain Such Persons Who Owed Allegiance to This State, and to Impose Certain Disqualifications on Certain Persons Therein Described."**

Whereas it appears to the General Assembly of North Carolina, by the petitions from several counties in this State, that the above recited Act has not had the desired effect:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That every person who at any time since the fourth day of July one thousand seven hundred and seventy-six, attached himself to, or traiterously corresponded with, or in any manner aided or abetted the enemies of this State in prosecuting the late war, shall be incapable of holding or exercising the office of

Governor, councillor of State, delegate in Congress, judge or justice of the peace, member of the General Assembly, or any office of honour, profit or trust whatsoever within this State.

II. 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, or who shall hereafter offer as a candidate for, or accept of or qualify to either of the aforementioned offices, or holding either of the said offices shall presume to continue to exercise the same ten days after being served with an authentic copy of this Act, or after the expiration of three months from the ratification hereof, shall forfeit and pay the sum of five hundred pounds current money 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 person suing for the same and the other half to the use of the State. Provided nevertheless, That nothing herein contained shall be construed to exclude any of the good citizens of this State from holding and exercising any of the aforesaid offices, who were under the necessity of receiving protection from the late common enemy, and who, after receiving that protection did not stay voluntarily with them, nor took an active part in any manner, by furnishing them willingly with provisions or bearing arms against this State, or accepting any appointment under the said enemy, civil or military, and the said unfortunate citizens, having only received protection as aforesaid, and having renewed their allegiance to the State in good time, are hereby restored to the rights and privileges of citizens as fully as if they never had received protection from the common enemy as aforesaid, any law to the contrary notwithstanding. (Passed December 29, 1785.)

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## CHAPTER XII.

### An Act Directing That Marriage Settlements and Other Marriage Contracts Shall Be Registered, and for Preventing Injury to Creditors.

Whereas marriage settlements and other marriage contracts, binding the estates of the husbands, have been frequently made and kept secret, whereby the possessors upon the credit of their apparent property have been enabled to contract great debts to the manifest deception and injury of their creditors: For remedy whereof for the future,

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 marriage settlements and other marriage contracts whereby any money or other estate shall be secured to the wife or husband heretofore made, and which have not had their effect, shall be proved in the same manner as other deeds, and shall be registered in the proper county on or before the first day of May next; and all marriage settlements and other marriage contracts hereafter to be made, shall be proved within six months after the making thereof, and registered within one month thereafter; and all marriage settlements and other marriage contracts not proved and registered according to the directions of this Act shall be void against creditors, any law to the contrary notwithstanding.

II. And for preventing injury to creditors, Be it Enacted and declared by the authority aforesaid, That no marriage settlement or other marriage contract shall be good against creditors, where a greater value is secured to the intended wife and the children of the marriage, or either of them, than the portion actually received with the wife in marriage, and such estate as the



husband at the time of his marriage shall be possessed of after deducting the just debts by him then due and owing, and in case of any suit upon any such marriage contract, where any creditor or creditors shall be a party, the burthen of the proof shall lie upon the person or persons claiming under such marriage contract. Provided always, That if any legacy or legacies shall be given to the wife in general words, and not in trust or a distributive share or shares of any intestate's estate shall fall to her during her coverture, such legacies and distributive shares (in case the estate of the husband and wife shall not at the time of the marriage be of sufficient value to make good the marriage contract) shall be held, deemed and taken as part of the portion received with the wife, and shall be secured to those claiming under such marriage contract, anything herein contained to the contrary notwithstanding.

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#### CHAPTER XIII.

##### **An Act to Empower Commissioners to Liquidate the Accounts of the Officers and Soldiers of the Continental Line of This State, and to Revive the Late Boards of District Auditors for a Limited Time.**

Whereas the commissioners heretofore appointed for liquidating the accounts of the line aforesaid, have not been able to receive all the accounts aforesaid, in a great measure owing to the shortness of the time given for that purpose in the Act of Assembly passed at New Bern, in November one thousand seven hundred and eighty-four; whereby many of the good citizens of this State are greatly injured: For remedy whereof,

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 Benjamin M'Culloch, John Macon and Henry Montfort, Esquires, are hereby appointed commissioners to liquidate the remainder of the accounts due officers and soldiers of the continental line of this State; and are hereby invested with the same powers with respect to the settlement of accounts, and are under the same restrictions as the commissioners were that acted under an Act of Assembly passed at Hillsborough, in June one thousand seven hundred and eighty-four, entitled, "An Act for the relief of the officers and soldiers of the continental line and other purposes."

II. And be it further Enacted, That the said commissioners shall take the following oath before they enter upon the duties of their office, that is to say, "I, A. B. commissioner for liquidating the accounts of the officers and soldiers of the continental line, do swear, that I will faithfully and to the best of my knowledge, discharge the trust reposed in me."

III. And be it further Enacted, That the said commissioners when they have settled the remaining claims of the officers and soldiers of the continental line, for services performed prior to January one thousand seven hundred and eighty-two, shall issue to the respective claimants two indented certificates, one of which shall be a certificate for the fourth part of the sum that appears to be due to him, and shall be declared by its tenor to entitle the party or his assignee to prompt payment; the other shall be a certificate for three-fourths of the sum due to the claimant and shall be in the common form.

IV. And be it further Enacted, That the commissioners aforesaid shall set as a board the first ten days in April, May and June next, and no longer; and that all accounts that are not exhibited within that time shall forever hereafter be of no effect; and the said commissioners are hereby required

and directed to advertise the time and place aforesaid in each of the districts within this State, as soon as may be after the passing of this Act.

V. Be it further Enacted by the authority aforesaid, That the commissioners appointed by this Act, shall be empowered to liquidate the claims of all continental soldiers raised for the term of twelve months, in full, and issue certificates in the same manner as for officers and soldiers who served to the end of the war.

VI. And be it Enacted by the authority aforesaid, That the late district auditors respectively are hereby empowered to meet at or near their district court house, at any time after the first day of April next, to receive and settle all such claims not heretofore allowed, as the late district auditors were by law empowered to settle, and to give certificates for such sums as they may allow.

VII. Provided nevertheless, and be it further Enacted by the authority aforesaid, That David Vance, Edward Hunter and Russel Jones, be and are hereby appointed auditors in the room and stead of those heretofore appointed for the district of Morgan; and that the said David Vance, Edward Hunter and Russel Jones, shall take the oath heretofore prescribed for district auditors previous to their settling claims.

VIII. And be it further Enacted by the authority aforesaid, That the said auditors and their clerks, shall be entitled to the same pay as the late auditors, provided their time of service shall not exceed ten days in any one district.

IX. And be it further Enacted by the authority aforesaid, That the public treasurer shall be and is hereby authorised to discharge and pay off all such certificates as shall be issued by the commissioners aforesaid for prompt payment, as well as those that hitherto have been issued, commonly called due bills, for which service he shall receive a commission of one half per centum and no more.

X. And be it further Enacted, That the said commissioners shall lodge their check-book in the hands of the treasurer, as soon as the time shall have elapsed in which they are allowed to settle accounts. (Passed December 27, 1785.)

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#### CHAPTER XIV.

##### An Act for the Relief of the Officers, Soldiers and Seamen, Who Have Been Disabled in the Service of the United States During the Late War.

Whereas it hath been recommended by the United States in Congress assembled, that uniform provision be made in the several States for officers, soldiers and seamen who have been disabled in the service of the United States,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a compleat list shall be made out by the comptroller of this State, of all the officers, soldiers or seamen resident in this State, who have served in the army or navy of the United States, or in the militia in the service of the United States, and have been disabled in such service so as to be incapable of military duty, or of obtaining a livelihood by labour. In this list shall be expressed the former pay, the age and disability of each invalid; also the regiment, corps or ship to which he belonged; and a copy of the same shall be transmitted to the office of the secretary at war, within one year after the sitting of this present Assembly, and a like list of the invalids resident in this State

shall, from year to year, be transmitted to the office of the secretary at war.

II. Be it further Enacted, That no officer, soldier or seaman shall be considered as an invalid, or entitled to pay unless he can produce a certificate from the commanding officer or surgeon of the regiment, ship, corps or company in which he served, or from a physician or surgeon of a military hospital, or other good and sufficient testimony, setting forth his disability, and that he was thus disabled while in the service of the United States.

III. And be it further Enacted by the authority aforesaid, That all the commissioned officers of the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of military duty, or of obtaining a livelihood, be allowed a yearly pension, which shall correspond with the degree of their disability, compared with that of an officer wholly disabled: That all non-commissioned officers and privates within the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of military or garrison duty, or of obtaining a livelihood by labour, be allowed a sum not exceeding five dollars per month; and all non-commissioned officers and privates as aforesaid, who shall not have been disabled in so great a degree, be allowed such sum as shall correspond with the degree of their disability, compared with that of a non-commissioned officer or private wholly disabled. Provided always, That no officer who has accepted his commutation for half pay shall be entered on the list of invalids, unless he shall have first returned his commutation.

IV. And be it further Enacted, That William M'Clure, Joseph Leech and Andrew Blanchard in the district of New Bern; Samuel Dickerson, Joseph Blount and Lott Bruster in the district of Edenton; James Gickie, John Fergus and James Read in the district of Wilmington; Goodarum Davis, Nicholas Long and Charles Pasteur in the district of Halifax; William Courtenay, John Taylor and John Estis in the district of Hillsborough; Anthony Newman, Edmund Yarborough and Lewis Beard, Jun. in the district of Salisbury; Joseph Dobson, David Vane and Charles M'Dowall in the district of Morgan; Lardner Clark, Eusibius Bushnal and T. Molloy in the district of Washington, be and they are hereby appointed commissioners for examining into the claims of all officers, soldiers and seamen, resident in their respective districts, who have served in the army or navy of the United States, or in the militia in the service of the said United States, and have been disabled in said service so as to be incapable of military duty, or of obtaining a livelihood by labour; and to report whether the person producing a certificate as before required, setting forth that he is an invalid, be such in fact; and if such, to what pay he is entitled; whereupon the commissioners aforesaid shall give to the invalid a certificate, specifying to what pay he is entitled, and shall transmit a copy of each certificate to the comptroller aforesaid, whose duty it shall be to receive and record the same; and the commissioners in each certificate shall express the age and disability of the invalid, also the regiment, corps or ship to which he belonged; and the said commissioners, before entering on the duties of their appointment shall take an oath before some justice of the peace for the faithful discharge of the same.

V. And be it further Enacted by the authority aforesaid, That every invalid shall annually apply himself to some magistrate of the county in which he resides, and take the following oath, viz.: "A. B. came before me, one of the justices for the county of \_\_\_\_\_ in the State of North Carolina, and made oath that he was examined by the commissioners for the district of \_\_\_\_\_ appointed by the State for that purpose, and obtained a certifi-

cate, setting forth that he served in ——— that he was disabled by ——— and that he now lives in the county of ———."

VI. And be it further Enacted, That a copy of each affidavit, drawn according to the above form, and dated, and attested by a magistrate, be sent by the said magistrate to the comptroller aforesaid, and that a counter part of the same be given to the person taking it to be exhibited to the treasurer of the State.

VII. And be it further Enacted, That the comptroller shall annually transmit to the treasurer an account of all the persons whom he has registered as invalids according to this Act, and who have been certified to him to be living within the State on that year, and the sums to which they are respectively entitled, and the treasurer is hereby authorised and required to discharge their annual pensions accordingly. (Passed December 29, 1785.)

#### CHAPTER XV.

##### An Act for Recovering Part of the Artillery Belonging to This State.

Whereas it is represented that a considerable number of heavy cannon belonging to this State, were thrown into a river near Edenton during the late war lest they should fall into the hands of the enemy, and that it is probable the same may be recovered:

I. Be it Enacted by the General Assembly of the State of North Carolina, That Joseph Blount, Josiah Collins and William Bennett, be and they are hereby appointed commissioners for recovering the aforesaid cannon; and they are authorised to contract with any person or persons for raising the whole of the said cannon, or so many of them as shall be found, and depositing the same in a safe and proper place; for which service they may allow a reasonable sum, not exceeding twelve pounds for raising and securing each piece of cannon.

II. And be it Enacted by the authority aforesaid, That as soon as the cannon are raised and secured, and the commissioners shall have reported the same to his Excellency the Governor, he shall give them a draught on the collector for the port of Roanoke, for the amount of the services performed according to contract, which draught shall be allowed the collector in the settlement of his account. (Passed December 29, 1785.)

#### CHAPTER XVI.

##### An Act Empowering the Commissioners Appointed to Settle the Accounts Between the United States and the State of North Carolina, or the Creditors of the United States within the Said State, to Call Witnesses and Examine Them upon Oath or Affirmation Touching Such Accounts.

Whereas it hath been recommended by the Congress of the United States to the several legislatures of the respective States, to empower by law their commissioner for settling accounts, to call witnesses and examine them upon oath or affirmation touching all accounts and claims against the United States: And whereas James Hindman, Esquire, hath been appointed commissioner from Congress to the State of North Carolina for the purposes aforesaid:

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

and after the passing of this Act, the said James Hindman, Esquire, or his successor in office, shall have full power to call before him, by summons under his hand and seal directed to any sheriff, coroner or constable, any person or persons whose testimony may be deemed necessary on the admission or establishment of such claims as may be exhibited before him, and to examine them upon oath or affirmation, which oath or affirmation the said commissioner is hereby authorised to administer. Provided nevertheless, where the person or persons whose testimony may be required, live distant from the resident of the said commissioner, then it shall and may be lawful for the said commissioner to exhibit in writing such interrogatories as may be necessary, which interrogatories may be answered to upon oath before the commissioner for taking affidavits in causes in law and equity for the county wherein such person or persons as aforesaid dwell.

II. And be it further Enacted by the authority aforesaid, That if any person or persons summoned by the said commissioner, shall fail to appear or answer as aforesaid as the case may be, the party aggrieved by reason of such default shall be entitled to his recovery at law, by action on the case, for such damages as it may appear has been suffered by such default.

III. And be it further Enacted by the authority aforesaid, That if any person or persons shall before the said commissioner swear or affirm falsely, and be thereof lawfully convicted, he, she or they shall suffer as in cases of wilful and corrupt perjury. (Passed December 29, 1785.)

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#### CHAPTER XVII.

##### An Act to Amend an Act for Making Provision for the Poor.

Whereas it appears to this General Assembly that in some counties within this State the sheriffs have neglected to hold elections for the county wardens, whereby many of the poor people of this State who are proper objects of charity, are suffering for want of necessary supplies for their support.

I. Be it therefore Enacted by the General Assembly, and it is hereby Enacted by the authority thereof, That in all such counties as have not elected wardens according to law, the sheriff shall within two months after the passing of this Act, summons the inhabitants to elect and chuse seven good and sufficient freeholders, to act as wardens of the poor; and such wardens so elected, shall within twenty days meet at the court house and qualify, after which they shall be under the same rules, regulations and restrictions as those who have heretofore qualified according to law. (Passed December 29, 1785.)

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#### CHAPTER XVIII.

