LAWS OF NORTH CAROLINA,
1787.

At a General Assembly, begun and held at Tarborough on the eighteenth Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty-seven, and in the Twelfth Year of the Independence of the said State, being the first session of the Assembly. Richard Caswell, Esq., Governor.

CHAPTER I.

An Act declaring the Treaty of Peace between the United States of America and the King of Great Britain to be part of the law of the Land.

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 articles of the definitive treaty between the United States of America and the King of Great Britain, are hereby declared to be part of the law of the land.

II. And be it further enacted by the authority aforesaid, That the courts of law and equity are hereby declared in all causes and questions cognizable by them respecting the said treaty to judge accordingly. (Passed Dec. 22, 1787.)

CHAPTER II.

An Act for Levying a tax for the support of Government, and for the redemption of the Old Paper Currency, Continental Money, and Specie and other Certificates.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the year 1788, a tax of three shillings on every hundred acres of land, and a tax of nine shillings on each hundred pounds value of town lots with their improvements, and a tax of nine shillings on every poll in this State, shall be levied and paid in State currency, or in gold or silver at the rates established by law: Provided, That all the lands west of the Appalachian Mountains shall pay a tax of two shillings on every hundred acres of land, and a tax in continental or state dollar bills, or soldiers bounty or specie certificates, in proportion for every hundred acres of land aforesaid.

II. And be it enacted by the authority aforesaid, That for the said year 1788, a tax of three shillings on every hundred acres of land, and a tax of nine shillings on each hundred pounds value of town lots with their improvements, and a tax of nine shillings on every poll in this state, shall be levied and paid in continental or state dollar bills or soldiers bounty certificates at the rate of 800 for one, in specie certificates of every kind at their nominal value, with the interest thereon (such as have been issued by the Board of Commissioners for settling army accounts since the first day of January, 1786, excepted) in currency certificates as rated by the act for the sale of confiscated property, or in final settlement certificates at their nominal value including the interest thereon.

III. 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
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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 one act, entitled "An Act for the more regular collecting, payment of and accounting for the public taxes."

IV. And be it further enacted, That no person living west of the Cumberland Mountain shall be subject to pay a poll-tax for the year 1788 on a free poll.

V. And it is hereby further enacted and declared, That the sinking fund tax directed to be collected by an Act, entitled "An Act for emitting £100,000 paper currency for the purposes therein expressed," passed at New Bern in December, 1785, shall be collected in money agreeable to the true intent and meaning of the said Act in the manner before directed.

And whereas doubts have or may arise respecting the collection of the continental tax directed to be collected for the year 1785:

VI. Be it enacted by the authority aforesaid, That in every county in this State where the said tax hath never been collected for any one year, the collectors of such county shall, and they are hereby directed to collect the same for the ensuing year in currency, in the manner directed for the collection of other taxes; and it is hereby expressly declared, That the said continental tax was not to be collected for more than one year in any county in this State; anything in any law to the contrary notwithstanding.

And whereas there are large bodies of land in different parts of this State granted to citizens of other States, and the laws heretofore in force have been found insufficient to compel such persons to pay a tax for the same, by which means many persons are exonerated from the payment of the said tax, and the state deprived of a part of its revenue; for remedy whereof,

VII. Be it further enacted by the authority aforesaid, That any person or persons who shall or may hold lands in this State, whose actual residence is in any other State, and do not by himself, his agent or attorney, make a lawful return of all such lands, and pay a tax for the same in the respective counties where said lands are situated, then and in that case the Sheriff of such county where such lands are not returned, is authorized and hereby required to levy on said lands, and sell as much thereof as will be sufficient to raise the amount of the taxes, under the same rules and restrictions as distresses are made in other cases. (Passed December 22, 1787.)

CHAPTER III.

An Act to Regulate the Inspection of Tobacco in this State.

Whereas by the laws now in force in this State for the inspection of tobacco, frauds may be committed; 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 inspectors that are or shall hereafter be appointed to inspect tobacco at the several inspections within this State, shall and may take and receive for inspecting each hogshead of tobacco and issuing a note, the sum of four shillings, and for each hundred weight of transfer tobacco by them inspected, the sum of sixpence, and so in proportion for a smaller quantity, and no more; and the turners up of tobacco as hereafter to be appointed may take and receive the sum of three shillings for each hogshead he or they shall turn up and cooper, and no more.

II. And be it further Enacted, That any number of persons not exceeding ten, shall be appointed by the court of the county where such inspection may
be, to turn up and cooper tobacco, and they shall hold their appointments during good behaviour.

III. And be it also Enacted, That the inspectors at each and every inspection shall be a judge of the behaviour of the said turners up, and if they in their opinion, find the said turner or turners up deficient in his or their duty, the said inspectors shall and they are hereby required to report the said turner or turners up so misbehaving, to the court of the county in which they are appointed; and if he or they shall be found guilty of the charges alleged by the said inspectors, in that case the court is hereby directed and required to remove such person or persons from the said appointment, and appoint another or others in his or their stead: Provided, That any person bringing tobacco to any of the said inspections, such person is hereby entitled either by himself or otherwise, to turn up, pick, prize and cooper his or their own tobacco, and to have free access to any of the prizes erected by the county where such inspection is, for the purpose of prizing the same: And if any dispute should arise between the parties bringing tobacco to any of the said warehouses, the right of preference to the said prizes shall be determined by the inspectors.

IV. And be it further Enacted by the authority aforesaid, That if any of the inspectors at the several inspections in this State, shall take and receive any greater fees than are by this Act allowed, he or they so offending, shall upon conviction thereof forfeit and pay the sum of five pounds for each and every offence, to be recovered before any jurisdiction having cognizance thereof, by any person suing for the same, to the use of the prosecutor.

V. And be it further Enacted by the authority aforesaid, That after the passing of this Act, the several inspectors heretofore or hereafter to be appointed, shall and they are hereby directed to pass all tobacco, which they shall find to be in sound good condition, and shall make the following distinctions in the tobacco so by them inspected and passed, that is to say, a first, second and third quality, which they shall certify in every note by them issued, and cause to be properly branded on the hogshead, and inserted or certified in the shipping manifest.

VI. And be it further Enacted by the authority aforesaid, That the court of each county where a public inspection of tobacco is established, shall at their first court after the passing of this Act, appoint two persons skilled in tobacco, to be pickers, who shall be entitled to the following fees for their services, viz. for each and every hundred weight of tobacco by them picked and prized one fifteenth part, and shall take the following oath or affirmation: "I, A. B. do swear (or affirm as the case may be) that I will faithfully pick all tobacco which may be put in my possession for that purpose, without fraud or damage to the owner. So help me God." And each of the said courts shall and may appoint one of the pickers to act in the room of either of the inspectors, at any time when such inspector may be incapable of attending, who shall take the oath in manner prescribed for inspectors, and such picker may be called on to give a casting voice should the inspectors disagree in the inspection of any tobacco; and the said picker when attending in lieu of either of the inspectors, may receive the allowance of the said inspector for each hogshead of tobacco he shall inspect; provided, that the picker by whose voice any tobacco shall be condemned shall not be allowed to have the picking thereof, and that when the picker is so appointed by the court, he shall be invested with the power of inspector, in case of inability of either of the inspectors so appointed, until the next county court, or until the inspector can be present. Provided nevertheless, That upon complaint made to any of the said courts, against either of the
said pickers, the court where such complaint is lodged shall and is hereby directed to enquire into the nature of the complaint, and if it shall appear that the picker or pickers, against whom such complaint hath been lodged, has been guilty of any misbehaviour in the execution of his duty, such court shall remove him or them from said appointment, and appoint another or others in his or their stead.

VII. And be it further Enacted by the authority aforesaid, That all laws heretofore made that come within the purview and meaning of this Act, are hereby declared to be made void. (Passed December 22, 1787.)

CHAPTER IV.


Whereas it is necessary that the Acts of the General Assembly now in force in this State be revised and collected:

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 James Iredell be, and he is hereby appointed a commissioner to revise and compile the Acts of the General Assemblies of the late province and present State of North Carolina, and to insert the charter from the crown of Great Britain, the Lords Proprietors great grant and the constitution of this State, together with the treaty of peace between Great Britain and the United States of America, and the confederation of the United States existing at the time such revisal shall be published; and further the said commissioner is hereby authorised and directed in revising and collecting said Acts, to leave out all laws repealed or obselete, all private Acts and all Acts on which no question of property can arise; and further the said commissioner is hereby required to see the said Acts printed in the same order and in the same words in which they now stand, with marginal notes of the contents of each section, a marginal reference and a copious general index with reference to each Act and the contents of each section.

II. And be it further Enacted by the authority aforesaid, That the said commissioner be, and he is hereby authorised to agree and contract with a printer or printers to print and publish the said revisal, and furnish one copy to each county court within this State, two copies for the use of the General Assembly, and one to each superior court on account of the public; and such printer or printers shall be entitled to an exclusive right to print and sell the copies of such revisal for the space of seven years.

And in order to enable such printer or printers to undertake and complete the said work:

III. Be it further Enacted by the authority aforesaid, That the sum of five hundred pounds shall be advanced to him or them on loan, payable in three years from the receipt thereof, he or they first giving bond with sufficient security, payable to the Governor or his successors in office, for the faithful performance of the said agreement, and the payment of the said money as aforesaid, which bond shall be taken by the commissioner and lodged in the secretary's office, and the Governor is hereby directed and required to issue a warrant or warrants in favour of the said commissioner for the purposes aforesaid.

IV. And be it further Enacted by the authority aforesaid, That when such commissioner shall lay before the General Assembly a statement of his labour and expences in forming the said revisal or compilation, and in
attending and correcting the press during the printing and publishing the
same, such General Assembly shall allow him a full and ample compensation
for such services and expenditures.

CHAPTER V.

An Act to Amend an Act, Entitled "An Act to Remove all Disabilities From
Simon Cleary and Others Therein Named."

Whereas it hath been represented to this General Assembly, that the Act,
entitled "An Act to remove all disabilities from Simon Cleary and others
therein named," hath occasioned doubts as to the legal construction thereof,
whereby the persons whom the Legislature meant to relieve, cannot, from
the construction of the courts of law, obtain the benefits which were in-
tended by the said Act, without a farther provision for that purpose: And
whereas the benefits intended to the said Simon Cleary and the other per-
sons named in the said Act were extended to them on the principal of their
inability to come into this State within the time limited by the Act passed
in November, 1784, commonly called the confiscation Act; and an additional
testimonial having been exhibited to this General Assembly, under the seal
of the city of Limerick, in the kingdom of Ireland, that the said Simon
Cleary was not within the time aforesaid, or at any time since, able to travel
to America without endangering his life, it is just and reasonable that a
further provision be made for his life, as he appears to have been disabled
from a personal claim by the act of God: And whereas by the resolves of
the General Assembly in their said session of November 1784, whereby a
compensation was given to Patrick Cleary for part of the personal estate of
his late brother, the said Timothy, it was agreed, and afterwards Enacted,
that the said Simon Cleary was entitled to further relief, and should be
enabled to sue for and recover the real estate, part of which it was sug-
gested had been illegally sold and if so sold, might be recovered without any
further charge to the public.

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
immediately after the passing of this Act, the said Patrick Cleary shall be and
become ipso facto seized and possessed of and entitled to all the estate, real
and personal, lands, tenements, goods, chattels, rights and choses, in action
of whatever kind which were of the said Timothy Cleary otherwise Clear at
the time of his death, and which have at any time since been confiscated
or forfeited, or said or supposed to have been confiscated or forfeited to
the use of this State by any law thereof, to be held by him the said Pat-
rick, his heirs, executors, administrators and assigns respectively, in trust
to be received, possessed, sold and disposed of to and for the use and benefit
of the said Simon Cleary and the other persons named in the said Act
respectively, and their respective representatives; excepting and reserving
nevertheless out of this present Act, such part of the personal estate of the
said Timothy as was by law allotted for his widow; and provided also, That
before this present Act shall have operation, the said Patrick Cleary shall
take the oath of allegiance of this State prescribed to be taken by the cit-
zens thereof, before any judge of the superior court or any justice of the
peace, which oath such judge or justice is hereby directed and required,
upon application made to him for that purpose, to administer and to grant
to the said Patrick Cleary a certificate thereof.
II. And be it further Enacted, That it shall be lawful for the said Patrick Cleary, after taking such oath of allegiance, to commence and prosecute in his own name all and every such suit and suits, action and actions in law and equity, as may be needful or necessary for the recovery of the whole or any part of the said estate of which he shall become seized and possessed, or to which he shall be entitled by virtue of this Act, and such suit or suits shall be sustained and judgment and execution awarded thereon in the same manner as for suits brought by the citizens, any plea of the disability of the said Patrick Cleary, or of any other person, or any law, custom, usage, matter or thing to the contrary notwithstanding.

And whereas it is represented that there are several suits in ejection now depending in the superior court of New Bern in the names of several plaintiffs as lessees of the said Simon Cleary, for different parcels of the real estate of the said Timothy:

III. Be it therefore Enacted, That it shall and may be lawful for the said Patrick Cleary upon motion of the said superior court, and notice to the attorneys of the several defendants, (which motion the judges of the said court are hereby required to grant) to insert his name in the several declarations as lessor of the respective plaintiffs, instead of the name of the said Simon Cleary, in the same manner as if the said Simon was actually dead and the title of the premises descended to the said Patrick, and the said suits shall be proceeded on to judgment and execution, and the same recovery had as if they had been severally commenced and instituted subsequent to the passing of this Act, any law or usage to the contrary notwithstanding.

CHAPTER VI.

An Act to Prevent Thefts and Robberies by Slaves, Free Negroes and Mulattoes.

Whereas it is represented that slaves and free negroes are encouraged to rob or steal from the inhabitants all kinds of produce, by the facility with which they may conceal and dispose of such produce to the masters of trading vessels in the several bays, harbours, creeks and rivers within 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 from and after the passing of this Act, it shall not be permitted for the master or commander of any vessel to entertain any slave, negro or mulatto on board such vessel at any time between sun-set and sun-rise, nor during the Sabbath day, unless such slave, negro or mulatto as shall belong to the vessel, or shall have a pass from his, her or their master or mistress, or from some justice of the peace, expressing the time when and the business for which they go on board: And if any slave, negro or mulatto who has not such pass, or is not statedly employed on board the vessel as one of the hands, shall be found on board any vessel in any bay, harbour, creek or river within this State, on the Sabbath day, or in the night between sun-set and sun-rise, he shall be presumed to have been disposing of stolen goods; and the master or commander of such vessel on complaint and conviction before any two justices of the peace, shall be subject to a fine for entertainment of such slave, negro or mulatto of five pounds for the first offence, and ten pounds for every succeeding offence, to be applied to the use of the poor of the county in which such conviction shall be had: But
any person dissatisfied with the judgment of the said two justices, shall have the right of appealing to the court of the county, the determination whereof shall be final; the person appealing to be subject to the same regulations as in the cases of other persons appealing from the judgment of a justice.

And whereas the property of many of the citizens of this State may be greatly affected by permitting a private intercourse between slaves and free negroes and mulattoes:

II. Be it Enacted by the authority aforesaid, That if any free negro or mulatto shall entertain any slave in his or her house during the Sabbath, or in the night between sun-set and sun-rise, he or she shall for entertaining such slave be subject to a fine of twenty shillings for the first offence, and forty shillings for every subsequent offence, to be recovered on conviction before any one justice of the peace, and applied to the use of the poor of the county in which the offence shall be committed, saving to the party the same right of appealing as aforesaid. And in case the said free negro or mulatto shall not be able to pay the fine aforesaid, the constable who shall have attended at such conviction shall hire out said free negro or mulatto to the person who shall take him or her for the shortest space of time in payment of the said fine with costs, the said constable having previously advertised at least ten days at the door of the court house and other public places of the said county, that such negro or mulatto would be hired out for the purpose aforesaid; and the person who shall hire such free negro or mulatto, shall be bound to pay at the time and place of such hiring the amount of the fine with costs as aforesaid.

III. And be it further Enacted by the authority aforesaid, That in case any free negro or mulatto shall from and after the passing this Act, intermarry or cohabit with any slave, without the consent of his or her master had in writing, and attested by two justices of the peace, such free negro or mulatto shall be liable and held to pay to the master or mistress of such slave the sum of ten pounds; and on failing to pay such sum, shall be held to service to the master or mistress of such slave for and during the term of one year.

CHAPTER VII.

An Act to Amend an Act, Entitled, “An Act to Bring to Condidn Punishment and to Secure Their Estates so as to Be Answerable to the Public, the Persons Therein Described, Accused of Certain Crimes and Fraudulent Practices, and to Indemnify Such Persons as Have Acted in Pursuance to Certain Resolutions of This Assembly From Vexatious Suits and Prosecutions, and to Establish a Board for the Detection and Further Discovery of the said Fraudulent Practices, and for Settling and Liquidating the Accounts of the Officers and Soldiers of the Continental Line,” to Give the Public a Further Security, and to Relieve the Creditors of Persons Who Have Been Presented in Consequence of the Said Act.

Whereas by the fifth section of the said Act it is required and Enacted that the persons presented or indicted at a court of oyer and terminer held under the said Act, should enter into bond with good and sufficient sureties before the judge or judges of the said court in double the amount of the due-bills drawn by such persons respectively out of the office of the commissioners of army accounts, that they will not transport their property out of this State, or leave this State for twelve months and till the end of the next
General Assembly, and by the tenth section of said Act it is Enacted, that such persons are and shall be held and deeme incapable in law of alienating and disposing of any of their estates real or personal in any manner whatever until the end of this present General Assembly: And whereas the innocent creditor of such persons have been injured by such disability: 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 each and every of the said persons so presented or indicted as aforesaid, shall enter into bond with good and sufficient sureties before the comptroller of the State in the full amount of due bills and certificates, together with the interest drawn for themselves or received in the names of others by such persons respectively out of the late office of the commissioners of army accounts, erected under an Act passed at New Bern in the year one thousand seven hundred and eighty-five, entitled "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 auditors for a limited time," such bonds to be conditioned that they will well and truly pay to the Governor for the time being, or his successor in office, for the use of the State, such sum or sums of money as may appear hereafter to have been illegally or fraudulently drawn by them out of the treasury of this State in consequence of the said due bills, and also the amount of the certificates by them fraudulently drawn from the commissioners of army accounts as aforesaid.

II. And be it further Enacted by the authority aforesaid, That if such person or persons as aforesaid, shall not on or before the first day of March next enter into bond as aforesaid, before the comptroller of the State as aforesaid, then and in that case they shall be held and deemed liable to the pains and penalties, forfeitures and disabilities described and Enacted in the fifth, seventh, eighth, ninth and tenth sections of the said Act passed at Fayetteville as aforesaid, which said sections of said Acts are hereby continued and declared to be and remain in full force and efficacy against all and every of the said persons who shall or may refuse or neglect to take the benefit of this Act. Provided nevertheless, That such of the said persons as are now in confinement, or should remain in such situation, may enter into bond as aforesaid before three justices of the peace, to be summoned for that purpose by the sheriff of the county wherein such person may be confined, which bond the said justices shall transmit to the comptroller's office within three months, under the penalty of five hundred pounds, to be sued and recovered in the name of the Governor, for the use of the State.

CHAPTER VIII.

An Act to Direct the Application of Such Public Tobacco as Already is or Hereafter May Be Purchased by the Commissioners for That Purpose Appointed by the Last General Assembly.

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 commissioners appointed for purchasing tobacco for the use of this State, to make quarterly returns of the quantity and quality, with the names of the persons of whom purchased, with the net weight and price by them given for every hundred weight so by them purchased, to the Governor for the time being, who together with the council of State shall
take order from time to time and as early as may be for the disposal of such tobacco for the highest price that can be had for the same, so that the proceeds of such sales shall be subject to the order of the board of treasury of the United States, and shall be carried to the credit of this State in account with the United States, in discharge of so much of the interest of the foreign debt due by the United States, for which this State is or may be liable.

II. And be it further Enacted, That the second and third sections of an Act of the last General Assembly, entitled "An Act to amend an Act, entitled "An Act for emitting one hundred thousand pounds paper currency for the purpose therein mentioned, for appropriating the tobacco lately purchased by virtue of said Act towards discharging the interest of the foreign debt due by the United States, and for making provision for the future discharge of the principal and interest of the said debt," shall be revived and govern the purchasers for one year longer. Provided nevertheless, The commissioners shall not be at liberty to purchase any tobacco but such as shall be of the first and second class or quality.

