

*Wm. Parson*  
**L A W S**

*Wm. Littlejohn*  
O F T H E

S T A T E

*As B* O F *Revised*

**NORTH-CAROLINA.**

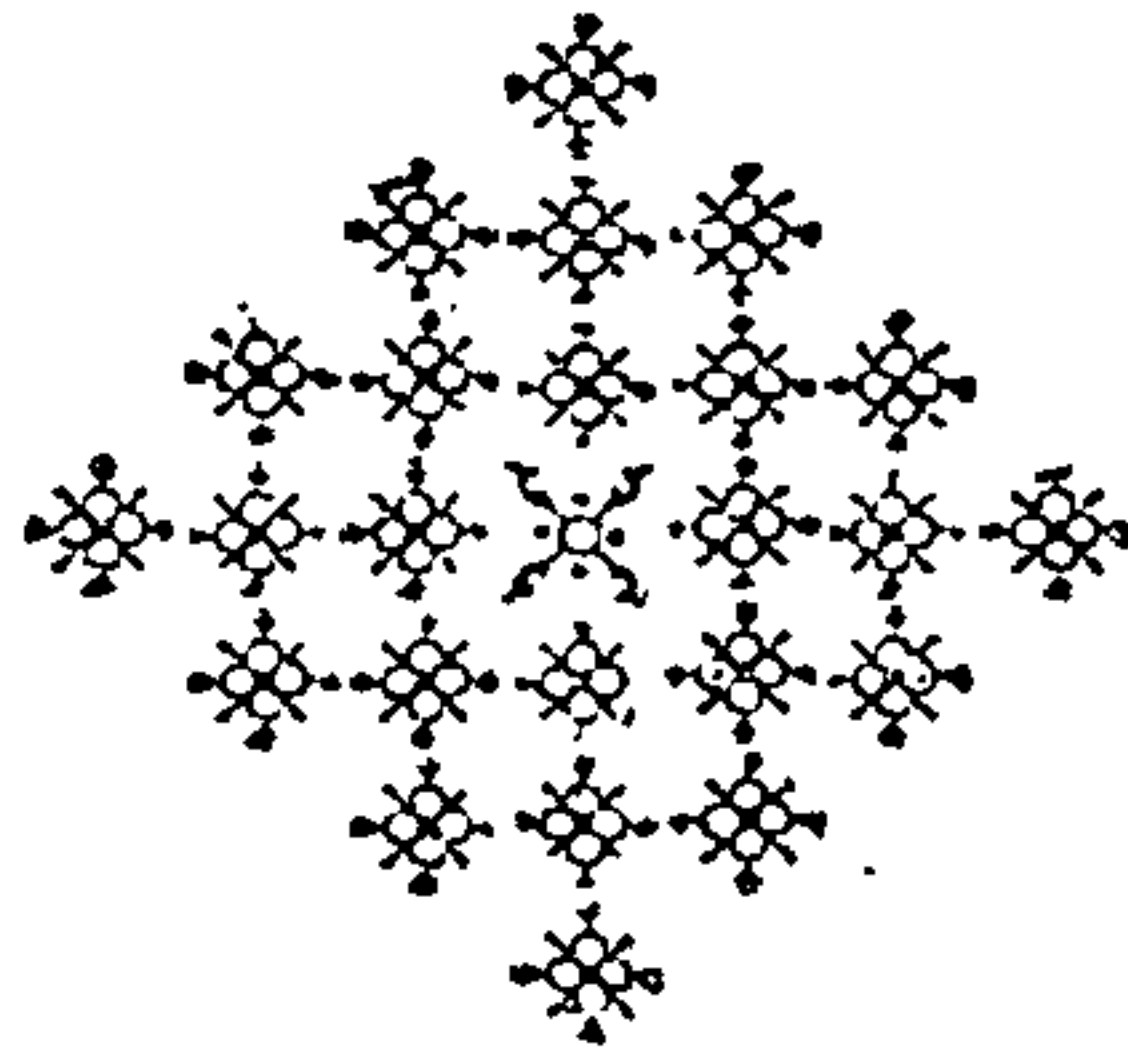
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PUBLISHED, ACCORDING TO ACT OF ASSEMBLY,

BY JAMES IREDELL,

NOW ONE OF THE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES.

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E D E N T O N:

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# P R E F A C E.

**I**N consequence of the high trust with which I had the honour to be invested (*a*), I have prepared in the best manner in my power the ensuing Collection. It would have been more answerable to my own wishes, and perhaps to the public expectation, had I possessed that degree of leisure which to make a work of such difficulty and importance perfectly correct, was absolutely indispensable. I flatter myself, however, that notwithstanding the frequent interruptions it has met with from my professional engagements and other causes, it will be found to contain every thing material towards a proper knowledge of those laws it was my duty to compile.

IN arranging this Collection, I have taken the liberty to deviate from the strict letter of the directions of the act which authorised it. My inducements, I hope, will be deemed a sufficient apology for my conduct in this respect. My error, if any, has consisted in publishing more than I was ordered to do, not less; and it appeared to me that if by that means I could render the Collection more useful, though it might occasion a temporary delay, it would be considered a pardonable one, and that I should be excused for preserving much useful matter which, by a literal compliance with my authority, I might have suppressed. Accordingly upon all subjects, where there seemed a probability that controversies might now subsist, I thought it proper to retain all the acts relating to those subjects, though some of them, or parts of some of them, were repealed. Such, for instance, are those interesting laws concerning *Entris* and *Confiscation*, upon which controversies may perhaps arise for some years to come. Many indeed of the existing laws on such subjects cannot be understood without a reference to the former. I was advised also by a very respectable and experienced friend of mine to retain all such parts at least of those acts concerning the division of counties as respected their boundaries, for though upon a strict construction they may be considered as private acts (a point, however, which under the peculiar circumstances of the law system, perhaps may well be deemed doubtful) yet it is of infinite importance to preserve an authentic testimonial of those boundaries, to guard against disputes that may arise concerning them hereafter.

THERE was one authority vested in me, which I confess I was afraid to exercise: I was directed “*to leave out all acts on which no question of property could arise.*” Though this expressed a confidence in me not a little flattering, I should have shewn myself very undeserving of it, if I had availed myself of so great a power without very clearly discerning that there was no hazard of abusing it. I could not venture to repose so vain a confidence in my own judgment as to undertake to determine precisely what acts might give occasion to such questions, and what not. It would be a task perhaps difficult for any man, and if in the presumptuous exercise of so high an authority I had omitted any which it should have appeared afterwards it was material to have preserved, the error would have been fatal and irretrievable. On the other hand, by retaining all that was in force, leaving every part of it to be applied as circumstances might arise, this danger was avoided without any inconvenience attending it but that of a little longer delay in the publication, which I thought of inconsiderable moment compared to the danger of suffering so important a publication to be either erroneous or defective (*b*).

I FEEL a concern for the necessity of apologising for the imperfection of some of the marginal notes, and the incompleteness of the references in some instances, though these I believe are a very few. Having had to prepare this Collection in the midst of a great deal of professional business, I did not in all instances (as I have been since sensible) sufficiently attend to the examination of the marginal notes in former Collections of the laws from which part of this Collection was taken; and I made a few mistakes in references to other acts, which I discovered too late to correct in the body of the work. As the best atonement in my power to make for these inaccuracies, I have taken uncommon pains in the composition of the Index, which, I flatter myself, will be found both full and correct, and I must therefore make it a particular request that in any case of doubt, in referring to different acts, the Index may be consulted.

PART

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(*a*) See Page 609, ch. iv.—p. 634, ch. viii.

(*b*) After the publication had been begun, I stated this difficulty, together with the one above mentioned concerning the acts for dividing counties, and some other particulars, in a letter to the Speakers of the two Houses of the General Assembly, dated October 16th, 1789. In consequence of which the General Assembly, December 22, 1789, did me the honour to pass the following vote:

“*Resolved, That James Iredell, Esquire, be authorised to revise and publish the laws of this state, in such mode, form and manner, as his own knowledge and discretion may direct.*”



PART of this Collection having been prepared and printed before the session of 1789, and the references in that part accordingly being adapted to the laws as they stood at the close of the session of 1788, I thought it proper, in order to preserve an uniformity and prevent confusion, that the body of the laws should be prepared as they stood at that period. The public acts of the two additional sessions, of 1789 and 1790, are however contained in an Appendix, and where any of them interfere with former acts they are referred to in the Index. I had wished, and once intended, to have prepared a separate Index for them, but found I could not do so without occasioning a still further delay that I thought would be utterly unjustifiable.

CONSIDERING it my duty to derive my information from authentic materials only where they could be procured, I was very attentive in doing so. The edition of Mr. SWANN, published in 1752, having been confirmed by an act of Assembly<sup>(a)</sup>, was of course a sufficient voucher, and I followed it accordingly. But as between that period and the Revolution in 1776, no authentic general collection had been published, and I could not find all the individual printed copies, I applied to the Secretary of State, and obtained from him either the originals or copies of all the acts of Assembly between those two periods that were to be found in his office. I also obtained from him a certificate of all the instances of a repeal or disallowance by the King in Council of acts of Assembly under the royal government, so far as his office could afford such information (which was in a very few cases only) together with certified copies of the Declaration of Rights, and the Constitution of the state, and ordinances of 1776. Where any acts of Assembly previous to the Revolution were wanting, the deficiency was supplied from an edition of Mr. DAVIS, published in 1774. In every such instance a memorandum has been made of it. The acts of Assembly since the Revolution, and ordinances subsequent to the above, as also the Treaty of Peace with Great-Britain, and the ratification of the present Constitution of the United States, having been published by authority, I have deemed the printed copies so published a sufficient voucher for me.

DURING the publication of a great part of this work, and so long as it was practicable, I corrected every sheet of it myself. But the business of my profession requiring me to be frequently from home, I found I could not without a very inconvenient delay continue to do so, and therefore was under the necessity of relying on the care and accuracy of the Printers, of which I had reason to entertain a good opinion, and whose obliging disposition in the whole course of the publication I have experienced in a manner that deserves my most grateful acknowledgments. The duties of the high office to which I afterwards had the unexpected honour to be appointed, made it absolutely unavoidable for me to rely wholly on them for the correctness of the remaining part of the publication.

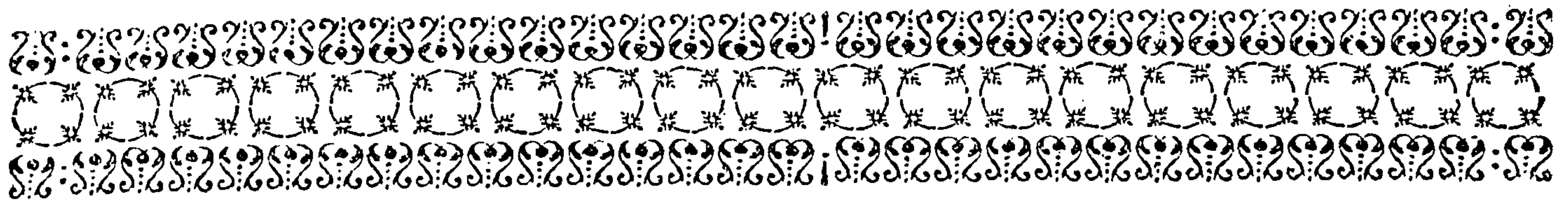
I HAVE now only to add, that ever since I was honoured with the very important and flattering trust of the present publication, I have felt the most anxious desire to execute it with fidelity, and with all the accuracy it was in my power to command; that I submit the book, with diffidence, to the public judgment, fearful that its defects may not be considered sufficiently palliated by the causes for which I have endeavoured in some measure to account for them (so far as they are not ascribable to the humble capacity of the Editor), but at the same time with the hope that the state in general, and particularly those who know me best, will be persuaded that no man could engage in such a work with a heart more warmly attached to the people for whom it was principally intended, a people among whom I have long most happily lived, to whom I owe obligations that I shall ever acknowledge with gratitude and pride, and whose welfare and prosperity, wherever I am, and in whatever situation I may be placed, will be an unceasing object of my ardent wishes.

J A. I R E D E L L.

MAY 17, 1791.

(a) See Page 128. ch. vi.





THE SECOND  
CHARTER,  
GRANTED BY  
KING CHARLES, II.  
TO THE  
PROPRIETORS OF CAROLINA.

CHARLES the Second, by the grace of God, of Great-Britain, France and Ireland, King, Defender of the Faith, &c. WHEREAS, by our Letters Patents, bearing date the twenty-fourth day of March, in the fifteenth year of our reign, We were graciously pleased to grant unto our right trusty and right well-beloved Cousin and Counsellor Edward Earl of Clarendon, our High Chancellor of England; our right trusty and entirely beloved Cousin and Counsellor George Duke of Albemarle, Master of our Horse; our right trusty and well-beloved William now Earl of Craven; our right trusty and well-beloved Counsellor John Lord Berkeley; our right trusty and well-beloved Counsellor Anthony Lord Ashley, Chancellor of our Exchequer; our right trusty and well-beloved Counsellor Sir George Carteret, Knight and Baronet, Vice-Chancellor of our Household; our right trusty and well-beloved Sir John Colleton, Knight and Baronet; and Sir William Berkeley, Knight; all that province, territory, or tract of ground, called Carolina, situate, lying and being within our dominions of America; extending from the north end of the island called Luke-Island, which lieth in the Southern Virginia seas, and within thirty-six degrees of north latitude; and to the west, as far as the South-Seas; and so respectively as far as the river of Matthias, which bordereth upon the coast of Florida, and within thirty-one degrees of northern latitude; and so west, in a direct line, as far as the South-Seas aforesaid.

NOW Know ye, That We, at the humble request of the said grantees, in the aforesaid Letters Patents named, and as a further mark of our especial favour to them, we are graciously pleased to enlarge our said grant unto them, according to the bounds and limits hereafter specified, and in favour to the pious and noble purpose of the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, all that province, territory or tract of land, situate, lying and being within our dominions of America aforesaid; extending north and eastward, as far as the north end of Currituck river or inlet, upon a strait westerly line to Wyonoak creek, which lies within or about the degrees of thirty-six and thirty minutes, northern latitude; and so west, in a direct line, as far as the South-Seas; and south and westward, as far as the degrees of twenty-nine, inclusive, of northern latitude; and so west, in a direct line, as far as the South-Seas; together with all and singular the ports, harbours, bays, rivers and inlets, belonging unto the province or territory aforesaid: And also, all the soils, lands, fields, woods, mountains, fens, lakes, rivers, bays and islets, situate or being within the bounds or limits last before mentioned; with the fishings of all sorts of fish, whales, sturgeons, and all other royal fish, in the sea, bays, islets and rivers, within the premises, and the fish therein taken, together with the royalty of the sea upon the coast within the limits aforesaid; and moreover all veins, mines and quarries, as well discovered as not discovered, of gold, silver, gems and precious stones, metal, or any other thing, found, or to be found, within the province, territory, islets and limits aforesaid: And furthermore, the patronage and advowsons of all the churches and chapels, which, as Christian religion shall increase within the province, territory, isles and limits aforesaid, shall happen hereafter to be erected; together with licence and power to build and found churches, chapels and oratories, in convenient and fit places, within the said bounds and limits; and to cause them to be dedicated and consecrated, according to the ecclesiastical laws of our kingdom of England; together with all and singular the like and as ample rights, jurisdictions, privileges, prerogatives, royalties, liberties.



liberties, immunities, and franchises of what kind soever, within the territory, isles, islets and limits aforesaid : To have, hold, use, exercise, and enjoy the same, as amply, fully and in as ample manner, as any Bishop of Durham, in our kingdom of England, ever heretofore had, held, used, or enjoyed, or of right ought or could have, use, or enjoy : And them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, we do, by these presents, for us, our heirs and successors, make, create, and constitute, the true and absolute Lords and Proprietors of the said province or territory, and of all other the premises ; saving always the faith, allegiance, and sovereign dominion, due to us, our heirs and successors, for the same : To hold, possess, and enjoy the said province, territory, islets, and all and singular other the premises, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns forever ; to be holden of us, our heirs and successors, as of our manor of East-Greenwich, in Kent, in free and common soccage, and not in capite, or by Knight's service : Yielding and paying, yearly, to us, our heirs and successors, for the same, the fourth part of all gold and silver ore, which, within the limits hereby granted, shall, from time to time, happen to be found, over and besides the yearly rent of twenty marks, and the fourth part of the gold and silver ore, in and by the said written Letters Patent reserved and payable.

A N D that the province or territory hereby granted and described, may be dignified with as large tythes and privileges, as any other parts of our dominions and territories in that region ; Know ye, That we, of our further grace, certain knowledge, and mere motion, have thought fit to annex the same tract of ground or territory unto the same province of Carolina ; and out of the fullness of our royal power and prerogative, we do, for us, our heirs and successors, annex and unite the same to the said province of Carolina.

A N D forasmuch as we have made and ordained the aforesaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, the true Lords and Proprietors of all the province or territory aforesaid ; Know ye therefore moreover, That we, reposing especial trust and confidence in their fidelity, wisdom, justice, and provident circumspection, for us, our heirs and successors, do grant full and absolute power, by virtue of these presents, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, for the good and happy government of the said whole province or territory, full power and authority, to erect, constitute, and make several counties, baronies, and colonies, of and within the said provinces, territories, lands, and hereditaments, in and by the said Letters Patents, granted, or mentioned to be granted, as aforesaid, with several and distinct jurisdictions, powers, liberties, and privileges : And also, to ordain, make, and enact, and under their seals, to publish any laws and constitutions whatsoever, either appertaining to the public state of the whole province or territory, or of any distinct or particular county, barony, or colony, or of or within the same, or to the private utility of particular persons, according to their best directions, by and with the advice, assent and approbation, of the freemen of the said province or territory, or of the freemen of the county, barony, or colony, for which such law or constitution shall be made, or the greater part of them, or of their delegates or deputies, whom, for enacting of the said laws, when, and as often as need shall require, We will, that the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs or assigns, shall, from time to time, assemble in such manner and form as to them shall seem best ; and the same laws duly to execute, upon all people within the said province or territory, county, barony, or colony, or the limits thereof, for the time being, which shall be constituted, under the power, and government of them or any of them, either sailing towards the said province, or territory of Carolina, or returning from thence towards England, or any other of our, or foreign dominions, by imposition of penalties, imprisonment, or any other punishment ; yea, if it shall be needful, and the quality of the offence require it, by taking away member and life, either by them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs, or by them, or their Deputies, Lieutenants, Judges, Justices, Magistrates, or officers whatsoever, as well within the said province, as at sea, in such manner and form as unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs, shall seem most convenient : And also, to remit, release, pardon, and abolish, whether before judgment or after, all crimes and offences whatsoever against the said laws ; and to do all and every



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## The Proprietors Second C H A R T E R.

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every thing and things, which, unto the compleat establishment of justice, unto courts, sessions, and forms of judicature, and manners of proceeding therein, do belong, although in these presents express mention is not made thereof; and by Judges to him or them delegated, to award process, hold pleas, and determine, in all the said courts and places of judicature, all actions, suits, and causes whatsoever, as well criminal as civil, real, mixt, personal, or of any other kind or nature whatsoever: Which laws so as aforesaid to be published, our pleasure is, and we do enjoin, require, and command, shall be absolutely firm and available in law; and that all the liege people of us, our heirs and successors, within the said province or territory, do observe and keep the same inviolably in those parts, so far as they concern them, under the pains and penalties therein expressed, or to be expressed: *Provided nevertheless*, That the said laws be consonant to reason, and as near as may be conveniently, agreeable to the laws and customs of this our realm of England.

A N D because such Assemblies of freeholders cannot be so suddenly called as there may be occasion to require the same, we do therefore, by these presents, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, by themselves, or their magistrates, in that behalf lawfully authorized, full power and authority, from time to time, to make and ordain fit and wholesome orders and ordinances within the province or territory aforesaid, or any county, baronny, or province, within the same, to be kept and observed, as well for the keeping of the peace, as for the better government of the people there abiding, and to publish the same to all to whom it may concern: Which ordinances we do, by these presents, straitly charge and command to be inviolably observed within the same province, counties, territories, baronnies and provinces, under the penalties therein expressed; so as such ordinances be reasonable, and not repugnant or contrary, but as near as may be, agreeable to the laws and statutes of this our kingdom of England; and so as the same ordinances do not extend to the binding, charging, or taking away the right or interest of any person or persons, in their freehold, goods, or chattels, whatsoever.

A N D to the end the said province or territory may be the more happily increased, by the multitude of people resorting thither, and may likewise be the more strongly defended from the incursions of savages, and other enemies, pirates and robbers; therefore, we, for us, our heirs and successors, do give and grant, by these presents, full power, licence and liberty, unto all the liege people of us, our heirs and successors, in our kingdom of England, and elsewhere, within any other our dominions, islands, colonies, or plantations, (excepting those who shall be especially forbidden) to transport themselves and families into the said province or territory, with convenient shipping and fitting provision; and there to settle themselves, dwell, and inhabit: Any law, act, statute, ordinance, or other thing, to the contrary, notwithstanding.

A N D we will also, and of our especial grace, for us, our heirs and successors, do straitly enjoin, ordain, constitute, and command, that the said province and territory shall be of our allegiance; and that all and singular the subjects and liege people of us, our heirs and successors, transported, or to be transported into the said province, and the children of them, and such as shall descend from them there born, or hereafter to be born, be, and shall be denizens and lieges of us, our heirs and successors, of this our kingdom of England, and be in all things, held, treated, and reputed, as the liege faithful people of us, our heirs and successors, born within this our said kingdom, or any other of our dominions; and may inherit or otherwise purchase and receive, take, hold, buy and possess, any lands, tenements, or hereditaments, within the said places, and them may occupy and enjoy, sell, alien, and bequeath; as likewise, all liberties, franchises, and privileges, of this our kingdom, and of other our dominions aforesaid, may freely and quietly have, possess, and enjoy, as our liege people, born within the same, without the molestation, vexation, trouble, or grievance, of us, our heirs and successors: Any act, statute, ordinance, or provision, to the contrary, notwithstanding.

A N D furthermore, that our subjects of this our said kingdom of England, and other our dominions, may be the rather encouraged to undertake this expedition, with ready and chearful means; Know ye, That we, of our especial grace, certain knowledge, and mere motion, do give and grant, by virtue of these presents, as well to the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs, as unto all others, shall, from time to time, repair unto the said province or territory, with a purpose to inhabit there, or to trade with the natives thereof; full liberty and licence, to lade and freight, in every port whatsoever, of us, our heirs and successors, and into the said province of Carolina, by them, their servants and assigns, to transport all and singular their goods, wares and merchandises; as likewise all sorts of grain whatsoever,  
and



and any other thing whatsoever, necessary for their food and clothing, not prohibited by the laws and statutes of our kingdom and dominions, to be carried out of the same, without any let or molestation of us, our heirs and successors, or of any other our officers or ministers whatsoever; saving also unto us, our heirs and successors, the customs, and other duties and payments, due for the said wares and merchandises, according to the several rates of the places from whence the same shall be transported.

W E will also, and by these presents, for us, our heirs and successors, do give and grant licence by this our charter, unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs and assigns, and to all the inhabitants and dwellers in the province or territory aforesaid, both present and to come, full power and absolute authority, to import or unlade, by themselves or their servants, factors, or assigns, all merchandises and goods whatsoever that shall arise of the fruits and commodities of the said province or territory, either by land or sea, into any the ports of us, our heirs and successors, in our kingdom of England, Scotland, or Ireland, or otherwise to dispose of the said goods in the said ports; and, if need be, within one year next after the unlading; to lade the said merchandises and goods again into the same or other ships; and to export the same into any other countries, either of our dominions or foreign, being in amity with us, our heirs and successors, so as they pay such customs, subsidies and other duties, for the same, to us, our heirs and successors, as the rest of our subjects of this our kingdom, for the time being, shall be bound to pay; beyond which, we will not, that the inhabitants of the said province or territory, shall be any ways charged: *Provided nevertheless*, and our will and pleasure is, and we have further, for the considerations aforesaid, of our especial grace, certain knowledge, and mere motion, given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full and free licence, power and authority, at any time or times, from and after the Feast of St. Michael the Archangel, which shall be in the year of our Lord Christ one thousand six hundred and sixty-seven, as well to import and bring into any of our dominions, from the said province of Carolina, or any part thereof, the several goods herein after mentioned; that is to say, silks, wines, raisins, capers, wax, almonds, oil, and olives; without paying or answering to us, our heirs and successors, any custom, impost, or other duty, for or in respect thereof, for and during the term and space of seven years, to commence and be accounted from and after the importation of four tons of any of the said goods, in any one bottom, ship, or vessel, from the said province or territory, into any of our dominions; as also, to export, and carry out of any of our dominions, into the said province or territory, custom free, all sorts of tools which shall be useful or necessary for the planters there, in the accommodation and improvement of the premises: Any thing before in these presents contained, or any law, act, statute, prohibition, or other matter or thing, heretofore had, made, enacted, or provided, in any wise notwithstanding.

A N D furthermore, of our more ample and especial grace, certain knowledge, and mere motion, we do, for us, our heirs and successors, grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full and absolute power and authority, to make, erect, and constitute, within the said province or territory, and the isles and islets aforesaid, such and so many sea-ports, harbours, creeks, and other places, for discharge and unlading of goods and merchandises, out of ships, boats and other vessels, and for lading of them, in such and so many places, with such jurisdictions, privileges and franchises, unto the said ports belonging, as to them shall seem most expedient; and that all and singular the ships, boats and other vessels, which shall come for merchandises and trade into the said province or territory, or shall depart out of the same, shall be laden and unladen at such ports only as shall be erected and constituted by the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, and not elsewhere: Any use, custom, or thing, to the contrary notwithstanding.

A N D we do further will, appoint, and ordain, and by these presents, for us, our heirs and successors, do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs and assigns, that they the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, may, from time to time, forever, have and enjoy the customs and subsidies, in the ports, harbours, creeks, and other places within  
the



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the province aforesaid, payable for the goods, wares and merchandises there laded, or to be laded or unladed; the said customs to be reasonably assessed, upon any occasion, by themselves, and by and with the consent of the free people, or the greater part of them, as aforesaid; to whom we give power, by these presents, for us, our heirs and successors, upon just cause, and in due proportion, to assess and impose the same.

A N D further, of our especial grace, certain knowledge, and mere motion, we have given, granted and confirmed, and by these presents, for us, our heirs and successors, do give, grant and confirm, unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full and absolute power, licence and authority, that they the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, from time to time hereafter, forever, at his and their will and pleasure, may assign, alien, grant, demise, or enfeoff, the premises, or any part or parcel thereof, to him or them that shall be willing to purchase the same, and to such person and persons as they shall think fit; to have and to hold to them, the said person or persons, their heirs and assigns, in fee-simple, or in fee-tail, or for term of life or lives, or years; to be held of them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, by such rents, services and customs, as shall seem fit to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, and not of us, our heirs and successors: And to the same person and persons, and to all and every of them, we do give and grant, by these presents, for us, our heirs and successors, licence, authority and power, that such person or persons may have and take the premises, or any part thereof, of the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns; and the same to hold to themselves, their heirs and assigns, in what estate of inheritance soever, in fee-simple, or fee-tail or otherwise, as to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs or assigns, shall seem expedient; the statute in the Parliament of Edward, son of King Henry, heretofore King of England, our predecessor, commonly called the statute of *quia emptores terrarum*, or any other statute, act, ordinance, use, law, custom, or any other matter, cause or thing, heretofore published or provided to the contrary, in any-wise notwithstanding.

A N D because many persons, born and inhabiting in the said province, for their deserts and services, may expect and be capable of marks of honour and favour, which, in respect of the great distance, cannot be conveniently conferred by us; our will and pleasure therefore is, and we do by these presents, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs and assigns, full power and authority, to give and confer unto and upon such of the inhabitants of the said province or territory, as they shall think do or shall merit the same, such marks of favour and titles of honour, as they shall think fit; so as their titles or honours be not the same as are enjoyed by or conferred upon any of the subjects of this our kingdom of England.

A N D further also, we do, by these presents, for us, our heirs and successors, give and grant licence to the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their heirs and assigns, full power, liberty and licence, to erect, raise and build, within the said province and places aforesaid, or any part or parts thereof, such and so many forts, fortresses, castles, cities, boroughs, towns, villages, and other fortifications whatsoever; and the same, or any of them, to fortify and furnish with ordnance, powder, shot, armour, and all other weapons, ammunition, and habiliments of war, both defensive and offensive, as shall be thought fit and convenient, for the safety and welfare of the said province and places, or any part thereof; and the same, or any of them, from time to time, as occasion shall require, to dismantle, disfurnish, demolish and pull down: And also to place, constitute and appoint, in or over all or any of the said castles, forts, fortifications, cities, towns, and places aforesaid, Governors, Deputy-Governors, Magistrates, Sheriffs, and other officers, civil and military, as to them shall seem meet: And to the said cities, boroughs, towns, villages, or any other place or places, within the said province or territory, to grant letters or charters of incorporation, with all liberties,



ties, franchises, and privileges, requisite or usual, or to or within this our kingdom of England granted or belonging; and in the same cities, boroughs, towns, and other places, to constitute, erect and appoint such and so many markets, marts, and fairs, as shall, in that behalf, be thought fit and necessary: And further also, to erect and make in the province or territory aforesaid, or any part thereof, so many manors, with such signories as to them shall seem meet and convenient; and in every of the same manors to have and to hold a Court-Baron, with all things whatsoever which to a Court-Baron do belong; and to have and to hold views of Frank-Pledge and Court-Leets, for the conservation of the peace and better government of those parts, with such limits, jurisdictions and precincts, as by the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, or their heirs, shall be appointed for that purpose, with all things whatsoever which to a Court-Leet, or view of Frank-Pledge, do belong; the same courts to be holden by stewards, to be deputed and authorized by the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, or their heirs, by the Lords of the manors and leets, for the time being, when the same shall be erected.

A N D because that in so remote a country, and situate among so many barbarous nations, the invasions of savages and other enemies, pirates and robbers, may probably be feared; therefore, we have given, and for us, our heirs and successors, do give power by these presents, unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs or assigns, by themselves, or their Captains, or other officers, to levy, muster, and train up all sorts of men, of what condition soever, or wheresoever born, whether in the said province, or elsewhere, for the time being; and to make war, and pursue the enemies aforesaid, as well by sea, as by land; yea, even without the limits of the said province, and, by God's assistance, to vanquish, and take them; and being taken, to put them to death, by the law of war, and to save them at their pleasure, and to do all and every other thing, which to the charge and office of a Captain-General of an army, hath had the same.

A L S O, our will and pleasure is, and by this our charter, we do give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full power, liberty, and authority, in case of rebellion, tumult, or sedition, (if any should happen, which God forbid) either upon the land within the province aforesaid, or upon the main sea, in making a voyage thither, or returning from thence, by him and themselves, their Captains, Deputies, or officers, to be authorized under his or their seals, for that purpose; to whom also, for us, our heirs and successors, we do give and grant, by these presents, full power and authority, to exercise martial law against any mutinous and seditious persons of these parts; such as shall refuse to submit themselves to their government, or shall refuse to serve in the war, or shall fly to the enemy, or forsake their colours or ensigns, or be loiterers, or stragglers, or otherwise offending against law, custom, or military discipline; as freely and in as ample manner and form, as any Captain-General of an army, by virtue of his office, might or hath accustomed to use the same.

A N D our further pleasure is, and by these presents, for us, our heirs and successors, we do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, and to the tenants and inhabitants of the said province or territory, both present and to come, and to every of them, that the said province or territory, and the tenants and inhabitants thereof, shall not, from henceforth, be held or reputed any member or part of any colony whatsoever in America, or elsewhere, now transported or made, or hereafter to be transported or made; nor shall be depending on, or subject to their government in any thing, but be absolutely separated and divided from the same; and our pleasure is, by these presents, that they be separated, and that they be subject immediately to our Crown of England, as depending thereof, forever: And that the inhabitants of the said province or territory, nor any of them, shall, at any time hereafter, be compelled, or compellable, or be any ways subject or liable to appear or answer to any matter, suit, cause or plaint whatsoever, out of the province or territory aforesaid, in any other of our islands, colonies, or dominions in America, or elsewhere, other than in our realm of England, and dominion of Wales.

A N D because it may happen that some of the people and inhabitants of the said province cannot, in their private opinions, conform to the public exercise of religion, according to the liturgy, forms, and ceremonies of the Church of England, or take and subscribe the oaths  
and

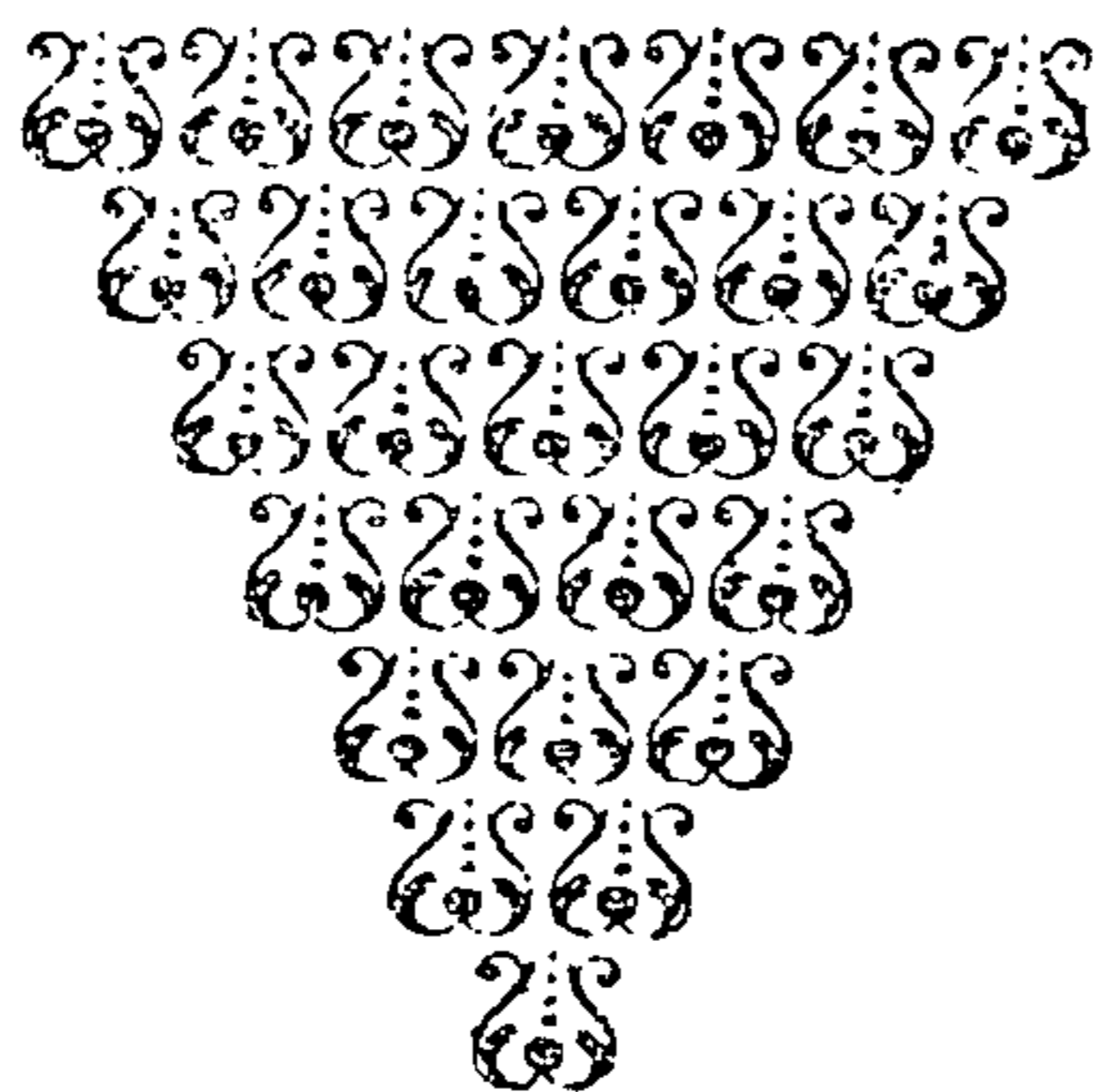


and articles made and established in that behalf; and for that the same, by reason of the remote distances of those places, will, as we hope, be no breach of the unity and conformity established in this nation; our will and pleasure therefore is, and we do, by these presents, for us, our heirs and successors, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full and free licence, liberty, and authority, by such ways and means as they shall think fit, to give and grant unto such person and persons, inhabiting and being within the said province or territory, hereby, or by the said recited Letters Patents mentioned to be granted as aforesaid, or any part thereof, such indulgences and dispensations, in that behalf, for and during such time and times, and with such limitations and restrictions, as they the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs or assigns, shall, in their discretion, think fit and reasonable: And that no person or persons unto whom such liberty shall be given, shall be any way molested, punished, disquieted, or called in question, for any differences in opinion, or practice in matters of religious concerns, who do not actually disturb the civil peace of the province, county or colony, that they shall make their abode in: But all and every such person and persons may, from time to time, and at all times, freely and quietly have and enjoy his and their judgments and consciences, in matters of religion, throughout all the said province or colony, they behaving themselves peaceably, and not using this liberty to licentiousness, nor to the civil injury, or outward disturbance of others: Any law, statute, or clause, contained or to be contained, usage or custom of our realm of England, to the contrary hereof, in any-wise, notwithstanding.

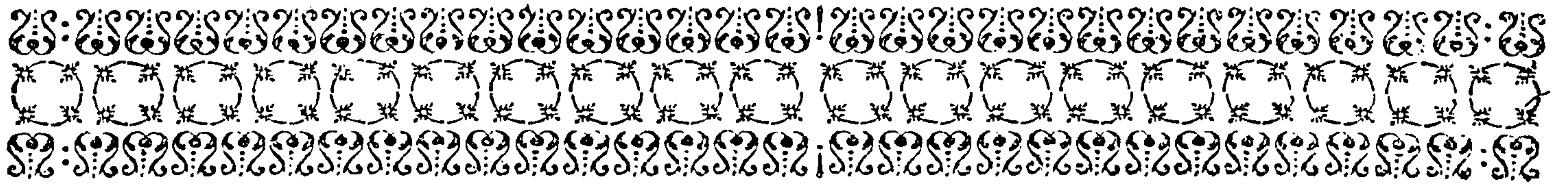
A N D in case it shall happen, that any doubts or questions shall arise, concerning the true sense and understanding of any word, clause, or sentence contained in this our present charter; we will, ordain, and command, that in all times, and in all things, such interpretations be made thereof, and allowed in all and every of our courts whatsoever, as lawfully may be adjudged most advantageous and favourable to the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, although express mention, &c.

W I T N E S S Ourselves, at Westminster, the thirtieth day of June, in the seventeenth year of our reign.

PER IPSUM REGEM:







## GREAT DEED OF GRANT.

GEORGE Duke of Albemarle, Master of his Majesty's Horse; Edward Earl of Clarendon; William Earl of Craven; John Lord Berkeley; Anthony Lord Ashley, Chancellor of the Exchequer; Sir George Carteret, Vice-Chamberlain of his Majesty's Household; Sir William Berkeley, Knight; and Sir John Colleton, Baronet; the true and absolute Lords Proprietors of all the province of Carolina.

To our trusty and well-beloved SAMUEL STEPHENS, Esq. Governor of our county of Albemarle, and the isles and islets within ten leagues thereof; and to our trusty and well-beloved Councillors and Assistants to our said Governor: GREETING.

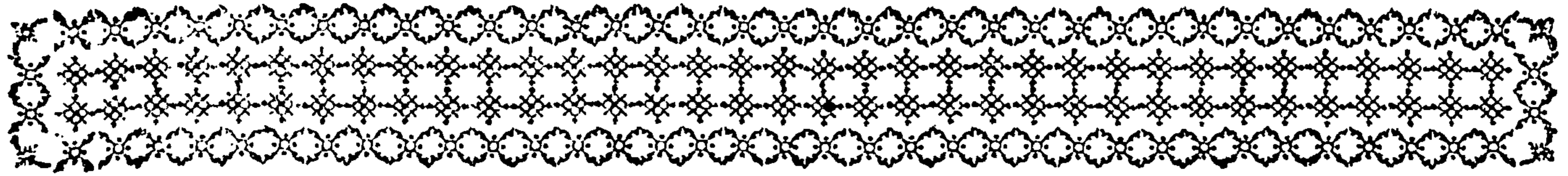
**W**HEREAS we have received a petition from the Grand Assembly of our county of Albemarle, praying, that the inhabitants of the said county may hold their lands upon the same terms and conditions that the inhabitants of Virginia hold theirs; and forasmuch as the said county doth border upon Virginia, and is much of the same nature, We are content, and do grant, that the inhabitants of the said county do hold their lands of us, the Lords Proprietors, upon the same terms and conditions that the inhabitants of Virginia hold theirs: **WHEREFORE**, be it known unto all men, by these presents, That we, the said Lords and absolute Proprietors of the county within the province aforesaid, have given, granted, and by these presents, do give and grant, full power and authority unto you, the said Governor, by and with the consent of our Council, or the major part thereof, or to any Governor for the time being, or that shall hereafter be by us appointed, full power and authority, by and with the consent of our Council then being, or the major part thereof, to convey and grant such proportions of land, as, by our instructions and concessions, annexed to our commission, bearing date in October, Anno Dom. 1667, we have appointed, to such persons as shall come into our said county to plant or inhabit; to be held of us, our heirs and assigns, upon the same terms and conditions, that land is at present usually granted in Virginia; any thing in our instructions and concessions aforesaid to the contrary, notwithstanding: And we do hereby declare and consent, that the warrant to the Surveyor for the laying out of said land, and the return thereon, being registred, and also the grant of you our said Governor and Council, that shall be where such land is due, having the seal of the country affix'd to it, and signed by yourself, and major part of our Council, for the time being, being registred, shall be good and effectual in law, for the enjoyment of the said land or plantation, and all the benefits and profits of, and in the same, (except one half of all gold and silver mines) to the party to whom it is granted, his heirs and assigns, forever, he or they performing the conditions aforesaid.

GIVEN under our hands, and great seal of our province, the first of May, Anno Dom. 1668.

ALBEMARLE,  
BERKELEY,  
CARTERET,

CRAVEN,  
ASHLEY,  
COLLETON.





# L A W S

O F

A. D. 1715.

## NORTH-CAROLINA.

A N N O R E G N I

G E O R G I I I.

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ, SECUNDO.

At a General Biennial A S S E M B L Y, held at the House of  
Capt. Richard Sanderfon, at Little-River, begun the 17th Day  
of November, 1715, and continued, by several Adjournments,  
until the 19th Day of January, 1715.

CHARLES  
EDEN, Esquire,  
Governor.

### C H A P. I.

*An Act concerning Marriages.* OBSOLETE.

### C H A P. II.

*An Act concerning transferring Rights.* OBS.

### C H A P. III.

*An Act concerning the defraying the Charges of the Governor and Council.* OBS.

### C H A P. IV.

*An Act prohibiting Strangers trading with the Indians.* OBS.

### C H A P. V.

*An Act for the speedy Settlement of Lands.* OBS.



A. D. 1715.

## C H A P. VI.

*An Act exempting New-Comers from paying Levies for one Year. OBS.*

## C H A P. VII.

Repealed by act,  
April 4, 1741,  
chap. 14.*An Act for the better observing the Lord's Day called Sunday, the 30th of January, the 29th of May, and the 22d of September; and also for the suppressing Profane-ness, Immorality, and divers other vicious and enormous Sins.*

## C H A P. VIII.

Rep. by act, A-  
pril 4, 1741,  
chap. 23.*An Act for establishing the Church, and appointing select Vestries.*The objects of  
this act provided  
for much more  
extensively by the  
constitution of  
1776, and subse-  
quent acts of As-  
sembly.

## C H A P. IX.

*An Act for Liberty of Conscience, and that the solemn Affirmation of the People called Quakers shall be accepted, instead of an Oath in the usual Form.*

## C H A P. X.

Rep. by his Ma-  
jesty's order.*An Act relating to the biennial and other Assemblies; and regulating Elections and Members.*The objects of  
this act provided  
for by subsequent  
acts.

## C H A P. XI.

*Coroners appointed.*

## C H A P. XII.

*An Act for Qualification of public Officers. OBS.*

## C H A P. XIII.

Rep. by act, A-  
pril 4, 1741,  
chap. 5.*An Act to appoint Constables.*

## C H A P. XIV.

Rendered of no  
effect by subse-  
quent acts.*An Act relating to the Justices of the Court of Pleas, and to prevent the Commissioners and other inferior Officers of the said Court, pleading as Attornies.*

## C H A P. XV.

Rep. by act, Dec.  
5, 1746, chap. 2.*An Act ascertaining the Time and Method for the executing and return of original Writs; and for the better regulating divers Proceedings in the Court of Pleas.*



A. D. 1715.

## C H A P. XVI.

*An Act to direct the Method to be observed in the Examination and Commitment of Criminals.*

I. **B**E it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little-River, for the North-east Part of the said Province, and it is hereby enacted, That from henceforward, no Person within this Province shall be committed to Prison for any criminal Matter, until Examination thereof be first had before some Magistrate; which Magistrate shall admit the Party to Bail, if bailable, and shall record the Examination of the Party, and also the full Matter given in Evidence, both against him and for him, with all concurring Circumstances; and shall take Recognizance, with good and sufficient Securities, to our Sovereign Lord the King, for the Informer to appear and prosecute, as the Laws of the Kingdom of *Great-Britain* and this Province do direct; and likewise for all Evidences for the King to appear, and give Evidence against the Criminal, at the next Court, where the Matter is cognizable, ensuing such Examination: Which Examination and Recognizances so taken, shall be returned to the Office of the Court wherein the Matter is to be tried, under the Penalty of Five Pounds for every Neglect; one Half to the Lords Proprietors, and the other Half to him or them that shall sue for the same: To be recovered, in any Court within this Government, by Action of Debt, Bill, Plaint, or Information; wherein no Essoin, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

No person shall be committed without examination. Magistrate shall admit to bail, if bailable: Shall record the examination and the matter given in evidence, against & for him: Shall take recognizance to prosecute and give evidence: And shall return all to the next court, where the matter is to be tried, under penalty of 5l. for every neglect.

## C H A P. XVII.

*An Act concerning Evidences.*

Rep. by act, Dec. 5, 1740, chap. 2.

## C H A P. XVIII.

*An Act for the Relief of such Creditors whose Debtors having Lands in this Government, depart, without leaving personal Estate sufficient to pay their Debts.*

Rep. by act, Dec. 5, 1746, chap. 2.

## C H A P. XIX.

*An Act concerning Escapes of Persons under Execution. OBS.*

## C H A P. XX.

*An Act to direct the Disposal of Goods taken upon Execution; and for the better Regulation of Distresses hereafter to be made, for Levies and Quit-Rents.*

Provided for by subsequent acts, as to the disposal of goods on execution, and distresses for taxes. Quit-rents impliedly relinquished: See act, Nov. 1777, chap. 2.

## C H A P. XXI.

*An Act concerning Attornies from foreign Parts, and for giving Priority to country Debts.*

Rep. by his Majesty's order in council.



*A. D. 1715.*

Rep. by act, Dec. 5, 1746, all but the 9 & 10th sections; and those rendered of no effect by the resolution of 1776.

C H A P. XXII.

*An Act concerning Appeals and Writs of Error.*

C H A P. XXIII.

Rep. by act, March 6, 1738, chap. 6.

*An Act to prevent the Inhabitants of Bath County bringing Actions in the General Court against one another, for less than ten Pounds.*

C H A P. XXIV.

Rep. by act, April 4, 1741, chap. 15.

*An Act for the Trial of small and mean Causes.*

C H A P. XXV.

Rep. by act, April 4, 1740, chap. 12.

*An Act for the better Regulation of the Militia of this Government.*

C H A P. XXVI.

*The Form of a Patent. OBS.*

C H A P. XXVII

*An Act concerning old Titles of Lands; and for Limitation of Actions, and for avoiding Suits in Law.*

Preamble.

I. **W**HEREAS great Suit, Debate, and Controversy hath heretofore been, and may hereafter arise, by Means of ancient Titles to Land derived from Patents granted by the Governor of *Virginia*, the Conditions of which Patents have not been performed, nor Quit-Rents paid, or the Lands have been deserted by the first Patentees, or for, or by Reason, or Means of former Entries or Patents granted in this Government; for Prevention whereof, and for quieting Mens Estates, and for avoiding Suits in Law,

All possessions of or titles to lands derived from creditors, executors or administrators or by husband, &c. or by indorsement of patent &c. of which the possessor has continued in possession 7 years, without suit, are ratified and declared good, to all intents, against all persons, &c.

II. *BE it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little-River, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same, That all Possessions of, or Titles to any Lands, Tenements, or Hereditaments whatsoever, derived from any Sales made either by Creditors, Executors or Administrators of any Person deceased, or by Husbands and their Wives, or Husbands in Right of their Wives, or by Indorsement of Patents, or otherwise, of which the Purchaser or Possessor, or any claiming under them, have continued, or shall continue in Possession of the same for the Space of seven Years without any Suit in Law, be, and are hereby ratified, confirmed, and declared good and legal, to all Intents and Purposes whatsoever, against all and all Manner of Persons: Any former or other Title, or Claim, Act, Law, Usage, or Statute to the contrary, in any wise, notwithstanding.*

Persons hereafter having right shall make claim within 7 years, after right accrued; or

III. *AND be it further enacted by the Authority aforesaid, That no Person or Persons, nor their Heirs, which hereafter shall have any Right or Title to any Lands, Tenements, or Hereditaments, shall thereunto enter or make Claim, but within seven Years next after his, her, or their Right or Title which descend*



or accrue; and in Default thereof, such Person or Persons so not entering or making Default, shall be utterly excluded and disabled from any Entry or Claim thereafter to be made.

A. D. 1715.  
be utterly excluded.

IV. *PROVIDED* nevertheless, That if any Person or Persons that is, or hereafter shall be, entitled to any Right or Claim of Lands, Tenements, or Hereditaments, shall be, at the Time the said Right or Title first descended, accrued, come, or fallen, within the Age of twenty-one Years, *Feme Covert, non Compos Mentis*, imprisoned, or beyond Seas, that then such Person or Persons shall and may, notwithstanding the said seven Years be expired, commence his, her, or their Suit, or make his, her or their Entry, as he, she, or they might have done before this Act, so as such Person or Persons shall, within three Years next after full Age, discovery, coming of sound Mind, Enlargement out of Prison, or Persons beyond Seas, within eight Years after the Title or Claim becomes due, take Benefit and sue for the same, and at no Time after the Times or Limitations herein specified; but that all Possessions held without suing such Claim as aforesaid, shall be a perpetual Bar against all and all Manner of Persons whatsoever, that the Expectation of Heirs may not, in a short Time, leave much Land unpossessed, and Titles so perplexed, that no Man will know of whom to take or buy Land.

Persons under age, feme covert, &c. may bring suit within 3 years after they come to age, &c.

Persons beyond seas within 8 years. All possessions held without suit as aforesaid, shall be a perpetual bar.

V. *AND* be it further enacted by the Authority aforesaid, That all Actions of Trespass, Detinue, Actions *sur Trover*, and Replevin, for taking away of Goods and Chattels; all Actions of Accompt and upon the Case; all Actions of Debt for Arrearages of Rent; and all Actions of Assault, Menace, Battery, Wounding, and Imprisonment, or any of them, which shall be sued or brought at any Time after the Ratification of this Act, shall be commenced or brought within the Time and Limitation in this Act expressed, and not after: *That is to say*, Actions of Accompt render, Actions upon the Case, Actions of Debt for Arrearages of Rent, Actions of Detinue, Replevin, and Trespass *quare clausum fregit*, within three Years next after the Ratification of this Act, or within three Years next after the Cause of such Action or Suit, and not after, except such Accompts as concern the Trade of Merchandize between Merchant and Merchant, and their Factors or Servants, and the said Actions of Trespass, Assault and Battery, Wounding, Imprisonment, or any of them, within one Year next after the Ratification of this Act, or within one Year after the Cause of such Action or Suit, and not after; and the said Actions upon the Case for Words, within six Months after the Ratification of this Act, or within six Months after the Words spoken, and not after.

Limitations of actions.

Actions of account, case, (in general) debt, for arrearages of rent, detinue, replevin, trespass *quare clausum fregit*, to be brought within 3 years, except accompt between merchants, &c. Trespass, assault & battery, wounding, imprisonment, within 1 year. Case for words within 6 months.

VI. *PROVIDED* nevertheless, and it is hereby further enacted, That if on any the said Actions or Suits, Judgment be given for the Plaintiff, and the same be reversed by Error, or a Verdict pass for the Plaintiff, and upon Matter alledged in Arrest of Judgment, the Judgment be given against the Plaintiff, that he take Nothing by his Plaint, Writ, or Bill; or if any of the said Actions shall be brought by original Writ, and the Defendant cannot be attached or legally served with Process, that in all such Cases, the Party Plaintiff, his Heirs, Executors or Administrators, as the Case shall require, may commence a new Action or Suit, from Time to Time, within a Year after such Judgment reversed, or such Judgment given against the Plaintiff, or till the Defendant can be attached or served with Process, so as to compel him to appear and answer.

If judgment be for the plaintiff & it be reversed; or if on motion in arrest it be that he take nothing by his plaint &c. or if defendant cannot be attached, &c. plaintiff, &c. may commence a new suit within 1 year, &c.

VII. *AND* be it further enacted, That in all Actions of Trespass *quare clausum fregit*, hereafter to be brought, wherein the Defendant or Defendants shall disclaim in his or their Plea to make any Title or Claim to the Lands in which the Trespass is by the Declaration supposed to be done, and the Trespass be by Negligence, or involuntary, the Defendant or Defendants shall be admitted to plead a Disclaimer, and that the Trespass was by Negligence, or involuntary, and a Tender or Offer of sufficient Amends for such Trespass before the Action brought, whereupon, or upon some of them, the Plaintiff or Plaintiffs shall be enforced to join Issue, and the said Issue be found for the Defendant, or the Plaintiff shall be non-suited; the Plaintiff shall be clearly barred from the said Action, and all other Suits concerning the same.

In actions of trespass *quare clausum fregit*, if the defendant disclaim, he shall be admitted to plead a disclaimer, &c. and the plaintiff shall join issue. If found for the defendant, &c. the plaintiff shall be barred, &c.

VIII.



A. D. 1715.

In actions for slanderous words, if damages under 40s. the plaintiff shall have no more costs than damages.

VIII. *AND* be it further enacted by the Authority aforesaid, That in all Actions upon the Case for slanderous Words, to be sued or prosecuted by any Person in the General or Precinct Courts of this Government, after the Ratification of this Act, if the Jury, upon the Trial of the Issue in such Action, or the Jury that shall inquire of the Damages, do find or assess the Damages under forty Shillings, then the Plaintiff or Plaintiffs in such Action, shall have and recover only so much Costs as Damages so given or assessed shall amount unto, without any further Increase of the same: Any Law, Statute, Usage, or Custom to the contrary, in any wise, notwithstanding.

Persons under age, &c. may bring suits within the time before limited, after they come to age, &c.

IX. *PROVIDED* nevertheless, and be it further enacted, That if any Person or Persons that is or shall be entitled to any such Actions of Trespass, Detinue, Actions *sur* Trover, Replevin, Actions of Accompt, and upon the Case, Actions of Debt for Arrearages of Rent, Actions of Assault, Menace, Battery, Wounding, and Imprisonment, Actions of Trespass *quare clausum fregit*, Actions upon the Case for slanderous Words, be, or shall be at the Time of any such Cause of Action given or accrued, fallen or come within the Age of twenty-one Years, *Feme Covert*, *non Compos Mentis*, imprisoned, or beyond the Seas; that then such Person or Persons shall be at Liberty to bring the same Actions, so as they bring the same within such Times as are before limited, after their coming to or being of full Age, Discover, of sound Memory, at large, or returned from beyond the Seas, as other Persons, having no such Impediment, might have done.

## C H A P. XXVIII.

*Feme Coverts how to pass Lands.*

See act passed Sept. 1751, chap. 3.

Preamble.

I. **W**HEREAS the legal Way of passing Lands where the Estate is in a *Feme Covert*, is by Fine and Recovery; and it having been formerly practicable in this Government, (Fines and Recoveries not being in Use here,) that Sales have been made by the Husband with the Wife's Consent, and sometimes by Sales from them both, and acknowledged in Court, the Wife being first privately examined by the Court, whether she acknowledged the same freely:

All sales heretofore made by husband, with wife's consent, or by them both, &c. or which hereafter shall be made, & acknowledged before C. Justice, or in precinct court, the wife being examined, the same shall be valid, as if done by fine, &c. or any other way.

II. *BE* it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little-River, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same, That all such Sales which have at any Time heretofore been made in Manner and Form aforesaid, or which hereafter shall be made by the Husband and Wife, and acknowledged before the Chief-Justice, or in the Court of the Precinct where the Land lieth, the Wife having been first privately examined, before the Chief-Justice or one of the associate Judges, or by some Member appointed by the Court of the Precinct, whether she acknowledgeth the same freely, shall be good and effectual against the Husband and Wife, and their and every of their Heirs and Assigns, and against all other Persons claiming by, from, or under them, or any of them, and that to all Intents and Purposes, as if the same had been done by Fine and Recovery, or by any other Way or Means whatsoever.

Not to be construed to cut off intails hereafter.

III. *PROVIDED* always, and it is hereby meant and intended, That Nothing in this Act contained, shall be construed or meant to give any Power or Authority hereafter for cutting off intailed Lands: Any Thing herein before contained to the contrary, in any wise, notwithstanding,



## C H A P. XXIX.

*An Act for preventing Disputes concerning Lands already surveyed. (a)*

I. **W**HEREAS Disputes do frequently arise concerning Lands already surveyed and patented, to the great Charge and Vexation of many People holding and enjoying those Lands: For Prevention whercof for the future, and for settling such Differences as may hereafter arise; Preamble.

I. *BE it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little-River, for the North-east Part of the said Province, and by the Authority of the same it is hereby enacted and declared,* That all Surveys already made, and Patents granted, within this Government, by all and every preceding Governors, Deputy-Governors, or Presidents, are hereby declared to be good and valid, to all Intents and Purposes whatsoever; any pretended Defects or Insufficiency in the Powers or Authorities for so doing to the contrary, in any wise, notwithstanding: And that Patents may and ought to be granted on all and every the aforesaid Surveys for which Patents are not already granted; those lying within the controverted Bounds only excepted. Lands already surveyed, & patents granted by former Governors, &c. good and valid.  
Patents to be granted on the said surveys.

III. *AND be it further enacted by the Authority aforesaid,* That no Person whatsoever shall take up any Marsh, Swamp, or sunken Lands, but shall first give Notice, in writing, to the Owner of the Land adjoining: After Notice delivered in writing before evidence, such Person or Persons shall have six Months Time to resolve whether he will take up the same or no; and in Case he shall not, before the End of the said six Months, take out a Warrant to survey such Marsh, Swamp, or sunken Land, as shall be contiguous to his own Land, then the first Person who gave such Notice may survey and patent the same. He that will take up swamp, &c. shall give notice to the owner of the land adjoining, & if he neglects to take it up in 6 months, the person giving such notice may:

IV. *AND be it further enacted by the Authority aforesaid,* That if any Person shall believe that there is contained in the Survey or Patent of any Person, more Land than the same Survey or Patent mentions, then, and in such Case, such Person may employ the Surveyor-General, or his Deputy, to re-survey such Land; and if it shall appear that the latter Survey doth not exceed the former by more than ten Acres in the hundred, such shall not be deemed any Error, nor the Owner of such Land put to any Charge or Trouble in re-surveying or patenting the same; but the Party employing the Surveyor shall pay all Charges. Land may be re-surveyed; and if the latter survey doth not exceed the former more than 10 acres in the hundred, to be no error.

V. *AND be it further enacted by the Authority aforesaid,* That in all Cases of Differences where any Re-survey shall be made, the Surveyor shall always proceed by the marked Trees, if the same can be found, or by natural Bounds if any mentioned; and if there be not marked Trees, then he shall follow the Courses mentioned in the Plat or Patent, so as the Intention of the Party first taking up may be observed as near as may be: And if it shall happen that in any Re-survey there shall be more Land contained above the Quantity mentioned, besides ten in the hundred before mentioned in this Act, it shall be in the Choice of the Owner of the Land to take the same, paying the Surveyor his Fee, or to leave out the Overplus in such Part or Place as he pleases; and then the whole Charge to be borne and paid by him that required the Survey. Surveyor to go by marked trees, or natural bounds, or courses and distance.  
Re-survey containing more than 10 per cent. owner may take surplus, or leave it out where he pleases.

VI. *AND be it further enacted by the Authority aforesaid,* That all Surveys or Patents hereafter to be made or granted for the Land or Plantation of any deceased Person, the same shall be made and granted in the Name of the Heir at Law, which nevertheless shall not bar any that have Title thereto by Dower or Courtesy, or by the Will of the deceased Possessor; but that every Title or Claim shall stand good and valid in Law, as they might or ought to have done if the deceased Possessor had, in his Life-time, surveyed and taken out a Patent for the same in his own Name. Patents for deceased persons land, to be in the name of the heir at law, & subject to dower, &c.

## C H A P.

(a) This Act, in Mr. Davis's Edition, is said to have been repealed: But I cannot find the Repeal in any subsequent Act of Assembly. Perhaps therefore it may be one of those Acts that have been disallowed by the King in Council, of which I have been able to obtain no Account,



A. D. 1715.

## C H A P. XXX.

*An Act concerning Escheat Lands, and Escheators. (a)*

I. **F**OR the better securing and quieting her Majesty's Subjects of this Province in the Possession of their Lands, We pray that it may be enacted, *And be it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little-River, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same,* That if any Person is or shall be in Possession, by himself, Guardian or Tenant, of any Lands, by Purchase, Descent, or Last Will and Testament, that do or shall escheat to the Lords Proprietors, such Possessor shall be first admitted to inform and petition the Governor, Deputy-Governor, President, or Commander in Chief for the Time being, for a Writ of Escheat, to be directed to the Escheator-General, or his Deputy, to enquire whether the said Land doth escheat; and if the same shall be found, upon Inquisition duly taken, to escheat, the aforesaid Possessor, and no other Person, shall have a Patent for the same, paying after the Rate of two Pence an Acre for the Composition thereof, and no more, be there Improvements more or less.

Persons in possession of escheat lands first admitted to petition for a writ of Escheat.

If it be found to escheat, possessor to have a patent for the same, paying 2d. per acre.

Escheat lands to whom granted.

II. *AND be it further enacted by the Authority aforesaid,* That if any Person seized of Land in Fee-simple, shall happen to die without Heir, or making any disposition thereof by Will, whereby the said Lands do escheat to the Lords Proprietors, then they shall be granted, after the said Manner, and after the same Composition, to the Widow, or Widower, and if there be none such, then to the Father, and if there be none such, then to the Mother, and if there be none such, then to the eldest Brother of the half Blood, and if there be none such, then to the Sister or Sisters of the half Blood, and if there be none such, then to the nearest of Kin to the Party deceased, and if there be no Kindred, then to any Person who shall first inform and petition for the same.

Persons in possession of escheat lands, neglecting to petition for the same, after notice given, persons giving such notice may have the same.

III. *PROVIDED always, and it is further enacted by the Authority aforesaid,* That if any Person that is or shall be in Possession of any Land in Manner aforesaid, by Descent, Purchase, or Last Will and Testament, that do or shall escheat; or any Person that shall have Right to inform and petition for Escheat Lands in any of the before recited Cases, shall happen, through Ignorance, to omit the same; that then it shall and may be lawful for any other Person to give him Notice thereof, in the Presence of two credible Witnesses at the least; and if he shall neglect to inform and petition for the same, in Manner aforesaid, to the second General Court that shall happen after such Notice given, then the Person giving Notice as aforesaid, shall have the same Lands, paying the Composition as aforesaid.

Escheator-General how to be appointed.

IV. *AND to the End,* that neither the Lords Proprietors, nor any of the Inhabitants of this Province, may receive Damage for Want of an Escheator; *Be it enacted by the Authority aforesaid,* That as often as it shall happen that no Person is appointed Escheator-General by the Lords Proprietors, some Person of known Ability and Integrity, shall be commissioned Escheator-General by the Governor, Deputy-Governor, President, or Commander in Chief for the Time being, by and with the Advice and Consent of three or more of the Lords Proprietors Deputies, with Power to commissionate one or more Deputy or Deputies; and all Inquisitions that shall be taken as Escheator not commissioned as aforesaid, or without a Writ of Escheat first obtained, such Inquisition shall be null and void, to all Intents and Purposes.

Inquisitions taken by unlawful escheator, &c. void.

V. *AND be it further enacted,* That the Escheator-General, or his Deputy or Deputies, before he or they shall execute any Writ of Escheat, shall give public Notice

(a) This Act, in Mr. Davis's Edition, is likewise said to have been repealed. The same Observations I have made on Chap. 29 exactly apply to this.



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Notice thirty Days before, by setting up a Note at the Court-House Door of the Precinct where the Land shall lie, of the Time when he will execute the said Writ, to the End that all Persons concerned may have Knowledge thereof; upon the Penalty of Fifty Pounds, to be paid to the Party grieved; to be recovered, by Action of Debt, in the General Court of this Government; wherein no Essoin or Wager of Law shall be allowed: And all Inquisitions shall be taken openly and publicly in the Court-House of the Precinct or County where the Land to be enquired after shall lie, by the most ancient indifferent Freeholders of the same Precinct and County. And the Escheator-General, and every of his Deputies, shall suffer every Person to give Evidence openly in their Presence to the Jury, upon such Inquisitions as shall be taken before him or any of them, upon the like Penalty of fifty Pounds, to the Person so grieved; to be recovered in Manner aforesaid: And all such Inquisitions shall be returned into the Secretary's Office within twenty Days at farthest, after they are taken; and if no Person shall prove himself Heir to such Land as have been found to escheat in Manner aforesaid, or any Time in seven Years after the Date of the said Inquisition, such Person and his Heirs, are and shall be forever barred and excluded from having or suing for the said Lands.

Escheator to give notice 30 days.

Inquisitions to be taken publicly in the court-house.

Evidenceto be receiv'd in presence of Escheator, under penalty of 50l

Inquisitions to be returned to the Secretary's office within 20 days. Heir not appearing in 7 years, barred forever.

## C H A P. XXXI.

*An Act for the more effectual observing of the Queen's Peace, and establishing a good and lasting Foundation of Government in North-Carolina. (a)*

I. **W**HEREAS several Revolutions have heretofore happened in this Colony, which were fomented and carried on by factious and seditious Persons, to the great Loss and Damage of the Inhabitants thereof, and to the repeated Breaches of her Majesty's Peace, and Violation of the Loyalty and Obedience due from Subjects to their lawful Sovereign and Superiors; and what most nearly has concerned us, are the late unhappy Dissentions among ourselves in this Colony, whereby Injustice and Oppression took Place and overspread our Country, our Trade decreased, and daily Differences and Animosities increased, to the Ruin of Religion and our Liberties; since which it has pleased God in a great Measure to influence us with a deep Concern for our Calamities, and put into our Hands a Power and Resolution of removing these threatening Evils and Dangers, and for the future to procure a happy Restoration of Peace and Tranquility amongst us, by making such good and wholesome Laws, whereby Religion and Virtue may flourish, our Duty to our Prince and Governors be put in Practice and maintained, our Laws, Liberties, and Estates preserved and kept inviolated, and Justice and Trade encouraged:

Preamble.

II. **W**E therefore, the Commons assembled, do pray that it may be enacted, *And be it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the Members of the General Assembly, now met at Little-River, for the North-east Part of the Province, and by the Authority of the same; and it is hereby enacted, That any Person or Persons whatsoever, who shall, at any Time after the Date hereof, speak any seditious Words or Speeches, or spread abroad false News, write or disperse scurrilous Libels against the present Government, now lawfully established, disturb or obstruct any lawful Officer in the executing his Office, or that shall instigate others to Sedition, cabal and meet together, to contrive, invent, suggest, or incite rebellious Conspiracies, Misdemeanors, Riots, or any Manner of unlawful Feuds or Differences, thereby to stir up against, or maliciously to con-*

See the Declaration of Rights, &amp; Constitution of 1776: &amp; acts April 1777, ch. 3. &amp; Nov. 1777, ch. 6.

Queen's peace preserved.

E

trive

(a) In the Edition of Mr. *Mesely* and Mr. *Swann*, the Title alone of this Act is given, with this Remark in the Margin: "Provided for by Statutes enforced in this Province, by Act, Oct. 16, 1749, Ch. 1." This last Act, however, is universally allowed to have been repealed or disallowed by the King's Proclamation, though I can find no authentic Account of it; and the Repeal or Disallowance must have been subsequent to the Act of Confirmation of the above mentioned Edition by Act of Assembly, which passed at the same Session with the former (Ch. 6.) I have therefore thought it my Duty to retain all the Parts of this Act, except those which are clearly obsolete, not being warranted, I conceive, in saying that the whole is so.



A. D. 1715.

Penalty for  
breach of it.

trive the Ruin and Disturbance of the Queen's Peace, and of the Safety and Tranquility of this Government; the said Person or Persons so offending, shall, and are to be reputed as utter Enemies to the Queen's Peace, and the Welfare and Good of this Government, and shall be punished accordingly, by Fine, Imprisonment, Pillory, or otherwise, at the Discretion of the Justices of the General Court; who are hereby impowered to hear and determine the same: And the said Person or Persons so offending as aforesaid, shall be compelled to give good and sufficient Security for his or their good Behaviour during the Court's Pleasure; and be incapable of bearing any Office of Profit or Trust in this Government, for the Space of three Years, or according as the Demerits of the Crime shall appear before the Judges thereof: And if any Person or Persons shall at any Time hereafter, know of any such evil Practices as aforesaid, and shall conceal the same, that then they shall be punished in the same Manner as if they themselves had committed such Crimes.

III. A N D for the further Prevention of such traiterous Conspiracies and Rebellions against her Sacred Majesty of *Great-Britain*, her Crown and Dignity, and the better to distinguish and prevent any disaffected Ministers or Officers, either military or civil, from acting, or being tolerated, commissioned, or impowered, to act in Possession, hold or remain to act by Virtue of any Commission, deputed Commission, or any Power whatsoever, until the said Person, whosoever he be, has first qualified himself according to the Strictness of the Laws of *Great-Britain* now in Force:

Persons holding  
public offices to  
qualify accord-  
ing to law.

IV. *BE it further enacted by the Authority aforesaid*, That what Person soever, shall act in any Place of Profit or Trust as aforesaid, without being so qualified, shall forfeit the Sum of one hundred Pounds; to be recovered by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Province: One Half to the Governor or President for the Time being, for the Support of the Government, and the other Half to him or them that shall sue for the same; and shall forfeit his Right to the said Place or Benefit. *Provided*, That all military Officers may take the Oaths in order to their Qualification, before any one of the Members of the Council, or of the General Court, who are hereby impowered to administer the same, and give them Certificate thereof. And moreover what Person or Persons, who hereafter shall alter, equivocate, add to, or diminish, any Word, Part, or Clause, of the Oaths appointed to be taken by Law, shall be deemed and held guilty of Forgery, and high Crimes, and shall be punished accordingly.

V. A N D whereas, this Province is annexed to, and declared to be a Member of the Crown of *England*; yet notwithstanding, Disputes do often arise concerning the Laws of *England* how far they are in Force in this Government; and it appearing by the Charter, that the Powers therein granted of making Laws, are limited with this Expression, *viz.* " *Provided*, Such Laws be consonant with Reason, and as near as may be, agreeable to the Laws and Customs of our Kingdom of *England*." From thence it is manifest, That the Laws of *England* are the Laws of this Government, so far as they are compatible with our Way of Living and Trade:

Common law in-  
forced.See acts, Nov.  
1777, ch. 14.  
April 1778, ch.

VI. *Be it therefore enacted by the Authority aforesaid, and it is hereby enacted and declared*, That the Common Law is, and shall be, in Force, in this Government, except such Part in the Practice, in the Issuing and Return of Writs, and Proceedings in the Court of *Westminster*; which for Want of several Officers cannot be put in Execution; which ought to be supplied by Rules of the General Court of this Government, being first approved of by the Governor and Council, which shall be good in Law, from Time to Time, till it shall be altered by Act of Assembly.

Statutes of Eng-  
land enforced.

VII. *A N D be it further enacted and declared by the Authority aforesaid*, That all Statute Laws of *England*, made for maintaining the Queen's Royal Prerogative, and the Security of her Royal Person, and Succession of the Crown, and all such  
Laws



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Laws made for the Establishment of the Church, and the Laws made for the Indulgence to Protestant Dissenters, and all Laws providing for the Privileges of the People, and Security of Trade; as also, all Statute Laws made for Limitation of Actions, and preventing of vexatious Law Suits, and for preventing Immorality and Fraud, and confirming Inheritances and Titles of Land, are and shall be in Force here, although this Province, or the Plantations in general, are not therein named. (a)

See the Declaration of Rights, & Constitution of 1776.

## C H A P. XXXII.

An Act for settling and maintaining Pilots at Roanoke and Ocracock Inlets.

Rep. by navigation act, March 6, 1738, ch. 4.

## C H A P. XXXIII.

An Act to regulate divers Abuses in the taking up of Lands, and to ascertain the Method to be observed from henceforth, in taking up and surveying Lands. (b)

I. **W**HEREAS of late Years, great Inconveniencies have arisen by Means of the irregular Proceedings and Methods observed in entering and taking up Land, and by some Persons holding or pretending Right to large Tracts of Land; to the great Discouragement of Strangers coming in to inhabit among us, and to the great weakning of Places already settled and inhabited, as well as to the great Loss and Prejudice of the Lords Proprietors: For Prevention whereof for the future, and for the better regulating the Method of taking up Lands in Time to come;

Preamble.

II. *BE* it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little-River, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same, That from and after the first Day of January next ensuing the Date hereof, no Surveyor-General, nor Deputy Surveyor, shall enter any Land for any Person after the Manner as has been of late Years observed; but that all Persons whatsoever that shall, from thenceforward, be minded to take up any Lands in this Government, shall before he lays Claim thereto, take a Warrant from the Secretary's Office, directed to the Surveyor-General, or Deputy, as usual, mentioning the Quantity of Land by them intended to be taken up; which Warrant he shall deliver to the said Surveyor-General, or his Deputy, together with an Account where the Land lies which he intends to take up by that Warrant, which the Surveyor shall indorse upon the Back of the said Warrant, together with the Time of his Receipt thereof, and give a Copy of the said Indorsement to the said Person; for which it shall be lawful for him to demand and receive the usual Fee of Entry and Copy; and shall, within eight Months next after such Receipt, survey and make Return of the said Land, with the Warrant, as is usual, unless he shall give sufficient Reason, upon his Oath, for not doing the same: *Provided always*, That he hath no Warrant before lodged in his Hands for the same Land: *And provided also*, That if Occasion be, the Surveyor shall be empowered to hire Chain Carriers and Markers for his Assistance in laying out of any Lands, and shall charge the same to the Owner of such Land.

Method to be observed in taking up and surveying lands.

III. *AND* be it further enacted by the Authority aforesaid, That the Surveyor-General, and his Deputy, shall observe, in surveying and laying out of all Lands

If on rivers or creeks.

to

(a) The 8th, 9th and 10th Sections are obsolete.

(b) This Act is circumstanced in the same Manner with Ch. 29 and 30. It is said, in Mr. Davis's Edition, to have been repealed, but I cannot find the Authority for that Assertion.



A. D. 1715.

If in the woods.

to be taken up from henceforward, that lies on a navigable River or Creek, that he shall run a full Mile on a direct Course into the Woods, and each opposite Line shall run parallel with the other, if it can be admitted, for other Peoples Lines, or Rivers or Creeks; and for all Lands taken up wholly in the Woods, the Survey shall be upon a Square, if it can be admitted, as aforesaid.

Surveyor not to lay out more than 64 acres in one tract, nor two tracts for one person within two miles.

IV. *AND* be it further enacted by the Authority aforesaid, That no Surveyor, or Deputy-Surveyor, from and after the Time aforesaid, shall survey or lay out more than six hundred and forty Acres of Land in one Tract, nor shall survey or lay out two several Tracts of Land for any one Person within two Miles at least, of each other, unless by particular Warrant from the Lords Proprietors for that Purpose.

Surveyor laying out lands contrary to this act, to forfeit 10l.

V. *AND* be it further enacted by the Authority aforesaid, That any Surveyor, or Deputy Surveyor, that shall presume to survey or lay out any Lands contrary to the Directions, Purport, and Meaning of this Act, shall, for every Offence, forfeit and pay the Sum of ten Pounds; one Half to the public Treasury, and the other Half to him or them that shall sue for the same: To be recovered in the General Court of this Province; wherein no Effoin, Protection, or Wager of Law, shall be allowed.

No person to hold land till purchase money paid, and patent granted, &c.

VI. *AND* forasmuch as the Lords Proprietors do sustain great Damages, and the Country in general lies unsettled, by Reason of many Persons holding or pretending Right to large Tracts of Land in this Government, without any other Title thereto than a bare Entry or Survey: *Be it enacted by the Authority aforesaid,* That all or any Person or Persons whatsoever, who do now hold or pretend any Right to any Lands within this Government, by Virtue of any Survey or Purchase, as aforesaid, made before the fourteenth Day of *April* last past, and do not pay, or secure to be paid, the Purchase Money thereof to the Lords Proprietors Receiver-General, on or before the twenty-fifth Day of *December* next, pursuant to an Order of Council, dated the aforesaid fourteenth Day of *April*, it shall and may be lawful for any Person or Persons to enter on the same Lands, and have Patents therefor upon the old Surveys; provided he or they so entering, shall pay, or secure to be paid, to the said Receiver-General the Purchase Money and Quit-Rents which should have been paid by the Person that shall so lapse the same, and also the Sum of ten Shillings to the Surveyor-General, for altering the Certificate; which Patent, when so obtained, shall be deemed and adjudged good and valid, to all Intents and Purposes; any Law, Custom, or Usage, to the contrary, notwithstanding: And further, all Persons that do pretend any Right to any Lands taken up on Pretence of Purchase, as aforesaid, since the fourteenth Day of *April*; or that shall, from henceforward, take up and survey any Lands on Pretence of Purchase, and do not pay, or secure to be paid, the Purchase Money thereof to the Receiver-General for the Time being, within six Months after the Date of such Survey, such Person or Persons shall forfeit their Right thereto; and it shall and may be lawful for any other Person or Persons to take out a Warrant for such Lands, and proceed thereon as is before directed in this Act, for taking up vacant Lands.

Lands taken up since April 14, for which the purchase money shall not be paid within 6 months, forfeited, and any other person may take up the same.

No person after Jan. 1, to sell his right to land before purchase money paid, and patent granted.

VII. *AND* be it further enacted by the Authority aforesaid, That from and after the aforesaid first Day of *January* next, no Person shall sell or alienate his Right to any Land, until he has paid the Purchase Money thereof, and has obtained a Patent and Grant for the same; but such Sale, Assignment or Conveyance, shall be deemed, construed, and taken, to be invalid and of none Effect: And such Land shall be free and clear for any other Person to take up, observing the Rules in this Act before specified for taking up vacant Lands.

Where such right belongs to orphans, unable to patent it, guardian, &c. may sell it.

VIII. *PROVIDED* always nevertheless, That where the Right of Land heretofore surveyed on Pretence of Purchase aforesaid, belongs to any Orphan or Orphans that are not able or capable to patent the same, for Want of personal Estate, within the Time before limited in this Act, it shall and may be lawful for the Guardian or Guardians, Trustee or Trustees of such Orphan or Orphans,  
or



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or Administrator of the Intestate's Estate, to sell and dispose of all or such Part of such Right, as aforesaid, by public Sale, to the best Advantage they can for the Intestate's Estate; any Thing in the said Act to the contrary, notwithstanding: And in Case any Guardian, Trustee, or Administrator, shall neglect or refuse to make Sale of such Land as aforesaid, within six Months, the Orphans Courts are hereby impowered and required to call such Guardian, Trustee, or Administrator, to Account; and if they cannot find personal Estate sufficient in their Hands to purchase such Lands, as aforesaid, then they, the said Court, shall make such Sale, and to such Uses as aforesaid.

In case of neglect &c. orphans courts to sell such right.

IX. AND whereas many of the present Inhabitants of *Bath* County, by Reason of the Calamities befallen them during the late Wars with the *Indians*, are rendered incapable of making present Payment for the Purchase of such Lands as now are, or have been, actually held, settled, and improved by them, and from whence they have been lately driven by the Enemy: *Be it enacted*, That a further Time be granted to such Persons for paying the Purchase of such Lands, upon giving such Security to the Lords Proprietors Receiver-General, as shall be by him approved of, within six Months after the Ratification of this Act: Any Thing herein before contained to the contrary thereof, in any wise, notwithstanding.

Inhabitants of Bath county allowed longertime to pay purchase money upon giving security.

## C H A P. XXXIV.

*An Act for entering of Vessels, and to prevent the Exportation of Debtors. (a)*

I. **B**E it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little-River, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same, That the Master of every Ship or Vessel coming into this Government, shall, within four Days next after his Arrival, and before he trade or land any Goods, (living Creatures only excepted,) enter into Bond in the Naval-Office, with one sufficient Freeholder or well known Merchant, in the Sum of five hundred Pounds, with Condition, that the said Master shall not carry off any Person out of this Province without a Ticket first had and obtained from the Naval-Officer, and signed by the Governor or Commander in Chief for the Time being, (Persons coming into this Province in the same Vessel, Women whose Husbands are resident in the Country, Persons under Age, and Sailors who have not resided in the Government above two Months, excepted,) nor shall depart himself without Leave; under the Penalty of fifty Pounds; one third to the Lords Proprietors, one third to the Governor or Commander in Chief, and the other third to the Informer.

Master of vessel to give bond to the naval-officer within 4 days after arrival, in 500l. penalty, not to carry any person out of the country without a ticket.

Persons excepted

Nor shall he depart himself without leave.

II. *AND* be it further enacted by the Authority aforesaid, That the said Bond shall be taken in the Name of the Governor or Commander in Chief for the Time being,

Bond to be given in the name of

F

being,

(a) An Act was passed at the Session of Nov. 1777, (Ch. 11.) entitled "An Act for appointing Naval-Officers in the different Ports of this State, and directing their Duty in Office." In the Session of Jan. 1779, an Act was passed (Ch. 7.) entitled "An Act for appointing Naval-Officers at the different Ports of this State, and directing their Duty in Office, and for other Purposes." By the last Clause of this Act the former was expressly repealed, as also "all other Acts and Resolves theretofore made or passed relative to the Duty of the said Naval-Officers." Another Act, concerning the Duty of Naval-Officers, in certain particulars, was passed at the Session of June, 1781, (Ch. 8.) In the Session of April 1784, another Act (Ch. 5.) was passed on the Subject of the Naval-Officers. Another Act on the same Subject was passed in the Session of Nov. 1787, (Ch. 9.) By this it is enacted in the following Words: "That from and after the passing of this Act, all Laws heretofore made so far as they respect or apply to the Fees or Duties of Naval-Officers, shall be and are hereby declared to be repealed and made void." These Words are in the very Beginning of the Act. Afterwards in the same Act, the following Words form Part of an Oath to be taken by a Master or Owner previous to any Vessel's Clearance: "Nor will I suffer to be carried in my Vessel out of this State, any Inhabitant thereof, privately or contrary to Law, to the best of my Knowledge." I know of no general Law restraining Persons going out of the Country, except the above, calculated to prevent the Exportation of Debtors. A Doubt therefore may possibly arise, notwithstanding the strong Words of Repeal in the Act of 1787, whether the above Act of 1715 be clearly repealed or not, as it seems very probable the Repeal of that Act was not in the Contemplation of the Legislature. For this Reason it appeared to me better to retain the above Act, with these Observations, so that every one may form his own Judgment in Respect to both.



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the Governor, in  
trust for the party  
injured.

being, payable to himself, his Successors or Assigns, but shall be to the only Use of, and in Trust for, such Person or Persons as shall appear to be injured by the said Master's Non-Performance of the Condition above expressed; and shall be assigned to any Person or Persons so injured, petitioning for the same, who shall and may maintain an Action thereon.

Bond not sued  
within two years,  
void.

III. *PROVIDED* always, and it is hereby further enacted, That if the said Bond or Bonds shall not be sued within two Years after the Date thereof, then the same shall be null and void to all Intents and Purposes whatsoever, as if the same had never been made; any Thing herein before contained to the contrary notwithstanding.

Ticket not to be  
granted till secu-  
rity given for  
payment of the  
party's debts.

IV. *AND* be it further enacted by the Authority aforesaid, That no Ticket shall hereafter be granted to any Person intending to export his or herself out of this Government, (except as before excepted,) until sufficient Security be first given to the Naval-Officer, for the Payment of all such Debts as the Party so intending to depart shall be chargeable with, and for which Actions shall be commenced within four Months next after such Security given; or until Certificate be first made to the Naval-Officer, by the Clerk of the Precinct Court where the Party shall reside, that he hath published his Intentions to depart the Government, by affixing a Note to the Court-House Door, publickly to be read by all Persons, during the Sitting and Continuance of the two Courts next preceding such Certificate, without being under written, or any Demand made to hinder his or her Departure.

Or until certifi-  
cate produced of  
his publishing his  
intention to de-  
part, &c.

V. *AND* be it further enacted, That on Default of so doing, the Naval-Officer shall be liable to satisfy the Creditors of all such Persons who shall depart the Government by Ticket from that Office; provided Actions for the same be entered within four Months after the Date of such Ticket so obtained; without Security given, or Certificate had and received from the Clerk of some Precinct Court as before mentioned.

Naval-officer not  
complying with  
this act, liable  
for the party's  
debts, if actions  
brought within 4  
months.

## C H A P. XXXV.

*An Act for raising a public Magazine of Ammunition, upon the Tonnage of all Vessels trading to this Government.*

Rep. by act, A-  
pri 6, 1748, ch.  
30.

## C H A P. XXXVI.

*An Act concerning Roads and Ferries.*

Rep. by act, Sept.  
1752, ch. 11.

## C H A P. XXXVII.

*An Act to encourage the Building of Mills.*

Rep. by act, Nov.  
1758, ch. 5.

## C H A P. XXXVIII.

*An Act to appoint Public Registers, and to direct the Method to be observed in conveying Lands, Goods, and Chattels; and for preventing fraudulent Deeds and Mortgages.*

I. **W**HEREAS His Excellency the *Palatine*, and the rest of the true and absolute Lords Proprietors, amongst other Privileges and Immunities, have given and granted to this their Province, to choose Public Registers: In Pursuance therefore to the said Grant, and for the better and more effectual Prevention of fraudulent Deeds, Alienations, and Mortgages;

II. *BE*



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II. *BE* it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little-River, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same, That it shall and may be lawful for all, or the major Part of the Inhabitants and Freemen of each Precinct, (who are qualified to vote in the Election of Burgesses,) to meet the first Day of *April* next, at the usual Place for Election of Burgesses, then and there, by a Majority of Votes, to elect three Freeholders, as Candidates for the said Office; of which said Candidates so to be elected, the Provost-Marshal of each Precinct, or his Deputy, (who are hereby required to attend such Elections,) shall, within twenty Days after, make Return to the Governor or Commander in Chief for the Time being, under the Penalty of five Pounds for every such Neglect; and the Governor or Commander in Chief, with the Advice of the Lords Proprietors Deputies, shall make Choice of one of such Candidates so elected as aforesaid, who, being commissioned under the Hand and Seal of the Governor or Commander in Chief, shall be thereby invested with the Office of Register of Deeds; and, until there be a Clerk of the Parish Church, of Births, Burials, and Marriages.

Registers how appointed.

(See act, April, 1777, ch. 8, giving the power of appointment to the county courts.)

III. *AND* be it further enacted by the Authority aforesaid, That each and every public Register so chosen and commissioned, shall within three Months after he shall enter upon his Office, give Bond, with two good and sufficient Securities, to his Excellency the Palatine, and the Lords Proprietors, in the Sum of one Thousand Pounds, for the faithful Discharge of his Office; which Bond shall be given before the Justices of the Precinct whereof the Party shall be appointed Register, and recorded in the Office of the said Court, and also in the Secretary's Office, and the Original repositied in the Hands of the Governor or Commander in Chief: And whoever, after the said first Day of *April*, shall officiate in the said Office longer than three Months without giving such Security as aforesaid, he or they so offending, shall forfeit and pay the Sum of twenty Pounds; one Half to the Informer, and the other Half to the Poor of the Parish or Precinct.

Register to give bond in 3 months in 1000l. for faithful discharge of his office.

Bond to be given in precinct court, and recorded in precinct and Secretary's offices. Original to be left with the Governor.

Penalty for not giving bond.

IV. *PROVIDED* always, That every Person or Persons who now act in the aforesaid Office within any Precinct of this Government, shall be and continue in the same, until such Choice shall be made and confirmed, as is before by this Act directed; when they, and every of them, are hereby required and commanded to deliver to the public Register of their Precinct so elected and confirmed, all Papers and Records which shall be in their Custody, that do, of Right, belong and appertain to the said Office; under the Penalty of fifty Pounds.

Proviso.

V. *AND* be it further enacted by the Authority aforesaid, That no Conveyance or Bill of Sale for Lands, (other than Mortgage,) in what Manner or Form soever drawn, shall be good and available in Law, unless the same shall be acknowledged by the Vendor, or proved by one or more Evidences, upon Oath, either before the Chief Justice for the Time being, or in the Court of the Precinct where the land lieth, and registered by the public Register of the Precinct where the Land lieth, within twelve Months after the Date of the said Deed; (a) and that all Deeds so done and executed, shall be valid, and pass Estates in Land, or Right to other Estate, without Livery of Seizin, Attornment, or other Ceremony in the Law whatsoever.

No conveyance of land, except mortgage, good, unless acknowledged, &amp;c. and registered within 12 months.

Deeds so executed to be valid.

VI. *PROVIDED* always, That all Deeds or Conveyances of Lands, Tenements, or Hereditaments, Goods or Chattels, which are already passed, and registered, or which shall be registered within one Year after the Ratification of this Act, for which a good and valuable Consideration has been actually and bona fide paid, shall be good and available in Law and Equity, to Purchasers, and their Heirs, against the Vendors, and their Heirs, and all others claiming by,

Deeds already passed for valuable considerations, and registered within a year, declared good.

from,

(a) See many subsequent Acts of Assembly enlarging the Time of registering, for Deeds that had been omitted to be registered in due Time.



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from, or under them, in as full and ample Manner, to all Intents, Constructions, and Purposes, as if such Title had been made either by Fine, common Recovery, Livery of Seizin, Attornment, or any other Ways used and practised within the Kingdom of *Great-Britain*.

Deeds made in foreign parts, & proved as before; or acknowledged, &c. before the chief magistrate of any city, &c. or Governor of any plantation, &c. and registered within a year after arrival, to be good & valid.

VII. *AND* be it further enacted by the Authority aforesaid, That all Deeds and Conveyances of Land lying within this Government, made in foreign Parts, which shall be remitted hither, and proved before the Chief Justice, or Court of the Precinct where the Land lieth, in Manner as before directed; or which shall be personally acknowledged or proved before the Chief Magistrate of any City, Town, or Corporation, within the King of *Great-Britain's* Dominions, and an Attestation thereof affixed thereto; or which shall be acknowledged or proved before the Governor or Commander in Chief of any of his Majesty's Plantations, and attested under the public Seal, and registered in the aforesaid Office of the Precinct where the Land lieth, within one Year after the Arrival of such Deeds; shall be good and valid in Law, to all Intents and Purposes, as if made and executed within this Government.

Feoffments, gifts, &c. made for any fraudulent intent, shall be good only against the person making the same, &c.

VIII. *AND* for the avoiding and abolishing of feigned, covinous, and fraudulent Feoffments, Gifts, Grants, Alienations, Conveyances, Bonds, Suits, Judgments, and Executions, as well of Lands and Tenements, as of Goods and Chattels, which of late have been, and still are devised and contrived, of Malice, Fraud, Covin, or Collusion, to the End, Purpose, and Intent, to delay, hinder, and defraud Creditors and others of their just and lawful Actions, Debts, and Accompts: *It is hereby further enacted*, That all and every Feoffment, Gift, Grant, Alienation, Bargain, and Conveyance of Lands, Tenements, Hereditaments, Goods and Chattels, or of any of them, by Writing, or otherwise; and all and every Bond, Suit, Judgment, and Execution, at any Time had or made since the first Day of *January, Anno Dom. 1714*, or at any Time hereafter to be had or made, to or for any Intent or Purpose last before declared and expressed, shall be, from henceforward, deemed and taken, (only as against that Person or Persons, his or their Heirs, Executors, Administrators, and Assigns, and every of them, whose Actions, Suits, Debts, Accompts, Damages, Penalties, and Forfeitures, shall release by such covinous or fraudulent Devices and Practices, as is aforesaid, or shall or might be, in any wise, disturbed, hindered, delayed or defrauded,) to be clearly and utterly void, frustrate, and of no Effect; any Pretence, Colour, feigned Consideration, expressing of Use, or any Matter or Thing to the contrary, notwithstanding.

Parties to such fraudulent deeds, &c. in certain cases to forfeit the value thereof.

IX. *AND* be it further enacted by the Authority aforesaid, That all and every the Parties to such feigned, covinous, or fraudulent Feoffments, Gifts, Grants, Alienations, Bargain, Conveyance, Bonds, Suits, Judgments, Executions, or other Things before expressed, and being privy and knowing of the same, or any of them, which at any Time after the first Day of *August* next coming, shall, wittingly and willingly, put in Use, maintain, avow, justify, or defend the same, or any of them, as true, simple, and done, had, or made *bona fide*, and upon good Consideration; or shall alien or assign any the Lands, Tenements, Goods, or Things before mentioned, to him or them conveyed, as is aforesaid, or any Part thereof; shall incur the Forfeiture of the real Value of the Lands and Tenements, Goods and Chattels; one Moiety thereof to the Lords Proprietors, and the other Moiety to the Party grieved, and intended to be defrauded thereby.

