LAWS OF NORTH CAROLINA, 1788.

At a General Assembly, begun and held at Fayetteville, on the third Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty-Eight, and in the Thirteenth Year of the Independence of the said State, being the first Session of the said Assembly. Samuel Johnston, Esq., Governor.

CHAPTER I.

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, and for Sinking the State Currency.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is Enacted by the authority of the same, That for the year one thousand seven hundred and eighty-nine, a tax of three shillings on every hundred acres of land within this State, 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 and 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 further Enacted by the authority aforesaid, That for the said year one thousand seven hundred and eighty-nine, a tax for three shillings on every hundred acres of land, and 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 eight hundred 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 one thousand seven hundred and eighty-six 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 taxes shall be collected, paid and accounted for as directed by an Act, entitled "An Act for ascertaining what property in this State be deemed taxable property, the method of assessing the same and collecting the public taxes," and also an Act, entitled "An Act for the more regular collecting, payment of and accounting for the public taxes."

IV. And it is further Enacted, That the sinking tax, directed to be collected by an Act passed in one thousand seven hundred and eighty-five, for emitting one hundred thousand pounds paper currency, shall be collected in money, and accounted for in the same manner as other taxes.

And whereas there are large bodies of land in this State granted to citizens of other states, and the laws in force are insufficient to compel such persons to pay a tax for the same, by which means the state is in many cases deprived of a part of its revenue. For remedy whereof,
V. Be it Enacted by the authority aforesaid, That any person who holds or may hold lands in this state whose residence is in any other state, failing by himself, his agent or attorney, to make a lawful return annually of such lands, and to pay taxes for the same in the respective counties where the said lands are situated, then and in that case, the Sheriff of the county where such lands lie is authorised and required to levy on the same, and sell as much thereof as shall be sufficient to pay the taxes, under the same rules and restrictions as in other cases of distress.

VI. And be it further Enacted, by the authority aforesaid, That each and every citizen of this state, shall at the time of making the annual return of their taxable property, make a separate return on oath or affirmation of what land he, she or they may claim by virtue of any military grant, or of any entry or entries made in the office of John Armstrong, Entry-taker, or that he, she or they may hold in trust for any other person or persons, as guardian, attorney or agent of military grants, or lands entered in the said office, under the regulations and penalties prescribed by an Act, entitled "An Act to amend an Act, entitled an Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same and collecting public taxes," passed at Hillsborough on the nineteenth day of April, one thousand seven hundred and eighty-four.

VII. And be it Enacted, That if any Justice of the Peace shall receive any persons list of taxable property without taking such person’s oath or affirmation, as the case may be, thereto, the Justice or Justices so misbehaving, shall be deemed guilty of a misdemeanor, and upon conviction in any court having cognizance of the same, shall be thenceforth suspended from the exercise of his office.

CHAPTER II.

An Act to prevent the Diminution of the Public Revenue of this State by the Neglect of the County Courts.

Whereas it has been represented to this General Assembly that some of the county courts have neglected to take bond and security of the Collectors appointed in the different districts within their counties, to the great diminution of the public revenue of the state, and as it would be unjust that the Sheriffs should be made answerable for the sums the public are entitled to, unless they have a proper remedy pointed out by law where to apply in case of such neglect of duty: 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 Clerks of the several county courts in this State shall not utter or deliver any list of taxes to be collected in any district in any of the counties within this state, until he shall have entered on record that such Collector for such district has given bond with sufficient security as the law requires.

II. And be it further Enacted by the authority aforesaid, That if any Clerk for any of the counties in this State, shall utter or deliver out a list of taxes to any of the Collectors to be collected, without having first entered on record the Collector with his securities, such Clerk shall and is hereby declared liable for such collection.

III. And be it further Enacted by the authority aforesaid, That the county courts within this state are hereby required and directed, on motion of the Sheriff, to enter up judgment against the Clerk so failing or neglect-
ing his duty as is directed by this Act; which judgment shall operate in the same manner as judgments obtained against Collectors of public taxes, who have given securities; any custom or law to the contrary notwithstanding.

CHAPTER III.

An Act to confirm the Rights and Titles of several Citizens of this State in certain Negroes therein described, and preventing Unjust and Vexatious Law Suits.

Whereas in the year one thousand seven hundred and eighty-one, sundry of the citizens of this State did enlist in the service of the State of South Carolina, in the brigade commonly called the state troops, commanded by Brigadier-General Sumpter, and several of them agreeable to their enlistment and service did draw negroes, one for each private soldier, and officers in proportion to their rank, which negroes were at that time taken from the disaffected citizens of said state by order of General Sumpter for that purpose; and the General Assembly of the State of South Carolina did since, to-wit, on the twenty-first day of March, one thousand seven hundred and eighty-four, pass an ordinance to indemnify Brigadier-General Sumpter and the officers acting under his command during the British invasion, in the second section of which ordinance it is ordained, that in all cases where any property hath been taken from any person resident in said state, and appropriated to the public use by order of the said Brigadier-General Thomas Sumpter, such person or persons shall apply for redress to the Legislature and not elsewhere, yet the disaffected citizens of that state, from whom those negroes were taken, have since instituted sundry suits against the citizens aforesaid of this state for the recovery of said negroes. 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 where any citizen of this state shall have actually served in the aforesaid brigade, and drawn a negro or negroes for said service, if there is or hereafter shall be any suit or suits for said negroes commenced against them, or any of them, or any person or persons claiming by, from or under them or any of them, on the fact being proved to the satisfaction of the court and jury trying the cause, that such negro or negroes were regularly drawn in consequence of said service, a verdict and judgment shall be given for the defendants; any law, usage or custom to the contrary notwithstanding. Provided nevertheless, That nothing herein contained shall be construed to vest the property of any negro or negroes taken by any person or persons of the aforesaid brigade, and not specially delivered to the said troops for their pay in the manner aforesaid for said service. And provided also, That nothing herein contained shall preclude citizens of other states, except those of South Carolina, from recovering their negroes, if any may have been taken for the purposes aforesaid who have not applied to the State of South Carolina agreeable to the directions of the aforesaid ordinance for satisfaction and received the same.
CHAPTER IV.

An Act once more 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, Greene and Hawkins."

1. 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 within the counties aforesaid who are desirous of availing themselves of the benefits and advantages held out to them by the said Act; and it is hereby declared, that they are and shall be pardoned for the crimes mentioned therein, and for all crimes of a similar nature committed since the passing of the Act aforesaid and prior to the passing of this Act, and freely restored to the privileges of citizens: Provided, That the persons meant and intended by the above mentioned Act of pardon and oblivion, shall within three months from and after the passing of this Act, take the oath of allegiance to the State of North Carolina before the Judge of the Superior Court of the district of Washington, or any county court in said district. Provided also, That the Act aforesaid shall not extend to any crimes, offences or misconduct of the persons above mentioned, which may be done or committed subsequent to the passing of this Act. Provided, That the benefit of this Act shall not entitle John Sevier to the enjoyment of any office of profit, honour or trust in this State, but that he be expressly declared therefrom.

CHAPTER V.

An Act to revive Part of an Act, entitled "An Act to Suppress Excessive Gaming."

Whereas by the repeal of the above recited Act gaming debts to any amount are recoverable before any jurisdiction in the state, whereby many abuses and injuries arise, and vice and immorality are encouraged: 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, every promise, agreement, note, bill, bond, or other contract to pay, deliver or secure money or other thing won or obtained by playing at cards, dice, tables, tennis, bowls or other games, horse-racing excepted, or by wagering or betting on either of the parties who shall play at such games, or to repay or secure money or other thing lent or advanced for that purpose, or lent or advanced at the time of such gaming, playing, betting, laying or adventuring, shall be void; and every conveyance or lease of land, tenements or hereditaments, sold, demised or mortgaged, and every sale, mortgage or other transfer of slaves or other personal estate to any person, or for his use to satisfy or secure money so won, lent or advanced, on due proof made before any jurisdiction having cognizance thereof, shall be and is hereby declared void.

II. And be it further Enacted by the authority of the same, That every Act or part of Acts coming within the purview and meaning of this Act, shall be and is hereby declared void.

III. And be it further Enacted by the authority aforesaid, That an Act, entitled "An Act to prevent card-playing and other deceitful gaming,"
passed at New Bern in the month of December, one thousand seven hundred and seventy, is hereby repealed and made void.

CHAPTER VI.

An Act for continuing an Act passed at Tarborough, in December, One Thousand Seven Hundred and Eighty-Seven, entitled "An Act for fixing the Final Settlement of Unliquidated Claims against this State, and against the United States within this State."

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That so much of the before recited Act as respects the adjustment of unliquidated claims against this State by the Comptroller, be and the same is hereby declared to be in full force for and during the space of twelve months from the date hereof.

CHAPTER VII.

An Act to amend the several Acts of Assembly to prevent dealing or Trafficking with Slaves.

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

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 if any free person shall either buy from or sell to any slave or slaves, any kind of goods or commodities whatsoever, or any other thing, without a permission in writing, setting forth the identical article or articles such slave or slaves may have for sale from the master, mistress or other person having the management of such slave or slaves, every such free person shall on conviction forfeit and pay the sum of ten pounds, and be further liable to pay all damages that may accrue in consequence of such trading or trafficking; one half thereof to the person informing, the other half to the person injured, to be levied of his or her property as other recoveries by law; and if the offender shall not have sufficient property to satisfy the judgment, then such offender shall be committed to close custody, and shall remain in prison without bail or mainprize for any time not exceeding three months.

II. And be it further Enacted, That if any slave or slaves shall hereafter offer any article whatever for sale, without permission from his or her owner, master or overseer, it shall or may be lawful for any person knowing the same, to apprehend such slave or slaves, and on due proof of the offence being made on oath before a Justice of the Peace of the county, he may order the said slave or slaves to receive any number of lashes, not exceeding thirty-nine, on his, her or their bare back. Provided nevertheless, That this Act shall not have effect or be in force until the first day of March next.
CHAPTER VIII.

Whereas in the third clause of the said Act it is Enacted, that the sum of five hundred pounds shall be advanced to the printer or printers of said laws when revised on loan, payable in three years from the receipt 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 so much of the said third clause as authorizes the said printer or printers to receive the sum of five hundred pounds on loan, be and is hereby repealed and made void.

CHAPTER IX.
An Act to continue an Act allowing Salaries to the Governor and other Officers of State.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That an Act, entitled "An Act allowing salaries to the Governor and other officers of the State," passed at Tarborough, in one thousand seven hundred and eighty-seven, shall be, and is hereby continued in force until the end of the next session of the General Assembly.

CHAPTER X.
An Act for Establishing the Dividing Line between the Counties of Burke and Rutherford.

Whereas the dividing line between the counties of Burke and Rutherford hath not yet been established, in consequence of which the lands west of the Apalachian Mountains have been indiscriminately entered in the respective counties, contrary to the intent and meaning of an Act of Assembly in that case made and provided:

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 line as laid out, marked and extended by Joseph M'Dowell, Junior, in the year one thousand seven hundred and eighty-five, viz: Beginning at the west point of the line that formerly divided the above said counties, thence west to the Indian boundary as in the Act of Assembly of the seventeenth of May, one thousand seven hundred and eighty-three; which line is hereby established to be the dividing line between the counties of Burke and Rutherford; any law, usage or custom to the contrary notwithstanding.


CHAPTER XI.

An Act to repeal Part of an Act passed at New Bern in December, One Thousand Seven Hundred and Eighty-five, entitled "An Act for destroying Wolves, Wild-Cats, Panthers and Bears, Crows and Squirrels in the several Counties therein mentioned."

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the before recited Act and every article thereof, so far as relates to the counties of Rowan, Mecklenburg, Burke, Lincoln, Caswell and Sampson, be and the same is hereby repealed and made void.

CHAPTER XII.

An Act to Annex Part of Dobbs County to the County of Jones.

Whereas it is represented to the General Assembly, that it would greatly add to the ease and convenience of a number of the inhabitants of Dobbs county, to be added to the county of Jones:

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 that part of Dobbs county lying between the following lines, beginning at Dortche's Mill on Trent-river, running from thence a direct line to Widow Jerman's, and from thence to Duplin line, then with the same to Onslow line, then with Onslow line to where Dobbs and Jones line intersect the same; and that all that part of Dobbs between the said lines be, and the same is hereby added to and made part of Jones county. Provided always, That nothing in this Act shall be understood to prevent the Sheriff or Collectors of Dobbs County, from collecting all public taxes which are now due or may be due for the year one thousand seven hundred and eighty-eight, in that part of the said county which comes within the description of this Act.