III. And be it further Enacted, That all contracts for tobacco made and entered into before the passing of this Act, shall be held and deemed to be one half of the first quality and the other half of the second quality, and all verdicts and judgments shall be given accordingly.

CHAPTER IX.

An Act Directing the Duty of Naval Officers, and of all Masters of Vessels Coming into Any of the Ports or Inlets of this State.

Whereas the laws now in force respecting the duty of naval officers and masters of vessels are much confused and blended with the collector's duty, and in many instances insufficient to prevent frauds, and to answer the good purposes thereby intended.

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 laws heretofore made so far as they respect or apply to the fees or duties of naval officers, shall be and are hereby declared to be repealed and made void; and the naval officers respectively already appointed, and those who shall hereafter be appointed, shall before entering on the duties of their office take before the court of their county, or before some justice of the peace for such county, the following oath: "T, A. B. do solemnly swear, that I will without favour, prejudice or partiality well and truly execute the duty of naval officer for the port of ________, according to law, and that I will not during my continuance in said office, be concerned directly or indirectly in exporting or importing any goods, wares and merchandise which by the laws of this State are or may be subject or liable to any duty or impost, unless for my own particular use and consumption, and not exceeding the value of one hundred pounds sterling in any one year. So help me God." And shall also enter into bond with sufficient security, to be approved of by the court, in the sum of five thousand pounds, payable to the Governor or commander in chief for the time being, with condition that he shall well and faithfully do and perform the duties of naval officer for the port of ________, according to law; which bond and a certificate of which oath shall be lodged in the secretary's office within three months next after the same shall be taken and executed, under the penalty of five hundred pounds currency, to be recovered in any court having
cognizance thereof, and applied one half to the use of the State and the other half to the person who shall sue for the same: Provided, That those naval officers now in office who have actually taken the oath and given bond, which bonds are now in full force, and have lodged the same in the secretary's office agreeable to law, shall not be compelled to take any further oath or give any further bond under the direction of this Act; and if any naval officer shall be convicted of being concerned or interested in any kind of trade or commerce contrary to the true intent and meaning of this Act and of the oath aforesaid, he shall be thereafter incapable to hold his said office, and another person shall be appointed in his stead.

II. And be it further Enacted by the authority aforesaid, That in case of a vacancy of a naval officer in any port in this State, it shall be lawful for the commander in chief to fill up such vacancy by a temporary appointment, until the meeting of the next General Assembly, and the person so appointed shall be subject to all the duties, fines and forfeitures imposed by this Act on naval officers already appointed, and shall be entitled to the like allowances and fees agreeable to law.

III. And be it further Enacted by the authority aforesaid, That from and after the first day of April next (until which time the present lawful fees may be taken), the naval officers in the respective ports in this State shall and may take and receive for their services the following fees and allowances, and no more, that is to say, For entering and clearing every decked vessel under twenty tons, all necessary services included, the sum of sixteen shillings currency; for entering and clearing vessels of twenty and under sixty tons, all necessary services included, the sum of thirty shillings; for entering and clearing vessels of sixty tons and upwards, all necessary services included, the sum of forty shillings; for issuing a register, taking the probate and registering the same, fifteen shillings; for an endorsement on a register on the change of a master and registering such endorsement, five shillings:—for a permit to go from one port to another port within the State, five shillings; and when a vessel shall enter into any one port and take a permit to a different port within the State, then only half the fees shall be paid at the port of entry and the other half at the port of clearance; and every naval officer shall if required give a receipt for all sums received as fees, and shall also set up and cause the same to be constantly kept up in some public place in his office, a plain and fair copy of the fees allowed by law, one in the English, one in the French, and one in the Dutch language, for the information and satisfaction of owners and masters of vessels, under the penalty of fifty pounds for each and every month the same shall be neglected, to be recovered by any person who shall sue for the same; and when a vessel shall enter with any naval officer and afterwards take a permit to a different port in this State, then only half the fees shall be charged at the port of entry and the other half at the port of clearance, and if any naval officer shall directly or indirectly demand, extort, exact or receive under colour of his office or otherwise, any other or larger fees than what is allowed by this Act; or shall refuse to do the particular service or services incident to his office for the fee or fees hereby limited, or shall refuse or delay without cause, or upon feigned pretences to do the particular duties of his office when thereto required, or shall connive at false entry, every such naval officer shall forfeit and pay the sum of two hundred pounds, to be recovered at the suit of the person or persons injured, or in case of conniving at a false entry, at the suit of the attorney general for the State by action of debt, in any court having cognizance thereof, and upon com-
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violation of such action or by indictment, shall be removed from his office and another appointed in his stead, as in cases of death or resignation.

IV. And be it Enacted by the authority aforesaid, That no naval officer shall clear out any vessel unless an account or manifest of the cargo shall be rendered, and a certificate produced from the collector or his deputy, that the tonnage duty and the duties on the cargo imported, if any there be, are paid or secured to be paid agreeable to law; and in case any naval officer shall grant a clearance for any vessel to leave this State contrary to the true intent and meaning of this Act, or any Act hereafter to be made, such officer shall forfeit and pay for each and every offence the sum of two hundred pounds currency to the use of the State; and every naval officer shall enter in books to be kept for that purpose, fair entries of the cargoes cleared for exportation and fair entries of the cargoes imported, also the time when, the master's name, the name and burthen of the vessel, where from, or to what place bound, as the case may be, and shall return once in each six months to the comptroller's office, fair copies of such entries, together with the collector's certificate for the duties by him received as the law directs, under the penalty of one hundred pounds for each neglect.

V. And be it further Enacted by the authority aforesaid, That all fines and forfeitures recovered from naval officers under this Act unless otherwise directed, shall be applied one half to the person suing for the same and the other half to the use of the State, to be accounted for by the clerk of the court where the recovery may be had; provided no naval officer shall be sued or prosecuted for any offence in office unless the suit shall be commenced in the district where such naval officer resides, and within twelve months next after the offence shall have been committed; and provided also, That nothing in this Act shall be construed as to make void the appointments of any of the naval officers now in office.

VI. And be it Enacted by the authority aforesaid, That every master or owner of a vessel coming into any port or inlet in this State with such vessel, shall previous to breaking bulk or landing any part of his cargo and within twenty-four hours after his arrival as aforesaid, make entry of his vessel and cargo with the naval officer or his deputy, agreeable to law, and shall deliver into the office, there to remain until his departure, the register and other necessary papers which belong to his said vessel, with a manifest or account of the cargo imported in such vessel, and from whence, under the penalty of one hundred pounds currency, to be recovered and applied as the fines from naval officers, under the direction of this Act; and the master or owner of every vessel previous to his obtaining a clearance to leave this State, shall take before the naval officer or his deputy the following oath or affirmation, to wit, "I, A. B. do solemnly swear or affirm, that such of the cargo as is or may be shipped on board my vessel for exportation, which by law is required to be inspected and branded, is or shall be inspected and branded accordingly previous to my leaving the State, and that I will not suffer to be carried out of this State any servant or slave without lawful authority or leave the owner, nor will I suffer to be carried in my vessel out of this State any inhabitant thereof privately or contrary to law, to the best of my knowledge. So help me God." And shall also give to the naval officer an account or manifest of the cargo to be exported, and to what place, together with the collector's certificate that the tonnage duty and the duties on the cargo imported if any are paid or secured to be paid agreeable to law; and every owner or master of any vessel who shall leave the State without a clearance, or refuse or neglect in due time to comply with the directions of this Act, every person shall forfeit and pay
the sum of one hundred pounds currency, to be recovered and applied as aforesaid; and in case any naval officer shall grant a clearance for any vessel to leave this State until the owner or master hath complied with the directions of this Act, every such naval officer shall forfeit and pay for each and every offence or neglect the sum of one hundred pounds currency as aforesaid.

And whereas masters, owners and others having the command or directions of vessels do often come into the ports, inlets, rivers and creeks in this State with their vessels, and trade with the inhabitants, without making entry with the naval officer and collector as the law directs, and by such practices carry off the produce of this State uninspected, and may also carry off servants and slaves without the owners consent and without taking the oaths directed by law, which practices are injurious to individuals and to the public funds, and the credit of this State: For remedy whereof,

VII. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, if any person having the command, care or direction of any vessel coming from any other State or foreign port, shall bring his said vessel into any port, inlet, sound, river, harbour or creek, (unless forced in by stress of weather or other unavoidable accident, in which case report shall be made by the commander of the vessel to the naval officer, and obtain from him a permit for his continuance until his vessel shall be in condition to depart) in this State, and shall not in due time enter such vessel with the proper naval officer and collector, or shall sell or dispose of any part of the cargo of such vessel before entry made as aforesaid, unavoidable accidents and circumstances always excepted, every such person so having the command, care, or direction of such vessel shall forfeit and pay the sum of fifty pounds currency, to be recovered and applied as hereinafter directed; and every such vessel not being entered with the collector and naval officer as aforesaid, shall be absolutely and altogether forfeited to the State.

VIII. And be it further Enacted by the authority aforesaid, That the naval officer and the collector of the port and the sheriff of any county where any such forfeiture shall happen, are hereby empowered separately or otherwise, to seize and take into possession such vessel, her tackle and furniture, and for trial and condemnation thereof, shall by petition or otherwise have a fair and open trial by jury in any court of admiralty or maritime court in the district or port where the seizure shall be made, and on final condemnation the judge shall decree and order the sale of such vessel, and after deducting the whole amount of the costs of the suits which is to be first paid, the remaining net amount of the sales shall be applied one-half to the sheriff of the county by him to be accounted for to the public treasurer, and the other half to him or them who may seize and prosecute the suit with effect; any law to the contrary notwithstanding.

CHAPTER X.

An Act for Fixing the Final Settlement of Unliquidated Claims Against This State and Against the United States Within This State.

Whereas it is necessary in order to prevent frauds in the liquidation of claims against this State, that the mode of settling the same should be uniform:

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 persons having unliquidated claims against the State pertaining to the late commissary, quarter-master, clothier, marine or hospital departments, or other unliquidated claims of whatever nature, shall exhibit such claims to the comptroller for settlement within twelve months from the date hereof; and all accounts not exhibited as aforesaid, shall be precluded from settlement or allowance.

II. Be it Enacted by the authority aforesaid, That the comptroller is hereby authorised to receive the said accounts, and to pass upon all such as are authorised by the resolves of Congress or by the Acts or resolves of this State, and supported by proper vouchers, so far as it respects the evidence in support of the said claims, and to receive such as are not thus warranted or supported, with such remarks as may explain the nature of these accounts, and the reasons offered for the deficiency of vouchers, and report the same in alphabetical order to the General Assembly and to the commissioner appointed to settle the accounts between the United States and this State, to be adjusted according to the provision in the ordinance of Congress for allowing such advances or disbursements as may have been made by the citizens for the use of the union, although the same be not sanctioned by the resolves of Congress or supported by proper vouchers.

III. And be it further Enacted, That all claims in future shall be exhibited to the comptroller, and all persons making or demanding the same, shall take and subscribe the following oath or affirmation: "I, A. B. do swear or affirm, as the case may be, that the claim by me now exhibited is justly due, that it has not been rejected heretofore by any of the auditors of this State, or by the comptroller, or any committee of the General Assembly, and neither by myself or any other person have I received satisfaction for the same or any part thereof"; which oath or affirmation shall be endorsed thereon, or annexed thereto; and the comptroller, or some justice of the peace of the county wherein he may reside, is hereby empowered to administer such oath or affirmation: And the comptroller on receiving such claim and certificate, shall examine whether it is covered by any resolution of the Congress, or any resolve or Act of the General Assembly, and reject or allow the same according to the right of demand founded on any such resolution or Act, and shall enter all such as are well founded in a book or books to be kept for that purpose, under an account to be raised between the State and said claimant, and shall file those rejected according to the county and date in his office; and further said comptroller shall at the succeeding General Assembly lay before them a transcript of all allowances by him made, with the vouchers, that the Assembly may take order thereon.

IV. And be it further Enacted, That no claim, draft or warrant from the Governor or any one else, except the certificates for the service of the members of the General Assembly and their clerks and waiters, and the certificates of the clerks of the superior courts for the salaries of the judges and the attorney-general, shall be paid by the treasurer, collector or other receiver of the public revenue or taxes, until such claim, draught or warrant shall have been entered in the comptroller's office and charged to the person or persons drawing the same, with the comptroller's order endorsed to the treasurer or other receiver of the public revenue to pay the same, and no claim, warrant or draft (except as before excepted) shall be allowed in the settlement of the account of any treasurer, collector or receiver of the public revenue or taxes, but under the foregoing rules and regulations; any law to the contrary notwithstanding.
CHAPTER XI.

An Act for Hiring Out Persons Convicted on Indictment or Presentment, Not Being Able or Willing to Pay the Fees of Office and Gaolers Fees.

Whereas many persons convicted on indictment take the benefit of the Insolvent Act, either neglecting or refusing to pay fees of office and sheriffs and gaolers fees, to the great injury of the citizens 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 all and every person who shall be found guilty of any charge exhibited against him or them by indictment or presentment, and shall be unwilling or unable to pay the office and gaolers fees that are or may be consequent thereon, shall be hired out by the sheriff of the county where such person is or may be convicted, for such time as any person will take him or them to serve for the said fees and charges, the said sheriff first advertising the time and place of hiring at least ten days previous thereto.

CHAPTER XII.

An Act for the More Regular Collecting and Accounting for the Revenue of This State, for Allowing the Public Treasurer a Clerk, and for the Collection of Arrearages, and to Repeal the Twelfth Section of an Act Therein Mentioned.

Whereas it is advisable that the public accounts of this State should in future be kept after a manner different from the mode heretofore pointed out 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 for the year one thousand seven hundred and eighty-eight, and each succeeding year, all sheriffs and other receivers of public monies, shall settle their respective accounts or cause them to be settled with the comptroller of this State, the whole of which settlements except those herein after excepted shall be made in the months of July, August or September, in each and every year; and it shall be the duty of the comptroller on forming any such settlement, forthwith to report the sums or amount due from such accountant to the treasurer of the State, setting forth in such report (if a sheriff's account) the net amount of each species of public tax; and the treasurer shall raise an account against each and every of such persons and debit them accordingly; and in case any such person shall fail to appear, fully pay up and finally settle for the sums so reported against him or them on or before the first day of October in each year, it shall then be the indispensable duty of the treasurer, and he is hereby required to take judgment without delay for the several sums or balances due the State agreeable to such reports, to which sum in case the delinquent be a sheriff shall be added his commissions, which shall be considered as absolutely forfeited to the State; and it is hereby declared that in all cases of the delinquency of sheriffs, clerks of courts, collectors of imposts, entry-takers, registrars, vendue-masters, and others accountable for public monies, the comptroller's report shall be held and deemed sufficient testimony for the court and jury to found their verdict on.

II. And be it further Enacted, That it shall be the duty of each and every of the clerks of the county courts in this State, to make or cause to be made,
return of the taxable property of their counties respectively to the comptroller on or before the first day of December in every year, in which return shall be expressed each particular species of taxable property in words written at full length, and every of the said clerks shall at the time of making such return (to wit) in the month of December annually also make return of and settle his accounts of fines and tax fees, and shall obtain a copy of the same signed by the comptroller in his own proper handwriting, which he shall post up in his court house in manner as is directed by an Act of the General Assembly, entitled "An Act to amend an Act passed at New Bern in December, one thousand seven hundred and eighty-five, entitled An Act for increasing 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 courts in this State;" of all which settlements the comptroller shall without delay make report to the treasurer as in other cases, who shall take judgment in case of non-payment accordingly.

III. And be it also Enacted, That it shall further be the duty of the clerks at the time of making such returns and settlements, to furnish the comptroller with a certificate of the names of his securities, and also with a certificate of the name of the sheriff of his county and his securities, the name of the entry-taker and his securities, the name of the register and his securities, which certificates when certified by the comptroller to be agreeable to the originals, shall on motion of the treasurer for judgment against any such persons be deemed equally valid in law with the bond of such clerk, sheriff, entry-taker or register, and the court shall give judgment and award execution thereon accordingly.

IV. And be it further Enacted, That in case any of the Clerks of the courts of this State shall fail or neglect to do and perform any of the duties hereby enjoined them, he or they so failing or neglecting, shall forfeit and pay one hundred pounds current money to the use of the State; and it shall be the duty of the comptroller to certify every such failure to the treasurer, who shall on motion in any court of record in this State be entitled to a judgment for the above mentioned penalty with costs; which judgment shall be founded on such certificate or report, and it is hereby expressly declared to be the treasurer's duty to have the same entered up accordingly.

V. And it is also further Enacted, That the clerks of the several superior courts in this State shall be subject to and bound by this Act in every respect so far as the same will apply to them, and in case of neglect of duty shall be subject to the like penalty as other clerks of courts, and all taxes on suits both in the superior and county courts, shall be recovered, levied and accounted for agreeable to an Act passed at New Bern in the year one thousand seven hundred and eighty-four, 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;" and all clerks shall make their returns and accounts for the monies in their hands agreeable to the said Act, where it shall not be otherwise provided for by this Act, and every entry-taker, register or vendue-master, failing to settle his accounts agreeable to the true intent and meaning of this Act, shall also forfeit the sum of one hundred pounds, to be recovered in like manner as aforesaid.

VI. And be it further Enacted by the authority aforesaid, That it shall be the duty of the comptroller to raise an account against and debit the public treasurer with the net amount of each account so by him to be settled and reported as aforesaid, and in the same to credit him by and agreeable to such settlements as he shall hereafter make; and the said comptroller is hereby directed to balance and finally do away such accounts as he may
already have raised against the public treasurer since the first day of January last.
And whereas the many duties enjoined the public treasurer renders it absolutely necessary that he should be furnished with a clerk.

VII. Be it further Enacted, That for the year one thousand seven hundred and eighty-eight and each succeeding year, the treasurer of this State be allowed one clerk, whose salary shall be one hundred and fifty pounds, to be paid him out of the public treasury in half yearly payments on warrants to be drawn by the Governor.
And in order to enable the public treasurer the more effectually to collect and recover such arrears or other monies as may now be due the State:

VIII. Be it further Enacted by the authority aforesaid, That it shall be the duty of the treasurer of this State to attend by himself or his clerk at certain times in the ensuing year (and as often afterwards as he shall deem it necessary) in each of the districts within the State, which time shall be during the sitting of the superior court of such district, in order to collect and receive from the inhabitants thereof the arrears or other monies by them or any of them due the public; and the said treasurer is hereby declared to have power by himself, his clerks or his attorneys to summon or cause to be summoned any inhabitants of this State whom he may suspect as having public monies in his hands as garnishee, to appear before any court of record in their county or district, and declare on oath whether they have in their hands public monies, or any of the property of any ascending sheriff or their securities, and to what amount; and every person so summoned who shall fail to appear and declare on oath accordingly, shall forfeit the sum of fifty pounds to the use of the State, and shall be further liable to be proceeded against in the same manner as garnishees are in cases of attachments, such garnishee being duly served with a Scire Facias from the said court before final judgment shall be entered up against him; and the said treasurer as a reimbursement for his expenditures and trouble in this behalf shall be allowed a commission of ten per cent. on all monies so by him to be recovered and paid into the public treasury. Provided, That bonds given for the purchase of confiscated property sold by any commissioner of this State, and arrears due by sheriffs and others on accounts which have had their origin since the first day of January, one thousand seven hundred and eighty-four, shall not be considered as coming within the meaning of this Act, but all other dues or monies of what kind or nature soever, which were payable previous to the said first day of January, one thousand seven hundred and eighty-four, shall be so considered.

IX. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, the collectors of the impost at the different ports within this State, shall be obliged to settle with the comptroller and pay the monies by them received to the treasurer every six months; and in case of failure upon complaint being made by the comptroller or treasurer to the Governor for the time being, he shall have full power and is hereby directed to suspend such collector or collectors from office and appoint others in their stead, who shall give bond as is hereinafter directed, and remain in office until the end of the next General Assembly.

X. And be it further Enacted, That each and every of the collectors shall within three months after the passing of this Act, give a further bond and approved security to the Governor for the time being, in the sum of ten thousand pounds, for the faithful discharge of their duty in office.