Not to make void any conveyance *bona fide* made.

X. *PROVIDED* always, and be it further enacted by the Authority aforesaid, That this Act, nor any Thing herein before contained, shall not extend or be construed to impeach, defeat, or make void any Conveyance or Assurance, Interest, Limitation of Use, or Uses, of, in, to, or out of any Lands or Tenements heretofore at any Time had or made, or hereafter to be *bona fide* made, upon and for good Considerations, to any Person or Persons whatsoever; any Thing before mentioned to the contrary, notwithstanding.

XI. *AND*



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Mortgage first registered shall be deemed the first mortgage.

Unless first mortgage be registered within 50 days.

If more mortgages than one, such as have not registered may redeem those that are, paying principal, &amp;c.

Persons making a 2d mortgage, the 1st being in force, to have no relief in equity.

Not to bar widow from dower, who did not join in the deed, &amp;c.

Prior purchaser or mortgagee to register before 1st Jan. 1716, &amp;c.

Register, when there is no parish clerk, to register births, marriages and burials.

Persons neglecting to register, forfeit 1s. per month to the register; not to exceed 20s.

Penalties how to be recovered.

Rep. by act, April 4, 1741, ch. 17.

XI. *AND* for the Prevention of Frauds by double Mortgages and Conveyances of Lands, Negroes, Goods and Chattels: *Be it further enacted by the Authority aforesaid*, That every Mortgage of Lands, Tenements, Goods, or Chattels, which shall be first registered in the Register's Office of the Precinct where the Land lieth, or of Goods and Chattels where the Mortgager liveth, shall be taken, deemed, judged, allowed of, and held to be the first Mortgage, and to be good, firm, substantial, and lawful, in all Courts of Justice within this Government; any former or other Mortgage of the same Lands, Goods, or Chattels, not before registered, notwithstanding; unless such prior Mortgage be registered within fifty Days after the Date.

XII. *PROVIDED* always, *and be it further enacted by the Authority aforesaid*, That in Case more than one Mortgage shall happen to be made and be in Force at one Time, of the same Lands and Tenements, Goods and Chattels, the several Mortgagees which have not registered their Mortgages, their Heirs, Executors, Administrators, or Assigns, shall have Power to redeem any Mortgage or Mortgages registered, upon paying the principal Debt, Interest, and Costs of Suit, to the prior Mortgagee or Mortgagees, their Heirs, Executors, Administrators, or Assigns: And as a Punishment for such intended Fraud or Covin, every Person or Persons which shall mortgage the same Lands, Tenements, Goods, or Chattels, a second Time, a former Mortgage being in Force and not discharged, shall have no Power or Liberty of Redemption in Equity or otherwise.

XIII. *PROVIDED* also, That Nothing in this Act contained shall be construed, deemed, or extended, to bar any Widow of any Mortgager of such Lands or Tenements, from her Right of Dower to the said Land, who did not legally join with her Husband in such Mortgage, or otherwise bar or exclude herself from such her Dower or Right.

XIV. *AND* *be it further enacted by the Authority aforesaid*, That every prior Purchaser, or Mortgagee, of any Lands or Tenements, Goods or Chattels, which shall not, before the first Day of *January*, 1716, register his Title or Mortgage as aforesaid, if after that Time a second Deed of Sale, Conveyance, or Mortgage, be registered before the Prior, such Person so neglecting shall take no Advantage or Benefit of such Purchase or Mortgage already signed and sealed.

XV. *AND* *be it further enacted by the Authority aforesaid*, That the Register aforesaid of every Precinct, when there is no Clerk of the Church in that Precinct, shall register all Births, Marriages, and Burials, within the Precinct whereof he is Register; and that every Master or Mistress of a Family who shall neglect to register the Birth or Death of any Person born or dying within his or her House or Plantation; and every married Man who shall neglect to remit to the said Register a Certificate of his Marriage, and cause the same to be registered, for longer than one Month; each Master or Mistress, or married Man, so neglecting, shall forfeit and pay, to the said Register, one Shilling *per* Month for every Month so neglected; provided the Whole do not exceed twenty Shillings.

XVI. *AND* *be it further enacted by the Authority aforesaid*, That all Penalties and Forfeitures in this Act mentioned, shall be recovered, by Bill, Plaint, or Information, in any Court of Record in this Government; wherein no Injunction, Protection, or Wager of Law, shall be allowed or admitted of.

## C H A P. XXXIX.

*An Act concerning Weights and Measures.*



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## C H A P. XL.

*Staple Commodities Rated.* O B S.

## C H A P. XLI.

*An Act to ascertain the Time for Payment of Pork, Wheat and Indian Corn.* O B S.

## C H A P. XLII.

Provided for by  
act, April 1784,  
ch. 26.*An Act to ascertain the Gauge of Barrels, and to prevent Frauds in Pork, Beef, Pitch, and Tar.*

## C H A P. XLIII.

Rep. by act, A-  
pril 4, 1741, ch.  
8.*An Act to appoint the Marking of Horses, Cattle, and Hogs, and to prevent Injuries being done by killing, mismarking, driving away, or destroying Peoples Stocks.*

## C H A P. XLIV.

See acts, Nov. 27,  
1729, ch. 5. Nov.  
1766, ch. 14.*An Act to appoint Toll-Books to be kept at or near Catherine's Creek, in Chowan Precinct, at the Head of Pequimons Precinct, and at the Mouth of the North-west River, in Currituck Precinct; and to prevent Persons from transporting or driving Horses, Cattle, or Hogs, to other Persons Lands.*

I. **W**HEREAS divers Persons, Inhabitants of *Virginia*, frequently coming into this Government to purchase Cattle or Hogs, it may be greatly feared they may drive away Cattle or Hogs which they have not purchased; and whereas, divers Persons, as well Inhabitants of this Government as of *Virginia*, do very often drive, lead, or carry Horses, Cattle, or Hogs, to other Persons Lands, where they suppose is better Herbage or Mast than on that whereon they are Dwellers: For Prevention whereof;

Toll books to be  
kept.All cattle, &c.  
to be entered, on  
penalty of such  
cattle, &c. or 40s.

II. *BE* it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little-River, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same, That there shall be at Catherine's Creek, in Chowan Precinct, at the Head of Pequimon River, and at the Mouth of the North-west River, in Currituck Precinct, Persons appointed by the Governor or Commander in Chief for the Time being, to keep Toll-Books; and all Persons, whether Drivers, Purchasers or Owners of Cattle or Hogs, shall be obliged to enter in the Toll-Book every Beast or Hog, with their Mark and Distinction, and of whom purchased: And that what Person soever shall drive Cattle or Hogs to *Virginia*, and shall neglect to enter the same in the respective Toll-Books, according to this Act, shall forfeit every such Beast or Hog which shall be so omitted as aforesaid; and if such Beast or Hog be not to be had, the Person so omitting shall forfeit and pay the Sum of forty Shillings; to be recovered by a Warrant from the next Justice of the Peace.

For entering every  
beast 2d. and  
every hog, 1d.

III. *AND* be it further enacted, That every Purchaser, Owner, or Driver of Cattle and Hogs, shall pay, unto the Person so appointed to keep the said Toll-Book, two Pence for every Beast, and one Penny for every Hog, which shall be so driven and entered in the said Toll-Book.

IV. *AND* be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, either inhabiting in *Virginia* or this Government, shall after  
the



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the Ratification of this Act, presume to drive, lead, transport, or carry any Cattle, Horses, or Hogs, to range upon any Persons Lands, shall forfeit and pay the Sum of ten Pounds: And that no Person or Persons whatsoever, inhabiting in this Government, shall give Leave to any other Person or Persons, either Inhabitant or Foreigner, to turn loose, drive, or put on his Land, any Horses, Cattle, or Hogs, under the like Penalty of ten Pounds.

No person to drive stock to range on other people's land; nor no person to give liberty, &c. on penalty of 10l.

V. *AND* be it further enacted by the Authority aforesaid, That no Foreigner whatsoever, either by Consent or Permission of any other Person or Persons inhabiting in this Government, or otherwise, shall presume or offer to drive, lead, or bring into this Government, any Stocks of Cattle, Hogs, or Horses, with Intention to winter them here, or to destroy the Herbage or Mast; under the Penalty of twenty Pounds: And it is hereby meant and intended, and so shall be understood and taken, that no Person shall be deemed an Inhabitant that holds Lands by Entry, Survey, or Patent, but such as actually and constantly reside on such Lands, or keep the same always tenanted, cultivated and improved.

No person to bring stock into this province to winter, on penalty of 20l.

None to be deemed inhabitants who do not reside on their lands, or keep them tenanted.

VI. *AND* be it further enacted by the Authority aforesaid, That the Ranger of each Precinct or Division where such Offence shall be committed, or on his Default, the Keeper of the Toll-Book, is hereby appointed to make Distress of such Cattle, Hogs, or Horses, of any Person or Persons offending; the one Half of which Fine or Forfeiture shall be to the Ranger, or Keeper of the Toll-Book, whichsoever shall make the Distress, and the other Half to the Churchwardens and Vestry, for the Use of the Parish where the Offence shall be committed.

Ranger, &c. to make distress.

VII. *AND* be it further enacted by the Authority aforesaid, That all Fines and Forfeitures in this Act mentioned, and not herein and hereby expressly and particularly mentioned to whom they shall be paid, and how to be recovered, shall be, one Half to the Churchwardens and Vestry, for the Use of the Parish where the Offence shall be committed, and the other Half to him or them that shall sue for the same, in any Court of Record in this Government, by Bill, Plaint, or Information; wherein no Effoin, Protection, Wager of Law, or Injunction, shall be allowed or admitted of.

Penalties how to be disposed, and how recovered.

## C H A P. XLV.

*What Fences are sufficient.*

Provided for by act, Nov. 1777, ch. 22.

## C H A P. XLVI.

*An Act concerning Servants and Slaves.*

Rep. by act, April 4, 1741, ch. 24.

## C H A P. XLVII.

*Private Burials prohibited.*

I. **B**E it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little-River, for the North-east Part of the said Province, and by the Authority of the same it is hereby enacted, That every Planter, Owner, Attorney, or Overseer of every settled Plantation in this Government, or that hereafter shall be settled, shall set apart a Burial Place, and fence the same, for the interring all such Christian Persons, whether bond or free, that shall die on their Plantation; and that before the Interring, there shall be called at least three or four of the Neighbours to view the Corps: And if it appears to them that the Person came to his or her Death by any Violence or unlawful Means, Notice thereof shall be given forthwith to the Coroner of the Precinct,

Burial places to be set apart.

Persons how to be buried.

On suspicion of violence, coroner to be informed.



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Persons refusing to come &amp; view, to forfeit 5s.

so that Proceedings may be had thereon according to Law: And in Case any of the Persons so called shall refuse to come and view, he or she so refusing, shall forfeit and pay the Sum of five Shillings; to be levied by a Warrant from the next Justice of the Peace, and paid to the Churchwardens, for the Use of the Poor of the said Parish.

Persons burying contrary to this act, to forfeit 10l unless the deceased desired to be buried elsewhere, &amp;c.

II. *A N D* be it further enacted by the Authority aforesaid, That if any Person so dying shall be buried contrary to the true Intent and Meaning of this Act, the Person or Persons occasioning the same, shall forfeit and pay the Sum of ten Pounds; one Third to the Informer, one Third to the Lords Proprietors, and the other Third to the Poor; to be recovered, by Bill, Plaint, or Information, in the General Court of this Government; wherein no Essoin, Protection, or Wager of Law, shall be allowed: Unless such Persons, in their Lifetime, signified their Desire of being interred elsewhere; or unless the Person concerned in such Burial can make it appear, that so many of the Neighbourhood refused to come, on Notice given them, to appear and view the Corps, or that he could not, without great Travel and Expence, or Damage to the Corps, keep it any longer.

## C H A P. XLVIII.

See acts, Nov. 1723, ch. 10. Nov. 1777, ch. 2, § 62, 63, 64, 65. April 1784, ch. 22. Oct. 1784, ch. 10.

*An Act concerning proving Wills, and granting Letters of Administration; and to prevent Frauds in the Management of Intestates Estates.*

Former probates validated.

I. **B**E it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little-River, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same, That all Wills and Administrations heretofore proved and granted by the Council, General Court, Precinct Court, or by any Powers or Commissions heretofore granted by any Governor, Deputy-Governor, President and Council, to any particular Person or Persons, shall be deemed, adjudged, and taken to be good and effectual, to all Intents and Purposes whatsoever, as if proved before, or granted by, any ordinary or other ecclesiastical Judge or Person.

How wills, &amp;c. may be proved.

II. *A N D* be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, the General Court, or Precinct Court, to have Wills proved before them, and to grant Orders for Administration.

Letters testamentary, &amp;c. how granted.

III. *P R O V I D E D* always, That the same be not repugnant to the Rules and Methods prescribed by this Act; and provided also, that the granting Letters Testamentary, or Letters of Administration, always excepted; which shall be always, from and after the Ratification of this Act, signed by the Governor or Commander in Chief for the Time being, and sealed with the Colony Seal, and only issuing out of the Secretary's Office, and countersigned by the Secretary, or his Deputy.

No person to administer till letters granted by the Governor, on penalty of 50l.

IV. *A N D* be it further enacted by the Authority aforesaid, That no Person do presume to enter upon the Administration of any deceased Persons Estate, until they have obtained such Commission of Administration, or Letters Testamentary, signed by the Governor, under the Penalty of fifty Pounds; one Half to the Informer, and the other Half to the Governor or Commander in Chief for the Time being: To be recovered, by Bill, Plaint, or Information, in the General Court of this Province; wherein no Essoin, Protection, or Wager of Law, shall be allowed or admitted of.

Secretary not to issue letters testa-

V. *A N D* be it further enacted by the Authority aforesaid, That the Secretary or his Deputy, shall not affix the Colony Seal, or subsign any Letters Testamentary, without



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without taking the Executor's Oath, for performing the Will of the Deceased; unless Certificate is made by a Justice of the Peace, that the same Oath is taken before him; or Letters of Administration, without the Administrator has taken the Oath of an Administrator, and has also given sufficient Bonds, with two or more able Sureties, taken either before the Secretary, or the Justices of the Precinct Court, and returned into the Secretary's Office, (Respect being had to the Value of the Estate,) in the Name of the Governor or Commander in Chief for the Time being, with the Condition in Form and Manner following, *mutatis mutandis, viz.*

mentary, till executors are sworn; nor of administration, till administrators take the oath and give bond.

**T**HE Condition of this Obligation is such, That if the above bounden *A. B.* Administrator of all and singular the Goods and Chattels, Rights and Credits, of *C. D.* deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods and Chattels, Rights and Credits of the said Deceased, which have, or shall come to the Hands, Possession or Knowledge of him the said *A. B.* or into the Hands and Possession of any other Person or Persons for him, and the same so made, do exhibit, or cause to be exhibited, into the Secretary's Office, and one attested Copy thereof to the Precinct Court, where Orders for Administration passed, within ninety Days after the Date of these Presents; and the same Goods, Chattels, and Credits, and all other the Goods, Chattels, and Credits of the said Deceased, at the Time of his Death, or which at any Time after shall come to the Hands or Possession of the said *A. B.* or into the Hands or Possession of any other Person or Persons for him, do well and truly administer according to Law; and further, do make, or cause to be made, a true and just Account of his said Administration, within one Year after the Date of these Presents, and all the rest and Residue of the said Goods, Chattels, and Credits, which shall be found remaining upon the said Administrator's Account, the same being first examined and allowed of by the Governor and Council, General Court, or Precinct Court, shall deliver and pay unto such Person or Persons, respectively, as the same shall be due unto, pursuant to the true Intent and Meaning of this Act; and if it shall appear that any last Will and Testament was made by the Deceased, and, by the Executor or Executors therein named, do exhibit the same into Court, making Request to have it allowed and approved accordingly, if the said *A. B.* above bound being thereunto required, do render and deliver the said Letters of Administration, (Approbation of such Testament being first had and made,) in the said Court; then this obligation to be void, and of none Effect: Or else to remain in full Force and Virtue.

Condition of the bond.

Which Bonds are hereby enacted and declared to be good, to all Intents and Purposes, and pleadable in any Courts of Justice; and shall be transferred or assigned, by the Governor or Commander in Chief for the Time being, to any Person or Persons injured, who shall and may maintain an Action thereon.

Bond to be assigned to the party injured.

**VI. A N D** be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom Administration shall be granted, shall distribute the Surplusage of such Estates in Manner following; *that is to say*, One third Part of the said Surplusage to the Wife of the Intestate, and all the rest, by equal Portions, to and among the Children, in Case any of the said Children be then dead, other than such Child or Children (not being Heir at Law,) who shall have any Estate by the Settlement of the Intestate, or shall be advanced by the Intestate, in his Life-time, by Portion or Portions, equal to the Share which shall, by such Distribution, be allotted to the other Children to whom such Distribution is to be made: And in Case any Child (other than the Heir at Law,) who shall have any Estate by Settlement from the said Intestate, or shall be advanced by the said Intestate, in his Life-time, by Portion, not equal to the Share which will be due to the other Children by such Distribution as aforesaid, (such Settlement or Advancement to be adjudged to the Value it was worth at the Time of the Settlement or Advancement,) then so much of the Surplusage of the Estate of such Intestate to be distributed to such Child or Children as shall have any Land by Settlement from the Intestate, or were advanced in the Life-time of the Intestate, as shall make the Estate of all the Children to be equal, as near as can be estimated;

Intestates estates how to be distributed.

See acts, Nov. 1766, ch. 3. April 1784, ch. 22. Oct. 1784, ch. 10.



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ted; but the Heir at Law, notwithstanding any Land that he shall have by Discent, or otherwise, from the Intestate, is to have an equal Part in the Distribution with the rest of the Children, without any Consideration of the Value of Land which he hath by Discent, or otherwise, from the Intestate: And in Case there be no Children, nor any legal Representatives of them, then one Moiety of the said Estate to be allotted to the Wife of the Intestate; the Residue of the said Estate to be distributed equally to every of the next of Kindred of the Intestate who are in equal Degree, and to those who legally represent them; provided that there be no Representatives admitted among Collaterals after Brothers and Sisters Children: And in Case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children: And in Case there be no Child, then to the next of Kindred, in equal Degree, of or unto the Intestate, and their legal Representatives, as aforesaid; and in no other Manner whatsoever.

Executors or administrators, not to hold more of any estate than the charges, &c.

Estate to be divided in 12 months

Security to be given to refund in case of debts.

VII. *AND be it further enacted by the Authority aforesaid,* That no Executor or Administrator shall, hereafter, take, or hold himself, (according to the Value of Appraisement,) more of the Deceased's Estate, than amounts to his necessary Charges and Disbursements, and such Debts as he shall legally pay within twelve Months after Administration granted; but that all such Estate so remaining, shall, immediately after the Expiration of twelve Months, be equally and indifferently divided and paid to such Persons to whom the same is due by this Act, or the Will of the Deceased, such Person or Persons, or some other for them, giving good Security, that if any Debt or Debts truly owing by the Deceased, shall be afterwards sued for, and recovered, or otherwise duly made appear, that then, and in every such Case, he or they shall respectively refund and pay back to the Executor, or Administrator, his or her ratable Part of that Debt or Debts, with the Charges of the Executor, or Administrator, by Reason of such Debt or Debts, out of the Part or Share so as aforesaid allotted to him or her, thereby to enable the said Executor, or Administrator, to pay and satisfy the said Debt or Debts so discovered after Distribution made as aforesaid.

Administration to whom granted.

Persons pretending a right to administration, and entering a caveat in the Secretary's office, administration not to be granted till the case is determined before the Governor and Council.

VIII. *AND be it further enacted by the Authority aforesaid,* That where any Person shall die Intestate, Administration shall be granted to the next of Kin to the Deceased, provided such Person make Claim for the same, in the Secretary's Office, or Precinct Court, before the next General Court following the Death of the Intestate, before which Time Administration shall not be granted to any Person; and for Want of such, to the greatest Creditor, proving his Debt, upon Oath, before the Governor or Commander in Chief for the Time being, the General, or Precinct Court: And in Case any pretending a Right to Administration, shall, before the next General Court following the Death of such Intestate, enter a Caveat, in the Secretary's Office, against any other Person's having Administration, the Secretary, or his Deputy, shall forbear to seal or countersign any Letters of Administration, till the Case in Controversy shall be heard and determined by the Governor or Commander in Chief, and Council, for the Time being.

Creditors to make their claim in 7 years, or be barred.

Money left after 7 years, to go to the parish. See act, April 1784, ch. 23.

IX. *AND be it further enacted by the Authority aforesaid,* That Creditors of any Person deceased, shall make their Claim within seven Years after the Death of such Debtor; otherwise such Creditor shall be forever barred: And if it shall happen that any Sum or Sums of Money shall hereafter remain in the Hands of any Administrator, after the Term of seven Years shall be expired, and not recovered by any of Kin to the Deceased, or by any Creditor in that Time; the same shall be paid to the Churchwardens and Vestry, to and for the Use of the Parish where the said Money shall remain.

Provided for by act, Nov. 1762, ch. 5. Amended by act, April 1784, ch. 29.

C H A P. XLIX.

*An Act concerning Orphans.*



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## C H A P. L.

*An Act to encourage the destroying of Vermis.* EXP.

## C H A P. LI.

*An Act to ascertain what Persons are Tithables, and to direct the Method to be observed in taking the Lists of them.* Rep. by act, April 2, 1743, ch. 2.

## C H A P. LII.

*An Act for appointing a Town in the County of Bath, and for securing the public Library belonging to St. Thomas's Parish, in Pamlico.* PRIVATE.

## C H A P. LIII.

*An Act concerning Ordinary-keepers and Tippling-houses.*

Rep. by act, April 4, 1741, ch. 20.

## C H A P. LIV.

*An Act ascertaining the Currency of Dollars.* OBS.

## C H A P. LV.

*An Act ascertaining the Damage upon protested Bills of Exchange.*

Rep. by act, April 4, 1741, ch. 16.

## C H A P. LVI.

*Public Letters how to be conveyed.* OBS.

## C H A P. LVII.

*An Act to prevent taking Boats, Canoes, and Pettiaguas, from Landings, without Leave.*

Rep. by act, April 4, 1741, ch. 13.

## C H A P. LVIII.

*An Act to ascertain Officers Fees.*

Rep. by act, April 6, 1743, ch. 2.

## C H A P. LIX.

*An Act for restraining the Indians from molesting or injuring the Inhabitants of this Government, and for securing to the Indians the Right and Property of their own Lands.*

See acts, Nov. 1729, ch. 2. Oct. 1748, ch. 3. April 1778, ch. 16. Aug. 1778, ch. 5. April 1780, ch. 23, ch. 25, § 9. April 1783, ch. 21.

I. **W**HEREAS before the late War, daily and grievous Complaints of the Depredations and Insults of the *Indians* were exhibited against them, by divers Persons bordering upon, and residing near to the Habitations of the said *Indians*: For the Prevention of the like Disorders for the Time to come, and for the cultivating a better Understanding with the said *Indians*; the Want of which has been so injurious to the Government;

II. B E.



A. D. 1715.

Indians killing  
peoples cattle, &c  
to be punished.

II. *BE* it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little-River, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same, That whoever shall discover or find any *Indian* or *Indians* killing, hunting, or in Pursuit of any Horses, Cattle, or Hogs, the Right and Property whereof is in any white Man, inhabiting within this Government, every such Person or Persons, on Discovery or Sight thereof, may, and he is hereby empowered, to apprehend and seize every such *Indian* or *Indians*, and him or them so apprehended and taken, to convey before some one of the Commissioners to be appointed for *Indian* Affairs, and for Want of such, before the next Magistrate; which said Commissioner or Magistrate, together with the Ruler or Head Man of the Town to which such *Indian* Delinquent may belong, is and are hereby empowered to punish every such Delinquent in such Manner as the Nature of the Offence may require, and to award Restitution to the Party injured for all Damages by him sustained; saving always the Right of Appeal to the Governor and Council, if either Party shall think themselves aggrieved or wronged thereby.

Right to appeal.

Differences between white men  
and Indians how  
to be determined.

III. *AND* be it further enacted by the Authority aforesaid, That if any Difference shall, for the future, arise between any white Man and *Indian*, concerning Trade, or otherwise howsoever, every such Difference shall be heard, tried, and determined by such Commissioners as the Governor or Commander in Chief for the Time being shall appoint, together with the Ruler or Head Man of the Town to which the *Indian* belongs; saving only the Right of Appeal, as is herein before saved and excepted.

No person to buy  
lands of Indians  
without consent  
of Governor and  
Council.

IV. *AND* whereas there is great Reason to believe, that Disputes concerning Land has already been of fatal Consequence to the Peace and Welfare of this Colony; *Be it further enacted by the Authority aforesaid*, That no white Man shall, for any Consideration whatsoever, purchase or buy any Tract or Parcel of Land, claimed or actually in Possession of any *Indian*, without special Liberty for so doing from the Governor and Council first had and obtained, under the Penalty of twenty Pounds for every hundred Acres of Land so bargained for and purchased; one Half to the Informer, and the other Half to him or them that shall sue for the same: To be recovered, by Bill, Complaint or Information, in any Court of Record within this Government; wherein no Effoin, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

White men not to  
molest Indians.

V. *AND* be it further enacted by the Authority aforesaid, That whatever white Man shall defraud or take from any of the *Indians* his Goods, or shall beat, abuse, or injure his Person, each and every Person so offending, shall make full Satisfaction to the Party injured, and shall suffer such other Punishment as he should or ought to have done, had the Offence been committed to an *Englishman*.

## C H A P. LX.

Provided for by  
subsequent acts.*Public Treasurers to give Account.*

## C H A P. LXI.

Rep. by act, Nov.  
23, 1723, ch. 12.*An Act for a Town on Roanoke Island, for the Encouragement of Trade from foreign Parts.*



## C H A P. LXII.

*An Act for raising Corn, to satisfy the Debt due from this Government to the Honourable Charles Craven, Esq. Governor of South-Carolina; and for the Subsistence of such Forces as shall be raised for the necessary Defence of the Frontiers of this Government.* O B S.

## C H A P. LXIII.

*An Act for raising the Sum of two thousand Pounds, annually, till the public Debts are answered and paid, for the better encouraging the Currency of the public Bills of Credit.* O B S.

## C H A P. LXIV.

*An Act empowering Johanna Peterfon, Widow of Thomas Peterfon, late of Albemarle County, Esq. to make Sale of certain Lands, late belonging to the said Thomas Peterfon; and to make other Provision for Anna, the Daughter of the said Thomas Peterfon, to whom the said Lands do descend.* P R I V.

## C H A P. LXV.

*An Act confirming the Titles of sundry Persons who have, or hereafter may, purchase Lands of Col. Thomas Cary, in Bath County.* P R I V.

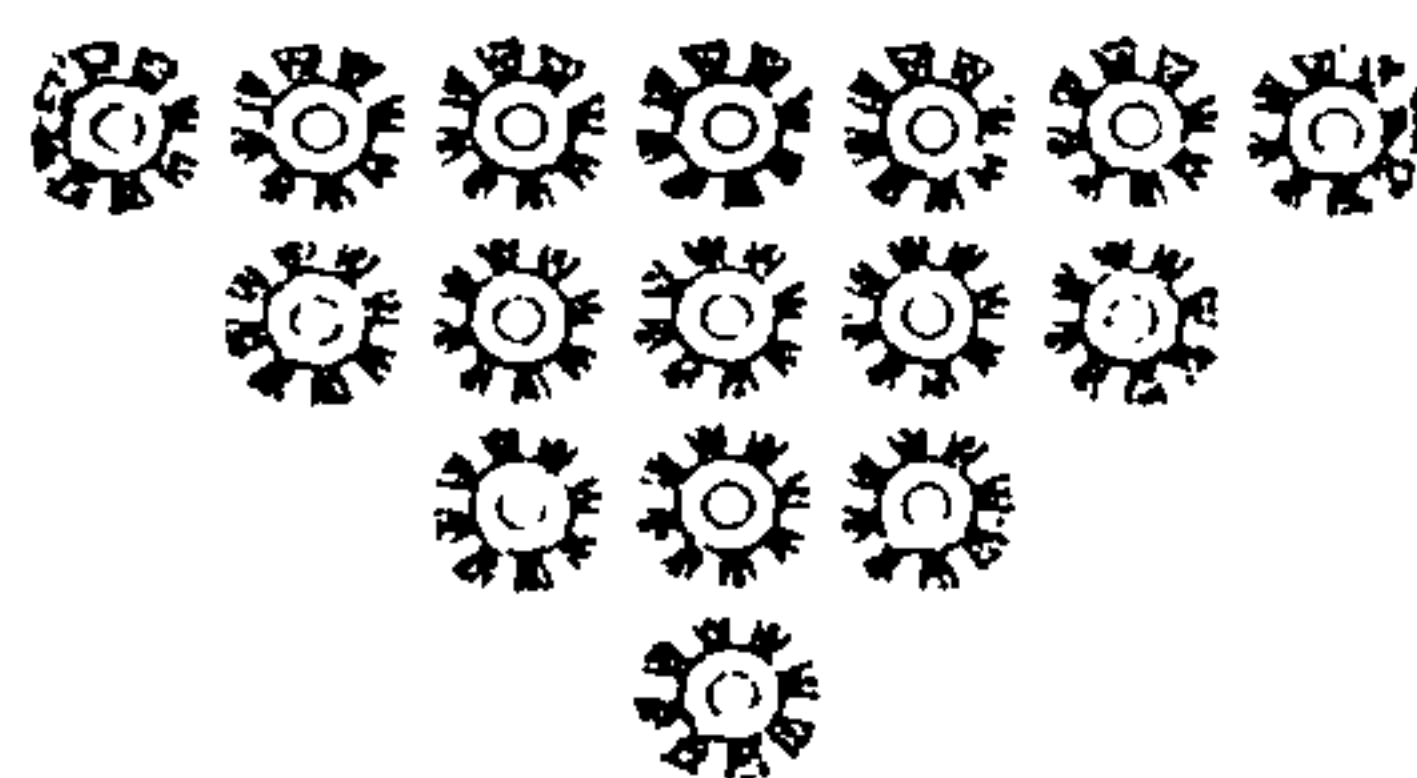
## C H A P. LXVI.

*An Act for the Confirmation of the Laws passed this Session of Assembly, and for repealing all former Laws not herein particularly excepted.* O B S O L E T E.

S I G N E D by

C H A R L E S E D E N, Esq. Governor.

N. CHEVIN,	W. REED,
CHR. GALE,	TOBIAS KNIGHT,
FRANCIS FORSTER,	
	<i>Lords Proprietors Deputies.</i>

E D W A R D M O S E L Y, *Speaker.*







A. D. 1720.

A N N O R E G N I

G E O R G I I I .

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, &amp; HIBERNIÆ, SEXTO.

At a General Biennial A S S E M B L Y, held at the Court-House in Chowan Precinct, the Second Day of August, One Thousand Seven Hundred and Twenty, and continued, by several Adjournments, to the Twentieth Day of the same Month.

CHARLES  
EDEN, Esquire,  
Governor.

## C H A P. I.

*An Act for lessening the Poll and Land Tax, and for preventing of Concealments.*  
R E P E A L E D.

## C H A P. II.

*An additional Act to the Act, entitled, An Act for establishing the Church, and appointing select Vestries.*

Rep. by act, A-  
pril 4, 1741,  
ch. 23.

## C H A P. III.

*An Act in Addition to the Act, For making a Town at Queen Anne's Creek. (a)*

Rep. by act, Au-  
gust 21, 1740.  
ch. 1.

## C H A P. IV.

*An additional Act to an Act, entitled, An Act concerning Ordinary-keepers and Tippling-houses.*

Rep. by act, A-  
pril 4, 1741,  
chap. 20.

## C H A P. V.

*An Act in Explanation of the Act, Concerning Servants and Slaves.*

Rep. by act, A-  
pril 4, 1741,  
chap. 24.

## C H A P.

(a) I have mentioned the Repeal of this Act by the Act of August, 1740, Chap. 1, on the Authority of Mr. Mosely's and Mr. Swann's Edition, though the latter Act only expressly repeals an Act of March, 1738, Chap. 8. But as the Title of the above Act alone is given, I cannot form a Judgment as to an implied Repeal, even if it was material to do so, which it is not, as the Act is a private one. The original Act, "For making a Town at Queen Anne's Creek," I cannot any where find, nor is the Title of it inserted in any Edition I have seen.



A. D. 1720.

## C H A P . VI.

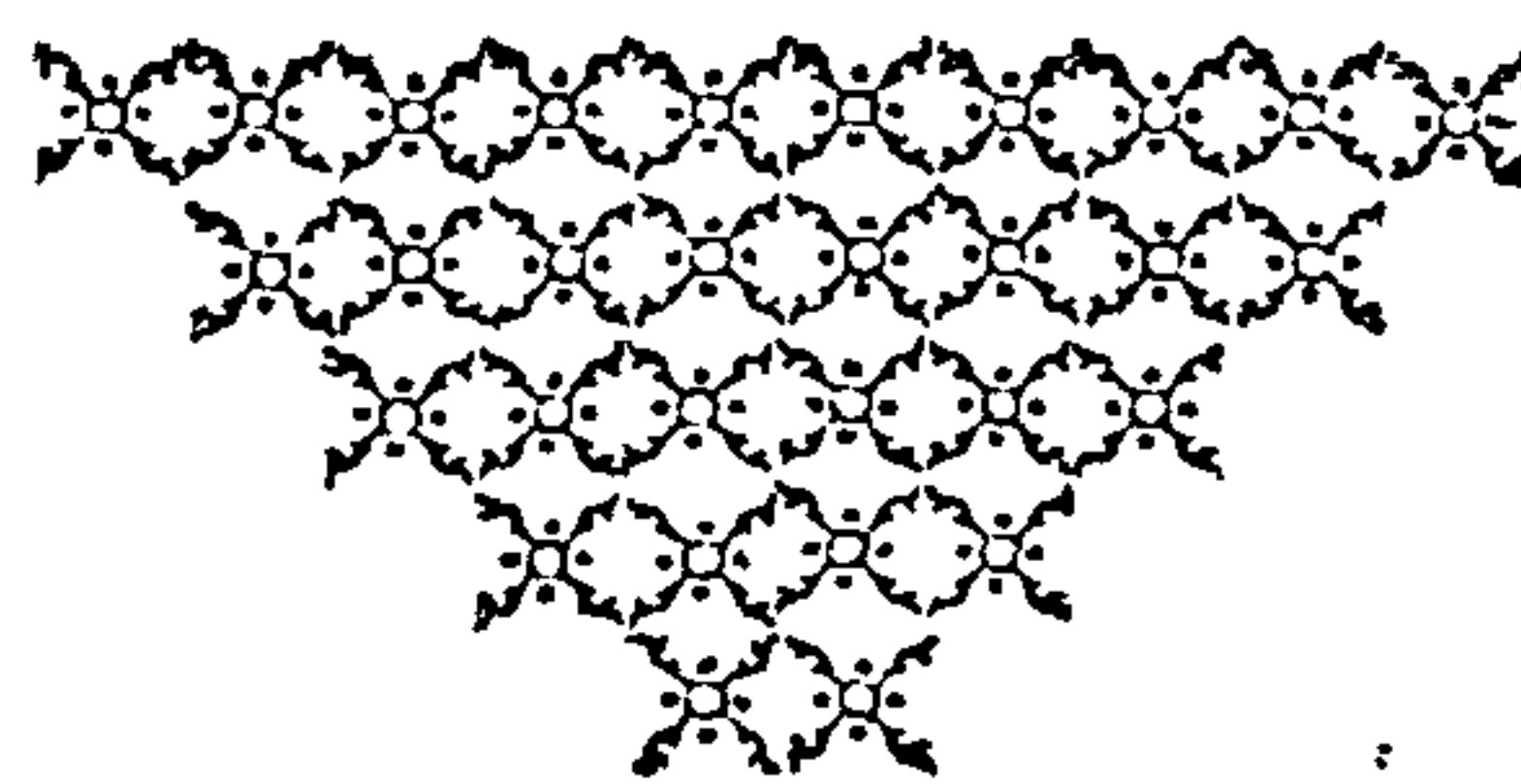
*An Act to confirm a Decree made in the Court of Chancery of this Province, upon a Bill of Complaint exhibited by William Duckenfield, Esq. PRIV.*

S I G N E D by

C H A R L E S E D E N, Esq. *Governor.*

T H O M A S P O L L O C K,      W. R E E D,  
F R A N C I S F O R S T E R,      J O H N L O V I C K,  
*Lords Proprietors Deputies.*

W I L L I A M S W A N N, *Speaker.*





A. D. 1722.



A N N O R E G N I

G E O R G I I I .

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, &amp; HIBERNIÆ, OCTAVO.

At a General Biennial A S S E M B L Y, held at Edenton, in Chowan Precinct, the Second Day of October, One Thousand Seven Hundred and Twenty-two, and continued, by several Adjournments, to the Nineteenth Day of the same Month.

WILLIAM  
REED, Esquire,  
President.

## C H A P. I.

*An Act for a Road from Core-Point, on Pamptico, to Newbern, on Neuse River.*  
O B S.

## C H A P. II.

*An Act for making the Sum of twelve thousand Pounds, public Bills of Credit, for exchanging such of the public Bills of Credit as are now current, thereby to render them the more useful to the Government; and for regulating the Taxes.* O B S.

## C H A P. III.

*An additional Act to an Act, entituled, An Act appointing Toll-Books.*

I. **W**HEREAS an Act, entituled, *An Act for appointing Toll-Books to be kept in this Government*, has been passed; and the said Act has been rendered useles by Reason of the Places appointed by it for Toll-Books to be kept being inconvenient, and the Fees allowed to such Persons as are appointed to keep them so small, that no Person will take the Trouble of the said Office on himself: Wherefore it is prayed, that an Act may be made for the Continuance of the said Act, and that there be fixed Places appointed for the Toll-keepers in the several Precincts, and that the said Toll-keepers Fees be raised:

See page 26.

II. *BE it therefore enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Edenton, on Queen Anne's Creek, in Chowan Precinct, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same, That the Toll-Office for the Precinct of Chowan, be kept at the Head of Catherine's Creek, near Mr. Thomas Speight's, at the Head of Pequimons, and at Maycock Creek, in Currituck Precinct; for Bertie Precinct, at Boon's Ferry, and such other Places as the Precinct Court shall appoint: And that every Toll-keeper shall be allowed the Sum of four Pence for each Hog, and six Pence a Head for all Cattle, carried or transported out of this Government, by all Persons carrying or transporting the same, under the like Penalty as in the said Act is mentioned;*

Toll-offices  
where to be kept.Toll-keepers  
fees.



A. D. 1722.

tioned ; and the said Toll-keepers are to observe all Articles and Clauses in the said Act mentioned, under the like Pains, Fines, and Penalties therein expressed.

## C H A P. IV.

Rep. by act, August 21, 1740, chap. 1.

*An Act for enlarging and Encouragement of the Town called Edenton, in Chowan Precinct. PRIV.*

## C H A P. V.

Rep. by the King's proclamation, but re-enacted by act, Sept. 1736, chap. 9.

*An Act appointing that Part of Albemarle County, lying on the West Side of Chowan River, to be a Precinct, by the Name of Bertie Precinct. (a)*

I. **W** H E R E A S that Part of *Albemarle* County lying on the West Side of *Chowan* River, being Part of *Chowan* Precinct, is now inhabited almost to the utmost of the said County Westward, and by Reason of the remote Situation thereof, the Inhabitants, which are growing very numerous, cannot, without too great Inconveniency, be continued any longer as Part of *Chowan* Precinct: Wherefore,

II. *BE* it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, at Queen Anne's Creek, in *Chowan* Precinct, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same, That that Part of *Albemarle* County lying on the West Side of *Chowan* River, being Part of *Chowan* Precinct, bounded to the Northward by the Line dividing this Government from *Virginia*, and to the Southward by *Albemarle* Sound, and *Morattuck* River, as far up as *Welch's* Creek, and then including both Sides of the said River, and the Branches thereof, as far as the Limits of this Government, be, and the same is hereby declared to be erected into a Precinct, by the Name of *Bertie* Precinct, in *Albemarle* County; with all and every the Rights and Privileges, and other Benefits and Advantages whatsoever, as any other of the four Precincts in *Albemarle* County can or may have, use, or enjoy.

III. *AND* be it further enacted by the Authority aforesaid, That the Election for Representatives for the said Precinct, shall always be at the Court-House for the said Precinct, or at such Place as shall be appointed for building the said Court-House on.

## C H A P. VI.

Rep. See act, April 6, 1748, chap. 2.

*An Act concerning Fees and Officers.*

## C H A P. VII.

*An Act appointing that Part of the South-west Parish of Chowan that lies on the South Shore, and Alligator, to be a distinct Parish, by the Name of the South Parish of Chowan; and for appointing Vestrymen for the said Parish. PRIV.*

## C H A P.

(a) For the various Subdivisions of the Precincts or Counties (the latter being the Name given to the former by Act sixth of March, 1738, ch. 3, § 22) see the Index, where I thought the Reference to them would be more convenient than by marginal Notes.



## C H A P. VIII.

*An Act for settling the Precinct Courts, and Court-houses.*

I. **W**HEREAS through the great Taxes and Charges this Government hath laboured under, by Means of the late *Indian War*, there has been no Care taken by preceding Assemblies, to settle the several Precinct Courts to any fixed or certain Place, but have always hitherto been kept and held at private Houses, where they have been, and are liable to be removed, at the Pleasure of the Person or Persons owning such Houses; to the great Annoyance of the Magistrates and People: For the Prevention of which for the future;

II. *BE it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of this present General Assembly, now met at Edenton, at Queen Anne's Creek, in Chowan Precinct, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same,* That from and after the Ratification of this Act, the Justices of the Peace that are now appointed for and in every respective Precinct in this Government, or shall hereafter be appointed within the Time limited in this Act for building the Precinct Court-houses, or the greatest Part of them, are hereby required and impowered to purchase the Quantity of one Acre of Land, in such Place and Places of their several Precincts, as in and by this Act is hereby nominated and appointed, for the erecting the said Court-houses on.

Justices to purchase land to build court-houses on.

III. **A**ND for the better enabling the said Justices, or the greatest Part of them, to purchase such Lands, and build the said Court-houses; *Be it enacted by the Authority aforesaid,* That the said Justices, or the greatest Part of them, shall have full Power and Authority to raise Money, by a Poll-Tax on the several Inhabitants of their respective Precincts, for the purchasing such Lands, and building the said Court-houses thereon, not exceeding the Sum of five Shillings *per Poll, per Annum*; which said Tax or Levy shall be paid to them the said Justices, or whom they, or the greatest Part of them, shall appoint to receive the same, by each and every Person respectively, in the same Manner and Form as they do their Public Levy, and under the same Fines and Forfeitures.

Justices to lay a tax, for building the said court-houses.

IV. *A N D be it further enacted by the Authority aforesaid,* That if any Person or Persons shall refuse to sell to the said Justices, or the greatest Part of them, such Lands as by this Act is appointed to be purchased for the Use of a Court-house, for what the said Justices shall think to be the full Value thereof, that then, and in such Case, it shall and may be lawful for the Chief-Justice to issue his Summons under his Hand, directed to three Freeholders of the Precinct where such Refusal shall be made; which Freeholders are hereby required, on Oath, to appraise the said Land: And in Case the Owner of the said Land shall, after a Tender made him of the Money which the said Land was appraised to, refuse to give a lawful Conveyance for the same, such Lands shall, nevertheless, be invested in the Public, for the Uses aforesaid; provided that no Person's Orchard, Garden, or inclosed Ground, be injured thereby.

Persons refusing to sell land to the said Justices for a reasonable price, C. Justice to issue his warrant to 3 freeholders to value the same; which valuation such persons shall be obliged to take, & the land to be invested in the public.

V. *A N D be it further enacted by the Authority aforesaid,* That if the Justices, or the major Part of them, in their several Precincts, shall neglect or refuse to purchase the Land by this Act directed for building the several Court-houses on, or to agree with Workmen to build and finish the same, (which shall not be less than twenty-four Feet long and sixteen Feet wide,) within six Months after the Ratification of this Act; that then, and in such Case, the Governor or Commander Chief for the Time being, shall, and he is hereby impowered and directed, to nominate and appoint such Person or Persons in each and every Precinct so neglecting or refusing; which Persons so appointed, shall have the same Power and Authority to lay the said Tax, purchase such Land, and build the said Court-houses, as the said Justices might or ought to have had by this Act.

Justices neglecting to build court-houses, Governor to appoint other persons to do it.

VI. *A N D*



A. D. 1722.

Places appointed  
for building  
court-houses on.

VI. *AND* be it further enacted by the Authority aforesaid, That the Lands hereafter mentioned be, by the several Justices or the major Part of them, in each respective Precinct, purchased, to and for the building and erecting the several Court-houses on: *That is to say;*

FOR the Precinct of *Chowan*, at *Edenton*.

For the Precinct of *Pequimons*, at *Jonathan Felp's Point*, at the Mouth of the *Narrows*.

For the Precinct of *Currituck*, on the Land of *Mr. William Peyner*, next to the Land of *Mr. William Parker*; or at *Mr. Parker's*, as the Justices shall appoint.

For the Precincts of *Beaufort* and *Hyde*, at *Bath-Town*.

For the Precinct of *Craven*, at *Newbern*.

For the Precinct of *Carteret*, at *Beaufort Town*.

For the Precinct of *Bertie*, now by this Assembly laid out, at some convenient Place at *Abofskey*, where the Justices shall appoint.

For the Precinct of *Pasquotank*, at such Place as the Justices shall appoint.

*AND* whereas many Inconveniencies hath happened in this Government, by Reason of the falling of the Courts, which too frequently have been occasioned by Failure of a sufficient Number of Justices to meet: For Prevention of which for the the future; *Be it enacted by the Authority aforesaid*, That all Actions or Business whatsoever now depending, or hereafter to be depending, in the General Court, or any Precinct Court in this Government, shall not be discontinued by Reason or Failure of a sufficient Number of Justices meeting at the Days appointed; but that all such Actions or Business shall stand continued till the next Court: Any Law, Custom, or Usage to the contrary, notwithstanding.

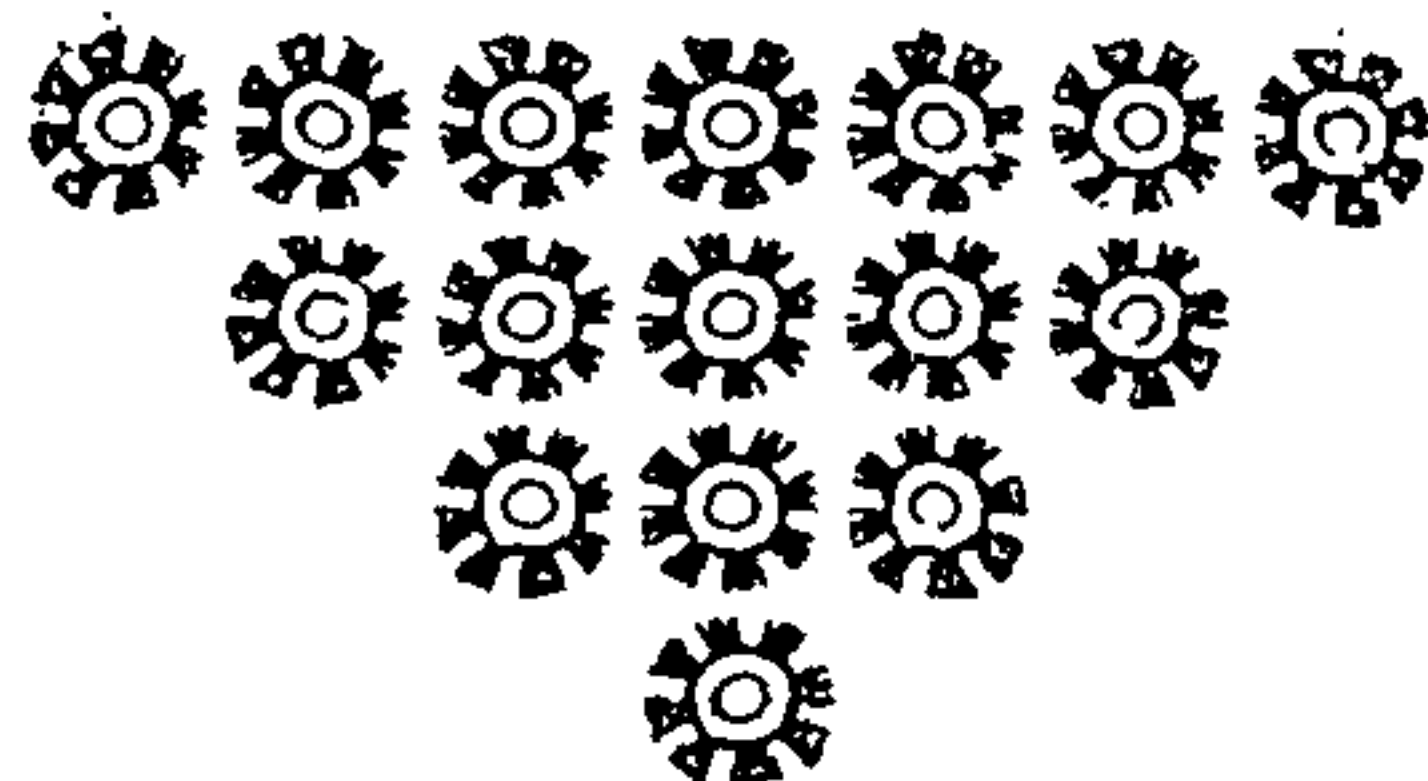
All business de-  
pending in any  
court not held for  
want of Justices,  
to be continued to  
the next court.  
See act, Nov.  
1777, chap. 2.

SIGNED by

WILLIAM REED, Esq. *President*.

CHR. GALE,      RICHARD SANDERSON,  
JOHN LOVICK,    THOMAS LOVICK,  
                                 *Lords Proprietors Deputies.*

EDWARD MOSELY, *Speaker.*





A. D. 1723.



A N N O R E G N I

G E O R G I I I .

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, &amp; HIBERNIÆ, NONO.

At a General Biennial A S S E M B L Y, held at Edenton, in Chowan Precinct, the Twenty-third Day of November, One Thousand Seven Hundred and Twenty-three.

WILLIAM REED, Esquire, President.

## C H A P. I.

*An Act to provide indifferent Jurymen in all Causes, civil and criminal.*

Rep. by act, April 6, 1748, chap. 8.

## C H A P. II.

*An Act, entitled, An additional Act to the Act, relating to Biennial and other Assemblies, and regulating Elections; and divers other Things relating to Towns. R E P.*

## C H A P. III.

*An Act for appropriating Part of the Impost Duty on Vessels, or Powder Money, to beacon out the Channels from Roanoke and Ocacock Inlets, and several other Things, to facilitate the Trade and Navigation of this Government. E X P.*

## C H A P. IV.

*An Act for settling the Titles and Bounds of Lands.*

I. **B**E it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Edenton, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same, That the Lands belonging to every Person in this Government shall be proceffioned, and the Marks renewed once in every three Years; and that the Justices of each and every Precinct Court within this Government, between the first Day of *June* and the first Day of *August*, One thousand seven hundred and twenty-four, and so between the first Day of *July* and the first Day of *August*, in every three Years hereafter, by an Order of the said Court, shall direct and order the Vestry of each Parish, in their Precinct, to divide their said Parishes into as many Districts as to them shall seem most easy and convenient, for proceffioning every particular Person's Land within their Parish; and that the said Vestry shall appoint the particular Times sometime between the first Day of *October* and the last Day of *April*, following the Date of the said Court's Order, and shall nominate and appoint

See acts, Nov. 27, 1729, chap. 6, Jan. 25, 1773, chap. 25.

Persons lands to be proceffioned, and marks renewed once in 3 years.

Parish to be divided into districts.

Vestry to appoint the times of proceffioning, &c.



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Proceffioners to make return of their proceedings to the next court.

two able and intelligent Freeholders within every Canton or District, to see such Proceffioning performed: And the said Freeholders so appointed are hereby obliged to make a due Return and give an Account of their Proceedings to the Precinct Court next following such Proceffioning of every particular Person's Land by them proceffioned, and who were present at the Time, and also to give a particular Account of what Lands, within their Cantons or Districts, they shall have failed to proceffion, together with their Reasons for such Failure.

Clerk to deliver the churchwardens a copy of the court's order in 15 days; in 10 days after which, vestry to lay out the parish into districts, and to appoint proceffioners.

II. *AND be it further enacted by the Authority aforesaid*, That the Clerk of every respective Precinct Court, is hereby enjoined and directed to deliver to the Churchwardens of every Parish within his Precinct, a Copy of the said Court's Order, within fifteen Days after the passing the same; and that the said Churchwardens shall be obliged, within ten Days after the Receipt of such Order, to appoint a Vestry to meet; and the said Churchwardens and Vestrymen are to lay out their said Parish in as many Cantons or Districts as to them shall seem convenient, and to nominate and appoint two intelligent Freeholders as aforesaid: Which Freeholders so appointed, are required to go with the Freeholders and Inhabitants, within their Districts or Cantons, round the Bounds of every Person's Land within the same, and renew the Marks of the said Lands.

Clerk to register all returns.

III. *AND be it further enacted by the Authority aforesaid*, That the Justices of each Precinct are hereby required to cause the Returns so made by the said Proceffioners, to be fairly entered into well-bound Books, kept for that Purpose, by the Clerk of the Precinct Court; and to prevent Mistakes in the recording the said Return, the Clerk of the said Court shall be obliged, at the next succeeding Court, to produce and compare the Return with the Record, and afterwards to file the said Return in his Office: And as an Encouragement for the said Clerk's faithful Discharge of the several Duties above mentioned, it shall and may be lawful for him to ask and demand the Sum of twelve Pence of every Person for all his or her Lands that are returned proceffioned, and recorded within that Precinct.

Clerk's fee 12d.

Persons mentioned in this act, what to forfeit for neglecting their duty.

IV. *AND be it further enacted by the Authority aforesaid*, That where the Justices of any the Precinct Courts, Vestry and Churchwardens, Freeholders or Clerk, shall fail or neglect doing their Duty herein, or hereby enjoined, each and every Justice so failing, shall forfeit and pay the Sum of five Pounds; the Churchwardens and Vestry failing to do their Duty as aforesaid, shall forfeit and pay the Sum of five Pounds; and the Freeholders who shall be nominated by the Vestry in their several Districts or Cantons, refusing to do their Duty, shall forfeit and pay the Sum of five Pounds; and the Clerk of each respective Precinct Court neglecting or refusing to do his Duty as by this Law required, shall forfeit and pay the Sum of ten Pounds: All which aforementioned Forfeitures and Fines shall be, one Half to the Informer, the other Half to the Churchwardens and Vestry, for and towards the Use and Benefit of that Parish in which such Default happened: To be recovered, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Government; wherein no Essoin, Injunction, or Wager of Law, shall be allowed or admitted of.

How recoverable.

Persons refusing to have their lands proceffioned, court to order the surveyor, &c. to lay it out, at the charge of the person refusing.

V. *AND forasmuch as no Provision has been made in this Act, to compel such Persons, who, out of an obstinate Temper, shall refuse to have their Lands proceffioned, to the Damage of the Owners of adjacent Lands; Be it enacted*, That then, and in such Case, all and every Person or Persons so refusing to have their Lands proceffioned, pursuant to the Directions in this Act given them, the two Freeholders Proceffioners as aforesaid, shall cause such Refusal to be certified, in Writing, to the next succeeding Precinct Court; which Court is hereby empowered and required to command the Surveyor-General, or his Deputy, attended with four reputable Freeholders, who shall be nominated and appointed by the said Court for that Purpose, and sworn, to lay out the Bounds of the said Lands, to the best of their Judgment and Understanding; and according as it shall appear to them by Deeds, Writings, or other Evidences, they shall proceed to settle.



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the Bounds of the said Lands, at the proper Costs and Charges of the Person refusing to have the said Bounds laid out; and the said Surveyor-General, or his Deputy, shall return the Survey thereof, with the Proceedings thereon, to the next Precinct Court, there to be recorded, by the Clerk of the said Court, in a Book for that Purpose; which Bounds and Survey made in Manner aforesaid, shall be taken and deemed a sufficient Proceffioning, as if the same had been done by the Consent of the Party; And if any of the said Justices, or the Surveyor, Clerk, or Freeholders, not having a lawful Excuse, shall fail in his or their Duty, as by this Act is enjoined and directed, he or they so failing, shall forfeit and pay the same Penalties as before in this Act is laid on the said Justices, Churchwardens, Vestry, and Proceffioners, failing in their Duty; to be recovered in like Manner, and to the same Uses.

To be entered on record the next court.

Persons failing in their duty, liable to the beforementioned penalties.

VI. *AND* be it further enacted by the Authority aforesaid, That all and every Person whose Lands shall be proceffioned to him, according to the Directions of this Act, at two several Times, such Person shall be deemed and adjudged to be the sole Owner of the said Lands; and that upon any Suit commenced for any such Lands, the Party in Possession may plead the general Issue, and give this Act in Evidence.

Persons whose lands have been twice proceffioned, deemed sole owners.

VII. *PROVIDED* always, That the proceffioning of the Lands of a Tenant for Life, shall not bar or preclude the Heir in Reversion or Remainder; neither shall any Proceffioning bar or preclude Persons under Age, *Feme Coverts*, *Non Compos Mentis*, Imprisoned, or out of the Government: But that all such Person or Persons shall have free Liberty to sue for and dispute the Title and Bounds of any Lands within this Province; provided that the said Person or Persons commence Suit and prosecute the same, within the Time already limited by the Laws of this Government, after the Removal of such Disability.

Not to bar persons under age, feme coverts, &c.

VIII. *AND* whereas lapse Patents are accustomed to be granted to the first Petitioners for all such Lands which are not seated and planted according to the Condition or Provision mentioned in the respective Patents, which has often proved to be the Ruin of Orphan Children, (whose Parents have died leaving Lands unseated,) by Neglect of Guardians and Trustees in not settling and securing the same in due Time: For Prevention whereof for the future;

IX. *BE* it enacted by the Authority aforesaid, That whosoever, for the future, shall petition for the Lapsing of any Land belonging to any Orphan or Orphans, such Person so petitioning, shall, and he is hereby required and commanded, to give, at least, thirty Days Notice of such Petition's being lodged, to the Guardian or Trustee of such Orphan, before the next Council after the Petition is lodged; and in Case the said Guardian or Trustee, after such Notice given, shall refuse and neglect to appear at the said Council, and there take out a Patent for the said Land, in the Name of, and to the Use of such Orphan or Orphans, (who shall *de futuro*, have the Preference in lapsing such Lands as are hereditary to him or her,) such Guardian or Trustee shall be removed by the Governor and Council, or Precinct Court, from his Guardianship, and shall be subject to the Suit of the Orphan, and to answer all Damages which the Orphan shall sustain by Reason of his Neglect.

Persons petitioning to lapse lands belonging to orphans, to give the guardian 30 days notice; and if he refuses to take it up for the orphan, he shall be removed from his guardianship by the Governor, & liable for all damages to the orphan.

## C H A P. V.

*An Act for an additional Tax on all free Negroes, Mulattoes, Mustees, and such Persons, male and female, as now are, or hereafter shall be, intermarried with any such Persons, resident in this Government.*

Rep. as to that part relating to taxables, by act, Nov. 30, 1760, ch. 2. As to the remainder, by act, April 4, 1741, ch. 24.



A. D. 1723.

## C H A P. VI.

*An Act for the better ascertaining Naval-Officers and Collectors Fees.*

Rep. by act, April 6, 1748, ch. 2.

## C H A P. VII.

*An additional Act to an Act, entitled, An Act for Qualification of public Officers. O B S.*

## C H A P. VIII.

*An Act for destroying of Squirrels. R E P.*

## C H A P. IX.

*An Act for regulating Proceedings on original Attachments.*

Rep. by act, Dec. 5, 1746, ch. 2.

## C H A P. X.

See page 28.

*An additional Act, to an Act, entitled, An Act concerning proving Wills, and granting Letters of Administration; and to prevent Frauds in the Management of Intestates Estates.*

I. **W**HEREAS it has been customary for Executors or Administrators to bring the Estates of deceased Persons to Appraisments, which Appraisments have generally been much short of the true Value of the same; to the great Detriment of the Creditors and Kindred of the Person deceased: For Prevention of the like for the future;

II. *Be it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same, That from and after the Ratification of this Act, all and every Executor or Executrix, Administrator or Administratrix, shall, sometime before or at the next Precinct Court, after his, her or their entering on the Administration of any deceased Person's Estate, draw, or cause to be drawn, a just, true and perfect Inventory of all the Goods and Chattels of the Deceased, (such only excepted as by the afore-mentioned former Law are reserved to remain to the Use of Orphans not of Age till they arrive to full Age, or such as are by special Legacies particularly bequeathed;) which Inventories shall be exhibited at the respective Courts of the Precinct in which the said Goods are, and attested, on Oath, by the Persons exhibiting the same; and a Copy of which Inventory so exhibited and attested, the Executor or Administrator shall cause to be affixed at the Court-house Door of the Precinct, during the Court's sitting, giving Notice, that on the — Day of — (which shall be some Days before the next succeeding Court,) the said Goods will be exposed to Public Sale, to the highest Bidder, at the Place where the said Goods are reserved and kept; and the Executors or Administrators shall, on Oath, render a true Account of such Sale to the next Court immediately succeeding such Sales, and shall accordingly be accountable for the same to such Persons as in the afore-mentioned former Law is provided.*

Deceased persons estates how to be sold.

III. **A**ND in Case the Estate of any Person deceased shall be so far indebted as that the Debts cannot be discharged by the Sale of what are deemed perishable Commodities; *Be it further enacted, That then and in such Case, the Executor*

All the estate of deceased persons



A. D. 1723.

tor or Administrator shall, and they are hereby impowered and required, to expose to Sale, in like Manner as aforesaid, by the Directions of the Precinct Court, such Part of, and so many of the unperishable Goods, directed by the before-mentioned Act to be kept and reserved in Kind, as will pay and satisfy all such Debts and Demands.

to be sold, if required, to pay his debts.

IV. AND whereas some Doubts have arisen concerning the Manner of Recovery of Legacies, filial Portions, and other Parts of deceased Persons Estates; *Be it further enacted*, That it shall and may be lawful to recover the same by Petition, according to the respective Sums sued for, in the General or Precinct Courts of this Province, as well as in any Ecclesiastical or other Court whatsoever.

Legacies, &c. how to be recovered.

See acts, Nov. 3, 1762, ch. 5, Nov. 15, 1777, ch. 2, April 13, 1782, ch. 11.

## C H A P. XI.

*An Act to restrain the keeping too great a Number of Horses and Mares, and for amending the Breed.*

See Act, Nov. 1768, ch. 9.

I. **B**E *it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same*, That no Person, being an Inhabitant of this Government, and not having a Freehold of fifty Acres of Land, or possessed of, or occupying Lands or Tenements, shall keep, as Owner, a Stone-Horse or Horses, or unpayed Mare or Mares, or any more than one Gelding, or spayed Mare, to run at large.

No person, not having a freehold of 50 acres, &c. to keep a stallion or mare, or more than 1 gelding or spayed mare, running at large.

II. *AND be it further enacted by the Authority aforesaid*, That if any Person, not qualified as aforesaid, shall keep any Horse or Mare running at large, except one Gelding, and one spayed Mare, as aforesaid, it shall and may be lawful for any Person to take up the same; who is hereby obliged and directed to give Notice thereof, in Writing, to the Owner, within three Days after such taking up; which Owner shall have Liberty to appear at the next succeeding Court of the County wherein he dwelleth, and if he can prove to the Satisfaction of the said Court, that he is qualified according to the Meaning of this Act, to keep such Horse or Mare so taken up, he shall have the same restored; but if he shall fail in his Proof aforesaid, he shall pay to the Person taking up, twenty Shillings for every Horse or Mare so taken up: And if the Owner of such Horse or Mare shall refuse to pay the aforesaid Sum of twenty Shillings, that then it shall and may be lawful for the Taker up of such Horse or Mare to sell the same, at public Vendue, to the highest Bidder; and one Half of the Money arising by such Sale to take to himself, and the other Half he shall deliver to the Owner of such Horse or Mare.

Persons keeping stallions, &c. contrary to this act, what to forfeit.

III. *AND be it further enacted by the Authority aforesaid*, That where the Information of the taking up of such Horses or unpayed Mares as aforesaid, shall happen to be made to the Owner or Owners within less than ten Days before the Time of the sitting of the Court of the Precinct where such Owner resides, in such Case he shall have Liberty to appear at the next succeeding Court after such Court, to prove himself a Freeholder, or possessed of, or occupying Lands or Tenements.

If notice be given in less than 10 days before the court, owner may appear at next succeeding court.

IV. *AND be it further enacted by the Authority aforesaid*, That no Person or Persons whatsoever, Inhabitants of this Government, shall suffer or let go at large, any Stone-Horse or Stone-Horses of two Years old, unless such Horse or Horses shall be, at least, thirteen Hands in Height, upon Penalty of forfeiting such Horse or Horses, or the Sum of three Pounds; to the Taker up of every such Stone-Horse; provided the same be found running at large, and not within the Confine of any any Fence, Water, Marsh or Swamp.

No person to let stallions less than 13 hands high, go at large.

V. *AND be it further enacted by the Authority aforesaid*, That the Taker up of such Stone-Horse shall, within ten Days after the taking up thereof, carry the

Taker up of such stallions to carry



A. D. 1723.

the same before a Justice, within 10 days, & make oath of the same.

same Horse, and make Oath, before some Justice of the Peace, of his taking up the same; which Proof being made, the Justices shall cause such Stone-Horse to be measured, and upon finding him not full thirteen Hands high at two years old as aforesaid, the Justice shall give a Certificate, from under his Hand, certifying the same; and thereupon the Taker up of such Horse or Horses so doing shall keep the same, until the Owner shall redeem such Horse or Horses, by paying the Sum of three Pounds aforesaid to such Taker up.

Taker up to set up notes describing such horse, and the owner, within 10 days paying 3l. to have him restored; otherwise to lose him.

VI. *PROVIDED* nevertheless, and it is hereby required, That such Taker up shall set up Advertisements, describing the said Horse or Horses, with his or their Colour and Brand, at the Precinct Court-house Door where such Owner shall live or reside; and if the Owner of such Horse or Horses shall, within ten Days after such Notice given, tender to the Taker up thereof, by paying the Sum of three Pounds, or giving Security for the Payment thereof, that then, and in such Case, such Owner shall recover and redeem such Horse or Horses; otherwise the Taker up thereof is hereby entitled to the Right and Property of such Horse or Horses: Any Law, Usage, or Custom to the contrary notwithstanding.

Commencement of this act.

VII. *AND* be it further enacted by the Authority aforesaid, That no Part, Clause or Thing, contained in this Act, shall take Place, or be in Force, till after the first Day of July next, after the Ratification hereof.

## C H A P. XII.

*An Act for enlarging and Encouragement of the Town at the Island of Roanoke, now called Carteret. OBS.*

## C H A P. XIII.

*An Act for the better settling of the Town of Newbern, in the Precinct of Craven. PRIV.*

## C H A P. XIV.

*An additional Act to an Act, entitled, Staple Commodities rated. OBS.*

## C H A P. XV.

*An Act for incorporating the Sea Port of Beaufort, in Carteret Precinct, into a Township, by the Name of Beaufort. PRIV.*

SIGNED by

WILLIAM REED, Esq. *President.*

T. POLLOCK,  
M. MOORE,

CHR. GALE,  
JOHN LOVICK,  
*Lords Proprietors Deputies.*

EDWARD MOSELY, *Speaker.*

ANNO







A. D. 1727.

## C H A P. VII.

*An Act to appoint the North-west Part of Bertie Precinct a distinct Parish, by the Name of the North-west Parish of Bertie Precinct, and for appointing Vestrymen for the said Parish; and to appoint Commissioners in every Parish in this Government, to call the Churchwardens and Vestry to Account for the Parish Money by them received. PRIV.*

## C H A P. VIII.

Rep. by act, A-  
pril 6, 1748, ch.  
8.

*An Act for regulating the Act, For appointing indifferent Jurymen, and to repeal that Part thereof as relates to Precinct Courts.*

SIGNED by

SIR RICHARD EVERARD, *Governor.*

CHR. GALE,

EDMOND GALE,

RICH. SANDERSON,

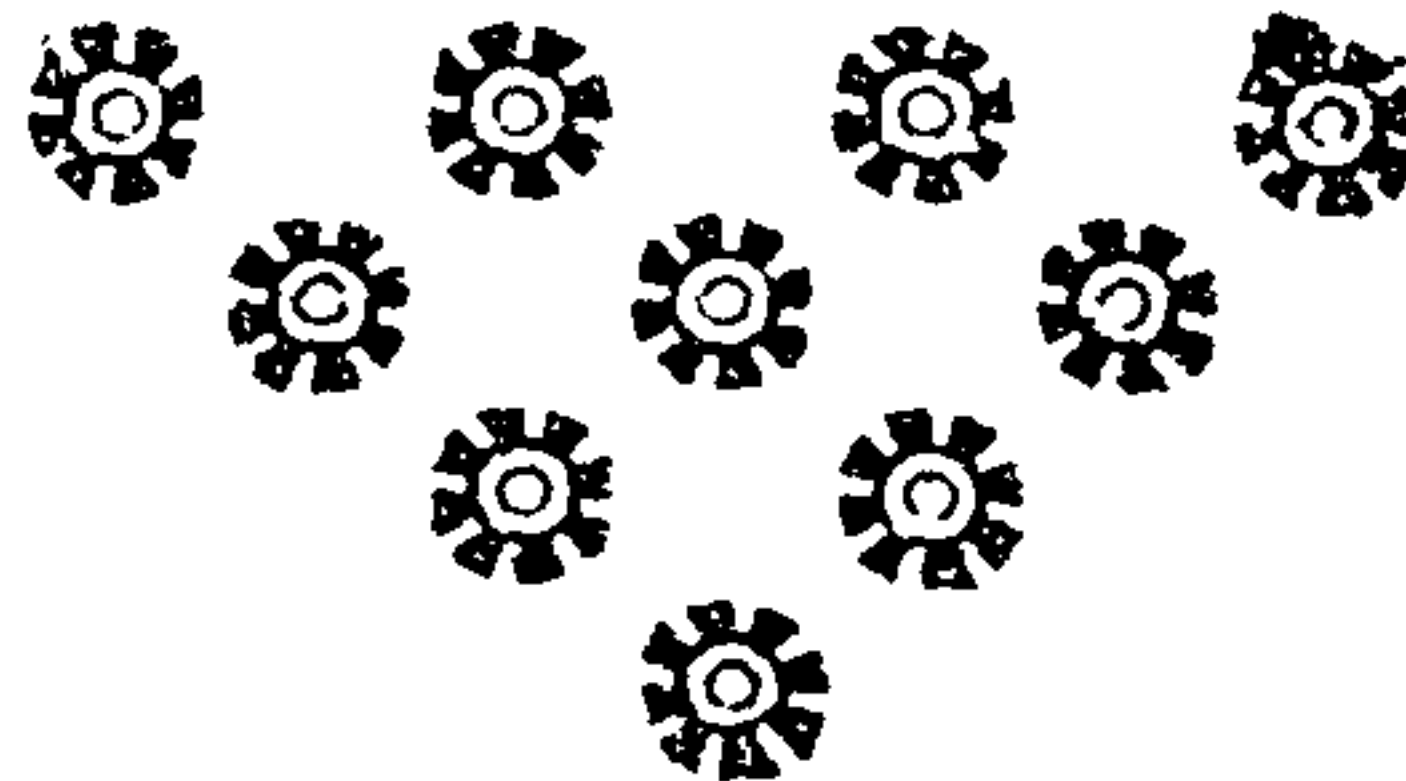
T. POLLOCK,

J. LOVICK,

ED. MOSELEY,

ROBERT WEST,

THOMAS HARVEY,

*Lords Proprietors Deputies.*JOHN-BAPTISTA ASH, *Speaker.*

ANNO







A. D. 1729.

## C H A P. IV.

Rep. by procla-  
mation, but re-  
enacted by act,  
Sept. 1756, ch. 9.

*An Act to appoint that Part of Albemarle County, lying on the South Side of Albemarle Sound, and Morattuck River, as high as the Rainbow Banks, to be a Precinct, by the Name of Tyrrell Precinct.*

I. **W**HEREAS that Part of *Albemarle County*, lying on the South Side of *Albemarle Sound*, and *Morattuck River*, as high as the *Rain-bow Banks*, includes Part of the several Precincts hereafter named, *viz. Chowan, Pasquotank, Bertie, and Currituck*; and whereas the great Width of the said Sound, and also the great Distance from the several Precinct Courts, renders it almost impracticable for the Inhabitants of those Parts to attend their Courts as aforesaid:

II. **W**HEREFORE, *Be it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of this present General Assembly, now met at Edenton, for the North-east Part of the said Province, and by the Authority of the same, That that Part of Albemarle County, lying on the South Side of Albemarle Sound, and Morattuck River, being Part of the several Precincts before mentioned, bounded to the Westward by Thomas Hoskins's upper Line, beginning at his upper Corner Tree, on Rain-bow Banks, on Morattuck River, and by a Line running South from his outer Corner Tree, to the Southward by the Bounds of Albemarle County, to the Eastward by the Sound, between Roanoak Island, and Croatan, and to the Northward by Albemarle Sound, and Morattuck River, as high as the Rainbow Banks, in Morattuck River, shall be, and the same is hereby declared to be erected into a Precinct, by the Name of Tyrrell Precinct, in Albemarle County, with all and every the Rights, Privileges, and other Benefits and Advantages whatsoever, which any other Precinct in Albemarle County can or may have, use, or enjoy.*

III. **A**ND *be it further enacted by the Authority aforesaid, That the Election for Representatives for the said Precinct, shall always be at the Court-house for the said Precinct, or such Places as shall be appointed for the building the said Court-house therein.*

IV. **A**ND whereas by an Act, entituled, *An Act for settling the Precinct Courts and Court-houses*, it is therein provided in what Manner the Land should be purchased, on which to build Court-houses in the several Precincts:

V. **B**E *it enacted by the Authority aforesaid, That the Justices to be appointed for the said Precinct of Tyrrell, shall observe the same Method prescribed by the said Act, and shall cause the Court-house for the said Precinct to be built on the Land of William Downing, or that of William Fraley, on Kendrick's Creek, as near as may be to the Bridge now called Fraley's Bridge.*

VI. }  
VII. } [*Relate only to the Institution of a new Parish, and therefore not inserted.*]

VIII. **P**ROVIDE *nevertheless, That it is not hereby intended, that the said Precinct shall send more than two Burgesses at present, to sit in General Assembly, without it shall appear that there is three hundred Tythables in the said Precinct; and in such Case, it shall and may send three Burgesses; and so as it shall increase in Number of Tythables, it shall send one Burgess for every hundred more, so as not to exceed five Representatives in the whole.*



A. D. 1729.

## C H A P. V.

*An additional Act to an Act for appointing Toll-Books, and for preventing People from driving Horses, Cattle, or Hogs, to other Persons Lands.* See page 26.

I. **W**HEREAS in and by the said Act, the Remedy appointed for recovering the Penalty of twenty Pounds for the Inhabitants of any other Government's Cattle, Horses, or Hogs, ranging on Peoples Land in this Government, is by Distress to be made by the Toll-keeper or Ranger, but no Method appointed for disposing such Distress or Proceedings thereon :

II. *BE it therefore enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of this General Assembly, now met at Edenton, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same, That when such Distress is made, or which may hereafter be made, by the Owner of the Land, as well as the Officers aforesaid, the Stock so distrained shall be kept four Days, unless sooner redeemed or replevied by the Owner, who, on paying the Penalty, and the reasonable Charges, shall have them at any Time within four Days after Seizure ; otherwise, after the Expiration of the said four Days, they shall be appraised by three indifferent Freeholders, to be appointed and sworn by some Magistrate, and the Property shall be immediately vested in the Person or Persons seizing the same, he or they returning the said Appraisalment to the Clerk of the Precinct Court, with an exact Account of the Marks or Brands of such Horses, Cattle, or Hogs, which shall be set up at the Court-house the next Court ; and any Person proving the Right to such Cattle, Horses, or Hogs, at any of the four next Courts in the said Precincts, after such Return of that Appraisalment, having given the Distrainer Notice, shall have an Order or Judgment of the said Court for the Overplus, according to the Appraisalment, the Penalty and Charges deducted.*

Proceedings to be had on distrained stock.

III. *AND be it further enacted by the Authority aforesaid, That the Penalty of ten Pounds in the said Act for appointing Toll-Books, may be recovered by Distress in like Manner, provided that no Guardian or Executor shall be excluded by the said Act from bringing any Stock, under their Care, on their Land.*

Penalty how to be recovered. Guardian, &c. not to be excluded, &c.

IV. *AND be it further enacted by the Authority aforesaid, That the Stock of any Inhabitant of another Government being found on Peoples Land in this Government, contrary to the said Act, shall be deemed to be driven thither by the Owners, unless it can be proved they strayed by some unavoidable Accident, and were pursued, and have not ranged above four Days, provided such Distress be made four Miles to the Southward of the Line betwixt this Government, and Virginia.*

Foreigners stock found on lands in this province, deemed to be driven thither, unless otherwise proved.

V. *AND be it further enacted by the Authority aforesaid, That no Person within this Government, shall presume to hunt, drive, or kill any Stock, Deer, or Game, on any Persons Land within this Government, except Neighbours whose Lands are very near adjacent, without Leave first had and obtained from the Owner of the said Land whereon he or they shall be found ranging or hunting, contrary to this Act, under the Penalty of five Pounds for each and every Time he or they shall be found ranging ; the one Half to the Owner of the Land, the other Half to the Informer : To be recovered by a Warrant from two Justices, whereof one to be of the Quorum ; which said Justices are hereby empowered finally to hear and determine the same.*

No person shall drive, hunt or kill any stock, deer or game, on others lands, without leave, &c. on penalty of 5l. one half to the owner, & the other to the informer.

VI. *AND be it further enacted by the Authority aforesaid, That no Ranger or other Person, on any Pretence, shall range or hunt, kill or take up, any unmarked Cattle, Horses, or Hogs, on other Persons Lands, without Leave of the Owner of such Land or Lands ; any Law, Usage, or Custom, to the contrary, notwithstanding : But that every Person shall have free Liberty to take up and kill all such unmarked Cattle, Hogs, and Horses, as he shall find running on his own Land,*

No ranger shall take up any unmarked cattle, &c. without leave from the owner of the land ; but such owner may convert them to



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his own use, unless the property be proved in three months.

Land, and the same to convert to his own Use, unless the Property thereof be proved within three Months, by any Person claiming the same; who, paying for the taking up, shall have the said Beast, or its Value, as it is in the Law directed for Rangers.

No slave to hunt on any land but his master's, except in company with a white man; nor travel from his master's land without keeping the main road; on penalty of being whipped.

If any disorderly person be found in company with slaves, &c. and cannot give a good account of himself, he shall be whipped.

Negroes travelling in the night, or found in kitchens, to be whipped.

Proviso. See subsequent acts concerning servants and slaves.

VII. A N D whereas great Damages are frequently done, by Slaves being permitted to hunt or range with Dogs or Guns: For Prevention whereof, *Be it enacted by the Authority aforesaid*, That it shall not be lawful for any Slave, on any Pretext whatsoever, to go, range, or hunt on any Person's Land other than his Masters, with Dog or Gun, or any Weapon, unless there be a white Man in his Company; under the Penalty of twenty Shillings, to be paid by his Master, for every Offence, unto the Owner of the Land whereon such Slave shall range or hunt; and that no Slave shall travel from his Master's Land by himself to any other Place, unless he shall keep the most usual and accustomed Road: And if any Slave shall offend contrary hereto, it shall be lawful for the Owner of the Land whereon any Slave shall be found, to give him a severe Whipping, not exceeding forty Lashes: And if any loose, disorderly, or suspected Person, be found drinking, eating, or keeping Company with Slaves in the Night Time, such Person shall be apprehended and carried before a Justice of the Peace; and if he cannot give a good and satisfactory Account of his Behaviour, such Person shall be whipped, at the Discretion of the Justice, not exceeding forty Lashes.

VIII. A N D for the better suppressing of Negroes travelling and associating themselves together in great Numbers, to the Terror and Damage of the white People; *Be it enacted by the Authority aforesaid*, That if any Negro or Negroes shall presume to travel in the Night, or be found in the Quarters or Kitchens among other Persons Negroes, such Negroes so found shall receive Correction, not exceeding forty Lashes, as aforesaid; and such Negroes in whose Company they shall be found, shall receive Correction, not exceeding twenty Lashes.

IX. *PROVIDED* always, That Nothing in this Act shall be construed to prevent any Person from sending his Slaves on his lawful Business, with a Pass, in Writing; nor to hinder Neighbours Negroes intermarrying together, so that License being first had and obtained of their several Masters.

## C H A P. VI.

See page 41, and act Jan. 1773, ch. 25.

*An Act for the more effectual and speedy putting in Execution the Act for settling the Title and Bounds of Peoples Lands.*

I. **W**HEREAS the said Act for the processioning Peoples Lands, although very necessary for the ascertaining Peoples Bounds, and preventing Disputes hereafter, hath not been duly and effectually put in Execution: Wherefore, that the said Law may, for the future, be better observed;

Vestries to divide their parishes into cantons, and appoint 2 freeholders to procession the lands, on penalty of 5l.

Clerk to give notice to the freeholders.

II. *BE it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, for the North-east Part of the said Province, and it is hereby enacted by the Authority of the same*, That the several and respective Vestries, when summoned to meet for that Purpose by the Churchwardens, shall, without any Order of Court, divide the Parish into convenient Cantons, and appoint two able honest Freeholders in each Canton, to procession the Lands within the same; and that the Churchwardens in each Parish, shall, immediately after the first Day of *March* next, summon the Vestry to meet for that Purpose, under the Penalty of five Pounds for each Churchwarden neglecting the same; and the Clerk of the Parish shall, after such Appointment by the Vestry, immediately give Notice to the said Freeholders appointed in each Canton, and of their respective Divisions, under the Penalty of five Pounds for every Canton so neglected; for which Notice the said Vestry shall allow the said Clerk



A. D. 1729.

Clerk twenty Shillings out of the Parish Monies; and the Freeholders so appointed, on Notice given them, shall forthwith (being first sworn to act justly and impartially, to the best of their Knowledge,) procession People's Land, as in and by the said Act is already provided, under the Penalty of five Pounds each; and the several Penalties by the said Act, and hereby provided, shall be recovered and received by the Churchwardens only, and to the Use of the Parish: And any Churchwarden failing in their Duty by the said Act provided, or hereby required, shall be answerable for their Penalties in their Accompts with the Vestry; and if they do not receive or prosecute the Penalties forfeited by any others for not performing their Duties in the said Act, or hereby provided, such Churchwardens shall be answerable for the same themselves, in their Accompts with the Vestry.

Freeholders to procession, upon oath, on penalty of 5l.

Penalties to be received by the churchwardens, to the use of the parish.

III. *AND* be it further enacted by the Authority aforesaid, That where the Bounds cannot be fully ascertained by such Freeholders appointed, they shall make Return thereof accordingly, that in such Cases the Surveyor may be ordered to run the Bounds at the Charge of both Parties, in the same Manner as is before in the said Act provided to be done, where one Party utterly refuses to have his Lands processioned.

Where bounds are not known, Surveyor to run them out.

## C H A P. VII.

*An Act to confirm Bath-Town Common.* P R I V.

## C H A P. VIII.

*An Act to repeal the Act, entitled, An Act for Encouragement of tanning Leather in this Province.* O B S.

## C H A P. IX.

*An additional Act to the Act, For the Trial of small and mean Causes.*

Rep. by act, April 4, 1741, ch. 15.

## C H A P. X.

*An Act for regulating Vestries in this Government, and for the better inspecting the Vestrymen and Churchwardens Accompts of each and every Parish in this Government.*

Rep. by act, April 4, 1741, ch. 23, except that part which erects New-Hanover into a precinct. See act, 1734, ch. 8.

S I G N E D by

S I R R I C H A R D E V E R A R D, *Governor.*

CHR. GALE,  
EDMOND GALE,  
RICH. SANDERSON,  
T. POLLOCK,  
J. WORLEY,

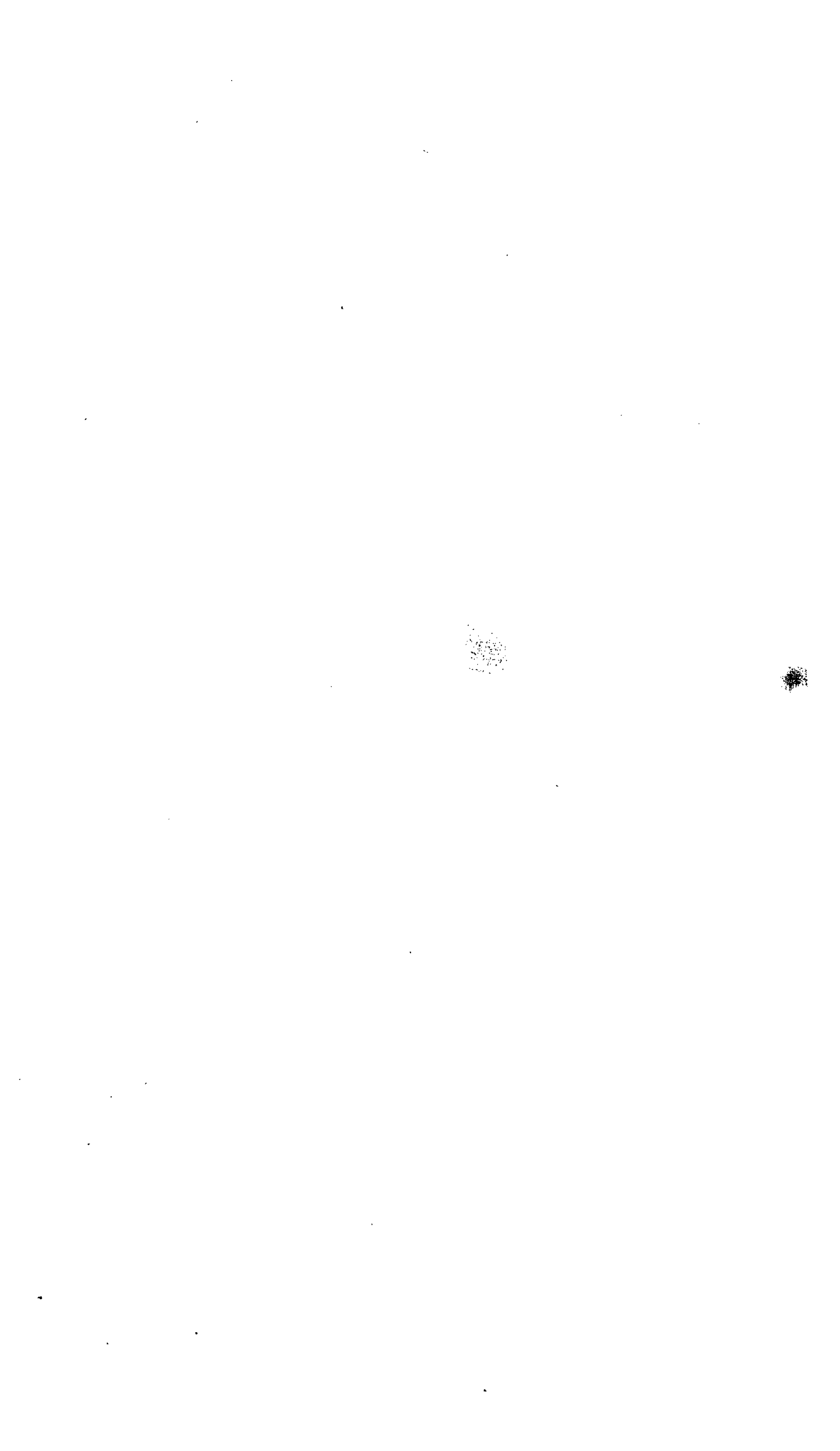
J. LOVICK,  
ED. MOSELEY,  
ROBERT WEST,  
JOHN PAULIN,

 *Lords Proprietors Deputies.*T H O M A S S W A N N, *Speaker.*

O

A N N O











A. D. 1734.

## C H A P. VIII.

Repealed by proclamation, but re-enacted by act Sept. 1756, ch. 9. See page 53.

*An Act to confirm and establish the Precincts of Onslow and Bladen, and for appointing them distinct Parishes.*

I. **W**HEREAS by an Act, entituled, *An Act for regulating Vestries in this Government, and for the better inspecting Vestrymen and Churchwardens Accounts of each and every Parish in this Government*, it is enacted, that the southern Part of this Province shall be erected into a Precinct, by the Name of *New-Hanover* Precinct, and bounded to the Northward by the *Haul-over* and *Little-Inlet*, and to the Southward by the southernmost Bounds of the Province; and as the Precinct of *New-Hanover* is now become very populous, and the Extent thereof being found too incommodious to many of the Inhabitants thereof, particularly those of *New-River*, and the upper Part of the *Northwest* River:

II. **W**E therefore pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esquire, Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same*, That a Precinct be erected at *New-River*, by the Name of *Onslow* Precinct; and that the said Precinct be bounded to the Northward by *Whiteoak* River, from the Mouth to the Head thereof; and to the Southward, by a Creek that comes out of the Sound, and comes across *New-River* Road, called the *Bay-Swamp*, or *Beasley's* Creek.

III. **A**ND be it further enacted by the Authority aforesaid, That the upper Part of the *Northwest* River be erected into a Precinct, by the Name of *Bladen* Precinct; and that the said Precinct be bounded to the Southward as follows, viz. Beginning at the Mouth of *Livingston's* Creek, and bounded by the said Creek to the Head thereof; and then, by a West Line, to the Bounds of the Government; and that the said Precinct be bounded to the Northward by *Black-River*, as follows, viz. Beginning at the Mouth of the said River, and bounded by the main River up to the Fork, and that then the westernmost Branch be the Bounds to the Head thereof.

IV. [Constituting a Parish; therefore not inserted.]

\* VI. **A**ND be it further enacted by the Authority aforesaid, That each of the above said Precincts are hereby invested with the same Powers and Privileges as any other of the Southern Precincts have and enjoy.

VII. **A**ND be it further enacted by the Authority aforesaid, That the Justices of the aforesaid Precincts shall have full Power and Authority to appoint a Place for a Church, Court-house, and Prison; and to tax all taxable Persons in the said Precincts, for raising a Sum of Money sufficient to defray the Charges of the above Public Buildings, pursuant to an Act, intituled, *An Act for settling Precinct Courts and Court-houses*.

VIII. **A**ND whereas there hath been several Courts held in the Precinct of *Onslow*, by a Commission from the late Governor, *George Burrington*, Esquire, therefore, *Be it enacted by the Authority aforesaid*, That all Proceedings of that Court, (saving the Right of Appeal) are hereby declared good and valid.

IX. [Relating to Parishes only; therefore not inserted.]

## C H A P. IX.

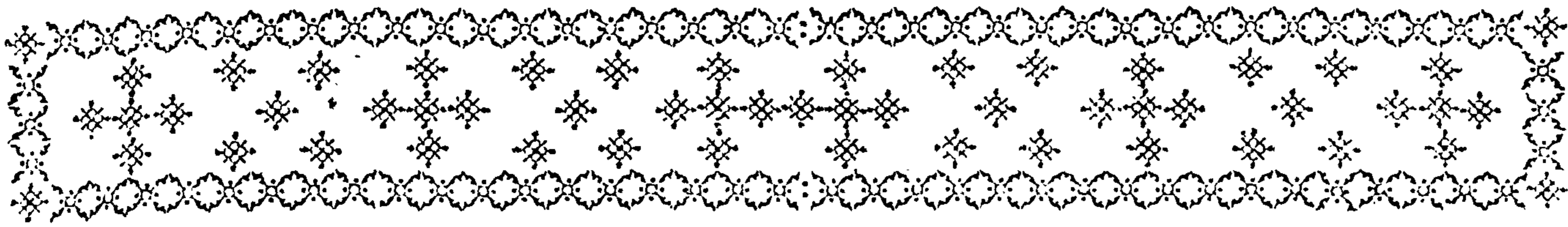
*An Act for granting to his Majesty, the Sum of fourteen thousand one hundred and fifty Pounds three Shillings and two Pence, for the Service of the Public of this Province, and for laying a Tax on the Inhabitants of the same for the Payment thereof; and for stamping the Sum of ten thousand Pounds, Bills of Credit, for the more immediate Discharge of Part thereof.* OBS.

SIGNED by  
**GABRIEL JOHNSTON**, Esq. Governor.  
**WILLIAM SMITH**, President.  
**WILLIAM DOWNING**, Speaker.  
 ANNO

\* In the edition of Mr. Mosely and Mr. Swann, which is an edition of authority, and was my only guide in the publication of this act, either the 5th § hath been omitted, or the 4 last § have been misnumbered.



A. D. 1738.



A N N O R E G N I

G E O R G I I H.

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,  
DUODECIMO.

At a General A S S E M B L Y, held at Newbern, the Sixth Day of March, in the Year of our Lord One Thousand Seven Hundred and Thirty-eight.

GABRIEL  
JOHNSTON,  
Esq. Governor.

