LAWS OF NORTH CAROLINA,
1790.

At a General Assembly, begun and held at Fayetteville, on the First Day of November, in the Year of our Lord One Thousand Seven Hundred and Ninety, and in the Fifteenth Year of the Independence of the said State: Being the First Session of the said Assembly. \textit{Alexander Martin, Esq., Governor.}

\textbf{CHAPTER I.}

An Act to Amend an Act, Entitled, "An Act Directing the Manner of Electing Representatives to Represent this State in Congress."

Whereas, the Cession made by this State of the lands west of the Apalachian mountains, renders a new arrangement for the purpose of electing Representatives to Congress, necessary:

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 until the actual census be made, this State be divided and laid off in five divisions, to be called the Albemarle, the Roanoke, the Centre, the Yadkin and the Cape Fear Divisions, each of which shall be formed in the following manner: The districts of Salisbury and Morgan shall form the Yadkin division. The District of Hillsborough, and the counties of Franklin and Warren, shall form the Centre division. The counties of Halifax, Edgecomb, Northampton, Nash, Martin, Dobbs, Wayne, Jones and Craven, shall form the Roanoke division. The counties of Chowan, Perquimans, Camden, Currituck, Hertford, Bertie, Gates, Pasquotank, Tyrrell, Hyde, Beaufort, Pitt and Carteret, shall form the Albemarle division. The counties of New Hanover, Bladen, Brunswick, Duplin, Onslow, Cumberland, Moore, Richmond, Sampson, Robinson, Anson, and Johnston shall form the Cape Fear 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 such 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 his election.

II. And be it further enacted, That the elections shall be held in each county within the said divisions, on the last Thursday and Friday in January, at the places appointed by law for the annual elections of members of the General Assembly.

III. And be it further enacted, That the sheriffs or returning officers of the Albemarle division shall meet at Edenton on the first Thursday in February. The Sheriffs or returning officers of the Roanoke division shall meet at Tarboro on the same day. The Sheriffs or returning officers of the Centre division shall meet at Granville Court-House on the same day. The Sheriffs or returning officers of the Yadkin division shall meet at Iredell Court-House on the same day. The Sheriffs or returning officers of the Cape Fear division shall meet at Elizabeth town on the same day, in order to determine which candidates have the greatest number of votes, in manner as directed by the above recited Act.

IV. And be it further enacted by the authority aforesaid, That the Treasurer is hereby empowered and authorized to settle (on affidavit made)
the claims of the different Sheriffs and returning officers agreeably to law. for their services in going to and returning from the places aforesaid, for the purpose of comparing the polls for the Representatives to be chosen, including ferrages.
V. And be it further enacted, That as much of the said above recited Act as comes within the purview and meaning of this Act, be and the same is hereby repealed and declared void.

CHAPTER II.

An Act to Cede and Vest in the United States of America the Lands Therein Mentioned, for the Purpose of Building Light-Houses.

Whereas, William Williams, John Williams, Joseph Williams, William Howard, Junior, and Henry Gerrish, of Carteret county, planters have by deed bearing date the thirteenth day of September, in the year one thousand seven hundred and ninety, conveyed to the Governor of this State and his successors in office, for the use of the State, to erect a light-house thereon, one acre of land in Oacocock Island, to be chosen out for their several unimproved lands situated on the said island, by commissioners appointed by an Act of Assembly passed at Fayetteville in the year aforesaid, as by reference to the said deed and Act had may more fully appear. And whereas, Benjamin Smith, of Brunswick county, Esquire, hath executed a deed to the person therein named, for the use of the State and the security of the navigation of the Cape Fear, for ten acres of land situated on the Cape Island, for the purpose of erecting thereon a light-house, under the conditions and limitations in said deed contained and expressed by an Act of Assembly passed at Fayetteville, in the year one thousand seven hundred and eighty-nine, as by the same reference being thereto had may more fully appear. And whereas the funds heretofore appropriated by this State to the erecting and finishing light-houses, are now vested in the Congress of the United States, wherein the establishment and support of light-houses is placed by the Constitution and laws 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, lands as aforesaid, with their appurtenances, and the jurisdiction of the same, shall be ceded and vested in the United States under the condition herein after expressed.
II. And be it further enacted by the authority aforesaid, That the Governor of this State is hereby empowered and required, forthwith to execute a deed or deeds, on the part and behalf of this State to the United States, of all right, title and claim which this State hath to the lands as aforesaid, with their appurtenances under the several Acts of Assembly, and deeds herein before recited and mentioned.

CHAPTER III.


Whereas, it hath become necessary to a due and regular administration of justice, that the terms of the superior courts of law and courts of equity
should be enlarged, and that the business in the said courts should be so
arranged and expedited as to be less expensive to the suitor, and more con-
venient to jurors and witnesses:

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 tenth day of January next, the said superior courts of
law and courts of equity shall be, and the same are hereby divided into two
ridings, that is to say, The districts of Morgan, Salisbury, Hillsborough, and
Fayetteville, shall constitute one riding, and be distinguished and known by
the name of the Western riding; and the districts of Halifax, Edenton, New
Bern and Wilmington, shall constitute one other riding, and be distinguished
and known by the name of the Eastern riding: And the said several Su-
perior Courts of Law and Courts of Equity in the ridings before mentioned,
shall be held for their respective districts, at the following places and on the
following days, that is to say, In the western riding, for the district of Mor-
gan, at the town of Morgan, on the first days of March and September; for
the district of Salisbury, at the town of Salisbury, on the nineteenth days
of March and September; for the district of Hillsborough at the town of
Hillsborough, on the sixth days of April and October; for the district of
Fayetteville, at the town of Fayetteville on the twenty-third days of
April and October. In the eastern riding, for the district of Halifax,
at the town of Halifax, on the twenty-third days of April and October;
for the district of Edenton at the town of Edenton, on the sixth days
of April and October; for the district of New Bern at the town of New
Bern, on the nineteenth days of March and September; for the district of
Wilmington, at the town of Wilmington, on the first days of March
and September; To which times respectively all matters and things de-
pending in the said courts shall stand adjourned: And each term shall
continue thirteen days exclusive of Sundays, by adjournment from day
to day if the business should require so long time; but otherwise may be
sooner determined, Provided always, That if the day by this Act appointed
for holding any of the said courts, should happen to fall on Sunday, then
such court shall be held the next succeeding day, anything herein contained
to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That one
Judge shall be appointed in addition to the present number of the Judges of
the said courts, who shall have, use and exercise and enjoy the same
powers, authorities, rights, privileges and pre-eminences, as are used, exer-
cised and enjoyed by the present Judges of said courts, under the said
Act, entitled, "An Act for establishing courts of law and regulating the
proceeding therein," or any other Act of law whatsoever of this State. And
the Judges of the said courts shall so arrange their attendance at said
courts, that two of them shall regularly attend the courts of the western
riding, and the other two those of the eastern riding, and in such manner
that any two of the said Judges shall not attend the same courts succes-
sively, but one of the said Judges shall pass into the other riding at each
succeeding circuit, and this change shall be performed by them in regular
rotation. Provided, That the Judge so to be added, shall before he acts as
such take the oaths directed by law to be taken by the Judges of the said
superior courts.

III. And be it further enacted, by the authority aforesaid, That the
Judges attending the courts within the said ridings at the end of each term
thereof, shall at their discretion divide and distribute the business with
respect to the days or part of the next term of each respective court under
such rules as they shall think fit; which rule or order shall be advertised by the Clerk of said court at every court-house of every county within the said district within sixty days, under the penalty of two hundred pounds, to be recovered by action of debt in any court having cognizance thereof; and for which service the Clerk shall be allowed twenty shillings for each county, to be paid by the Treasurer of this State on affidavit to be made by the Clerk.

IV. And be it further enacted by the authority aforesaid, That each of the jurors attending the said courts shall be allowed as heretofore.

V. And be it further enacted by the authority aforesaid, That each of the Judges of the said courts shall be allowed the sum of eight hundred pounds annually, in full compensation for all services; and in case the said Judges, or either of them, should fail to attend at any of the said courts, upon such failure the sum of seven pounds per day shall be deducted for every day they shall be absent during each term, sickness or other unavoidable accidents excepted.

VI. And be it further enacted, by the authority aforesaid, That the Clerks of the respective courts shall certify to the Treasurer the number of days each Judge shall have failed to attend the courts as by this Act directed, under the penalty of fifty pounds for every neglect; and the Treasurer shall deduct from the salary of such Judge accordingly.

VII. And be it further enacted, by the authority aforesaid, That one other person, being a man of abilities, integrity, and learned in the law, shall be appointed Solicitor-General for the State, who shall have the same powers, and be under the same restrictions, and have the same allowances and fees as the Attorney-General, of this State; and the said Solicitor-General and Attorney General shall arrange the business in such manner as may be most convenient to themselves, so that one of them shall attend in each riding; and the said Solicitor-General shall be appointed by joint ballot of both houses of the General Assembly.

VIII. And be it further enacted, by the authority aforesaid, That all indictments for assaults, batteries and petit larcenies, and actions for slander, shall in future originate in the county court of Pleas and Quarter Sessions only.

IX. And be it further enacted by the authority aforesaid, That no summons, writs, declaration, return, process, judgment, or other proceedings in the civil causes in any court of record, shall be abated, arrested, quashed or reversed for any defect or want of form, but the said Courts respectively shall proceed and give judgment accordingly as the right of cause and matter in law shall appear unto them, without regarding any imperfections, defects or want of form in such writ, declaration or other pleading, return, process, judgment or course, of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially set down and express, together with his demurrer as the cause thereof. And the said courts respectively shall and may by virtue of this Act from time to time, amend all and every such imperfections, defects and want of form, other than those only which the party demurring shall set down as aforesaid, and may at any time permit either of the parties to amend anything in the process or pleadings, upon such conditions as the said courts respectively shall in their discretion and by their rules prescribe.

X. And be it further enacted by the authority aforesaid, That so much of the two Acts mentioned in the title of this Act, and so much of every other Act as comes within the purview of this Act, shall be and is hereby repealed and made void.
CHAPTER IV.

An Act to Enable the Wardens of the Poor for the Counties of Pasquotank and Carteret, to Build Houses Respectively for the Reception of the Poor of the Said Counties, and for Levying a Tax to Defray the Expence Thereof.

Whereas, the building of a house for the poor for the reception of the poor in each of the counties of Pasquotank and Carteret, will very much contribute to their more comfortable subsistence:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the county of Pasquotank, Job Carver, Joseph Richardson, and Thomas Davis; and for the county of Carteret, James Harker, Joseph Bell, junior, and David Hall be, and they, or a majority of them, are hereby appointed commissioners to superintend the building a house respectively for the reception of the poor of the said counties; which shall be of such dimensions and structure as the wardens of the poor of the said counties shall design, and the said commissioners or a majority of them, are hereby invested with power to employ such and so many men for the purpose of erecting the said buildings as to them shall appear proper and necessary; and the said buildings, when erected completely and finished, shall be appropriated to the sole use of the poor of the said counties, under which denomination shall be comprehended all such persons, of either sex in the said counties, as shall by the wardens of the poor for the said counties be judged incapable, by means of old age or infirmity, of procuring subsistence for themselves. And the said wardens or a majority of them, shall appoint a keeper or overseer of the houses respectively, whose business and duty it shall be to preserve good order among the poor who shall inhabit the same, and to enforce all such regulations as shall be established from time to time, for the well ordering and governing the said poor, by the said wardens or a majority of them; and the said keepers or overseers for their trouble shall be allowed each year of their service, to be ascertained as to the quantum thereof by the said wardens for the time being or a majority of them, and paid out of the tax which the wardens shall levy for the support of the poor; and each of the said poor inhabiting the said houses as shall be capable of labor of any kind, shall be moderately employed and kept to such labor, and the profits thereof shall be applied to the support of the poor of the said counties: and the said keepers or overseers by directions of the wardens, from time to time, shall purchase provisions for the sustenance of the poor under their care, and shall be allowed for the same out of the said tax; and at the end of each year shall account with wardens on oath for all sums which may have been collected and have arisen from the labour of the said poor.

II. And for defraying the expence of the said buildings, Be it further enacted that a tax of Eighteen Pence on every poll, and a tax of six pence on every hundred acres of land, and a tax of eighteen pence for every hundred pounds value of town lots with their improvements in the said counties, shall be levied for the years one thousand seven hundred and ninety-one, and one thousand seven hundred and ninety-two, to be collected by the same persons as shall be employed to collect the public taxes, and paid to the commissioners aforesaid for the purpose of defraying the expence of the said buildings; and the said Commissioners shall account with the Wardens for their disbursements and expenditures; and if any bal-
LAW S OF NORTH CAROLINA—1790.

ance shall be on such account remaining in their hands, the same shall be applied to the use of the poor of the said Counties.

III. And be it further enacted, that the said commissioners, at such place as the wardens shall direct, shall purchase two acres of ground whereon to erect the said buildings; which shall be paid for out of the tax herein before laid to defray the expense of building the said houses.

IV. And be it further enacted, That in case of death or refusal to act, the county courts respectively shall proceed to appoint other commissioners, and they or a majority of them, may proceed agreeably to the intent and meaning of this Act to carry the same into effect.

CHAPTER V.

An Act to Keep Open Rockfish Creek, in Cumberland County, From the Mouth to the Forks Thereof.

Whereas, it is made appear to this General Assembly, that by opening of Rockfish creek as far up the same as the forks thereof, by erecting slips or such other convenience at or over the dams already over the said creek, or such as may be hereafter built on the same, would tend much to the benefit and advantage of those having property on the said creek; 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 every person or persons who hath or have built or erected any mill dam or who may hereafter build or cause to be built any dam or dams on or across the said Rockfish creek between the mouth of the said creek and the forks thereof, shall build or cause to be built and erected, at, on or over such dam or dams a proper slip or other convenience, so as to admit the safe passage of saw mill lumber, ton timber, staves, shingles or such other produce as is generally rafted over slips on Little river in Cumberland county.

II. Be it further enacted by the authority aforesaid, That every person or persons refusing or neglecting to comply with this Act, shall forfeit and pay to any person or persons who may be injured or receive damage by reason of such neglect or refusal, all damage sustained by the person or persons owning such dam or dams, upon the person or persons who may receive such damage or injury, producing sufficient proof of such lumber, ton timber, staves or shingles being properly rafted, and of the damage sustained for want of such slip or other convenience, to be recovered with costs before any jurisdiction having cognizance thereof. Provided nevertheless, that no such owner or owners of dams shall be obliged to make such slip or other convenience until the first day of September next.

CHAPTER VI.

An Act to Prevent any Person Who Now Does, or Who May Hereafter, Hold any Office, Appointment or Authority under the Federal Government, From Being Eligible to a Seat in the General Assembly of This State, and to Prevent any Person from Holding or Exercising any Office or Appointment Under the Authority of the Said State, So Long as They Continue to Hold or Exercise any Office or Appointment Under the Authority of the United States.

Whereas, in consequence of the adoption of the constitution or form of government of the United States by this State, sound policy dictates the
measure of keeping separate and distinct the Officers acting under the authority of the United States, from acting in any legislative, executive, judiciary, or other situation under the authority of this State:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, no person whatever shall be eligible to a seat in the General Assembly of this State, who at the time of election to such seat or at the time of taking the same, shall have or hold any office of trust, profit or emolument, under or by the appointment of the United States, or any officer thereof.

II. And whereas, it is necessary to keep separate and distinct the offices of the federal government from those of the State government: Be it further enacted by the authority aforesaid, That no citizen of this State, shall hold at one and the same time, any office of trust, profit or emolument, under the authority of the United States, and any office or authority either civil, military, judicial, or otherwise, under the authority of this State.

III. And be it further enacted by the authority aforesaid, That the Senators of this State to the United States, and the representatives of this State to the United States, shall be considered as coming within the meaning and purview of this law, and shall be excluded from all State offices as aforesaid. And any person accepting any such appointment under the authority of the United States, and holding any office or appointment, under the authority of this State, the said State appointment is hereby declared to be vacant.