II. And be it further Enacted by the authority aforesaid, That John Franck, Edward Whitty and John Herritage, be, and they are hereby appointed Commissioners to run the dividing line from Dortche's Mill to the Widow Jerman's, and from thence to Duplin line, or any two of them, and make return to the county courts of Jones and Dobbs, which shall thereafter be considered the dividing line between the counties aforesaid.

CHAPTER XIII.

An Act to explain "An Act directing the Duty of Naval Officers, and all Masters of Vessels coming into any of the Ports or Inlets of this State."

Whereas in the construction of the sixth clause of the said Act, having reference to an Act commonly called The Admiralty Act, in relation to the manner of the master or owner of a vessel coming into any port or inlet of this state of making his entry before the naval officer or collector of the cargo on board his vessel, and as many doubts have arisen in the courts of law thereon, and the revenue sustained much damage:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That every master or owner of a vessel hereafter entering his vessel with the naval-officer or collector, shall make the entry of his cargo in manner follow-
ing, that is to say, That every master or owner of any vessel coming into any port of this state, previous to breaking bulk, or landing any part of his cargo, shall deliver to the naval-officer or his deputy a full and perfect inventory of all goods, wares and merchandize by him brought into the port, particularly specifying the bales, packages, chests, boxes, cases, hogheads, pipes, barrels of spirituous liquors, molasses, sweets, and the contents there-of, with all and every quantity of merchandize whatsoever by him import-ed, and taking the following oath: "I, A. B. do swear that the inventory of my cargo now given in, is a full, true and perfect inventory of the same, and that I have not landed any part of my cargo, or an goods since my arrival in this port, and that it is the same and the whole of what I brought from the port of __________ to this port, without any alteration or diminution thereof."

II. And be it further Enacted by the authority aforesaid, That if any master or owner of a vessel, coming into any port or inlet of this State, shall on any pretence whatsoever, previous to his entering his vessel as aforesaid, break bulk, he shall forfeit and pay the sum of one hundred pounds as a penalty for his defalcation, to be recovered by action of debt in any court of law, to be applied one half to the person who will sue for the same, and the other half to the state with costs.

III. And be it further Enacted by the authority aforesaid, That if any master or owner of a vessel, shall have before his entry with the naval-officer broke bulk, smuggled or landed any part of his cargo, or have made a false entry, proof being made thereof by action or libel, then and in such case the vessel shall be altogether and absolutely forfeited, one third thereof to the naval-officer and collector of the port where such forfeiture may happen, one third to the informer, and the remaining third thereof to the state, in case the owner of the said vessel be privy to the said fraud: Provided, That when the seizure shall be made without information having been given by any person to the naval-officer or collector, the amount of the forfeiture so made, shall be equally divided between the state and the collector or naval-officer who shall make such seizure as aforesaid.

IV. And be it Enacted by the authority aforesaid, That the collectors of Port Brunswick, Port Beaufort, Port Bath, and Port Roanoke, are hereby directed to enter into bond with sufficient security in the further sum of ten thousand pounds each, current money, payable to his Excellency the Governor for the time being and his successors in office, for the faithful discharge of their duty, for the use of the state, within six months from and after the passing of this Act; and on failure to comply with this regulation, the Governor with the advice of the Council shall suspend the collector or collectors, and appoint another or others to act instead of the person or persons so suspended until the end of the next General Assembly; and the collector of Port Currituck and Port Swansborough, shall enter into bond with security as aforesaid, in the further sum of six thousand pounds each, under the same regulations as in the cases afore mentioned: Provided, That those collectors who have complied with the law, and have given bond agreeable to the directions of the "act directing the duty of naval-officers and of all masters of vessels coming into any of the ports or inlets of this state," shall not be obliged to give any further bond for the faithful discharge of his or their duty as required by this Act.

V. And be it Enacted by the authority aforesaid, That all vessels bound from sea and coming through Roanoke Marshes, shall be obliged to enter as heretofore in Port Roanoke, and the Captains or owners of vessels falling to comply with this regulation, shall forfeit and pay the sum of fifty pounds
for every failure, to be recovered by action of debt in any court of record, one-half to the use of the informer, the other half to the use of the State: Provided, That vessels coming through Roanoke Marshes and bound up Pasquotank and North Rivers, may enter at Port Currituck, and that Pasquotank-River shall hereafter be the western boundary of Port Currituck.

And whereas many laws have been made concerning pilots and pilotage, stakeage and the preservation of the inland navigation of this State, which are found on experience not to answer the purposes intended, for the want of a more summary mode to carry those laws into effect: Therefore,

VI. Be it Enacted by the authority aforesaid, That from and after the passing of this Act, the Judges of the several courts of admiralty in this State are hereby authorised, empowered and appointed to take under their express jurisdiction, all matters and things contained in the several Acts of Assembly of this State concerning pilots, pilotage, stakeage and the preservation of the inland navigation of this State, and to determine thereon in a summary manner, and to make rules and ordinances for the due regulation of the same, and to institute fines to enforce obedience thereon from time to time, as they shall deem necessary and useful.

VII. And be it further Enacted by the authority aforesaid, That the seventh clause of an Act, entitled "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," is hereby repealed; and all and every other law coming under the purview of this Act, is hereby repealed and made void.

And whereas contrary to equity it has lately been the custom to require the importer to pay for a permit for landing each and every consignment addressed to him on board any vessel:

VIII. Be it therefore Enacted, That the collector of imposts shall only require the importer to pay for one permit for all the goods, wares and merchandize he may have addressed or consigned to him in any one vessel.

CHAPTER XIV.

An Act to Annex Part of the County of Carteret to the County of Jones.

Whereas it is represented to the General Assembly, that it would greatly add to the ease and convenience of a number of the inhabitants of Carteret county, to be added to the county of Jones:

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 that part of Carteret county lying on the north side of White Oak river and on the West side of Hunter's creek, be and the same is hereby annexed to and made part of Jones county. Provided always, That nothing in this Act shall be understood to prevent the sheriff or collectors of Carteret county, from collecting all public taxes that are now due or may be due for the year one thousand seven hundred and eighty-eight, in that part of the said county which comes within the description of this Act.

CHAPTER XV.

An Act to Amend an Act, Entitled "An Act to Erect a Town on the Lands of Matthew Figures, in Northampton County."

I. Be it Enacted by the General Assembly of the State of North Carolina, That so much of the second Enacting clause of the before recited Act as
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directs that lots of one acre each shall be laid off, shall be and the same is hereby repealed; and that instead thereof lots of half an acre each shall be laid off as was intended; any thing to the contrary notwithstanding.

CHAPTER XVI.

An Act to Establish a Company for the Opening the Navigation of the Catawba Rivers.

Whereas John Rutledge, Thomas Sumpter, Isaac Huger, Benjamin Waring, Christian Sens, Daniel Bordeaux, Alexander Gillin, Joseph Atkinson, William Hill and John Gilliard, of South Carolina, Esquires, have for themselves and others, by their petition to the General Assembly, represented that the opening of the navigation of the Catawba rivers from the South Carolina line as far up both branches of the Catawba rivers as may be found practicable by means of canals, dams and locks, and clearing the same of the obstructions which are now in the way, will be of great public utility; that the said petitioners have entered into an agreement for establishing a company for opening the navigation of the said rivers, should it meet the sanction of the Legislature, and prayed to be incorporated by law, under the name or title of the company for opening the navigation of the Catawba rivers, and that they may be vested with such powers, privileges and immunities for carrying the same into effect, similar to those powers rights and titles, as are granted to them as an incorporated company for opening the navigation of Catawba and Wateree rivers by the State of South Carolina.

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said petitioners, and such others as shall be admitted into the said company, shall be and they are hereby incorporated, by the name and title of The company for opening the navigation of the Catawba rivers.

II. And be it further Enacted by the authority aforesaid, That the said company, by the name and style aforesaid, shall and may sue and be sued, implead and be impleaded in any court within this State; and that they may elect and appoint all necessary officers, and from time to time make such rules, regulations and bye-laws as they shall think proper for their own government; provided the same shall not be repugnant to or inconsistent with the constitution or any laws of this State.

III. And be it further Enacted by the authority aforesaid That the said company shall and may cause a navigation to be made on the rivers aforesaid, by means of dams, canals and locks, or in such other manner as to them shall seem most fit and convenient, from the South Carolina line as far up both branches of the Catawba river as may be found practicable; and that they and their successors, for ninety-nine years, shall and may fix and establish, and be entitled to take and receive by way of toll, for all goods and merchandise carried on or through, and boats, vessels and rafts passing on or through the said rivers, within the limits aforesaid such sums or rates as the said company shall think proper to impose, not exceeding at any time more than twenty-five per cent. per annum on the money which they shall have expended in opening and keeping in repair the said navigation; to ascertain which the books of the said company shall always be liable to the inspection of the Legislature of this State; that the said toll shall be payable in the current money of the State, and that the said company or their
agents may stop any goods, vessels, boats or rafts from passing on the said river until payment of the said toll.

IV. And be it further Enacted by the authority aforesaid, That the said company shall have power to open and keep open such road or roads on each side of the banks of the said rivers as they may deem necessary for the use of the navigation aforesaid, and to purchase for themselves and their successors forever, all such lands as may be necessary for the purposes aforesaid.

V. And be it further Enacted by the authority aforesaid, That the said company shall be obliged to keep the said navigation in good and sufficient order and condition, on pain of being answerable for any damages occasioned by their wilful default and neglect.

VI. And be it further Enacted by the authority aforesaid, That the shares in the said company shall be ninety-nine years exempted from any rate, tax, duty, assessment or imposition whatever; and that the said shares may be sold, transferred, assigned or bequeathed by the proprietors respectively, and in case of their dying intestate, shall go as personal estates according to the statute of distributions.

VII. And be it further Enacted by the authority aforesaid, That if any person shall wilfully and maliciously cut, break down, damage or destroy any bank or other work to be erected or made for the purpose of the said navigation, or shall throw dirt, trees, logs or other rubbish in the way, so as to prejudice the navigation and works aforesaid such person shall be answerable to the said company for treble the damages sustained thereby.

VIII. And be it further Enacted by the authority aforesaid, That the said company and their successors, from time to time forever, shall be capable of purchasing or acquiring, holding and possessing, and of selling and disposing of any negroes or other goods and chattels, as well as of any lands or real estates.

IX. And be it further Enacted by the authority aforesaid, That if any person shall be sued for any matter or thing done in pursuance of this Act, he may plead the general issue and give this Act and the special matter in evidence, and on a verdict against the plaintiff or a non-suit on disqualification, recover costs of suit.

X. And be it further Enacted by the authority aforesaid, That this Act shall be deemed and taken to be a public Act and judicially taken notice of as such without special pleading, and liberally construed for carrying the purposes aforesaid into effect: Provided, That the State of South Carolina agrees that no restrictions, duty or impost shall be laid on any commodity which is the growth, produce or manufacture of the State of North Carolina brought through the said canal or river for sale or exportation, and that the same may be exported without reinspection: Provided also, That nothing contained in this Act shall be construed to operate against the claim of the State, for any part of the territory included within the lines established as the southern boundary of the State by the twenty-fifth article of the bill of rights.

XI. And be it further Enacted by the authority aforesaid, That this Act shall not take effect or be in force, until the State of South Carolina shall pass a law establishing this proviso a part thereof.
CHAPTER XVII.

An Act to Repeal Part of an Act, Entitled "An Act for the Better Regulation of the Town of Halifax and Extending the Liberties Thereof; and for Altering the Mode of Laying and Levying Taxes in the Town of Edenton."

Whereas that part of the Act aforesaid, which extends the liberties so as to include therein Willie Jones, John Baptist Ashe and Archibald Davis, with the lands and slaves to them belonging, and being within certain boundaries in the said Act described, was passed without the consent or approbation of the persons above mentioned; and the said Act so far as it relates to the extension of the liberties, has not produced one good 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 so much of the Act aforesaid as extends the liberties of the town of Halifax to include the said Willie Jones, John Baptist Ashe and Archibald Davis, and their houses, lands and slaves, or any or either of them therein, be and the same is hereby repealed.

CHAPTER XVIII.

An Act to Emancipate a certain Negro Slave named Phillisia, late the Property of George Jacobs, of the town of Wilmington, Deceased.

