At a General Assembly, begun and held at Fayetteville, on the second Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty-Nine, and in the Fourteenth Year of the Independence of the said State; being the first session of the said Assembly. Samuel Johnston, Esq., Governor.

CHAPTER I.

An Act Directing the Manner of Electing Representatives to represent this State in Congress.

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 until an actual census be made, this state shall be divided and laid off into five divisions; the first to be called Roanoke division; the second Edenton and New Bern division; the third Cape Fear division; the fourth Yadkin division; and the fifth the Western division; each of which shall be formed by annexing two of the Superior Court districts together, in the following manner: that is, the districts of Hillsborough and Halifax, shall form the Roanoke division; the districts of New Bern and Edenton shall form the Edenton and New Bern division; the districts of Wilmington and Fayetteville shall form the Cape Fear division; the districts of Salisbury and Morgantown shall form the Yadkin division; and the districts of Washington and Mero shall form the Western division; each of which divisions shall be entitled to elect and send one Representative to the Legislature of the United States; and the person elected in each division shall be a resident or inhabitant of that division for which he is elected, during the space or term of one year before, and at the time of election.

II. And be it further enacted by the authority aforesaid, That the elections shall be held in each county within the said divisions of Roanoke, Edenton and New Bern, Cape Fear, and Yadkin, on the first Thursday and Friday in February next ensuing, at the places appointed by law for the annual elections of Members of the General Assembly, and the same are to be conducted in like manner with the said annual elections, saving that the inspectors of the election, and clerks of the poll, shall be qualified to act with justice and impartiality, by any one Justice of the Peace then present; and each and every freeman entitled to vote for a Member of the Commons House of Assembly, shall and may vote for a Representative; and in counties where separate places of elections have been established by law, the elections directed by this act shall be conducted by the returning officer, in the same manner as elections for Members of Assembly heretofore, such officer making return of the poll agreeably to this Act.

III. And be it further enacted by the authority aforesaid, That immediately after the close of the election in each county, the Sheriff or other returning officer, shall, in the presence of the inspectors of the election, make out two correct statements of the number of votes given to each candidate in his county, which two statements shall be certified by the said Sheriff or returning officer and a majority of the inspectors, one of which statements shall be by the inspectors filed in the Clerk's office of the
county, and the Sheriff or other returning officer, by himself or deputy, shall attend with the other on the day and at the place herein after mentioned, and at the same time and place, the poll for the different counties shall, by the said Sheriffs or their deputies, or other returning officers, as the case may be, in the presence of three Justices of the Peace, which are to be summoned and to attend for that purpose, be examined and compared, and a certificate, under the hands and seals of the said returning officers, shall be given to the candidates in each division for whom the greatest number of votes shall have been given: but if two or more candidates shall have an equal number of votes, the said returning officers shall decide which of them shall be the Representative; and if the said returning officers do not decide by their votes who shall be the representative then they shall decide the same by drawing in the like manner as the Grand Jury are drawn for in the Superior Courts.

IV. And be it further enacted by the authority aforesaid, That each and every person who shall be duly elected a Representative under this act, shall upon obtaining a certificate of his election according to the directions above mentioned, obtain from his Excellency the Governor, a commission certifying his appointment as Representative aforesaid, which commission the Governor is hereby empowered and required to grant on his producing such certificate.

V. And be it further enacted, That the Sheriffs or returning officers for Roanoke division, shall meet on the third Monday in February next, at Williamsborough, in Granville county; those for Edenton and New Bern division shall meet at Mackey's ferry on the same day; those for Cape Fear division shall meet at Elizabeth Town on the same day; and those of the Yadkin division shall meet at the house of Colonel David Caldwell, in Iredell county, on the said third Monday in February. Provided, That if any accident shall happen to either of the returning officers, which may prevent their meeting on the day aforesaid, the returns of such officers shall be received on the day following; and the Sheriff or Coroner or his deputy failing to attend at the time and place before ascertained, shall forfeit and pay the sum of five hundred pounds, to be paid into the treasury of this state upon due proof thereof in any court of law within this state, to be recovered upon an action of debt, by the Treasurer of this state for the time being.

VI. And whereas from the great distance between the districts of Meri and Washington, it will be difficult and dangerous for the Sheriffs or other returning officers of the Western division to meet conveniently to examine and compare their respective number of polls, Be it therefore enacted, That the election for said division shall be held on the second Monday and Tuesday in March, and the returning officers of the district of Washington, shall meet on the first Monday after said election, at the town of Jonesborough, and in the presence of three Justices of the Peace, to be summoned for that purpose, compare and examine the return of the polls from the several counties of said district, and make out a true statement thereof, which shall be certified under the hands and seals of the returning officers, and countersigned by a majority of the said Justices, and shall then be delivered to the Clerk of the Superior Court of the said district: And the returning officers of the district of Meri, shall, on the Monday following the election, meet in the town of Nashville, and on such meeting shall in the presence of three Justices of the county of Davidson, to be summoned for that purpose, examine and compare the statements of the polls of the different counties of said district, and make out two statements thereof, and certify the same under their hands, which shall also be countersigned by a majority
of said Justices; one statement shall be lodged with the Clerk of the Superior Court of the said district, the other shall be delivered to the returning officer of the said county of Davidson, whose duty it shall be to transmit or carry the same safely, within twenty days after the receipt thereof, to the Clerk of the Superior Court in Washington district, who for that purpose shall attend at the house of James White, in Hawkins county; which Clerk shall, as soon as he receives the said return, compare and examine the same, together with the statement of the poll from the district of Washington, in the presence of three Justices of the Peace, and the person entrusted with said return from Mero, in like manner as Sheriffs are enjoined, and shall give a certificate under his hand and seal, to the candidate having the greatest number of votes; and in case two or more candidates shall have an equal number, the said Clerks shall decide which of them shall be the Representative, provided that the said Clerk shall not be entitled to vote for a Representative in the county wherein he resides, at the election, of such Representative.

VII. And be it further enacted, That the Sheriffs and other returning officers, and the person entrusted with the return from Mero, shall be allowed the sum of twenty shillings for every thirty miles travelling to and from the places appointed for the returning officers to meet, and the place where the returns of the Western division is to be made, and twenty shillings for each day which they shall necessarily attend at such meeting, comparing the polls.

VIII. And whereas, the dividing line between the counties of Surry and Stokes will be extended previous to the first election of Representatives; and whereas, there will be no Sheriff for the county of Stokes to hold the election: Be it therefore enacted, That John Bostick is hereby authorized and empowered to hold the election for a Representative in the county of Stokes, in the same manner as the Sheriffs of other counties are authorized to hold said election, he, the said John Bostick, first taking an oath in the presence of three Justices of the Peace for the said county, that he will conduct the said election without favour, affection, or partiality; which three Justices shall certify the same under their hands and seals.

IX. And be it further enacted, That if any person shall be found guilty of having committed any fraud in executing the duties enjoined on him by this act, he shall, on conviction, forfeit and pay the sum of one hundred pounds, and suffer six months imprisonment, without ball or mainprise.

CHAPTER II.

An Act Directing the Mode of Choosing Senators to Represent This State in the Congress of the United States.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Legislature of this State shall, at their annual meeting whenever a Senator or Senators are to be chosen, at such time during their sessions as they shall appoint, by joint ballot of both Houses of the General Assembly, elect such Senator or Senators as may be necessary, under the inspection of two members from each House; and it shall be necessary to have a majority of votes of both Houses to elect any person for that purpose.

II. Be it further enacted by the authority aforesaid, That the person or persons so elected Senator or Senators, shall obtain a certificate of his or their election, signed by the Speakers of the two Houses, and shall
be commissioned by the Governor for the time being, with the great seal of the State annexed to the commission.

CHAPTER III.

An Act for the Purpose of Ceding to the United States of America, Certain Western Lands Therein Described.

Whereas, the United States in Congress assembled, have repeatedly and earnestly recommended to the respective States in the union claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received: Now this State being ever desirous of doing ample justice to the public creditors, as well as establishing the harmony of the United States, and complying with the reasonable desires of her citizens:

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 Senators of this State in the Congress of the United States, or one of the Senators and any two of the Representatives of this State in the Congress of the United States, are hereby authorised, empowered, and required to execute a deed or deeds on the part and behalf of this State, conveying to the United States of America, all right, title, and claim which this State has to the sovereignty and territory of the lands situate within the charterd limits of this State, west of a line beginning on the extreme height of the Stone Mountain, at the place where the Virginia line intersects it, running thence along the extreme height of the said mountain, to the place where Watauga River breaks through it, thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same, thence along the ridge of said mountain between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain, from thence along the extreme height of said mountain, to where Nolichucky River runs through the same, thence to the top of the Bald Mountain, thence along the extreme height of the said mountain, to the Painted Rock on French Broad River, thence along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoaky Mountain, thence along the extreme height of the said mountain, to the place where it is called Unicoi, or Unaka Mountain, between the Indian towns of Cowee and Old Chota, thence along the main ridge of the said mountain, to the southern boundary of this State, upon the following express conditions, and subject thereto: That is to say,

First. That neither the lands nor inhabitants westward of the said mountain shall be estimated, after the cession made by virtue of this Act shall be accepted, in the ascertaining the proportion of this State with the United States in the common expense occasioned by the late war.

Secondly. That the lands laid off, or directed to be laid off, by any Act or Acts of the General Assembly of this State, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and enure to the use and benefits of the said officers, their heirs and assigns respectively; and if the bounds of the said lands already prescribed for the officers and soldiers of the continental line of this State, shall not contain a sufficient
quantity of lands fit for cultivation, to make good the several provisions intended by law, that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion after all the lands fit for cultivation within the said bounds are appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said territory intended to be ceded by virtue of this Act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then and in that case, the Governor for the time being, shall, and he is hereby required to perfect, from time to time, such titles, in such manner as if this Act had never been passed; and that all entries made by, or grants made to all and every person and persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made, and that all and every right of occupancy and pre-eminents, and every other right reserved by any Act or Acts, to persons settled on and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood that if any person or persons shall have, by virtue of the Act, entitled "An Act for opening the land-office, for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three, made his or their entry in the office usually called John Armstrong's office, and located the same to any spot or piece of ground on which any other person or persons shall have previously located any entry or entries, that then and in that case, the person or persons having made such entry or entries, or their assignee or assignees shall have leave and be at full liberty to remove the location of such entry or entries to any lands on which no entry has been specially located, or any vacant lands included within the limits of the lands hereby intended to be ceded. Provided, That nothing herein contained, shall extend or be construed to extend to the making good any entry or entries, or any grant or grants heretofore declared void by any Act or Acts of the General Assembly of this State.

Thirdly. That all the lands intended to be ceded by virtue of this Act, to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose and for no other use or purpose whatever.

Fourthly. That the territory so ceded, shall be laid out and formed into a State or States, containing a suitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits, and advantages set forth in the ordinance of the late Congress for the government of the western territory of the United States; that is to say, Whenever the Congress of the United States shall cause to be officially transmitted to the executive authority of this State, an authenticated copy of the Act to be passed by the Congress of the United States, accepting of the cession of territory made by virtue of this Act, under the express conditions hereby specified, the said Congress shall at the same time assume the government of the said ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio, shall protect the inhabitants against enemies, and shall never bar or deprive them or any of them of
privileges which the people west of the Ohio enjoy. Provided always, That no regulations made or to be made by Congress, shall tend to emancipate slaves.

Fifthly. That the inhabitants of the said ceded territory shall be liable to pay such sums of money as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the requisitions of Congress on this State.

Sixthly. That all persons indebted to this State, residing in the territory intended to be ceded by virtue of this Act, shall be held and deemed liable to pay such debt or debts, in the same manner, and under the same penalty or penalties, as if this Act had never been passed.

Seventhly. That if the Congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the executive of this State, within eighteen months from the passing of this Act, then this Act shall be of no force or effect whatsoever.

Eighthly. That the laws in force and use in the State of North Carolina at the time of passing this Act, shall be and continue in full force within the territory hereby ceded, until the same shall be repealed, or otherwise altered by the legislative authority of the said territory.

Ninthly. That the lands of non-resident proprietors, within the said ceded territory, shall not be taxed higher than lands of residents.

Tenthly. That this Act shall not prevent the people now residing south of French Broad, between the rivers Tennessee and Pidgeon, from entering their pre-emptions on that tract, should an office be opened for that purpose under an Act of the present General Assembly.

II. And be it further enacted by the authority aforesaid, That the sovereignty and jurisdiction of this State, in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same, in all respects, until the Congress of the United State shall accept the cession to be made by virtue of this Act, as if this Act had never passed.

CHAPTER IV.

An Act to Repeal Part of an Act, Entitled "An Act to Explain an Act Directing the Duty of Naval Officers and all Masters of Vessels Coming Into the Ports or Inlets of this State," and to Amend the Navigation Law for Cape Fear River.

Whereas, a compliance with the first section of the said Act has been found productive of extreme confusion and inconvenience in the entering of vessels, by obliging the masters of vessels to swear to the contents of particular packages, which oath, from the nature of the shipping business, they cannot safely take, without opening and examining the same, to the material injury of the owners and consignees of the said merchandise: 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 this Act, that part of the said first section of the aforesaid law, which requires the master or owner of any vessel entering at the naval office, to deliver in on oath an inventory of the contents of each package, be repealed, and the same is hereby repealed and made void.

II. And be it enacted by the authority aforesaid, That from and after the passing of this Act so much of the before recited Act as is contained in the third section of the same, which requires before forfeiture or condem-
nation of any vessel, for a false entry or breaking bulk, landing or smuggling any part of the cargo before entry, a proof that the owner of such vessel was privy to the said fraud, be hereby repealed and made void.

III. And whereas, it is found by experience, that the present number of commissioners of pilotage for the bars and rivers of Cape Fear, are insufficient to conduct the business thereof, it being found difficult to convene a majority to act on sudden emergencies: For remedy whereof,

IV. Be it enacted by the authority aforesaid, That from and after the passing of this Act, Benjamin Smith, Auly Macnaughton, Henry Toomer and George Hooper, shall be added to the number already in such appointment, and hereby are to be considered commissioners of pilotage for the bar and river of Cape Fear.

V. And whereas, Benjamin Smith, the present possessor of the Cape Island, under the will of the late Hon. William Dry, Esq. deceased, hath promised the commissioners for building a light house, that he, the said Smith, will execute a deed to them for ten acres of land for the purpose of erecting a light house on, without consideration or reward therefore: And whereas, it appears that the said commissioners have actually commenced the building of the said light house within the limits of the said ten acres so promised by the said Smith, in full confidence that the said Smith will execute a deed for the said ten acres as by him promised: And whereas it would be unjust that the said Smith should be subjected to injuries from the gift of the said ten acres of land to the public: Therefore,

VI. Be it enacted, That no person shall be allowed to carry on or keep on the said island, or any part thereof, any cattle, hogs, or stock of any kind, poultry and a cow and calf to be kept by the keeper of the light house excepted, or hunt on the same without special license of the said Smith, or those claiming under the said William Dry, first had and obtained in writing; and if any person or persons shall be found going about the said island with gun or other hunting instruments, whereby stock may be destroyed without the permission aforesaid, such offender may be arrested by any constable, and upon due proof of the offence being made before a justice of the peace of New Hanover or Brunswick county, he shall forfeit and pay the sum of five pounds for the first offence, one half to go to the informer, the other half to the possessor of the said Cape Island; and for every repetition of such offence, ten pounds, to be applied in like manner.

CHAPTER V.


I. Be it enacted by the General Assembly of the State of North Carolinas, and it is hereby enacted by the authority of the same, That for the year one thousand seven hundred and ninety, and for every succeeding year until the said domestic debt shall be extinguished, a tax of two shillings on every hundred acres of land, and a tax of six shillings on every hundred pounds value of town lots with their improvements, and a tax of six shillings on every poll within this State, shall be levied and paid in specie certificates of every kind, including the interest due thereon (such
as have been issued by the board of commissioners of 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, continental and State dollar bills at the rate of eight hundred for one. Provided nevertheless, the payer of such tax is hereby authorized and allowed to pay four shillings of the currency of the State, in lieu of twenty shillings specie certificates: And the money so collected in lieu of the certificates aforesaid, shall be, and the same is hereby appropriated to the sole purpose of the redemption of the certificates and the reduction of the domestic debt.

II. And be it further enacted by the authority aforesaid, That all the certificates, of every description, issued under the authority of this State (except as herein before excepted) shall, on or before the first day of January, one thousand seven hundred and ninety-one, be brought to the treasurer's office, and being compared with the checks or counterparts, and found to be genuine, shall be exchanged for the other certificates with which the treasurer is hereby required and authorized to issue to the holders or owners of such certificate or certificates, in the following manner, that is to say, all currency certificates shall be reduced to specie agreeably to the rate established by an Act directing the sale of confiscated property, passed at Hillsborough, in April one thousand seven hundred and eighty-two; and the holders or owners of the certificate or certificates so presented to be exchanged, shall receive three indents or certificates, one for the amount of the interest due on the certificate or certificates so presented, which certificate shall expressly state that it was granted for interest due as aforesaid, and shall not bear interest; one other indent or certificate for the one third part of the principal of the certificates so presented, which shall also not bear interest, and shall by the tenor thereof be negotiable at the treasury in a manner herein after directed; and a third indent or certificate for the balance of such principal, which shall bear interest from the date thereof; and all such certificates shall bear date the first day of January, one thousand seven hundred and ninety, and the interest due as aforesaid shall be calculated up to that time. Provided nevertheless, That the holder of any certificate presented to the treasurer to be exchanged as aforesaid, shall have it in his option to receive the whole amount of the principal of his certificate so presented, in one certificate of the denomination of the third certificate herein before mentioned.

III. And be it further enacted by the authority aforesaid, That such part of the monies as may have arisen and have been collected, or may arise and be collected, from the following funds and subjects of taxation, that is to say, the tax on lands for the years one thousand seven hundred and eighty-seven and one thousand seven hundred and eighty-eight, the money arising from the tonnage, imposts and other duties arising from goods imported into this State in the years one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight and one thousand seven hundred and eighty-nine, and which may not have been applied to the purpose for which they were appropriated by law, and all such monies may be collected from tonnage duties or any other imposts or duties previous to the collection of duties in this State by the United States, shall be and the same are hereby appropriated as a fund for the purchase of the certificates issued as by this Act directed, for the third part of the principal of the certificate debt due by this State; and the holder of such certificate or certificates so issued, shall be entitled to draw cash from the public treasury for the
same, that is to say, at the rate of four shillings for every twenty shillings of such certificates.

IV. And be it further enacted, That the treasurer for his trouble in issuing the certificates aforesaid, shall be allowed a sum of money proportionate to his services, to be determined on by the next General Assembly; and also shall be allowed such sums of money as he shall have expended in purchasing stationary, and employing the clerks necessary for the carrying on of this business.