XI. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the twelfth section of an Act, entitled, "An Act
directing the sale of confiscated property," passed at New Bern, in the year one thousand seven hundred and eighty-four, be, and the same is hereby repealed and made void.

XII. And be it further Enacted, That all Acts and clauses of Acts directing the duty of clerks in making returns and settlements, which come within the purview hereof, shall be, and the same are hereby repealed and made void.

CHAPTER XIII.

An Act Authorising and Requiring the Sheriffs of the Several Counties in This State to Bring Suit, Take Into Possession, Receive and Make Sale of All Property Left by the British in This State During the Late War.

Whereas it is represented to this General Assembly that negroes, horses and other property have been left in different parts of this State by the British army:

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 sheriffs of the several counties in this State be and they are hereby authorised and required to demand, ask for and receive into their possession all negroes, horses, waggons and other property of every nature and kind, which may have been left in their respective counties by the British army during the late war; and the said sheriffs shall have the same power to prosecute a suit or suits as the commissioners of confiscated property have under an Act, entitled "An Act directing the sale of confiscated property," and shall make sale of the said property in the same manner in their respective counties, and under the same regulations and restrictions as to making sale and accounting for the proceeds, returning one descriptive list of such property to the comptroller's office attested by the court of the county, with an account of sales, a copy of which shall be recorded in the county court office and entered at large on the minutes of said court.

And whereas the property before mentioned liable to be sold for the use of the State, may be the property of citizens of the United States:

II. Be it therefore Enacted by the authority aforesaid, That any property so left and recovered or received by the sheriff shall be sold for current money at twelve months credit, taking bond and sufficient security for the payment.

III. And be it further Enacted, That if any citizen of the United States claiming any of the property shall hereafter make it appear to the satisfaction of the General Assembly, that they were legally entitled to any of the said property, they shall receive the sum such property sold for, with lawful interest thereon from the time such money was paid into the treasury.
CHAPTER XIV.

An Act to Repeal the Fourth Section of an Act Passed at New Bern in the Year One Thousand Seven Hundred and Eighty-Four, Entitled "An Act to Amend and Supply the Deficiencies of an Act Passed Last Assembly at Hillsborough, Entitled An Act to Regulate the Descent of Real Estates, to Do Away Entails, to Make Provision for Widows, and to Prevent Frauds in the Execution of Last Wills and Testaments, and for Directing How Deeds of Gifts and Bills of Sales of Slaves Shall Be Executed, Authenticated and Perpetuated."

 Whereas the operation of the fourth clause or section of the above mentioned Act in a great measure deprives the widows of persons dying intestate, of the just and reasonable proportion and share of the personal estate of their deceased husband, as provided for them and expressed in an Act of the General Assembly of this State, passed at Hillsborough in the year one thousand seven hundred and eighty-four, entitled "An Act to regulate the descent of real estates, to do away entail, to make provision for widows, and to prevent frauds in the execution of last wills and testaments:

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 aforesaid fourth section or clause of the first recited Act passed at New Bern in the year one thousand seven hundred and eighty-four, shall be, and is hereby declared to be and remain null and void to all intents and purposes as if the same had never been made.

CHAPTER XV.

An Act to Enable the County Courts to Appoint Commissioners to Keep Open Rivers and Creeks at Their Several Falls so far as They Think Necessary, for the Passage of Fish Up the Same.

 Whereas it is necessary for the general good of the citizens of this State that the several rivers and water courses within the same should be kept so far open as to allow a free passage for fish up the same:

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 courts of pleas and quarter sessions shall be and they are hereby empowered to appoint commissioners to examine and lay off the rivers in their county, and where the river is a boundary between two counties to lay off the river on the side of the county appointing such commissioner; and further such commissioner shall in laying off the rivers allow three-fourths of such rivers for the owner or owners of the same, for the purpose of erecting stops, dams and stands, and one fourth part including the deepest water of the river and creeks they shall leave open for the passage of fish, marking and designating the same in the best manner they can; and where any mill or mills are built across any such river or rivers, and slopes are or may be necessary, commissioners shall be appointed as above, who shall lay off such slope or slopes and determine the length of time such shall be kept open; and such commissioners shall and they are hereby required to return to their respective county courts a plan of such falls, dams and other parts of rivers as may have been thought necessary to survey as above.

II. And be it further Enacted by the authority aforesaid, That all and every person or persons who shall hereafter erect any stand, dam, ware or hedge in such part of the river as by this law is required to be left open
for the passage of fish, or who shall not make and keep open any such slope as the commissioners may judge necessary, shall forfeit and pay five pounds for every twenty-four hours any person shall keep up, erect or make any such stop, dam, stand, ware or hedge, or dam up or stop any such slope, to be recovered by any person suing for the same, one half to his own use the other half to be applied to the use of the county, either by warrant before a justice of peace, or in a court of law as the case may require.

CHAPTER XVI.

An Act for the Accommodation of Post-riders, and to amend an Act, entitled "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," Passed at New Bern the twenty-second Day of October, one thousand seven hundred and eighty-four.

Whereas it is represented that persons who contract for riding post or carrying the public mail are subject to great delays by detention at ferries, or to very grievous exactions, to the injury of the public:

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 such person or persons as may contract for riding post or for carrying the mail in stages, shall be authorized to keep a boat and to employ hands for the sole purpose of transporting the public mail, and such passengers as may travel in the stage with the same, across any ferry or ferries without let or hindrance; any law to the contrary notwithstanding. Provided nevertheless, That nothing contained in this Act shall be so construed as to authorize the contractors for riding post or for carrying the mail by stage, to transport any other passengers across at public ferries than such as travel by the stage, and that no person or persons shall pretend to transport any other passenger for pay at a public ferry, unless he or they are duly authorized so to do by the court of the county in which the ferry may be, or of the county from which the passenger may be carried, under the penalty of five pounds for every offence, to be recovered before any Justice of the Peace to the use of the person who may sue for the same, subject nevertheless to an appeal by the party grieved to the county court.

CHAPTER XVII.

An Act Authorizing and Empowering the County Courts of Pleas and Quarter-sessions to Divide and Appropriate the Real Estate of Intestates.

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 Judges of the Superior Court of law and equity and the Justices of the county courts of pleas and quarter-sessions, be and they are hereby required and empowered on petition of one or more persons claiming the real estate of any intestate, to appoint five commissioners to divide and appropriate the same, or so much thereof as shall be prayed for, and the court shall judge proper and requisite according to law; provided, That in all cases where the real estate lies in different counties within this State, such petition shall be exhibited in the superior court of the district where such real estate or
part of it lies, and where the estate lies in one county only the petition
for a division shall be to the court of such county and no otherways; and
further said commissioners or a majority of them, being first sworn to do
justice among the claimants according to the best of their skill and abilities,
are hereby empowered to charge the more valuable dividend or dividends
with such sum or sums as they shall judge necessary to be paid to the
dividend or dividends of inferior value, in order to make an equitable divi-
sion; which sum or sums so charged shall be paid to the owner or owners
of the dividend or dividends of inferior value, by or to the guardian or guar-
dians for and on account of the minors, within one year after the commis-
sioners shall have made a return of their proceedings. And further the said
commissioners or a majority of them are hereby required, as soon as they
can, to make a return of their proceedings and appropriations, under their
hands and seals, ascertaining with precision the different tracts or parcels
of lands, lots or houses, with actual surveys of the same when necessary,
to the court by which they were appointed; which return and appropriation
shall be certified by the Clerk and enrolled in his office and registered in
the office where such lands, lots or houses respectively lie, and such return
and appropriation shall be binding and valid in, among and between the
claimants, their heirs and assigns forever.

II. And be it Enacted by the authority aforesaid, That the said commis-
sioners for their trouble and services, may take and demand whatever
the court by which they may be appointed shall judge adequate to the
trouble they may have been at, and for the expenses incurred either to
surveyors or otherwise; the said expenses to be paid in equal proportions
by the claimants: And further if said charges are not paid on return of
their proceedings and services, execution shall and may issue against the
petitioner or petitioners in the same manner as for the attendance of wit-
nesses.

CHAPTER XVIII.

An Act to Empower the County Courts to Proceed in Certain Cases as
therein directed.

Whereas in the course of the late war many accidents have happened
by fire or otherwise, whereby the books of accounts, bonds and other writ-
ings and papers of persons deceased have been destroyed, and the proofs
of many debts, dues and demands due and owing to the said deceased persons,
have been thereby rendered impassible, and by means of the said accidents
no recovery of the said debts, dues and demands can be had in the ordinary
course of law, and many orphans are likely to be greatly injured.

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 in
all such cases, where the papers of any deceased person have been or shall
hereafter be so destroyed by accident, due proof being thereof made to the
court of the county and entered on record by the direction of the court, it
shall and may be lawful for the executors or administrators of such person
to prefer a petition for the recovery of any debt or demand due and owing
from any person whatsoever to the court of the county where the debtor
resides, in the manner and under the regulations prescribed by “An Act for
the better care of orphans and security and management of their estates,”
passed in the year one thousand seven hundred and sixty-two, therein set-
ting forth the said debt and the amount thereof as nearly as may be, and
the supposed origin thereof; and such petition being filed in the Clerk's office, the same proceedings shall be had therein, and the defendant shall be bound and subject to the same rules, as in the twenty-third section of the said Act and the last clause thereof is directed, as fully to all intents as if the said clauses and every sentence thereof were herein particularly set down and expressed.

II. And be it further Enacted, That this Act shall in no case be allowed to take place but only where papers have been accidentally destroyed; nor where it shall appear to the court on trial there was used any kind of fraud to obtain the benefit of this Act; in which last case the suit shall be dismissed with cost.

CHAPTER XIX.

An Act directing the Clerks of the Several Courts of Record within this State as to their duty in office with respect to issuing Writs.

Whereas transient persons and others having no property either real or personal in this State, obtain writs and enter into litigious lawsuits where they have not allegations sufficient to support a suit, or property to disburse the charges thereof in case of failure, much to the injury of the good citizens thereof: 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 first day of July next, no writ or other leading process returnable to any of the courts of record within this State, shall be granted or issued by the Clerk or his assistant in office, but under the following regulations and restrictions, to-wit: That the Clerk, either by himself or his deputy, before issuing any writ or other leading process, take sufficient security of the person so applying, conditioned that they will prosecute such suit or suits they may so commence, and in case of failure of such prosecution pay to the defendant all such costs and damages as may be awarded against him by the court having cognizance thereof.

II. And be it further Enacted by the authority aforesaid, That where any Clerk either by himself or his deputy in office, shall issue any writ or other process, he shall enter the same into a book by him to be kept for that purpose, together with the names of the plaintiff and the defendant, the place of their abode, the name of the security or securities for obtaining such writ and the place where they live, and have the same before the Judges of the court where he may so officiate as Clerk, subject to the examination of such court.

III. And be it further Enacted by the authority aforesaid, That if any Clerk either by himself or his assistant in office, shall issue any writ or other leading process otherwise than by this Act directed, he shall pay to the defendant the sum of one hundred pounds, to be recovered by action of debt in the court where such offence shall have been so committed; and also shall forfeit and pay the sum of fifty pounds for every offence so committed by such Clerk or his assistant in office, recoverable in any court of record having cognizance thereof, one half to the use of the person suing for the same, the other half to the use of the poor of the county.

IV. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the Clerk of such court to tax in the bill of costs the sum of two shillings for every security by him so taken, and also the sum of two shillings for entering the same together with the names of the
security, in the book to be by him kept for that purpose: any law, usage
or custom to the contrary notwithstanding.

CHAPTER XX.

An Act to Compel the Attendance of all Such Persons as are or shall be
Elected to Represent any County or Town in the General Assembly of
this State, at such time and place as may be appointed.

Whereas the want of the due and punctual attendance of persons elected
as members of the General Assembly at the time and place appointed for
holding their sessions, hath been found prejudicial to individuals, and highly
injurious to the public:

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 first day of April next, every person who shall be elected
to represent any county or town in this State in the General Assembly
thereof, shall meet at such time and place as may be appointed for the
meeting of the General Assembly by adjournment or otherwise, on the first
day appointed for that purpose, and attend to the public business as occa-
sion may require.

II. And be it further Enacted by the authority aforesaid, That in case
any person who shall be hereafter elected to represent any county or town
in the General Assembly of this State, shall fail, refuse, neglect or delay
to attend to the duties of his appointment agreeable to the directions of
this Act, every such person shall forfeit and pay for not appearing as afores-
said the sum of five pounds current money of this state, and the sum of
twenty shillings like money for each and every day he may be absent from
his duty during the sessions; which sum or sums of money shall be deducted
or taken from his pay or allowance as a member if the same shall be suffi-
cient; and should the fine or forfeiture exceed the pay or allowance of such
member or person elected as aforesaid, then and in that case such excess
so remaining due, shall be taken out and deducted from any future allow-
ance which may be made to such person as a member by the General Assem-
bly of this State. Provided nevertheless, That a majority of the mem-
ers of either house of the General Assembly may and shall have power to
remit to any person having incurred the same, the fines and forfeitures afores-
said, or any part thereof, where it shall appear to their satisfaction on oath
or affirmation, that the person hath been prevented from attending his duty
by sickness, unavoidable hindrance or other sufficient cause; anything
heretofore in this Act mentioned to the contrary notwithstanding.

III. And be it further Enacted, That the members of the General Assem-
bly shall have freedom of speech and debate in General Assembly, and not
be liable to impeachment or question in any court or place out of the Gen-
eral Assembly for words therein spoken; and the members are hereby de-
clared protected from all arrest and imprisonment or attachment of prop-
erty during the time of their going to, coming from or attending the Gen-
eral Assembly, agreeable to the certificate of his attendance, except for fel-
ony, treason or breach of peace.

IV. And be it further Enacted, That the Sheriff of every county in this
state shall make return to the General Assembly, at their first annual meet-
ing, of the persons elected in his county to represent the inhabitants in
either house of the legislature, and shall therein certify whether the persons
so returned were chosen by their own consents, and which of them was
so chosen; and if any person so returned shall fail to attend at any session of the General Assembly which he ought to attend, then such person shall forfeit and pay the sum of twenty-five pounds, to be recovered in the court of pleas and quarter-sessions of the county for which such person was elected, at the suit of the Governor for the time being, on the certificate of such failure issued by the Speaker of the House in which such delinquency happened, unless sufficient excuse for such failure be offered and proved on oath by such delinquent member at the next succeeding Assembly.

CHAPTER XXI.

An Act to amend an Act, entitled "An Act to amend an Act passed at New Bern in December, one thousand seven hundred and eighty-five, for increasing the Jurisdiction of county courts of pleas and quarter-sessions, and of Justices of the Peace out of court, and to direct the time of holding Courts in this State;" to appoint jurors for the District of Wilmington, to amend an Act, entitled "An Act to establish a Court of law and equity in the County of Davidson;" and also to amend an Act, entitled "An Act for the establishing a militia in this State."

Whereas doubts have arisen in the several county courts in this State respecting the trial of appeals: 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 any Justice of the Peace granting an appeal to the county court, is hereby authorized and required on application of either of the parties, to issue subpoenas directed to the Sheriff or other lawful officer in any county within this State, for witnesses to appear and give testimony at the said court to which said appeal is returnable, and due respect shall be paid to such summons, and the officer to whom such subpoena shall be directed, and every witness summoned in consequence thereof, shall be under the same rules and regulations, and subject to the same penalties and entitled to the same pay, privileges and emoluments as if such subpoena had issued from the Clerk of the court to which said appeal shall be returnable.

And whereas doubts have arisen respecting the authority and duty of Sheriffs and Constables in serving warrants:

II. Be it Enacted by the authority aforesaid, That when any Sheriff, Constable or other lawful officer shall serve a warrant on any person or persons who shall refuse or neglect to give bond and security according to law, for his, her or their appearance before such Justice, and at such time and place as he, she or they shall be directed (to appear and stand trial and fulfill the judgment of said Justice) by said officer, such officer is hereby authorized and required to commit such person or persons to the gaol of the said county in the same manner as Sheriffs are directed and authorized to commit defendants in cases of arrests by virtue of a writ from the county court of pleas and quarter-sessions.

And whereas the counties of Cumberland, Moore, Robinson and Sampson from the district of Wilmington are included in the district of Fayetteville, whereby there will be a deficiency of Jurors to the superior court for the district:

III. Be it therefore Enacted by the authority aforesaid, That the county courts belonging to the district of Wilmington, be and they are hereby empowered and required to appoint the following number of jurors from their respective counties at each court immediately preceding the said superior
court of Wilmington, viz.: New Hanover twelve, Brunswick six, Onslow six, Duplin six and Bladen six; which jurors to be appointed shall be under the same rules and regulations, and have the same pay as other jurors in this state.

And whereas before the establishing a superior court jurisdiction for the county of Davidson, sundry appeals have been granted from the county court of Davidson to the superior courts of the district of Morgan and Washington; and for the ease and convenience of the said appellants:

IV. Be it enacted by the authority aforesaid, That the Clerks of the superior courts of the district of Morgan and Washington on application of either party, where both parties reside in the counties of Davidson or Sumner, tendering all fees due therein, shall transmit to the Clerk of the said superior court of Davidson all the papers relative to any appeal or appeals that have been so transmitted to either of them, and the said superior court of the district of Davidson shall proceed and determine thereon as in other cases of appeals according to law.

And whereas doubts have arisen respecting the appointing officers of the several regiments of cavalry in this State: For remedy whereof,

V. Be it Enacted by the authority aforesaid, That hereafter the right of recommending Captains, Lieutenants and Cornets or Ensigns of the several regiments of cavalry, infantry and artillery in this State to be commissioned by his Excellency the Governor, shall be and is hereby vested in the field officers of the regiment by whom such Captains, Lieutenants, Cornets or Ensigns are to be commanded, observing the rules and regulations of the militia law now in force in this State.

VI. And be it further enacted by the authority aforesaid, That so much of an Act passed last session of the General Assembly at Fayetteville, entitled "An Act to establish a militia in this State," which directs that the field officers of the militia in each county within this State shall be chosen by joint ballot of both houses of the General Assembly, is hereby repealed and made void.

And whereas the court of the county of Washington was directed by Act of Assembly to be held on the second Mondays of February, May, August and November, and by mistake the said court hath been held on the first Mondays of the said months: Wherefore,

VII. Be it Enacted by the authority aforesaid, That all the proceedings had in the said court the said first Mondays as aforesaid, shall be held and deemed as good and valid in law, as if the said proceedings had been done and transacted on the second Mondays of the months aforesaid; any law to the contrary notwithstanding.

CHAPTER XXII.

An Act for making process in Equity effectual against Persons who Abandon, and who reside without the limits of the State, and for better regulating the proceedings in courts of equity.

Whereas persons have sometimes withdrawn themselves beyond the limits of the State, or otherwise absconded to avoid appearing in courts of equity; and whereas also, no means have been provided to cite persons residing without the limits of the State to appear in the said courts; for remedy of the inconvenience hence arising,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That if any
suit which hath been or hereafter shall be commenced in any court of
equity, any defendant or defendants against whom any subpoena or other
process shall issue, shall not cause his, her or their appearance to be
entered on such process within such time, and in such manner, as according
to the rules of the court the same ought to have been entered in case such
process had been duly served, and an affidavit or affidavits shall be made to
the satisfaction of such court, that such defendant or defendants resides or
reside beyond the limits of the State, or that upon enquiry at his, her or
their usual place of abode, he, she or they could not be found, so as to be
served with such process, and that there is just ground to believe that such
defendant or defendants is or are gone without the limits of the state, or
otherwise abscond to avoid being served with the process of such court,
then and in such cases the court out of which such process issued may make
an order directing and appointing such defendant or defendants to appear
at a certain day therein to be named; and in cases where such defendant
or defendants resides or reside without the limits of the state, a copy of
such order shall within sixty days after such order made, be inserted in
some gazette regularly published within the state, for such length of time as
the court shall order and direct and may when they shall think necessary
direct such order to be inserted in any gazette in the United States; and in
cases where such defendant or defendants shall have withdrawn him, her
or themselves beyond the limits of the state, or otherwise absconded to
avoid the service of such process, a copy of such order shall within sixty
days after such order made, be inserted in some gazette regularly published
within this state if any there be, for such length of time as the court shall
direct, and shall within the time aforesaid be posted up at the door of the
court-house where such order shall be made, and also in some public place
within the county where such defendant or defendants respectively made
his, her or their usual abode within thirty days next before such his, her
or their absenting; and if the defendant or defendants do not appear within
the time limited by such order, or within such further time as the court
shall appoint, then, on proof made of such publication of such order as
aforesaid, the court being satisfied of the truth thereof, may order the plain-
tiff's bill to be taken pro confesso, and make decree thereupon as shall be
thought just; and may thereupon issue process as in other cases to compel
the performance of the decree, either by execution as hereinafter provided to
satisfy the demands of the plaintiff or plaintiffs in the said suit, or by
causing the possession of the estate and effects demanded by the bill to be
delivered to the plaintiff or plaintiffs, or otherwise as the nature of the
case shall require.