CHAPTER VII.
An Act to alter the Time of Holding the Several County Courts of Pleas and Quarter Sessions therein mentioned.

Whereas, by reason of the extension of the terms of the superior courts for several districts within this State, and the consequent alteration thereof, it is necessary to alter the terms of holding several of the county courts within the respective districts:

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 sundry courts herein named shall be holden as follows, viz: The courts of Bertie County, shall be held on the first Mondays of February, May, August, and November; Chowan, the second Mondays in March, June, September, and December; Brunswick, the second Mondays in January, April, July and October; Cumberland, the second Mondays in January, April, July and October; the courts for the county of Perquimans, on the second Mondays in February, May, August and November; the courts for the county of Edgecomb, on the last Mondays in February, May, August and November; the courts for the county of Carteret, the third Mondays in February, May, August and November; the courts for the county of Tyrrell, the fourth Mondays in January, April, July and October; the courts for the county of Pasquotank, the first Mondays of March, June, September, and December; the courts for the county of Camden, the third Mondays of March, June, September and December; the courts for the county of Currituck, the fourth Mondays in March, June, September and December; the courts for the county of Jones, on the second Mondays in February, May, August and November: To which time respectively all matters and things in the re-
LAWS OF NORTH CAROLINA—1790.

spective county courts in this state herein mentioned shall stand adjourned from the courts which will be next after the first day of March next.

CHAPTER VIII.

An Act to alter and amend the Acts for regulating the Pilotage and facilitating the Navigation of Cape Fear River.

Whereas, the rates allowed by law to the branch pilots for the bars of Cape Fear River are not adequate to the purchase, repairs and incidental expenses of such boats as are necessary to give a proper attendance over the said bars, and some of the pilots having already provided good decked boats fit for the purpose, and owners and masters of vessels uniformly agreeing to give such advanced rates for pilotage as may be deemed equal to the expenses, risk and trouble of the pilots, it is proper for the benefit of commerce that due encouragement be given:

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 last day of this present year one thousand seven hundred and ninety, there shall be paid to the bar pilots of Cape Fear river, as well as those of the new inlet as those of the main bar, for bringing vessels over the said main bar and mooring them off Fort Johnston, and over the bar of the new inlet and mooring them at Five Fathom Hole, if mooring shall be required; and the same for taking vessels out from Five Fathom Hole and Fort Johnston to sea, the following rates: For every vessel not drawing more than six feet water, one pound twelve shillings; every vessel drawing above six feet, and not exceeding seven, one pound fourteen shillings; every vessel drawing above seven feet, and not exceeding eight feet, one pound eighteen shillings; every vessel drawing above eight feet, and not exceeding nine feet, two pounds four shillings; every vessel drawing above nine feet, and not exceeding ten feet, two pounds ten shillings; every vessel drawing above ten feet, and not exceeding eleven feet, two pounds sixteen shillings; every vessel drawing above eleven feet, and not exceeding twelve feet, three pounds ten shillings; every vessel drawing above twelve feet, and not exceeding thirteen feet, four pounds; every vessel drawing above thirteen feet, and not exceeding fourteen feet, four pounds thirteen shillings; every vessel drawing above fourteen feet, and not exceeding fifteen feet, five pounds six shillings; every vessel drawing above fifteen feet, and not exceeding sixteen feet, six pounds five shillings; every vessel drawing above sixteen feet, and not exceeding seventeen feet, seven pounds three shillings; every vessel drawing above seventeen feet, and not exceeding eighteen feet, eight pounds eight shillings; every vessel drawing above eighteen feet, and not exceeding nineteen feet, nine pounds twelve shillings; every vessel drawing above nineteen feet, and not exceeding twenty feet, eleven pounds five shillings; and above twenty feet, at the rate of thirty-one shillings per foot or part of a foot as above. Provided always, That coasting vessels bound to any other port coming in at any one of the said inlets and going out at the other, without entering and unloading, and vessels coming from any out port with the produce of this State for sale or delivery, shall not be compellable to receive pilots, or to pay pilotage for refusing so to do, either for the bars or the river.

II. And be it further enacted, That after the time herein before mentioned, the river pilots shall be entitled to demand and receive the following fees, to wit: For every vessel from Fort Johnston to Brunswick not
drawing above six feet water, twenty one shillings; for every vessel drawing above six feet, and not exceeding seven feet twenty-two shillings and six pence; for every vessel drawing above seven feet and not exceeding eight feet, twenty-five shillings; every vessel drawing above eight feet, and not exceeding nine feet, one pound nine shillings; every vessel drawing above nine feet, and not exceeding ten feet, one pound thirteen shillings and four pence; every vessel drawing above ten feet, and not exceeding eleven feet, one pound seventeen shillings and six pence; every vessel drawing above eleven feet, and not exceeding twelve feet, two pounds five shillings and ten pence; every vessel drawing above twelve feet, and not exceeding thirteen feet, two pounds fourteen shillings and two pence; every vessel drawing above thirteen feet, and not exceeding fourteen feet, three pounds two shillings and six pence; every vessel drawing above fourteen feet, and not exceeding fifteen feet, three pounds ten shillings and ten pence; every vessel drawing above fifteen feet, and not exceeding sixteen feet, three pounds nineteen shillings and two pence; and the same rates from the Flats to Wilmington, and from Five Fathom Hole to Brunswick and from Brunswick to the Flats, each one half of the same rates. The same rates of pilotage shall be paid for vessels going down the river as for vessels coming up. All which said rates herein before mentioned have been recommended by the Commissioners for the navigation of the said river.

III. And for preventing disputes relative to the river pilotage when vessels may be lightened or deepened in going down or coming up the river, Be it enacted, That if any vessel deepens or lightens between Wilmington and the Flats, between the Flats and Brunswick, or between Brunswick and Fort Johnston, the pilot shall be paid for the greatest draught of water, and shall besides be entitled to demand at the rate of twelve shillings and six pence per day, for every day he may be delayed in loading or unloading such vessel in which no fraction or part of a day shall be allowed or deducted.

IV. And be it enacted, That the said Commissioners shall ordain and direct the pilots for the bar of the new inlet, under pain of removal from office, to provide in a certain convenient time at least one good decked pilot boat, sufficient to venture out and keep the sea in blowing and rough weather; any pilot of either of the bars of Cape Fear river possessed of such sufficient boat, neglecting or refusing going out to the assistance of vessels off the coast or harbour when vessels in general can go out with safety, or who shall refuse or neglect in more moderate weather to go out to such vessels in whale-boats or other undocked boats upon due proof being made thereof before the Commissioners, shall be removed from being a branch pilot.

V. And that all pilots may be the better enabled to ascertain what vessels appear at a distance, with their several bearings, and to distinguish whether they have signals up for pilots, It is hereby further enacted, That each bar pilot shall, within such convenient time as the said Commissioners shall direct, furnish himself with a good telescope or spy glass, under such penalty as the Commissioners shall think proper; and such spy-glass shall always be taken in the boat when the pilot goes out to sea.

VI. Whereas, the sixth section of an Act, entitled, “An Act to explain an Act directing the duty of Naval officers and masters of vessels coming into any of the ports or inlets of this state,” passed at Fayetteville, in December, one thousand seven hundred and eighty-eight, vesting an exorbitant power in Judges of Admiralty without appeals, and clashing with the duties of the respective Commissioners of navigation, is now become obsolete or nugatory, unless the authority should be exercised by the
District Judge of the United States: Be it therefore enacted, That the said sixth section of the act last before mentioned, be and the same is hereby repealed.

CHAPTER IX.

An Act to Alter the Mode of Swearing Petit Jurors in the Courts of Law in this State.

Whereas, the present method practiced in the courts of law in this State of swearing the petit jury in every cause, in some measure retards the business in said Courts, and such frequent use of oaths in a great measure destroy their solemnity:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of June next, the clerks of the respective courts of law, shall at the beginning of their courts, swear or cause to affirm such of the petit jury as are of the original panel, well and truly to try all civil causes that shall come before them according to the evidence given thereon, and if there should not be enough of the original panel, tallamen shall take a similar oath or affirmation to try such causes as shall come before them during the day. Provided always, Anything herein contained, shall not be so construed as to prevent the usual challenges in law to the whole of the jury so sworn, or any of the said jurors, and if by reason of such challenges any juror or jurors shall be withdrawn, his or their place on such jury shall and may be supplied by any of the original venire, or of the bystanders by Law qualified to serve on any jury within the State, and further, that nothing herein contained shall be construed to alter the present method of swearing petit jurors on state trials, but the same shall continue in the usual form as heretofore practiced.

CHAPTER X.

An Act to Carry Into Effect a Resolution of Congress, Passed the Twenty-ninth Day of September, in the Year One Thousand Seven Hundred and Eighty-nine.

Whereas, it is recommended by the resolve of the first session of the Congress of the United States to the Legislature of the several States to pass laws making it expressly the duty of the keepers of their jails to receive and safe keep therein all persons committed under the Authority of the United States, until they shall be discharged by the due courses of the laws thereof, under the like penalties as in the case of prisoners committed under the authority of such States respectively, the United States promising on their parts to pay for the use and keeping of such jails, at the rate of fifty cents per month for each prisoner who shall be committed under their authority, during the time such prisoner shall be confined therein, and also to support such of said prisoners as shall be committed for offences: To carry the said resolve into effect:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That when any prisoner or prisoners shall be delivered to the keeper of any jail in this State by the authority of the United States, such Keeper is hereby commanded to receive said prisoner or prisoners, and commit him or them ac-
CHAPTER XI.

An Act to Restrain all Married Persons from Marrying Again Whilst Their Former Wives or Former Husbands are Living.

Whereas, many evil disposed persons, going from one part of our country to another, and into places where they are not known, do marry, having another husband or wife still living, to the utter destruction of the peace and happiness of families:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That if any person now married, or who hereafter shall be married, doth take to him or herself another husband or wife, while his or her former wife or husband is still alive, every such offence shall be felony, and the persons so offending shall suffer death as in cases of felony. Provided always, That this Act shall not extend to any person or persons whose husband or wife shall continually remain beyond sea for the space of seven years together, nor to any person or persons whose husband or wife shall absent him or herself in any other manner for the space of seven years together, such person or persons not knowing his or her said husband or wife to be living within that time.

II. Provided also, and it is hereby enacted, That this Act shall not extend to any person or persons, who are or shall be at the time of such after marriages divorced according to the mode established, or which hereafter shall be established by law, nor to any person or persons whose former marriage is by law declared to be void and of no effect, nor to any person or persons for or by reason of any former marriage had or made within the age of consent.

CHAPTER XII.

An Act to Alter the Mode of Punishment for Horse-Stealing.

Whereas, the present mode of Punishment for horse stealing is not attended with the salutary effects intended by the legislature:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of January next, if any person or persons within the limits of this State shall feloniously steal any horse, mare or gelding, upon due conviction thereof, such felon or felons shall suffer death without benefit of clergy.

II. And be it further enacted by the authority aforesaid, That all Acts and clauses of Acts within the purview and meaning of this Act, be and the same are hereby repealed and made void, except in the cases hereafter mentioned, viz.: Where any person or persons shall be convicted for any horse, mare or gelding, stolen between the first day of February, one thou-
sand seven hundred and eighty-seven, and the second day of January, one thousand seven hundred and ninety-one, such person or persons shall be punished agreeable to the Act, entitled "An Act to alter the mode of punishing horse stealing," passed at Fayetteville, in one thousand seven hundred and eighty-six; any law to the contrary notwithstanding.

CHAPTER XIII.

An Act Directing the Manner in Which the Real Soldier or Honest Claimant, Among Those who had Military Accounts Settled at Warrenton, in the Year One Thousand Seven Hundred and Eighty-Six, Shall Obtain Certificates, and Making Provision for Such Claimants Whose Accounts are Yet Unsettled, and Directing the Manner in Which Certain Certificates Therein Mentioned Shall be Received at the Treasurer's and Comptroller's Office.

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 agent or agents on the part of this State for settling the accounts of North Carolina with the United States, be and they are hereby called on and required, to transmit to the public Treasurer of this State, on or before the first day of May next, an accurate and correct list of the names of all and every of the real military claimants whose accounts were settled by the Commissioners appointed for that purpose, at Warrenton, in the year one thousand seven hundred and eighty-six, either by themselves or through others, together with a true copy of the muster rolls of the continental line of this State which were returned during the war, or at any time since, and a complete list or return of all the settlements made by the several boards of Commissioners appointed to liquidate the claims of the continental line of this State, for their services during the war, including the whole of that business, done either at Halifax or Warrenton; which lists and returns shall be made by the agents as aforesaid in alphabetical order, the said agent or agents stating the particular sums due to each claimant agreeably to the public records and Acts of Congress on that subject, and also inserting the sums due each individual under the authority of the several Acts of this State, and on the principles on which the accounts of the officers and soldiers were settled at Halifax, in the years one thousand seven hundred and eighty-three, one thousand seven hundred and eighty-four, and one thousand seven hundred and eighty-five.

II. And be it further enacted by the authority aforesaid, That the public Treasurer, on being so furnished as aforesaid shall on application of any person holding certificates issued by the board of Commissioners at Warrenton, in the year one thousand seven hundred and eighty-six, take up such certificate or certificates, and re-issue in lieu thereof to the holder or holders, other certificates of the like tenor and for the same sums; provided the agents do report so much as being due to the claimants on the principle last mentioned in the first clause of this Act, but should their report be otherwise, he shall then issue an indented certificate as aforesaid for the amount of the sum reported, and for no more.

III. Provided, nevertheless, That it is hereby to be understood, and it is expressly declared, that the Treasurer shall not grant certificates to any person in lieu of others they may hold, unless the name of the holder in favour of whom the original certificate was granted, shall be contained in the list so to be furnished him by the agent or agents of this State as aforesaid.
said, nor shall he grant certificates or due-bills to others applying, unless
the name of the person applying or for whom application is made, shall be
contained in the list of muster rolls sent him, nor even then, until he is con-
vinced the person so applying, or for whom application is made, was in fact
a soldier, and served as such in the continental line of this State.

IV. And whereas, in many instances it hath happened that real soldiers,
or their representatives, residing at a distance, from those places in which
the office of the commissioners of army accounts were kept, never did apply
for a settlement of their just claims: Be it therefore enacted by the author-
ity aforesaid, That all war soldiers, and others serving less time, but
more than twelve months, all twelve months men and nine months men, or
their representatives, being persons of the above description, that is to
say, such who never did either by themselves or through others settle their
accounts, or making it appear by undoubted testimony and to the satisfac-
tion of the public Treasurer, that they are really and justly entitled to pay as
aforesaid, shall receive from the Treasurer a certificate and due bill for all
sums due them previous to the first day of January, one thousand seven
hundred and eighty-two, in the same manner and on the like principles as
such were granted by the Board of Commissioners at Halifax aforesaid;
provided the name of the soldier applying, or who is said to have done the
service, is actually contained in the muster rolls so forwarded as aforesaid,
And provided also, That it doth not appear any settlement hath already
been made in his name, and the due bills to be granted shall be taken up and
paid off by the Treasurer.

V. And be it further enacted by the authority aforesaid, That the Public
Treasurer for his services herein shall receive a compensation, to be made
him by the next General Assembly, and likewise an allowance for such
sums as he may necessarily expend in employing assistants, paying the
printer of certificates or otherwise.

VI. And be it further enacted by the authority aforesaid, That all cer-
tificates issued by the Commissioners of army accounts at Warrenton, in
the year one thousand seven hundred and eighty-six, and which shall not be
presented to the Treasurer agreeably to the intent and meaning of this Act,
on or before the rise of the next session of the General Assembly, shall be
considered false, and expressly barred from liquidation or exchange, and
that this State will not consider itself bound to pay such, nor liable for
their redemption in any manner whatever; any law to the contrary notwith-
standing.

VII. And be it further enacted, That this Act, and every part thereof,
shall be published in the State Gazette, immediately on the rise of the pres-
ent Assembly, and the publication of it shall be continued for the space of
three months.