V. And be it further enacted, That where there are no checks, the treasurer be directed and authorised to judge of such certificates from the books and accounts of the commissioners of specific supplies and the best information he can collect, and exchange or reject them accordingly.

VI. Be it further enacted by the authority aforesaid, That the tax to be levied by virtue of the said Act, entitled “An Act for levying a tax for the support of government, and for the redemption of the old paper currency, continental money, specie and other certificates, and for sinking the State currency,” passed at Fayetteville in the year one thousand seven hundred and eighty-eight, 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, to be paid in State currency or in gold and silver, shall be and the same is hereby reduced to one shilling on every hundred acres of land, and three shillings on each hundred pounds value of town lots with their improvements, and three shillings on every poll in this State, and shall be levied and paid agreeably to the directions contained in the first section of said Act. Provided, That all the lands west of the Apalachian Mountains shall pay a tax of eight pence on every hundred acres of land to be levied and paid in like manner.

VII. And be it further enacted by the authority aforesaid, That the tax which is to be levied by virtue of the second section of the aforesaid Act may be paid in money in lieu of certificates, at the rate of four shillings in current money for each twenty shillings of specie certificates, except as in this Act before excepted.

And whereas, the monies raised by the sinking fund tax for the year one thousand seven hundred and eighty-eight, hath been burned, and there still remains in the treasury a sum equal to the whole amount of the said tax for the year one thousand seven hundred and eighty-nine, in bills unfit for circulation:

VIII. Be it enacted by the authority aforesaid, That the sinking fund tax for the year one thousand seven hundred and eighty-nine, directed to be collected by an Act, entitled “An Act for emitting one hundred thousand pounds paper currency for the purposes therein expressed,” shall not be collected for the said year one thousand seven hundred and eighty-nine.

CHAPTER VI.

An Act for Procuring Testimony Concerning the Accounts of This State Against the United States.

Whereas, it is represented by the agents of this State, that many officers, and whole regiments of privates, who served in the continental line of this State, are not to be found on the musters in the war or pay office of the United States, and that no account has been taken of numerous waggons
and teams with which the armies of the United States have been supplied
by 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 the Comptroller
shall forthwith collect such musters as may be among the papers of
the late Governor of this State, or such military officers as may be supposed
to have muster or pay-rolls in possession, or any return of wagons fur-
nished by the militia classes in one thousand seven hundred and eighty-
two; and that he shall also apply to the several field officers of the con-
tinental line who served to the end of the war, and obtain their oath or
affirmation, as to their knowledge of the services of officers or privates
whose claims to pay are not supported by the musters.

II. And be it further enacted, That the Colonel or Commanding officer of
the militia of every county in this State, shall enquire what wagons, or
whether any, have been furnished in one thousand seven hundred and
eighty-two by the militia classes in the several counties; and what bounties
have been paid by the classes in the several counties to procure soldiers in
the years one thousand seven hundred and eighty-one and one thousand
seven hundred and eighty-two, and shall, under the penalty of fifty pounds,
before the first day of April next, make return on the oath of one or more
persons who appear to have the best information on that subject of the
wagons and teams, and computed value of the same, that were furnished by
the classes as aforesaid, or whether any were furnished, and what bounties
have been paid, to the Brigadier-General of the district, who shall forward
the same to the Governor or Comptroller on or before the first of May
next, under the penalty of one hundred pounds; and the Governor of the
State for the time being shall forthwith transmit the same to the agents
of this State appointed to settle the accounts of this State with the United
States.

CHAPTER VII.

An Act to Repeal Part of an Act, Entitled "An Act Once More to Extend
An Act, Entitled 'An Act to Pardon and Conspire to Oblivion the
Offences and Misconduct of Certain Persons in the Counties of Wash-
ington, Sullivan, Green and Hawkins.

I. Be it enacted by the General Assembly of the State of North Carolina,
and by the authority of the same, That all and every part of the last pro-
viding clause in the above mentioned Act be and the same is hereby repealed
and made void.

CHAPTER VIII.

An Act to Prevent the Exportation of Raw Hides, Pieces of Hides of Neat
Cattle, and Calf-Skins, and also of Beaver, Raccoon and Fox Furs.

Whereas, the exportation of hides, skins and furs above-mentioned, is
found detrimental to our own manufacturers, which demand the attention
of the Legislature:

I. Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, That every master
or owner of a vessel, at the time of his clearance out before the Naval-officer,
shall take the following oath, viz.: "I, A. B., master or owner (as the case
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may be) of the _______ called the _______ do swear that there are not on
board of my vessel, any raw hides, pieces of hides of neat cattle, calf
skins, nor any beaver, raccoon or fox furs, for the purpose of exporting them
out of this State, either as cargo or adventure of my own or any other per-
sons whomsoever; and that I will not knowingly or willingly suffer any per-
son or persons to export any of the said kind of skins and furs out of this
State in the vessel of which I am commander or owner."

II. Be it further enacted by the authority aforesaid, That if any captain
or owner shall, after the passing this Act, suffer or willingly permit any of
the above mentioned articles to be brought on board his vessel, it shall
be deemed evidence of his intention of exporting the same, and shall forfeit
five hundred pounds, to be recovered by action of debt in any court having
jurisdiction, one half to the person suing, and the other half to the State;
and if the judge or judges before whom the same shall be tried, shall certify
there was a reasonable cause of action, the plaintiff or complainant shall not
be subject to cost.

III. And be it further enacted, That if any person shall by land convey
any such hides, skins or furs out of this State into any other State for the
purpose of selling the same, such person on conviction shall suffer the same
pains and penalties as are before prescribed for exporting such hides, skins
or furs by water, to be recovered in like manner and applied to the same
uses. Provided nevertheless, That this Act shall not extend to or be in
force in any county west of the Apalachian mountain: And provided also,
That this Act shall not be in force until the first day of January next.

CHAPTER IX.

An Act for Granting to the Inhabitants of Tyrrel County a Privilege of Hold-
ing Separate Elections for Members of Assembly.

Whereas, it is represented to this General Assembly by petitions from a
number of the inhabitants of the county of Tyrrel, that the great extent of
said county (it being one hundred miles in length) renders it very difficult,
troublesome and expensive for them to travel to the court-house to give
their suffrage for members to represent them in General Assembly, many
of them having to go by water the distance of sixty miles, and others who
travel by land have very broad waters to ferry over, are often prevented
by bad weather and contrary winds, by reason of which they are deprived
of their suffrage, and by consequence of a representation in fact in this
Assembly: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, That from and after
the passing of this Act, it shall and may be lawful for the sheriff of
the said county of Tyrrel, or any of his proper deputies, and he or any of them is
hereby authorised and required, to open an election on the day preceding the
time appointed by law, at the Old-Fort Landing Plantation, at the house of
Robert M'Callister on Alligator River, and at the Glebe-House near Kend-
drick's Creek, for the ease and conveniency of the voters in the most dis-
tant parts of the said county, under the same rules as are prescribed for
holding the general election; and the ballots so taken shall be sealed up
by the inspectors of the poll in the presence of the sheriff, or his deputy
who held the election, and by them be transmitted to the court-house under
the care of the said sheriff or his deputy; which ballots so taken shall and
they are hereby declared to be part of the election of the said county, any
thing to the contrary notwithstanding. Provided, That nothing herein contained shall deprive any person entitled to vote for members in said county, and who has not already given his vote at either of the places above mentioned, from giving his suffrage at the court-house on the days of the general election for the body of the county.

CHAPTER X.

An Act to Empower the Wardens of the Poor for the County of Currituck to Lay a Tax to Enable Them to Settle the Arrears Due From Said County to Persons Who Have Supported the Poor.

Whereas, the tax heretofore by law laid hath not been sufficient to support the poor in the county aforesaid:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a tax not exceeding two shillings and eight pence shall be laid on each taxable person, and also a tax not exceeding ten pence on every hundred acres of land; which said tax the Wardens of the Poor are hereby empowered to receive and account for agreeable to law in such case heretofore made and provided.

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

CHAPTER XI.

An Act for Levying a Tax in the District of Salisbury for Finishing the Court-House, and Repairing the Gaol for the Said District.

Whereas, the taxes heretofore levied for the above purpose on collection has proved deficient, and there remains a great deal yet to be done with respect to finishing the said buildings:

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 of one shilling on every poll, a tax of one shilling on every hundred pounds of assessable property, and a tax of four pence on every hundred acres of land in the county of Rowan, and a tax of half the said sum on the same subject of taxation shall be levied and paid in the counties of Anson, Mecklenburg, Iredell, Surry, Guilford, Rockingham and Montgomery, for the purpose of finishing the said building and repairing the said gaol, to be collected for the year one thousand seven hundred and ninety; and that these taxes shall be collected by the same person in each county as other taxes are, and the collectors are hereby declared subject to the same rules, regulations, restrictions and penalties that collectors of public monies are.

II. And be it further enacted by the authority aforesaid, That the former Commissioners or a majority of them, are hereby authorized to receive the said monies so collected, and the said commissioners are by this law empowered to sue for and recover the said taxes from the said collectors in the same manner as the treasurer of the State has heretofore been authorized.
CHAPTER XII.

An Act for Altering the Name of James Rousom to That of James Long.

 Whereas, it is the earnest request of James Long, of Tyrrel county, that his natural son, heretofore called James Ransom, should hereafter be called and known by the name of James Long:

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 name of James Rousom shall be altered to the name of James Long, and that he shall thenceforth be called and known by the said name; and that by the said name of James Long, he shall and may sue and be sued, plead and be impleaded, in any court of law or equity, and obtain and possess lands and all other species of property by will, devise, donation, grant, purchase or otherwise; and he may by his name aforesaid sell and dispose of lands or other property; and finally in all things the said James Long shall be capable in law or equity of negotiating and transacting all manner of business in as full and ample manner as if he had been called and known by no other name from the time of his nativity, any law, usage or custom to the contrary notwithstanding.

CHAPTER XIII.

An Act to Annex the County of Anson to Fayetteville District, and to Regulate the Appointment of Jurors to Fayetteville Court.

 Whereas, it is represented to this General Assembly, that it will tend greatly to the convenience of the good people of Anson county to be annexed to the district of Fayetteville: 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, the county of Anson shall be annexed to and form a part of the district of Fayetteville, in the same manner as if the said county of Anson had originally been part of said district.

And whereas, the annexing the county of Anson to the district of Fayetteville, will make it necessary that an alteration of the number of jurors to be furnished by the different counties within said district, should be made:

II. Be it therefore further enacted, That the jurors for the superior court of Fayetteville shall be furnished by the counties within the district in the proportion and number, to-wit: Cumberland eleven, Richmond five, Anson five, Sampson five, Robinson five, Moore five.

CHAPTER XIV.

An Act for Dividing the County of Surry Into Two Distinct Counties, and for Other Purposes.

 Whereas, the large extent and inconvenient situation of the county of Surry, render the attendance of the inhabitants of the extreme parts, at courts, elections and general musters, difficult and expensive: For remedy whereof, and to gratify the wishes of the good people 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 from and after the passing of this Act, the county of Surry shall be divided into two
distinct counties, by a line beginning on the line dividing this State from the
State of Virginia, at a point equidistant from the nearest parts of the
counties of Rockingham and Wilkes, and running from thence until it inter-
sects the Rowan county line, so as to leave an equal number of acres in
each county.

II. And be it further enacted, That all that part of the said county lying
west of said line, shall be erected into a distinct county by the name of
Surry county; and all that part lying east of said line, shall be erected into
another distinct county by the name of Stokes county.

III. And be it further enacted, That David Humphries, Constant Ladd
and Joseph Cloud, are hereby appointed commissioners, and are empow-
ered and required to run the said dividing line agreeable to the direc-
tions of this Act, which said dividing line when run by the said commissi-
oners or a majority of them, shall be by them fairly described in writing, and
returned to the courts of each of the said counties, and shall there be
duly entered of record, and hereafter be deemed and taken as the dividing
line between said counties, and the expense of running the said line shall
be defrayed by a tax to be drawn in equal parts from both of said counties.

IV. And for the due administration of justice, Be it enacted, That the
justices of the peace shall be nominated and commissioned, and the courts
held in the respective counties of Surry and Stokes, in the same manner, and
with the same powers and jurisdictions as justices of the peace and county
courts in the other counties in this State; and the courts of and for the
county of Surry, shall be constantly held on the second Mondays in Febru-
ary, May, August and November, in each and every year; and the courts for
the county of Stokes shall be constantly held on the third Mondays in Febru-
ary, May, August and November, in each and every year: And the first court
for the county of Surry shall be held at the house of Richard Horn, on
the second Monday in February next; and the first court for the county
of Stokes shall be held at the house of Gray Bynum, on the third Monday
in February next; and the justices for each of the said counties of Surry
and Stokes, are hereby authorised to adjourn to such places in their
respective counties as they shall think most convenient to hold all subse-
quent courts, until court-houses shall be built in each respective county.

V. And be it further enacted, That the court-houses, prisons and stocks
in the said counties, shall respectively be as nearly central as possible,
regard being had to springs and situation.

VI. And be it further enacted, That William Terrel, Lewis Edward
Lovell, Micajah Ogleby, Henry Spler and Charles Smith, be appointed com-
missoners for the county of Surry; and Charles M'Annelly, Gray Bynum,
Seth Coffin, Christian Lash, James Gaines, Jacob Bloom and Samuel Wag-
goner, be appointed commissioners for the county of Stokes; which said
commissioners shall in their respective counties fix on the places, and con-
tract with proper workmen for erecting the said county buildings.

VII. And be it further enacted, That the present clerk of the county
court of Surry, shall be clerk of the court of that county in which his
present dwelling-house shall happen to be; and that all causes, pleas, suits
and actions, and every species of controversy whatever, in the county court
of Surry now depending and undetermined, shall be transferred to the
dockets of that county in which the said clerk shall happen to reside, in
the same order and arrangement in which the same now stands on the
dockets and records of the county court of Surry; and that all the public
records of the county of Surry, shall be lodged and deposited in the same
county.
And whereas, it may happen that writs and other process have heretofore issued from the county court of Surry, and that the same may not be executed before the division of said county:

VIII. Be it therefore further enacted, That it shall and may be lawful for the present clerk of Surry county, to continue to issue alias and pluries writs, and judicial attachments on the same, returnable to the court of the county of which he is clerk, in the same manner as if the said county had remained undivided: And the sheriff of the county of Surry, and the sheriff of the county of Stokes, are hereby authorised to execute and return the same agreeable to the command of said process.

IX. And be it further enacted, That the sheriff and collectors of the county of Surry, shall have full power and authority to collect agreeable to law, all such taxes and arrears of taxes, and other dues, as may be due and owing from the inhabitants of said county at the time of dividing the same, in the same manner as if the said county had remained entire and undivided.

X. And be it further enacted, That the justices of the county courts of Surry and Stokes, shall each appoint four freeholders to serve as jurors at the superior courts for the district of Salisbury; and the said counties shall compose part of said district.

XI. And be it further enacted, That a tax of two shillings on every poll a tax of eight pence on every hundred acres of land, and a tax of two shillings on every hundred pounds value of town property, shall be paid in the said counties of Surry and Stokes, for two years, to defray the expense of the public buildings in the same, and running the dividing line between them; which taxes shall be collected and accounted for in the same manner and under the same regulations and restrictions as other county taxes are collected and accounted for.

XII. And be it further enacted, That the monies arising from the said taxes shall be paid in the respective counties to the commissioners thereof, who before receiving any part of the same, shall give bond with approved security to the justices of their said counties, in the sum of one thousand pounds, conditioned for the faithful application of the same agreeable to the directions of this Act.

XIII. And be it further enacted, That the commissioners for the said counties shall, whenever called on for that purpose by the said county courts, render true and faithful accounts of all the monies they shall have received, with the manner in which they shall have applied the same; and if after compleating the county buildings there should remain a surplus in the hands of the commissioners, the county courts of Surry and Stokes shall appropriate the same towards defraying the contingencies of their respective counties.

XIV. And be it further enacted, That the officers of the militia in the county of Surry, shall continue to command in the counties in which they shall happen to reside, until the end of the next General Assembly.

CHAPTER XV.

An Act Directing the Sale of the County Buildings in Surry, and to Alter the Times of Holding Several County Courts in This State.

Whereas, the county buildings in Surry are become useless since the division 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 George Houzer and John Halbert shall be commissioners, who shall have full power and authority to sell and dispose of the court-house, prison and stocks which belonged to the county of Surry before it was divided; and the said commissioners are hereby authorised to sell the same on twelve months credit, the purchaser giving bond and approved security.

II. And be it further enacted, That the monies arising from the said sale, shall be paid in equal sums to the commissioners for erecting the county buildings in the counties of Surry and Stokes.

And whereas, the times of holding several of the county courts of pleas and quarter sessions in this State, are found to be inconvenient and to interfere with the adjacent courts: Therefore,

III. Be it enacted, That from and after the passing of this Act, the county courts of pleas and quarter sessions in the following counties shall constantly be held on the following days, that is to say, for the county of Sumner, on the first Mondays in April, July, October and January in each year; for the county of Davidson, on the second Mondays in the same months; for the county of Tennessee, on the third Mondays in the same months; to which times respectively, all matters and things depending in the said courts shall stand continued from the second court that shall happen in the said several counties after the passing of this Act.

And whereas, the court of pleas and quarter sessions for the county of Stokes, is appointed to be on the same day with that of Guilford, which will be injurious to suitors and others: For remedy whereof,

IV. Be it enacted, That the county court of pleas and quarter sessions for the county of Stokes, shall constantly be held on the first Mondays in March, June, September and December, and the first court in said county shall be held on the first Monday in March next.

V. And be it further enacted, That so much of an Act of this present General Assembly, entitled "An Act for dividing the county of Surry," which relates to the times of holding courts in the county of Stokes, is hereby repealed.

CHAPTER XVI.

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

Whereas, the laws now in force to regulate the inspection of tobacco are found not to answer the intended purpose:

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 inspectors of tobacco at the several warehouses of this State, shall and they are hereby required to examine, by breaking in at one or more places, all tobacco which shall be brought to their respective warehouses for inspection, and shall class and mark them as follows, to-wit: All tobacco that shall be thick, well cured and in good condition, shall be deemed of the first class, and branded with the letter A at least four inches long, on each head and on the side of the hogshead: All tobacco which shall not answer the description of the first class, but shall be found well cured and in good condition, shall be deemed of the second class, and branded with the letter B, in the same manner as is directed with letter A: And all tobacco which shall be found sound and in good condition, but of an inferior quality to A and B, shall be deemed of the third class, and branded as above described with the letter C. And
where any hogshead of tobacco shall be offered for inspection, a considerable part of which shall be of one class and the remainder of another, it shall be the duty of the inspectors to place such hogsheads in the class to which the inferior tobacco of said hogshead entitles it to belong, unless the person offering such tobacco will agree to have the same picked and sorted agreeable to the inspection law now in use in this State.