1st. Provided nevertheless, That such plaintiff or plaintiffs shall first
give sufficient security in such sum as the court shall think proper, to abide
such order touching the restitution of such estate or effects as the court
shall think proper to make concerning the same, upon the defendant or de-
fendants appearing and petitioning to have the said cause reheard, and
paying such costs to the plaintiff or plaintiffs as the court shall order. 2d.
Provided, That if any decree shall be made in pursuance of this Act against
any person or persons residing without the limits of the state at the time
such decree is pronounced, and such person or persons shall within two
years after the making such decree reside within the state or become pub-
licly visible therein, then and in such case he, she or they shall likewise be
served with a copy of such decree within a reasonable time after his, her
or their coming into the State, or their public appearance shall be known
to the plaintiff or plaintiffs; and in case any defendant or defendants against
whom such decree shall be made, shall within two years after the making of such decree happen to die before his or her coming into the state or appearing openly as aforesaid, or shall within the time last before mentioned die in custody before his or her being served with a copy of such decree, then his or her heir of such defendant shall have any real estate whereof possession shall have been delivered to the plaintiff or plaintiffs, if such heir may be found, or if such heir shall be a feme-covert, infant or non compos mentis, the husband, guardian or committee of guardians of such heir respectively, or if the personal estate of such defendant shall have been levied upon or possession thereof delivered to the plaintiff or plaintiffs, then his or her executor or administrator, if any such there may be, may and shall be served with a copy of such decree within a reasonable time after it shall be known to the plaintiff or plaintiffs that the defendant is dead, and who is his or her heir, executor or administrator, and where he, she or they may respectively be served within the state. 3d. Provided always, If any person or persons so served with a copy of such decree shall not within twelve months after such service appear and petition to have the said cause reheard, such decree so made as aforesaid shall stand absolutely confirmed against the person or persons so served with a copy thereof, his, her or their respective heirs, executors and administrators, and all persons claiming or to claim by, from or under him, her or them, or any of them, by virtue of any Act done or to be done subsequent to the commencement of such suit. 4th. Provided nevertheless, That if any person so served with a copy of such decree, shall within twelve months after such service, or if any person not being so served, shall within three years next after the making such decree, appear in court and petition to be heard with respect to the matter of such decree, and shall pay down or give security for payment of such costs as the court shall think reasonable in that behalf, the person or persons so petitioning, his, her or their respective representatives, or any person claiming under him, her or them respectively by virtue of any act done before the commencement of the suit, may be admitted to answer the bill exhibited, and issue may be joined, and witnesses on both sides examined and such other proceedings, decree and execution may be had thereon as there might have been in case the same party had originally appeared, and the proceedings had then been newly began, or as if no former decree or proceedings had been in the same cause. 5th. Provided nevertheless, and be it Enacted by the authority aforesaid, That if any person or persons against whom such decree shall be made, his, her or their heirs, executors or administrators, shall not within three years next after the making of such decree, appear and petition to have the cause reheard, and pay down or give security for payment of such costs as the court shall think reasonable in that behalf, such decree made as aforesaid shall stand absolutely confirmed against the person and persons against whom such decree shall be made, his, her or their heirs, executors and administrators, and against all persons claiming or to claim by, from or under him, her, them or any of them, by virtue of an Act done or to be done subsequent to the commencement of such suit; and at the end of such three years it shall and may be lawful for the court to make such further order as shall be just and reasonable according to the circumstance of the case. 6th. Provided always, That this Act shall not extend or be construed to extend to warrant or make good any proceedings against any person residing without the state, unless the ground or cause of action, or the transaction on which the bill may be brought took place within the limits of the State.

Whereas the present mode of proceeding to carry into effect the decrees
of the court of equity by attachment, Habeas Corpus, attachment with proclamation and commissions of rebellion, are in many cases dilatory, oppressive and inadequate:

II. Be it Enacted by the authority aforesaid, That in all cases where decrees may have been made in any suit in equity in any of the courts in this state, or shall hereafter be made for any sum or sums of money, it shall and may be lawful for execution to issue thereon against the defendant's body, or against his goods and chattels, lands and tenements to satisfy such decree (and lands and tenements, goods and chattels shall be bound by such decree, and execution in the same manner as lands and tenements, goods and chattels are by judgments and executions in law) and costs in the same manner as execution may or shall issue in the courts of law.

Whereas the drawing and enrolling of decrees, rules and orders in equity require considerable skill, experience and attention; and whereas the present mode of adjusting and stating accounts by Auditors or Commissioners has been found productive of great delay and difficulty:

III. Be it Enacted by the authority aforesaid, That the Judges of the said court of equity shall appoint some person of skill and probity to act as Clerk and Master in equity to each of the said courts; who shall give security in the same manner and take the same oath before the Judges as the Clerks on the law side of the court, and shall hold his office during good behaviour; and the said Clerk shall keep a fair and distinct record of the proceedings of the court of equity to which he may be appointed; and the bills, answers and decrees shall be regularly enrolled in a well bound book kept for that purpose; and shall be entitled to the following fees and no other:

For a report on an answer, three shillings; on a plea and answer, four shillings; on a demurrer and answer, four shillings; for an affidavit to an answer, one shilling and six pence; for an affidavit to a bill, one shilling and six pence; for a separate affidavit, two shillings; for a copy report by the office, copy sheet, two shillings; for a report stating an account, one per cent. on the amount of each account exhibited where the account is made five hundred pounds, and a half per cent for all sums over five hundred pounds; for copies of proceedings and exemplifications, copy sheet, two shillings; for taking a bond, one shilling and six pence; for every rule given for service, two shillings and six pence; for every rule not for service one shilling and three pence; for every subpoena writ or other process, ten shillings; for every dedication or commission, five shillings and four pence; for every injunction, ten shillings; for drawing decrees, four shillings by the copy sheet; for enrolling a bill or answer, two shillings by the copy sheet; for entering a plea or demurrer, two shillings; for recording depositions to perpetuate testimony, by the copy sheet, two shillings; for every search, one shilling; for every dismissal, two shillings. And further, the said Master in equity is hereby fully empowered and authorized to administer the oath or affirmation to all and every person and persons either witnesses or others having business in the court of equity at all times, in the same manner as Masters in Chancery do in like cases in Great Britain.

And to prevent confusion in construing Acts relative to the proceedings in said courts:

IV. Be it Enacted by the authority aforesaid, That from and after the expiration of the present session of the General Assembly, such courts in all equity proceedings shall be stilled and called the court of equity for its respective district, and in all law proceedings the superior court of law for its respective district as formerly.
CHAPTER XXIII.

An Act to amend the several Acts of Assembly heretofore passed for giving further time to Surveyors; within the different Counties to make their Survey and Return Plots thereof to the Secretary's office, and for giving a Further Time for the Registration of Certain Deeds issued from Lord Granville's office and Marriage Contracts therein mentioned.

Whereas by misconstruction of the several laws respecting entering and surveying lands in this State, Impositions have been attempted on the original enterer of the said lands: 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 Surveyors in the several counties in this State shall survey all entries of land according to the priority of such entry paying due respect to the number of each warrant, and every grant hereafter to be obtained by any subsequent entry or entries otherwise than is by this act directed, shall be and the same is hereby declared void and of no effect; any law or custom to the contrary notwithstanding. Provided nevertheless, That nothing herein contained shall be construed to prevent any person making a subsequent entry on any land, from surveying and obtaining a grant as the law directs for all such surplus land as shall remain after the enterer or enterers of such land hath surveyed his, her or their entry or entries as aforesaid.

II. And be it further enacted, That all deeds issued from the office of the late Earl of Granville, and not already registered, may have a further time of twelve months allowed for registration, and the proof necessary thereto shall be by party of hands; provided, that the lands held under such deeds shall have been actually occupied by the original grantee or some person under him for the space of seven years and taxes paid thereon for the said time, and that the said lands have not been entered in the land office under the present government by any person or persons whatsoever; and all deeds under the description and conditions aforesaid proved and registered shall be good and valid in law, and shall ensue and take effect as fully and effectually to the use and behoof of the grantees, their heirs and assigns, and those claiming under them, as if such deeds had been proved and registered agreeable to the directions of any Act of Assembly heretofore made.

III. And be it Enacted, That all marriage contracts made and entered into before the passing of the Act, entitled "An Act directing the marriage settlements and other marriage contracts," shall be registered, and for preventing injury to creditors shall be allowed a further time of twelve months for registration, and if duly proved and registered within that time, shall be as good and valid in law to all intents whatsoever as if the same had been proved and registered within the time thereby limited and directed.

CHAPTER XXIV.

An Act to repeal part of an Act passed at New Bern in the year one thousand seven hundred and eighty-five, entitled "An Act for destroying Wolves, Panthers, Wild-cats, Bears, Crows and Squirrels in the Several Counties therein mentioned."

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 before recited Act so far as the same provides for
the killing of crows and squirrels be and the same is hereby repealed and made void.

CHAPTER XXV.

An Act to Effect the Cutting and Clearing a Road from the Lower End of Clinch Mountain to the Cumberland Settlements, and for Preserving and Granting Safety to the Inhabitants Thereof.

Whereas it has been represented to the General Assembly by the representatives of the counties of Davidson and Sumner, as the earnest wish of the inhabitants of the said counties, that a law should pass empowering the commanding officers of the aforesaid counties to call on the militia thereof to carry the same into full effect; 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 it shall and may be lawful for the commanding officers of the before mentioned counties to appoint two or more persons to examine, survey and mark out the best and most convenient way from the lower end of Clinch Mountain to the settlements of Cumberland as aforesaid; and the said commanding officers are hereby vested with full power and authority to order out the militia of the counties of Davidson and Sumner, to cut and clear the road so marked as aforesaid, under the direction of themselves or either of them, or any of the field officers by them appointed to superintend the same.

And in order that the strictest justice may be done to every militia man and officer in performing the same:

II. Be it further Enacted by the Authority aforesaid, That the commanding officers of the said counties of Davidson and Sumner shall at their general muster in April next, cause the militia to be divided into four equal classes of first, second, third and fourth as near as may be, in the same manner as the militia in this state was formerly classed, and shall call on them by classes or part of classes, beginning with the first and so in rotation until the road shall be cut as aforesaid; and in case any officer or militia man shall refuse or neglect to appear when called upon to perform such tour, and bring with him such tool suitable for cutting and clearing the road as aforesaid as may be enjoined by his officer, as also such quantity of provision as may be deemed necessary for such tour, or when on such tour or duty shall refuse or neglect to perform the duties that may be enjoined him by the officer or officers having the command over the said work, he or they so offending shall suffer the same pains and penalties as are inflicted by the militia law now in force in this state, and be proceeded against in the manner as is by the said law directed, and all such fines and forfeitures shall go towards paying the persons employed in viewing and marking the said road.

And whereas it is just and reasonable that all persons performing any useful and laborious task should receive adequate compensation for the same:

III. Be it therefore Enacted by the authority aforesaid, That it shall and may be lawful for the county courts of the counties of Davidson and Sumner in their quarter sessions, to lay a tax on the poll and all taxable property within the said counties sufficient to pay the labourers employed in cutting and clearing the said road from the lower end of Clinch Mountain to the Cumberland settlements, and also those employed in superintending the same,
and also for the provision necessary to be furnished those employed in the said service; and the tax so to be levied shall be collected and accounted for by the collectors of the public tax and by them to the county Treasurer, and by him to the courts, and by them or their Chairman to those employed as above; and the said Collector or Collectors, before he or they enters on the execution of their office, shall enter into bond with one or more sufficient securities in double the sum to be by him or them collected, for the faithful performance of the trust in him or them reposed, and for the collecting and accounting for all such monies by him or them so received, after deducting three per cent. for collecting and paying the same; and in case he or they shall fall or neglect to collect and account for the same in due time, he or they so failing or neglecting shall be proceeded against as in case of delinquent Sheriffs or Collectors, and suffer the same pains and penalties that may be had against such Sheriffs and Collectors of public taxes in this State.

And whereas it hath been found by experience that the inhabitants of the counties of Davidson and Sumner are exposed to great danger from the neighbouring Indians, who may be provoked by the outrages of disorderly persons passing through or from the said counties to the Indian nations: For remedy whereof,

IV. Be it Enacted by the authority aforesaid, That it shall not be lawful for any person to pass through or go from one of the counties of Davidson or Sumner to any of the Indian towns, unless he or they shall have a pass from some officer duly authorized under the United States, the executive of this State, or the field officers of the militia of one or other of the counties aforesaid.

V. Be it further Enacted, That if any person or persons offending against the true intent and meaning of this Act, he, she or they being thereof lawfully convicted, shall be liable to a fine not exceeding ten pounds, to be assessed by two Justices of the Peace; and in case any person within the limits of the counties of Davidson and Sumner shall menace, provoke or plunder a friendly Indian, or by threatening to kill or destroy or beat him or any of his tribe or the allies of his tribe being friendly to this or the United States, he, she or they so offending shall be subject to the same pains and penalties on an action brought in behalf of such Indian, as though he, she or they had insulted or plundered a citizen of this State.

And whereas it hath been further presented to the General Assembly by the representatives of the aforesaid counties, that it would be of great utility and encourage the emigration of the Cumberland settlements, to empower the militia officers to call on the militia to escort families from Cumberland Mountain to the said settlements not more than four times in every year:

VI. Be it therefore Enacted, That it shall be lawful for the commanding officers of the counties aforesaid, to call out any number of militia not exceeding fifty, at any time it shall be made known to them that a number of families are at the Cumberland Mountain waiting for an escort to conduct them to the said settlements; and the county courts are hereby required to levy a tax on the poll and taxable property in the said counties from time to time, sufficient to pay the said expence, to be collected and accounted for as in case of cutting the road mentioned in the foregoing part of this Act.
CHAPTER XXVI.

An Act to Encourage the Making of Salt in Davidson County.

Whereas it is represented to the General Assembly by the inhabitants of Davidson county, that the Salt Springs cannot be of any public use unless some person or persons shall have the exclusive right of improving the same:

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 springs or licks commonly called French Lick, Neeley's Lick, Gasper's Lick and Ramsey's Lick, together with the tracts of land belonging to or reserved with those licks respectively, shall be and they are hereby vested in John Kirkpatrick, Lardner Clark, Jonathan Drake, William Simpson, John Boyd, Ephraim M'Laine and Robert Edmonson, Commissioners to lease or rent the aforesaid springs or licks for any term of time not exceeding ten years from and after the passing of this Act; and the monies arising from such leases or rents to be applied to the public use of the inhabitants of the county of Davidson; and the aforesaid Commissioners shall give bond with security to the court of said county for the faithful accounting of said monies annually to the county Treasurer, and shall make public advertisement of the time when the said leases shall be made and the said licks and lands rented, at the court-house of the said county, at least ninety days previous thereto.

CHAPTER XXVII.

An Act to extend an Act, entitled "An Act to Pardon and Consign to Oblivion the Offences and Misconduct of Certain Persons in the Counties of Washington, Sullivan, Green and Hawkins."

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 Act and every clause thereof, shall be and is hereby extended to all persons who are desirous to avail themselves of the benefits and advantages contained in the same, and are hereby declared pardoned of the crimes mentioned therein and fully restored to the privileges of citizens; any law to the contrary notwithstanding.

And whereas sundry of the inhabitants of the counties aforesaid have failed to give in an account of their taxable property for the year one thousand seven hundred and eighty-seven as the law directs:

II. Be it therefore Enacted by the authority aforesaid, That a further time of three months from and after the passing of this Act shall be allowed them to render an account of their taxable property in such manner as is prescribed by law, and all persons who shall neglect or refuse to comply therewith shall be subject to all the pains and penalties prescribed by said law to be inflicted on them, and all suits commenced for the recovery of any penalty or forfeiture incurred by not complying with the laws usually called revenue or tax laws, shall be discontinued on the defendant or defendants assuming all the costs thereon in open court.

CHAPTER XXVIII.

An Act for the Better Regulation of the Town of Edenton.

Whereas it is the interest of every State to regulate the police of its towns
and encourage their trade, and the laws heretofore made for regulating the
town of Edenton have proved defective and inconvenient:

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
five commissioners for the town of Edenton shall be chosen annually on the
first Monday in April, and the sheriff of Chowan county or his deputy is
hereby required to attend at the court house on the same day and at the
hour of ten of the clock in the morning, to open the poll and receive the
tickets in the presence of two inspectors, being freeholders of the said town
and when the election shall be finished such returning officer and inspectors
shall in the presence of such of the electors as chuse to attend examine and
number the ballots, and the persons having the greatest number of ballots
shall be declared duly elected, but when two or more persons shall have
an equal number of votes the returning officer shall have the casting vote,
but shall not vote in any other case whatsoever; and in like manner the
said sheriff or his deputy first giving ten days notice by public advertise-
ment shall on the first Monday in April in every year afterwards in the
same manner open the poll, receive the tickets and proclaim the commis-
sioners for the ensuing year, under the penalty of fifty pounds for every
neglect or refusal, to be recovered by action of debt in the court of the
county of Chowan by any person who shall sue for the same in one year
after such neglect or refusal, one half to the prosecutor the other half to
be paid to the treasurer of the town for the use of the said town; and the com-
missioners so chosen shall before they enter on the execution of their office
take the following oath: "I, A. B., do swear that I will faithfully discharge
the office of commissioner for the town of Edenton agreeable to law, and to
the best of my knowledge and judgment. So help me God."

II. And be it further Enacted by the authority aforesaid, That no person
shall be deemed qualified to act as a commissioner of the town of Edenton
unless he hath a lot of land therein with a dwelling house on the same in
his own right in fee, and that all the freemen who have paid public taxes
and have been inhabitants of the said town six months next before and at
the day of election, shall be entitled to vote for the commissioners of the
said town, and no others.

III. And be it further Enacted by the authority aforesaid, That the com-
missioners shall appoint one of their body to act as treasurer of the town
for that year to receive and account for the town monies, for which a regu-
lar entry must be made in a book kept for that purpose, and upon the
appointment of a new treasurer the old one shall immediately pass his
account with him and pay any balance there may be in his hands; pro-
vided, that before such treasurer enters on his office he shall give his bond
with approved security payable to the commissioners for the faithful dis-
charge of his duty.

IV. And be it further Enacted by the authority aforesaid, That the com-
missioners of the said town shall choose and appoint a proper person to be
their clerk of the said town, to act as such during good behaviour, who
shall be allowed a reasonable salary and enter into bond to the commis-
sioners of the said town and their successors with sufficient security in the
sum of two hundred pounds lawful money of this State, for the due and
faithful execution of his office and the trust reposed in him, for the safe
keeping of the books and papers put into his care and keeping a regular
and fair journal of the proceedings of the commissioners during his con-
tinuance in office; and all persons shall have free access to the journals and
papers on paying two shillings to the clerk, under the penalty of forty shil-
lings for every refusal, to be recovered before a justice of the peace of the county of Chowan by any person who shall sue for the same within a month after such refusal, one half to the prosecutor the other to be paid to the treasurer of the town for the use of the town.