## C H A P. I.

*An Act for providing His Majesty a Rent-Roll, for securing His Majesty's Rents, for the Remission of Arrears of Quit-Rents, and for quieting the Inhabitants in their Possessions; and for the better Settlement of His Majesty's Province of North-Carolina.*

Repealed by his  
Majesty's order,  
in Council.

## C H A P. II.

*An Act to prevent the Concealment of Tithables in the several Counties within this Province, for declaring what Persons shall be deemed Tithables, and for defraying the standing and contingent Charges of Government, and appointing public Treasurers for this Province; and for granting to His Majesty a Poll-Tax of five Skillings per Head, to be levied on the tithable Inhabitants of this Province.*

Rep. by act, A-  
pril 2, 1743, ch.  
2.

## C H A P. III.

*An Act for appointing Sheriffs in the Room of Marshals of this Province, for prescribing the Method of appointing them, and for limiting the Time of their Continuance in Office, and directing their Duty therein, and for abolishing the Office of Provost-Marshal of this Province; and for altering the Names of the Precincts into Counties.*

All the parts of  
this act concern-  
ing the manner of  
appointment, con-  
tinuance in office,  
and duty of she-  
riffs, repealed by  
subsequent acts.

XXII. **A**ND be it further enacted by the Authority aforesaid, That from and after the twenty-fifth Day of March, in the Year of our Lord one thousand seven hundred and thirty-nine, the Office of Provost-Marshal in this Province shall be abolished, and totally cease and determine, as if such Office had never been: And that from and after the Ratification of this Act, the several Precincts within this Province shall be called Counties.

Office of Provost  
Marshal abolish-  
ed.

Precincts altered  
to counties.

## C H A P. IV.

*An Act for facilitating the Navigation of the several Ports of this Province, and for buoying and beaconing the Channels leading from Oacock Inlet, to Edenton, Bath-Town, and Newbern, and from Topsail Inlet, to Beaufort Town, and other Ports and Inlets within the said Province herein mentioned; and for providing sufficient Pilots for the safe Conduct of Vessels.*

Rep. by act, A-  
pril 6, 1748, ch.  
10.

P

C H A P.



A. .D 1738.

## C H A P. V.

Repealed by his Majesty's order, in Council,

*An Act declaring what shall be deemed a sufficient Cultivation of Lands already granted, or hereafter to be granted, by His Majesty; and for ascertaining the Manner of granting lapsed Lands.*

## C H A P. VI.

Rep. by act, Dec. 5, 1746, ch. 2.

*An Act for appointing Circuit Courts, and for enlarging the Power of the County Courts.*

## C H A P. VII.

*An Act to appropriate two thousand Pounds, current Bill Money, to erect a sufficient Goal, and Office or Place for the safe keeping the Records of the General Court, and for repairing the Court-house at Edenton; and for other Purposes therein mentioned. O B S.*

## C H A P. VIII.

*An Act for the Encouragement and better Regulation of the Town of Edenton. P R I V.*

## C H A P. IX.

*An Act for destroying Vermin within this Province F X P.*

## C H A P. X.

*An Act to prevent killing Deer at unseasonable Times.*

See acts, April, 1745, ch. 3. Nov. 1768, ch. 13.

No deer to be killed between Feb. 15, and July 15, on penalty of 5l.

**I. B E** it enacted by his Excellency Gabriel Johnston, Esquire, Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same, That it shall not be lawful to kill or destroy any Deer, running wild in the Woods, or unfenced Ground, in this Government, by Gun, or any other Ways or Means whatsoever, between the fifteenth Day of February, in each Year, and the fifteenth Day of July succeeding, after the Ratification of this Act: And if any Person, not being a Servant or Slave, shall kill any Deer contrary to this Act, and be thereof lawfully convicted, the said Person, for every Deer so killed or destroyed, shall forfeit and pay the Sum of five Pounds, current Money.

Servant or slave killing deer by master's command, master liable to the penalty

**II. A N D** be it further enacted by the Authority aforesaid, That if any Servant or Slave, by Order or Command of his or her Master, Mistress, or Overseer, shall kill or destroy any Deer contrary to this Act, the Master, Mistress, or Overseer giving such Order or Command, and being thereof lawfully convicted, for every Deer so killed or destroyed, as aforesaid, shall forfeit and pay the aforesaid Penalty of five Pounds, as if the said Master, Mistress, or Overseer had actually committed the Offence.

Servant or slave killing deer, to have 30 lashes, unless security is given for the fine.

**III. A N D** be it further enacted by the Authority aforesaid, That if any Servant or Slave, of his own Accord, without any Order or Command from his or her Master, Mistress, or Overseer, shall kill, destroy, or buy any Deer, contrary to this Act, and be thereof convicted, by the Oath of one credible Witness, before a Justice of the Peace of the County wherein the Offence is committed, for every Deer so killed or destroyed as aforesaid, the said Servant or Slave shall have and receive, on his or her bare Back, thirty Lashes, well laid on, to be inflicted



A. D. 1738.

flicted by Order of the said Justice before whom the said Conviction shall be, unless some sufficient Person will become bound to pay, for the said Servant or Slave, the Sum of five Pounds current Money, within six Months, in Lieu of the said Punishment aforesaid, to the Churchwardens of the Parish where the Offence is committed, for the Uses directed by this Act.

IV. *AND* be it further enacted by the Authority aforesaid, That one Moiety of the Forfeitures of this Act, shall be to the Churchwardens of the Parish where such Offence is committed, for the Use of the Parish, and the other Moiety to the Informer; to be recovered with Costs, by a Warrant from any Justice of the Peace within this Government; saving unto all free People, the Right of Appeal to the County Court where the Offence is committed: Which said Court is finally to determine the same; wherein no Eifoin, Protection, or Wager of Law, shall be allowed or admitted of.

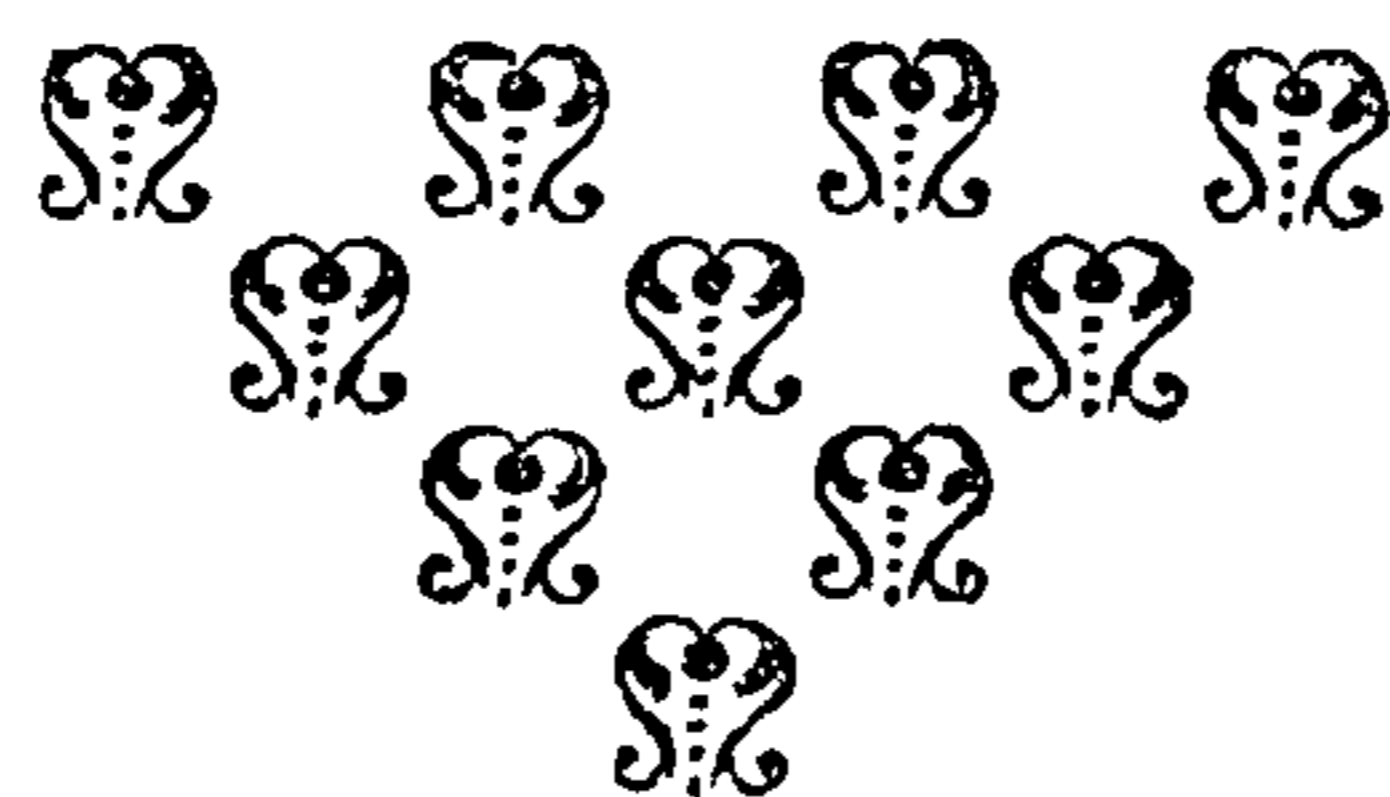
Fines appropriated.

Right of appeal allowed.

## C H A P. XI.

*An Act for appointing a Town on the Plantation where William Webster now dwelleth, in Hyde County, on the West Side of Matchapungo River. P R I V.*

SIGNED by

GABRIEL JOHNSTON, Esq. *Governor.*WILLIAM SMITH, *President.*WILLIAM DOWNING, *Speaker.*

A N N O



























A. D. 1740.

## C H A P. VI.

Repealed by his Majesty's order, in Council.

*An Act to appoint able and skilful Clerks, for the several County Courts within this Province, and for the better securing and safe keeping the Records of the same.*

## C H A P. VII.

*An Act for the more effectual establishing a Ferry from Bath-Town, to Core-Point, and from Core-Point to Bath-Town; and for preventing any other Ferry within ten Miles of the said Town of Bath, or Core-Point, on the same Sides of the River. PRIV.*

## C H A P. VIII.

*An Act to enable the Parish of St. Andrew's, in Tyrrell County, and the Southwest Parish of Pasquotank County, to elect Vestries. O B S.*

## C H A P. IX.

*An Act to exempt the Inhabitants of Bath-Town from working on the public Roads, and to oblige the said Inhabitants to clear and keep the Streets of the said Town clear and in good Order. PRIV.*

## C H A P. X.

*An Act to enable the Justices of Tyrrell County, to build a Ware-house on Scopernongs, for receiving of His Majesty's Quit-Rents. PRIV.*

## C H A P. XI.

*An Act to enable the Commissioners herein after named, to build a Bridge over Livingston's Creek, between New-Hanover and Bladen Counties. O B S.*

## C H A P. XII.

Rep. by act; June 28, 1746, ch. 1.

*An Act for the better regulating the Militia of this Government.*

## C H A P. XIII.

The whole of this act either obsolete or repealed.

*An Act for granting an Aid to His Majesty, to defray the Expences of transporting the several Troops enlisted in His Majesty's Service in this Colony, and to ascertain the Method of paying all Taxes and Levies in Commodities; and for other Purposes therein mentioned.*

SIGNED by

GABRIEL JOHNSTON, Esq. Governor.

WILLIAM SMITH, President.

JOHN HODGSON, Speaker.

ANNO







A. D. 1741.

If they grant a false certificate, to suffer as in case of forgery.

V. *AND* be it further enacted by the Authority aforesaid, That if any Minister, Clerk, or Reader, shall grant a false Certificate, he or they so offending, shall be liable to such Punishment as in Case of Forgery at Common Law; and all such Offences shall be prosecuted, tried, and determined, in the General Court of this Province.

VI. [Provided for by Act, April, 1778, Chap. 7.]

Minister or reader wittingly publishing banns between servants, without master's leave, to forfeit 5l.

VII. *AND* be it further enacted by the Authority aforesaid, That if any Minister or Reader shall wittingly publish, or cause or suffer to be published, the Banns of Matrimony between any Servants, or between a free Person and a Servant; or if any Minister or Justice of the Peace shall wittingly celebrate the Rites of Matrimony between any such, without a Certificate from the Master or Mistress of every such Servant, that it is done by their Consent; he shall forfeit and pay five Pounds, Proclamation Money, to the Use of the Master or Owner of such Servant; to be recovered by Action of Debt, Bill, Complaint, or Information: And every Servant so married, without the Consent of his or her Master or Mistress, shall, for his or her said Offence, serve his or her said Master or Mistress, their Executors, Administrators, or Assigns, one whole Year, after the Time of Service by Indenture or Custom is expired.

Servant marrying without leave to serve one year.

VIII. & IX. [Relate to the Governor's Fees, none of which are now due.]

Minister or Justice refusing to marry for lawful fees, to forfeit, if by licence, 10l. if by banns, 5l.

X. *AND* be it further enacted by the Authority aforesaid, That if any Minister or Justice of the Peace of any County or Parish where a Clergyman doth not reside, shall refuse to celebrate the Rites of Matrimony, for the Fees herein set down and allowed, or shall demand or receive, for marrying, either by themselves, or by any other Person for them, any larger Fees than before mentioned to be allowed to the Minister or Justice of the Peace, he shall forfeit and pay for every such Offence, *that is to say*, if the Marriage was to have been by Licence, ten Pounds, or if by Banns, five Pounds, Proclamation Money; one Moiety of all the Fines and Forfeitures in this Act before mentioned, and not particularly appropriated, to be paid to the Churchwardens of the Parish for the Time being, for the Use of the Parish where the Offence shall be committed, the other Moiety to him or them that will inform or sue for the same; to be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information.

Minister or reader refusing to publish banns for lawful fees, to pay the party grieved 10l.

XI. *AND* be it further enacted by the Authority aforesaid, That if the Minister or Reader of any Parish within this Government, shall refuse to publish and certify the Banns, for the Fees herein set down, and allowed him for the same, he shall, for every such Offence, forfeit and pay, to the Party grieved, ten Pounds, Proclamation Money; to be recovered as before mentioned.

Minister of the parish to have the fee, if he doth not refuse, though another be employed. See act, Nov. 1766, ch. 9.

XII. *PROVIDED* always, That the Minister serving the Cure of any Parish, shall have the Benefit of the Fee for Marriages in the said Parish, if he do not neglect or refuse to do the Service thereof, altho' any other Person performed the Marriage Ceremony.

White persons intermarrying with negroes, &c. to forfeit 50l.

XIII. *AND* for Prevention of that abominable Mixture and spurious Issue, which hereafter may increase in this Government, by white Men and Women intermarrying with *Indians*, Negroes, Mustees, or Mulattoes; *Be it enacted by the Authority aforesaid*, That if any white Man or Woman, being free, shall intermarry with an *Indian*, Negro, Mustee, or Mulatto Man or Woman, or any Person of mixt Blood, to the third Generation, bond or free, he shall, by Judgment of the County Court, forfeit and pay the Sum of fifty Pounds, Proclamation Money, to the Use of the Parish.

Minister or Justice knowingly marrying white persons to ne-

XIV. *AND* be it further enacted by the Authority aforesaid, That no Minister of the Church of *England*, or other Minister, or Justice of the Peace, or other Person whatsoever within this Government, shall hereafter presume to marry a white Man with an *Indian*, Negro, Mustee, or Mulatto Woman, or any Person of mixt



A. D. 1741.

mixt Blood, as aforesaid, knowing them to be so, upon Pain of forfeiting and paying, for every such Offence, the Sum of fifty Pounds, Proclamation Money; to be applied as aforesaid.

groes, &amp;c. to forfeit 50l.

XV. *AND be it further enacted by the Authority aforesaid*, That the several Fines and Forfeitures in this Act, which exceed the Sum of twenty-six Pounds thirteen Shillings and four Pence, Proclamation Money, shall be heard, tried, and determined, in the General Court of this Province; and all under the aforesaid Sum, shall be heard, tried and determined, in the Court of the County where the Offence shall be committed.

All fines exceeding 25l. 13s. 4d. to be tried in the General Court. All under, in the county court. See act, Nov. 1766, ch. 9.

XVI. *AND be it further enacted by the Authority aforesaid*, That all and every Act and Acts, and every Clause and Article thereof, heretofore made, so far as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

Repealing clause.

## C H A P. II.

*An Act to impower the several Commissioners herein named, to make, mend, and alter the several Highways, Roads, and Bridges, and to clear and cleanse Creeks and Water-Courses; and also to cut such Cuts as they shall think convenient, in the several Counties herein after named. E X P.*

## C H A P. III.

*An Act to give further Time for collecting the Aid granted to His Majesty, for Subsistence of the Forces raised in this Province; and for the better collecting Taxes and Levies, and to direct the Method of accounting for the same, and other public Monies herein mentioned. O B S.*

## C H A P. IV.

*An Act to make and confirm that Part of the main Road leading from Bennet's Creek Bridge, to Virginia, joining to Mr. Henry Baker's, in Chowan County, altered, for the Conveniency of the Public, by the adjacent Inhabitants, to be the main and public Road.*

Not necessary to be inserted.

## C H A P. V.

*An Act to appoint Constables.*

I. **T**O the End that Constables may be regularly appointed, throughout this Government:

II. We pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esquire, Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby enacted by the Authority of the same*, That the Courts of the several Counties which now are, or hereafter shall be within this Government, shall, at the Court to be holden for each respective County in this Government, next after the first Day of *January*, yearly, and every Year, nominate and appoint as many Persons of their said County as they shall judge necessary, to be Constables within the same, for the then ensuing Year; which Constables so appointed, shall have the following Oath administered to them; *that is to say,*

County courts yearly to appoint Constables.

S

Y O U



A. D. 1741.

Constable's oath.

**Y**OU shall swear, That you will well and truly serve our Sovereign Lord the King, in the Office of a Constable; you shall see and cause his Majesty's Peace to be well and duly preserved and kept, according to your Power; you shall arrest all such Persons as, in your Sight, shall ride or go armed offensively, or shall commit or make any Riot, Affray, or other Breach of his Majesty's Peace; you shall do your best Endeavour, upon Complaint to you made, to apprehend all Felons and Rioters, or Persons riotously assembled; and if any such Offenders shall make Resistance, with Force, you shall make Hue and Cry, and shall pursue them according to Law; you shall faithfully, and without Delay, execute and return all lawful Precepts to you directed; you shall well and duly, according to your Knowledge, Power, and Ability, do and execute all other Things belonging to the Office of a Constable, so long as you shall continue in this Office. So help you God.

Constables power

III. *AND* be it further enacted by the Authority aforesaid, That each and every Constable, so appointed, nominated, and sworn, is, and they are hereby invested with, and may execute the same Power and Authority, to all Intents and Purposes, as the Constables within the Kingdom of England are by Law invested with and execute.

Constable neglecting to qualify in 10 days after notice, to forfeit 50s.

IV. *AND* be it further enacted by the Authority aforesaid, That if any Person or Persons, nominated and appointed Constable by the Court of any of the Counties within this Government, shall neglect or refuse to qualify himself, according to the Directions of this Act, within ten Days after Notice of his Nomination and Appointment as aforesaid, without he can shew sufficient Cause for his Neglect, to be admitted of by the Justices, who shall or may grant their Warrant to recover the Penalties in this Act mentioned, he shall forfeit the Sum of fifty Shillings, Proclamation Money; to be recovered by a Warrant from two Justices of the Peace in the County where such Person was appointed Constable, and applied to the Use of the County where such Constable is appointed; provided such Notice be in Writing, signed by the Clerk of the Court, and served by the Sheriff of the County, or preceding Constable, on such Constable or Constables as shall be appointed according to the Directions of this Act.

Persons exempt from serving as Constable.

V. *PROVIDED* always, That no Person in Commission of any Office, civil or military, or Member of Assembly, for the Time being, nor any one who has served in any such Station, nor any other who has served as Constable, within the Space of five Years before, nor any Person who is exempt, by the Laws of England, shall be obliged to serve in the Office of Constable; any Law, Usage, or Custom, to the contrary, notwithstanding.

Justice to administer the oath.

VI. *AND* be it further enacted, That any one Justice of the Peace of the County, shall, and he is hereby empowered, to administer to the several Constables hereafter to be appointed in his County, the Oath directed by this Act for their Qualification.

On death or removal of Constables, Justices to appoint others, till the next court; when they may continue them, or appoint others.

VII. *AND* be it further enacted by the Authority aforesaid, That upon the Death or Removal of any Constable out of the District for which he was appointed Constable, it shall and may be lawful for the Justices of the County Court, in which such District shall be, or any one of them, to appoint and swear another Person, to be Constable in the Room and Stead of the Constable dead or removing out of his District as aforesaid, who shall act until the next County Court; the Justices of which Court shall then either continue the Person appointed as aforesaid, or nominate and appoint a new one.

Constable refusing to serve precepts, to be fined, at the discretion of the court.

VIII. *AND* be it further enacted by the Authority aforesaid, That if any Constable to whom any Precept is directed, by any Justice of the Peace, shall refuse or neglect to serve such Precept, he shall, for every such Offence, on Complaint of the Party prosecuting, be fined, at the Discretion of the Court of which such Justice is a Member; to be paid to the Complainant.

IX. AND



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IX. AND for the better executing any Precept or Mandate, in extraordinary Cases; *Be it enacted by the Authority aforesaid,* That it shall and may be lawful, to and for any Justice of the Peace within this Government, to direct any such Precept or Mandate, in the Absence of, or for Want of a Constable, to any Person, not being a Party, who shall be obliged to execute, or endeavour in the best Manner he can, to execute the same, under the like Penalty any Constable shall be liable to, by Virtue of this Act; to be recovered and applied as aforesaid.

For want of a Constable, precept may be directed to any other person, not being a party.

X. AND *be it enacted by the Authority aforesaid,* That every Constable within this Province, appointed and qualified, as herein before is directed, shall be, and is hereby exempted from all Provincial, County, and Parish Taxes, for himself only, and from working on the Roads, for and during the Year he shall be Constable; any Law, Usage, or Custom, to the contrary, notwithstanding.

Constables exempted from paying taxes, & working on the roads.

XI. AND *be it further enacted by the Authority aforesaid,* That all and every other Act and Acts, and every Clause and Article of the same, heretofore made, so far as relates to the appointing of Constables, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

Repealing clause.

## C H A P. VI.

*An Act to improve and amend the Navigation of New River, in Onslow County. CES.*

## C H A P. VII.

*An Act to confirm and erect that Part of the Province of North-Carolina called Edgcomb County, into a County, by the Name of Edgcomb County, and for establishing the said County a Parish; and for ascertaining the Boundary Line between the North-west and Society Parishes, in Bertie County.*

Rep. by proclamation, but re-enacted by act, Sept. 1756, ch. 9.

I. WHEREAS the Inhabitants of Edgcomb County, in this Province, who are very numerous, labour under great Hardships for want of Representatives in the General Assembly of this Province;

II. WE pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same,* That that Part of this Province now called Edgcomb County, be, and is hereby established a County, by the Name of Edgcomb County, the Bounds whereof shall be as follow; Beginning on Roanoke River, at Jenkin Henry's upper Corner Tree, from thence, a strait Course to the Mouth of Cheek's Mill Creek, on Tar River; and from the South Side of the said River, opposite to the said Creek, a strait Line unto the Middle Grounds, between Tar and Neus Rivers; which shall be the dividing Line between Beaufort, and Edgcomb, and Craven Counties; and from thence, up as high as may be, keeping the Middle between the said two Rivers, which shall be the dividing Line between the Counties of Craven, and Edgcomb, and Beaufort: And the County Courts of Craven and Edgcomb, are hereby impowered, each of them, for their respective Counties, to appoint two Commissioners to run out the Bounds or dividing Line between Craven and Edgcomb; which Line so run out as aforesaid, and marked, shall be the dividing Line between the said Counties.

Edgcomb established.

Its bounds.

Commissioners to lay out the said bounds.

III. AND *be it further enacted by the Authority aforesaid,* That the Freeholders of the said County, qualified to vote as the Law directs, shall, for ever, after the Ratification of this Act, send two Representatives to the General Assembly of this Province; which Representatives shall have as full Power to consult and vote in the General Assembly, as the Representatives of any other County.

County to send two members to the Assembly.

IV. AND



*A. D 1741.*

County to have a court, and all proper officers.

IV. *A N D* be it further enacted by the Authority aforesaid, That the said County shall have Justices of the Peace, and a County Court, with the like Jurisdiction with the Courts of the other Counties of this Province; and likewise, a Sheriff, a Coroner or Coroners, and all other Officers incident to a County.

V. *A N D* whereas divers Disputes have arose, touching the Legality of the Courts heretofore established in the said County, and touching the Validity of the Commission appointing a Sheriff for the said County; which have disquieted the Minds of the Inhabitants of the said County;

Proceedings of the court heretofore, declared valid.

VI. *B E* it therefore enacted by the Authority aforesaid, That all Judgments, Executions, Orders, and Proceedings of the said Court, pronounced, issued, and made, agreeable to the Rules of Law, and the Execution of all Writs whatsoever, done according to Law, and all other Acts done by the said Sheriff, by Virtue of his Office aforesaid, be, and are hereby confirmed and declared valid; any Defect in the Order of the Governor and Council, made for the Establishment of the aforesaid County, notwithstanding.

Justices to lay a tax, to build a court-house, &c.

VII. *A N D* be it further enacted by the Authority aforesaid, That the Justices of the said County Court, be, and are hereby empowered, to lay a Poll-Tax, on the Inhabitants of the said County, not exceeding the Sum of five Shillings, Proclamation Money, and to cause the same to be levied, in the Manner other public Taxes are levied and collected, and with the said Tax, at some convenient Place in the said County, at their Discretion, to erect a Court-house, Prison, and Stocks; and likewise, at all Times hereafter, as often as the said Court-house or Prison shall be out of Repair, to lay a Poll-Tax on the said Inhabitants, not exceeding such Sum of Money as shall be necessary for repairing the said Buildings.

*The 8, 9, 10 & 11th Clauses, relating to the Concerns of Parishes, are therfore omitted.*

### C H A P. VIII.

*An Act to prevent stealing of Cattle and Hogs, and altering and defacing Marks and Brands, and mismarking and misbranding Horses, Cattle and Hogs, unmarked and unbranded.*

I. **W**HEREAS many wicked Men in this Province, being too lazy to get their Living by honest Labour, make it their Business to ride in the Woods and steal Cattle and Hogs, and alter and deface the Marks and Brands of others, and mismark and misbrand Horses, Cattle, and Hogs, not marked or branded: And whereas the Laws in Force in this Province are, by Experience, found not to be sufficient to remedy those Evils;

Persons stealing cattle, &c. or altering marks of cattle, &c. what penalties liable to.

II. *W E* pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esquire, Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same,* That if any free Person or Persons shall steal any Neat Cattle or Hog, or shall alter or deface the Mark or Brand of any other Person or Persons Horse, Neat Cattle, or Hog, such Person or Persons, being thereof lawfully convicted, shall, for every Neat Cattle or Hog he or they shall steal; or for every Horse, Mare, Colt, Neat Cattle, or Hog, whose Mark or Brand he or they shall alter or deface, over and above the Value of such Neat Cattle or Hog so stole; or for every Horse, Mare, Colt, Neat Cattle, or Hog, whose Mark or Brand he or they shall alter or deface; forfeit and pay the Sum of ten Pounds, Proclamation Money; to be recovered by Action of Debt, in any Court of Record within this Province, (wherein no Effoin, Injunction, Protection, or Wager of Law, shall be allowed or admitted of,) by the Owner of such Horse, Mare, Colt, Neat Cattle, or Hog, that shall be so stolen, or the Mark or Marks, Brand or Brands, so altered or defaced, provided he prosecute for the same within six Months



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Months after Discovery of the Fact committed; and after that Time, any Person may, as well as the Owner, sue for and recover the same, provided such Prosecution is commenced within one Year after Discovery of the Fact committed; and the Offender shall, over and above the said Fine, receive forty Lashes on his bare Back, well laid on; and for the second Offence, shall pay the Fine above-mentioned, and stand in the Pillory two Hours, and be branded in the left Hand, with a red hot Iron, with the Letter T: And if any Person or Persons shall mismark or misbrand any unbranded or unmarked Horse, Mare, or Colt, Neat Cattle, or Hog, not properly his or their own, he or they shall forfeit and pay the Sum of ten Pounds, Proclamation Money, over and above the Value thereof, for every such Horse, Mare, Colt, Neat Cattle, or Hog, so mismarked or misbranded; to be recovered as aforesaid.

III. AND to prevent the Concealing such Offences, *Be it enacted by the Authority aforesaid*, That if any Person or Persons shall see any other Person or Persons committing any of the Crimes aforesaid, and shall not discover the same, in ten Days to some Magistrate, then, and in such Case, such Person or Persons, for not discovering the said Crime, shall forfeit the Sum of five Pounds, Proclamation Money, for every Time he shall see the said Crime or Crimes, or any of them, committed; to be recovered by any Person or Persons who will sue for the same, by Action of Debt, in any Court of Record in this Province; wherein no Effoin, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

Persons seeing the crimes committed, and not discovering it in 10 days, to forfeit 5l.

IV. AND because it is difficult to convict any Person who has seen such Crimes committed, if he will deny the same; *Be it further enacted by the Authority aforesaid*, That it shall be sufficient Evidence to convict any Person who has seen any of the aforesaid Crimes committed, if it be proved that he has told any other Person that he did see the said Crimes, or any of them, committed.

Evidence sufficient, if he told any person he saw the crimes committed.

V. AND whereas, by common Custom in this Province of killing of Cattle and Hogs in the Woods, great Opportunities are given to steal the Cattle and Hogs of other People; *Be it therefore enacted by the Authority aforesaid*, That if any Person hereafter shall kill any one or more Neat Cattle or Hogs in the Woods, he shall, within two Days, shew the Head and Ears of such Hog or Hogs, and the Hide, with the Ears on, of such Neat Beast or Cattle; to the next Magistrate, or to two substantial Freeholders, under Penalty of five Pounds, Proclamation Money; to be recovered, by any Person who will sue for the same, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Province; wherein no Effoin, Protection, Injunction, or Wager of Law, shall be allowed.

Persons killing cattle or hogs in the woods, to shew ears & hide in 2 days to a magistrate, or 2 freeholders, on penalty of 5l.

VI. *AND be it further enacted by the Authority aforesaid*, That every Person in this Province, who hath any Horses, Cattle, or Hogs, shall have an Ear Mark and Brand, different from the Ear Mark and Brand of all other Persons; which Ear Mark and Brand he shall record, with the Clerk of the County where his Horses, Cattle, or Hogs are, if not already recorded; and that he shall brand all Horses with the said Brand, from eighteen Months old, and upwards, and Ear-mark all his Hogs, from six Months old, and upwards, with the said Ear Mark; and Ear-mark or brand all his Cattle, from twelve Months old, and upwards, with the said Ear Mark or Brand: And if any Dispute shall arise about any Ear Mark or Brand, the same shall be decided by the Book of the Clerk of the County Court where such Cattle, Horses, or Hogs are.

Persons having cattle, &c. to have a mark & brand recorded.

Cattle, horses & hogs, when to be marked and branded.

VII. *AND be it further enacted by the Authority aforesaid*, That when any Person shall buy any Neat Cattle from another, or come to the same by Gift, Will, or any other lawful Means, that then, and in such Case, the Person who has gained the same by any of the Ways aforesaid, shall, within eight Months, brand the aforesaid Neat Cattle with his own proper Brand, in the Presence of two creditable Witnesses, a Certificate of which shall be signed by the said Witnesses.

Persons getting cattle by will, &c. to brand the same with his own mark.



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This act to be read in court twice a year.

VIII. *AND* be it further enacted by the Authority aforesaid, That this Act shall be publickly read, by the Clerk of every County Court in this Province, at least, twice every Year, *viz.* at the first Court after *Easter*, and the first Court after *August*, in the Morning, on the second Day of the Court, in open Court, under Penalty of twenty Shillings, Proclamation Money; to be recovered by any Person, by a Warrant, under the Hands and Seals of any two Justices of the Peace of the County, to the Use of the Informer.

Strange cattle going to any cowpen, owner to give notice thereof, on penalty of 12s.

IX. *AND* be it further enacted by the Authority aforesaid, That if any strange Cattle shall go into the Cowpen of any Person in this Province, the Owner of that Cowpen, if he resides there, or the Overseer or Manager, where the Owner does not reside, shall be obliged to give public Notice thereof, by affixing a Note of the Flesh-marks, and Ear-mark, and Brand, of all such strange Cattle as shall be at his Pen, at the Church Doors of the Parish where the said Cowpen is, or where there is no Church, at the Court-house Door, in one Month after such Cattle shall come to his Pen, under the Penalty of twelve Shillings, Proclamation Money, for every Beast that he shall neglect to give such Notice of; to be recovered in the same Manner, and to the same Use, as the Fine last mentioned.

Slaves stealing or mismarking any cattle, &c. what penalties liable to.

X. *AND* be it further enacted by the Authority aforesaid, That if any Negro, Indian, or Mulatto Slave, shall kill any Horse, Cattle, or Hog, belonging to any Person whatsoever, without the Consent of the Owner or Owners thereof, or shall steal, misbrand or mismark any Horse, Cattle, or Hog, such Slave or Slaves shall, for the first Offence, suffer both his Ears to be cut off, and be publickly whipt, at the Discretion of the Justices and Freeholders before whom he or she shall be tried; and for the second Offence, shall suffer Death: And the Trial and Conviction of the said Slave or Slaves, shall be in such Manner as is prescribed by an Act of Assembly, entitled, *An Act concerning Servants and Slaves.*

Repealing clause.

XI. *AND* be it further enacted by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, so far as relates to the preventing the stealing of Horses, Cattle, and Hogs, and altering and defacing the Marks and Brands, and mismarking and misbranding the same, or to any other Matter or Thing whatsoever, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

## C H A P. IX.

See act, April 1748, ch. 5.

*An Act for ascertaining the Boundary Line between Tyrrell and Beaufort Counties, and between Edgcomb County, and Tyrrell and Beaufort Counties.*

I. **W**HEREAS Disputes daily arise, between the Inhabitants of *Tyrrell* *Beaufort*, and *Edgcomb* Counties, by Reason the Boundary Line between *Tyrrell* and *Beaufort* Counties, and between *Tyrrell* and *Edgcomb* Counties, are not sufficiently ascertained and known; by Means of which Uncertainty, the Inhabitants within the disputed Bounds refuse to pay their public and Parish Levies to any of the Collectors of the said Levies of either of the said Counties: For Remedy whereof,

Boundaries between Edgcomb, Tyrrell, & Beaufort.

II. **W**E pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby enacted by the Authority of the same,* That each of the County Courts of *Tyrrell*, *Edgcomb*, and *Beaufort*, shall appoint one Person, who shall settle and run the Boundary Line between *Tyrrell* and *Edgcomb* Counties, and between Part of *Edgcomb* and *Beaufort* Counties, in Manner following; *that is to say,* The said Commissioners shall begin at the upper Corner Tree of *Jenkin Henry's* Line, on the South Side of *Roanoak* River, and from thence, run a direct Line to the Mouth of *Cheek's* Mill Creek, on *Tar* River;



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ver; and the said Commissioners, as soon as the said Line is finished, shall, under their Hands, return the Courses thereof into each of the Courts of the aforesaid Counties, which shall be recorded by the Clerks of the said several Courts: And the said Line so run, shall, forever after, be deemed the Boundary Line between *Tyrrell* and *Edgcomb* Counties, and between *Edgcomb* and *Beaufort* Counties, from *Tyrrell* County as far as *Tar* River.

III. *A N D* be it further enacted by the Authority aforesaid, That the Flat Swamp which, heretofore, was the Boundary of *Albemarle* and *Bath* Counties, shall, to the Head of the said Swamp, and from the Head thereof, by a direct Line to the aforesaid Line between *Tyrrell* and *Edgcomb* Counties, for ever, be the Boundary Line between *Tyrrell* and *Beaufort* Counties. Between *Tyrrell* and *Beaufort*.

IV. *A N D* for defraying the Charge of running the said Line, *Be it further enacted by the Authority aforesaid*, That each of the County Courts of *Beaufort*, *Tyrrell* and *Edgcomb*, be, and are hereby impowered, to lay a Poll-Tax, not exceeding the Sum of four Pence, Proclamation Money, *per* Tithable, upon the Inhabitants of their respective Counties, and shall cause the same to be levied in the same Manner the public Taxes are levied; and shall, out of the Money arising by the said Tax, pay and satisfy their respective Commissioners, for their Trouble and Charges expended, in running the aforesaid Boundary Lines: And after paying and satisfying the Commissioners for their Trouble and Charges, each County Court shall apply the Money remaining, if any be, to the Use of the County where such Tax is collected. County courts to lay a tax, to defray the charge of running the boundaries.

## C H A P. X.

*An Act to enlarge the Time for enrolling of Lands in the Auditor's Office, and proving the quiet Possession of Lands for twenty Years past, and upwards. O B S.*

## C H A P. XI.

*An Act for restraining the taking of excessive Usury.*

I. **F**ORASMUCH as the settling of Interest at a reasonable Rate, will greatly tend to the Advancement of Trade, and Improvement of Lands, by good Husbandry, with many other considerable Advantages to this Province: And whereas divers Persons of late, have taken great and excessive Sums for the Loan of Money, Goods, and Merchandizes, to the great Discouragement of Industry, in the Husbandry, Trade, and Commerce of this Province:

II. *W E* pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same*, That no Person or Persons whatsoever, from and after the first Day of *May*, which shall be in the Year of our Lord one thousand seven hundred and forty-one, upon any Contract to be made after the said first Day of *May*, shall, directly or indirectly, take, for Loan of any Monies, Wares, Merchandizes, or Commodities whatsoever, above the Value of six Pounds, by Way of Discount or Interest, for the Forbearance of one hundred Pounds, for one Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time; and that all Bonds, Contracts, and Assurances whatsoever, made after the Time aforesaid, for the Payment of any Principal or Money to be lent, or covenanted to be performed, upon or for any Usury, whereupon or whereby there shall be reserved or taken above the Rate of six Pounds in the hundred, as aforesaid, shall be utterly void: And that all and every Person or Persons whatsoever, which, after the Time aforesaid, upon any Contract to be made, after the said first Day of *May*, shall take, accept, and receive, by Way or Means of any corrupt Bargain, Loan, No person to take more than 6 per cent. for interest.



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Persons taking  
more, to forfeit  
double the value.

Loan, Exchange, Shift, or Interest, of any Monies, Wares, Merchandizes, or other Thing or Things whatsoever, or by any deceitful Ways or Means, or by any Discount, Covin, Device, or deceitful Conveyance, for the forbearing or giving Day of Payment, for one whole Year, or for their Money or other Thing, above the Sum of six Pounds for the forbearing of one hundred Pounds for a Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time, shall forfeit and lose, for every such Offence, the double Value of the Monies, Wares, Merchandizes, and other Things so lent, bargained, exchanged, or shifted; the one Moiety of all which Forfeitures to be to our Sovereign Lord the King, his Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof, and the other Moiety to him or them that will sue for the same, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Province; wherein no Effoin, Protection, or Wager of Law, shall be allowed or admitted of.

## C H A P. XII.

*An Act for appointing and laying out a Town on or near Mittam's Point, on the South Side of New River, in Onslow County, by the Name of Johnston. P R I V.*

## C H A P. XIII.

*An Act to prevent the taking away Boats, Canoes, or Pettiaguas, from Landings, or elsewhere, without Leave.*

I. **T**O prevent taking Boats, Canoes, and Pettiaguas, from Landings, or elsewhere, without Leave;

Persons taking  
boats, &c. with-  
out leave, to for-  
feit 20s. to the  
owner.

II. We pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same,* That any Person or Persons who, after the Ratification of this Act, shall take away from any Landing or other Place where the same shall be, any Boat, Canoe, or Pettiagua, belonging to, or in the Custody of any Person whatsoever, without the Consent and Leave of the Owner or Possessor of such Boat, Canoe, or Pettiagua, or shall loose, unmoor, or turn such Boat, Canoe, or Pettiagua adrift, such Offender or Offenders shall severally forfeit and pay, to the Party who shall own, or in whose Custody and Possession such Boat, Canoe, or Pettiagua was, the Sum of twenty Shillings, Proclamation Money; to be recovered by a Warrant from any Justice of the Peace within the County where the Offence shall be committed, who is hereby empowered and required to hear and determine all such Offences: And if any Offender or Offenders shall, after Conviction, neglect or refuse to pay the said Sum of twenty Shillings, Proclamation Money, in such Case, it shall and may be lawful for the said Justice, by his Warrant, to commit such Person to the Goal of the County, where he shall remain until he shall have paid the same, and the accruing Costs.

Offenders refus-  
ing to pay, Jus-  
tice may commit  
them to prison.Not to debar any  
person from his  
action at common  
law, for damage  
sustained.

III. *PROVIDED* always, That Nothing in this Act shall be understood or construed to debar any Person from his or her Action at common Law, for any Damage sustained, by Reason of any Boat, Canoe, or Pettiagua, to them belonging, so taken or unloosed, unmoored or turned adrift, from any Landing or other Place where the same was left, against any Person whatsoever, notwithstanding such Person shall have paid the Penalty by this Act inflicted; any Thing herein contained, or any Law, Usage, or Custom, to the contrary, notwithstanding.

IV. *AND* be it further enacted by the Authority aforesaid, That if any white Servant, Negro, or Slave, shall offend against this Act, and be thereof convicted,

ed,



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ed, and the Master, Mistrefs, or Owner of fuch white Servant, Negro, or Slave, shall refuse to pay the faid Sum of twenty Shillings, Proclamation Money, fuch Servant or Slave shall fuffer Correction, by whipping, at the Difcretion of the Magiftrate, not exceeding thirty-nine Lashes.

Servant or slave offending, & the matter refusing to pay the fine, fuch servant or slave to be whipt.

V. *PROVIDED* always, and be it enacted, That neither this Act, nor the Penalties thereof, shall be construed to extend to any Person who shall prefs any Boat, Canoe, or Pettiagua, by public Authority, or to any Person who shall feize his own proper Boat, Canoe, or Pettiagua, or to any other Person or Persons, being lawfully empowered fo to do by the Owner, from any Place or Landing, or from any Person in whose Custody he shall find the fame, or to any Servant or Slave taking any Boat, Canoe, or Pettiagua, from any Landing or other Place, by Order of his or her Master, Mistrefs, or Overfeer.

Not to extend to persons who shall prefs vessels by authority, or proper owners.

VI. *AND* be it further enacted, That if any Master, Mistrefs, or Overfeer, shall order any Servant or Slave, belonging to them, or under the Care of any of them, to take from any Landing, or other Place, any Boat, Canoe, or Pettiagua, contrary to the Intent and Meaning of this Act, fuch Master, Mistrefs, or Overfeer of fuch Servant or Slave fo offending, shall be liable to the Forfeitures and Penalties of this Act, as if they, in their proper Person, had done the fame; any Thing herein before contained, to the contrary, notwithstanding.

Master ordering servant or slave to take any vessel, liable to the penalty.

VII. *AND* be it further enacted by the Authority aforefaid, That all and every other Act and Acts, and every Clause and Article thereof, fo far as relates to prevent the taking Boats, Canoos, or Pettiaguas, from Landings, or elfewhere, without Leave, is and are hereby repealed and made void, to all Intents and Purposes, as if the fame had never been made.

Repealing clause.

## C H A P. XIV.

*An Act for the better Observation and keeping of the Lord's Day, commonly called Sunday; and for the more effectual Suppression of Vice and Immorality.*

I. **W**HEREAS in well regulated Governments, effectual Care is always taken, that the Day fet apart for public Worship, be observed and kept holy, and to fuppress Vice and Immorality: Wherefore,

II. **W**E pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esquire, Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same,* That all and every Person and Persons whatsoever, shall, on the Lord's Day, commonly called *Sunday*, carefully apply themselves to the Duties of Religion and Piety; and that no Tradesman, Artificer, Planter, Labourer, or other Person whatsoever, shall, upon the Land or Water, do or exercise any Labour, Bufiness, or Work, of their ordinary Callings, (Works of Necessity and Charity only excepted,) nor employ themselves either in hunting, fishing, or fowling, nor use any Game, Sport, or Play, on the Lord's Day aforefaid, or any Part thereof, upon Pain that every Person fo offending, being of the Age of fourteen Years, and upwards, shall forfeit and pay the Sum of ten Shillings, Proclamation Money.

No person to do any work, &c. on the Lord's day, on penalty of 10s.

III. *AND* be it further enacted by the Authority aforefaid, That if any Person or Persons shall prophanely swear or curse, in the Hearing of any Justice of the Peace, or shall be convicted of prophanely swearing and cursing, by the Oath of one or more Witnefs or Witnefses, or Confession of the Party before any Justice or Justices of the Peace, every fuch Offender shall forfeit and pay the Sum of two Shillings and fix Pence, of the like Money, for every Oath or Curse: And if any Person, executing any public Office, shall prophanely swear or curse, being first convicted, as aforefaid, fuch Person shall forfeit and pay the Sum of five Shillings, of the like Money, for each and every Oath or Curse.

Persons swearing in the hearing of a Justice, to pay 2s. 6d.

Public officer convicted of the fame, to pay 5s.

U

IV. *AND*



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Persons swearing in the presence of a Court, to pay 10s. or be put in the Stocks.

IV. *AND be it further enacted*, That if any Person or Persons shall prophane-ly swear and curse, in the Presence of any Court of Record in this Govern-ment, such Offender or Offenders shall immediately pay the Sum of ten Shillings, of the like Money, for each and every Oath or Curse; to be deposited in the Hands of the Chairman of the said Court, and by him accounted for and paid, as herein after is directed; or to sit in the Stocks, not exceeding three Hours, by Order of such Court.

Persons getting drunk on Sunday to pay 5s. or any other day 2s. 6d.

V. *AND be it further enacted by the Authority aforesaid*, That every Person convicted of Drunkenness, by View of any Justice of the Peace, Confession of the Party, or Oath of one or more Witnesses or Witnessess, such Person so convict-ed, shall, if such Offence was committed on the Lord's Day, forfeit and pay the Sum of five Shillings, of the like Money; but if on any other Day, the Sum of two Shillings and six Pence, for each and every such Offence.

Justices power to hear and deter- mine offences a- gainst this act.

VI. *AND for the better Execution of all and every of the foregoing Orders, Be it further enacted*, That all and every Justice and Justices of the Peace, within his or their respective County, shall have full Power and Authority to convene before him or them, any Person or Persons who shall offend in any of the Parti- culars before mentioned, in his or their Hearing, or on other legal Conviction of any such Offence, and to impose the said Fine or Penalty for the same, and to restrain or commit the Offender until it be satisfied, or to cause the same to be le- vied by Distress and Sale of the Offenders Goods, returning the Overplus, if any, to the Owner: And in Case any such Offender be unable to satisfy such Fine, to cause him to be put in the Stocks, not exceeding three Hours.

Information to be made within ten days.

VII. *PROVIDED always*, That all Informations against the aforesaid Of- fences, shall be made within ten Days after such Offence or Offences committed, and not after.

Fines appropria- ted, and how to be paid.

VIII. *AND be it further enacted by the Authority aforesaid*, That all Fines ac- cruing and becoming due by Virtue of this Act, shall be levied as soon as may be after Conviction, one Half to the Informer, the other Half to the Use of the Parish where such Offence shall be committed; and the Chairman and Justices of the several Courts of the several Counties of this Province, are hereby direct- ed to account for, upon Oath, and pay such Fine or Fines as shall or may by them, or any of them, be received, by Virtue of this Act, to the Churchwardens of the respective Parishes of this Government, at least once a Year, when the same shall be demanded by the Churchwardens; under the Penalty of paying the Sum of twenty Pounds, Proclamation Money, for every Refusal, to be levied and ap- plied as aforesaid.

Persons commit- ting fornication, to forfeit 25s.

IX. *AND be it further enacted by the Authority aforesaid*, That if any Persons commit Fornication, upon due Conviction, each of them shall forfeit and pay twenty five Shillings, Proclamation Money, for each and every such Offence; to be recovered, and applied to the same Use, as the other Fines in this Act.

Single women being with child, &c. and refusing to tell the father, to pay the fine, and to give secu- rity to keep the child.

X. *AND be it further enacted*, That any two Justices of the Peace, upon their own Knowledge, or Information made to them, that any single Woman within their County is big with Child, or delivered of a Child or Children, may cause such Woman to be brought before them, and examine her, upon Oath, concerning the Father; and if she shall refuse to declare the Father, she shall pay the Fines in this Act before mentioned, and give sufficient Security, to keep such Child or Children from being chargeable to the Parish, or shall be com- mitted to Prison, until she shall declare the same, or pay the Fine aforesaid, and give Security as aforesaid: But in Case such Woman shall, upon Oath, before the said Justices, accuse any Man of being the Father of a Bastard Child or Children, begotten of her Body, such Person so accused shall be adjudged the reputed Father of such Child or Children, and stand charged with the Mainte- nance of the same, as the County Court shall order, and give Security, to the Justices of the said Court, to perform the said Order, and to indemnify the Pa- rish.

If she declares the father, he shall give secu- rity to perform the order of Court thereon.



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rish where such Child or Children shall be born, free from Charges for his, her, or their Maintenance, and may be committed to Prison until he find Securities for the same, if such Security is not by the Woman before given.

XI. *AND be it further enacted*, That the said two Justices of the Peace, at their Discretion, may bind, to the next County Court, him that is charged, on Oath, as aforesaid, to have begotten a Bastard Child, which shall not be then born; and the County Court may continue such Person upon Security until the Woman shall be delivered, that he may be forthcoming when the Child is born.

Justices to bind to the next Court, persons charged with being the father of a child unborn.

XII. *AND be it further enacted by the Authority aforesaid*, That this Act shall be publickly read, two several Times in the Year, in all Parish Churches and Chapels, or for Want of such, in the Place where Divine Service is performed in every Parish within this Government, by the Minister, Clerk, or Reader of each Parish, immediately after Divine Service, that is to say, on the first or second Sunday in April, and on the first or second Sunday in September, under the Penalty of twenty Shillings, Proclamation Money, for every such Omission or Neglect; to be levied by a Warrant from a Justice, and applied to the Use of the Parish where the Offence shall be committed; and the Churchwardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish.

This act to be read twice a year in Churches, by the Minister, &c. on penalty of 20s.

XIII. *PROVIDED always*, That Nothing herein contained shall be construed to exempt any Clergyman within this Government, who shall be guilty of any of the Crimes herein before mentioned, from such further Punishment as might have been inflicted on him for the same, before the making of this Act; any Thing herein contained to the contrary, notwithstanding.

Clergymen liable to further punishment.

XIV. *AND be it further enacted by the Authority aforesaid*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, so far as relates to the Suppression of Vice, or Restraint and Punishment of wicked and dissolute Persons, or any Matter or Thing, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

Repealing clause.

## C H A P. XV.

*An Act for the Trial of small and mean Causes.*

Provided for by subsequent acts.

## C H A P. XVI.

*An Act for ascertaining the Damage upon protested Bills of Exchange.*

I. **F**OR ascertaining the Damage upon protested Bills of Exchange, We pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esquire, Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same*, That where any Bill of Exchange is, or shall hereafter be drawn, for the Payment of any Sum of Money, in which the Value is or shall be expressed to be received, and such Bill is or shall be protested, for Non-acceptance or Non-payment, the same shall carry Interest from the Date thereof, after the Rate of ten per Cent. per Annum, until the Money therein drawn for, shall be fully satisfied and paid.

Protested bills of exchange to carry interest from the date till paid, at 10 per cent.

II. **B**UT least any Person having any such Bill, should, for the Sake of the Interest, delay negotiating the same, or if, after it shall be protested, shall not demand Payment thereof of the Drawer or Indorser, *It is further enacted and declared*, That no Person whatsoever shall pay more than eighteen Months Interest, from the Date of any such Bill, till it shall be presented protested to the Drawer or Indorser thereof.

Interest allowed but 18 months, till the bill presented, &c.

III. *AND*



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15 per cent. allowed for damage, with costs of protest.

III. *AND be it further enacted by the Authority aforesaid,* That where any Bill, drawn before the making of this Act, or which shall hereafter be drawn, is or shall be protested as aforesaid, there shall be paid unto such Person or Persons as shall have Right to demand the same, for his, her, or their Damage in that Behalf sustained, after the Rate of fifteen *per Cent.* for the Sum expressed in the said Bill, together with the Costs and Charges of the Protest, and no more.

Actions may be brought against drawer and indorser jointly, or separately.

IV. *AND be it further enacted by the Authority aforesaid,* That it shall and may be lawful for any Person or Persons, having a Right to demand any Sum of Money due upon a protested Bill of Exchange, to commence and prosecute an Action for Principal, Interest, and Charges of Protest, against the Drawer and Indorsers jointly, or against either of them separately, and Judgment shall and may be given for such Principal Draught and Charges, and Interest, after the Rate of ten *per Cent. per Annum,* as aforesaid, to the Time of such Judgment.

Repealing clause.

V. *AND be it further enacted by the Authority aforesaid,* That all and every other Act and Acts, and every Clause and Article thereof heretofore made, so far as relate to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

## C H A P. XVII.

*An Act for regulating Weights and Measures.*

I. **W** H E R E A S many notorious Frauds and Deceits are daily committed, by false Weights and Measures; For Prevention whereof,

Weights and measures to be according to the standard in the Exchequer, &c.

II. *WE pray that it may be enacted, And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same,* That no Inhabitant or Trader shall buy or sell, or otherwise make Use of in trading, any other Weights or Measures than are made and used according to the Standard in his Majesty's Exchequer, and the Statutes of *England* in that Case provided.

Justices to provide standard weights and measures, and a keeper thereof.

III. *AND for the Discovery of Abuses, Be it further enacted by the Authority aforesaid,* That the Justices of each and every County within this Government, shall, within two Years next after the Ratification of this Act, at the Charge of each County respectively, provide sealed Weights, of Half Hundred, Quarters of Hundreds, Half Quarters of Hundreds, Seven Pounds, Four Pounds, Two Pounds, One Pound, and Half Pound; and Measures, of Ell, and Yard, of Brass or Copper, and Measures, of Half Bushel, Peck, and Gallon, of dry Measure; and a Gallon, Pottle, Quart, and Pint, of Wine Measure; (for the Payment of which Charge, the said Justices are hereby empowered to levy a Tax on their respective Counties,) to be kept by such Person, and in such Place, as the Justices of each respective County shall appoint, such Person first giving sufficient Security to the said Justices, in the sum of fifty Pounds, Proclamation Money: And the said Justices shall also find and provide for the said Person, a Stamp for Brass, Tin, Iron, Lead, or Pewter Weights, or Measures, and also a Brand for Wooden Measures, of the Letters N. C. upon Pain of forfeiting and paying the Sum of ten Pounds, Proclamation Money; to be recovered from the said Justices, by Action of Debt, Bill, Complaint, or Information, in the General Court of this Province, and applied to the Use of our Sovereign Lord the King, for and towards the Support of this Government, and the contingent Charges thereof.

To be provided with a stamp and brand.

Who shall try and stamp all weights and

IV. *AND be it further enacted by the Authority aforesaid,* That any Person whatsoever using Weights or Measures, shall bring all their Measures and Weights to



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so the Keeper of the Standard of the County where such Person shall reside or trade, to be there tried by the Standard, and sealed or stamped: And if any Person or Persons shall buy, sell, or barter, by any Weight or Measure which shall not be tried by the Standard, and sealed or stamped as aforesaid, he, she, or they so offending, shall, for every such Offence, forfeit and pay the Sum of ten Pounds, Proclamation Money, one Half to the Use of the County where such Offence shall be committed, and the other Half to the Party who shall sue for the same; to be recovered in any Court of Record in this Government, wherein no Effoin, Protection, Privilege, Injunction, or Wager of Law, shall be allowed.

measures.

Persons selling by untried weights or measures, to forfeit 10l.

V. AND whereas Steelyards, by Use, are subject to Alteration, *Be it further enacted by the Authority aforesaid*, That all and every Person who shall use, buy, or sell, by Steelyards, shall, once every Year, try the same with the Standard, and take a Certificate from the Keeper of the Standard for the County wherein such Person shall reside, upon Pain of twenty Shillings, Proclamation Money; to be recovered and applied as aforesaid.

Steelyards to be tried once a year, &c. on penalty of 20s.

VI. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the Standard Keeper to demand and receive the Sum of nine Pence, Proclamation Money, for each and every Pair of Steelyards, Weights, or Measures, by him stamped or sealed as aforesaid.

Standard-keeper's fee.

VII. *AND be it further enacted by the Authority aforesaid*, That the Standard Keeper of each and every County, shall, at the next Court to be held for the County in which he shall reside, take the following Oath, *viz.*

**Y**OU shall swear, *That you will not stamp, seal or give any Certificate for any Steelyards, Weights, or Measures, but such as shall, as near as possible, agree with the Standard in your Keeping; and that you will, in all Respects, truly and faithfully discharge and execute the Power and Trust by this Act reposed in you, to the best of your Ability and Capacity. So help you God.*

His oath.

VIII. *AND be it further enacted by the Authority aforesaid*, That the Standard-Keeper of each and every County in this Government, is hereby empowered and required, with the Assistance of a Constable, (who is hereby commanded, upon Notice, to attend him, upon Information made to him of any Person or Persons keeping, or having in his or their House or Custody, any Steelyards, Weights, or Measures, which have been altered, lessened, or shortened, since they were tried and sealed by the Standard, or shall be suspected of buying, selling, or bartering by such false Weights and Measures,) to search the Houses or other suspected Places of such Offender, for any such Weights or Measures so falsified; and if, upon Search, any such false Weights or Measures shall be found, he shall charge a Constable with the Owner of them, or the Person using them, who shall forthwith convey him, her, or them, before any Justice of the Peace, who is hereby directed to bind him, her, or them, over to the next Court to be held for the County where the Offence shall be committed; and the said Offence shall be laid before the Grand Jury, by the King's Attorney-General, or his Deputy, and for Want of them, by any Person the County Court shall think fit to appoint, and shall be cognizable by the said Grand Jury, either by Indictment, or Presentment; and if, upon Trial by a Petit Jury, such Offender or Offenders shall be found guilty, the County Court shall fine each and every Person so convicted, in any Sum not exceeding twenty-five Pounds, Proclamation Money; one Third Part thereof to the Informer, one Third Part to the Standard-Keeper, and one Third Part thereof to be paid to the Justices of the County, to be applied to the Use of the County where the Offence shall be committed; and shall commit the Offender to Gaol until the same shall be paid: And further, if it appear to the County Court, by the Verdict of the Petit Jury, that the Offender altered, lessened, or shortened his or her Steelyards, Weights, or Measures, or caused the same to be done, or used such Steelyards, Weights, or Measures, knowingly, after they were so altered, lessened, or shortened, with an Intent to defraud any Per-

Standard-keeper, with a Constable, may search suspected houses; and if any false weights, &c. be found, Justice to bind the owner of them, &c. over to the next Court; if found guilty, the Court may fine such owner, &c. not exceeding 25l.

If such owner lessened his weights, &c. with intent to defraud, besides paying the fine,



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to stand in the pillory 2 hours.

son; in such Case the Court shall, besides, and notwithstanding the said Fine, sentence such Offender to stand publickly, during the sitting of the Court, two Hours in the Pillory, with his Offence written over his or her Head: Any Law, Custom, or Usage to the contrary, notwithstanding.

Naval-officer to set up in his office an advertisement of this act, on penalty of 5s. for every 24 hours neglect.

IX. *AND be it further enacted by the Authority aforesaid,* That the Naval Officer of each and every Port within this Government, shall affix up, in a public Part of his Office, and there constantly keep affixed, an Advertisement of this Act, that Traders coming into this Government, may have Notice thereof, upon Pain of forfeiting five Shillings, Proclamation Money for every twenty-four Hours the same shall be neglected; to be recovered by a Warrant from any Justice of the Peace of the County where the Offence shall be committed, by any Person who shall sue for the same, and applied, one Half to the Informer, and the other Half to the Use of the said County.

Justices may take county weights and measures into their custody, and receive all sums raised to provide such weights, &c.

X. *AND be it further enacted by the Authority aforesaid,* That the Justices of every County respectively, shall have Power to take and receive into their Custody, all such Weights and Measures as have been already provided by their respective County or Parish, and shall also demand and receive from all and every Person or Persons whatsoever, all such Sums of Money as have been already raised to purchase such Weights and Measures, and dispose of and apply the same, according to the Directions of this Act.

Repealing clause.

XI. *AND be it further enacted by the Authority aforesaid,* That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, so far as relate to Weights and Measures, or any other Matter or Thing within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

## C H A P. XVIII.

See acts, Nov. 1759, ch. 14, April, 1784, ch. 30.

*An Act for the building and maintaining of Court-houses, Prisons, and Stocks, in every County within this Province, and appointing Rules to each County Prison, for Debtors.*

Justices to lay a tax, for building court-houses, prisons & stocks.

I. **W**E pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same,* That the Justices in all and every County or Counties within this Province, where there is not suitable Provision already made, shall, and are hereby empowered and required, at the next succeeding Court of their respective Counties, after the Ratification of this Act, to lay a sufficient Levy upon the Inhabitants of their said Counties, not exceeding one Shilling, Proclamation Money, *per Poll*, for two Years, for the building a Court-house, Prison, and Stocks, or any such of them as shall be wanting; which Levy shall be paid and collected by the Sheriff of each County, in the same Manner as all other public and Parish Taxes and Levies are paid and collected, and by him shall be accounted for to the Justices of the County Court, upon Oath; and the said Sheriff shall be allowed three *per Cent.* for collecting the same.

Justices to employ persons to keep court-houses, &c. in repair.

II. *AND be it further enacted by the Authority aforesaid,* That the Justices of each County shall and may, from Time to Time, and at all Times hereafter, employ Persons to keep and maintain the Court-house, Prison, and Stocks, already built, and such as are to be built, by Virtue of this or any other Act, or to re-build such as have fallen to Decay or Ruin, and the same to keep in good Repair, by laying a Poll-Tax on the Inhabitants of their respective counties as aforesaid.

Persons neglecting to pay their levies, liable to double distress.

III. *AND be it further enacted by the Authority aforesaid,* That if any Person shall neglect or refuse to pay the aforesaid Levies, in Manner aforesaid, and shall be in Arrear, after the last Day of Payment, such Person shall be liable to double

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ble Distress; to be levied on his Goods and Chattels by the Sheriff of the County where such Delinquent inhabits: And for the Preservation of the Health of such Persons as shall, at any Time hereafter, be committed to the County Prisons, the Court shall have Power to mark out such a Parcel of Land as they shall think fit, not exceeding six Acres, adjoining to the Prison, for the Rules thereof; and every Prisoner, not committed for Treason or Felony, giving good Security to the Sheriff of the County to keep within the said Rules, shall have Liberty to walk therein out of the Prison, for the Preservation of his or their Health: And every Prisoner giving such Security as aforesaid, and keeping continually within the said Rules, shall be, and is hereby adjudged and declared to be, in Law, a true Prisoner; and that every Person therewith concerned may know the true Bounds of the said Rules, the same shall be recorded in the County Records, and the Marks thereof shall, from Time to Time, be renewed, as Occasion shall require.

County Court to lay out prison bounds; and all prisoners, not committed for felony or treason, to have liberty thereof, on giving security.

Bounds to be recorded, &c.

## C H A P. XIX.

*An Act the better to enable the Commissioners appointed for building a Church at Newbern, to erect the same, and to empower them to demand and receive, of any Person or Persons, all Parish Levies already laid and not appropriated; and for other Purposes therein mentioned. P R I V.*

## C H A P. XX.

*An Act for regulating Ordinaries, and for Restraint of Tippling-houses.*

Rep. by act, Nov. 1758, ch. 10. See acts, Dec. 1767, ch. 8, Oct. 1779, ch. 10.

## C H A P. XXI.

*An Act for the Relief of such Persons as have suffered, or may suffer, by the Registers of the several Counties within this Province neglecting to register their Deeds or mesne Conveyances; or who, through Ignorance or Neglect, have not had the same acknowledged, proved, and registered.*

I. **W**HEREAS, by an Act of the General Assembly of this Province, entitled, *An Act to appoint Public Registers, and to direct the Method to be observed in conveying Lands, Goods, and Chattels, and to prevent fraudulent Deeds and Mortgages*, amongst other Things it is enacted, That no Conveyance or Bill of Sale for Land, (other than Mortgage,) in what Manner or Form soever drawn, should be good and available in Law, unless the same was acknowledged by the Vender, or proved, by one or more Evidences, upon Oath, either before the Chief Justice for the Time being, or in the Court of the Precinct where the Land lay, within twelve Months after the Date of the same Deed: And whereas several of the Public Registers of the several Counties of this Province, have neglected to register several Deeds or mesne Conveyances, pursuant to the before recited Act, and several Persons, through Ignorance or Neglect, have failed to prove, acknowledge, and register their Deeds or mesne Conveyances; and also, several Persons have recorded their Deeds or mesne Conveyances, in the Clerk's Office of the several Precincts or Counties in which such Lands lye, believing the same as effectual as if the said Deed or mesne Conveyance had been registered in the Register's Office as aforesaid; whereby several Persons Titles to their Lands and Tenements are become precarious, to the great Prejudice of such Persons: To the End therefore that all possible Relief may be given to the Persons whose Estates, Titles, and Interests, may be affected thereby;

II. **W**E pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council,*

All deeds, &c. not registered, and



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Register to register them within one year, if they are delivered to him within ten months.

and General Assembly of this Province, and it is hereby enacted by the Authority of the same, That all Deeds and mesne Conveyances of Lands, Tenements, and Hereditaments, not already acknowledged, proved, and registered, by any Neglect as aforesaid, the Public Register of every County where such Neglect hath happened, shall register such Deed or mesne Conveyance, within twelve Months after the Ratification of this Act; provided such Deeds or mesne Conveyances, be delivered to the Register of each County where the Land lieth, within ten Months after the Ratification of the same.

All such as have been registered, though not within due time, declared valid.

III. *AND* be it further enacted by the Authority aforesaid, That all Deeds or mesne Conveyances, which have been recorded by the Clerk of any Precinct or County Court within this Province where such Lands lie, or have been heretofore registered by the Public Register of any of the said Precincts or Counties within this Province where such Lands lie, though not within one Year after the Date of such Conveyance, shall be good and valid in Law; and all Deeds and mesne Conveyances hereafter to be proved, acknowledged, and registered, in the Manner as is by this Act directed, shall be good and valid, to all Intents and Purposes, as if the said Deeds and mesne Conveyances had been registered pursuant to the before recited Act: And such Registry of all and every Deed or mesne Conveyance, already registered, or that hereafter shall be registered, by Virtue of this or the before recited Act, or a Copy thereof, properly attested by the Register, shall and may (where such original Deed or mesne Conveyance is lost,) be given in Evidence in any Court within this Province, in such Suit or Suits wherein there may be Occasion to give such registered Deed or mesne Conveyance in Evidence; any Law, Usage, or Custom, to the contrary, notwithstanding.

And such as are registered by this act, to be valid.

Registry, or copy, in certain cases, may be given in evidence.

Register neglecting to register deeds, &c. within two months after delivery, to forfeit 20l.

IV. *AND* be it further enacted by the Authority aforesaid, That every Register that shall neglect, refuse, or delay to register any Deeds, mesne Conveyances, or any other Instruments of Writing, within two Months after delivered to him, such Register or Registers, for each and every two Months so neglecting, refusing, or delaying, shall forfeit and pay the Sum of twenty Pounds, Proclamation Money; one Half to the Use of the Parish, and the other Half to him or them that shall sue for the same, to be recovered, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Government, wherein no Effoin, Injunction, or Wager of Law, shall be allowed or admitted of.

## C H A P. XXII.

*An Act for Punishment of Deserters.* O B S.

## C H A P. XXIII.

*An Act for establishing the Church, for appointing Parishes, and the Method of electing Vestries; and for directing the Settlement of Parish Accompts throughout this Government.* (a)

## C H A P.

(a) This Act, in *Davis's* Edition, is said to have been repealed, and from the Nature of some subsequent Acts, I presume it has been repealed by the King's Proclamation, though I have no Authority to assert it. But the Objects of this Act, in Regard to Vestries, and the Settlement of Parish Accounts, were provided for by Acts, Jan. 1764, Ch. 2; Nov. 1768, Ch. 2; and March, 1774, Ch. 7. And see the following Acts since the Revolution: Nov. 1777, Ch. 7; May, 1779, Ch. 5; June, 1781, Ch. 15; April, 1783, Ch. 16; Nov. 1785, Ch. 17, 18, 19; Nov. 1787, Ch. 44. The Establishment of the Church (if the above Act has not been repealed) was superseded by the Constitution of 1776. And as to that Part of the Act concerning the Appointment of Parishes, I have considered all such Regulations as of too private a Nature for this Publication; nor do I imagine, in Case of a Dispute, there could be any Difficulty in ascertaining the Bounds of each.



## C H A P. XXIV.

*An Act concerning Servants and Slaves.*

- I. **B**E it enacted by his Excellency Gabriel Johnston, Esquire, Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same, That no Person whatsoever, being a Christian, or of Christian Parentage, who, from and after the Ratification of this Act, shall be imported or brought into this Province, shall be deemed a Servant for any Term of Years, unless the Person importing him or her shall produce an Indenture, or some Specialty or Agreement, signifying, that the Person so imported did contract to serve such Importer, or his Assigns, any Number of Years, in Consideration of his or her Passage, or some other Consideration therein expressed; and upon any Contest arising between the Master of any Vessel, or other Person importing any Servant or Servants, without Indenture, upon any Bargain or Specialty as aforesaid, the same shall be determined at the next County Court to be held for the County where the said Servant or Servants shall be imported, the Justices of which Court are hereby empowered to hear and determine the same, in a summary Way; and such Determination or Judgment shall be conclusive and binding on the Importer or Servant or Servants, either for the Discharge of the said Servant or Servants, or to oblige him, her, or them, to serve the Importer, or his Assigns, as the Matter shall appear.
- II. *AND* be it further enacted by the Authority aforesaid, That if any Christian Servant, whether he or she be a Servant by Importation, or otherwise, shall, at any Time or Times, absent him or herself from the Service of his or her Master or Mistress, without Licence first had, he or she shall satisfy and make good such Loss of Time, by serving, after their Time of Service by Indenture or otherwise is expired, double the Time of Service lost or neglected by such Absence; and also such longer Time as the County Court shall think fit to adjudge, in Consideration of any further Charge or Damage the Master or Mistress of such Servant may have sustained, by Reason of his or her Absence as aforesaid.
- III. *AND* be it further enacted by the Authority aforesaid, That if any Christian Servant shall lay violent Hands on his or her Master or Mistress, or Overseer, or shall obstinately refuse to obey the lawful Commands of any of them, upon Proof thereof by one or more Evidences before any Justice of the Peace, he or she shall, for every such Offence, suffer such corporal Punishment as the said Justices shall think fit to adjudge, not exceeding twenty-one Lashes.
- IV. *AND* as an Encouragement for Christian Servants to perform their Service with Fidelity and Cheartfulness; *Be it further enacted by the Authority aforesaid,* That all Masters and Owners of any Servant or Servants, shall find and provide for their Servant or Servants, wholesome and competent Diet, Cloathing, and Lodging, at the Discretion of the County Court, and shall not, at any Time, give immoderate Correction, neither shall, at any Time, whip a Christian Servant naked, without an Order from a Justice of the Peace: And if any Person shall presume to whip a Christian Servant naked, without such Order, the Person so offending, shall forfeit and pay the Sum of forty Shillings, Proclamation Money, to the Party injured; to be recovered, with Costs, upon Petition to the County Court, (without the formal Process of an Action,) as in and by this Act is provided for Servants Complaints to be heard and determined; provided Complaint be made within six Months after such Whipping.
- V. *AND* be it further enacted by the Authority aforesaid, That all Servants by Indenture or otherwise as aforesaid, shall have their Complaints received by a Justice of the Peace, who, if he find Cause, shall bind the Master, Mistress, or Overseer, over, to answer the Complaint at the next County Court; and it shall be there determined: And all Complaints of any Servant or Servants shall and may, either immediately, or as aforesaid by Virtue hereof, be received at any Time, upon Petition or Information in the Court of the County wherein they

No Christian imported, &c. shall be a servant, unless by indenture or agreement.

Difference between Masters of vessels and persons imported, to be determined by the Co. Court.

Servants absenting themselves, to serve double time, besides what the Court shall order for charges, &c.

Disobedient servants to be punished.

Master to provide necessaries for servants, &c.

Not to whip them naked, on penalty of 40s. to such servant.

Servants complaining, Justice may bind the master to next Court.

Complaints to be heard without formal process of action.



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Master not complying with the order of Court, servant to be sold.

reside, without the formal Procefs of an Action; and also, full Power and Authority is hereby given to the said Court, at their Discretion, (having first summoned the Master, Mistress, or Overseer, to justify themselves, if they think fit.) to adjudge, order, and appoint what shall be necessary as to Diet, Lodging, Cloathing, or Correction: And if any Master, Mistress, or Overseer, shall not thereupon comply with the Order of the said Court, the said Court is hereby authorized and empowered, upon a second just Complaint, to order such Servant or Servants to be immediately sold, at public Vendue, by the Sheriff; and after the Charges are deducted, the Remainder of what the said Servant or Servants shall be sold for, to be paid to the Owner.

If by sickness &c. he cannot be sold for enough to pay the charges, to be sent to the Church wardens and provided for by the matter.

VI. *PROVIDED* always, That if such Servant or Servants shall be sick or lame, or otherwise rendered so incapable that he, she, or they, cannot be sold for such Value at least as shall satisfy the Fees, and other incident Charges accrued, the said Court shall then order such Servant or Servants into the Care of the Churchwardens of the Parish; and the Master, Mistress, or Owner, shall provide the said Servant or Servants with such convenient Necessaries as they shall direct and judge sufficient for his, her, or their Support, until the Time due by Law from such Servant or Servants to their Master, Mistress, or Owner, shall be expired, or until such Servant or Servants shall be so recovered as to be sold, for defraying the said Fees and Charges.

Charges to be levied on the master.

VII. *AND* be it further enacted, That the said Court, from Time to Time, shall order the Charges of keeping such Servant or Servants, to be levied upon the Goods and Chattels of the Master or Owner of such Servant or Servants, in Case they should neglect or refuse to provide for the same.

Servants complaints for their wages, &c. to be heard by the County Court, &c.

VIII. *AND* be it further enacted by the Authority aforesaid, That all Servants aforesaid, whether by Indenture or otherwise, as well Feme Coverts as others, shall, in the like Manner, (as is provided upon Complaints of Misusage,) have their Petitions received in the said County Court, for their Wages, Freedom, and Freedom Dues, (in this Act hereafter expressed,) without the formal Procefs of an Action; and Proceedings and Judgment shall, in like Manner, be had thereupon.

Master discharging sick servant, before he is free, and not endeavouring his recovery; to forfeit 5l. &c.

IX. *AND* be it further enacted by the Authority aforesaid, That no Master or Mistress of any Servant or Servants, who shall happen to be sick or diseased during the Time of their Servitude, and unable to perform their daily Labour, shall, upon any Pretext whatsoever, remit to such Servant or Servants, any Part of his, her, or their Time, to be cleared of them, whereby the said Servant or Servants may perish, or become a Charge to the Parish: And whosoever shall hereafter offend herein, or shall not use and endeavour all lawful Means for Recovery of such their Servant or Servants as shall happen to be sick or diseased, during the Time of his, her, or their Servitude, shall forfeit, for each and every Servant so turned off or neglected, five Pounds, Proclamation Money; to be levied by an Order from the County Court before whom the Fact shall be proved, by the Oath of one or more Witness or Witnesses, and to be paid into the Hands of the Churchwardens of that Parish where the Offence shall be committed, and disposed of towards the Support and Maintenance of such Servant or Servants so turned off or neglected, for the Recovery of his, her, or their Health and Strength; and such Servant or Servants shall be, by the County Court, or any two Justices, during the Time of their Infirmary, ordered into the Hands and Care of the Churchwardens of the Parish in which his, her, or their Master or Owner shall dwell: But in Case such sick or diseased Servant or Servants respectively shall not live to the expending the said whole Sum of five Pounds, Proclamation Money, then the Remainder to be disposed of to the Use of that Parish; or in Case the said Sum of five Pounds should not be sufficient to support each Servant during his Servitude, or until his Recovery, in such Case the County Court is hereby authorized and empowered to order a Sufficiency to be levied (from Time to Time, as the same shall become due,) upon the Goods and Chattels of the Master or Owner of such Servant or Servants, if they shall neglect or refuse to provide the same, agreeable to the Orders of the said Court; and such Servant or Servants so neglected or turned off, shall, upon their Recovery, be let free from their Master or Owner.

If 5l. shall not be sufficient to support such servant, Court may order more.

Servant so turned off, shall be free on his recovery.

IX. *PROVIDED*



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X. *PROVIDED* always, and be it further enacted, That if any Servant or Servants in this Government, shall, through his, her, or their own wilful Misbehaviour, happen to have any Disease, or any broken Bones, Bruises, or other Impediments, whereby they may be disabled to perform their Labour as they ought to do, and become chargeable to their Master or Owner, such Servant or Servants shall serve his, her, or their Master or Owner, after the Time of his, her, or their Service by Indenture or otherwise is expired, such Time as shall, by the County Court, be adjudged sufficient, to satisfy the Charges expended on him, her, or them, for his, her, or their Recovery; and shall also serve over so much Time as he, she, or they, by any such Means, were disabled to serve: Any Thing herein contained to the contrary, notwithstanding.

Servants bringing sickness, &c. on themselves to serve for it, &c.

XI. *AND* be it further enacted by the Authority aforesaid, That if any Servant or Servants shall unjustly vex and trouble his, her, or their Master or Owner, with groundless Complaints against them to the County Court, or to any Justice or Justices of the Peace, such Servant or Servants shall, by the County Court be ordered to serve his, her, or their Master or Owner, so injured by such unjust and groundless Vexation, after the Expiration of the Time he, she, or they have then to serve, the double Term and Space of that Time he, she, or they neglected and lost, in Prosecution of such Complaints.

Servants making false complaints, to serve double the time lost.

XII. *AND* be it further enacted by the Authority aforesaid, That every Servant who shall be in Gaol, for his, her, or their own Offence, shall serve his, her, or their Master or Owner, double the Time he, she, or they shall there remain, at the Expiration of the Time he, she, or they have to serve by Indenture or otherwise; and further, serve his, her, or their said Master or Owner, such Time as shall be ordered by the County Court, as a Satisfaction for the Fees and other Charges his, her, or their Master or Owner hath expended for such Servant or Servants.

Servants put into gaol for their offences, to serve double time, &c.

XIII. *AND* be it further enacted by the Authority aforesaid, That in all Cases of penal Laws, whereby Persons free are punishable by Fine, Servants shall be punished by Whipping, at the Discretion of any Court, or Justice or Justices before whom such Fine or Fines are recoverable, not exceeding thirty-nine Lashes; unless the Servant so culpable, can and will procure some Person or Persons to pay the Fine.

Where free persons are punishable by fine, servants to be whipped, unless they pay the fine.

XIV. *AND* be it further enacted by the Authority aforesaid, That no free Man or Trader whatsoever, shall buy, sell, trade, barter, or borrow any Commodities whatsoever, with, to, or from any Apprentice or Servant, whether so by Indenture or otherwise, or with any Slave within this Government, without the Consent of the Master, Mistress, or Owner of such Apprentice, Servant, or Slave, upon Pain of forfeiting treble the Value of the Commodity or Commodities so traded for, bartered or sold; and also, shall pay the Sum of six Pounds, Proclamation Money, to the Use of the said Master, Mistress, or Owner; to be recovered, in the Court of the County where the Offence shall be committed, by Action of Debt, Bill, Plaint, or Information, wherein no Effoin, Protection, Injunction, or Wager of Law, shall be allowed or admitted of: And if it shall so happen, that the Person so offending shall not be able to pay treble the Value of the Commodities so traded for, sold or bartered, and the Sum of six Pounds, such Persons shall then be adjudged, by the County Court, to be sold as a Servant for the same.

No free person to trade with servants, or slaves, on penalty of treble the value traded for, and 6l.

See acts January 1779, ch. 11. April 1783, ch. 14. Nov. 1787, ch. 6. Nov. 1788, ch. 7.

Offender not able to pay, to be sold for a servant.

XV. *PROVIDED* always, That if the Master, Mistress, or Owner of such Apprentice, Servant, or Slave, shall not, within six Months after he or she shall have Information or Knowledge of such Offence, prosecute the Offender or Offenders for the same, that then it shall and may be lawful for any other Person so to do, and to have and receive every Advantage and Benefit arising from such Prosecution.

Master not suing in six months, any other person may.

XVI. *AND* be it further enacted by the Authority aforesaid, That every Servant, by Indenture or otherwise, who shall embezzle, purloin, wilfully waste, or shall trade,

Servants embezzling their master's trade,



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ters goods, &c. to  
serve for it, &c.

trade, sell, or barter, or otherwise make away any of his or her Master or Mistress's Corn, Cattle, Sheep, Hogs, Stock, or other Goods or Provisions, or Commodities whatsoever, shall, upon Conviction of every such Offence, by one or more Testimonies, upon Oath, or Confession of the Party, before any County Court within this Government, be adjudged, by the said Court, to serve his or her said Master or Mistress such Time as the said Court shall think reasonable, for the said Offence, after the said Time by Indenture or otherwise, as aforesaid, is expired.

Woman servant  
having a child in  
her servitude, to  
serve one year for  
it.

XVII. AND whereas many Women Servants are begotten with Child by free Men, or Servants, to the great Prejudice of their Master or Mistress, whom they serve; *Be it therefore further enacted by the Authority aforesaid*, That if any Woman Servant shall hereafter be with Child, and bring forth the same during the Time of her Servitude, she shall, for such Offence, be adjudged, by the County Court, to serve her Master or Mistress one Year, after her Term of Service by Indenture or otherwise is expired.

If she has a child  
by her master,  
Church wardens  
may sell her for 1  
year, &c.

XVIII. *AND be it further enacted by the Authority aforesaid*, That if any Woman Servant shall hereafter be delivered of a Child, begotten by her Master, such Servant shall, immediately after Delivery, be sold, by the Churchwardens of the Parish where the Offence shall be committed, for one Year, after the Time of Service by Indenture or otherwise is expired; and the Money arising by such Sale, shall be to the Use of the Parish: And if any white Servant Woman shall, during the Time of her Servitude, be delivered of a Child, begotten by any Negro, Mulatto, or *Indian*, such Servant, over and above the Time she is by this Act to serve her Master or Owner for such Offence, shall be sold, by the Churchwardens of the Parish, for two Years, after the Time by Indenture or otherwise is expired; and the Money arising thereby applied to the Use of the said Parish; and such Mulatto Child or Children of such Servant, to be bound, by the County Court, until he or she arrive at the Age of thirty-one Years.

If by a Negro,  
&c. she may be  
sold for 2 years,  
and the child  
bound out till 31  
years of age, &c.

XIX. AND whereas many abuses have and may be committed, by Persons who, under Pretence of understanding several Trades and Mysteries, have procured, and may hereafter procure, large Sums of Money to be advanced to them, and have entered, and may hereafter enter, into Covenants with Merchants and others in *Great-Britain*, or elsewhere, for the Payment of large Wages, yearly, though they were, or may be, totally ignorant of, and unable to perform, such Trade and Mystery: For Remedy whereof,

Tradesmen im-  
ported on wages,  
found not to un-  
derstand their  
trades, Court  
may cut off their  
wages.

XX. *BE it enacted by the Authority aforesaid*, That all and every Person or Persons already imported, or who shall be hereafter imported, into this Government, as a Tradesman or Workman, on Wages, and shall be found not to understand such Trade or Employment, the Master or Owner of such Servant may bring him or her to any County Court of this Government; which Court, upon Complaint made to them of such Deceit, are hereby empowered and directed to enquire into the same, and upon finding any such Fraud, may judge and direct such Satisfaction to be made to the Master or Owner of such Servant, either by Defalcation of the Wages, or Part thereof, as to them shall seem just.

If they refuse to  
do their duty, or  
absent themselves  
County Court  
may order satis-  
faction, &c.

XXI. *AND be it further enacted by the Authority aforesaid*, That if any Person, who is or shall hereafter be imported or brought into this Government, as a Tradesman or other Workman, on Wages, shall refuse or neglect to perform his Duty, or shall absent himself from his Master or Owner's Service without Leave, in every such Case, it shall and may be lawful for the Justices of the County Court wherein such Master or Owner resides, upon Complaint, and Proof to them made, to order such Satisfaction and Reparation to the Master or Owner of such Servant, for the Damages sustained by him for such Refusal or Neglect, as to them shall seem just; and for every Day such Servant shall absent himself from his Master or Owner's Service as aforesaid, to order and direct such Servant to serve his or her said Master or Owner, two Days for every Day's Absence, after his Time by Indenture or otherwise is expired, and that without any Wages to be paid for such Service.

XXII. AND



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Servants dues.

XXII. *AND be it further enacted by the Authority aforesaid,* That there shall be allowed to every Servant, whether by Indenture or otherwise, not having yearly Wages, at the Expiration of his or her Service, three Pounds, Proclamation Money, besides one sufficient Suit of wearing Cloaths, for such Servant or Servants.

XXIII. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons already have, or shall hereafter, import into this Government, and here sell, or retain for his own Use, as a Slave, any Person or Persons that shall have been free in any Christian Country, Island, or Plantation, or *Turk* or *Moor*, in Amity with his Majesty, such Importer or Seller as aforesaid shall forfeit and pay, to the Party from whom the said free Person shall recover his or her Freedom, double the Sum for which such free Person was sold; to be recovered in any Court of Record within this Government, according to the Course of common Law, wherein the Defendant shall not be admitted to plead, in Bar, any Act or Statute for Limitation of Actions: And moreover, such Importer or Seller of any such free Person as aforesaid, shall be committed until he enter into Bond, before the said Court, with two good and sufficient Sureties, in the Sum of five hundred Pounds, *sterling* Money of *Great-Britain*, payable to our Sovereign Lord the King, his Heirs and Successors, with Condition, That he shall and do, within one Year then next ensuing, transport and land (Danger of the Seas and Life only excepted,) such free Person sold by him as a Slave as aforesaid, (if he or she shall so require,) in the Country, Island, or Plantation from whence he or she was indirectly brought as aforesaid; and shall produce an authentic Certificate of his Performance thereof to the said Court.

Persons importing and selling as a slave any free person, to pay to the party injured double the sum he was sold for.

And shall give security to carry such person to the place from whence he brought him, &c.

XXIV. *AND be it further enacted by the Authority aforesaid,* That each and every Justice of the Peace for the several Counties within this Government, are hereby empowered and directed, upon the Complaint of any Person who now is, or hereafter shall be, imported into this Government, and who was free in any Christian Country, Island, or Plantation, before his or her Transportation hither, who is kept or sold as a Slave, to cause the pretended Owner of such Person complaining, to appear before him, together with such Evidence or Evidences as shall be material; and after examination taken, in Writing, shall bind them over to appear at the next County Court of which he is a Member, where the said Complaint shall be heard and determined without any formal Process of Law.

On complaint of any such person sold, Justice to examine the matter, and bind the offender, with the witnesses, to the next Court; where the same shall be determined.

XXV. *Repealed and otherwise provided for by Act, Jan. 1779, Ch. 11.*

See act, Nov. 1787, ch. 6.

XXVI. *AND be it further enacted by the Authority aforesaid,* That if any Person shall hire or contract himself to serve as an Overseer, either upon Wages or Share of the Produce, with any Person or Planter whatsoever within this Government, and shall absent himself or depart from the Service of his Master or Mistress, before the Time mentioned in his Agreement or Contract shall be expired, he shall, for such Offence, forfeit his Right and Title to his Wages, or Share of the Produce.

Overseer leaving his employment, to forfeit his wages, or share of the crop.

XXVII. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons whatsoever, shall, directly or indirectly, at any Time after the Ratification of this Act, tempt or persuade any Negro or Negroes, or other Slave or Slaves, to leave his, her, or their Master or Mistress's Service, out of an Intent and Design to carry or convey away him, her, or them, out of this Government, or shall harbour or conceal him, her, or them, for that Intent and Purpose, and be thereof convicted, by his, her, or their own Confession, or the Oath of one credible Witness, such Person or Persons shall, by the two next Justices of the Peace, be committed to Gaol, or bound over to the next Court to be held for the County where the Offence shall be committed, and shall be prosecuted, by Indictment, for the said Offence; and being thereof lawfully convicted, shall, by the said Court, be adjudged to pay, to the Master or Mistress, for each Negro or other Slave so enticed or persuaded, for the Purpose aforesaid, the Sum of twenty-five Pounds, Proclamation Money, or the Value thereof; to be levied by Order of the said Court: But in Case the Party offending shall not be found worth Lands, Goods, or Chattels, to the Value aforesaid, then the said Court shall adjudge him, her, or them, to serve the Owner of such Slave or Slaves, or his Assigns, five Years; and

Penalty on persons tempting or persuading, or harbouring or concealing any slave, with an intent to convey him away out of the government.



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And on such as actually convey away any slave he tempts to quit his master's service.

so deliver him, her, or them, over to the Master, Mistress, or Owner of such Slave or Slaves, so tempted or persuaded as aforesaid, and make Record thereof: But if any Person or Persons shall so tempt and practice with any Negro or Negroes, or other Slave or Slaves, and him, her, or them, so tempted, shall actually convey away, or send out of this Government, and be afterwards apprehended, and convicted thereof, he, she, or they, shall, by the said Court, be severally adjudged and condemned as guilty of Felony; and shall suffer accordingly.

Reward to persons taking up runaways.

XXVIII. A N D for Encouragement of all Persons to take up Runaways, *Be it enacted by the Authority aforesaid*, That for the taking up Servants or Slaves, if ten Miles, or under, from the House or Quarter where such Servant or Slave was kept, there shall be allowed, by the Master, if known, and residing in the County, if not, by the Public, as a Reward to the Taker-up, seven Shillings and six Pence, Proclamation Money, and for every Mile above ten, three Pence, over and above the said Sum; which said several Rewards shall be paid by the Churchwardens of the Parish where such Taker-up shall reside, or where he shall bring such Runaway before a Justice of the Peace; and shall be levied again by the Churchwardens of the said Parish, upon the said Master or Owner of such Runaway, for Reimbursement of the same to the Parish: And for the greater Certainty in paying the said Rewards, and reimbursing the Parish, every Justice of the Peace before whom such Runaway shall be brought, upon the taking up, shall grant a Certificate thereof, in which he shall mention the proper Name and Surname of the Taker-up, and the County of his or her Residence, together with the Time and Place of taking up the said Runaway, and shall also mention the Name of the said Runaway, and the proper Name and Surname of the Master or Owner of such Runaway, and the County of his or her Residence, together with the Distance of Miles, in the said Justice's Judgment, from the Place of taking up the said Runaway, to the House or Quarter where such Runaway was kept; upon producing which Certificate to the Churchwardens of the Parish where the same was granted, they shall pay, to the Taker-up of such Runaway, or his Assigns, the Reward aforesaid; and shall levy the same again as aforesaid: But if it should happen, that the Master or Owner of such Runaway should not reside, or have Effects in the County where the said Certificate shall be granted by the Justice as aforesaid, the said Churchwardens shall transmit the said Certificate to the Sheriff of the County where the Owner of such Runaway resides, or hath Effects, who shall, upon Receipt thereof, immediately levy the same upon the Goods and Chattels of the Master or Owner of such Runaway, and return the same to the Churchwardens aforesaid, or their Order; any Law, Usage, or Custom to the contrary, notwithstanding.

Reward how to be paid.

Runaway slave not telling his master, to be committed to the county gaol, and notice given for two months by the Sheriff, &c.

XXIX. *A N D be it further enacted by the Authority aforesaid*, That if any Negro or other Person, who shall be taken up as a Runaway, and brought before any Justice of the Peace, and cannot speak *English*, or, through Obstinacy, will not declare the Name of his or her Owner, such Justice shall, in such Case, and he is hereby required, by a Warrant under his Hand, to commit the said Negro Slave or Runaway to the Gaol of the County wherein he or she shall be taken up; and the Sheriff, or Under-Sheriff, of the County into whose Custody the said Runaway shall be committed, shall forthwith cause Notice, in writing, of such Commitment, to be set up on the Court-house Door of the said County, and there continued, during the Space of two Months; in which Notice, a full Description of the said Runaway, and his Cloathing, shall be particularly set down; and shall cause a Copy of such Notice to be sent to the Clerk or Reader of each Church or Chapel within his County, who are hereby required to make Publication thereof, by setting up the same in some open and convenient Place, near the said Church or Chapel, on every Lord's Day during the Space of two Months, from the Date thereof: And every Sheriff failing to give such Notice as herein is directed, shall forfeit and pay five Pounds, Proclamation Money; which said Forfeiture shall and may be recovered, with Costs, in any Court of Record in this Government, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Privilege, Protection, Injunction, or Wager of Law, shall be allowed: The one Moiety whereof shall be to the Churchwardens, for the Use of the Parish, as well as towards the defraying the Charges that shall arise and become due by Virtue of this Act, and the other Moiety to the Person who shall sue for the same.

Sheriff failing to give such notice, to forfeit 5l.

XXX. A N D



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XXX. *AND be it further enacted by the Authority aforesaid,* That if within the Space of two Months, the Owner of any such Negro Slave or Runaway cannot be known, or doth not claim the same, that the Sheriff of the said County to whose Custody such Runaway shall be committed, shall cause the said Runaway to be delivered to the next Constable, to be by him delivered to the next Constable, and so from Constable to Constable, to the public Gaol of this Government, after such Manner, and to receive such Punishment, as in this Act is mentioned and directed.

Owner not known in two months, runaway to be sent to the public gaol.