II. And be it further enacted by the authority aforesaid, That the several inspectors of tobacco shall and they are hereby required when they shall have inspected and branded any hogshead of tobacco agreeable to the directions of this Act, to give the person claiming such hogshead a note for the same, certifying the quality, mark, number and weight thereof.

III. And be it further enacted by the authority aforesaid, That when any tobacco shall be delivered out of the warehouse, the inspectors shall and they are hereby required, to give a separate manifest of each hogshead of tobacco by them so delivered, in which shall be inserted the mark, number, weight and quality of said tobacco.

IV. And be it further enacted by the authority aforesaid, That when any captain or master of a vessel shall clear out at the naval office, he shall lodge with the naval officer, a general manifest of his cargo, and shall also deliver to him the inspector's manifest of each and every hogshead of tobacco he may have on board his vessel.

V. And be it further enacted by the authority aforesaid, That the naval officer shall and he is hereby required to certify, in the body of the clearance of each vessel he may clear out with tobacco on board the mark and quality of each hogshead of tobacco so cleared out; and if he shall fail or neglect so to do, he shall forfeit and pay the sum of fifty pounds, to the use of any person suing for the same.

VI. And be it further enacted by the authority aforesaid, That if any person shall appear before the collector or naval officer and make oath that there is on board any vessel bound to sea any tobacco which has not been inspected and marked as is by this Act required, it shall and may be lawful for the collector or naval officer to summon and take with him two or more freeholders, and search the vessel so informed of, and if any such tobacco shall be found on board, they may and are hereby required to seize and take possession of the same, and cause such proceedings to be had thereon as is directed by law on other goods when seized; and if it shall appear that the tobacco so seized has not been inspected and branded as aforesaid, the same shall be condemned and sold to the use of the informer, first deducting the necessary expenses for search and condemnation, to be taxed by the court before whom the matter is cognizable.

VII. And be it further enacted by the authority aforesaid, That if any person shall alter or cause to be altered the brand of any hogshead of tobacco inspected and marked so as aforesaid, as to make it appear to be of any other class than the one of which the inspectors have marked it, or shall brand or cause to be branded any hogshead which the inspectors had not examined and branded, so as to induce a belief that such hogshead had been lawfully inspected, such person shall forfeit and pay the sum of fifty pounds, to be recovered before any county court by any person suing for the same to his own proper use. Provided nevertheless, That this Act shall not be in force or have effect until the first day of May next.
CHAPTER XVII.

An Act to Amend an Act, Entitled "An Act to Prevent the Exportation of Unmerchantable Commodities."

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 inspection be and hereby is established on Neuse river, at Harris landing or ferry, heretofore Bryan's, under the same rules, regulations and restrictions as directed by the above recited Act; and the county court of Craven are hereby directed and empowered to appoint an inspector for the said landing, at the same time and in the same manner as other inspectors for the said county are appointed, who shall have the same advantages, and be subject to the same pains and penalties as other inspectors; and commodities by him inspected and passed shall be merchantable and proper for shipping in like manner with those inspected by other inspectors above the town of New Bern.

CHAPTER XVIII.

An Act for the Promotion of Learning in the County of Currituck, and to Amend the Wilmington Academy Law.

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

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Isaac Gregory, Dempcy Connor, John Swann, Peter Dauge, Dempcy Burges, Enoch Sawyer, John Humphreys, William Ferebee, Willoughby Dauge, Asahel Simmons, Joseph Ferebee, Timothy Etheridge, and Thomas Pool Williams, Esquires, shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the title of the trustees of Currituck seminary of learning; and by the name of the trustees of Currituck seminary of learning shall have perpetual succession and a common seal; and the said trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies by subscription or otherwise, goods and chattels that shall be given them for the use of the said seminary of learning, and the same apply according to the will of the donors; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain to them and their successors forever, any lands, rents, tenements or hereditaments of what kind, nature or quality soever the same may be, in special trust and confidence that the same or the profits thereof shall be applied to and for the uses and purposes of establishing and endowing the said seminary of learning in the county of Currituck, building or purchasing suitable and convenient houses, purchasing a library and philosophical apparatus, and supporting and paying the salaries of the Provost and such number of professors and tutors as to them shall seem necessary.

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

III. And be it further enacted by the authority aforesaid, That the said trustees or a majority of them, shall and they are hereby authorised to choose a President, Treasurer and Secretary out of their own body; they may also choose a Rector, Professors and Tutors for the seminary of learning, and the same may remove at pleasure; and they shall have authority to make bye-laws for the government and regulation of the seminary of learning, and the same to alter and amend. Provided nevertheless, That such laws shall not be repugnant to the laws of this State, their morals, studies and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave the said seminary, certifying their literary merit and progress of useful knowledge; and further, that on death, resignation, refusal to act or misconduct of either Professors or Tutors, the Secretary, Treasurer or Steward, others shall be elected in their room and stead, a majority of the trustees agreeing thereto.

IV. And be it further enacted by the authority aforesaid, That the Treasurer of the said board of Trustees, shall enter into bond with sufficient security to the Trustees aforesaid, in the sum of two thousand pounds, conditioned for the faithful discharge of the trust in him reposed; and that all monies and chattels belonging to the said corporation that shall be in his hand at the expiration of his office, shall then be immediately paid and delivered into the hands of the succeeding Treasurer; and every Treasurer shall receive all monies and donations of whatsoever kind that may belong or accrue to the said seminary of learning during his office, and at the expiration thereof shall account with the trustees for the same, and the same pay and deliver over to the succeeding Treasurer; and on his neglect or refusal to pay and deliver as aforesaid, the same method of recovering may be had against him as is or may be provided for the recovery of monies from Sheriffs, or other persons chargeable with public monies.

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

VI. And be it further enacted by the authority aforesaid, That no lands, tenements or hereditaments, which may be vested in the Trustees of the seminary of learning of Currituck, for the sale use and behoof of the seminary, shall be subject to any tax for the space of ninety-nine years. Provided, That nothing contained in this Act, shall be understood as establishing this as one of those seminaries of learning mentioned by the constitution of this State.

Whereas, in the third section of an Act passed last session, entitled, "An Act for the promotion of learning in the district of Wilmington," it was intended that the number of Trustees might be augmented so as not to exceed thirty nor to be under twenty, but by an omission in the engrosser of the
bill or otherwise, although a certain number is intended to be referred to, that number does not appear in the Act: For remedy thereof.

VII. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said Trustees at any future meeting may, and they are hereby empowered, if they shall judge the same necessary, to elect by ballot a sufficient number of persons to be Trustees so as to make the whole number thirty; and such Trustees so chosen, shall have the same powers and authority as the Trustees named in any of the before mentioned Acts.

And whereas, it is enacted by the said Act passed last Assembly, that the first meeting of the Trustees should be on the first day of January after passing the said Act, and the said Act having passed into a law on the sixth day of December, immediately preceding the first day of January, and the same not having been published, nor any authentic copy thereof received by the said Trustees until long after the said first day of January, the first meeting of the said Trustees did not happen until some months afterwards, to prevent the legality of the Acts of the said Trustees at their first meeting being called in question:

VIII. Be it therefore enacted by the authority aforesaid, That the said first meeting of the Trustees of the said academy, held after the said first day of January last past, shall be held, deemed and taken to be good and effectual in law in the same manner as if the same had been held on the said first day of January last; and that all the acts and doings of the said Trustees shall have the same force and effect, as well within court as without, to all intents, constructions and purposes, as if the said meeting had been held on the day mentioned in the said Act; any thing in the said Act, or in any law or usage to the contrary thereof in any wise notwithstanding.

CHAPTER XIX.

An Act to Ratify the Amendments to the Constitution of the United States.

Whereas, the Senate and House of Representatives of the United States of America in Congress assembled on the fourth day of March, did resolve, two thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States as amendments to the Constitution of the United States, all or any of which articles when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes as part of the said Constitution:

Article I. After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred; after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred representatives nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives nor more than one Representative for every fifty thousand persons.

Art. II. No law varying the compensation for the service of Senators and Representatives, shall take effect until an election of Representatives shall have intervened.

Art. III. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom
of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Art. IV. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Art. V. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Art. VI. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Art. VII. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

Art. VIII. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district where the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

Art. IX. In suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of common law.

Art. X. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Art. XI. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Art. XII. The powers not delegated to the United States by the Constitution nor prohibited by it to the states, are reserved to the states respectively or to the people.

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 amendments agreeable to the fifth article of the original Constitution, be held and ratified on the part of this State, as articles in addition to and amendments of the Constitution of the United States of America.

CHAPTER XX.

An Act to Establish a University in this State.

Whereas, in all well regulated governments it is the indispensable duty of every Legislature to consult the happiness of a rising generation, and endeavour to fit them for an honourable discharge of the social duties of life, by paying the strictest attention to their education: And whereas,
an university supported by permanent funds and well endowed, would have the most direct tendency to answer the above purpose:

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 Samuel Johnston, James Iredell, Charles Johnson, Hugh Williamson, Stephen Cabarrus, Richard Dobbs Spaight, William Blount, Benjamin Williams, John Sitgreaves, Frederick Harget, Robert W. Sneed, Archibald Maclaine, Honourable Samuel Ashe, Robert Dixon, Benjamin Smith, Honourable Samuel Spencer, John Hay, James Hogg, Henry William Harrington, William Barry Grove, Reverend Samuel M'Corkle, Adai Osborne, John Stokes, John Hamilton, Joseph Graham, Honourable John Williams, Thomas Person, Alfred Moore, Alexander Mebane, Joel Lane, Willie Jones, Benjamin Hawkins, John Haywood, Senior, John Macon, William Richardson Davie, Joseph Dixon, William Lenoir, Joseph M'Dowall, James Holland, and William Porter, Esquires, shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of The Trustees of the University of North Carolina; and by that name shall have perpetual succession and a common seal; and that they the Trustees and their successors by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels that shall be given them for the use of the said university, and the same apply according to the will of the donors, and by gift, purchase or devise to take, have, receive, possess, enjoy and retain to them and their successors forever, any lands, rents, tenements and hereditaments, of what kind, nature or quality soever the same may be, in special trust and confidence that the same or the profits thereof shall be applied to and for the use and purposes of establishing and endowing the said university.

II. And be it enacted by the authority aforesaid, That the said Trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to bargain, sell, grant, demise, alien or dispose of, and convey and assure to the purchasers, any such lands, rents, tenements and hereditaments aforesaid, when the condition of the grant to them, or the will of the devisor, does not forbid it. And further that they the said Trustees and their successors forever, or a majority of them, shall be able and capable in law by the name aforesaid, to sue and impeach, be sued and impleaded, answer and be answered, in all courts of record whatsover; and they shall have power to open and receive subscriptions; and 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.

III. And be it further enacted by the authority aforesaid, That the said Trustees, in order to carry the present act into effect, shall meet at Fayetteville on the third Monday in the session of the next General Assembly, at which time they shall choose a President and Secretary; and shall then fix the time of their next annual meeting; and at every annual meeting of the Trustees, the members present, with the President and Treasurer, shall be a quorum to do any business, or a majority of the members, without either of those officers, shall be a quorum; but at their first meeting as above directed there shall be at least fifteen of the above Trustees present in order to proceed to business; and the Trustees at their annual meeting may appoint special meetings within the year; or in case unforeseen accidents shall render a meeting necessary, the Secretary, by order of the President and any two of the Trustees signified to him in writing, shall by particular notice to each Trustee, as well as by an advertisement in the State Gazette,
convene the Trustees at the time proposed by the President; and the members thus convened shall be a quorum to do any business except the appointment of a President or professors in the University, or the disposal or appropriation of monies; but in case of the death or resignation of the President or any professor, the Trustees thus convened may supply the place until the next annual meeting of the Board of Trustees and no longer; and the meeting at which the seat of the said University shall be fixed, shall be advertised in the Gazette of this state at least six months, and notice in manner aforesaid to each of the Trustees of the object of the said meeting.

IV. And be it further enacted by the authority aforesaid, That the Trustees shall elect and commission some person to be Treasurer for the said university during the term of two years; which Treasurer shall enter into bond with sufficient securities to the Governor for the time being, in the sum of five thousand pounds, conditioned for the faithful discharge of his office and the trust reposed in him; and that all monies and chattels belonging to the said corporation that shall be in his hands at the expiration of his office shall then be immediately paid and delivered into the hands of the succeeding Treasurer: And every Treasurer shall receive all monies, donations, gifts, bequests and charities whatsoever that may belong or accrue to the said university during his office, and at the expiration thereof shall account with the Trustees for the same, and the same pay and deliver over to the succeeding Treasurer; and on his neglect or refusal to pay and deliver as aforesaid, the same method of recovery may be had against him, as is or may be provided for the recovery of monies from Sheriffs or other persons chargeable with public monies: And the Treasurer of the University shall cause annually to be published in the State Gazette, for the satisfaction of the subscribers and benefactors, a list of all monies and other things by him received for the said University, either by subscription, legacy, donation or otherwise, under the penalty of one hundred pounds, to be recovered at the suit of the Attorney General, in the name of the Governor for the time being, in any court of record having cognizance there-of; and the monies arising from such penalties shall be appropriated to the use of the said University.

V. Be it further enacted by the authority aforesaid, That all monies received by the Treasurer of the said University, shall be annually paid by him to the Treasurer of the state, who is hereby authorized and ordered to give a receipt to the said Treasurer of the University in behalf of the said Trustees, for all such sums by him received; and the said Treasurer shall pay annually unto the Treasurer of the said University, six per cent. interest on all such sums received by him in the manner aforesaid; which amount of interest paid by the State Treasurer as aforesaid, shall be allowed to him in the settlement of his accounts: And the said Trustees shall on no event or pretense whatsoever, appropriate or make use of the principal of the monies by them received on subscription, but such principal shall be and remain as a permanent fund for the use and support of the said University forever.

VI. And be it further enacted by the authority aforesaid, That on the death, refusal to act, resignation or removal out of the state, of any of the Trustees for the time being, it shall be lawful for the remaining Trustees, or any fifteen of them, and they are hereby authorized and required to elect and appoint one or more Trustees in the place of such Trustee or Trustees dead, refusing to act, resigned or removed; which Trustee or Trustees so appointed shall be vested with the same powers, trust and authorities as
the Trustees are by virtue of this act. Provided nevertheless, That the
Trustee or Trustees so appointed, shall reside in the superior court district
where the person or persons reside in whose room he or they shall be so
elected.

VII. And be it further enacted by the authority aforesaid, That when the
Trustees shall deem the funds of the said University adequate to the pur-
chase of a necessary quantity of land and erecting the proper buildings,
they shall direct a meeting of the said Trustees for the purpose of fixing on
and purchasing a healthy and convenient situation, which shall not be sit-
uate within five miles of the permanent seat of government, or any of the
places of holding the courts of law or equity; which meeting shall be adver-
tised at least six months in some gazette in this state, and at such superior
courts as may happen within that time.

VIII. Be it further enacted by the authority aforesaid, That the Trustees
shall have the power of appointing a President of the University, and such
professors and tutors as to them shall appear necessary and proper, whom
they may remove for misbehaviour, inability or neglect of duty; and they
shall have the power to make all such laws and regulations for the govern-
ment of the University and preservation of order and good morals therein,
as are usually made in such seminaries, and as to them may appear neces-

sary; provided the same are not contrary to the unalienable liberty of a
citizen, or to the laws of the state. And the faculty of the University, that
is to say, the President and professors, by and with the consent of the
Trustees, shall have the power of conferring all such degrees or marks of
literary distinction, as are usually conferred in colleges or universities.

IX. And be it further enacted by the authority aforesaid, That every
person who within the term of five years shall subscribe ten pounds towards
this University, to be paid within five years, at five equal annual payments,
shall be entitled to have one student educated at the University free from
any expense of tuition.

X. And be it further enacted, That the public hall of the library and four
of the colleges shall be called severally by the names of one or another of
the six persons who shall within four years contribute the largest sums
towards the funds of this University, the highest subscriber or donor having
choice in the order of their respective donations. And a book shall be kept
in the library of the University, in which shall be fairly entered the names
and places of residence of every benefactor to this seminary, in order that
posterity may be informed to whom they are indebted for the measure of
learning and good morals that may prevail in the state.

CHAPTER XXI.

An Act for Raising a Fund for Erecting the Buildings and for the Support
of the University of North Carolina.

Whereas, the General Assembly by their Act, entitled "An Act to establish
a University in this state," passed on the eleventh day of December Instant,
have declared that a University shall be established and erected in this
state, which shall be called and known by the name of The University of
North Carolina: And whereas, adequate funds will be found to be the
means which will most effectually ensure to the state the advantages to be
hoped and expected from such an institution:

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 gift of all monies due and owing to the public of North Carolina, either for arrearages under the former or present government, up to the first day of January, one thousand seven hundred and eighty-three, inclusive, (monies or certificates due for confiscated property purchased excepted) shall be and is hereby declared to be fully and absolutely made, for the purpose of erecting the necessary buildings, employing professors and tutors, and carrying into complete effect the act before recited: And the Treasurer is hereby directed and required to commence suits, and to prosecute all persons owing as above mentioned, and the monies recovered in consequence thereof to pay into the hands of the Trustees named in said act, or their successors, to be applied to the purposes aforesaid. Provided, That nothing herein contained shall be construed to prevent the Treasurer or Comptroller from settling with and collecting from the executors of Robert Lanier, deceased, late Treasurer of Salisbury district, such sums in cash or certificates as may on a final settlement of his accounts be found to be due to the public; nor shall it extend to prevent their collecting from the Sheriffs of that district, their arrearages of taxes which became due under the present government, and which ought to have been paid into the office of the said Lanier as Treasurer aforesaid; provided they make such collection within the space of two years, after which time the arrearages of that district also shall be considered as being included in this gift.

II. And be it enacted, That all the property that has heretofore or shall hereafter escheat to the state, shall be and hereby is vested in the said Trustees, for the use and benefit of the said University.

III. And be it further enacted by the authority aforesaid, That the lands and other property belonging to the University aforesaid, shall be, and the same is hereby exempt from all kind of public taxation.

CHAPTER XXII.

An Act to Alter the Time of Electing the Members of the General Assembly in this State.