Whereas it is represented to the General Assembly that the aforesaid George Jacobs, deceased, in his last illness, did earnestly request that his negro slave named Phillisia should be liberated for her great attention to her said master during her continuance with him, and more especially for her care and assiduity in his last illness: In order therefore to carry into effect the dying request of the said George Jacobs, deceased:

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 aforesaid negro woman named Phillisia, shall be emancipated and forever discharged from her bondage, in as full and ample manner as if she had been born free; any law, usage or custom to the contrary notwithstanding: And the said negro woman shall forever hereafter be known by the name of Phillisia Freeman.

CHAPTER XIX.

An Act to Impower the Wardens of the Poor for the County of Camden to Lay a Tax to Enable Them to Settle the Arrears Due From the Said County.

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 in said county; which tax the wardens of the poor are hereby empowered to receive and account for, agreeable to law in such case heretofore made and provided.
CHAPTER XX.

An Act to Amend an Act Entitled "An Act to Prevent Domestic Insurrections."

Whereas by the before recited Act it is Enacted, that no person shall liberate or set free his or her slave except for meritorious services to be adjudged and allowed of by the county court, and by the said Act it is directed in what manner and for what purpose slaves illegally liberated shall be apprehended and sold: And whereas divers persons from religious motives, in violation of the said law, continue to liberate their slaves, who are now going at large to the terror of the people of this State: And whereas the mode prescribed for apprehending such slave or slaves is found by experience not to answer the good purposes by the said Act intended, the power of apprehending liberated slaves being confined to freeholders only, and optional in them whether they will exercise the authority or not; and it appearing the said law is not fully adequate to the good purposes intended: 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 from and after the passing of this Act, if any slave hath been liberated contrary to the before recited Act, should be still within the limits of this State, and all slaves liberated after the passing of this Act should be known or suspected to be lurking in any of the inhabited parts thereof, then and in such case, on information made to any justice of the peace by any freeman of such liberated slave or slaves going at large or lurking about, contrary to the true intent and meaning of the said Act, then and in such case the justice to whom such information is made, is hereby impowered and required immedi-ately to issue his warrant, directed to the sheriff of the county, command-ing him to make diligent search and to apprehend all such slave or slaves, and to commit him, her or them to the gaol of the county, there to remain until the next succeeding court of the county, on which warrant all proceed-ings shall be regulated in the same manner as is directed by the before recited Act; and that the person or persons apprehending any such slave or slaves by virtue of any such warrant, shall be entitled to the emoluments as is allowed to freeholders by the before recited Act. Provided nevertheless, That nothing in this Act shall be construed to debar any freeholder or freeholders from stepping forward in the execution of said law in the usual manner, or to divest them of the emoluments given by the said Act.

CHAPTER XXI.

An Act for the Relief of Former Sheriffs, and for Directing the Comptroller as to the Manner of Settling Their Accounts.

Whereas divers persons who acted as sheriffs under the former govern-ment of this State, then province, and others who have acted as such since the revolution, and previous to the year one thousand seven hundred and eighty-four, are in arrear to the public, and it being proper they should be called to account:

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 each and every such person shall be at liberty to settle his or their account with the comptroller of this State at any time from and after the passing of this Act until the first day of July, which shall happen in the year one thous-
and seven hundred and eighty-nine, on the following principles, that is to say, All sheriffs who acted as such previous to the revolution, shall be held and deemed bound to pay their respective balances in the present currency of the State: Provided nevertheless, That where it shall be made to appear by the oath of the executors, administrators or representatives of any deceased sheriff of the above description, or by other sufficient testimony, that from the difficulty of the times or other unavoidable hindrances, such deceased sheriff failed to make his collection until after the emission of the late dollar currency of this State, the said dollar currency shall be received by the comptroller in payment of the arrears of such sheriff, agreeable to the scale of depreciation at the time it shall have been collected, the executors, administrators or representatives first making oath that they know or believe the dollar money tendered to be the identical money which was collected in payment of taxes for the years in which such deceased sheriff become chargeable: And provided also, That where the property of any such deceased sheriffs has been sold by their executors, administrators or representatives as aforesaid for dollar money, for the express purpose of paying such public demands or balances, and such money has not been paid into the treasury heretofore, through the neglect or refusal of any of the late district treasurers to receive the same, or from other unavoidable causes, in all such cases it shall be the duty of the comptroller to receive the dollar money in discharge of the debt or balance of such deceased sheriff, at the rate fixed by the scale of depreciation at the time the property was sold, the person tendering the same first making oath, that the dollar bills tendered are the same which were received in payment for the purchase of such property.

II. And be it further Enacted by the authority aforesaid, That all persons who have acted as sheriffs under the present government and previous to the year one thousand seven hundred and eighty-four, shall be at liberty to settle their respective accounts with the comptroller at any time within the period herein before limited, in the following manner, to-wit: They shall be at liberty to settle fully and completely in such species of payment as are by law required for the taxes of the year in which they may have acted as sheriff, they and every of them first making oath that the dollar money or claims tendered are the same which they collected in payment of taxes, and that they had not used or been benefited by the same.

III. And be it further Enacted, That on all settlements made in virtue of this Act, the comptroller shall report the balances due, if any, to the treasurer as in other cases; which report shall be made in specie, and shall be sued for accordingly.

IV. And be it also Enacted, That this Act shall be and continue in force until the first day of July, which shall happen in the year one thousand seven hundred and eighty-nine and no longer.

CHAPTER XXII.

An Act for Improving the Navigation of Albemarle Sound.

Whereas it appears to the General Assembly, that by opening a navigable passage into the ocean near the island of Roanoke, the navigation of this State would be greatly improved, and the value of lands lying contiguous to Albemarle and Pamlico Sounds and that the waters that communicate with them will be increased, and it being represented that many citizens of this State are willing to contribute to effect this beneficial and necessary work:
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 his Excellency Samuel Johnston, Whitmull Hill, John Skinner, Josiah Collins, Demcy Conner, Hardy Murfree, Charles Johnson, David Meridith, Christopher Clark, Thomas Stewart, Lawrence Baker, Morris Baum, Isaac Gregory and Nathaniel Allen, be and they are hereby appointed commissioners to receive subscriptions for the purpose aforesaid, five of whom shall be a quorum.

II. And be it Enacted by the authority aforesaid, That the commissioners aforesaid be and they are hereby declared to be a body corporate and politic, and as such they shall be capable to sue and be sued under the name of the commissioners for cutting Raleigh canal; and they are hereby authorised to purchase lands, make contracts, and to do all things necessary for the above purpose.

III. And be it further Enacted by the authority aforesaid, That if the lands through which the said canal is intended to be cut, do belong to any persons unwilling to sell them at a reasonable price, or to a femme covert, minor or absentee, it shall be lawful for the said commissioners, or such persons as they shall authorise for the purpose, to apply to any justice of the peace of the county, who is hereby required to cause seven freeholders to be summoned to value the same upon their oath; which valuation shall be returned to the next county court, and upon the commissioners or any person for them, paying to the clerk of the court for the use of the former proprietor of the land the sum to which the lands were valued, the said lands shall be vested in them and their successors forever.

IV. And be it Enacted by the authority aforesaid, That if the sum which may be subscribed shall appear inadequate to the undertaking, the said commissioners shall within three years from the passing of this Act, return the sums of money received by them to the subscribers respectively; and if the said commissioners shall not within three years after the passing of this Act begin to work upon the said canal, inlet or passage to the ocean, it shall be lawful for the subscribers to sue for and recover such sums as they may have advanced for the above purpose.

V. And be it further Enacted by the authority aforesaid, That the said commissioners or a majority of them shall meet annually, when they shall appoint such officers as may be necessary to make out their accounts, a State of which they shall publish every year; and in case of the death, resignation, inability or removal of any of the commissioners aforesaid, they shall elect persons in their room and stead by a majority of votes, who shall possess all the powers given and granted by this Act.

VI. And be it further Enacted, That an Act passed at Tarborough, entitled "An Act for promoting the navigation of Albemarle Sound," be and the same is hereby repealed and made void.

CHAPTER XXIII.

An Act to admit to Record Certain Deeds, Grants and Patents for Lands Heretofore Obtained.

Whereas it is represented to this General Assembly, that some of the record books belonging to the secretary's office, in which deeds, grants and patents heretofore obtained have been recorded, are now lost or otherwise destroyed, whereby many of the good people of this State may be greatly injured: For prevention whereof,
I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for his Excellency the Governor for the time being, by and with the consent of the Council of State, on application of any person or persons having a deed, grant or patent for lands in such predicament (provided it shall appear to them that such deed, grant or patent had been fairly obtained, and the requisites of the law fully complied with) to order the secretary to record such deed, grant or patent; and on such order the secretary is hereby directed to record in his office such deed, grant or patent for lands so ordered, together with such order; which deed, grant or patent so recorded, shall be as good and valid in law to all intents and purposes whatsoever, as if such former records had never been lost or destroyed; and in any controversy at law that may happen in consequence thereof, this Act may be given in evidence to support the validity of the record of such deed, grant or patent; any law to the contrary notwithstanding.

CHAPTER XXIV.

An Act for the Relief of Persons Who Have Suffered or May Suffer by Their Grants, Deeds and Mesne Conveyances Not Being Proved and Registered Within the Time Heretofore Appointed by Law, and to Grant a Further Time for Registering Certain Grants Heretofore Issued From Lord Granville's Office, and to Direct Transcripts of the Records of Orange and Tyrrel Counties to Be Made.

Whereas many person through ignorance of the law have neglected to have their grants, deeds and mesne conveyances registered, according to the directions of the several Acts of Assembly in such case made and provided: 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 grants for lands entered in the land office under the present government, which have not been registered within the times heretofore appointed by law, shall and may, within two years after the passing of this Act, be admitted to registration, and shall be as good and valid as if they had been registered within the time heretofore allowed by law.

II. And be it further Enacted by the authority aforesaid, That all deeds and mesne conveyances of lands, tenements and hereditaments not already registered, acknowledged or proved, shall and may, within two years after the passing of this Act, be acknowledged by the grantor or grantees, his or their agents or attornies, or proved by one of more of the subscribing witnesses to the same, and tendered or delivered to the registers of the counties where such lands, tenements or hereditaments are respectively situated; and all patents, grants, deeds and mesne conveyances whatsoever, which shall be acknowledged or proved according to the directions of this Act, shall be good and valid, and ensure and take effect as fully to the use and benefit of the grantees, their heirs and assigns, as if such patents, grants, deeds and mesne conveyances had been acknowledged or proved and registered agreeably to the directions of any law heretofore made.

And whereas many persons through inattention have failed to have their grants, heretofore issued from Lord Granville's office, registered within the time limited by Act of Assembly, passed at Tarborough, in November, one thousand seven hundred and eighty-seven:

III. Be it Enacted by the authority aforesaid, That all grants heretofore
issued from Lord Granville's office, and not yet registered, may be admitted to probate and registration at any time within two years from and after the passing of this Act, under the rules, restrictions and provisions contained in the Act aforesaid, passed at Tarborough, in November, one thousand seven hundred and eighty-seven, entitled "An Act to amend the several Acts of Assembly heretofore passed for giving further time to surveyors within the different counties to make their surveys, and return plats thereof to the secretary's office; and for giving further time for the registration of certain deeds issued from Lord Granville's office, and marriage contracts therein mentioned."

And whereas it appears that the records of the registers office in the counties of Orange and Tyrrell are in a ruinous situation, occasioned by being removed at sundry times during the late war:

IV. Be it therefore Enacted by the authority aforesaid, That it shall and may be lawful for the county courts of Orange and Tyrrell, to employ a proper person to transcribe in well bound books, so much of the records of the said registers office, containing grants, deeds and other conveyances, as they may think necessary, and to levy a tax for the payment thereof: Provided always, That there shall be present at such court at least two-thirds of the justices of said county.

V. Be it further Enacted, That all lands entered in the office of John Armstrong, west of Cumberland mountain, shall be registered in the county in which the proprietor of the said lands may reside: Provided always, That persons owning such lands in this State westward of the said mountain, and not residing therein, shall register their grants for such lands in the county of Hawkins.

CHAPTER XXV.
An Act to Amend an Act, Entitled "An Act for Appointing the Place of Holding Courts of Pleas and Quarter Sessions in the county of Sullivan, and to Alter the Time for Holding the Superior Court for the District of Fayette."