XXXI. *AND be it further enacted by the Authority aforesaid,* That when any Negro or Runaway, as aforesaid, shall be delivered to the Keeper of the public Gaol of this Government, by Virtue of this Act, and his or her Master or Owner cannot be known, it shall and may be lawful for the Keeper of the said Gaol, upon his Application to the General Court, or the nearest County Court to the said Gaol, or to any two Justices, out of Court, with the Consent of either of the said Courts, or two Justices, as aforesaid, to let the said Negro or Runaway to Hire, to any Person or Persons whom they shall approve of, for such Sum or Sums of Money, or Quantity of Commodities, and for such Term or Time, as they shall direct; and that out of the Money or Commodities arising by such Hire, all Fees relating to the taking up, Imprisonment, and conveying to Gaol, and Charges of maintaining such Negro or Runaway, shall be first paid and discharged, and the Overplus, if any, disposed of as such Court, who shall order the said Negro or Runaway to let out to Hire, shall direct.

If his owner be not yet known, gaoler may hire him out, &c.

XXXII. *PROVIDED always,* That when the Owner of such Negro or Runaway shall demand the same, the Person to whom such Negro or Runaway shall be let out to Hire, shall forthwith deliver him or her into the Custody of the Keeper of the public Gaol, and shall then also pay the Hire, in Proportion to the Time the said Runaway hath served; and the Keeper of the said Gaol shall deliver the said Runaway to his Master or Owner, he or she paying down all Fees and Charges of taking up, Imprisonment, conveying to Gaol, and maintaining such Runaway, in Case the Hire of the said Runaway be not sufficient to satisfy the same.

Owner appearing, runaway to be delivered to him, he paying fees, if the hire is not sufficient.

XXXIII. *AND be it further enacted by the Authority aforesaid,* That when the Keeper of the said public Gaol shall, by Direction of such Court as aforesaid, let out any Negro or Runaway to Hire, to any Person or Persons whomsoever, the said Keeper shall, at the Time of his Delivery, cause an iron Collar to be put on the Neck of such Negro or Runaway, with the letters P. G. stamped thereon; and that thereafter the said Keeper shall not be answerable for any Escape of the said Negro or Runaway.

Runaway slave hired out, gaoler to put an iron collar on him; and then not answerable for his escape.

XXXIV. *AND be it further enacted by the Authority aforesaid,* That when any Runaway Servant or Slave shall be brought before any Justice of the Peace within this Government, such Justice shall, by his Warrant, commit the said Runaway to the next Constable, and therein also order him to give the said Runaway so many Lashes as the said Justice shall think fit, not exceeding the Number of thirty-nine, well laid on, on the bare Back of such Runaway; and then to be conveyed from Constable to Constable, until the said Runaway shall be carried home, or to the public Gaol, as aforesaid.

Runaways taken up, Justices to order them to be whipped, & sent from Constable to Constable home, &c.

XXXV. *AND be it further enacted,* That every Constable, shall, on his Receipt of such Runaway, give a Receipt for him or her; and that every Constable failing to execute such Warrant, according to the Tenor thereof, or refusing to give such Receipt, shall forfeit and pay twenty Shillings, Proclamation Money, or the Value thereof in Bills, to the Churchwardens, for the Use of the Parish wherein such Failure shall be; to be recovered by a Warrant under the Hands of any two Justices within the County where such Constable shall reside: And such corporal Punishment shall not deprive the Master or Owner of any Runaway Servant of the other Satisfaction herein by this Act appointed to be had of such Servant, for his or her running away.

Constable refusing to convey runaway, to forfeit 20s.

Corporal punishment not to deprive the master of other satisfaction he is entitled to.

XXXVI. *AND*



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Sheriff, &c. employing runaway or keeping him in custody longer than this act directs, to forfeit 5l.

XXXVI. *AND be it further enacted by the Authority aforesaid,* That if any Sheriff, Under-Sheriff, or Constable, shall set to work, employ, or let out to Hire, without Order of Court as aforesaid, any Runaway Servant or Slave committed to the Custody of any of them, or shall detain such Runaway longer in his or their Custody than by this Act is directed, he or they so offending, shall forfeit and pay five Pounds, Proclamation Money; to be recovered, in any Court of Record in this Government, by Action of Debt, Bill, Plaint, or Information, wherein no Effoin, Protection, Privilege, or Wager of Law, shall be allowed: One Moiety whereof to be paid to the Churchwardens, for the Use of the Parish where the Offence shall be committed, and the other to him or them who shall sue for the same: And if any Sheriff, or his Under-Sheriff, or any Constable, into whose Hands any Runaway Servant or Slave shall be committed, by Virtue of this Act, shall negligently or wilfully suffer such Runaway to escape the said Sheriff, Under-Sheriff, or Constable, he or they shall be liable to the Action of the Party grieved, for Recovery of his Damages, at the common Law, with Costs.

Sheriff, &c. suffering runaway to escape, liable to the action of the party grieved.

Constables exempted from paying levies.

Ferry-keepers to give immediate passage to Constables charged with runaways.

Such ferriages to be paid by the Churchwardens.

XXXVII. *AND be it further enacted by the Authority aforesaid,* That all and every the Constables within this Government, for their Encouragement to perform their Duty, be, and they are hereby, for the future, exempted from the Payment of all public, County, and Parish Levies, for their own Persons, during their Continuance in Office; and that the Keepers of Ferries within this Government, shall give immediate Passage to all Constables, and their Assistants, charged with conducting any Runaway or Runaways, either to the public Gaol, or to such Runaway or Runaways Master or Owner, without charging such Constable, or their Assistants, for the Ferriage, either going or returning: But all such Ferriages of Constables, and their Assistants, shall be paid by the Churchwardens of the Parish where such Ferry-keepers respectively live, and levied, as aforesaid, upon the respective Masters or Owners of such Runaways.

Sheriff's & Gaolers fees.

See act, Oct. 27<sup>th</sup> 1784, ch. 7.

Sheriff or Gaoler taking greater fees, to forfeit 20s. and refund the overplus of the legal fees.

XXXVIII. *AND be it further enacted by the Authority aforesaid,* That from and after the Publication of this Act, the Fees and Allowances of the said Sheriffs and Gaolers be as followeth; *that is to say,* For the Commitment of every such Negro or Runaway to any County Gaol, the Sheriff shall be paid, for his Fee, the Sum of two Shillings and six Pence, Proclamation Money, and for the keeping or maintaining him or her in Gaol, for every twenty-four Hours, the Sum of six Pence, and for his or her Release, the Sum of two Shillings and six Pence; and that the Keeper of the public Gaol of this Government, for the Commitment of every such Negro or Runaway, shall be paid the Sum of two Shillings and six Pence, Proclamation Money, and for his or her keeping in Gaol, every twenty-four Hours, the Sum of six Pence, Proclamation Money, and for his or her Release, the Sum of two Shillings and six Pence, Proclamation Money, and no more: And if any Sheriff, in any County of this Government, or Keeper of the public Gaol, shall demand or take any greater Fee or Allowance than is hereby before appointed and allowed, for the Services and Maintenance aforesaid, or any of them, he or they so offending, shall, for every Offence, forfeit and pay to the Party grieved, the Sum of twenty Shillings, Proclamation Money, and shall also refund and pay back to the Parties, such Sum of Money which such Sheriff or Gaoler shall receive and take, over and above the Fees and Allowances herein before appointed; which said Forfeiture of twenty Shillings, shall and may be recovered by a Warrant from any Justice of the Peace of the County where such Offence shall be committed.

When runaways are supposed to belong to other governments, Gaoler to send an advertisement to the Virginia or South-Carolina gazette.

XXXIX. *AND be it further enacted by the Authority aforesaid,* That when any Negro or other Runaway whose Owner is supposed to be resident in any other Province, shall be committed to any public Gaol of this Government, the Keeper of the said Gaol shall, by the first Opportunity after such Commitment, send a Description of such Negro or Runaway, together with the Account of the Time of the Commitment, and the County where such Runaway is committed, to the Press, to be advertised in the Virginia, or South-Carolina Gazette; for which he shall be reimbursed by the Owner of the said Slave or Runaway.



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XL. *AND be it further enacted by the Authority aforesaid,* That no Slave shall go armed with Gun, Sword, Club, or other Weapon, or shall keep any such Weapon, or shall hunt or range with a Gun in the Woods, upon any Pretence whatsoever, (except such Slave or Slaves who shall have a Certificate, as is herein after provided;) and if any Slave shall be found offending herein, it shall and may be lawful for any Person or Persons to seize and take, to his own Use, such Gun, Sword, or other Weapon, and to apprehend and deliver such Slave to the next Constable, who is enjoined and required, without further Order or Warrant, to give such Slave twenty Lashes, on his or her bare Back, and to send him or her home; and the Master or Owner of such Slave shall pay to the Taker-up of such armed Slave, the same Reward as by this Act is allowed for taking up of Runaways.

Slaves not to go armed, &amp;c.

Offenders may be taken up, their arms taken from them, and they whipped, &amp;c. See act, March 27, 1753, ch. 6.

XLI. *PROVIDED always,* That Nothing in this Act shall be construed or extended, to prohibit or debar any Master or Owner of any Slave or Slaves within this Government, from employing any one Slave in each and every distinct Plantation, from hunting in the Woods on their Master's Lands with a Gun, to preserve his or her Stock, or to kill Game for his or her Family.

One slave employed by his master on a plantation excepted.

XLII. *PROVIDED also,* That such Master or Owner shall first deliver into the County Court, an Account, in writing, of the Name of any such Slave to be employed as aforesaid; and the Chairman of the Court shall sign a Certificate that such Slave is allowed to carry a Gun, and hunt in the Woods on his Master or Mistress's Lands: And the Master, Mistress, or Overseer of such Slave shall give him the said Certificate, which such Slave shall always carry about him, on Pain of being apprehended and punished as aforesaid: Any Thing herein before contained to the contrary, notwithstanding.

Such slave to carry a certificate, &amp;c.

XLIII. *AND be it further enacted by the Authority aforesaid,* That no Slave shall go from off the Plantation or Seat of Land where such Slave shall be appointed to live, without a Certificate of Leave, in writing, for so doing, from his or her Master or Overseer, (Negroes wearing Liveries always excepted.)

Slaves not to go off the plantation without leave, (livery slaves excepted.)

XLIV. *AND be it further enacted by the Authority aforesaid,* That no Slave shall be permitted, on any Pretence whatsoever, to raise any Horses, Cattle, or Hogs; and all Horses, Cattle, and Hogs, that, six Months from the Date hereof, shall belong to any Slave, or of any Slave's Mark in this Government, shall be seized, and sold by the Churchwardens of the Parish where such Horses, Cattle, or Hogs shall be, and the Profit thereof be applied, one Half to the Use of the said Parish, and the other Half to the Informer.

Slaves not to raise horses, cattle or hogs, &amp;c. See act, May 1779, chap. 5.

XLV. *AND* whereas many Times Slaves run away, and lie out hid and lurking in Swamps, Woods, and other obscure Places, killing Cattle and Hogs, and committing other Injuries to the Inhabitants of this Government: *Be it therefore enacted by the Authority aforesaid,* That in all such Cases, upon Intelligence of any Slave or Slaves lying out as aforesaid, any two Justices of the Peace for the County wherein such Slave or Slaves is or are supposed to lurk or do Mischief, shall, and they are hereby empowered and required, to issue Proclamation against such Slave or Slaves, (reciting his or their Name or Names, and the Name or Names of the Owner or Owners, if known,) thereby requiring him or them, and every of them, forthwith to surrender him or themselves; and also, to empower and require the Sheriff of the said County to take such Power with him as he shall think fit and necessary, for going in Search and Pursuit of, and effectual apprehending such outlying Slave or Slaves; which Proclamation shall be published on a Sabbath Day, at the Door of every Church or Chapel, or for Want of such, at the Place where Divine Service shall be performed in the said County, by the Parish Clerk, or Reader, immediately after Divine Service: And if any Slave or Slaves against whom Proclamation hath been thus issued, stay out and do not immediately return home, it shall be lawful for any Person or Persons whatsoever, to kill and destroy such Slave or Slaves, by such Ways and Means as he or she shall think fit, without Accusation or Impeachment of any Crime for the same.

Run-away slaves may be out-lawed.



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XLVI. *Repealed by Act, Nov. 1786, Ch. 17.*

Conspiracy of any three or more slaves, &amp;c. adjudged felony.

XLVII. *AND be it further enacted by the Authority aforesaid,* That if any Number of Negroes or other Slaves, *that is to say,* three, or more, shall, at any Time hereafter, consult, advise, or conspire to rebel, or make Insurrection, or shall plot or conspire the Murther of any Person or Persons whatsoever, every such consulting, plotting, or conspiring, shall be adjudged and deemed Felony; and the Slave or Slaves convicted thereof, in Manner herein after directed, shall suffer Death.

Manner of trying slaves, &amp;c. See act, April 1783, chap. 14.

XLVIII. *AND be it further enacted by the Authority aforesaid,* That every Slave committing such Offence, or any other Crime or Misdemeanor, shall forthwith be committed, by any Justice of the Peace, to the common Gaol of the County within which the said Offence shall be committed, there to be safely kept; and that the Sheriff of such County, upon such Commitment, shall forthwith certify the same to any Justice in the Commission for the said Court, for the Time being, resident in the County, who is thereupon required and directed to issue a Summons for two or more Justices of the said Court, and four Freeholders, such as shall have Slaves in the said County; which said three Justices, and four Freeholders, Owners of Slaves, are hereby empowered and required, upon Oath, to try all Manner of Crimes and Offences that shall be committed by any Slave or Slaves, at the Court-house of the County, and to take for Evidence, the Confession of the Offender, the Oath of one or more credible Witnesses, or such Testimony of Negroes, Mulattoes, or *Indians*, bond or free, with pregnant Circumstances, as to them shall seem convincing, without the Solemnity of a Jury; and the Offender being then found guilty, to pass such Judgment upon such Offender, according to their Discretion, as the Nature of the Crime or Offence shall require; and on such Judgment, to award Execution.

All Justices may sit on any slave's trial.

XLIX. *PROVIDED always, and be it enacted,* That it shall and may be lawful for each and every Justice, being in the Commission of the Peace for the County where any Slave or Slaves shall be tried, by Virtue of this Act, (who is Owner of Slaves,) to sit upon such Trial, and act as a Member of such Court, though he or they be not summoned thereto: Any Thing herein before contained to the contrary, in any wise, notwithstanding.

Punishment of negroes, &amp;c. giving false testimony.

L. *AND to the End* such Negro, Mulatto, or *Indian*, bond or free, not being Christians, as shall hereafter be produced as an Evidence on the Trial of any Slave or Slaves for capital or other Crimes, may be under the greater Obligation to declare the Truth; *Be it further enacted,* That where any such Negro, Mulatto, or *Indian*, bond or free, shall, upon due Proof made, or pregnant Circumstances, appearing before any County Court within this Government, be found to have given a false Testimony, every such Offender shall, without further Trial, be ordered, by the said Court, to have one Ear nailed to the Pillory, and there stand for the Space of one Hour, and the said Ear to be cut off, and thereafter the other Ear nailed in like Manner, and cut off, at the Expiration of one other Hour; and moreover, to order every such Offender thirty-nine Lashes, well laid on, on his or her bare Back, at the common Whipping-post.

Chairman of the Court to caution every slave giving testimony.

LI. *AND be it further enacted by the Authority aforesaid,* That at every such Trial of Slaves committing capital or other Offences, the first Person in Commission sitting on such Trial, shall, before the Examination of every Negro, Mulatto, or *Indian*, not being a Christian, charge such to declare the Truth.

Owner, &amp;c. of slave, may appear, and make defence for him.

LII. *PROVIDED always, and it is hereby intended,* That the Master, Owner, or Overseer of any Slave, to be arraigned and tried by Virtue of this Act, may appear at the Trial, and make what just Defence he can for such Slave or Slaves; so that such Defence do not relate to any Formality in the proceeding on the Trial.

LIII. *Repealed by Act, Nov. 1786, Ch. 17.*LIV. *AND*



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LIV. *AND be it further enacted by the Authority aforesaid,* That if in the dispersing any unlawful Assemblies of rebel Slaves or Conspirators, or seizing the Arms and Ammunition of such as are prohibited by this Act to keep the same, or in apprehending Runaways, or in Correction by Order of the County Court, any Slave shall happen to be killed or destroyed, the Court of the County where such Slave shall be killed, upon Application of the Owner of such Slave, and due Proof thereof made, shall put a Valuation, in Proclamation Money, upon such Slave so killed, and certify such Valuation to the next Session of Assembly; that the said Assembly may make suitable Allowance thereupon, to the Master or Owner of such Slave.

In certain instances, slaves killed, to be valued by the County Court and paid for by the public. See act, Nov. 1726, chap. 17.

LV. *PROVIDED always, and be it further enacted,* That Nothing herein contained, shall be construed, deemed, or taken, to defeat or bar the Action of any Person or Persons, whose Slave or Slaves shall happen to be killed by any other Person whatsoever, contrary to the Directions and true Intent and Meaning of this Act; but that all and every Owner or Owners of such Slave or Slaves, shall and may bring his, her, or their Action, for Recovery of Damages for such Slave or Slaves so killed.

Other persons killing slaves, owner may have his action against them.

LVI. *AND be it further enacted by the Authority aforesaid,* That no Negro or Mulatto Slaves shall be set free, upon any Pretence whatsoever, except for meritorious Services, to be adjudged and allowed of by the County Court, and Licence thereupon first had and obtained: And that where any Slave shall be set free by his or her Master or Owner, otherwise than is herein before directed, it shall and may be lawful for the Churchwardens of the Parish wherein such Negro, Mulatto, or Indian, shall be found, at the Expiration of six Months, next after his or her being set free, and they are hereby authorized and required, to take up and sell the said Negro, Mulatto, or Indian, as a Slave, at the next Court to be held for the said County, at public Vendue; and the Monies arising by such Sale, shall be applied to the Use of the Parish, by the Vestry thereof: And if any Negro, Mulatto, or Indian Slave, set free otherwise than is herein directed, shall depart this Province, within six Months next after his or her Freedom, and shall afterwards return into this Government, it shall and may be lawful for the Churchwardens of the Parish where such Negro or Mulatto shall be found, at the Expiration of one Month, next after his or her Return into this Government, to take up such Negro or Mulatto, and sell him or them, as Slaves, at the next Court to be held for the County, at public Vendue; and the Monies arising thereby, to be applied, by the Vestry, to the Use of the Parish, as aforesaid.

Manner in which alone slaves may be set free.

Method of proceeding against those set free otherwise.

See acts, April 1777, chap. 6; Jan. 1779, chap. 12; Nov. 1788, chap. 20.

LVII. *Not now in Force.*

LVIII. *AND be it further enacted by the Authority aforesaid,* That all and every other Act and Acts, and every Clause and Article thereof heretofore made, so far as relate to Servants and Slaves, or to any other Matter or Thing whatsoever, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

Repealing clause.

SIGNED by

GABRIEL JOHNSTON, Esq. Governor.

WILLIAM SMITH, President.

JOHN HODGSON, Speaker.

A N N O



















A. D. 1743.

## C H A P. V.

*An Act for providing proper Magazines of Ammunition in the several Counties of this Province, and for defraying the Charge thereof.* O B S.

## C H A P. VI.

Not within the  
design of this  
publication.

*An Act for making and clearing a Highway from Edenton, into the Road leading over Mr. Hoskins's Mill-Dam, towards Pequimons Court-house, and for erecting Bridges in such Road, and also another Gate at Edenton.*

## C H A P. VII.

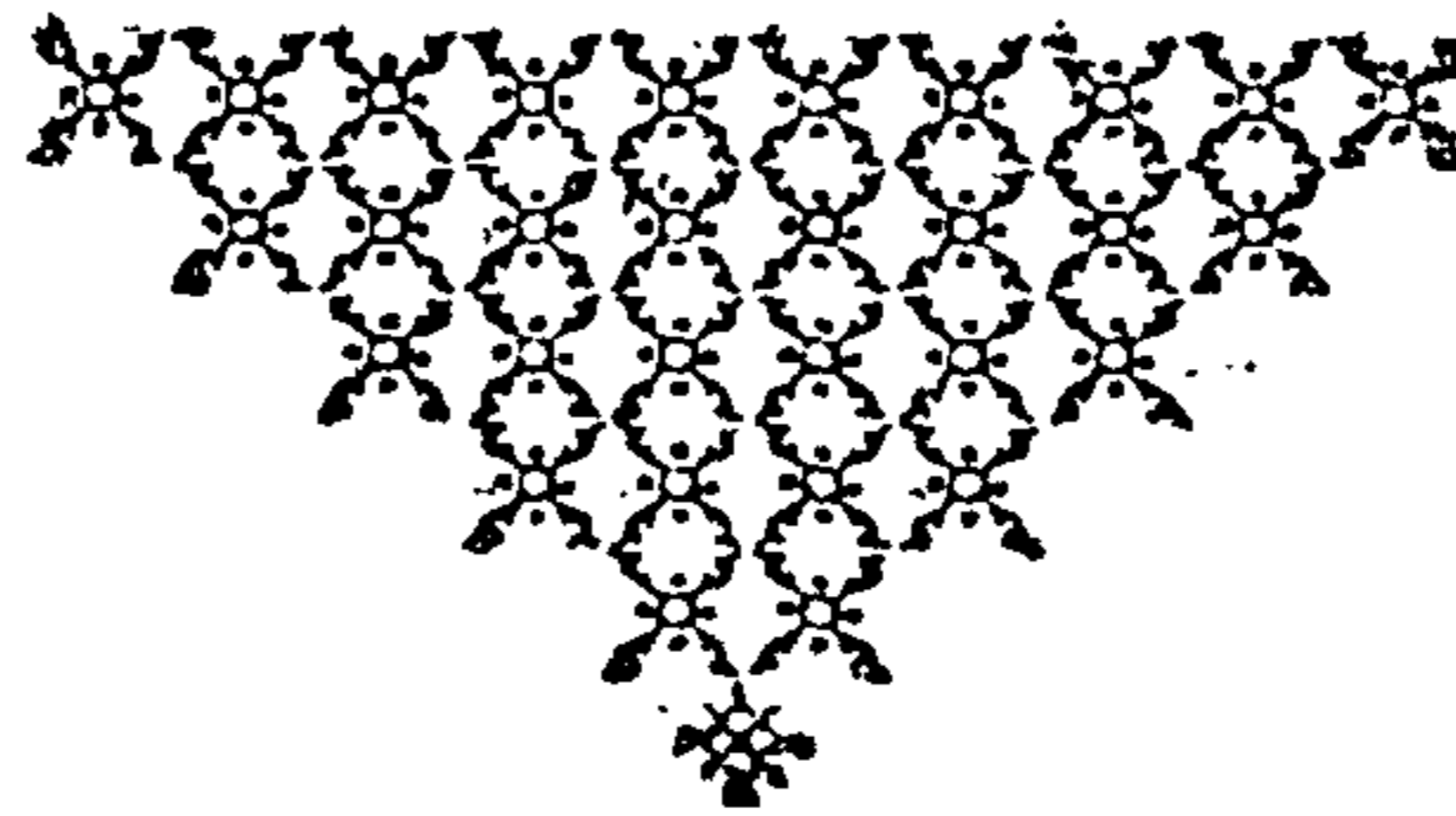
*An Act for erecting a Court-house, Prison, and Stocks, in Bertie County, and for laying a Tax upon the Inhabitants of the said County for defraying the Charge thereof.* P R I V.

SIGNED by

GABRIEL JOHNSTON, Esq. Governor.

NATHANIEL RICE, President.

SAMUEL SWANN, Speaker.



A N N O







A. D. 1745.

Proviso.

III. *P R O V I D E D* nevertheless, That Nothing in this Act shall be construed, to extend to convict any Person or Persons of the said Forfeiture, in whose House any Venison, green Skin or Skins, shall be found, which hath been left in such House without the Knowledge, Privity, or Consent of such Person, or any of his Family, upon due Proof thereof to be made, by the Person therewith charged.

Persons not possessed of a settled habitation, not allowed to hunt without producing a certificate of his having tilled 5000 corn hills, &c.

IV. *A N D* forasmuch as there are great Numbers of idle and disorderly Persons, who have no settled Habitation, nor visible Method of supporting themselves, by Industry or honest Calling, many of whom come in from neighbouring Colonies, without proper Passes, and kill Deer at all Seasons of the Year, and often leave the Carcasses in the Woods, and also steal and destroy Cattle, and carry away Horses, and commit other Enormities, to the great Prejudice of the Inhabitants of this Province; *Be it therefore enacted by the Authority aforesaid,* That every Person who shall hunt and kill Deer in the King's Waste within this Province, and who is not possessed of a settled Habitation in the same, shall be obliged to produce a Certificate, when required, of his having planted and tilled five thousand Corn-hills, at five Feet Distance each Hill, the preceding Year, or Season, in the County where he shall hunt, under the Hands of at least two Justices of the Peace of the said County, and the Hand of at least one of the Churchwardens of the Parish where such Person planted and tilled such Corn, as aforesaid.

Such person found hunting, and not producing such certificate, to forfeit his gun, and 5l.

V. *A N D* be it further enacted, That if any such Person as aforesaid, is found hunting, and does not produce such Certificate as aforesaid, when required, he shall forfeit his Gun, and five Pounds, Proclamation Money, for every such Offence; to be recovered and applied as herein after directed.

Persons not to leave carcasses in the woods, &c. on penalty of 40s.

VI. *A N D* whereas many idle Persons, who spend their chief Time in hunting Deer, leave the Carcasses in the Woods, by which Means Wolves, Bears, and other Vermin, are raised and supported, which destroy the Stocks of the Inhabitants of this Province; *Be it therefore further enacted by the Authority aforesaid,* That every Person who hunts Deer, and leaves the Carcass or Carcasses in the Woods, undestroyed, shall, for every Offence, forfeit and pay forty Shillings, Proclamation Money.

Fines how to be recovered, and applied.

Right of appeal.

VII. *A N D* be it further enacted by the Authority aforesaid, That all Fines and Forfeitures mentioned in this Act, shall be paid, the one Half to the Informer, the other Half to the Churchwardens, for the Use of the Parish wherein such Offence shall be committed; to be recovered, with Costs, by a Warrant from any Justice of the Peace within this Government; saving to all free Persons the Right of Appeal to the County Court where such Offence is committed: Which said Court is hereby empowered and directed, in a summary Way, finally to determine the same; wherein no Essoin, Protection, or Wager of Law, shall be allowed or admitted of.

## C H A P. IV.

*An Act to repeal an Act passed at Wilmington, in the Year of our Lord One Thousand Seven Hundred and Forty-one, entitled, An Act to establish Ports, or Places of Delivery of Merchandizes, imported in, and exported out of this Province, and to prevent the clandestine running of uncustomed Goods in the several Ports thereof.*

I. **W** H E R E A S it is found very inconvenient and injurious to Traders and Vessels arriving at the several Ports and Places in the said Act mentioned, and there being obliged to unlade and continue, whereby great Damages, Losses, and Delays have accrued, and much of the Trade of this Province, which heretofore used to be carried on by Water, has of late been diverted, and carried on by Land to *Virginia*: For Remedy whereof,

II. **W E**



A. D. 1745.

II. WE pray it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same,* That the said Act be, and is hereby repealed, to all Intents and Purposes, as if the same had never been made. Act repealed.

III. *PROVIDED* nevertheless, That Nothing in this Act shall be deemed or taken, to extend to any Law-Suit already commenced and depending, upon the Breach of the said Law. Not to extend to any suit already commenced.

## C H A P. V.

*An Act for empowering the several Commissioners herein after named, to make, mend, and repair all Roads, Bridges, Cuts, and Water-Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts herein after appointed, in such Manner as they judge most useful to the Public.* Rep. by act, Jan. 1764, ch. 3.

## C H A P. VI.

*An Act for erecting a Fortification on the lower Part of Cape-Fear River, for applying thereto the Powder-Money already arisen, or which shall arise, by Shipping coming into the Port of Brunswick.*

I. **W**HEREAS from the present War with *France* and *Spain*, there is great reason to fear, that such Parts of this Province which are situated most commodious for Shipping to enter, may be invaded by the Enemy: And whereas the Entrance of *Cape-Fear* River, from its known Depth of Water, and other Conveniences for Navigation, may tempt them to such an Enterprize, while it remains in so naked and defenceless a Condition as it now is: Therefore for the better securing of the Inhabitants of the said River from any Insult and Invasion,

II. WE pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same,* That his Excellency *Gabriel Johnston, Esq. Governor*, the Honourable *Nathaniel Rice, Robert Halton, Eleazer Allen, Matibew Rowan, Edward Mosley, Roger Moore, William Forbes, Esqs. and Colonel James Innes, William Paris, Esq. Major John Swann, and George Moore, Esq.* be, and are hereby appointed Commissioners; who, or the Majority of them, shall have full Power and Authority to erect and build a Fort or Battery, in such Place on the lower Parts of *Cape-Fear* River, as to the Majority of them shall seem most convenient, for the Defence of the said River: Which Fort or Battery shall be called *Johnston's Fort*, and shall be large enough to contain, at least twenty-four Cannon, with Barracks, and other Conveniences for Soldiers. Commissioners appointed to erect the fort.

III. **A**ND for defraying the Charges of building such Fort or Battery, *Be it enacted by the Authority aforesaid,* That the Powder-Money already paid to the Naval-Officer of *Port Brunswick*, or to the Commissioners of Navigation of the said Port, since the sixth Day of *March*, one thousand seven hundred and thirty-eight, by Virtue of an Act of Assembly, entitled *An Act for facilitating the Navigation of the several Ports of this Province, and for Buoying and Beaconing the Channels leading from Ocarcock Inlet to Edenton, Bath-Town, and Newbern, and from Topfail Inlet to Beaufort Town, and other Ports and Inlets within the said Province, herein mentioned, and for providing sufficient Pilots, for the safe Conduct of Vessels;* and all Powder-Money which shall hereafter arise, by Vessels coming into the said Port of *Brunswick*, shall be applied, by the Commissioners aforesaid, or the Majority of them, (after deducting a Sum sufficient for finishing the Posting and Powder money to be applied for building it.



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and Staking out the Channel between *Brunswick* and *Wilmington*, not exceeding the Sum of fifteen Pounds, Proclamation Money,) to the Charge of building and erecting the said Fortification as aforesaid, and to no other Purpose or Use whatsoever; any Thing in the said Act to the contrary, notwithstanding.

Naval-officer to account with the Commissioners for all powder money.

IV. *AND be it further enacted by the Authority aforesaid*, That the several Naval Officers of the Port of *Brunswick*, or other Persons, who have any of the Powder-Money of, or belonging to the said Port, in their Hands, and the Naval-Officer who shall hereafter receive any Powder-Money of or for that Port, shall, when called upon by the aforesaid Commissioners, or the major Part of them, appear before them, and settle their Account, upon Oath, and pay to the said Commissioners, or the Majority of them, or their Order, all such Sum and Sums of Money already received, or which shall hereafter be received by him or them; and a Receipt, under the Hands of the said Commissioners, or their Order, shall be a sufficient Discharge to the said Officer, for such Sum or Sums of Money so paid.

Naval officer, &c. neglecting to pay such money, to forfeit 40l.

V. *AND be it further enacted by the Authority aforesaid*, That if any such Person or Persons, who have already received any Powder-Money, as aforesaid, or who hath any such Money in his Hands, or who hereafter shall receive any such Money, shall upon due Notice given, refuse to appear to account upon Oath, and pay the Money due from him or them, he or they so refusing or neglecting, shall forfeit the Sum of forty Pounds, Proclamation Money; to be recovered by the Commissioners, or the Majority of them, by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province, wherein no Protection, Injunction, or Wager of Law, shall be allowed or admitted of, and applied towards building the said Fort; and shall be also liable to an Action for all such Sums of Money as are in his or their Hands, at the Suit of the Commissioners aforesaid, or the major Part of them.

Number of Commissioners to be kept up.

VI. *AND be it further enacted by the Authority aforesaid*, That if any one or more of the Commissioners before mentioned, shall die, or remove out of this Province, or refuse to act, that in such Case it shall and may be lawful for the Majority of the remaining Commissioners, to recommend double the Number of the Person or Persons so dying, leaving the Province, or refusing to act, to his Excellency the Governor or Commander in Chief for the Time being, out of which he is hereby empowered to appoint one or more Commissioners to act in the Room of such so dying, leaving the Province, or refusing to act, as aforesaid: And such Commissioner or Commissioners so appointed, shall have the same Power and Authority as any other Commissioner or Commissioners have or ought to have, by Virtue of this Act.

Commissioners to lay their accounts before the Legislature.

VII. *AND be it further enacted by the Authority aforesaid*, That the Commissioners herein before nominated and appointed, are hereby compelled to lay their Accounts before the Governor, Council, and General Assembly of this Province, for all such Sum or Sums of Money as they shall from Time to Time, receive by Virtue of this Act.

Commissioners may use adjacent timber.

VIII. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful for any Person or Persons, by the Direction of the Commissioners aforesaid, or the major Part of them, to cut down and make Use of any Timber Tree or Trees, standing or growing upon any of the most convenient Lands to the said Fort, to be used in building and erecting the same.



A. D. 1745.

## C H A P. VII.

*An Act to appoint Commissioners in the Place and Stead of those deceased, to complete and finish the Church at Newbern, and for adding the present Churchwardens and Vestrymen to the said Commissioners; and for empowering the said Commissioners, Churchwardens, and Vestrymen, to call the former Commissioners to Account, for all the Monies by them received for the Use of the said Church, and to appropriate it to the Purpose aforesaid, and, in Case of Insufficiency, to lay a Levy to accomplish the same.* P R I V.

## C H A P. VIII.

*An Act to add that Part of the Province called Mattamuskeet, and Lake, to Hyde County.*

I. **W** H E R E A S the Inhabitants of *Mattamuskeet*, and the Lake, for these many Years past, have been obliged to attend *Currituck* County Court, being from their Habitations upwards of one hundred Miles, through a bleak and dangerous Sound, which is always attended with great Fatigue, and often Times their Lives exposed to great Danger, and frequently, by contrary Winds, disappointed of their Passages, and detained from their Families: For Remedy whereof for the future:

II. **W** E pray it may be enacted, *And it is hereby enacted by his Excellency Gabriel Johnston, Esquire, Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That* *Mattamuskeet*, and the Lake thereunto belonging, shall, from henceforward, be accounted, taken, reckoned, and deemed Part of *Hyde* County; and that the Inhabitants thereof shall be subject and liable to the same Orders, Rules, and Taxes, as any other of the Inhabitants of the said County are, or hereafter shall be; any Law, Custom, or Usage, to the contrary, notwithstanding.

*Mattamuskeet*  
deemed part of  
*Hyde* county.

## C H A P. IX.

*An Act to empower the Commissioners for the Town of Edenton, to keep in Repair the Town Fence, and to erect and build a Pound, Bridges, public Wharf, and Market-house; as also to erect and build a School-house in the said Town, and other Purposes therein mentioned.* P R I V.

## C H A P. X.

*An Act for the better regulating the Town of Wilmington, and for confirming and establishing the late Survey of the same, with the Plan annexed.* P R I V.

## C H A P. XI.

*An Act for fencing the Town of Bath, and re-surveying the Common belonging to the said Town, and exempting the Inhabitants from working on the main Roads; and to give Liberty to the Inhabitants to build on and improve the front or water Lots, and to appoint Commissioners for the Purposes aforesaid.* P R I V.



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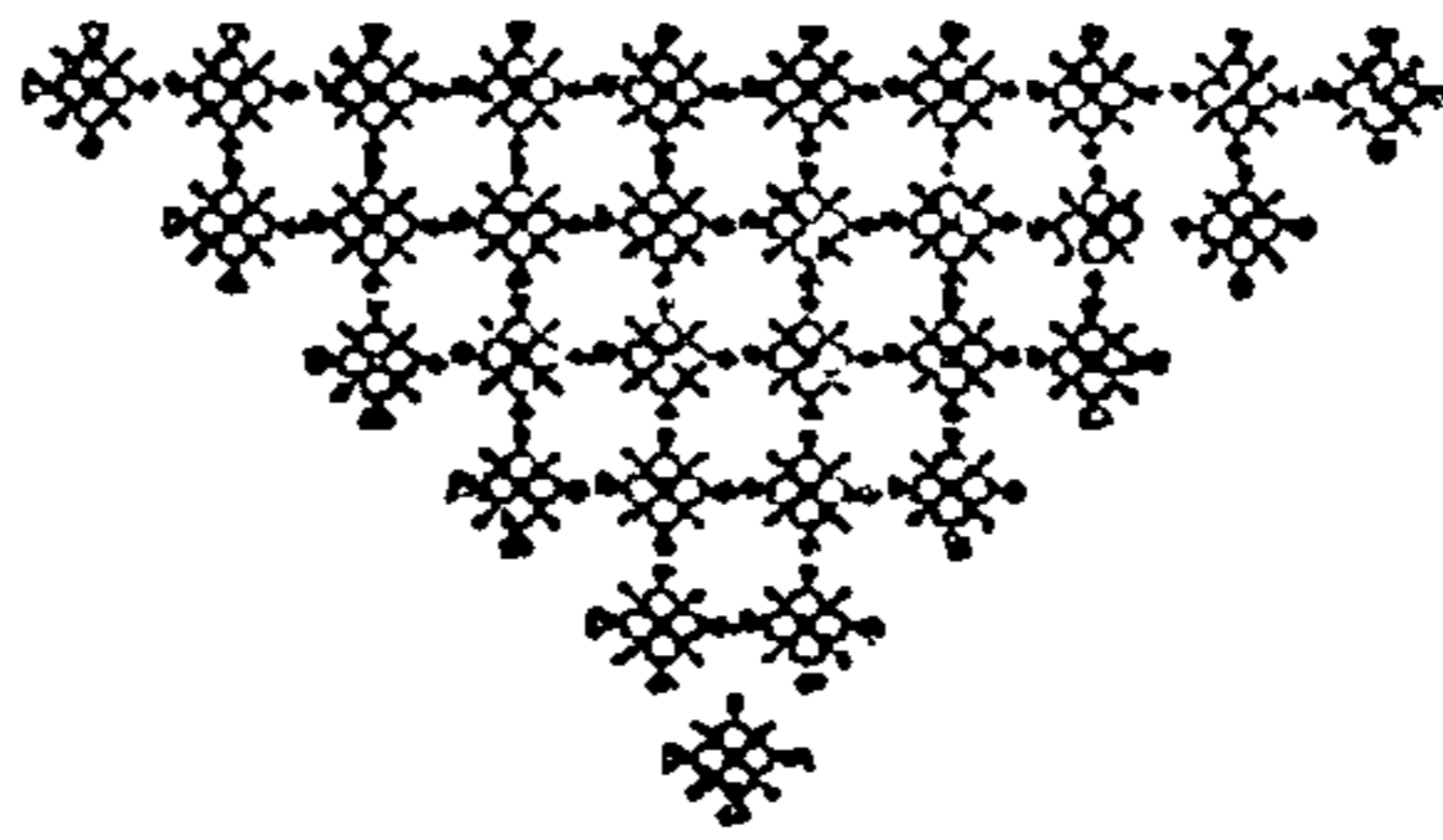
A. D. 1745.

## C H A P. XII.

*An Act to encourage Persons to settle in the Town of Brunswick, on the Southwest Side of Cape-Fear River. P R I V.*

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S I G N E D by

GABRIEL JOHNSTON, Esq. *Governor.*NATHANIEL RICE, *President.*SAMUEL SWANN, *Speaker.*

A N N O







A. D. 1746.

## C H A P. III.

See act, Sept.  
1756, ch. 9.

*An Act for dividing Edgcomb County and Parish, and for erecting the upper Part thereof into a County and Parish, by the Name of Granville County, and St. John's Parish; and for appointing Vestrymen of the said Parish.*

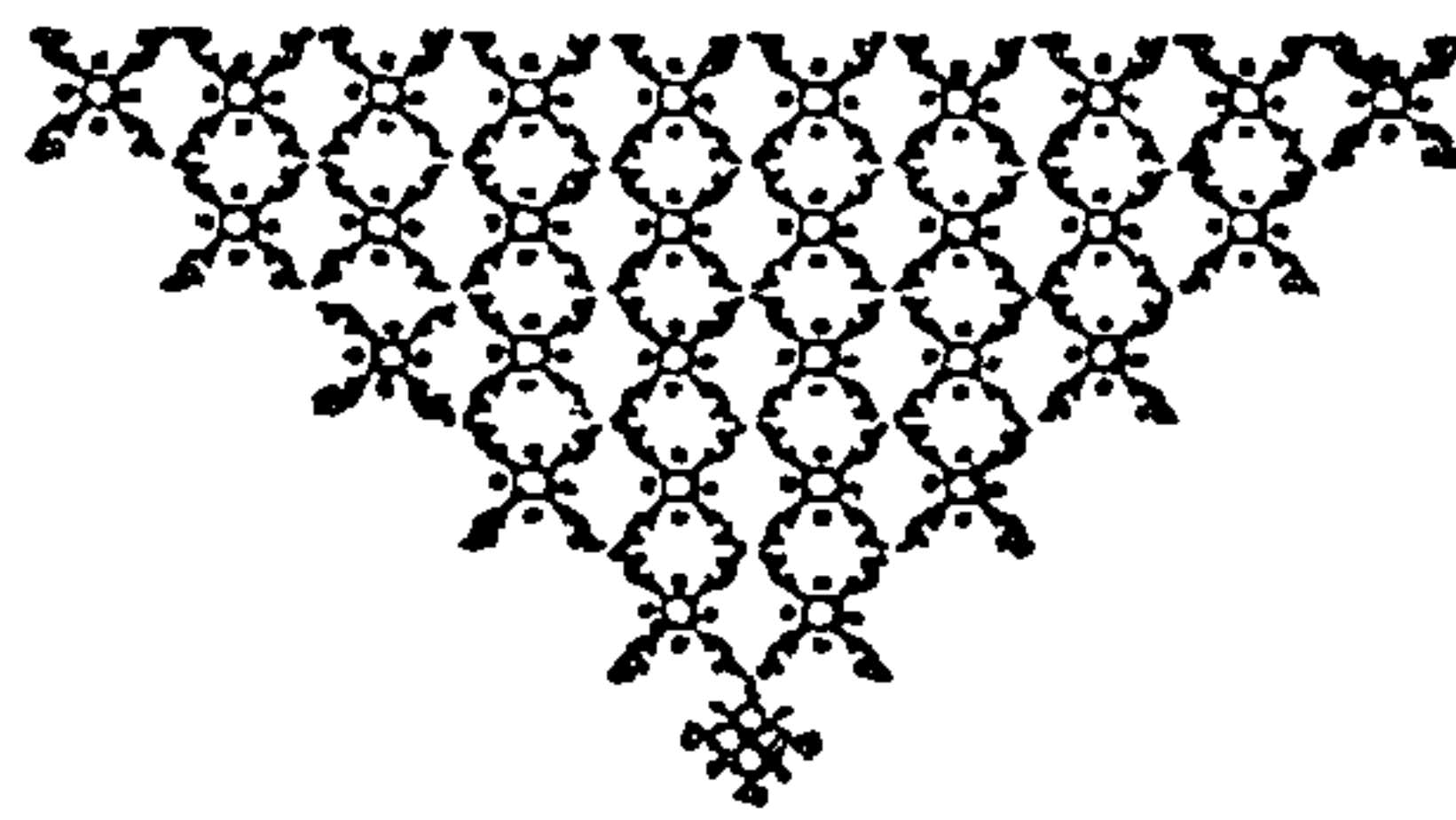
I. **W** H E R E A S the County and Parish of *Edgcomb*, being a frontier County, is now so extensively settled, that the public Business of the said County and Parish becomes very difficult to be transacted :

II. **W** E therefore pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That Edgcomb County and Parish be divided by a Line, beginning at the Mouth of Stonehouse Creek, on Roanoak River, to the Mouth of Cypress Swamp, on Tar River, and from thence across the River, in a direct Course, to the Middle Grounds between Tar River and Neus River, being the dividing Line between Craven and Edgcomb Counties; and that the upper Part of the said County and Parish, as divided by the Line that shall be agreed on by the Commissioners hereafter named, be erected into a County, by the Name of Granville County, and St. John's Parish: And that the said County and Parish shall enjoy as many Privileges as any other County or Parish in this Province holds and enjoys, save only that the said County shall send but two Representatives to sit in General Assembly.*

County divided,  
and the upper  
part erected into  
a distinct county  
and parish.

*The remaining seven Sections of a private or a temporary Nature, and Part of them repealed or altered.*

S I G N E D by  
GABRIEL JOHNSTON, Esq. Governor.  
NATHANIEL RICE, President.  
SAMUEL SWANN, Speaker.

















A. D. 1746.

vending for five years.

Price of the book limited.

Penalty on importing or selling, &amp;c. any printed copies, without the Commissioners' consent.

Surplus of the fund for paying the Commissioners applied.

Printed copy under this act to be given in evidence.

Secretary to give a copy of the laws to the Commissioners.

General Assembly, out of the Money arising by the Duty before mentioned; and also, the Benefit and Advantage of the sole printing and vending the Books of the said Laws, for and during the Space or Term of five Years; and shall not take or receive above the Sum of fifteen Shillings, Proclamation Money, for each Book by them so printed.

V. *A N D* be it further enacted by the Authority aforesaid, That if any Person or Persons shall import into this Province, any printed Book or Books, or shall sell, or offer to Sale, any printed Book or Books of the said Laws, within the Term of five Years, without the Licence of the said Commissioners, their Heirs or Assigns, other than such as shall be printed by the Order and Approbation of the said Commissioners, their Heirs or Assigns, such Person or Persons shall forfeit and pay, to the said Commissioners, their Heirs or Assigns, the Sum of five Pounds, Proclamation Money, for each and every Book so imported, sold, or offered to Sale, contrary to the true Intent and Meaning of this Act; to be recovered in the same Manner as other Forfeitures in this Act.

VI. *A N D* be it further enacted by the Authority aforesaid, That if any Surplus of the Money arising by Virtue of this Act, shall remain, after Payment of the said several Sums to the Commissioners aforesaid, for revising and compiling, printing, furnishing, and delivering the said several Books aforesaid, the same shall be applied, by the General Assembly, for and towards discharging the public Debts of this Province.

VII. *A N D* be it further enacted by the Authority aforesaid, That the several Books of the Laws, revised and printed by the said Commissioners, or the Majority of them, as aforesaid, shall be allowed to be given in Evidence in all and every of the Courts of Judicature in this Province, and before any Magistrate or Magistrates, in any Matter or Controversy depending before them.

VIII. *A N D* for furnishing the Commissioners aforesaid with a true and perfect Copy of the said Laws, *Be it enacted*, That the Secretary of this Province shall make out and deliver, to the said Commissioners, or the Majority of them, a true and perfect Copy of the said Laws now in Force, and the Titles of such as have been repealed or become obsolete, which shall be, by the said Commissioners, or the Majority of them, examined with the Original; for which Copy, and for transcribing and sending Copies of this Act to the several Receivers of the Duties laid in this Act, (which he is hereby required immediately to do,) he shall have and receive the Sum of twenty Pounds, Proclamation Money; to be paid by the General Assembly, out of the Money arising by Virtue of this Act.

*The remaining Sections of this Act, (from Sect. 9 to Sect. 19 inclusive,) providing a Fund to raise the Sum of Money allowed to the Commissioners, having had their Effect, and being in their Nature temporary, are omitted.*

## C H A P. II.

See act, Sept. 1756, ch. 9.

*An Act to repeal a Clause in an Act, entitled, An Act for erecting the upper Part of Craven County into a County and Parish, and for appointing a Place for building a Court-house, Prison, and Stocks, in the said County; and the Clause in an Act, entitled, An Act for dividing Edgcomb County and Parish, and for erecting the upper Part thereof into a County and Parish, by the Name of Granville County, and St. John's Parish; and for appointing Vestrymen of the said Parish; which direct, that all public, County, and Parish Levies, due from any of the Inhabitants of the said County of Granville, shall be collected by the Sheriff of Edgcomb County; and that all public, County, and Parish Levies, due from any of the Inhabitants of Johnston, shall be collected by the Sheriff of Craven County, so far as may relate to the Taxes or Levies laid and made payable for the Year one thousand seven hundred and forty-six. OBS.*

SIGNED by

GABRIEL JOHNSTON, Esq. Governor.  
NATHANIEL RICE, President.  
SAMUEL SWANN, Speaker.

A N N O







A. D. 1748.

Commissioners  
appointed.

II. W E therefore pray it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same,* That Mr. Joseph Howell, and Mr. Joseph Lane, be and are hereby appointed Commissioners, for finishing the said Line between Part of Edgcomb, Beaufort, and Johnston Counties, already begun and carried on; to the Mouth of Cheek's Mill Creek, in Beaufort County, on Tar River; and from thence shall run, with a strait Line to Contentnee, at the Mouth of Tosneat Swamp; and thence up the main Stream of Contentnee, opposite to the Mouth of Cypress Swamp, on Tar River; which said Line, when run by the Commissioners aforesaid, shall be by them entered on Record, in the Court of Edgcomb County aforesaid, and shall hereafter be deemed and taken to be the true Bounds of the said County.

Tax to be laid to  
defray the ex-  
pence.

III. A N D for defraying the Expence of continuing the running the said Boundary Lines, *Be it enacted by the Authority aforesaid,* That it shall and may be lawful for the Justices of the said County Court of Edgcomb, and they are hereby authorized and empowered, to lay a Tax on all the taxable Persons within the said County, not exceeding three Pence; Proclamation Money, for defraying the Expence of finishing the said Line, and recording the same as aforesaid; which said Tax shall be paid and collected in the same Manner, and at the same Times other Taxes are collected and paid in the said County.

Repealing clause.

IV. *A N D be it further enacted by the Authority aforesaid,* That all and every Clause and Clauses of the Act, entitled, *An Act for ascertaining the Boundary Line between Tyrrell County, and Beaufort County, and between Edgcomb County, Tyrrell County, and Beaufort County,* so far as relates to running the Boundary Line between Edgcomb County, and Beaufort County, is and are hereby repealed and made void, as if the same had never been made.

## C H A P. VI.

*An Act for destroying Vermin in this Province.*Rep. by act, Nov.  
1757, ch. 12.

## C H A P. VII.

*An Act to enlarge the Time for the Commissioners of the Roads, appointed by the Act of Assembly passed April the Twentieth, One Thousand Seven Hundred and Forty-five, entitled, An Act to empower the several Commissioners herein after named, to make, mend, and repair all Roads and Bridges, Cuts and Water-Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts herein after appointed, in such Manner as they judge most useful to the Public, to recover the several Sums due from Defaulters. E X P.*

Provided for by  
subsequent acts.  
See acts, Oct.  
1779, ch. 6; A-  
pril, 1783, ch. 11;  
Nov. 1786, ch. 12;  
Nov. 1787, ch. 21;  
which are the acts  
now in force on  
this subject.

## C H A P. VIII.

*An Act to provide indifferent Jurymen in all Causes, both civil and criminal, and for an Allowance for their Attendance.*

## C H A P. IX.

*An Act to alter the Times for holding the Courts for the County of New-Hanover.*  
P R I V.

C H A P.



## C H A P. X.

An Act for granting unto His Majesty the Sum of Twenty-one Thousand Three Hundred and Fifty Pounds, Proclamation Money, and for stamping and emitting the said Sum of Twenty-one Thousand Three Hundred and Fifty Pounds, Public Bills of Credit of this Province, at the Rate of Proclamation Money; to be applied towards building Fortifications in this Province, Payment of the Public Debts, exchanging the present Bills of Credit, and for making proper Provision for defraying the contingent Charges of the Government; and for repealing the several Laws herein after mentioned.

I W H E R E A S, during the present War with France and Spain, this Province hath received great Damage, by the Enemies Privateers coming into the Ports and Harbours of the same, which are entirely defenceless and without any Fortifications, and taking and carrying away the Vessels thereout, and landing, and plundering the Inhabitants: And whereas the great Scarcity of Currency is such, that it is impracticable to raise a Sum by an immediate Tax on the People, sufficient for building proper Fortifications, for the Defence of the said Ports, and to discharge the public Debts: Wherefore,

II. W E pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same,* That out of the current Bills of Credit to be emitted by this Act, the Sum of two thousand Pounds shall be deposited by the said Commissioners, in the Hands of *Thomas Barker, Gentleman, Treasurer for the Northern Counties, or the Treasurer for the said Counties for the Time being,* for the building a Fortification at or near *Ocacock Inlet,* for the Safety and Defence of that Harbour; and the Commissioners hereafter named shall have full Power and Authority to build the said Fortification, and by Warrant under their Hands, or the Hands of the major Part of them, to draw, from Time to Time, out of the Hands of the said Treasurer, such Sum or Sums of Money as shall become due to the several Workmen employed by them in building the said Fortification; and the said Treasurer is hereby required, on such Warrant or Warrants being produced to him, to pay the same accordingly.

2000l. to be paid the northern treasurer, for a fortification at Ocacock Inlet, &c.

III. *AND be it further enacted,* That his Excellency the Governor and Commander in Chief for the Time being, *Mr. Benjamin Peyton, Mr. Samuel Sinclair, Mr. Francis Stringer, Mr. James Macklewean, Mr. John Haywood, and Mr. Peter Payne,* be, and are hereby appointed Commissioners, for erecting and building the said Fortification.

Commissioners appointed, for building the said fort.

IV. *AND be it further enacted by the Authority aforesaid,* That the Sum of one thousand five hundred Pounds shall be deposited by the said Commissioners in the Hands of *Edward Moseley, Esq. Treasurer for the Southern Counties, or the Treasurer of the said Counties for the Time being,* for the building a Fortification or Fortifications at or near *Old Topsail Inlet,* for the Safety and Defence of that Harbour; and the Commissioners hereafter named shall have full Power and Authority to build the said Fortification or Fortifications, and, by Warrant under their Hands, or the Hands of the major Part of them, to draw, from Time to Time, out of the Hands of the said Treasurer, such Sum or Sums of Money as shall become due to the several Workmen employed by them, in building the said Fortification or Fortifications; and the said Treasurer is hereby required, on such Warrant or Warrants being produced to him, to pay the same accordingly.

1500l. for a fortification at Topsail Inlet, &c.

V. *AND be it further enacted,* That his Excellency the Governor and Commander in Chief for the Time being, *Mr. Thomas Lovick, Mr. Arthur Mabson, Mr. John Clitberall, and Mr. Joseph Bell,* be, and are hereby appointed Commissioners for erecting and building the said Fortification or Fortifications.

Commissioners appointed for it.

VI. *AND be it further enacted by the Authority aforesaid,* That the Sum of five hundred Pounds shall be deposited by the said Commissioners, in the Hands of *the*

500l for a fort at Bear-Inlet, &c.



*A. D. 1748.*

the Treasurer of the Southern Counties aforesaid, or the Treasurer of the said Counties for the Time being, for the building a Fortification at or near *Bear Inlet*, for the Safety and Defence of that Harbour; and the Commissioners hereafter named, shall have full Power and Authority to build the said Fortification, and, by Warrant under their Hands, or the Hands of the major Part of them, to draw, from Time to Time, out of the Hands of the said Treasurer, such Sum or Sums of Money as shall become due to the several Workmen employed by them, in building the said Fortification; and the said Treasurer is hereby required, on such Warrant or Warrants being produced to him, to pay the same accordingly.

Commissioners appointed for it.

VII. *AND be it further enacted*, That his Excellency the Governor and Commander in Chief for the Time being, Mr. *Samuel Johnston*, Mr. *Edward Ward*, Jun. Mr. *Stephen Lee*, and Mr. *John Starkey*, be, and are hereby appointed Commissioners, for erecting and building the said Fortification.

2000l. for a fort at *Cape-Fear*.

Commissioners appointed to build it, &c.

VIII. *AND be it enacted*, That the Sum of two thousand Pounds shall be deposited by the said Commissioners, in the Hands of the Treasurer of the Southern Counties aforesaid, or the Treasurer of the said Counties for the Time being, for the building a Fortification at or near the Mouth of *Cape-Fear River*, for the Safety and Defence of that Harbour; and that the Commissioners appointed by an Act of the General Assembly, entitled, *An Act for erecting a Fortification on the lower Part of Cape-Fear River, for applying thereto the Powder-Money already arisen, or which shall arise, by Shipping coming into the Port of Brunswick, to be laid out and applied towards building a Fortification at Cape-Fear*, shall have full Power and Authority, by Warrant under their Hands, or the Hands of the major Part of them, to draw, from Time to Time, out of the Hands of the said Treasurer, such Sum or Sums of Money as shall be due to the several Workmen employed by them in building the said Fortification; and the said Treasurer is hereby required, on such Warrant or Warrants being produced to him, to pay the same accordingly: And the said Treasurers shall be allowed one *per Cent.* for receiving the said Money, and paying the same out again, as aforesaid.

Treasurers allowance.

Commissioners appointed for emitting 21350l. bills of credit,

IX. *AND be it further enacted by the Authority aforesaid*, That *Eleazer Allen*, *Edward Mosely*, and *Samuel Swann*, Esqs. and Mr. *John Starkey*, are hereby appointed, authorized, and empowered Commissioners, to stamp and make out, or cause to be stamped, with Copper-plates, and signed with their Hands, Public Bills of Credit of this Province, to the Amount of twenty-one thousand three hundred, and fifty Pounds, at the Rate of Proclamation Money; *That is to say*, two thousand Bills of four Pence each, two thousand Bills of eight Pence each, two thousand Bills of one Shilling each, two thousand of eighteen Pence each, two thousand of two Shillings each, two thousand of two Shillings and six Pence each, two thousand of three Shillings each, two thousand of five Shillings each, two thousand of six Shillings each, two thousand of seven Shillings and six Pence each, two thousand of nine Shillings each, two thousand of ten Shillings each, two thousand of fifteen Shillings each, two thousand of twenty Shillings each, two thousand of thirty Shillings each, two thousand of forty Shillings each; and two thousand of three Pounds each.

Current bills to be exchanged, within a year.

X. *AND be it enacted by the Authority aforesaid*, That when the aforesaid Bills are stamped and signed, the Commissioners aforesaid shall, within twelve Months, exchange the Bills now current, after the Rate of one Shilling for seven Shillings and six Pence, of those which are at present current; which Difference of seven Shillings and six Pence, for one Shilling, Proclamation, hath continued for divers Years past, and is at present the true Difference; and that after the Expiration of the Twelve Months aforesaid, the present Bills of Credit shall not be exchanged, nor shall be a Tender or taken in any Payment whatsoever.

Public debts to

XI. *AND be it further enacted by the Authority aforesaid*, That out of the Rest of the Paper Currency, to be stamped and emitted by this Act, the several Persons



A. D. 1738.

sons to whom the Public is Debtor, according to the Schedule hereunto annexed, shall be paid the Sums respectively due to them by the Commissioners aforesaid, so soon as the same may be conveniently done, after the Bills by this Act to be emitted, shall be stamped and signed, of which the Commissioners aforesaid, are to give truly and proper Notice, by Advertisements, set up at the several Court-houses in this Government, that they will attend at *Newbern*, to exchange the said Bills, and pay off the Public Debts, during the Sitting of the two next succeeding General Courts, after such Notice set up as aforesaid.

be paid by the Commissioners.

XII. *AND* be it further enacted by the Authority aforesaid, That the Bills of Credit to be emitted by this Act, shall be current, and a lawful Tender, in all Payments whatsoever, as Proclamation Money, or as *sterling* Money, at the proper Difference there is between Proclamation Money, and *sterling*; that is to say, At four Shillings Proclamation Money, for three Shillings *sterling*.

Bills emitted by this act, lawful tender, &amp;c.

XIII. *AND* be it further enacted by the Authority aforesaid, That if any Person or Persons shall counterfeit, alter, or erase any of the Public Bills of Credit of this Province, or shall aid or assist in counterfeiting, altering, or erasing such Bills, or shall utter any of the said Bills, knowing them to be so counterfeited, altered, or erased, such Person or Persons so offending, shall, for the first Offence, be whipped, at the Discretion of the Court, not exceeding forty Lashes, and stand in the Pillory two Hours, and have both Ears nailed to the Pillory and cut off; and for the second Offence, be deemed a Felon, without Benefit of Clergy, and shall be adjudged and suffer accordingly.

Penalty on counterfeiters, &amp;c.

XIV. *AND* be it further enacted by the Authority aforesaid, That after the several Sums by this Act directed to be emitted and paid, shall have been set apart for the Purposes before mentioned, the Residue and Remainder of the aforesaid Sum of twenty-one thousand three hundred and fifty Pounds, shall be and remain in the Custody and Keeping of Mr. *John Carruthers*, in *Newbern*, in a strong Chest, well secured with Iron, with three distinct Locks, the Key of one to be kept by the Governor for the Time being, another by the Secretary for the Time being, the third by the Speaker of the Assembly for the Time being, so as the same Bills of Credit may be always ready to defray the contingent Charges of Government, as the Governor, Council, and General Assembly, shall direct; and the same Chest shall not be opened for issuing the Bills of Credit, but in the Presence of the several Persons with whom the Keys are by this Act intrusted, unless otherwise ordered and directed by the General Assembly.

Remainder of the public money where to be kept.

XV. *AND* be it further enacted by the Authority aforesaid, That the Sum of one Shilling, Proclamation Money, be annually levied on every taxable Person within this Province, and be collected by the Sheriff of every respective County, and shall be paid, in Gold, Silver, or Bills of Credit, on or before the first Day of *March*, yearly; and that all Persons neglecting to pay the said Tax, at the Time by Law limited, shall be liable to such Distress to be made by the Sheriff, as for Non-Payment of other Taxes; and the said Sheriff of each and every County, on or before the tenth Day of *June*, yearly, shall return a List of Taxables, and also account, upon Oath, and pay into the Hands of the public Treasurer of the respective Counties, all such Sums of Money as he shall have received by Virtue of this Act, under the Penalty of two hundred Pounds, Proclamation Money, for every Default; which said Penalty shall be recovered, by Action of Debt, Bill, Plaint, or Information, in the Supreme Court of this Province, by any Person who shall sue for the same; wherein no Effoign, Injunction, Protection, or Wager of Law, shall be allowed or admitted of; the one Moiety to him or them who shall sue for the same, the other to be applied by the General Assembly of this Province for the Use the Tax by this Act is intended: And the said Assembly shall cause the said Bills so paid in, to be annually burnt and destroyed, until the whole Currency shall be sunk.

Tax to be laid for sinking the bills.

Distress on non-payment.

Sheriff to return a list of taxables, and account with the Treasurer, on penalty of 200l, &amp;c.

XVI. *AND* whereas there are divers considerable Sums of Loan Money due and unpaid, and the Power of the Treasurers to make Distress is already expired;

G g

therefore,



A. D. 1748.

County Treasurers to make distrests on debtors for loan money, &c.

therefore, *Be it enacted*, That the several and respective County Treasurers, their Heirs, Executors, or Administrators, shall, and are hereby empowered and authorised, at any Time hereafter, to make Distrests of all Goods and Chattels of Persons who are indebted for any Loan Money, or for Want of such Goods and Chattels, to seize and dispose of such mortgaged Lands, in order to discharge such Sum or Sums due and in Arrear on such Mortgages; the Expiration of any Law to the contrary, notwithstanding.

Treasurers to account, &c.

XVII. *AND be it further enacted by the Authority aforesaid*, That the several County Treasurers, their Heirs, Executors, or Administrators, shall pay, to the public Treasurer of the respective Counties in this Province, all the Bills of Credit now in their Hands, or which hereafter shall be by them, or any of them, respectively received; and the said public Treasurer shall account with, and pay to the General Assembly, all such Sums of Money as they shall receive in Virtue hereof; which shall be burnt and destroyed: And the Clerk of the Assembly shall keep a fair Account of all Monies that shall, from Time to Time, be paid in and burnt.

Commissioners to give bond.

XVIII. *AND be it further enacted by the Authority aforesaid*, That the Commissioners herein before appointed, shall, before they enter upon the Execution of their respective Offices, give in Bond, to his Excellency the Governor, for the Use of the Public, in the Sum of three thousand Pounds, Proclamation Money, each, for the due and faithful Execution of his Office, according to the true Intent and Meaning of this Act.

Their allowance for emitting the money.

XIX. *AND be it enacted by the Authority aforesaid*, That the said Commissioners shall have and receive, for their stamping, exchanging, and paying out the said Bills of Credit, the Sum of five hundred Pounds, Proclamation Money.

Acts repealed.

XX. *AND be it enacted*, That the Act, entitled, *An Act laying a Tax for sinking the now current Bills of Credit*; and also the Act, entitled, *An Act for facilitating the Navigation of the several Ports of this Province, and for buoying and beaconsing the Channels leading from Ocacock, to Edenton, Bath-Town, and Newbern, and from Topfail Inlet, to Beaufort-Town, and other Ports and Inlets within the said Province, herein mentioned, and for providing sufficient Pilots for the safe Conduet of Vessels*; and also the Act, for raising a public Magazine of Ammunition, upon the Tonnage of all Vessels trading to this Government; and every Clause and Clauses, Article and Articles of them; and also the Clause of an Act, entitled, *An Act for appointing Commissioners to revise and print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, ana Rice imported into this Government*, so far as it relates to the collecting and receiving the said Duties on Wine, Rum, and distilled Liquors, be, and are hereby severally repealed, and declared void, as if the same had never been made.

S I G N E D by

GABRIEL JOHNSTON, Esq. Governor.

NATHANIEL RICE, President.

SAMUEL SWANN, Speaker.







A. D. 1748.

Swamp, running up the said Swamp four hundred and thirty Pole, to a Scrubby Oak, near the Head of the said Swamp, by a great Spring; then North ten Degrees East, eight hundred and fifty Pole, to a Persimon Tree on *Raquis* Swamp; then along the Swamp and Pocoson main Course, North fifty-seven Degrees West, two thousand six hundred and forty Pole, to a Hickory on the East Side of the *Falling Run*, or *Deep Creek*, and down the various Courses of the said Run to *Morattock* River; then down the River to the first Station; shall be confirmed and assured, and by Virtue of this Act, is confirmed and assured, unto *James Blount*, Chief of the *Tuskerora* Nation, and the People under his Charge, their Heirs and Successors, forever; any Law, Usage, Custom, or Grant, to the contrary, notwithstanding.

Persons having grants, to enter, on desertion of the Indians.

III. *PROVIDED* always, That it shall and may be lawful for any Person or Persons, that have formerly obtained any Grant or Grants, under the late Lords Proprietors, for any Tracts or Parcels of Land within the aforesaid Boundaries, upon the said *Indians* deserting or leaving the said Lands, to enter, occupy, and enjoy the same, according to the Tenor of their several Grants; any Thing herein to the contrary notwithstanding.

Indians not to pay quit-rents.

IV. *AND* be it further enacted by the Authority aforesaid, That it shall not nor may be lawful, for the Lord *Granville's* Receiver to ask, have, or demand, any Quit-Rents for any of the said Tracts or Parcels of Land, taken up within the said *Indian* Boundaries, as aforesaid, until such Time the *Indians* have deserted the same, and the Patentee be in Possession thereof; and then only for such Rents as shall from thence arise and become due; any Law, Usage, or Custom, to the contrary, notwithstanding.

Penalty on persons purchasing lands of the Indians.

V. *AND* be it further enacted by the Authority aforesaid, That no Person, for any Consideration whatsoever, shall purchase or buy any Tract or Parcel of Land, claimed, or in Possession of any *Indian* or *Indians*, but all such Bargains and Sale shall be, and are hereby declared to be null and void, and of none Effect; and the Person so purchasing or buying any Land of any *Indian* or *Indians*, shall further forfeit the Sum of Ten Pounds, Proclamation Money, for every hundred Acres by him purchased and bought; one Half to the Use of the Public, the other Half to him or them that shall sue for the same; to be recovered, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Government, wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

Persons settled on the Indians lands, to remove, and no others to settle there, &c. under a penalty.

VI. *AND* be it further enacted by the Authority aforesaid, That all and every Person and Persons, other than the said *Indians* who are now dwelling on any of the Land within the Bounds above mentioned, to have been allotted, laid out, and prescribed to the said *Tuskerora Indians*, shall, on or before the twenty-fifth Day of *March*, next ensuing the Ratification of this Act, remove him or herself and Family off the said Land, under the Penalty of twenty Pounds, Proclamation Money: And if any Person or Persons, other than the said *Indians*, shall neglect or refuse to move him or herself and Family off the said Lands, on or before the said twenty-fifth Day of *March* next; and if any Person or Persons, other than the said *Indians*, shall hereafter presume to settle, inhabit, or occupy any of the said Lands hereby allotted and assigned for the said *Tuskerora Indians*; such Person or Persons shall forfeit the further Penalty of twenty Shillings, Proclamation Money, for each and every Day he, she, or they shall inhabit or occupy any Lands within the said *Indian* Bounds, after the said twenty-fifth Day of *March* next; the said Penalties to be recovered and applied in the same Manner as the Penalty in this Act first above mentioned.

Surveyor's fee, for laying out the Indians lands.

VII. *AND* whereas the said Lands belonging to the *Tuskerora Indians*, have been lately laid out and new marked, by *George Goulde*, Esq. Surveyor-General, at the Request of the said *Indians*; Therefore, *Be it enacted*, That the said *George Goulde*, Esq. have and receive, for the Trouble and Expence he hath been at in laying out and marking the *Indians* Land aforesaid, the Sum of twenty-five Pounds, Proclamation



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Proclamation Money ; to be paid by the Public out of the Monies in the public Treasury.

VIII. A N D whereas the *Indians* complain of Injuries received from People driving Stocks of Horses, Cattle, and Hogs, to range on their Lands ; for Remedy whereof, *Be it enacted*, That Persons driving Stocks to range, or Stocks actually ranging on the *Indians* Lands, shall, and are hereby declared, to be liable and subject to the like Penalties and Forfeitures, and may be proceeded against in the same Manner, and subject to the same Recoveries, as by the Law of this Province Stocks driven or ranging upon any white Peoples Land are liable and subject to ; and the said *Indians* shall and may enjoy the Benefit of the Laws in that Case made and provided, in the same Manner as the white People do or can ; any Law, Usage, or Custom, to the contrary, notwithstanding.

Penalty on persons ranging stocks on the *Indians* lands.

## C H A P. IV.

*An Act for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents. (a)*

I. **B**E it enacted by his Excellency Gabriel Johnston, Esquire, Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same, That all Persons, seized or possessed of any Lands in this Province, by any Title or Claim whatsoever, under the late Lords Proprietors, shall, within twelve Months after this Act shall be published, in the Manner as is herein after mentioned, register, or tender to be registered or entered; their Patent, Grant, or mesne Conveyance, by which they claim, if in his Majesty's Part of the Province, in the Office of the Auditor-General, or his Deputy, if such Lands are not already entered in the said Office, for which no Fee or Reward shall be taken, or with the Clerk of the County Court where such Lands may lie, who shall take and receive the Sum of sixteen Pence, Proclamation Money, for each Patent, Grant, or mesne Conveyance, or the Abstract thereof; which Abstract shall contain the Buttings and Boundings, or Descriptions of the said Lands so registered or entered ; and shall likewise transmit an exact Copy of the same Patent, Grant, or mesne Conveyance, or the Abstract thereof, so registered, to the Office of the Auditor-General, or his Deputy, on or before the first Day of *January*, in the Year of our Lord one thousand seven hundred and forty-nine, under the Penalty of five Pounds, Proclamation Money ; to be recovered, by Action of Debt, in any of his Majesty's Courts of Record within this Province, by any Person whatsoever that will sue for the same.

Lands holden in this province to be registered within 12 months; &c.

II. *A N D* be it further enacted by the Authority aforesaid, That all Persons seized or possessed of any Lands within that Part of the Province granted by his Majesty, the seventeenth Day of *September*, in the eighteenth Year of his Reign, in the Year of our Lord one thousand seven hundred and forty-four, unto the Right Honourable *John Earl Granville*, by the Name, Stile, and Title of the Honourable *John Lord Carteret*, shall, within twelve Months after this Act shall be published, in the Manner as is herein after mentioned, enter, or tender to be entered, their Patent, Grant, or mesne Conveyance, by which they claim any such Lands, in the Office of the Right Honourable the *Earl Granville*, at *Edenton*, or at the County Court-house where the Land lieth, with such Person as shall be appointed by the said Earl's Agent or Agents, who shall enter the same, or an Abstract thereof, for which no Fee or Reward shall be paid ; which Abstract shall contain the Buttings and Boundings, and Descriptions of the said Lands.

*Earl Granville's* lands to be registered likewise within 12 months; &c.

H h

III. A N D

(a) This Act is said, in *Davis's* Edition, to have been repealed ; but as I have no other Authority for that Assertion, I have thought it proper to retain it.



A. D. 1748.

Patents, &c. not entered in the Auditor's or Earl's offices, declared void.

III. *AND* be it further enacted by the Authority aforesaid, That all Patents, Grants, or mesne Conveyances of Lands, claimed under the Lords Proprietors, which shall not be entered, or tendered to be entered, as aforesaid, either in the Auditor's Office, or the Office of the Earl *Granville*, shall be deemed and taken to be null and void, and all the Lands thereby granted, to be vacant Lands, and shall and may be granted by his Majesty, his Heirs and Successors, or by the Earl *Granville*, his Heirs or Assigns, to any Person whatsoever; excepting the Lands of Orphans, or Minors, who shall be allowed twelve Months, after they arrive at Age, to enter the same in the Auditor's Office, or the Office of the Earl *Granville*; except also all Persons now absent in Parts beyond the Seas, who shall be allowed five Years for entering such Titles, in Case they continue so long absent, but if they arrive sooner, then only eight Months after their Arrival.

Lands of orphans &c. excepted.

Public Register to transmit a list of all lands conveyed, to the Auditor, &c. yearly, on penalty of 5l.

IV. *AND* for the better ascertaining a yearly Rent-Roll to his Majesty, and Earl *Granville*, and for the securing the Quit-Rents for such Lands as shall hereafter be transferred from one Person to another, by mesne Conveyance, or Will; *Be it further enacted by the Authority aforesaid*, That the public Register in each and every County within this Province, shall, on or before the first Day of *February*, yearly, and every Year, transmit to the Office of his Majesty's Auditor-General, or his Deputy, or to the Agents of the Lord *Granville*, if the Lands lie in that Part of the Province granted to the said Lord by his Majesty, a true and exact List of all the Lands so conveyed within such County for which he is Register, containing the Parties Names, the Number of Acres, Situation of such Lands, and the Date of such Conveyance, under the Penalty of five Pounds, Proclamation Money, for each Neglect; to be recovered, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record within this Province, wherein no Effoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of, by any Person who shall sue for the same; for which such Register shall take and receive of the Party registering, eight Pence, Proclamation Money, for each Deed or mesne Conveyance: And that the Secretary for the Time being, or his Deputy, do, in like Manner, on or before the first Day of *February*, yearly, and every Year, transmit to the Office of his Majesty's Auditor-General, or his Deputy, or to the Agents of the Lord *Granville*, if the Lands lie in that Part of the Province granted to the said Lord by his Majesty, a true and exact List of all the Lands bequeathed by Will, recorded in the Secretary's Office, containing the Date of the Will, the Name or Names of the Legatees, the Number of Acres, and the Counties where such Lands lie, under the like Penalty; to be recovered as aforesaid; for which the said Secretary, or his Deputy, shall take and receive, of the Parties lodging such Wills in the Secretary's Office, eight Pence, Proclamation Money, for each Will.

Secretary to transmit, yearly, copies of all wills, under the like penalty.

20 years quiet possession deemed a good title to lands, under certain circumstances.

V. *AND* whereas several Persons have been many Years in quiet Possession of Lands in this Province, and have, by Fire or otherwise, lost their Patents, Grants, or mesne Conveyances of their Lands; *Be it enacted by the Authority aforesaid*, That all Persons that have, or those under whom they claim, have been in actual and quiet Possession of any Tract or Tracts of Land, for the Space of twenty Years, next before the Ratification of this Act, and shall make Proof thereof before the Governor and Council, or General Court, or the Court of the County where the Land lieth, and shall enter such Proof in the Auditor's Office, or Office of the Earl *Granville*, in Case the Land shall lie within his Territory or District; that then, and from thenceforth, such Persons, their Heirs and Assigns, shall quietly hold and enjoy such Tract or Tracts of Land, against his Majesty, his Heirs and Successors, or against the said Earl *Granville*, his Heirs and Assigns, he or they paying the highest Quit-Rents that were actually reserved and made payable to the late Lords Proprietors, in the respective Counties where such Lands lie.

VI. } *Providing for the Manner of paying Quit-Rents, not thought necessary to*  
 VII. } *be inserted.*

VIII. *AND*



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VIII. *AND be it further enacted by the Authority aforesaid,* That the Record of every Patent or Grant registered in the Secretary's Office, or the Abstracts of them, entered in the Auditor's Office, or the Office of the Earl *Granville*, or Exemplifications of them, duly proved, shall be as good and valid in Law, as if the Originals were produced, and may be pleaded and given in Evidence as well as if the Originals were in Being. Record of patent to be good in law.

IX. *AND be it further enacted by the Authority aforesaid,* That the Secretary shall make out, and send to the Clerk of the Court of every County in this Province, a Copy of this Act, within three Months next after the Ratification hereof, under the Penalty of twenty Pounds, Proclamation Money; and the Clerk of every County Court shall, the first Court after the Receipt of such Copy, publish the same, by publickly reading thereof in open Court, the second Day of the Sitting of the said Court, under the Penalty of twenty Pounds, Proclamation Money; the said Penalties to be recovered, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Province, by him or them that will sue for the same. Secretary to send a copy of this act to the several counties.

## C H A P. V.

*An Act to appoint an Agent, to solicit the Affairs of this Province at the several Boards in England. E X P.*

## C H A P. VI.

*An Act for the better regulating the Town of Newbern, for fencing the same, and securing the Titles of the several Persons who hold Lots in the said Town. P R I V.*

## C H A P. VII.

*An Act to alter and amend an Act, entitled, An Act for appointing Commissioners to revise and print the Laws of this Province; and for granting unto his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province.*

I. **W**HEREAS the revising and printing the Laws of this Province, though so very much wanted and desired, hath hitherto met with unexpected Delay: For Remedy whereof,

II. **W**E pray your most Sacred Majesty that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same,* That such Commissioner or Commissioners only in the above recited Act mentioned, who shall revise and compile the Laws of this Province into one Body, and make an Index, Marginal Notes, and References thereto, ready to be laid before the General Assembly, by them to be ratified and confirmed, shall have and receive, to his and their own Use, the Sum of sixty Pounds, Proclamation Money, in the said above recited Law mentioned; and in Order to enable the said Commissioner or Commissioners to procure an able Clerk or Clerks to expedite the same, he or they shall have and receive the additional Sum of forty Pounds, Proclamation Money; to be paid by the General Assembly, out of the Duty already arisen by Virtue of the said Act; and in Case any Deficiency shall happen, then the said Commissioner or Commissioners shall be paid the same out of the Public Treasury: Provided the said Laws shall be revised, compiled, and compleated, ready to be laid before the General Assembly of this Province, within the Space of five Months, next after the Ratification Allowance to the Commissioners for revising the laws.



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tification of this Act, or at the first Meeting of the General Assembly after that Term, and not otherwise.

Commissioners to have the sole vending for 5 years, and 100l. for printing, &c.

III. *AND be it further enacted by the Authority aforesaid*, That such Commissioner or Commissioners, who shall revise and compile the said Laws as aforesaid, after the Ratification of the same, shall print them, together with such other Laws as shall be passed to the Time of such Ratification, and shall have the Benefit and Advantage of the sole printing and vending the said Books, for the Space of five Years; and also have and receive, to his or their own Use, for printing and delivering the several Books of the said Laws, mentioned in the above recited Act, so revised and compiled, the Sum of one hundred Pounds, Proclamation Money; and may lawfully take and receive the Sum of twenty Shillings, Proclamation Money, for each bound Book by him or them printed and sold, and no more.

Printed laws to be given in evidence.

IV. *AND be it further enacted*, That the said Laws so revised, compiled, and printed, by one or more of the Commissioners aforesaid, and ratified by the General Assembly, as aforesaid, shall be allowed to be given in Evidence, and, to all Intents and Purposes, be as good and valid in Law, as though they had been revised, compiled, and printed, by all the Commissioners, or the Majority of them: And all Persons are hereby prohibited to import or vend any printed Book or Books of the said Laws in this Province, other than such Person or Persons as shall be authorized and empowered by the Commissioner or Commissioners who actually revised, compiled, and printed the same, under the same Penalties, and to be recovered in the same Manner, as is prescribed in the Act first above recited, in Case the whole Number of Commissioners, or the Majority of them, had revised, compiled, and printed the said Laws; any Law, or Clause of a Law, to the contrary, notwithstanding.

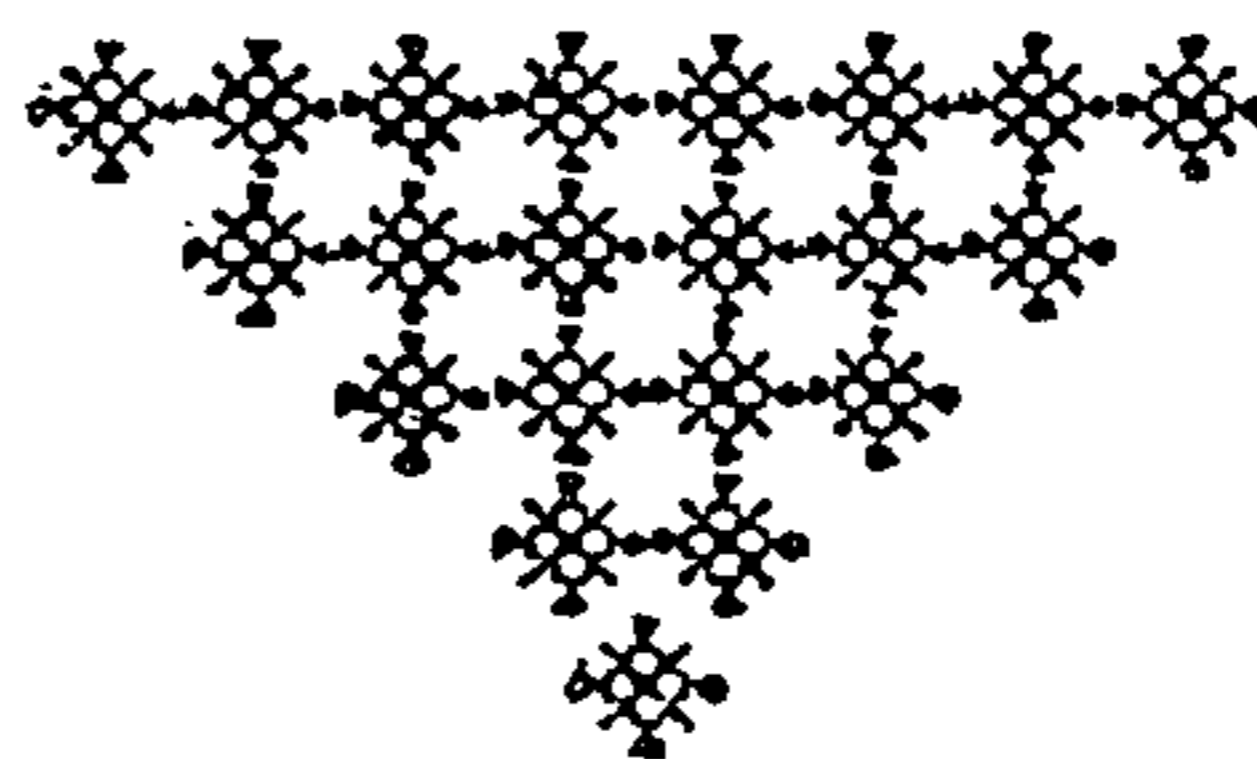
Penalty on persons offering any to sale, without licence.

S I G N E D by

GABRIEL JOHNSTON, Esq. *Governor.*

NATHANIEL RICE, *President.*

SAMUEL SWANN, *Speaker.*









*d. 11. 1741.*

## C H A P. III.

*An Act for the Encouragement of James Davis, to set up, and carry on his Business of a Printer, in this Province; and for other Purposes therein mentioned. E X P.*

## C H A P. IV.

*An Act directing the Method for cutting or docking Intails of small Estates.*

I. **W**HEREAS divers Persons are seized of small and inconsiderable Pieces of Land, in Tail, often ignorantly, without Design, devised, in Tail, by their Ancestors; and the Method of defeating such Estates in Fee-Tail, general or special, within this Province, by Act of General Assembly, in such particular Case to be made and provided, is found too expensive for poor People, seized of such Land, to go through with; and therefore, the docking Intails by some easier Method will be a great Relief to such poor People and their Families, whereby they would be enabled to purchase other more improveable Lands and Slaves: Wherefore,

Method of docking intails.

II. **W**E humbly pray your most Sacred Majesty that it may be enacted, *And be it enacted by his Excellency the Governor, Council, and General Assembly of this Province,* That it shall and may be lawful for any Person or Persons, seized, in Fee-Tail, general or special, of, or in, any Lands or Tenements within this Province, not exceeding the Value of fifty Pounds, *sterling* Money, and not being Parcel of, or contiguous to, other intailed Lands of the same Parties, to sue out a Writ, from the Secretary's Office, in the Nature of an *ad quod Damnum*, directed to the Sheriff of the County where such intailed Lands lie, commanding him to enquire, by good and lawful Men of his County, of the Value of such Lands, and whether they be Parcel of, or contiguous to, other intailed Lands of the same Party, as aforesaid; and such Sheriff shall return his Inquisition to the said Office: And if the said Lands shall be found not to exceed the Value aforesaid, and to be a separate Parcel as aforesaid, then a Deed of Bargain and Sale, reciting the Title and such Inquisition, (wherein a valuable Consideration shall be expressed, and, *bona fide*, paid) acknowledged by the Party, or proved by two Witnesses, before the Chief Justice, or any of the associate Judges, or in the Court of the County where such Lands may lie, within six Months after the Date thereof, and registered, within twelve Months, in the County where such Lands lie, shall be sufficient in Law to pass the Fee-Simple Estate of such Lands to the Purchaser or Purchasers thereof; and the Right of the Issue of the Vender, and all other Persons in Remainder or Reversion, shall be barred, in the same Manner as the same Estate might be barred by Fine and Recovery, according to the Laws of *England*.

SIGNED by

GABRIEL JOHNSTON, Esq. *Governor.*

NATHANIEL RICE, *President.*

SAMUEL SWANN, *Speaker.*

ANNO







A. D. 1749.

## C H A P. VI.

*An Act to confirm the several Acts of Assembly of this Province therein mentioned, as revised by the Commissioners appointed by an Act of the General Assembly of this Province, entitled, An Act for appointing Commissioners to revise and print the Laws of this Province; and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province; and such other Laws of this Province as have been passed since the said Revival; and to direct the printing of the said Laws.*

I. **W**HEREAS the whole Body of the Laws of this Province, to the seventh Day of *March*, in the Year of our Lord one thousand seven hundred and forty-six, have, in Pursuance of the *Act for appointing Commissioners to revise and print the Laws of this Province; and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province*, passed the seventh Day of *March*, in the Year of our Lord one thousand seven hundred and forty-six; and the *Act to alter and amend an Act, entitled, An Act for appointing Commissioners to revise and print the Laws of this Province; and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province*, passed the fifteenth Day of *October*, in the Year of our Lord one thousand seven hundred and forty-eight; been carefully compiled and revised, and the said Revival laid before both Houses of this present Assembly, and approved of by the said Houses:

II. **W**E pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same*, That the several Acts passed at a General Biennial Assembly, held at the House of Captain *Richard Saunderson*, at *Little River*, begun the seventh Day of *November*, in the Year of our Lord one thousand seven hundred and fifteen, and continued, by several Adjournments, until the nineteenth Day of *January*, in the said Year of our Lord one thousand seven hundred and fifteen, entitled as follows, *to wit*,

Titles of acts  
passed 1715.

Coroners appointed:

An Act to direct the Method to be observed in the Examination and Commitment of Criminals.

An Act to direct the Disposal of Goods taken upon Execution; and for the better Regulation of Distresses hereafter to be made for Levies and Quit-Rents.

An Act concerning Appeals and Writs of Error.

An Act concerning old Titles of Land; and for Limitation of Actions, and for avoiding Suits in Law.

Feme Coverts how to pass Lands.

An Act for preventing Disputes concerning Lands already surveyed.

An Act concerning Escheat Lands, and Escheators.

An Act to regulate divers Abuses in the taking up of Lands; and to ascertain the Method to be observed, from henceforth, in taking up and surveying Lands.

An Act for entering of Vessels, and to prevent the Exportation of Debtors.

An Act concerning Roads and Ferries.

An Act to encourage the Building of Mills.

An Act to appoint public Registers, and to direct the Method to be observed in conveying Lands, Goods, and Chattels; and for preventing fraudulent Deeds and Mortgages.

An Act for ascertaining the Gauge of Barrels, and to prevent Frauds in Pork, Beef, Pitch, and Tar.

An Act appointing Toll-Books to be kept at or near *Catherine's Creek*, in *Chowan Precinct*, the Head of *Pequimons Precinct*, and at the Mouth of *Northwest River*, in *Currituck Precinct*; and to prevent Persons from transporting or driving Horses, Cattle, or Hogs, to other Persons Lands.

What



What Fences are sufficient.

Private Burials prohibited.

An Act concerning proving Wills, and granting Letters of Administration ; and to prevent Frauds in the Management of Intestates Estates.

An Act concerning Orphans.

An Act for appointing a Town in the County of *Bath* ; and for securing the public Library belonging to *St. Thomas's* Parish, in *Pamlico*.

An Act for restraining the *Indians* from molesting or injuring the Inhabitants of this Government ; and for securing to the *Indians* the Right and Property to their own Lands.

Public Treasurers to give Account.

An Act, empowering *Johanna Peterson*, Widow of *Thomas Peterson*, late of *Albemarle* County, Esq, to make Sale of certain Lands, late belonging to the said *Thomas Peterson* ; and to make other Provision for *Anna*, the Daughter of the said *Thomas Peterson*, to whom the said Lands do descend.

An Act confirming the Titles of sundry Persons who have, or hereafter may purchase Lands of Colonel *Thomas Cary*, in *Bath* County.

And the Law passed in the Year of our Lord one thousand seven hundred and twenty, entitled as follows, *to wit*, Act passed 1720.

An Act to confirm a Decree made in the Court of Chancery of this Province, upon a Bill of Complaint exhibited by *William Duckenfield*, Esq.

And the Laws passed at a General Biennial Assembly, held at *Edenton*, in *Chowan* Precinct, begun the second Day of *October*, and continued, by several Adjournments, to the nineteenth Day of *October*, in the Year of our Lord one thousand seven hundred and twenty-two, entitled as follows, *to wit*, 1722.

An Act for a Road from *Core-Point* to *Newbern*, on *Neuse* River.

An additional Act to an Act, entitled, *An Act appointing Toll-Books*.

An Act appointing that Part of *Albemarle* County, lying on the West Side of *Chowan* River, to be a Precinct, by the Name of *Bertie* Precinct.

An Act appointing that Part of the Southwest Parish of *Chowan*, that lies on the South Shore, and *Alligator*, to be a distinct Parish, by the Name of the South Parish of *Chowan* ; and for appointing Vestrymen for the same Parish.

An Act for settling the Precinct Courts, and Court-houses.

And the Laws passed at a General Biennial Assembly, held at *Edenton*, the twenty-third Day of *November*, in the Year of our Lord one thousand seven hundred and twenty-three, entitled as follows ; 1723.

An Act for settling the Titles and Bounds of Lands.

An Act for an additional Tax on all free Negroes, Mulattoes, Mustees, and such Persons, male and female, as now, or hereafter shall be intermarried with any such Persons resident in this Government.

An additional Act to an Act, entitled, *An Act concerning proving Wills, and granting Letters of Administration ; and to prevent Frauds in the Management of Intestates Estates*.

An Act to restrain the keeping too great a Number of Horses and Mares, and for amending the Breed.

An Act for the better settling of the Town of *Newbern*, in the Precinct of *Craven*.

An Act for incorporating the Sea Port of *Beaufort*, in *Carteret* Precinct, into a Township, by the Name of *Beaufort*.

And the Law passed at a General Biennial Assembly, held at *Edenton*, the sixth Day of *November*, in the Year of our Lord one thousand seven hundred and twenty-seven, entitled as follows, *to wit*, 1727.

An Act to appoint the Northwest Parish of *Bertie* Precinct, a distinct Parish, by the Name of the Northwest Parish of *Bertie* Precinct, and for appointing Vestrymen for the said Parish ; and to appoint Commissioners in every Parish in this Government, to call the Churchwardens and Vestry to Account, for the Parish Money by them received.



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Acts passed 1729.

And the Laws passed at a General Biennial Assembly, held at *Edenton*, the twenty-seventh Day of *November*, in the Year of our Lord one thousand seven hundred and twenty-nine, entitled as follows ;

An Act for the more quiet settling the Bounds of the *Meberrin Indians* Lands.

An Act to make *Hyde* Precinct separate from *Beaufort* Precinct, with Power of erecting a Court-house, and holding Courts.

An Act to appoint that Part of *Albemarle* County lying on the South Side of *Albemarle* Sound, and *Morattock* River, as high as the *Rainbow* Banks, to be a Precinct, by the Name of *Tyrrel* Precinct.

An additional Act to an Act for appointing Toll-Books ; and for preventing People from driving Horses, Cattle, or Hogs, to other Peoples Lands.

An Act for the more effectual and speedy putting in Execution the Act for settling the Titles and Bounds of Peoples Lands.

An Act to confirm *Bath-Town* Common.