Whereas, it has been made appear to this General Assembly, that in large counties it is sometimes impossible for the Sheriff and Inspectors to get the tickets counted out until Sunday morning, which often occasions the breach of the Sabbath day: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the annual election for the purpose of electing members of the General Assembly, shall be held in each and every year on the second Thursday and Friday of August; provided, That where there are two or more elections in any county, such elections shall be held in the same week that the other elections are, and one day earlier in the week than what they have heretofore been by law: The Sheriff and returning officers in each county in this state shall conduct themselves accordingly; any law, usage or custom to the contrary notwithstanding.
CHAPTER XXIII.

An Act to amend an Act, entitled "An Act concerning Proving of Wills and Granting Letters of Administration, and to Prevent Frauds in the Management of Intestate Estates."

 Whereas, by the Act entitled "An Act concerning proving of wills and granting letters of administration, and to prevent frauds in the management of intestate estates," the method of proceeding hath not been defined with sufficient precision, whereby great irregularities have crept into practice, and complaints have been made of precipitate and injurious decisions: 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 wills shall be proved and administrations granted in the court of the county where the testator or intestate had his usual residence at the time of his death, or in case he or she had fixed places of residence in more than one county, in either or any of the said counties; and in case of a written will, with the witnesses thereto, the same shall be proved by at least one of the subscribing witnesses if living, but if contested, shall be proved by all the living witnesses, if to be found, and by such other persons as may be produced to support such will; and where the validity of any last will or testament, whether written or nuncupative, shall be contested, the same shall be invariably tried by a jury, on an issue made up under the direction of the court for that purpose; any usage or law to the contrary notwithstanding.

And whereas, creditors have been greatly delayed in recovering their just debts, and executors and administrators put to great difficulty in the settlement of estates:

II. Be it enacted by the authority aforesaid, That from and after the passing of this act, no executor or administrator shall hereafter take hold, or retain in his hands, more of the deceased's estate than amounts to his necessary charges and disbursements, and such debts as he shall legally pay within two years after administration granted; but that all such estates so remaining, shall immediately after the expiration of two years, be divided, delivered and paid over to such person or persons to whom the same may be due by law or the will of the deceased, such person or persons, or some other for them, giving bond with two or more able sureties, that if any debt or debts truly owing by the deceased shall be afterwards sued for and recovered, or otherwise duly made appear, that then and in every such case he or they shall respectively refund and pay each his or her rateable part of that debt or debts, out of the part or share so as aforesaid allotted to him or her; and such bond so taken shall be made payable to the chairman of the county court for the time being, and his successors; which said bond shall be and enure to the sole use and advantage of the creditors, and such creditor or creditors shall and may have a scire facias in manner herein after directed, against the obligors in the said bond, as if the said bond had been drawn and delivered to such creditor or creditors.

III. And be it further enacted by the authority aforesaid, That the bonds so taken by executors or administrators from legatees, or persons entitled to a distributive share of the estate on an intestate, shall by such executor or administrator be brought into court at the next succeeding court after such bonds are so taken, and a record shall be made thereof, and the bonds then lodged in the office of the said court with the records of the court: And in all suits where the executors or administrators of any deceased person shall plead fully administered, no assets or not sufficient assets to
satisfy the plaintiff's demand, and such plea shall be found in favour of the defendant, the plaintiff may proceed to ascertain his demand and sign judgment, and on motion a writ or writs of scire facias shall and may issue, summoning such persons who have entered into bond as aforesaid to shew cause why execution should not issue against them for the amount of such judgment; and if there shall be judgment against the defendant or defendants to the scire facias, or any of them, execution shall and may issue thereon against the proper goods and chattels, lands and tenements of such defendant or defendants.

IV. And be it further enacted by the authority aforesaid, That the creditors of any person or persons deceased, if he or they reside within this state shall within two years, and if they reside without the limits of this state shall within three years, from the qualification of the executors or administrators, exhibit and make demand of their respective accounts, debts and claims of every kind whatever to such executors or administrators; and if any creditor or creditors shall hereafter fail to demand and bring suit for the recovery of his, her or their debt as above specified, within the aforesaid time limited, he, she or they shall forever be debarred from the recovery of his, her or their debt in any court of law or equity, or before any Justice of the Peace, within this state. Provided, That nothing in this act shall extend to debar infants, persons non compos or fames covert, to bring their several actions after the expiration of the term above mentioned, provided such actions be brought within one year after the coming to lawful age, sound mind or discoveriture of such persons. Provided also, That if any creditor who after making demand of his debt or claim, shall delay to bring suit at the special request of the executors or administrators, that then and in that case the said debt or demand shall not be barred during the time of the indulgence.

And in order that all creditors may be duly apprised of the death of any person indebted to them:

V. Be it enacted, That every executor or administrator shall within two months after being qualified as executor or administrator, advertise at the court-house of the county where the deceased usually dwelt at the time of his death, and other public places in said county, and at the district court-house at the next district superior court of law and equity held for the district in which such county may be, for all persons to bring their accounts and demands of every kind and denomination to the said executor or administrator agreeable to the directions of this act.

VI. And be it further enacted, That all laws and parts of laws that come within the purview and meaning of this act are hereby declared void and of no effect.

CHAPTER XXIV.

An Act to Amend and Enlarge an Act Passed at Tarborough, in the Year One Thousand Seven Hundred and Eighty-seven, Entitled "An Act Authorizing and Empowering the County Courts of Pleas and Quarter Sessions to Divide and Appropriate the Real Estate of Intestates."

Whereas, the before mentioned act has provided an easy, equitable and speedy mode for dividing the real estates of intestates; and whereas, it would tend greatly to the ease and convenience of all tenants in common to be included within the provisions of said act: Therefore,

I. Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, That it shall and may be lawful, where real estates now are or hereafter may be held by two or more persons as tenants in common, they shall and may have the same liberty and privileges of having their said estates divided, as is provided by the said act for dividing the estates of intestates; and the divisions when made shall be good and effectual in law to bind the parties, their heirs and assigns.

CHAPTER XXV.

An Act to Establish the Title of Certain Lands therein Mentioned.

Whereas, it hath been made appear to this Assembly, that Mary M’Phaul, widow of Niel M’Phaul, late of Bladen county, petitioned the Justices of Bladen county court, at the sessions held in said county in May one thousand seven hundred eighty-five, for a subsistence for herself and children out of the estate of her late husband the said Niel, pursuant to an act of the General Assembly, the prayer of which petition was granted, but by inattention of the Clerk of said court the order was not fully inserted in the records, wherefore the Commissioner of confiscated property paid no attention to the said order, but proceeded to sell and did make sale of two tracts of land, the only estate remaining of the said Niel, which sale was contrary to the intention of the Legislature and the order aforesaid: Wherefore,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the sale made by the Commissioner of confiscated property for Wilmington district, of a certain tract of land, situate on the Mill prong of the Raft Swamp in Bladen county, now in Robinson county, containing one hundred acres; and also the sale of one other tract of land, situate on a branch of the said Raft Swamp, containing fifty acres, late the estate of Niel M’Phaul, of Bladen county, deceased, is and are hereby declared null and void and of no effect, any law to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, and it is hereby enacted, That the said two tracts of land is and shall continue the estate of the heirs, being the sons of the said Niel M’Phaul, as fully and effectually as if such sales had not been made by the Commissioner aforesaid, subject nevertheless to the dower of Mary M’Phaul, widow of the said Niel, in the same manner as widows are entitled unto dower under the general law of this state.

III. And be it further enacted by the authority aforesaid, That all lands and other property heretofore granted by any county court in this state, agreeably to an Act of the General Assembly in that case made and provided, to any widow or orphans of such persons whose estate become confiscated, shall be vested in the grantees in fee simple, as fully and absolutely as if the same had never been subject to confiscation in manner and form agreeable to the act of descents.

CHAPTER XXVI.

An Act to Enable Thomas Callender, Acting Executor of the Last Will of Parker Quince, late of New Hanover County, Deceased, and the Other Person Therein Named, to Make Sale of Certain Lands and Tenements, Part of the Residuary Estate of the said Parker Quince.

Whereas, Thomas Callender, acting executor of the last will and testament
of Parker Quince, late of New Hanover county, Esq., deceased, Susanna Quince, Richard Quince, Junior, and William Seranzo Quince, a minor by the said Susanna Quince his mother and guardian, residuary legatees of the said Parker Quince, have presented their petition to this present General Assembly with the will of the said Parker Quince annexed, setting forth among other things, that the residuary estate of the said Parker Quince consisted principally of negro slaves and unimproved lands, the latter of which is wholly unproductive and even attended with a yearly expense: That the said executor hath already disposed of thirty-three of the said slaves towards the payment of the debts, and that there is yet due from the estate, including interest, the sum of nine thousand pounds or thereabouts, for the payment of which, and a debt of fifteen hundred pounds with above six years interest now in suit, only twenty-seven slaves of the residuary estate are remaining, and several of them old and supernaunted, so that the said executor will not only be obliged to sell and dispose of the remainder of the residuary estate in his hands, but some part of the slaves specially bequeathed by the said will, while the lands must remain many years a burden upon the legatees to their great injury, and contrary to the intention of the testator; and praying that the petitioners may by an act of the General Assembly, be enabled and empowered to sell and convey the real estate of the testator not specifically devised for the payment of debts, so as to save to the legatees the personal and productive estate intended for them by the testator: And whereas, it appears to this General Assembly that the prayer of the said petition is reasonable, and that it will be greatly beneficial to the residuary legatees of the said Parker Quince that such of the real estate as is not specifically devised by his said will should be sold for payment of his debts:

I. Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Thomas Callender, or other the executor or executors of the said Parker Quince, Susanna Quince, Richard Quince, Junior, and William Seranzo Quince, notwithstanding his minority, and the survivor or survivors of them, the acting executor or executors of the said Parker Quince being one or more, and they and every of them are hereby empowered to sell and dispose of all and singular the real estate of the said Parker Quince not specifically devised by his said will, and to make conveyances for the same to the purchasers thereof, thereby conveying to each purchaser and his heirs respectively, by virtue of the power given by this act, all the estates, rights, title, interest, claim and demand whatsoever therein and thereto, of which the said Parker Quince died seized and possessed; and the monies arising by such sales shall be received by the said Thomas Callender, or other the executor or executors of the said Parker Quince, and by him or them only, and shall be assets in his or their hands for the payment of the debts of the said Parker Quince, and by him or them.

CHAPTER XXVII.

An Act to Incorporate a Society of Persons by the Name of Centre Benevolent Society.

Whereas, It has been represented and made appear to this General Assembly, that a number of persons in Rowan and Mecklenburg, and other counties, have voluntarily associated together under the name of Centre
Benevolent Society, and come under a certain system of laws and regulations for the improvement of useful knowledge, for the encouragement of literature, to alleviate the distresses of the unfortunate, and to supply the wants of the poor and indigent: And whereas, it hath been made appear that the aforesaid persons, members of the society aforesaid, are desirous that their society might be incorporated by the name of Centre Benevolent Society, in order that said society might more fully and completely come up to the objects of their institution: Therefore, ever willing to give all due encouragement to institutions which evidently point to the happiness of society and the general welfare of mankind,

I. Be it enacted by the General Assembly of North Carolina, and by the same authority it is hereby enacted, That there shall be and remain in the before mentioned society, sufficient power and authority to elect at their discretion such persons as they may deem worthy members of the said society, which persons so elected shall have and enjoy the privileges of the same; which society shall be called by the name of The Centre Benevolent Society, and shall have power to manage the property and inheritance of the same agreeable to their own judgment and pleasure; and shall moreover have perpetual succession in law, fact and name, as herein prescribed; and shall by the name of the incorporation have full power and lawful authority to sue and be sued, to implead and be impleaded, to answer and to be answered unto, in any court or courts of law and equity in this state, before any Judge or Judges, Justice or Justices, on all manner of suits and pleas whatever, and of what nature or kind soever such suits, pleas, or actions may be, in as full and effectual a manner as any person or persons, bodies politic or corporate, may or can do.

II. And be it enacted, That the said corporation so erected, and their successors in office, or the majority of them, by the aforesaid name of the corporation, be enabled to appoint the times and places of their meeting, the number necessary to constitute a quorum; and the said quorum, in the name of the said corporation, shall have full power and authority to frame such regulations for conducting their concerns and interests, as they may think necessary and convenient for accomplishing the end of their institution as the use in other corporations, provided the same be consistent with the constitution and laws of the land.

CHAPTER XXVIII.

An Act to Alter the Names of Nancy, John and Keziah Lytle, Children of Sarah Nichols, Formerly Sarah Lytle, of the Town of Hillsborough.

Whereas, John Nichols, of the town of Hillsborough, and Sarah his wife, have by their petition requested that the names of Nancy, John and Keziah Lytle, children of the said Sarah, should be altered, and that they should henceforward be known by the names of Nancy, John and Keziah Nichols:

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 henceforward and forever hereafter the said Nancy Lytle, John Lytle, and Keziah Lytle, shall be known and distinguished by the names of Nancy Nichols, John Nichols and Keziah Nichols; and by those names shall have right to inherit and claim any estate either real or personal, which may be devise to them or either of them by the said petitioners John and Sarah, or either of them, in as full and ample manner as if they the said Nancy, John and Keziah Lytle had been born in wedlock, and had from the time
of their births been considered as the legitimate children of the said John Nichols, and Sarah his wife; and shall forever hereafter be placed in the same situation, and shall be considered to all intents and purposes in the same point of view, as though they were legally descended from the said John Nichols, and Sarah his wife, and had been born in wedlock as aforesaid.

CHAPTER XXIX.

An Act Directing the Sale of the Salt Licks and Springs, with the Adjoining Land Within the District of Mero.

Whereas, by an Act of the General Assembly passed at Hillsborough in the year one thousand seven hundred and eighty-two, entitled "An Act for the relief of the officers and soldiers, and for other purposes," all the salt licks or springs, together with six hundred and forty acres of the adjoining lands, being within the reserve of the lands for the military claims of this state, are expressly reserved for the common use and benefit of the inhabitants of that country: And whereas, the selling of the said salt licks and springs would have a direct tendency to promote the manufacturing of salt in that country, to the great advantage and benefit of the inhabitants thereof:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Robert Ewing, Joel Rice, David Wilson, Edward Douglass and Robert Nelson, be and are hereby appointed Commissioners for selling the salt licks or springs, together with the lands thereto belonging within the district of Mero; each of the Commissioners thus appointed shall, before they enter on the duties to them prescribed by this act, take in open court the following oath in the court of the county wherein they may respectively reside, viz: "I, A. B., do swear, that I will to the best of my knowledge and abilities discharge the duties of a Commissioner for the sale of the salt licks and springs within the district of Mero, agreeable to act of Assembly in that case made and provided. So help me God." They shall also enter into bond with sufficient security unto the chairmen of their respective courts and his successors in office, in the penal sum of two thousand pounds, for the faithful discharge of the duties enjoined them by this act, and the court shall determine on the sufficiency of such security; and any Commissioner by this act appointed acting as such, without previously taking the oath and entering into bond as by this act directed, shall forfeit and pay the sum of one hundred pounds, to be recovered by any person suing for the same, in any court of record within this state having cognizance thereof, one half to the use of the district of Mero, and the other half to the person suing for and recovering the same. And the said county courts shall be and are hereby empowered, to make said Commissioners such compensation for their services as to them shall seem just, to be paid out of the price of the said licks or springs.

And whereas, several of the said salt licks or springs are entirely unfit for the purpose of manufacturing salt:

II. Be it therefore enacted, That the courts of pleas and quarter sessions for the counties of Davidson, Sumner and Tennessee, shall at April term of their respective courts for the year one thousand seven hundred and ninety, make out a list to be signed by the chairman of each respective court and the Clerk thereof, of all the salt licks or springs within their re-
spective counties which said court shall deem fit for the purpose of manufacturing salt, including all such salt licks and springs as were set apart by Commissioners heretofore appointed for that purpose as public property, viz.: Heaton's Lick, Denton's Lick, the French Lick, Neely's Lick, Kasper's Lick, Maddison's Lick, Drake's Lick, Stoner's Lick, and Bledsoe's Lick; which list shall be entered on the record of said courts, and copies thereof delivered to the Commissioners by this act appointed; and all other salt licks or springs, with the adjoining lands, not deemed by the court fit for the manufacturing of salt, be and they are hereby declared vacant land, and liable to be located and entered in the same manner as all other vacant land in the said district of Mero. Provided always, That if any former entry, or the lines of any former entry, shall interfere with or take in any part of the said unfit licks or springs, or the land adjoining them, the said entries are hereby declared good and valid in law; any law, usage or custom to the contrary notwithstanding.

III. And be it further enacted, That the said Commissioners, or a majority of them, shall cause to be surveyed, where such surveys have not already been made, all the said salt licks or springs with six hundred and forty acres of the adjoining lands, agreeable to the list made out by the several courts, by the surveyors of the several counties wherein the said salt licks or springs may be situate; which surveys shall be made agreeable to an act of the General Assembly directing the mode the military claims are to be laid off, and the surveyors shall deliver to the Commissioners by this act appointed two fair plats of each survey, describing the several courses and distances thereof; for which services the said surveyors shall be allowed the same fees as other surveyors within this state.

IV. And be it further enacted, That the Commissioners by this act appointed, or a majority of them shall advertise in the most public manner for at least three months, the day and terms of sale of each of the said salt licks or springs; which sale shall be made at the court-house of the county where such salt lick or springs may be situate; and the said Commissioners shall have the power to postpone the sale of all or any of the said licks or springs to any day or time; provided that all sales be completed within twelve months from the passing of this act, unless some of the surveys be rendered impracticable by the hostilities of the Indians; and each salt lick or spring, together with the adjoining lands, shall be sold separately at public vendue to the highest bidder, at two years credit: Provided nevertheless, That it shall be the duty of the Commissioners to reserve two of the said reserved salt licks, with the adjoining lands, for the use of the academy of Davidson county, and execute a deed to the Trustees thereof for the same; the purchaser or purchasers entering into bond with two sufficient securities unto the Commissioners, for the use and benefit of the district of Mero, for the payment of the purchase money; which money when collected by the said Commissioners shall be paid into the hands of the county Treasurer where such sales shall have been made, to be appropriated to the common use and benefit of the district of Mero as may by law hereafter be directed; and the said Commissioners shall transmit to the Secretary of state two plats of each survey, with the name of the purchaser and the price by him given for such salt licks or spring: And the Secretary of state is hereby directed to make out to such purchaser or purchasers, a grant in the name of the state, for each salt lick or spring thus sold, to be signed by the Governor for the time being, in the same manner as all other grants from the state. Provided always, That such purchaser or purchasers
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shall not so inclose the said licks or springs as to prevent stock from having the benefit thereof.