Whereas the commissioners appointed by the said Act have failed to assemble and fix upon the place for erecting a court-house, prison and stocks in said county, and to contract with workmen for building the same; in consequence of which great inconveniences have arisen to the good citizens 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 Joseph Martin, Evan Shelby, Gilbert Christian, Robert Allison, George Vincent, Samuel Smith, John Dunkin and William King, Esquires, be and they are hereby appointed commissioners, and they are hereby empowered, or a majority of them, to fix on the most central or convenient place to the inhabitants of said county for building and erecting a court-house, prison and stocks for the use of the same; and the said commissioners, or a majority of them, are hereby authorised and empowered to contract with workmen to build the said court-house, prison and stocks; and the justices of the said county of Sullivan are hereby authorised to lay a tax on the inhabitants of said county, not exceeding one shilling on every poll, and four pence on every hundred acres of land in said county, for the purposes aforesaid.

II. Be it further Enacted by the authority aforesaid, That the sheriff or other collector is hereby empowered and directed to collect, account for and
pay the money by him collected into the hands of the within named commissioners for erecting the said public buildings; and on non-payment of the tax to be collected in virtue of this Act by the sheriff or other collector thereof, the said sheriff or other collector shall be liable to the same penalties as for other public taxes; and the said commissioners shall be entitled to the same mode of recovery against the sheriff or other collector, as other public officers are entitled to have against them on non-payment of public taxes, after deducting his commissions for collecting the same.

III. Be it further Enacted, That the justices of the said county of Sullivan, are hereby authorised and empowered to adjourn themselves to any other convenient place in the said county, until such time that a court-house, prison and stocks shall be built for said county; and then all causes, matters and things depending in said court, and all manner of process returnable to the same, shall be adjourned to such court-house.

IV. Be it further Enacted by the authority aforesaid, That so much of the before recited Act as tends to the building a court-house, prison and stocks in the said county of Sullivan, is hereby repealed and made void.

And whereas the time fixed for holding the superior court of law and equity in the district of Fayetteville is found inconvenient, from its being so shortly after Wilmington superior court: For remedy whereof,

V. Be it Enacted by the authority aforesaid, That from and after the next superior court to be held for the said district of Fayetteville, on the twentieth day of the present month December, the superior courts shall be, constantly held on the twenty-third days of June and December in each year, except when the same shall happen on a Sunday, and in that case on the next succeeding day; to which days all future courts shall adjourn, and all process shall be returned to the same; any law, usage or custom to the contrary notwithstanding.

CHAPTER XXVI.

An Act to Quiet Thomas Brown, of Bladen County, Esquire, in His Title to and Possession of Divers Lands, Tenements and Hereditaments Therein Referred To.

Whereas William Bartram, late of Bladen county, Esq., deceased, died intestate, possessed of divers tenements and hereditaments, which descended to his only son William Bartram, who departed this life intestate and without issue, whereby all the said real estate descended to Mary Robeson (formerly Bartram) wife of Thomas Robeson, now deceased, and Sarah Bartram, since the wife of Thomas Brown, Esquire, the only surviving children of the said William Bartram, the father, and heirs at law of the said William Bartram, their brother: And whereas after the said Thomas Brown and the said Sarah Bartram intermarried, they agreed to make partition of part of the said real estate with said Thomas Robeson and Mary his wife, and on the eight day of February, one thousand seven hundred and seventy-six, the parties made mutual conveyances to each other, the moiety of each sister being conveyed to her and her husband in joint tenancy, as in and by the conveyance of the said Thomas Robeson and Mary his wife, to the said Thomas Brown and Sarah his wife, bearing date the day and year aforesaid, may more fully appear: And whereas afterwards, that is to say, on the twenty-fifth day of March, one thousand seven hundred and seventy-nine, the said Thomas Brown and Sarah his wife, in order to secure provision for their daughter Elizabeth Brown and her issue, as here-
in after is mentioned, by indenture bearing date the day and year last aforesaid, conveyed to George Lucas, of Bladen county, gentleman, all the lands and tenements mentioned and described in the before mentioned conveyance from the said Thomas Robeson and Mary his wife, to the said Thomas Brown and Sarah his wife, and a moiety or undivided half part of all the other lands, tenements and hereditaments to which the said Sarah was jointly entitled with her said sister of the estate of their said father William Bartram, Esquire, and the said Sarah Brown then languishing under a dangerous indisposition, and not likely to live until the next court of her county, and the judges of the superior courts being then on their circuit, so that there was no probability of her living until she could be examined touching her free consent in executing the said last mentioned deed of conveyance, she the said Sarah Brown declared to the persons who were witnesses to the execution thereof privately and apart from her husband the said Thomas Brown, which witnesses were requested by her to hear and certify her said declaration, that she sealed and delivered the same as her act and deed of her own free will and consent, without any fear of or compulsion from her said husband, all which the said witnesses have testified in a certificate annexed to the said deed, and the same is sworn to by John Davis, Esquire, the surviving witness: And whereas the said George Lucas, on the twenty-sixth day of March, in the year aforesaid, reconveyed all the lands, tenements and hereditaments herein before mentioned, comprised in the conveyance of the said Thomas Brown and Sarah his wife, to him the said Thomas Brown, his heirs and assigns, of all which he hath ever since continued in quiet and peaceable possession; and at the same time the said Thomas Brown in consequence of a previous agreement between him and the said Sarah Brown his wife, and as a condition upon which she consented to convey her estate, did enter into one bond or obligation to the said George Lucas in the penalty of ten thousand pounds currency, conditioned that the said Thomas Brown should within twelve calendar months from the date thereof, convey to the said George Lucas all the before mentioned lands and lots mentioned in the said several conveyances, in trust for him the said Thomas Brown during his life, and after the death of the said Thomas Brown, then in trust for Elizabeth Brown, daughter of the said Thomas and Sarah, for her life, and after the death of the said Elizabeth Brown, the daughter, then in trust for the children of her the said Elizabeth in tail; and in case the said Elizabeth Brown should die without issue at the time of her death, then in trust for the said Thomas Brown, his heirs and assigns forever: And whereas the said Thomas Brown in pursuance and execution of the several trusts mentioned in the condition of the same bond, did by indenture bearing date the eleventh day of April in the year last aforesaid, therein reciting the said condition, convey to the said George Lucas, his heirs and assigns, all and singular the lands, tenements and hereditaments in the said indenture and the before mentioned bond and conveyances mentioned, and referred to upon and for the several trusts, intents and purposes as in the condition of the same bond is mentioned and expressed, or in and by the said several deeds and conveyances, registered in the registry of Bladen county, reference being thereto had may more fully appear: And whereas afterwards, that is to say, on or about the twenty-ninth day of the same April in the year last aforesaid, before the sitting of the county court of Bladen, and whilst the judges of the superior court were on their circuit, the said Sarah Brown departed this life, without having been privately examined agreeably to the directions of the Act of Assembly, touching her free consent to the execution of the before
mentioned conveyance of the twenty-fifth of March, one thousand seven hundred and seventy-nine; and the said Elizabeth Brown, daughter of the said Thomas Brown and Sarah his wife, having since departed this life at the age of five years or thereabouts, the said trust estate by the tenor of the deeds and conveyances herein before mentioned devolves upon the said Thomas Brown, his heirs and assigns: And whereas it appears upon indisputable proof to this General Assembly, that as the said Sarah Brown hath expressly limited her estate to her own issue in tail, her intention was to exclude her other heirs in favour of her husband, the said Thomas Brown, which is fully expressed by the documents exhibited by him the said Thomas, so that the substance of the Act of Assembly for the alienation of estates of femme coverts hath been fully complied with, and even the formalities as far as it was practicable; and the intention of the law being no more than to prevent the alienation of the wife's estate through the undue influence or by the compulsion of the husband, and the said Thomas Brown in the present case taking no estate by the said conveyances in the first instances but what he had before, it is just and reasonable that he should be quieted in this title to and possession of the lands and premises herein before referred to:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all the before mentioned deeds and conveyances shall be held, deemed and taken to be firm and effectual in law for the conveyance of the lands, tenements, hereditaments and premises therein mentioned against the heirs of the said Sarah Brown, and so as to bar them and every of them forever; and that the conveyance by indenture from the said Thomas Brown and Sarah his wife to the said George Lucas, bearing date the twenty-fifth day of March, one thousand seven hundred and seventy-nine, as before mentioned, with the private examination and declaration of the said Sarah Brown thereto annexed, now upon record in the registry of Bladen county, shall be held, deemed and taken, and in all courts of law and equity shall be construed and adjudged to be good and effectual in law for conveying the estates of the said Thomas Brown, and the said Sarah Brown his wife, and each of them, of, in and to the several lands, tenements, hereditaments and premises in the said last mentioned indenture, mentioned in the same manner as if the said Sarah Brown had been privately examined with respect to her free consent to the execution thereof in any manner prescribed by law, and as if such examination and declaration had been certified by any judge, justice, court or commissioners for that purpose legally appointed; any law, usage or custom to the contrary in any wise notwithstanding.

II. And be it Enacted by the authority aforesaid, That in all or any suit or suits which may hereafter be instituted against the said Thomas Brown, his heirs or assigns, by the heirs of the said Sarah Brown, his late wife, or by any other person or persons claiming by, from or under them, or any of them, for the recovery of all or any of the lands, tenements or hereditaments mentioned or described in the said last mentioned indenture of conveyance, this Act may be given in evidence in the same manner as public Acts without special pleading, and shall be a perpetual bar to any such suit; any law to the contrary notwithstanding.
CHAPTER XXVII.
An Act to Quiet in the Possession of William Scott Certain Lands Therein Described.

Whereas Samuel Scott, deceased, did in the year one thousand seven hundred and fifty-three, obtain a grant from Lord Granville’s office for six hundred and forty acres of land lying on Rich Fork and Reedy Fork, in Guilford county, then Rowan county: And whereas it hath been made appear to the satisfaction of this General Assembly by sundry affidavits, that through mistake of the surveyor the plat returned into the office of the said Lord Granville (and which is annexed to the grant) does not by the courses and distances therein specified, include the quantity of land conveyed to the said Samuel Scott by Lord Granville: And whereas the said Samuel Scott hath since died, and bequeathed to his son William Scott the aforesaid tract of land:

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 tract of land lying on Rich Fork and Reedy Fork, in Guilford county, formerly Rowan, conveyed by Lord Granville to Samuel Scott for six hundred and forty acres, have the following bounds, instead of those specified in the conveyance from the said Lord Granville to Samuel Scott, viz. Beginning at a white oak corner to number thirteen, running south along that line three hundred and twenty poles, thence west three hundred and twenty poles, thence north three hundred and twenty poles, thence east three hundred and twenty poles, crossing Reedy Fork twice, to the first station; and the said William Scott is hereby declared to be invested with as full and ample right and title to the lands included within the said lines, as he would or might have been, had they been expressly mentioned in the conveyance made from Lord Granville to the said Samuel Scott, provided no other person or persons have any lawful claim to any part thereof prior to the passing this Act.

CHAPTER XXVIII.
An Act for Dividing the County of Davidson.

Whereas the great extent of the county of Davidson renders it inconvenient to the inhabitants thereof to attend courts, general musters and elections:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the said county of Davidson shall be divided by a line beginning on the Virginia line, running south along Sumner county to the dividing ridge between Cumberland river and Red river, then westwardly along the said ridge to the head of the main south branch of Sycamore creek, then down the said branch to the mouth thereof, then due south across Cumberland river to Davidson county line; and all that part of Davidson county that lies to the east of the said line, shall continue and remain the county of Davidson; and all that part of the said county of Davidson that lies west of the said line, shall be erected into a county by the name of Tennessee. And for the due administration of justice:

II. Be it Enacted by the authority aforesaid, That the courts for the said county shall be held by the justices thereof on the third Mondays in Jan-
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uary, April, July and October; and the justices for the said county of Tennessee are empowered to hold the first court at the house of Isaac Fitzworth, and all subsequent courts at such place as the said justices may adjourn to, until a court-house shall be built for the said county of Tennessee, and then all causes, matters and things depending in the said court, and all manner of process returnable to the same, shall be adjourned to such court-house; and all courts held in and for the said county of Tennessee shall be held by commission to the justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdictions, as are or shall be prescribed for other courts held for the several counties in this State.

III. And be it further Enacted by the authority aforesaid, That nothing herein contained shall be construed to debar the late sheriffs and collectors of Davidson county, as the same stood undivided, to make distress for taxes now actually due by the inhabitants of the said county of Davidson, in the same manner as if the same had remained undivided.

IV. And be it further Enacted by the authority aforesaid, That all suits, causes and pleas, civil and criminal, now commenced and depending in the county court of Davidson, shall continue and may be prosecuted to final end and determination.