##### An Act to Empower the County Wardens of the Poor for the Counties Therein Mentioned, to Build Houses in their Respective Counties for the Reception of the Poor and Other Purposes.

Whereas the poor should always be an object of legislative attention:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a tax, not exceeding the sum of two shillings, shall be laid on every taxable person; and also a tax, not exceeding eight pence, on every hundred acres of land; and a sum not exceeding two shillings, on every hundred pounds value of town lots in the counties of Northampton, Nash, Halifax,

Chowan, Carteret, Wayne and Onslow; where the wardens shall judge it expedient for discharging arrears due, and for the support of their poor: which tax shall be collected by the same persons appointed to collect the public taxes, and to be accounted for under the same restrictions as other public taxes are; which said taxes when collected, shall be paid into the hands of the county wardens, to be applied to the discharge of arrears due from their respective counties; and also to purchase such quantity or quantitles of land, as shall be expedient to erect a house or houses thereon, for the purpose of receiving into and maintaining the poor of their said counties; and all such land and houses when purchased and built shall be and remain for the use of the counties aforesaid under the direction of the wardens of the poor for the said counties, and to their successors for ever.

II. And be it further Encated by the authority aforesaid, That persons being either distracted or otherwise deprived of their senses, so that the wardens shall judge them incapable of self preservation, shall be under the care of said wardens, who are empowered to keep them confined in such houses so long as they may judge necessary. (Passed December 29, 1785.)

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#### CHAPTER XIX.

**An Act to Empower the Wardens of the Poor to Call to Account all Former Sheriffs, Clerks of County Courts, and Other Persons Who Have Not Accounted for Taxes and Fines by Them Received, Which Are Appropriated to, or Intended for the Support of the Poor in the Several Counties Within This State.**

Whereas in many of the counties within this State there are arrears yet due from the Sheriffs, clerks of county courts, and other persons who collected the parish taxes under the former government, and received fines which were intended for the support of the poor, and have not accounted for the same with the wardens of the poor in their respective counties:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the ratification of this Act, the wardens of the poor in each respective county within this State are hereby authorized and required at their first meeting, or any other time after the passing of this Act, to cite each person being in arrears as aforesaid, or his or their securities, executors or administrators, to appear on a certain day at the place where the said wardens usually meet for the transacting the business enjoined them by their office; which citation shall be executed at least ten days before the said meeting.

II. And be it further Enacted by the authority aforesaid, That if any person or persons as before mentioned, shall after being thus cited refuse or neglect to appear agreeable to such citation, and settle his or their accounts, and pay into the hands of the county wardens, all such monies as shall by any means appear to be due for the purpose before mentioned; then and in such case the county wardens of the county wherein such delinquent debtor or debtors reside, are hereby required to commence a suit or suits against such debtor or debtors, his or their securities, and executors or administrators for the same, before any jurisdiction having cognizance thereof, to be recovered with costs in the same manner by which other debts are recoverable. (Passed December 29, 1785.)

## CHAPTER XX.

## An Act for the Better Regulation of the Town of Tarborough.

Whereas the laws now in force for the regulation of the town of Tarborough are found to be insufficient.

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Robert Bignal, Edward Hall, Henry Irwin Tool, Thomas Blount, John Haywood, Thomas Gilchrist and Michael Hearn, Esquires, be and they are hereby appointed commissioners for the town of Tarborough with full power and authority to open and keep the streets thereof in good order and repair; to which end they are hereby authorised and empowered to appoint an overseer or overseers of the same, with authority to summon the inhabitants of the said town to work thereon; and in case of the refusal or neglect of any inhabitant so summoned to appear and work upon the streets accordingly, or to procure a sufficient substitute in his stead to perform such work, every inhabitant so refusing or neglecting shall forfeit and pay the sum of eight shillings for each and every refusal or neglect, to be recovered by warrant under the hands and seals of any two of the said commissioners, on complaint made by the overseer and applied as is herein after directed. Provided, That excuses of inability arising from bodily infirmity, when tendered on oath, shall be admitted. And provided also. That no inhabitant of the said town shall be compelled to work on the streets thereof more than twelve days in any one year.

II. And be it further Enacted by the authority aforesaid, That the said commissioners and their successors in office, shall and they are hereby declared to be a body politic and corporate, by the name and designation of the commissioners of the town of Tarborough; and that they may sue and be sued, implead and be impleaded as such, and shall have full power to make and issue orders, not inconsistent with the constitution, for carrying the purposes of this Act into effect; and to appoint a treasurer, surveyor or surveyors, and such other officers as shall appear to them necessary for the better regulation and government of the said town, ascertaining the salaries, fees and perquisites of such officers.

And whereas from the many encroachments made on the streets of said town by erecting piazzas, porches and other buildings, and enclosures thereon, the inhabitants are incommoded:

III. Be it therefore further Enacted, That the commissioners thereof be and they are hereby empowered and required to impose a ground rent, not exceeding twenty shillings, to be paid annually for each piazza, porch or other encroachment on the streets of what kind or nature soever, of six feet in width adjoining to or being before any one house or tenement; on each piazza, porch or other encroachment of less than six feet in width, a sum not exceeding fifteen shillings; and on all piazzas, porches and other encroachments of a greater width than six feet, a rent of eight shillings on each foot over and above six, shall be imposed exclusive of the ground rent aforesaid, to be collected and applied as herein after directed.

IV. And be it further Enacted by the authority aforesaid, That all free males of twenty-one years old and upwards, who shall have usually resided in the said town for the space of one month previous to the first day of January annually, and all others the proprietors of any lot or lots in said town, orphans excepted, shall be considered as being liable to pay taxes; and shall be taxed accordingly, as well for the year one thousand seven hundred and eighty-six, as for each succeeding year, at the discretion of

the commissioners in any sum not exceeding eight shillings per poll; and in order that a just and accurate list of all persons and property by this Act liable to be assessed, may be obtained:

V. Be it further Enacted by the authority aforesaid, That the court of Edcombe county on application of the commissioners, shall annually appoint some justice of the peace for the county aforesaid, who shall between the first and last days of March then next ensuing, receive from the inhabitants of the said town, and others by this Act liable to be taxed, true and accurate lists on oath, of all the polls and property to them belonging, which by this Act are made liable to taxation, and shall make return of such lists under his hand and seal to the commissioners at their first meeting which shall happen after the said last day of March annually, and each and every person failing to give in on oath lists as aforesaid, shall be assessed in double the amount of the tax for which he or she would otherwise have been liable. For the due collection of which taxes, together with aforementioned ground-rent:

VI. Be it Enacted, That the commissioners shall appoint some person, properly qualified, collector, allowing him such commissions as to them shall seem adequate and just. And it is hereby further declared, That all persons inhabitants of the said town, who by this Act are made subject to taxation, shall likewise be considered as being liable to work on the streets. Provided, That any owner of slaves who shall in virtue of this Act be compelled to furnish two or more able bodied hands to work on the said streets at the times for that purpose appointed, shall as to himself be excused from personal labour.

VII. And be it further Enacted by the authority aforesaid, That each and every male inhabitant of the said town, as well servants and slaves as free men, shall henceforth be considered as exempt from working on the public roads, during the time they shall continue inhabitants as aforesaid, but shall work on the streets of the said town only.

VIII. Be it further Enacted, That all taxes and rents which shall become due by virtue of this Act, shall be collected and accounted for annually on or before the first day of August in each year; and in case of the failure or refusal of any person to pay the same, the collector shall and he is hereby directed to sell at public vendue, so much of the personal property of such person so failing or refusing, as will be sufficient to discharge the sum for which by this Act he or she shall have become liable, governing himself by the rules by law prescribed for collectors of public taxes.

IX. And be it further Enacted, That each and every person, minors excepted, holding any unimproved lot or lots in the said town, shall for every such lot, be liable to a tax of ten shillings annually, and shall be assessed accordingly, and the monies arising from such assessment collected in manner aforesaid. Provided nevertheless, That it is hereby expressly declared that dwelling houses of every kind, and enclosures either by rails, paling or plank, provided they extend the length and breadth of the lot, shall be deemed improvements under this Act.

X. And be it further Enacted, That any person except as before excepted, owning an improved lot or lots in the said town, who shall fail for the space of twelve months to pay the tax for which by this Act he may be liable, the commissioners shall and they are hereby directed to sell the same at public vendue, to the highest bidder for ready money, first advertising such lot for the space of three months at least in the North Carolina Gazette: and after deducting the tax and other expences which may have accrued



in consequence of such advertisement and sale shall pay the balance on application of the person entitled to receive the same.

XI. And be it further Enacted, That the said commissioners shall and they are hereby required and directed forthwith to call to account, all persons for any monies which may be supposed to be in their hands belonging to the said town, and in case of failure or refusal by such persons to pay the same to issue warrants, or bring suits for all such sums as may appear to be due, and that all such monies shall be recovered and paid agreeable to the scale of depreciation by law established.

XII. And be it further Enacted, That the commissioners shall apply all monies collected in virtue of this Act, in repairing the streets, making good the public landing, and in such other useful works, as a majority of them shall think most conducive to the grandeur and emolument of said town; and shall each of them respectively before entering on the duties of his appointment take before some justice of the peace the following oath, and obtain a certificate thereof, to wit, "I, A. B. do swear, that as commissioner for the town of Tarborough, I will endeavour to execute the several duties enjoined me by the Act of Assembly in that case made and provided, without favour, affection or partiality, to the best of my skill and abilities. So help me God."

XIII. And be it further Enacted by the authority aforesaid, That the first meeting of the commissioners shall be held on the first Monday in May next, when they may appoint a chairman and adjourn, and meet at such times as they shall think proper; and that in all acts of the said commissioners, a majority of them shall constitute a quorum, nor shall they do business with a less number; and that in case of death, refusal to act or removal out of the county of Edgcombe, of any of the commissioners by this Act appointed, the inhabitants of the said town shall, within one month after such vacancy, assemble (ten days previous notice being first given by the chairman of the commissioners, in writing affixed to the court house in said town) and elect some other person being an inhabitant of the county of Edgcombe, commissioner in the place of him so dying, removing or refusing to act; which person after being so elected and qualified as by this Act directed, shall be vested with the same powers and authorities as if he had been expressly named herein.

XIV. And be it further Enacted, That if the commissioners shall find any lot or lots in the said town, not already conveyed, they shall after having advertised such lot or lots for the space of three months in the North Carolina Gazette, publicly sell the same for the most that may be had, and grant a deed or deeds for such lots, subject nevertheless to the like regulations as the other lots of the said town.

XV. And be it further Enacted by the authority aforesaid, That all fines and forfeitures which may be incurred by virtue of this Act, shall be paid into the treasury of the said town, and applied as the common stock thereof.

XVI. Be it further Enacted by the authority aforesaid, That all and every Act, and parts of Acts, for regulating the town of Tarborough, coming within the purview of this Act, be and the same are hereby repealed and made void. (Passed Dec. 29, 1785.)

## CHAPTER XXI.

**An Act for the More Speedy Determining Disputes That Have Arisen, or Hereafter May arise in the Counties of Rowan, Mecklenburg, Rutherford, Guilford, Lincoln and Rockingham, From Erecting Mill Dams, and to Prevent Persons from Building Mills, as Herein Described.**

Whereas many disputes have heretofore arisen, or hereafter may arise from erecting mill dams, and overflowing the lands belonging to persons proprietors of lands on the water course above the said mill dams: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted, That from and after the passing of this Act, where any dispute may arise or have heretofore arisen in any of the counties aforesaid, between the builder of any mill or mills and the owner of land above the said mill as aforesaid, it shall and may be lawful for the county court where such dispute may arise, on application of either party, to order the sheriff of said county to summon a jury of good and lawful men, who shall appear at the place where such lands are overflowed, and ascertain the full value of what said land was worth had it not been overflowed, and all damages to the owner, the party making application to the court as aforesaid giving the other party ten days previous notice thereof before the sitting of such court.

II. And be it further Enacted by the authority aforesaid, That the value of said land shall be paid by the owner of such mill at the succeeding court, after such trial, or as soon as the verdict of such jury shall be confirmed by the said court, and on the failure thereof execution shall issue for the sum ascertained by the jury as aforesaid, and the costs thereon.

III. And be it further Enacted by the authority aforesaid, That upon payment of the value of such land by the verdict of a jury as aforesaid, the person owning said land shall, and he is hereby required to execute a deed in fee simple for such land to the owner of said mill, and on failure thereof the owner of said mill shall stand discharged from any action or actions, suit or suits, either in law or equity, and shall also stand discharged from any indictment on account of such land, overflowed as aforesaid; and in case any action or actions, suit or suits, or indictments shall be commenced or prosecuted against the owner of said mill as aforesaid, it shall and may be lawful for the defendant to plead the payment as aforesaid, and judgment shall be against the plaintiff for costs.

IV. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, it shall not be lawful for any person or persons in any of the counties aforesaid, to build or erect any water grist-mill within two miles above or below any mill that is or hereafter may be erected for the purpose of manufacturing flour for merchandize. Provided, That such is furnished with good bolting cloths and every other requisite for manufacturing good merchantable flour as aforesaid: Any person in the said counties who shall hereafter build any mill or mills contrary to this Act, shall forfeit and pay the sum of one hundred pounds, to be recovered by action of debt, in any court of record having cognizance thereof, by the party aggrieved. (Passed December 29, 1785.)

## CHAPTER XXII.

**An Act for the Relief of the Widows or Children of Officers Who Have Died in the Service of the United States.**

Whereas it was resolved by the United States in Congress Assembled, on the twenty-fourth of August one thousand seven hundred and eighty, "That the resolution of the fifteenth day of May one thousand seven hundred and seventy-eight, granting half-pay for seven years to the officers of the army who should continue in service to the end of the war, be extended to the widows of those officers who have died or shall hereafter die in the service, to commence from the time of such officer's death and continue for the term of seven years or if there be no widow, or in case of her death or intermarriage, the said half pay be given to the orphan children of the officers dying as aforesaid if he shall have left any; and that it be recommended to the legislatures of the respective States to which such officers belong, to make provision for paying the same on the account of the United States:" And whereas justice and humanity require that the utmost attention be paid to the families of those patriots who have died in the service and defence of their country:

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 widows, or where there are no widows, the children of such continental officers belonging to the line of this State as have died while they were in the service of the United States, shall be, and they are hereby declared to be entitled to receive from the treasury of this State, per account of the United States, annually and every year, for the term of seven years, a sum equal to the half of the pay to which such officers respectively were entitled at the time of their death.

II. And be it further Enacted, That the Governor of the State for the time being, shall on the first day of January every year for the term of seven years, beginning on the first day of January one thousand seven hundred and eighty-six, issue a draught on the treasury in favour of the widows of the several continental officers belonging to the line of this State, who died in the service of the United States, or in case there is no widow, to the children or the guardian or legal representative of the children of such officers respectively, for a sum of money equal to half of the pay to which such officers were entitled by the year, according to the commission they held in the army at the time of their death. Provided nevertheless, That no draught shall issue in favour of any widow or child of any deceased officer, until a certificate is produced, duly attested before some justice of the peace, that such person is living and is the widow or child of the officer under whom they claim.