VIII. And be it further enacted, That all certificates re-issued by the
Treasurer to any person or persons residing in the ceded western territory,
shall be received in the payment of taxes due from the inhabitants of the
said territory, and for no other debt whatever.

IX. And be it further enacted by the authority aforesaid, That so much
of this Act as relates to the liquidating the claims of the officers and sol-
diers, &c., shall continue and be in force until the rise of the next session of
the General Assembly, and no longer.
CHAPTER XIV.

An Act to Repeal an Act Providing Means for the Payment of the Domestic Debt, for Appropriating Certain Monies therein Mentioned, and to Amend an Act Passed the Last Session of the General Assembly, Entitled, An Act for Levying a Tax for the Support of Government and for the Redemption of old Paper Currency, Continental Money, Specie and Other Certificates, and also Part of Another 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.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act the aforesaid Act, entitled, "And Act providing means for the payment of the domestic debt, for appropriating certain monies therein mentioned," and to amend an Act passed the last session of the General Assembly, entitled, "An Act for levying a tax for the support of government, and for the redemption of old paper currency, continental money, specie and other certificates," be repealed and made void, except so far as it relates to the collection and reduction of the tax for the year one thousand seven hundred and eighty-nine.

II. And be it further enacted by the authority aforesaid, That so much of the Act for opening the land-office, for the redemption of specie and other certificates, as requires any person entering lands within this State, to pay at the rate of ten pounds for every hundred acres, in said certificates, is hereby repealed and made void; and that all persons hereafter entering lands in any of the land-offices of this State, shall pay at the rate of thirty shillings State currency, or gold and silver at the rates established by law, for every hundred acres of land by him or her so entered.

CHAPTER XV.

An Act Empowering the County Courts of Pleas and Quarter Sessions to Direct the Secretary of State to Correct Certain Patents or Grants Therein Described, When There Have Been Errors by the Surveyor in Making the Returns, or by the Secretary in Issuing the same.

Whereas, frequent applications are made to the General Assembly to pass laws to correct the errors in patents or grants as aforesaid and it being necessary some rule should be established for correcting 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 whenever there has been or hereafter may be an error by the Surveyor in platting or making out the certificate to the Secretary's office, or the Secretary shall mistake, in making out the courses agreeable to the said returns, or shall misname the claimant or otherwise, so as such claimant shall be injured thereby the claimant so injured shall prefer a petition to the county court of pleas and quarter-sessions where such land is situated, setting forth the injury he, she or they might sustain in consequence of such error or mistake, with all and singular the matters and things relative thereto; and the said court is hereby authorized to hear testimony respecting the truth of the allegations set forth in the said petition, and if it shall appear to them by said testimony, or from the return of the Surveyor or error of the Secretary, that the patentee of such lands is liable to be injured thereby, such court is hereby required to direct their Clerk to certify such facts as appear...
to their satisfaction to the Secretary of the State, who shall file the same in
his office, and correct such error in the patent likewise, on the records in
his office; for which service he shall receive four shillings for each and
every patent so altered as aforesaid, except where the error was committed
by the Secretary.

II. And whereas, there are mistakes often made by the Registers of the
different counties within this State, in registering grants or mesne convey-
ances: Be it enacted by the authority aforesaid, That any person who dis-
covers there is an error in the registration of his, her or their grants or
mesne conveyances, shall be at liberty to prefer a petition to the county
court, in the same manner as in this Act before directed, and on hearing the
same, if it appears to the satisfaction of the court that error has been made,
they are hereby directed and required to order the Register of the county to
correct such error so made, and make the records by him kept conformable
to the grant, mesne conveyance, bill of sale, or other instrument of writing,
in which it appears such mistake has been so made: Provided, That a
majority of the acting justices of the said courts shall be present on the hear-
ing of such petitions, and that such petitioner shall prove to the court that
he has notified every person having lands adjoining those mentioned in the
petition thirty days previous to preferring the same, and that he has noti-
fied every person who claims title to the land described in his said petition:
And provided also, That any person who may be dissatisfied with the judg-
ment of any county court on his, her or their petition, shall be at liberty to
appeal to the superior court of the district as in other cases, and no petition
shall be set for hearing the first term.

III. Provided always, That where any person petitions for the alteration of a
deed, mesne conveyance, or bill of sale, the same notice shall be given
to the grantor of such deed or mesne conveyance.

IV. And be it further enacted by the authority aforesaid, The clerks of
the county courts where such petition shall be preferred shall receive the
sum of five shillings for his services on each petition, and no more, to be
paid by the party petitioning.

V. And be it further enacted, That the county courts when they think
necessary shall order the Surveyor and five freeholders who are not inter-
ested, to examine and survey any disputed lands, to ascertain the lines, and
to make return thereof to the said court on oath; Provided, That the expence
of such examination and survey shall be paid by the party petitioning as
aforesaid.

CHAPTER XVI.

An Act for Raising a Revenue for the Payment of the Civil List and Con-
tingent Charges of Government, for the Year One Thousand Seven Hun-
dred and Ninety-One, and to Repeal Part of an Act Passed at New Bern,
One Thousand Seven Hundred and Eighty-Four, Entitled, “An Act for
Raising a Public Revenue for the Support of Government,” and to Re-
peal an Act, Entitled, “An Act to Suppress Excessive Gaming.”

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-one, a tax of eight pence on every hun-
dred acres of land within this State, and a tax of two shillings on every hun-
dred pounds value of town property with their improvements, and a tax of
two shillings on every poll, shall be levied, collected and accounted for as is
LAWs OF NORTH CAROLINA—1790.

directed by an Act entitled, "An Act to amend 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."

II. And be it further enacted by the authority aforesaid, That the tax upon carriage wheels of pleasure, and the tax upon stud horses, be repealed; and that in future the tax of two shillings shall be paid upon each wheel of every carriage kept for pleasure, and upon every stud horse the one-fourth of the sum for which he covers by the season.

III. And whereas, it hath frequently happened that persons have been permitted in this State to qualify and act as sheriffs, clerks, entry-takers and registers, without giving bond as required by law, for the due collecting and accounting for the public taxes and other monies which should be found payable by them, to the great injury of the State, and detriment of its revenue; Be it therefore further enacted, That henceforward it shall be the indispensable duty of the clerks of the county courts, and they and every of them are hereby strictly required, to make a record of and enter at large on their dockets, the names of those justices of the peace who shall be in court or on the bench at the time of the qualification of their sheriffs, clerks, entry-takers and registers; and if the said clerk shall fail or neglect to make such entry and record as aforesaid, and being thereof convicted in any superior court of the district in which the county shall be situated, he shall forfeit his office, as a punishment for such failure and neglect as aforesaid; which justices of the peace, in case of their failure to take the bonds by law required, shall be considered as being, and they are hereby declared to be, bound and liable, to all intents and purposes, as the securities of such sheriff, clerk, entry-taker or register, from whom they may have failed to take bonds, in as full and ample manner as though such bonds were taken, and, they had actually been named therein, and had subscribed the same as his or their securities, and they and each of them shall be proceeded against accordingly by the Treasurer and others concerned; in all which instances or suits, a copy of the record of the court, attested by the clerk, is hereby declared to be legal and sufficient evidence, shall be admitted as such, and judgment shall be had thereon accordingly.

IV. And be it further enacted, That all such persons who may be accountable as sheriff for the taxes of the year one thousand seven hundred and ninety, as well as those who have yet to account for the taxes of one thousand seven hundred and eighty-nine, shall settle and account with the public treasurer on oath; and they and every of them shall be and are hereby empowered and required, to administer to their collectors an oath, and to settle with them as directed by the fourth and fifth clauses or sections of an Act of the General Assembly, passed in the year one thousand seven hundred and eighty-four, entitled, "An Act for the more regular collecting, payment of and accounting for the public taxes."

V. And be it further enacted by the authority aforesaid, That no sinking fund tax shall be collected in the years one thousand seven hundred and ninety and one thousand seven hundred and ninety-one.
CHAPTER XVII.

An Act to Continue in Force an Act, Passed at Fayetteville, in the Year One Thousand Seven Hundred and Eighty-Eight, Entitled, "An Act for the Relief of Persons Who Have Suffered or May Suffer by the Grants, Deeds, Meane Conveyances, and Other Instruments of Writing, Not Being Proved or Registered Within the Time Heretofore Appointed by Law.

Whereas, the before recited Act will expire at the end of this session much to the injury of good citizens of this State: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the before recited Act and every part thereof, shall continue and be in full force for the term of two years longer, and from thence until the end of the next session of the General Assembly.

CHAPTER XVIII.

An Act to Repeal Part of the Second and Fifth Sections of an Act of the General Assembly, Passed at New Bern, in the Year One Thousand Seven Hundred and Eighty-Four, Entitled, "An Act for Raising a Revenue for the Support of Government;" and to Repeal an Act Entitled, "An Act to Suppress Excessive Gaming;" and also One Other Act Passed at Fayetteville, in November, in the Year One Thousand Seven Hundred and Eighty-Six, Entitled, "An Act to Impose a Duty on all Slaves Brought into This State by Land or Water.

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 imposing a duty on goods imported by merchants into this State by land, for the purpose of trade and commerce, and the tax of ten shillings on marriage license and the tax of five shillings on every deed recorded, and the tax of five shillings on every grant when registered, be and the same is hereby repealed and made void. Provided nevertheless, That the several clerks and registers within this State shall account for the money by them received in consequence of the before mentioned tax.

II. And be it further enacted by the authority aforesaid, That so much of the before recited Act imposing a duty on slaves brought into this State by land or water, be and the same is hereby repealed.

CHAPTER XIX.

An Act for Altering the Time of the Annual Meeting of the General Assembly of this State.

Whereas, it is found by experience to be highly inconvenient for the members of the General Assembly to give their attendance on the first Monday in November annually:

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 next annual meeting of the General Assembly shall be on the first Monday in December, one thousand seven hundred and ninety-one, and annually on the same day in each succeeding year; and that it shall and may be lawful for the first Assembly, at their first annual meeting, to choose a
Governor and other officers of State, to succeed such as may be now chosen by the General Assembly.

II. And be it further enacted by the authority aforesaid, That all other Acts coming within the purview and meaning of this Act, be and the same are hereby repealed and made void.

CHAPTER XX.

An Act to Authorize the Constables to Serve Warrants and Other Process as Therein Directed, on Rivers, Bays or Creeks, Within the State.

Whereas, it is enacted by the fifth section of an Act passed at New Bern, in the year of our Lord one thousand seven hundred and seventy-seven, entitled, "An Act for appointing Sheriffs, and directing their duty in office," &c., That every Sheriff, by himself or his lawful officers or deputies, shall from time to time execute all writs and other process to him legally issued and directed within his county, or upon any bay, river or creek adjoining thereto, and make due return thereof; but no direction is given therein as to Constables:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any Constable or Constables in this State to serve in like manner upon any bay, river or creek, adjoining their counties, and to return to the Magistrate or Magistrates of their respective counties, all process usually executed by such officer or officers.

CHAPTER XXI.

An Act to Revive and Continue in Force an Act, Entitled, "An Act to Empower the Several County Courts Therein Mentioned to Lay a Tax Annually, not Exceeding Three Years, for the Purpose of Erecting or Repairing the Court-House, Prison and Stocks in Each County When Necessary, and for Defraying the Contingent Charges of the Counties, Passed at Fayetteville, One Thousand Seven Hundred and Eighty-Eight.

Whereas, the above recited Act is expired, and many of the county courts are under the necessity of laying a tax for the above mentioned purposes, and there being no law to authorize them so to do: 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 before recited Act shall be revived and continued in force for the term of three years after the passing of this Act.

CHAPTER XXII.

An Act to Amend an Act, Entitled, "An Act Directing the Mode of Raising a Fund in the Several Ports of Entry in This State for the Support of Sick Seamen, and the Manner of Appropriating the Same, Passed at Fayetteville, One Thousand Seven Hundred and Eighty-Nine.

Whereas, the adoption of the constitution of the United States by this State has prevented the said Act from being carried into effect: 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 Commissioners of the different towns and ports of entry in this State, and the Wardens of the poor of the parish where such ports of entry may be, where there are no Commissioners, shall have full power and authority to levy, assess and collect, in mode and manner as is directed in the said Act, the following fund, to wit: The sum of five shillings from all Captains of vessels on their arrival from foreign voyages, the sum of two shillings and six pence from his Mates, and the sum of one shilling and six pence from each of the crew, cabin boys and apprentices excepted; the sum of two shillings and six pence from the Captains of all other vessels, on their arrival in any of the said ports, the sum of one shilling six pence from the Mates, and the sum of one shilling from each and every of the crew, cabin boys and apprentices excepted; to be appropriated by the Commissioners of the said towns and Wardens of the poor as above mentioned, for the use and support of the sick seamen alone as is directed in the said Act.

CHAPTER XXIII.

An Act for Altering the Time for Holding the County Courts of Pleas and Quarter-Sessions for the Counties of Franklin and Iredell.

Whereas, the time at present for holding the county courts of pleas and quarter-sessions for the counties of Franklin and Iredell has been found inconvenient:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the courts for the county of Franklin, after the next sessions of said county, shall be held on the second Mondays in March, June, September, and December in each year; and the courts for the county of Iredell, after the next sessions of the said county from the time of the passing this Act, shall be held on the third Mondays in May, August, November and February in each and every year, and the first court after the December sessions, one thousand seven hundred and ninety, shall be on the third Monday in May next as aforesaid. To which time all matters and things in the said courts depending, shall stand adjourned and continued from the court which will be next in course after the passing of this Act and shall be valid in law, anything in any law to the contrary notwithstanding.

CHAPTER XXIV.

An Act to Amend an Act, Entitled, "An Act to Empower the County Courts of Pleas and Quarter-Sessions of the Several Counties in This State to Order the Laying Out Public Roads, and to Establish and Settle Ferries, and to Appoint Where Bridges Shall Be Built, and to Clear Inland Navigation.

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 not be lawful for any of the county courts in this State to lay a tax for the repairing public buildings, building of bridges, or any other county tax, or make any allowances for extra services to their clerk or Sheriff, or allow any other claim against the county, unless a majority of the acting Justices belonging to such county shall be present.
II. And be it further enacted by the authority aforesaid, That it shall and may be lawful, after the passing of this act, and the county courts are hereby authorized and empowered, to order the inhabitants of their respective counties to clear out inland rivers and creeks for the passage of boats, where a majority of the Justices of said courts shall think it necessary, and to appoint hands and overseers to carry their orders into effect.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful, and the said county courts are hereby authorized and empowered, to appoint such public landings in their respective counties, as they may think necessary.

CHAPTER XXV.

An Act to Repeal all Acts, Clauses and Parts of Acts of the General Assembly of this State, as Relates to Classing Tobacco.

Whereas classing of tobacco is found by experience to be injurious:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all Acts, clauses or parts of Acts, so far as the same relate to classing of tobacco, be and the same are hereby repealed.

II. And be it further Enacted, That this Act shall not have effect or be in force until the first day of July next, any law to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That the person carrying tobacco to any warehouse in this State, on having the same condemned, shall have the liberty to remove and dispose of it wheresoever he pleases.

CHAPTER XXVI.

An Act for Cutting a Navigable Canal from the Waters of Pasquotank River in This State, to the Waters of Elizabeth River in the State of Virginia.