V. And be it further Enacted by the authority aforesaid, That the court of the said county of Tennessee shall appoint twelve jurors to attend at every superior court that shall be held in the county of Davidson.

VI. And be it further Enacted by the authority aforesaid, That Robert Weakly, Robert Nelson and George M'Wharton, shall be commissioners, or any two of them; and they are hereby empowered and required to run the said dividing line between the counties of Davidson and Tennessee agreeable to this Act; and the said line, when run by the commissioners, or a majority of them, shall be entered on the records of the said counties of Davidson and Tennessee, and shall be the dividing line between the aforesaid counties.

VII. And be it further Enacted by the authority aforesaid, That George Bell, Francis Prince, Benjamin Harden, senior, Jacob Pennington and George Nevell, the survivor or survivors, be and they are hereby empowered and directed, to agree with some persons to build a court-house, prison and stocks for the county of Tennessee, at such place as they shall agree upon: And for reimbursing the said commissioners the money they shall expend in erecting the said buildings, and running the said dividing line.

VIII. Be it further Enacted, That a tax of one shilling and six pence on each poll, and a tax of six pence on each and every hundred acres of land within the said county of Tennessee, for two years from the passing of this Act, shall be collected by the collectors of the said county in the same manner, and under the same rules and regulations as public taxes, and on failure, such collectors shall be subject and liable to the same penalties and mode of recovery as the collectors of public taxes, and the said collectors shall pay the same into the hands of the commissioners for erecting the court-house, prison and stocks, on or before the first day of August in each year, after deducting three per cent: And the said collectors, on failure to account for the aforesaid monies, shall be subject to the same penalties as on failure or neglect to account for and pay the public taxes; and the said commissioners are required to proceed against them for the recovery thereof.
CHAPTER XXIX.

An Act to Annex Part of the County of Washington to Sullivan.

Whereas the annexing a part of the county of Washington to Sullivan, will tend greatly to the ease and convenience of those inhabiting 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 from and after the pasing of this Act, all that part of Washington county included within the following bounds, viz.: Beginning at the head of Indian Creek where the line divides Washington and Sullivan counties, thence a straight line south of David Hughes's, thence a straight line south of Francis Hodge's to the Watauga river, thence down the meanders of said river to its junction with Holston river, thence up the line which divides Washington and Sullivan counties to the first station, be and the same is hereby annexed to, and shall be and remain a part of the county of Sullivan: Provided, That nothing in this Act shall be understood to prevent the sheriff of the county of Washington to collect all public taxes now due in that part of the county which comes within the description of this Act.

II. And be it further Enacted by the authority aforesaid, That James Stuart and George Vincent, be and they are hereby appointed commissioners for the purpose of running the said line from the head of Indian creek, agreeable to the directions of this Act; which said line, when run by the commissioners shall be by them entered on record in the court of each county, and the same shall be deemed and taken to be the line as intended by this Act.

CHAPTER XXX.

An Act to Empower the Commanding Officers of the Counties of Greene, Washington, Sullivan and Hawkins to Erect a Station on the North Side of the River Tennessee, for the Protection of the Frontiers, and to Insure Safety to Travellers on the New Road to the Cumberland Settlements; Also to Empower the County Court of Moore to Lay a Tax for Repairing the Public Buildings of the Said County.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the commanding officers of the said counties, or a majority of them, shall have power and authority to fix on a proper place on the north side of Tennessee river, for establishing a station for the aforesaid purposes.

II. And be it Enacted, That a guard consisting of a captain, one lieutenant, one ensign and thirty-three non-commissioned officers and privates, to be kept at the said station so fixed for the term of one year; the officers to be appointed by the said commanding officers of the said counties, or a majority of them, and the men to be raised from the respective counties by voluntary enlistment, or an equal indiscriminate draft.

III. And be it Enacted, That the said guard shall be subject to the same rules and regulations as established by the militia law, and have the same pay and rations; and that the said commanding officers, or a majority of them, shall be and are hereby authorised, empowered and required to appoint some one person commissary and paymaster to said guard, who shall enter into bond with good and sufficient security in the sum of five thousand pounds for the faithful discharge of his office, which bond and security shall be approved of by the judge of the district of Washington, and be deposited
in the office of the secretary of State; whereupon the Governor may and is hereby directed to issue warrants in favour of the person so appointed paymaster and commissary, for the pay and rations of the said guard, on the public treasurer, payable out of the funds arising from the taxes of the said four counties of Greene, Washington, Sullivan and Hawkins, and out of no other fund whatever: Provided the price of the ration shall not exceed one shilling per day: Provided nevertheless, That nothing in this Act contained, shall be construed to prevent the Governor of this State from disbanding the aforesaid troops at any time he with the advice of the Council of State may think proper.

IV. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the county court of Moore, to lay a tax for two years successively on the inhabitants of the said county, for repairing the public buildings, not exceeding one shilling on every poll, and a tax of four pence on every hundred acres of land, to be collected and accounted for as other county taxes; any law to the contrary notwithstanding.

CHAPTER XXXI.

An Act to Amend an Act, Entitled "An Act to Establish a Superior Court of Law and Equity in the County of Davidson," and for Erecting the Said County of Davidson, and the Counties of Sumner and Tennessee into a Separate District.

Whereas it is doubted whether the jurisdiction of the said court extends to the counties of Sumner and Tennessee: And whereas it is necessary such doubt should be removed:

I. Be it Enacted, That the jurisdiction of the said court shall extend as fully in all respects in and over the said counties of Sumner and Tennessee, as in and over the county of Davidson.

II. And be it Enacted, That the said three counties are hereby erected into a separate district by the name of Mero; and that the superior court of law and equity in the said district of Mero, shall be held at the same time and place, and in the same manner as the superior court of law and equity is directed to be held by the aforesaid Act in the county of Davidson.

III. And be it Enacted, That the person at present holding and exercising the office of judge of the superior court of law and equity in the county of Davidson, is hereby declared to be continued Judge of the superior court of law and equity in and for the district of Mero.

CHAPTER XXXII.

An Act for Appointing an Additional Judge of the Superior Court of the District of Morgan, and for the Relief of Persons Who Have or May Hereafter Forfeit Their Recognizances in the Superior or County Courts.

Whereas the non-attendance of some of the judges at the superior court of law and equity in the district of Morgan, hath been represented to this General Assembly as a great grievance to the inhabitants of said district; and from the great distance and local circumstances of said judges, it appears impracticable to get them to attend the said court: 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 in addition to the judges of the superior court of law and equity already appointed in this
State, a judge shall be nominated and appointed by the General Assembly for the superior court of law and equity for the district of Morgan, who shall and may exercise the same powers and authorities, and be entitled to the same pay, privileges and emoluments within the said district, as the other judges of the superior court of law and equity in this State hold, exercise and enjoy; any law, custom or usage to the contrary notwithstanding.

And whereas application hath often been made to the General Assembly by persons who have forfeited their recognizances, and conceive they have reason to pray relief therein:

II. Be it Enacted by the authority aforesaid, That the judges of the superior court in their several districts in court are hereby fully authorised and empowered to receive, hear and determine on the petition or petitions of all persons who may conceive they merit relief on their recognizances forfeited, and to lessen or absolutely remit the same, and to do all and everything therein as they shall deem just and right, and consistent with the welfare of the State as well as the persons praying for such relief; which power shall extend to the relief of those persons against whom final judgment hath been entered, and execution awarded accordingly.

III. And be it further Enacted by the authority aforesaid, That the several county courts of pleas and quarter sessions in this State, shall have power to remit or mitigate all fines by them inflicted, and all forfeitures on recognizances, previous to entering final judgment thereon; provided a majority of the justices in the said county be present when such remittance or mitigation shall be made: Provided also, That if any person or persons shall be dissatisfied with the judgment or decree of any county court entering final judgment against him or them on forfeited recognizances, shall be entitled to an appeal to the superior court of the district, under the same rules and regulations of other appeals; which superior court is hereby authorised to determine on the premises as in other cases in this Act directed: Provided, That nothing contained in this Act shall be construed to debar the county solicitor or attorney for the State from appealing on any judgment given, wherever he shall conceive the State has been injured, but that in all such determinations he is hereby expressly required to pray an appeal, which the said court shall grant accordingly.

CHAPTER XXXIII.


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 Hillsborough having proved defective:

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 commissioners for the said town heretofore chosen and qualified agreeable to law, and their successors, shall have full power from time to time and at all times, to make such rules, orders, regulations and ordinances as to them shall seem meet, for repairing the streets, appointing a town constable or constables, watches or patrols, and making proper allowances by fees or otherwise for such services, and for all other necessary rules, orders, regulations and ordinances which may tend to the advantage, improvement and good government of said town; and the said rules, ordi-
nances 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 also to have ample powers to enforce a compliance and obedience 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 case of slaves, the punishment not to exceed thirty-nine lashes; the said fines to be recovered and the punishment inflicted in manner hereafter mentioned: Provided, That such rules and regulations are not inconsistent with the laws of the land.

And whereas it is the proper office of the said commissioners to make bye-laws and regulations for the government of said town, and it has been 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,

II. Be it Enacted by the authority aforesaid, That a proper person shall be elected at the same time, and in the manner directed by law for electing commissioners, who shall be called the magistrate of police for 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 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 same manner as trials before justices of the peace, the said magistrate is hereby authorised and required to give judgment and award execution, agreeable to the laws, rules and ordinances provided for the government of the said town, which warrant or execution the sheriff or constable is hereby required to execute; and on such trial the said magistrate is hereby authorised and declared to possess all the necessary power to administer oaths, and subpoea and examine witnesses, and shall take the following oath before he enters into the execution of his office: "I, A. B. do solemnly swear, that as a magistrate of police for the town of Hillsborough, 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 government of the said town; all fines and amercements which may happen to be made, I will cause to be duly returned to the proper officer; 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." Provided always, That where any person shall think him or herself aggrieved by the judgment of the said magistrate of police, such person shall have the right of appealing from the said judgment, to the court of pleas and quarter sessions held for the county of Orange.

III. And be it further Enacted by the authority aforesaid, That the Commissioners of the said town shall have full power, at their first meeting after the annual election, to lay a tax not exceeding four shillings on every hundred pounds value of taxable property within the said town, agreeable to the valuation made for public taxes for the preceding year, and four shillings on every poll, and four shillings on each and every lot claimed or held by any person whereon there is not a house of the dimensions required by law for saving lots in the said town, and for every carriage wheel of pleasure the sum of two shillings and six pence; the polls, lots and wheels to be ascertained in such manner as the Commissioners may direct; and the said Commissioners shall appoint a Collector or Collectors to collect the same, under the same rules and restrictions, pains and penalties, as Collectors of the public tax for non-payment thereof.
IV. And be it further Enacted by the authority aforesaid, That all acts and clauses of acts that come within the purview and meaning of this act, shall be and the same are hereby repealed and made void.

CHAPTER XXXIV.

An Act to Encourage the Building of Iron Works in this State.

Whereas it appears to the General Assembly, that several places in this state are advantageously situated for the building of iron-works; and in order to encourage any person or persons who will undertake and erect the same:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That three thousand acres of vacant land, not fit for cultivation, most convenient to the different seats, is hereby granted for every set of iron-works, as a bounty from this state, to any person or persons who will build and carry on the same; to be under the following rules and regulations, viz: Where any person or persons intend to build iron-works, such person or persons may proceed to the Entry-taker of the county where he intends to erect such works, and enter in one or more tracts the quantity of bounty land allowed by this Act for one set of works; and the Entry-taker or Entry-takers is and are hereby required to make out a copy of the land entered as aforesaid, and transmit the same to the next court that shall be held in the county in which he or they are Entry-takers.

II. And be it further Enacted by the authority aforesaid, That the court of any county in this state, upon receiving the return of the Entry-taker for the land as aforesaid, such court shall proceed to appoint a jury consisting of twelve persons who are of good character; and the jury so appointed shall proceed to view the land in their county entered as aforesaid, and if they shall adjudge the land so entered not fit for cultivation, they shall certify the same in writing, and return the certificate to the next court held in their county, and the court upon receiving such return, shall cause the certificate to be recorded by the Clerk.

III. And be it further Enacted by the authority aforesaid, That if any person or persons who may enter land agreeably to this Act, shall erect iron-works within the term of three years from the time of the jury's return, such person or persons, on making it appear to the court of the county that he or they have made at said works five thousand weight of iron, shall receive an order to the Entry-taker, requiring him to issue the warrants for the bounty land.