V. And be it further Enacted by the authority aforesaid, That the commissioners of the town so chosen and qualified agreeable to the direction of this Act shall be and they are hereby incorporated into a body politic and corporate by the name of the commissioners of Edenton, and by that name to have annual succession by the election of the freeholders and freemen as by this Act is directed and a common seal, and that they and their successors by the name aforesaid shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever in trust for said town any lands, rents and tenements of what kind, nature or quality whatsoever, and also grant, demise, alien or dispose of the same, also to receive and take any gift or donation whatsoever to the said town, and also by the same name to sue and implead, be sued and impleaded, answer and be answered in all courts whatsoever, and from time to time and at all times hereafter under their common seal to make such rules, orders, regulations and ordinances as to them shall seem meet for repairing the streets, erecting public wharfs, appointing market places and regulating the same, also all weights and measures and regulating the price and weight of bread once every month according to the price of flour, erecting public pumps and keeping in repair those already erected, surrounding the town with a ditch or fence, erecting proper gates on the highways and making proper allowances for such services, and also shall have full power to enforce a compliance and observance to such regulations by laying fines and penalties not exceeding five pounds on those who shall refuse or neglect to conform to such rules and regulations, to be recovered by a warrant under the hand and seal of the said commissioners directed to any constable or other person by them appointed, subject nevertheless to an appeal to the county court, which said appeal shall be tried by a jury of good and lawful men, and in case of a slave being the offender the punishment on conviction shall not exceed thirty-nine lashes: Provided always, That such rules, regulations and ordinances are not inconsistent with the constitution and the laws of the land.

VI. And be it further Enacted by the authority aforesaid, That if any of the said commissioners before the next annual election should die, remove out of the county or refuse to qualify, the remaining commissioners shall elect and choose others in the room and stead of those dying, removing or refusing to qualify as aforesaid, which said commissioners so chosen and qualifying by taking the oath as aforesaid, shall have the same power as the other commissioners have by this Act.

VII. And be it further Enacted by the authority aforesaid, That the commissioners of the said town shall annually levy a tax not exceeding ten shillings on every hundred pounds value of taxable property within the said town, and a poll tax of ten shillings on all persons who do not possess in the said town any taxable property, which tax shall be collected by a warrant under the hands and seal of the commissioners directed to such person as they appoint for that purpose.

And the more effectually to ascertain the taxable property within the said town:

VIII. Be it Enacted by the authority aforesaid, That every inhabitant thereof shall yearly at the time he shall give in his taxable property to be assigned for the use of the State, distinguish in the list he shall return
what part thereof is situated within the said town, and ascertain the number of his, her or their lots; and if any inhabitant shall fail so to do, the commissioners shall and may order the town tax to be levied for the double of the amount of the taxable property of the person so failing as aforesaid.

IX. And be it further Enacted, That all persons who shall have resided six months in the said town shall be subject to pay taxes of the said town.

X. And be it further Enacted by the authority aforesaid, That the commissioners or a majority of them shall annually appoint a proper person to collect the tax of the said town agreeable to the assessment made by the assessors appointed by the court of the county of Chowan, and the person so appointed before he enters on the execution of his office shall enter into bond with sufficient security in the sum of four hundred pounds lawful money of this State, to the commissioners of the town and their successors, for the faithful discharge of his duty; and in case the person so appointed shall refuse to serve or fail to give security as aforesaid, the said commissioners shall and may proceed to nominate and appoint any other person who may be willing to act and enter into bond with security in manner as aforesaid; and the collector so appointed shall and is hereby empowered, directed and required to collect the said taxes and pay the same to the treasurer of the said town on or before the first Monday in July in every year, after deducting five per cent. commissions for his trouble in making the said collections; and if any such collector shall neglect or refuse to account for on oath and pay the several taxes wherewith he is chargeable according to the directions of this Act, after deducting his commissions, it shall and may be lawful for the superior court of Edenton district or the county court of Chowan, on motion or the commissioners or a majority of them, or on motion of the treasurer of the town on their behalf to give judgment against such collector and his securities for all monies wherewith he shall or may be chargeable to the town with costs of suit, and thereupon to award execution against the body or against the goods and chattels, lands and tenements of such collector and his securities: Provided always, That the collector shall have ten days previous notice of such motion.

XI. And be it further Enacted by the authority aforesaid, That if the inhabitants of the said town or other person being liable by this Act shall neglect or refuse to pay the said tax on or before the first Monday in June in every year, it shall and may be lawful for the collector to levy the same by distress and sale of the offender’s goods and chattels, and shall take and receive for his trouble twenty shillings for each distress and no more, and after deducting the taxes due and fees, the overplus of the goods and chattels sold shall be returned to the owner if any; and the said commissioners or a majority of them are hereby empowered and authorised to grant deeds for any lot or lots improved or unimproved, which deeds shall be good and valid in law.

XII. And be it further Enacted by the authority aforesaid, That the books in which the proceedings of the commissioners were entered or shall be entered by themselves or their clerk of the town respecting the election of commissioners, laying taxes, granting and conveying lots and entries of lots, that the said books and all the legal proceedings and Acts of the commissioners therein entered agreeable to the Acts of Assembly above recited, shall be and are hereby confirmed, and shall be received as evidence in any court of law or equity where the titles of lots may come in question.

And whereas many difficulties have arose respecting the lines describing the lots in said town: For remedy whereof,

XIII. Be it further Enacted by the authority aforesaid, That after
passing this Act the four posts standing at the four corners of King and
Broad street shall be the proper station to begin the measurement of
describing the lines each way of all the lots in said town; which lines when
run (agreeable to the standing of said posts) by the commissioners of said
town shall forever be considered as right; any law to the contrary not-
withstanding.

XIV. And be it further Enacted by the authority aforesaid, That the com-
missioners of the said town are hereby empowered and required to cause all
such encroachments from which danger may be apprehended or any great
injury to the streets to be removed and where any encroachment shall be
found on any street or streets from which no immediate danger is to be
apprehended nor any very great injury to the streets, and the owner of such
encroachment should not be willing to remove the same, the said commis-
sioners shall impose a ground rent not exceeding forty shillings to be an-
ually paid for each piazza, porch, platform, fence or other encroachment on
the street, to be applied to the public stock of the town; and if any person
shall refuse or neglect to pay such ground rent, the same shall be levied by a
warrant under the hands and seal of the commissioners, directed to any
person by them appointed for that purpose, on the goods and chattels of the
delinquent.

XV. And be it further Enacted by the authority aforesaid, That the said
commissioners may let out public lots on the bay or in the town that are not
immediately wanted for public use, or buildings on lease for any term not
exceeding fifteen years, the rents to be annually recovered (in case of refusal
or neglect of the tenants) as heretofore directed for ground rents and
applied to the use of the said town.

XVI. And be it further Enacted, That every person who is the owner of
any lot in the town of Edenton shall within six months after the passing
this Act, cause the same to be cleared from woods and brush, and he shall
keep it clear under the penalty of twenty shillings for every offence, to be
recovered before any justice of the peace of the county of Chowan for the
use of the said town.

XVII. And be it further Enacted, That no inhabitant of the said town
shall be permitted to keep any hogs, geese or goats to run or be at large
within the bounds of the said town, under the penalty of twenty shillings
for every offence, to be recovered before any justice of the peace for the use
of said town.

XVIII. And be it further Enacted by the authority aforesaid, That no
person shall strain a horse in any public street in the town so as to endan-
ger the lives of children or other helpless inhabitants, nor shall it be law-
ful for any person to discharge any fire arms within the bounds of said
town except on muster days or on other public service; and every person
offending against these regulations shall be fined by the commissioners in
any sum not exceeding twenty shillings, to be recovered before any justice of
the peace of the county of Chowan, and for the use of the said town.

And whereas the court house in Edenton has been much injured, and is
subject to repeated injuries from the want of proper care:

XIX. Be it therefore Enacted by the authority aforesaid, That the com-
missioners aforesaid shall repair the said court house and keep it in order,
for which repair they shall be paid out of such money as has been collected
or may hereafter be collected for the purpose of erecting a prison or court
house in the town of Edenton for the district of Edenton.

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

XXI. And be it further Enacted by the authority aforesaid, That the commissioners are hereby empowered to purchase such a number of leather buckets for the fire engine as they may deem necessary, and also to appoint ten persons inhabitants of the said town to work the said fire engine; which persons shall be exempted except in cases of insurrection or invasion, in consideration thereof, from all other public service during the continuance of their appointment, and that such persons may be removed at any time, and others appointed for said service in their stead.

XXII. And be it further Enacted by the authority aforesaid, That in case of an alarm of fire, all persons inhabitants of the said town who are liable to serve in the militia, shall be obliged to render their best assistance for the extinguishment of the fire and other services incident thereto, under the penalty of forty shillings for every neglect to be recovered by the commissioners by a warrant before a justice of the peace; provided that if it shall appear to the said judge by the affidavit of the said person so falling aforesaid or otherwise, that he had a reasonable excuse for such neglect, judgment shall not be given for the said penalty but he shall be discharged. The said penalties when recovered to be paid to the town treasurer for the use of the town.

XXIII. And be it further Enacted by the authority aforesaid, That no person shall under any pretence whatsoever make any fires, or cause any to be made, on the wharfs or in the streets in the night time, and any person offending against this regulation shall forfeit and pay the sum of five pounds for every such offence, to be recovered before any justice of the peace of the county and for the use of the said town; and if the offender should be a slave, he or she shall on conviction receive thirty-nine lashes on his or her bare back; provided said slave did not act by order of his owner or the person having the care of such slave, in which case such owner or person shall be subject to the above fine. Provided, That no person shall be subject to these penalties until the commissioners have made publication of the regulations last mentioned for the space of three months at least at the door of the court house of Chowan county.

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

XXIV. Be it Enacted by the authority aforesaid, That if any free person shall either buy from or sell to any slave or slaves within the limits of the said town, 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 or mistress, or any other person having the management of such slave or slaves, every such person shall on conviction before any justice of the peace of the said county of Chowan, forfeit and pay the sum of ten pounds, to be revied of his or her property as other recoveries by law for the use of the said town, subject nevertheless to the appeal of the party grieved; 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 mainprise for any time not exceeding three months.

XXV. And be it 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 in the above recited manner, shall forfeit and pay the sum of ten pounds for the first offence, and the sum of twenty pounds for every other offence, to be levied of his or her property as other recoveries by law, and for the use of the said town; and if the offender shall be unable to pay the forfeiture, then such offender shall be committed to close custody, and shall remain in prison without bail or mainprise for any time not exceeding six months.

XXVI. And be it further Enacted by the authority aforesaid, That after the passing of this Act it shall not be lawful for any slave in the town to hire her or himself out or exercise any trade or occupation without first producing a permission in writing from the owner, or other person having the management of such slave, directed to the commissioners of the said town, who shall thereupon (if there is no just cause to the contrary) cause the said permission to be entered by the town clerk in their book and filed, for which the owner of the said slave shall pay to the clerk a fee of four shillings; and the commissioners or a majority of them shall grant a license under their hand and seal to such slave to hire her or himself out, for any time not exceeding twelve months, and any slave having a license as directed by this Act may hire him or herself out, and may lawfully be hired to any person or persons whatsoever; and if any person after the passing of this Act hires any slave or slaves in the said town, without such license from the commissioners as directed by this Act, he or she shall forfeit and pay the sum of five pounds for every such offence to be recovered before any justice of the peace of the county, and for the use of the said town. Provided always, That nothing herein contained shall extend or be construed to prohibit any person or persons residing in the said town from hiring out their slaves, or in employing such slaves in exercising any trade or occupation under the immediate direction of their owners, so that such slave or slaves be not permitted to receive the wages contracted for, but in all such cases the owner or the person having the care of such slave, shall make the contract and receive the monies arising therefrom.

XXXVII. And be it further Enacted by the authority aforesaid, That in all Acts of the said commissioners, a majority of them shall constitute a quorum for the purposes intended by this Act.

And whereas it is necessary to collect and enforce the attendance of the commissioners when the exigencies of the town require it:

XXVIII. Be it therefore Enacted by the authority aforesaid, That if any commissioner shall after notice or summons subscribed by three of the commissioners and countersigned by their clerk, such notice or summons to contain the time and place of meeting and to be left at their dwelling house twelve hours at least previous to such meeting, fail to give his attendance he shall forfeit and pay twenty shillings, unless prevented by sickness or such other cause as shall be satisfactory to a board of the commissioners, to be recovered before a justice of the peace of the county and applied to the use of the town. Provided always, That the commissioners shall meet at least once in every month, and such meeting shall be on the first Monday in every month.

XXIX. And be it further Enacted by the authority aforesaid, That the commissioners of the said town shall annually in the month of January
publish an accurate list of the taxes, levied and collected in said town, together with a list of each sum expended, to whom paid and for what purpose; and the commissioners failing to comply with the same shall forfeit and pay the sum of fifty pounds, to be recovered by any person who shall sue for the same within twelve months after such offence, before any jurisdiction having cognizance thereof, one half to the prosecutor the other half to be paid to the treasurer of the town or the use of the said town; which sum shall be levied of the proper goods and chattels of the said commissioners or either of them.

XXX. And be it further Enacted by the authority aforesaid, That the commissioners who were chosen in the month of July last are hereby vested with all the powers, authorities and pre-eminence as directed by this Act.

XXXI. And be it further Enacted, That all Acts and parts of Acts heretofore passed for the regulation of the town of Edenton shall be and they are hereby repealed and made void.

CHAPTER XXIX.

An Act for the Better Regulation of the Town of Fayetteville.

Whereas it is the interest of every State to regulate the police of its towns and encourage their trade, and the laws heretofore made for the regulation of the town of Fayetteville have proved defective and inconvenient: And whereas for many years during the late war no commissioners, were chosen, and some lots may remain unconveyed to the proprietors, and doubts may arise concerning the titles to the same:

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 books in which the proceeding of the commissioners have been entered by themselves or their clerks, respecting the election of commissioners, laying taxes, granting and conveying lots, drawing lots, orders and settlements with respect to the town monies, and all the proceedings agreeable to Acts heretofore passed for the regulation of the said town, shall be and are hereby confirmed, and shall be received as evidence in any court of law or equity.

II. And be it further Enacted by the authority aforesaid, That seven commissioners shall be chosen on the first day of January in each and every year; and the sheriff of Cumberland county or his deputy is hereby required to attend at the court house or some convenient place in the said town, on the same day at ten o'clock in the morning, to open the poll and receive the tickets in the presence of two inspectors, and when the election shall be finished such returning officer and inspectors shall in the presence of such of the electors as shall chuse to attend, examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected, first giving ten days previous notice by public advertisement, under the penalty of fifty pounds for every neglect or refusal, to be recovered by action of debt, before any jurisdiction having cognizance thereof, by any person who shall sue for the same in one year after such neglect or refusal, one half to the prosecutor the other to be paid to the treasurer of the town for the use of the town; and the commissioners so chosen shall before they enter on the execution of their office take the following oath:

"I. A. B. do swear, that I will faithfully discharge the office of commissioner for the town of Fayetteville, agreeable to law, and to the best of my knowledge or judgment. So help me God."

...
III. And be it further Enacted by the authority aforesaid, That the commissioners shall appoint one of their body to act as treasurer of the town for that year to receive and account for the town monies, for which a regular entry shall be made in a book kept for that purpose, and upon the appointment of a new treasurer the old one shall immediately pass his account with him and pay any balance there may be in his hands; provided, that before such treasurer enters upon his office he shall give bond with good security payable to the commissioners for the faithful discharge of his duty.

IV. And be it further Enacted by the authority aforesaid, That the commissioners of the said town shall choose and appoint a proper person to be their clerk of the said town, to act as such during good behaviour, who shall be allowed a reasonable salary and enter into bond to the commissioners of the said town and their successors with two sufficient securities in the sum of two hundred and fifty pounds lawful money of this State, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the books and papers put into his care and keeping a fair and regular journal of the proceedings of the commissioners during his continuance in the said office; and the said clerk is hereby authorised and requested to demand and receive from the person or persons, in whose hands the same may be; all the books, journals and papers belonging to the said town which were in the care and possession of the former commissioners; to which books, journals and papers all persons shall have free access on paying two shillings, under the penalty of forty shillings for every refusal.

V. And be it further Enacted by the authority aforesaid, That the Commissioners of the town so chosen and qualified agreeable to the direction of this Act shall be and they are hereby incorporated into a body politic and corporate by the name of the Commissioners of Fayetteville, and by that name to have annual succession by the election of the freeholders and freemen as by this Act is directed and a common seal, and they and their successors, by the name aforesaid shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever in trust for said town any lands, rents and tenements of what kind, nature or quality whatsoever, and also grant, sell, demise, alien or dispose of the same, also to receive and take any gift or donation whatsoever to the said town, and also by the same name to sue and implead, be sued and impleaded, answer and be answered in all courts of record whatsoever, and from time to time and at all times hereafter to make such rules, orders, regulations and ordinances as to them shall seem meet for repairing the streets, appointing a constable or constables, town watches or patroits, and making proper allowances by fees or otherwise for such services, and for all such other necessary ordinances, rules and orders which may tend to the advantage, improvement and good government of the said town; and the said rules, ordinances and regulations from time to time to alter, change, amend and discontinue as to the said Commissioners or a majority of them shall appear necessary; and shall also have full and ample power to enforce a compliance and observance to such regulations by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations not exceeding five pounds; and in cases of slaves the punishment of thirty-nine lashes; the said penalty to be recovered and the punishment to be inflicted in manner hereafter mentioned: Provided That such rules and regulations are not inconsistent with the constitution and the laws of the land.

And whereas the proper office of the said Commissioners is that of making
bye-laws and regulations for the government of the said town, and it has been found inconvenient and often impracticable to call together the said Commissioners for the immediate purpose of punishing offenders, whereby the said regulations are never properly carried into effect: For remedy whereof,

VI. Be it Enacted by the authority aforesaid, That a proper person shall be elected at the time and in the manner herein directed for the election of Commissioners, who shall be called the Magistrate of Police for the said town, whose duty it shall be to enforce obedience to the laws and punish offenders, and shall be and is hereby authorized to issue his warrant directed to the Sheriff or his Deputy Sheriff, or town Constable, to summon all the offenders against the laws, rules and ordinances, made and provided for the regulation of the said town, to appear before him, and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said magistrate is hereby required and authorized to give judgment and award execution agreeable to the laws, rules and ordinances provided for the government of the said town; which warrant or executions the said Sheriff, Deputy Sheriff or Constable is hereby required to execute; and on such trials or enquiries is hereby authorized and declared to possess all the necessary powers to administer oaths, and subpoenas and examine witnesses; and shall take the following oath before he enters on the execution of his office: "I, A. B., do solemnly swear that as magistrate of police for the town of Fayetteville, I will do equal right in all cases whatsoever to the best of my judgment and according to the laws, rules and ordinances made for the good government of the said town; all fines and amercements that may happen to be made I will cause to be duly returned to the proper office; and in all things belonging to my office during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice to the public and to individuals."

VII. And be it further Enacted by the authority aforesaid, That the Commissioners of the said town shall annually levy a tax not exceeding nine shillings on every hundred pounds value of taxable property within the said town, and a proportionable poll tax on all persons who do not possess in the said town the value of one hundred pounds taxable property, which tax shall be collected by a warrant under the hands and seal of the Commissioners directed to such person as they appoint for that purpose; and the Collector to be appointed as aforesaid is hereby empowered and directed to collect and make distress for the same in like manner as Collectors of public taxes, and the monies arising therefrom after deducting five per cent. for commissions, shall by him be paid into the hands of the town Treasurer, to be by the Commissioners applied and laid out in clearing, cleaning and repairing the streets and public passages, paying officers for transacting the business of the town, and in such other public work and business as the Commissioners may deem necessary.

And the more effectually to ascertain the taxable property within the said town:

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

And whereas encroachments may be made on the streets of the said town by erecting piazzas, porches, platforms and other buildings thereon, and the inhabitants and others greatly incommode, and injury may arise by fire being communicated across the streets thereby: For remedy whereof,

IX. Be it Enacted by the authority aforesaid, That the Commissioners of the said town are hereby empowered and requested to order all such encroachments from which danger may be apprehended to be removed, under such pains and penalties as they shall think necessary to impose; and where any encroachment shall be found on any street or streets from which no immediate danger is to be apprehended, the said Commissioners shall impose a ground rent not exceeding forty shillings to be annually paid for each piazza, porch, platform or other encroachment on the streets, adjoining to or being before any one house or tenement, to be applied to the public stock of the town; and if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seal of the Commissioners, directed to a Constable or other officer to be by them appointed, on the goods and chattels of the delinquent. Provided always, That uncovered piazzas or platforms and uncovered porches not exceeding eight feet wide including steps and cellar doors, shall not be liable to pay any ground rent; any thing herein contained to the contrary notwithstanding.