III. And be it further Enacted, That no person who is entitled to the benefits of this Act, nor of another Act passed at the present session of the General Assembly, entitled "An Act for the relief of wounded and disabled officers, soldiers and seamen," &c. shall have any claims on the State under a former Act, entitled "An Act for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence, in the militia service of this State, and providing for the widows and orphans of such as have died," or of an Act to amend said Act. (Passed December 29, 1785.)

## CHAPTER XXIII.

## An Act for the Dividing the County of Guilford.

Whereas the extent of the county of Guilford and different water-courses in the same, render it inconvenient and troublesome to many of the inhabitants thereof, to attend the courts and general elections, and other public meetings appointed therein:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the said county of Guilford be divided by an east and west line, beginning at Haw river bridge, near James Martins; and that all that part of the late county of Guilford, which lies to the south of said line, shall continue and remain a distinct county by the name of Guilford; and all that other part of the said county of Guilford, which lies north of the said dividing line, shall thenceforth be erected into a new and distinct county by the name of Rockingham.

II. And for due administration of justice: Be it Enacted by the authority aforesaid, That a court for the said county of Rockingham shall be held constantly by the justices thereof on the fourth Mondays of February, May, August and November; and the justices for the said county of Rockingham are hereby authorised and empowered to hold the first court in the same at the house of Adam Tate; all subsequent courts for said county on the days above appointed for holding courts therein, at any place to which the said justices shall from court to court adjourn themselves, until a court house shall be built for said county of Rockingham, and then all causes, matters and things depending in said court, and all manner of process returnable to the same shall be adjourned to such court house; and all courts held in and for said county of Rockingham, shall be held by commission to the justices, in the same manner and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction as are or shall be prescribed for other courts held for the several counties in this State.

III. And be it further Enacted by the authority aforesaid, That nothing herein contained shall be construed to debar the late sheriff and collectors of the said county of Guilford as the same stood undivided, to make distress for any levies, fees or other dues now actually due and owing from the inhabitants of the said county as it formerly stood undivided, in the same manner as by law the said sheriff or collectors could or might have done, if the said county had remained undivided; and the said levies, fees and other dues shall be collected and accounted for in the same manner as if this Act had never been made, any thing to the contrary notwithstanding.

IV. And be it further Enacted by the authority aforesaid, That after the passing of this Act the said county of Rockingham, shall be continued and remain part of the district of the superior court of law and equity, usually held for the district of Salisbury; and the said county treasurer of the said county of Rockingham, shall from time to time account for and pay to the public treasurer of this State for the time being, all public levies by him collected, or wherewith he shall stand chargeable, in the same manner and under the like pains and penalties as other county treasurers.

V. And be it further Enacted by the authority aforesaid, That William Dent, John Hamilton, Charles Bruce, Samuel Henderson, Joshua Smith and Abraham Phillips, be appointed commissioners; and they are hereby empowered and required to run the said dividing line between the counties of Guilford and Rockingham agreeable to the directions of this Act; which

said line when run by the commissioners or a majority of them, shall be by them entered on record in the court of each of the said counties, and shall thereafter be deemed and taken to be the dividing line between the said counties of Guilford and Rockingham.

VI. And be it further Enacted by the authority aforesaid, That James Hunter, John Dabney, Thomas Henderson, John May and Hugh Challis, Esquires, the survivor or survivors of them, be and they are hereby empowered and directed to agree and contract with workmen for erecting and building a court-house, prison and stocks, for use of said county of Rockingham, at such place as they, or a majority of them or their survivors, shall agree upon. And for reimbursing the said commissioners the money they shall expend in erecting the said buildings, and running the dividing line between the said counties:

VII. Be it further Enacted by the authority aforesaid, That a tax of two shillings on each poll, and a tax of eight pence on every hundred acres of land, shall be and is hereby assessed on the taxable property in the said county of Rockingham, for two years to commence from the passing of this Act; and that all persons who shall refuse or neglect to pay said tax, at the time limited for payment of public taxes, shall be liable to the same penalties and distress as for non-payment of public taxes; and the collectors of the said county are hereby required and directed to account for and pay the monies by them so collected, to the commissioners aforesaid, after deducting two and an half per cent. for the 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 same penalties and recoveries as by law may be had against collectors of public taxes in like cases.

VIII. And be it further Enacted by the authority aforesaid, That all manner of suits, causes and pleas, whether civil or criminal, now commenced and depending in the county court of Guilford, shall continue and may be prosecuted to a final end and determination, any thing in this Act to the contrary notwithstanding.

IX. And be it further Enacted by the authority aforesaid, That the court of the said county of Rockingham, shall appoint three jurors to attend at every superior court that shall be held for the said district. (Passed December 29, 1785.)

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#### CHAPTER XXIV.

##### An Act to Prevent Persons from Stopping or Obstructing Ways Leading to Houses of Public Worship.

Whereas it may happen that persons may be possessed of lands in such manner as to enable them to stop and obstruct the usual ways leading to houses of religious public worship.

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 any person who shall under pretence of owning the land or lands adjoining or surrounding any church, meeting-house, or other house or houses of religious public worship, stop or obstruct, or cause the same to be done, the usual way or ways leading to or from any of the aforesaid places of public worship, or springs or wells thereby used, shall forfeit and pay the sum of five pounds for every such offence, to be recovered by an action of debt in any court of record in this State; one half to go to the person suing for the same, the other half to be applied to the maintenance of the poor of such county, any law or custom to the contrary notwithstanding. Provided always, That nothing herein shall subject any person to the penalty afore-

said, who shall surround any spring or well with a fence, if such fence shall not absolutely render a passage to such spring or well impracticable. And provided also, That no surrounding any piece of land, through which any of the aforesaid ways shall lead, with a fence, shall subject any person to the said penalty, if a passage shall be left to the church, meeting-house or place of religious public worship of the same width at least that such way was usually of. And provided also, That this Act shall not be in force until the first day of April next. (Passed December 29, 1785.)

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#### CHAPTER XXV.

**An Act to Amend an Act to Empower 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 by the authority of the same, That the justices of the county courts where any inland river or stream of water, is or shall be the line of the county whereof they are justices, shall have all the powers and authority given by the said Act, the title whereof is above recited, for the purposes therein mentioned; to the justices of the county court of any county through which an inland river or stream doth run.

II. And be it further Enacted by the authority aforesaid, That the justices of each of the said courts respectively, where any such inland river or stream should run through the county, or be a line of the county whereof they are justices, shall have full powers and authority, where the same shall appear necessary and expedient to them, to direct the commissioners by them appointed in virtue of this Act, and the said Act the title whereof is above recited, to purchase or hire a flat, with a windlass and the appurtenances necessary to remove loose rocks and other things which may by such means be more easily removed, and allow the same flat, windlass and appurtenances to be paid for out of the county tax. Provided nevertheless, That nothing in this Act contained shall affect private property. (Passed December 29, 1785.)

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#### CHAPTER XXVI.

**An Act for Securing Literary Property.**

Whereas nothing is more strictly man's own than the fruit of his study, and it is proper that men should be encouraged to pursue useful knowledge by the hope of reward; and as the security of literary property must greatly tend to encourage genius, to promote useful discoveries and to the general extension of arts and commerce:

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 author of any book, map or chart, not hitherto printed, who is a citizen of the United States, and his heirs or assigns, shall have the sole liberty of printing, publishing and vending the same within this State for the term of fourteen years, to commence on the day of its publication: and if any person or persons within the said term of fourteen years, shall presume to print, reprint or publish any such book, map or chart within this State, or shall import any copy or copies of the same, which have been reprinted beyond the limits of

the State, and shall knowingly publish, distribute or vend the same without the consent of the author or proprietor in writing, signed in the presence of two credible witnesses, such offender or offenders shall forfeit to the proprietor all the books, maps or charts thus printed, reprinted, imported, published or offered for sale, together with double the value of the articles so imported: One moiety of which money shall go to the State, the other moiety to him who shall sue for the same, for the benefit of the party injured, in any court of record within this State. Provided nevertheless, That no author or proprietor of any such new book, map, or chart, shall be entitled to the benefit of this Act, unless he shall before publication duly enter his name as author or proprietor, together with the title of the book, map or chart to be published, in the office of the secretary of the State, who is hereby directed to enter the same on record; nor unless he shall before publication have delivered to the secretary of the State one copy of such book, map or chart, for the use of the executive of the State; of which entry and for which copy the secretary is hereby required to give him a certificate and receipt.

II. And be it further Enacted, If the author or publisher of any book as aforesaid shall set an unreasonable price on the same, regard being had to the probable labour, expence and risque of such author or publisher, the judges of the supreme court, on complaint thereof made in writing by two or more persons, are hereby authorised and empowered to summons such author or publisher to appear before the next supreme court, to be holden in that county or district where such author or publisher usually resides; and said court shall enquire into the justice of the complaint, and if the same on full examination shall appear to be well founded, they shall correct or settle the price; and if said author or publisher after such price is fixed by the court, shall sell any book at a higher rate, he shall for every offence forfeit twenty Spanish milled dollars; one moiety to the State and the other moiety to the person who shall sue for the same.

III. And be it further Enacted, That every author who is a citizen in any of the United States and whose work shall originally be published in any of the United States, where laws similar to this are or may be passed for the security of literary property or his assigns, being also citizens of the United States, shall be entitled to the benefit of this Act and none others. Provided always, That nothing contained in this Act, shall be construed to prevent any person from reprinting any book, map or chart that has been published; or from importing, reprinting or publishing any book, map or chart that shall be originally published in any other country; nor shall any thing in this Act be construed to encourage or protect any authors or publishers of books, maps or charts, which may be dangerous to civil liberty, or to the peace or morals of society. (Passed December 29, 1785.)

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#### CHAPTER XXVII.

##### An Act for Ascertaining the Duties and Salary of the Public Printer.

Whereas general complaints have been made of the want of dispatch or punctuality in printing or distributing the laws of this State: For remedy whereof,

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 it shall be the duty of the printer for this State, who shall be chosen by the joint ballot of the two Houses of Assembly, to print the laws and journals of the

General Assembly, the Governor's proclamations, such accounts of the executive officers as the General Assembly may order to be printed for public information, and such public bills as they may order to be printed for consideration, and to print the titles of such laws as shall pass during each session, one copy for each member, and the certificates for the attendance of the members.

II. And be it further Enacted, That one thousand one hundred and six copies of the laws shall be printed on a good type, one hundred and sixty-two copies of the journals of each House of Assembly, and one hundred and sixty-two copies of the several proclamations, accounts or bills ordered to be published; and that the whole of the laws and journals be printed on paper of the same size.

III. And be it further Enacted, That the public printer shall with all convenient dispatch, cause the laws and journals to be delivered at the office of the clerk of the Supreme Court in the districts of Edenton, New Bern, Wilmington, Halifax, Hillsborough, Salisbury and Morgan, in the following manner, viz.: He shall deliver at Edenton, for the several counties in that district, one hundred and seventy-six copies of the laws and twenty-eight copies of the journals; at New Bern, for the counties in that district, one hundred and eighty copies of the laws and twenty-eight copies of the journals; at Halifax, for the several counties in that district, one hundred and thirty copies of the laws and twenty-two copies of the journals; at Wilmington, for the counties in that district, one hundred and sixty copies of the laws and twenty-five copies of the journals; at Hillsborough, for the counties in that district, one hundred and fifty copies of the laws and nineteen copies of the journals; at Salisbury, for the counties in that district, one hundred and eighty copies of the laws and twenty-five copies of the journals; and he shall deliver to the clerk of the district court for the district of Morgan, one hundred and thirty copies of the laws and fifteen copies of the journals, for the several counties in that district and in the district of Washington.

IV. And be it further Enacted, That the public printer shall be allowed the sum of five hundred pounds by the year, in full for performing the public printing, including the price of paper and the whole of his trouble and expence in distributing the Acts and journals as before directed: one-half of which sum shall be advanced at the first session of the several General Assemblies, the other half as soon as he shall have produced to his Excellency the Governor for the time being, receipts from the several district clerks referred to, that he has furnished them respectively with a proper number of the laws and journals.

V. And be it further Enacted, That the public printer shall give a bond with sufficient security to the Governor for the time being, conditioned for payment of double the sum that may be advanced him if he does not well and truly perform the duties of his office. (Passed December 29, 1785.)

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#### CHAPTER XXVIII.

##### **An Act for Destroying Wolves, Wildcats, Panthers, Bears, Crows and Squirrels in the Several Counties Therein Mentioned.**

Whereas the great increase of wolves, wildcats, panthers, bears, crows and squirrels, in the counties herein after mentioned, is found to be injurious and prejudicial to the inhabitants thereof:

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



several county courts of Carteret, Rutherford, New Hanover, Brunswick, Bladen, Rowan, Tyrrel, Rockingham, Wilkes, Hyde, Moore, Caswell, Onslow, Duplin, Sampson, Burke, Wake, Lincoln, Randolph, Mecklenburg, Surry and Davidson, in this State, are hereby authorised and respectively impowered, when they may judge the same necessary after the year one thousand seven hundred and eighty-five, to lay a tax on the inhabitants and taxable property of their said counties, to be collected by the public collectors and accounted for as the county tax, for the purpose of granting bounties to persons who shall kill or otherwise destroy any wolves, bears, panthers or wildcats in such counties, in such manner and in such proportion as by order of court shall be directed. Provided the bounty to be given for killing each wolf shall not exceed twenty shillings, and for killing each wildcat shall not exceed three shillings. Provided such tax shall not exceed one shilling on each poll, and four pence on every hundred acres of land in one year.

I. And be it further Enacted by the authority aforesaid, That the several county courts before mentioned, shall have full power to apply the monies arising from said tax, for the purpose before mentioned, as they by order may direct; and the surplus if any, shall be applied towards defraying the contingent charges of said county.

III. And be it further Enacted by the authority aforesaid, That every master or mistress of a family, and overseer of a plantation when the master or mistress of a family does not reside in the same county, in the counties of Montgomery, Burke, Warren, Franklin, Wake, Jones, Dobbs, New Hanover, Wilkes, Granville, Onslow, Caswell, Lincoln, Rutherford, Duplin, Sampson, Brunswick, Rowan, Mecklenburg, Tyrrel, Bladen, Richmond and Surry, shall kill or cause to be killed in every year, seven crows or squirrels, for each taxable he or she shall inlist, under the penalty of forfeiting and paying four pence for every crow or squirrel, he or she shall neglect to kill or cause to be killed, to be recovered and applied as herein after directed. Provided always, That no constant residents in any of the towns in the counties in this Act mentioned, shall be included in this Act for their taxables in such town.

IV. And be it further Encated by the authority aforesaid, That every master or mistress of a family, or overseer as aforesaid, on killing any crow or crows, squirrel or squirrels as aforesaid, shall produce the head of such crow or crows, and also the scalp or scalps of such squirrel or squirrels, to some justice of the peace, who thereupon shall give a certificate to such person or persons, mentioning the number of crows heads and squirrel scalps so produced, who on giving such certificates shall destroy or cause to be destroyed such heads or scalps in his presence.