Whereas, the cutting of a navigable canal from the waters of Pasquotank river in this State, to the waters of Elizabeth river in the State of Virginia, will be of great public utility, and many persons are willing to subscribe large sums of money to effect such a beneficial work, and it is just and proper that they, their heirs and assigns, should be empowered to receive reasonable tolls forever in satisfaction for the money advanced by them in carrying the work into execution and the risque they run: Therefore,

I. Be it enacted by the General Assembly of the State of North Carolina, That it shall and may be lawful to open books in the counties of Rockingham and Granville, and the towns of Halifax, Murfreesborough, Edenton, Windsor and Nixonton, under the management of James Gallaway in Rockingham, Robert Burton in Granville, Allen Jones in the town of Halifax, Harvy Murfree in the town of Murfreesborough, John Hamilton in the town of Edenton, Zeekiah Stone in the town of Windsor, and Thomas Harvey in the town of Nixonton; and under the management of such persons, and at such places in Virginia, as shall be appointed by that State, for receiving and entering subscriptions to the amount of eighty thousand dollars for the said undertaking; which subscriptions shall be made personally or by power of attorney, and shall be in Spanish milled dollars, but may be paid in other silver or in gold coin of the same value. That the said books shall be
opened for receiving subscriptions on the first day of May next, and continue open until the first day of September next inclusive; and on the nineteenth day of the said month of September there shall be a general meeting of the subscribers, at Halifax in the State of North Carolina, of which meeting notice shall be given by the said managers, or any three of them, in the gazettes of both the aforesaid States at least one month next before the said meeting. And such meeting shall and may be continued from day to day until the business is finished. And the acting managers shall at the time and place aforesaid, lay before such of the subscribers as shall meet according to the said notice, the books by them respectively kept containing the state of the said subscriptions, and if one half of the capital sum aforesaid should on examination appear not to have been subscribed, then the said managers are empowered to take and receive subscriptions to make up the deficiency. And a just and true list of all the subscribers, with the sums subscribed by each, shall be made out and returned by the said managers, or any four or more of them, under their hands, into the superior court of the district of Edenton, and into such court as the State of Virginia shall direct to be there recorded. And in case more than eighty thousand dollars shall be subscribed, then the same shall be reduced to that sum by the said managers or a majority of them, by beginning at and striking off from the largest subscription or subscriptions, and continuing to strike off a share from all subscriptions under the largest and above one share, until the sum is reduced to the capital aforesaid of eighty thousand dollars, or until a share is taken from all subscriptions above one share, and lots shall be drawn between subscribers of equal sums to determine the number in which such subscribers shall stand on a list to be made for striking off as aforesaid, and if the sum subscribed still exceeds the capital aforesaid, then they shall strike off by the same rule until the sum subscribed is reduced to the capital aforesaid, or all the subscribers are reduced to one share, and if there still be an excess then lots shall be drawn to determine the subscribers who are to be excluded to reduce the subscriptions to the capital aforesaid, which striking off shall be certified in the list aforesaid. And the said capital sum shall be reckoned and divided into three hundred and twenty shares of two hundred and fifty dollars each, of which every person subscribing may take and subscribe for one or more whole shares, and not otherwise. Provided, That unless one half of the said capital shall be subscribed, all subscriptions made in consequence of this Act shall be void; and in case one half and less than the whole of the said capital shall be subscribed as aforesaid, then the President and Directors are hereby empowered and directed to take and receive the subscriptions which shall be first offered, in whole shares as aforesaid, until the deficiency shall be made up, a certificate of which additional subscriptions shall be made under the hands of the President and Directors, or a majority of them, for the time being, and returned to and recorded in the courts aforesaid.

II. And be it Enacted, That in case one half of the said capital or a greater sum shall be subscribed as aforesaid, the said subscribers and their heirs and assigns, from the time of the said first meeting, shall be and are hereby declared to be incorporated into a company by the name of the Dismal Swamp Canal Company, and may sue and be sued as such, and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a President and four Directors for conducting the said undertaking and managing all the said company's business and concerns, for and during such time, not exceeding three years, as the said subscribers or a majority of them shall think fit:
and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share as far as ten shares, and one vote for every five shares above ten, by him or her held at the time in the said company; and any proprietor by writing under his or her hand, executed before two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her at any general meeting.

III. And be it enacted, That the said President and Directors so elected, and their successors, or a majority of them assembled, shall have power and authority to agree with any person or persons, on the behalf of the said company, to cut the said canal, and to erect such locks and perform such other work as they shall judge necessary for the navigation of the said canal and carrying on the same, from place to place, and from time to time, and upon such terms and in such manner as they shall think fit; and out of the money arising from the subscriptions and toils, and other aids hereafter in this Act given, to pay for the same and to repair and keep in order the said canals, locks and other works necessary thereto and to defray all incidental charges; and also to appoint a Treasurer, Clerk, and such other officers, toll-gatherers, managers and servants as they shall judge requisite, and to agree for and settle their respective wages or allowances, and settle, pass and sign their accounts; and also to make and establish rules of proceeding, and transact all the other business and concerns of the said company in and during the intervals between the general meetings of the same; and they shall be allowed as a satisfaction for their trouble therein such sum of money as shall by a general meeting of the subscribers be determined. Provided always, That the Treasurer shall give bond in such penalty and with such security as the said President and Directors, or a majority of them, shall direct, for the true and faithful discharge of the trust reposed in him; and that the allowance to be made to him for his services shall not exceed three pounds in the hundred for the disbursements by him made; and that no officer in the said company shall have a vote in the settlement or passing his own account.

IV. And be it enacted, That the said President and Directors and their successors, or a majority of them, shall have full power and authority from time to time, as money shall be wanting, to make and sign orders for that purpose, and direct at what time and in what proportion the proprietors shall advance and pay off the sums subscribed, which orders shall be advertised at least one month in the Virginia and North Carolina gazettes; and they are hereby authorized and empowered to demand and receive of the several proprietors, from time to time, the sums of money so ordered, to be advanced for the carrying on and executing, or repairing and keeping in order the said works, until the sums subscribed shall be fully paid, and to order the said sums to be deposited in the hands of the Treasurer, to be by him disbursed and laid out as the said President and Directors, or a majority of them, shall order and direct; and if any of the said proprietors shall refuse or neglect to pay their said proportions within one month after the same is so ordered and advertised as aforesaid, the said President and Directors, or a majority of them, may sell at auction, and convey to the purchaser the share or shares of such proprietor so refusing or neglecting payment, giving at least one month's notice of the sale in Virginia and North Carolina gazettes, and after retaining the sum due and charges of sale out of the money produced thereby, they shall refund and pay the overplus, if any, to the former owners, and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid, with the incidental charges, the said President and Directors, or a majority of them, may in the
name of the company, sue and recover the balance by motion on ten days previous notice; and the said purchaser or purchasers shall be subject to the same rules and regulations as if the said sale and conveyance had been made by the original proprietor.

V. And to continue the succession of the said President and Directors, and to keep up the same number: Be it enacted, That from time to time, on the expiration of the term for which the said President and Directors were appointed, the proprietors of the said company at the next general meeting, shall either continue the said President and Directors, or any of them, or shall choose others in their stead; and in the case of the death, removal, resignation or incapacity of the President or any of the Directors, may and shall in manner aforesaid, elect any other person or persons to be President and Directors in the room of him or them so dying, removing, resigning or becoming incapable of acting, and may at any of their general meetings remove the President or any of the Directors, and appoint others for and during the remainder of the term for which such person or persons were at first to have acted.

VI. And be it enacted, That every President and Director, before he acts as such, shall take an oath or affirmation for the due execution of his office.

VII. And be it enacted, That the presence of proprietors having one hundred and eighty shares at least, shall be necessary to constitute a general meeting; and that there be a general meeting of proprietors on the first Monday in September in every year, at such convenient town as shall from time to time be appointed by the said general meeting, but if a sufficient number should not attend on that day, the proprietors who do attend may adjourn such meeting from day to day, till a general meeting of proprietors shall be had, which may be continued from day to day until the business of the company is finished; to which meeting the President and Directors shall make report, and render distinct and just accounts of all their proceedings; and on finding them fairly and justly stated, the proprietors then present, or a majority of them shall give certificate thereof, a duplicate of which shall be entered on the said company's books; and at such yearly, general meetings, after leaving in the hands of the Treasurer such sum as the proprietors, or a majority of them, shall judge necessary for repairs and contingent charges, an equal dividend of all the net profits arising from the tolls hereby granted, shall be ordered and made to the proprietors of the said company in proportion to their several shares; and on any emergency in the interval between the said yearly meetings, the President, or a majority of the Directors, may appoint a general meeting of the proprietors of the company, at any convenient town, giving at least one month's previous notice in the Virginia and North Carolina Gazettes, which meeting may be adjourned and continued as aforesaid.

VIII. And be it further enacted, That for and in consideration of the expenses the said proprietors will be at, not only in cutting the said canal, erecting locks, making causeways, and performing other works necessary for this navigation, but in maintaining and keeping the same in repair the said canals, locks, causeways and other works, with all their profits, shall be and the same are hereby vested in the said proprietors, their heirs and assigns forever, as tenants in common, in proportion to their respective shares; and the same shall be deemed real estate and be forever exempt from the payment of any tax, imposition or assessment whatsoever; and it shall and may be lawful for the said President and Directors, at all times forever hereafter, to demand and receive at some convenient place near one of the extremities of the canal, for all commodities transported through it, or over
the causeways, tolls according to the following table and rates, which shall be in Spanish milled dollars, to-wit:

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Every pipe or hogshead of wine containing more than 65 gallons.</td>
<td>32-72d.</td>
</tr>
<tr>
<td>Every hogshead of rum or other spirits</td>
<td>24-72</td>
</tr>
<tr>
<td>Every hogshead of tobacco</td>
<td>24-72</td>
</tr>
<tr>
<td>Every hogshead of molasses</td>
<td>18-72</td>
</tr>
<tr>
<td>Every butt or hogshead of malt liquor</td>
<td>18-72</td>
</tr>
<tr>
<td>Every cask between 65 and 35 gallons, one half of a pipe or hogshead, every barrel one fourth part; and every smaller cask or keg in proportion according to the quantity and quality of their contents.</td>
<td></td>
</tr>
<tr>
<td>Every dozen of bottled wine</td>
<td>5-288th</td>
</tr>
<tr>
<td>Every dozen of bottled malt liquor</td>
<td>4-288th</td>
</tr>
<tr>
<td>Every bushel of wheat, peas, beans, rice or flaxseed</td>
<td>3-288th</td>
</tr>
<tr>
<td>Every bushel of Indian corn or other grain, or salt</td>
<td>2-288th</td>
</tr>
<tr>
<td>Every barrel of pork</td>
<td>6-72d.</td>
</tr>
<tr>
<td>Every barrel of beef</td>
<td>4-72</td>
</tr>
<tr>
<td>Every barrel of fish or flour</td>
<td>3-72</td>
</tr>
<tr>
<td>Every barrel of tar, pitch, turpentine or rosin</td>
<td>2-72</td>
</tr>
<tr>
<td>Every cask of linseed oil, or spirits of turpentine, the same as molasses.</td>
<td></td>
</tr>
<tr>
<td>Every ton of hemp, flax, potash or bar iron</td>
<td>36-72</td>
</tr>
<tr>
<td>Every ton of pig iron or castings</td>
<td>12-72</td>
</tr>
<tr>
<td>Every ton of copper, lead or other ore, other than iron ore</td>
<td>30-72</td>
</tr>
<tr>
<td>Every ton of stone or iron ore, other than the ballast of the vessel</td>
<td>6-72</td>
</tr>
<tr>
<td>Every hundred bushels of lime or shells</td>
<td>20-72</td>
</tr>
<tr>
<td>Every chaldron of coals</td>
<td>8-72</td>
</tr>
<tr>
<td>Every thousand bricks or tiles</td>
<td>30-72</td>
</tr>
<tr>
<td>Every hundred of pipe staves</td>
<td>6-72</td>
</tr>
<tr>
<td>Every hundred of hogshead staves, or pipe or hogshead heading</td>
<td>4-72</td>
</tr>
<tr>
<td>Every hundred barrel staves or barrel heading</td>
<td>3-72</td>
</tr>
<tr>
<td>Every thousand shingles from 18 to 24 inches</td>
<td>3-72</td>
</tr>
<tr>
<td>Every thousand of three feet shingles</td>
<td>6-72</td>
</tr>
<tr>
<td>Every thousand clapboards or palls</td>
<td>9-72</td>
</tr>
<tr>
<td>Every cord of fire-wood</td>
<td>12-72</td>
</tr>
<tr>
<td>Every hundred cubic feet of plank or scantling</td>
<td>40-72</td>
</tr>
<tr>
<td>Every hundred cubic feet of all other timber</td>
<td>30-72</td>
</tr>
<tr>
<td>Every hundred pounds of brown or clayed sugar</td>
<td>3-72d.</td>
</tr>
</tbody>
</table>

All other produce, goods, wares or merchandise, one fourth per cent.

Every boat or vessel exceeding one ton burthen, which has not commodities on board to yield so much (except an empty boat or vessel returning, whose load has already paid the toll, in which case is to re-pass free of toll) | 40-72 |

Every canoe, boat or vessel under one ton burthen, which has not commodities on board to yield so much (except as in the preceding article excepted) | 18-72 |

Every man, (except foot travellers, who shall pass toll free) horse, ox in draft and wheel passing the causeways (except the loads they carry yield so much, or except wagons or carts returning whose load has paid the toll) | 6-72 |

Every head of black cattle | 3-72
All produce, goods, wares or merchandise passing the causeways, shall be subject to the same toll as goods passing through the canal. But which tolls, though chargeable in Spanish milled dollars, may be paid in other silver, or in gold coin of the same value. And in case of refusal to pay the tolls at the time of offering to pass the place aforesaid, and previous to passing the same, the collector of the said tolls may lawfully refuse passage to whatever refuses payment and if any vessel, waggon or cart shall pass without paying the toll, then the said collector may seize such vessel, waggon or cart wherever found, and sell the same at auction for ready money; which so far as is necessary shall be applied towards paying the said toll and all expenses of seizure and sale, and the balance if any shall be paid to the owner; and the person having the direction of such vessel, waggon or cart, shall be liable for such toll, if the same is not paid by the sale aforesaid. Provided, That the said proprietors, or a majority of them, holding at least one hundred and eighty shares, shall have full power and authority, at any general meeting, to lessen the said tolls, or any of them, or to determine that any article may pass free of toll.

IX. And be it enacted, That the said canal and works to be erected thereon in virtue of this Act, and the cause-ways, when completed, shall forever thereafter be esteemed and taken as public highways, free for the transportation of all goods, wares, commodities or produce whatsoever, and for travelling, on account of the tolls imposed by this Act; and no other toll or tax whatever, for the use of the water of the said canal and works thereon erected, or the causeways, shall at any time hereafter be imposed by both or either of the said States, subject nevertheless to such regulations as the legislatures of the said State may concur in to prevent the importation of prohibited goods, or to prevent fraud in evading the payment of duties imposed in both or either of the said States on goods imported into either of them.

X. And whereas, it is necessary for the making of the said canal, locks and causeways, and other works, that a provision should be made for condemning a quantity of land for the purpose, Be it enacted, That it shall and may be lawful for the said President and Directors, or a majority of them, to agree with the owners of any land through which the said canal is intended to pass, for the purchase thereof; and in case of disagreement, or in case the owner thereof be a feme covert, under age, non compos, or out of the State, on application to any two Justices of the county in which such land shall lie, the said Justices shall issue their warrant, under their hands, to the Sheriff of their county, to summon a jury of eighteen inhabitants of his county of property and reputation not related to the parties nor in any manner interested, to meet on the land to be valued at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the Sheriff on receiving the said warrant shall forthwith summon the said jury, and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every jurymen that shall appear. That he will fairly, justly and impartially value the land (not exceeding the width of three hundred feet) and all damages the owners thereof shall sustain by cutting the said canal through such land, according to the best of his skill and judgment, and that in such valuation he will not spare any person through favor or affection, nor any person
grieve through malice, hatred or ill-will: And the inquisition thereon taken shall be signed by the Sheriff and some twelve or more of the jury, and returned by the Sheriff to the Clerk of his county, to be by him recorded; and on every such valuation the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the said President and Directors to the owners of the land, or his legal representatives; and on payment thereof the said company shall be seized in fee of such lands, as if conveyed by the owner to them and their successors by legal conveyance. Provided nevertheless, That if any further damage shall arise to any proprietor of land in consequence of opening such canal, or in erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as any such new damage shall happen, by application to and a warrant from any two Justices of the County where the land lies, to have further damages valued by a jury in like manner, and to receive and recover the same of the said President and Directors: But nothing herein shall be taken or construed to entitle the proprietor of any such land to recover compensation for any damage which may happen to any mills, or other works or improvements, which shall be begun or erected by such proprietor after such first valuation, unless the said damage is wilfully and maliciously done by the said President and Directors, or some person by their authority.