X. And be it further Enacted by the authority aforesaid, That no person shall be deemed qualified to act as Commissioners of the town of Fayetteville, unless he is an inhabitant of the said town, and hath a lot of land therein with a house on the same of no less dimensions than twenty-four feet long and sixteen feet wide, with a brick or stone chimney to the same; and every person who is a freeholder in the said town, and every freeman who has resided therein six months and has paid public taxes, shall be qualified to vote for said Commissioners.

XI. And be it further Enacted, That the said Commissioners are hereby fully authorized and particularly required and directed to make such laws and regulations as they may deem necessary, to prevent hogs running at large in the said town, slaves from keeping houses without a license from the Commissioners, and to prevent all persons from dealing with slaves not having tickets from their masters, mistresses or overseers, and to make such other and further laws and regulations respecting the same as they may think expedient. Provided nevertheless, That regulations respecting hogs or other stock, shall not be considered to extend beyond the present limits of the town: And provided also, That the powers hereby committed to the said Commissioners, shall not be construed to extend to the imprisonment of any slave as a punishment, or in any instance to exceed the punishment of thirty-nine lashes. Provided that in all cases where any person shall be dissatisfied with the judgment of the said Commissioners, he shall have the liberty of appealing therefrom to the court of pleas and quarter-sessions for the county of Cumberland.

XII. And be it further Enacted, That all former acts and clauses of acts heretofore passed within the purview and meaning of this act, shall be and the same are hereby repealed and made void.
CHAPTER XXX.

An Act to Empower the Administrators of Samuel Swan, of New Hanover county, Esquire, Deceased, to Sell and Dispose of Part of the Real Estate of the Said Samuel for the Payment of his Debts, in Order to Make the Better Provision for his Family, and also to make Conveyances for such Part of the Real Estate as was Sold by the said Samuel in his Life Time.

Whereas Mildred Swan, widow and administratrix, and Frederick Jones and Archibald Maclaine, administrators of the goods and chattels, rights and credits which were of Samuel Swan, late of New Hanover county, Esq., deceased, have represented to this General Assembly that the said Samuel Swan died indebted in several considerable sums of money, and notwithstanding a large payment made by the administrators since his death and there is still due a sum at least equal to the value of the personal estate: And whereas the said administrators have further represented to the satisfaction of this General Assembly that it was the intention of the said Samuel Swan to sell and dispose of the greatest part of his real estate for the discharge of his debts in order to make the better provision for his family, and that he had in his life time disposed of some part thereof for which conveyances had not been made: In order therefore that the said administrators may be the better enabled to pay off the debts of the estate, and that there may be a productive estate reserved for his widow and children:

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 and may be lawful for the said administrators, the survivors or survivor of them, and they and every of them are hereby enabled and empowered if they shall find it expedient and necessary, to sell and dispose of all and singular the real estate which was of the said Samuel Swan, except the plantation and lands in New Hanover county on which the said Samuel usually resided commonly called the Oak, and to make conveyances for the same to the purchasers thereof, thereby conveying to each purchaser and their heirs respectively by virtue of the powers given by this Act all the right, title, interest, claim and demand whatsoever therein and thereto of which the said Samuel Swan died seized and possessed; and also in like manner to make conveyances for such parts of the real estate as had been sold or agreed to be sold by the said Samuel Swan in his life time, and the monies arising by such sales to be assets in the hands of the said administrators: Provided always, That before any sale shall be made of any part of the real estate of the said Samuel Swan as aforesaid, the said administrators shall give bond with security in double the estimated value of the lands intended to be sold by virtue of this Act, If the security already given for the administration should be adjudged by the court of New Hanover county to be insufficient to cover the real estate, for the true and faithful discharge of the trust reposed in them by this Act.
CHAPTER XXXI.

An Act to Charge the Estate of Honorie Geroud, late of the town of Halifax, Deceased, with the payment of all his Just Debts, and to prefer the same to the Title acquired by this State in the Property which was of the said Geroud in consequence of his Self-murder.

Whereas Honorie Geroud, late of the town of Halifax in this State, in consequence of his self-murder has forfeited to the public all his personal property, whereby his creditors are likely to be deprived of a remedy for the recovery of their just debts:

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 administrators of the said Honorie Geroud shall make payment out of his personal property (to be disposed of as the estate of other intestates with respect to the disposal thereof) of all debts, dues and demands justly due and owing from the said Honorie Geroud at the time of his death, and the residue of the said estate shall be distributed to the next of kin to the said Honorie Geroud, agreeable to the laws made and provided for the distribution of the estates of persons dying intestate in other cases.

And whereas such forfeitures can answer no valuable purpose and may distress creditors, innocent relations and orphans:

II. Be it Enacted, That in all cases of suicide or self-murder hereafter happening, administration may be applied for and granted as in the cases of natural and ordinary death, and debts shall be paid and distribution made agreeable to the laws that are or may be made and provided for the management and distribution of the estates of persons dying intestate; and no forfeiture shall be hereafter incurred by suicide or self-murder; any law, usage or custom to the contrary notwithstanding.

CHAPTER XXXII.

An Act to erect the Counties of Richmond, Cumberland, Sampson, Moore and Robinson into one District, and Appointing a Superior Court of Law and Equity to be Held for the said Counties at Fayetteville.

Whereas it hath been made appear to this General Assembly that the county of Richmond of Salisbury district, Cumberland, Sampson, Moore and Robinson of the district of Wilmington, by remaining annexed to those districts respectively subject the inhabitants of the same to much inconvenience by reason of their extreme distance from the superior courts of law and equity of the several districts to which they have respectively belonged, and as it may tend to a more equitable and speedy distribution of justice to the citizens in the counties to be erected into a separate district, to be held at Fayetteville, to which place they are more conveniently situated:

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 counties of Richmond, Cumberland, Sampson, Moore and Robinson from and after passing this Act shall be and they are hereby declared to be a separate district by the name of Fayetteville, and the superior courts of law and equity for the said district shall be held twice in every year at the court-house in Fayetteville, the first sitting whereof shall commence on the twentieth day of June in the year one thousand seven hundred and eighty-eight, and the second-sitting shall commence on the twentieth day of De-
cember in the same year, and be so continued by adjournment; and the said court is hereby declared to be vested with the same powers, privileges and authorities and entitled to the same emoluments as the other district courts of law and equity within this State.

II. And be it further Enacted by the authority aforesaid, That the said court shall sit ten days at every session, exclusive of Sundays, if the business depending in said court shall not be sooner finished, and if the days prescribed for the commencement of the terms aforesaid shall fall on Sundays, then shall such term commence on the following day.

III. And be it further Enacted by the authority aforesaid, That the jurors for the court aforesaid shall be furnished from the counties within the district in the following manner, to-wit, Cumberland twelve, Moore six, Richmond six, Sampson six, and Robinson six.

IV. And be it further Enacted by the authority aforesaid, That the respective county courts within the said district of Fayetteville shall name and appoint the number of jurors in this law required, and the said jurors so appointed are directed and requested to attend at the court-house in Fayetteville on the first day appointed by this Act for sitting of said superior court of law and equity; and they are hereby declared to be under the same rules, regulations and penalties as jurors for other district courts of law and equity within this State, and to have the same rights, privileges and emoluments: Provided, That nothing herein contained shall be so construed as to hinder or delay any suit or suits either at law or in equity heretofore commenced or recovered in the superior courts respectively wherein such counties are at present contained, but the same and every process appertaining thereunto shall be sued out, prosecuted and finally determined in the same manner as if this law had never been made, and all executions and other process shall be returned by the Sheriff of each county respectively to the court from whence the same issued as by law and custom has been heretofore established.

CHAPTER XXXIII.

An Act to Restore to Hugh Ross, of Anson County, the Land by him forfeited to the State.

Whereas it appears by a resolution of the last Assembly that it was their sense the lands of Hugh Ross by him forfeited to the State should be again restored him:

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 land of Hugh Ross of Anson county, by him forfeited to the State in consequence of his attachment to the British arms, be and the same is hereby fully vested in him and his heirs and assigns; any law to the contrary notwithstanding.

II. And be it further Enacted, That in case any of the above mentioned lands have been sold by the Commissioner of confiscated property for the district in which it is situate, then and in that case the said Hugh Ross shall be entitled to the net proceeds thereof out of the public treasury of this state.
CHAPTER XXXIV.

An Act to Appoint a Trustee in the Room of James Sampson, Esquire, Deceased, who together with others was Appointed a Trustee for the Purpose therein mentioned by an Act of Assembly passed at Fayetteville, one thousand seven hundred and eighty-seven, entitled “An Act to Vest in Trustees certain Powers for the benefit of Elizabeth Torrens and her children.”

Whereas by an Act of the General Assembly passed at Fayetteville the sixth day of January one thousand seven hundred and eighty-seven, James Kenan, John Molten and James Sampson, Esquires, were appointed trustees for the purposes therein mentioned: And whereas the said James Sampson hath since deceased, whereby the intentions of said act has not had its effect: And whereas the said Elizabeth Torrens is desirous that a proper person should be appointed in the room and stead of the said deceased: In order therefore that the said Act should have its proper effect:

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 David Smith be and he is hereby nominated and appointed a trustee in the room and stead of James Sampson, Esquire, deceased, who on complying with the requisites of the said recited act, is hereby declared to have equal powers and authorities with those appointed in and by the said act, and shall be subject to the like restrictions and penalties.

CHAPTER XXXV.

An Act to Emancipate Certain Persons therein mentioned.

Whereas Agerton Willis, late of Bladen county, was in his lifetime possessed of a certain slave called Joseph, and in consideration of the services of him the said Joseph, and the particular obligations he conceived himself under to the said Joseph for his fidelity and attention, did by his last will and testament devise to the said Joseph his freedom and emancipation, and did also give unto the said Joseph a considerable property, both real and personal: And whereas the executor and next of kin to the said Joseph did in pursuance of the said will take counsel thereon, and were well advised that the same could not by any means take effect, but would be of prejudice to the said slave and subject him still as property of the said Agerton Willis; whereupon the said executor and next of kin, together with the heirs of the said Agerton Willis, deceased, did cause a fair and equal distribution of the said estate, as well to do equity and justice in the said case to the said Joseph, as in pursuance of their natural love and affection to the said Agerton, and did resolve on the freedom of the said Joseph and to give an equal proportion of the said estate: 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 from and after the passing of this Act, the said Joseph shall and is hereby declared to be emancipated and set free; and from henceforward he be called and known by the name of Joseph Willis, by which name he may take, hold, occupy, possess and enjoy to him and his heirs forever, all and singular the property both real and personal so given him by the said distribution of the said executor, heirs and next of kin, and by the said name of Joseph Wil-
His shall henceforward be entitled to all the rights and privileges of a free person of mixed blood: Provided nevertheless, That this act shall not extend to enable the said Joseph by himself or attorney, or any other person in trust for him, in any manner to commence or prosecute any suit or suits for any other property but such as may be given him by this act or such as he may have acquired by his own industry, but this act may in all such cases be plead in bar, and the property therein given be considered as a full and ample consideration for the final accommodation and settlement of all doubts concerning the freedom and property either real, personal or mixed belonging or in any manner appertaining to the said Joseph.

And whereas it hath been made appear to the satisfaction of this General Assembly that Richard Dobbs Spaight, of Craven county, Esquire, hath consented and is desirous to liberate and set free a certain mulatto girl now his property, called or known by the name of Mary Long:

II. Be it therefore Enacted by the authority aforesaid, That from and after the passing this act the before mentioned mulatto girl called Mary Long, now the property of Richard Dobbs Spaight, Esquire, shall be and continue liberated and set free, and shall henceforward be entitled to all the rights and privileges of a free person of mixed blood in this State, and by the said name of Mary Long shall and may receive and hold, possess and enjoy any real and personal estate or property which she may hereafter acquire or become possessed of, in the same manner as any other free person of mixed blood might or could acquire, and possess the same to all intents and purposes as if she had been born free.

Whereas it hath been represented to this General Assembly by the memorial of John Allen, a free man of mixed blood, that he hath purchased a mulatto woman named Betty and her child named Mary, which woman he has long lived with and considered as his wife, and praying that the General Assembly would be pleased to emancipate and set free the said mulatto woman and her child:

III. Be it therefore Enacted by the authority aforesaid, That the said mulatto woman named Betty and her child Mary, shall be and they each of them are hereby emancipated and made free, and they and each of them may hereafter take and use the surname of Allen, and are hereby declared to be able and capable in law to possess and enjoy every right, privilege and immunity in as full and ample manner as they could or might have done if they had been born free.

CHAPTER XXXVI.

An Act for Ascertaining the true courses of a tract of Land on Neuse River in Craven County.

Whereas it has been represented to the satisfaction of this General Assembly that William Good, Esquire, of the town of New Bern, is at this time (in right of his wife as heir at law of John Rumsay, deceased) in actual possession of and justly entitled to a tract of land on the south side Neuse river about eight miles below New Bern, containing two hundred and seven acres more or less, being one sixth part of fourteen hundred and forty acres of land patented by a certain Thomas Cary in May one thousand seven hundred and six, that the said Cary divided the said lands into six equal parts and sold out the same, that the said six parts have ever since been and now are separately held and possessed by different persons under the grants of the said Thomas Cary: And it further appears that in
the deed for the second division or part of the said land from Cary to Jacob Slaubuck and in all the subsequent grants for said division the courses have been erroneously expressed, so as to run from the river edge eastwardly into the river, instead of westwardly from the river, which would be agreeable to the patent lines and to the courses of the other five grants for the remaining parts of the patent land: And as it appears just and reasonable that the error before mentioned should be so altered and rectified as to include the lands granted as a part of the lands contained in the patent of Thomas Cary 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 courses mentioned in the deed granted by Thomas Cary to Jacob Slaubuck for the second division or sixth part of a tract of land on the south side of Neuse river about eight miles below New Bern, being part of his lands patented in May one thousand seven hundred and six, which courses are as follows: Beginning at a sweet gum on the river, thence south twenty east two hundred and eighty pole to a white oak, thence south eighty east one hundred and forty pole to a pine, thence north twenty to a hickory on the river side, thence west to the first station, shall be void, as none of those courses are included in the patent lines, and in place thereof the courses mentioned in the said grant from Thoms Cary to Slaubuck, and the courses in all the subsequent grants for the said second division or one equal sixth part of the lands contained in said Cary's patent shall be held, deemed and taken in law and equity to be as follows, that is to say, Beginning at a sweet gum on the river side William Ives's corner, and running south forty west three hundred and forty poles to a white oak Ives's other corner, then south twenty east to a pine John Fooks's corner, then north forty east three hundred poles along Fooks's line to his corner on the river, and then to the beginning: And the said William Good and all others holding from, by or under him, his heirs or assigns, shall be considered to have and are hereby invested with as good and absolute right and title in fee simple to the said lands as herein before described, as he or they would or could have had or possessed had the errors of the courses in the grant for the same never been made.

CHAPTER XXXVII.

An Act for Promoting the Navigation of Albemarle Sound.

Whereas it appears to the General Assembly, that by opening a navigable passage from Albemarle Sound directly into the ocean at or near Roanoke Island, the navigation of this State would be greatly improved, and the consequent value of lands would be increased especially on the waters that communicate with Albemarle and Pamlico Sounds: And whereas it is represented that many citizens of this State are willing to advance considerable sums of money in promoting this work provided that they shall be incorporated:

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 Allen Jones, Whitmill Hill, Hardy Murfree, Jacob Collins, Sen., Nathaniel Allen, Isaac Gregory and Lawrence Baker, be authorized to receive subscriptions for opening a navigable passage from Albemarle Sound into the ocean, and whenever the sum of ten thousand pounds shall have been subscribed, they shall by public notice which is to be given at least four weeks, con-
vene the subscribers at the town of Edenton; and the subscribers being thus convened in person or by proxy or so many of them as shall have subscribed the sum of six thousand pounds, they shall proceed to elect six Directors and a President, who by virtue of his office is also to act and vote as a Director; and such election of officers being made, the subscribers or proprietors shall immediately be, and they are hereby declared to be a body corporate and politic, and as such shall be capable to sue and be sued by and under the name of the Raleigh Company for improving the navigation of Albemarle Sound.

II. And be it Enacted by the authority aforesaid, That the sum subscribed by the several adventurers shall be divided into shares of forty pounds, and no person subscribing a smaller sum shall be considered as a proprietor or entitled to a vote at any meeting of the company, and each subscriber or proprietor shall be allowed one vote for every share by him subscribed or held, and any proprietor may by writing under his hand, and executed before two witnesses, depute any other proprietor to vote as his proxy at any meeting of the company.

III. And be it Enacted, That in case it shall appear to the proprietors at their first general meeting, that a sufficient sum is not subscribed to accomplish the intended navigation, the President and Directors shall be authorized to take in such additional subscription as they may direct before the work is undertaken.

IV. And be it Enacted, That the President shall be chosen annually by the company, but the Directors shall be chosen for the term of three years except that two of those first chosen shall go out by lot at the first annual meeting of the company, and two others of them shall go out by lot at the second annual meeting in such manner that two Directors shall be chosen at every annual meeting, but the company shall be at liberty to re-elect those who go out in course or by lot, and the company at their first general meeting shall fix on a certain day for their annual meetings.

V. And be it Enacted, That the President and Directors or a majority of them shall have authority to employ such person or persons as they may think fit on such terms as they may approve, to open a navigable passage from Albemarle Sound to the ocean, which shall be called Raleigh Inlet, and the same to secure and keep open, and to erect all necessary buildings and to appoint a Treasurer, a Clerk and such other officers, managers or labourers as they may find necessary, whom they may exchange or remove; and they shall settle and pass their accounts and make all necessary bye-laws and rules of proceeding during the intervals between the general meetings of the proprietors, all of which expenses shall be paid out of the money subscribed by the proprietors or by other persons, or out of the monies arising from the Inlet: Provided, That the Treasurer shall not be one of the Directors, and that he and every other officer who may have the charge of money shall give security adequate to the trust reposed in them respectively; and that the allowance to be made to the Treasurer and the several Directors shall be fixed from year to year by the proprietors, according to the time that each of them may have been employed in the service of the company: Provided also, That each President and Director before he enters on the duties of his office, shall take an oath or affirmation that he will duly execute the same.

VI. And be it Enacted, That the President and Directors shall conduct the affairs of the company according to such votes and resolves as they or a majority of them shall agree to at their general meetings, and the President and Directors, any three of whom together with the President shall
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constitute a board, shall cause a fair journal to be kept of all their proceedings, and an account of all their receipts and expenditures, which they shall lay before the proprietors at their general meetings for their approbation.

VII. And be it Enacted, That in case of the death or disability of the President, another shall be chosen by the Directors to supply his place till next general meeting of the proprietors, who at every such meeting shall supply any such vacancies that may happen among the Directors by death, disability or refusing to serve.

VIII. And be it Enacted, That the President and Directors shall be authorized to buy and hold lands for the use of the company to supply them with timber or for other purposes, but in case the person or persons who claim such part of the bank as may appear most proper to be cut for the inlet, or to be occupied for the erection of a light-house or other necessary buildings, shall refuse to sell the same on reasonable terms, or in case the owner is feem covert, non compos, under age or out of the state, it shall be lawful for any two justices in the county on application of the President and Directors, to issue a warrant to the Sheriff of the county to summon a jury of disinterested persons, who shall value such bank or portion of ground upon oath, and the valuation together with a plat of the land shall be returned by the sheriff to the clerk of the county to be recorded; and the appraised value being paid to the owner or his representative, the company shall be seized in fee of such land.

IX. And be it Enacted, That it shall be the duty of each subscriber to make good the several sums or shares by him subscribed at four equal payments, and the President and Directors shall be authorized to call upon them accordingly for the first, second, third and fourth payment as money may be wanted towards completing the undertaking, similar payments being demanded of each subscriber: But in case any subscriber shall refuse or neglect to make payment during the space of four weeks after such payment shall have been demanded by public advertisement, inserted three several times in the North-Carolina Gazette, then such person neglecting shall be subject to pay the whole sum subscribed, or all the arrears that shall be due at a single payment, and the President and Directors are authorized to sue for and recover the same.

X. And be it Enacted, That it may be lawful for any subscriber or proprietor to transfer any share or shares, by deed executed before two witnesses, and registered after proof of such execution in the books of the company, and not otherwise, except by demise, which demise shall also be exhibited to the President and Directors and entered in the books of the company, before the devisee shall be entitled to draw any part of the profits that may become due to such share or shares; and provided that no transfer shall be made except for one or more whole share or shares, and not for any part of such shares.