And whereas, the Commissioners appointed by act of Assembly to encourage the making of salt in the county of Davidson, have leased out by virtue of the said act, the three salt licks known by the name of the French lick, Neely's lick and Kasper's lick, with the lands thereunto belonging, for the term specified in the said Act, lessees having covenanted and agreed to and with the said Commissioners, to manufacture annually a certain quantity of salt at each of the aforesaid salt licks; which salt when made was to be sold by the said lessees for their use and benefit: And whereas, the passing of this act would be highly injurious to the lessees aforesaid, unless some provision be made for them, having due regard to the above recited lease:

V. Be it therefore enacted by the authority aforesaid, That the said lessees, their heirs or assigns, be and are hereby exonerated from manufacturing one half of the quantity of salt they were to make annually in consideration of the lease aforesaid; and the quantity they may fall short in manufacturing in any year, they shall make up the succeeding year. Provided always, That the said lessees shall make up the whole quantity of salt prescribed by this act, before the expiration of the lease aforesaid.

VI. And be it further enacted, That all acts of Assembly, and every part or parcel thereof, that may come within the purview of this act, are hereby repealed and made null and void, to all intents and purposes as if the same had never been made.

CHAPTER XXX.

An Act for Erecting a Town on the Lands of Fergus Sloan, in Iredell County, and to Amend an Act for the Division of Rowan County.

Whereas, it hath been represented to this General Assembly, that the lands of Fergus Sloan, agreed and fixed on by the Commissioners appointed by the above recited act for the division of Rowan county, for the fixing on a place, and building a court-house, prison and stocks in the said county of Iredell, is a pleasant and healthy situation, and the said Fergus Sloan having signified his consent to have fifty acres of land, fixed on by the Commissioners as aforesaid, laid off for a town: and at the request and desire of the inhabitants of the county of Iredell aforesaid, by the name of Statesville.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said fifty acres shall be laid off in half acres lots, and streets accordingly; and the same are hereby constituted and established a town by the name of Statesville.

II. And be it further enacted by the authority aforesaid, That George Davidson, Jeremiah Nelson, Joseph Sharp, John Nesbit and Christopher Huston, be and every one of them be constituted Commissioners and Trustees, for designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate in fee simple in the said fifty acres of land aforesaid, to and for the uses, intents and purposes hereby declared; and the said Commissioners, or any three of them, shall have full power and authority to meet as often as they shall think proper to lay off said town as they shall think most convenient; and the said Commissioners shall make and execute deeds in fee simple to the respective purchaser or pur-
chasers, for such price or prices as they or a majority can agree upon, relation being had to the respective properties of the several lots.

III. And be it enacted, That the respective purchasers of said lots, shall pay and satisfy the said Commissioners for whatever sum or sums they may severally incur by purchasing lots from the said Commissioners; and in case of neglect or refusal of any purchaser to pay the sum or sums that may be incurred as aforesaid, that then in that case the Commissioners, or a majority of them, may commence a suit or suits in their own names, and therein recover judgment with costs of suit; and the said Commissioners as soon as they shall receive the money by sales as aforesaid, shall pay to Fergus Sloan the sum of twelve shillings per acre, for the said fifty acres, in full satisfaction for the said land, and the residue, if any, shall be applied in defraying the expense in laying off said town.

IV. And be it enacted, That in case of the death, refusal to act, or removal out of the county, of any of the Commissioners, the survivor or survivors of them are hereby empowered from time to time, by instrument of writing under their hands, to appoint some other person, being a freeholder in said county of Iredell, in the place of him so dying, refusing to act, or removing as aforesaid; which Commissioner or Trustee shall have the same power and authorities as if he had been appointed by this act.

And whereas, a clause was annexed to the above recited act for the division of Rowan county, authorizing the Justices of the Peace for said county of Rowan, who in the aforesaid division might fall within Iredell county, to exercise all the powers and authorities to which they were severally and otherwise entitled as Justices for Rowan: And whereas, said clause by accident or other casualty never appeared to said Act: And whereas, the Justices of Rowan county falling into Iredell county as aforesaid, proceeded to exercise the powers and authorities supposed to be contained in the clause as aforesaid, from the fourth Monday in December, one thousand seven hundred and eighty-eight, until the fourth Monday in June, one thousand seven hundred and eighty-nine, destitute of the authority supposed to be contained in the clause aforesaid, whereby trouble and inconvenience may arise to those who have had business done with or by the aforesaid Justices during that period: For remedy whereof,

V. Be it enacted, That all the proceedings of the aforesaid Justices, during the above period including two courts in said county of Iredell, shall be deemed to have the same force and validity as if the aforesaid Justices had been invested with all the necessary powers and authorities as Justices of the Peace, any law or custom to the contrary notwithstanding.

CHAPTER XXXI.

An Act for laying off a Town on the Lands of John Marriner, in Tyrrel County.

Whereas, it hath been represented to this General Assembly that a town in the county of Tyrrel, on the Lands of John Marriner, on the southwest side of Scuppernong River, at a place known by the name of the Back Landing, would be of very considerable advantage to the inhabitants of said county; and the said John Marriner having petitioned this General Assembly for 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 Benjamin Spruill, Woolsey Hathaway, John Wynn, James Wood, Charles Spruill,
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John Ansley, Hesekiah Spruill, Nathan Batimann and Robert Davidson, be and they are hereby appointed Commissioners, to contract with the said John Marriner for eighty acres of land for the said town, and the terms on which he will dispose of the same in lots of one half acre each; and the ground so agreed for lay off into streets not less than fifty, and not more than one hundred feet in width; which lots and streets the said Commissioners are hereby required to lay down in a regular plat, numbering the lots therein laid down; which said town shall be distinguished by the name of Newport.

II. And be it further enacted by the authority aforesaid, That the Commissioners above mentioned, as soon as there shall be a sufficient quantity of lots subscribed for, all the numbers of the lots of the said town shall be placed in a box, and the names of the subscribers in another, and when a name being drawn out, a number at the same time, his shall be the lot the number of which was drawn with his name; and the remaining numbers undrawn and not subscribed for, shall be vested in the said John Marriner, notwithstanding he shall have executed a deed for the same to the Commissioners aforesaid; provided, That the subscribers for the said lots shall not be obliged to pay to the proprietor or Commissioners more than fifty shillings for each lot; and that this act shall not have effect, until the said John Marriner shall execute a sufficient conveyance to the Commissioners aforesaid, of the lands agreed for as aforesaid for laying out the said town.

III. And be it further enacted by the authority aforesaid, That the said Commissioners, or a majority of them, are hereby empowered to grant deeds to the subscribers for the said lots.

IV. And be it further enacted by the authority aforesaid, That if any of the Commissioners hereby appointed shall refuse to act, die, or remove out of the county, the surviving Commissioners shall be and they are hereby empowered to elect another Commissioner or Commissioners, in the room of him or them so refusing, dying or removing.

CHAPTER XXXII.

An Act to Empower Certain Persons therein named to Receive, Sue for and Recover all Such Bequests, Donations, Benefactions and other Things, as have heretofore been Bequeathed, Given or Made by any Person or Persons whatsoever, for the Use of the Congregation or Society of the Episcopal Communion of New Bern.

Whereas, there have been donations and bequests made, and monies received by subscriptions for erecting an Episcopal church or house of worship, and for the support and maintenance of a minister, but for want of legal authority to call the possessors to account for such donations, bequests, monies and subscriptions, are in danger of being lost: For prevention whereof,

I. Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That John Fonvelli, Richard Dobbs Spaight, Richard Nixon, Isaac Gulton, Thomas Tomlinson, John Daves, Thomas Haslin, David Witherspoon and William Good, Esquires, shall and they are hereby declared to be Churchwardens, for receiving and taking into their possession all and singular the donations, bequests, benefactions and monies or subscriptions, which heretofore have been given, bequeathed and made and received, and all and singular the donations, bequests, benefactions and monies or subscriptions which have heretofore been
given, or may hereafter be given, bequeathed, made or raised, and all and
singular the lands and hereditaments which have been purchased, made or
given for the use and benefit of the congregation or society of the Episcopal
church of New Bern.

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

III. Provided always, and be it further enacted by the authority afores-
said, That the congregation or society aforesaid are hereby authorized and
empowered to convene at the church in New Bern, on the first Monday
after Easter, and on the same day in every succeeding year, and elect
seven persons to act as Churchwardens, and shall remain and continue in
office for three years after such election.

CHAPTER XXXIII.

An Act to Invest an Indefeasible Right of Inheritance in Charles, Alley
and Prudence Oggs, the Surviving Natural Children of John Oggs,
of the County of Pasquotank, of such Property as was Bequeathed to
them and their Deceased Brother Jesse Oggs.

 Whereas, it hath been made appear to this General Assembly, that John
Oggs late of the county of Pasquotank, hath departed this life, leaving be-
hind him four natural children, Charles, Alley, Prudence and Jesse, by his
negro slave Hester, to whom he bequeathed all his real and personal estate
by virtue of a certain last will and testament: And whereas, by the policy
of the law the said children, being bastards, are debarred from the rights of
inheritance, and being recommended to this General Assembly as persons
of good fame: And whereas, Jesse, one of the children is dead:

I. Be it enacted by the General Assembly of the state of North Carolinas,
and it is hereby enacted by the authority of the same, That the above men-
tioned Charles, Alley and Prudence Oggs, are hereby invested in an Indefeas-
ible right of inheritance of all and singular the lands and tenements, goods
and chattels which were bequeathed to them by their father John Oggs,
in virtue of his last will and testament; and that they hold and take the said
property to them and their heirs and assigns forever, agreeably to the direc-
tions of the said will, and the intentions of the said John Oggs therein ex-
pressed.

And whereas, the within mentioned Hester, and her children Charles, Alley
and Prudence Oggs, are recommended to this General Assembly by several
very respectable inhabitants of the counties of Camden and Pasquotank, as
worthy of being manumitted and set free agreeable to the intention of their
father John Oggs:

II. Be it therefore enacted, That the said negro woman Hester, and her
children Charles, Alley and Prudence Oggs, are hereby manumitted and set
free to all intents and purposes, and to possess all the rights and privileges as if they had been born free.

CHAPTER XXXIV.

An Act to Repeal Part of the Twentieth Clause of an Act, passed at Hillsborough in the Year One Thousand Seven Hundred and Eighty-four, Entitled "An Act to Prevent the Exportation of Unmerchantable Commodities.

Whereas, it hath been made appear to this General Assembly that the said clause, so far as it respects the inspection of flax-seed, is attended with an unnecessary expense to the shipper thereof: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said clause or act so far as it respects the inspection of flax-seed, is repealed and made void.

CHAPTER XXXV.

An Act to Emancipate Certain Negroes Therein Mentioned.

Whereas, it hath been represented to this General Assembly, that Robert Shaw, in his lifetime, did receive a valuable consideration for the further services of a certain negro woman named Amelia, and has certified the same and declared her to be free: And by petition of Thomas Lovick, it appears to be his desire that a certain negro woman by the name of Betty, belonging to him, should be set free; also a petition of Monsieur Chaponel, desiring to have set free a mulatto slave belonging to him, by the name of Lucy, of three and half years old: And whereas, it appears by the petition of Ephraim Knight, of Halifax county, that he is desirous to emancipate two young mulatto men, called Richard and Alexander, the property of said Ephraim: And it hath also been represented to this Assembly by John Alderson, of Hyde County, that it is his desire to set free a mulatto boy belonging to him, called Sam: And whereas, it hath been made appear to this Assembly by the petition of Thomas Newman, of Fayetteville, that he hath a mulatto boy belonging to him, which he is desirous to emancipate, and known by the name of Thomas:

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 negro women called Amelia and Betty, and the mulatto girl Lucy, and the said mulatto men Richard and Alexander, and the said mulatto boy called Sam, and the negro boy named Thomas Clinch, shall be, and each of them are hereby emancipated and declared free; and the said Richard and Alexander shall take and use the surname of Day, and the mulatto boy Sam shall be known and called by the name of Samuel Johnson; and the said slaves so liberated, and each of them, are hereby declared to be able and capable in law to possess and enjoy every right, privilege and immunity, in as full and ample manner as they could or might have done if they had been born free.
CHAPTER XXXVI.

An Act to Add Part of Bladen County to Cumberland.

Whereas, It hath been represented and made appear to this General Assembly, that the upper part of Bladen county is contiguous to the county court of Cumberland and superior court of Fayetteville district, and very remote from the court-house of the said county of Bladen and the district court thereof, to the great injury and inconvenience of the inhabitants of the upper part of the said county of Bladen: 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 that part of Bladen county lying to the north west of a line beginning directly opposite to the mouth of Willis's creek, on the northeast side of Cape Fear river, thence a direct course to John Pharis's on South river, so as to include said Pharis's in Cumberland county, thence the same direction until it strikes the Sampson line; then beginning at the said first station opposite to said Willis's creek and running south seventy-five west to Robeson county line, be and is hereby annexed to the county of Cumberland, and from and after the passing of this act shall be and remain a part thereof.

II. And be it further enacted by the authority aforesaid, That Thomas Owen, Robert Rowan, Joseph Timms, James Morehead, Peter Robinson, Samuel Cain, Esquires, and James Jackson shall be and are hereby appointed to run the said dividing line between the counties of Bladen and Cumberland, agreeable to the directions of this act; and that they or a majority shall make return thereof to the courts of the said counties respectively, who shall cause the same to be recorded; and the said line so run, shall and is hereby declared to be the dividing line between the said counties of Bladen and Cumberland; and any expense incurred by running the same shall be defrayed by the county of Cumberland; Provided, Nothing herein contained shall prevent or restrain the Sheriff or Collectors of the county of Bladen, as it now stands, to collect or restrain for any tax now due from the inhabitants hereby annexed to the county of Cumberland.

III. And be it further enacted, That all suits and other matters of controversy now depending in the county court of Bladen, shall be prosecuted to a final end and determination, as fully and in the same manner as if this act had never been passed.

CHAPTER XXXVII.

An Act to Vest in Jeremiah and Robert Field an Indefeasible Right to such Property as was Granted to them by their Father William Field, in the Year One Thousand Seven Hundred and Seventy-six.

Whereas, It has been made appear to this General Assembly, that William Field and Lydia his wife, in the year one thousand seven hundred and seventy-six, made a deed of gift unto their children Jeremiah and Robert Field of a certain tract of land, lying in Rowan and Surry counties, containing six hundred and forty acres, to-wit: One tract of land on Abbott's creek, beginning at a hickory standing on the line of a survey late the property of William Buse, and running north along his line in all one hundred and two chains to a stake in the line of another survey of the said Buse, then west along said line, crossing said creek and a fork of the same, sixty-two and three-fourth chains to a black-oak and white-oak saplin, then south one hundred and two chains to a black-oak saplin, then east crossing said creek
sixty-two and three-fourth chains to the beginning, containing six hundred
and forty acres: And whereas, the said property was held as confiscated
to the State by the Commissioners of confiscated property for the district of
Salisbury; yet as the same was conveyed previous to any confiscation law of
this State, bona fide, by the said William Field and Lydia his wife, to their
children Jeremiah and Robert.

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 Jeremiah
and Robert Field are hereby invested with an indefeasible title and interest
in the property above described, to them, their heirs and assigns forever;
any law heretofore to the contrary notwithstanding.

CHAPTER XXXVIII.

An Act to Pardon John Bradley, of the Town of Wilmington.

Whereas, John Bradley, of the town of Wilmington, in the county of New
Hanover, some time in the year of our Lord one thousand seven hundred and
eighty-seven, obtained a pardon from the Governor of this State, in conse-
quence of application to him made, and of the recommendation of the Gen-
eral Assembly in behalf of the said John Bradley, then accused for the kill-
ing of Samuel Swann; which pardon, on being duly pleaded to an indict-
ment for the said supposed offence, in the superior court of law for Wil-
mington district, was not allowed by a majority of the Judges of the said
court; and the said John Bradley in his petition to this General Assembly
having set forth such circumstances as upon due enquiry and full consid-
eration of the same, it appears the said John Bradley ought to be pardoned:

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 John Bradley is fully, freely and absolutely pardoned, acquitted and
discharged of and from any prosecution for murder, manslaughter or other
species of homicide of whatever nature in law or construction thereof, done
or committed by the said John Bradley in the killing of the said Samuel
Swann, with which he now is or hereafter may be charged in any of the
courts of this state.

CHAPTER XXXIX.

An Act to Amend an Act, entitled "An Act Directing the Mode of Proceed-
ing Against the Real Estate of Deceased Debtors, where the Personal
Estate is Insufficient for the Payment of the Debts.

Whereas, no mode of proceeding is directed by the said act for the admin-
istrator to recover against the heirs any debts that may be due and owing to
him from the intestate, when the personal estate is insufficient to discharge
due debt:

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 all cases
where administration shall be granted to any person on account of his
being a creditor of the intestate, and there shall not be personal assets
sufficient to satisfy the debts or demand of such administrator, it shall and
may be lawful for such administrator to prefer a petition against the heir
or heirs of such intestate for the recovery of such debt or demand, to the
court of the county wherein such administration was granted, or to the court
of equity of the said district in which said county may be, in the manner
and under the regulations prescribed by an act, entitled "An act for the bet-
ter care of orphans, and security and management of their estates," passed
in the year one thousand seven hundred and sixty-two, therein specially set-
ting forth the nature of said debt or demand, and the amount thereof, and
praying that the heir or heirs of such intestates may be made defendant or
defendants thereto; and such petition being filed in the Clerk's office, the
same proceedings shall be had thereon, and the defendant or defendants
shall be bound and subject to the same rules as in case of petition under
said act, and if a decree shall be made against such heir or heirs, or any
of them, execution shall and may issue against the real estate of the de-
ceased debtors in the possession of such heir against whom a decree shall
be given as aforesaid.

Whereas, it is not just that by the practice or contrivance of any debtors,
their creditors should be defrauded of their just debts: And whereas, it is
reasonable that the devisee or devisees of such debtors should be liable to
suit for the debts of the testator, in like manner as heirs at law for the debts
of their ancestor: Wherefore,

II. Be it enacted by the authority aforesaid, That all devises of lands,
tenements and hereditaments, or of any rent, profit, term or charge out of
the same, shall be deemed and taken only as against such creditor or
creditors, his heir, and their heirs, successors, executors, administrators
and assigns, and every of them, as null and void; and every such creditor
shall and may have and maintain his, her or their action or actions against
such devisee or devisees, in all case and in like manner as such action or
actions might or could be brought or maintained against the heir or heirs at
law of such deceased debtor, jointly with the heir or heirs at law, or severally
by virtue of this act.