And for the more effectually recovering the penalties as aforesaid:

V. Be it Enacted by the authority aforesaid, That each and every of the collectors of the respective counties herein before mentioned, at the time of receiving the county taxes, shall demand of each and every person chargeable with taxes, such certificate for that year; and on neglect or refusal to produce the same or pay the penalties aforesaid, the collector shall and he is hereby impowered and directed to make distress on the State of such person or persons for the penalties aforesaid, in the same manner as by law he is impowered to make distress for public taxes; and shall account for and pay the same in the same manner and under the same restrictions, and have the same allowances as for receiving county taxes; which penalties shall be applied towards defraying the county charges. (Passed December 29, 1785.)

## CHAPTER XXIX.

## An Act for the Promotion of Learning in the County of Davidson.

Whereas the good education of youth has the most direct tendency to promote the virtue, increase the wealth and extend the fame of any people; and as it is the indispensable duty of every legislature, to consult the happiness of a rising generation and endeavour to fit them for an honorable discharge of the social duties of life. And whereas it is represented to this General Assembly, that the citizens of Davidson county are desirous of making an early and liberal provision for the instruction of youth, by laying the foundation of a public seminary in that county:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the Reverend Thomas Craighead, Hugh Williamson, Daniel Smith, William Polk, Anthony Bledsoe, James Roberson, Lardner Clark, Ephraim M'Claine, and Robert Hays, Esquires, 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 Davidson academy; and by the name of the trustees of Davidson academy, shall have perpetual succession and a common seal; and that the said trustees and their successors by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels that shall be given them for the use of the said academy; and the same apply according to the will of the donors, and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain to them, and their successors 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 academy, in the county of Davidson, building or purchasing suitable and convenient houses, purchasing a library and philosophical apparatus, and supporting and paying the salaries of the provost and such number of professors and tutors as to them shall seem necessary.

II. And be it further Enacted by the authority aforesaid, That the said trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to bargain, sell, grant, demise, alien or dispose of, and convey any such lands, rents, tenements or hereditaments as aforesaid, when the will of the grantee doth not forbid the same; and further, that the said trustees and their successors forever, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered, in all courts of record whatsoever, by the stile of "The President and Trustees of the Academy of Davidson."

III. And be it further Enacted by the authority aforesaid, That the said trustees or a majority of them, shall and they are hereby authorised to choose a president, treasurer and secretary out of their own body; they may also choose a rector, professors and tutors for the academy, and the same may remove at pleasure; and they shall have authority to make bye-laws for the government and regulation of the academy, and the same to alter and amend. Provided nevertheless, That such laws shall not be repugnant to the laws of this State, 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 progress of useful knowledge: and further, that on death, resignation, refusal to act, or misconduct of either professors or tutors, the secretary,

treasurer or steward, others shall be elected in their room and stead, a majority of the trustees agreeing thereto.

IV. And be it further Enacted by the authority aforesaid, That the treasurer of the said board of trustees, shall enter into bond with sufficient security to the trustees aforesaid, in the sum of fifteen hundred pounds conditioned for the faithful discharge of the trust in him reposed; 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 and donations of whatsoever kind, 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.

V. And be it further Enacted, That if any trustees shall neglect attending at the stated meetings of the board for the space of two years, or if any of them shall die or otherwise resign his office, the remaining trustees, or a majority of them, shall at their next meeting choose another trustee in the room of the person thus neglecting his duty, dying or resigning his office.

VI. And be it further Enacted by the authority aforesaid, That no lands, tenements or hereditaments, which may be vested in the trustees of the academy of Davidson for the sole use and behoof of the academy, shall be subject to any tax for the space of ninety-nine years.

VII. And be it further Enacted, That two hundred and forty acres of the land reserved for the use of the State, being that part of said land which is most remote from the salt springs near Nashville, shall be and is hereby vested in the trustees of Davidson academy for the use of that seminary. (Passed December 29, 1785.)

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#### CHAPTER XXX.

##### An Act to Erect and Establish an Academy in the County of Duplin

Whereas the establishing an academy in the said county for the education of youth will be attended with great advantages to the State in general, and the county of Duplin in particular:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Thomas Routledge, James Kenan, Joseph Dickson, Thomas Gray, William Dickson, David Dodd, John James, Israel Bordeaux and James Gillespie, Esquires, be and they are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession, all monies and other property which have been or hereafter may be subscribed for the purpose of erecting an academy on the lands lately purchased of Nicholas Hunter in said county, by name of Grove Academy; and the said trustees and their successors shall be able and capable in law to ask for and demand, receive and possess of the several subscribers, all sums by them respectively subscribed, and in case of refusal of any of them to pay the same, to sue for and recover by action of debt or otherwise, in the name of the trustees, the sum which such person so refusing shall have subscribed, in any jurisdiction having cognizance thereof; and the monies when collected and received, to be applied by the said trustees or a

majority of them towards paying for the lands already contracted for, and erecting thereon a suitable and convenient house, to contract with and employ a tutor or tutors, and to perform every act or thing that they or a majority of them shall think necessary and expedient for the advancement of the said academy and the promotion of learning therein.

II. And be it further Enacted by the authority aforesaid, That the trustees herein before-mentioned, shall previous to their entering on the execution of the trust reposed by this Act, give bond to the court of the county, payable to the chairman and his successor, in the sum of one thousand pounds, specie, with condition, that they shall well and faithfully account for and apply all gifts, donations, bequests and monies which they may receive of and by virtue of this Act for the purposes aforesaid.

III. And be it further Enacted by the authority aforesaid, That if any of the trustees by this Act appointed, shall die, refuse to act or remove away, that he cannot attend the duties of his appointment, the remaining trustees may appoint another in his stead, who shall exercise the same powers as trustees appointed by this Act; and when met together within the said county shall have power and authority to elect and constitute one or more tutor or tutors, and a treasurer, and also to make and ordain such rules and regulations, not repugnant to the laws of this State, for the well-ordering of the students, their morals, studies and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave said academy, certifying their literary merit, 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 the said trustees or a majority of them are hereby empowered, and shall have lawful authority to remove the tutor or tutors, treasurer or any of them if they shall find it necessary, and on the death, resignation or refusal to Act of any of them, to appoint and elect others in the stead of those displaced, dead or refusing to act.

IV. And be it further Enacted by the authority aforesaid, That the trustees by this Act appointed, or a majority of them, and their successors, shall meet annually on the first Friday of March in each and every year, or at any other time they may find more convenient, and elect a proper person out of their own body to preside for the term of one year, who may convene the trustees at any time he may find it necessary. Provided always, That he shall give ten days previous notice of such meetings, and that the president and treasurer shall be chosen on the said first Friday of March unless in cases of unavoidable accidents.

V. And be it further Enacted by the authority aforesaid, That the treasurer of the said board of trustees, shall enter into bond with sufficient security to the trustees, conditioned for the faithful discharge of the trust reposed in him by this Act, and that all monies and chattels that shall be in his hands at the expiration of his office, shall be immediately paid into the hands of the succeeding treasurer; and every treasurer shall receive all monies, donations, gifts, bequests and charities that may belong or accrue to said academy during his office, and at the expiration thereof shall account with the trustees or a majority of them for the same, and on refusal or neglect to pay and deliver as aforesaid, the same mode of recovering may be had against him as is or may be provided for the recovery of money from sheriffs or other public officers. (Passed December 29, 1785.)

## CHAPTER XXXI.

**An Act Empowering the Commissioners of the Town of Edenton to Convey Part of the Town Commons to the Trustees of Smith's Academy.**

Whereas it has been represented by the trustees of Smith's academy that they conceive it would be for the interest of the institution under their care, that they shall be allowed to erect public buildings on the commons of the town of Edenton; and the freeholders and inhabitants of that town having prayed that a law may be made for that purpose:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the commissioners of the town of Edenton shall be authorised, and they are hereby authorised to make over and convey to the trustees of Smith's academy, for the sole use of that institution, a lot or parcel of ground out of the town commons, in such place as the trustees may choose, not to exceed six acres. And whereas it is represented, that the freemen inhabitants of the town of Edenton, have neglected to choose commissioners on the first Monday of July last, the day appointed by law for that purpose;

II. Be it Enacted by the authority aforesaid, That the freemen inhabitants of the town of Edenton, shall be and they are hereby authorised to choose commissioners for said town on the second Monday in January next, who shall continue in office till the first Monday of July. (Passed December 29, 1785.)

## CHAPTER XXXII.

**An Act for Establishing an Academy at Kinston in the County of Dobbs, and to Amend the Act Establishing the Academy in the District of Salisbury.**

Whereas liberal subscriptions have been made and a prospect of considerable additions towards establishing a seminary of learning at Kinston in the county of Dobbs. And whereas the proper education of youth is essential to the happiness and prosperity of every community, and therefore worthy the attention of the Legislature:

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 an academy be erected and established at the town of Kinston, in Dobbs county, for the education of youth, under the name, stile and title of the Dobbs Academy.

II. And be it further Enacted by the authority aforesaid, That his Excellency Richard Caswell, the Honourable Alexander Martin, Richard Dobbs Spaight, William Blount, Joseph Leech, John Hawks, Jesse Cobb, James Glasgow, Charles Markland, John Isler, John Herritage, Benjamin Coleman and John Court, and they and their successors, to be elected in manner herein after directed, shall forever be a body politic and corporate in deed and in name, by the title of the trustees of the Dobbs Academy, and by the same name they and their successors shall and may have perpetual succession, and be able and capable in law to receive, take and enjoy to them and their successors, lands, tenements, rents and hereditaments of any kind, nature, quality or value, in fee or in perpetuity, and also estates for lives and for years, and all sums of money, goods, chattels and things whatsoever of any nature, quality or value for building, erecting and supporting the said academy, paying salaries to the president, professors and tutors thereof; and by the same name they and their successors shall and may be able to implead and

be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and before all judges and justices whatsoever, in all actions, pleas, complaints and demands; and to grant, bargain, sell or assign any lands, hereditaments, tenements, goods or chattels; and to act and do all things whatsoever for the use aforesaid, in as full and ample a manner and form as any natural person or body politick or corporate can or may by law; that they shall and may have a common seal for the business of them and their successors, with liberty to change, break, alter or make new the same from time to time as they shall think proper.

III. And be it further Enacted by the authority aforesaid, That the said trustees, or any five or more of them, shall have full power and authority to meet at all times when they shall think proper at the said town of Kinston, to deliberate, resolve upon and carry into effect the laws and regulations to be by them made for the government of the said academy, and shall have full power to fill up any vacancies which may happen in the said incorporated body of trustees, by the death, refusal to act, resignation or removal out of the State of any of its members, and the persons appointed to fill such vacancies shall be, and they are hereby declared to have the same power and privileges as the trustees named in and by this Act.

IV. And be it further Enacted by the authority aforesaid, That the said trustees or a majority of them be, and they are hereby authorised and empowered to convene at the court house in Kinston, on the first Monday in July next after the passing of this Act, and then and there elect and constitute by commission in writing under their hands, or the hands of a majority of them, 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 vested with the same powers, privileges and authorities as any trustee named in and by this Act; and such president and the trustees or their successors or any five or more of them at all other times thereafter, when met together in the said town, shall have full power and authority to elect and constitute one or more professors or tutors, a secretary, treasurer and steward; and also to make and ordain such laws, rules and regulations, not repugnant to or inconsistent with 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 progress they shall have made in useful knowledge; in general, they shall and 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.

V. And be it further Enacted by the authority aforesaid, That the said trustees or a majority of them, are hereby authorised and declared to have power to remove or displace the professors or tutors, the secretary, treasurer and steward, or any of them if they shall find it necessary, and appoint others in their stead; and in case of the death, resignation or refusal to Act of the president, or any of the said professors or tutors, the secretary, treasurer or steward, others shall be elected by such trustees in the room and stead of those dead, resigning or refusing to act.

VI. And be it further Enacted by the authority aforesaid, That every treasurer appointed by the trustees aforesaid, shall previous to the entering upon his office, enter into bond in the sum of one thousand pounds payable to the trustees aforesaid, 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 which shall be in his hands at the expiration of his

office, shall then be immediately paid and delivered into the hands of his successor in office, 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 on his neglect or refusal to pay and deliver to his successor as aforesaid the monies and chattels in his hands, the same mode of recovery shall and may be had against him, as is or may be had for the recovery of monies from sheriffs or other persons chargeable with public monies.

VII. And be it further Enacted by the authority aforesaid, That nothing contained in this Act shall be construed to prevent the trustees from distinguishing the public hall, or their library, by the name of such persons, who may within two years from the said first Monday in July next, make the most liberal donations to the said academy. Provided nevertheless, That this seminary shall not be construed to be one of those mentioned or intended by the constitution.

Whereas it is deemed necessary that an addition of members be made to the board of trustees of the Salisbury academy:

VIII. Be it further Enacted by the authority aforesaid, That the Reverend Robert Archibald, Adolphus Nuffman, and Doctor Thomas Donnell, be added to the board of trustees of the Salisbury Academy, and be vested with the same powers and authorities which any of the trustees aforesaid are vested with, by an Act of the General Assembly for the encouragement of learning in the district of Salisbury. (Passed December 29, 1785.)

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#### CHAPTER XXXIII.

##### **An Act to Allow a Further Time for Saving Lots in the Several Towns Within This State.**

Whereas the time allowed by law for saving lots in the several towns of this State, will expire on the second day of June next:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a term of ninety-nine years, from and after the passing of this Act, be given to all persons who hold lots in any of the towns within this State for the completing their buildings, agreeable to the respective Acts of Assembly in those cases made and provided, any law to the contrary notwithstanding. (Passed December 29, 1785.)

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#### CHAPTER XXXIV.

##### **An Act to Amend the Acts Passed for Purchasing a Lot or Lots in the Town of Wilmington, for the Purpose of Building a Jail for the District of Wilmington, and for the Repairing the Court House of said District.**

Whereas, It is represented by the trustees for purchasing a lot in Wilmington, building a district jail thereon, and repairing the district court house, that the monies in their hands, and what yet remains due to them for the years one thousand seven hundred and eighty-three, and one thousand seven hundred eighty-four, have been all expended in purchasing a lot and materials, and making some temporary repairs to the old court house, and other incident expences; and that the taxes yet to be collected will be insufficient to enable them to execute their trust:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the taxes imposed by an Act passed at Hillsborough and ratified the second day of June, one thousand seven hundred and eighty-four, shall continue to be assessed and levied in the several counties in the said district for the years one thousand seven hundred and eighty-seven and one thousand seven hundred eighty-eight; and the said taxes shall be collected and paid in the same manner and under the same pains and penalties as are directed in the said last mentioned Act; and for non-payment thereof the several collectors and sheriffs, and the said trustees shall have the same remedies and mode of recovery as is directed to be had and used for the non-payment of public taxes; and the taxes imposed by virtue of this Act, shall be subject to the same rules and regulations, and shall be applied in the same manner as other taxes imposed for the purposes of building the jail and repairing the court house for the said district. (Passed December 29, 1785.)