IV. And be it further Enacted by the authority aforesaid, That such Entry taker upon receiving such order, shall proceed to issue warrants for the lands granted by this Act, without receiving any money for the state; and the surveyor upon receiving such warrants, shall proceed to survey the same as soon as convenient, and make return to the Secretary's office, that grants may issue for the same; and such grant or grants shall be as good and valid to the proprietors of such works, their heirs or assigns, as if the purchase money had been paid: Provided nevertheless, That if any person or persons shall enter land in pursuance of this act, and fail to erect iron-works according to the true intent and meaning thereof, the land so entered shall revert to the state, unless the person who has entered the same pays the purchase money for the use of the state.
V. And be it further Enacted, That the bounty lands granted by this Act shall be exempted from taxation for the term of ten years.

CHAPTER XXXV.

An Act to erect and Establish an Academy in the County of Richmond.

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

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Henry William Harrington, Thomas Dockerg, Thomas Crawford, Miles King, Edward Williams, Matthew Covington, Israel Sneed, John Howard, William Thomas, William Love, Dudley Mask and William Hunter, Senior, Esquires, be and they are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession, all monies and other property which have been or hereafter may be subscribed for the purpose of erecting an academy in the county aforesaid by the name of Richmond academy; and the said trustees and their successors shall be able and capable in law, to ask for and demand, receive and possess of the several subscribers, all sums by them respectively subscribed, and in case of refusal of any of them to pay the same, to sue for and recover by action of debt or otherwise in the name of the trustees, the sum which such person so refusing shall have subscribed, in any jurisdiction having cognizance thereof; and the monies when collected and received, to be applied by the said trustees or a majority of them towards paying for repairing the house, to contract with and employ a tutor or tutors, and to perform every act or thing that they or a majority of them shall think necessary and expedient for the advancement of the said academy, and the promotion of learning therein.

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

III. And be it further Enacted by the authority aforesaid, That if any of the trustees by this Act appointed shall die, refuse to act, or remove away, that he cannot attend to the duties of his appointment, the remaining trustees may appoint another or others in his or their stead, who shall exercise the same powers as trustees appointed by this act, and when met together in said county, shall have power and authority to elect and constitute one or more tutor or in tutors and a Treasurer, and also to make and ordain such rules and regulations, not repugnant to the laws of this state, for the well ordering of the students, their morals, studies and academical exercises, as to them shall seem meet, and to give certificates to such students as shall leave said academy, certifying their literary merit; provided they shall not on any account confer any degree, such as Bachelor or Master of Arts or Doctor in any faculty; in general they shall and may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue; and the said trustees or a majority of them are hereby empowered, and shall have
lawful authority to remove the tutor or tutors, Treasurer or any of them, if they shall find it necessary, and on the death, resignation or refusal to act of any of them, to appoint and elect others in the stead of those displaced, dead or refusing to act.

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

V. And be it further Enacted by the authority aforesaid, That the Treasurer of the said board or trustees shall enter into bond with sufficient security to the trustees, conditioned for the faithful discharge of the trust reposed in him by this act; and that all monies and chattels that shall be in his hands at the expiration of his office, shall be immediately paid into the hands of the succeeding Treasurer; and every Treasurer shall receive all monies, donations, gifts, bequests and charters that may belong or accrue to said academy during his office, and at the expiration thereof, shall account with the trustees or a majority of them for the same; and on refusal or neglect to pay and deliver as aforesaid, the same mode of recovery may be had against him, as is or may be provided for the recovery of money from Sheriffs or other public officers. Provided nevertheless, That the said academy shall not be considered as one of the seminaries of learning intended by the constitution.

CHAPTER XXXVI.

An Act for Dividing the County of Rowan.

Whereas the extent of the county of Rowan renders it inconvenient and troublesome to many of the inhabitants thereof to attend the courts, annual elections, juries and other public meetings therein:

I. Be it Enacted by the General Assembly of the state of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the said county of Rowan shall be divided by a line beginning where Coddle Creek enters Mecklenburg, and running up the east fork of said creek to the road leading from Beattie's Ford to Salisbury, from thence a straight course to Alexander M'Kirkle's, Senior, from thence to the south fork of the Yadkin River at the mouth of a branch in Margaret Dobbins's Meadow, and from thence due north to the Surry line; that all that part of the said county of Rowan lying westwardly of the said dividing line, shall thenceforth be erected into a new and distinct county by the name of Iredell. And for due administration of justice:

II. Be it Enacted by the authority aforesaid, That a court for the said county of Iredell shall be held constantly by the Justices thereof on the fourth Mondays in March, June, September and December; and the Justices for the said county of Iredell are hereby authorized and empowered to hold the first court for the same at the house of William Durrreg, and all subsequent courts for said county on the days above appointed for holding courts therein, at any place to which the said Justices shall from court to court adjourn themselves, until a court-house shall be built for the said county of
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Iredell, and then all causes, matters and things depending in the said court, and all manner of process returnable to the same, shall be adjourned to such court-house; and all courts held in and for the said county of Iredell shall be held by commission to the said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction, as are or shall be prescribed for other courts held for the several counties in this state.

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

IV. And be it further Enacted by the authority aforesaid, That after the passing of this act the said county of Iredell shall be, continue and remain part of the district of the Superior Court of Law and the Court of Equity usually held for the district of Salisbury; and the county Treasurer of the said county of Iredell, shall from time to time account for and pay to the Treasurer of this state for the time being, all public levies by him collected, or wherewith he shall be chargeable, in the same manner, and under the like pains and penalties as other county Treasurers.

V. And be it further Enacted by the authority aforesaid, That James Kerr, Esquire, Edward Harris, John Brawley, Senior, and Baswell Galtier, Esquires, be appointed Commissioners; and they are hereby empowered and required to run the said dividing line between the said counties of Iredell and Rowan, agreeable to the directions of this Act; which said line, when run by the Commissioners, or a majority of them, shall be by them entered on record in the court of each of the said counties, and shall thereafter be taken and deemed to be the dividing line between the said counties of Rowan and Iredell.

VI. And be it further Enacted by the authority aforesaid, That George Davidson, Christopher Houston, Joseph Sharpe, Jeremiah Nelson and John Nisbett, the survivor or survivors of them, be and they are hereby empowered and directed, to agree and contract with workmen for erecting and building a court-house, prison and stocks for the use of the said county of Iredell, at such place as they or a majority of them, or their survivors, shall agree upon: And for reimbursing the said Commissioners the money they shall expend in erecting the said buildings, and running the dividing line between the said counties,

VII. Be it further Enacted by the authority aforesaid, That a tax of sixpence on every hundred acres of land, and a tax of eighteen pence on each poll, shall be and is hereby assessed on the taxable property in the said county of Iredell for two years, to commence from the passing of this act; and that all persons who shall refuse or neglect to pay the said tax at the time limited for the payment of public taxes, shall be liable to the same penalties and distress as for non-payment of public taxes; and the Collectors of the said county are hereby required and directed, to account for and pay the monies by them so collected to the Commissioners aforesaid, after deducting two and a half per cent. for their trouble in collecting the same; and in case of failure or neglect in any of the said Collectors, such Collector
so failing or neglecting, shall be liable to the same penalties and recoveries, as by law may be had against Collectors of public taxes in like cases.

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

IX. And be it further Enacted by the authority aforesaid, That the court of the said county of Iredell shall appoint six jurors to attend at every Superior Court that shall be held for the said district.

CHAPTER XXXVII.

An Act to empower the County Court of Cumberland to appoint Inspectors for the Ware-House built in Fayetteville by Roberson Mumford and James Porterfield, established by Act of Assembly, passed the twenty-ninth Day of December, One Thousand Seven Hundred and Eighty-five.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of Cumberland are hereby authorized and required to appoint two Inspectors to the said ware-house, subject to the same rules, regulations, fines and forfeitures, and entitled to the same privileges as other Inspectors heretofore appointed by the county court: Provided, That the said two Inspectors to be appointed in virtue of this Act, shall not be the same persons who are the Inspectors at the warehouse of Thackston and Company.

II. And be it further Enacted by the authority aforesaid, That no preference shall be given by the said court to any established ware-house erected in Fayetteville; any law, usage or custom to the contrary notwithstanding.

III. And be it further Enacted, That the Sheriff of the county of Cumberland is hereby empowered and required, to summons a majority of the Justices of the said county to meet on the second Monday of December next, in order to appoint two Inspectors to the ware-house of Mumford and Porterfield aforesaid; who shall continue until the next county court of Cumberland, and be subject to the same restrictions as other Inspectors of tobacco at public ware-houses: Provided, That all the Justices of the said county of Cumberland, shall be entitled to sit and vote on the appointment to be made on the second Monday in December aforesaid.

CHAPTER XXXVIII.

An Act to amend an Act, entitled “An Act for the better regulation of the Town of Fayetteville,” passed at Tarborough, in November, one thousand Seven Hundred and Eighty-seven.

Whereas several necessary regulations have been omitted in the above recited Act: 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 when any person shall be appointed by the Commissioners of the said town to collect the tax or taxes thereof, he shall prior to entering on the execution of his office, enter into bond with sufficient security in the sum of two hundred pounds to the Commissioners of the said town, and their successors in office, for the faithful discharge of his duty; and in case the person so ap-
pointed shall refuse to serve, or fail to give security as aforesaid, the said Commissioners shall 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 day of May in each and every year, after deducting five per cent. commissions for his trouble in making such collection; 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, it shall and may be lawful for the Superior Court of Fayetteville district, or the county court of Cumberland, on motion of the Commissioners aforesaid, or a majority of them, or on motion of the Treasurer of the town aforesaid on their behalf, to enter up judgment against such Collector and his securities, for all monies wherewith he shall or may be chargeable to said town, with costs of suit, and thereupon to award execution against the goods and chattels, lands and tenements, or against the body of the said Collector, and his securities:
Provided always, That the said Collector shall have ten days notice previous to such motion being made.

II. And be it further Enacted by the authority aforesaid, That the Commissioners of the said town shall annually lay and levy a tax, not exceeding four shillings on every hundred pounds value of taxable property within said town, and a proportionable poll tax on all persons who do not possess in said town the value of one hundred pounds taxable property; and all persons having resided six months within the limits of said town, shall be considered as subject to such taxes.

And whereas several of the inhabitants of said town have erected wooden chimneys, whereby fire may be communicated, to the great danger of the buildings and other property of the citizens thereof:

III. Be it Enacted by the authority aforesaid, That the Commissioners for said town shall be and they are hereby empowered and required, to direct all such person or persons to remove such nuisances, under the penalty of ten pounds for each and every such offence, neglect or refusal, to be recovered by warrant under the hand and seal of the said Commissioners or the Magistrate of Police of said town, directed to any person by them appointed, which money shall be paid into hands of the Treasurer of said town; and such person so offending shall be further liable to pay all damage which shall or may arise therefrom, provided that no person shall be subject to this penalty until the Commissioners shall have made publication of this regulation for the space of six months at the door of the court house of the county of Cumberland.

IV. And be it further Enacted by the authority aforesaid, That the Commissioners of the said town shall annually in the month of December, publish an accurate list of the monies levied and collected, and also of all monies they may have received, either by fines, donations or otherwise, for the use of the said town; together with an account of each sum expended, to whom paid and for what purpose; together with an account current, in which shall be stated the balance remaining in their hands if any; and the Commissioners falling to comply with the same, shall forfeit and pay the sum of fifty pounds for each and every offence, to be recovered by any person (who shall sue for the same within twelve months after the commitment of such offence) before any court of record having cognizance thereof, one half to the use of the prosecutor, the other half to be paid to the Treasurer of the town aforesaid for the use of the said town; which sum or
sums shall be levied on the proper goods and chattels, lands and tenements of the said Commissioners or either of them.

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

CHAPTER XXXIX.

An Act to amend an Act, entitled “An Act for the Promotion of Learning in the District of Wilmington.”