III. And be it further enacted by the authority aforesaid, That in all
cases where any heir at law shall be liable to pay the debt of his or her
ancestor in regard of any lands, tenements or hereditaments, descending to
him or her, or where any devisee shall be liable to pay the debt of a testator
in regard of any lands devised to him or her, and shall sell, alien or make
over the same before action brought or process sued out against him or
her, that such heir at law or devisees shall be answerable for such debt or
debts to the value of the said land so by him or her sold, aliened or made
over; in which cases all creditors shall be preferred as in action against
executors or administrators, and execution shall be taken upon any
judgment or decree obtained against such heir or devisee to the value of
the said lands as if the same were his or her own proper debt, saving that
the lands, tenements and hereditaments bona fide aliened before the action
brought, shall not be liable to such execution.

IV. Provided always, and be it further enacted by the authority afores-
said, That when any such heir or devisee shall be a minor and have a
 guardian, the leading process shall be served on such guardian; and where
the minor shall have no guardian, then and in that case the court shall ap-
point a guardian to defend the suit for said minor.

V. And be it further enacted, That when any guardian shall have notice
of any debt or demand against the estate of his or her ward, he or she may
apply to the county court wherein such guardianship was granted, for an
order to sell so much of the personal or real estate of such ward as may be
sufficient to discharge such debt or demand; and such order of the court
shall particularly specify what property may be so sold, and such property
shall be sold on the same credit and under the same regulations as property
sold by executors or administrators, is or may be by law; and the proceeds of such sales shall be considered as assets in the hands of the guardian for the benefit of the creditors, in like manner as assets in the hands of an administrator or executor, after fieri facias as by the act directed; and the same proceedings may be had against such guardian with respect to the assets aforesaid, as might be had or taken against an executor or administrator in similar cases. Provided nevertheless, That no execution shall be levied on the goods or chattels, lands or tenements of any minor in the hands of his guardian, until twelve months after judgment obtained on the fieri facias aforesaid; nor shall execution issue liable as aforesaid, at any time but on motion in open court.

IV. And be it further enacted, That so much of the said recited act as requires that the pleas of executors or administrators shall be on oath, is hereby repealed and made void.

CHAPTER XL.

An Act for raising a Revenue for the Payment of the Civil List, and Contingent Charges of Government for the Year One Thousand Seven Hundred and Ninety.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the year one thousand seven hundred and ninety, a tax of one shilling on every hundred acres of land within this state, and a tax of three shillings on each hundred pounds value of town property with their improvements, and a tax of three shillings on every poll in this state, shall be levied and paid in state currency. Provided, That all the lands west of the Apalachian mountains shall pay a tax of eight pence on every hundred acres of land.

II. 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 shall be deemed taxable property, the method of assessing the same and collecting the public taxes;" and also an act, entitled "An Act for the more regular collecting, payment of and accounting for the public taxes."

III. And be it further enacted by the authority aforesaid, That the sinking tax directed to be collected by an act passed in 1785, for emitting one hundred thousand pounds paper currency, shall be collected in money, and accounted for in the same manner as other taxes.

CHAPTER XLI.

An Act for the More Easy Redemption of Mortgages.

Whereas, mortgagees frequently bring actions of ejectment for the recovery of lands and estates to them mortgaged, and bring actions on bonds given by mortgagors to pay the money secured by such mortgages, and for performing the covenants therein contained, and likewise commence suit in the courts of equity to foreclose their mortgagors from redeeming their estates, and the courts of law where such ejectments are brought have not power to compel such mortgagees to accept the principal monies and interest due on such mortgages and costs, or to stay such mortgagees from proceeding to judgment and execution in such actions, but such mortgagors must have recourse to a court of equity for that purpose:

I. Be it enacted by the General Assembly of the state of North Carolina,
and it is hereby enacted by the authority of the same, That from and after
the passing of this act, where any action shall be brought on any bond for
the payment of the money secured by such mortgage, or performance of the
covenants therein contained, or where any action of ejectment shall be
brought in any of the superior courts of law or courts of pleas and quarter
sessions in this state, by any mortgagee or mortgagees, his, her or their heirs,
executors, administrators or assigns, for the recovery of the possession of
any mortgaged lands, tenements or hereditaments, and no suit shall be then
depending in any of the courts of equity in this state, or touching the fore-
closing or redeeming of such mortgaged lands, tenements or hereditaments,
and who shall appear and become defendant or defendants in such action,
shall at any time pending such action pay unto such mortgagee or mortga-
gees, or in case of his, her or their refusal, shall bring into court where such
action shall be depending all the principal monies and interest due on
such mortgage, and also all such costs as have been expended in any suit
or suits at law or equity upon such mortgage, such money for principal, in-
terests and costs to be ascertained and computed by the court where such
action is or shall be depending, or by the proper officer by such court to be
appointed for that purpose, the monies so paid to such mortgagee or mort-
gagees, or brought into such court, shall be deemed and taken to be in full
satisfaction and discharge of such mortgage; and the court shall and may
discharge every such mortgagor or defendant of and from the same accord-
ingly, and shall and may, by rule or rules of the same court, compel such
mortgagee or mortgagees, at the cost and charges of such mortgagor or
mortgagors, to assign, surrender or reconvey such mortgaged lands, ten-
ements and hereditaments, and such estate and interest as such mortgagee
or mortgagees have or hath herein; and deliver up all deeds, evidences and
writings in his, her or their custody, relating to the title of such mortgaged
lands, tenements, and hereditaments, unto such mortgagor or mortgagors
who shall have paid or brought such monies into the court, his, her or their
heirs, executors or administrators, or to such other person or persons as he,
she or they shall for that purpose nominate or appoint.

II. Provided always, That this act, or any thing herein contained, shall
not extend to any case where the person or persons against whom the re-
demption is or shall be prayed shall, by writing under his, her or their hands,
or the hand of his, her or their attorney, agent or solicitor, to be delivered
before the money shall be brought into such court at law to the attorney
or solicitor for the other side, insist either that the party praying a redep-

CHAPTER XLII.

An Act to Establish the Lines of a certain Tract of Land granted unto
Charles Gerrard.

Whereas, it appears to the satisfaction of this General Assembly, that
James Sanders, deputy-surveyor of the military lands of this state, did re-
turn a plat of survey of a tract of land for Charles Gerrard, Esquire, for two thousand five hundred and sixty acres, situate in the county of Davidson, for which said grant hath issued to the said Charles Gerrard, notwithstanding the said survey was not made to the cardinal points agreeable to law, by which means the said Charles Gerrard may be in a future day disturbed in his title of the said land: And whereas, the entry of the said Charles Gerrard is one of the oldest date in the said county of Davidson, and that it is not just he should suffer on account of any mistake or error in the deputy surveyor:

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 boundary lines of a military grant of this state numbered number thirty-two, signed by his Excellency Richard Caswell, Esquire, then Governor of this state, the fourteenth day of March one thousand seven hundred and eighty-six, given and granted unto Charles Gerrard, a Lieutenant in the North Carolina line, two thousand five hundred and sixty acres of land lying in the county of Davidson, on the south side of Cumberland river, including the mouth of Yellow creek, "Beginning at a white-oak on the river bank, thirty-four poles above the mouth of Yellow creek, then down the river to a hickory and boxelder, thence south thirty-five degrees east four hundred and sixty poles across the creek to an elm, thence north fifty-east eight hundred and eighty-six poles to a white-oak, thence north thirty-five west three hundred and eighty-two poles to the beginning," be and are hereby declared to be the established boundary lines of the said Charles Gerrard's aforesaid tract of two thousand five hundred and sixty acres; any law, usage or custom to the contrary notwithstanding. Provided, That nothing in this act contained shall be construed to injure the right of any individual to the said land.

CHAPTER XLIII.

An Act to Annex Part of Burke County to the County of Wilkes.

Whereas, it is represented to this General Assembly, that a part of Burke county, known by the name of Little river settlement, is of much greater distance from the court-house in said county than from the court-house in Wilkes, the inhabitants are under unnecessary inconveniences: 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 after the passing of this act, all that part of Burke county that lies north of the following line, be and the same is hereby annexed to the county of Wilkes; and that the said county line be established as follows, to-wit: Beginning on Iredell county line at the Whetstone hill on the Spring road, and running up said road to the lower Little river, thence up said river to Holmes's creek, thence up said creek to Lambert's fork, thence up said fork to the head thereof, then a north course to the top of the Brushy mountain, being Wilkes line.

II. Provided nevertheless, That the Sheriff or Collectors of public taxes in Burke county, shall have the same power and authority to collect all taxes heretofore levied on the inhabitants aforesaid, as if this act had never been passed; any law to the contrary notwithstanding.
CHAPTER XLIV.

An Act to authorize James Billingsby to execute a Deed or Deeds of Conveyance, agreeable to a Power of Attorney and the Last Will and Testament of William Rea, late of Guilford County, deceased.

Whereas, William Rea, late of Guilford county, deceased, did in his lifetime execute a power of attorney, bearing date the third day of February one thousand seven hundred and eighty-nine, unto James Billingsby, empowering him to execute a deed or deeds of conveyance to every person or persons to whom he the said William Rea sold lands on the waters of Cumberland river, or in Guilford county, in this state; which power of attorney he the said William Rea recognized by his last will and testament:

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 James Billingsby is hereby authorized and empowered to execute a deed or deeds of conveyance, agreeably to the power of attorney aforesaid and the last will and testament of the said William Rea, deceased; which deed or deeds so executed as aforesaid, shall be as good and valid in law as if the said William Rea, deceased, had in his lifetime executed the same; any law, usage, or custom to the contrary notwithstanding.

CHAPTER XLV.

An Act to repeal Part of an Act passed at New Bern, entitled "An Act to Divide the District of Morgan."

Whereas, the number of jurors in the district of Morgan appointed to attend the superior courts, are more than necessary and the appointment not so equitable and convenient as it might be:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the county of Wilkes shall send eight jurors, the county of Rutherford eight, the county of Lincoln eight, and the county of Burke sixteen; which shall be the number and appointment of the different counties aforesaid.

II. Be it further enacted by the authority aforesaid, That from and after the passing of this act, so much of the before recited act as relates to the appointment of jurors for the district aforesaid, shall be and is hereby repealed and made void.

CHAPTER XLVI.

An Act to Establish a Public Inspection of Tobacco in Clarksville, in the County of Tennessee.

Whereas, the establishing a public inspection of tobacco in Clarksville, in the county of Tennessee, will encourage commerce, promote industry and be advantageous to the tobacco planters and others 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 the Justices of the county court of Tennessee shall and are hereby empowered and directed, to cause to be built and erected a warehouse and other conveniences in the said town, fit and necessary for the reception, inspection and safe-keeping of tobacco in the said town; and the same when so built and
erected, shall and is hereby declared to be a public warehouse for the reception of tobacco.

II. And be it enacted by the authority aforesaid, That the said court shall annually appoint two discreet and careful men, well qualified and acquainted with the nature and qualities of tobacco, to be inspectors thereof; who shall take the same oath, be subject to the same rules, regulations and restrictions, to which inspectors of tobacco are subject by an act of the General Assembly, passed at New Bern in the year one thousand seven hundred and seventy seven, entitled "An Act to amend the staple of tobacco and prevent frauds;" which said law, so far as is not provided for by this act, shall govern the inspection hereby established.

III. And be it further enacted by the authority aforesaid, That the Inspectors so appointed, shall have and receive of the owners of tobacco the sum of eight shillings for each and every hogshead of tobacco they shall inspect, cooper and put in good order, and the sum of two shillings for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, prising and every thing necessary thereunto.

IV. And be it further enacted by the authority aforesaid, That the Inspectors, or either of them, when so appointed by the court and qualified as by this act directed, is hereby invested with full power and authority to inspect any tobacco that may be bough to the said warehouse, and on passing the same, grant a certificate or note thereof to the owner or owners as the case may be.

CHAPTER XLVII.

An Act to Erect a Public Provision Store on the Frontier of the County of Hawkins, for the Accommodation of the Cumberland Guard.

Whereas, it appears highly necessary that a public provision store should be erected for the accommodation of said guard, when called upon to escort and conduct families and other emigrants through the wilderness to the Cumberland settlements:

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 to erect a public provision store at the house of John Adair, in the county of Hawkins, in order to receive corn, flour, beef, pork, &c., for the sole use of the Cumberland guard when in actual service.

II. And be it enacted by the authority aforesaid, That John Adair be appointed Commissioner to purchase provisions for the use of the above troops, who shall enter into bond with approved security, payable to the Justices of the county court of Hawkins, for the faithful and just execution of the trust in him reposed.

III. And be it further enacted, That it shall and may be lawful for such Commissioner to give certificates for provisions purchased for the above purpose; which certificates shall be received by the different Sheriffs in the district of Washington, in part payment of the public tax in the counties in said district; which certificates shall also be received in the same manner by the public Treasurer of this state from the Sheriffs in said district; any law to the contrary notwithstanding.
CHAPTER XLVIII.

An Act to Amend and Enlarge an Act passed at Hillsborough, in April, One Thousand Seven Hundred and Eighty-four, entitled "An Act to enable Mary Dowd to Sue For and Recover to her own Use, and the Use of her Children by her Husband Conner Dowd, all Debts due and owing to the said Conner, and all other Things in Action which the said Conner Dowd might lawfully sue for and recover, were he a Citizen of this State and Entitled to the Benefits of its Laws.

Whereas, doubts may arise whether Mary Dowd was legally authorized by the before recited act to sell and convey any part of the real estate of her husband Conner Dowd: And whereas, it is represented to this General Assembly, that it will not be possible for her to discharge all the debts of the said Conner without selling part of his real estate:

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 Mary Dowd shall and may be fully authorized and empowered to sell and convey so much of the real estate of the said Conner Dowd as shall be sufficient to discharge all his debts; and on such sale to make and execute a deed or deeds of bargain and sale for the same to the purchaser or purchasers, in as full and ample manner as if she was a female sole and unmarried, and actually was seized of all indefeasible estate in fee simple in and to the said real estate; which said deed or deeds of bargain and sale by the said Mary Dowd so to be made, shall convey a clear and indefeasible estate in fee simple to the purchaser or purchasers of such real estate, which shall be good and effectual in law to bar the right of the said Conner Dowd, his heirs, devisees and assigns, as well as the right of the said Mary Dowd, her heirs, devisees and assigns. Provided, That this act shall not be so construed as to affect the right or claim of any person or persons other than those herein particularly barred, any law or usage to the contrary notwithstanding. Provided, also, This act shall not be construed as to operate upon any real estate, save only that which shall be in the county of Chatham.

CHAPTER XLIX.

An Act to Confirm unto Benjamin Williams an Indefeasible Title to a certain Piece of Land in Brunswick County; and for making Conformable to the Plan the Courses of a Tract of Land containing Five Thousand Acres in Hawkins County, situate on the North Side of Clinch River and on both sides of Emery River, granted to James Glasgow; and the Courses of a Tract of Land in Jones County, lying on Crooked Run, containing Six Hundred and Forty Acres, granted to Abraham Buffet.

Whereas, it has been sufficiently proved to this General Assembly, that Benjamin Williams, of Brunswick county, hath an equitable right to a certain piece or parcel of land in the said county, formerly the property of William Simpson, on Mill creek, beginning at a stake in a bottom above the Bolplace, thence along said Simpson's own and Hasel's line including the Bolplace, thence along his own and Hasel's line to Roger Davis's line to a lightwood stake in a meadow, then across to the first station, including one hundred acres of land, being part of a tract of land patented by William Simpson, and by him conveyed to the before mentioned Benjamin Williams for a valuable consideration, on the fifteenth of September, one thousand seven hundred and seventy-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 piece or parcel of land herein before described, with the appurtenances, be and the same is hereby confirmed to and vested in the said Benjamin Williams, his heirs and assigns forever.

And whereas, it appears from the plan of the survey of a piece of land granted unto James Glasgow, Esquire, that the surveyor through mistake hath inserted in the certificate one course more than is laid down in the plan, whereby part of the land entered and intended to be granted is left out of the grant.

II. Be it therefore enacted by the authority aforesaid, That from and after the passing of this act the courses of the aforesaid tract of land shall be as follows, to-wit: Beginning at two elms and a sycamore on the bank of the river, running thence north sixteen degrees east six hundred and ninety-four poles to a stake William Blount's corner, thence along William Blount's line north sixty-eight degrees west five hundred and sixty poles, thence south one hundred and fifty-six poles along said Glasgow's line of his one thousand acres survey to a stake, thence another of his lines of said survey west four hundred and ninety poles to a black oak, thence south to Clinch-River, thence up the meanders thereof as laid down in the plan to the beginning; and that all the land contained in the above lines be vested in the said James Glasgow, his heirs and assigns forever.

III. And be it further enacted, That the Secretary be directed to alter the grant and record, and make them conformable to the above courses.

And whereas, it also appears from the plan of a tract of land in Jones county, on Crooked run, granted to Abraham Buffet, that the surveyor hath in the certificate annexed to the plan of survey in the first course inserted a direct contrary course, whereby the land is thrown immediately off the actual survey.

IV. Be it therefore enacted by the authority aforesaid, That hereafter the courses of said land shall be as follows, to-wit: Beginning at a black-oak, running north sixty-seven degrees east three hundred and twenty poles, then south, twenty-three degrees east three hundred and twenty poles, then south sixty-seven degrees west three hundred and twenty poles, and from thence to the first station.

V. And be it further enacted by the authority aforesaid, That all persons who have purchased lands within the aforesaid courses from the aforesaid Abraham Buffet, and those claiming from or under him, are hereby vested with an absolute right in fee simple to the lands purchased as aforesaid.

VI. Provided, That this act shall not be construed or plead so as to affect any right derived otherwise than claiming by or under the said William Simpson, the said James Glasgow, and the said Abraham Buffet.

CHAPTER L.

An Act to enable William Beatty, Administrator of the Estate of James White, late of Bladen County, deceased, to sell the Lands and Tenements herein mentioned.

Whereas, it is represented to this Assembly, that James White, late of Bladen county, was, at the time of his de ceased, greatly indebted, and that if the personal estate were applied to the payment of his debts, his widow and children would be destitute of support; wherefore,

I. Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, That it shall be lawful for the said William Beaty, Administrator as aforesaid, to sell and convey one lot of land, with the appurtenances, number one hundred and thirteen, in Elizabeth-Town; three hundred and twenty acres of land on the east side of Lyon's swamp; and a tract of land on Black River, known by the names of Shaw's Old Field, all which lands are situate in Bladen county aforesaid. And the said Administrator is hereby empowered to make conveyances of the said lands to the purchasers, which shall be as effectual and valid in law, as if the same had been made by the said James White, in his lifetime.

II. And be it also enacted, That the said William Beaty shall advertise in the Fayetteville Gazette, the time and place to be appointed for the sale of the lands aforesaid, two months before such sale; and the same shall be sold on six months credit, the purchaser giving bond with sufficient security to the said Beaty, for payment of the purchase money.