An Act for regulating Vestries in this Government, and for the better inspecting the Vestrymen and Churchwardens Accounts, of each and every Parish in this Government.

1734.

And the Laws passed in the Year of our Lord one thousand seven hundred and thirty-four, as follows, *to wit*,

An additional Act to an Act concerning Roads and Ferries.

An Act to confirm and establish the Precincts of *Onslow* and *Bladen*, and for appointing them distinct Parishes.

1738.

And the Laws passed at a General Assembly, held at *Newbern*, the sixth Day of *March*, in the Year of our Lord one thousand seven hundred and thirty-eight, entitled as follows, *to wit*,

An Act for appointing Sheriffs in the Room of Marshals of this Province, for prescribing the Method of appointing them, and for limiting the Time of their Continuance in Office, and directing their Duty therein ; and for abolishing the Office of Provost-Marshal of this Province, and for altering the Names of the Precincts into Counties.

An Act to prevent killing Deer at unseasonable Times.

An Act for appointing a Town on the Plantation whereon *William Webster* now dwelleth, in *Hyde* Precinct, on the West Side of *Matchapungo* River.

And the Law passed the eighth Day of *March*, in the Year last above said, entitled,

An Act to supply the Defects of an Act passed last Session of Assembly, entitled, *An Act for appointing Sheriffs in the Room of Marshals of this Province, for prescribing the Method of appointing them, and for limiting the Time of their Continuance in Office, and directing their Duty therein ; and for abolishing the Office of Provost-Marshal of this Province, and for altering the Names of the Precincts into Counties.*

1739.

And the Laws passed at a General Assembly, held at *Newbern*, the twenty-fifth Day of *February*, in the Year of our Lord one thousand seven hundred and thirty-nine, entitled as follows, *to wit*,

An Act for prescribing the Method of proving Book-Debts.

An Act for erecting the Village called *Newton*, in *New-Hanover* County, into a Town and Township, by the Name of *Wilmington*.

1740.

And the Laws passed at a General Assembly, held at *Edenton*, the twenty-first Day of *August*, in the Year of our Lord one thousand seven hundred and forty, entitled as follows, *to wit*,

An Act for confirming the Titles to the Town Lands of *Edenton*, for securing the Privileges heretofore granted to the said Town, and for the further Encouragement and better Regulation thereof.

An Act to enable the Commissioners herein after appointed, to erect and finish a Church at *Newbern*, in *Craven* County and Parish, in the Province aforesaid, and for the better regulating the said Town ; and other Purposes therein mentioned.

An



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An Act to enable the Commissioners herein after mentioned, to finish the Church already begun at *Edenton*.

An Act for the further and better Regulation of the Town called *Wilmington*, in *New-Hanover* County, and to establish the Church of the Parish of *St. James*, to be built in the said Town.

An Act for the more effectual establishing a Ferry from *Bath-Town* to *Core-Point*, &c.

An Act to exempt the Inhabitants of *Bath-Town* from working on the public Roads, and to oblige the said Inhabitants to clear and keep the Streets of the said Town clear and in good Order.

An Act to enable the Justices of *Tyrrel* County, to build a Warehouse on *Scuppernong*, for receiving of his Majesty's Quit-Rents.

An Act for granting an Aid to his Majesty, to defray the Expences of transporting the several Troops enlisted in his Majesty's Service in this Colony, and to ascertain the Method of paying all Taxes and Levies in Commodities; and for other Purposes therein mentioned.

And the Laws passed at a General Assembly, held at *Edenton*, the fourth Day of *April*, in the Year of our Lord one thousand seven hundred and forty-one, entitled as follows, *to wit*, Acts passed 1741;

An Act concerning Marriages.

An Act to make and confirm that Part of the main Road leading from *Bennet's* Creek Bridge to *Virginia*, joining to Mr. *Henry Baker's*, in *Chowan* County, altered for the Conveniency of the Public by the adjacent Inhabitants, to be the main and public Road.

An Act to appoint Constables.

An Act to confirm and erect that Part of the Province of *North-Carolina*, called *Edgcomb* County, into a County, by the Name of *Edgcomb* County, and establishing the said County a Parish; and for ascertaining the Boundary Line between the *Northwest* and *Society* Parishes, in *Bertie* County.

An Act to prevent stealing of Cattle and Hogs, and altering and defacing Marks and Brands, and mismarking and misbranding Horses, Cattle and Hogs, unmarked and unbranded.

An Act for ascertaining the Boundary Line between *Tyrrel* County, and *Beaufort* County; and between *Edgcomb* County, and *Tyrrel* and *Beaufort* Counties.

An Act for restraining the taking of excessive Usury.

An Act for appointing and laying out a Town on or near *Mittam's Point*, on the South Side of *New-River*, in *Onslow* County, by the Name of *Johnson*.

An Act to prevent the taking Boats, Canoes, or Pettiaguas, from Landings, or elsewhere without Leave.

An Act for the better Observation and keeping of the Lord's Day, commonly called *Sunday*; and for the more effectual Suppression of Vice and Immorality.

An Act for the Trial of small and mean Causes.

An Act for ascertaining the Damage upon protested Bills of Exchange.

An Act for regulating Weights and Measures.

An Act for the building and maintaining of Court-houses, Prisons and Stocks in every County within this Province, and appointing Rules to each County Prison for Debtors.

An Act the better to enable the Commissioners appointed for building a Church at *Newbern*, to erect the same, and to empower them to demand and receive of any Person or Persons, all Parish Levies already laid, and not appropriated; and for other Purposes therein mentioned.

An Act for regulating Ordinaries, and for the Restraint of Tippling-houses.

An Act for the Relief of such Persons as have suffered, or may suffer, by Neglect of the Registers of the several Counties within this Province, in registering their Deeds or mesne Conveyances; as also for Want of acknowledging and proving, or through Ignorance and Neglect, not applying to have the same registered.

An Act for establishing the Church, for appointing Parishes, and the Method of electing Vestries; and for directing the Settlement of Parish Accounts throughout this Government.

An



A. D. 1749.

An Act concerning Servants and Slaves.

And the Law passed at *Wilmington*, in the said Year of our Lord one thousand seven hundred and forty-one, entitled as follows, *to wit*,  
An Act for erecting the upper Part of *Bertie* County into a County, by the Name of *Northampton* County, and for regulating the Limits between *Society* Parish and the *Northwest* Parish of *Bertie*; and for removing the Seat of *Bertie* Court.

Acts passed 1743.

And the Laws passed at a General Assembly held at *Edenton*, the second Day of *April*, in the Year of our Lord one thousand seven hundred and forty-three, entitled as follows, *to wit*,

An Act to regulate Elections for Members to serve in General Assembly for the several Counties, to declare who shall be qualified to vote in the said Elections, or to be elected a Member of the General Assembly, for any of the said Counties; and to direct the Method to be observed in taking the Poll at the several Elections in the Counties and Towns in this Province.

An Act for obtaining an exact List of Taxables, and for the effectual collecting as well all Arrears of Taxes, as all other Taxes, for the future, due and payable.

An Act to empower the Justices of *Beaufort* County to build two substantial Warehouses, at the Places hereafter mentioned, in the said County, for the Use and Conveniency of the Inhabitants paying their Taxes and Levies.

An Act to ascertain what Attornies Fees shall be taxed and allowed, in any Suit or Action brought in any of the Courts of Record in this Province.

An Act for making and clearing a Highway from *Edenton*, into the Road leading over Mr. *Hofkins's* Mill-Dam, towards *Pequimons* Court-house, and for erecting Bridges in such Road, and also another Gate at *Edenton*.

An Act for erecting a Court-house, Prison, and Stocks, in *Bertie* County, and for laying a Tax on the Inhabitants of the said County, for defraying the Charge thereof.

1745.

And the Laws passed at a General Assembly, held at *Newbern*, the twentieth Day of *April*, in the Year of our Lord one thousand seven hundred and forty-five, entitled as follows, *to wit*,

An additional Act to an Act, entitled, *An Act for appointing Sheriffs in the Room of Marshals of this Province, for prescribing the Method of appointing them, and limiting the Time of their Continuance in Office, and directing their Duty therein; and for altering the Names of Precincts into Counties.*

An additional Act to an Act, entitled, *An Act to prevent killing Deer at unseasonable Times, and for putting a Stop to many Abuses committed by white Persons, under Pretence of hunting.*

An Act for empowering the several Commissioners herein after named, to make, mend, and repair all Roads, Bridges, Cuts, and Water-Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts herein after appointed, in such Manner as they shall judge most useful to the Public.

An Act for erecting a Fortification on the lower Part of *Cape-Fear* River, for applying thereto the Powder-Money already arisen, or which shall arise, by Shipping coming into the Port of *Brunswick*.

An Act to appoint Commissioners in the Place and Stead of those deceased, to compleat and finish the Church at *Newbern*, and for adding the present Churchwardens and Vestrymen to the said Commissioners; and for empowering the said Commissioners, Churchwardens, and Vestrymen, to call the former Commissioners to Account, for all the Monies by them received for the Use of the said Church, and to appropriate it to the Purposes aforesaid; and in Case of Insufficiency, to lay a Levy to accomplish the same.

An Act to add that Part of the Province called *Mattamuskeet*, and Lake, to *Hyde* County.

An Act to empower the Commissioners for the Town of *Edenton*, to keep in Repair the Town Fence, and to erect and build a Pound, Bridges, and public Wharf, and Market-house; as also to erect and build a School-house in the said Town, and other Purposes therein mentioned.

An



A. D. 1749.

An Act for the better regulating the Town of *Wilmington*, and for confirming and establishing the late Survey of the same, with the Plan annexed.

An Act for fencing the Town of *Bath*, and re-surveying the Common belonging to the said Town, and exempting the Inhabitants from working on the main Road; and to give Liberty to the Inhabitants to build and improve the Front or Water Lots, and to appoint Commissioners for the Purposes aforesaid.

An Act to encourage Persons to settle in the Town of *Brunswick*, on the South-west Side of *Cape-Fear* River.

And the Laws passed at a General Assembly, held at *Newbern*, the twenty-eighth Day of *June*, in the Year of our Lord one thousand seven hundred and forty-six, entitled as follows, *to wit*,

Acts passed 1746.

An Act for the better regulating the Militia of this Government.

An Act for erecting the upper Part of *Craven* County into a County and Parish; and for appointing a Place for building a Court-house, Prison, and Stocks, in the said County.

An Act for dividing *Edgcomb* County and Parish, and for erecting the upper Part thereof into a County and Parish, by the Name of *Granville* County, and *St. John's* Parish; and for appointing Vestrymen of the said Parish.

And the Laws passed at a General Assembly, held at *Wilmington*, the fifth Day of *December*, in the Year of our Lord one thousand seven hundred and forty-six, entitled as follows, *to wit*,

An Act for the better ascertaining the Number of Members to be chosen for the several Counties within this Province, to sit in General Assembly, and for establishing a more equal Representative of all his Majesty's Subjects in the House of Burgesses.

An Act to fix a Place for the Seat of Government, and for keeping public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also for establishing the Courts of Justice, and regulating the Proceedings therein.

And the Law passed at a General Assembly, held at *Newbern*, the seventeenth Day of *March*, in the Year of our Lord one thousand seven hundred and forty-six, entitled as follows, *to wit*,

An Act for appointing Commissioners to revise and print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province.

And the Laws passed at a General Assembly, held at *Newbern*, the sixth Day of *April*, in the Year of our Lord one thousand seven hundred and forty-eight, entitled as follows, *to wit*,

1748.

An Act to appoint public Treasurers.

An Act for regulating the several Officers Fees within this Province, and ascertaining the Method of paying the same.

An Act for laying a Tax on the Inhabitants of *Granville* County, and for appointing Commissioners to compleat and finish the public Buildings already begun in the said County.

An Act to prevent the Exportation of raw Hides, Pieces of Hides, and Calf-Skins, out of this Government.

An Act to appoint Commissioners to continue running the Boundary Line between *Edgcomb* County, *Tyrrel*, and Part of *Beaufort* Counties.

An Act for destroying of Vermin in this Province.

An Act to enlarge the Time for the Commissioners of the Roads, appointed by the Act of Assembly passed *April* the twentieth, one thousand seven hundred and forty-five, entitled, *An Act for empowering the several Commissioners herein after named, to make, mend, and repair all Roads and Bridges, Cuts and Water-Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts herein after appointed, in such Manner as they shall judge most useful to the Public, to recover the several Sums due from Defaulters.*



A. D. 1749.

Acts passed 1748. An Act to provide indifferent Jurymen in all Causes, both civil and criminal, and for an Allowance for their Attendance.

An Act to alter the Times for holding Courts for the County of *New-Hanover*.

An Act for granting unto his Majesty the Sum of twenty-one thousand three hundred and fifty Pounds, Proclamation Money, and for stamping and emitting the said Sum of twenty-one thousand three hundred and fifty Pounds, public Bills of Credit of this Province, at the Rate of Proclamation Money, to be applied towards building Fortifications in this Province, Payment of the public Debts, exchanging the present Bills of Credit, and for making proper Provision for defraying the contingent Charges of the Government; and for repealing the several Laws herein after mentioned.

And the Laws passed at a General Assembly, held at *Newbern*, the fifteenth Day of *October*, in the said Year of our Lord one thousand seven hundred and forty-eight, entitled as follows, *to wit*,

An Act to appoint a convenient Place for holding the County Court of *Granville*, and to empower the Commissioners hereafter named to build a Court-house, Prison, and Stocks, in the said County.

An Act for defraying the Expence of the Members of his Majesty's Honourable Council, and the Members of the General Assembly of this Province, in their travelling to, from, and attending at the said Assemblies; and to compel their Attendance.

An Act for ascertaining the Bounds of a certain Tract of Land, formerly laid out by Treaty, to the Use of the *Tuskerora Indians*, so long as they, or any of them, shall occupy and live upon the same; and to prevent any Person or Persons taking up Lands or settling within the said Bounds, by Pretence of any Purchase or Purchases made, or that shall be made, from the said *Indians*.

An Act for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents.

An Act to appoint an Agent to solicit the Affairs of this Province, at the several Boards in *England*.

An Act for the better regulating the Town of *Newbern*, for fencing the same, and securing the Titles of the several Persons who hold Lots in the said Town.

An Act to alter and amend an Act, entitled, *An Act for appointing Commissioners to revise and print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province*.

1749. And the Laws passed at a General Assembly, held at *Newbern*, the fourteenth Day of *April*, in the Year of our Lord one thousand seven hundred and forty-nine, entitled as follows, *to wit*,

An additional Act to an Act, entitled, *An Act for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents*.

An Act for the Relief of poor Debtors, as to the Imprisonment of their Persons.

An Act for the Encouragement of *James Davis*, to set up and carry on his Business of a Printer in this Province; and for other Purposes therein mentioned.

An Act directing the Method for cutting or docking Intails of small Estates.

And the Laws passed this present Session of Assembly, at *Newbern*, the sixteenth Day of *October*, in the Year of our Lord one thousand seven hundred and forty-nine, entitled as follows, *to wit*,

An Act to put in Force in this Province, the several Statutes of the Kingdom of *England*, or *South-Britain*, therein particularly mentioned.

An Act to revive a Clause in an Act of the General Assembly, entitled, *An Act to fix a Place for the Seat of Government, and for keeping public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also for establishing the Courts of Justice, and regulating the Proceedings therein*.

An additional Act to an Act, entitled, *An Act to provide indifferent Jurymen in all Causes, civil and criminal, and for an Allowance for their Attendance*.

An



A. D. 1749.

An Act for altering, explaining, and continuing an Act, entitled, *An Act for the better regulating the Militia of this Government.*

An Act to appoint a public Treasurer, in the Room of the Honourable *Edward Moseley, Esq.* deceased.

And every Clause and Section of them, and each of them, (except such Clause and Clauses, Section and Sections, which are become obsolete, have expired, or stand and are repealed by any subsequent Act of the General Assembly of this Province herein before mentioned,) are hereby confirmed, and shall be held, deemed, and taken to be and remain in full Force within this Province; and shall be printed, and given in Evidence, agreeable to the afore mentioned Act, entitled, *An Act for appointing Commissioners to revise and print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province;* and the Act, entitled, *An Act to alter and amend an Act, entitled, An Act for appointing Commissioners to revise and print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province.*

III. *A N D* be it further enacted by the Authority aforesaid, That all Fines and Forfeitures mentioned in any of the before recited Laws, where the particular Species of Money is not specially named, the same shall be understood, deemed, and adjudged to be Proclamation Money, and none other.

IV. *A N D* be it further enacted by the Authority aforesaid, That all and every Act and Acts, Clause and Clauses, Section and Sections, of all and every Act and Acts of the General Assembly of this Province, in the said revised Laws or Acts of the said General Assembly, mentioned to be obsolete, expired, and repealed; are hereby enacted and declared to be obsolete, expired, and repealed; and the Titles, with such Note only, be printed.

V. *PROVIDED* always nevertheless, and it is hereby enacted, That all and every Judgment, Order, Decree, or Sentence of any Court heretofore given or passed, and all and every Matter or Thing heretofore done and performed, by any Officer or Officers, judicial or ministerial, or by any other Person or Persons whatsoever, in Virtue, and by Force of any Act or Acts, Clause or Clauses, of any Act or Acts of the General Assembly of this Province, in the said revised Laws mentioned to be obsolete, expired, or repealed, shall be deemed, held, and taken to be good and valid in Law, to all Intents and Purposes, as if the said Acts were continued and in full Force; any Thing herein before contained to the contrary, in any Wise, notwithstanding.

SIGNED by

GABRIEL JOHNSTON, Esq. *Governor.*

NATHANIEL RICE, *President.*

SAMUEL SWANN, *Speaker.*











A. D. 1749.

ordinary Business in the said Court, but also by being compelled to serve as Jurymen, and oftentimes as Evidences, at the said Court: For Remedy whereof,

Division of the county.

II. WE pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same,* That *Bladen County* be divided by a Line, beginning at the Place where the South Line of this Province crosseth the Westernmost Branch of *Little Pee-Dee River*, then by a strait Line to a Place where the Commissioners for running the Southern Boundary of this Province crossed that Branch of *Little Pee-Dee River*, called *Drowning Creek*, thence up that Branch to the Head thereof; then by a Line, to run, as near as may be, equidistant, from *Saxpahaw River*, and *Great Pee-Dee River*; and that the upper Part of the said County and Parish so laid off and divided, be erected into a County and Parish, by the Name of *Anson County*, and *St. George's Parish*, and that all the Inhabitants to the Westward of the afore mentioned dividing Line, shall belong and appertain to *Anson County*: And that the said County and Parish shall enjoy all and every the Privileges, which any other County or Parish in this Province holds or enjoys.

*The remaining eight Clauses of a private or a temporary Nature, and therefore not necessary to be inserted.*

## C H A P. III.

Rep. by act, Nov. 1760, ch. 2.

*An additional Act to an Act for obtaining an exact List of Taxables; and for the effectual collecting as well all Arrears of Taxes, as all other Taxes, for the future due and payable.*

## C H A P. IV.

*An Act to enable the Justices of the several Counties to provide certain Law Books, for the Use of their County Courts.*

Justices empowered to purchase law books.

I. **B**E it enacted by his Excellency Gabriel Johnston, Esquire, Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, That the Justices of each County Court within this Province, shall and may have full Power and Authority, in some convenient Time, according to their Discretion, to purchase and provide the latest Editions of the Law Books following, *to wit*; *Nelson's Justice*, *Cary's Abridgement of the Statutes*, *Swinburn of Wills*, or *Godolphin's Orphan's Legacy*, and *Jacob's Law Dictionary*, or *Wood's Institutes*: Which Books, when provided, shall be, forever after, for the Use of the County Court, and shall be kept in the Offices of the several Clerks, and constantly, during the Sitting of every County Court, laid, by the Clerk of each Court, on the Court Table, for the Use and Perusal of the Justices of such Court, and of all such as may have any Matters depending in Court.

Penalty on the Clerk for destroying such books, &amp;c.

II. *A N D* be it further enacted by the Authority aforesaid, That if any County Court Clerk shall abuse or destroy, or suffer to be abused or destroyed, any of the Books so committed to his Care, he shall be fined, at the Discretion of the Court, for such his Neglect: Which Fine shall be applied towards repairing the Loss or Damage of such Books, occasioned by such Neglect.

Tax to be laid for purchasing books.

III. *A N D* be it further enacted by the Authority aforesaid, That the Justices in the several County Courts, shall have full Power to lay such an additional Tax on their respective Counties, as shall be sufficient to purchase and provide the Books aforesaid; and shall apply the same accordingly.



## C H A P. V.

*An Act to encourage Michael Higgins to build a Bridge over Trent River, near Wickliff's Ferry, in Craven County. PRIV.*

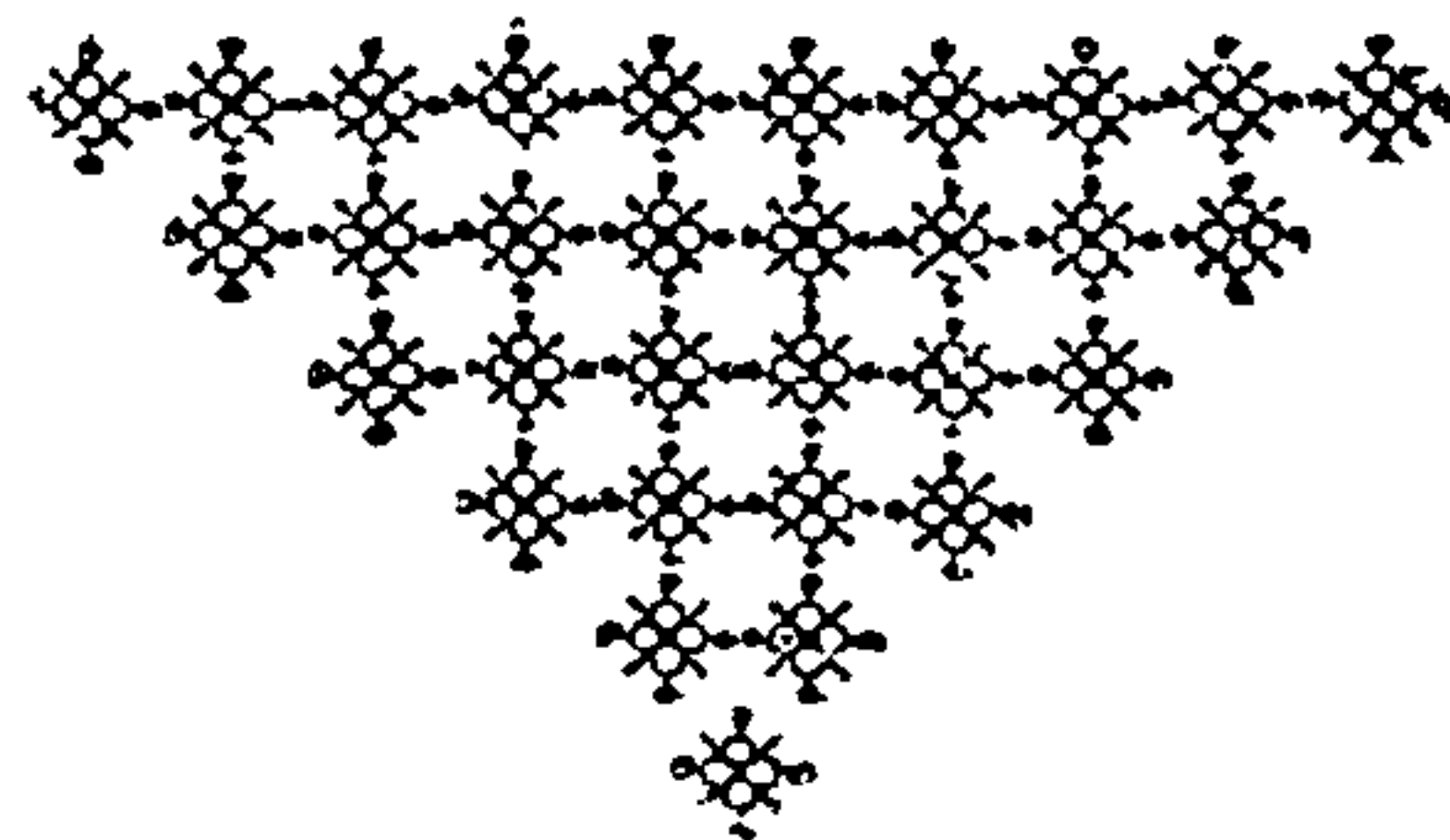
## C H A P. VI.

*An Act for appointing and laying out a Town on the Plantation of Mr. Samuel Jordan, on the North Side of Roanoke River, in Northampton County; and for establishing two Fairs to be held annually therein. PRIV.*

## C H A P. VII.

*An additional Act to an Act, entitled, An Act to fix a Place for the Seat of Government, and for keeping public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also for establishing the Courts of Justice, and regulating the Proceedings therein.* Not now in force;  
See page 109

SIGNED by

GABRIEL JOHNSTON, Esq. *Governor.*NATHANIEL RICE, *President.*SAMUEL SWANN, *Speaker.*

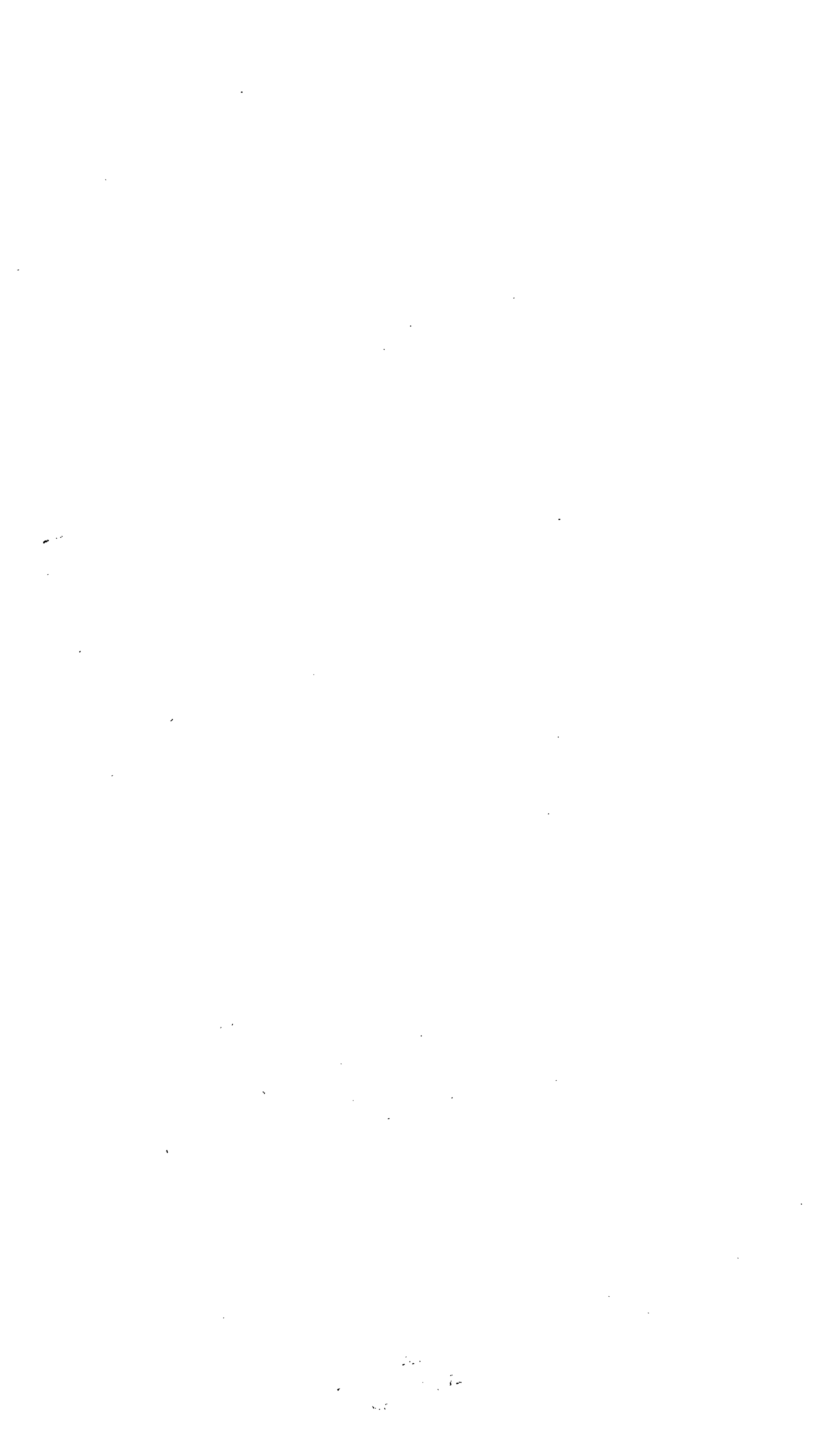


















A. D. 1751.

pointed by the said Court for that Purpose, whether she doth voluntarily assent thereto, and registered according to the Directions of the Laws of this Province, shall be as valid in Law to convey all the Estate and Title which such Wife may or shall have in any Lands, Tenements, or Hereditaments so conveyed, whether in Fee-Simple, Right of Dower, or other Estate, not being Fee-Tail, as if done by Fine and Recovery, or any other Ways or Means whatsoever.

Proceedings to be had where the wife is an inhabitant of another sountry, &c.

III. *PROVIDED nevertheless*, That where any such Conveyances as aforesaid shall be acknowledged by the Husband, or proved by the Oath of one or more Witnesses, before the Chief Justice or County Court where the Land lieth, and it shall be represented to the Chief Justice or County Court aforesaid, that the Wife is a Resident of any other Country, or so aged or infirm that she cannot travel to the Chief Justice or County Court, to make such Acknowledgement as aforesaid; it shall and may be lawful for the Chief Justice or County Court, by his or their Order, to direct the Clerk of the County Court where such Land lieth, to issue a Commission to two or more Commissioners, for receiving the Acknowledgement of any Deed of such Feme Covert, for passing her Estate in any Lands, Tenements, or Hereditaments; and such Deed, acknowledged before them, after they have examined her privily and apart from her Husband touching her Consent, and certified by the County Court to which the Commission shall be returnable, shall, by Order of the County Court, be registered, with the Commission and Return, and shall be as effectual as if personally acknowledged before the Chief Justice or County Court by such Feme Covert.

IV. *AND* for preventing Mistakes in issuing out such Commissions, *Be it enacted by the Authority aforesaid*, That the several Clerks of this Province, shall issue the same, in the Form following, *to wit*,

*North-Carolina, C. County, ff.*

Form of a commission for the private examination of a feme covert.

*G E O R G E* the Second, by the Grace of God, of *Great-Britain, France, and Ireland*, King, Defender of the Faith, &c.

To *A. B. C. D. and E.* Gentlemen, Greeting.

**W**HEREAS *F. G.* hath produced a Deed of Conveyance, made to him from *H. I.* and *K.* his Wife, of a certain Tract or Parcel of Land, lying and being in the County of \_\_\_\_\_ in our Province of *North-Carolina*, and procured the same to be proved or acknowledged by the said *H. I.* before *I. K.* our Chief Justice of our said Province, (or in the Court of our said County of *C.* as the Case may be,) and it being represented to our said Chief Justice, or to our said Court, that *K.* Wife of the said *H. I.* is an Inhabitant of our said Province, or of \_\_\_\_\_ or is so aged and infirm, (here as the Case may be) so that she cannot travel to our said Chief Justice, or Court of our said County of \_\_\_\_\_ to be privily examined as to her free Consent in executing the said Conveyance. Know ye, that we, in Confidence of your Prudence and Fidelity, have appointed you, and by these Presents do give unto you, or unto any two of you, full Power and Authority, to take the private Examination of the said *K.* Wife of the said *H. I.* concerning her free Consent in her executing the said Conveyance: And therefore we command you, or any two of you, that at such certain Day and Place as you shall think fit, you go to the said *K.* if she cannot conveniently come to you, and privily, and apart from her Husband, examine her the said *K.* whether she executed the said Conveyance freely and of her own Accord, without Fear or Compulsion of the said *H. I.* her Husband; and the Examination being distinctly and plainly wrote on the said Deed, or on some Paper annexed thereto, and when you shall have so taken the said Examination, you are to send the same, closed up, under the Seals of you, or any two of you, together with this Writ, unto our said Court, to be held for the said County of *C.* on the \_\_\_\_\_ Day of \_\_\_\_\_ next ensuing, in the \_\_\_\_\_ Year of our Reign. Witness *L. M.* Clerk of our said Court, at \_\_\_\_\_

Day of

*Anno Dom. 17*

*L. M. Cl. C.*

V. *AND*



A. D. 1751.

V. A N D for the greater Security of Purchasers, *Be it enacted by the Authority aforesaid*, That all Deeds and Conveyances of Lands, heretofore made by the Husband and Wife, or by the Wife, and afterwards ratified and confirmed by the Husband, wherein a valuable Consideration is expressed, for any Estate or Title of any Feme Covert, in any Lands, Tenements, or Hereditaments, whether in Fee-Simple, Right of Dower, or other Estate, not being Fee-Tail, where such Deeds or Conveyances have been registered within twelve Months from the Date thereof, or shall be registered within the Space of one Year after the Return of the Commission for taking the Examination of the Wife, as herein before mentioned, or where the Person or Persons to whom the same hath been made, hath actually entered thereupon, and hath continued in Possession thereof for the Space of seven Years, by Virtue of such Deeds; they shall be respectively as valid in Law, and take Effect as fully, to the Benefit of all Persons respectively in Possession thereby, and their Heirs and Assigns, against the Husband and Wife, and every of their Heirs and Assigns, and against all other Persons claiming by, from, or under them, or any of them, as if the same had been done by Fine and Recovery, or any other Ways or Means whatsoever; any Law, Custom, or Usage to the contrary, in any Wise, notwithstanding.

Former purchasers secured, &amp;c.

*The sixth and seventh Sections concerning Fees not now in Force, none being due to a Judge, and the Clerks and Registers Fees being provided for by subsequent Acts.*

NOTE. By Act Dec. 5, 1757, Chap. 1. (dividing the Province into six Districts, and establishing a Superior Court in each, consisting of the Chief Justice and two Associate Justices) it was enacted in the third Section as follows:

“ That the Chief Justice, or either of the Associate Justices, may, as well within Court as without, take the Probate or Acknowledgement of Deeds, or Letters of Attorney, and the private Examination of Feme Coverts, as hath heretofore been done by the Chief Justice in the like Cases; and such Associate Justice is hereby authorized, to take and receive the same Fees and Perquisites, as the Chief Justice is entitled to for the like Services; which Proof shall be deemed equally good and valid in Law, as if taken in any Court of Record; any Law or Usage to the contrary notwithstanding.”

This Act expired some Time before the Revolution: But by Act Nov. 15, 1777, Chap. 2, (now in Force) it is provided, That the Judges of the Superior Courts thereby constituted, “ may have, use, exercise, and enjoy the same Powers and Authorities, Rights, Privileges and Preheminences, as were had, used, exercised, and enjoyed, by any former Judges in this Territory, except where it is, or may be otherwise directed by this Act, or where such Authorities, Rights, Privileges or Preheminences, or any of them, may be inconsistent with, or repugnant to, the Form of Government and Constitution by Law established.” In consequence of which general Words, the Authority devolved by the above Act on the Chief Justice, has been constantly exercised by the Judges of our present Superior Courts.

## C H A P. IV.

*An additional Act to the several Acts to appoint Public Treasurers.*

I. W H E R E A S many of the mortgage Bonds formerly taken by the several County Treasurers, in Virtue of several Acts of Assembly then in Force, by Reason of the Neglect or Death of most of those Treasurers, remain uncanceled, and the Money due thereon unpaid; and the Times limited by the Law being long since expired, and no Person legally empowered to make Distress for the same, whereby the Public is very much injured: For Remedy whereof,

II. W E pray it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of the said Province, and by the Authority of the same*, That each of the public Treasurers, in their several Districts respectively, are hereby authorized, empowered, and required, to take into his or their Keeping and Possession, the several mortgage Bonds yet uncanceled and unpaid; and the several Persons in whose Keeping or Possession any of the said uncanceled Bonds are remaining, are hereby required to deliver the same on Demand, to the respective public Treasurer of the District, under the Penalty of Ten Pounds Proclamation Money, for every such Refusal or Neglect; to be sued for, and recovered, by the public Treasurer of the District where the Person so refusing or neglecting may reside, by Action of Debt, Bill, Complaint, or Information, in any Court of Record in this Province; wherein no Injunction or Wager of Law shall be allowed or admitted of; and applied one Half to the Use of the Public, the other Half to the Treasurer who shall sue for the same.

Treasurers empowered to take into possession mortgage bonds.



A. D. 1751.

the schedule of mort-  
gage bonds to be  
set up at the  
court house door.

III. *AND* be it further enacted by the Authority aforesaid, That the public Treasurers aforesaid, in their respective Districts, upon the Receipt of all, or any of the said mortgaged Bonds not cancelled nor paid, shall cause a List or Schedule of such Bonds, describing the Place where the Lands lie, the Mortgager's Name, the Sum supposed to be due on each Mortgage, to be affixed on the Door of the Court-house of the County, or the Court of Assize, or General Court, when held in the County where the Land lies, during the Sitting of at least one such Court.

Distress to be  
made on default-  
ers.

IV. *AND* be it further enacted by the Authority aforesaid, That where any Person shall make Default for thirty Days after such List hath been affixed as aforesaid, to pay the several Sums due on each mortgage Bond, in such Case, each and every Public Treasurer is hereby empowered, directed and required, to make Distress, by granting an Attachment, directed to the Sheriff of the County where any personal Estate belonging to any Defaulter lies; who is hereby authorized and required to execute the same, on any such personal Estate in his County to be found.

Distressed goods  
to be sold at ven-  
due.

V. *AND* be it further enacted by the Authority aforesaid, That all such Goods and Chattels so distrained on as aforesaid, shall be set up and sold at public Vendue, at the next County Court, or Court of Assize, or General Court, after such Distress shall be made; an Inventory of such Goods having been first set up at such Court-house, at least ten Days before such Sale.

Defaulters not  
having personal  
estate, mortgaged  
lands to be sold,  
and the overplus  
returned.

VI. *AND* be it further enacted by the Authority aforesaid, That where no Personal Estate belonging to any Defaulter, shall be found in the County wherein the mortgaged Land lies, in such Case, it shall and may be lawful for the public Treasurer, in his respective District, by Virtue of such Mortgage, to enter on the said Land, and after having given forty Days Notice, by fixing a Note on the County Court-house, to expose the said Lands to Sale by public Vendue, at the next County Court, Court of Assize, or General Court, after such Notice; and whatsoever such Land shall sell for, more than what is due on such Bonds, and the Charge of the sale of such Lands, and to the Treasurer for conveying the same to the Purchaser or Purchasers, shall be returned to the Owner; which Sale made by such Treasurer, shall be good and effectual in Law, to all Intents and Purposes whatsoever; and the said Deed so given, if lost, the Registry thereof shall and may be given in Evidence, in any Court of Record within this Province.

VII. *AND* whereas, since the erecting Fort *Johnston* at the Mouth of *Cape-Fear* River, there appears to remain in the Hands of the public Treasurer of the Southern Counties, a Surplus of the Monies appropriated by Law for that Purpose; and it being necessary that the said Fort now built should be preserved:

Commissioners of  
Fort *Johnston* to  
receive money to  
keep it in repair,  
&c.

VIII. *BE* it enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioners appointed by Act of Assembly, entitled *An Act for erecting a Fortification on the lower Part of Cape-Fear River*, by Warrant under their Hands, or the major Part of them, to draw, from Time to Time, out of the Hands of the said Treasurer, such Sum or Sums of Money, as they shall judge necessary, for the guarding, watching, and preserving the said Fort.

Treasurer to pay  
it at *Wilmington*,  
each court of  
Assize.

IX. *PROVIDED* it does not exceed the Surplus of the Money formerly appropriated by Act of Assembly to the erecting the said Fort; and the public Treasurer shall pay such Draught at *Wilmington*, each Court of Assize, and the Commissioners shall account for the same, in the same Manner as all other public Monies by Law are to be accounted for.

## C H A P. V.

*An Act to revive an Act, entitled, An Act to appoint an Agent to solicit the Affairs of this Province at the several Boards in England.* EXP.

C H A P.



A. D. 1751.

## C H A P. VI.

An Act for granting to his Majesty a Duty on the Importation of Rum and Wine into Anson County from South-Carolina.

Rep. by act, 31st  
March, 1752,  
ch. i.

## C H A P. VII.

An Act to alter the Times for holding the Courts for the County of Craven. P R I V.

## C H A P. VIII.

An Act, to confirm the four Lots in Newbern Town, lately conveyed to the Commissioners for the Public Buildings, for the Use of the Public for ever.

See page 139.

I. **W**HEREAS by an Act of the General Assembly, passed at *Newbern*, the seven.eenth Day of *March*, in the Year of our Lord one thousand seven hundred and forty-nine, entitled, *An additional Act to an Act, entitled, An Act to fix a Place for the Seat of Government, and for keeping public Offices, for appointing Circuit Courts, and defraying the Expence thereof; and also for establishing the Courts of Justice, and regulating the Proceedings therein; John Starkey, Esq. and Griffith, and Jeremiah Vail*, were appointed Commissioners, with full Power and Authority to agree with any Person or Persons, to erect, carry on, and perfect the Public Buildings at the Town of *Newbern*; which said Commissioners, agreeable to a Resolve of the General Assembly, had, by the said Commissioners for conveying Lots in the Town of *Newbern*, granted to them, their Heirs and Assigns, for the Use of the Public for ever, by Deed, bearing Date the seventeenth Day of *April*, one thousand seven hundred and fifty, four Lots of Land in the said Town, known in the Plan thereof by the Numbers 248, 249, 250, 251; which said Lots, by Reason of the Proviso in the said Deed mentioned, will soon become lapsable, and thereby the Money already expended towards the Public Buildings now begun, will be lost, and the good Intentions of the said Law defeated: For Remedy whereof,

II. **W**E pray it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esq. Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of the said Province, and by the Authority of the same*, That the said four Lots of Land in the Town of *Newbern*, numbered, 248, 249, 250, 251, shall, and they are hereby declared to be saved, for the Use of the Public for ever, for the Purposes aforesaid, by Virtue of the said Deed, in as full and ample Manner, as if the said Commissioners had erected a House on each of the said Lots, of the Quality and Dimensions prescribed by one Act of Assembly, passed at a General Biennial Assembly, held at *Edenton*, in the Year of our Lord one thousand seven hundred and twenty-three; and also mentioned in one other Act of Assembly, passed in the Year of our Lord one thousand seven hundred and forty-eight, entitled, *An Act for the better regulating the Town of Newbern, for fencing the same, and securing the Titles of the several Persons who hold Lots in the said Town*; any Law, Usage, or Custom to the contrary, in any Wise, notwithstanding.

## C H A P. IX.

An Act to amend and supply the Defects of an Act, entitled, An Act, to appoint Commissioners in the Place and Stead of those deceased, to complete and finish the Church at *Newbern*, and for adding the present Churchwardens and Vestrymen to the said Commissioners, and for empowering the said Commissioners, Churchwardens and Vestrymen to call the former Commissioners to Account for all the Monies by them received for the Use of the said Church, and to appropriate it to the Purpose aforesaid, and in Case of Insufficiency, to lay a Levy to accomplish the same. P R I V.

C H A P.



A. D. 1751.

## C H A P. X.

*An Act, to empower the Justices of Johnston County, to divide the same into Districts, and to appoint Commissioners for the Roads. P R I V.*

## C H A P. XI.

*An Act to invest the Property of a Bridge in John Peacock, his Heirs and Assigns, (by him already built over Contentncy Creek) for the Term of Twenty-Five Years. P R I V.*

## C H A P. XII.

*An Act for building a Church in Wilmington, in St. James's Parish, in New-Hanover County. P R I V.*

## C H A P. XIII.

*An Act to appoint Commissioners to receive, collect, and apply Subscriptions towards building of a Church in the Town of Brunswick, in St. Philip's Parish, and for other Uses therein mentioned. P R I V.*

## C H A P. XIV.

*An Act to appoint a convenient Place for holding the County Court of Duplin, and to empower the Commissioners therein named, to build a Court-House, Prison, and Stocks in the said County, and for enlarging the Bounds thereof. P R I V.*

## C H A P. XV.

*An Act, to empower the Court of Bladen County, to lay out certain Districts in the Places therein mentioned, and to appoint Commissioners of the Roads for the same, P R I V.*

## C H A P. XVI.

*An Act to amend an Act entitled, An Act for establishing the Church, for appointing Parishes, and the Method of electing Vestries, and for directing the Settlement of Parish Accounts throughout this Province.*

See note, p. 84,  
and the acts there  
referred to.

S I G N E D by

GABRIEL JOHNSTON, Esq. *Governor.*NATHANIEL RICE, *President.*SAMUEL SWANN, *Speaker.*

A N N O







A. D. 1752.

## C H A P. VI.

*An Act for dividing Part of Granville, Johnston, and Bladen Counties, into a County and Parish, by the Name of Orange County, and the Parish of St. Matthew; and for appointing Vestrymen for the said Parish, and other Purposes therein mentioned.*

I. **W**HEREAS the Counties of *Granville, Johnston, and Bladen*, are now become so very extensive, that many of the Inhabitants thereof live very remote from the Places where the Courts of the said Counties are held; whereby a great many Difficulties and Hardships arise to the upper Inhabitants thereof, not only in attending their ordinary Business in the said Courts, but also by being compelled to serve as Jurymen, and oftentimes as Evidences, at the said Courts: For Remedy whereof,

II. **W**E pray that it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esquire, Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby enacted by the Authority of the same,* That the upper Part of *Granville, Johnston, and Bladen* Counties, be erected into a County and Parish, by the Name of *Orange County*, and the Parish of *St. Matthew*; and be divided by a Line, beginning on the nearest Part on the *Virginia* Line to *Hico* Creek, thence a direct Line to the Bent of *Eno* River, below the *Occaneechas*, near to the Plantation where *John Williams* now dwelleth; thence down the South Side of *Eno* River, to *Neuse* River; thence down *Neuse* River, to the Mouth of *Horse* Creek; thence a direct Line to the Place where *Earl Granville's* Line crosses *Cape-Fear* River; thence along the said Line to the Eastern Bounds of *Anson* County; thence along the dividing Line of *Anson* County, to the End thereof; and that the upper Parts of the said Counties be divided and run accordingly, by the Commissioners herein after appointed: And that the said County and Parish shall enjoy all and every the Privileges which any other County or Parish in this Province holds or enjoys.

*The remaining eight Sections of the Act either of a private or a temporary Nature, or repealed.*

## C H A P. VII.

*An Act for appointing and laying out a Town at a Place called Blackman's Landing, on the West Side of Casia River, on a Plantation belonging to Joseph Wimberly. PRIV.*

## C H A P. VIII.

See page 103.

*An Act to explain and amend an Act, entitled, An Act for empowering the several Commissioners herein after named, to make, mend, and repair all Roads, Bridges, Cuts, and Water-Courses, already laid out, or hereafter to be laid out in the several Counties and Districts herein after appointed, in such Manner as they judge most useful to the Public.*

## C H A P. IX.

*An Act to encourage Caleb Grainger to build a Bridge over Smith's Creek, near the Place known by the Name of Smith's Creek Ferry, in New-Hanover County. PRIV.*

SIGNED by

GABRIEL JOHNSTON, Esq. Governor.

MATTHEW ROWAN, President.

SAMUEL SWANN, Speaker.

ANNO







A. D. 1753.

Cases where the Original is lost or destroyed) shall and may be given in Evidence in any Dispute or Controversy, or in any Court whatsoever, and shall have the same Weight and Credit given to it as the original Record might, or ought to have, could it have been produced.

Where copies of records are lost, Clerk to record, &c. on due proof made to the Court.

III. *A N D* be it further enacted by the Authority aforesaid, That where Persons have neglected taking Copies from the Clerk's Office, or may have lost them, and are desirous to perpetuate the Memory of such Judgments, Order, Probate of a Will or Deed, Disposal of, or Settlement of Orphans Estates, or any other Matter or Thing transacted and done in the said County Court, it shall and may be lawful, upon due Proof made in open Court, to the Satisfaction of the Justices of such Court, at any Time within two Years next ensuing the passing of this Act, to cause the same to be entered on Record by the Clerk of the Court, in a particular Book for that Purpose, and therein shall recite the Witnesses proving the same, and that the original Record was lost in the Storm; for which Service he shall be allowed a sufficient Reward, at the Discretion of the Justices of the County Court, to be paid out of the County Tax.

Such records deemed good.

IV. *A N D* be it further enacted, That such Record, so made, shall and may, at all Times hereafter, be pleaded and given in Evidence, and have the same Authority in any Cause or Court whatsoever, as the Original would have, could it have been produced.

Court not held in Johnston, to be no error in proceedings.

V. *A N D* whereas since the Storm, for Want of Houses and Accommodations, the Court could not be held at Johnston; *Be it enacted*, That it shall not be deemed or adjudged Error in any Proceedings, or other public Business, transacted in the said Court or County of Onslow, by Reason the same hath not been held, or hereafter shall not be held and transacted in the Town of Johnston, until a new Court-house shall be built for the said County, in the Town of Johnston; and that the same shall be built within two Years from the passing hereof.

## C H A P. V.

*An Act to prohibit the Exportation of Grain in Time of Scarcity. E X P.*

## C H A P. VI.

*An additional Act to an Act concerning Servants and Slaves.*

I. **W** H E R E A S by an Act, entitled, *An Act concerning Servants and Slaves*, among other Things, it is provided, that no Slave shall go armed with Gun, Sword, Club, or any other Weapon, or shall keep any such Weapon, or shall hunt or range in the Woods with a Gun, upon any Pretence whatsoever, except such Slave or Slaves who shall have a Certificate, as in the said Act is provided; and whereas the Remedy in the said Act provided has proved ineffectual to restrain many Slaves in divers Parts of this Province from going armed, which may prove of dangerous Consequence: For Remedy whereof,

Slaves not to have liberty to hunt with a gun, unless their owners, &c. give bond & security for their behaviour.

II. **W** E pray it may be enacted, *And be it enacted by the Honourable Matthew Rowan, Esq. President, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province*, That from and after the passing of this Act, no Certificate shall be signed by any Chairman of any County Court in this Province, allowing any Slave to carry a Gun and hunt in the Woods, unless the Master, Mistress, or Manager of such Slave, shall first enter into Bond, with sufficient Security, to the County Court, either before, or at the Time such Certificate shall be given, for the good and honest Behaviour of such Slave; which Bond may be assigned over to any Person or Persons who shall be injured by such Slave; which Assignee shall and may maintain an Action thereon, and recover such

Bond may be assigned to the party injured.



A. D. 1753.

such Damages as he or she shall or may sustain by such Slave, in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Effoign, Injunction, Protection, or Wager of Law, shall be allowed or admitted of.

III. *AND be it further enacted*, That no Slave shall have or carry a Gun in any Plantation where Crop is not tended, nor more than one in any Plantation where there is Crop tended, nor after Crop is housed: And the Master, Mistress, or Overseer of any Slave, with whom shall be found any Gun, Sword, or other Weapon, contrary to the true Intent and Meaning of this and the before recited Act, shall forfeit and pay, to the Person finding the same, the Sum of twenty Shillings, Proclamation Money; to be recovered by a Warrant before any one Justice of the Peace for the County where the Offence shall be committed, any Punishment inflicted on the Slave, Forfeiture of the Gun, Sword, or other Weapon, notwithstanding; unless such Master, Mistress, or Overseer, shall, by their own Oath, or other Proof, make appear that such Slave carrying a Gun, Sword, or other Weapon, was without their Consent or Knowledge.

In what cases slaves may carry guns.

IV. *AND be it further enacted*, That the Justices of each County Court, when and where they judge it necessary, shall divide their respective Counties into Districts, and yearly, at the first Court to be held for their Counties respectively after the first Day of May, shall appoint three Freeholders in each District as Searchers, who shall take the following Oath, *viz.*

Court to appoint searchers. See an amendment of this part of the act (concerning searchers) act Oct. 1779, ch. 7.

**I** A. B. do swear that I will, as Searcher for Guns, Swords, and other Weapons, among the Slaves in my District, faithfully, and as privately as I can, discharge the Trust reposed in me, as the Law directs, to the best of my Power. So help me God.

Searchers oath.

Which Searcher shall four Times in a Year, or oftener if they think necessary, search and examine the Quarters and other Places where Negroes resort in their District, for any Gun, Sword, or other Weapon, and upon finding any of the said Weapons, are hereby required to seize the same, and convert them to their own Use, as by the afore-recited Act is directed.

Who are to search negro quarters, &c.

V. *AND be it further enacted*, That any Person appointed Searcher as afore-said, who shall neglect or refuse to act, shall forfeit and pay the Sum of forty Shillings, Proclamation Money, to such Person who shall next succeed him; to be recovered as other Fines in this Act mentioned.

Penalty on searcher refusing to act.

VI. *AND for the Encouragement of such Searchers faithfully to execute their Office, Be it further enacted by the Authority aforesaid*, That each and every Searcher shall, as to his own Person, be, during the Time of his Continuance in his Office, exempted from serving as a Constable, or upon the Roads, or in the Militia, or as a Juror, and shall not be obliged to pay any provincial, county, or parish Tax, of what Kind or Nature soever.

Searchers privileges.

VII. *PROVIDED always*, That no Person but such as are liable to be appointed Constables, shall be obliged to serve as Searchers; any Thing in this Act, to the contrary, notwithstanding.

Who may be appointed searchers

VIII. *AND be it enacted by the Authority aforesaid*, That no Slave shall hunt or range in the Woods with a Dog or Dogs, except such as shall have a Certificate for hunting, obtained as is in this Act directed: And if any Slave shall be found offending herein, it shall and may be lawful for any Person or Persons to kill and destroy the said Dog or Dogs, and to bring the said Slave before the next Magistrate, who shall, on due Proof of his Offence, order the said Slave such Correction as he shall judge reasonable, not exceeding thirty Lashes.

Penalty on slaves hunting with dogs.

IX. *Repealed by Act, Nov. 1786. Ch. 17.*

X. *AND be it enacted by the Authority aforesaid*, That in Case any Slave or Slaves, who shall not appear to have been clothed and fed according to the Intent and Meaning

Slaves not fed according to this



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act, stealing corn,  
&c. injured per-  
son to sue the  
owner for tref-  
pafs.

Meaning of this Act, shall be convicted of stealing any Corn, Cattle, Hogs, or other Goods whatsoever, from any Person not the Owner of such Slave or Slaves, such injured Person shall and may maintain an Action of Trespafs against the Master, Owner, or Possessor of such Slave, in the General or County Court, and shall recover his or her Damages, with Costs of Suit; any Law, Usage, or Custom, to the contrary, notwithstanding.

## C H A P. VII.

See act, Sept.  
1756, ch. 22.

*An Act for erecting the upper Part of Anson County into a County and Parish, by the Name of Rowan County, and St. Luke's Parish; and for appointing a Place for holding a Court in the said County.*

I. **W**HEREAS the County of *Anson* is now become so very extensive, that many of the Inhabitants thereof live very remote from the Place where the Court of the said County is held; whereby a great many Difficulties and Hardships arise to the upper Inhabitants thereof, not only in attending their ordinary Business in the said Court, but also by being compelled to serve as Jurymen, and oftentimes as Evidences at the said Court: For Remedy whereof,

II. **W**E pray it may be enacted, *And be it enacted by the Honourable Matthew Rowan, Esq. President, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same,* That *Anson* County be divided by a Line, to begin where *Anson* Line was to cross *Earl Granville's* Line, and from thence, in a direct Line, North, to the *Virginia* Line; and that the said County be bounded to the North by the *Virginia* Line, and to the South by the Southermost Line of *Earl Granville's* Land: And that the upper Part of the said County, so laid off and divided, be erected into a County and Parish, by the Name of *Rowan* County, and *St. Luke's* Parish; and that all the Inhabitants to the Westward of the said Line, and included within the before mentioned Boundaries, shall belong and appertain to *Rowan* County: And that the said County and Parish shall enjoy all and every the Privileges, which any other County in this Province holds or enjoys.

*The remaining eight Sections being of a private or a temporary Nature, are therefore omitted.*

## C H A P. VIII.

See act, Sept.  
1756, ch. 2.

*An Act to amend an Act, entitled, An Act for dividing Part of Granville, Johnston, and Bladen Counties, into a County and Parish, by the Name of Orange County, and the Parish of St. Matthew, and for appointing Vestrymen for the said Parish, and other Purposes therein mentioned.*

**W**HEREAS it is found to be more convenient to the Inhabitants of the said County to have the Lines mentioned in the abovesaid Act, to run from the nearest Part of the *Virginia* Line to *Hico* Creek, in a direct Line to the Bent of *Eno* River, below the *Occanechas*, and from thence down the *Eno* River to *Neuse* River, and from thence down *Neuse* River, to the Mouth of *Horse* Creek, altered by a Line to be run, beginning on the *Virginia* Line, twenty Miles West of *Granville* Court-house, running thence a South Course to *Neuse* River, thence bounded by the said River to the Mouth of *Horse* Creek; and that the Jurors directed by the said Act to attend the General Court of *Newbern*, should be returnable, and attend the Court of Assize, in *Edgcomb* County:

II. **W**E pray that it may be enacted, *And be it enacted by the Honourable Matthew Rowan, Esq. President and Commander in Chief of this Province, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby enacted by the Authority of the same,* That instead of the Lines mentioned



A. D. 1753.

tioned in the above recited Act, to be run from the nearest Part of the *Virginia* Line to *Hico* Creek, in a direct Line to the Bent of *Eno* River, below the *Occaneechas*, and from thence down the *Eno* River to *Neuse* River, at the Mouth of *Horse* Creek, a Line shall be run, beginning on the *Virginia* Line, twenty Miles West of *Granville* Court-house, running thence a South Line to *Neuse* River, and thence bounded by the said River to the Mouth of *Horse* Creek.

III. }  
IV. } *Of a private and temporary Nature, and therefore not necessary to be inserted.*

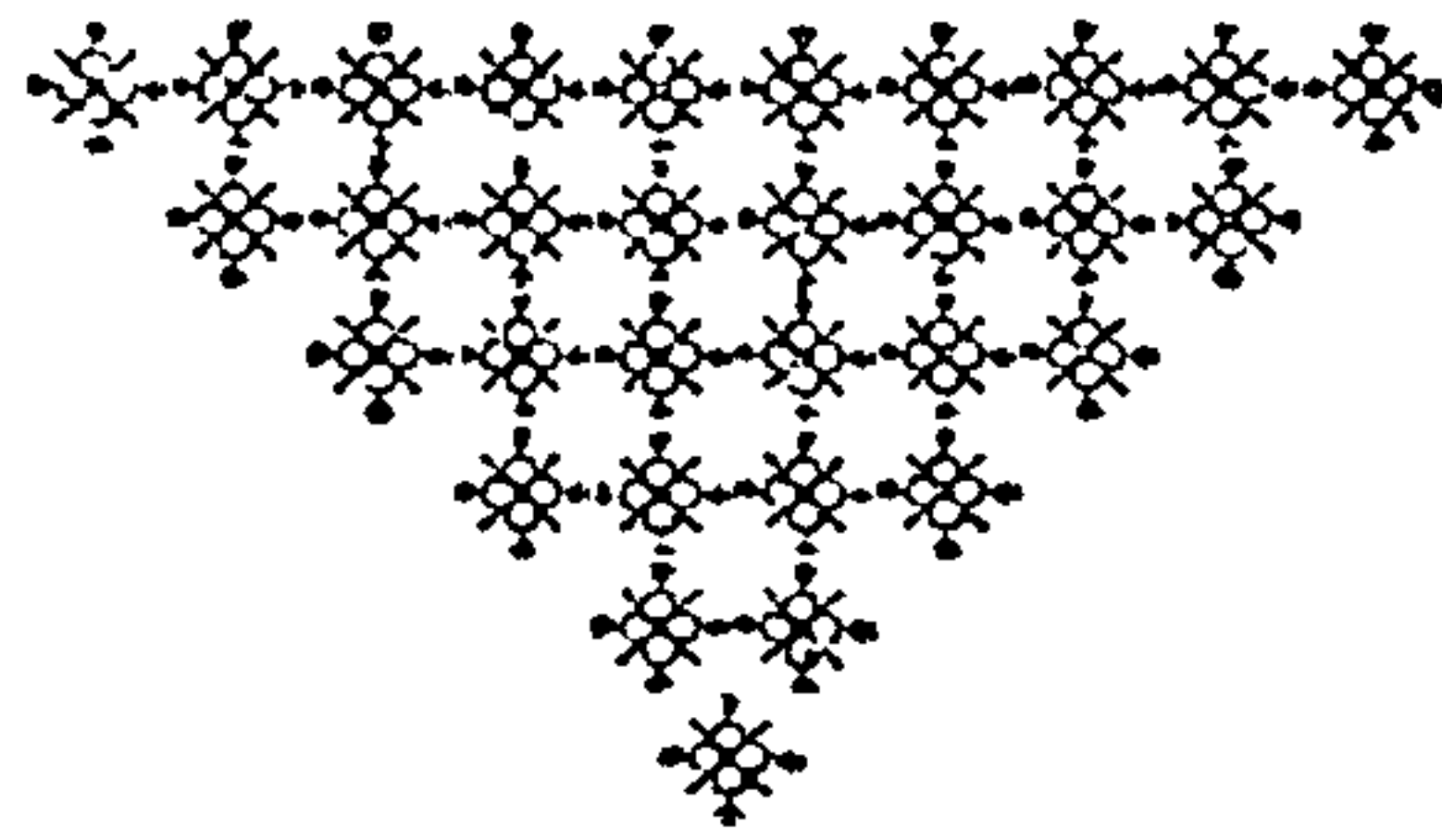
V. *AND* be it further enacted by the Authority aforesaid, That the Clauses in the before recited Act, so far as they relate to running the said Line, from the *Virginia* Line to *Hico* Creek, in a direct Line to the Bent of *Eno* River, below the *Occaneechas*, and from thence down the *Eno* River to *Neuse* River, and from thence down *Neuse* River to the Mouth of *Horse* Creek, dividing *Orange* and *Granville*, and the returning Jurors for the said County of *Orange* to attend at the General Court at *Newbern*, be and are hereby repealed and made void, to all Intents, Purposes, and Constructions, as if the same had never been made.

S I G N E D by

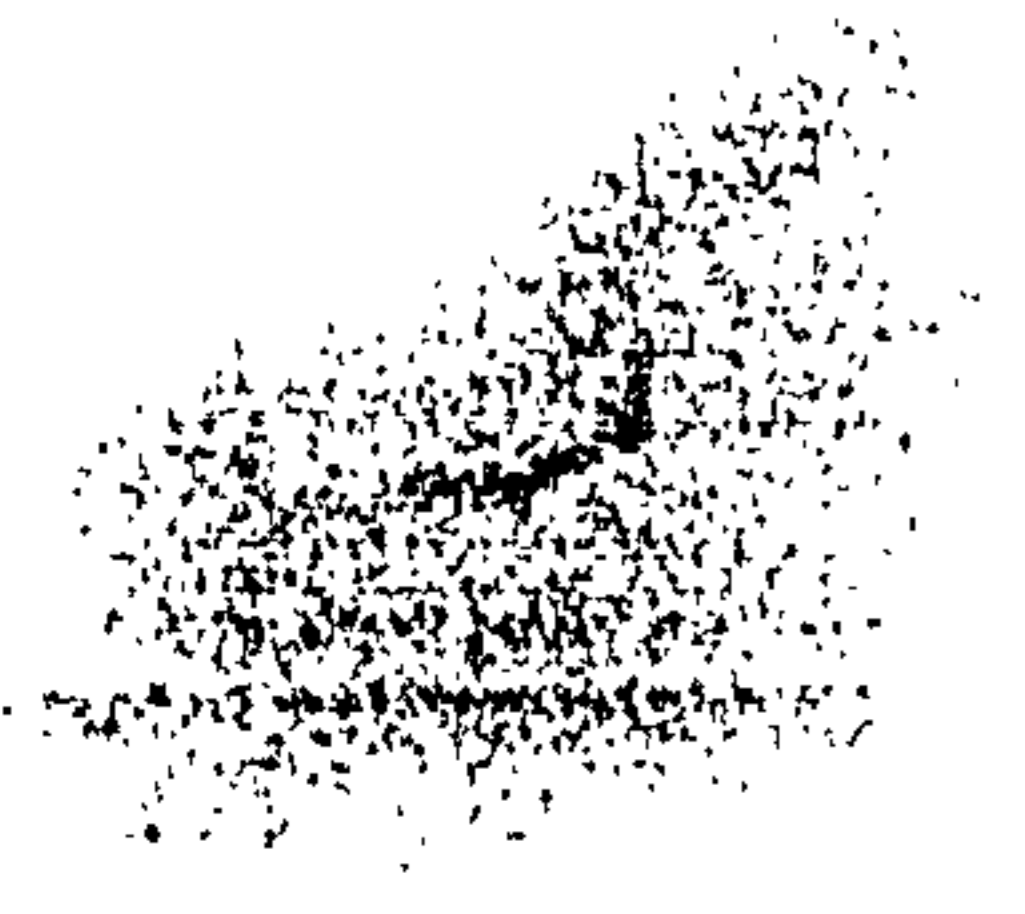
MATTHEW ROWAN, Esq. *President.*

JAMES MURRAY, *President of the Council.*

SAMUEL SWANN, *Speaker.*











A N N O R E G N I

G E O R G I I . II.

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,  
VICESSIMO SEPTIMO.

At a General A S S E M B L Y, begun and held at Wilmington, the Nineteenth Day of February, in the Year of our Lord One Thousand Seven Hundred and Fifty-four.

MATTHEW  
ROWAN, Esq.  
President.

## C H A P. I.

*An Act for granting to his Majesty the Sum of Forty Thousand Pounds, in public Bills of Credit, at the Rate of Proclamation Money, to be applied towards defraying the Expence of raising and subsisting the Forces for his Majesty's Service in this Province, to be sent to the Assistance of his Majesty's Colony of Virginia, and for other Purposes therein mentioned.*

I. **W**HEREAS his Majesty hath been pleased, by Instruction to the Commander in Chief of this Province, to direct, that in Case any *European* Power, or *Indians* under their Influence, should make any hostile Invasions on this his Majesty's Province, to repel Force with Force; and, on Application, to assist any neighbouring Province, if any Attack should be made on them:

II. **A**ND whereas the Government of *Virginia* hath desired the Assistance of some of the Militia of this Province to drive off the *French*, who have lately actually committed Hostilities on that Colony, and dispersed and plundered many of the Inhabitants, built a strong Fort, and placed a Garrison within the known Bounds of that Colony; this Assembly, being desirous of shewing their Duty to his Majesty, and Zeal for his Service, and their Concern and Desire to promote good Order, Literature, and True Religion, in all the Parts of this Province, and finding it impracticable (the Scarcity of Money being such) to procure a Sum sufficient to raise and subsist Forces to be sent to the Aid of *Virginia*, and for the other Purposes above mentioned, by an immediate Tax on the People: Therefore,

III. **W**E pray that it may be enacted, *And be it enacted by the Honourable Matthew Rowan, Esq. President, and Commander in Chief, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same,* That the Honourable *John Swann*, and *Lewis De Rosset*, Esquires, *Samuel Swann*, and *John Starkey*, Esquires, are hereby authorized and empowered Commissioners, to stamp and make out, or cause to be stamped, with Copper-Plates, and signed with their Hands, public Bills of Credit of this Province to the Amount of forty thousand Pounds, at the Rate of Proclamation Money, *that is to say*, Two thousand five hundred forty Shilling Bills, four thousand thirty Shilling Bills, four thousand twenty-six Shillings and eight Pence Bills, six thousand twenty Shilling Bills, six thousand fifteen Shilling Bills, eight thousand ten Shilling Bills, eight thousand five Shilling Bills, ten thousand four Shilling Bills, eleven thousand two Shilling and eight Penny Bills, thirty thousand one Shilling Bills, forty thousand eight Penny Bills, and thirty-one thousand four Penny Bills.

Commissioners  
appointed for e-  
mitting the mo-  
ney.

Number of bills.



A. D. 1754.

Value of the money.

IV. *AND be it further enacted by the Authority aforesaid, That the Bills of Credit to be emitted by Virtue of this Act shall be current, and a lawful Tender in all Payments whatsoever, as Proclamation Money, or as Sterling Money, at the proper Difference there is between Proclamation Money and Sterling Money, that is to say, at four Shillings Proclamation Money, for three Shillings Sterling.*

Penalty on persons counterfeit-  
ing it.

V. *AND be it further enacted by the Authority aforesaid, That if any Person or Persons shall counterfeit, alter, or erase, any of the said public Bills of Credit of this Province, or shall aid or assist in counterfeiting, altering, or erasing such Bills, or shall utter any of the said Bills, knowing them to be so counterfeited, altered, or erased, such Person or Persons so offending, shall, for the first Offence, be whipped at the Discretion of the Court before which such Person shall be convicted, not exceeding forty Lashes, and stand on the Pillory two Hours, and have both his Ears nailed thereto, and cut off; and for the second Offence, be deemed a Felon, without Benefit of Clergy, and shall be adjudged and suffer accordingly.*

Commissioners to  
give bond.

VI. *AND be it further enacted by the Authority aforesaid, That each of the Commissioners herein before appointed shall, before he enters upon the Execution of his Office, give Bond to his Honour the President, or Commander in Chief for the Time being, for the Use of the Public, in the Sum of five thousand Pounds, Proclamation Money, for the due and faithful Execution of his Office, according to the true Intent and Meaning of this Act; which said Bond shall be lodged in the Secretary's Office of this Province: And shall also take an Oath for the due and faithful Execution of his Office of Commissioner aforesaid.*

Their allowance  
for emitting and  
paying out the  
money.

VII. *AND be it further enacted by the Authority aforesaid, That the said Commissioners shall have and receive, for their stamping and paying out the said Bills of Credit, the Sum of eight hundred Pounds, Proclamation Money.*

Money to be paid  
the public Treasurers.

VIII. *AND be it enacted by the Authority aforesaid, That as soon as the said Commissioners shall have stamped and signed the several Bills to the Amount of forty thousand Pounds, Proclamation Money aforesaid, they shall deliver the same (except twelve thousand Pounds, to be paid in Manner as hereafter directed) to the public Treasurers, in such Proportion as may be necessary to discharge the Payments that are to be made for the Purposes in this Act mentioned, in the respective Districts of the said Treasurers; which said Treasurers (on Notice given by the aforesaid Commissioners, of the Day and Place they will deliver the said Bills) shall and they are hereby required and directed, then and there to attend, to receive the same in Manner aforesaid, from the Commissioners aforesaid, and place the same in their several Offices, to and for the Uses, Intents, and Purposes, in this Act after mentioned.*

Treasurers al-  
lowance for re-  
ceiving, &c.

IX. *AND be it further enacted by the Authority aforesaid, That each of the said public Treasurers shall have and be allowed one per Cent. for his Trouble, on all the public Bills of Credit that he shall receive as aforesaid, and pay in Virtue of this Act, and no more; any Law, Usage, or Custom, to the contrary, notwithstanding.*

Commissioners  
dying, &c. Go-  
vernors to appoint  
others.

X. *AND be it further enacted by the Authority aforesaid, That if any Commissioner or Commissioners aforesaid, before the Sum of forty thousand Pounds shall be stamped and signed, shall die or depart this Government, that then the Governor, or Commander in Chief for the Time being, shall, and is hereby authorized and empowered, to appoint another Person or Persons, in the Room and Stead of such Commissioner or Commissioners, so dying or departing this Government; and such Person or Persons, so appointed, shall be vested with the same Power, Benefits, and Authority, and be subject to the same Regulation and Restrictions, as the Commissioner or Commissioners appointed by Virtue of this Act.*

Money appro-  
priated.

XI. *AND be it further enacted by the Authority aforesaid, That the said Sum of forty thousand Pounds, when it shall be stamped and signed, be, and is hereby applied and appropriated for the Uses, Intents, and Purposes, herein after mentioned*



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tioned, *that is to say*: The Sum of twelve thousand Pounds for the enlisting, sub-<sup>12,000l. to the</sup> sisting, and paying, the Forces designed for the Assistance of the Colony of *Vir-* forces. *ginia*, against the *French* and *Indians*, who have invaded the said Colony at *Ohio*, which shall be paid by the said Commissioners, by Warrant or Warrants from the Governor, or Commander in Chief, to the Colonel or Commanding Officer of the Regiment, or his Order; which said Officer shall first give Bond, with sufficient Security, in the Sum of twelve thousand Pounds, Proclamation Money, payable to his Majesty, his Heirs and Successors, for the Use of the Public, for the due Application of all such Monies he may or shall receive in Virtue of any such Warrant or Warrants, and shall also account for the same in such Manner as all other public Monies are by Law to be accounted for; which Bond shall be lodged in the Secretary's Office: And such Officer shall retain one *per Cent.* for receiving and paying the said Money.

A N D the Sum of two thousand Pounds to the Use of Fort *Johnston*, for <sup>2000l. to Fort</sup> strengthening, guarding, watching, and preserving the said Fort; to be drawn *Johnston.* out of the Hands of the public Treasurer, by Order or Warrant, under the Hands of the Commissioners appointed, or to be appointed, according to Law, for building the said Fort, or the major Part of them, in the same Manner as they by Law are empowered to do.

A N D the Sum of two thousand Pounds for the finishing Fort *Granville*, at <sup>2000l. to Fort</sup> *Ocacock* Inlet, to be paid by the Treasurer to the Commissioners for building the *Granville.* said Fort, by a Warrant from the Governor, or Commander in Chief for the Time being; they first giving Bond, payable to his Majesty, his Heirs and Successors, in the Sum of four thousand Pounds, Proclamation Money, for the Use of the Public, to apply the same for the Uses by this Act intended, and to account for the same with the public Treasurer; which said Bond shall be lodged in the Secretary's Office.

A N D the Sum of one thousand Pounds for the frontier Counties of *Anson* and <sup>1000l. to the</sup> *Rowan*, for purchasing Arms and Ammunition for the Use of the poorer Inha- counties of *An-* bitants of the said Counties; to be paid by the public Treasurer, by Warrant *son* and *Rowan.* from the Governor, or Commander in Chief for the Time being, *that is to say*: Five hundred Pounds to Mr. *Caleb Howell*, and Mr. *Charles Robinson*, of *Anson* County, and five hundred Pounds to Mr. *James Carter*, and Mr. *John Brandon*, of *Rowan* County, to be by them respectively applied for the Use by this Act intended, each of them first giving Bond, with sufficient Securities, payable to his Majesty, his Heirs and Successors, in the Sum of five hundred Pounds, Proclamation Money, for the Use of the Public, for the faithful Discharge of the Trust hereby reposed in them; which said Bond shall be lodged in the Secretary's Office; and shall produce to the public Treasurer, a Certificate from the Court of the County respectively, that the Securities so taken are sufficient; and shall account with the said Treasurer for the Money aforesaid, by them so received. And the Sum of four thousand two hundred Pounds, Proclamation Money, for <sup>4200l. for public</sup> and towards paying the public Debts of this Province. debts.

XII. A N D be it further enacted by the Authority aforesaid, That the Sum of eigh- <sup>18,000l. applied.</sup> teen thousand Pounds, Remainder of the forty thousand Pounds of the Bills of Credit to be stamped and signed by Virtue of this Act, shall be applied to and for the following Uses, Intents, and Purposes, *that is to say*: The Sum of six thousand Pounds for the founding and endowing a Public School, in such Manner <sup>6000l. for a pub-</sup> and under such Regulations, as the Governor, or Commander in Chief, for the lic school. Time being, the Council, and General Assembly, shall order, direct, and appoint. The Sum of seven thousand two hundred Pounds to the Use of the twenty-four <sup>7200l. to the use</sup> Parishes now erected, out of which said Sum, three hundred Pounds shall be of the parishes. paid into the Hands of the Churchwardens and Vestry of every respective Parish in this Government; to be by them applied towards building or finishing a Parish Church, purchasing Land and Stock for a Glebe, and building a Parsonage House, within their several and respective Parishes; to be paid by the Treasurers to the Churchwardens



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2000l. to the  
public buildings.2800l. for con-  
tingencies of go-  
vernment.Suspending  
clause.Tax laid for  
sinking the mo-  
ney.Duty of 4d. per  
gallon laid on li-  
quors.Importer to  
make report in  
forty-eight hoursNot to be landed  
till entry made,  
on oath, and  
duty paid.

Churchwardens of each and every Parish, by Order of the severall and respective Vestries; to be by them applied to the Uses and Purposes by this Act intended, and no other. And the Sum of two thousand Pounds, for and towards finishing the Public Buildings in this Province; to be applied by the Commissioners already appointed, whereof the present Treasurer for the Southern District is one, towards compleating and finishing the said Buildings, and shall, by the said Commissioners, be accounted for, from Time to Time, with the General Assembly. And the Sum of two thousand eight hundred Pounds, for and towards defraying the contingent Charges of this Government.

XIII. *PROVIDED* always, and it is hereby enacted and declared, That the said remaining public Bills of Credit, to the Amount of eighteen thousand Pounds, shall not be issued or paid by the said Treasurers, or any other Person or Persons whatsoever, for and towards the Purposes herein before mentioned, or to any other Purpose whatsoever, until his Majesty's Royal Approbation or Consent shall be signified to the Governor, or Commander in Chief of this Province, for the Time being; any Thing in this Act, to the contrary, notwithstanding. (a)

XIV. *AND* be it further enacted by the Authority aforesaid, That the Tax of one Shilling, Proclamation Money, for sinking the present Currency, shall continue to be annually levied on every taxable Person within this Province, and be collected by the Sheriff of every respective County, and shall be paid in Gold, Silver, or Bills of Credit, on or before the first Day of *March*, yearly; and that all Persons neglecting to pay the said Tax at the Time by Law limited, shall be liable to such Distress, to be made by the Sheriff, as for Non-Payment of other Taxes; and the said Sheriff of each and every County, on or before the tenth Day of *June*, yearly, shall return a List of Taxables, and also account, upon Oath, and pay into the Hands of the public Treasurer of the respective District, all such Sums of Money as he shall have received in Virtue of this Act, under the Penalty of two hundred Pounds, Proclamation Money, for every Default; and every such Sheriff and his Securities, shall be further liable to a Suit or Suits, and Recovery, on the Security Bond given for the Performance of his Office.

XV. *AND* for the more speedy and effectual calling in and sinking the Bills of Credit to be emitted by Virtue of this Act, *Be it enacted by the Authority aforesaid*, That from and after the Expiration of the Act for licensing Traders, Pedlars, and Petty Chapmen, and granting to his Majesty an Impost on Goods, Wares, and Merchandize, to raise Supplies for the necessary Charges of Government, there shall be paid for every Gallon of Wine, Rum, or other distilled Liquors, imported or brought into this Province, either by Land or Water, from any Port or Place whatsoever (*Great-Britain* excepted) the Duty of four Pence *per* Gallon, Proclamation Money.

XVI. *AND* be it further enacted by the Authority aforesaid, That the Master of every Vessel hereafter importing Liquors liable to a Duty, by Virtue of this or the before recited Act, to any Port or Place within this Province, shall, within forty-eight Hours after his Arrival, make a true and just Report, upon Oath, to the Receiver of the Duty on such Liquors, of the Quantity of Liquor, with the particular Marks and Numbers of every Cask or Package containing the same, and to whom consigned, to the best of his Knowledge, under the Penalty of forfeiting one hundred Pounds, Proclamation Money.

XVII. *AND* be it further enacted, That from and after the passing of this Act, no Wine, Rum, or other distilled Liquor, shall be landed or put on Shore, or any other Way delivered out of the Vessel importing the same, before due Entry made thereof, upon Oath, by the Importer, Owner, or Factor, with the Receiver appointed by this or the before mentioned Act, for receiving the Duty in the

(a) I know not whether the King's Approbation or Consent was ever given.



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the Place or Port where the same shall be imported, or before the said Duty shall be fully satisfied and paid, or secured to be paid, in Manner as hereafter directed, and a Permit had under the Hand of the Receiver for the Landing or Delivery thereof; and all Liquors landed, or put on Shore, contrary to the Direction and true Intent and Meaning of this Act, shall be forfeited, or the Value thereof.

XVIII. *AND be it further enacted*, That any Person or Persons bringing any Wine, Rum, or other distilled Liquors, into this Province, by Land, shall, within forty-eight Hours after he has lodged or housed the same, make a due Report, on Oath, of the Quantity thereof, to the Receiver of the respective Ports or Places, appointed by Virtue of this or the before mentioned Act, and pay the Duty imposed, or give Bond, with good Security, to our Sovereign Lord the King, his Heirs and Successors, for the Use of the Public, for Payment thereof within six Months, and obtain a Permit, under the Hand of the said Receiver, for selling or using the same; and on Default thereof all such Liquors, or the Value thereof, shall be forfeited.

Liquors imported by land, how to be entered, and duty how to be paid.

XIX. *AND be it further enacted*, That if any Person or Persons whatsoever, shall wittingly or willingly make a false Entry of any of the Liquors before mentioned, and be thereof lawfully convicted, such Person or Persons shall forfeit and pay one hundred Pounds Proclamation Money.

Penalty for making false entry.

XX. *AND be it further enacted*, That if any Receiver appointed by this or the before mentioned Act to receive the Duty aforesaid, or any other Person or Persons for him, shall take or receive, directly or indirectly, any Bribe, Recompence, or Reward whatsoever, for conniving at any false Entry of Wine, Rum, or other distilled Liquors, that shall be imported into this Province, either by Land or Water, whereby the Public may be defrauded, such Person shall forfeit and pay the Sum of one hundred Pounds, Proclamation Money; and the Person or Persons giving or paying any such Bribe, Recompence, or Reward, shall forfeit and pay the Sum of one hundred Pounds like Money.

Penalty on Receivers taking bribes.

XXI. *AND be it further enacted by the Authority aforesaid*, That the Receiver or Receivers of the aforesaid Duty, or any Person by him, them, or any of them, appointed, shall have full Power and Authority to enter on Board any Vessel, provided she hath been in Port six Days, and bring on Shore so much of the Liquors reported or entered, and liable to pay the Duty aforesaid, as shall be sufficient to pay the Duty on such Liquors so reported, and the same to sell at public Vendue, to the highest Bidder; and after the Duty aforesaid shall be paid, and the Charges of bringing such Liquors on Shore, and Vendue thereof defrayed, the Surplus (if any) shall be paid to the Person from whom the said Liquors were taken.

Receivers power to secure the duty.

XXII. *AND be it further enacted*, That upon Information made on Oath, or violent Suspicion, it shall and may be lawful for any of the Receivers of the said Duty upon Liquors, by a Warrant under the Hand of a Justice of the Peace, and accompanied with a Constable, to open any House, Ware-house, or Store, in the Day Time, and search for, seize, and carry away, any Liquors liable to the Duty aforesaid, and for which the said Duty hath not been paid, or secured to be paid, in Manner aforesaid: And in all Cases, where any Dispute shall arise on any Seizure, being made by Virtue of this Act, for Non-Payment of the Duty aforesaid, the *Onus Probandi* shall lie on the Owner or Claimer of such Liquors. And if any Receiver or Constable, or their Assistants, shall be molested or sued for any Thing done in executing the Powers hereby given them, such Receiver, Constable, or Assistant, may plead the General Issue, and give this Act in Evidence; and if in any such Suit the Plaintiff be non-suit, or Judgment pass against him, the Defendant shall recover double Costs.

Their power to search for secreted liquors.

Officer sued, may plead general issue.

XXIII. *AND be it further enacted by the Authority aforesaid*, That where any Person is desirous of transporting any Liquors that are liable to the Duty aforesaid, from one District to another, and for which the Duty hath been paid, or secured to be paid, he shall apply to the Receiver of the Duty on Liquors for a Certificate,

Manner of obtaining certificate for liquors transported from one district to another



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tificate, which Certificate such Receiver is hereby authorised, empowered, and required, to give, setting forth the Number of Casks, the Marks, and the Contents thereof, and that the Duties thereof have been paid, or secured to be paid; on producing of which to the Receiver of the Duty of such District to which the same shall be transported, and making Oath that the Liquors by him transported are *bona fide* the same for which such Certificate was obtained, no farther Duty shall be demanded; and all Liquors liable to the Duty aforesaid, brought into any District without such Certificate, either by Land or Water, shall be deemed not to have paid the Duty, and such Liquor, or the Value thereof, shall be forfeited.

Penalty on Collector for clearing vessels without certificate.

XXIV. *AND be it further enacted*, That no Collector of any of the Ports in this Province shall, from and after the passing this Act, clear out any Vessel importing any of the aforesaid Liquors, before the Master shall produce a Certificate, signed by some one of the Receivers appointed by Virtue of this or the before mentioned Act, that he hath paid, or secured to be paid, the Duty aforesaid, under the Penalty of fifty Pounds, Proclamation Money.

Collectors of the duty appointed in the several ports.

XXV. *AND be it further enacted*, That Mr. *Jeremiab Vail* shall be, and he is hereby appointed Receiver of the Duty arising in Virtue of this Act, on all the Wine, Rum, and distilled Liquors, imported into *Newse River*; and Mr. *John Spooner* shall be, and he is hereby appointed Receiver of the Duty on all the Wine, Rum, and distilled Liquors, imported into any of the Inlets in *Onslow County*; and that the several Collectors of his Majesty's Customs, for the Time being, shall be, and they are hereby appointed Receivers of the said Duty, on all the Wine, Rum, and distilled Liquors, that shall be imported by Water, at every other Place within their several and respective Ports: And that the Commander in Chief for the Time being, by and with the Advice and Consent of his Majesty's Council, shall be, and is hereby empowered, to nominate and appoint such and so many Receivers of the Duty on Liquors brought into this Province by Land, as shall be necessary: And if any of the aforesaid Receivers appointed, or to be appointed by Virtue of this Act, shall die, remove, or refuse to act, or neglect their Duty, the Commander in Chief for the Time being, by and with the Advice and Consent of his Majesty's Council, shall appoint others in their Stead and Place.

Collectors to give bond.

XXVI. *AND be it further enacted*, That every Receiver of the Duty on Liquors shall, before he enters on the Execution of his Office, give Bond, with sufficient Security, to our Sovereign Lord the King, his Heirs and Successors, in the Sum of five hundred Pounds, Proclamation Money, for the Use of the Public; with Condition that he will honestly, faithfully, and justly, execute the Office of Receiver of the Impost or Duty aforesaid, and will fully account for and pay all such Sum or Sums of Money by him to be received and accounted for; which Bond so given, shall be lodged in the Secretary's Office.

To account with the public Treasurers.

XXVII. *AND be it further enacted*, That the several and respective Receivers, appointed by Virtue of this or the before mentioned Act, shall annually account, upon Oath, with the public Treasurers of this Province, in their several and respective Districts; and for their receiving the aforesaid Duty, and fully accounting for, and paying the same to the Treasurers aforesaid, they shall be allowed five *per Cent*.

Duty appropriated.

XXVIII. *AND be it further enacted*, That all the Money arising by the Duty imposed by this Act, shall be paid to the public Treasurers, and shall be by them accounted for and paid (their Commissions deducted) to the General Assembly, and shall be applied and appropriated for and towards sinking the public Bills of Credit to be emitted by Virtue of this Act, and to no other Use or Purpose whatsoever; and, together with the before mentioned Tax of one Shilling *per Poll*, shall continue to be collected and paid, until the present Bills of Credit, and the Bills of Credit now to be emitted in Virtue of this Act, shall be all called in, sunk and destroyed.

Fines and forfeitures applied.

XXIX. *AND be it further enacted*, That the several Fines and Forfeitures in this Act mentioned, shall be applied, one Half to his Majesty, for and towards the contingent



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contingent Charges of Government, and the other Half to him who will inform and sue for the same; to be recovered by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province; wherein no Effoign, Injunction, Protection, or Wager of Law, shall be allowed or admitted of.

## C H A P. II.

*An Act for the further and better Regulation of the Town called Wilmington, and for repealing the several Acts therein mentioned. PRIV.*

## C H A P. III.

*An Act for appointing Commissioners of the Roads for the South West Parish of New-Hanover County. PRIV.*

## C H A P. IV.

*An additional Act to an Act, entitled, An Act for empowering the several Commissioners herein after named, to make, mend, and repair all Roads, Bridges, Cuts, and Water Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts herein after appointed, in such Manner as they judge most useful to the Public.* See page 103.

## C H A P. V.

*An Act for granting unto the Town of Brunswick the Privilege of choosing and sending a Representative to the General Assembly. (a)*

## C H A P. VI.

*An Act to empower the Justices of Craven County to sell the Lot of Land in Newbern, whereon the Court-house, Prison and Stocks now are. PRIV.*

## C H A P. VII.

*An Act to continue an Act, entitled, An Act to appoint an Agent to solicit the Affairs of this Province at the several Boards in England; also an Act, entitled, An Act to encourage James Davis to set up and carry on his Business of a Printer in this Province, and for other Purposes therein mentioned; also an Act, entitled, An Act to appoint Inspectors in New-Hanover County, and for regulating the Exports at Cape-Fear; and also one other Act, entitled, An Act for the better regulating the Militia of this Province. EXP. (b)*

## C H A P.

(a) This Act, in Mr. Davis's Edition, is said to have been repealed, but it is certainly not now in Force by the Constitution of 1776 allowing the Town no Representatives.

(b) This Act is not among the Originals I have received from the Secretary's Office. But it is stated in the Manner above by Mr. Davis, in his Edition, and from the Nature of some subsequent Acts I am convinced the Act has expired.



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## C H A P. VIII.

Sec act, Sept.  
1756, ch. 22.

*An Act for erecting the upper Part of Bladen County into a County and Parish, by the Name of Cumberland County, and St. David's Parish. (a)*

## C H A P. IX.

*An Act to appoint and lay out a Town on the Plantation of Mr. Henry Skibbow, on the East Side of the Northeast Branch of Cape-Fear River, at a Place called the Sand-Hill, and to appoint an Inspector in the said Town, and other Purposes therein mentioned. P R I V.*

## C H A P. X.

*An Act to alter the Times for holding the Courts of Crange, Rowan and Bladen Counties. P R I V.*

## C H A P. XI.

*An Act to amend an Act, entitled, An Act to appoint a convenient Place for holding the County Court of Duplin, and to empower the Commissioners therein named to build a Court-house, Prison and Stocks in the said County, and for enlarging in the Bounds thereof. P R I V.*

## C H A P. XII.

*An Act to appoint a convenient Place for holding the County Court of Orange, and to empower the Commissioners hereafter named to build a Court-house, Prison and Stocks in the said County. P R I V.*

## C H A P. XIII.

*An Act for appointing and laying out a Town on the Land of John Jenkins, on the South Side of Pee-Dee River, in Anson County, and for other Purposes therein mentioned. P R I V.*

S I G N E D by

MATTHEW ROWAN, Esq. *President.*JAMES MURRAY, *President of the Council.*SAMUEL SWANN, *Speaker.*

A N N O

(a) This Act I have not been able to obtain, nor a Copy of it.







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## C H A P. VII.

*An Act for granting to his Majesty a Duty upon the Tonnage of Ships and other Vessels coming into this Province, for the Purposes therein mentioned. E X P. (a)*

## C H A P. VIII.

*An Act for raising a Fund for paying the Salaries of the Chief Justice and Attorney-General, and for other Purposes. (b)*

## C H A P. IX.

*An Act to restrain the Exportation of bad and unmerchantable Tobacco, and for preventing Frauds in his Majesty's Customs. E X P.*

## C H A P. X.

*An Act to facilitate the raising Recruits to serve his Majesty, in the intended Expedition against the French on the Ohio, and guarding the Frontiers of this Province. E X P. (c)*

## C H A P. XI.

*An Act for appointing the several Ferries therein mentioned, and for obliging the Commissioners of the several Districts to make Roads to the same. (d)*

## C H A P. XII.

*An Act to establish a Public Ferry from Newbey's Point to Phelps's Point, whereon the Court-house now stands, on Perquimons River. E X P. (e)*

## C H A P. XIII.

Rep. by act, Nov. 1757, ch. 12. *An Act to amend an Act, entitled, An Act for destroying Vermin in this Province.*

## C H A P. XIV.

*An Act to repeal an Act, passed by the General Assembly, held at Newbern, the Sixth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty-eight, entitled, An Act to prevent the Exportation of raw Hides, Pieces of Hides, and Calf-Skins, out of this Government.*

I. **W**HEREAS an Act, passed by the General Assembly, held at Newbern, the sixth Day of April, in the Year of our Lord one thousand seven hundred and forty-eight, entitled, *An Act to prevent the Exportation of raw Hides, Pieces of Hides, and Calf-Skins, out of this Government*, is found, by Experience, to be very inconvenient and prejudicial, in many Respects, to the Inhabitants of this Province, and not to answer the good Ends intended thereby: Therefore,

II. *BE*

(a) Davis's Edition is my Authority, as I cannot find the Act itself, or a Copy.

(b) Davis. (c) Davis.

(d) This Act is also a missing one. Mr. Davis only retains the last Section (which is of a private nature) and observes, that all but that Section was repealed by the Road Act. (Act Jan. 1764, ch. 3.)

(e) Davis.



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II. *B E* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the aforesaid Act, and every Matter and Thing therein contained, shall be, and is repealed, determined, made void, and of none Effect and Force, as if the same had never been made. Act repealed.