XI. And be it enacted, That the said President and Directors, or a majority of them, are hereby authorised to agree with the proprietor or proprietors for the purchase of a quantity of land, not exceeding one acre, at or near the receipt of the tolls aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement, or any of the disabilities aforesaid, or the proprietor being out of the State, then such land may be valued condemned and paid for as aforesaid; and the said company shall, on payment of the valuation of the said land, be seized thereof in fee simple as aforesaid.

XII. And whereas, it is represented that the waters of the lake, in the Dismal Swamp, commonly called Drummond’s Pond, may be useful for a supply of water to the said canal: Be it enacted, that the said lake, so far as the water thereof, shall be necessary for the purpose aforesaid, shall be and is hereby vested in the proprietors of the said canal; and it shall and may be lawful for the said President and Directors, or a majority of them, to open if they shall find it expedient, a cross canal from the lake to the principal canal, for the purpose of drawing from thence a supply of water and for executing this work they shall have the same powers which they are authorised to exercise in opening the principal canal. And it shall not be lawful for any person whatsoever, so to cut off or divert the courses of those waters which now flow from the westward into the said lake, as to prevent their continuing to fall into it.

XIII. And whereas, some of the places through which it may be necessary to conduct the said canals, may be convenient for erecting mills and other water-works, and the persons possessors of such situations may design to improve the same, and it is not the intention of this Act to interfere with private property, but for the purpose of improving and perfecting the said navigation: Be it enacted, That the water, or any part thereof, conveyed through the said canals, shall not be used for any purpose but navigation, unless there shall be sufficient to answer both the purposes of navigation and water-works aforesaid; in which case the said President and Directors, or a majority of them, are hereby empowered and directed to enter into
reasonable agreements with the proprietors of such situations, concerning
the just proportion of the expenses of making the canals capable of carrying
such quantities of waters as may be sufficient for the purposes of naviga-
tion, and also for any such water-works aforesaid.

XIV. And whereas, the said canals may be of great utility in affording the
means of draining the sunken lands through which they pass; Be it enacted,
That it shall and may be lawful for the proprietors of the said adjacent
sunken lands to open cross ditches into the said canals; provided that the
cross ditches shall not be within less than one mile of one another on the
same side of the canals, and be covered where they pass through the cause-
ways with good bridges of the breadth of the causeways, at the expense
of the person cutting them, and also to be constructed so as that the water
may be entirely prevented passing through them into the canals at any time
when this shall be necessary; and the works occasioned by these cross
ditches, except the bridges, shall be kept in repair at the expense of their
proprietors.

XV. And be it enacted, That it shall and may be lawful for every of the
said proprietors to transfer his share or shares by deed, executed before two
witnesses, and registered after proof of the execution thereof in the said
company's books, and not otherwise, except by devise; which devise shall
also be exhibited to the President and Directors, and registered in the com-
pany's books, before the devisee and devisees shall be entitled to draw any
part of the profits from the said tolls: Provided, That no transfer what-
soever shall be made except for one or more whole share or shares, and not
for part of such shares, and that no share shall at any time be sold, con-
voyed, transferred or held in trust for the use and benefit, or in the name of
another, whereby the said President and Directors or proprietors of the said
company, or any of them, shall or may be challenged or made to answer any
such trust, but that every such person appearing as aforesaid to be a pro-
prietary shall as to the others of the said company, be to every intent taken
absolutely as such; but between any trustee and the person for whose ben-
efit any trust shall be created, the common remedy may be pursued.

XVI. And whereas, it hath been represented that sundry persons are
willing and desirous, on account of the public advantage, and also the im-
provements their estates may receive thereby, to promote and contribute
towards so useful an undertaking, and to subscribe sums of money to be
paid on condition the said works are completed and carried into execution,
but do not care to run any risk or desire to have any property therein: Be
it therefore enacted, That the said President and Directors shall be and
are hereby empowered to receive and take in subscriptions on the said con-
ditions, and on the said works being completed and carried into execution,
according to the true intent and meaning of this Act, that it shall and may
be lawful for the said President and Directors, or a majority of them, in
case of refusal or neglect of payment, in the name of the company as afore-
said, to sue for and recover of the said subscribers, their heirs, executors
or administrators, the sums by them respectively subscribed, by action of
debt or on the case, in any court of record within this State.

XVII. And be it enacted, That if the said capital and other aids already
granted by this act shall prove insufficient, it shall and may be lawful for
the said company, from time to time, to increase the said capital by the
addition of so many more whole shares as shall be judged necessary by the
said proprietors, or a majority of them, holding at least one hundred and
eighty shares, present at any general meeting of the said company. And
the said President and Directors, or a majority of them, are hereby empow-
LAWS OF NORTH CAROLINA—1790.

ered and required, after giving at least one month's notice thereof in the Virginia and North Carolina gazettes, to open books at the before mentioned places for receiving and entering such additional subscriptions, in which the proprietors of the said company for the time being shall and are hereby declared to have the preference of all others for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose. And the said President and Directors are hereby required to observe in all other respects the same rules therein, as are by this Act prescribed for receiving and adjusting the first subscriptions, and in the like manner to return under the hands of any three or more of them an exact list of such additional subscribers, with the sums by them respectively subscribed into the courts as aforesaid, to be there recorded: And all proprietors of such additional sums shall and are hereby declared to be from thenceforward incorporated into the said company.

XVIII. And it is hereby declared and enacted, That the tolls herein before allowed to be demanded and received, are granted and shall be paid on condition only, that the said Dismal Swamp Canal Company shall make the canal thirty-two feet wide, and eight feet in depth below the surface of the earth, and capable of being navigated in dry seasons by vessels drawing three feet water from Deep Creek, near Tucker's mill in Virginia, to the highest good navigation for vessels of the aforesaid draft in Pasquotank river, in North Carolina, with sufficient locks, each of ninety feet in length and thirty-two feet in breadth, and capable of conveying vessels drawing four feet water at the least, and that each of the causeways shall be twenty feet in breadth.

XIX. And it is hereby enacted and provided, That in case the said company shall not begin the said work within one year after the company shall be formed, or if the said company shall not complete the navigation and works as aforesaid within ten years after the said company shall be formed, then shall all interests of the said company, and all preferences in their favour as to the navigation and tolls of the said canals and causeways, be forfeited and cease. And whereas, at a meeting of Commissioners appointed by the State of Virginia, North Carolina, to agree on the form of an Act for cutting the said canal, and for regulating the commerce which may be carried on through it between the citizens of the two States, to-wit, Robert Andrews and John Cooper, Esquires, on the part of Virginia, and William Mc'Kenzie, James Gallaway and John Stokes, Esquires, on the part of North Carolina, at Fayetteville, in the State of North Carolina, on the twelfth day of December, in the year of our Lord one thousand seven hundred and eighty-six, the following compact was mutually agreed to by the said Commissioners:

First. The State of Virginia agrees that the waters of Elizabeth river, from the said canal to the mouth thereof, the waters of Hampton Road and of Chesapeake Bay to the Capes, and also Roanoke river, wherever it is in Virginia, shall be forever considered as a common highway, free for the use and navigation of vessels belonging to the State of North Carolina, or any of its citizens; and that they shall not be therein subject to the payment of any toll or charge whatever, imposed for the purpose of raising revenue.

Secondly. The State of Virginia agrees that no restriction, duty or impost, shall be laid on any commodity which is the growth, produce or manufacture of the State of North Carolina, brought through the said canal or
over the said causeways for sale or exportation, and that the same may be exported without re-inspection.

Thirdly. The State of Virginia agrees, that when any imported goods shall within five months after entry be exported through the said canal, or over the said causeways, into the State of North Carolina, in packages, bales or casks as imported, the duties thereof shall be remitted or repaid as the case may be to the exporter, on his producing, within six months after the aforesaid entry, the certificate of the Naval Officer of the district of North Carolina into which the said canal enters, that the said goods have been entered there.

Fourthly. The State of North Carolina agrees that the waters of the Roanoke river, Meherrin, Nottoway, Chowan, Albemarle sound as low as the mouth of the Pasquotank river, and of Pasquotank from the mouth thereof to the said canal, shall be forever considered as a common highway, free for the use and navigation of all vessels belonging to the state of Virginia, or any of its citizens; and that they shall not be subject therein to the payment of any toll or charge whatever, imposed for the purpose of raising revenue.

Fifthly. The State of North Carolina agrees, that no restriction, duty or impost shall be laid on any commodity which is the growth, produce or manufacture of the state of Virginia, passing through the aforesaid waters to the said canal, or brought through the said canals or over the said causeways, for sale or exportation; and that the same may be sold or exported without re-inspection.

In those articles where it is expressed that no duty or impost is to be laid for the purpose of raising revenue, it is not to be understood that the imposition of tolls for the purpose of improving the navigation of the said waters is prevented.

Sixthly. The state of North Carolina agrees, that when any imported goods shall within five months after entry be exported through the said canal, or over the said causeways, into the state of Virginia, in packages, bales or casks as imported, the duties thereof shall be remitted or repaid as the case may be to the exporter, on his producing, within six months after the aforesaid entry, the certificate of the Naval officer of Norfolk, that the said goods have been entered there.

Seventhly. Imported goods, passing from one part of either of the said two states to another part of the same, through any of the waters of the other state shall not be subject to any duty imposed for the purpose of raising revenue.

Lastly. The citizens of each of the said two states may have the use of the inspections of the other for the purpose of re-inspecting any damaged commodities which have passed through the said canal on paying the price of the labour of re-inspection, and no more.

And whereas, this General Assembly are of opinion that the said compact is made on just and mutual principles, for the true interests of both governments:

XX. Be it therefore enacted, That the said compact is hereby approved, confirmed and ratified by the General Assembly of the state of North Carolina, and that every article, clause, matter and thing therein contained shall be obligatory on this state and the citizens thereof, and shall be forever faithfully and inviolably observed and kept by this government and all its citizens, according to the true intent and meaning of the said compact; and the faith and honour of this state are hereby solemnly pledged and engaged to the General Assembly of the state of Virginia, and the gov-
LAWS OF NORTH CAROLINA—1790.

ernment and the citizens thereof, that this law shall never be repealed or altered by the legislature of this state, without the consent of the state of Virginia.

Every Act or part of an Act of the General Assembly which comes within the purview and meaning of this act, shall be and the same is hereby repealed. This act shall commence and be in force from and after the passing of a like act by the General Assembly of Virginia.

CHAPTER XXVII.

An Act for Building a Court-house in the town of Hillsborough, for the District of Hillsborough.

Whereas, the court-house in the town of Hillsborough, in the county of Orange, has been lately consumed by fire, which has caused courts of said county, as well as the superior courts, to be held in a private house by which means the business of the said courts is greatly delayed: 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 William Watters, Absalom Tatom and Jeduthan Harper, Esquires, be and they are hereby appointed commissioners for the purpose of building and erecting a good and sufficient court-house on the same lot where the former one stood, the dimensions of which to be at the discretion of the said commissioners; and the said commissioners, or a majority of them, are hereby vested with full power and authority to sell and dispose of the brick and remains of the former court-house in the said town of Hillsborough, and also to call for, demand and receive of all and every person or persons suspected of having any of the remains of said court-house in his, her or their possession.

II. And be it further enacted by the authority aforesaid, That a tax of two shillings on each and every poll in the county of Orange, and a tax of eight pence on each and every hundred acres of land in said county, and a tax of two shillings on each hundred pounds value of town lots with their improvements in the said town of Hillsborough; also a tax of one shilling on each and every poll, and a tax of four pence on each and every hundred acres of land in the counties of Wake, Chatham, Caswell, Granville and Randolph, for the year one thousand seven hundred and ninety shall be levied and collected in the same manner, at the same time, and by the same persons as the public taxes of the said counties are collected; and each tax when so collected, shall be by the collector or collectors paid into the hands of the Commissioners herelbfore mentioned, for the uses and purposes aforesaid.

III. And be it further enacted by the authority aforesaid, That each Sheriff or Collector of said district, before entering upon the execution of his or their office, as is herein directed by this Act, shall enter into bond with approved security to the court of the county where they reside, in the sum of double the amount of said tax, that they will faithfully collect and pay the same into the hands of the Commissioners for the uses and purposes aforesaid.

IV. And provided always, that the commissioners appointed in virtue of this Act shall raise and keep separate accounts with the sheriffs of each and every county within the district aforesaid for the monies by this Act to be collected, and when they shall have fully paid up what the said district court-house may cost, shall return the overplus of any monies that
may then remain in their hands to the respective counties that are hereby taxed for the raising the same, and to the inhabitants of the town of Hillsborough, in proportion to the sums by the aforesaid counties and town of Hillsborough so paid for the purpose aforesaid; and upon failure to pay and satisfy such surplus, the same shall be recovered by motion in any court of record, as against sheriffs and others holding public monies.

V. And be it further enacted by the authority aforesaid, That before the said commissioners shall enter upon their said trust, or take into their hands any of the monies aforesaid, they shall enter into bond in the sum of three thousand pounds, payable to the Governor for the time being, conditioned that they will faithfully discharge the trust in them reposed by this Act.

VI. And be it further enacted by the authority aforesaid, That the commissioners by this Act appointed, shall within thirty days after passing the same, advertise in one or more of the most public places in the district, and also in the Fayetteville Gazette, that they will let the said buildings to the lowest bidder, at the market house of the town of Hillsborough on the day of

CHAPTER XXVIII.

An Act to authorize Henry Emanuel Lutterloh to raise by way of Lottery a sum sufficient to enable him to bring into this State foreigners who are Artisans in various Branches of Business.

Whereas, Henry Emanuel Lutterloh of the town of Fayetteville having represented to this General Assembly that with the aid of six thousand dollars annually for the term of five years which he hath proposed to raise by way of lottery he may be enabled to introduce into this State many useful artisans who may be greatly conducive to the promotion of the population and manufactures of North Carolina.

I. Be it therefore enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Henry Emanuel Lutterloh to raise by way of lottery a sum not exceeding six thousand dollars annually for the term of five years for the uses and purposes aforesaid. Provided, the said Henry Emanuel Lutterloh doth within twelve months lay before the Governor and Council the plan and scheme of the said lottery upon which the Governor is required to issue unto the said Henry Emanuel Lutterloh a license under the Great Seal of the State authorizing him to carry into effect the plan and scheme of the lottery aforesaid.

And whereas, by the Constitution of this State as well as of the United States all persons who are citizens of the same shall have a right to worship God agreeable to the dictates of their own conscience, and in all probability should the said Henry Emanuel Lutterloh carry into effect his intended plan that those emigrants may be of different persuasions of religion and be desirous of following their own mode of worship.

II. Be it further enacted by the authority aforesaid, That so soon as those artisans are brought into this State under the direction of the said Henry Emanuel Lutterloh and having taken the Oaths of Naturalization or Citizenship they shall have a free and unalienable right to erect churches, chapels or other houses of religious worship in such manner as their conscience may dictate; also to erect school houses or Seminaries of learning upon principles not inconsistent with or repugnant to the Constitution of this State or the United States or the laws thereof.
III. And in order to encourage the said emigration, Be it further enacted by the authority aforesaid, That all emigrants coming into this state agreeable to the intent and meaning of this Act shall after having complied with the requirements of the same be clear and exempt from paying public or other taxes for and during the term of five years; any law to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That as soon as the said Henry Emanuel Lutterloh complies with the requisites of this Act respecting the plan or scheme of his said lottery the Governor is hereby requested and directed to issue to the said Henry Emanuel Lutterloh another grant or patent under the Great Seal of the State in which shall be comprehended the meaning of this Act, and shall also cause to be entered at large on the Journals of the Council the scheme of the said lottery together with the said license and patent or grant and thereafter the said plan or scheme of the said lottery and the said license and patent or grant so issued shall be as good and valid in law to all intents and purposes as if they had been comprehended and set forth at large in this Act.