III. And be it further enacted, That the said William Beaty shall apply the money arising from the sale of the lands aforesaid, to the payment of the debts of the said deceased; and the lands aforesaid, and the money which shall arise from the sale of the same, shall not be liable to dower of the widow of the said deceased, any law to the contrary notwithstanding.

CHAPTE LI.
An Act to vest certain Lands therein mentioned in the Monthly Meeting of the People called Quakers, of New Garden, in Guilford County.

Whereas, it appears to this General Assembly, that a certain Richard Williams, on the nineteenth of October, one thousand seven hundred and fifty-seven, did convey a certain tract of land situated in New Garden, in Guilford county, to Henry Ballenger and Thomas Hunt, and their successors, in trust for the use and benefit of the Monthly Meeting of the people called Quakers, in New Garden in said county; and the said Henry Ballenger and Thomas Hunt being dead, and their being no successors or means of appointing such provided in the said deed or otherwise. 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 said tract and parcel of land conveyed by deed, bearing date aforesaid, by the said Richard Williams to the said Henry Ballenger and Thomas Hunt, containing fifty-three acres, and situate in New Garden, in the county of Guilford, and bounded as follows, to-wit: Beginning at a hickory saplin, running thence west eighty pole to a white-oak post, thence south sixty-four pole to a chesnut post, thence east twenty pole to a white-oak post, thence south fifty-six pole to a white oak post, thence east sixty poles to a blackjack saplin, thence north one hundred and twenty pole to the first station, be and the same is hereby vested in fee in the said Monthly Meeting of the people called Quakers, of New Garden, in the county of Guilford, for the uses and purposes expressed in the said deed from the said Richard Williams to the said Henry Ballenger and Thomas Hunt: And the said Monthly Meeting of the people called Quakers are hereby declared to be a body politic and corporate, and may and shall act as such in all matters respecting the said land and premises; and for that purpose may sue and be sued, plead and be impleaded, in any court of law or equity in this state.
CHAPTER LII.

An Act for erecting and establishing a Town at Hawkins Court-House.

Whereas, Joseph Rogers and James Hogan have signified to this General Assembly, that they are desirous a town should be established at Hawkins Court-house, on the lands belonging to them at that place; and it is represented further, that there are a number of lots already laid off and improved, that the situation is healthy and convenient, being on the great road from the eastward that leads to Kentucky and Cumberland settlements, and that many of the Inhabitants of Hawkins county have solicited the proprietors of the said land to have thirty acres thereof laid out into lots and established as a town.

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is enacted by the authority of the same, That Thomas King, Thomas Hutchins, Joseph M'Culloch, Thomas Jackson, and Elijah Chisom, be, and they are appointed Commissioners and Trustees for designing, building, and carrying on a town at Hawkins Court-house, by the name of Rogersville; and they, or a majority of them, are hereby empowered and required to lay off thirty acres of land, including the public buildings at the said Court-house, in half acre lots, with convenient streets and alleys; that they cause a plan of the said town to be made, and each lot to be particularly numbered, and that they, or a majority of them, cause the said thirty acres of land so laid off, to be conveyed to them jointly, as Trustees for the said town.

II. And be it further enacted, That the said Trustees aforesaid, shall reserve two or more lots, where the public buildings now stand, to be and remain public lots for the use of the county of Hawkins.

III. And be it enacted, That the Trustees aforesaid, or a majority of them, shall make good and lawful titles in fee simple, of all other lots in the said town of Rogersville, except the public lots herein reserved, to the respective purchasers of the same, describing each lot by the number thereof, and the street on which it lies.

IV. And be it further enacted, That in case of the death, refusal to act, or removal out of the county or state, of any of the Trustees named in this act, the survivors of them are hereby empowered and required to appoint, from time to time, by instrument of writing, from under their hands and seals, some other person or persons in place of him or them so dying, removing, or refusing to act, which said instrument shall be recorded in the court of the county of Hawkins, and the Trustee or Trustees so appointed, shall have the same power and authority as if him or they had been expressly named and appointed in this act.

CHAPTER LIII.

An Act for cutting a Canal from Juniper Bay to Mattamuskeet Lake, in Hyde County.

Whereas, it is represented to this General Assembly that the cutting a canal from Juniper bay to the said lake would drain a vast quantity of land, and would be productive of other salutary effects; and the people living near said lake being desirous that a legislative sanction might be obtained for the opening said canal:

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 Michael
Peters, John Ebenezer, James Watson, Andrew Saunders, Seth Hovey, Benjamin Russell, John Alderson, William Harris, Junior, and John Jordan, be and they are hereby declared Commissioners, for the purpose of taking and receiving voluntary subscriptions, and for suing for and recovering all subscriptions so made; and they or a majority of them shall and may contract with any person or persons, at their discretion, to cut and open the aforesaid canal the most direct and advantageous way from Juniper bay to the lake aforesaid. Provided, That it shall not be lawful for the said Commissioners to cut, or cause the said canal to be cut through any persons land without their consent.

CHAPTER LIV.

An Act for establishing two Places for holding General Musters in the Counties of Wilkes, Burke and Rutherford, and the Place of holding Courts Martial; and for altering the Manner of holding Elections of Members to represent said Counties in the General Assembly.

Whereas, it is very inconvenient for the inhabitants of the county of Wilkes who live on the west side of the Appalachian mountain to attend general musters and elections at the court-house in said county: 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 after the passing of this act, when the commanding officer of the militia in the county of Wilkes shall order a general muster of his regiment, it shall be in the following manner, to wit: That all the militia in said county living west of the Appalachian mountain, shall be ordered to meet at the plantation next above Col. Charles Gordon's, on Naked creek of New river, where it shall be the duty of the Lieutenant-Colonel of said regiment to attend and discipline the militia aforesaid according to law, except a majority of the field officers in said county appoint some other of the field officers to attend said muster in the stead of the Lieutenant-Colonel; in which case it shall be the duty of the field officer or field officers so appointed by the majority as aforesaid to attend said muster, and discipline the militia as aforesaid; which muster shall be the day preceding the day of the general muster of the inhabitants of the said county living on the east side of the Appalachian mountain; which muster last mentioned shall be held at the court-house as the law directs.

II. And be it further enacted by the authority aforesaid, That a regimental court-martial shall be held as the law directs at the court-house in Wilkes county, on the next day after each general muster hereby directed to be held at the said court-house; which court-martial shall have as full and ample power and authority over the whole regiment, as if this act for dividing said muster had never been passed; any law or custom to the contrary notwithstanding.

III. And be it enacted by the authority aforesaid, That after the passing of this act, the annual election for said county be held in the following manner, to wit: The election shall begin at the plantation on Naked creek above mentioned, on the second Thursday in August in every year, at ten o'clock in the morning, and shall continue until sunset of the same day in manner as by law directed, then the Sheriff and inspectors shall seal up the ballot boxes, and shall proceed with the boxes and several lists of voters by them taken to Wilkes court-house and on Saturday next after the said Thursday, the polls shall be there opened and the seals taken off the ballot
boxes at eight o'clock in the morning, and the Sheriff and Inspectors shall then proceed to conduct the remainder of said election in a fair and open manner as heretofore by law directed.

IV. And be it enacted by the authority aforesaid, That in case of a special writ of election issuing by order of any future General Assembly, to elect a member or members to represent said county in the General Assembly, such election shall be held in the manner by this act directed, that is to say, said election shall be begun and held the first day at the plantation on Naked creek aforesaid, and on the third and last day at the court-house in said county, having an intervening day for the purpose of conveying the ballot boxes from the plantation on Naked creek aforesaid to Wilkes court-house as before directed by this act; any law to the contrary notwithstanding.

V. And be it enacted by the authority aforesaid, That the Sheriff of said county is hereby directed and required to advertise all elections hereafter to be held at the several places directed by this act for holding said elections, agreeable to the law in that case made and provided.

VI. And be it further enacted by the authority aforesaid, That all the inhabitants on the west side of the Appalachian mountain, that is within the county of Rutherford, shall have full power and authority to hold all future elections on the second Wednesday and Friday of August, at the plantation where William Burney formerly lived, on Cain creek; elections and general musters to be under the same regulations for the county of Rutherford, as is provided by this act for the western inhabitants of the county of Wilkes; any law, usage or custom to the contrary notwithstanding.

VII. And be it further enacted by the authority aforesaid, That Captain Smith's company and the Ivey and Cain river company, being inhabitants of Burke, shall hold their annual general musters at Beesle's mill, and they shall hold their election for members of Assembly at the said mill under the direction of the Sheriff of Burke, or one of his deputies; which said election shall be held on the Wednesday preceding the second Thursday in August until sun down, at which time the Sheriff attending the same shall count out the tickets in presence of three freeholders who inspected the poll, and shall make out the list of the candidates balloted for, and set down the number of votes for each candidate in words at full length, which list shall be signed by the Inspectors of the poll; then the said Sheriff shall proceed to the court-house of Burke, and on the third Friday of August deliver in the list aforesaid, to the Sheriff, in presence of the Inspectors who superintended at the court-house and also a list of the voters; and no person residing in the companies aforesaid shall be allowed to vote at any other place for members but at said Beesle's mill.

CHAPTER LV.

An Act to Empower the County Court of Pitt to Lay a Tax Annually for the Purpose of building a Court-house, Prison and Stocks, and for keeping the Same in Repair.

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 Pitt is hereby authorised and empowered to lay a tax annually for the purpose of building a court-house, prison and stocks, and for keeping the same in repair, not exceeding the sum of eight pence on every hundred acres of land in said county, and a poll tax not exceeding two shillings
like money on every taxable person, and a tax of two shillings on every hundred pounds value of town property in said county, which said tax shall be collected and accounted for in the same manner, at the same time, and by the same persons who are appointed to collect the public taxes in said county, and be paid into the hands of the Commissioners hereafter named for building the court-house, prison and stocks; and that in case of refusal or neglect to pay the said money into the hands of the commissioners hereafter named, the person so neglecting or refusing, shall be liable to the same penalties, and the same mode of recovery shall or may be had against him or them, as by law shall or may be had against sheriffs who neglect or refuse to account for and pay public taxes.

II. And be it enacted by the authority aforesaid, That James Armstrong, Shadrick Allen, John Moyle, Arthur Forbes, Samuel Simpson, Benjamin Bell, and William Blount, be, and hereby are appointed commissioners to receive, ask for, sue and recover the said tax from the sheriff of the said county, and to appropriate the same to the building a court-house, prison, and stocks, and to dispose of the old court-house and prison for the most obtainable, as soon as may be after the new ones are completed; and it shall be a part of the duty of the said commissioners to lay a state of their accounts half yearly before the court of Pitt, and finally, after the buildings are completed, to settle with the court, deducting an adequate commission for their trouble. And in case of the death, removal, or refusal to act, of either of the before named commissioners, then it shall be lawful for the said county court of Pitt to appoint other commissioners in their stead, who shall have equal powers with those named in this Act, and be subject to the same duties, pains and penalties.

CHAPTER LVI.
An Act to Amend an Act, Entitled "An Act for Directing the Method of Appointing Jurors in all Causes, Civil and Criminal," Passed at Halifax, in the Year One Thousand Seven Hundred and Seventy-Nine.

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 number of freeholders to be hereafter nominated by the county courts of Craven, Carteret, Dobbs and Jones, to serve as jurors at the superior courts of law and equity for the district of New Bern, shall be proportioned as follows, to-wit: Craven nine, Carteret three, Dobbs six, and Jones four; a list of which jurors so nominated shall be delivered by the clerk to the sheriff, who shall and is hereby required to summon the persons nominated to serve as jurors at the district court aforesaid, and shall be under the same rules, regulations and restrictions, as are directed by the before recited Act.

II. And be it further enacted by the authority aforesaid, That all Acts and parts of Acts, so far as relate to the appointing of jurors in the counties above mentioned to serve at the district court aforesaid, be and the same are hereby repealed and made null and void.
CHAPTER LVII.

An Act Directing the Manner of Issuing Process in Sundry Cases Arising in the Courts of Law and Equity, to direct the Manner of Proceeding on Assigned or Indorsed Bills, Bonds and Notes Under Seal, to Direct How Joint Obligations Shall Survive; and to Repeal an Act for Calling Forth the Militia to Assist in Executing Civil Process, and to Prevent Abatements and Discontinuances in Certain Cases.

Whereas, the present mode of issuing writs and other process, for the appearance to the superior courts, where there are two or more defendants who reside in different counties is frequently productive of great delay and expense: To prevent which in future,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful in all cases where there are two or more defendants, for the plaintiff in any suit in the superior courts of law, or courts of equity, to issue writs or subpoenas as the case may be, directed to the sheriff or coroner of each of the counties where the defendants are most likely to be found, noting on each process that they are issued in the same suit, and when the same are returned they shall be docketed in the same manner as if only one had issued. And in case any defendant or defendants should not be served with such process, the same proceedings shall be had as in cases of other similar process which has not been executed.

II. And be it further Enacted, That when two or more persons are joined in one action in any of the county courts of pleas and quarter sessions in this State, and one of them shall be personally served with a process in the county from which the writ issued, and the other or others shall reside in some other county or counties in this State, then and in that case it shall and may be lawful for process to issue to the county or counties where the other defendant or defendants reside, returnable to the court of the county from whence the same issued, any law to the contrary notwithstanding.

And whereas, by an Act of the General Assembly passed at Fayetteville, in the year one thousand seven hundred and eighty-six, entitled “An Act to make the securities therein named negotiable,” indorsers and assignees of bills, bonds and notes with seal, are directed to bring actions on the case on the same; which is inconsistent with the nature of such securities, and frequently proves injurious to indorsers and assignees of such bills, bonds and notes: For remedy whereof,

III. Be it Enacted, That from and after the passing of this Act, the indorsor or assignee of any bill, bond or note under seal, may have and maintain an action of debt on the same, in his or her own name as indorsor or assignee, provided the original obligee could have maintained an action of debt on the same bill, bond or note with seal; any law, custom or usage to the contrary notwithstanding.

And whereas, an Act of the General Assembly, passed at New Bern in the year one thousand seven hundred and eighty-four, entitled “An Act for the more ready and effectual execution of process issuing from the several courts of law and equity, in cases where the sheriff or coroner may be resisted, and the power of the county should be found insufficient for the purpose therefore,” is found to be no longer necessary:

IV. Be it Enacted, That the before recited Act, and every part thereof, be
and the same is hereby repealed and made void, to all intents and purposes as if the same had never been made or enacted.

And whereas, it is a rule of common law, that in case of the death of a joint obligor, the debt can never survive against his heirs, executors or administrators, which rule frequently is injurious and oppressive to the surviving obligor or obligors: To remedy which,

V. Be it enacted, That from and after the passing of this Act, in case of the death of one or more joint obligor or obligors, the joint debt or contract shall and may survive against the heirs, executors and administrators of the deceased obligor or obligors, as well as against the survivor or survivors; and when all the obligors shall die, the debt or contract shall survive against the heirs, executors and administrators of all the said joint obligors; and in all cases of joint obligations or assumptions of copartners or others, entered into after the passing of this Act, suits may be brought and prosecuted on the same, in the same manner as if such obligations or assumptions were joint and several; any law, custom or usage to the contrary notwithstanding.

And whereas, by the law now in force in this State, defendants to suits in equity cannot be held to bail without a special order from one of the judges for that purpose; which order can seldom be obtained, except in term time, without great delay and trouble: Therefore,

VI. Be it further enacted, That in all cases where the plaintiff or complainant in equity shall specially state his debt or damages, and make oath or affirmation to the same, before the clerk and master in equity. It shall and may be lawful for the said clerk and master in equity, to require the defendant or defendants to be held to bail, in the same manner as if the same had been by order of one of the judges of the superior courts of law and courts of equity.

VII. And be it further enacted, That where a term of the superior court of law or the court of equity, or a session of the court of pleas and quarter sessions, shall intervene between the death of any plaintiff or defendant and qualifications of the executors or administrators of such deceased plaintiff or defendant, the intervention of such term or session shall not work any abatement or discontinuance of such suit, any law or usage to the contrary notwithstanding.

CHAPTER LVIII.

An Act to Erect a Light-House on Oacock Island.

Whereas, the erecting a light-house on Oacock Island would tend greatly to the safety of vessels bound over Oacock Bar, and very much encourage foreigners as well as citizens of the United States to trade with this State:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Nathaniel Allen, James Gorham, Abner Neale, John Wallace, David Wallace, Adam Gaskins and John Stewart, be and they are hereby appointed commissioners, for erecting a light-house on Oacock Island, of such dimensions and materials as they shall deem the most proper; a majority of whom shall be a quorum.

II. And be it further enacted by the authority aforesaid, That the said commissioners shall be and they are hereby constituted a body corporate and politic, with full power and authority to sue and be sued, plead and impleaded, and to do and perform every act that may be requisite and neces-
sary for carrying the above purpose into effect, by the name and style of
the commissioners for erecting a light-house on Oacacock Island; and in case
of the death, resignation, removal or inability of any of the aforesaid com-
missioners, a majority of them may and they are hereby empowered to
elect and appoint others in his or their room and stead.

III. And be it further enacted by the authority aforesaid, That the said
commissioners shall at their first meeting appoint a treasurer, whose duty
it shall be to enter in a book belonging to the said commissioners, and keep
a fair account therein of all the monies received and paid for the purpose
aforesaid; who shall, previous to entering into office, give bond with approved
security, payable to the Governor and his successors, in the sum of one
thousand pounds, conditioned that he shall faithfully account for all monies
which he may receive for the purpose aforesaid.

IV. And be it further enacted by the authority aforesaid, That the said
commissioners are hereby directed and empowered to fix on the most proper
spot of ground upon the island of Oacacock, for erecting the light-house
aforesaid; and to purchase or obtain by deed of gift the same from the pro-
 prietor or proprietors thereof, if he or they will consent thereto: which spot
of ground shall not exceed one acre.

V. And be it further enacted, That a duty of three pence per ton shall
be paid to the collectors of the ports of Currituck, Roanoke, Bath, Beaufort,
on all vessels of twenty tons and upwards belonging to this or any of the
United States, and a duty of six pence per ton upon all foreign vessels
which shall come over Oacacock Bar, upon their entry with the collectors of
any of the ports aforesaid, under the same penalties as are by law estab-
lished for securing the imposts upon goods imported.

VI. And be it further enacted, That the collectors of the aforesaid ports
respectively shall make out an account upon oath of the duties that they
shall have received every six months after the passing of this Act, and pay
the duties so received agreeable to the account rendered (deducting there-
from two and a half per cent. in compensation for their service) into the
hands of the treasurer of the commissioners aforesaid, under the penalty of
one hundred pounds for each neglect; which sum so received shall be
applied by the commissioners aforesaid towards defraying the expenses of
the said light-house; a copy of which accounts the collector shall annually
transmit to the comptroller.