## C H A P. XV.

*An Act to prevent malicious Maiming and Wounding.*

I. **W**HEREAS many mischievous and ill-disposed Persons have of late, in a malicious and barbarous Manner, maimed, wounded, and defaced, many of his Majesty's Subjects: For the Prevention of which inhuman Practices,

II. *B E* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That if any Person or Persons, from and after the Ratification of this Act, on purpose, shall unlawfully cut out, or disable the Tongue, put out an eye, slit the Nose, bite or cut off a Nose or Lip, bite or cut off, or disable, any Limb or Member of any Subject of his Majesty, in so doing to maim or disfigure, in any of the Manners before mentioned, such his Majesty's Subjects; that then, and in every such Case, the Person or Persons so offending, their Counsellors, Abettors, and Aiders, knowing of, and privy to the Offence as aforesaid, shall be, and are hereby declared to be Felons, and shall suffer as in Case of Felony; provided that no Attainder of such Felony shall extend to corrupt the Blood, or forfeit the Dower of the Wife, or the Lands, Goods, or Chattels, of the Offender.

Maiming, or disfiguring, &c. declared felony; but not to corrupt the blood, &c.

## C H A P. XVI.

*An Act to confirm an Agreement made by the present Churchwardens and Vestry of Christ-Church Parish, in Craven County, with the Reverend James Reed. PRIV.*

S I G N E D by

ARTHUR DOBBS, Esq. Governor.

MATTHEW ROWAN, President.

JOHN CAMPBELL, Speaker.

A N N O







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Chief, for the Time being, shall appoint to receive the same, for which the said Treasurers shall receive no more than one *per Cent.* and the Person appointed by the Governor or Commander in Chief to receive the same, shall account therefore to the Assembly when required.

II. A N D that the said Sum of nine thousand two hundred Pounds may be replaced in the Hands of the Treasurers, and also to raise the Sum of eight hundred Pounds, to be applied with the said nine thousand two hundred Pounds, as in this Act is directed: *Be it further enacted by the Authority aforesaid,* That a Poll Tax of two Shillings *per Taxable*, be levied on each taxable Person within this Province, for and during the Space of five Years from the passing of this Act, and no longer; which Tax shall be collected, paid and accounted for at the same Time, and in the same Manner, and under the like Penalties, as the Tax imposed by an Act of Assembly, entitled, *An Act for granting an Aid to his Majesty, for the Defence of the Frontier of this Province, and other Purposes*; and as the same shall be paid, shall be applied to the Payment of the said eight hundred Pounds, to such Person as the Governor, or Commander in Chief, for the Time being, shall direct, and to replacing the said Sum of nine thousand two hundred Pounds.

Tax laid and appropriated.

III. A N D *be it further enacted by the Authority aforesaid,* That the said ten thousand Pounds hereby granted to his Majesty, or so much thereof as shall be necessary for the Purposes of this Act, shall be applied in Manner following; *that is to say,* One thousand Pounds to defray the Expence of erecting one or more Forts, at such Place or Places in the Frontier of this Province as the Governor, or Commander in Chief for the Time being, shall appoint, and for the better Accommodation of the Company formed for the Defence of the same; and the Sum of nine thousand Pounds, for the Expence of raising, paying, cloathing, and accommodating three Companies, consisting of fifty Men each, exclusive of commissioned Officers; which Companies shall march or be transported to such of the Northern Colonies as his Excellency the Governor, or Commander in Chief, for the Time being, shall think most conducive to his Majesty's Interest, and be employed with the Troops in his Service.

IV. A N D *be it further enacted by the Authority aforesaid,* That the Officers and Soldiers of the aforesaid three Companies, to be raised in Virtue of this Act, shall, from the Time of their being commissioned and enlisted, have and receive the same Pay, and be under the same Discipline and Regulation with the other Officers and Soldiers appointed and raised for the same Service.

Officers and soldiers pay.

V. A N D *be it further enacted by the Authority aforesaid,* That all such Monies as shall be raised by Virtue of the Tax herein before directed, more than shall amount to the said Sum of ten thousand Pounds, and so much of the said ten thousand Pounds as shall remain after the Disbursements for the several Services herein before mentioned, according to the true Intent and Meaning of this Act, shall, by the Governor, Council, and Assembly, be applied towards paying the contingent Charges of Government.

Surplus money appropriated.

VI. A N D that the Troops in Virtue of this Act intended to be raised may be well paid and cloathed; *Be it enacted by the Authority aforesaid,* That the Governor, or Commander in Chief, for the Time being, shall and may direct the Manner of remitting the necessary Part of the Sum granted for that Purpose, by appointing such Persons as he shall think proper, to purchase Commodities in this Province, and to ship them to any other of the *British Colonies*, in which it may be thought they may to the greatest Advantage be disposed of, and to direct the Person or Persons to whom the same shall be consigned, to pay over the Money arising from the Sale of such Commodities to the Paymaster of the said Troops, to be appointed by the said Governor or Commander in Chief of this Province.

Directions for remitting &amp; paying money to the troops.

*The seventh and eighth Sections, providing for a Draught, if necessary, and making Regulations accordingly, not thought material to be inserted.*

IX. A N D *be it further enacted by the Authority aforesaid,* That the Companies to be raised in Virtue of this Act, may be continued and kept in Pay until the tenth Day of *November*, which will be in the Year of our Lord one thousand seven hundred and fifty-six, if necessary for his Majesty's Service, and no longer.



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## C H A P. II.

Rep. by act Dec. 1767, ch. 6. *An Act for appointing Sheriffs, and directing their Duty in Office; and for compelling Collectors of public Taxes, and Persons intrusted with laying out public Money, to apply and account for the same.*

## C H A P. III.

*An Act for Inspection of Pork, Beef, Rice, Indigo, Tar, Pitch, Turpentine, Staves, Heading, Skingles and Lumber. EXP.*

## C H A P. IV.

Repealed by proclamation.

*An Act for regulating Orphans, their Guardians, and Estates.*

## C H A P. V.

Repealed by proclamation.

*An Act to quiet Freeholders in the Possession of their Lands, and for other Purposes.*

## C H A P. VI.

*An Act for the Restraint of Vagrants, and for making Provision for the Poor, and other Purposes. EXP.*

## C H A P. VII.

*An Act to direct the Method of appraising Lands whereon Forts or Batteries now are, or hereafter shall be erected, for the Defence of this Province. OBS.*

## C H A P. VIII.

*An Act to prevent the Exportation of Provisions and Live Stock from this Province to the French or Neutral Ports. EXP. (a)*

## C H A P. IX.

Rep. by act May 1760, ch. 2.

*An Act to prevent malignant and infectious Distempers being spread by Shipping importing distempered Persons into this Province, and other Purposes.*

## C H A P. X.

*An Act to amend an Act for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort. EXP.*

## C H A P. XI.

*An Act for ascertaining a proper Place for building thereat a Court-house, Prison, Pillory and Stocks, for the County of Beaufort. PRIV.*

## C H A P. XII.

*An Act to appoint the Place for erecting the Court-house and Prison in the County of Onslow, and other Purposes therein mentioned. PRIV.*

## C H A P. XIII.

*An Act for erecting that Part of Rowan County called Wachovia, into a distinct Parish. PRIV.*

## C H A P. XIV.

*An Act for laying out a Road from Orange County Court-house to a Landing on the North-West of Cape-Fear River. (b)*

SIGNED by

ARTHUR DOBBS, Esq. Governor.

MATTHEW ROWAN, President.

JOHN CAMPBELL, Speaker.

A N N O

(a) Davis. (b) This Act I have not been able to find. Davis has this marginal note upon it; "Provided for by the Road Act."







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if he shall make out, by his own Oath or Affirmation, that such Book doth contain a true Account of all the Dealings, or the last Settlement of Accounts between them, and that all the Articles therein contained, and by him so proved, were *bona fide* delivered, and that he hath given the Defendant all just Credits; and such Book, and Oath or Affirmation, shall be admitted and received as good Evidence, in any Court of Law, for the several Articles so proved to be delivered within two Years before the said Action brought, but not for any Article of a longer standing: And where the Person who delivered such Goods, Wares, or Merchandizes, or performed such Work and Labour, shall die, his Executors or Administrators may give his Book in Evidence, upon his or their making Oath, or Affirmation, that they verily believe the Account as there charged is just and true, and that there are no Witnesses to his or their Knowledge, capable of proving the Delivery of the several Articles as he shall propose to prove by the said Book, and Oath or Affirmation, and that he found the Book so stated, and doth not know of any other or further Credit to be given than what is there mentioned; and such Book, and Oath or Affirmation, shall be admitted and received as Evidence for any Articles delivered within the Time aforesaid.

Copy of an account to be evidence, unless notice shall be given to produce the book.

III. *BUT* whereas it may be inconvenient and hazardous, by Reason of bad Weather and Accidents, to carry Books of Accounts great Distances to Court, when a copy of the Account, proved in the same Manner as by this Law the Book is to be proved, may satisfy the Defendant as fully; *Be it therefore enacted by the Authority aforesaid*, That a Copy from the Book of Accounts, proved in Manner herein before directed, shall and may be given in Evidence in any such Action as aforesaid, and shall be as available as if such Book had been produced, unless the Defendant, or his Attorney, shall give Notice to the Plaintiff, or his Attorney, at the joining of the Issue, that he will require the Book to be produced at Trial; and in that Case, no such Copy shall be admitted, or received as Evidence.

Defendant may contest the plaintiff's evidence; and deceased persons books to go against each other.

IV. *PROVIDED nevertheless*, That the Defendant shall be at Liberty to contest the Plaintiff's Evidence, and oppose the same by other legal Evidence; and where the Defendant shall be an Executor or Administrator, his Testator, or Intestate's Book, shall and may be given in Evidence against the Plaintiff's Book, where the Plaintiff is an Executor or Administrator, for such Articles as shall be proved in Manner aforesaid.

Limitation of time as to the articles to be proved.

V. *PROVIDED also*, That no Book of Accounts, although the same may be proved by Witness or Witnesses, shall be admitted or received as Evidence in any Action for Goods, Wares, or Merchandizes delivered, or for Work done, above five Years before the said Action brought; except in Case of Persons being out of the Government, or where the Account shall be settled and signed by the Parties.

Articles of above 30l. not to be proved by book, and oath of the party.

VI. *PROVIDED nevertheless*, That no Plaintiff shall be at Liberty to prove by his Book, and Oath or Affirmation as aforesaid, on the Trial of any such Action as aforesaid, any Article or Articles, the Amount whereof shall exceed the Sum of thirty Pounds, Proclamation Money.

Cases in which there may be a set off; and manner of availing of it.

VII. *AND* for preventing a Multiplicity of Law Suits, *Be it further enacted by the Authority aforesaid*, That in all Cases where there are, or shall be, mutual Debts subsisting between the Plaintiff and Defendant, or if either Party sue, or be sued, as Executor or Administrator, where there are mutual Debts subsisting between the Testator or Intestate, and either Party, one Debt may be set against the other, either by being pleaded in Bar, or given in Evidence, on the General Issue, on Notice given of the particular Sum intended to be set off, and on what Account the same is due, notwithstanding such Debts shall or may be deemed in Law to be of a different Nature; but if either Debt arose by Reason of a Penalty, the Sum intended to be set off shall be pleaded in Bar, setting forth what is justly due on either Side; any Law, Usage, or Custom, to the contrary, in any wise, notwithstanding.

Repealing clause.

VIII. *AND be it further enacted by the Authority aforesaid*, That one Act of Assembly made in the thirteenth Year of his present Majesty's Reign, entitled, *An Act prescribing the Method of proving Book Debts*, shall be and is hereby repealed.

C H A P.



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## C H A P. V.

*An Act for the Punishment of Mutiny and Desertion, and preventing the harbouring and entertaining of deserted Soldiers. E X P.*

## C H A P. VI.

*An Act for the Relief of such Persons as have suffered, or may suffer, by not having had their Deeds and mesne Conveyances proved and registered within the Time heretofore appointed for such Purposes, and to prevent Disputes and Law-Suits concerning Lands.*

See acts, Nov. 1760, ch. 6. Jan. 1761, ch. 6. for amending this act; and many subsequent ones enlarging the time of registering.

I. **W**HEREAS from the Difficulty of convening Witnesses to Deeds and mesne Conveyances before the Chief Justice, or before the Court of any County wherein the Lands by the same granted lie, many of them have not been proved nor registered within the Time heretofore appointed by Law for that Purpose, which may occasion litigious Law-Suits, and the Estates of fair and honest Purchasers thereby be drawn in Question: For Remedy whereof,

Further time allowed for proving deeds and conveyances:

II. *BE* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That all Deeds and mesne Conveyances of Lands, Tenements, and Hereditaments, not already registered, acknowledged, or proved, shall and may, within eighteen Months after the passing of this Act, be acknowledged by the Grantors, their Agents or Attornies, or proved by one or more of the subscribing Witnesses to the same, and tendered and delivered to the Registers of the Counties wherein such Lands, Tenements, and Hereditaments, respectively lie; and all Deeds and mesne Conveyances of Lands, Tenements, and Hereditaments, hereafter to be made, shall and may, at any Time within two Years from the respective Dates thereof, be acknowledged, or proved in Manner aforesaid, and delivered to the Registers of the Counties wherein they are respectively situated.

III. *AND* be it further enacted by the Authority aforesaid, That all Deeds and mesne Conveyances whatsoever, which shall be acknowledged or proved, according to the Directions of this Act, and also all such as have been heretofore recorded by the Clerk, or registered by the Register of any Precinct or County wherein the Lands or Tenements mentioned in the same lie, though not within one Year after the Date of the respective Conveyances, shall be good and valid in Law, and shall enure and take Effect, as fully and effectually, to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged, or proved and registered, agreeable to the Direction of any Act of Assembly heretofore made; and the Registry, or Copy of the Record of any Deed or Conveyance, registered or recorded as mentioned in this Act, and attested by the Register or Clerk, shall and may, where the original Deed or Conveyance is lost, be given in Evidence in any Court of Record, and shall be held, and is hereby declared to be full and sufficient Evidence of such Deed or Conveyance; any Law, Statute, or Usage, to the contrary, notwithstanding.

All such as shall be proved agreeable to this act, & such as have been heretofore recorded, &c. declared good, and copies of the registry may be given in evidence

IV. *AND* be it further enacted by the Authority aforesaid, That the Grantee or Grantees, in any Deed heretofore made, or hereafter to be made, shall and may, at his own Expence, on Motion to the County Court wherein the Land by the same granted lies, obtain a Summon for any one or more of the subscribing Witnesses to such Deed, which shall be signed by the Clerk, and directed to the Sheriff, commanding him to summon such Witness to appear at the next County Court, and give his Evidence concerning the Execution of such Deed, under the Penalty of twenty Pounds: And the Sheriff shall, and is hereby required to execute the same, at least five Days before the Court to which the same is returnable, and make due Return thereof; for which Summon, Service, and Return, the Clerk and Sheriff shall be paid the same Fees as are allowed on issuing, serving, and returning, Subpœnas in Actions (a); and if any Witness to a Deed, so summoned, shall fail to appear on the Return of such Summon, the Court shall give Judgment against him for the Penalty aforesaid, for which Execution may

\* Witnesses to deeds, may be summoned to prove the same; and manner of summoning.

X x

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(a) See Acts, Oct. 1734, Ch. 7; Nov. 1786, Ch. 14.



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be taken out, either against his Body or Goods, by him or them at whose Instance he shall be summoned, unless he shew sufficient Cause to the next succeeding Court for not having appeared to give his Evidence.

Penalty on register neglecting to register deeds.

V. *AND* be it further enacted by the Authority aforesaid, That every Register who shall neglect or delay to register any Deed or Conveyance within two Months after the same shall be delivered to him, such Register, for each and every two Months he shall so neglect or delay, shall forfeit and pay the Sum of twenty Pounds, Proclamation Money; one Half to the Churchwardens, for the Use of the Parish wherein he shall reside, and the other Half to him or them who will sue for the same; to be recovered by Action of Debt, with Costs.

Validity of patents granted by Lords Proprietors, declared good.

VI. *AND* whereas the Validity of several Patents, granted by the Deputies of the late Lords Proprietors, has been questioned, on Supposition that their Power had been determined before the Arrival of a Governor in this Province, appointed by his Majesty: Wherefore, to secure the Possessions of such as complied with the Forms of Government, then used, in taking out Patents, *Be it enacted by the Authority aforesaid*, That all Patents made and issued by the Deputies of the late Lords Proprietors, at any Time whilst they had the Administration of the Government of this Province, until the Revocation or Determination of their Power to grant Lands, was publickly signified and made known by some public Act of Government, shall, and are hereby declared to be good and available in Law, and shall enure and take Effect, as fully and absolutely, to the Benefit and Advantage of all Persons in Possession of any Lands granted thereby, and to their Heirs and Assigns, as if their Power to make and issue such Patents had, at the Time of making and issuing the same, been in no wise revoked or determined, except such as have been by the Patentees at any Time resigned or surrendered; which Patents, so resigned or surrendered, shall receive no additional Validity hereby, and shall be of no more Force or Efficacy, than they would have been before the passing this Act; any Thing herein, to the contrary, notwithstanding.

## C H A P. VII.

Rep. by act, Dec. 5, 1767, ch. 9.

*An Act to amend an Act, entitled, An Act to restrain the Exportation of bad and unmerchantable Tobacco, and for preventing Frauds in his Majesty's Customs.*

## C H A P. VIII.

*An Act for laying a Tax for repairing the Court-house in Edenton. PRIV.*

## C H A P. IX.

*An Act for re-establishing several Counties and Towns, and for other Purposes.*

I. **W**HEREAS his Majesty, by his Orders in his Privy Council, dated the eighth Day of April, one thousand seven hundred and fifty-four, did repeal, declare void, and of none Effect, twelve Acts, passed at sundry Times in this Province; which Acts are entitled as follows, *viz.*

Recital of acts repealed.

“An Act appointing that Part of *Albemarle* County, lying on the West Side of *Chowan* River, to be a Precinct, by the Name of *Bertie* Precinct.” Passed in the Year 1722.

“An Act for incorporating the Sea Port of *Beaufort*, in *Carteret* Precinct, into a Township, by the Name of *Beaufort*.” Passed in the Year 1723.

“An Act to appoint that Part of *Albemarle* County, lying on the South Side of *Albemarle* Sound and *Morattuck* River, as high as the *Rainbow* Banks, to be a Precinct, by the Name of *Tyrrel* Precinct.” Passed in the Year 1729.

“An Act to establish the Precincts of *Onslow* and *Bladen*, and for appointing them distinct Precincts.” Passed in the Year 1734.

“An Act for erecting the Village called *Newton*, in *New-Hanover* County, into a Town and Township, by the Name of *Wilmington*, and regulating and ascertaining the Bounds thereof.” Passed in the Year 1739.

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“ An Act for confirming Titles to the Town Lands of *Edenton*, for securing the Privileges heretofore granted to the said Town, and for the further Encouragement and better Regulation thereof.” Passed in the Year 1740.

“ An Act to confirm and erect that Part of the Province called *Edgcomb* County, into a County, by the Name of *Edgcomb* County, and for establishing the said County a Parish, and for ascertaining the Boundary Line between the *Northwest* and *Society* Parishes, in *Bertie* County.” Passed in the Year 1741.

“ An Act for erecting the upper Part of *Bertie* County, into a County, by the Name of *Northampton* County, and for regulating the Limits between *Society* Parish and the *Northwest* Parish of *Bertie*, and for removing the Seat of *Bertie* County Court.” Passed in the Year 1741.

“ An Act for erecting the upper Part of *Craven* County, into a County and Parish, and for appointing a Place for building a Court-house, Prison and Stocks, in the said County.” Passed in the Year 1746.

“ An Act for dividing *Edgcomb* County and Precinct, and for erecting the upper Part thereof into a County and Parish, by the Name of *Granville* County, and St. *John's* Parish, and for appointing Vestrymen of the said Parish.” Passed in the Year 1746.

“ An Act for erecting the upper Part of *New-Hanover* County, into a County and Parish, by the Name of *Duplin* County, and St. *Gabriel's* Parish, and for appointing a Place for building a Court-house, Prison and Stocks, in the said County.” Passed in the Year 1749.

“ An Act for erecting the upper Part of *Bladen* County, into a County and Parish, by the Name of *Anson* County, and St. *George's* Parish, and for appointing a Place for building a Court-house, Prison and Stocks in the said County.” Passed in the Year 1749.

II. AND whereas his Majesty, taking into his Royal Consideration the humble Representation of the Assembly of this Province, setting forth that many Inconveniences, with Respect to the future Settlement of this Province, might arise from the Repeal of the said Acts; his Majesty has been graciously pleased, by an Instruction from their Excellencies the Lords Justices to the Governor of this Province, dated the first Day of *July*, one thousand seven hundred and fifty-five, to authorize and direct the said Governor to give his Assent to any Acts which shall be passed by the Council and Assembly of this Province, for re-establishing the several Towns, Precincts and Counties, heretofore erected by the twelve Acts which have been repealed as aforesaid, and for confirming the Rights of the People, as by the said Acts they were established, under certain Provisions and Restrictions in the said Orders mentioned: *Be it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same*, That the several Divisions, Precincts or Districts of this Province, which have heretofore belonged to the several and respective Counties and Towns aforesaid, before the Repeal of the before-recited Acts of Assembly, shall, and they are hereby declared to be re-established into Counties and Towns, by the several and respective Names by which each Division, Precinct or District, at the Time of repealing the aforesaid Acts, was known and denominated; and each of the said Counties shall be limited and bounded according to the Bounds and Limits heretofore known and reputed to be the Bounds and Limits thereof.

Several counties and towns re-established.

III. PROVIDED always, That Nothing herein contained shall be construed, deemed or taken, to alter or derogate from the Right and Royal Prerogative of his Majesty, his Heirs or Successors, of granting Letters of Incorporation to the said Counties and Towns; of ordering, appointing and directing the Election of a Member or Members to represent them in Assembly; and of granting Markets and Fairs to be kept and held in them respectively: But that the said Right and Prerogative shall and may, at all Times hereafter, be exercised therein by his said Majesty, his Heirs or Successors, in as full and ample Manner, to all Intents and Purposes whatsoever, as if this Act had never been made.

Royal prerogative for incorporating towns, &c. reserved.

IV. AND be it further enacted, That all Deeds and Conveyances for the conveying of any Lands, Lots or Tenements, in either of the Counties or Towns aforesaid,

Deeds & conveyances for lands,



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in any counties or towns aforesaid, declared good.

aforesaid, to any Person or Persons whatsoever, either to the Use of the Public, or to their own Use, in Consequence of any or either of the said Acts of Assembly so repealed as aforesaid, shall, and are hereby declared to be good and valid in Law; and shall enure and take Effect as fully, to the Benefit of the Grantees, their Heirs and Assigns, and all others concerned, as if the same Acts had never been repealed.

Acts, containing clauses forbid by his Majesty, repealed.

V. *AND* be it further enacted by the Authority aforesaid, That the five Acts of the General Assembly of this Province, entitled as follows, *viz.*

“ An Act for dividing Part of *Granville, Johnston* and *Bladen* Counties, into a County and Parish by the Name of *Orange* County, and the Parish of *St. Matthew*, and for appointing Vestrymen for the said Parish, and other Purposes therein mentioned.” Passed in the Year 1752.

“ An Act for erecting the upper Part of *Anson* County, into a County and Parish, by the Name of *Rowan* County and *St. Luke's* Parish, and for appointing a Place for holding a Court in said County.” Passed in the Year 1753.

“ An Act for the further and better Regulation of the Town of *Wilmington*, and for repealing the several Acts therein mentioned.” Passed in the Year 1754.

“ An Act for granting unto the Town of *Brunswick*, the Privilege of choosing and sending a Representative to the General Assembly.” Passed in the Year 1754.

“ An Act for erecting the upper Part of *Bladen* County, into a County and Parish by the Name of *Cumberland* County, and *St. David's* Parish.” Passed in the Year 1754; containing certain Clauses forbid by his Majesty's said Orders, dated the first Day of *July*, one thousand seven hundred and fifty-five, be and are hereby repealed, and from henceforth declared void and of none Effect.

## C H A P. X.

Rep. by act, Jan. 1764, ch. 3. all but the 5th section.

*An Act to amend an Act for empowering the several Commissioners therein after named, to make, mend and repair all Roads, Bridges, Cuts and Water Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts therein after appointed, in such Manner as they judge most useful to the Public, and other Purposes.*

V. *AND* whereas *Bladen* County extends down the *North-West* River of *Cape-Fear*, the Distance of fifteen Miles below the upper Bounds of *New-Hanover* County, which makes it very inconvenient for the Inhabitants of *Bladen* County to work on the public Roads in that District: For Remedy whereof, *Be it enacted by the Authority aforesaid*, That a North-East Line be run directly from, and opposite the Mouth of *Levingston's* Creek, to *Black* River, then down the said River to the Mouth thereof, and then up the *North-West* River to the Mouth of the said Creek; and all the Lands within the said Bounds are hereby annexed to the County of *New-Hanover*, and shall hereafter be deemed and held to be within the Limits of the same, and make Part of the *North-West* District of *New-Hanover* County; and the Inhabitants thereof subject and liable to such Duties, Taxes and Impositions, and also entitled to the Rights, Privileges and Advantages as the other Inhabitants of the said County are.

## C H A P. XI.

Rep. by act, Jan. 1764, ch. 3.

*An Act for establishing public Roads and Ferries, and for the better Regulation of the same in several Counties.*

## C H A P. XII.

*An Act for the better Regulation of the Town of Newbern, and for securing the Titles of Persons who hold Lots in the said Town. PRIV.*

## C H A P. XIII.

*An Act for the Regulation of the Town of Wilmington. PRIV.*  
C H A P.



## C H A P. XIV.

*An Act for establishing the Titles of the Freeholders in Edenton, for laying a Tax for finishing the Church begun in the said Town, and for the further Improvement and better Regulation thereof. P R I V.*

## C H A P. XV.

*An Act to limit the Time for holding County Courts, and other Purposes.*

Provided for by subsequent acts.

## C H A P. XVI.

*An Act to amend and continue an Act, entitled, An Act for granting to his Majesty a Duty upon the Tonnage of Ships and other Vessels coming into this Province, for the Purposes therein mentioned. E X P.*

## C H A P. XVII.

*An Act for erecting a new Court-house, Prison, Pillory, and Stocks, in Pasquotank County, and other Purposes. P R I V.*

## C H A P. XVIII.

*An Act to empower the Sheriff of Granville, and the Collector of the Taxes of St. John's Parish, to collect Public, County, and Parish Levies. P R I V.*

## C H A P. - XIX.

*An Act for adjourning the County Court of Beaufort, and other Purposes. P R I V.*

## C H A P. XX.

*An Act for dividing the Parish of St. Patrick, in the County of Johnston, into two distinct Parishes. P R I V.*

## C H A P. XXI.

*An Act for laying a Tax on the Inhabitants of the Parishes of St. Patrick, and St. Stephen. P R I V.*

## C H A P. XXII.

*An Act to re-establish the Counties of Rowan, Cumberland, and Orange.*

I. **W**HEREAS an Act for erecting the upper Part of Anson County into a County and Parish, by the Name of Rowan County, and St. Luke's Parish, and for appointing a Place for holding a Court in the said County; an Act, entitled, *An Act for erecting the upper Part of Bladen County into a County and Parish, by the Name of Cumberland County, and St. David's Parish*; and *An Act for dividing Part of Granville, Johnston, and Bladen Counties, into a County and Parish, by the Name of Orange County, and the Parish of St. Matthew, and for appointing Vestrymen*



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for the said Parish, and other Purposes therein mentioned, have been repealed by an Act, entitled, *An Act for re-establishing several Counties and Towns, and for other Purposes*: And whereas his Majesty has been graciously pleased, by his Royal Instructions, to authorise his Excellency the Governor to give his Assent to an Act to re-establish the Counties aforesaid:

Counties re-established.

II. *BE it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the several Divisions or Districts of this Province which have heretofore belonged to the respective Counties aforesaid, before the Repeal of the before recited Acts of Assembly, shall, and are hereby declared to be re-established into Counties, by the respective Names by which each County or District, at the Time of the repealing the aforesaid Acts, was known and denominated; and each of the said Counties shall be limited and bounded according to the Bounds and Limits heretofore known and reputed to be the Bounds and Limits thereof.*

Deeds for lands in such counties declared valid.

III. *AND be it further enacted, That all Deeds and Conveyances for the conveying of any Lands, Lots, or Tenements, in either of the said Counties, to any Person or Persons whatsoever, either to the Use of the Public or to their own Use, in Consequence of the said Acts of Assembly so repealed as aforesaid, shall, and are hereby declared to be good and valid in Law, and shall enure and take Effect as fully, to the Benefit of the Grantees, their Heirs and Assigns, and all other Persons concerned, as if the same had never been repealed.*

*The fourth Section, containing a saving of the Royal Prerogative of granting Letters of Incorporation, &c. immaterial to be inserted.*

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C H A P. XXIII.

*An Act for consolidating the Parishes of St. John and St. Peter, in the County of Pasquotank. PRIV.*

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C H A P. XXIV.

*An Act for dividing the Parish of Edgcomb, in the County of Edgcomb, into two distinct Parishes. PRIV.*

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S I G N E D by

ARTHUR DOBBS, Esq. Governor.

MATTHEW ROWAN, President.

SAMUEL SWANN, Speaker.

A N N O











A. D. 1757.

## C H A P. IX.

An Act for adding Part of Beaufort to Craven County, for ascertaining the dividing Line between the said Counties.

I. **W**HEREAS the Inhabitants of that Part of *Beaufort* County, lying between *Bay River* and *Lower Broad Creek*, are, by Reason of the Removal of the Court of the said County at a very great Distance from the same, and are often put to great Hardships and Fatigue in attending their County Court at such a Distance; and whereas it would be much more convenient to the said Inhabitants, if that Part of the said County of *Beaufort* was added to *Craven* County:

II. *BE* it therefore enacted by the Governor, Council, and Assembly, and it is hereby enacted by the Authority of the same, That that Part of the said County of *Beaufort*, lying between *Bay River* and *Lower Broad Creek* as aforesaid, be from henceforth deemed, held, and taken to be Part of *Craven* County; and that the Inhabitants thereof be subject and liable to the same Rules, Orders, and Taxes, as any other of the Inhabitants of the said County of *Craven* now are, or shall hereafter be, subject or liable to: Any Law, Usage, or Custom, to the contrary, notwithstanding.

Part of *Beaufort* added to *Craven* county.

III. **A**ND whereas the Bounds of the said Counties of *Beaufort* and *Craven* are very uncertain, by Reason of a dividing Line between the same never being as yet properly ascertained; *BE* it therefore enacted by the Authority aforesaid, That from henceforward the Bounds of the said Counties be by *Bay River*, from the Mouth thereof, up the main Westermost Branch, to the Head; thence by the *Flat Swamp* that makes from the Head of the said River; and from the Head of the said *Flat Swamp*, by a Line to be run nearly equidistant between *Tar* and *Neuse* Rivers; and that Mr. *John Hardy* and Mr. *Joseph Bryan* are hereby appointed Commissioners for running the said Line, which shall be at the Expence of each County respectively.

Bounds between *Craven* & *Beaufort* ascertained.

## C H A P. X.

An Act to amend an Act, entitled, An Act for the better Regulation of the Town of *Newbern*, and for securing the Titles of Persons who hold Lots in the said Town. P R I V.

## C H A P. XI.

An Act to enable the Commissioners of the Church of *Edenton* to discharge the Contracts by them made concerning the finishing the same. P R I V.

## C H A P. XII.

An Act to repeal an Act, entitled, An Act for destroying Vermin in this Province.

I. **W**HEREAS an Act, entitled, *An Act for destroying Vermin in this Province*, is found not to answer the good Purposes intended thereby:

II. *BE* it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, and it is hereby enacted, That the said Act of Assembly, entitled, *An Act for destroying Vermin in this Province*, be, and the said Act is henceforth repealed, and declared to be null and void.

Act repealed.

## C H A P. XIII.

An Act to dock the Intail of certain Lands now in Possession of *Harding Jones*, under a Devise in the Will of *Frederick Jones, Esq.* his Grandfather, deceased, by whom the same were intailed. P R I V.

S I G N E D by

A R T H U R D O B B S, Esq. Governor.

M A T T H E W R O W A N, President.

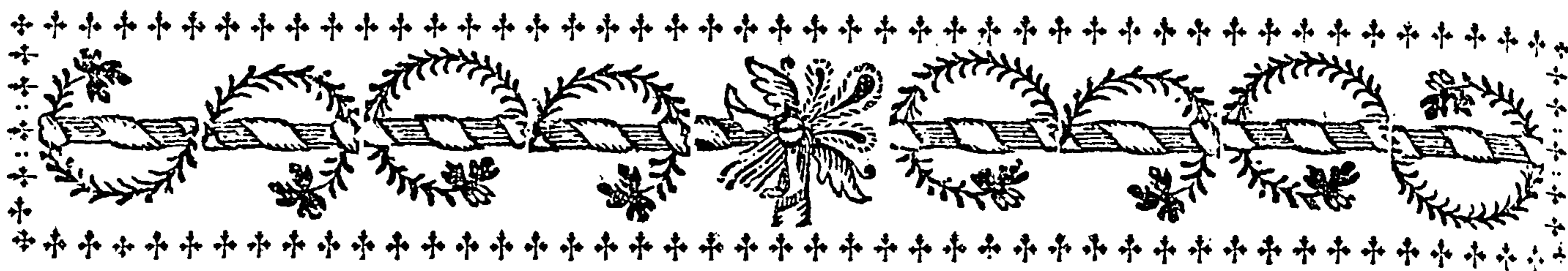
S A M U E L S W A N N, Speaker.

Z z

A N N O



A.D. 1758.



A N N O R E G N I

G E O R G I I I I I.

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,  
TRICESSIMO PRIMO.ARTHUR  
DOBBS, Esq.  
Governor.

At a General A S S E M B L Y, begun and held at Newbern, on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty-four, and from thence continued, by several Prorogations, to the Twenty-eighth Day of April, in the Year of our Lord One Thousand Seven Hundred and Fifty-eight : Being the Sixth Session of this Assembly.

## C H A P. I.

This act temporary, and I presume it had its effect.

*An Act for granting an Aid to his Majesty, for augmenting the Troops now in the Pay of this Province, to be joined with those under the Command of Brigadier-General Forbes, paying them whilst employed in the said Service, and for placing Garrisons in the Forts on the Sea Coasts.*

## C H A P. II.

*An Act to enable the Commissioners of Port Roanoke to amend the Navigation of the said Port, and for other Purposes. E X P.*

## C H A P. III.

*An Act for altering the Times for holding Courts in Northampton, Edgcomb, Granville, and Orange Counties. P R I V.*

## C H A P. IV.

*An Act to confirm and establish several Vestries, and other Purposes.*

Not now in force.  
See note page 84.

## C H A P. V.

*An Act for discontinuing the Ware-houses at Elbeck's Landing, and erecting others in the Town of Halifax. P R I V.*

## C H A P. VI.

*An Act for establishing a Town on the Land of Jonathan Phelps, on Perquimans River. P R I V.*

SIGNED by  
ARTHUR DOBBS, Esq. Governor.  
MATTHEW ROWAN, President.  
SAMUEL SWANN, Speaker.

A N N O







A. D. 1758.

The 3 last sections  
of this act rep. by  
act Oct. 25, 1764,  
ch. 8. The re-  
mainder by act  
Nov. 18, 1786,  
ch. 17.

## C H A P. VII.

*An additional Act to an Act, entitled, An Act concerning Servants and Slaves.*

## C H A P. VIII.

*An Act for altering the Method of working on the Roads, and appointing Public Ferries within the Counties of Craven, Carteret, Johnston, Beaufort, Orange, and Onslow. P R I V.*

## C H A P. IX.

*An Act for appointing a proper Place for holding the Supreme Court of Justice, Oyer and Terminer, and General Gaol Delivery, for the District of Northampton, Edgcomb, and Granville.*

Not now in force;  
there being a dif-  
ferent court sys-  
tem established.

## C H A P. X.

Rep. by act, Dec.  
5, 1767, ch. 8.

*An Act for regulating Ordinaries and Houses of Entertainment, and for other Purposes.*

## C H A P. XI.

*An Act to make Provision for paying the Chief Justice and Attorney-General's Salaries, and defraying the contingent Charges of Government. E X P.*

## C H A P. XII.

*An Act for dividing the County of Johnston, and other Purposes.*

I. **W** H E R E A S the large Extent of the County of *Johnston*, renders it grievous and burthensome to many of the Inhabitants thereof to attend the Courts and General Musters, and other public Meetings appointed therein :

County divided.

II. *B E* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the tenth Day of *April* next the said County be divided by the dividing Line between the Parish of *St. Patrick* and the Parish of *St. Stephen*; and that that Part of the said County which is now the Parish of *St. Stephen* remain, be called, and known by the Name of *Johnston*; and that that Part of the said County which is the Parish of *St. Patrick*, be thenceforth erected into a distinct County, and called and known by the Name of *Dobbs*.

*Dobbs* county  
created.

*The remaining Sections altogether of a private or a temporary Nature, and therefore not inserted.*

## C H A P. XIII.

*An Act for dividing Edgcomb County.*

I. **W** H E R E A S divers Inconveniences attend the Inhabitants of *Edgcomb* County, by Reason of the large Extent thereof, and the great Distance that many of them live from the Court-house, and other Places usually appointed for public Meetings :

County divided.

II. *B E* it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and immediately after the first Day of *January* next ensuing, the said County of *Edgcomb* be divided, by the dividing Line between the Parish of *Edgcomb* and the Parish of *St. Mary*; and that that Part of the said County which is now the Parish of *St. Mary*, remain, be called, and known by the Name of *Edgcomb* County; and that that Part of the said County which is now the Parish of *Edgcomb*, be thenceforth erected into one distinct County, and called and known by the Name of *Halifax*.

*Halifax* created.

*The remaining Sections altogether of a private or a temporary Nature, and therefore not inserted.*

C H A P.



## C H A P. XIV.

*An Act for dividing the Parish of St. John, in Granville County. P R I V.*

## C H A P. XV.

*An Act for dividing the Parish of North-West. P R I V.*

## C H A P. XVI.

*An Act for establishing a Town on the Lands formerly belonging to Zachariah Nixon, lying on the North-East Side of Little River, in Pasquotank County. P R I V.*

## C H A P. XVII.

*An Act to establish a Ferry from Solley's Point to Relf's Point, whereon the Court-house now stands, on Pasquotank River. P R I V.*

## C H A P. XVIII.

*An Act for destroying Squirrels in the Counties within mentioned. P R I V.*

## C H A P. XIX.

*An Act for repealing an Act therein mentioned.*

I. **W**HEREAS one Act of Assembly, entitled, *An Act for preserving Peace, and continuing a good Correspondence with the Indians in Alliance with his Majesty's Subjects*, has not procured the good Effects hoped for; but, on the contrary, is likely to alienate the Affections of the said *Indians* from the Inhabitants of this Province:

II. *B E* it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the said recited Act, and every Clause and Article thereof, shall be from henceforth repealed, and made null and void. Act repealed.

## C H A P. XX.

*An Act to relieve John Pope from a Judgment obtained against him, in Favour of the Parishes of Edgcomb and St. Mary. P R I V.*

S I G N E D by

ARTHUR DOBBS, Esq. Governor.

MATTHEW ROWAN, President.

SAMUEL SWANN, Speaker.











A. D. 1759.

Parish, and called and known by the Name of *Hertford County*, and Parish of *St. Barnabas*.

*The remaining Sections of a private or a temporary Nature, or not now of Use, and therefore not inserted.*

## C H A P. V.

Rep. by act, Dec. 5, 1767, ch. 6. *An Act to amend an Act for appointing Sheriffs, and directing their Duty in Office; and for compelling Collectors of public Taxes, and Persons intrusted with laying out public Money, to apply and account for the same.*

## C H A P. VI.

*An Act to empower Lawrence Thompson, late Sheriff of Orange County, to collect and receive a Tax of two Shillings, Proclamation Money, laid on the taxable Persons in the County of Orange, by an Act of Assembly of this Province, passed in the thirtieth Year of the Reign of our Sovereign Lord George the Second, of Great-Britain, France, and Ireland, King, and so forth. P R I V.*

## C H A P. VII.

*An Act for enlarging the Time allowed for saving Lots in the Town of Halifax, preventing the building wooden Chimnies therein, and other Purposes. P R I V.*

## C H A P. VIII.

This act temporary, and I presume it had its effect. *An Act to enable William Dry, Esq. to finish Fort Johnston, at the Mouth of Cape-Fear River.*

## C H A P. IX.

The public part of this act expired; and the rest, (of a private nature) I presume had its effect. *An Act to enable the Commissioners of Port Bath and Port Beaufort to amend the Navigation, and other Purposes.*

## C H A P. X.

See pages 69 and 103. *An Act to empower and direct the Commissioners of the Districts herein after mentioned, to lay out and make new Roads. P R I V.*

## C H A P. XI.

*An Act to establish Warehouses for the Inspection of Tobacco in the County of Dobbs, and other Purposes. P R I V.*

## C H A P. XII.

*An Act for appointing Commissioners to finish the Court-house already begun in the Town of Newbern, and for other Purposes. P R I V.*



## C H A P. XIII.

An Act for establishing a Town on the Land formerly granted to William Churton, Gentleman, lying on the North Side of the River Eno, in the County of Orange. PRIV.

## C H A P. XIV.

An Act to amend an Act, entitled, An Act for building and maintaining of Court-houses, Prisons, and Stocks, in every County within this Province, and appointing Rules for each County Prison for Debtors.

I. **W**HEREAS by one Act of Assembly, passed in the fifteenth Year of his present Majesty, entitled, *An Act for building and maintaining of Court-houses, Prisons, and Stocks, in every County within this Province, and appointing Rules for each County Prison for Debtors*, it is, among other Things, enacted, That every Person committed to Gaol (not for Treason or Felony) upon giving Bond and Security to the Sheriff of the County, may have the Liberty of the Rules of the Prison to which he is committed; which Indulgence hath been greatly abused:

II. **B**E it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That all and every Bond or Bonds which shall hereafter be given in Pursuance of the said Act by any Person or Persons committed on a *Capias ad Satisfaciendum*, shall, by the Sheriff taking the same, be assigned by the Party at whose Instance such Person or Persons was or were committed to Gaol, and shall be returned to the Office of the Clerk of the Court from whence such Execution issued, there to be safely kept, and shall have the Force of a Judgment; and if any Person who shall obtain the Rules of any Prison, upon giving Bond and Security as aforesaid, shall escape out of the same before he shall have paid the Debt, or Damages and Costs, according to the Condition of such Bond, it shall be lawful, and full Power and Authority is hereby given to the Court where such Bond is lodged, upon Motion of the Party for whom such Execution issued, to award Execution against such Person and his Securities, for the Debt, or Damages and Costs, with Interest, to be computed from the Time of such Escape till Payment: And no Person or Persons whatsoever, who shall be committed to Gaol on any such Execution, shall have or be allowed the Rules of any Prison, but shall be kept in safe Custody in the Prison to which he or they shall be committed, until the whole Debt or Damages, with Interest, and Costs, shall be fully paid and satisfied: Any Thing in the said Act contained, to the contrary, notwithstanding.

Bonds for prison bounds to be assigned to the party, &c.

In case of escape, execution may issue on motion.

And a person committed thereon must be confined in the prison itself.

III. **P**ROVIDED always, That such Obligor shall have ten Days previous Notice of such Motion in Writing, and the Obligors, in such Case, shall not be admitted to plead *non est Factum*, in their Defence, unless they shall, by Affidavit, prove the Truth of such Plea.

Notice before motion on the bond.

SIGNED by

ARTHUR DOBBS, Esq. Governor.

JAMES HASELL, President.

SAMUEL SWANN, Speaker.















A. D. 1765.

six thousand Pounds to *Thomas Barker*, public Treasurer of the Northern District, and shall be applied to the Uses and Purposes by this Act directed.

IX. *A N D* be it further enacted by the Authority aforesaid, That the said Bills of Credit shall be current, and a lawful Tender in all Payments whatsoever, as Proclamation Money. Bills a lawful tender.

X. *A N D* be it further enacted by the Authority aforesaid, That the said public Treasurers, when directed, until the Sum of seven thousand Pounds, by this Act granted for raising, paying, and subsisting the Companies afore-mentioned, shall be fully paid, shall make Payment in the said Bills of Credit to such Person or Persons as the Governor, or Commander in Chief, by his Warrant or Warrants, shall order and appoint to receive the same. Treasurers to pay the money, on the Governor's warrant.

XI. *A N D* be it further enacted by the Authority aforesaid, That the Person or Persons who shall receive the said Sum of seven thousand Pounds, or any Part thereof, by Virtue of any Warrant or Warrants, shall account with the General Assembly for the same : And every such Person or Persons, before receiving the said Money, shall enter into Bond, with good and sufficient Security, to his Majesty, his Heirs and Successors, in double the Sum he shall so receive ; with Condition, that he will account with the General Assembly for the Sum or Sums he shall receive from the said Treasurers; or either of them, by Virtue of such Warrant ; which Bond shall be taken by, and lodged with the Treasurer who pays such Money : And in Case of a Breach of the Condition thereof, may be put in Suit, and a Judgment being obtained thereon, the Money recovered shall be applied towards defraying the contingent Charges of Government, in such Manner as the General Assembly shall direct, and to no other Use whatsoever. To be accounted for to the Assembly.  
Persons receiving it, to give bond.

XII. *A N D* be it further enacted by the Authority aforesaid, That the said Sum of seven thousand Pounds shall, by the Direction of the Governor or Commander in Chief for the Time being, be applied to the particular Purposes by this Act herein before directed, if necessary ; but if a less Sum shall be found sufficient for the same, the Surplus shall be applied towards defraying the contingent Charges of Government, already allowed, or which shall hereafter be allowed by the General Assembly, and to no other Purpose whatsoever. Surplus of the 7000l. to be applied to contingencies of government.

XIII. *A N D* for the greater Encouragement of Persons as shall enlist voluntarily to serve in the said Companies, and other Inhabitants of this Province who shall undertake any Expedition against the *Cherokees*, and other *Indians* in Alliance with the *French* ; Be it further enacted by the Authority aforesaid, That each of the said *Indians* who shall be taken a Captive during the present War by any Person as aforesaid, shall, and is hereby declared to be a Slave, and the absolute Right and Property of who shall be the Captor of such *Indian* ; and shall and may be possessed, pass, go, and remain to such Captor, his Executors, Administrators, and Assigns, as a Chattel personal : And if any Person or Persons, Inhabitant or Inhabitants of this Province, not in actual Pay, shall kill an Enemy *Indian* or *Indians*, he or they shall have and receive ten Pounds for each and every *Indian* he or they shall so kill ; and any Person or Persons who shall be in the actual Pay of this Province, shall have and receive five Pounds for every Enemy *Indian* or *Indians* he or they shall so kill, to be paid out of the Treasury ; any Law, Usage, or Custom, to the contrary, notwithstanding. Indians taken; to be slaves.  
Premium for killing enemy Indians.

XIV. *P R O V I D E D* always, That any Person claiming the said Reward, before he be allowed or paid the same, shall produce to the Assembly the Scalp of every *Indian* so killed, and make Oath, or otherwise prove that he was the Person who killed, or was present at the killing the *Indian* whose Scalp shall be so produced ; and that he hath not before had or received any Allowance from the Public for the same : And as a further Encouragement, shall also have, and keep to his or their own Use or Uses, all Plunder taken out of the Possession of any Enemy *Indian* or *Indians*, or within twenty Miles of any of the *Cherokee* Towns, or any *Indian* Town at War with any of his Majesty's Subjects. Reward how to be recovered.



A. D. 1760.

2000l. appropriated for paying premiums for Indians killed.

XV. *AND be it further enacted by the Authority aforesaid,* That two thousand Pounds, of the Remainder of the aforesaid twelve thousand Pounds, shall be, and is hereby appropriated, to and for the Payment of the aforesaid Rewards, to such Person and Persons as, by killing any of the aforesaid *Indians*, shall be entitled to receive the same; but if a less Sum shall be found sufficient for the said Purpose, the Surplus shall be applied towards paying the several Creditors of the Public such Claims as already have been, or shall be allowed by the General Assembly, and not to any other Purpose: And the Residue of the said twelve thousand Pounds is hereby appropriated to and for the Payment of the Debts of the Public, chargeable on the contingent Fund, and shall not be otherwise applied.

Penalty for counterfeiting bills.

XVI. *AND be it further enacted by the Authority aforesaid,* That if any Person shall forge or counterfeit any of the said Bills of Credit, or shall pass or utter the same in Payment or Exchange, knowing the same to be forged or counterfeited, the Offender therein, being lawfully convicted, shall be adjudged a Felon, and suffer as in Cases of Felony, without the Benefit of Clergy.

Tax laid for raising 12000l.

XVII. *AND for redeeming the said public Bills of Credit, Be it enacted by the Authority aforesaid,* That a Poll Tax of one Shilling be laid on every taxable Person within this Province, to commence on the first Day of *January*, one thousand seven hundred and sixty-three, and to continue until the whole Sum to be emitted by this Act shall be paid in and burnt; which said Tax shall be collected by the Sheriffs of the several Counties, and accounted for and paid to the Treasurers of the several Districts, in the same Manner, and under the like Penalties, as are by Law directed for the collecting, accounting for, and paying other public Taxes.

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C H A P. II.

*An Act for appointing a Militia. E X P.*

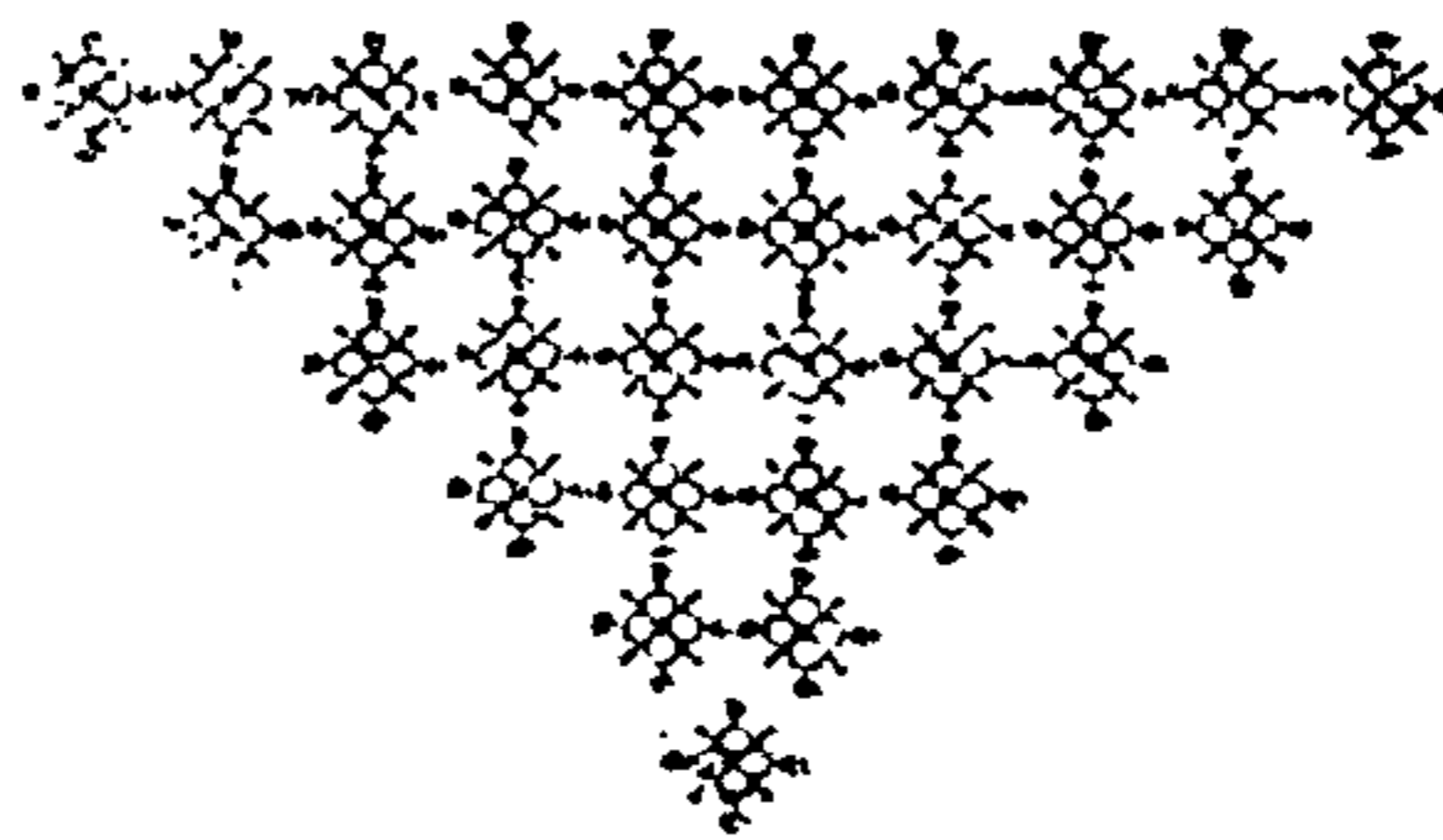
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S I G N E D by

ARTHUR DOBBS, Esq. *Governor.*

JAMES HASELL, *President.*

SAMUEL SWANN, *Speaker.*



ANNO







A. D. 1760.

County and Parish, and shall be called and known by the Name of *Pitt County* and *St. Michael's Parish*, with all and every the Rights, Privileges, Benefits and Advantages, whatsoever, which any other County or Parish within this Province can, shall, or may lawfully hold, use, or enjoy.

*The remaining Sections are of a private or a temporary Nature; or such as are not now material, and therefore omitted.*

## C H A P. IV.

\*See note page 84.

*An Act to empower the Inhabitants of several Parishes within this Province, that have no legal Vestry within their respective Parishes, to meet and elect Vestries.*

## C H A P. V.

*An Act for altering the Times of holding the Inferior Court of Pleas and Quarter Sessions in the County of Chowan. P R I V.*

## C H A P. VI.

*An Act to amend an Act, entitled, An Act for the Relief of such Persons as have suffered, or may suffer, by not having had their Deeds and mesne Conveyances proved and registered within the Time heretofore appointed for such Purposes, and prevent Disputes and Law Suits concerning Lands.*

I. **W**HEREAS by the aforesaid Act any Person or Persons having Deeds or mesne Conveyances within this Province, were to register the same within eighteen Months after passing the said Law, and many Persons, through Want of knowing the said Law, have neglected to have their Deeds or mesne Conveyances registered according to the Purport thereof: For Remedy whereof,

Deeds may be registered within 18 months.

II. **W**E pray it may be enacted, *And be it enacted by the Governor, Council, and Assembly, and by the Authority of the same,* That all Deeds and mesne Conveyances of Lands, Tenements, and Hereditaments, not already registered, acknowledged, or proved, shall and may, within eighteen Months after the passing this Act, be acknowledged by the Grantor, their Agents or Attornies, or proved by one or more of the subscribing Witnesses to the same, and tendered and delivered to the Registers of the Counties where such Lands, Tenements, and Hereditaments, respectively lay; and all Deeds and mesne Conveyances whatsoever, which shall be acknowledged or proved according to the Directions of this Act, and also such as have been heretofore recorded by the Clerk, or registered by the Register of any Precinct or County wherein the Lands or Tenements mentioned in the same lie or are situate, though not within one Year after the Date of the respective Conveyances, shall be good and valid in Law, and shall enure and take Effect as fully and effectually, to the Use and Behoof of the Grantee, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged, or proved and registered, agreeable to the Directions of any Act of Assembly heretofore made.

Sheriff to read the act at the door of each court-house.

III. *A N D be it further enacted by the Authority aforesaid,* That every Sheriff within this Province shall, on the second Day of every Inferior Court of the County whereof he is Sheriff, read this Act at the Door of the Court-house, immediately after the sitting of the Court.

## C H A P. VII.

*An Act to amend and continue an Act, entitled, An Act for appointing a Militia. EXP.*

C H A P.



A. D. 1760.

## C H A P. VIII.

*An Act for raising Money by a Lottery, towards finishing the Churches at Wilmington and Brunswick; and for applying the Produce of the Slaves, and other Effects taken from the Spaniards at Cape-Fear, in the Year of our Lord One Thousand Seven Hundred and Forty-eight, to the same Purposes. (a)* Private and temporary.

## C H A P. IX.

*An Act for establishing a Town on the Lands of Joseph Howell, on Tar River. PRIV.*

## C H A P. X.

*An Act to amend an Act, entitled, An Act for the better Regulation of the Town of Newbern, and for securing the Titles of Persons who hold Lots in the said Town, passed the Thirtieth Day of September, One Thousand Seven Hundred and Fifty-six. PRIV.*

## C H A P. XI.

*An Act for destroying Crows, Blackbirds, and Squirrels, in the County of Hyde. PRIV.*

## C H A P. XII.

*An Act for continuing James Davis Printer to this Province. EXP.*

## C H A P. XIII.

*An Act to continue an Act, entitled, An Act for the Restraint of Vagrants, and for making Provision for the Poor, and other Purposes. EXP.*

S I G N E D by

ARTHUR DOBBS, Esq. Governor.

JAMES HASELL, President.

SAMUEL SWANN, Speaker.

D 3

A N N O

(a) As to the Application of the Produce of the Slaves and other Effects mentioned, I presume it was applied to the Purpose expressed in the Act.







A. D. 1761.

within this Province, that they will well and truly execute the Trust in them reposed by Virtue of this Act; and give their respective Bonds, with sufficient Security, to our Sovereign Lord the King, his Heirs and Successors, for the Use of this Province, in the Sum of twenty thousand Pounds each, for the faithful Discharge of the Trust in them reposed by this Act; which Bonds shall be lodged in the Secretary's Office.

X. *AND be it further enacted by the Authority aforesaid,* That the said Bills of Credit, when so stamped or printed, and signed as aforesaid, shall be delivered to *John Starkey, Esq.* public Treasurer of the Southern District, and shall be by him applied to the Uses and Purposes by this Act directed. To be delivered into the treasury.

XI. *AND be it further enacted by the Authority aforesaid,* That the Bills of Credit to be emitted by this Act shall be current, and a lawful Tender in all Payments whatsoever, as Proclamation Money. To be current in all payments, &c.

XII. *AND be it further enacted by the Authority aforesaid,* That the said public Treasurer, when directed (until the Sum of twenty thousand Pounds, by this Act granted for paying and subsisting the afore-mentioned Regiment, and the said fifty Men and Officers now in Garrison, shall be fully paid) shall make Payment in the said Bills of Credit to such Person or Persons as the Governor, or Commander in Chief, by his Warrant or Warrants, shall order and appoint to receive the same. Treasurer to pay the same to such persons as the Governor shall appoint.

XIII. *AND be it further enacted by the Authority aforesaid,* That the Person or Persons who shall receive the said Sum of twenty thousand Pounds, or any Part thereof, by Virtue of any such Warrant or Warrants, shall account with the General Assembly for the same; and every such Person or Persons, before receiving the said Monies, shall enter into Bond, with good and sufficient Security, to his Majesty, his Heirs and Successors, in double the Sum or Sums he shall receive, with Condition, that he will account with the General Assembly for the Sum or Sums he shall so receive from the said Treasurer by Virtue of such Warrant; which Bond shall be taken by, and lodged with the Treasurer: And in Case of a Breach of the Condition thereof, may be put in Suit, and Judgment being obtained thereon, the Money recovered shall be applied towards defraying the contingent Charges of Government, in such Manner as the Governor, Council, and Assembly shall direct, and to no other Use whatsoever. Persons receiving the same to give security, &c.

XIV. *AND be it further enacted by the Authority aforesaid,* That the said Sum of twenty thousand Pounds shall be, by Direction of the Governor or Commander in Chief for the Time being, applied to the particular Purposes by this Act herein before directed, if necessary; but if a less Sum should be found sufficient for the same, the Surplus shall be applied towards defraying the contingent Charges of Government, already allowed, or which shall be hereafter allowed by the Governor, Council, and Assembly, and to no other Purposes whatsoever. Surplus applied to contingencies of government.

XV. *AND be it further enacted by the Authority aforesaid,* That each able bodied Man, enlisting voluntarily in the said Service, as soon as may be after enlisting, shall be properly cloathed; for which Expence of cloathing and furnishing each Soldier with a Blanket, the Colonel shall have an Allowance, not exceeding six Pounds a Man. Colonel allowed 6l. a man for cloathing.

XVI. *AND be it further enacted by the Authority aforesaid,* That if any Person shall forge or counterfeit any of the above mentioned Bills of Credit, or shall pass or utter the same in Payment or Exchange, knowing the same to be forged or counterfeited, the Offender therein, being lawfully convicted, shall be adjudged a Felon, and suffer as in Cases of Felony, without Benefit of Clergy. Penalty on counterfeiting bills of credit.

XVII. *AND be it further enacted by the Authority aforesaid,* That for redeeming the said public Bills of Credit, a Poll Tax of two Shillings, Proclamation Money, be laid on every taxable Person within this Province, to commence on the first Day of *January*, which shall be in the Year of our Lord one thousand seven hundred and sixty-four, and to continue until the whole Sum to be emitted by this



*A. D. 1761.*

this Act shall be paid in and burnt: Which said Tax shall be collected by the Sheriffs of the several Counties, and accounted for and paid to the Treasurers of the several Districts, in the same Manner, and under the like Penalties, as are by Law directed for the collecting, accounting for, and paying other Taxes.

*The remaining Sections of this Act, for appointing an Agent, expired.*

C H A P. II.

*An Act for an additional Act to an Act, entitled, An Act to make Provision for paying the Chief Justice and Attorney-General's Salaries, and defraying the contingent Charges of Government. E X P:*

C H A P. III.

*See note page 84. An Act to empower the Inhabitants of several Parishes within this Province, that have no legal Vestry within their respective Parishes, to meet and elect Vestries.*

C H A P. IV.

*An Act to appoint Commissioners to further improve and amend the Navigation of New River, in Onslow County, to raise a Fund by way of Lottery, to defray the Expence thereof. O B S.*

C H A P. V.

*An Act to amend and improve the Navigation from Currituck Inlet through the District in Currituck County, to Albemarle Sound. O B S.(a)*

C H A P. VI.

*An Act to empower the Inferior Court of Pleas and Quarter Sessions for the County of Northampton, to lay a Tax to pay sundry Persons who have suffered by the burning of Pace's Warehouse in the said County; and other Purposes. P R I V.*

C H A P. VII.

*The court system since altered.*

*An Act for altering the Times of holding the Superior Court of Pleas and Grand Sessions for the District of Newbern; and also the Inferior Courts of Pleas and Quarter Sessions in the Counties of Orange and Carteret; and for other Purposes.*

C H A P. VIII.

*An Act for building a Court-house in the Town of Newbern, for the County of Craven, for raising a Tax, and for appointing Commissioners for building the same; and for repealing an Act passed at Wilmington the 20th Day of November, 1759, entitled, An Act for appointing Commissioners for finishing the Court-house already begun in the Town of Newbern; and for other Purposes. P R I V.*

C H A P. IX.

*Rep. by act Dec. 3, 1767, ch. 6.*

*An Act to prevent the exacting of illegal and exorbitant Fees in levying Executions by Sheriffs, and other Officers.*

C H A P.

*(a) Said by Davis to have been repealed.*



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## C H A P. X.

An Act for amending an Act, entitled, An Act for dividing the Parish of St. John, in Granville County. PRIV.

## C H A P. XI.

An Act for adding Part of Orange County to Johnston County, and for ascertaining the dividing Line between the said Counties.

I. **W**HEREAS the Inhabitants of that Part of Orange County lying upon Neuse River labour under great Inconveniency, by Reason of the great Distance to the Court-house of said County :

II. *B E* it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That that Part of Orange County lying on Neuse River, be added to the County of Johnston; and be divided by a Line to begin at the South-West Corner of Granville County, and running thence a due South Course to Johnston or Cumberland County Line, which of the said County Lines it may first intersect. Part of Orange added to Johnston.

*Third and fourth Sections of a temporary Nature.*

V. *A N D* be it further enacted by the Authority aforesaid, That the Part of Orange County hereby added to Johnston County, from henceforth shall be deemed, held, and taken to be Part of the County of Johnston; and that the Inhabitants thereof be subject and liable to the same Rules, Orders, and Taxes, as any other of the Inhabitants of the said County now or shall hereafter be subject or liable to; any Law, Usage or Custom, to the contrary, notwithstanding. Part of Orange deemed Johnston county.

*The sixth Section private.*

## C H A P. XII.

An Act for enlarging the Time for Inspection of Tobacco at the Public Warehouse in the Town of Tarborough, in the County of Edgcomb, and for encreasing the Salaries of the Inspectors thereof. PRIV.

## C H A P. XIII.

An Act to appoint Commissioners of the Roads for a certain District in Bladen County. PRIV.

## C H A P. XIV.

An Act to empower the several Superior and Inferior Courts within this Province to admit a Copy of the last Will and Testament of any Person deceased to be given in Evidence. EXP.

## C H A P. XV.

An Act to dock the Entail of certain Lands therein mentioned, vesting the Fee-Simple thereof in Blake Baker, and for settling other Lands in Lieu thereof to the same Uses. PRIV.

S I G N E D by

ARTHUR DOBBS, Esq. Governor.  
JAMES HASELL, President.  
SAMUEL SWANN, Speaker.

Read Three Times, and ratified in open Assembly, }  
the 23d Day of April, 1761. }







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II. *BE it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same*, That where any Person hath, or shall have any Child or Children under the Age of twenty-one Years and not married, it shall and may be lawful to and for the Father of such Child or Children, whether born at the Time of his Death, or in *Ventre sa mere*, or whether such Father be within the Age of twenty-one Years, or of full Age, by Deed executed in his Lifetime, or by his last Will and Testament in Writing, in such Manner, and from Time to Time, as he shall think fit, to dispose of the Custody and Tuition of such Child or Children, for and during such Time as he, she, or they shall remain under the Age of twenty-one Years, or for any less Time, to any Person or Persons other than the People called *Quakers*, and *Popish* Recusants; and every such Disposition heretofore made, or hereafter to be made, shall be good and effectual against all and every Person and Persons claiming the Custody and Tuition of such Child or Children as Guardian, in Soccage, or otherwise; and the Person or Persons to whom such Custody and Tuition hath been, or shall be so disposed or devised, shall and may maintain an Action of Ravishment of Ward or Trespas against any Person or Persons who shall wrongfully take away or detain any such Child or Children, for the Recovery of such Child or Children, and shall and may recover Damages for the same in the said Action, with Costs, for the Benefit of such Child or Children.

Cases in which a father may dispose of the custody and tuition of his children.

Authority of the guardian.

III. *PROVIDED nevertheless*, That Nothing in this Act contained shall be construed to hinder any of the People commonly called *Quakers* to make such Disposition, or to hinder the Superior or Inferior Courts from committing the Guardianship and Custody of their Children to the People of that Persuasion; and that every Person or Persons to whom such Tuition and Custody hath been, or shall be so disposed or devised as aforesaid, shall and may take into his or their Possession, for the Use of such Child or Children, the Profits of all Lands, Tenements, and Hereditaments; and also the Slaves, Goods, and Chattels, and personal Estate of such Child or Children; and may bring such Action or Actions in Relation thereunto, as by Law a Guardian in common Soccage might do.

Proviso for Quakers.

IV. *PROVIDED always*, That Nothing herein before contained shall extend to discharge any Apprentice from his Apprenticeship; and the Superior Court of the District, or the Inferior Court of Pleas and Quarter Sessions of the County wherein such Guardian shall reside, respectively, upon Complaint to them made of such Guardian abusing the Trust reposed in him, by misusing the Child or Children so committed to his Tuition as aforesaid, in being about, or intending to marry such Child or Children in Disparagement, neglecting the Care of their Education suitable to their Estate, or wasting, converting to his own Use, or otherwise mismanaging such Estate, to make and establish, from Time to Time, such Rules and Orders for placing such Child or Children under the Care and Tuition of any other Person or Persons, securing the Estate, and for the better Education and Usage of such Child or Children, as they, in their Discretion, shall judge meet and necessary.

Not to discharge apprentices.

Courts authority to interfere where a guardian abuses his trust.

V. *AND be it further enacted by the Authority aforesaid*, That the Superior Courts and Inferior Courts of Pleas and Quarter Sessions of this Province, within their respective Jurisdictions, have, and shall have full Power and Authority, from Time to Time, to take Cognizance of all Matters concerning Orphans and their Estates, and to appoint Guardians in such Cases where to them it shall appear necessary; and shall take good Security of all Guardians by them to be appointed for the Estate of the Orphans by them committed: And if any Court shall commit an Orphan's Estate to the Charge or Guardianship of any Person or Persons without taking good and sufficient Security for the same, the Justice or Justices appointing such Guardian shall be liable for all Loss and Damages sustained by the Orphan for Want of such Security being taken; to be recovered by Action, at the common Law, in any Court of Record in which the same is cognizable, at the Suit of the Party grieved.

Courts power over orphans.

Penalty for neglect.

VI. *PROVIDED always*, That where the Securities were good at the Time of their being taken or accepted, but afterwards become insolvent, in such Case the Justice or Justices shall not be liable.

Proviso, where security was at first good.

VII. *AND*



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Bonds given by guardians, payable to the Justices, in trust for orphans.

Manner of prosecuting a suit, &c.

Proviso, where judgment for guardian, &c.

Duty of guardians.

Courts power where they abuse their trust.

Direction to guardians, executors, &c. to sell the perishable estate, &c.

In what cases the bond to be assigned to the orphan.

Guardian, in case of neglect, liable for insolvency.

VII. *A N D* be it further enacted, That the Bond to be given by any Person or Persons appointed Guardian as aforesaid, shall be made payable to the Justice or Justices present in Court and granting such Guardianship, the Survivors or Survivor of them, their Executors or Administrators, in Trust, for the Benefit of the Child or Children committed to the Tuition and Care of such Guardian; which Bond such Court shall cause to be acknowledged before them and recorded; and that in the Name of the Justice or Justices to whom the said Bond is made payable, the Survivors or Survivor of them, their Executors or Administrators, any Person or Persons injured, may and shall, at his, her or their Costs and Charges, commence and prosecute a Suit against such Guardian and his Securities, Executors or Administrators; and shall and may recover all Damages which he, she, or they have sustained by Reason of the Breach of the Condition thereof.

VIII. *P R O V I D E D* always, That if any Verdict or Judgment shall pass for such Guardian or his Securities, the Person at whose Instance such Suit shall be commenced or prosecuted, shall pay Costs.

IX. *A N D* be it further enacted by the Authority aforesaid, That when a Guardian shall be appointed to an Orphan by any Superior or Inferior Court, such Guardian shall, at the next Court after his Appointment, exhibit an Account, upon Oath, of all the Estate of such Orphan which he or she shall have received into his or her Hands or Possession; and every Guardian heretofore, or hereafter to be by any such Court appointed, shall annually exhibit his Account, and State of the Profits and Disbursements of the Estate of such Orphan upon Oath; and such Account so to be exhibited, shall be entered by the Clerk in particular Books to be provided and kept for that Purpose only: And when the said Courts shall know or be informed that any Guardian or Guardians by them respectively appointed, do waste or convert the Money or Estate of any Orphan to his or their own Use, or do in any Manner mismanage the same, is about, or intends to marry him or her in Disparagement, or neglects to educate or maintain any Orphan according to his or her Degree and Circumstances, or where any such Guardian or his Securities are likely to become insolvent; such Court shall have Power, from Time to Time, to make and establish such Rules and Orders for the better ordering, managing, and securing such Estate, and for the better Education of, and maintaining such Orphans, or to appoint another Guardian, as they shall think fit and convenient.

X. *A N D* be it further enacted, That every Guardian, Executors, or Administrators, as soon as conveniently the same may be done, shall, by Order of the Superior or Inferior Court of Pleas and Quarter Sessions, cause the Sheriff to sell and dispose of all the Goods and Chattels of his or her Ward as are or may be liable to perish, consume, or be the worse by using or keeping (except in the Instances hereafter mentioned) for the most that can be got for the same, by public Sale, having first advertised the same at all public Places within the County at least twenty Days before the Day of Sale, in reasonable Lots, and shall, for enhancing the Price thereof, give six Months Credit, upon good Security given, for which Service the Sheriff shall be allowed by the Court, so as such Allowance does not exceed two and a half *per Cent.* and such Guardian, after the Time of such Payment is past, shall take and pursue all lawful Ways and Means to receive and recover the Money, upon Pain of being answerable for the same; and if the same cannot be received before the Orphan entitled to receive such Money shall have a Right to demand it, or such Guardian shall be removed from his Guardianship, he or she shall and may assign such Bond to such Orphan, and such Assignment shall discharge such Guardian for so much against him, her, or them: And where the Profits of any Orphan's Estate shall be more than sufficient to maintain and educate him or her, the Guardian of such Orphan shall lend the Surplus, and all other Sums of Money in his Hands belonging to such Orphan, upon Bond, with good and sufficient Securities, to be approved of by the next succeeding Court, and to be repaid with Interest; which Interest such Guardian shall account for annually; and where the Person or Persons to whom such Money shall be lent, or their Securities, are likely to become insolvent, such Guardian shall use all lawful Means to enforce the Payment thereof, on Pain of being liable for the same as aforesaid; and an Assignment of such

last



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last mentioned Bond in either of the aforementioned Cases, shall discharge such Guardian for so much as is specified in the Condition thereof.

XI. *AND be it further enacted*, That where any Orphan shall have Lands, and a sufficient Number of Slaves to cultivate and improve the same, such Slaves, unless otherwise ordered by the Superior or Inferior Courts, shall be employed on the Lands and Plantations of such Orphan; and all Horses, Cattle, Sheep, or Hogs, shall be kept upon such Lands and Plantations until such Orphan comes of Age; and he or she shall have the Benefit of the Increase, and shall sustain the Loss, if any shall happen.

In what cases slaves and stock to be kept on an orphan's land.

XII. *PROVIDED nevertheless*, That if any such Stock grow too numerous, or if it will be to the Advantage of such Orphan, his or her Guardian shall and may sell, by Order of the Superior or Inferior Court, such Part of such Stock as such Court shall think fit; and all Plate shall be preserved and delivered to such Orphan when at Age, in Kind, according to Weight and Quantity.

Proviso, where the stock is too numerous.  
Plate to be delivered in kind.

XIII. *AND be it further enacted*, That no Guardian shall let or farm out any Land belonging to any Orphan for a longer Term than the Orphan be of Age; or in other Manner than by Lease, in Writing; and that special Care be had that the Tenant shall improve the Plantation; and that he or she keep the Houses, Orchards, and Fences thereon, or that shall be erected on the same, in good and sufficient Repair, and leave the same so at the Expiration of such Lease; and that Provision be made in such Lease for preventing all Kind of Waste, and employing any Timber to any other Use than the immediate Use of the Plantation.

Manner of letting out an orphan's land.

XIV. *AND be it further enacted*, That if the Guardian of any Orphan shall suffer his or her Lands to lapse or become forfeited for Non-Payment of Quit-Rents, such Guardian shall be liable to answer the full Value of the Lands so forfeited unto such Orphan at his or her coming of Age: And if it shall so happen that any Orphan shall not have Slaves to cultivate his or her Lands, and the Guardian of such Orphan cannot rent the same for sufficient to pay and discharge the Quit-Rents thereof, and there shall not be personal Estate sufficient for that Purpose, it shall and may be lawful for such Guardian, with the Consent and Approbation of the Superior or Inferior Court, annually, to sell or dispose of, or use so much of the Light-Wood, to box so many Pine Trees, or to sell so much of the Timber on the same, as shall raise sufficient to pay and satisfy the Quit-Rents thereof, and no more.

Guardian liable, if he suffers the orphan's land to lapse.  
Provision, where the Guardian cannot, out of the personal estate, or by rent, raise sufficient to pay the quit rents.

XV. *AND be it further enacted by the Authority aforesaid*, That the Justices of every Inferior Court of Pleas and Quarter Sessions in this Province, respectively, shall on the first Day of the Court that shall be held next after the first Day of *January* in every Year, hold an Orphan's Court for the Purpose aforesaid; and every Person heretofore appointed, or that shall hereafter be appointed Guardian to any Orphan by any Court, or by Deed or Will as aforesaid, shall exhibit such Account as aforesaid, and the Justices of every Court shall, at the same Court examine into all Accounts of Guardians so to be exhibited to them, and shall direct a Summons to issue, returnable to their next Court, against all Guardians who shall then fail to appear and render such Account, whether such Guardian be resident in the same or any other County, and shall then also enquire into the Abuses and Mismanagement of Guardians; and whether they, or their Securities, are likely to become insolvent, and thereupon to proceed according to the Power in this Act before given; and if any such Guardian shall wilfully neglect, after being summoned as aforesaid, to appear, or obstinately refuse to exhibit such Account, it shall and may be lawful for the Court to issue an Attachment for such Contempt, and to commit such Guardian until he or she shall exhibit such Account.

Orphans court to be held once a year.  
Guardians to exhibit their accounts.  
Courts to enquire into abuses, &c.  
Guardian liable to attachment for contempt.

XVI. *PROVIDED always*, That Nothing herein before contained shall be construed to restrain the Power of the Inferior Courts of Pleas and Quarter Sessions in enquiring, as often as they shall think proper, into the Abuses and Mismanagement of Guardians; but that it shall be lawful for them to execute such

Courts power at any time to enquire into abuses.



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Power at any Time or Times when to them it shall appear necessary ; any Thing in this Act contained to the contrary notwithstanding.

Grand Jury to present the names of orphans without guardians, &c. and abuses of guardians.

XVII. *AND be it further enacted*, That the Grand Jury of every County in this Province shall, annually, at the Orphans Court to be holden for their Counties, respectively, be charged with, and present to the Justices thereof, in Writing, the Names of all Orphan Children within their Parish that they shall know have not Guardians appointed them, and are not bound out to some Trade or Employment ; and all Abuses, Mismanagements and Neglect of such Guardians as live within their County.

Reasonable disbursements allowed guardians.

XVIII. *AND be it further enacted by the Authority aforesaid*; That it shall and may be lawful for every Guardian to charge in his Account all reasonable Disbursements and Expences ; and if, upon rendering such Account, it shall appear to the Court that such Guardian hath, really and *bona fide*, disbursed more in one Year than the Profits of the Orphan's Estate do amount unto, for the Education and Maintenance of such Orphan, such Guardian shall be allowed and paid for the same out of the Profits of such Orphan's Estate in any other Year.

Disbursements to be suitable to the orphans circumstances.

XIX. *PROVIDED always*, That such Disbursements be, in the Opinion of such Court, suitable to the Degree and Circumstances of the Estate of such Orphan ; and that where such Estate shall be of so small Value that no Person will educate and maintain him or her for the Profits thereof, such Orphan shall, by Direction of the Court, be bound Apprentice ; every Male to some Tradesman, Merchant, Mariner, or other Person approved by the Court, until he shall attain to the Age of twenty-one Years ; and every Female to some suitable Employment, till her Age of eighteen Years : And also, such Court may, in like Manner, bind Apprentice all free base born Children ; and every such female Child being a Mulatto or Mustee, until she shall attain the Age of twenty-one Years : And the Master or Mistress of every such Apprentice, shall find and provide for him or her Diet, Clothes, Lodging, and Accommodations, fit and necessary ; and shall teach, or cause him or her to be taught, to read and write ; and, at the Expiration of his or her Apprenticeship, shall pay every such Apprentice the like Allowance as is by Law appointed for Servants by Indenture or Custom ; and on Refusal, shall be compelled thereto, in like Manner ; and if upon Complaint made to the Inferior Court of Pleas and Quarter Sessions, it shall appear that any such Apprentice is ill-used, or not taught the Trade, Profession, or Employment to which he or she was bound, it shall be lawful for such Court to remove and bind him or her to such other Person or Persons as they shall think fit.

Who to be bound out, &c.

Duty of the master or mistress.

Court's power, if apprentice is ill-used.

Manner of binding apprentices.

XX. *AND be it further enacted*, That the binding of such Apprentice by Order of Court as aforesaid, shall be by Indenture, made in the Name of the presiding acting Justice of the Court, and his Successors, of the one Part, and of the Master or Mistress to whom he or she shall be bound, of the other ; which Indenture shall be acknowledged or proved before such Court, and recorded, and a Counterpart thereof shall remain and be kept in the Clerk's Office for the Benefit of such Apprentice ; and that any Person or Persons injured, may and shall, at his or her Costs and Charges, prosecute a Suit thereon in the Name of such Justice, or his Successors, and recover all Damages which he or she may have sustained by Reason of the Breach of the Covenants therein contained ; and if any Verdict or Judgment shall pass for such Master or Mistress, he or she shall recover Costs.

Manner of suing in case of injury.

Remedy for securities when likely to suffer.

XXI. *AND be it further enacted by the Authority aforesaid*, That where any Person who now is, or hereafter shall be Security for the Estate of any Orphan, shall conceive himself in Danger by Reason thereof, and petition the Court where such Security was entered into for Relief, it shall be lawful for such Court, upon Petition to them exhibited, forthwith to order Summons to issue, against the Party or Parties with and for whom the Petitioner stands bound, returnable to the next Court ; and thereupon to compel such Party or Parties to give sufficient other or counter Securities, to be approved by the said Court, or to deliver up the said Estate to the said Petitioner, or such other Person as the Court shall direct ; or they



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they may, and are hereby empowered, to make such other Order or Rule therein for the Relief of the Petitioner, and better securing such Orphan's Estate, as to them shall appear just and equitable.

XXII. *PROVIDED always*, That such Court shall take good and sufficient Security of the Person or Persons to whom such Estate shall be committed, in like Manner, and under the like Penalty, as is by this Act required to be taken of Guardians appointed by the Court; and every such Person shall also exhibit his Account, and be subject to the Rules and Orders of the Court, in the same Manner, to all Intents and Purposes, as is herein before required of Guardians, or they are made subject unto. Proviso.

XXIII. *AND be it further enacted by the Authority aforesaid*, That all Legacies, filial Portions, distributive Shares of Intestates Estates, Sum or Sums of Money, or other Estate, due or owing from any Person appointed Guardian to any Orphan, or from any Executors or Administrators, or other Person whatsoever, shall and may be recovered by Petition to the Superior Courts of the Districts, or any Inferior Courts of Pleas and Quarter Sessions, Respect being had to the Jurisdiction of the said Court; and that in all Suits by Petition as aforesaid, and in the said Courts respectively, the following Rules and Methods shall be observed, *to wit*, Legacies, &c.  
how recoverable.

THE Petitioner shall file his Petition in Court, upon exhibiting the same, and thereupon Summons shall be issued by the Clerk of Course; and that upon the Defendant's being served therewith, and with a Copy of the said Petition, he shall appear and put in his Answer or Plea, upon Oath, or Demur. Rules of court.

THAT upon an Answer, Plea, or Demurrer being filed as aforesaid, the Petitioner may move the Court to have the same set for Hearing, and immediately argued, and thereupon the Court shall proceed to hear and determine the same according as the Matter in Equity and Law shall appear to them, without Regard to Form, or Want of Form in the Petition, Process, or Course of Proceedings.

THAT upon the Defendant's being served with a Summons, and a Copy of the Petition, ten Days before the Court to which such Summons is returnable, and Oath made thereof, if he shall fail to appear and plead, answer or demur as aforesaid, the Petitioner's Petition shall be taken *pro Confesso*, and the Matter thereof decreed accordingly, with Costs; unless on special Reasons shewn to, and approved of by the Court, Time shall be allowed such Defendant to file such Plea, Answer or Demurrer.

THAT upon the Petitioner dismissing his Petition, or the same being dismissed for Want of Prosecution, he shall pay Costs.

AND if any Defendant shall appear on such Summons, and shall obstinately refuse to answer the Petition of the Petitioner, the same shall be taken *pro Confesso*, and the Matter decreed as aforesaid.

EVERY Defendant shall be at Liberty to swear to his Answer or Plea before any Justice.

THAT when a Plea or Demurrer shall be over-ruled, the Defendant shall file his Answer the same Court.

THAT when the Petitioner shall be minded to disprove the Answer of the Defendant and support his Claim, he may reply.

COMMISSIONS to examine Witnesses may be awarded by the Court after Replication filed, the Party taking out such Commission, giving the adverse Party ten Days Notice of the Time and Place of executing the same.

AND that upon a Decree being made on any such Petition, it shall and may be lawful for the Court who shall make the same, to grant Execution against the Defendant's Body, Goods and Chattels, Lands and Tenements, for satisfying such Decree and Costs: Any Law, Usage, or Custom to the contrary notwithstanding.

XXIV. *AND be it further enacted by the Authority aforesaid*, That when any Person shall conceive himself injured or aggrieved by Order or Sentence of any Inferior Court, in appointing a Guardian to any Orphan, or in removing any Orphan from the Care and Tuition of any Person who has been appointed such, or on refusing to make such Appointment or Removal as aforesaid, he may appeal from such Appeal granted.



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such Order or Sentence to the Court of Chancery of this Province, or to the Superior Court of the District, at his Option; and the Party praying such Appeal, shall file a Copy of the Proceedings of the Inferior Court therein with the Clerk of the Chancery, or Clerk of the Superior Court (as the Case may be) fifteen Days before the Sitting of such Court, and thereupon it shall and may be lawful for the Court, to which such Appeal is made, to proceed to rehear the Matter, and either affirm or reverse such Order or Sentence, and thereupon to award Execution for all such Costs and Charges as shall be occasioned by such Appeal.

Appellant to give bond and security.

XXV. *PROVIDED* nevertheless, That the Party praying such Appeal, before the same shall be granted by the Inferior Court, shall enter into Bond, with sufficient Security, for prosecuting such Appeal with Effect; and the Payment of all such Costs and Charges as shall be awarded against him in Case he shall be cast in his said Appeal.

Court of Chancery's power not abridged.

XXVI. *PROVIDED* also, That Nothing in this Act contained shall be construed to restrain or abridge the Power of the said Court of Chancery, in any Matter or Thing relating to Orphans or their Estates; but the said Court shall and may hold, use, exercise and enjoy, the same Jurisdictions, Powers and Authorities therein, in as full and ample Manner, to all Intents and Purposes, as if this Act had never been made; any Thing herein contained to the contrary notwithstanding.

## C H A P. VI.

See note page 24.

*An Act for making Provision for an Orthodox Clergy.*

## C H A P. VII.

*An Act for the further continuing and amending An Act for appointing a Militia; and also to continue one other Act, entitled, An Act to amend and continue an Act, entitled, an Act for appointing a Militia. E X P. (a)*

See acts Nov. 3, 1766, ch. 3. April 19, 1784, ch. 22. Oct. 22, 1784, ch. 10. Nov. 14, 1787, ch. 14.

## C H A P. VIII.

*An Act appointing the Method of distributing Intestates Estates. R E P. (b)*

## C H A P. IX.

*An Act for the more easy Recovery of Money due upon promissory Notes, and to render such Notes negotiable.*

I. **W**HEREAS promissory Notes are of great Utility, as well to Merchants as others, and there being no Method of recovering Money specified in such Notes by any Act of Assembly in Force in this Province: For Remedy whereof,

Promissory notes made negotiable as inland bills of exchange, &amp;c.

II. *BE* it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That all Notes signed by any Person or Persons, Body politic or corporate, or by the Servant or Agent of any Corporation, Banker, Merchant or Trader, who is, or shall be usually intrusted to sign such promissory Notes for them, whereby such Person or Persons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant or Trader, shall promise to pay any Person or Persons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant, or Trader, or Order; the Money mentioned in such Note, shall be construed to be, by Virtue thereof, due and payable to such Person

(a) *Davis.* (b) *Davis.*—Mr. Glasgow has certified a Copy from the Council Journal (of Nov. 7, 1766) of an Entry signifying the Repeal by the King's Order in Council of an Act, entitled, "An Act for distributing Intestates Estates:" Which I presume was intended for the above mentioned Act, though the Title is inaccurately stated; for I can find no other to which it could refer.



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Person or Persons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant or Trader, to whom the *same*\* is made payable; and also, such Note payable to such Person or Persons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant or Trader, or Order, may be assignable over in like Manner as Inland Bills of Exchange are by Custom of Merchants in *England*; and the Person or Persons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant or Trader, to whom such Money is or shall be payable, may maintain an Action for the same, as they might upon such Bill of Exchange; and the Person or Persons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant, or Trader, to whom such Note is payable to Order is assigned or indorsed, may maintain an Action against the Person or Persons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant, or Trader, who signed, or shall sign such Note, or any who shall or have indorsed the same, as in Cases of Inland Bills of Exchange, and recover Damages, and Costs of Suit; and in Case of Non-Suit, or a Verdict shall pass against the Plaintiff, the Defendant shall recover Costs.

III. *AND be it further enacted by the Authority aforesaid*, That all Judgments heretofore recovered in any Court of Law within this Province, on any such promissory Note or Notes, shall be good and valid, to all Intents and Purposes, and shall not be reversed for any Matter or Cause relating to such Note or Notes; and all Actions heretofore commenced in any of the said Courts on any promissory Note or Notes, and not already determined, shall be prosecuted, carried on, and Judgment thereupon had, in like Manner as is directed for the Recovery of Money due upon promissory Notes by an Act of Parliament made in the third and fourth Years of the Reign of her late Majesty Queen *Anne*, for making such Notes negotiable.

Judgments already recovered valid, &amp;c.

IV. *AND be it further enacted by the Authority aforesaid*, That when any Person or Persons shall, by Order in Writing, signed by his or their proper Hand, direct the Payment of any Sum or Sums of Money, in the Hands or Possession of any other Person or Persons, to the Bearer, or any Person or Persons whatsoever, the Money therein specified, shall, by Virtue thereof, be due and payable to such Person or Persons to whom the same is drawn payable, and may be put in Suit against the Person or Persons who shall draw the same, or against the Person or Persons on whom the same shall be drawn, after Acceptance thereof by him or them to whom the same shall be made payable, and recover Damages.

Orders in writing on third persons good; and the drawer or acceptor liable.

V. *PROVIDED nevertheless*, That no Person or Persons whatsoever, shall prosecute any Suit against any Person or Persons, who shall give such Order for the Money therein mentioned, before the same shall have first been protested for Non-Acceptance, and Notice given thereof to the Drawer, before such Suit shall be brought; and if any Suit shall be brought on any such Order before Notice, and Refusal to pay as aforesaid, the Plaintiff or Plaintiffs shall be non-suit, and pay Costs.

But protest, and notice necessary, before suit against the drawer.

## C H A P. X.

*An Act to amend an Act, entitled, An Act for the Relief of poor Debtors, as to the Imprisonment of their Persons; passed the Fourteenth Day of April, in the Year of our Lord One Thousand Seven Hundred and Forty-nine.*

Rep. by act, Jan. 1773, ch. 4. See page 125, note on ch. 2.

## C H A P. XI.

*An Act to amend and further continue an Act, entitled, An Act for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort; passed the Thirty-first Day of May, One Thousand Seven Hundred and Fifty-two, for Five Years. EXP.*

\* "*Said*" is the word in the Original; but "*same*" was certainly intended, and I presume it was a Mistake in the Transcript.



A. D. 1762.

## C H A P. XII.

*An Act for dividing the County of Anson, and other Purposes.*

I. **W**HEREAS by Reason of the large Extent of the County of *Anson*, it is greatly inconvenient for the Inhabitants to attend the Court of the aforesaid County, general Musters, and other public Duties by Law required :

II. **B**E it therefore enacted by the Governor, Council, and Assembly, and it is hereby enacted by the Authority of the same, That from and after the first Day of February, the said County of *Anson* shall be, and is hereby divided into two distinct Counties, by a Line beginning at Lord *Carteret's* Line, six Miles North-East from Captain *Charles Hart's* Plantation on *Buffelo* Creek, and to run from thence to the Mouth of *Clear* Creek, which empties itself into *Rockey* River, below Captain *Adam Alexander's*; and from thence due South to the Bounds of the Province of *South-Carolina*: And that all that Part of said County which lies to the Eastward of said dividing Line, shall be a distinct County, and remain and be called by the Name of *Anson* County; and that all that Part of the said County lying to the Westward of said dividing Line, shall be thenceforth one other distinct County, and called by the Name of *Mecklenburg*.

*The remaining Sections of a temporary or a private Nature, and therefore not inserted.*

## C H A P. XIII.

*An Act for establishing a Town on the Land of William Herritage, at a Place called Atkins's Banks, in Dobbs County. P R I V.*

## C H A P. XIV.

*An Act for establishing a Town on the Lands of John and William Ruffell, Minors, Sons of John Ruffell, deceased, on the West Side of the North-West Branch of Cape-Fear River, near the Mouth of Cross-Creek, by the Name of Campbellton, and other Purposes. P R I V.*

## C H A P. XV.

*An Act to lay a Tax on the Inhabitants of the several Counties of the District of Halifax Superior Court, to repair the public Prison thereof, and other Purposes. P R I V.*

## C H A P. XVI.

*An Act to empower Thomas Bonner, Jun. late Sheriff, to receive and collect the Ar-rears of Taxes due in the Counties of Beaufort and Pitt, for the Year One Thousand Seven Hundred and Sixty. P R I V.*

## C H A P. XVII.

*An Act to establish a public Road from the Court-house, in Currituck County, across the great Swamp, to the Bridge on North River, near the Indian Town. P R I V.*

## C H A P. XVIII.

*An Act for destroying Vermin in the County of Orange, and other Counties therein mentioned. P R I V.*



A. D. 1762.

## C H A P. XIX.

An Act to enable the Commissioners of the Church of Edenton to discharge the Contract by them made with the Workmen employed in finishing the Inside of the said Church. PRIV.

## C H A P. XX.

An Act for enlarging the Time allowed for saving Lots in the Town of Hertford, and other Purposes. PRIV.

## C H A P. XXI.

An Act for altering the Method of working on the Roads, and appointing public Ferries within the Counties of Duplin, Cumberland, Rowan, and Anson. PRIV.

## C H A P. XXII.

An Act to apply the Money already levied on the taxable Inhabitants of Currituck County, by Virtue of an Act, entitled, An Act to amend and improve the Navigation from Currituck Inlet, through the District in Currituck County, to Albemarle Sound. OBS.