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#### CHAPTER XXXV.

**An Act to Impower Certain Persons Therein Named to Receive, Sue for and Recover all Such Bequests, Donations, Benefactions and Other Things as Have Heretofore Been Bequeathed, Given or Made by Any Person or Persons Whatsoever, for the Use of the Congregation or Society of the Presbyterian Communion at Wilmington.**

Whereas there have been donations and bequests made, and monies raised by subscriptions for purchasing ground and erecting thereon a Presbyterian church or house of worship; and it is suggested that ground hath been purchased for that purpose, but for want of legal authority to call the possessors to account, such donations, bequests, monies and ground are in danger of being lost. For prevention whereof:

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 John Hill, Thomas Wright, John Huske, Thomas MacLaine, Robert Wells, John Bradley and James Reed, Esquires, shall be and they are hereby declared to be trustees for receiving and taking into their possession, all and singular the donations, bequests, benefactions and monies which have heretofore been given, bequeathed, made and raised, and all and singular the lands and hereditaments which have been purchased for the use and benefit of the congregation or society of the Presbyterian communion at Wilmington; and the discharges or releases of the said trustees, or a majority of them, shall be sufficient to exonerate all and every person and persons who may be possessed of any of the said donations, bequests, benefactions, monies, or lands and hereditaments, given, bequeathed, raised or purchased for the purpose aforesaid.

II. And be it further Enacted by the authority aforesaid, That the said trustees, or a majority of them, shall be and they are hereby impowered to commence and prosecute any suit or suits, either in law or equity, against any person or persons who may refuse to account for and deliver up to them the said trustees, any donations, bequests, benefactions, monies, or lands and hereditaments, in his, her or their hands and possession; and which had been given bequeathed, raised, subscribed or purchased, for the purpose aforesaid; and to proceed to judgment and execution thereon: and when such donations, bequests, benefactions, monies, lands and tenements, shall be recovered and received, the same to apply to such uses as the said congre-



gation or society shall direct. Provided always, and be it Enacted by the authority aforesaid, That the said trustees before entering upon the execution of their trust, shall give bond in the court of New Hanover county in the sum of two thousand pounds specie, payable to the Governor and his successors, conditioned for the faithful execution of the trust reposed in them by this Act, and upon breach of the condition thereof by any one or more of the said trustees, the said bond may be put in suit by any five of the said congregation or society, and the monies recovered thereon shall be applied by the Governor for the time being to the use of the said congregation or society; or at the request of a majority of them may be lent out at interest on sufficient security by bond payable to the Governor aforesaid. (Passed December 29, 1785.)

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#### CHAPTER XXXVI.

##### An Act for Annexing Part of the County of Pitt to Beaufort County.

Whereas many of the inhabitants of the county of Pitt have petitioned to be annexed to the county of Beaufort:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, all that part of the county of Pitt included in the following bounds, beginning at Craven county line where it crosses Creeping Swamp, and running with Creeping Swamp and Checod Swamp to the mouth of Round Island branch, then a direct course to the mouth of Pitch Hole branch, then with the swamp to Bear creek, then down Bear creek to Tar river, then down the river on the north side to the mouth of Tranter's creek, then up said Creek to Martin county line, then with Martin, Beaufort and Craven lines to the beginning, be and the same is hereby annexed to and shall be and remain a part of the county of Beaufort: Provided always nothing in this Act shall be understood to prevent the sheriff of the county of Pitt from collecting all public taxes now due in that part of said county, which comes within the description of this Act.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the county of Pitt shall send four jurors, and the county of Beaufort seven jurors to the superior court. (Passed December 29, 1785.)

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#### CHAPTER XXXVII.

##### An Act to Impower Roberson Mumford and James Porterfield to Receive Storage of Tobacco Inspected and Deposited in Such Warehouse or Houses as They Shall Build at Fayetteville.

Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for Roberson Mumford and James Porterfield, their heirs or assigns for the term of twenty-one years from the passing of this Act, to take and receive a storage on tobacco inspected and deposited in the said warehouse or houses at the following rates, that is to say, four shillings for each hogshead of tobacco inspected in the said warehouse or houses. Provided it does not lay in said warehouse or houses more than twelve months, and one shilling per month for each hogshead that shall continue in the said

warehouse or houses over and above twelve months, to be paid by the person taking out or removing such tobacco from the said warehouse. And provided the said Mumford and Porterfield do and shall keep the said warehouse or houses in good and sufficient repair for the inspection and storage of tobacco. (Passed December 29, 1785.)

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**CHAPTER XXXVIII.****An Act Vesting Certain Property Lying and Being in Granville County in Mary Alston Bell, in Fee Simple.**

Whereas it is represented to this General Assembly, that in the year one thousand seven hundred and seventy-five, a gift was made by George Alston to Mary Alston Bell of certain lands and one negro boy named Caesar, which in the opinion of some of the citizens of this State have since become confiscated: For prevention of which,

I. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority thereof, That the title of certain tracts of land in Granville county, which the said Alston purchased of Malachi Reaves and Anne Hopkins about two hundred and seventy acres, and also a certain negro named Caesar, be and is hereby vested in the said Mary Alston Bell, her heirs and assigns forever, any law to the contrary notwithstanding; saving nevertheless to all persons, all rights to the property aforesaid not claimed under the said George Alston. (Passed December 29, 1785.)

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**CHAPTER XXXIX.****An Act to Vest the Estate of Richard Caswell, Junior, in Trustees for the Benefit of His Creditors.**

Whereas it hath been represented to this General Assembly, That Richard Caswell, junior, late of Kinston in Dobbs county, being a person in trade, with a view to extend his commerce went to South Carolina, in the month of November, one thousand seven hundred and eighty-four, and at Charleston took up a considerable quantity of merchandize, principally on credit, and with the same he sailed from thence on the 27th day of December in the same year, on board a schooner bound to New Bern in this State, since which no certain intelligence has been obtained of him, whereby it is apprehended the vessel foundered at sea and he is lost; but as this is uncertain, no person can legally collect his debts or dispose of his property, which is considerable in value; and as he is not only indebted for the greatest part of the goods so purchased, but also to sundry inhabitants of this State, who as well as the friends and those nearest of kin to the said Richard Caswell, have besought the General Assembly to vest the estate of the said Richard Caswell in trustees for the benefit of his creditors: Therefore,

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 whole estate of the aforesaid Richard Caswell, junior, both real and personal, be and the same hereby is vested in James Glasgow, Francis Childs and Bryan Whitfield, as trustees to and for the use and benefit of the creditors of the said Richard Caswell in the first instance, and afterwards to the use and benefit of the said Richard Caswell, his heirs and assigns.

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

trustees or a majority of them, the survivors or survivor of them, be and they hereby are impowered, authorised and required, to take into their possession all the estate of the aforesaid Richard Caswell, both real and personal; and in case of refusal or neglect of any person or persons to deliver up the possession of any real estate, or to deliver up any personal property belonging to the said Richard Caswell to the said trustees, or to pay to them any debt or demand which the said Richard Caswell had or has against such person or persons, the said trustees are hereby further authorised, impowered and required to commence and prosecute any suit or suits, either in law or equity for the recovery of the same, in as full and ample manner, to all intents and purposes, as the said Richard Caswell could lawfully do if he was personally present, and acquittances and discharges to grant which shall in all cases be binding on the said Richard Caswell, his heirs, executors, administrators and assigns for the same.

III. And be it further Enacted by the authority aforesaid, That the trustees aforesaid, or a majority of them, the survivors or survivor of them, shall as soon as convenient may be, advertise in some one or more of the North Carolina newspapers, their appointment as trustees aforesaid, and require all persons who have any demands against the said Richard Caswell to produce the same properly authenticated, to some one or more of the said trustees within three months after the date of such advertisement, which shall be continued in the newspapers during the said time.

IV. And be it further Enacted by the authority aforesaid, That the said trustees after giving three months notice shall sell all or such part of the real and personal estate of the said Richard Caswell as may be sufficient to enable them to discharge his debts, upon a credit of twelve months, the purchaser or purchasers giving bond with approved security, payable to the said trustees for double the sum by him or them purchased; and the said trustees or a majority of them, the survivors or survivor of them are and is hereby authorised to execute deeds of sale to such purchaser or purchasers, which shall insure to such purchaser or purchasers, and have the same effect in every respect as if granted by the aforesaid Richard Caswell or his heirs, so as to convey all the right, title, interest and property which the said Richard Caswell or his heirs have of, in and to the same.

And, whereas, it may happen that the whole estate of the said Richard Caswell, jun., may not sell for a sum sufficient to pay and satisfy the whole demands of his creditors:

V. Be it Enacted by the authority aforesaid, That in case the whole estate when sold agreeable to the directions of this State, shall not be sufficient to discharge all the legal demands against the same, that then and in such case, the trustees aforesaid or a majority of them, the survivors or survivor of them, are and is hereby authorised and impowered to make an equal distribution among the creditors of the said Richard Caswell, due regard being had to each creditor's demand, so as to pay an equal rate in the pound of all such demands.

VI. And be it further Enacted by the authority aforesaid, That the trustees aforesaid be and they are hereby required to compleat the business of their trust within two years from the passing of this Act, and to render an account of their proceedings on oath to the court of the county of Dobbs, where the same shall be entered on record for the benefit and security of all persons concerned. (Passed December 29, 1785.)

## CHAPTER XL.

**An Act to Prevent the Sale of Such of the Lands of Ralph Macnair, dec., as Remain Unsold in This State, and to Empower Edward Hall, of Edgcomb County, Executor of the Last Will and Testament of the Said Ralph, to Collect the Debts Due from the Inhabitants of This State to the Said Ralph, Which Have Become Due to Him Since the Passing of the Law Commonly Called the Expulsion Act.**

Whereas, the property of Ralph Macnair, late of this State, by his departing the same under the direction of the law commonly called the Expulsion Act, has become confiscated to the use of the State, and the said Ralph, being now dead, and leaving behind him three helpless orphans of tender years, and in very distressed circumstances, in behalf of whom Edward Hall, executor of the said Ralph, hath petitioned this General Assembly, on which a committee hath reported as follows: "Your committee recommend that the sale of two tracts of land, late the property of the said Ralph Macnair, now confiscated and advertised for sale by Archibald Lytle, Esq., commissioner of Hillsborough district, be suspended until the next session of Assembly; and that the said Edward Hall be empowered to collect the debts due to the estate of the said deceased, and make due return thereof to the next General Assembly"; which report hath been concurred with.

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, no sale or sales shall be made of any part of the property of the said Ralph Macnair, dec., by any of the commissioners of confiscated property in this state, until further directed by the General Assembly, any law to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, That the said Edward Hall, as executor to the last will and testament of said Ralph Macnair, dec. shall have full power and authority to sue for and recover all debts due and owing to the said Ralph, which have become due to him since the passing of the law, commonly called the Expulsion Act, any law to the contrary notwithstanding. Provided always, That nothing herein contained shall enable the said Edward Hall to collect any debts due to Ralph and Ebenezer Macnair.

III. And be it further Enacted by the authority aforesaid, That the said Edward Hall shall lay before the General Assembly as soon as may be, after he shall have compleated such collection as aforesaid, an account of all such sums as he may have received by virtue of this Act, in order that they may judge what part shall be appropriated to the use of the orphans of the aforesaid Ralph Macnair. Provided nevertheless, That no suits shall be commenced for the recovery of any of the debts herein mentioned, until after the first day of July next. (Passed Dec. 29, 1785.)

## CHAPTER XLI.

**An Act for the Relief of Mercy Bedford, and to Vest in the Heirs of Jonas and Mercy Bedford the Landed Estate of the Said Jonas Bedford.**

Whereas it has been made appear to the satisfaction of the General Assembly of the State of North Carolina, that Jonas Bedford, formerly of the county of Rutherford in the said State, did in the year one thousand seven hundred and eighty, abandon his said wife Mercy Bedford and her children, by joining

the British army, with whom the said Jonas did leave the State and has not yet returned, leaving his said wife and children in very great distress; and as it is reasonable and just that the real and personal estate of the said Jonas Bedford should be appropriated to the payment of his debts and to the use and support of his wife and children:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said Mercy Bedford be enabled and empowered to sell the personal estate of the said Jonas Bedford, and to collect the debts due to her said husband, and after paying the debts due from the said Jonas, to apply the balance, together with the said personal estate or amount thereof to the support of herself and children.

II. And be it further Enacted by the authority aforesaid, That the heirs of the said Jonas and Mercy Bedford be, and they are hereby vested with absolute right in fee simple, of and to all the landed estate of the said Jonas Bedford in as full and ample manner as they could have been by a deed of gift to them for the same from their said father Jonas Bedford. (Passed December 29, 1785.)

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#### CHAPTER XLII.

**An Act to Restore to Edward Bridgin, His Heirs and Assigns, all His Property, Real and Personal, in This State.**

Whereas the estate of Edward Bridgin, merchant of London, hath been confiscated by the laws of this State, and whereas a committee of the General Assembly have reported they are of opinion that the said Edward Bridgin is entitled to every indulgence of the Legislature:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all the real and personal estate of the said Edward Bridgin, lying and being in this State, confiscated as aforesaid, and as yet undisposed of, and the amount of purchase money or obligations for such part as has been sold, be and is hereby restored to him, his heirs and assigns, and shall not be liable to the operation of any confiscation law heretofore made. (Passed December 29, 1785.)

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#### CHAPTER XLIII.

**An Act to Release Certain Persons Therein Mentioned, from Judgments on Forfeited Recognizances, and to Impower the Judges to Suspend Judgments Hereafter to Be Given in Like Cases.**

Whereas Simon Terrell and Joseph Kirk were bound by recognizance in a sum of currency equal to about two hundred and sixty pounds specie, for the appearance of a certain William Rains, before the superior court of Hillsborough district, to answer certain charges then to be exhibited against him; and whereas it is fully and clearly represented to this General Assembly that the said Simon Terrell and Joseph Kirk, did deliver the body of the said William in open court, agreeable to the tenor of their said recognizance that neither prosecutor or evidences appearing against the said William, he was discharged from the bar, paying fees; which delivery and discharge the clerk of said court failed to record; so that the said recognizance

was apparently forfeited and judgment passed thereon, and the effects of the said Simon and Joseph are now liable to be sold by execution to satisfy the said judgment; and whereas it is further represented that the said Simon and Joseph are men with families and but very moderate fortunes, and that the execution of the said judgment would unjustly distress them and their families:

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 said Simon Terrell and Joseph Kirk, 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 and judgment had never happened.

II. And be it further Enacted, That John Jones of Rutherford county shall be and is hereby released from a judgment given on a forfeited recognizance for the appearance of James Armstrong, in the superior court of Morgan district, it having been made manifest to this Assembly that the said John Jones was rendered unable by the loss of his eyes, before the day of appearance mentioned in the said recognizance, to produce the body of the principal.