And whereas many persons on account of the advantage that each of them must receive from so great an improvement, may be willing to contribute small sums to promote the undertaking without claiming any interest as members of the company:

XI. Be it therefore enacted, That the persons above named shall be authorized to receive subscriptions for any sum or sums below forty pounds, and all such sums being less than a share shall be deemed gratuitous contributions by the subscribers for the general benefit of the company, and as such shall be claimed and received by the President and Directors: And whereas it is fit that the proprietors should receive some compensation for
the great risk as well as trouble and expense they may be at in this undertaking:

XII. Be it therefore enacted, That the navigable inlet which may be formed, together with all the profits that may arise therefrom, shall be and the same is hereby declared to be vested in the subscribers, their heirs and assigns for and during the term of ninety-nine years as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and be exempt from the payment of all taxes whatsoever.

XIII. And be it enacted, That it shall be lawful for the President and Directors at all times hereafter to demand and receive a toll of one shilling and six pence by the ton from all vessels that shall pass through the inlet; the tonnage to be determined according to the rules now established by law.

XIV. And be it enacted, That the President and Directors shall have the exclusive right to authorize pilots to conduct vessels through the inlet on such terms as they may agree; and they shall demand and receive from every vessel passing through their inlet such pilotage as they may think sufficient; provided it does not in any case exceed the rates of pilotage now established by law for vessels going to sea through Occacock Inlet.

XV. And be it enacted, That the President and Directors shall be authorized to erect a beacon or light-house at the inlet, and to establish an office There for the collection of tolls and pilotage; and in case any vessel shall attempt to pass through the inlet without paying, it shall be lawful for any pilot or other officer of the company; to pursue and board such vessel and detain her till the toll and pilotage is paid; and in case of resistance or escape, the vessel shall at any time hereafter be subject to seizure, or the master subject to arrest on an action brought by the President and Directors for such toll and pilotage; and they shall in such case be entitled to recover treble the original sum, with costs of suit. Provided, That any vessel outward bound shall be free from toll, if she has paid toll on her inward passage: Provided also, That no vessel entering by Raleigh Inlet, and producing a certificate of the same, shall be required to pay more than half the staveage that is paid by vessels which enter by Occacock Inlet.

XVI. And be it enacted, That whenever the inlet shall have been completed, and the necessary buildings erected, a dividend shall be made by order of the company from year to year among the several proprietors according to their respective shares, of the cash that may remain on hand, or the net profits arising to them from the inlet after they shall have made the necessary disbursements, and retained in hands such sum as may appear sufficient for incidental repairs.

CAPTER XXXVIII.

An Act to Erect and Establish a Town in Rutherford County on the land Already Procured by the Commissioners for the purpose of Building a Court-house, Prison and Stocks for the said County, and to Amend an Act to regulate the Town of Salisbury, and for Authorizing the Commissioners in the town of Halifax to levy a Tax on the Slaves within the Liberties Thereof.

Whereas the establishing and erecting a town in the county of Rutherford on the land already procured as aforesaid, would be of great advantage to
the inhabitants and be a considerable means of raising money for building
the public buildings of said county:

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 Felix Walker, William Nevill, James Whiteside, James Miller and Thomas Rowland, or a majority of them, be and they are hereby appointed Commiss-
sioners to erect and lay off a town in Rutherford county, on the land hereto-
fore procured for erecting thereon the public buildings of said county, and
they are hereby authorized and empowered to lay out the aforesaid fifty
acres of land into a town of half acre lots with proper streets and alleys,
which town when so laid off shall be called and known by the name of Ruther-
ford.

II. And be it further Enacted, That when the town is so laid off, the Com-
missioners or a majority of them shall reserve two of the said lots, which
to them shall appear most convenient, for the purpose of erecting the pub-
lic buildings thereon; and the remaining lots shall be sold by the said Com-
missioners or a majority of them for the purpose of raising money for
completing the aforesaid public buildings, and the said Commissioners or
a majority of them are hereby authorized to make good and sufficient titles
in fee simple to the respective purchasers of the said lots.

III. And be it further Enacted, That if any of the Commissioners hereby
appointed should refuse to act, die or remove out of the county, the surviv-
ning Commissioners shall be and they are hereby empowered to elect another
in the room of him or them so refusing, dying or removing.

Whereas frequent disputes have arisen and may arise in the town of Salis-
bury, concerning the property and boundary of lots: For remedy
thereof,

IV. Be it Enacted by the General Assembly of the State of North Caro-
olina, and it is hereby Enacted by the authority of the same, That in all
cases of controversy concerning lines of the boundaries of lots, it shall be
in the power of the Commissioners of the town, together with twelve free-
holders living in the said town, whom the Magistrate of Police shall summon
for that purpose, to determine such dispute so far as the lines may be in
question; and in cases where the original corner or corners of a square
may be ascertained by old plats or surveys the Commissioners and jury
shall be determined by the same, and the intermediate loss or gain (when
the sides of the square shall appear to be too short or too long from any
change that may have happened in the level or surface of the ground) shall
be equally divided among the several proprietors of lots in that square, and
all expenses of such survey shall be equally borne by such proprietors.

V. And be it further Enacted, That in cases where encroachments have
been made upon any lot or part of lots, by buildings which have been erected
through ignorance of the true boundary, the party encroached upon shall
not be at liberty to bring suit by ejectment in the first instance, but on
application to the Commissioners they shall order a jury of the freeholders
of said town to be summoned, which jury and commissioners, together with
a sworn surveyor shall measure and value the ground thus encroached
upon, and the offending party upon paying the cost of such survey to be
assessed by the Commissioners, together with the whole amount of the
valuation money of such covered ground within the space of thirty days
from the time of the process to the party offended, or to the Treasurer
of the town, and obtaining a receipt for the same, shall be vested in a clear
and absolute title to such covered ground forever: but in case the valuation
money should not be paid by the party trespassing agreeable to the orders
of the Commissioners, the process shall be considered of no effect, the party trespassing shall pay the costs of said process, and be further liable to a suit by ejectment; any thing in this act to the contrary notwithstanding.

VI. And be it further Enacted, That the Commissioners of the town of Salisbury shall have authority to appoint a surveyor for said town and to fix his fees, and to determine what allowances if any shall be made to jurors who may be employed in settling disputes respecting the boundaries of lots, or any other business they may be summoned to perform under this Act, and by whom such fees and allowances shall be paid; and the said Commissioners or a majority of them shall have power and authority to appoint an Entry-taker for such lots as have not heretofore been conveyed by the Trustees of said town, fix the price of such vacant lots, establish the fees of the Entry-taker, and make such other rules and regulations respecting the same, as to them or a majority of them shall seem necessary.

VII. And be it further Enacted, That it shall and may be lawful for any person to enter a caveat against any entry that may be made with the said Entry-taker, provided the same be done within three months after such entry may have been made, and the person entering such caveat shall have his claim determined by a jury of twelve freeholders living in said town before the Commissioners, and the decision thus had shall be deemed final, and a title signed by the Commissioners shall issue agreeably to the verdict of the jury within ten days after such decision shall have been made.

VIII. And be it further Enacted, That a fair record shall be kept of all proceedings, and every transaction touching the premises; and any matter of controversy which may arise under the laws of said town shall be entered at large on the journals of the Commissioners, and the same may be given in evidence in any court of record in this State.

IX. And be it further Enacted by the authority aforesaid, That the Commissioners of the town of Halifax be and they are hereby authorized, to lay and levy the same tax on each negro slave within the liberties of the said town, that they are authorized by law to levy and collect for a negro slave within the said town.

CHAPTER XXXIX.

An Act to Prevent the Obstructing of Fish from Running up the Streams and Water Courses in Bertie County, and to clear the Navigation thereof.

Whereas many persons inhabitants of Bertie county make a practice of setting wares and hedges across the streams and water courses in the said county, by means of which the fish in the spring of the year are prevented from running up, which hath frequently prevented the people from catching fish at the different places where they have been usually caught ever since the first settlement of the said county, whereby many of the inhabitants of said county are greatly injured:

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 it shall not be lawful for any person or persons to make or set any ware or hedge, or cause the same to be done in any stream or water course in the said county when the fish usually run up in the spring of the year, or by any other ways or means stop the fish from running up any of the said streams or water courses during the fishing season; and any person or persons so hereafter offending shall for-
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felt and pay for every such offence the sum of ten pounds specie, to be recovered before any magistrate of the said county, one half of which shall be paid to the overseers of the poor of the said county and the other half to the informer.

And whereas many of the water courses of said county by a little labour may be made navigable for small boats a considerable distance higher up than they now are:

II. Be it Enacted by the authority aforesaid, That from and after the passing of this act the county court of pleas and quarter-sessions of said county shall and they are hereby empowered and authorized to appoint a company of men within certain districts by them to be described, limited and laid off in such manner as they shall think convenient, with an overseer over each company, who shall be directed to clear and keep open all such streams and water courses as far up as they can be conveniently made navigable for small boats and vessels, and that the said overseer with the men so appointed to work under him shall clear and open the same, and after the said streams and water courses shall be so opened and cleared, the said overseer or overseers and the persons who shall be so appointed to work under him or them, work on and keep clear and open the same so far as his district shall extend at least four days in every year ensuing; and every overseer who shall fail or neglect to keep open and clear such stream and water course so far as his district shall extend, shall forfeit and pay the sum of ten pounds; and every person who shall be appointed by the said court to work on and open and clear such stream or water course under such overseer, who shall fail or neglect to appear and work thereon after being given one day's previous notice by such overseer of the time and place of working, shall forfeit and pay the sum of ten shillings for each and every day he shall so fail or neglect, to be recovered before any Justice of the Peace of the said county, and applied towards hiring some other person or persons to work on the said stream or water course in the room of such delinquent.

III. And be it further Enacted by the authority aforesaid, That the overseer and such person or persons who shall be appointed to work under him within his or their respective districts, shall and they are hereby exempted and cleared from working on any public road or roads within the said county so long as he or they continue within the district of any or either of the said overseers, or so long as he or they shall be liable to work on any of the said streams or water courses within any of such districts in the said county; any law to the contrary notwithstanding.

CHAPTER XL.

An Act to amend an Act, entitled "An Act to keep Open Roanoke river for the Passage of fish up the same, and other Purposes therein mentioned."

Whereas by the afore recited Act doubts have arisen concerning the fourth of the said river which by said act is to be kept open for the passage of fish, where one or more islands lie in the said river: For remedy whereof and to clear up all doubts,

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 measuring the width of the river where an island or islands may intervene, the intent and meaning of the General Assembly is hereby declared to direct all and every person or persons measuring the same, to take the width
of the whole river including islands, then deducting the width of the island or
islands, to leave one eight of the said remainder open in the center of the
river at that place.

And whereas many of the stands, stops and dams erected in the said
river are constructed, built and set up by people from Virginia, and others
having no property, and not owning land on the river or in and among the
islands, by which means stops and dams are erected contrary to the meaning
of said law, and no precept can be served on those incurring the penalty,
or if served no penalty can be got: For remedy whereof,

II. Be it Enacted by the authority aforesaid, That all persons owning the
place or places, island, rocks or falls where such stand or stands may or
shall be erected, shall be answerable for keeping open the river agreeable to
this Act.

III. And be it further Enacted by the authority aforesaid, That all and
every person owning land on said river, at and against and contiguous to
any rocks or islands not yet entered and taken up, shall have the privilege
and liberty of taking up the same, agreeable to the laws for taking up land
now in force; provided they enter and take up such islands, rocks and
stands within six months after this session of the Assembly; and if not
entered or taken up by that time, it shall and may be lawful for any person
whatsoever to enter and take up the same, any law to the contrary notwith-
standing.

IV. And be it further Enacted by the authority aforesaid, That every
person offending against this act shall forfeit and pay forty shillings for
every twenty-four hours he, she or they may build, keep up or maintain any
stop, dam, ware or stand, to be recovered by warrant before a Justice of the
Peace by any person suing for the same; and the county courts of North-
ampton, Warren and Halifax, are hereby required and enjoined to appoint
an overseer or overseers to examine the falls in their several counties, and
to lay off the river agreeable to this act; and so much of the afore recited
act as comes within the purview of this act, is hereby repealed.

CHAPTER XLII.

An Act to Remove all Obstruction to the Passage of Fish up the Neuse river.

Whereas it is represented to this General Assembly that the free passage
of fish up the Neuse river, is prevented by a mill dam erected on said river
by Messrs. Thomas Tomlinson and Woodson Daniel:

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 Benchan, Richard Banks, John Comer Peek, Charles Horton and
James Alston, or any three of them, be and they are hereby authorized and
required to cause such gap or slope to be made in said dam, not exceeding
eight feet in width, as may to them appear sufficient for the free passage
of fish, to be completed and effected on or before the twentieth day of Feb-
uary, one thousand seven hundred and eighty nine; which said gap or slope
shall be kept open from the said twentieth day of February until the first
day of May annually, under the penalty of five pounds for every twenty-
four hours that the said slope or gap shall not be open, to be recovered by
warrant before any Justice of the Peace, one half to the use of the informer
suing for the same, the other half for the use of the poor in the county of
Wake.

II. And be it further Enacted by the authority aforesaid, That every per-
son or persons who have erected or built any ware, dam or stoppage across the river aforesaid, shall destroy or remove so much thereof on or before the twentieth day of February next after the passing of this, as to leave one-third part of the river open for the passage of fish, and on failure or neglect shall be subject to the same pains and penalties, and the same recoveries may be had as is herein before imposed: any law, usage or custom to the contrary notwithstanding.

CHAPTER XLII.

An Act for Altering the Names of Certain Persons therein Mentioned.

Whereas it is the earnest request of William Speight that the name of Jesse Hay, of Dobbs county, should be altered to that of Jesse Speight, and the desire of Richard Ransom that the names of Robert Porthress and Benjamin Clevers Porthress of Franklin county should be altered to Robert Ransom and Benjamin Clevers Ransom, and the desire of William Hunt that the name of William Bonner of Franklin county be altered to that of William Hunt, to confirm the name of William Ashley of Robinson county, and the name of Jesse Commauder of Onslow county to that of Jesse Clagg:

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 name, That from and after the passing of this Act the name of Jesse Hay shall be altered to the name of Jesse Speight, the names of Robert Porthress and Benjamin Clevers Porthress shall be altered to the names of Robert Ransom and Benjamin Clevers Ransom, also the name of William Bonner to the name of William Hunt, and the name of William Ashley of Robinson county be confirmed, and the name of Jesse Commauder to that of Jesse Clagg, and that they and each of them shall thenceforth be called and known by the said names respectively, and that by the said names respectively they shall and may sue and be sued, plead and be impleaded in any court of law or equity, and obtain and possess lands and all other species of property by will, devise, donation, grant, purchase or otherwise; and they may each by their respective names aforesaid sell and dispose of lands and other property already or hereafter to be acquired, and finally and in all things the said persons respectively shall be able and capable in law or equity of negociating and transacting all manner of business by their respective names herein before mentioned in as full and ample manner, as if they had been called and known by no other names from the time of their nativity; any law, custom or usage to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the courts of pleas and quarter sessions in the several counties in this state shall have full power and authority, on the application of the reputed father, mother or guardian of any natural child, to give such name to such child as the said mother, father or guardian shall require, and to cause such name to be entered on record, and such child shall forever thereafter be called and known by such sirname, and shall be able and capable in law or equity of negociating and transacting all manner of business by such name, in as full and ample manner as any other person or persons whatsoever.
CHAPTER XLIII.
An Act Empowering the Court of Pitt County to Establish a Free Ferry Over Tar River at the Town of Greenville, and to Levy a Tax on the Inhabitants of Said County for That Purpose.

Whereas it would be agreeable, convenient and necessary for the inhabitants of Pitt county, that a free ferry be established and kept over Tar river, opposite to the town of Greenville:

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 passing this Act, the justices of the court of Pitt county, or a majority of said court at any time when met, shall have full power, and they are hereby authorised by order of such court, to establish a free ferry over Tar river opposite to the town of Greenville, and to let the same for any term not exceeding twelve months at any one time to the lowest bidder, or to employ or agree with some proper person to take charge of said ferry for one year at some stipulated price, taking bonds with approved security of such person or persons, conditioned that he, she or they shall duly and faithfully attend the said ferry, and without delay set over ferry free all and every the inhabitants of the said county of Pitt, or all others if the said court shall see proper to order it so, with their horses, carts and effects, at all seasonable times during said term; and if said courts shall think proper that all persons residing out of said county, shall pay ferriage on crossing said ferry, his bond shall also be conditional that he do the duty of a good and faithful ferryman, in conveying across said ferry any person or persons not inhabitants of said county of Pitt, with their horses, waggons, carts and all effects whatever, for such fees or allowances as are or shall be established by said county court.

II. And be it further Enacted by the authority aforesaid, That the court of Pitt county are hereby empowered to lay a tax on the inhabitants of said county annually for the purpose aforesaid, not exceeding the sum of six pence on every poll, six pence on every hundred pounds value of town property and two pence on every hundred acres of land, to be collected and accounted for as other county monies, and applied for support of such free ferry as the court may direct. Provided always, That the court of said county shall have power to continue or discontinue the establishment of the said free ferry, either free for the inhabitants or otherwise, from time to time, as they may find the same most convenient and satisfactory to the inhabitants of the said county of Pitt.

CHAPTER XLIV.
An Act to Empower the Wardens of the Poor for the County of Currituck to Lay a Tax to Enable Them to Settle the Arrears Due From the Said County to Persons Who Have Supported the Poor, and for Electing Wardens of the Poor in the Several Counties Within This State Where No Such Have Been Elected Agreeable to Law.

Whereas the tax heretofore by law laid hath not been sufficient to support the poor in the county 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 a tax not exceeding two shillings shall be laid on each taxable person,
and also a tax not exceeding eight pence on every hundred acres of land, which said tax the wardens of the poor are hereby empowered to receive and account for agreeable to law in such case heretofore made and provided.

II. And be it Enacted by the authority of the same, That this Act shall be and continue in force for and during the term of two years and no longer.

And whereas it appears to this General Assembly that a number of counties within this State have not elected wardens of the poor agreeable to law, whereby a great number of the poor are now suffering: For remedy whereof,

III. Be it Enacted by the authority aforesaid, That where there shall be any county within this State, through omission shall have no wardens legally elected and qualified, that the sheriff of such county at any time when it may be necessary, shall summon the inhabitants of such county to elect and choose seven good and sufficient freeholders to act as wardens of the poor, and such wardens so elected shall qualify themselves agreeable to law, and when so qualified shall be under the same rules, regulations and restrictions as those heretofore qualified according to law; and they are hereby authorised and required to call on all former wardens for such balances as may appear to be due from them, on account of the money by them received and collected for the use of the poor.

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CHAPTER XLV.

An Act to Empower the County Courts of Pleas and Quarter Sessions in the County of Perquimans, to Lay a Tax for the Purpose of Repairing the Prison, and Building a Gaoler’s House in the County aforesaid.

Whereas some ill disposed person or persons having by fire nearly consumed the prison in the county of Perquimans, and the taxes heretofore collected or ordered to be collected by the said county court is insufficient 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 the court of the county aforesaid shall have full power, and they are hereby authorised and required at the first court after the passing of this Act, to lay on the inhabitants within their county a tax of one shilling current money on every poll, and four pence on every hundred acres of land, and one shilling on every hundred pounds value of town lots with their improvements, for the purpose of repairing the said prison and building a gaoler’s house, or in some manner to provide for the security of prisoners as the court shall direct; which said tax shall be collected for the years one thousand seven hundred and eighty-seven and one thousand seven hundred and eighty-eight, and accounted for at the same time and by the same persons who shall be appointed to collect the public tax; and the said tax when collected shall be paid into the hands of such person or persons as the said court shall direct, which person or persons so nominated shall be accountable to the said court for all such monies as he or they shall receive by virtue of this Act.

II. And be it further Enacted, That in case there should be any money left after compleating the buildings aforesaid, that the overplus shall go towards the repairing the court house in the said county.
CHAPTER XLVI.

An Act for Levying a Tax in the County of Brunswick for the Purpose of Building a Gaol Therein.