## C H A P. XXIII.

An Act for increasing the Salaries of the Inspectors of Tobacco at the Warehouse in the Town of Halifax. PRIV.

## C H A P. XXIV.

An Act to amend and further continue an Act, entitled, An Act to establish a public Ferry from Newby's Point to Phelps's Point, whereon the Court-house now stands, on Perquimans River. PRIV.

## C H A P. XXV.

An Act to empower and direct the Commissioners of the Districts hereafter mentioned to lay out and make a Road through Regan's Swamp, in Bladen County, to the Court-house in the said County. PRIV.

## C H A P. XXVI.

An Act to empower and direct the Commissioners of the District herein mentioned to lay out and make a Road from John Howard's Ferry on Black River, through Colley's Swamp to the North-West River, in Bladen County. PRIV.

## C H A P. XXVII.

An Act to encourage Joseph Howell to build a Bridge over Tar River, at or near the Place called Howell's Ferry, at Tarborough, in Edgcomb County. PRIV.

## C H A P. XXVIII.

An Act to establish a Ferry from Solley's Point to Relf's Point, whereon the Court-house now stands, on Pasquotank River. PRIV.

SIGNED by

ARTHUR DOBBS, Esq. Governor.

JAMES HASELL, President.

JOHN ASHE, Speaker.

Read Three Times, and ratified in open Assembly, }  
the 11th Day of December, 1762. }

ANNO.







A. D. 1764.

within the Counties of Duplin, Cumberland, Rowan and Anson, passed at Newbern the eleventh Day of December, in the Year of our Lord one thousand seven hundred and sixty-two; and every Clause and Clauses, Article and Articles of them, and of each and every other Act and Acts, Clause or Clauses thereof, heretofore made, within the Purview of this Act, shall be, and are hereby severally from henceforth repealed.

## C H A P. IV.

*An Act for suppressing excessive and deceitful Gaming.* E X P.

## C H A P. V.

*An Act for encouraging the Culture of Hemp and Flax, and other Purposes.* E X P.

## C H A P. VI.

*An Act to amend an Act, entitled, An Act for the Relief of such Persons as have suffered, or may suffer, by not having had their Deeds and Mesne Conveyances proved and registered within the Time heretofore appointed for such Purposes; and to prevent Disputes and Law-Suits, concerning Lands.*

I. **W**HEREAS by an Act passed at Newbern, in the Year of our Lord one thousand seven hundred and fifty-four, entitled, *An Act for the Relief of such Persons as have suffered, or may suffer, by not having had their Deeds and mesne Conveyances proved and registered within the Time heretofore appointed for such Purposes; and to prevent Disputes and Law Suits concerning Lands*; all Deeds or mesne Conveyances for any Lands, Tenements, or Hereditaments within this Province, were to be acknowledged or proved according to the Directions of that Act, and delivered to the Registers of the Counties wherein they are respectively situated, within the Space of two Years from the respective Dates thereof; and many Persons, through Ignorance of the Purport of the said Law, having neglected to have their Deeds or mesne Conveyances proved and registered according to the Directions of the said Act: For Remedy whereof,

II. *Be it enacted by the Governor, Council, and Assembly, and by the Authority of the same,* That all Deeds and mesne Conveyances of Lands, Tenements and Hereditaments, not already registered, acknowledged, or proved, shall and may, within eighteen Months after the passing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attornies, or proved by one or more of the subscribing Witnesses to the same, and tendered or delivered to the Registers of the Counties where such Lands, Tenements, or Hereditaments, are respectively situated: And all Deeds and mesne Conveyances whatsoever, which shall be acknowledged or proved according to the Directions of this Act; and also, such as have been heretofore recorded by the Clerk, or registered by the Register of any Precinct or County, wherein the Lands or Tenements mentioned in the same, lie, or are situate, though not within two Years after the Date of the respective Conveyances, shall be good and valid in Law, and shall enure and take Effect, as fully and effectually, to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged, or proved and registered agreeable to the Directions of any Act of Assembly heretofore made.

Further time allowed for proving and registering deeds.

III. **A**ND in order to render his Majesty's Subjects in this Province secure in the peaceable and quiet Enjoyment of their several Estates, Rights, and Properties, and to prevent all Doubts, Controversies, and Disputes, which may hereafter arise concerning the Titles to any Lands, Tenements, or Hereditaments, which are held or claimed by, from, or under any foreign Protestant heretofore inhabiting within this Province, by Purchase, Descent, or otherwise: *Be it further enacted by the Authority aforesaid,* That all foreign Protestants heretofore inhabiting within this



A. D. 1764.

Foreign Protestants who died seized of lands, declared to be naturalized; and entitled to the privilege of natural born subjects: and all gifts, &c. by them made, declared good.

Province, and dying seized of any Lands, Tenements, or Hereditaments, shall forever hereafter, be deemed, taken, and esteemed to have been naturalized, and entitled to all the Rights, Privileges, and Advantages of natural born Subjects; and all Gifts, Grants, Devises, and mesne Conveyances, in the Law, heretofore made or done by any of them, or by any such foreign Protestants, heretofore inhabiting, and being seized of Lands, Tenements, and Hereditaments, in this Province, of any such Lands, Tenements, or Hereditaments, shall be deemed and taken to be as valid and effectual, to all Intents and Purposes whatsoever, as if they had been made, done, or executed, by any of his Majesty's natural born Subjects of this Province: And the Heirs, Grantees, Legatees, and Feoffees of any such foreign Protestant, holding, claiming, and enjoying any Lands, Tenements, or Hereditaments, by, from, or under any such foreign Protestant, shall have, hold, occupy, possess, and enjoy, and be entitled to the same, as fully and rightfully, as if the said Lands, Tenements, or Hereditaments, had descended from, or been granted or conveyed by any of his Majesty's natural born Subjects of this Province: Any Law, Custom, or Usage to the contrary hereof, in any-wise, notwithstanding.

Not to extend to any gift, &c. hereafter to be made by such.

IV. *PROVIDED* always, That Nothing in this Act contained shall be deemed or construed to extend to any Gift, Grant, Devise, or other mesne Conveyance, hereafter to be made or executed by any foreign Protestant, now residing, or hereafter to reside within this Province.

## C H A P. VII.

Rep. by proclamation.

*An Act for the more effectual suppressing of Felonies, and Punishment of Counterfeiters of the Paper Currency of this Province, and of Virginia.*

## C H A P. VIII.

*An Act to continue an Act, entitled, An Act to make Provision for paying the Chief-Justice and Attorney General's Salaries, and defraying the contingent Charges of Government; passed in the Year of our Lord One Thousand Seven Hundred and Fifty-eight. EXP.*

## C H A P. IX.

*An Act for destroying Vermin in this Province. EXP.*

## C H A P. X.

Rep. by act Dec. 5, 1767, ch. 7.

*An Act for appointing of Public Treasurers.*

## C H A P. XI.

*An Act for erecting in the Town of Halifax, a public Gaol, and Gaoler's House, for the District of Halifax, in this Province. PRIV.*

## C H A P. XII.

*An Act for laying a Tax on the Inhabitants of the several Counties of the District of Salisbury Superior Court, to repair the Public Jail thereof. PRIV.*

## C H A P. XIII.

*An Act to continue an Act, entitled, An Act to amend and further continue an Act, entitled, An Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort; passed the Thirty-first Day of May, One Thousand Seven Hundred and Fifty-two, for Five Years. EXP.*

C H A P.



A. D. 1764.

## C H A P. XIV.

An Act for erecting Part of St. Philip's Parish, in New-Hanover County, and the lower Part of Bladen County, into a separate County, by the Name of Brunswick County; and for dividing the County of Granville, and erecting that Part thereof called St. John's Parish, into a separate and distinct County, by the Name of Bute County.

I. **W**HEREAS the great Extent of the respective Counties of *New-Hanover* and *Bladen*, render the Attendance of the Inhabitants of *St. Philip's* Parish in *New-Hanover* County, and the Inhabitants of the lower Part of *Bladen* County, to do public Duties in their respective Counties, extremely difficult and expensive :

II. *BE* it enacted by the Governor, Council and Assembly, and by the Authority of the same, That that Part of *Bladen* County which lies to the Westward of the North-west Branch of *Cape-Fear* River, be divided from the upper Part of *Bladen* County, by a Line beginning at the upper Corner of a Tract of Land on which the Plantation of *John Grange* is situate, above the Mouth of *Beaver-dam* Creek, which Plantation lately belonged to *Mr. Robert Howe*, running from thence a direct Course to the East Side of the Lake on *Waggamarw* River; and from thence by a West Line to the Bounds of the Province, so as to leave all the Inhabitants on the said Lake in *Bladen* County; and that the said lower Part of *Bladen* County, together with all that Part of *New-Hanover* County called *St. Philip's* Parish, except so much thereof as lieth to the Northwestward of the dividing Line hereby directed to be run to the Lake, and from thence to the Bounds of this Province, be erected into a distinct County, by the Name of *Brunswick* County.

*Brunswick* county erected.

III. *AND* be it further enacted by the Authority aforesaid; That all that Part of *St. Philip's* Parish which lieth to the Northwestward of the said Line, to the East End of the Lake, and from thence to the Bounds of the Province, be annexed to, and it is hereby declared to be Part of *Bladen* County.

Part of *St. Philip's* parish added to *Bladen*.

*From the fourth to the fourteenth Sections, inclusive, altogether of a private or a temporary Nature, and therefore not inserted.*

XV. *AND* whereas by Reason of the large Extent of the County of *Granville*; it is greatly inconvenient for the Inhabitants to attend the Courts of the said County, general Musters, and other public Duties by Law required: *Be it enacted* by the Authority aforesaid, That from and after the tenth Day of *June* next, the said County of *Granville* shall be divided into two distinct Counties; and that all that Part of the said County which is now called or known by the Name of the Parish of *Granville*, from and after the said tenth Day of *June*, shall be a distinct County, and remain to be called *Granville* County; and that all that Part of the said County called and known by the Name of *St. John's* Parish, shall, after the said tenth Day of *June*, be one other distinct County, called by the Name of *Bute* County.

*Bute* county erected.

*The remaining Sections altogether of a private or a temporary Nature, and therefore not inserted.*

## C H A P. XV.

An Act to empower the Sheriff of the County of *Orange* for the Time being, to collect and apply the Arrears of the Taxes due in the said County for the several Years therein mentioned. **P R I V.**

## C H A P. XVI.

An Act for ascertaining a proper Place for building thereat a Court-house, Clerk's Office, Prison and Stocks, for the County of *Edgcomb*. **P R I V.**



A. D. 1764.

## C H A P. XVII.

*An Act directing the Boundary Line between the Counties of Dobbs and Pitt, and appointing Commissioners to see the same run.*

I. **W**HEREAS by (a) the Act of Assembly, entitled, *An Act for erecting the upper Part of Beaufort County into a County and Parish, by the Name of Pitt County, and St. Michael's Parish; and for adjourning the Court from the Court-house on the Land of Thomas Bonner, to the Court-house in Bath Town, and other Purposes therein mentioned*, no Commissioners were appointed by the said Act for running the Boundary Line between the Counties of *Dobbs* and *Pitt*; by Reason whereof the Line has never been run, and the Inhabitants within the disputed Bounds refuse to give in a List of their Taxables or pay their Taxes in either of the said Counties: For Remedy whereof,

Commissioners  
for running the  
dividing line.

II. *BE* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That Mr. Richard Caswell, Mr. John Simpson, and Mr. William Wilson, be appointed Commissioners, and they are hereby empowered and required to run the said dividing Line between the Counties of *Dobbs* and *Pitt*; from Blount's Ford on *Little Contentney* Creek, to *Luke White's*, then up the *Middle Swamp* to *William Wilson's*, and from thence to the nearest Part of *Edgcomb* County; which said Lines, when run by the Commissioners aforesaid, or any two of them, shall be by them entered on Record in the Court of each of the said Counties of *Dobbs* and *Pitt*, and shall thereafter be deemed and taken to be the Dividing Lines between the said Counties.

III. *Temporary.*

## C H A P. XVIII.

*An Act for altering the Dividing Line between the Counties of Bladen and Cumberland.*

I. **W**HEREAS the dividing Line between the Counties of *Bladen* and *Cumberland*, running North-East and South-West, is found to be inconvenient to the Inhabitants of both the said Counties:

Dividing line.

II. *BE* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the dividing Line between the said Counties of *Bladen* and *Cumberland* shall begin at the Mouth of *Rockfish*, and shall run a due East Course to *Black River*, and from the Mouth of *Rockfish* Creek, up the said Creek to *Gravelly Hill*, and from thence a\* due West Course to *Drowning* Creek; and all the Lands to the Northward of the said Line shall from henceforth be\* deemed and held to be a Part of *Cumberland* County, and all the Lands to the\* Southward of the said Line shall be deemed and held to be a Part of *Bladen* County; any Law to the contrary notwithstanding.

Commissioners  
for running it.

III. *AND* be it further enacted by the Authority aforesaid, That Mr. Isaac Jones, Mr. Farquhard Campbell, and Mr. Walter Gibson, be, and are hereby appointed and authorised Commissioners, and are hereby empowered and directed to run the said Line between the said Counties of *Bladen* and *Cumberland*.

*The remaining Sections altogether of a private or a temporary Nature.*

## C H A P. XIX.

*An Act for annexing Part of Craven County to Dobbs County.*

I. **W**HEREAS the Inhabitants residing in that Part of *Craven* County, lying on the Southermost Side of the *Southwest* Creek, and the upper Branches

(a) The Word "by" is not in the Original, and I suppose was omitted by Mistake. \* Not in the Original.



A. D. 1764.

Branches of *Trent* River, labour under great Hardships, Fatigue and Inconveniences, in attending the Inferior Courts, and other public Meetings in the said County, at *Newbern*, where the same are generally held and called; and as the said Inhabitants are more contiguous to *Dobbs* County, where they can with greater Ease and Convenience attend, and are desirous of being annexed thereto :

II. *BE* it enacted by the Governor, Council and Assembly, and by the Authority of the same, That Mr. *Joseph Leeck*, Mr. *Richard Caswell*, and Mr. *Francis Mackilwean*, be, and they are hereby appointed Commissioners; and they, or a Majority of them, are required and directed, within three Months after the passing of this Act, to run and mark, or cause to be run and marked, a Line from the Southwest Bridge near *James Caddell's*, to *Carnegy's* Oldfield on *Rattle-Snake* Branch; then a direct Line to *William Randal's* Mill, on *Trent* River; then to the Place where *Abraham Bailey* lately lived; and from thence South to the Bounds of *Onslow* County; and that all that Part of *Craven* County lying to the Westward of those Lines be annexed to *Dobbs* County; and the Inhabitants thereof shall be liable and subject to the same Duties, Taxes, and Impositions, and entitled to the same Privileges, Benefits, and Advantages, as the other Inhabitants of the said County of *Dobbs*.

Commissioners  
for running the  
line.

III. *Private and temporary.*

IV. *AND* be it further enacted by the Authority aforesaid, That all and every Act and Acts of Assembly of this Province, and each and every Clause and Article thereof, so far as relates to any Matter or Thing within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

Repealing clause.

## C H A P. XX.

An Act for the building a House for a School, and the Residence of a School-Master, in the Town of *Newbern*. P R I V.

S I G N E D by

ARTHUR DOBBS, Esq. Governor.

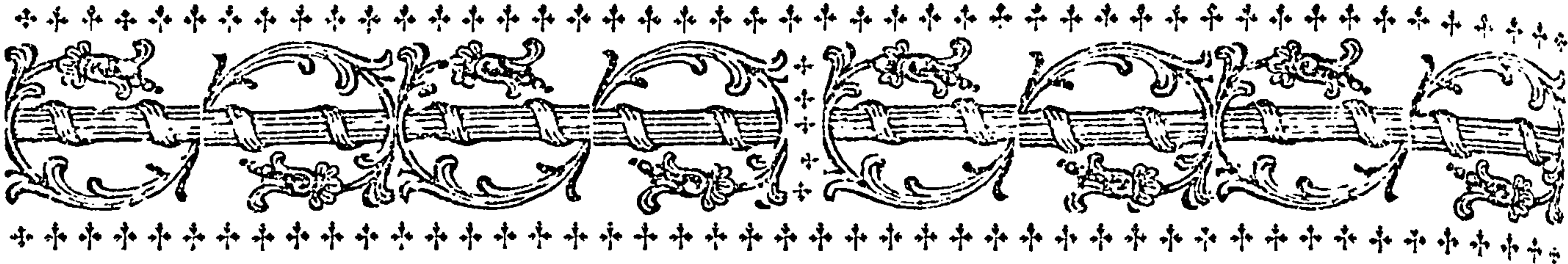
JAMES MURRAY, President.

JOHN ASHE, Speaker.

Read Three Times, and ratified in open Assembly, }  
the 9th Day of March, 1764. }



A. D. 1764.



A N N O R E G N I

G E O R G E I I I .

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,  
QUINTO.ARTHUR  
DORBS, Esq.  
Governor.

At an ASSEMBLY, begun and held at Wilmington, the Thirtieth Day of January, in the Fifth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and from thence continued, by Prorogation, to the Twenty-fifth Day of October, in the Year of our Lord One Thousand Seven Hundred and Sixty-four: Being the Second Session of this present Assembly.

## C H A P. I.

*An Act to amend and continue an Act, entitled, An Act for dividing this Province into Five several Districts, and for establishing a Superior Court of Justice in each of the said Districts, and regulating the Proceedings therein. EXP.*

## C H A P. II.

See page 202, ch. 2. *An Act to amend and continue an Act, entitled, An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province. EXP.*

## C H A P. III.

See page 114, note on ch. 8. & page 202, ch. 4. *An Act for continuing and amending an Act, entitled, An Act directing the Method of appointing Jurymen in all Causes, criminal and civil. EXP.*

## C H A P. IV.

Repealed by proclamation. *An Act for rendering more effectual the Laws making Lands and other real Estates liable to the Payment of Debts.*

## C H A P. V.

*An Act to prevent the Exportation of unmerchantable Commodities. EXP.*

## C H A P. VI.

Rep. by act Nov.  
1777, ch. 18.

*An Act for regulating the Pilotage of Cape-Fear River, and other Purposes.*



A. D. 1764.

## C H A P. VII.

*An Act for regulating Proceedings in the Court held for the Borough of Wilmington.*  
P R I V.

## C H A P. VIII.

*An Act to amend an Act therein mentioned, concerning Servants and Slaves.*

I. **W**HEREAS by the fourth, fifth, and sixth Sections of an Act of Assembly of this Province, passed in the Year of our Lord one thousand seven hundred and fifty-eight, entitled, *An additional Act to an Act, entitled, An Act concerning Servants and Slaves*, it is enacted, that no male Slave shall, for the first Offence, be condemned to Death, unless for Murder or Rape, but for every other capital Crime shall, for the first Offence suffer Castration, and that the Court trying such Slave shall value the same :

II. *BE it enacted by the Governor, Council, and Assembly, and it is hereby enacted by the Authority of the same*, That the said fourth, fifth, and sixth Sections of the aforesaid Act, be, and are hereby repealed and made void. Sections of an act repealed.

III. *Rep. by Act, Nov. 18, 1786, Ch. 17.*

## C H A P. IX.

*An Act to prevent hunting for, and killing Deer, in the Manner therein mentioned.*

Provided for by subsequent acts.

## C H A P. X.

*An Act for enlarging the Time for saving Lots in the Town of Halifax, and other Purposes.* P R I V.

## C H A P. XI.

*An Act to encourage and empower William Dry to make a public Road through the great Island opposite to the Borough of Wilmington.* P R I V.

## C H A P. XII.

*An Act to confirm the Vestry already chosen for the Parish of St. John, in the County of Bute; and to enable the Freeholders of the Parishes within the Counties of Pasquotank, Anson, and Currituck, to elect Vestries.* P R I V.

## C H A P. XIII.

*An Act to prevent the unreasonable Destruction of Fish in the Rivers Meherrin, Pee Dee, and Catawba.* P R I V.

## C H A P. XIV.

*An Act for altering the Boundary Line between the Counties of Northampton and Hertford.*

I. **W**HEREAS by the Act of Assembly for establishing the County of Hertford, it hath by Experience been found not so convenient for some of the lower Inhabitants of Northampton County as was by the said Act intended : For Remedy whereof,

II. *BE it enacted by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the first Day of March next, the dividing Line between



*A. D. 1764.*  
 Dividing line.

tween the said County of *Hertford* and *Northampton* shall be altered as followeth, to wit, Beginning on *Kirby's Creek*, where the dividing Line joins the said Creek, running thence up the Creek to the Fork thereof; then up *Turky Creek* to *Maple Fork*; thence by a direct South Course till it intersects the present dividing Line.

Commissioners  
 for running it.

III. *AND* be it further enacted by the Authority aforesaid, That *Joseph Sikes*, *William Murpby*, and *Benjamin Wynns*, or the Majority of them, are hereby appointed Commissioners to run the said Line; which shall be done at the proper Cost and Charges of the County of *Hertford*.

IV. *Altogether of a private Nature.*

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C H A P. XV.

*An Act to continue an Act therein mentioned. PRIV.*

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C H A P. XVI.

*An Act for the Relief of Abraham Jones, Esq. former Sheriff of Edgcomb County. PRIV.*

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C H A P. XVII.

*An Act to encrease the Salary of the Reverend Thomas Burges, Minister of Edgcomb Parish, in the County of Halifax. PRIV.*

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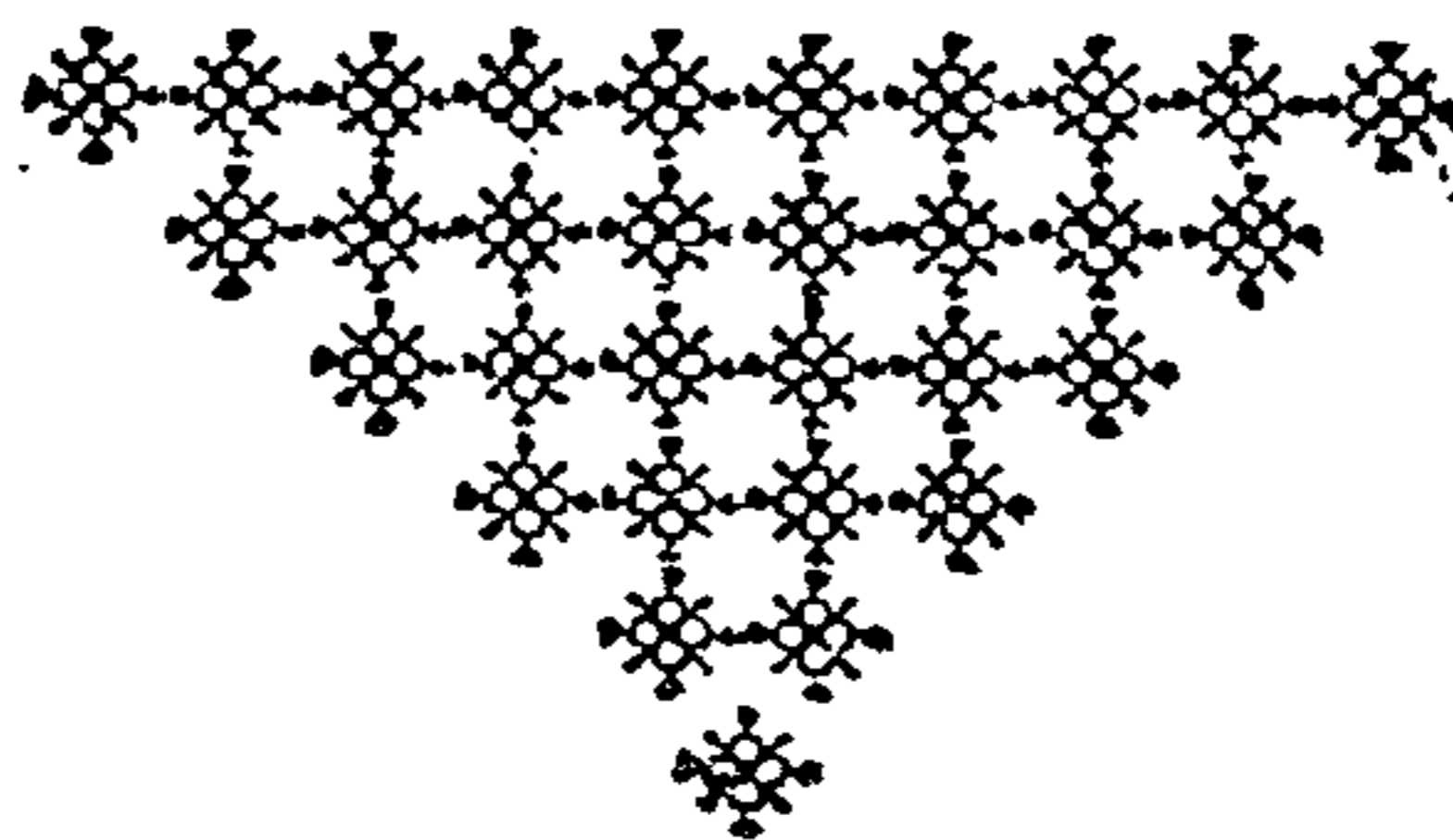
SIGNED by

ARTHUR DOBBS, Esq. *Governor.*

JAMES MURRAY, *President.*

JOHN ASHE, *Speaker.*

*Read Three Times, and ratified in open Assembly, }  
 the 27th Day of November, 1764. }*



ANNO







A. D. 1766.



A N N O R E G N I

G E O R G E I I I .

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,  
SEPTIMO.WILLIAM  
TRYON, Esq.  
Governor.

At an ASSEMBLY, begun and held at Newbern, the Third Day of November, in the Seventh Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and in the Year of our Lord One Thousand Seven Hundred and Sixty-six; Being the First Session of this present Assembly.

## C H A P. I.

Rep. by act Dec. 5, 1767, ch. 7. *An Act for appointing a public Treasurer in the Room of John Starkey, Esq. deceased.*

## C H A P. II.

*An Act for erecting a convenient Building within the Town of Newbern, for the Residence of the Governor or Commander in Chief for the Time being.*

I. **W**HEREAS it is necessary that a convenient Edifice, for the Residence of the Governor or Commander in Chief for the Time being within this Province, be erected;

Governor empowered to purchase lots, and build an edifice for him and his successors.

II. *BE* it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That his Excellency William Tryon, Esq. Governor and Commander in Chief in and over this his Majesty's Province of North-Carolina, be, and is hereby authorized and empowered to purchase any Number of Lots of Land, not exceeding twelve, lying within the Limits and Boundaries of the Town of Newbern, in any Part of the said Town he shall think most proper and convenient; and to take and receive one or more Deed or Deeds, sufficient in Law for the conveying the same to himself and his Successors, Governors and Commanders in Chief of this Province; and upon such Conveyance and Conveyances, his Excellency the Governor is hereby requested and empowered, as soon as may be, to contract and agree with proper Persons for designing, erecting, and completely finishing a good Dwelling-House, with all necessary Offices, for the Use of himself, and his Successors, Governors and Commanders in Chief, in and over this Province; and that the planning, designing, building, and finishing the said Edifice and Offices, shall be under the sole Direction and Management of his Excellency the Governor, or such Person or Persons as he shall appoint, till the same is completely built and finished: And the said Lots of Land, with the Houses, Buildings, and other Edifices thereon to be erected, shall, and is hereby directed to be for the Use of his Excellency the Governor, and his Successors, Governors and Commanders in Chief in and over this Province, forever.

III. *AND* be it further enacted by the Authority aforesaid, That his Excellency the Governor, as often as he shall have Occasion of Money for the Purposes aforesaid,



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faid, may, and is hereby authorifed to iffue his Warrant to one or both of the Treafurers of this Province, requiring him or them to pay fo much Money as he fhall have Occafion for, not exceeding the Sum of five thoufand Pounds, Proclamation Money; which the faid Treafurers are hereby required to pay to his Excellency the Governor, upon his Warrant, out of the Money appropriated by Act of Af-fembly for erecting of public Schools, and purchafing Glebes.

Empowered to draw on the Treafurers for money, &c.

IV. A N D for replacing the faid Sum of five thoufand Pounds into the Hands of the Treafurers of this Province by the Time appointed for the finking of the fame; *Be it enacted by the Governor, Council, and Afsembly, and by the Authority of the fame,* That an annual Poll Tax of eight Pence, Proclamation Money, be levied on each taxable Perfon in this Province, for and during the Term of two Years, from and after the firft Day of *January* next; to be collected by the Sheriff of each refpec-tive County, on or before the firft Day of *March* in each Year: And that all and every Perfon neglecting to pay the faid Tax at the faid firft Day of *March*, fhall be liable to fuch Diftreffs, to be made by the Sheriff, as for Non-Payment of other Taxes; and the Sheriff of each refpective County fhall, on or before the tenth Day of *June*, yearly, pay into the Hands of the public Treafurer of the Diftrict, all fuch Sums of Money as each and every one of them fhall have received in Virtue of this Act, under the fame Regulations and Directions, and like Fines and Penalties, as are directed and inflicted in other Acts for collecting of public Taxes.

Tax laid for re-placing the fame.

How collected and paid.

V. *A N D be it further enacted by the Authority aforefaid,* That an additional Duty of two Pence, Proclamation Money, be paid for every Gallon of Wine, Rum, and diftilled Liquors, imported into this Province, either by Land or Water, from any Port or Place whatfoever (*Great-Britain* excepted) after the firft Day of *January* next, for and during the Term of two Years next enfuing; which faid additional Duty fhall be collected by the fame Officers, and accounted for in the fame Manner, and under the fame Regulations, as other Duties on Wine, Rum, and diftilled Liquors imported into this Province, are directed, and paid into the Hands of the Treafurers, towards raifing the faid Sum of five thoufand Pounds, for the Ufes and Purpofes as in this Act directed.

Additional temporary duty laid on liquors for the fame purpofe.

## C H A P. III.

*An Act appointing the Method of diftributing Inteftates Eftates.*

See acts April 19, 1784, c. 22. Oct. 22, 1784, c. 10. Nov. 14, 1787, c. 14.

Inteftates eftates how diftributed.

I. **B**E *it enacted by the Governor, Council, and Afsembly, and by the Authority of the fame,* That all and every Perfon or Perfons to whom Adminiftration on the Eftate of any Perfon deceafed fhall hereafter be granted, fhall diftribute the Surplus of fuch Eftate in Manner following; *that is to fay,* One Third Part of the faid Surplus to the Wife of the Inteftate, and all the Reft by equal Portions, to and amongft the Children of fuch Perfon dying inteftate, and fuch Perfons as legally represent fuch Children, in Cafe any of the faid Children be then dead, other than fuch Child or Children (not being Heir at Law) who fhall have any Eftate by the Settlement of the Inteftate, or fhall be advanced by the Inteftate in his Lifetime, by Portion or Portions, equal to the Share which fhall by fuch Diftribution be allotted to the other Children to whom fuch Diftribution is to be made: And in Cafe any Child, other than the Heir at Law, who fhall have any Eftate by Settlement from the faid Inteftate, or fhall be advanced by the faid Inteftate in his Lifetime, by Portions not equal to the Share which fhall be due to the other Children by fuch Diftributions as aforefaid, then fo much of the Surplus of the Eftate of fuch Inteftate to be diftributed to fuch Child or Children as fhall have any Land by Settlement from the Inteftate, or were advanced in the Life-time of the Inteftate, as fhall make the Eftate of all the faid Children to be equal, as near as can be eftimated; but the Heir at Law, notwithstanding any Land that he fhall have by Defcent, or otherwise, from the Inteftate, is to have an equal Part in the Diftribution with the Reft of the Children, without any Con-fideration of the Value of the Land which he hath by Defcent, or otherwise, from the Inteftate: And in Cafe there fhould be no Children, nor any legal Re-  
presentatives



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representatives of them, then one Moiety of the said Estate to be allotted to the Wife of the Intestate; the Residue of the said Estate to be distributed equally to every of the next of Kin of the Intestate who are in equal Degree, and to those who legally represent them: *Provided*, That there be no Representatives admitted amongst Collaterals after Brothers and Sisters Children. And in Case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children; and in Case there be no Child, then to the next of Kindred, in equal Degree, of, or unto the Intestate, and their legal Representatives as aforesaid, and in no other Manner whatsoever. And if after the Death of the Father, any of his Children shall die intestate, without Wife or Children, in the Lifetime of the Mother, every Brother and Sister, and the Representative of them, shall have an equal Share with the Mother of the Estate of the Child or Children so dying intestate.

Repealing clause.

II. *A N D* be it further enacted by the Authority aforesaid, That so much of an Act of Assembly, entitled, *An Act concerning proving Wills, and granting Letters of Administration, and to prevent Frauds in the Management of Intestates Estates*, as is within the Purview of this Act, is hereby repealed and made void.

## C H A P. IV.

*An Act for the Relief of such Persons as have suffered, or may suffer, by not having had their Deeds and Mesne Conveyances proved and registered within the Time heretofore appointed for such Purposes.*

I. **W**HEREAS by an Act passed at *Newbern*, in the Year of our Lord one thousand seven hundred and fifty-four, entitled, *An Act for the Relief of such Persons as have suffered, or may suffer, by not having had their Deeds and mesne Conveyances registered and proved within the Time heretofore appointed for such Purposes; and to prevent Disputes and Law Suits concerning Lands*; all Deeds or mesne Conveyances for any Lands, Tenements, or Hereditaments within this Province, were to be acknowledged or proved according to the Directions of that Act, and delivered to the Register of the Counties wherein they are respectively situated, within the Space of two Years from the respective Dates thereof; and many Persons, through Ignorance of the Purport of the said Law, or other Causes, have neglected to have their Deeds and mesne Conveyances proved and registered according to the Directions of the said Act: For Remedy whereof,

Further time allowed for proving and registering deeds.

Deeds already proved and registered, though not within two years, good and valid.

II. *B E* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That all Deeds and mesne Conveyances of Lands, Tenements and Hereditaments, not already registered, acknowledged, or proved, shall and may, within eighteen Months after the passing this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attornies, or proved by one or more of the subscribing Witnesses to the same, and tendered or delivered to the Registers of the Counties where such Lands, Tenements, or Hereditaments, are respectively situated: And all Deeds and mesne Conveyances whatsoever, which shall be acknowledged or proved according to the Directions of this Act; and also, such as have been heretofore proved or recorded by the Clerk, and registered by the Register of any County, wherein the Lands and Tenements mentioned in the same lie or are situate, though not within two Years after the Date of the respective Conveyance, shall be good and valid in Law, and shall enure and take Effect, as fully and effectually, to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged, or proved and registered agreeable to the Direction of any Act of Assembly heretofore made.

## C H A P. V.

Rep. by act Dec. 5, 1767, ch. 9.

*An Act for reviving and re-enacting the several Acts of Assembly relating to the Inspection of Tobacco.*

C H A P.



## C H A P. VI.

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An Act to amend and continue an Act, entitled, An Act for appointing a Militia. EXP.

## C H A P. VII.

An Act to amend an Act, entitled, An Act for rendering more effectual the Laws making Lands, and other real Estates, liable to the Payment of Debts. EXP.

## C H A P. VIII.

An Act for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort. Rep. by act Nov. 1777, ch. 18.

## C H A P. IX.

An Act to amend an Act, entitled, An Act concerning Marriages.

I. **W**HEREAS by an Act, entitled, *An Act concerning Marriages*, it is enacted, that no Minister, or Justice of the Peace, shall celebrate the Rites of Matrimony between any Persons, or join them together as Man and Wife, without Licence, or Certificate of Publication, as mentioned in the said Act: And whereas the Presbyterian, or Dissenting Clergy, conceiving themselves not included in the Restriction of Ministers mentioned in that Act, have joined many Persons together in Holy Matrimony, without either Licence or Publication; whereby the Payment of the just and legal Fees to the Governor on such Occasions, has been eluded, and the Validity of Marriages may be endangered:

II. *BE it enacted by the Governor, Council, and Assembly, and by the Authority of the same*, That all Marriages that have been, or shall be solemnized, before the first Day of *January* next, by any of the Dissenting or Presbyterian Clergy, in their accustomed Manner, shall be, and are hereby declared to be as valid, legal, and effectual, to all Intents and Purposes, as if performed by any Minister of the Church of *England*, under a Licence taken and granted according to the Directions of the aforesaid Act.

Marriages by dissenting clergymen, within a limited period, declared valid.

III. *AND be it further enacted by the Authority aforesaid*, That from and after the first Day of *January* next, no Minister of the Church of *England*, or any Justice of the Peace within this Province, shall, under the Penalty of fifty Pounds, Proclamation Money, for every Violation of this Act, perform, celebrate, or solemnize any Marriage, or the Rites of Matrimony, between any Persons whatsoever, or join them together as Man and Wife, without Certificate of thrice Publication of the Banns, according to the Directions of the said Act; or Licence first had and obtained, under the Hand and Seal of the Governor or Commander in Chief for the Time being; who is hereby authorized to grant the same, on Certificate from the Clerk of the County Court, of his having taken and filed in his Office, the usual Bond, in the Penalty of fifty Pounds, Proclamation Money; with Condition that there is no lawful Cause to obstruct the Marriage for which such Licence is desired.

Penalty for marrying without publishing banns or obtaining licence.

See act, April, 1778, ch. 7.

IV. *Relating to the Manner of procuring a Licence, in Cases where the Governor omitted to supply the Clerks with Blanks; which Section was repealed by Act Dec. 1770, Ch. 28: But the Subject is now immaterial.*

V. *Providing for the Governor a Fee, which is not now due.*

VI. *Provided for by Act, April 1778, Ch. 7.*

VII. *AND be it further enacted by the Authority aforesaid*, That from and after the first Day of *January* next, that it shall and may be lawful for any Presbyterian Minister, regularly called to any Congregation in this Province, to celebrate

Presbyterian clergy to celebrate the rites of matrimony.



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the Rites of Matrimony between Persons, and join them together as Man and Wife, in their usual and accustomed Manner; under the same Regulations and Restrictions, as any lawful Magistrate in this Province might celebrate and solemnize the same.

By licence, as this act directs.

See act, April, 1778, ch. 7.

VIII. *PROVIDED* always, That all such Marriages so solemnized by any Presbyterian Minister as aforesaid, shall be under a Licence, first had and obtained from the Governor, or Commander in Chief for the Time being, or by Licence in such Manner as directed by this Act; and that all Marriages solemnized aforesaid, without such Licence first had, shall be, and are hereby declared illegal and void.

Penalty for marrying otherwise.

IX. *AND* be it further enacted, That any Presbyterian Minister, solemnizing the Rites of Matrimony as aforesaid, without such Licence first had, shall, for every such Offence, forfeit and pay the Sum of fifty Pounds.

Minister of the parish to have the fee, if he does not refuse to perform the service.

X. *PROVIDED* always, That the Minister of the Church of England, serving the Cure of any Parish, shall have the Benefit of the Fee for all Marriages in the said Parish, if he do not refuse to do the Service thereof, although any other Person performed the Marriage Ceremony.

XI. *Providing a Method to compel an Account of the Governor's Fees, none of which are now due.*

Fines how recovered, and applied.

XII. *AND* be it further enacted by the Authority aforesaid, That the several Fines and Forfeitures by this Act inflicted, for which no Method of Recovery or Application is herein before directed, shall and may be recovered by Action of Debt, with Costs, before any Jurisdiction having Cognizance thereof; one Half to the Use of the Prosecutor, and the other Half to the Parish wherein such Penalty shall be incurred; to be applied by the Churchwardens towards lessening the Parish Tax.

Repealing clause.

XIII. *AND* be it further enacted by the Authority aforesaid, That so much of the before recited Act, as relates to the granting or obtaining a Licence, taking the Bond, or making Certificate contrary to, or in any other Manner than directed by this Act, shall, from and after the first Day of *January* next, be repealed, and made null and void.

All of this act rep. by act Dec. 1767, c. 6, except the last section, which is of a private nature.

## C H A P. X.

*An Act for a further Allowance of Commissions to Sheriffs, and Collectors of Taxes, and other Purposes therein mentioned.*

## C H A P. XI.

*An Act to lay a Tax on Pedlars, and other itinerant Traders, coming into this Province.*  
E X P.

## C H A P. XII.

The act which this amended expired. See page 218.

*An Act to amend an Act, entitled, An Act to prevent the Exportation of unmerchantable Commodities.*

## C H A P. XIII.

*An Act for appointing a Printer to this Province.* E X P.



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## C H A P. XIV.

*An Act to prevent the Inhabitants of South-Carolina driving their Stocks of Cattle from thence to range and feed in this Province, and other Purposes.*

I. **W**H E R E A S of late Years many of the Inhabitants of *South-Carolina* have made it a Practice to fix Cowpens, and settle People with large S. O. K. S. of Cattle (though they are not Owners of any Land) in this Province, which destroys the Range, and greatly injures the poor Inhabitants of several of the Counties bordering on *South-Carolina* :

II. *B E* it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, it shall not be lawful for any Person, who is not an Inhabitant of this Province, to fix any Cowpen, or settle or range any Stock or Number of Cattle in this Province ; nor shall any Inhabitant, on any Account whatever, take Charge of, or receive under his or her Care or Custody, in order to range or raise Stock, from any Number of Cattle belonging to an Inhabitant of any other Province, or wherein a Resident of any other Province hath any Share or Interest, unless such Owner or Keeper shall be legally possessed, in his or her own Right, of a sufficient Quantity of Land for feeding the said Cattle on, allowing one hundred Acres of Land for every ten Head of Cattle : And that the Owner or Keeper of such Cattle shall record in the Interior Court of the County where he or she intends to range Cattle, the Number of Acres he or she is legally possessed of, and whether it is by Patent, Will, Deed, or otherwise, with the Date of such Patent, Will, Deed, or other Instrument ; and on any Trial for a Breach of this Law, such Record shall be deemed good Evidence against the Owner or Keeper of Cattle, as to the Number of Acres such Person possesses : And if any Person contrary to this Act shall presume to range, or keep a larger Number of such Cattle than ten Head to every hundred Acres of Land he, she, or they, shall be legally possessed of as aforesaid, and so in Proportion ; all the Cattle exceeding that Proportion shall be forfeited and sold by the Sheriff of the County wherein the said Cattle were ranged or kept, on legal Proof made to the Interior Court of the same County, by any Freeholder thereof ; the said Freeholder giving the Owner or Keeper of the said Cattle five Days previous Notice, that at the next Interior Court to be held for the said County, he intends to lodge a Complaint against such Person, for ranging or keeping a greater Number of Cattle than he is by Law entitled to range or keep in the said County ; and on Proof of Service of the said Notice personally, or by having a Copy of the same left at the Place of such Person's Residence, the said Interior Court shall, without Delay, proceed to hear the Complaint in a summary Way, without the Solemnity of a Jury, and determine according to Evidence, and the Right of the Matter before them : And if Judgment pals for the Complainant, the Clerk shall forthwith issue an Order to the Sheriff for the Sale of all such Cattle, agreeable to the Judgment ; which Sheriff shall, without Delay, either by himself or Deputy, execute the Command of the said Order, and return the Money to the next Court ; one third Part thereof to be paid to the Complainant, one third Part thereof to be paid to the Churchwardens of the Parish, for the Use of the Poor, (being Parishioners) and the remaining third Part to be paid to the former Owner of the Cattle, if called for within twelve Months, otherwise to be applied towards the contingent Charge of the County.

Persons not inhabitants of this province, prevented from ranging stocks therein, &c.

None to take charge of cattle of non-residents, unless the owner, &c. possess a certain proportion of land.

Land to be recorded in the Interior Court.

Pen. for breach of the act, and manner of recovery.

III. *A N D* be it further enacted by the Authority aforesaid, That any Person now having the Care of any Stock or Number of Cattle, the Property of an Inhabitant of any other Province, or wherein an Inhabitant of any other Province hath any Share or Interest, exceeding ten Head of Cattle to every hundred Acres of land such Owner or Keeper shall be possessed of as aforesaid; the Person in whose Care the said Cattle are, shall, within six Months next after the passing of this Act, remove, or cause the said Overplus Cattle to be removed out of the said County ; under the Penalty of forfeiting the same, by Judgment of the Interior Court of the County ; under the same Rules and Regulations aforesaid.

Persons having the care of a greater number of cattle on any range, than this act allows, to remove the overplus cattle.

IV. AND



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Certificate necessary to entitle a person to drive cattle into the province, or from one county to another.

IV. AND whereas much Loss or Damage has often ensued to the Inhabitants of this Province, from distempered Cattle being drove through the same: For Remedy whereof, *Be it enacted by the Authority aforesaid*, That from and after the passing of this Act, no Person or Persons whatever, shall drive any Cattle into this Province, or from one County to another, without having with him or them a Certificate or Certificates, under the Hand and Seal of a Justice or Justices of the Peace of the County where the Cattle were severally and respectively purchased or brought; setting forth, that Oath had been duly made by the respective Owners, that such Cattle, at the Time of the Purchase or Removal, were found, and free from any Distemper or Infection; and that no Distemper or Infection were known to be among Cattle at that Time within five Miles from the Place whence they came; and shall likewise mention the Mark and Brands of the said Cattle.

Pen. for driving cattle without a certificate as this act directs.

V. *AND it is further enacted*, That every Person or Persons who shall, after the passing of this Act, drive any Cattle into this Province, or from one County to another within the same, without such Certificate or Certificates as aforesaid, shall forfeit and pay for every Steer, Bull, Cow, Calf, or Heifer, respectively, for which he shall have no Certificate, the Sum of forty Shillings; to be recovered by a Warrant before any Justice of the Peace of the County where such Cattle shall then be, and be levied on the Body, Goods and Chattels of the Delinquent or Delinquents, for the Use of the County: And every Person driving Cattle as aforesaid, is hereby required and directed to produce a Certificate or Certificates as aforesaid at the Request of any Person, a Resident in the County wherein such Cattle are; and upon his Refusal so to do, on Complaint thereof made to any Justice of the Peace in the said County, such Justice is hereby empowered and directed, to issue a Warrant to bring such Drover or Drovers before him; who, for every such Refusal, shall forfeit and pay the Sum of twenty Shillings; and till the same is paid, the said Justice shall commit the Offender to the Gaol of the County, or issue an Execution against his Goods and Chattels, as such Justice thinks most expedient; which Forfeiture shall be applied to the Use of the County, and accounted for at the next Inferior Court.

And for not producing it when required.

Distemper among cattle, order to be taken for preventing its spreading.

VI. *AND it is hereby further enacted*, That in Case any Cattle hereafter shall be suspected to have any Distemper, any two Justices of the Peace, and one Freeholder, are hereby empowered and directed, to enquire into the same; and on due Proof thereof made, shall make such Order therein, as may best tend to prevent the Infection spreading.

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C H A P. XV.

*An Act to amend an Act, entitled, An Act for establishing a Town on the Land formerly granted to William Churton, Gentleman, lying on the North Side of the Enoe River, in the County of Orange. P R I V.*

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C H A P. XVI.

*An Act to continue an Act, entitled, An Act to suppress excessive and deceitful Gaming. E X P.*

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C H A P. XVII.

*An Act for further continuing an Act, entitled, An Act for the Restraint of Vagrants, and for making Provision for the Poor, and other Purposes. E X P.*



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## C H A P. XVIII.

*An Act to prevent hunting for, and killing Deer, in the Manner therein mentioned.*Provided for by  
subsequent acts.

## C H A P. XIX.

*An Act for establishing a School-House in the Town of Newbern. P R I V.*

## C H A P. XX.

*An Act to empower the Justices of Beaufort County to build a Court-house, Prison, and Stocks, in Bath Town, for the Use of the said County. P R I V.*

## C H A P. XXI.

*An Act to prevent the unreasonable Destruction of Fish in Neuse River, Tar River, Fishing Creek, Rockey River, the South Fork of Catawba River, the South Fork of the Yadkin River, and Cotentney Creek. E X P.*

## C H A P. XXII.

*An Act to amend an Act, entitled, An Act for establishing the Titles of the Freeholders in Edenton, for laying a Tax for finishing the Church begun in the said Town, and for the further Improvement and better Regulation thereof. P R I V.*

## C H A P. XXIII.

*An Act to amend an Act, entitled, An Act for regulating the Pilotage of Cape-Fear River, and for other Purposes.*Rep. by act Nov.  
1777, ch. 18.

## C H A P. XXIV.

*An Act for erecting a Court-house and Prison, for the Use of the District of Edenton. P R I V.*

## C H A P. XXV.

*An Act for joining the Navigation of Old-Topfail Inlet to Neuse River, by cutting a navigable Canal from the Head of Harlow's Creek to Clubfoot's Creek. O B S.*

## C H A P. XXVI.

*An Act to empower the Churchwardens and Vestrymen of St. John's Parish, in the County of Bute, to appropriate the Surplusage Money levied for erecting the public Buildings in said County, to the Use of the said Parish of St. John's. P R I V.*



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## C H A P. XXVII.

*An Act for ascertaining the Boundary Lines between the Counties of New-Hanover, and Duplin.*

I. **W** H E R E A S Disputes daily arise between the Inhabitants of *New-Hanover* and *Duplin*, by Reason of the Boundary Line not being sufficiently ascertained :

Commissioners appointed for running the dividing line.

II. *B E* it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Honourable *John Sampson, Esq. John Ashe, Felix Kennon, and Alexander Lillington, Esquires*, are hereby appointed Commissioners for running out the dividing Line between the said Counties of *Duplin* and *New-Hanover*; which said Commissioners, or any three of them, shall meet on some Time within six Months after the passing of this Act, and shall run and lay off the Boundaries between the said Counties, in the following Manner, *to wit*, That *Rockfish* Creek shall be the Boundary, from the Mouth thereof to where *Doctor's* Creek branches from the same; then up *Doctor's* Creek one Mile above the House of *Mr. George Maires*; thence running a direct Line to the Corner made by *Arthur M'Coy*, on *South River*; and the said Line when run, shall forever after be deemed the Boundary Line between the said Counties of *New-Hanover* and *Duplin*.

III. *Temporary.*

IV. *Altogether of a private Nature.*

## C H A P. XXVIII.

*An Act to encourage Benjamin Heron, Esq. to build a Bridge over the North East Branch of Cape-Fear River, at or near the Place where the Ferry is now kept by Edward Davis. P R I V.*

## C H A P. XXIX.

*An Act for confirming a Lease made by the Tuscarora Indians to Robert Jones, Jun. William Williams, and Thomas Pugh, Esquires. P R I V.*

S I G N E D by

W I L L I A M T R Y O N, Esq. Governor.

J O H N R U T H U R F U R D, President.

J O H N H A R V E Y, Speaker.

*Read Three Times, and ratified in open Assembly,* }  
*the 1st Day of Dec. 1766.* }

A N N O



A. D. 1757.



A N N O R E G N I

G E O R G E I I I.

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,  
OCTAVO.

At an A S S E M B L Y, begun and held at Newbern, the Third Day of November, in the Seventh Year of the Reign of our Sovereign Lord G E O R G E the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and in the Year of our Lord One Thousand Seven Hundred and Sixty-six; and from thence continued, by Prorogation, to the Fifth Day of December, in the Year of our Lord One Thousand Seven Hundred and Sixty-seven: Being the Second Session of this present Assembly.

WILLIAM  
TRYON, Esq.  
Governor.

## C H A P. I.

*An Act for dividing this Province into Six several Districts, and for establishing a Superior Court of Justice in each of the said Districts, and regulating the Proceedings therein; and for providing adequate Salaries for the Chief Justice, and the Associate Justices of the said Superior Courts. E X P.*

## C H A P. II.

*An Act to amend and continue the several Acts for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province. E X P.*

## C H A P. III.

*An Act directing the Method of appointing Jurymen in all Causes criminal and civil. E X P.*

## C H A P. IV.

*An Act for vesting certain Lots in the Town of Newbern in his Excellency the Governor, and his Successors. (a)*

I. **W**HEREAS by an Act passed at *Newbern*, the first Day of December, in the Year of our Lord one thousand seven hundred and sixty-six, entitled, *An Act for erecting a convenient Building within the Town of Newbern, for the Residence of the Governor or Commander in Chief for the Time being, his Excellency William Tryon, Esq. then and now Governor and Commander in Chief of this Province, was authorised and empowered to purchase any Number of Lots of Lands, not exceeding twelve, lying and being within the Limits and Boundaries of the Town of Newbern, in any Part of the Town he shall think most proper and convenient; and to take*  
and

(a) This Act is taken from *Davis's Edition*, the Original being missing.



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and receive one or more Deed or Deeds, sufficient in Law for the conveying the same to himself, and his Successors, Governors or Commanders in Chief of this Province; and upon such Conveyance, to contract and agree with proper Persons for designing, erecting, and completely finishing, a convenient Dwelling-House, with all necessary Offices, for the Use of himself and his Successors, Governors and Commanders in Chief of this Province: And whereas, pursuant to the Power and Authority of the said Act, his Excellency has thought it most proper and convenient, that a Square in the said Town, containing twelve Lots, bounded by *Each Street, Pollock Street, Metcalf Street, and Front Street*, with the Water Fronts belonging thereto, should be purchased for the said intended Building, and hath agreed with proper Persons for designing, erecting, and finishing the said House and Offices; but the legal Title to some of the said Lots being vested in Persons out of the Province, or Infants or Trustees, or Persons at Present unknown, his Excellency hath not yet been able to make a Purchase, or obtain proper Conveyances for some of the said Lots: For effecting therefore a full, complete and absolute Title to the whole of the said Lots and Water Fronts, and vesting the same according to the Intention of the said Act of Assembly:

Manner of vesting the lots in the Governor.

II. M A Y it please your Excellency that it may be enacted, *And be it enacted by the Governor, Council, and Assembly, and by the Authority of the same*, That it shall and may be lawful to and for the Inferior Court of *Craven County*, and the said Court is hereby empowered, authorized and required, at the first Court to be held for the said County after the first Day of *March* next, to issue a Warrant or Warrants, Precept or Precepts, directed to the Sheriff of *Craven County* aforesaid, who is hereby authorized, directed and required, accordingly to summon, impanel and return to the said Court, a competent Number of substantial disinterested Persons, qualified to serve on Juries, and not less than twenty-four; and out of such Persons so to be impanelled, summoned and returned, a Jury of twelve Persons shall be drawn by some Person by the said Inferior Court to be appointed, in such Manner as Juries for the Trial of Causes in the Superior Court, by the Act of Assembly now in Force, are directed to be drawn; which Persons so to be impanelled, summoned and returned as aforesaid, are hereby required to come and appear before the said Court, at such Time and Place as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed; and to attend there, from Day to Day, until discharged by the said Court; and all Persons concerned shall have their lawful Challenges (but not challenge the Array of the Panel) against any of the said Jurymen when they come to be sworn: And the said Court is hereby authorized and empowered, by Precept or Order, from Time to Time, to require the Attendance of all and every Person or Persons whatever who shall be thought necessary to be examined as Witnesses before them, and to examine them on their Oath or Oaths touching and concerning the Premises: And the said Court may likewise, if the Justices present shall think fit, authorize the said Jury to view the several Lots contained in the said Square and Water Fronts, in such Manner as they shall direct; and such Jury, Witnesses and Parties, shall attend until all such Matters for which they were summoned shall be concluded: And said Jury, upon their Oaths, shall enquire of the Value of such Lots of Land, with the Appurtenances, which is heretofore mentioned as necessary to be purchased, and of the respective Estate and Interest of every Person seized, possessed of, or interested therein, or in any Part thereof; and such Jury shall assess the Sum or Sums to be paid to every such Person or Persons, for the Purchase of such their Estate and Interest which shall be necessary to be purchased: And the said Court shall record the Verdict of the Jury, for such Sum or Sums of Money so to be assessed; which said Verdict or Verdicts, and the Judgment, Decree and Determination thereon, shall be binding and conclusive, to all Intents and Purposes whatsoever, as well against the King's Majesty, his Heirs and Successors and all and every other Person and Persons, Bodies Politic and corporate, claiming any Estate, Right, Title, Trust, Use or Interest, in, to, or out of the said Lots of Land, either in Possession, Reversion, Remainder, or Expectancy, as well Infants as Issue unborn, Lunatick, Idiot, and Feme Covert, and Persons under any other legal Incapacity or Disability; and all other *Cestui que* Trusts, his, her and their



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their Heirs, Successors, Executors, and Administrators, as against all other Persons whomsoever; and the said Verdict, Judgment and Decree, and all other Proceedings of the said Court and Jury so to be made, given and pronounced, as aforesaid, shall be fairly written on Paper, and signed and sealed by the Clerk of the Court for the Time being: And such Judgment, Verdict, and Decree, and other Proceedings as relate to the said Lots of Land, or the Value of them, as appraised, shall be entered, filed, and kept amongst the Records of the said Inferior Court, and shall be deemed and taken to be Records, to all Intents and Purposes whatsoever; and the same, or some Copy thereof, shall be deemed and taken to be good and effectual Evidence and Proof, in any Court of Law or Equity whatsoever; and all Persons may have Recourse to the same gratis, and take Copies thereof, paying for every Copy, as in Case of Copies of any other Record of the said Court.

III. *A N D* be it further enacted by the Authority aforesaid, That such Sum or Sums of Money so to be assessed and decreed as aforesaid, shall be paid into the Hands of *Samuel Cornell*, Esq. who is hereby authorized and empowered to receive the same, and to give a Receipt or Receipts, mentioning and specifying for what Premises, and for what Use the said Money is received; which Receipt or Receipts shall be entered on Record, and registered in the Office of the Clerk of the said Inferior Court of the County of *Craven*, with the Verdict, Judgment, and Proceedings to be had as aforesaid; which said Sum and Sums of Money shall be to the Use and Benefit of such Person or Persons as may appear by such Verdict to have any Right, Title, Interest, or Claim, in, to, or upon the said Lots of Land, or any Part thereof, according to their respective Estates and Interest therein; and shall by the said *Samuel Cornell*, Esq. be paid to such Person or Persons mentioned in such Verdict: But if the said Jury shall return a Verdict, that any Part of the said Lots or Water Fronts belong to Persons unknown, or that the Title is in Dispute, then, and in such Case, the said Sum or Sums of Money assessed as the Value of such Lands, whereof the owner is unknown, or the Title in Dispute, shall, at any Time, by Order of the said Inferior Court of *Craven*, be paid to such Person or Persons as shall appear to the said Court to be entitled thereto, according to their respective Claims and Interest in the said Premises: And the said Inferior Court of *Craven* is hereby authorized and empowered, by Petition, in a summary Way, to hear and determine all Disputes and Claims of any Persons interested in any Part of such Money; and immediately after such Receipt and Registry as aforesaid, and the whole absolute Fee-Simple Inheritance and Possession of such Lots of Land, and Water Fronts, so to be valued as aforesaid, shall, and is hereby declared to vest in his said Excellency the Governor, and his Successors, to the Use of himself and his Successors, Governors or Commanders in Chief of this Province, for the Purposes mentioned in the said recited Act, as fully and effectually, to all Intents and Purposes, as if every Person, having any Estate in the Premises, had actually conveyed the same by Lease and Release, Bargain and Sale, inrolled Feoffments, with Livery and Seisin, Fine and Recovery, or any other legal Conveyance whatsoever: And such Valuation, Proceedings, and Payment as aforesaid, shall not only bar all Right, Title, Claim, or Demand, of the Person or Persons having any Estate in the Premises, but shall also extend to, and be deemed and construed to bar the Dower of the Wife or Wives of such Persons; and all Estates Tail, or Reversions or Remainders, as effectually as a Fine or Recovery would do, or would have done, if levied or suffered by the proper Parties according to Law.

Value of lots to be paid to the use of the claimants.

Disputes of claims to be heard, and lots vested in the Governor.

IV. *A N D* be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Inferior Court of *Craven* County, from Time to Time, to impose any reasonable Fine, not exceeding three Pounds, Proclamation Money, on the Sheriff, or his Deputy or Deputies, who shall make Default in the Premises, and on any Person, who, on being summoned and returned on any such Jury as aforesaid, shall fail to appear; and also on any Witness or Witnesses who shall not attend, or who should refuse to be sworn, or being sworn, shall refuse to give his or their Verdict, or in any other Manner willfully neglect his or their Duty, contrary to the true Intent and Meaning of this Act; and from Time to Time, to levy such Fines as other Fines are by Law directed to be levied in the said Court.

Pen. on officers, &c. neglecting their duty.



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Fronts vested in  
the Governor.

V. A N D whereas according to the Plan of the said Town of *Newbern*, the Water Fronts of the Lots herein before mentioned are divided from the said Lots by a Street called *Front Street*; which, if it continues a public Street, would be inconvenient to the Improvements intended on the said Lots, for the Accommodation and Residence of the Governor and Commander in Chief: And whereas for the Advantage, Prospect, and Situation, the Foundation of the said Edifice is laid so near to *Eden Street*, that it will be necessary to extend the Line of the said Lots, so as to include Part of the said Street: *Be it therefore enacted by the Authority aforesaid*, That all that Part of *Front Street* lying between the Lots herein before mentioned, and the Water Fronts, extending along the said Street, as far as the Lots and Fronts aforesaid run; and all that Part of *Eden Street*, beginning at the back Corner of the said Square, in the Angle of *Eden Street* and *Pollock Street*, running across *Eden Street* thirty Feet, and from thence down the Middle of the said Street to the River, including the Intersection of *Front Street*, shall be, and are hereby vested in his Excellency *William Tryon*, Esq. Governor and Commander in Chief of this Province, and his Successors, for the Use of himself and his Successors, Governors or Commanders in Chief of this Province, as fully and amply, to all Intents and Purposes, as any of the above mentioned Lots of Land are by the said Act directed and intended to be vested, purchased, or settled, for the Purposes therein mentioned; and from henceforth all those Parts of the said Streets, within the Limits above mentioned, shall cease to be public Streets, and may be inclosed, built upon, improved, or made Use of, as if the same had originally been Part of any of the said Lots; any Act heretofore made to the contrary notwithstanding.

Purchase of lots  
by the Governor  
confirmed.

VI. A N D *be it further enacted by the Authority aforesaid*, That the Purchase of the Lots herein before mentioned to have been made by his said Excellency, as Part of the twelve Lots mentioned in the said Act, is hereby ratified and confirmed; and the Possession, and absolute Fee-Simple and Inheritance of and in the said twelve Lots, Streets, and Water Fronts, are hereby declared to be fully vested in his Excellency *William Tryon*, Esq. and his Successors, for the Purposes and Uses in the said Act mentioned, against the Claim of all Persons whatsoever.

## C H A P. V.

See act Nov.  
1766, ch. 2.

An additional Act to an Act for erecting a convenient Building within the Town of *Newbern*, for the Residence of the Governor, or Commander in Chief for the Time being. (a)

## C H A P. VI.

Provided for by  
subsequent acts.

An Act for appointing Sheriffs, and directing their Duty in Office. (b)

## C H A P. VII.

An Act to appoint a public Treasurer of the Northern District, and other Purposes. EXP.

## C H A P. VIII.

An Act for regulating Ordinaries, and restraint of Tippling Houses. (c)

[All the Sections of this Act repealed by Act October, 1779, Ch. 10, except, perhaps, the four last.]

XV. A N D *be it further enacted by the Authority aforesaid*, That from and after the passing this Act, all Keepers of public Ferries or Bridges within

(a) This Act, providing a further Sum for the erecting of the Building, (£.10,000) and granting £.1500 to supply a Deficiency of the former Fund, I presume had its Effect.

(b) By the last Section all former Acts concerning Sheriffs are repealed.

(c) The Sections of this Act which are retained are taken from *Davis's Edition*, the Original being missing.



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in this Province, where the Ferriage or Bridge Toll is above four Pence, Proclamation Money for a Man and Horse, shall be obliged to furnish all Travellers with Entertainment at Tavern Rates, and shall take out Licence for that Purpose; and if any Keeper of any such public Ferry or Bridge shall refuse or neglect to furnish such Entertainment, or to take out such Licence, such Ferry or Bridge Keeper shall forfeit and pay for each Offence the Sum of ten Pounds, Proclamation Money, to any Person who shall sue for the same.

Ferry-keepers to provide entertainment for travellers.

XVI. AND to the End that Ordinaries, or Houses of public Entertainment, may be the more readily and generally known by Travellers and others; *Be it therefore further enacted by the Authority aforesaid*, That every Person who shall obtain a Licence agreeable to the Directions of this Act, from and after the first Day of *March* next, shall, within one Month after obtaining Licence as aforesaid, set up, or cause to be set up in public View, at his Dwelling-House, or the House where such Ordinary shall be kept, a Sign, with an Inscription thereon denoting the same to be an Ordinary, or House of public Entertainment, under the Penalty of forfeiting forty Shillings, Proclamation Money, for every Month the said Ordinary, or House of Entertainment, shall be kept, without having a public Sign set up as aforesaid.

Ordinary keepers to set up signs at their houses.

XVII. *AND be it further enacted by the Authority aforesaid*, That all the Penalties and Forfeitures in this Act, the Method of recovering and applying whereof are not particularly directed, shall be one Half to the Governor or Commander in Chief for the Time being, the other Half to him or them who shall sue for the same; to be recovered with Costs, before any Jurisdiction having Cognizance thereof.

Penalties & forfeitures how recovered and applied.

XVIII. *AND be it further enacted by the Authority aforesaid*, That all and every Act and Acts, and every Clause and Article thereof, heretofore made, so far as relates to regulating Ordinaries and restraint of Tippling Houses, or to any other Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purposes whatsoever.

Repealing clause.

## C H A P. IX.

*An Act for regulating the Inspection of Tobacco, and preventing Frauds in his Majesty's Customs. E X P.*

## C H A P. X.

*An Act for establishing public Warehouses in the Towns of Halifax and Campbellton, for the Inspection of Hemp and Flax. P R I V.*

## C H A P. XI.

*An Act for building a public Gaol, and Gaoler's House, for the District of Newbern, in the Town of Newbern. P R I V.*

## C H A P. XII.

*An Act to amend an Act, entitled, An Act for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort.*

The original act expired. See pages 149 & 214.

## C H A P. XIII.

*An Act concerning idle and dissolute Persons.*

Provided for by act, April, 1784, ch. 34.



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## C H A P. XIV.

*An Act for destroying Crows and Squirrels in the several Counties therein mentioned. PRIV.*

## C H A P. XV.

*An Act to empower the Justices of Currituck County to build a Prison, Pillory, and Stocks, in the said County, on the Lot whereon the Court-house now stands, for the Use of the said County. PRIV.*

## C H A P. XVI.

*An Act for appointing an Inspector for the Great Island, opposite Wilmington, in Brunswick County. PRIV.*

## C H A P. XVII.

*An Act for establishing the Vestry elected for the Parish of St. Stephen, in Johnston County. PRIV.*

## C H A P. XVIII.

*An Act for defraying the contingent Charges of Government. EXP.*

## C H A P. XIX.

*An Act to continue the Acts therein mentioned, for appointing a Militia. EXP.*

## C H A P. XX.

*An Act to amend an Act, entitled, An Act to encourage Persons to settle in the Town of Brunswick, on the South-West Side of Cape-Fear River. PRIV.*

## C H A P. XXI.

*An Act for erecting in the Town of Salisbury, a public Gaol, Pillory, and Stocks, for the District of Salisbury in this Province. PRIV.*

## C H A P. XXII.

*An Act to continue an Act, entitled, An Act for enlarging the Time allowed for saving Lots in the Town of Hertford, and other Purposes; and to establish a Ferry from the Town of Hertford, on the West Side of Perquimons River, to Newby's Point on the East Side of the said River. PRIV.*

## C H A P. XXIII.

*An Act to amend an Act, entitled, An Act for the Regulation of the Town of Wilmington. PRIV.*



## C H A P. XXIV.

*An Act for laying out a public Road from the Frontiers of this Province, through the Counties of Mecklenburg, Rowan, Anson, and Bladen, to Wilmington and Brunswick. PRIV.*

## C H A P. XXV.

*An Act for annexing Part of Northampton County to the County of Bute.*

I. **W**HEREAS the Inhabitants of the upper or westernmost Corner of Northampton County labour under great Inconveniencies, in attending the Courts, and other public Meetings of the said County, at the Court-house thereof; and being more convenient for those Purposes to the County of Bute, are desirous of being annexed thereto:

II. *BE it enacted by the Governor, Council and Assembly, and by the Authority of the same, That Thomas Eator, Willie Jones, and Benjamin Person, Esquires, be, and are hereby appointed Commissioners; and they, or the Majority of them, are required and directed, within three Months after the passing of this Act, to run and mark (or cause the same to be done) a Line from Roanoke River Bank, opposite the Mouth of Stone House Creek, a due North Course to the dividing Line between this Province and the Colony of Virginia; and all that Part bounded to the Eastward, by the Line above directed to be marked, and to the Northward by the Virginia Line, to where it crosses Roanoke River, shall be, and is hereby annexed to, and made Part of the County of Bute; and the Inhabitants thereof shall be subject and liable to the same Rules, Orders, Taxes, and Privileges, as any other of the Inhabitants of the said County of Bute.* County divided.

III. *Private.*

## C H A P. XXVI.

*An Act for establishing a Town on the Land of William Gray, on Cashy River, in Bertie County. PRIV.*

## C H A P. XXVII.

*An Act for vacating the Title of certain Persons to Three Hundred Acres of Land, situate on the lower Part of Cape Fear, and adjoining Fort Johnston; and for revesting the same in the Crown, for his Majesty's Service, and the Benefit of the said Fort and Garrison.*

I. **W**HEREAS by an Act of the General Assembly, passed at Newbern, on the twentieth Day of April, in the Year of our Lord one thousand seven hundred and forty-five, entitled, *An Act for erecting a Fortification on the lower Part of Cape Fear River, for applying thereto the Powder Money already arisen, or which shall arise, by Shipping coming into the Port of Brunswick; certain Commissioners were appointed, a Majority of whom were by said Act invested with full Power and Authority to erect and build a Fort or Battery in such Place on the lower Part of Cape Fear River, as to them should seem most convenient, for the Defence of the said River; in Virtue whereof, a Place for erecting a Fort was agreed on by the said Commissioners, and a Fortification, by the Name of Fort Johnston, was raised, and hitherto has been guarded and maintained at a considerable Charge and Expence to the Public; and the Necessity of guarding and maintaining of the said Fort still continuing for his Majesty's Service, and the Defence of this Province: And whereas a Patent for Part of the Land adjoining thereto has been surreptitiously, and without the due Knowledge and Information of the Officers of the Crown granting the same, obtained: And whereas from the Nature of its Situation it is absolutely necessary, for the Safety and Security of said Fort*



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and Garrison, as well as for the repairing and maintaining of the same, that three hundred Acres of the said Land, adjoining the said Fort, bounded as follows; beginning at a Bridge the Mouth of *Bennet's* Creek, running North sixty-seven Degrees West, three hundred and thirty-two Poles, to a Creek called *Juda's* Creek, running down the various Courses of the said Creek to where it empties itself into a Creek, called the *Dutchman's* Creek; thence down the said Creek to the Mouth thereof, in *Cape-Fear*; then up *Cape-Fear* River to the Beginning, including *Fort Johnston*, and containing three hundred Acres, more or less; should be vested in the Crown, and remain for his Majesty's Service, towards repairing and maintaining of the said Fort, and the Use of the said Garrison, forever.

Title to lands vacated.

II. *BE* it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That for so much Land as is contained within the Limits by this Act specified, each and every Patent or Deed heretofore made or executed, so far as relates to the Land above specified, is hereby declared to be null and void, and of no Force, Validity, or Effect whatsoever; but that the absolute Right and Fee-Simple of said three hundred Acres of Land be and remain in his Majesty, his Heirs and Successors, forever, for and towards the repairing of said Fort; and to such other Uses and Purposes as his Majesty shall direct.

And vested in the crown.

To be valued by a jury, and the proprietor paid.

III. *AND* that equal Right and Justice may be done to the Patentees, their, and each of their Heirs and Assigns; *Be it enacted by the Authority aforesaid*, That a Jury of twelve Freeholders, within the County of *Brunswick*, be appointed by the Justices of the Inferior Court of the said County, at the next Court to be held for said County after the first Day of *March* next; which Jury shall be summoned by the Sheriff of said County, to view the afore mentioned Lands and Premises, at some Day between that and the then next succeeding Court for said County; and shall take an Oath before some Justice of the Peace for the said County (who is hereby authorized to administer the same) to value and appraise the said three hundred Acres of Land and Improvements, and make Return of such Valuation and Appraisement, and the Names of Persons claiming the same, under their Hands and Seals, to the next succeeding Court for the said County; which said Valuation Money the public Treasurer of the Southern District is required to pay to the first Patentees, or their legal Representatives, and to take one or more Receipt or Receipts for the same; which, with the Valuation as returned by the Jury as aforesaid, shall be recorded among the Records of the said Inferior Court of *Brunswick* County, and be registered in the Register's Office of the said County; which Inquest so taken and returned shall, and is hereby declared to be a perpetual Bar to the Claim, Right, or Title, of any Subject whatsoever, to the said three hundred Acres of Land and Premises.

Inquest to be recorded.

Jurors to be summoned.

IV. *AND* be it further enacted by the Authority aforesaid, That the Sheriff of *Brunswick* County shall summons the Jurors appointed by the Inferior Court of the said County, for the Purposes in this Act directed, at least five Days before the Day appointed for valuing and appraising the said Land and Premises: And every Juror being so summoned, and failing to attend and take such View of, and value and appraise such Land and Premises, shall be fined by the said Inferior Court of *Brunswick*, for each Neglect, three Pounds, Proclamation Money; to be levied as other Fines set on Jurymen, and applied to the Use of the said County of *Brunswick*; unless the Person fined shall, on Oath, shew to the next Court sufficient Reason for such Failure or Neglect.

SIGNED by

WILLIAM TRYON, Esq. Governor.

JAMES HASELL, President.

JOHN HARVEY, Speaker.

Read Three Times, and ratified in open Assembly, }  
the 15th Day of January, Anno Dom. 1768. }

ANNO







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## C H A P. VI.

See p. 218, ch. 4. *An Act to relieve such Persons who have purchased Lands sold by Execution, and have not obtained Titles to the same.*

I. **W**HEREAS by an Act of the General Assembly, passed at *Wilmington*, in the Year one thousand seven hundred and sixty-four, declaring Lands, and other real Estate in this Province, liable for the Payment of Debts, and subject to be taken in Execution and sold for that Purpose, and Conveyances under such Sale to be made by the Sheriff selling the same; and in Case of his Death, or Removal from Office, the Conveyance to be made by his Successor in Office: And whereas many Tracts of Land, in Virtue of the said Act, have been formerly taken in Execution and sold; but by Reason of the Death of the Sheriff selling the same, and the Doubts of the succeeding ones, Titles have not been made to the fair and open Purchasers, who have paid the Consideration of such Sales at the Time of selling, which Doubts have arisen from the Publication hereof of his Majesty's Royal Disallowance of that Act: That the fair Purchaser may be remedied herein:

Sales of lands sold on execution declared good.

II. *BE it enacted by the Governor, Council, and Assembly, and by the Authority of the same,* That any Person or Persons who heretofore, and until the Publication of the Disallowance of the Act aforesaid, have actually purchased any Lands sold by any Sheriff as aforesaid, and have *bona fide* paid the full Consideration Money for the same to the Sheriff, for the Purposes for which the same was sold, and hath not from the Obstructions aforesaid, obtained a proper Conveyance of the Title of such Lands from the Sheriff, according to the Directions of the said Act, may, and are hereby authorized, to demand of the Sheriff now in Office, or the Sheriff for the Time being, of the County wherein such Lands lie, a proper Deed of Conveyance for the same Lands: And such Sheriff is hereby authorized and required, on Application of the Purchaser as aforesaid; and in Case of his or her Death, on the Application of the Heir, Executors, Legatees, or Assignees of said Deceased (where of right it ought to be done) to make such sufficient Deed or Conveyance in Law, of the Lands so sold, as the Sheriff at the Time of making the Sale, in Virtue of the Act aforesaid, could or ought to have done; and all Deeds or Conveyances made and executed as aforesaid, in Virtue hereof, are hereby declared to be good and valid; and shall be as effectual in Law for conveying the legal Title of the Lands therein mentioned to the Purchaser thereof, his or her Representative as aforesaid, as if the same Conveyance had been made at the Time of the Sale on Execution, by the Sheriff selling the same.

## C H A P. VII.

*An Act to enlarge the Time for Sheriffs to settle their Accounts with the Justices of the Inferior Courts of Pleas and Quarter-Sessions of the Counties therein mentioned.* PRIV.

See p. 235. All of this act private but the 3d section, and that (concerning the act for encouraging the culture of hemp and flax, & other purposes) expired.

## C H A P. VIII.

*An Act to amend the Act, for establishing public Warehouses in the Towns of Halifax and Campbelton, for the Inspection of Hemp and Flax, and other Purposes.*

## C H A P. IX.

See p. 45, ch. 11. *An Act to amend an Act, entitled, An Act to restrain the keeping of too great a Number of Horses and Mares, and for amending the Breed.*

I. **W**HEREAS by an Act of Assembly, passed at *Edenton*, on the twenty-third Day of *November*, in the Year of our Lord one thousand seven hundred



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dred and twenty-three, entitled, *An Act to restrain the keeping of too great a Number of Horses and Mares, and for amending the Breed*; it is enacted, among other Things, that no Person whatsoever shall suffer, or let go at large, any Stone Horse or Horses, of two Years old, unless such Horse or Horses shall be at least thirteen Hands in Height, under certain Penalties and Forfeitures in said Act specified: And whereas the suffering Horses of that Age and Size is found prejudicial to the Breed:

II. *BE it enacted by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the passing of this Act, no Person whatsoever in this Province shall suffer, or let go at large, any Stone Horse or Horses, of two Years old or upwards, unless such Horse or Horses shall be at least fourteen Hands in Height, upon Penalty of forfeiting such Horse or Horses, or the Sum of twenty Shillings, to the Taker-up of every such Stone Horse, provided the same be found running at large not within the Confine of any Fence, Water, Marsh, or Swamp; any Thing contained in the aforesaid Act, to the contrary, notwithstanding.

Stone horses under 14 hands, not to run at large.

## C H A P. X.

*An Act for dividing the County of Mecklenburg, and other Purposes.*

I. **W**HEREAS by Reason of the large Extent of the County of *Mecklenburg*, it is greatly inconvenient for the Inhabitants to attend the Courts of the aforesaid County, and other public Duties by Law required:

II. *BE it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the tenth day of *April* next, the said County of *Mecklenburg* shall be, and is hereby divided into two distinct Counties and Parishes, by a Line beginning at *Earl Granville's* Line, where it crosses the *Catawba* River; and the said River to be the Line to the *South-Carolina* Line; and that all that Part of the said County which lies to the Eastward of the said dividing Line shall be a distinct County and Parish, and remain and be called by the Name of *Mecklenburg* County, and *Saint Martin's* Parish; and that all that Part of the County lying to the Westward of the said dividing Line, shall be one other distinct County and Parish, and be and remain by the Name of *Tryon* County, and *Saint Thomas's* Parish.

Mecklenburg divided, and Tryon county erected.

*The remaining eleven Sections altogether of a private or a temporary Nature.*

## C H A P. XI.

*An Act for establishing a Town in Mecklenburg County. PRIV.*

## C H A P. XII.

*An Act for establishing a Town on the Land of Benjamin Wynns, on Chowan River. PRIV.*

## C H A P. XIII.

*An Act to amend an Act, entitled, An additional Act to an Act, entitled, An Act to prevent killing Deer at unseasonable Times; and for putting a Stop to many abuses committed by white Persons under Pretence of Hunting.*

See p. 58, c. 10; p. 104, c. 3.

I. **W**HEREAS by the before recited Act, Persons who have no settled Habitation, or not tending five thousand Cornhills, are prohibited from hunting, under the Penalty of five Pounds, and Forfeiture of his Gun; which, by Experience, has been found not to answer the Purposes intended by the said Act;



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many disorderly and dissolute Persons, having no Habitation of their own, still continue to hunt on the King's Waste, and the Lands of other Persons, and kill Deer, and leave the Carcasses in the Woods; by which Means the Wolves, Bears, and other Vermin, are fed and raised; to the great Damage of many of the Inhabitants of this Province; and the Fines being difficult of Recovery, by Means of Persons, having no Property of their own, assembling in great Numbers, and camping in the Woods, and kill Deer, burn and destroy the Range, burn Fences, and commit many other Injuries to the Inhabitants of this Province; and associate, for the mutual Protection and Defence of each other, against any Person or Persons who shall attempt to execute any Precept on any of them: For Remedy whereof;

What persons allowed to hunt.

II. *BE it enacted by the Governor, Council, and Assembly, and by the Authority of the same,* That from and after the first Day of *January* next, no Person whatever (Masters of Slaves excepted) not having a Freehold of one hundred Acres of Land within this Province, or tending ten thousand Cornhills, at least, five Feet Distance each, shall hunt or kill Deer; under the Penalty of Ten Pounds, Proclamation Money, for every Offence; and moreover shall forfeit his Gun, or the Value thereof; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province, by any Person who will prosecute for the same; wherein, upon Conviction, over and above the said Penalty and Forfeiture as aforesaid, the Defendant shall be committed to Gaol, by Order of the Court; there to remain, without Bail or Mainprize, for one Month.

Special bail to be given in actions on this act.

III. *AND be it further enacted by the Authority aforesaid,* That upon Action of Debt, Information or Indictment, being prosecuted for the above Penalty, the Sheriff who shall execute the Writ, shall take two sufficient Securities for the Defendant's Appearance, at the Court to which the same, by the Tenor thereof, is made returnable; which Bail so taken, shall be subject and liable as in other Cases; and on Failure thereof, or an Exception being taken to the said Bail, the same shall be deemed insufficient, then, and in that Case, the Sheriff shall stand and be taken as special Bail.

Proviso, for Sheriff to surrender the principal.

IV. *PROVIDED nevertheless,* That the Sheriff may surrender the Defendant in Discharge of himself, at any Time before final Judgment had against the Defendant.

Proviso, for overseers to hunt.

V. *PROVIDED also,* That Nothing herein contained, shall extend to bar or hinder an Overseer of a Slave or Slaves from hunting and killing Deer with a Gun on his Employers Lands, or the waste Lands of the King, or Lord *Granville*, within five Miles of the Residence of such Overseer.

Defendant failing to give bail, to be committed to the superior court gaol.

VI. *AND* whereas by Reason of the Insurrections, of many illegal Proceedings of sundry of the Inhabitants of this Province, the County Gaols are become almost useless; many Persons who are committed thereto being released by Force, the said Gaols being remote from the Residence of the Sheriffs, who might prevent such Breakings as aforesaid, by raising sufficient Force for that Purpose: Therefore, *Be it enacted by the Authority aforesaid,* That upon Suit being commenced on Action of Debt, Information, &c. in a Superior Court, if the Defendant shall fail to give such Security as aforesaid, that then the Sheriff shall commit the Defendant to the Gaol of the Superior Court for the District to which the same is made returnable.

Sheriffs fees.

VII. *AND be it further enacted by the Authority aforesaid,* That the Sheriff shall have, for the Services he shall perform in a Suit brought as aforesaid, the same Fees and Allowances as in other Cases on Action brought, Information, or Indictment prosecuted, and subject and liable for taking greater Fees, in the same Manner as in other Cases.

Pen. for hunting on any person's lands without leave.

VIII. *AND be it further enacted by the Authority aforesaid,* That no white Person whatsoever shall, on any Pretence, presume to hunt with Dogs, or otherwise, or drive or kill any Deer or Game on any Persons Lands, without Leave of the Owner



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er of such Land; under the Penalty of five Pounds, Proclamation Money, for each Offence; to be recovered by Action of Debt, in the Inferior Court of the County wherein the Offence shall be committed, by the Owner of the said Land.

## C H A P. XIV.

*An Act for preventing the frequent Abuses in taking up and secreting of Stray Horses, in the Counties of Orange, Granville, Bute, Rowan, Anson, Mecklenburg, Johnston, Dobbs, Halifax, Edgcomb, Northampton, Hertford, Tyrrel, Craven, and Pitt. P R I V.*

## C H A P. XV.

*An Act to encourage the Importation of British Copper Halfpence, and for making them a Tender for the Payment of small Debts. (a)*

## C H A P. XVI.

*An Act for appointing Commissioners to build a Prison, Pillory, and Stocks, on the Lot whereon the Court-house now stands, in Duplin County. P R I V.*

## C H A P. XVII.

*An Act to continue an Act, entitled, An Act to amend an Act, entitled, An Act for the Regulation of the Town of Wilmington. P R I V.*

## C H A P. XVIII.

*An Act for declaring certain Lots in the Town of Newbern, taken up by the Trustees for promoting the public School in the said Town, saved and improved according to Law; and to empower the said Trustees to collect the Subscriptions due to the said School. (b)*

## C H A P. XIX.

*An Act for destroying Crows and Squirrels in the several Counties therein mentioned. P R I V.*

## C H A P. XX.

*An Act for altering the Times of holding the Inferior Courts of the Counties therein mentioned. P R I V.*

## C H A P. XXI.

*An Act for making Provision for the Payment of Forces raised to suppress the late Insurrection on the Western Frontiers, providing for the public Claims, and for the more easy collecting the annual Taxes of Government.*

Temporary, and I presume it had its effect.

S I G N E D by  
W I L L I A M T R Y O N, Esq. Governor.  
J A M E S H A S E L L, President.  
J O H N H A R V E Y, Speaker.

*Read Three Times, and ratified in open Assembly, }  
the 5th Day of December, 1768.*

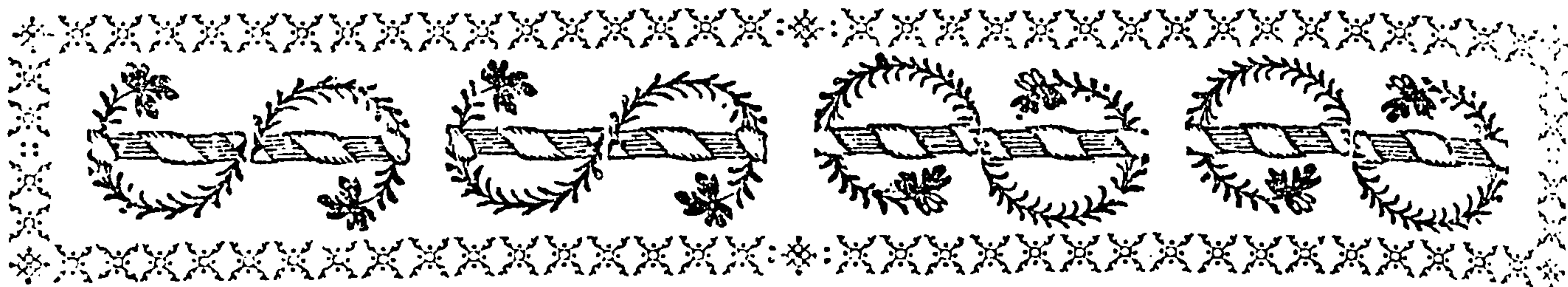
A N N O

(a) This Act, in *Davis's* Edition, is said to have been repealed by his Majesty in Council. However, if it had not been, it would long ago have expired, as it was only to be in Force five Years from the passing of it.

(b) Said by *Davis* to have been repealed by his Majesty in Council.



A. D. 1769.



A N N O R E G N I

G E O R G E I I I .

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,  
NONO.WILLIAM  
TRYON, Esq.  
Governor.

At an A S S E M B L Y, begun and held at Newbern, the Twenty-third Day of October, in the Ninth Year of the Reign of our Sovereign Lord G E O R G E the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and in the Year of our Lord One Thousand Seven Hundred and Sixty-nine: Being the First Session of this present Assembly.

## C H A P. I.

*An Act for appointing an Agent to solicit the Affairs of this Province at the several Boards in England. E X P.*

## C H A P. II.

*An Act for confirming the Qualification of Henry Lockey, Sheriff of Beaufort County. P R I V.*

## C H A P. III.

*An Act to encourage the destroying of Vermin in the several Counties therein mentioned. P R I V.*

## C H A P. IV.

*An Act to empower the Justices in the several Counties therein mentioned, to establish free Ferries and Bridges in their respective Counties; and lay a Tax for defraying the Charges thereof. P R I V.*

S I G N E D by

WILLIAM TRYON, Esq. Governor.

JAMES HASELL, President.

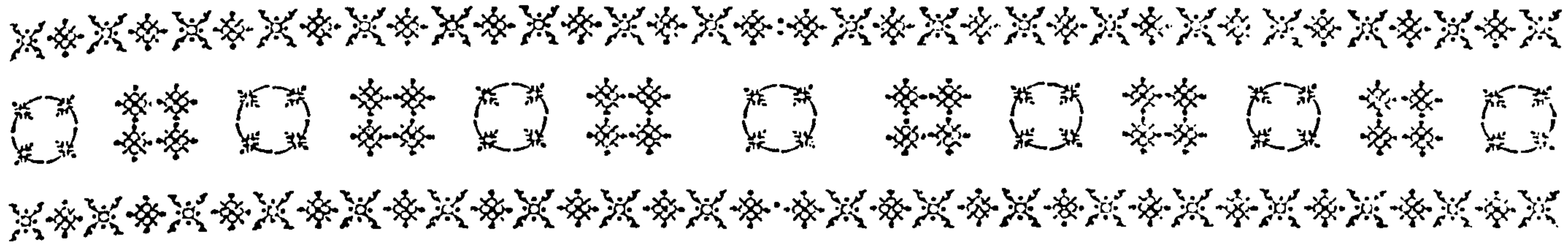
JOHN HARVEY, Speaker.

*Read Three Times, and ratified in open Assembly, }  
the 6th Day of November, Anno Dom. 1769. }*

A N N O



A. D. 1770.



A N N O R E G N I

G E O R G I I I .

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,  
UNDECIMO.

At an A S S E M B L Y, begun and held at Newbern, the Fifth Day of December, in the Eleventh Year of the Reign of our Sovereign Lord G E O R G E the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and in the Year of our Lord One Thousand Seven Hundred and Seventy: Being the First Session of this present Assembly.

WILLIAM  
TRYON, Esq.  
Governor.

## C H A P. I.

*An Act for preventing Tumults and riotous Assemblies, for the more speedy and effectual punishing the Rioters, and for restoring and preserving the Public Peace of this Province. EXP.\**

## C H A P. II.

*An Act to encourage the further Settlement of this Province.\**

Repealed by pro-  
clamation.

## C H A P. III.

*An Act for founding, establishing and endowing of Queen's College, in the Town of Charlotte, in Mecklenburg County.\**

Repealed by pro-  
clamation.

## C H A P. IV.

*An Act for an Addition to, and Amendment of an Act, entitled, An Act for appointing a Militia. EXP. (a)*

## C H A P. V.

*An Act to ascertain Attornies Fees.†*

Rep. by act Nov.  
1777, ch. 3.

## C H A P. VI.

*An Act to amend an Act, entitled, An Act for appointing Sheriffs, and directing their Duty in Office.*

See p. 234, c. 6.  
Acts Nov. 1777,  
c. 8, Oct. 1779,  
c. 5.

I. **W**HEREAS many Hardships and Inconveniencies have arisen from Sheriffs leaving this Province before they had accounted for the Public, County, and Parish Taxes, whereby their Securities have become liable for the same; and no Provision having been made in the said Act for the Relief of such Securities:

Q 3

II. Be

\* Davis: The Originals being missing. I have no Certificate of the Repeals.

(a) The Original of this Act is also missing. By Davis's Edition it appears to have been in Force for five Years, and from thence to the End of the next Session of Assembly.

† Davis: The Original being missing.



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Sheriffs removing themselves before finishing their collections, their securities may collect the arrears of taxes.

II. *BE it therefore enacted by the Governor, Council and Assembly, and by the Authority of the same,* That every Sheriff who hath already removed himself, or hereafter may remove himself out of this Province, and shall not have accounted for the Public, County, and Parish Taxes, whereby the Securities of such Sheriffs have or may become liable for the same, it shall and may be lawful for such Securities, their Heirs, Executors, or Administrators, to receive and collect all the Arrears of Taxes which ought to have been collected by such Sheriffs; and if any Person or Persons liable to pay such Taxes, shall or may fail to pay the same to the Sheriffs Securities as aforesaid, it shall and may be lawful for such Securities, their Heirs, Executors, or Administrators, to make Distress for all such Arrears of Taxes, in the same Manner as Sheriffs are by Law empowered to distrain.

To make no distress, until one month's notice.

III. *PROVIDED always,* That no such Distress shall be made until public Notice be first given to the Inhabitants of the County, by advertising the same at the Court-House, and several Chapels, within said County, at least one Month next before such Distress is intended to be made.

## C H A P. VII.

See act April, 1784, c. 26.

*An Act to prevent the Exportation of unmerchantable Commodities. F. X P (a)*

## C H A P. VIII.

*An Act for further continuing an Act, entitled, An Act for appointing a Printer to this Province. E X P. (b)*

## C H A P. IX.

*An Act for the Relief of such Persons who have or may suffer by their Deeds and mesne Conveyances not being proved and registered within the Time heretofore appointed by Law.*

I. **W**HEREAS many Persons, through Ignorance of the Law, have neglected to have their Deeds and mesne Conveyances proved and registered according to the Directions of the several Acts of Assembly in such Case made and provided: For Remedy whereof,

Further time allowed for registering deeds.

II. *BE it enacted by the Governor, Council, and Assembly, and by the Authority of the same,* That all Deeds and mesne Conveyances of Lands, Tenements and Hereditaments, not already registered, acknowledged or proved, shall and may, within two Years after the passing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attornies, or proved by one or more of the subscribing Witnesses to the same, and tendered or delivered to the Registers of the Counties where such Lands, Tenements or Hereditaments are respectively situated: And all Deeds and mesne Conveyances whatsoever which shall be acknowledged or proved according to the Directions of this Act, though not within two Years after the Date of the respective Conveyances, shall be good and valid in Law, and shall enure and take Effect, as fully and effectually, to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged or proved, and registered agreeable to the Directions of any Act of Assembly heretofore made.