III. And be it Enacted by the authority aforesaid, That whenever it may appear to any judge or judges of the superior courts of law and equity, on any recognizance in their court adjudicated as forfeited, that there is much hardship in the case, then it may be lawful for such judge to suspend executions thereon; and when the same shall have been so suspended, a state of the case shall be sent by the judge or judges to the next General Assembly, who thereupon are finally to determine. (Passed December 29, 1785.)

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#### CHAPTER XLIV.

**An Act for Appointing a Treasurer in the District of Edenton, for the Purpose of Calling to Account the Commissioners for Building a Public Gaol in the District Aforesaid.**

Whereas the ruinous condition of the public gaol in the district of Edenton, and the earnest desire of the representatives of the people of that district for erecting a public gaol for the security of felons and others, have heretofore induced the General Assembly to pass different Acts, therein laying a tax on the inhabitants of that district for the purpose aforesaid, and appointing commissioners for receiving and applying the said tax, which have not answered the good purposes expected:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, Thomas Vail, Esq., be and is hereby appointed treasurer for the district and purposes aforesaid, who is hereby vested with full power and authority to call to account the present and all former commissioners, all collectors and sheriffs who heretofore and since the first day of January, one thousand seven hundred and seventy-four, have been empowered by law for the purpose of collecting the said gaol tax, within the district aforesaid; and in case of the refusal or neglect of the commissioners, sheriffs and collectors or either of them, to render a just account of their transactions to the treasurer aforesaid, and to pay the balance of their respective accounts, in such case the treasurer is hereby empowered and required to proceed against such delinquents to obtain judgments for the balances due, in the same manner as is directed by law for the public

treasurer to obtain judgments against delinquent sheriffs for the non-payment of public taxes.

II. And be it further Enacted by the authority aforesaid, That the money when collected, and in the hands of the said treasurer shall be applied solely to the purposes for which the said tax was laid, and shall be subject to the orders or draughts of the commissioners for the time being, whose orders and draughts shall be sufficient vouchers for the treasurer in the settlement of his accounts.

III. And be it further Enacted by the authority aforesaid, That the said treasurer shall enter into bond with sufficient security in the sum of ten thousand pounds current money, payable to his Excellency the Governor for the time being, or his successors in office, conditioned for the faithful discharge of the trust reposed in him, and shall annually at the first court which shall be held for the county of Chowan after the first day of March, in each year, render a just account of the monies by him received for the purposes aforesaid, and his expenditures.

IV. 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 the balances aforesaid, and for full compensation for his trouble and expences, it shall and may be lawful for the said treasurer to receive a commission of ten per cent. in all monies received into his office for the purposes aforesaid; the money received by the late commissioners excepted, for which he shall receive two and half per cent. (Passed December 29, 1785.)

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#### CHAPTER XLV.

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

Whereas it is found that the situation of the court house in Beaufort county is inconvenient to the greatest part of the inhabitants thereof, which, together with the ruinous condition of the court house, &c. and the want of accommodations for persons obliged to attend on courts and other public business, at the place where the court house now stands, renders it necessary to alter the place of holding courts to the town of Washington:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Nathan Keas, Richard Blackledge and Joseph Palmer, be and they are hereby appointed commissioners to erect a court house, prison, pillory and stocks for the use of the said county, and they or a majority of them, to agree with workmen to build and finish the same at the town of Washington in the said county, and if one or more of the said commissioners should die or remove from the said county, then the survivor or survivors shall elect and choose another or other commissioners to act in his or their stead.

II. And be it further Enacted by the authority aforesaid, That the said commissioners are hereby impowered to receive all subscription money now collected or to be collected for building a court house for the use of the said county in the town of Washington, of not less dimensions than forty by twenty-five feet, and sufficiently and compleatly finish the same, and not to proceed in the fulfilling this Act, until an ample sum is vested in their possession by subscription for building said court house, prison, pillory and stocks.

III. And be it further Enacted by the authority aforesaid, That the justices of the county shall at the first court of said county, which shall be held after the first day of January next, adjourn the court to the school house which stands on the public lot in the town of Washington, provided it shall be made to appear to them there is a sufficient sum lodged in the hands of the commissioners for compleating the buildings by this Act intended to be built; and all suits, actions, plaints and pleas, and other matters and things before the said court then depending and undetermined shall stand adjourned and continued accordingly, and all and every person and persons having day in the said court and witnesses, shall be bound and obliged to appear at the same according to such adjournment.

IV. And be it further Enacted by the authority aforesaid, That the said justices are hereby impowered to sell the old court house, and apply the money arising from such sale to the use of the county for the contingent charges thereof.

V. And be it Enacted by the authority aforesaid, That the justices of the said county shall, previous to selling said public buildings, cause the same to be advertised publicly at the door of said court house and other public places in said county, at least two months before such sale; which when made shall be deemed lawful, and the justices of said county or any three of them are hereby impowered and required to make a title to the person purchasing the same.

VI. And be it further Enacted by the authority aforesaid, That all and every Act and Acts, clause and article heretofore made for any thing within the purview of this Act, is and are hereby repealed and made void. (Passed December 29, 1785.)

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#### CHAPTER XLVI.

**An Act to Impower the Freeholders and Freemen of the Counties of Washington, Sullivan and Green, to Return Their Representatives Otherwise Than Is Heretofore Directed.**

Whereas it is represented to the General Assembly that many of the inhabitants of Washington, Green and Sullivan counties have withdrawn their allegiance from this State, and have been erecting a separate temporary government among themselves in consequence of a general report and belief that the State being inattentive to their welfare had ceased to regard them as citizens, and had made an absolute cession both to the soil and jurisdiction of the country in which they reside to the United States in Congress: And whereas such report was ill-founded, and it was and continues to be the desire of the General Assembly of this State to extend the benefits of civil government to the citizens inhabitants of the western counties, until such time as they might be separated with convenience and advantage to themselves; and as the Assembly are ready to pass over and consign to oblivion the mistakes or misconduct of such persons in the above mentioned counties as have withdrawn themselves from the government of this State, to hear and redress their grievances if any they have, and to afford them the protection and benefits of government until such time as they may be in a condition from their numbers and wealth to be formed into a separate commonwealth, and be received by the United States in Congress as members of this union:

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



all matters and things done and transacted by the inhabitants of the counties aforesaid, in setting up or endeavouring to set up an independent government and carrying on the same, are hereby pardoned and put in total oblivion, provided they return to their allegiance to this State.

And whereas it is probable, that in some of the counties before-mentioned, though the freeholders and freemen thereof may be desirous of being represented in the General Assembly of this State, the court may neglect to appoint inspectors to superintend at the election for members of Assembly, or there may not be any justices present at the time and place of the election to appoint inspectors:

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, On the day or days appointed by law for the election of members of Assembly, it may and shall be lawful for the freemen inhabitants of the counties of Washington, Green and Sullivan, being convened at the court house of their respective counties, or at such other place as the courts usually sit, to proceed to choose by ballot members to represent them in the General Assembly of this State, under the inspection of any three good and honest men whom they may prefer in cases where the court or the justices may have neglected to appoint inspectors for that purpose; and a return or certificate in favour of the members thus chosen, and signed by any two of the inspectors thus appointed, shall be considered as good and valid certificate; any law, custom or usage to the contrary notwithstanding. And the inspectors shall also return at the same time the names and numbers of the freeholders and freemen who may vote at the election of the membrs to be chosen. (Passed December 29, 1785.)

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#### CHAPTER XLVII.

##### An Act to Establish a Superior Court of Law and Equity in the County of Davidson.

Whereas the very remote situation of the county of Davidson from the other inhabited parts of this State, renders it necessary for the determination of civil suits and the punishment of public offences committed in the said county, that a court of supreme jurisdiction be established therein:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That one judge shall be commissioned by his Excellency the Governor for the time being, first being elected by joint ballot of the General Assembly for this purpose, to hold a superior court of law and equity in the said county, to be stiled the superior court of law and equity for the county of Davidson, twice in each year at Nashville, to wit, on the first Monday of May and the first Monday of November annually, to be continued by adjournment for ten days exclusive of Sundays (if the business therein depending should be found to require it) which said judge so long as he shall continue in office as well within court as without, shall have and exercise exclusively the same jurisdiction, power and authority in and over all controversies, cases and matters in law or equity arising within the said county of Davidson, to all intents and purposes whatever as the judges of this State now have or can lawfully exercise.

II. And be it further Enacted, That the court of pleas and quarter sessions for the said county, at the court that shall happen next before each setting of the said superior court, shall nominate and cause to be summoned

forty-eight householders to attend the same as jurors, who shall be bound to give their attendance accordingly, under the same penalties for disobedience as jurors summoned to attend the other superior courts in this State.

III. And be it further Enacted, That the said judge for his service in attending at and holding the said courts, shall be allowed fifty pounds per court, to be paid by the county treasurer of Davidson, on his producing a certificate from the clerk of the court that he has performed the service.

IV. And be it further Enacted, That no person in the county of Davidson, shall be subject to any action, real and personal or mixed, to be instituted against him, in any of the courts on the east side of the Apalachian mountains, and no person on the said east side of the Apalachian mountains shall be subject to any action, real, personal or mixed, in the court of Davidson. (Passed December 29, 1785.)

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#### CHAPTER XLVIII.

##### **An Act for Levying a Tax in the District of Halifax to Discharge a Balance Due for Repairing the Court House and Jail of Said District.**

Whereas, the tax levied for the above purpose on collection has proved deficient, and there remains a balance due of eighty-two pounds for which no provision has been made:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority aforesaid, That each and every hundred acres of land in the county of Halifax, shall be subject to a tax of one half-penny, and each hundred pounds of assessable property one penny half-penny, and each person liable to pay a poll tax shall also pay one penny half-penny for the year one thousand seven hundred and eighty-five; and there shall also be collected in the counties of Northampton, Warren, Nash, Franklin, Edgcomb and Martin, the sum of one farthing on every hundred acres of land, and on every hundred pounds of assessable property three farthings, and for every poll three farthings, for the purpose of discharging the above balance, to be collected for the year one thousand seven hundred and eighty-five; and these taxes shall be collected by the same persons in each county as other taxes are, and the collectors are hereby declared subject to the same rules, regulations, restrictions and penalties that collectors of public monies are.

II. Be it also Enacted by the authority aforesaid, That the former commissioners, or a majority of them, are hereby authorised to receive the monies so collected, and the said commissioners are by this law empowered to sue for and recover the said taxes from the said collectors as district treasurers have heretofore been authorised. (Passed December 29, 1785.)

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#### CHAPTER XLIX.

##### **An Act to Alter the Manner of Holding Elections for Members of the General Assembly in New Hanover County.**

Whereas the most northern part of the county of New Hanover is at so great a distance from the town of Wilmington, that it is extremely inconvenient and burthensome for poor persons to attend the elections of members for the said county, whereby many persons are prevented from giving their suffrages for persons to represent them in the General Assembly: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the annual elections for the said county shall be held and taken in the following manner, that is to say, the election shall begin at the house of John Larkins, Esq. the day preceding the third Friday in August in every year, and shall continue until sunset of the same day in manner by law directed, when the sheriff and inspectors shall seal up the ballot boxes, and on the day following shall proceed with the boxes and the several lists of voters by them taken to the town of Wilmington; and on Saturday, being the 2nd day of the annual election throughout the State, the poll shall be opened at Wilmington, the seals taken off the ballot boxes, and the election continued until sunset for such of the county electors who shall not have voted before and for the electors of the town; and the poll shall be opened on both days at ten o'clock, any law to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, That such of the electors of the said county as may think proper may give their votes on the first day of election at the house of John Larkins, Esq., aforesaid; and all such electors of the said county as shall not vote on the first day of the election, shall be at liberty to give their votes in the town of Wilmington on the second and last day of the election; and when the election shall be finished in manner by Act directed, the tickets shall be numbered and the members chosen shall be declared in the usual manner.

III. And be it Enacted by the authority aforesaid, That in case the seat of any member or members of the said county should be vacant, a writ or writs shall issue for the election of a new member or members to fill the vacant seats in manner herein before directed, that is to say, to hold such election at the different places before mentioned with an intervening day between them; and in case of a writ for election of a member for the town of Wilmington the same shall be held and concluded in one day, and in both cases the poll shall be opened at ten o'clock, any law to the contrary notwithstanding. [Passed December 29, 1785.]

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#### CHAPTER L.

**An Act to Impower the County Courts of Johnston and Duplin to Levy a Further Tax on the Inhabitants of Said Counties for Defraying the Expence of Building the Court House, Prison and Stocks in the Same.**

Whereas the tax heretofore levied by law for the purposes aforesaid is not sufficient to answer the end thereby intended:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority aforesaid, That the county court of Johnston, are hereby vested with full power to levy a further tax for the purposes aforesaid, not exceeding two shillings 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 eight 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.

And whereas the taxes heretofore laid for erecting the public buildings in the county of Duplin, have been found insufficient to compleat the same:

II. Be it Enacted by the authority aforesaid, That the county court of Duplin be impowered to levy a further tax of one shilling on every poll, and four pence on every hundred acres of land in said county, to be collected for

the year one thousand seven hundred and eighty-six as other public taxes, and put into the hands of James Pearcell, Thomas Routledge and Robert Dickson; who are hereby constituted and appointed commissioners for finishing and compleating the public buildings in the said county, at the place now fixed on; they the said commissioners first giving bond to the county court of Duplin for the faithful application of such monies as may come into their hands in virtue of this Act; and if any surplus shall remain in their hands it shall be appropriated towards the payment of the county tax. [Passed December 29, 1785.]

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#### CHAPTER LI.

##### An Act to Empower the Justices of Hertford and Tyrrell Counties to Establish Free Ferries in the Said Counties, and Lay a Tax for Defraying the Charges of the Same.

Whereas, by reason of several water courses running through the counties of Hertford and Tyrrell, the ferries over which it is necessary for many of the inhabitants to pass to attend the courts and other public meetings at the court houses in the said counties are expensive and burthensome to such inhabitants: For remedy whereof,

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the justices of the said counties, or any seven or more of them, be and they are hereby empowered to agree with the owner or owners, keeper or keepers of any ferry or ferries within the said counties as they shall think necessary, for such sum or sums of money as shall appear to them reasonable, to set over such ferry or ferries any of the inhabitants of the said counties requiring the same, free from any charges whatsoever, on any of the days of the courts, elections of members of the Assembly or wardens of the poor, meeting of the wardens or general musters of the said counties.

II. And be it further Enacted by the authority aforesaid, That the justices of the said counties are hereby authorised and required, yearly and every year, at the same time that they lay the county levy, to lay a tax not exceeding six pence current money of the State aforesaid, on each and every poll and a like tax on every hundred pounds of assessable property, and a tax of two pence on every hundred acres of land in the said counties, to be collected and accounted for by the collectors with the justices of the said counties, in the same manner as other county taxes; and by them applied to the discharging of the several contracts to be made in virtue of this Act, and the overplus, if any, to the contingent charges of the counties.