Whereas an act for the promotion of learning in the district of Wilmington, made and ratified at Hillsborough, the seventeenth day of May, one thousand seven hundred and eighty-three, is in many respects defective, and several of the Trustees therein named being dead or left the state, and the remainder being a bare majority being too much dispersed to meet with convenience at any one place, the said act cannot be carried into effect; by reason of which the testamentary donation of the late James Innes, Esquire, is in danger of being lost: 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 Trustees shall consist of not less than twenty and not more than thirty members, and that Thomas Clark, John Ferguson, John Huske, James Read, Joshua Potts, Frederick Jones, John Swann, John Ablin Campbell, Thomas Crake, Thomas Wright, John Pugh Williams, Henry Watters, Thomas Maclaine, John Hill, John McKenzie and Thomas Younger, be and they are hereby appointed Trustees of Innes Academy, jointly with the surviving Trustees now in this state appointed by the before mentioned act; and that the said Trustees shall be a body politic and corporate, and by the name and title of the President and Trustees of Innes Academy shall have perpetual succession, and by the same name shall sue and be sued, plead and be imploided in all courts whatsoever, and their common seal affixed to any instrument or testimonial, shall be legal testimony in any suit in law or equity.

II. And be it Enacted by the authority aforesaid, That the said Trustees, or a majority of them, by the name, style and title of the President and Trustees of Innes Academy, shall have full power and authority from time to time, as they shall see fit and reasonable, to make rules, ordinances and bye-laws as to them may appear necessary, for the order and good government of the said academy, and the teachers and students thereof, as well as for the regularity of their proceedings; and such rules, ordinances and bye-laws to alter and change as to them shall seem expedient: Provided always, That such rules, ordinances and bye-laws shall be reasonable, and not inconsistent with the constitution of the state.

III. And be it Enacted, That the Trustees by this and the before mentioned act, or a majority of them being met together, shall have full power and authority at their first meeting, or at any subsequent general meeting, if they should deem it necessary, to elect by ballot a sufficient number of persons to be Trustees to make the whole number as aforesaid; and if any Trustee shall absent himself at two successive general meetings, without assigning a sufficient cause for so doing, he shall be considered as having voluntarily withdrawn himself as a Trustee, and his place shall be supplied by a new choice; and no Rector, Professor or Tutor shall be liable to militia duty; provided there are not more than three employed in teaching one branch
of literature; nor shall any student of the said academy be obliged to attend at any militia musters.

IV. And be it further Enacted by the authority aforesaid, That exclusive of a President the said Trustees shall choose at their first meeting not less than three Vice-Presidents, and every Trustee who shall have been a President, shall be considered afterwards as one of the Vice-Presidents; and at any meeting where the President shall happen to be absent, the Vice-President who shall first appear at that meeting shall preside for the time.

V. And be it also Enacted, That the said Trustees may choose a Treasurer without limitation of time, but may remove him at pleasure; but before such Treasurer shall enter upon execution of his office, he shall give bond to the President and Trustees in double the value which he may be authorized to receive, and so from time to time as he may be empowered to receive monies, subscriptions, rents or donations, with a condition thereto underwritten, that he well and faithfully pay and account for the same whenever thereto demanded; a copy of every which bond shall be certified by the Secretary for the time being, and shall be acknowledged in the court of New Hanover county, where the Clerk shall file the same, and be entitled to demand and receive a fee of ten shillings for so doing.

VI. And be it further Enacted, That the first meeting of the said Trustees shall be in the town of Wilmington, on the first day of January after the passing of this Act; and all future meetings shall be in the said town until a proper building shall be erected for the academy, and a convenient chamber can be spared for the Trustees, and then the meetings shall be held in the academy; and any three members residing in the town giving notice to the other Trustees to attend the first meeting, shall be of equal force as if the officers were chosen: Provided always, That after the first meeting the President and Trustees shall be authorized to empower any less number than a majority of the whole, to do and perform such acts as they shall deem necessary, so that the funds of the academy shall not be disposed of, or the salaries of the teachers enhanced or diminished: Provided, That they shall not on any account grant degrees or titles, such as Bachelor or Master of Arts, or Doctor in any faculty; Provided also, That nothing herein contained shall be construed so as to make this one of the academies mentioned in the constitution of this state.

CHAPTER XL.

An Act to Annex Part of Brunswick County to the County of New Hanover.

Whereas it is represented to the General Assembly, that the inhabitants of Brunswick county, who reside in the fork of Black river and the north west branch of Cape Fear River, suffer many inconveniences in performing their public duties, having to cross the North west River, which in time of freshes is difficult, if not impracticable: For Remedy whereof,

1. Be it Enacted by the General Assembly of the state of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, all that part of the county of Brunswick which lies in the fork of Black River and the North West as far as the Bladen line, shall hereafter be annexed to the county of New Hanover; any law, usage or custom to the contrary notwithstanding: Provided nevertheless, That nothing herein contained shall prevent the Sheriff or Collectors of Brunswick county from collecting the taxes due, or from suits commenced to be prosecuted to final issue in said county.
CHAPTER XLI.

An Act to enable John M'Gee to inherit and Recover the Estate of his reputed Brother, Jesse Steed, deceased.

Whereas it is represented to this General Assembly, that Jesse Steed, late of Guilford county, deceased, in his life time and at the time of his death was entitled to a considerable real estate, besides some personal property, and that the said Jesse Steed departed this life in or about the month of May, one thousand seven hundred and eighty-seven, intestate, without leaving any wife or issue, and that administration of the goods and chattels, rights and credits of the said Jesse Steed, was afterwards granted by the county court of Guilford to one James Bohanan, who claimed the same as the greatest creditor of the said deceased: And whereas it having been made appear to this General Assembly that the said Jesse Steed was an illegitimate son born of the body of one Elizabeth Steed, and has left no kindred who can legally succeed to his estate, but has left his reputed brother John M'Gee, of Brunswick county, in Virginia (also a son of the said Elizabeth) but born in wedlock during her coverture with Michael M'Gee, whom it is reasonable to suppose the said Jesse Steed might have preferred in case he had made a will: And whereas it has likewise been made appear, that the said Elizabeth bore two other children, to wit, Moses and Michael M'Gee, and no more, and afterwards died; that the said Moses died without issue, and the said Michael removed himself towards South Carolina about thirteen years ago, and it is not known by his relations whether he is living, or whether he had issue or not:

I. Be it therefore Enacted, That the said John M'Gee be henceforth considered as next of kin to the said Jesse Steed, deceased; and that he the said John M'Gee, be and he is hereby empowered and enabled, in his own name to ask, demand, sue for, recover and receive all the estate both real and personal whatsoever of the said Jesse Steed, to which the said Jesse Steed, at the time of his death, was or might be entitled either in law or equity; and that all such real and personal estate be, and it is hereby fully and absolutely vested in the said John M'Gee, his heirs and assigns forever; except such part of the personal estate as has been or may be legally administered and appropriated to the paymaster of demands against the said estate; provided, That he enter into bond with security in the county court aforesaid, to surrender one half of the said estate to Michael M'Gee the younger, or his heirs, if he or they should appear and claim the same, after deducting all reasonable expenses by him incurred in the management of the said estate; and the said court of Guilford county is hereby authorized and directed to take bond as aforesaid, and cause the same to be filed of record.

CHAPTER XLII.

An Act for erecting a Town on the Lands of Thomas Douggan, in Randolph County.

Whereas it hath been represented to this General Assembly, that a town in the county of Randolph, on the lands of Thomas Douggan, at the courthouse in said county, would be conducive to the interest of the said county; and the said Thomas Douggan having signified his consent to have one hundred acres of the said land laid off for a town:

I. Be it therefore Enacted by the General Assembly of the State of
North Carolina, and it is hereby Enacted by the authority of the same, That the said one hundred acres of land be laid out in lots containing one acre each, and streets accordingly; and the same is hereby constituted and established a town by the name of Johnstonville.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, Jeduthun Harper, Jesse Hendley, Samuel Millkin, William Bell and Zebedee Wood be and they are hereby appointed Commissioners and Trustees, for designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate in fee simple to the said one hundred acres of land in trust, for the uses and purposes herein expressed; and they or a majority of them shall have full power to meet as often as they shall think proper, to lay off the said lots, with proper and convenient streets, lanes and alleys, each lot to be ten poles in front and sixteen poles back, and cause a plan of the said town to be made, and insert therein the marks and numbers of each lot: Provided always, That nothing in this act shall be construed to grant powers to the Commissioners and their successors, to dispose of such lot or lots within the limits of the said town, as have been sold or disposed of by the said Thomas Dougann or Stephen Rigdon; nor such as the said Thomas Dougann has reserved for himself and built thereon.

And whereas there are five acres of land whereon the court-house, prison and stocks do stand belonging to the said county, and conveyed by deed from Stephen Rigdon for the use of the said county; which is more than sufficient for the public buildings of said county, and will be very convenient in or near the center of the said town:

III. Be it therefore Enacted by the authority aforesaid, That the said Commissioners are hereby authorized and required, to lay off two acres of the said land in the most convenient manner, to include the public buildings of the said county; and the remaining three acres to lay off as part of the said town, and sell such lots or parts of lots to the highest bidder, and the monies arising therefrom to be paid by the said Commissioners into the hands of the county Trustee, for the use and benefit of the said county: Provided always, That where any lot or lots shall contain part of the aforesaid three acres of land and part of the land hereby granted by the said Thomas Dougann, that such part shall be sold by the Commissioners to the highest bidder, and they shall pay to the said Thomas Dougann for such parts of lots, one half of the money arising from such sale, and the residue shall be applied to and for the use of the said town.

IV. And be it further Enacted by the authority aforesaid, That as soon as the said town shall be laid off as aforesaid, the said Commissioners shall have full powers to take subscriptions for the said lots; and when they shall have taken subscriptions for fifty lots or more, they shall appoint a day by giving public notice of the time and place for drawing for the said lots, which shall be done by ballot in a fair and open manner, in the presence of the Commissioners or a majority of them; and each subscriber shall be entitled to such lot as shall be drawn for him, to correspond with the mark and number contained in the plan of the said town; and the said Commissioners or a majority of them shall execute a deed in fee simple for such lots to the subscribers, their heirs and assigns forever, at the costs and charge of the grantees.

V. And be it further Enacted by the authority aforesaid, That each subscriber shall within one month after drawing as aforesaid, pay to the said Commissioners the sum of five pounds ten shillings current money for each lot, and in case of neglect to pay the same, the said Commissioners
shall prosecute a suit or suits for the recovery thereof, and shall recover judgment for the same with costs of suit; and the said Commissioners shall, as soon as they receive the said monies, pay unto the said Thomas Dougall the sum of five pounds for each lot, in full satisfaction for the said land, and the remaining ten shillings for each lot, to be applied towards defraying the expenses in laying off and improving the said town, in such manner as they or a majority of them may direct; and in case of the death, removal out of the county, or refusal to act of any of the said Commissioners, the survivor or survivors of them are hereby empowered to appoint another or others in his or their stead.

VI. And be it further Enacted by the authority aforesaid, That the said Commissioners shall keep a well bound book, wherein shall be entered their proceedings; and they shall appoint a Clerk and Treasurer for said town, who shall enter into bond with sufficient security to perform their several offices.

CHAPTER XLIII.

An Act to Amend an Act, entitled "An Act to amend an Act, entitled An Act to remove all Disabilities from Simon Cleary, and others therein named."

Whereas by an act, entitled "An Act to amend an Act, entitled An Act to remove all disabilitites from Simon Cleary, and others therein named," passed last General Assembly at Tarborough, it is inserted and set forth in the preamble of the said act, that the benefits intended for the persons therein named, were extended to them on account of their inability to come into this State within the time limited by the act passed in November, 1784, commonly called the confiscation act, instead of December, one thousand seven hundred and seventy-seven; and instead of saying that a further provision be made for the relief of the said Simon Cleary, it is mentioned to be for his life, contrary to the intention of the legislature, and inconsistent with the enacting clauses of the said act: Therefore to carry the intention of the General Assembly into effect, and to prevent the said act from being misconstrued:

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 emendatory act passed at Tarborough as aforesaid, shall operate as fully, amply and forcibly as if the words December, one thousand seven hundred and seventy-seven, had been expressed instead of the word and figures November, 1784, and the word relief instead of the word life; and the said act shall be so understood, construed and expounded, and in the same manner as if the words December, one thousand seven hundred and seventy-seven had been therein expressed instead of the word and figures November, 1784, and as if the word relief had been therein expressed instead of the word life as aforesaid; any law, usage or custom to the contrary notwithstanding.

CHAPTER XLIV.

An Act to Annex Part of Bladen County to Robeson County, and to amend an Act, entitled "An Act to divide the County of Bladen."