CHAPTER XXIX.

An Act to Regulate and fix the Price for Inspecting and Coopering Tobacco at Fayetteville.

Whereas, the laws now in force in this state, regulating the fees of inspectors, cooperers, pickers and turners up of tobacco, have been found from experience not sufficient to prevent frauds and impositions; to prevent 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 from and after the passing of this Act, the inspectors that are or shall hereafter be appointed to inspect tobacco at the several warehouses in the town of Fayetteville, shall and may take and receive for inspecting, turning up, coopering, finding nails, hoops, and issuing a note for the same, the sum of eight shillings for each waggoned hoghead of tobacco; and for inspecting, turning up, coopering, finding nails and issuing a note for each rolled hoghead of tobacco the sum of ten shillings, and no more.

II. And be it further enacted by the authority aforesaid, That the inspectors or pickers of tobacco at the said several warehouses, shall be entitled to and receive for picking tobacco, one fifteenth of all parcels of tobacco so picked by them.

III. And be it further enacted by the authority aforesaid, That the inspectors of tobacco at the said warehouses shall be entitled and have the sole benefit of turning up, coopering and prizing of tobacco at the warehouses to which they are respectively appointed; and if any inspector or inspectors at the said warehouses, should ask, take or receive any greater fees than are by this Act allowed; he or they so offending shall upon conviction thereof forfeit and pay the sum of five pounds for each and every such offence, to be recovered before any jurisdiction having cognizance thereof, by and for the use of any person suing for the same.

IV. And be it further enacted by the authority aforesaid, That the inspectors of tobacco at the several warehouses, shall enter into bond with sufficient security in the penalty of fifty pounds at next Cumberland court, payable to the county of Cumberland, for the faithful performance of the duties enjoined by this Act respecting the turning up, coopering and prizing of tobacco. Provided always, That the owner or owners of tobacco who may
leave the same at any of the said warehouses for inspection, shall have the liberty of turning up, prized and cooping the same under the directions of the inspectors, which inspectors in all such cases shall be only entitled to receive four shillings as usual for the inspecting each hogshad of tobacco and issuing a note for the same.

V. And be it further enacted by the authority aforesaid, That the owners of the several tobacco warehouses at Fayetteville, who are entitled to storage for tobacco stored therein, shall deliver the same to the owner of such tobacco so stored, at the door of the warehouse, on application of the owner or shipper of such tobacco.

VI. And be it further enacted by the authority aforesaid, That in future the inspectors of tobacco in this State shall be allowed twenty shillings for inspecting, prized, finding nails and cooping each hogshad of transfer tobacco, so as to make the same the weight of a crop hogshad and fit for exportation, and no more, exclusive of the hogshad in which the same is reprized.

CHAPTER XXX.

An Act to Establish a town at the Place fixed upon for the Court-House in the County of Stokes.

Whereas, it hath been represented to this General Assembly that it is a pleasant, healthy situation and that Michael Fry and Henry Fry have made a deed in fee-simple of twenty three acres of land to Charles McAnnally and Gray Bynum, for the use 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 on the said lands so laid off be established a town agreeable to the scheme and plan thereof by the name of Germantown.

II. Be it further enacted by the authority aforesaid, That Gray Bynum, Charles McAnnally, Anthony Billing, James Makely and John Halbert be constituted commissioners and trustees for carrying on and regulating the said town, and they shall stand seized of an indefeasible estate in fee-simple in the twenty-three acres of land as aforesaid to and for the uses, intents and purposes hereby declared; and the said commissioners, or a majority of them, shall have full power and authority to meet as often as they shall think proper to make such regulations as they shall judge most convenient.

III. And be it enacted, That a majority of the commissioners aforesaid, shall have full power to sell and dispose of the lots in said town, make and execute deeds in fee simple to the respective purchaser or purchasers for the same.

IV. And be it enacted, That the respective purchasers of lots shall pay and satisfy the commissioners for whatever sum or sums they may severally incur by purchasing lots from the said commissioners, and in case of neglect of any purchaser to pay the sum or sums that may be incurred aforesaid, that then and in that case the commissioners, or a majority of them, may commence a suit or suits in their own name, and therein recover judgment; and the said commissioners as soon as they shall receive the money by the sales aforesaid, shall pay the same into the hands of the commissioners for letting the public buildings in said county, and be applied towards defraying the expense of the buildings aforesaid. Provided nevertheless, before the said commissioners receive the money aforesaid, they shall
enter into bond with good security in the sum of five hundred pounds for their faithful application of the monies so received by them.

IV. And be it further enacted, That in case of the death, refusal to act, or removal out of the county of any of the commissioners, the court of the county are hereby empowered to appoint some other person being a freeholder, in the place of him so dying, refusing to act, or removing; which commissioners or trustees shall have the same power and authority as if they had been appointed by this Act.

CHAPTER XXXI.

An Act for Building a Court-House in the town of Wilmington, for the District of Wilmington, and to Empower the Justices of New Hanover County to Increase the County Tax.

Whereas, the court-house of said district was pulled down by the commissioners of Wilmington, to prevent the said town from being destroyed by fire and it is necessary that a new one should be erected.

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 William Campbell, James Walker, Robert Nixon, Thomas Owens, Duncan Stewart, William Espe, Lord George Wease, James Gillespie, Shadrack Stallings, Robert W. Snead, and John Spicer, Esquires, be appointed Commissioners for building and finishing a good sufficient district court-house in the said town; and the said Commissioners are required to have the same built of brick and covered with slate or tile, of the same dimensions and on the same spot as the former court-house stood, or so near thereto as an oval form may admit; and the Commissioners are further required to build the said court-house of an oval elliptical form on arches of a height sufficient to admit of a convenient walk underneath, which space shall be appropriated for no other use or purpose whatever; and should any person offend against this Act by exposing to sale therein any fish, flesh, or other article usually carried to market for open sale, he or she shall forfeit and pay for each offence five pounds, to be recovered before any jurisdiction having cognizance thereof, for the use of the person informing and suing for the same.

II. And be it further enacted, That the Commissioners before mentioned shall have power and they are hereby strictly required, as soon as may be, to call to account the Commissioners formerly appointed by Act of Assembly for the purpose of building a gaol for the said district, for all monies, materials for building, or other articles which may remain or of right ought to be in their hands; and in case the said gaol commissioners refuse or neglect to pay up the money, and deliver the said materials and articles above mentioned, on or before the first day of May next, then it shall and may be lawful for the court-house commissioners herein appointed, and they are hereby directed, to pray for a judgment in the superior court of law and equity for the district of Wilmington, at the term next ensuing the present December term, and to enter up the same without further delay.

III. And be it further enacted by the authority aforesaid, That a tax of two shillings and four pence on every hundred pounds value of town property in the county of New Hanover, and a tax of Two Shillings and four pence on each poll, and a tax of nine pence on every hundred acres of land in the said county; and that a tax of one shilling on every hundred
pounds value of town property in the counties of Brunswick, Bladen, Duplin and Onslow, and a tax of one shilling on each poll, and a tax of four pence on every hundred acres of land in the said counties, shall be levied and collected in the same manner, and under the same penalties as the public taxes are, and shall in like manner be paid to the Commissioners, or to their order, under the same pains and penalties for non-payment as may be had for the non-payment of public taxes, and the same recoveries are hereby granted to the Commissioners against collectors of the district tax, as are had against the collectors of public taxes.

IV. And for the better security of the monies when collected, be it enacted by the authority aforesaid, That the said Commissioners, or a majority of them, shall appoint a treasurer to receive the same, who shall enter into bond with the penalty of three thousand pounds, payable to the said Commissioners, conditioned that he will when thereto required pay to the order of the said Commissioners, all such sums of money which he shall receive for their use under this Act, after deducting five per cent. for his trouble in receiving and paying the same; which bond shall be lodged in the office of the clerk of the superior court of Wilmington district; and the aforesaid commissioners, or a majority of them, which majority shall constitute a sufficient board for performing any business by this Act required, shall begin to erect the before mentioned court-house as soon as they have received the sum of five hundred pounds by virtue of this Act.

V. And be it further enacted by the authority aforesaid, That hereafter the Justices of the county court of New Hanover shall have liberty at their discretion, to raise the tax for the contingent charges of that county from one shilling on the poll, and in that proportion to two shillings on the poll, and in that proportion, whenever a majority of the acting Justices of the said County of New Hanover shall deem the same necessary.

CHAPTER XXXII.

An Act to Make Cross Creek Navigable.

Whereas, it hath been made to appear to this Assembly, that the navigation of Cross Creek would be of public utility:

I. Be it enacted by the General Assembly of North Carolina, and it is enacted by the authority of the same, That James Hogg, William Barry Grove, James Cross, James Porterfield, Richard Cochran, Peter Perry, Robert Adama, Robert Rowan, John Ingram, Gabriel Debrutz, Walter Alves, John Winston, Nathan Stedman and Isaac Buckloe, and such others as have been, or shall be, admitted into their company for the purpose of making Cross Creek navigable, are hereby declared to be a body corporate, by the name of the Fayetteville Canal Company.

II. And be it further enacted by the authority aforesaid, that the said company shall be capable to sue and be sued before any jurisdiction in this state, and they may elect and appoint all necessary officers, and from time to time make such rules, regulations and by-laws, for the management and conducting of said navigation, as they shall think proper; provided, they shall not be repugnant to or inconsistent with the laws and Constitution of this State.

III. And be it further enacted by the authority aforesaid, That the said company are hereby authorized and empowered to erect such dams and locks on and across the said Creek as may be needful, to clear it from trees, logs and other such things by which the said navigation might be obstructed, to
widen the creek and banks thereof, as may be found necessary for compleating and preserving the said navigation, and to have the privilege of a way on each side the said canal, not exceeding eight feet wide, for men or horses, as far as may be necessary for hauling boats or rafts along said creek: Provided always, no lands shall be taken from the proprietors of lands on the said creek, save for the purpose of houses for the lock-keepers and persons appointed to receive toll, except as herein before recited.

IV. And be it further enacted, That it shall and may be lawful for the said company, their heirs and assigns, to exact and levy by way of toll on all boats, rafts, goods or articles whatever, that shall pass, or be carried on or through the said navigable creek, such sums or rates as may hereafter be established by law.

V. And be it further enacted by the authority aforesaid, That the property of the said works and navigation including all the rights, privileges and immunities hereby granted, with all the profits that may arise therefrom, are hereby vested in the said company, their heirs and assigns, forever, as tenants in common, in proportion to their respective shares.

VI. Provided nevertheless, that all damages occasioned by the works necessary for the said navigation, shall be valued by a jury to be appointed by the county court of Cumberland, or in the option of the party whose property is injured by a jury mutually chosen by both parties, each of which jury shall take the following oath:

I, A. B., do swear, that I will faithfully and truly value what damage or injury ———— hath sustained by reason of the works of the canal company, strict regard being had to the state of the property before the passing of this law.

And the value, so assessed by the said jury, shall be paid by the said company to the proprietor of the land or other property so damaged. Provided, that it shall not be lawful for any proprietor to act as a Justice at the appointment of such jury.

VII. And be it further enacted, That unless the said navigation shall be rendered useful within the term of three years from the passing of this Act, the privileges hereby granted shall be void.

CHAPTER XXXIII.

An Act for the Inspection of Tobacco on Dan River, on the Land of Thomas Harrison, in Caswell County.

Whereas, a number of inhabitants of the county of Caswell has petitioned this General Assembly for an inspection of tobacco to be established on Dan River:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the county court of Caswell shall appoint two discreet and careful men, well acquainted with the nature of tobacco, to be inspectors thereof, who shall take the same oath, and be subject to the same rules, regulations and restrictions, and shall be entitled to the same fees, emoluments and immunities, as the inspectors of tobacco at Eaton's Ferry are entitled to by an Act passed this present session of Assembly.
CHAPTER XXXIV.

An Act for Vesting the Property of Certain Negroes in the heirs of Mark Newby.

Whereas, it is the earnest request of Ezekiel Arrington, who inter-married with one of the heirs of Mark Newby, late of Perquimans county, that the property of certain negroes emancipated by the said Mark Newby, in his lifetime, may by an Act of this Assembly be vested in the heirs of the said Mark Newby:

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 heirs of the said Mark Newby shall have full power and authority to hold and possess, sell and dispose of, sue for and recover the said negroes, in the same manner as they may any other part or parcel of their property; and finally, that the right to the said negroes shall vest and continue in the heirs of the said Mark Newby, as fully and completely, as if no such emancipation had ever taken place; any law, usage or custom to the contrary notwithstanding.

CHAPTER XXXV.

An Act to Establish the Titles of Several Tracts of Lands in Simon, David, William, Jonathan and Polly Turner.

Whereas, it appears to this General Assembly that Simon Turner, late of Wake county, deceased, made his last will and testament in writing, bearing date the ninth day of April, in the year one thousand seven hundred and eighty-three, and afterwards died, that is to say, on or about the tenth day of the same month, by which said will the said Simon devised several tracts of land therein mentioned to his several sons, to-wit: Simon Turner, David Turner, William Turner, Jonathan Turner, and his daughter Polly Turner respectively, as by the said will may more fully appear; and whereas, it is doubtful from the words of the said will, whether the testator intended to give his said sons and daughter fee simple estates or only life estates in the said lands; but it appearing from the affidavit of William Holland, who wrote the said will, that it was the intention of the said testator to give his said sons and daughter full and absolute estates in fee simple in the several tracts of land to them devised as aforesaid, and that the omission of the proper words of inheritance in the said will, was entirely owing to the hurry in which the said will was obliged to be written; and it also appears to this Assembly that John Turner, late of the said county of Cumberland, who was the eldest son and heir at law of the said Simon Turner, deceased, was fully convinced of the truth of his said father's intentions to give his said sons and daughter estates in fee in the said lands as aforesaid:

I. Be it therefore enacted, That the several tracts of land devised to the said Simon Turner, David Turner, William Turner, Jonathan Turner and Polly Turner, by the said Simon Turner, deceased, as aforesaid, be vested in the said Simon, David, William, Jonathan and Polly respectively, their heirs and assigns, forever, in as full and absolute manner as if the said deceased had by his said will devised said lands to the said Simon, David, William, Jonathan and Polly respectively, and their heirs and assigns, forever.
CHAPTER XXXVI.

An Act for the Relief of Thomas Ridge.

Whereas, it is represented to this General Assembly that Thomas Ridge, of Surry county, hath been charged with house burning in the course of the late war; and as it appears that the said Thomas Ridge proceeded in the matter charged against him agreeable to the command of his officers.

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 Thomas Ridge be pardoned and clearly exonerated from the charge aforesaid; any law to the contrary notwithstanding.

CHAPTER XXXVII.

An Act to Alter the Names of Certain Persons therein mentioned.

Whereas, Benjamin Wheatly, of the county of Martin, has by petition requested that the names of Henry, Mary, Lydia and Benjamin Nobles, children of Elizabeth Nobles should be altered, and that they should henceforward be known by the names of Henry, Mary, Lydia and Benjamin Wheatly: and whereas, it appears that the said Benjamin Wheatly is the reputed father of the said Henry, Mary, Lydia and Benjamin Nobles, and having no lawful issue is desirous of leaving to them the property he possesses:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for henceforward and forever hereafter, the said Henry, Mary, Lydia and Benjamin Nobles, shall be known and distinguished by the names of Henry Wheatly, Mary Wheatly, Lydia Wheatly and Benjamin Wheatly, and by those names shall have the right to inherit and claim any estate, either real or personal, which may be devised to them or either of them by the said petitioner, Benjamin Wheatly, in as full and ample a manner as if they the said Henry, Mary, Lydia and Benjamin had been born in wedlock, and had been from the time of their births considered as the legitimate children of the said Benjamin Wheatly and Elizabeth Nobles; and shall forever be placed in the same situation and be considered to all intents and purposes in the same point of view, as though they legally descended from the said Benjamin Wheatly and Elizabeth Nobles, and had been born in wedlock as aforesaid.

CHAPTER XXXVIII.