VII. And be it further enacted, That the said commissioners be and
they are hereby required to transmit annually to the comptroller, an account
on oath of all the monies received and paid by them for the purposes afores-
said; and if any time hereafter a surplus shall arise from the duties hereby
imposed, over and above what will be sufficient to erect, repair and sup-
port the light-house aforesaid, such surplus shall be subject to the appro-
priation of the General Assembly.
CHAPTER LIX.

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

Whereas, in the seventh section of the above recited Act it is required that all bills of sale for negroes, and deeds of gift of any estate of whatever nature, shall within nine months after the making thereof be proved in due form and recorded; and all bills of sale and deeds of gift not authenticated and perpetuated in manner by the said Act directed, shall be void and of no force whatever. And whereas, it appears to this General Assembly, that by unavoidable accidents many counties in this State did not receive the laws in time for a number of the good citizens of this State to avail themselves of the benefit of the said Act, whereby many are likely to sustain great damage: For remedy of which,

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 bills of sale taken and deeds of gift made, and not already recorded in manner required by the before mentioned Act, shall have a further time of twelve months allowed for probate and registration; and shall when thus authenticated and perpetuated, be hold and deemed as valid in law, to all intents and purposes, as if they had been proved and registered within the time required by the aforesaid recited Act; any law, usage or custom to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That hereafter all bills of sale of negroes, and deeds of gift of any estate of whatever nature, shall within twelve months after the making thereof be proved in due form and recorded; also all bills of sale and deeds of gift, not authenticated in manner by this Act directed, shall be void and of no force whatsoever; any law to the contrary notwithstanding.

CHAPTER LX.

An Act Directing the Mode of Raising a Fund in the Several Ports of This State for the Support of Sick Seamen, and the Manner of Appropriating the Same.

Whereas, sailors and mariners who come by water into this State, frequently suffer for the want of proper means in sickness, and the funds raised by the parish taxes, and the wardens of the poor, are in many cases insufficient:

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 captains of vessels on their arrival into any of the ports of entry in which the said towns are situated in this State, shall give an exact account upon oath to the collector of the customs of the number of mariners which he may have on board his vessel, with their names and stations on board; and before the collector for any of the ports aforesaid shall admit the captain or other person to make entry of any vessel, the said captain or other person for him
shall pay the sum of one shilling for himself, and the sum of one shilling for each of his mates, and the sum of one shilling for each of the crew (apprentices not receiving pay excepted) which money the said collector is hereby ordered to collect and pay to the commissioners of the town and parish wherein such entry hath been made, under the penalty of twenty-five pounds for each and every offence, to be recovered at the instance of the commissioners aforesaid in any court of record; and the said collector is hereby ordered to keep an exact account and register of the said entries and hospital money so paid to him, for which he shall be allowed two and a half per cent. for his trouble; and he shall settle the same with the commissioners of said town whenever demanded by them; which money so received shall be called Hospital Money, and shall be appropriated by the commissioners aforesaid at their discretion, to the use of sailors and mariners in times of sickness only. Provided, That no crew coming into any of the said ports with the small pox, or other contagious disorder, shall be entitled thereto.

II. And be it further enacted by the authority aforesaid, That when vessels shall arrive from long voyages, the captain shall pay as aforesaid, and for the use aforesaid, the sum of one shilling per month, and the sum of eight pence for each of his mates per month, and the sum of four pence per month for each of his crew, excepting apprentices above mentioned, not receiving pay, for each month it may have been since he left the port of his departure. Provided, That if any master, mate or seaman aforesaid, shall show a receipt for hospital money paid by him in any port of the United States one month previous to the entry of the vessel in any of the said ports, he shall be exempted from the payment of the said hospital money.

And whereas, It is represented to this General Assembly, that the navigation of Cape Fear river is much impeded, and many inconveniences arise in port Brunswick for want of a harbour master in that port:

III. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Robert Scott be appointed to that office during good behaviour; and that his official duties and fees of office be regulated by a majority of the commissioners of the aforesaid river on the first day of February in every year.

CHAPTER LXI.

An Act to Encourage the Manufacture of Pot-Ash.

Whereas, it is the duty of the Legislature by all convenient means to promote industry and useful manufactures, whereby public and private debts may be discharged, and the quantity of circulating specie in the State may be encreased; and as no attention has hitherto been given to making pot-ash in this State, by which the value of many thousand pounds might be saved every year, that is now lost by inattention:

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 bounty of twenty pounds shall be paid to any person in each and every district in this State, who before the last day of March, one thousand seven hundred and ninety-one, shall make the largest quantity of pot-ash, provided the quantity thus made is not less than one thousand pounds weight; which bounty shall be paid by the treasurer of this State to the claimant, after he shall have produced a certificate from some naval officer in this State, that such quantity of pot-ash of his proper manufacture has been shipped for exportation by him or his assigns, and after he shall have made oath
that all the pot-ash for which he claims such bounty is or was his property, and was made by himself or for his account at a work or works belonging to himself in the district wherein he usually resides; which bounty shall be paid by the treasurer at the expiration of six months after the time above mentioned, and not sooner, in order that the several claimants in each district may have time to present their claims.

II. And be it further enacted, That a bounty of twelve pounds shall be paid to the person in each district who shall make the second largest quantity of pot-ash, provided such quantity is not less than six hundred pounds weight; the claim to be made and the bounty discharged in the same manner as the other claims and bounties.

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CHAPTER LXII.

An Act Directing the Collectors of Imposts and Other Duties to Collect the Same for the Use of This State, Until the Congress of the United States Shall Make Provision for that Purpose; and to repeal an Act Passed at Hillsborough, in April, One Thousand Seven Hundred and Eighty-Four.

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 collectors in the several ports in this state, and all other persons whose duty it has been to collect tonnage duties, or any other impost or duties on goods imported into this State, shall be and they are hereby authorised and required to continue to demand and receive the same as by law directed, for the use of the State, until such time as the Congress of the United States shall have made the necessary laws, and officers shall be appointed, to collect duties for the benefit of the United States of America.

II. And be it enacted by the authority aforesaid, That the Act passed at Hillsborough in April, one thousand seven hundred and eighty-four, for imposing a duty or tax in aid of the public revenue upon the different articles therein mentioned, sold at auction or public vendue, and for regulating auctioneers or vendue-masters, be and the same is hereby repealed and made void to all intents and purposes as if the same had never been made.

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CHAPTER LXIII.

An Act for the Relief of Such Persons Who May Be Wounded by the Indians Within the District of Mero, and for Other Purposes.

Whereas, It hath been represented to the General Assembly, that several persons within the district of Mero being wounded by the Indians, had it not in their power to employ physicians, surgeons, nurse, or to provide themselves with the necessary medicines and attendance, by which means their lives have been much endangered: And whereas, it is probable that several persons under the said circumstances have died for want of proper care: For remedy thereof,

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the county courts of Davidson, Sumner, and Tennessee shall be and they are hereby empowered and authorised, whenever it may appear to their satisfaction that the person wounded by the Indians is not able to defray the expenses of his treatment and cure, to pass the accounts of physicians, surgeons and nurses, and those for the necessary
medicines, provisions and attendance, the same being properly attested and proven on oath; which accounts thus passed by the said courts shall be received in payment of all public taxes by the collectors, sheriff or other officers in said district; any law or custom to the contrary notwithstanding.

And whereas, it is good policy to keep up a friendly intercourse with the Indian tribes in amity with the good people of this State:

II. Be it therefore enacted by the authority aforesaid, That all accounts of provisions furnished to Indians within the district of Mero by any of the inhabitants thereof, being duly proven and upon oath, and the same being exhibited in the court of the county wherein such persons may reside, the said court shall be and is hereby empowered to pass all such accounts, and to fix the price of such provisions furnished to the Indians; which accounts thus passed by the court as aforesaid, shall be received in payment of any of the public taxes in said district; any law or custom to the contrary notwithstanding.

III. Be it further enacted, That on account of the scarcity of physicians and surgeons within the district of Mero, that all practising physicians and surgeons within the said district shall be exempt from all militia duty, except in the case of actual invasion or insurrection.

IV. Be it further enacted, That all Acts of Assembly, or parts of Acts, which come within the purview of this Act, are hereby repealed and made null and void, to all intents and purposes, as if the same had never been made.

CHAPTER LXIV.

An Act Directing Returns to Be Made of the Taxable Property in the Middle District of Anson County, for the Year 1788.

 Whereas, it is represented to this General Assembly, that either from neglect or accident the people in a district in Anson county, known by the name of the Middle District, failed to give an account of their taxable property for the year one thousand seven hundred and eighty-eight: Therefore,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the county court of Anson shall at their first court after the passing of this Act appoint one of their justices to take in a list of their taxable property which was in said district in the aforesaid year, to the end that taxes may be paid for the same, in the same manner as if the said neglect had never happened.

II. And be it further enacted, That the clerk of Anson county court shall transmit to the comptroller's office an attested certificate of said list, in order to charge the sheriff for the collection of the said taxes.

CHAPTER LXV.

An Act to Repeal Part of an Act, Entitled, “An Act for Appointing an Agent, and Holding a Treaty With the Cherokee Indians, and for Other Purposes.”

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the before recited Act as relates to the appointment of an Indian Agent, his duty and pay, be and the same is hereby repealed and made void.
CHAPTER LXVI.

An Act to Amend the Several Acts of the General Assembly for Establishing a Court of Law and Equity in the County of Davidson, and Erecting the District of Mero, and to Make Provision for the Judge of Mero District.

Whereas, the judge of the superior court of law and equity for the district of Mero, hath doubted whether his powers are sufficient to make a final decree in equity: To prevent which in future,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the judge of the superior court of law and court of equity for the district of Mero shall in matters and things cognizable in the said court, have as full and ample powers, to all intents and purposes, as any two judges have or ought to have in the superior courts of law and courts of equity in any other part of the State: Provided nevertheless, The said powers shall not extend to granting licences to attorneys.

And whereas, the salary at present allowed to the judge of Mero district, is very inadequate to the fatigue and trouble of attending to his duty, and will not be a sufficient compensation to induce a person of learning and integrity to continue in that office: Therefore,

II. Be it enacted, That the judge of the superior court of law and equity for the district of Mero, shall have and receive the sum of one hundred pounds for each and every court he shall hereafter attend, instead of the salary heretofore established by law.

III. Be it further enacted, That the collectors of the district of Mero shall pay the judge the said sum out of their funds.

CHAPTER LXVII.

An Act to Repeal the Sixty-Fifth Section of An Act Passed at New Bern, in the Year One Thousand Seven Hundred and Seventy-Seven, Entitled "An Act for Establishing Courts of Law, and for Regulating the Proceedings Therein."

Whereas, doubts have arisen whether the sixty-fifth section of the Act above recited be in force, or whether the same be repealed by subsequent Acts, so that the clerks of the several County Courts are in doubts how to act with respect to the duties enjoined them by the said clause: And whereas, the same has been found by experience to be of no real utility, and to impose unnecessary expense on the estates of deceased persons.

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 sixty-fifth section of the said Act, entitled "An Act for establishing courts of law, and regulating the proceedings therein," shall be and the same is hereby repealed and made void.

CHAPTER LXVIII.

An Act to Empower the Wardens of the Poor for the Counties of Franklin, Orange and Surry, to Build a House or Houses for the Reception of the Poor; and for Amending Wilmington Town Law.

Whereas, the poor should always be an object of Legislative attention:

I. Be it therefore enacted by the General Assembly of the State of
North Carolina, and it is hereby enacted by the authority of the same, That
the wardens of the poor for the county of Franklin are hereby authorised
and empowered to lay off and set apart so much of the lands reserved in
the town of Lewisburg for the court-house, prison and stocks, as shall be
necessary to erect a house or houses thereon, for the purpose of receiving
and maintaining the poor of said county.

II. And be it further enacted by the authority aforesaid, That the war-
dens of the poor for the county of Franklin are hereby authorised to call on
the commissioners or other person or persons, who may have in their hands
the monies arising from the sale of the glebe in Franklin county, for the
dividend or surplusage which may be due to said county of Franklin; and
the said commissioners or other person or persons having the said monies
in their hands, are hereby directed and required to pay the said surplusage
or dividend of said monies into the hands of the wardens of the poor for the
said county of Franklin.

III. And be it further enacted by the authority aforesaid, That the said
wardens of the poor for the county of Franklin are hereby authorised, di-
rected and required to apply said monies towards building and erecting a
house or houses on the lands above mentioned, which house or houses when
built, with the lands so appropriated, shall be and remain to the use of the
county aforesaid, under the directions of the wardens of the poor for said
county, and to their successors forever.

IV. And be it further enacted by the authority aforesaid, That if the
said glebe monies shall be found insufficient for the purpose aforesaid, that
then and in that case the wardens of the poor for the said county of Frank-
lin, are hereby authorised to lay a tax not exceeding the sum of one shilling
specie on every poll, also a sum not exceeding four pence on every hundred
 acres of land, and a sum not exceeding one shilling on every hundred pounds
value of town lots in said county of Franklin; which tax shall be collected
by the same person appointed to collect the public taxes, and paid into the
hands of the county wardens to be by them applied to the purpose aforesaid.

V. And be it further enacted by the authority aforesaid, That the court
of the county of Franklin are hereby authorised and required to appoint two
proper persons, inhabitants of the town of Lewisburgh, to value the lots in
said town until the owners of said lots may become freeholders, any law to
the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, That the war-
dens of the poor for the county of Surry are hereby authorised and em-
powered to lay a tax, not exceeding one shilling on each poll, also a tax not
exceeding four pence on every hundred acres of land, and a tax of one shil-
ing on every hundred pounds value of town lots within said county of
Surry; which tax shall be collected for the year one thousand seven hun-
dred and ninety by the collectors for collecting public taxes, in the same
manner and under the same rules and restrictions as are appointed for col-
lecting public taxes; which taxes when so collected, shall be by said col-
collectors paid into the hands of the wardens of the county of Surry for the
sole purpose of building a house or houses at some convenient place for the
reception of the poor; which house or houses when built, shall be and
remain for the use of the county aforesaid under the directions of the war-
dens of the poor for said county, and their successors forever.

VII. And be it further enacted by the authority aforesaid, That persons
being incapable to support themselves or of self preservation, shall be
under the care of the said wardens, who are empowered to dispose of them
in said houses. Provided always, That if any such poor who came under
the care of the wardens are able to work, the said wardens shall keep
them employed on some suitable business for the benefit of such poor.
VIII. And be it further enacted by the authority aforesaid, That the
overplus, if any remain after compleating said buildings, shall by said war-
dens be applied towards lessening the poor tax for said county.
IX. And be it further enacted, That all the powers herein given to the
county of Franklin, shall be extended to the county of Orange, with respect
to any building, poor or lunatics in the said county of Orange.
X. And for the better government and regulation of the town of Wilming-
ton, Be it enacted, That in future each and every of the commissioners of
the said town, and their successors respectively, during their continuance
in office, shall be fully vested with the same powers and authorities for
executing all laws and ordinances for the government of the said town,
which the said commissioners now possess for those purposes when con-
vened together.

CHAPTER LXIX.

An Act Allowing a Longer Time for Surveying Lands Entered in the Office
Kept by John Armstrong, Military Warrants and Pre-emption Rights.

I. Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, That a further time
of three years shall be allowed for surveying all lands entered in the office
of the said John Armstrong, all military warrants issued by the Secretary of
the State, and all pre-emption rights in the district of Mero, any law, usage or
custom to the contrary.

CHAPTER LXX.

An Act to Revive and Continue in Force, so far as Respects the Counties of
Johnston, Bladen, Robeson and Guilford, an Act Passed in the Year One
Thousand Seven Hundred and Eighty-Seven, Entitled "An Act to Em-
power the Several County Courts Therein Mentioned to Lay a Tax, Not
Exceeding Three Years, for the Purpose of Erecting or Repairing the
Court-House, Prison and Stocks When Necessary, and for Defraying the
Contingent Charges of the County."

I. Be it enacted by the General Assembly of the State of North Carolina,
and it is hereby enacted by the authority of the same, That the above re-
cited Act, so far as it respects the counties of Johnston, Bladen, Guilford and
Robeson, shall continue and be in force for and during the term of two
years after the ratification of this Act.

CHAPTER LXXI.

An Act to Prescribe the Mode of Paying the Militia Officers and Soldiers for
Their Services on an Expedition Carried on Against the Chickamogha
Indians by Brigadier General Joseph Martin, in the Year One Thousand
Seven Hundred and Eighty-Eight.

Whereas, the militia of Washington district were called out on actual ser-
vice by order and under command of Brigadier General Joseph Martin,
against the Chicamoga Indians, who at that time were plundering and killing the inhabitants of said district:

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 commanding officer of the said expedition shall, any time after the passing of this Act, exhibit into the comptroller's office of this State, attested pay-rolls on oath for the service of the said militia, stating therein the true number and names of the officers and soldiers in each company, proportioning the officers to the number of soldiers so called out; also a roll with the names of the field and staff officers who served on the said expedition, reporting in each roll the exact time of service of the said militia respectively, on the exhibiting whereof, the comptroller is hereby directed and required to examine the same, and pursuant thereto make out and issue according to law unto and in the name of each officer and soldier respectively, who were ordered out as aforesaid, certificates of such service; which certificates shall be received by the several sheriffs of the said district, and by the treasurer of this State from the said sheriffs, in payment of the public money tax that is or may become due within the said district of Washington, and no other until all such certificates be paid. Provided, That those who have no such certificates shall pay their taxes as otherwise provided by law.

And for the intent and purpose that the above specified certificates shall and may be received for taxes as above mentioned, due or which may become due in the district of Washington:

II. Be it enacted by the authority aforesaid, That the collectors of public money tax in the said district in their respective counties, are hereby required to delay the collection of the taxes dues in said district for the term of three months after passing of this Act.

III. And be it further enacted by the authority aforesaid, That so much of an Act passed at Fayetteville, in the year one thousand seven hundred and eighty-eight, as relates to raising men for the purpose of fixing a garrison on the north side of Tennessee river, be and the same is hereby repealed and made void; and the men raised by virtue thereof, shall be and they are hereby discharged from service.

IV. And be it enacted by the authority aforesaid, That the comptroller shall liquidate and adjust, on exhibiting the same to him, the commissary's accounts of the said expedition, and issue certificates for the same; which shall be received and paid as above mentioned, such accounts being supported by proper vouchers and the oath of the said commissary.

Read three times and ratified in General Assembly, the 22d day of December, 1789, except Chap. I, which was ratified the 18th of December, and Chap. XXXVIII. which was ratified the 18th of November, 1789.

CHARLES JOHNSON,
Speaker of the Senate.

STEPHEN CABARRUS,
Speaker of the House of Commons.

(Copy Test.) J. GLASGOW, Secretary.