Whereas the gaol of the said county of Brunswick hath been destroyed by fire:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a tax of six-pence shall be laid and levied on each and every hundred acres of land in said county, and one shilling and six-pence on every poll, therein, and one shilling and six-pence on every hundred pounds value of town property within the same for the purpose aforesaid, which monies shall be levied and collected in the same manner and at the same time the public taxes laid by the present General Assembly are levied and collected.

II. And be it further Enacted by the authority aforesaid, That Dennis Hawkins, Thomas Russ and Alexius Mador Foster, Esquires, be and they are hereby appointed commissioners for building the said gaol, and the sheriff of the said county shall account with them and pay into their hands the monies collected for the purpose aforesaid, under the same penalties and restrictions as for public taxes, and shall be allowed in the settlement of his accounts.

CHAPTER XLVII.

An Act Appointing Commissioners to Repair the Court House, Prison and Stocks in the Town of Hillsborough for the District of Hillsborough, and to Levy a Tax on the Inhabitants Thereof, for the Benefit, Use and Reparation of the Streets of the Town Aforesaid.

Whereas the court house in the town of Hillsborough from the neglect or refusal to act of former commissioners is in a ruinous situation: For remedy 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 John Taylor, William M'Cauley, Joel Lane, Jeduthan Harper, Thomas Person, Ambrose Ramsey and Robert Dickens, Esquires, be and they are hereby appointed commissioners, and they or a majority of them are hereby required to agree and contract with workmen within three months after the passing of this Act to repair said court house and prison, and make such alterations therein as they may think necessary and expedient for the better and more easy finishing the same, and also to erect a stocks and pillory on the public lot within the town aforesaid; and the commissioners heretofore appointed shall previous to entering on the execution of the trust hereby reposed in them enter into a bond with the chairman of the county court of Orange, conditioned that they shall faithfully account for all monies which they may receive for the purpose aforesaid by virtue of the authority hereby given them.

II. And be it Enacted by the authority aforesaid, That the several sheriffs and collectors who may have received the tax heretofore assessed in the district of Hillsborough for the purposes of repairing the said public buildings, and also the commissioners appointed in the several laws heretofore made for the express purpose of repairing said buildings, pay into the hands of the commissioners appointed by this Act all such sum or sums of money as they may have collected by virtue of the several assessments,
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Acts or the authority to them given as commissioners aforesaid for the purpose of repairing said court house, prison and stocks.

III. And be it further Enacted by the authority aforesaid, That in case any of the said sheriffs, collectors or commissioners shall fail or refuse to pay the monies by them so collected or received into the hands of the commissioners hereby appointed, within three months from the passing of this Act, then it shall and may be lawful for the aforesaid commissioners or any one of them, and they are hereby authorised and required to enter up judgment against the sheriffs, collectors or commissioners heretofore appointed, for such sum or sums as they may or any of them may so detain or refuse to pay, together with the costs of suit so commenced for the recovery thereof, in the same manner as is by law directed for the payment of public taxes.

IV. And be it further Enacted by the authority aforesaid, That in case the money heretofore collected should be more than sufficient to finish said repairs, the county court of Orange shall have it in their power to apply it towards paying any future or other repairs of said court house, prison and stocks as they shall find necessary and expedient.

V. And be it further Enacted by the authority aforesaid, That every hundred pounds taxable property in the town of Hillsborough, shall annually pay such sum not exceeding five shillings as the commissioners shall direct, to be collected and paid into the hands of the town commissioners for the time being, in the same manner as taxes for the town aforesaid are collected and paid, and by the said commissioners to be applied for the benefit, use and reparation of the streets of said town; any law, usage or custom to the contrary notwithstanding.

VI. And be it further Enacted by the authority aforesaid, That all Acts and clauses of Acts heretofore made which comes within the purview of this Act, as far as it relates to the commissioners for repairing the public buildings in the town of Hillsborough are hereby repealed and made void.

CHAPTER XLVIII.

An Act for Levying a Further Tax in the Several Counties in Morgan District to Defray the Remaining Expanse of Building a Court House, Prison and Stocks in Said District, and Also to Levy a Further Tax in the County of Mecklenburgh to Defray the Expanse of the Public Buildings in Said County.

Whereas it is represented to this General Assembly that the money arising from the tax heretofore laid on the counties in the district of Morgan for the purpose of building a court-house, prison and stocks in the said district has proved insufficient to compleat said buildings: 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 a tax of one shilling and six pence on every poll, and a tax of six pence on every hundred acres of land, and a tax of one shilling and six pence on every hundred pounds value of town property in the county of Burke and a tax of six pence on every poll, and a tax of two pence on every hundred acres of land, and a tax of six pence on every hundred pounds value of town lots in the counties of Lincoln, Rutherford and Wilkes, shall be collected in each county to defray the remaining expence of the public buildings in said district, and the sheriffs or collectors of the several counties aforesaid are
hereby required to collect the same and pay it into the hands of the commissioners, under the like penalties and restrictions as are or may be directed for collecting, accounting for and paying other public taxes.

II. And be it further Enacted, That the sheriffs or collectors shall collect the tax for the first year at the time they shall collect the public taxes for the year one thousand seven hundred and eighty-seven, and shall pay the same into the hands of the commissioners on or before the first day of September next, and the second year's taxes shall be collected and paid into the hands of the commissioners on or before the first day of September following.

III. And be it further Enacted by the authority aforesaid, That in case any surplus money should arise after compleating said buildings, it shall be returned to each county in proportion to the sums they paid to defray the county expenditures.

IV. And be it further Enacted by the authority aforesaid, That an additional tax of one shilling and three pence on every poll and one shilling and three pence on every three hundred acres of land and each hundred pounds value of town property, be levied in the county of Mecklenburgh for the term of two years, for the purpose of repairing the public buildings thereof.

CHAPTER XLIX.


Whereas it hath been represented to this Assembly that the establishment of a town on the lands of Joseph Gibbons, in the county of Hyde, would be conducive of public utility, and the said Joseph Gibbons having signified his consent to have sixty acres of the said land laid off 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 said sixty 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 Middletown.

II. And be it further Enacted, That from and after the passing of this act, that Joseph Gibbons, William Spencer and Abraham Jones, be and they and every of them are 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 sixty acres of land as aforesaid to and for the uses, intents and purposes hereby declared.

III. Be it further Enacted, 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 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, That the respective subscribers for the said lots, shall within six 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 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 cost.

V. And be it further Enacted, 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 empowered to elect another in the room of him so refusing, dying or removing, which said commissioner or commissioners so 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.

CHAPTER L.

An Act to Enable William Nall, Sheriff of Wilkes county, to collect all Taxes due from said County for the year one thousand seven hundred and eighty-five and the year one thousand seven hundred and eighty-six, and to Allow him further time to settle for his collection with the Treasurer; and also for giving a further time to John May, Sheriff of Rockingham, to collect the arrearages of his sinking fund and Continental Tax in said county.

Whereas William Nall, Esquire, was chosen Sheriff of the county of Wilkes in the year of our Lord one thousand seven hundred and eighty-six, and doubts having arisen whether the said Nall had a right to collect the tax commonly called the continental tax which by law became due and payable the preceding year, although the said William Nall hath given bond and security for the collection and payment of the aforesaid taxes:

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 William Nall, Sheriff of Wilkes county, be and he is hereby authorized and required to demand and recover of the several Collectors in the county of Wilkes aforesaid, that have given bond and security for the collection of public taxes for the year one thousand seven hundred and eighty-five, all such taxes on the inhabitants of their several districts as they were by law required to collect and account for with the Sheriff then in office: Provided nevertheless, That the several Collectors above mentioned shall have power to collect the aforesaid taxes from the inhabitants of their respective districts in the same manner as they are authorized and directed to collect other public taxes, and be entitled to the same fees and commissions for collecting and accounting for the same: Provided also, That the Collectors aforesaid shall be allowed till the first day of July next to collect and account for the taxes above mentioned.

II. And be it further Enacted by the authority aforesaid, That where any Collector hath neglected or refused to give bond and security according to law for the collection and accounting for the public taxes in the district
for which he was appointed, the aforesaid William Nall is hereby authorized and required to collect and account for the said taxes in the same manner and under the same rules, regulations and restrictions as by law the Collectors are authorized and required to collect the above mentioned taxes, and shall be entitled to the same fees and commissions that the Collectors are by law entitled to receive, exclusive of his commissions as county Treasurer.

And whereas the several Collectors in the county aforesaid, not knowing the law passed at New Bern in the year one thousand seven hundred and eighty-five, entitled “An Act for emitting one hundred thousand pounds paper currency for the purposes therein expressed,” have omitted the collection of the tax laid by said Act for a sinking fund:

III. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That William Nall, Sheriff, and the several Collectors of public taxes in the county of Wilkes aforesaid, be and they are hereby authorized and required to collect and account for the said sinking fund tax in the same manner and under the same rules, regulations and restrictions, and be entitled to the same fees and commissions as by this Act they are authorised, required and entitled to in and for the collections of the tax commonly called the continental tax.

And whereas several of the Justices in the county aforesaid have omitted to return the Collector’s bonds for recoveries thereupon to be had:

IV. Be it further Enacted by the authority aforesaid, That William Nall, Sheriff of Wilkes county, be allowed until the first day of August next to settle for the public taxes due from said county for the year one thousand seven hundred and eighty-five, and the year one thousand seven hundred and eighty-six with the Treasurer of this State, and in the mean time the Treasurer, shall forbear to commence any action or actions for said taxes against him the said William Nall; any law, custom or usage to the contrary notwithstanding.

And whereas John May, Sheriff of Rockingham county, through mistake of the Clerk in making out the amount of taxes hath not collected the tax called the continental tax for the year one thousand seven hundred and eighty-five, which had not been collected, nor the sinking fund tax for the year one thousand seven hundred and eighty-six:

V. Be it therefore Enacted by the authority aforesaid, That the Collectors in said county be allowed until the first day of July next to collect the said taxes and account with the Sheriff for the same, and that the said John May be allowed until the first day of August next to settle with the Treasurer of the state for the aforesaid taxes, and in the mean time the Treasurer shall forbear to commence any action for said taxes against him said John May; any law, custom or usage to the contrary notwithstanding.

CHAPTER LI.

An Act for altering the Times for Holding the County Courts of Edgecombe, Halifax and Pitt.

Whereas the time heretofore by law appointed for holding the county courts of pleas and quarter-sessions of Edgecombe county is found inconvenient, by reason of the superior courts of Halifax district interfering therewith:

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 next court to be held for the said county of Edgecombe the said courts shall be held on the following days, to-wit, the first Mondays in May, August, November and February, and that every process and recognizance returnable to the said court, shall be returnable on the days by this Act appointed; and all causes depending in the said court shall stand continued to the same days; any law to the contrary notwithstanding.

And whereas by the alterations of the county courts of Edgecombe it becomes absolutely necessary that the neighbouring courts of Halifax and Pitt counties should be altered from the days on which by law they are now appointed.

II. Be it therefore Enacted by the authority aforesaid, That from and after the next courts to be held for the said counties of Halifax and Pitt, the courts of pleas and quarter sessions for the said counties shall be held on the following days, to-wit, for Halifax county on the third Mondays in May, August, November and February, and in Pitt county on the fourth Mondays in April, July, October and January, and that every process and recognizance returnable to the said courts respectively, shall be returnable on the days by this Act appointed; any law to the contrary notwithstanding.

CHAPTER LII.

An Act for establishing two places in the County of New Hanover for the Purpose of Holding General Musters therein, for Dividing the Militia of said county into two districts suitable and convenient for the inhabitants to attend muster at the respective places, and for appointing the place of holding courts-martial in said County.

Whereas it has been found by experience that any one place which might be fixed on the county of New Hanover in this State would be very disagreeable and convenient to many inhabitants being or residing in other the remote parts of the said county; and in order to reconcile that disadvantage to the inhabitants 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 from and after the passing of this Act the county of New Hanover shall be divided into two districts; the lower or southern district shall consist of the three companies already formed in and near Wilmington, that is to say, the artillery commanded at present by Captain Huske, the horse by Captain Green and the company of foot by Captain Wright, also the respective companies which are or may be formed on New-Topsall, the upper and lower sound companies, to-wit, those of foot under command of Captains Ward and Rutledge, or others which may hereafter be established within the compass aforesaid; that the place hereby established for holding general musters for the lower division or southern district heretofore described, shall be at the town of Wilmington; that the place of holding general musters of the remainder or residue of inhabitants of said county the upper or northward district, shall be at the plantation of William Jones on Long-Creek; the militia of the whole county aforesaid, the lower as well as the upper district, shall nevertheless each hold their general muster in the respective districts and places as by this Act described and appointed, and on the same day or days as are already fixed by law for the purpose of holding general musters of the county aforesaid.

II. And be it further Enacted by the authority aforesaid, That the Colonel or commanding officer of said county is hereby directed and required here-
after to have the inhabitants warned to attend, accoutred as usual, at the two aforesaid places respectively; and it is hereby further required that the Colonel or commanding officer of said county attend at either of the musters heretofore mentioned to review the same under exercise, and that he appoint or direct the Lieutenant-Colonel, Major or other officer next in command, as the case may be, to give attendance at the muster of the other district in said county, for the purpose of disciplining the men.

III. And be it further Enacted, That the place of holding courts-martial for the said county shall and is hereby declared to be at the Northeast-Bridge, at which place the said court shall sit in usual form, and delinquents shall appear from each district aforesaid in order for trial.

IV. And be it further Enacted by the authority aforesaid, That all former Acts or parts of Acts, sections or clauses respecting the place or places of holding general musters of courts-martial in the county of New Hanover, be and they are hereby repealed and made void.

CHAPTER LIII.

An Act granting to the Inhabitants living on the South-east side of Mecklenburgh county a privilege of holding a Separate Election for members of Assembly, and to repeal an Act, entitled "An Act for removing the public buildings of Mecklenburgh county from Charlotte to the Centre of said county."

Whereas the south-east part of Mecklenburgh is at so great a distance from Charlotte that it is rendered very inconvenient and burthensome for the people in that quarter to attend and give their suffrages at the court-house for members to represent them in the General Assembly:

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 and may be lawful for the Sheriff of Mecklenburgh or his proper deputy, and he is hereby authorized and required to open an election at the house of Francis M'Call on the day preceding the time prescribed for holding the annual elections in this state, and receive ballots of the persons entitled to vote in the said county living on the south east side of M'Caughen's Creek, under the rules and regulations for holding elections in this state so far as the same includes the persons living within the bounds of the companies commanded by Captains Walker, Porter, Ray and Flinikin, and the ballots so taken shall be sealed up and transmitted to the court-house under the direction of the Sheriff or his deputy; which ballots so taken shall and are hereby declared to be part of the election of the said county: anything to the contrary notwithstanding: Provided, That nothing herein contained shall deprive any person living within the bounds before prescribed to give in his suffrage at the court-house in said county.

And whereas provision is made for removing the public buildings of Mecklenburgh county from the town of Charlotte by an Act passed at New Bern in the year one thousand seven hundred and eighty-four, entitled "An Act for removing the public buildings of Mecklenburgh county from Charlotte to the centre of said county," and as the same must be attended with a very considerable expence, and contrary to the wish of a very great majority of the people:

II. Be it Enacted by the authority aforesaid, That the said Act and every part of the same be and it is hereby declared to be repealed.
CHAPTER LIV.

An Act empowering the Commissioners therein mentioned to build a Gaol in the County of Anson to levy a tax to defray the Expenses thereof and to change the name of Newton in said county to that of Wadesborough.

Whereas it hath been represented to the General Assembly that the public gaol in the county of Anson hath been reduced by fire, and that the want thereof is much to the injury of public justice and the disadvantage of the good citizens 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 Theodorick Webb, James Marshall, Jonathan Jackson and Stephen Pace, Esquires, or any three of them, be and they are hereby appointed Commissioners, and are authorized and empowered to contract and agree with workmen to rebuild a prison for the county of Anson on some one of the lots adjoining to the court-house.

II. And be it further Enacted, That a tax not exceeding two shillings on every poll and eight pence on every hundred acres of land, and a tax of twenty shillings on every improved lot and of four shillings on every unimproved lot in the town of Wadesborough shall be laid for three years next succeeding the passing of this Act, on the polls and taxable property in the said county for the purpose aforesaid, which shall be collected and accounted for in the same manner as public taxes.

III. And be it further Enacted by the authority aforesaid, That the Commissioners herein named or a majority of them shall have full power and authority to demand, sue for, recover and receive of and from the Sheriff and Collectors, or any other person in whose hands the same may be, all and every sum and sums which may be collected as a tax for the purpose aforesaid, for which the Sheriff or Collectors or any of them may be liable; and in case of failure or neglect in passing the said money to the Commissioners herein named, such Sheriff, Collector or other person so failing or neglecting, shall be liable to the same penalties, and the same mode of recovery may be had against them, as by law should or might have been had against Sheriffs who refuse or neglect to account for and pay public taxes.

IV. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the town of Newton in the said county of Anson shall be known by the name of Wadesborough.

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

CHAPTER LV.

An Act to extend an Act passed at New Bern the twenty-ninth day of December one thousand seven hundred and eighty-five, entitled "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," to the several Counties herein mentioned.

I. Be it Enacted by the General Assembly, That the before recited Act be, and the same is hereby extended to the counties of Warren, Caswell,
pasquotank, halifax, johnston, richmond, hyde, martin, wake, rockingham and hertford, to all intents and purposes as if the said counties had been named in the before recited act: provided, that this act shall not be construed so as to oblige the wardens to levy any tax for any of the said counties unless they find the same necessary.

chapter lvi.

an act to repeal part of an act, entitled "an act to empower the several county courts therein mentioned to lay a tax annually not exceeding three years, for the purpose of erecting or repairing the court-house, prison and stocks in each county when necessary, and for defraying the contingent charges."

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 before recited act and every clause and article thereof, as far as relates to the county of surry, be and the same is henceforth repealed and made utterly void.

read three times and ratified in general assembly, the 22d day of december, anno domini, 1787.

alexander martin, s. s.
john sitgreaves, s. h. c.

i certify the foregoing to be a true copy.

james glasgow, secretary.
LAWS OF NORTH CAROLINA—1787.

HOUSE OF COMMONS, Wednesday, December 12, 1787.

Whereas great inconveniences may arise from the present practice in delivering the original Acts of the General Assembly to the Printer, whereby they may be mislaid or never returned to the Secretary of State: Wherefore,

Be it resolved, That it shall be, and it is hereby declared to be the duty of the Clerk of the Senate to deliver the original Acts of each session of the General Assembly to the Secretary of State, whose duty it shall be to transmit attested copies of such acts to the public Printer or person employed to print and publish the same; and the Secretary of State is hereby directed to take the necessary measures for the safe-keeping and preservation of the original acts, in the order in which they were respectively enacted.

Whereas it would certainly prevent much trouble, risk and expense, if the Treasurer was authorized to punch or perforate all warrants, orders and allowances, and money drafts of every nature and kind received and paid into the Treasury, and specie and other certificates received by him or otherwise: Wherefore,

Be it resolved, That the Treasurer be and he is hereby authorized and required immediately on the payment of any warrant, order, allowance or other draft on the Treasury of this State, or on the receipt of any specie or other certificate by taxes or otherwise, and to cause the same to be struck through with a punch of half an inch diameter at least, so as effectually to prevent the future circulation or credit of such warrant, order, allowance or certificate.

Resolved, That these resolutions be printed and bound up with the laws of this session.

In the HOUSE OF COMMONS, December 20, 1787.

Whereas in many instances the official dispatches received by the late Governors may be necessary to establish the claims of this State against the United States or some of them; and as no steps have hitherto been taken to preserve them:

Resolved, That the late Governors, or their representatives, be and they are hereby required to lodge in the Secretary's office within twelve months, all official dispatches of every nature and kind which they may have received; also the journals of the Council of State, and books or copies of correspondence, during the time they were respectively in office.

And whereas the official dispatches laid before the General Assembly remain in the office of the Clerks of the two Houses after the rising of the session, and it is necessary that they should be preserved:

Resolved, That the Clerks of the two Houses be and they are hereby required, after the rising of each session of the General Assembly, to lodge in the Secretary's office all such official dispatches as may remain in their respective offices or possession.

Resolved, That these resolutions be printed and bound up with the laws of this session.

JNO. SITGREAVES, S. C.

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

In SENATE, December 20, 1787.

Read and concurred with.

ALEX. MARTIN, S. S.

By order, S. HAYWOOD, C. S.