An Act directing the Entry Taker of Rutherford county to Deliver Certain Warrants therein mentioned to the Surveyor of the said County.

Whereas, it hath been made appear to the satisfaction of this General Assembly, that David Miller, entry taker of Rutherford county, was directed by a resolve of the last General Assembly to issue new warrants in place of numbers that had been defaced by the surveyor of said county and said Miller refusing to comply with said resolution is much to the injury of a number of the inhabitants of 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 David Miller, entry taker of Rutherford county shall before the first day of March next
deliver to the surveyor of said county, a new warrant in place of each warrant which has been or may be returned defaced by the surveyor of said county, or by the secretary of state, previous to the first day of March next, under the penalty of fifty pounds for neglect or refusal on each warrant to be recovered before any jurisdiction having cognizance thereof one half to be applied to the benefit of the poor of the county and the other to the use of the state, and shall further be liable to a special action on the case for whatsoever damages any person may sustain by neglect or refusal to comply with this Act. Provided nevertheless, that a demand be made upon said entry-taker for a renewal of such defaced warrants previous to the time specified in the above Act.

V. And be it further enacted, That the entry taker aforesaid shall be entitled to demand and receive from the surveyor the sum of two shillings for every warrant issued in consequence of this Act; any thing to the contrary notwithstanding.

CHAPTER XXXIX.

An Act to Authorize the Commissioners of the Town of Edenton, to Grant Doctor Samuel Dickinson a Certain Water Lot in the Said Town.

Whereas, it is represented to this General Assembly that Doctor Samuel Dickinson, of the town of Edenton, is desirous of compleating a wharf in the said town for the public benefit alone:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Edenton do grant unto the said Samuel Dickinson, and his heirs and assigns, forever, a deed in fee simple of a part of a certain water lot in the said town, containing three hundred and forty feet in length and thirty feet in breadth, lying contiguous and adjacent to the water lot and wharf at present possessed by the said Samuel Dickinson, and bounded by the said lot and wharf and by the streets commonly known and called by the name of the Market and Water Streets, under the following provisions and restrictions: First, that the said water lot and wharf thereon to be built by the said Samuel Dickinson shall be free to all persons, and exempt from all wharfage and duty whatever. Second, that the said Samuel Dickinson shall complete the same within the space of five years and thereafter to keep the same in good repair, otherwise a grant of the commissioners to be invalid and of no effect. And third, that the said wharf when built and compleated shall be subject to the by-laws and regulations of the commissioners of the said town.

CHAPTER XL.

An Act to Amend an Act Passed at Fayetteville, in the Year One Thousand Seven Hundred and Eighty-Eight Entitled, “An Act to Authorize and Enable John Colson to return to this State and Exercise the Privileges Therein Mentioned.

Whereas, it has been made appear to this General Assembly that the said John Colson has, in obedience to the above recited Act, taken the oath of allegiance and fidelity to this State as by law prescribed, of which there is a record in the Clerk’s office of the county court of Anson.
I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the said John Colson to sue or be sued, implead or be impleaded, answer or be answered, in any court of record either in law or equity in this State, for all and singular estate, either real or personal, in any manner whatsoever, in as full, fair plain and ample a manner, to all intents and purposes, as if the said John Colson had not withdrawn himself from the protection of this State, any law, custom or usage to the contrary notwithstanding: Provided, That nothing herein contained shall be construed to invalidate the sales of any lands or other property, that have been or hereafter may be sold under any of the confiscation laws of this State, late the property of the said John Colson.

CHAPTER XLII.

An Act for Making Conformable to the Plan, the Second Courses of a Tract of Land Lying in Jones County Formerly Craven, Granted by a Patent to John Richards, Bearing Date the Twenty-Fourth Day of November, in the Year One Thousand Seven Hundred and Thirty-Eight, Containing Three Hundred Acres Lying on Both Sides of Trent River.

Whereas, it appears from the plan of the survey of the aforesaid tract of land granted to John Richards, that the surveyor through mistake hath inserted in the certificate, in the second line, a wrong course, whereby part of the land intended to be granted is left out of the patent:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the courses of the aforesaid tract of land shall be as follows, to wit: Beginning at a pine, the original corner, on the south side of Trent river, from thence south thirty east two hundred and forty poles, then north sixty east one hundred and eighty poles, then north thirty west two hundred and forty poles, then south sixty east one hundred and eighty poles to the beginning; and that all the land contained within the aforesaid lines, be vested in the aforesaid John Richards, his heirs and assigns, forever.

II. And be it further enacted by the authority aforesaid, That all persons claiming by, from or under the said John Richards, by gift, deed, purchase or otherwise, are vested with an absolute right in fee simple to the lands purchased as aforesaid: Provided, That this Act shall not be construed or pleaded so as to affect any right derived otherwise than claiming by or under the said John Richards.

CHAPTER XLII.

An Act to Amend an Act, Passed at Hillsborough, in April, One Thousand Seven Hundred and Eighty-Four, Entitled, "An Act to Encourage Enoch Sawyer to Make a Road Through Pasquotank River Swamp Opposite His Plantation.

Whereas, it is required by the above recited Act that the road or causeway through Pasquotank river swamp shall be at least twenty feet wide, which would add greatly to the expense of making said road, and is more than would be necessary or useful: 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 sixteen feet in breadth, and otherwise answering the description of the said Act, shall be deemed and hold a good and sufficient road.

II. And be it further enacted by the authority aforesaid, That when the said road shall be finished, the court of Camden county, upon a petition of the said Enoch Sawyer, shall rate the ferriage or ferriages which he may be entitled to receive: Provided, That a majority of all the justices of the said county shall be present.

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

CHAPTER XLIII.

An Act to Establish the Tobacco Warehouse Now Building by James Ritchie and John Winslow, at Fayetteville, and to Empower the County Court to Appoint Inspectors to the Same.

Whereas, the increased quantity of tobacco now brought to the market of Fayetteville will render an additional warehouse of public utility, and whereas, James Ritchie and John Winslow have in considerable forwardness one for that 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 as soon as the said warehouse is completed for the reception of tobacco, it shall and may be lawful for the county court of Cumberland, and it is hereby authorized and directed to appoint two inspectors to the said warehouse, subject to the same regulations, fines and forfeitures, and entitled to the same privileges and emoluments as inspectors heretofore appointed. Provided, That the inspectors to be appointed by virtue of this Act shall not be the same as those appointed to other warehouses in the same town.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said James Ritchie and John Winslow to demand and receive the same storage on tobacco inspected in their warehouse as has heretofore been received in the other warehouses established in Fayetteville.

III. And be it further enacted that no preference shall be given by said court to any established warehouse erected in Fayetteville, any law, usage or custom to the contrary notwithstanding.

CHAPTER XLIV.

An Act to Confirm Unto Thomas Pool Williams, of Currituck County, an Indefeasible Title to Two Acres of Land at Bellville, in Currituck County.

Whereas, Thomas M'Knight, late of Currituck county, did convey several years past to some trustees appointed by law, two acres of land situated in said county, for the purpose of erecting a chapel; and it is made appear to this General Assembly that the said two acres of land are not so situated as to answer the purpose intended: and whereas, the said Thomas Pool Williams, of the said county, now offers to the trustees appointed by an Act, entitled, An Act for the promotion of learning in the county of Currituck, passed at the last General Assembly, to convey two acres of land, for the
purpose of erecting a chapel and seminary of learning thereon, in a more
 commodious and convenient place, in lieu of the two granted by the said
 Thomas M'Knight:

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 aforesaid
 two acres of land granted by Thomas M'Knight, are hereby vested in the
 said Thomas Pool Williams, his heirs and assigns forever; any law to the
 contrary notwithstanding: Provided, That this Act shall not be in force un-
til the above named, Thomas Pool Williams, his heirs or assigns, shall
 make a good and sufficient title for the said two acres of land to the
 trustees of Currituck academy.

CHAPTER XLV.

An Act to Vest the Property of Certain Lots of Land Situated in the Town
of Tarborough, in Edmund Hall and His Heirs.

Whereas, it appears to this General Assembly just and reasonable, that
the property of two lots of land situated in the town of Tarborough, and
known and distinguished in the plan of the said town by the numbers ninety-
five and ninety-eighth, should vest in Edmund Hall and his heirs.

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 property right and title of and to the said two lots of land situated and
known as aforesaid, shall vest fully, absolutely and completely in the said
Edmund Hall, and his heirs; and he is hereby declared to have full power
and authority to possess, enjoy and dispose of the said two lots as to him
may seem meet consistently with the laws of the land, any law to the con-
trary notwithstanding.

CHAPTER XLVI.

An Act to Repeal the Fifth and Sixth Sections of an Act, Passed at Hills-
borough, in the Year One Thousand Seven Hundred and Eighty-Four,
Entitled, "An Act to Amend an Act Entitled, 'An Act for the Regulation
of the Town of Wilmington.'"

Whereas, it is represented to this General Assembly, that the said fifth
and sixth sections of the above recited Act are inconvenient and injurious to
the people for whose advantage they were intended:

I. Be it therefore enacted by the General Assembly of the State of
North Carolina, and it is hereby enacted by the authority of the same, That
from and after the passing of this Act, the said fifth and sixth sections of
the above recited Act be repealed, and they accordingly are declared void.

CHAPTER XLVII.

An Act to Establish Two Places in the County of Caswell for the Purpose of
Holding Two General Musters Therein.

Whereas, from the length of the county of Caswell, and the many water
courses therein, it has been found by experience expensive, inconvenient,
and in times of high waters, dangerous to attend general musters:

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 of Caswell shall be divided into two districts, the eastern district shall consist of the companies belonging to the districts of Saint Lawrence, Nash, Saint James and Saint Luke; and the western district shall consist of the companies belonging to the districts of Richmond, Gloucester, Saint David and Caswell; that the place for holding the General Muster for the eastern district, shall be at the house of John Payne; that the place for holding the general muster for the western district, shall be at the place where the four districts meet: the militia of the whole county, the eastern as well as the western district, shall nevertheless each hold their general muster in the respective districts and places, agreeably to the directions of the Act for establishing a militia in this State.

II. And be it further enacted, That the colonel or commanding officer of said county is hereby directed and required to have the inhabitants warned to attend, accoutred as usual, at the two aforementioned places respectively; and it is hereby further required, that the colonel or commanding officer of said county shall attend at either of the musters heretofore mentioned, to review the same under exercise, and that he appoint and direct the lieutenant colonel, major or other officer next in command, as the case may be, to give attendance at the muster of the other district in said county, for the purpose of disciplining the men.

III. And be it further enacted, That the place for holding courts martial for the said county shall be at the court-house as usual, and delinquents shall appear from each district aforementioned, in order for trial.

CHAPTER XLVIII.

An Act to Empower the County Court of Rockingham to Lay a Further Tax to Reimburse the Commissioners the Money by Them Expended in Erecting the Court-House, Prison and Stocks in the Said County.

Whereas, the taxes heretofore laid in the county of Rockingham have not been found sufficient to reimburse the Commissioners the money by them expended in erecting the public buildings of the said county.

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the county court of Rockingham shall have power and are hereby directed to lay at their next February session a tax not exceeding four pence on every hundred acres of land and a tax not exceeding one shilling on every poll, for the reimbursement of the Commissioners aforesaid of any sums by them already expended for the aforesaid purposes.

II. Provided that the same shall be collected and accounted for in the same manner as the tax laid in the year one thousand seven hundred and eighty-eight.

III. Provided also, That the said court forbear to lay any further tax until they call upon all persons that have collected or have a right to collect any tax already laid for the above purposes and cause them to finally settle said accounts.
CHAPTER XLIX.

An Act to Amend an Act, Passed at Hillsborough, in the Year of Our Lord One Thousand Seven Hundred and Eighty-Four, Entitled, "An Act for Extending the Navigation of Roanoke River.

Whereas, many of the trustees who were appointed by the above recited Act, for extending the navigation of Roanoke river from the falls upwards, have refused and neglected to perform the duties required of them by the above recited Act: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the following persons, to-wit: Absolam Bostwick, Lemuel Smith, Harry Terril, Valentine Allen, Robert Gallaway, William Austin, John Leake, Thomas Harrisin, Dudley Gatewood, Richard Saunders, Thomas Person, Memucan Hunt, Robert Burton, Thomas Eaton, James Paine, John Mosely, John Faulcon, Benjamin Williamson, Benjamin Edwards and Samuel Lockhart, are nominated, constituted and appointed trustees in their stead; and they and each of the persons named in this Act as trustees, are hereby vested with every power, jurisdiction and authority which were given to the trustees by the Act above recited.

II. And be it further enacted by the authority aforesaid, That the trustees residing in any county through which the river aforesaid passes shall superintend the clearing of the said river so far as it lies within the limits of their respective counties.

III. And be it further enacted by the authority aforesaid, That if any of the trustees herein before appointed should die, refuse to act or remove out of the county, the court of such county shall nominate and appoint some discreet person or persons in the place and stead of him or them so refusing to act, dying or removing out of the county; which person or persons so appointed, shall have the same powers and authorities, and be under the same rules and regulations, as those appointed by this Act.

IV. And be it further enacted by the authority aforesaid, That so much of the said before recited Act, passed at Hillsborough, in the year of our Lord one thousand seven hundred and eighty-four, entitled, "An Act for extending the navigation of Roanoke river," as is contradictory to this Act, be and the same is hereby repealed.

CHAPTER L.

An Act to Establish an inspection of Tobacco at the Ferry of Thomas Eaton on Roanoke.

Whereas, it may be beneficial to many of the citizens of this State, That an inspection for tobacco be established in Warren county on the north side of Roanoke river, at the place where Thomas Eaton lately lived.

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the county court of Warren shall annually appoint two discreet and careful men, well acquainted with the nature and quality of tobacco, to be inspectors thereof, who shall take the same oath, be subject to the same rules, regulations and restrictions which inspectors of tobacco are subject to in this State.

II. And be it further enacted by the authority aforesaid, That the inspectors so appointed shall have and receive from the owner of tobacco, the sum of
four shillings for each and every hogshead, and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble.

III. And be it further enacted by the authority aforesaid, That the tobacco so inspected, shall be held and deemed merchantable, as if the same had been inspected at any other inspection in this State.

CHAPTER LI.

An Act to Amend an Act Entitled "An Act to Appoint Commissioners to Superintend the Building a Prison and Stocks for the District of Fayetteville, and to Levy a Tax in the Counties Within Mentioned for Defraying the Expenses thereof, Passed at Fayetteville in the Year One Thousand Seven Hundred and Eighty-Eight.

Whereas, it hath been made appear to this General Assembly that the tax laid for the year one thousand seven hundred and ninety in the before recited Act will be inadequate and insufficient for the purposes therein contained: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in lieu of the tax directed to be levied and paid for the year one thousand seven hundred and ninety in the before recited Act there shall be levied, collected and paid for the said year a tax of two shillings on each poll and two shillings on every hundred pounds value of town property and eight pence on every hundred acres of land within the county of Cumberland, and a tax of one shilling on each poll and a tax of one shilling on every hundred pounds value of town property and a tax of four pence on every hundred acres of land within the counties of Sampson, Robeson, Moore and Richmond, and a further tax of one shilling on every poll, and one shilling on every hundred pounds value of town property, and four pence on every hundred acres of land within the said county of Cumberland, shall be levied, collected and paid for the year one thousand seven hundred and ninety-one, and half of the aforesaid tax in the counties of Sampson, Robeson, Richmond, Moore and Anson shall be levied, collected and paid for the same year, which said tax is hereby directed to be levied, collected and accounted for agreeable to the directions of the before recited Act for the purposes therein contained.

CHAPTER LII.

An Act for Granting to the Inhabitants of Rowan County, Living Between the North and South Forks of the Yadkin River, the Privilege of Holding Separate General Musters.