III. And be it further Enacted by the authority aforesaid, That each and every ferryman with whom the justices shall agree as aforesaid, shall be and they are hereby obliged to set over, ferriage free, any of the inhabitants of the said counties, on the days and times aforesaid, under the penalty of twenty shillings current money of the State aforesaid, for every offence to be recovered by the party grieved, before any justice of the peace, and applied to his own use.

IV. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the justices of the said counties to take bond and security of all such ferry-keepers with whom they shall agree as aforesaid, in the sum of twenty pounds, for the due and faithful performance of the duty enjoined them by this Act. [Passed December 29, 1785.]

## CHAPTER LII.

**An Act for Inspection of Tobacco in the County of Davidson, in the Town of Nashville, on Cumberland River.**

Whereas the cultivation of tobacco in the county of Davidson is greatly increasing, and the inspection of that commodity established, would tend greatly to the advantage of the persons raising the same:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of Davidson shall annually appoint two or more persons, well acquainted with the nature and quality of tobacco, to be inspectors thereof, who shall take the same oath, be subject to the same rules, restrictions and regulations, to which other inspectors in this State are subject.

II. Be it further Enacted by the authority aforesaid, That the inspectors to be appointed by virtue of this Act, shall be entitled to receive the sum of eight shillings for each and every hogshead of tobacco by them inspected, in full for all their services, including turning up said tobacco, prizing, finding nails, weighing and issuing a note and no more, to be paid by the owners of the tobacco so inspected.

III. And be it further Enacted, That the county court aforesaid shall be impowered to appoint, if they think necessary, two or more discreet persons to superintend the warehouse, whose business shall be to pick and sort such tobacco which shall be refused by inspectors, and when picked and sorted in such manner as may pass inspection, they shall prize, weigh and do every necessary service thereon, for which they shall be entitled to receive the fifteenth part of all such tobacco in full for all their services.

IV. And be it further Enacted by the authority aforesaid, That all tobacco inspected in the town of Nashville, shall be held and deemed a lawful tender or payment for all tobacco contracts hereafter to be made in the said county of Davidson. [Passed December 29, 1785.]

## CHAPTER LIII.

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

Whereas by an Act of the General Assembly passed in the year one thousand seven hundred and eighty-three, the place for holding the courts of said county, was appointed to be held at the former dwelling house of William Bell until the public buildings in said county should be compleated, which place is found inconvenient for the purpose aforesaid;

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said court be impowered, and they are hereby authorised, to adjourn to any convenient house until the public buildings of said county shall be compleated, any law to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the fifth section of the above recited Act, be and is hereby repealed and made void. (Passed December 29, 1785.)

## CHAPTER LIV.

**An Act to Prevent the Distillation of Spirituous Liquors for the Time There-  
In Mentioned in the County of Davidson.**

Whereas it is represented to the present General Assembly, that from the great emigration to the county of Davidson, it would be of utility to the inhabitants thereof in general, to prevent the distillation of spirituous liquors from grain for a time hereinafter mentioned: For remedy whereof,

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 it shall not be lawful for any person or persons to distil or cause to be distilled any spirituous liquors from either corn, wheat, rye, barley or other grain, within the county aforesaid; any person or persons so offending against this Act, shall forfeit and pay the sum of ten pounds current money for every gallon of spirituous liquors he or they shall so distil or cause to be distilled, to be recovered before any jurisdiction, having cognizance of the same; one half to the use of the person who will sue for the same, and the other half for the use of the county, towards lessening the county tax. This Act shall continue and be in force until the first day of October next, and from thence to the end of the session of Assembly. (Passed December 29, 1785.)

## CHAPTER LV.

**An Act for Appointing Commissioners in the County of Rutherford for  
Building a Court House, Prison and Stocks in Said County, and for  
Levying a Tax for Defraying the Expences Thereof.**

Be it Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That Felix Walker, William Nevil, James Whiteside, Alexander M'Donald and William M'Murray, or a majority of them, be and they are hereby appointed commissioners, who are hereby authorised and impowered to contract and agree with any person or persons for building and finishing the court house, prison and stocks in the aforesaid county, on the fifty acres of land already procured for that purpose by commissioners appointed in an Act of Assembly entitled an Act to amend an Act intituled, An Act to build a court-house in Rutherford county, and for other purposes.

II. And be it further Enacted by the authority aforesaid, That a tax of four pence be levied on every hundred acres of land, and a tax of one shilling on every poll, and a tax of one shilling on every hundred pounds value of town property in the said county, to be collected for the years one thousand seven hundred and eighty-six, and one thousand seven hundred and eighty-seven, and accounted for as all other taxes are in the like nature. (Passed December 29, 1785.)

## CHAPTER LVI.

**An Act for the Inspection of Tobacco in the Town of Windsor.**

Whereas it may be beneficial to the planters of tobacco adjacent to the town of Windsor, that an inspection of that commodity should be established in the said town;

I. Be it therefore Enacted by the General Assembly of the State of North

Carolina, and it is hereby Enacted by the authority of the same, That the county court of Bertie 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, entitled "An Act to amend the staple of tobacco and prevent frauds."

II. 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 hoghead; 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, prizing and every thing necessary thereto.

III. And be it further Enacted, That all tobacco so inspected shall be held and deemed merchantable tobacco, as if the same had been inspected at any other inspection within this State. (Passed December 29, 1785.)

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#### CHAPTER LVII.

##### An Act for the Inspection of Tobacco in Certain Western Counties.

Whereas the appointing inspectors of tobacco in certain western counties would enable the planters to sell the tobacco there inspected for a better price at home, and might tend to encourage the making tobacco, one of the staple commodities of this State:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the justices of each county in the districts of Morgan and Salisbury, and the county of Randolph, shall have power annually to appoint two discreet and careful men, well acquainted with the qualities of tobacco, to be inspectors thereof in such county, who shall take the same oath or affirmation, perform the same duties, and be liable to the same penalties and shall receive the same fees as other inspectors of tobacco in this State: Provided nevertheless, That the tobacco inspected by virtue of this Act may be re-inspected if required by the purchasers, at any warehouse to which the same shall be carried for exportation, and if the said tobacco shall again pass and be approved, the purchaser shall pay the fees; And provided also, That nothing in this Act contained shall extend to empower any county court to lay a tax for the purpose of building a warehouse. (Passed December 29, 1785.)

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#### CHAPTER LVIII.

##### An Act for the Inspection of Tobacco in the County of Surry.

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 county of Surry:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of Surry 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, entitled, "An Act to amend the staple of tobacco, and prevent frauds."

II. 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 hogshead, 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, prizing and everything necessary thereto.

III. 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 re-inspection of any tobacco inspected at the said inspection for said county, 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 in said county 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 in payment of any tobacco contract heretofore made until re-inspected at some other warehouse, any law to the contrary notwithstanding; and that the justices of the county court aforesaid are hereby authorized and empowered, at the first court held in May next, to nominate and appoint such place as they may think most convenient for such inspection to be held, or warehouses to be erected for that purpose. (Passed December 29, 1785.)

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#### CHAPTER LIX.

An Act for Erecting a Town on the Lands of Whitmill Hill, in Martin County, on Roanoak River.

Whereas it is represented to this Assembly that the land of Whitmill Hill, on the south side of Roanoak river, known by the name of Kehuky, in Martin county, is a healthy, pleasant situation, and very conveniently situated for trade and commerce, and the said Whitmill Hill having signified his consent to have seventy acres of the said land laid off for a town, which will greatly promote the trade and navigation of said river:

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 said seventy acres of land be laid off in half-acre lots and streets accordingly, and the same are hereby constituted and established a town, and shall be called by the name of Blountville.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, that Joseph Blount Hill, William Williams, Blake Baker Wiggins, John Dawson, John Drew and Jeremiah Nemes, Gentlemen, be and they and every of them, be constituted commissioners and trustees for designing, building and carrying on the said town, and they shall stand seized in an indefeasible estate, in fee simple, in the said seventy acres of land as aforesaid, to and for the uses, intents and purposes hereby declared; and the said commissioners or any three or them, shall have full power and authority to meet as often as they shall think necessary, to



appoint a public quay on Roanoke river, adjoining the said town for a public landing, as they shall think convenient and necessary.

III. Be it Enacted by the authority aforesaid, That the said commissioners or a majority of them, shall appoint a time and give public notice thereof, for meeting the subscribers on the said land, for determining the property of each particular lot, which shall be drawn by ballot in a fair manner, by direction and in the presence of a majority of the said commissioners at least, and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him and correspond with the number contained in the aforesaid plan of the said town; and the said commissioners or a majority of them shall make and execute deeds for granting and conveying the said lots contained in the said town, to the respective subscribers for the same, their heirs and assigns forever, and also to all and every other person and persons who shall purchase any other lot or lots in the said town, at the proper cost and charges of the said grantee or grantees to whom the same shall be conveyed, and any person claiming any lot or lots in the said town by virtue of such conveyance, shall and may hold and enjoy the same in fee simple.

IV. And be it further Enacted by the authority aforesaid, That the respective subscribers for the said lots shall, within three months after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the said commissioners the sum of forty shillings for each lot by them subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said commissioners shall and may commence a suit for the same in their own names, and therein shall recover judgment with costs.

And for continuing the succession of the said commissioners, Be it Enacted, That in case of death, refusal to act, or removal out of the State of any of the said commissioners, the surviving or other commissioners, or a majority of them, shall assemble, and from time to time by an instrument in writing under their respective hands and seals, nominate some other person, being an inhabitant or freeholder of the said town, in the place of him so dying, refusing to act, or removing out of the State, which new commissioner so nominated and appointed, shall from thenceforth have the same power and authority in all things concerning the matter herein contained, as if he had been expressly nominated and appointed by this Act. (Passed December 29, 1785.)

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#### CHAPTER LX.

##### An Act for Establishing a Town on the Lands of Mial Scurlock, Deceased, in Chatham County.

Whereas it hath been represented to this General Assembly that the lands belonging to the estate of Mial Scurlock, dec. whereon the court house and other public buildings in the county of Chatham now stand, is an exceedingly healthy, pleasant situation, well watered and commodious for commerce, being situate in a rich and fertile part of the country, and sundry merchants and persons of distinction in the lower parts of the State, are desirous that a town should be erected thereon with a design of becoming purchasers of lots, and erect buildings for the reception of their families in the summer months; it will also greatly tend to the ease and convenience of the inhabitants of that county in particular, and the western parts of this State in general. And whereas it appears by a certificate under the hands of

Sarah Scurlock, executrix, and James Howard, executor of the last will and testament of the said deceased, that they are empowered by the last will and testament of the said deceased to dispose of the said land, and they have given their assent that one hundred acres should be laid off for a town.

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the trustees hereafter appointed, or a majority of them, shall as soon as may be after the passing of this Act, cause one hundred acres of land to be laid off in half acre lots each, with convenient streets, lanes and alleys, and an hundred acres for the public buildings; which lots so laid off according to the directions of this Act, are hereby constituted and erected a town by the name of Pittsborough.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, that Joseph Stewart, John Montgomery, Joseph Brantley, Zachariah Harmon, Elisha Cain, George Lucas, Matthew Jones, Will. Vestol, James Anderson, Esqrs. be and they are hereby constituted trustees for the designing, building and carrying on the said town, and they shall stand seized of an indefeasible estate in fee simple of the said one hundred acres of land, to and for the use, intents and purposes hereby expressed and declared; and they or a majority of them shall have full power to meet as often as they shall think necessary, and cause a plan thereof to be made, and therein to insert a mark or number to each lot; and as soon as the said town shall be laid out as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe therefor; and when the said trustees have taken subscriptions for eighty lots or upwards, they shall appoint a day and give public notice of the day and place appointed for the drawing of the said lots; which shall be done by ballot in a fair and open manner by the direction and in the presence of a majority of the trustees; and such subscriber shall be entitled to such lot or lots which shall be drawn for him, according to the mark or number in the plan of the said town; and the said trustees or a majority of them shall make and execute deeds for granting and conveying the lots as aforesaid to the subscribers, their heirs and assigns forever; and also to every other person who shall purchase any other lot or lots in the said town at the cost and charge of the said grantees; and any person claiming any lot or lots by virtue of any such conveyance, shall and may hold the same in fee simple.

III. And be it further Enacted by the authority aforesaid, That each and every subscriber for any lot or lots in the said town, shall within one month after it shall be ascertained to whom the said lots doth belong in manner herein before mentioned, and before any grant or conveyance shall be made, shall pay and satisfy to the said trustees or one of them, such sum or sums of money as the trustees or a majority of them shall have fixed as the price of each lot by him subscribed for; and in case of the neglect or refusal of any subscriber to pay the said sum, the said trustees shall and may commence and prosecute a suit for the same, and therein shall recover judgment with costs of suit: And the said trustees shall as soon as they receive the money, pay and satisfy to Sarah Scurlock, executrix, and James Howard, executor of the said Mial Scurlock, dec. the sum of six pounds for each acre, in full satisfaction for the said land, and the residue if any shall be applied towards defraying the expences of laying off and improving the said town.

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

of the death, refusal to act, or removal out of the county, of any of the trustees, the survivor or survivors of them, are hereby impowered from time to time, by instrument of writing under their hands, to appoint some other person being a freeholder of the said town, in the place of him so dying, refusing to act, or removing as aforesaid; which trustee so appointed shall have the same powers and authorities as if he had been appointed by this Act. Provided nevertheless, That two acres of land shall be reserved, exclusive of the said one hundred acres of land, to secure the dwelling house and other houses belonging to the estate of the said deceased now on the said land. (Passed December 29, 1785.)

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CHAPTER LXI.

An Act for Laying Out a Town on the Lands of Jesse Peacock, in the County of Sampson.

Whereas it hath been represented unto this General Assembly that a town in the county of Sampson, on the lands of Jesse Peacock, near the confluence of the Cohera and Six Runs, where those streams make Black river, would be conducive to the interests of the county aforesaid, and may be rendered convenient to many of the neighbouring counties:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Richard Clinton, Richard Herring, David Dodd, William Vann and Curtis Ivey be, and they are hereby appointed commissioners to settle with the said Jesse Peacock for any number of acres of land not exceeding one hundred, and the terms on which he will dispose of the same in lots of one half acre each; and the ground so agreed for lay off into streets not less than fifty feet or more than one hundred feet in width; which lots and streets the said commissioners are required to lay down in a regular plat, numbering the lots therein laid down, which ground so laid off shall be distinguished by the name of Lisburn.

II. And be it further Enacted by the authority aforesaid, That the commissioners aforesaid, as soon as fifty lots shall be subscribed for, all the numbers of the lots of the said town shall be placed in one box, and the names of the subscribers in another, and when a name being drawn out and a number at the same time, his shall be the lot the number of which was drawn with his name, and the remaining numbers undrawn and unsubscribed, shall be vested in the said commissioners for the use of the said town. Provided always, The subscribers for the first fifty lots shall pay the sum of thirty shillings for each lot and no more, and that this Act shall not have effect until the said Jesse Peacock shall execute a sufficient conveyance to the commissioners aforesaid, of the lands agreed for as aforesaid, for the laying out the said town.