Whereas it is represented to this General Assembly, that all that part of the inhabitants west of the Great Swamp, in Bladen county, are inconven-
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...ently situated to attend the public meetings at the court-house in the said county, and petitions to be added to the county of Robeson; which would be productive of many advantages, by enabling them to keep in repair certain roads crossing the Great Swamp, and also to attend the courts of Robeson county with much convenience, to which they should belong by a natural boundary:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, all that part of the county of Bladen west of the Great Swamp, be and the same is hereby annexed to and shall remain part of the county of Robeson; and that the dividing line between the said two counties shall be and forever remain as herein described, viz: Beginning at the line dividing this State from South Carolina where it crosses Drowning Creek, and the said Drowning Creek to be the line (as it now is) to the mouth of the aforesaid Great Swamp, thence up the meanders of the east side of the said swamp to the head thereof commonly called the Galberry, and thence a direct line to the head of Gilley's Branch, and down the meanders of said branch of Rockfish Creek, and thence to the nearest point to the Cumberland line.

II. And be it further Enacted by the authority aforesaid, That Peter Roberson, John Willis, Jacob Rhodes and Samuel Cain are hereby appointed commissioners; and they or any three of them are hereby empowered to run the said dividing line, and are required to make return thereof to the courts of the aforesaid counties, and the same to be entered on record.

And whereas the time heretofore appointed by law to hold the courts in the said county of Robeson, is found to be very inconvenient, by interfering with the time of holding courts in several of the adjacent counties:

III. It is hereby Enacted by the authority aforesaid, That instead of holding the said courts on the second Mondays in May, August, November and February, they shall hereafter be constantly held on the third Mondays in April, July, October and January; and the Justices appointed to hold the same, are hereby authorized to adjourn their proceedings from time to time as by this law required.

IV. And be it further Enacted, That nothing herein contained shall be so construed as to prevent the collecting of such tax or taxes as are now actually due and owing to the county of Bladen, from such inhabitants as are by this Act added to the county of Robeson.

CHAPTER XLV.

An Act to Empower the County Court of Rockingham to lay a further Tax, to Reimburse the Commissioners the Money by them Expended in Erecting the Court-House, Prison and Stocks in said County.

Whereas the tax laid in the county of Rockingham for the years one thousand seven hundred and eighty-six and one thousand seven hundred and eighty-seven, is found to be insufficient to reimburse the Commissioners for the money by them expended, in erecting 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 the county court of Rockingham shall have power, and are hereby directed to lay a tax at their February sessions next, not exceeding two shillings on each poll, and a tax not exceeding eight pence on every hundred acres of
land, for the reimbursements of the Commissioners aforesaid: Provided, That a majority at least of the Justices of the said county shall be present when the said tax is laid.

II. Be it further Enacted, That the court of the said county of Rockingham is hereby empowered to direct their Clerk to furnish the different Collectors with the amount of the said tax on the poll, and on each hundred acres of land, immediately after their said session in February next; which tax shall be collected and accounted for at the same time as the public tax for the year one thousand seven hundred and eighty-eight; and the Collectors and Sheriff shall be entitled to the same commissions on said tax, as they are allowed for the collection of the public taxes.

III. And be it further Enacted, That the Collectors and Sheriff shall be under the same pains and penalties for the collection of the said tax, as they and each of them are for the neglect of duty in the collection of public taxes.

IV. And be it further Enacted by the authority aforesaid, That the Sheriff of Rockingham county shall pay the money arising from the said tax into the hands of the Commissioners for their reimbursement, and the overplus, if any remains, the court shall apply towards lessening the county tax.

V. And be it further Enacted, That this act shall continue and be in full force for and during the term of two years, and no longer.

CHAPTER XLVI.

An Act empowering Thomas Johnston, late Sheriff of Onslow County, his Heirs, Executors or Administrators, to collect the Sinking Fund Tax due from that County for the Year 1786, and for giving him or them a longer Time to Collect and Settle for the same, and for Extending this Act to the Counties therein mentioned.

Whereas it is made appear to this General Assembly, That Thomas Johnston, late Sheriff of Onslow county, hath not received the sinking fund tax due from the inhabitants of Onslow county for the year one thousand seven hundred and eighty-six, and that he stands chargeable with 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 said Thomas Johnston, his heirs, executors or administrators, have full power and authority to collect the said tax, under the same rules and regulations as other public taxes are collected and accounted for; and that he or they collect the said tax, and pay the same into the public treasury of the state of North Carolina, on or before the last day of September next; any law, usage or custom to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, That this Act shall extend to the counties of Tyrrel and Rutherford, in as full and ample manner as to the county of Onslow.

CHAPTER XLVII.

An Act to Appoint Commissioners to Superintend the Building a Prison and Stocks for the District of Fayetteville, and to levy a Tax in the Counties within the said District, for defraying the Expenses thereof.

Whereas the erecting a prison and stocks in the said district is absolutely necessary to insure the due execution of the laws and the punishment of offenders:
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I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Thomas Overton, Jacob Rhodes, Richard Clinton, Thomas Armstrong and Edward Williams, be, and they or a majority of them are hereby appointed Commissioners, for the purpose of fixing on a proper place in the town of Fayetteville for the erection of a prison and stocks for the said district, and to contract with proper persons for the erection and completion of such prison and stocks; and the said Commissioners, or a majority of them, may agree upon the dimensions and form of the prison.

II. And be it further Enacted by the authority aforesaid, That a tax of two shillings on each and every poll, and eight pence on each and every hundred acres of land, and two shillings on each hundred pounds value of town lots with their improvements, in the county of Cumberland; and a tax of one shilling on each and every poll, and four pence on each hundred acres of land, and one shilling on each hundred pounds value of town lots with their improvements, in the counties of Moore, Sampson, Robeson and Richmond, shall be levied and collected for the year one thousand seven hundred and eighty-nine, and half of the aforesaid sum for the year one thousand seven hundred and ninety, for the purposes of defraying the expense of building the said prison and stocks, in the same manner, and under the same rules and restrictions as the public taxes are, and paid into the hands of the said Commissioners.

III. And be it further Enacted by the authority aforesaid, That the said Commissioners, after paying all the charges incurred in the building the said prison and stocks, shall pay such surplus as shall then remain in their hands to the Clerk of the Superior Court of Fayetteville district, for the purpose of repairing the court-house of said district, and the prison and stocks, as the Commissioners may think necessary.

IV. And be it further Enacted, That if the Sheriff of any of the said counties shall fail to account with the said Commissioners for the aforesaid tax, at the time when the public tax is demandable, the said Commissioners shall be authorized, and are hereby required, to take judgment against such Sheriff for the sum due from him, in the same manner as the Treasurer is authorized to do by law for the public tax due from any delinquent Sheriff.

CHAPTER XLVIII.
An Act to amend an Act passed at Hillsborough, in the Year One Thousand Seven Hundred and Eighty-three, entitled “An Act to vest certain Lands in Fee Simple in Richard Henderson and others.”

Whereas by reason of danger from the Indians, and the unsettled state of the country where the said lands lie, the survey of them could not be completed within the time prescribed by the said 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 the said Richard Henderson and Company, shall have full power, right and authority to compleat the said survey, according to the said act of Assembly; and if compleated within twelve months after a peace shall be settled with the Indians, it shall be as full and effectual to all intents and purposes, as if it had been compleated within the time prescribed by the said Act.
CHAPTER XLIX.

An Act to Establish a Town Already Laid Off at the Court-House in Robeson County, by the Name of Lumberton.

Whereas John Willis, Esquire, did, by a conveyance in trust for the purpose of having the same laid off and disposed of by way of lottery, convey a certain quantity of land to Henry Lightfoot, Elias Barns, Jacob Rhodes, Sampson Bridgers and William Tatham, Esquires, who were pursuant thereto appointed by the county court of Robeson to superintend the same; and the said superintendents did cause the said land to be laid off into half-acre lots, with convenient streets and commons, and a public square, by the name of Lumberton: And whereas the said lottery was drawn, and the plan and scheme thereof, with all other papers respecting the same, filed and deposited in the Clerk's office of said county, and the public buildings for said county erected on said square; and there now being considerable improvements made in said town, the inhabitants thereof and owners of said lots, are desirous that the same should be established by legislative authority:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said land so laid off, be established a town and town common, agreeable to the scheme and plan thereof, by the name of Lumberton.

And whereas it may so happen that said managers appointed as aforesaid, may remove themselves out of the said county, die or resign their appointment: For remedy whereof,

II. Be it further Enacted by the authority aforesaid, That it shall and may be lawful for the Justices of the county court aforesaid, when such vacancies shall or may happen, to appoint such other managers as they may think proper to fill such vacancies; and a majority of them shall always be considered as sufficient in making conveyances in the manner heretofore expressed.

III. And be it further Enacted by the authority aforesaid, That all lots and town property in the said town of Lumberton shall be subject to assessment and taxation, in the same manner, and under the same regulations as other town property in this state.

And whereas there are lots lying in said town which have not been claimed, and it is probable the tickets are lost and may never appear: and in order to do justice to the owner or owners of such lots, if any there be:

IV. It is hereby Enacted, That the managers for said town cause to be rented out, all such improved lots from year to year, for the highest sum that can be had for the same; which sum they shall be subject to account for to such person or persons as may prove themselves to be the lawful owner or owners.

CHAPTER L.

An Act to Establish the Town Already Laid Off at the Court-House in Caswell County.

Whereas one hundred acres of land, adjacent to and whereon Caswell court-house now stands, hath been laid off into a town of square streets and sixty-two lots, by Nicholas Delone and William Lea, who were the proprietors of the aforesaid one hundred acres of land, and hath already sold and disposed of to merchants, artificers and others, the aforesaid sixty-two
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lots, many of whom have erected buildings and made considerable improvements for the purpose aforesaid, and are desirous the said town should be established by legislative authority:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said one hundred acres of land so laid off into square streets and lots, be and the same is hereby constituted, erected and established into a town, and shall be called by the name of Leasburg:

II. And be it further Enacted by the authority aforesaid, That Nicholas Delone, William Lea, Lloyd Vanhook, Thomas Neely, Gabriel Lea, Samuel Johnston and John M'Farlin, be and they are hereby constituted and appointed Trustees, for the further designing, building and improving the said town.

And for continuing the succession of the Trustees or Directors of said town:

III. Be it Enacted by the authority aforesaid, That in case of the death, refusal to act or removal out of the county, of any of the said Trustees or Directors, the surviving or other Trustees or Directors, or a majority of them, shall assemble, and are hereby empowered, from time to time, by instrument of writing under their respective hands and seals, to nominate and appoint some other person or persons, in the room and place of him or them so dying, refusing to act or removing out of the county; which new Director or Directors so nominated and appointed, shall from thenceforth have the like powers and authority as if he or they had been expressly nominated in and by this Act. Provided always, That the lot of four acres of land, whereon the public buildings for said county now stand erected, together with the springs in the said town, shall agreeably to the original survey of the said lot be reserved for public use; and inhabitants thereof shall have free egress and regress to and from the said springs, by such streets and alleys as shall be deemed and laid off most convenient by the said Commissioners; any thing herein contained to the contrary notwithstanding.

CHAPTER LII.

An Act to Authorize and Enable John Colson to return into this State, and Exercise the Privileges therein mentioned.

Whereas it hath been made appear to the General Assembly, that John Colson, late of Anson county, in this state, did convey and transfer unto his grand children a considerable part of his estate, both real and personal, whereof he stood seized and possessed, and did remove himself out of the limits and jurisdiction of this state, having left considerable debts unpaid due by him to sundry of the inhabitants of this state: And whereas suits have been commenced against the said John Colson for the recovery of the said debts, by attachment and otherwise, which will tend greatly to oppress and injure the grand children of the said John Colson, by depriving them of their respective donations, unless he should be permitted to return and settle his affairs: 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, It shall and may be lawful for the said John Colson, his heirs, executors, administrators or assigns, to sue or be sued, implead or be impleaded, answer or be answered, in any court of record

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In this state, for all and singular sums of money due to him or owing by him the said John Colson, in any manner whatsoever; any law to the contrary notwithstanding: Provided nevertheless, That nothing in this act contained, shall be construed to authorize or enable the said John Colson to commence or prosecute any suit, either in law or equity in this State, until he shall have previously before some Justice of the Peace, or before one of the Judges of the Superior Court, taken and subscribed an oath of allegiance and fidelity to this state.

Read three times and ratified in General Assembly, at Fayetteville, the 6th day of December, 1788, except chapters 41 and 43, which were ratified the 15th of November, chapter 21, the 29th of November, and chapter 26, the 4th of December, 1788.

ALEXANDER MARTIN, S. S.
JOHN SITGREAVES, S. H. C.

The foregoing is a true copy:

JAMES GLASGOW, Secretary.