Whereas, it is found to be inconvenient for the inhabitants of that part of Rowan county lying between the north and south forks of the Yadkin river, to attend the General musters of the first battalion of the militia of said county, which are held in the town of Salisbury:

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 colonel or commanding officer of the first battalion of militia in the said county of Rowan, shall order and cause a muster of the companies of his battalion who inhabit between the north and south forks of the Yadkin
river to be held at the house of Andrew Mank, on the day preceding every
general muster of the said battalion in the town of Salisbury; and the said
companies who belong between the north and south forks of the Yadkin,
shall appear at the musters hereby established at Andrew Mank’s aforesaid,
on the days appointed for that purpose, and be exercised, disciplined, armed
and accoutred, in the same manner, and under the same regulations, and
shall be subject to the same pains and penalties, fines and forfeitures, for
disobedience or neglect, as by law is prescribed for the regulation of other
general musters in this State: And the lieutenant colonel or major of the
first battalion, shall attend the half battalion musters hereby appointed,
at the house of Andrew Mank aforesaid.

III. And be it further enacted, That the captains and subaltern officers
of the said half battalion, shall attend the court martial of the first battal-
ion regularly, on the days next after every general muster of the said bat-
talion in the town of Salisbury, under the same forfeitures and penalties
for neglect or refusal, as they would have been subject to in case this law
had never been made; and the said officers of the half battalion aforesaid
shall compose part of the battalion court martial as heretofore.

CHAPTER LIII.

An Act to Appoint Commissioners to Direct and Establish a Gap or Slope at
the Mill Dam of Samuel High, at the Falls of Neuse River, in Wake
County, and to Repeal so Much of an Act, Passed at Tarborough, in the
Year One Thousand Seven Hundred and Eighty-Seven, as Comes Within
the Purview of This Act.

Whereas, it is represented to this General Assembly, That Samuel High,
of the county of Wake, hath lately erected a mill at the falls of Neuse river,
in the county aforesaid, which is found to be of great utility to that part
of the county; and as it may in some measure retard the passage of fish
from that place up the said river:

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
Dempsey Powell, Francis Perry, William Martin, William Symms and
Peter Bruce, or a majority of them, be and they are hereby authorized and
required, to cause such gap or slope to be made in the said mill dam, not
less than eight feet in width, at the expense of the proprietor thereof, as
may to them appear sufficient for the free passage of fish, to be compleated
and effected on or before the twentieth day of February, one thousand
seven hundred and ninety-one; which said gap or slope shall be kept open
from the said twentieth day of February, until the first day of May annually,
under the penalty of five pounds for every twenty-four hours that the said
slope or gap shall not be kept open by the said Samuel High, or any other
person or persons claiming the said mill, to be recovered by warrant before
any Justice of the Peace, one half to the use of the informer suing for the
same, the other half for the use of the poor of the county of Wake.

II. And be it further enacted by the authority aforesaid, That so much
of an Act passed at Tarborough, in the year one thousand seven hundred
and eighty-seven, entitled, “An Act to remove all obstructions to the pas-
sage of fish up the Neuse river as comes within the purview of this Act, be
and the same is hereby repealed and made void.
CHAPTER LIV.

An Act Directing the Time and Place of Holding the Annual Elections in the County of Hyde.

Whereas, by an Act passed at Fayetteville, in the year one thousand seven hundred and eighty-nine, entitled, "An Act to alter the time of electing members of the General Assembly of this State, there have been many doubts respecting the time of holding the elections in the county of Hyde, there being two elections in the said county: For remedy whereof,

I. Be it enacted, That from and after the passing of this Act, that annual elections for the county of Hyde shall be held and taken in the following manner, that is to say, the election shall begin at the house of Mr. Jefferies, at the Lake landing, on Mattamuskeet, the first Friday in August in every year, and continue open until sunset of the same day, in manner by law directed; and the sheriff and inspectors shall seal up the ballot boxes and the several lists of voters, which by them shall be taken to the court-house in Currituck, and on the second Friday of August, being the last day of the annual elections throughout the State, the poll shall be opened, the seals taken off the ballot boxes, and the elections continued until sunset, for such of the county electors who shall not have voted before; and the poll shall be open both days at ten o'clock.

II. And be it further enacted by the authority aforesaid, That all Acts and parts of Acts, which are contrary to the true intent and meaning of this Act, are hereby repealed and made void.

CHAPTER LV.

An Act to Authorize William M'Clellan, of the County of Rockingham, to Extend a Mill Dam Across Mayo River.

Whereas, it is represented to this General Assembly, That allowing William M'Clellan to extend a mill dam across the Mayo river, would be attended with great advantage to the inhabitants of that county; and it appearing that the lands on each side of the river where the said mill dam is to be extended, belong to the said William M'Clellan:

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 William M'Clellan, or his assigns, shall have full power and authority, and they or either of them have full power and authority to extend the dam already erected across the said river to the opposite bank: Provided nevertheless, That the said William M'Clellan do erect a slope of ten feet wide in the deepest part of said river, to be kept open from the twentieth day of February to the last day of April in each year, under the penalty of twenty pounds for each year he may neglect or refuse to keep the said slope in good order for the passage of fish, one half to the use of the informer, and the other half to the use of the county.

CHAPTER LVI.

An Act to Vest the title of a Piece or Parcel of Land, in Granville County, in James Forayth, and His Heirs in Fee Simple.

Whereas, It appears to the satisfaction of this General Assembly, that James Forayth did purchase a bond given by Henry Eustace M'Culloh to
LAWS OF NORTH CAROLINA—1790.

Alexander Jones, bearing date the 28th day of July, one thousand seven hundred and sixty-three, for a title to a certain tract or parcel of land in Granville county, known by the name of Holden's place, containing two hundred acres, said bond was assigned over to Robert Harris, and from Robert Harris to James Cash, and from James Cash to James Forsyth; the said land is butted and bounded as follows, to-wit: Beginning at a stake, Wallace's corner, thence south two hundred poles to a stake in Philip's line, thence six hundred and forty poles to a pine, Bottom's corner, then north seventy-five degrees east one hundred and twenty-three poles to the first station; and the said Alexander Jones did in good faith pay unto the said Henry Eustace M'Culloh the purchase money for the said land; and the said Henry Eustace M'Culloh having since the sale withdrawn himself from this and the United States, and his estate by law hath been confiscated, and hath made no conveyance to the said Alexander Jones to vest the said land in him and his heirs in fee simple, by which means he has not been able to make good and lawful titles to those whom he hath since sold the same.

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing this Act, the said two hundred acres of land is declared to be vested in fee simple in James Forsyth, his heirs and assigns forever, in as full and ample manner as if the same had been legally conveyed by Henry Eustace M'Culloh to Alexander Jones, and from Alexander Jones to Robert Harris, and from Robert Harris to James Cash, and from James Cash to the said James Forsyth; any law, usage or custom to the contrary notwithstanding.

CHAPTER LVII.

An Act to Empower Ethereid Ruffin, Thomas Branton, Willoughby Williams and Hymerio Hooker, the Securities of Benjamin Caswell, Late Sheriff of the County of Dobbs, to Collect and Account for the Taxes Due From the Inhabitants of the Said County for the Year One Thousand Seven Hundred and Eighty-Nine.

Whereas, it appears that the taxes due from the inhabitants in the county of Dobbs for the year one thousand seven hundred and eighty-nine, were not collected by Benjamin Caswell, the sheriff thereof, during his continuance in office; and whereas, the said Benjamin Caswell, in order to quiet his securities and to enable them to make the collection aforesaid, after obtaining from them a bond of indemnity, on the seventh day of July, in the year one thousand seven hundred and ninety, by an instrument of writing under his hand and seal did relinquish the right of collecting the taxes for the said year, and empowered his said securities to collect and account for the same, who pursuant thereto have proceeded to collect in part the said taxes, and have paid into the public treasury the greater part of the money due from the said Benjamin Caswell for the year aforesaid, and are still continuing to collect the balance due: And whereas, doubts may arise with respect to the legality of the procedure, and in order to enable the securities finally to collect and settle the same:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the sole collection of the taxes due from the inhabitants of the county of Dobbs for the year one thousand seven hundred and eighty-nine, shall be and is hereby
vested in the said Ethelred Ruffin, Thomas Branton, Willoughby Williams and Hymeric Hooker, and that they the said securities or a majority of them, be and are hereby empowered as fully and effectually to collect and account for the said taxes, and on refusal to sue for and recover, and on the payment of money to give discharges to the respective collectors as the said Benjamin Caswell could or might have done previous to his relinquishment and power as aforesaid; which discharges from the securities or a majority of them, and from no other person, shall exonerate the collectors, or be available in law if suit should be brought by the securities for non-payment of the taxes for which they are liable, any law to the contrary notwithstanding.

CHAPTER LVIII.

An Act to Establish a Town at the Place Fixed Upon for the Court-House in the County of Surry, and for Adding Two More Commissioners to Those Heretofore Appointed for Fixing the Public Buildings in Said County.

Whereas, it hath been represented to this General Assembly that it is a pleasant healthy situation, and that Thomas Ayres and Moses Ayres have made a deed in fee simple of fifty-three acres of land to Micajah Oglesby, Edward Lovell, Charles Smith, Henry Speer, and William Tyrrell Lewis, Esquires, for the use of the said county:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the lands so laid off be established a town, agreeable to the scheme and plan thereof, by the name of Rockford.

II. And be it further enacted by the authority aforesaid, That William Thornton, Stephen Wood, John Thomas Longino, Jacob Sheppard and David Humphries, be and they are hereby constituted and appointed commissioners and trustees for carrying on and regulating the said town; and they shall be seized of an indefeasible estate in fee simple in the said fifty-three acres of land, to and for the uses, intents and purposes hereby declared. And the said commissioners, or a majority of them, shall have full power and authority to meet as often as they shall think proper, to make such regulations as they shall judge most convenient.

III. And be it enacted by the authority aforesaid, That a majority of the commissioners aforesaid shall have full power to sell and dispose of the lots in the said town, make and execute deeds in fee simple to the respective purchaser or purchasers for the same.

IV. And be it further enacted by the authority aforesaid, That respective purchasers of lots shall pay and satisfy the commissioners for whatever sum or sums they may severally incur by purchasing lots from the said commissioners, and in case of neglect 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. And the said commissioners as soon as they shall receive the money by the sales as aforesaid, shall pay the same into the hands of the commissioners for letting the public buildings in the said county, and be applied towards defraying the expense of the buildings aforesaid. Provided nevertheless, before the said commissioners receive the money aforesaid, they shall enter into bond with good security, in the sum of five hundred pounds, for their faithful application of the money so received by them.
V. And be it further enacted by the authority aforesaid, That in case of the death, refusal to act, or removal out of the county, of any of the commissioners, the court of the county is hereby empowered to appoint some other person, being a freeholder, in the place of him so dying, refusing to act, or removing as aforesaid, which commissioners or trustees shall have the same power and authority as if he had been appointed by this Act.

VI. Be it further enacted by the authority aforesaid, That William Cooke and Robert Harris, be and they are hereby appointed commissioners in addition to those heretofore appointed, for fixing and carrying into effect the public buildings in the county of Surry, who shall have the same power and authority, and exercise the same privileges in all respects, as those heretofore appointed by an Act for dividing the county of Surry.

CHAPTER LIX.

An Act to Alter the Place of Holding the County Court of Hyde County, from Woodstock to Bell's Bay or Jasper's Creek, in Said County, and to Erect a New Court-House, Prison and Stocks.

Whereas, it hath been made to appear to the satisfaction of this General Assembly that the court-house, prison and stocks in the county of Hyde have been lately consumed by fire, and that courts of said county are obliged to be held in a private house, which occasions a very great delay of business: And whereas, it appears that the town of Woodstock is not the most central and convenient place to erect a court-house, prison and stocks in the said county, and that on Bell's bay or Jasper's creek is a far more eligible and convenient place for that 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 Germain Bernard, Benjamin Russell, Michael Peters, Robert Jenett, James Jasper, Reading Blount and Thomas Jordan, be and they are hereby appointed commissioners to fix on the most central and convenient place on Bell's bay or Jasper's creek in the said county of Hyde, to erect a court-house, prison and stocks for the use of said county; and they or a majority of them to agree with workmen to build and finish the same thereat; and if one or more of the said commissioners should refuse to act, die or remove out of the said county, then the survivor or survivors shall elect and choose another or other commissioners, in his or their stead.

II. And be it further enacted by the authority aforesaid, that a tax of three shillings on each and every poll, and a tax of one shilling on each and every hundred acres of land in the said county of Hyde, for the year one thousand seven hundred and ninety, and a tax of two shillings on every poll, and of eight pence on every hundred acres of land for the year one thousand seven hundred and ninety-one shall be levied and collected in the same manner, at the same time, and by the same person as public taxes are, or may be, collected, and such tax when collected to be by the Sheriff or Collectors paid into the hands of the Commissioners, for the uses and purposes aforesaid. And the said commissioners or a majority of them, are hereby authorized and required to call for, demand and receive all and every part of the remains of the former court-house which may be known to be in the hands of any person or persons whatsoever, and the same to apply to the use of erecting a new one as herein before directed; and if any person who may
have any of the remains of the said court-house in his, her or their possession, and on the application of the commissioners herein before appointed refuse to give up the same, her, she or they so refusing, shall on conviction forfeit and pay the sum of twenty pounds, to be recovered by the said commissioners before any jurisdiction having cognizance thereof, to be applied to the purpose of erecting a new court-house, prison and stocks.

III. And be it further enacted by the authority aforesaid, that the Sheriff or Collectors of the said county of Hyde shall, before entering upon the duties by this act enjoined upon them, enter into bond with approved security to the court, in a sum of double the amount of taxes to be collected, for the faithful collecting and paying the same into the hands of the Commissioners for the purposes aforesaid.

IV. And be it further enacted by the authority aforesaid, That the Justices of the said county of Hyde shall at the first court which shall be held after the first day of January, one thousand seven hundred and ninety-one, adjourn to the house of Southy Rue, near Bell’s bay; and all suits, actions, plaints, pleas and other matters and things before the said court then depending and undetermined, shall stand adjourned and continued accordingly, and all and every person or persons having day in the said court, and witnesses, shall stand bound to appear at the same according to such adjournment.

V. And be it further enacted by the authority aforesaid, That the said commissioners or a majority of them are hereby empowered to sell at public sale, giving forty days previous notice, the lot of ground in Woodstock where the court-house formerly stood, and apply the monies arising therefrom to the purpose of erecting and compleating a new court-house; and should any money remain in the hands of the commissioners after the said buildings are finished and compleated, the same shall be applied to the use of the contingent charges of the county.

CHAPTER LX.

An Act to Empower James Craig, Guardian of the Orphans of David Craig, of Rowan County, Deceased, to Sell and Dispose of Part of the Real Estate of the Said David Craig, for the Payment of a Debt Due by Him to the Public.

Whereas, James Craig, guardian of the orphans of David Craig, deceased, hath represented to this General Assembly that the said David Craig died indebted to the public in a large sum of money, for the purchase of confiscated lands of Henry Eustace M’Culloh, equal to the value of his personal estate: And whereas, the said guardian hath further represented to the satisfaction of this General Assembly, that it was the intention of the said David Craig to sell and dispose of part of the said lands to pay the public debt, in order to make the better provision for his family:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That It shall and may be lawful for the said James Craig to sell and dispose of three hundred and fifty-five acres of said lands, lying on the south side of the Yadkin river, known by the name of number seventeen, and three hundred and seventy-five acres acres of said land, lying on the waters of Abbot’s creek, known by the number thirty-eight, and to make conveyances in fee simple for the same to the purchasers thereof, thereby conveying to each purchaser
and their heirs respectively, by virtue of the power given by this Act, all the right, title, interest, claim and demand whatsoever therein and thereto, of what the said David Craige died seized and possessed: Provided always, That before the conveyance of the said lands, the said James Craige shall give bond with security, in double the estimated value of the lands intended to be sold by virtue of this Act, if the security already given for his guardianship, should be judged by the county court of Rowan insufficient for the true and faithful discharge of the trust reposed in him by this Act.

Read three times and ratified in General Assembly, the fifteenth day of December, A. D. 1790.

WM. LENOIR, S. S.
S. CABARRUS, S. H. C.