III. And be it further Enacted by the authority aforesaid, That the said commissioners or a majority of them, are hereby empowered to receive the same and to grant a certificate of the lot or lots when drawn by the subscribers, which is hereby declared to vest in them respectively a good and sufficient title in law.

IV. And be it further Enacted by the authority aforesaid, That if any of the commissioners hereby appointed should refuse to Act, die or remove out of the county, the surviving commissioners shall be and they are hereby impowered to elect another in the room of him or them so refusing, dying or removing. (Passed December 29, 1785.)

## CHAPTER LXII.

**An Act for Erecting a Town on the Lands of Luke Mizell and William Mackay, on the South Side of Roanoak River, in Martin County.**

Whereas, it hath been represented to this General Assembly that the lands of Luke Mizell and William Mackay, on the south side of Roanoak river, is a healthy, pleasant situation, and very conveniently situated for trade, and the said Luke Mizell and William Mackay, having signified their consent to have fifty acres of said land laid off for a town, which will greatly promote the trade and navigation of said river:

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 said fifty acres of land be and is hereby constituted and established a town, and shall be called by the name of James Town.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, that Benjamin Harrison, Esq., John Stewart, Samuel Smithwick, Luke Mizell and James Mackay, be and every of them are hereby constituted commissioners and trustees, for designing, building and carrying on the said town, and they shall stand seized in an indefeasible estate in fee simple in the said fifty acres of land aforesaid, to and for the uses, intents and purposes hereby declared; and the said commissioners, or any three of them, shall have full power and authority to meet as often as they shall think necessary, to appoint a public quay on the said river adjoining the said town for a public landing as they shall think convenient and necessary.

III. Be it Enacted by the authority aforesaid, That the said commissioners or a majority of them, shall appoint a time and give public notice thereof for meeting the subscribers on said land, for determining the property of each particular lot which shall be drawn by ballot in a fair manner, by direction and in the presence of a majority of the commissioners at least, and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him, and correspond with the number in the plan for the said town; and the said commissioners, or a majority of them, shall make and execute deeds for the granting and conveying the said lots to the persons entitled to the same, their heirs and assigns for ever; and also, to all and every other person or persons who shall purchase any lot or lots in said town, at the proper costs and charges of the grantee or grantees to whom the same may be conveyed.

IV. And be it further Enacted by the authority aforesaid, That the respective subscribers of the said lot shall within three months after it shall be ascertained to whom each of said lots doth belong in manner herein before mentioned, pay and satisfy to the said commissioners the sum of five pounds for each lot by them subscribed for, and in case of the refusal or neglect of any subscriber to pay the said sum, the said commissioners shall and may commence a suit for the same in their own names, and therein shall recover judgment with costs. And for continuing the succession of the said commissioners, Be it Enacted, that in case of death, refusal to act, or removal out of the State of any of the said commissioners, the surviving or other commissioners or the majority of them shall assemble, and shall from time to time by an instrument in writing, under their respective hands and seals nominate some other person, being an inhabitant or freeholder of the said town, in the place of him so dying, refusing to act or removing out of the State; which new commissioner so nominated and appointed, shall from thenceforth have the same power and authority in all things con-

cerning the matters herein contained as if he had been expressly nominated and appointed by this Act.

V. And be it further Enacted, That the said Luke Mizell and William Mackay may retain to themselves three lots each, whereon they have a storehouse and other buildings already erected, anything to the contrary notwithstanding. (Passed December 29, 1785.)

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#### CHAPTER LXIII.

##### An Act for Erecting and Establishing a Town in the County of Lincoln.

Whereas it hath been represented to the General Assembly that the commissioners appointed by Act of the General Assembly for the purpose of purchasing one hundred acres of land, and fixing on a place convenient for erecting the public buildings of said county, have entered three hundred acres of vacant and unappropriated lands, lying and being between the lines of Philip Kancellor and Christian Rhineharts, and the same being a healthy, pleasant situation, and well watered, the inhabitants of said county are desirous that a town should be established thereon; and whereas the said commissioners have proceeded to lay off fifty acres of the aforesaid lands into squares, streets and lots of half an acre each, and hath sold the several lots: Therefore,

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 said fifty acres of land so laid off into squares, streets and lots as aforesaid, be and the same is hereby constituted, erected and established into a town, and shall be called by the name of Lincolnton.

II. And be it further Enacted by the authority aforesaid, That Joseph Dickson, John Corouth, John Wilson, Joseph Steel and Nicholas Friday, Esqrs., be and they are hereby constituted and appointed trustees and directors for designing, building and carrying on the said town, and they shall stand seized of an indefeasible estate in fee simple, in the said fifty acres of land laid off as aforesaid, and also in the remaining two hundred and fifty acres adjoining thereto, for the uses, intents and purposes hereby expressed and declared, and the said trustees and directors, or any three of them, shall have full power and authority to meet as often as they shall think necessary, to lay off two or more lots of the said fifty acres of land laid off as aforesaid, convenient for the public buildings, and the residue into streets, squares and lots of half an acre each, and cause a plan thereof to be made, and therein to insert marks and numbers to each lot. And whereas the said Joseph Dickson, John Corouth, John Wilson, Joseph Steel and Nicholas Friday have heretofore sold to several persons lots of half an acre each laid out within the bounds of the said fifty acres of land.

III. Be it Enacted by the authority aforesaid, That the said trustees or directors, or a majority of them, shall make and execute deeds for granting and conveying the said lots so laid off and sold as aforesaid, to the purchaser or purchasers, their heirs and assigns for ever, and also to every other person who shall purchase any lot or lots in said town, at the cost and charges of the grantee to whom the same shall be conveyed, and any person claiming any lot or lots by virtue of any such conveyance shall and may hold any enjoy the same in fee simple.

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

which have arisen or shall hereafter arise by a disposal of the said lots granted by the said trustees or directors, or their successors, shall be received by the said trustees or their successors, and after their reasonable charges and expences deducted, and applied to the improvements and advantages of the said town, in such manner as a majority of the said trustees or directors shall from time to time think convenient.

V. And for continuing the succession of the trustees or directors, Be it further Enacted by the authority aforesaid, in case of the death, refusal to act, or removal out of the county of any of the said trustees or directors, the surviving or other trustees or directors or a majority of them, shall assemble, and are hereby impowered from time to time by instruments of writing, under their respective hands and seals to nominate and appoint some other person, being a freeholder in said town, in the place of him so dying, refusing to act or removing out of the county, which new director or directors so nominated and appointed, shall from thenceforth have the like power and authority as if he had been expressly nominated in and by this Act. (Passed December 29, 1785.)

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#### CHAPTER LXIV.

##### An Act to Establish the Town Laid off at Guilford Court House by the Name of Martinville.

Whereas a town hath been laid off at Guilford court house, at the instance and request of many of the inhabitants of the said county, that thereby an inland trade might be encouraged and promoted in that part of the State: And whereas divers merchants, artificers and other persons, induced from the pleasant and healthy situation of the place aforesaid, and the great number of neighbouring inhabitants have purchased lots from the proprietors, erected buildings and made considerable improvements for the purpose aforesaid, and are desirous the said town be established by legislative authority:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That one hundred acres of land adjacent to, and whereon Guilford court house now stands, belonging to Alexander Martin and Thomas Henderson, Esquires, who have signified their consent for this purpose, be established a town and a town common, agreeable to the plan laid off by William Dent, Esq., by the name of Martinville.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, William Dent, Ralph Gorrell, Robert Lindsay, John Hamilton, William Dick, and Bazilla Gardner, Esqs., be and they and every of them, are hereby constituted commissioners for the further designing, building and improving the said town; and they shall stand seized of an indefeasible estate in fee simple, of and in the residue of the said one hundred acres of land that remain undisposed of, to and for the uses and purposes hereby expressed and declared, except in two lots the proprietors shall make choice of; which are hereby reserved to each of their proper use and behoof in severalty, and their heirs and assigns forever. And the said commissioners or a majority of them, shall make and execute deeds to such respective persons who shall become purchasers of any lot or lots in the said town that remain unsold by the proprietors aforesaid, at the cost and charges of the grantee or grantees; which lot or lots, by virtue of the said

conveyance, shall be held to such purchaser or purchasers in fee simple, to his or their heirs or assigns forever.

III. And be it further Enacted by the authority aforesaid, That all monies which shall arise from the disposal of the lots of the said town by the commissioners shall be received by them or their successors, and after deducting their reasonable charges and expences, the same shall be paid by them to the said Alexander Martin & Thomas Henderson, their executors, administrators or assigns.

IV. And for the continuing the succession of the said commissioners, Be it further Enacted by the authority aforesaid, That in case of the death, refusal to act, or removal out of the county of any of the said commissioners, the survivors or a majority of them shall assemble, and are hereby authorised to nominate and appoint by instrument of writing under their hands, some other person being an inhabitant and freeholder of the said county, in the place and room of him so dead, refusing to act, or removing out of the county aforesaid; which said commissioner so appointed, shall have and exercise all the same powers and authorities in all matters herein contained, as the person in whose room and stead he was so appointed had and exercised. Provided always, That the springs and water courses in the said town shall be reserved for public use, and the inhabitants thereof shall have free egress and regress to and from the same, by such streets or alleys, as shall be deemed and laid off most convenient by the said commissioners, any thing contained herein to the contrary notwithstanding. (Passed December 29, 1785.)

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#### CHAPTER LXV.

##### **An Act to Establish a Town in the Fork of Cumberland and Red River on The East Side of Red River in Davidson County.**

Whereas a town has been laid off in the Fork of Cumberland river and Red river, on the east side thereof, and a considerable number of lots sold by the proprietors, and the purchasers of these lots are desirous that the town should be established by legislative authority:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That two hundred acres of land lying in the fork of the Cumberland river and Red river, on the east side thereof, belonging to John Montgomery and Martin Armstrong, Esqrs., who have signified their consent for this purpose, be established a town and town common, agreeable to a plan laid off by the said Martin Armstrong, Esq., by the name of Clarksville.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, John Montgomery, Anthony Bledsoe, Anthony Cruther, William Polk and Lardner Clarke, Esqrs., be and they and every of them are hereby constituted commissioners for the further designing, building and improving the said town, and they shall stand seized of an indefeasible estate in fee simple of and in the residue of the said two hundred acres of land that remain undisposed of, to and for the uses and purposes hereby expressed and declared, except such lots as the proprietors shall make choice of, which are hereby reserved to each of their proper use and behoof in severalty, and their heirs and assigns forever; and the said commissioners or a majority of them, shall make and execute deeds to such respective persons as shall become purchasers of any lot or lots in the said town that remain

unsold by the proprietors aforesaid, at the cost and charges of the grantee or grantees, which lot or lots by virtue of such conveyance, shall be held to such purchaser or purchasers in fee simple to his or their heirs and assigns forever.

III. And be it further Enacted by the authority aforesaid, That all monies which shall arise from the disposal of the lots of the said town by the commissioners, shall be received by them or their successors, and after deducting their reasonable charges and expences, the same shall be paid by them to the said proprietors, their executors, administrators or assigns. And for continuing the succession of the said commissioners;

IV. Be it further Enacted by the authority aforesaid, That in case of death, refusal to act or removal out of the county, of any of the said commissioners, the survivors, or a majority of them shall assemble, and hereby are authorised to nominate and appoint, by instrument in writing under their hands, some other person, being an inhabitant and freeholder of the said county, in the place and room of him so dead, refusing to act or removing out of the county, which said commissioners so appointed, shall have and exercise all the same powers and authorities in all matters herein contained, as the person in whose room and stead he was so appointed, had and exercised. (Passed December 29, 1785.)

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#### CHAPTER LXVI.

**An Act to Amend 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.**

Whereas agreeable to the above recited Act the lots fronting six rods on the main streets, are extended no more than twelve rods back, and it is represented that it would be more convenient and advantageous to extend the said lots twenty-four rods back.

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 the lots fronting six rods on the main streets of said town, and no more, shall be extended twenty-four rods back. (Passed December 29, 1785.)

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#### CHAPTER LXVII.

**An Act to Amend an Act for Establishing a Town on the Land of Richard Evans by the Name of Martinborough, Passed at New Bern, 1771; Also to Amend Another Act to Amend the Before Recited Act, Passed at New Bern, in March, 1774.**

Whereas by the before recited Act, no provision has been made to enable the commissioners to make titles to lots in the said town:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the said commissioners or a majority of them and their successors, to give a deed or deeds, to any person or persons, their heirs and assigns, who have not had deeds for the lot or lots drawn for them, provided they can make it appear that they have paid the purchase money to the proprietors or treasurer of said town.

II. And be it further Enacted by the authority aforesaid, If any person or persons have had a lot or lots drawn for them, and the purchase money



has not been paid, and they, their heirs and assigns shall make application to the commissioners within four months after public notice is given, and pay the purchase money, and the interest from the time of drawing such lot or lots, then and in that case it shall and may be lawful for the commissioners of the said town to give a deed or deeds for such lot or lots in the same manner as deeds have heretofore been given. Provided nevertheless, that if any person or persons shall fail to make their claim within the time by this Act given them, then and in that case it shall and may be lawful for the said commissioners to sell all such lots at public vendue to the highest bidder, and shall pay to the proprietor his purchase money and interest, and in case any overplus shall be left, the commissioners shall and may lay it out for the use of said town, to purchase books, and clearing the streets and alleys.

III. And be it further Enacted by the authority aforesaid, That the commissioners of said town shall and may meet as often as a majority of them shall think proper, to make such rules and orders as they shall think needful for the benefit of said town, and may lay a tax on each taxable person being liable to pay taxes, and being an inhabitant of said town, a sum not exceeding eight shillings on each poll, and a sum not exceeding eight shillings on every hundred pounds value of town property; and the said commissioners shall at their first meeting after the passing of this Act, choose them a clerk and treasurer out of their own body, and when chosen, shall enter into bond with sufficient security, in the sum of five hundred pounds to the commissioners, for the faithful discharge of their trust, and shall keep a book for that purpose, and shall render a true and just account of all their proceedings whenever the said commissioners shall require it; and in case of neglect or refusal, it shall and may be lawful for the said commissioners or any three of them to cite the treasurer to appear at the next court to be held for the said county, they first giving him ten days previous notice in writing, and the court shall proceed as in other cases, any thing to the contrary notwithstanding; and the money arising from such suit shall be laid out for the benefit of the town.

IV. And be it further Enacted by the authority aforesaid, That the commissioners shall have full power to summons all the males, being inhabitants of said town and liable to work on roads, to work on the streets and alleys, not exceeding twelve days in any one year; which said inhabitants on failure or refusing to meet and work on the said streets and alleys, shall be liable to the same penalties and forfeitures which delinquents to work on roads are liable to.

V. And be it further Enacted by the authority aforesaid, That no person being an inhabitant of said town, shall be liable to work on roads for the future, for the service aforesaid.

Read three times, and ratified in General Assembly, the 29th day of December, Anno Domini, 1785.

ALEXANDER MARTIN, S. S.  
RICHARD DOBBS SPAIGHT, S. C.