## C H A P. X.

*An Act to prevent hunting for, and killing Deer in the Manner therein mentioned. EXP.*

## C H A P.

(a) The original Act is missing. By *Davis's* Edition it appears to have been in Force for ten Years from the passing of it, and from thence to the End of the next Session of Assembly.

(b) This is a missing Act. By *Davis's* Edition it appears to have been in Force for three Years from the passing of it, and from thence to the End of the next Session of Assembly.



A. D. 1770.

## C H A P. XI.

An Act for appointing Commissioners for erecting and building a Court-house, Prison, and Stocks, for the County of Tryon. PRIV.

## C H A P. XII.

An Act to prevent the untimely Destruction of Fish in Core Sound, Bogue Sound, and the Streights in Carteret County. PRIV.

## C H A P. XIII.

An Act to appoint Commissioners for finishing the Church in Wilmington, in the Room and Stead of John DuBois and George Wakely, Esquires, deceased.\* PRIV.

## C H A P. XIV.

An Act to establish a public Inspection of Tobacco in the County of Johnston.\* PRIV.

## C H A P. XV.

An Act for the Relief of such Persons who have or may suffer by the Loss of the Records in Bladen County, and for the Election of Vestrymen for the Parish of St. Martin's.

I. **W**HEREAS the House of Mr. Maturin Colville, Clerk of the Court, and Register for the County of Bladen, and the Records of the said County, were lately burnt and consumed; whereby the Estates of many Orphans, and other Persons, may be very much perplexed and prejudiced: For Remedy whereof,

II. *BE* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the Copy of any Judgment, Order, Settlement of Orphans, and their Estates, or other Record, or other Matter or Thing, transacted or done in the said Court, or Register's Office, in the County of Bladen, attested under the Hand of the Clerk or Register who recorded the same (in such Case where the Original is destroyed) shall and may, be given in Evidence in any Dispute or Controversy, in any Court whatsoever, and shall have the same Weight and Credit given to it as the original Record might, or ought to have, could it have been produced.

Copies of records, &c. to be given in evidence, where originals are lost.

III. *AND* be it further enacted by the Authority aforesaid, That where any Persons have neglected taking Copies from the Clerk's Office, or may have lost them, or have neglected taking their Deeds out of the Register's Office, and are desirous to perpetuate the Memory of such Judgment, Order, Probate of any Will, Settlement of an Orphan's Estate, Deed, Mortgage, Bill of Sale, or any other Matter or Thing transacted and done in the said County Court or Register's Office; it shall and may be lawful, upon the Deposition of one or more creditable Person or Persons, taken in Writing, and sworn to in open Court, at any Time within three Years after the passing of this Act, of the Contents or Substance of such Judgment, Order, Probate of a Will, Settlement of an Orphan's Estate, Deed, Mortgage, Bill of Sale, or other Instrument of Writing whatsoever, and that the original Record was burnt as aforesaid: Which Deposition shall be recorded in the Minutes of the Court, certified by the Clerk, and registered in the Register's Office, in the said County; for which Service the said Clerk or Register shall be allowed a sufficient Reward, at the Discretion of the Justices of the County Court; to be paid out of the County Tax.

Where originals are lost, depositions of records to be good.

IV. *AND*

\* Davis: The Originals being missing.



A. D. 1770.

Such records to be given in evidence.

IV. *AND* be it further enacted, That such Record so made, shall and may, at all Times hereafter, be pleaded and given in Evidence, and have the same Validity, in any Cause or Court whatsoever, as the Original would have, could it have been produced.

V. *Private.*

## C H A P. XVI.

*An Act for the better settling, regulating, and improving the Town of Beaufort, in the County of Carteret; and for annexing Occacock Island to the said County.\**

[All but the eighteenth Section being entirely of a private Nature, immaterial to be inserted.]

Part of Hatteras banks added to Carteret county.

XVIII. *AND* whereas Part of *Hatteras* Banks, adjoining the Bounds of *Carteret* County, from the Place where *Hatteras* Inlet formerly was, and extending Westward to *Occacock* Inlet, is not included in any County within this Province; by which Means the Inhabitants thereof are not liable to pay any Taxes, or perform any public Duties whatsoever: For Remedy whereof, *Be it enacted by the Authority aforesaid*, That from and after the passing of this Act, all that Part of the said Banks from the low Beach, which runs across the same to the Sea Side, and where *Hatteras* Inlet formerly was, extending Westward to *Occacock* Inlet, shall be forever hereafter annexed to the County of *Carteret*, and shall be held, taken, and deemed as Part of the same; and the Inhabitants thereof shall be liable and subject to the same Duties, Taxes, and Impositions, and entitled to the same Privileges, Benefits, and Advantages, as the other Inhabitants of the said County of *Carteret*.

## C H A P. XVII.

*An Act for the Regulation of the Town of Salisbury, securing the Inhabitants in their Possessions, and to encourage the Settlement of the said Town. P R I V.*

## C H A P. XVIII.

See p. 212, c. 3. *An Act to amend an Act, entitled, An Act to empower the Inferior Courts of the several Counties in this Province, to order the laying out of public Roads; and to establish and settle Ferries; and to appoint where Bridges shall be built, for the Use and Ease of the Inhabitants of this Province; and to clear navigable Rivers and Creeks. P R I V.*

## C H A P. XIX.

*An additional and explanatory Act to an Act, entitled, An Act for regulating the several Officers Fees within this Province, and ascertaining the Method of paying the same; and for taxing Law Suits.\* E X P.*

## C H A P. XX.

*An Act for granting a Salary to the Chief Justice, out of the contingent Fund. E X P.*

## C H A P. XXI.

*An Act to prevent the unreasonable Destruction of Fish in the Rivers Roanoke and Dan, and other Water Courses therein mentioned.\* P R I V.*

C H A P.

\* *Davis*: The Originals being missing.



A. D. 1770.

## C H A P. XXII.

An Act for erecting Part of Johnston, Cumberland and Orange Counties, into a separate and distinct County, by the Name of Wake County and St. Margaret's Parish.

I. **W**HEREAS the large Extent of the said Counties of Johnston, Cumberland and Orange, renders it grievous and burthensome to many of the Inhabitants thereof to attend the Courts, General Musters, and other public Meetings therein:

II. *BE* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the twelfth Day of March next after the passing of this Act, the said Counties of Johnston, Cumberland and Orange, be divided by the following Lines, that is to say, Beginning at Edgcomb Line on Moccofon Swamp, a Mile above James Lea's Plantation, running a direct Line to Neuse River, at the upper End of John Beddingfield's Plantation; then to David Mimm's Mill Creek, between Mimm's Mill and Tanner's old Mill; then the same Course continued to the Ridge which divides Cumberland and Johnston Counties; then a straight Line to Orange Line, at the lower End of Richard Hill's Plantation, on Buckhorn; then the same Course continued five Miles; then to the Corner of Johnston County on Granville Line; then with the same Line and Bute Line to Edgcomb Line, and along Edgcomb Line to the Beginning; be thenceforth erected into a distinct County and Parish, by the Name of Wake County and St. Margaret's Parish.

Wake county erected.

[The remaining Sections altogether of a private or a temporary Nature.]

## C H A P. XXIII.

An Act for vesting the School-House in Edenton in Trustees.\* PRIV.

## C H A P. XXIV.

An Act for erecting a new County between the Towns of Salisbury and Hillsborough, by taking Part of the Counties of Rowan and Orange.\*

I. **W**HEREAS the great Extent of the respective Counties of Rowan and Orange, render the Attendance of the Inhabitants of Part of Rowan County, and the Inhabitants of the upper Part of Orange County, to do public Duties in their respective Counties, extremely difficult and expensive: For Remedy whereof,

II. *BE* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That a Line beginning at a Point twenty-five Miles due West of Hillsborough, running thence North to the Virginia Line, then West to a Point due North of the Painted Springs, then South to Anson Line, then along Anson and Cumberland Lines to a Point due South of the Beginning, then North to the Beginning, be erected into a distinct County by the Name of Guilford County, and Unity Parish.

Guilford county erected.

[The remaining Sections altogether of a private or a temporary Nature.]

## C H A P. XXV.

An Act for authorising Presbyterian Ministers, regularly called to any Congregation within this Province, to solemnize the Rites of Matrimony, under the Regulations therein mentioned. (a) See page 225, ch. 9. Act April 1778, ch. 7.

## C H A P. XXVI.

An Act to amend and continue an Act, For facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort. EXP. See page 149, 214 and 235.

\* Davis: The Originals being missing.

(a) This Act is said by Davis to have been repealed by Proclamation.—It was passed with a suspending Clause, declaring it should have no Effect till his Majesty's Approbation of it was had.



A. D. 1770.

## C H A P. XXVII.

*An Act for establishing a new County between Campbleton and Hillsborough, by taking the Southern Part of the Inhabitants of Orange County, and by creating the same into a distinct County, by the Name of Chatham County, and St. Bartholomew Parish.\**

I. **W**HEREAS the great Extent of the County of Orange render the Attendance of the Inhabitants of the Southern Part thereof to do public Duties extremely difficult and expensive : For Remedy whereof,

II. *BE* it enacted by the Governor, Council, and Assembly, and by the Authority of the *same*, That from and after the first Day of April next, the Inhabitants of the County of Orange, lying to the South of a Point sixteen Miles due South of Hillsborough, and bounded as follows, *to wit*, Beginning at the aforesaid Point, running thence due West to Guilford County Line ; thence South along Guilford County Line to Cumberland County Line ; thence along Cumberland and Wake County Lines to a Point due East of the Beginning ; thence due West to the Beginning, be erected into a distinct County by the Name of Chatham County, and St. Bartholomew Parish.

[The remaining Sections altogether of a private or a temporary Nature.]

## C H A P. XXVIII.

*An Act to regulate the issuing of Marriage Licences.\**

Provided for by  
act April 1770,  
ch. 7.

## C H A P. XXIX.

*An Act for further continuing an Act, For the Restraint of Vagrants, and for making Provision for the Poor, and other Purposes.\** E X P.

## C H A P. XXX.

*An Act for appointing and empowering Mr. William Moore, of Tryon County, to collect and receive the Taxes which were due from the Inhabitants of the said County for the Year One Thousand Seven Hundred and Sixty-Eight.* P R I V.

## C H A P. XXXI.

*An Act for appointing Trustees, in the Room and Place of those heretofore appointed by an Act of Assembly, passed in the Year One Thousand Seven Hundred and Sixty-Eight, entitled, An Act for building a Public Gaol, and Gaoler's House, for the District of Newbern, in the Town of Newbern.\** P R I V.

## C H A P. XXXII.

*An Act for obtaining a true and distinct List of taxable Persons in the Town of Newbern, and to empower the Sheriff to collect the Town Taxes due from the Inhabitants of the said Town.* P R I V.

## C H A P. XXXIII.

*An Act to direct Sheriffs in levying Executions, and the Disposal of Lands, Goods, and Chattels, taken thereon.\** E X P.

C H A P.

\* Davis : The Original being missing.



A. D. 1770.

## C H A P. XXXIV.

An Act for the more advantageous and easy Manner of obtaining Partitions of Lands, in Coparcenary, Joint Tenancy, and Tenancy in Common.\*

Revived by acts  
Nov. 1777, c. 14.  
April 1778, c. 5.

I. **W**HEREAS the Proceedings by the Common Law upon Writs of Partition between Coparceners, Joint Tenants, and Tenants in Common, are tedious, chargeable, and often ineffectual; and whereas the Lands belonging to Coparceners, Joint Tenants, and Tenants in Common, frequently lie in different Counties and Districts, and great Part of the Lands in this Province are so extremely poor and barren that they will not admit of a minute Partition, as in England, where every single Acre is separately of real Value, by Reason of which divers Persons having undivided Parts or Purparts are greatly oppressed and prejudiced, and the Premises are frequently wasted or destroyed, or lie uncultivated and unmanured, so that the Profits of the same are totally or in a great Measure lost; For Remedy whereof,

II. *BE it enacted by the Governor, Council, and Assembly, and it is hereby enacted by the Authority of the same,* That from and after the passing of this Act the Demandant for the Partition of any Lands, Tenements, or Hereditaments, shall file his or her Declaration in the Office of the Superior Court where the Suit shall be brought; whereupon a Summons or Summonses, together with a Copy or Copies of such Declaration, shall be issued by the Clerk of such Court, directed to the Tenant or Tenants to the Action, and returnable to the Court from whence the same issued, commanding him, her, or them, to appear thereat; and if upon the Service of such Summons or Summonses, the Tenant or Tenants to the Action shall fail to appear or plead, the Court may proceed to examine the Demandant's Title and Quantity of his Part and Purpart, and accordingly as they shall find his right Part and Purpart to be, they shall for so much give Judgment by Default, and award Partition to be made, according to the Rules hereafter mentioned, whereby such Proportion, Part and Purpart, may be set out severally; which having executed, after giving Ten Days Notice to the other Parties, or if they cannot be found, to the Occupiers or Tenants in actual Possession of the Premises (where such Occupier or Tenant in Possession is not Demandant in the Action) and returned, and thereupon final Judgment entered, shall be good, and conclude all Persons whatsoever, after Notice as aforesaid, whatever Right or Title they have, or may at any Time claim to have, in any of the Messuages, Lands, Tenements, and Hereditaments, mentioned in the said Judgment and Writ of Partition, although all Persons concerned are not named in any of the Proceedings, nor the Title of the Tenants truly set forth.

Manner of obtaining partitions in coparcenary.

III. *PROVIDED always,* That when the Tenant or Tenants to the Action live out of this Province, that then and in such Case a Service of the Summons, with a Copy of the Declaration, upon the lawful Attorney of such absent Tenant or Tenants, shall be deemed a good Service; and *Provided also,* that in all such Cases when the Tenant or Tenants to the Action live out of this Province as aforesaid, the Court shall, before any Judgment by Default be entered as aforesaid, allow an Impar lance to the next succeeding Term, or further, as the Case may reasonably require, in Order that such absent Tenant or Tenants may have Notice to appear and defend the Action, if they think fit.

Tenants out of the province, impar lance to be allowed.

IV. *PROVIDED always,* That such Person or Persons concerned, or any of them, against whom, or their Right or Title, any Judgment by Default shall be given, be at the Time of such Judgment under the Age of Twenty one Years, Feme Covert, of unsound Mind and Memory, or absent out of this Province, without any Attorney, lawfully and fully empowered, residing therein, may, within the Space of Five Years after the Removal of such Disability, apply themselves by Motion to the Court where such Judgment is entered: And if upon such Motion they shall shew a good and probable Matter, in Bar of such Judgment, or that the Demandant hath not Title to so much as he hath

Proviso, for Infants, Feme Coverts, &c.

\* Davis: The Original being missing.



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hath recovered; then, and in such Case, the Court may suspend such Judgment and admit the Tenant or Tenants to appear and plead, and the Cause shall proceed according to due Course of Law, as if no such Judgment had been given; and if the Court, upon hearing thereof, shall adjudge for the first Demandant, then the first Judgment shall stand confirmed, and be good against all Persons whatsoever, except such other Person as shall be absent or disabled as aforesaid; and the Person or Persons so appealing, shall be awarded thereupon to pay Costs, or if within such Time or Times as aforesaid, the Persons concerned admitting the Demandant's Title, Part or Purpart, shall shew to the Court any Inequality in the Partition, the Court shall award a new Valuation, and make Partition in Presence of all Parties concerned (if they will appear) notwithstanding the Return and filing upon Record of the former Valuation; which said second Valuation and Partition returned and filed, shall be good and firm for ever against all Persons whatsoever, except as before excepted.

Manner of proceeding, where lands lie in different counties.

V. *AND be it further enacted by the Authority aforesaid*, That upon any Judgment being given for such Demandant, and the Messuages, Lands, Tenements, and Hereditaments, in such Judgment mentioned, happen to lie in different Counties, the Courts in which such Judgment shall be obtained are authorized and empowered, and they are hereby required, to issue Writs, directed to the Sheriffs of the several Counties where the Lands, Tenements, and Hereditaments lie, commanding them, that by Inquisition, in due Form of Law, they shall cause the Lands mentioned in such Judgment to be valued, and such Valuation to be returned with the Writs, under the Hands and Seals of those by whom Inquisition shall be made; upon which the Court shall proceed to make Partition, giving the Demandant his Part and Purpart in one County, unless where the Lands, Tenements, and Hereditaments, lie on both Sides of a Water which divides two Counties, and it may be necessary, for the Advantage of the different Parties, that such Lands should not be separated, or unless it should prove otherwise injurious to the Parties, in which Case the Court shall make Partition in the most equitable Manner they can.

Where they are to be divided in two or more parts.

VI. *AND be it further Enacted by the Authority aforesaid*, That where it shall be found necessary, in Order to make a more equal Partition, that any of the Lands, Tenements, or Hereditaments, mentioned in such Judgment, should be divided into two or more Parts, the Court shall order a Writ or Writs of Partition to issue to the County or Counties where such Lands, Tenements, and Hereditaments are situated, commanding the Sheriff or Sheriffs of such County or Counties to make Partition of such Lands, Tenements, and Hereditaments, into such Proportions and Value only as shall be necessary to make, as near as may be, an equal Partition of the whole Messuages, Lands, Tenements, and Hereditaments, mentioned in such Judgment, and order the Sheriffs of such Counties respectively to put the Demandant in Possession of his or her particular Part, Purpart, or Share thereof; which Valuation and Partition shall be returned by the Sheriff or Sheriffs as aforesaid, to remain among the Records of the Court.

Where they lie in different districts.

VII. *AND be it further enacted by the Authority aforesaid*, That where the Lands, Tenements and Hereditaments mentioned in any such Suit, lie in different Districts, the Court to which such suit shall be brought may, and they are hereby authorized and required, to proceed in hearing and determining the Demandant's Title and Claim, in the same Manner as if all the Lands, Tenements and Hereditaments, were situated within the District of the Court in which such Suit shall be commenced; any Law, Usage or Custom to the contrary in any wise notwithstanding.

No suit to lie unless part of the claim is within the district.

VIII. *PROVIDED always*, That no Suit for Partition of Lands, Tenements or Hereditaments, shall be commenced in any Superior Court of this Province, unless Part of the Demandant's Claim lie within the District of the Court in which the Suit is brought.

IX. *AND be it further enacted by the Authority aforesaid*, That when the High-Sheriff, by Reason of Sicknefs, or any other Disability, cannot be present at the Execution



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Execution of any Judgment, in Partition; in such Case, the Under-Sheriff, duly appointed and qualified according to Law, in Presence of two Justices of the Peace of the County where the Lands, Tenements and Hereditaments to be divided lie, shall and may proceed to Execution of any Writ of Partition, by Inquisition in due Form of Law, as if the High-Sheriff were then personally present; and the High-Sheriff thereupon shall, and he is hereby enabled and required to make the same Return, as if he were personally present at such Execution. And in Case such Partition be made, returned and filed, he or they that were Tenant or Tenants of any of the said Messuages, Lands, Tenements and Hereditaments, or any Part, or Purpart thereof, before they were divided, shall be Tenant or Tenants for such Part, let out severally to the respective Landlords or Owners thereof, by and under the same Conditions, Rents, Covenants and Reservations, where they are or shall be so divided: And the Landlords and Owners of the several Parts and Purparts so divided and allotted as aforesaid, shall warrant and make good unto their respective Tenants, the said several Parts severally after such Partition, as they are or were bound to do by any Leases or Grants of their respective Parts before any Partition made: And in Case any Demandant be Tenant in actual Possession, to the Tenant to the Action for his Part or Proportion, or any Part thereof, in the Messuages, Lands, Tenements, and Hereditaments, to be divided by Virtue of a Writ of Partition as aforesaid, for any Term of Life, Lives, or Years, or uncertain Interest, the said Tenant shall stand and be possessed of the said Purparts and Proportions, for the like Term, and under the same Conditions and Covenants, as when it is set out severally, in pursuance of this, or any other Act, Statute or Law to that Purpose.

Manner of proceeding where the High-Sheriff cannot act.

Condition of the landlords and tenants after partition.

X. *AND be it further enacted by the Authority aforesaid*, That the respective Sheriffs, their Under-Sheriffs and Deputies; and in Case of Sickness, or Disability in the High-Sheriff, all Justices of the Peace within their respective Counties, shall give due Attendance to the executing such Writ of Partition, unless reasonable Cause be shewn to the Court upon Oath, and there allowed of, or otherwise be liable, every of them to pay unto the Demandant or Plaintiff, such Costs and Damages as shall be awarded by the Court, not exceeding ten Pounds, Proclamation Money; for which the Demandant may bring his Action in any Court having Cognizance thereof; wherein no Effoin, Protection, Privilege, or Wager of Law, shall be allowed: And in Case the Demandant doth not agree to pay unto the Sheriffs or Under-Sheriffs, Justices and Jurors, such Fees as they shall respectively demand for their Attendance in the Execution of the same, and returning thereof; then the Court shall award what each Person shall receive, having Respect to the Distance of the Place from their respective Habitations, the Laws of this Province, and the Time they must necessarily spend about the same, for which they may severally bring their Actions as aforesaid.

Penalty on Sheriffs neglecting to attend the execution of partitions, &c.

Provision for fees to Sheriffs, &c.

XI. *AND be it further enacted*, That the Demandant in any Suit for Partition of Lands, Tenements, and Hereditaments, shall not recover Costs, unless it appears to the Court that the Tenant or Tenants to the Action, previous to its Commencement, refuse to make Partition.

Demandant not to recover costs, unless tenant refuse to make partition.

XII. *PROVIDED always*, That this Act, nor any Thing herein contained, shall extend, or be construed to extend, to alter or abridge the Power of the Court of Chancery in this Province, in the Partition of any Lands, Tenements, or Hereditaments; any Thing herein contained to the contrary thereof, in any wise, notwithstanding.

Court of Chancery's power not abridged.

XIII. *AND be it further enacted by the Authority aforesaid*, That this Act shall be and continue in Force for and during the Space of five Years, from and after the passing hereof, and to the End of the next Session of Assembly, and no longer.

Continuance of the act.

## C H A P. XXXV.

*An Act to prevent Card playing, and other deceitful Gaming.*

Revived by acts, Nov. 1777, c. 14. April 1778, c. 5. But repealed by act Nov. 1788, c. 5.



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## C H A P. XXXVI.

*An Act to indemnify the several Sheriffs who have not collected the One Shilling Tax per Poll, for sinking the Twelve Thousand Pounds granted in the Year One Thousand Seven Hundred and Sixty, and the Tax of Two Shillings per Poll, for sinking the Twenty Thousand Pounds granted in the Year One Thousand Seven Hundred and Sixty-One; and to direct such Sheriffs who have received the said Taxes, to refund the same to the People from whom they received the said Taxes.*

I. **W**HEREAS it was resolved the Assembly in *December*, one thousand seven hundred and sixty-eight, that the Tax of one Shilling per Poll, for sinking the twelve thousand Pounds granted in the Year one thousand seven hundred and sixty, and the Tax of two Shillings per Poll, for the sinking the twenty thousand Pounds granted in the Year one thousand seven hundred and sixty-one, have had their Effect, and ought not thenceforth to be collected; and it being doubtful whether the Sheriffs are not liable to account for, and pay the said Taxes into the Treasury notwithstanding the said Resolve: For Remedy whereof,

Taxes not to be collected.

II. *BE* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That no Sheriff, or other Collector of the public Taxes, shall be liable to account for, and pay into the Treasury any Part of the one Shilling per Poll, for sinking the twelve thousand Pounds granted in the Year one thousand seven hundred and sixty, or any Part of the Tax of two Shillings per Poll, for sinking the twenty thousand Pounds granted in the Year one thousand seven hundred and sixty-one, which hath become due and payable since the last Day of *December*, one thousand seven hundred and sixty-eight, for or on Account of any Collection of Taxes; any Law, Usage, or Custom notwithstanding.

Where they have been collected, to be refunded.

III. **A**ND whereas some Sheriffs hath proceeded and collected either the Whole, or some Part of the said Taxes, since the passing the said Resolve, alledging that they would be liable to account for the same with the Treasurer: *Be it enacted by the Authority aforesaid*, That where any Sheriff, or other Collector of public Taxes, hath received from any Person or Persons whatsoever, any Part, or the whole of the aforesaid Taxes, on the Collection of any Taxes becoming due since the last Day of *December*, one thousand seven hundred and sixty-eight, such Sheriff or Collector shall (on Request of such Person or Persons, at any Time after the tenth Day of *March* next) refund and pay to the Person or Persons from whom he received the said Tax, or any Part thereof, the whole Sum which he shall have received, on Account of the one Shilling and two Shilling sinking Funds aforesaid; to be recovered by Warrant, from any Justice of the Peace, on the Plaintiff's producing a Receipt from such Sheriff or Collector, and it appearing to the Justice that the said Taxes, or any Part, were actually received by such Sheriff or Collector.

To be discounted in the tax of 1770.

IV. *PROVIDED* nevertheless, That where any Sheriff or Collector who hath received the Whole, or any Part of the said Taxes, and is continued in Office to collect the Taxes for the Year one thousand seven hundred and seventy, may retain such Sums as he hath received on Account of the aforesaid Taxes, until he doth receive the Taxes for the Year one thousand seven hundred and seventy; and he is then directed and required, to discount so much of the said one Shilling and two Shilling Taxes, as he hath received heretofore according to the true Intent of this Act. And if any Sheriff or Collector of the public Taxes, shall have paid into the Treasury any Part of the said one Shilling or two Shilling Taxes aforesaid, which hath been collected on Account of Taxes becoming due since the last Day of *December*, one thousand seven hundred and sixty-eight, it shall and may be lawful for such Sheriff or Collector to demand and receive of the Treasurer or Treasurers, to whom he shall have paid any such Taxes, all Sum or Sums of Money which the said Sheriff or Collector paid him, them, or either of them; to be recovered by Action of Debt, in the Superior Court of the District wherein the County is situated, of which such Sheriff is or was Collector.

Treasurers to discount where the tax has been paid them.

V. **A**ND



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V. *AND* be it further enacted by the Authority aforesaid, That neither of the aforesaid Taxes of one or two Shillings, shall be demanded, taken or received, of or from any Person or Persons whatsoever hereafter, on any Pretence whatsoever. Taxes to cease.

## C H A P. XXXVII.

An additional Act to an Act, entitled, An Act for defraying the contingent Charges of Government. Temporary, and I presume it had its effect.

## C H A P. XXXVIII.

An Act to enlarge the Time for several Sheriffs to settle their Accounts with the Justices of the Inferior Courts of Pleas and Quarter-Sessions of the Counties therein mentioned. PRIV.

## C H A P. XXXIX.

An Act for ascertaining the Boundary Line between the County of Rowan, and the Counties of Mecklenberg and Tryon; and for appointing Commissioners to run the same.

I. **W**HEREAS the Boundary Line between the County of Rowan, and the Counties of Mecklenberg and Tryon, hath not as yet been ascertained, by Reason whereof, the Inhabitants within the disputed Bounds of the said Counties refuse to give in a List of Taxables, or pay their Taxes in any of the said Counties;

II. *BE* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That Thomas Neil, Thomas Polk, Matthew Locke, Griffith Rutherford, and Peter Johnston, Esquires, be appointed Commissioners; and they, or a Majority of them, are hereby empowered and required, to run the Dividing Line between the said County of Rowan, and the Counties of Mecklenberg and Tryon; beginning at Cold Water, where John Patterson's upper Line crosses the Creek; thence due West until it intersects the Cherokee Indian Line; which said Line, when run by the Commissioners aforesaid, or a Majority of them, shall by them be entered on Record in the Court of each of the said Counties, and shall hereafter be deemed and taken to be the Dividing Lines between the said Counties. Commissioners appointed to run the dividing line.

III. *Temporary.*

## C H A P. XL.

An Act for securing and preserving the Titles of the Freeholders in this Province.\*

I. **W**HEREAS through the Neglect and Mismanagement of Persons, who have heretofore been Registers in this Province, many of the Books wherein the Conveyances of Lands within several of the Counties are registered, are so abused and defaced, as to be almost unintelligible, and in Danger of being entirely lost, and are some of them removed to, and dispersed in other Counties, whereby the Freeholders are in Danger of being greatly injured:

II. *BE* it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That the Justices of the Inferior Court of any County, or any seven of them, at any Court held between the passing of this Act and the first Day of May, one thousand seven hundred and seventy-two, may, and are hereby empowered, to appoint some Person or Persons to collect together all the Books or Papers, wherein are registered the Conveyances of Lands in their respective Counties, and to make a fair Copy of the same into a Book or Books, well bound in Calf or Vellum; and the same being fairly copied into the said Book or Books, to present to the Court for their approbation. Records to be collected and fair copies made.

III. *AND*

\* Davis: The Original being missing.



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Persons to be appointed to correct the copies.

III. **A N D** the said Book or Books being approved of by the Court, in order to prevent Frauds, and correct Errors; *Be it further enacted by the Authority aforesaid,* That six Persons be appointed to examine and correct the same, in Manner following, *to wit,* Two of them by the Court, two of them by the Vestry, and the other two of them by the Freeholders of the said County, or a Majority of them: And in order that the Freeholders be properly convened for that Purpose, the Justices of the Inferior Court are hereby empowered, to direct the Sheriff of the said County to set up Advertisements, appointing a Day for the said Freeholders to meet at the Court-House of the said County, to elect and choose the said two Persons for the Purpose aforesaid; and the Sheriff is hereby directed to attend at the Court-House on such Day as shall be so appointed for the Election aforesaid, and shall take a List of the Names of the Voters, and the Votes given in by each Freeholder in his proper Person, and the Poll kept open until Sunset; and the Sheriff shall declare the Persons who have the greatest Number of Votes duly elected, and shall sign the Poll, and return the same to the next Inferior Court to be filed by the Clerk among the Records of the said County, the Clerk having first made and Entry of the Names of such Persons so elected on the Minutes of the said Court; and the Person so appointed and elected as aforesaid, having examined the said Book or Books, and compared them with the Originals, and corrected any Errors that they may find in the same, shall certify the same, on Oath, in open Court; which Certificate shall be entered on the Minutes of the said Court, and also in the said Book or Books; which Certificate so entered in the said Book or Books, shall be signed by such Persons so appointed as aforesaid to examine the same, and be attested by the Clerk in open Court: And all Deeds and Conveyances of Lands, inserted in the said Book or Books as aforesaid, from the old Registers, Books, and Papers, shall be deemed and taken to be duly registered and certified Copies from the said Book or Books, and shall be of equal Validity with Copies of Deeds from any other Register's Office within this Province, any Law, Usage, or Custom, to the contrary, notwithstanding.

Copies taken as this act directs to be equally valid with copies from any other Register's office.

Power of the persons appointed, to demand books and papers.

IV. *A N D be it further enacted by the Authority aforesaid,* That it shall and may be lawful for any Person or Persons, so appointed and elected as aforesaid, to collect the Books and Papers wherein any Conveyance of Land within the said Counties are registered, to demand and receive the said Books and Papers from every Person or Persons who may have the same, or any of them, in his or their Possession: And in Case of the Refusal of any such Person or Persons, so possessed as aforesaid, it shall and may be lawful for the Superior Court of the District, on Motion, after ten Days previous Notice given to such Person or Person so refusing, and on the said Facts appearing sufficiently to the Court, to order and adjudge he or they be committed to close Gaol, without Bail or Mainprize, until he or they shall cause the said Books and Papers by him possessed, to be delivered to the Person or Persons to receive the same, and shall also pay and satisfy all such Costs as may accrue by Reason of such Motion,

Persons refusing to deliver them, to be committed, &c.

The copies to be delivered to the Register.

V. *A N D be it further enacted by the Authority aforesaid,* That the Inferior Court of the County where the said Records shall be so examined and completed, shall deliver to the Register of such County the said Books, to be by him kept as usual.

Allowance to the persons appointed, for their trouble.

VI. *A N D be it further enacted by the Authority aforesaid,* That it shall and may be lawful for the Justices of the said Court, to make such reasonable Allowance as may be thought necessary, to such Persons as shall be appointed and elected for the Purpose aforesaid, to be paid out of the County Tax.

All conveyances having certificates of probate, may be registered

VII. **A N D** whereas many Conveyances for Lands in the said Counties, certified by the Register to have been registered, are not to be found in any of the Registers Books for the respective Counties; *Be it therefore enacted by the Authority aforesaid,* That any Person producing to the Register of the County whereof he is Register, any Deed of Conveyance for Lands in the said County, with a Certificate thereon endorsed, of the same having been duly proved before the Inferior Court of the said County, or the Chief Justice, or one of the Associate Justices, shall be entitled to have the same registered; and the Register of the said County is hereby required to register the same, if such Conveyance be not found in the Books, notwithstanding such Certificate of Registration.

C H A P.



## C H A P. XLI.

*An Act to alter the Method of working upon the Roads in the County therein mentioned.*  
E X P.\*

## C H A P. XLII.

*An Act for dividing the Northern Part of Rowan County, and erecting a new County and Parish, by the Name of Surry County and St. Jude's Parish.\**

I. **W** H E R E A S the large Extent of the County of *Rowan*, renders it grievous and burthensome to many of the Inhabitants thereof to attend the Courts and General Musters, and other public Meetings appointed therein:

II. *B E* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the first Day of *April* next, the said County of *Rowan* be divided by a Line, beginning at a Point forty-two miles North of *Earl Granville's* Line, on *Guilford* County Line; thence running North to the *Virginia* Line; thence Westwardly along the Mountains to the Ridge that divides the Waters of *Yadkin* and the *Catawba* Rivers; thence along the said Ridge to the Northwest Corner of *Rowan* County; then East along *Rowan* County Line to the Beginning, be thenceforth erected into a distinct County and Parish, by the Name of *Surry* County and *St. Jude's* Parish.

*Surry county erected.*

[The remaining Sections altogether of a private or a temporary Nature.]

## C H A P. XLIII.

*An Act for the more speedy Recovery of all Debts and Demands under Five Pounds, Proclamation Money, within this Province.* E X P.

## C H A P. XLIV.

*An Act to encourage and support the Establishment of a Post-Office in this Province.*(a)

S I G N E D by

W I L L I A M T R Y O N, Esq. Governor.

J A M E S H A S E L L, President.

R I C H A R D C A S W E L L, Speaker.

Read Three Times, and ratified in open Assembly, }  
the 26th Day of January, 1771. }

T 3

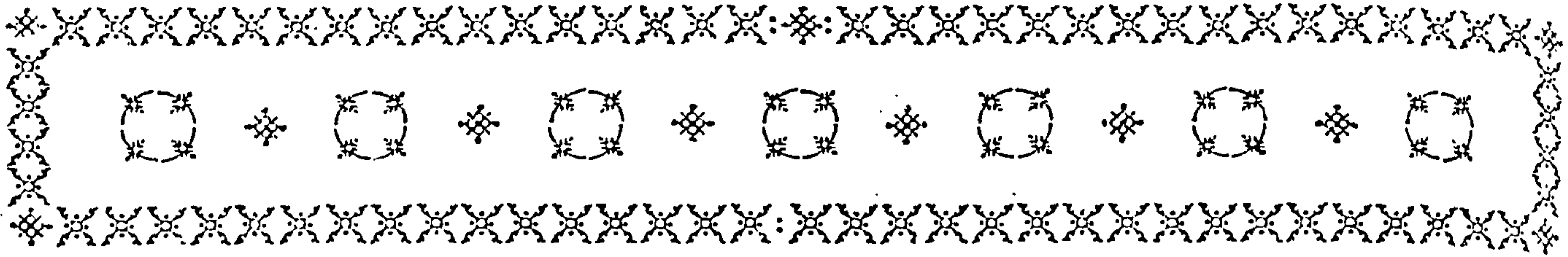
A N N O

\* *Davis*: The Originals being missing.

(a) *Davis* says this act was repealed by Proclamation. I have no certificate of that: However it was only to be in Force for two Years, and from thence to the End of the next Session of Assembly.



A. D. 1771.



A N N O R E G N I

G E O R G I I I .

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,  
DUODECIMO.JOSIAH MAR-  
TIN, Esq. Go-  
vernour.

At an A S S E M B L Y, began and held at Newbern, the Nineteenth Day of November, in the Twelfth Year of the Reign of our Sovereign Lord G E O R G E the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and in the Year of our Lord One Thousand Seven Hundred and Seventy-one: Being the Second Session of this Assembly.

## C H A P. I.

Temporary.

*An Act for imposing a Tax of Two Shillings, Proclamation Money, per Poll, on all taxable Persons within this Province, and for granting the Money arising from such Tax to his Majesty, his Heirs and Successors, to be applied as herein after directed.*

## C H A P. II.

*An Act to alter the Method of working upon the Roads in the Counties therein mentioned.* PRIV.

## C H A P. III.

*An Act to empower the Churchwardens and Vestrymen of the Parish of St. Gabriel's in the County of Duplin, to sell the Glebe in the said Parish and County.* PRIV.

## C H A P. IV.

*An Act to enable the Freeholders of the Parish of St. John, in the County of Pasquotank, to elect a Vestry, and provide for their Poor.* PRIV.

## C H A P. V.

*An Act for appointing an Agent to solicit the Affairs of this Province at the several Boards in England.* EXP.

## C H A P. VI.

*An Act to amend an Act, entitled, An Act what Fences are sufficient; and to amend and continue an Act relating to taking up stray Horses.*(a)

CHAP.

(a) The Subject concerning Fences provided for by Act, Nov. 1777, c. 22. That concerning Strays provided for by Acts, Nov. 1777, c. 9. June 1781, c. 7.



## C H A P. VII.

An Act to empower the Freeholders of the several Parishes therein mentioned to elect Vestries for their respective Parishes. P R I V.

## C H A P. VIII.

An Act for the further enabling Francis Locke, Andrew Allison, Griffith Rutherford, and William Temple Coles, former Sheriffs of Rowan County, to collect the Arrearages of Taxes.\* P R I V.

## C H A P. IX.

An Act to amend an Act, entitled, An Act for founding, establishing and endowing of Queen's College, in the Town of Charlotte, in Mecklenberg County. P R I V.

## C H A P. X.

An Act to indemnify such Persons as have acted in Defence of Government, and for the Preservation of the public Peace of this Province, during the late Insurrection, from vexatious Suits and Prosecutions.

I. **W** H E R E A S during the late Insurrection, which began in or about the Month *December*, in the Year of our Lord one thousand seven hundred and seventy, divers Officers of the Militia, Justices of the Peace, Constables, and other Officers and Persons, well affected to his Majesty and his Government, in Order to preserve our present happy Establishment and the Peace of this Colony, and to suppress and put an End to the said Insurrection, apprehended and put into Custody, and imprisoned, or caused to be apprehended, put into Custody, and imprisoned, several Criminals, and Persons who they suspected had or might disturb the public Peace, or foment or promote Riots, Tumults, Insurrections or evil Designs against the Government; and also seized and used several Horses, Arms, and other Things; and also pressed divers Horses, Carts, and Carriages, for the Service of the Public: And for the Purposes aforesaid, entered into the Houses and Possessions of sundry Persons, and did divers Acts which could not be justified by the strict Forms of Law, and yet were necessary, and so much for the Service of the Public, that they ought to be justified by Act of Assembly, and the Persons by whom they were transacted ought to be indemnified:

II. *B E* it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That all personal Actions and Suits, Indictments, Informations, and all Molestations, Prosecutions, and Proceedings whatsoever, and Judgments thereupon if any be, for or by Reason of any Matter or Thing advised, commanded, appointed or done, during the Insurrection, and until the 10th Day of *July*, in the Year of our Lord one thousand seven hundred and seventy-one, in order to suppress the said Insurrection, or for the Preservation of the public Peace, or for the Service or Safety of the Government, shall be discharged and made void; and that every Person by whom any such Act, Matter or Thing, shall have been so advised, commanded, appointed, or done, for the Purposes aforesaid, or any of them, before the said tenth Day of *July*, shall be freed, acquitted, and indemnified, as well against the King's Majesty, his Heirs and Successors, as against all and every other Person or Persons; and that if any Action or Suit hath been, or shall be commenced or prosecuted against any Person or Persons, for any such Act, Matter or Thing, so advised, commanded, appointed, or done, for the Purposes aforesaid, or any of them, before the said tenth Day of *July*, he, she, or they, may plead the General Issue, and give this Act and the special Matter in Evidence: And if the Plaintiff or Plaintiffs shall become nonsuit, or forbear further Prosecution,

Indemnity against actions that may be brought for any thing done during the insurrection.

\* *Davis*: The Original being missing.



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Prosecution, or suffer Discontinuance, or if a Verdict pass against such Plaintiff or Plaintiffs, the Defendant or Defendants shall recover his, her or their full Costs; for which he, she, or they, shall have the like Remedy as where Costs by Law are given to Defendants in other Cases.

Not to extend to  
bonds, &c. de-  
tained.

III. *PROVIDED* nevertheless, That Nothing herein contained shall be construed to extend to, or debar any Person or Persons, from his, her, or their Right of suing for and recovering any Bonds, Notes or Book Accounts, detained from them by any Person or Persons whatsoever.

## C H A P. XI.

Rep. by act, Nov.  
1777, c. 18. and  
the subject provi-  
ded for by subse-  
quent acts.

*An Act to amend an Act, entitled, An Act for regulating the Pilotage of Cape-Fear River, and other Purposes.*

## C H A P. XII.

Provided for by  
subsequent acts.

*An Act to amend an Act, entitled, An Act for regulating the several Officers Fees within this Province, and ascertaining the Method of paying the same.*

## C H A P. XIII.

*An Act to continue an Act, entitled, An Act to encourage the destroying of Vermin in the several Counties therein mentioned. PRIV.*

## C H A P. XIV.

Provided for by  
act Nov. 1777, c.  
4.

*An Act to empower the Officers therein mentioned, in certain Cases, to take the Poll at the Election of Members to serve in the General Assembly.*

## C H A P. XV.

*An Act to enlarge the Time for several Sheriffs to settle their Accounts with the Justices of the Inferior Courts of Pleas and Quarter-Sessions of the Counties therein mentioned. PRIV.*

## C H A P. XVI.

*An Act for amending an Act, entitled, An Act for erecting in the Town of Salisbury a public Gaol, Pillory and Stocks, for the District of Salisbury, in this Province. PRIV.*

## C H A P. XVII.

*An Act for amending an Act, entitled, An Act for the better Regulation of the Town of Newbern, and for securing the Titles of Persons who hold Lots in the said Town. PRIV.*

## C H A P. XVIII.

*An Act for laying out a Town on the Lands of Richard Evans, in Pitt County, by the Name of Martinborough. PRIV.*

## C H A P. XIX.

*An Act for building a Court-House in the Town of Salisbury, for the District of Salisbury. PRIV.*

C H A P.



## C H A P. XX.

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*An Act to amend an Act, entitled, An Act for the Regulation of the Town of  
Wilmington. PRIV.*

## C H A P. XXI.

*An Act for erecting in the Town of Hillsborough a public Gaol, and Gaoler's House, for  
the District of Hillsborough, in this Province. PRIV.*

## C H A P. XXII.

*An Act for laying out a public Road from the Frontiers of this Province through the Coun-  
ties of Mecklenberg, Rowan, Anson and Cumberland, to Campbellton. PRIV.*

## C H A P. XXIII.

*An Act for appointing and empowering Francis Mosely, of Anson County, and James  
M'Coy, of Rowan County, to collect and receive the Taxes which are due from the In-  
habitants of the said Counties for the Year One Thousand Seven Hundred and seventy.  
PRIV.*

SIGNED by

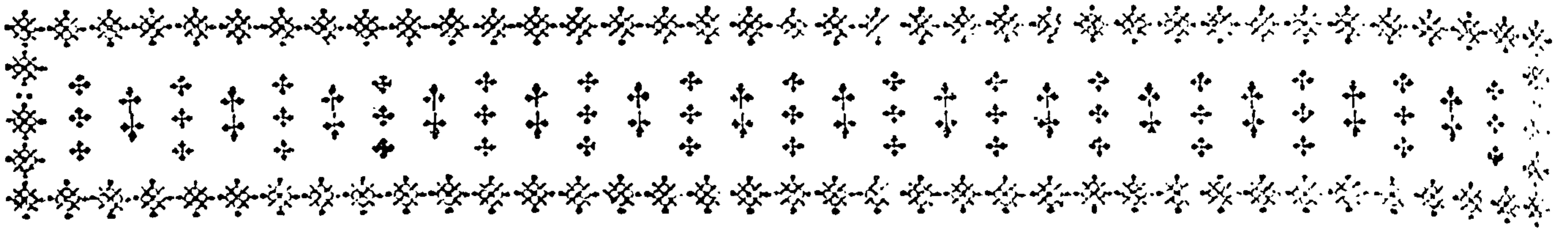
JOSIAH MARTIN, Esq. Governor.

JAMES HASELL, President.

RICHARD CASWELL, Speaker.



A. D. 1773.



A N N O R E G N I

G E O R G E I I I .

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,  
DECIMO TERTIO.

At an A S S E M B L Y, began and held at Newbern, the Twenty-fifth Day of January, in the Thirteenth Year of the Reign of our Sovereign Lord G E O R G E the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and in the Year of our Lord One Thousand Seven Hundred and Seventy-three: Being the First Session of this Assembly.

JOSIAH MAR-  
TIN, Esq. Go-  
vernour.

## C H A P. I.

*An Act for dividing the Province into six several Districts, and for establishing a Superior Court of Justice in each of the said Districts; and for establishing Inferior Courts of Pleas and Quarter-Sessions in the several Counties in this Province, and regulating the Proceedings therein. (a)*

## C H A P. II.

*An Act for regulating the Town of Hertford, and other Purposes. PRIV.*

## C H A P. III.

*An Act to regulate and ascertain the Fees of the Clerks of the Pleas in the Superior and Inferior Courts in this Colony, directing the Method of paying the same, and for taxing Law-Suits. EXP.*

## C H A P. IV.

*An Act for the Relief of Insolvent Debtors, with Respect to the Imprisonment of their Persons.*

I. **B**E it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That if any Person or Persons now are, or hereafter shall be taken or charged on mesne Process or Execution for any Debt, and shall have remained in close Prison by the Space of twenty Days, it shall and may be lawful for two Justices of the Peace, or any two of the Judges of the Inferior, or any one of the Judges of the Superior Courts of this Province, either in or out of Court, upon Petition or Petitions of such Prisoner, under his or their Hands and Seals, whereof Notice shall be given to the Person or Persons, his or their Executors, Administrators, Attornies, or Agents, at whose Suit such Prisoner or Prisoners shall

(a) The last Clause of this Act was as follows: "Provided, That the Execution of this Act be suspended and deferred, till his Majesty's Royal Will and Pleasure be known thereupon." And the King signified his disapprobation of it.—Part of the Original of this Act is missing.

Repealed by Pro-  
clamation, but  
revived by acts  
Nov. 1777, c. 14.  
April 1778, c. 5.

Prisoners for debt  
proving them-  
selves not worth  
40s. to be set at  
liberty, &c.



A. D. 1773.

shall be imprisoned, to require the Sheriff, Gaoler, or Keeper of any Prison, within their respective Jurildictions, to bring before such Justices of the Peace, Judges of the Inferior Court of Pleas and Quarter-Sessions, or Judge of the Superior Court, issuing such Warrant, either in or out of Court, the Body of any Person being in Prison as aforesaid, together with a List of the several Writs, meise Proccesses, and Executions, with which he, she or they, is or are charged in the several Gaols as aforesaid; which Warrant every such Sheriff, Gaoler, or Keeper, is hereby commanded to obey: And such Prisoner or Prisoners coming before the said Justices or Judges, (the Creditor or Creditors, if resident in this Province, at whose Suit he is confined, being first personally summoned, according to the Directions of this Act) if he, she, or they have no visible Estate, real or personal, and shall make Oath before the said Justices of the Peace, or Judges of the Inferior Court, or Judge of the Superior Court respectively, issuing such Warrant, that he hath not the worth of forty Shillings, Sterling Money, in any worldly Substance, either in Debts owing to him, or otherwise howsoever, over and besides his wearing Apparel, working Tools and Arms for Muster; and that he has not at any Time since his Imprisonment, or before, directly or indirectly sold, assigned, or otherwise disposed of, or made over, in Trust for himself or otherwise, any Part of his real or Personal Estate, whereby to have or expect any Benefit or Profit to himself, or to defraud any of his Creditors to whom he is indebted; and if there be no Person present that can prove the contrary, then such Person, by such Court or Justices, without Form of Trial, shall be immediately set at Liberty, and shall stand forever discharged of all such Debts so sued for, and all Costs of Suit: But in Case such Person shall afterwards be discovered to have sworn falsely, he shall be indicted for Perjury; and if convicted, shall lose both his Ears in the Pillory, and be liable to satisfy the Debt and Damages, and be rendered incapable of taking the Benefit of this Act.

II. *AND be it further enacted*, That the said Justices of the Peace, Judges of the Inferior, and Judge of the Superior Court, respectively, before whom such Prisoner or Prisoners shall, upon Oath, have discharged themselves, when the Proceedings are before them out of Court, shall put the same in writing, under their Hands, and return the same into the Court from whence the meise Proccess or Execution issued, there to be kept on Record, under the Penalty of five Pounds, Proclamation Money, for each Judge or Justice for such Omission and Neglect; to be paid to the Person injured, by Order of the said Court.

Justices, &c. to put the proceedings out of court in writing, and make return to court, on penalty of 5l.

III. *AND be it further enacted*, That if any Person or Persons now are, or hereafter shall be taken or charged in meise Proccess or Execution for any Sum, and shall have remained in Prison by the Space of twenty Days, and shall have any Estate, real or personal, and be minded to deliver up his, her, or their Effects, to his or their Creditors, it shall be lawful for such Prisoner to prefer a Petition to the Court from whence the Proccess issued, setting forth the Cause of Imprisonment, and an exact Account of his or their Estate, and all Circumstances relating thereto; which Petition, subscribed by him, her or them, and Schedule, shall be lodged with the Clerk of the said Court from which such Proccess issued, twenty Days at least before the next succeeding Court: And upon such Petition so filed, the Clerk of the said Court shall issue, under his Hand and Seal, a Copy of the said Schedule, and a Notice to the Creditor or Creditors, at whose Suit such Prisoner or Prisoners are or shall be confined, setting forth the Substance of the said Petition, and summoning of them to attend the next succeeding Court, to shew Cause, if any they have, why the Prayer of the said Petition should not be granted; which Notice being duly served upon the Person or Persons, his, her, or their Executors, Administrators, Attorney, or Agent, at whose Suit such Prisoner or Prisoners shall be imprisoned, ten Days at least before the sitting of the said Court, the Court shall order the said Prisoner or Prisoners to be brought before them; and if the said Creditor or Creditors, at whose Suit he is imprisoned, shall appear, or being duly summoned shall fail to appear, the Court shall proceed to examine the Nature of the said Petition in a summary Way, and shall tender to such Person an Oath, to the Effect following;

Cases in which persons in execution may deliver up their effects by petition to court.

Manner of proceeding upon it.



A. D. 1773.

Debtor's oath.

**I** A. B. in the Presence of Almighty God, solemnly, swear, profess and declare, That the Schedule now delivered, and by me subscribed, doth contain, to the best of my Knowledge and Remembrance, a full, just, true, and perfect Account and Discovery, of all the Estate, Goods, and Effects, unto me any Ways belonging, and such Debts as are to me owing, or to any Person in Trust for me; and of all Securities and Contracts, whereby any Money may hereafter become payable, or any Benefit or Advantage accrue to me or to my Use, or to any other Person or Persons in Trust for me; and that I, or any other Person or Persons in Trust for me, have not Land, Money, or Stock, or any other Estate, real or personal, in Possession, Reversion, or Remainder, of the Value of the Debt or Debts with which I am charged in Execution; and that I have not directly or indirectly, sold, lessened, or otherwise disposed of in Trust, or concealed, all or any Part of my Lands, Money, Goods, Stocks, Debts, Securities, Contracts, or Estate, whereby to secure the same, to receive or expect any Profit or Advantage thereof, or to defraud or deceive any Creditor or Creditors to whom I am indebted, in any wise hereafter.

SO HELP ME GOD.

Prisoner to be set at liberty on his taking the oath, and the court being convinced of the truth of it.

**IV.** *BE* it further enacted, That if such Prisoner take such Oath, and the Court be convinced of the Truth thereof, the Schedule so subscribed being filed with the Clerk of the Court for the better Information of the Creditors of such Prisoner or Prisoners, then, and in that Case, it shall and may be lawful for the Court before whom such Oath was taken, by Warrant, to command the Sheriff, Gaoler, or Keeper of any Prison, forthwith to set at Liberty such Prisoner; which Warrant shall be a sufficient Discharge to such Sheriff, Gaoler, or Keeper, and shall indemnify him or them against any Escape or Escapes, or Action or Actions, whatsoever, which shall or may be brought, commenced or prosecuted, against him or them, by Reason thereof; and if any such Action shall be commenced against any Sheriff or other Officer, for performing his Duty in pursuance of this Act, such Sheriff or other Officer may plead the General Issue, and give this Act in Evidence.

Debtors lands, &c. to be sold, and money to be paid the Clerk of the court.

**V.** *AND* be it further enacted by the Authority aforesaid, That all the Lands, Tenements and Hereditaments, which shall be contained in such Schedule, for such Use, Interest, Right, or Title, as such Prisoner or Prisoners then shall have in the same which he or she may lawfully depart withall, and also all Goods and Chattels whatsoever in such Schedule also contained, shall be vested in the Sheriff of the County wherein such Lands, Tenements, Hereditaments, Goods and Chattels, shall lie, or be found; and such Sheriff is hereby authorized, empowered, and required, to sell at Public Vendue, and convey the same to any Person or Persons whatsoever for the best Price that can be got for the same, and the Monies arising by such Sale shall be by such Sheriff or Officer, upon Oath, paid into the Hands of the Clerk of the Superior Court of the District where such Prisoner shall be confined, for the Uses and Purposes hereafter mentioned; saving to every such Prisoner his or her necessary Apparel and Utensils of Trade.

Commissioners to be appointed to examine claims of creditors, who are to be paid in proportion to their debts.

**VI.** *AND* be it further enacted by the Authority aforesaid, That the Judges of the Superior Court shall appoint two Commissioners, who shall have full Power to examine into the Claims of all and singular the Creditors of the Person or Persons imprisoned, as well those at whose Suit he was committed, as of all others; and the said Commissioners shall by Advertisement, at the Court-House of the District, or in some public News-Paper or Gazette, make known the Time at which they propose to examine such Claims (which shall be within sixty Days after their being appointed) and upon such Creditors, their Executors or Administrators, Agents or Attornies, appearing before them, and satisfying them of the Justice of their Claims, they shall proceed to make Distribution amongst each and every of the Creditors so appearing in Proportion to their respective Demands; and the Clerk of the said Court is hereby directed to pay such Monies so received upon the Sale of such Insolvents Estate into the Hands of the said Commissioners, for the Purposes aforesaid.

**VII.** *AND* be it further enacted by the Authority aforesaid, That the Person of such Debtor so discharged shall never be arrested for the same Debt, but the  
Judgment



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Judgment shall be held to be fully satisfied, and no Execution whatever shall by Virtue thereof issue against any Estate which the said Insolvent Debtor or Debtors may afterwards acquire.

Debtors discharged from the same debts forever.

VIII. *AND be it further enacted by the Authority aforesaid,* That whereas it has sometimes happened that poor Insolvent Debtors have been a long Time confined in Gaol, for Want of knowing to whom to give Notice of their Intention to take the Benefit of the Act for Relief of such Insolvents, where the Party at whose Suit such Debtor was in Execution did not reside in this Colony, nor had any known Agent or Attorney here to whom he could give such Notice, which by the Laws in Force in such Cases is required to be given; which long Confinements have also happened in Cases where Debtors have remained in Prison twenty Days, and the Sheriffs or Gaolers have not known to whom to give Notice thereof, or of whom to demand Security for their Prison Fees after the Expiration of the twenty Days: For the further Relief therefore of such Insolvent Debtors, *Be it enacted by the Authority aforesaid,* That when the Party at whose Suit or Instance any such Debtor shall be confined in Execution does not reside in this Colony, nor hath any known Agent or Attorney here, it shall and may be lawful and sufficient for such Insolvent Debtor to give Notice of such his Intention to take the Benefit of the said Act for Relief of Insolvents, to the Attorney at Law who prosecuted the Suit against him; and also where the Debtor shall have remained in Execution for the Space of twenty Days, it shall be lawful and sufficient for the Sheriff or Gaoler, in the like Cases, to give Notice thereof to the Attorney who prosecuted the Suit, and to demand Security of him for the Prison Fees that shall arise after the Expiration of the twenty Days; and if he shall fail or refuse to give such Security, then to discharge such Debtor out of Custody.

Proceedings where creditors reside out of the country.

IX. *AND be it further enacted by the Authority aforesaid,* That if at any Time hereafter any Person being taken or charged on meine Process or Execution, shall not be able to satisfy or pay his or her Prison Fees, shall after the Expiration of twenty Days be discharged by the Creditor, and the Sheriff or Gaoler may demand or recover of the Party or Parties at whose Suit such Insolvent Person shall be imprisoned, all such Fees as shall become due on Account of such Imprisonment.

Debtors unable to pay prison fees to be discharged.

X. *AND be it further enacted by the Authority aforesaid,* That if any Person who shall take such Oath, shall, upon Indictment of Perjury, be convicted thereon, he shall suffer all Pains of wilful Perjury, and shall be liable to be taken on a new Process, and shall never after have the Benefit of this Act.

Pen. for perjury.

XI. *AND be it further enacted by the Authority aforesaid,* That where by this Act an Oath is required, the solemn Affirmation of a Quaker shall be taken in Lieu thereof; and every Person convicted of wilful and false affirming, shall suffer the like Penalties as for wilful and corrupt Perjury.

Quakers affirmation allowed.

XII. *AND be it further enacted,* That every Law heretofore made, respecting the Relief of poor Debtors, as to the Imprisonment of their Persons, be repealed and made void.

Repealing clause.

## C H A P. V.

*An Act for appointing Public Treasurers, and directing their Duty in Office. E X P.*

## C H A P. VI.

*An Act for annexing the North Part of Rowan to the County of Surry, and the further establishing and erecting the Parish of Dobbs into a separate and distinct Parish.*

I. **W**HEREAS the Inhabitants of the North Part of Rowan County labour under great Inconveniences in attending the Courts, and other public Meetings, at the Court-House of the said County; and as it would be much more convenient



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convenient for them to attend public Business in the County of *Surry*, are desirous of being annexed thereto: And as by an Act, entitled, *An Act for creating that Part of Rowan County called Wachovia, into a distinct Parish*, the Tract of Land formerly in the county of *Rowan*, called and named *Wachovia*, belonging to the *Unitas Fratrum* (or United Brethren) according to the known Boundaries and Limits thereof, was erected into a Parish, distinct and separate from the Parish of *St. Luke*, in the said County, and called by the Name of the Parish of *Dobbs*, and were intended to hold, use, and exercise the like Authorities and Powers, and possess and enjoy the same Immunities and other Privileges as other Parishes in this Province: And as by an Act for dividing the Northern Part of *Rowan* County, and erecting a new County and Parish, by the Name of *Surry* County; and *St. Jude's* Parish, the dividing Lines between the Counties of *Rowan* and *Surry* ran through the said Parish of *Dobbs*, by which means Part of the said Parish was left in each of the said Counties, from which great Inconveniences arise to the Inhabitants of the said Parish:

Part of *Rowan*  
added to *Surry*  
county.

II. *BE* it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the dividing Line between the Counties of *Rowan* and *Surry* shall begin at a Point in the Line dividing *Rowan* and *Guilford* Counties, thirty-six Miles North from the South East Corner of *Rowan*, thence running a due West Course to the Ridge dividing the Waters of the *Yadkin* and *Catawba* Rivers, which Line is to be parallel to *Earl Granville's* South Boundary Line (excepting where the Bounds of the Parish of *Dobbs* interfere, which Parish is hereby intended and declared to be included in *Surry* County) and by the said dividing Ridge and the Mountains to the *Virginia* Line; and all that Part bounded to the Northward by the Line before described to be marked, shall be, and is hereby annexed to, and made Part of *Surry* County.

*Wachovia* added  
to *Surry*.

III. *AND* be it further enacted by the Authority aforesaid, That that Part of *Rowan* County, and Parish of *Dobbs*, which by the Division of *Rowan* and *Surry* Counties fell into *Rowan* County, be added to *Surry* County as aforesaid; so that all that original Tract of Land called *Wachovia*, or *Dobbs* Parish, according to the known Bounds and Limits thereof, be made Part of *Surry* County, and be and remain one entire Parish as before, distinct and separate from the Parish of *St. Jude*, and any other Parish whatever, and be entitled to use, hold, and exercise the like Authorities and Powers, and possess and enjoy the same Immunities, and other Privileges, as other Parishes in this Province.

[The remaining Sections altogether of a private or a temporary Nature.]

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C H A P. VII.

*An Act for building a Gaol in Beaufort County.* P R I V.

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C H A P. VIII.

*An Act to exonerate John Tagert and Francis Adams, late Sheriffs of Tryon County, from being chargeable with the Collection of Taxes taken into South-Carolina.* P R I V.

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C H A P. IX.

*An Act for laying out and establishing a public Road from Charlotte Town, in Mecklenberg County, to Bladen Court-House.* P R I V.

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C H A P. X.

*An Act to continue an Act, passed the fifteenth Day of January, in the Year of our Lord One Thousand Seven Hundred and Seventy-one, entitled, An Act to alter the Method of working upon the Roads in the Counties therein mentioned.* P R I V.

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## C H A P. XI.

*An Act to prevent making Hedges across Great Contentnea Creek, Little River of P. D. Rocky River and Uahra River. PRIV.*

## C H A P. XII.

*An Act to alter the Method of working upon the public Roads in the County of New-Hanover. PRIV.*

## C H A P. XIII.

*An Act to regulate the Attendance of the Minister of Christ Church Parish, at the Parish Church in the Town of Newbern, and at the several Chapels in the said Parish. PRIV.*

## C H A P. XIV.

*An Act for directing the Method of appointing Jurors in all Causes, civil and criminal. EXP.*

## C H A P. XV.

*An Act for rendering the Navigation of Trent River more useful and advantageous. PRIV.*

## C H A P. XVI.

*An Act to encourage the destroying Vermin in the several Counties therein mentioned. PRIV.*

## C H A P. XVII.

*An additional Act to an Act, entitled, An Act for establishing a School-House in the Town of Newbern. PRIV.*

## C H A P. XVIII.

*An Act to prevent hunting with a Gun in the Night by Fire Light.\**

Provided for by subsequent acts.

## C H A P. XIX.

*An additional Act to an Act, entitled, An Act for amending an Act, entitled, An Act for the better Regulation of the Town of Newbern, and for securing the Titles of Persons who hold Lots in the said Town. PRIV.*

## C H A P. XX.

*An Act for laying out a public Road from Dan River, through the Counties of Guilford, Chatham, and Cumberland, to Campbellton, and for a public Road from the Shallow Ford, in Surry County, to join the same. PRIV.*

## C H A P. XXI.

*An Act to amend an Act, passed at Newbern, in the Year One Thousand Seven Hundred and Seventy-one, entitled, An Act for laying out a public Road from the Frontiers of this Province, through the Counties of Mecklenberg, Anson and Cumberland. PRIV.*

## C H A P.

\* Davis: The Original being missing.



A. D. 1773.

## C H A P. XXII.

*An Act for establishing a Town on the Land of Isaac Jones, lying on the North-West Branch of Cape-Fear River, in Bladen County. PRIV.*

## C H A P. XXIII.

*An Act to empower the Executors of John McKildo, late Sheriff of Tyrrell County, to collect the Arrears of Taxes due for the said County, in the Years therein mentioned. PRIV.*

## C H A P. XXIV.

*An Act for granting a Bounty on the Exportation of Pot and Pearl Ash. EXP.*

## C H A P. XXV.

*An Act to amend an Act, entitled, An Act for settling the Bounds of Lands.*

I. **W**HEREAS the Method prescribed by the before recited Act for appointing Proceffioners hath not answered the Ends thereby intended, and it being doubtful whether Proceffioners appointed in Virtue of the said Act have a Right to act.

Justices to appoint proceffioners.

II. *BE* it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing hercof, the Justices of the several Inferior Courts within this Province may, and they are hereby empowered to lay off and divide their respective Counties into as many different Districts as to them shall appear necessary, and to appoint two or more able and intelligent Freeholders in each of the said Districts, to proceffion the Land within the same, in the same Manner as in and by the before recited Act is directed; and in Case of Neglect or Refusal in the said Justices or Proceffioners, he or they so offending, shall be subject to the same Penalties as by the said act is inflicted; any Thing therein contained to the contrary notwithstanding.

Their allowance.

III. *AND* be it further enacted by the Authority aforesaid, That the Proceffioners aforesaid, shall be allowed for their Trouble in the above Service, the Sum of two Shillings and six Pence, for every Tract of Land by them so proceffioned, to be paid by the Owner of the said Land.

## C H A P. XXVI.

*An Act to amend an Act, entitled, An Act for the Regulation of the Town of Hillsborough. PRIV.*

## C H A P. XXVII.

*An Act to amend an Act for appointing Commissioners to build a Prison, Pillory and Stocks, on the Lot whereon the Court-House now stands in Duplin County. PRIV.*

## C H A P. XXVIII.

*An Act to continue an Act for the more speedy Recovery of all Debts and Demands under five Pounds, Proclamation Money, within this Province, EXP.*



A. D. 1773.

## C H A P. XXIX.

*An Act for the Relief of Persons who have, or may suffer, by their Deeds and mesne Conveyances not being proved and registered, within the Time heretofore appointed by Law.*

I. **W** H E R E A S many Persons, through Ignorance of the Law, have neglected to have their Deeds and mesne Conveyances proved and registered according to the Directions of the several Acts of Assembly in such Case made and provided: For Remedy whereof,

II. *BE it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That all Deeds and mesne Conveyances of Lands, Tenements, and Hereditaments, not already registered, acknowledged, or proved, shall and may, within two Years after the passing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attornies, or proved by one or more of the subscribing Witnesses to the same, and tendered or delivered to the Registers of the Counties where such Lands, Tenements, or Hereditaments, are respectively situated: And all Deeds and mesne Conveyances whatsoever, which shall be acknowledged or proved according to the Directions of this Act, though not within two Years after the Date of the respective Conveyances, shall be good and valid in Law, and shall enure and take Effect as fully and effectually, to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged or proved and registered, agreeable to the Directions of any Act of Assembly heretofore made.*

Deeds may be registered within 2 years.

Deeds registered, tho' not within 2 years, declared good.

## C H A P. XXX.

*An Act for repairing the Gaol for the District of Halifax, in the Town of Halifax. PRIV.*

## C H A P. XXXI.

*An Act to continue the Tax imposed by an Act, entitled, An Act for building a Court-House in the Town of Salisbury, for the District of Salisbury. PRIV.*

## C H A P. XXXII.

*An Act to dissolve the Vestry of Unity Parish, in Guilford County. PRIV.*

## C H A P. XXXIII.

*An Act for erecting a public Gaol, and Gaoler's House, in the Town of Wilmington, for the District of Wilmington. PRIV.*

## C H A P. XXXIV.

*An additional Act to an Act for erecting a Court-House and Prison for the Use of the District of Edenton. PRIV.*

*Read Three Times, and ratified in open Assembly, }  
the 6th Day of March, 1773.*

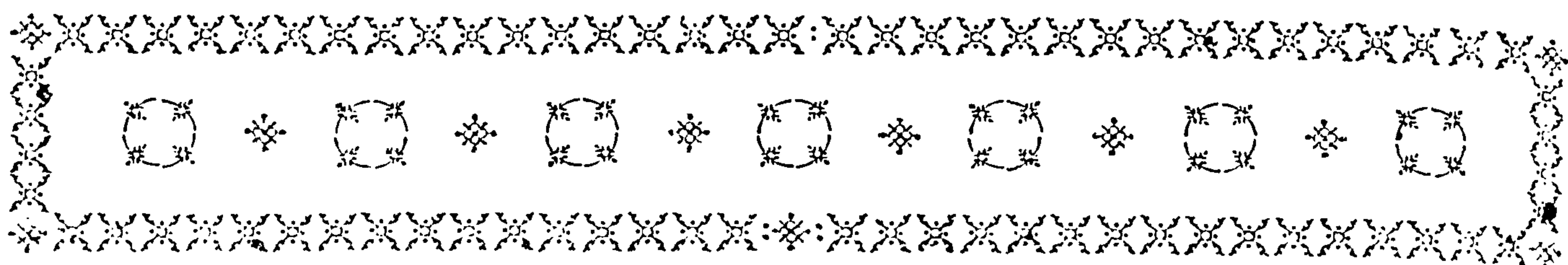
JOSIAH MARTIN, Esq. Governor.

JAMES HASELL, President.

JOHN HARVEY, Speaker.



A. D. 1774.



A N N O R E G N I

G E O R G E I I I .

REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,  
DECIMO QUARTO.

JOSIAH MAR-  
TIN, Esq. Go-  
vernour.

At an ASSEMBLY, began and held at Newbern, the Second Day of March, in the Fourteenth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and in the Year of our Lord One Thousand Seven Hundred and Seventy-four: Being the Second Session of this Assembly.

## C H A P. I.

*An Act for establishing Inferior Courts of Pleas and Quarter-Sessions in the several Counties in this Province, and for regulating the Proceedings therein. EXP.*

## C H A P. II.

*An Act to establish a Militia for the Security and Defence of this Province. EXP.*

## C H A P. III.

*An Act to establish Courts of Oyer and Terminer and General Gaol Delivery, and for vesting in the several Inferior Courts of Pleas and Quarter-Sessions the Power of appointing Jurymen for the said Courts of Oyer and Terminer, and regulating the Proceedings therein; and also for constituting the Judges thereof a Court for hearing and determining Appeals and Writs of Error. EXP.*

## C H A P. IV.

Provided for by  
subsequent acts.

*An Act to amend the Staple of Tobacco, and prevent Frauds in his Majesty's Customs.*

## C H A P. V.

*An Act to regulate and ascertain the Fees of the Clerks of the Inferior Courts in this Colony. EXP.*

## C H A P. VI.

*An Act to prevent the pernicious Practice of hunting with a Gun in the Night by Fire Light.*

[Provided for by subsequent Acts all but the fifth Section.]

V. AND



A. D. 1774.

V. **A**ND whereas from the Circumstances of Secrecy which attend the Perpetration of such Offences, it is in most Instances impracticable to convict Offenders by indifferent Testimony : *Be it therefore enacted by the Authority aforesaid,* That when more Persons than one are engaged in the Commission of such Offence, it shall and may be lawful for one of them to give Evidence against any one, or all others concerned; and his Testimony shall be held and deemed to be as effectual, and shall have equal Weight, as if given by any Person perfectly disinterested and innocent of the Offence giving like Information of the same Facts, subject in other Respects to the general Rules of Law respecting Witnesses : And such Witnesses, upon giving such Information, and after due Conviction of one or more such Offenders, shall be acquitted, and held discharged from all Penalties and Pains to be inflicted by this Act; and shall have equal Right to the Moiety of the Fine heretofore mentioned as other Informers have.

What testimony  
sufficient to con-  
vict fire hunters.

## C H A P. VII.

*An Act to amend and further continue an Act, entitled, An Act concerning Vestries.* See note page 84.

## C H A P. VIII.

*An Act to oblige Vessels having infectious Distempers on Board to perform their Quarantine.* E X P.

## C H A P. IX.

*An Act for enlarging the Time of saving Lots in the Town of Windsor, for erecting a Court-House, Prison and Stocks, for the County of Bertie, in the said Town, and other Purposes.* P K I V.

## C H A P. X.

*An Act for vesting in certain Persons therein named two Acres of Land, at Belville, in Currituck County, as Trustees for erecting a Chapel thereon, and for enclosing a burying Ground.* P R I V.

## C H A P. XI.

*An Act for the more effectual obtaining an exact List of Taxables for the Town of Newbern, for compelling the Inhabitants of the said Town to pay their Taxes, and for other Purposes therein mentioned.* P R I V.

## C H A P. XII.

*An Act for appointing Commissioners for building a Court-House, Prison and Stocks for the County of Tryon, and for establishing a Boundary Line between the Counties of Tryon and Mecklenberg.*

[All but the last Section of too private a Nature to be inserted.]

III. **A**ND whereas sundry Disputes have arisen relative to the Boundary Line between the said County of Tryon and the County of Mecklenburgh, to prevent which for the future, *Be it enacted by the Authority aforesaid,* That the River *Catawba* be, and is hereby declared the Boundary Line between the said Counties.

Boundary be-  
tween the coun-  
ties.

## C H A P. XIII.

*An Act for dividing the Parish of Edgcomb, in the County of Halifax, into two distinct Parishes.* P R I V.

C H A P.



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## C H A P. XIV.

*An Act for establishing the Court-House in the Town of Charlotte, in Mecklenberg County, and for regulating the said Town. P R I V.*

## C H A P. XV.

*An Act for dividing the Parish of St. Mary's, in the County of Edgcomb, into two distinct Parishes. P R I V.*

## C H A P. XVI.

*An Act to amend an Act for the laying out a Town on the Lands of Richard Evans, in Pitt County, by the Name of Martinborough, and for removing the Court-House, Prison and Stocks into the said Town. P R I V.*

## C H A P. XVII.

*An Act to prevent counterfeiting the Paper Money of this and the other British Colonies, and to prevent counterfeiting the Gold and Silver Coin circulating in this Province. EXP.*

## C H A P. XVIII.

*An Act directing the Duty of Sheriffs, with Respect to insolvent Taxables.*

I. **W** H E R E A S it is customary for the Inferior Courts of this Province to allow the Sheriffs in the Settlement of their Accounts a large Number of insolvent Taxables annually, which they are not by any Law prevented from afterwards collecting to their own Use, to the great Injury of the Public, and Distress of many poor Families, who for want of proper Information, are not benefited or relieved by the Indulgence of the Courts to the Sheriffs on their Accounts: For Remedy whereof,

II. *B E* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, it shall not be lawful for any Inferior Court in this Province to allow any Sheriff in the Settlement of his Accounts for more insolvent Taxables than he shall have expressly named and sworn to, in a List by him then delivered to the Court, to be deposited with the Clerk of the said Court, and kept in his Office for public Inspection; which Clerk shall within ten Days from such Settlement, cause a Copy of the said List to be put up at the Court-House in his County annually, under the Penalty of ten Pounds, Proclamation Money, for each and every Neglect; to be recovered with Costs, by Action of Debt or Information, in any Inferior Court of this Province, and applied, one Half to the Use of the Parish where the Offence may be committed, and the other Half to the Person who shall sue for the same; which Clerk shall be entitled to the Sum of Twenty Shillings for the above Service, to be paid annually, out of the County Tax.

III. *A N D* be it further enacted by the Authority aforesaid, That if after the passing this Act, any Sheriff shall return to Court as Insolvent, the Name of any Person who is not inlisted, or has actually paid his Tax for that Year, or shall presume to collect or receive, by himself or Deputy, from any Person, his Tax for the Year for which he has been returned an Insolvent, such Sheriff shall forfeit and pay for every Offence the Sum of Twenty Pounds; to be recovered as is before directed, and applied one Half to the Use of the Parish where the Offence shall be committed, the other Half to the Party injured, who may sue for the same.

Sheriffs allowed no more insolvents than sworn to.

Penalty for collecting insolvent taxes.



## C H A P. XIX.

*An Act to enforce an Act, entitled, An Act to encourage the destroying of Vermin in the several Counties therein mentioned, passed in the Year One Thousand Seven Hundred and Seventy-three. PRIV.*

## C H A P. XX.

*An Act to amend an Act, entitled, An Act for repairing the Gaol for the District of Halifax, in the Town of Halifax. PRIV.*

## C H A P. XXI.

*An Act for further continuing an Act, entitled, An Act for appointing a Printer to this Province. EXP.*

## C H A P. XXII.

*An Act to amend an Act, entitled, An Act for building a Court-House in the Town of Salisbury, for the District of Salisbury. PRIV.*

## C H A P. XXIII.

*An Act to enforce an Act, entitled, An Act for preventing the frequent Abuses in taking up and secreting stray Horses in the Counties of Orange, Granville, Bute, Rowan, Anson, Mecklenberg, Johnston, Dobbs, Halifax, Edgcomb, Northampton, Hertford, Tyrrel, Craven, and Pitt, in the County of Chatham. PRIV.*

## C H A P. XXIV.

*An Act for appointing Commissioners to erect a Court-House, Prison and Stocks in the County of Guilford. PRIV.*

## C H A P. XXV.

*An Act to empower the Justices of Anson County to establish free Ferries, and lay a Tax for defraying the Charges thereof. PRIV.*

## C H A P. XXVI.

*An Act to amend an Act, For dividing the Northern Part of Rowan County, and erecting a new County, by the Name of Surry County, and St. Jude's Parish. PRIV.*

## C H A P. XXVII.

*An Act to empower the Justices of Bladen County to hold the Inferior Court of Pleas and Quarter-Sessions in the Town of Elizabeth, in the said County. PRIV.*

## C H A P. XXVIII.

*An Act to facilitate the Navigation of Neuse River. EXP.*

## C H A P. XXIX.

*An Act to continue an Act, entitled, An Act to amend an Act, entitled, An Act for the Regulation of the Town of Wilmington. PRIV.*



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## C H A P. XXX.

An Act to explain an Act for erecting a Parish in Chatham County, by the Name of St. Bartholomew. P R I V.

## C H A P. XXXI.

An Act to prevent the wilful and malicious killing of Slaves.

I. **W**HEREAS some Doubts have arisen with Respect to the Punishment proper to be inflicted upon such as have been guilty of wilfully and maliciously killing Slaves :

Penalty for killing slaves.

II. *BE* it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the first Day of May next, if any Person shall be guilty of wilfully and maliciously killing a Slave, so that, if he had in the same Manner killed a Freeman, he would by the Laws of the Realm be held and deemed guilty of Murder, that then and in that Case such Offender shall, upon due and legal Conviction thereof, in the Superior Court of the District where such Offence shall happen, or have been committed, suffer twelve Months Imprisonment : And upon a second Conviction thereof, shall be adjudged guilty of Murder, and shall suffer Death, without Benefit of Clergy.

To pay the value of the slave.

III. *AND* be it further enacted by the Authority aforesaid, That if the Slave so wilfully and maliciously killed, shall be the property of another, and not of the Offender, he shall, on the first Conviction thereof, pay the owner thereof such Sum as shall be the Value of the said Slave, to be assessed by the Inferior Court of the County where such Slave was killed, and shall stand committed to the Gaol of the District where such Conviction shall happen, until he shall satisfy and pay the said Sum so assessed.

Proviso for outlawed slaves, &amp;c.

IV. *PROVIDED* always, That this Act shall not extend to any Person killing any Slave outlawed by Virtue of any Act of Assembly in this Province, or to any Slave in the Act of Resistance to his lawful Owner or Master, or to any Slave dying under moderate Correction.

## C H A P. XXXII.

An Act for erecting Part of the Counties of Halifax and Tyrrell into one Distinct County and Parish.

I. **W**HEREAS the great Extent of the Counties of Halifax and Tyrrell, renders it exceedingly troublesome and expensive to many of the Inhabitants thereof to attend the Courts of Justice, Elections and General Musters, and for the Sheriffs to make public Collections : For Remedy whereof,

Martin county erected.

II. *BE* it enacted by the Governor, Council, and Assembly, and by the Authority of the same, That from and after the passing of this Act, the said Counties be divided as follows, *to wit*, Beginning at the Mouth of Kabukee Creek, on Roanoke River, and running a direct Line to Edgcomb County Line, where it crosses the Tar River Road that leads by Nicholas Loyd's ; thence down Edgcomb Line, to Pitt County Line ; thence along Pitt Line, to Beaufort County Line ; thence along Beaufort Line, to the Head of Welch's Creek, near Stewart Hamilton's Plantation ; thence down Welch's Creek, to Roanoke River ; thence up the River to the Beginning ; and all that Part of the said Counties, included within the said Bounds, be thenceforth erected into a distinct County and Parish, and called and known by the Name of Martin County, and Parish of St. Martin.

[The remaining Sections altogether of a private or a temporary Nature.]

JOSIAH MARTIN, Esq. Governor.  
JAMES HASELL, President.  
JOHN HARVEY, Speaker.

Read Three Times, and ratified in open Assembly, }  
the 19th Day of March, A. D. 1774. }

A DECLARATION



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## A DECLARATION OF RIGHTS.

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At a CONGRESS of the Representatives of the Freemen of the State of NORTH-CAROLINA, assembled at Halifax, the Seventeenth Day of December, in the Year of our Lord one Thousand Seven Hundred and Seventy-six, for the Purpose of establishing a CONSTITUTION or FORM OF GOVERNMENT for the said State.

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A DECLARATION OF RIGHTS made by the Representatives of the Freemen of the State of NORTH-CAROLINA.

*Section I.* **T**HAT all political Power is vested in and derived from the People only.

*Seet. II.* That the People of this State ought to have the sole and exclusive Right of regulating the internal Government and Police thereof.

*Seet. III.* That no Man or Set of Men are entitled to exclusive or separate Emoluments or Privileges from the Community, but in Consideration of public Services.

*Seet. IV.* That the Legislative, Executive and Supreme Judicial Powers of Government ought to be forever separate and distinct from each other.

*Seet. V.* That all Power of suspending Laws, or the Execution of Laws, by any Authority, without Consent of the Representatives of the People, is injurious to their Rights and ought not to be exercised.

*Seet. VI.* That Elections of Members to serve as Representatives in General Assembly, ought to be free.

*Seet. VII.* That in all criminal Prosecutions every Man has a Right to be informed of the Accusation against him, and to confront the Accusers and Witnesses with other Testimony, and shall not be compelled to give Evidence against himself.

*Seet. VIII.* That no Freeman shall be put to answer any criminal Charge, but by Indictment, Presentment, Impeachment.

*Seet. IX.* That no Freeman shall be convicted of any Crime, but by the unanimous Verdict of a Jury of good and lawful Men, in open Court as heretofore used.

*Seet. X.* That excessive Bail should not be required, nor excessive Fines imposed, nor cruel or unusual punishments inflicted.

*Seet. XI.* That General Warrants whereby any Officer or Messenger may be commanded to search suspected Places, without Evidence of the Fact committed, or to seize any Person or Persons not named, whose Offence is not particularly described and supported by Evidence, are dangerous to Liberty, and ought not to be granted.

*Seet. XII.* That no Freeman ought to be taken, imprisoned or disseised of his Freehold, Liberties or Privileges, or outlawed or exiled, or in any Manner destroyed or deprived of his Life, Liberty or Property, but by the Law of the Land.

*Seet. XIII.* That every Freeman restrained of his Liberty is entitled to a Remedy to enquire into the Lawfulness thereof, and to remove the same if unlawful, and that such Remedy ought not to be denied or delayed.

*Seet. XIV.* That in all Controversies at Law respecting Property, the ancient Mode of Trial by Jury is one of the best Securities of the Rights of the People, and ought to remain sacred and inviolable.

*Seet. XV.* That the Freedom of the Press is one of the great Bulwarks of Liberty, and therefore ought never to be restrained.

*Seet.*



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*Sec.* XVI. That the People of this State ought not to be taxed or made subject to the Payment of any Impost or Duty, without the Consent of themselves or their Representatives in General Assembly freely given.

*Sec.* XVII. That the People have a Right to bear Arms for the Defence of the State; and as standing Armies in Time of Peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil Power.

*Sec.* XVIII. That the People have a Right to assemble together to consult for their common good, to instruct their Representatives, and to apply to the Legislature for Redress of Grievances.

*Sec.* XIX. That all Men have a natural and unalienable Right to worship Almighty God according to the Dictates of their own Conscience.

*Sec.* XX. That for Redress of Grievances and for amending and strengthening the Laws, Elections ought to be often held.

*Sec.* XXI. That a frequent Recurrence to fundamental Principles is absolutely necessary to preserve the Blessings of Liberty.

*Sec.* XXII. That no hereditary Emoluments, Privileges or Honours ought to be granted or conferred in this State.

*Sec.* XXIII. That Perpetuities and Monopolies are contrary to the Genius of a free State, and ought not to be allowed.

*Sec.* XXIV. That retrospective Laws, punishing Facts committed before the Existence of such Laws, and by them only declared criminal, are oppressive, unjust, and incompatible with Liberty, wherefore no *Ex post Facto* Law ought to be made.

*Sec.* XXV. The Property of the Soil in a free Government, being one of the essential Rights of the collective Body of the People, it is necessary in order to avoid future Disputes, that the Limits of the State should be ascertained with Precision; and as the former temporary Line between *North* and *South-Carolina* was confirmed and extended by Commissioners appointed by the Legislatures of the two States, agreeable to the Order of the late King *George* the Second, in Council, that Line, and that only, should be esteemed the Southern Boundary of this State, as follows; *that is to say*, Beginning on the Sea side, at a Cedar Stake at or near the Mouth of *Little River*, being the Southern extremity of *Brunswick* County, and runs from thence a North-West Course through the Boundary House, which stands in thirty-three Degrees fifty-six Minutes, to thirty-five Degrees North Latitude; and from thence a West Course so far as is mentioned in the Charter of King *Charles* the Second, to the late Proprietors of *Carolina*: Therefore all the Territories, Seas, Waters, and Harbours, with their Appurtenances, lying between the Line above described and the Southern Line of the State of *Virginia*, which begins on the Sea Shore in thirty-six Degrees thirty Minutes North Latitude, and from thence runs West, agreeable to the said Charter of King *Charles*, are the Right and Property of the People of this State, to be held by them in Sovereignty, any partial Line without the Consent of the Legislature of this State, at any Time thereafter directed or laid out, in any wise notwithstanding. *Provided always*, That this Declaration of Right shall not prejudice any Nation or Nations of *Indians*, from enjoying such Hunting Grounds as may have been, or hereafter shall be secured to them by any former or future Legislature of this State. *And provided also*, That it shall not be construed so as to prevent the establishment of one or more Governments Westward of this State, by consent of the Legislature. *And provided further*, That nothing herein contained, shall affect the Titles or Possessions of Individuals, holding or claiming under the Laws heretofore in Force, or Grants heretofore made by the late King *George* the Third, or his Predecessors, or the late Lords Proprietors, or any of them.

R. CASWELL, *President.*

December the 17th Day, A. D. 1776, }  
read the Third Time, and ratified }  
in open Congress.

Copy, Test.

J. GLASGOW, *Secretary.*

A FORM





# THE CONSTITUTION.

The CONSTITUTION or FORM OF GOVERNMENT agreed to and resolved upon by the Representatives of the Freemen of the State of NORTH-CAROLINA, elected and chosen for that particular Purpose, in Congress assembled, at Halifax, the Eighteenth Day of December, in the Year of our Lord One Thousand Seven Hundred and Seventy-six.

WHEREAS Allegiance and Protection are in their Nature reciprocal, and the one should of Right be refused when the other is withdrawn. And whereas *George* the Third, King of *Great-Britain*, and late Sovereign of the *British American* Colonies, hath not only withdrawn from them his Protection, but by an Act of the *British* Legislature declared the Inhabitants of these States out of the Protection of the *British* Crown, and all their Property found upon the High Seas liable to be seized and confiscated to the Uses mentioned in the said Act. And the said *George* the Third has also sent Fleets and Armies to prosecute a cruel War against them, for the Purpose of reducing the Inhabitants of the said Colonies to a State of abject Slavery. In Consequence whereof, all Government under the said King within the said Colonies, hath ceased, and a Total Dissolution of Government in many of them hath taken Place. And whereas the Continental Congress having considered the Premises, and other previous Violations of the Rights of the good People of *America*, have therefore declared, that the Thirteen United Colonies are of Right, wholly absolved from all Allegiance to the *British* Crown, or any other foreign Jurisdiction whatsoever, and that the said Colonies now are and forever shall be, Free and Independent States: Wherefore, in our present State, in order to prevent Anarchy and Confusion, it becomes necessary that a Government should be established in this state: Therefore, We, the Representatives of the Freemen of *North-Carolina*, chosen and assembled in Congress for the express Purpose of framing a Constitution under the Authority of the People, most conducive to their Happiness and Prosperity, do declare that a Government for this State, shall be established in Manner and Form following,

*to wit,*

*Section* I. THAT the Legislative Authority shall be vested in two distinct Branches, both dependant on the People, *to wit*, a Senate and House of Commons.

*Seet.* II. That the Senate shall be composed of Representatives annually chosen by Ballot, one from each County in this State.

*Seet.* III. That the House of Commons shall be composed of Representatives annually chosen by Ballot, two for each County, and one for each of the Towns of *Edenton, Newbern, Wilmington, Salisbury, Hillsborough* and *Halifax*.

*Seet.* IV. That the Senate and House of Commons, assembled for the Purpose of Legislation, shall be denominated the General Assembly.

*Seet.* V. That each Member of the Senate shall have usually resided in the County in which he is chosen, for one Year immediately preceding his Election; and for the same Time shall have possessed, and continue to possess, in the County which he represents, not less than three hundred Acres of Land in Fee.

*Seet.* VI. That each Member of the House of Commons shall have usually resided in the County in which he is chosen, for one Year immediately preceding his Election, and for six Months shall have possessed, and continue to possess, in the county which he represents, not less than one hundred Acres of Land in Fee, or for the Term of his own Life.



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*Sect.* VII. That all Freemen of the Age of twenty-one Years, who have been Inhabitants of any one County within the State twelve Months immediately preceding the Day of any Election, and possessed of a Freehold within the same County of fifty Acres of Land for six Months next before and at the Day of Election, shall be entitled to vote for a Member of the Senate.

*Sect.* VIII. That all Freemen of the Age of twenty-one Years, who have been Inhabitants of any County within this State twelve Months immediately preceding the Day of any Election, and shall have paid public Taxes, shall be entitled to vote for Members of the House of Commons for the County in which he resides.

*Sect.* IX. That all Persons possessed of a Freehold in any Town in this State having a Right of Representation, and also all Freemen who have been Inhabitants of any such Town twelve Months next before and at the Day of Election, and shall have paid public Taxes, shall be entitled to vote for a Member to represent such Town in the House of Commons. *Provided always,* That this Section shall not entitle any Inhabitant of such Town to vote for Members of the House of Commons for the County in which he may reside; nor any Freeholder in such County, who resides without or beyond the Limits of such Town, to vote for a Member for said Town.

*Sect.* X. That the Senate and House of Commons when met, shall each have Power to choose a Speaker and other their Officers, be Judges of the Qualifications and elections of their Members, sit upon their own Adjournments from Day to Day, and prepare Bills to be passed into Laws: The two Houses shall direct Writs of Election for supplying intermediate Vacancies, and shall also jointly by Ballot adjourn themselves to any future Day and Place.

*Sect.* XI. That all Bills shall be read three times in each House before they pass into Laws, and be signed by the Speaker of both Houses.

*Sect.* XII. That every Person who shall be chosen a Member of the Senate or House of Commons, or appointed to any Office or Place of Trust, before taking his Seat, or entering upon the Execution of his Office, shall take an Oath to the State; and all Officers shall also take an Oath of Office.

*Sect.* XIII. That the General Assembly shall, by joint Ballot of both Houses, appoint Judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and an Attorney-General, who shall be commissioned by the Governor, and hold their Offices during good Behaviour.

*Sect.* XIV. That the Senate and House of Commons shall have Power to appoint the Generals and Field-Officers of the Militia, and all Officers of the regular Army of this State.

*Sect.* XV. That the Senate and House of Commons, jointly at their first Meeting after each annual Election, shall by Ballot elect a Governor for one Year; who shall not be eligible to that Office longer than three Years in six successive Years: That no Person under thirty Years of Age, and who has not been a Resident in this State above five Years, and having in the State a Freehold in Lands and Tenements above the Value one Thousand Pounds, shall be eligible as Governor.

*Sect.* XVI. That the Senate and House of Commons, jointly at their first Meeting after each annual Election, shall by Ballot elect seven Persons to be a Council of State for one Year; who shall advise the Governor in the Execution of his Office; and that four Members shall be a Quorum: Their Advice and Proceedings shall be entered in a Journal to be kept for that Purpose only, and signed by the Members present; to any Part of which any Member present may enter his Dissent; and such Journal shall be laid before the General Assembly when called for by them.

*Sect.* XVII. That there shall be a Seal of this State, which shall be kept by the Governor, and used by him as occasion may require; and shall be called the Great Seal of the State of *North-Carolina*, and be affixed to all Grants and Commissions.

*Sect.* XVIII. That Governor for the Time being, shall be Captain-General and Commander in Chief of the Militia; and in the Recess of the General Assembly, shall have Power, by and with the Advice of the Council of State, to embody the Militia for the public Safety.

*Sect.*



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*Sect. XIX.* That the Governor for the Time being, shall have Power to draw for and apply such Sums of Money as shall be voted by the General Assembly for the Contingencies of Government, and be accountable to them for the same: He also may, by and with the Advice of the Council of State, lay Embargoes, or prohibit the Exportation of any Commodity for any Term not exceeding thirty Days at any one Time, in the Recess of the General Assembly; and shall have the Power of granting Pardons and Reprieves, except where the Prosecution shall be carried on by the General Assembly, or the Law shall otherwise direct; in which Case he may, in the Recess, grant a Reprieve until the next Sitting of the General Assembly: And may exercise all the other executive Powers of Government limited and restrained as by this Constitution is mentioned, and according to the Laws of the State: And on his Death, Inability, or Absence from the State, the Speaker of the Senate for the Time being, and in Case of his Death, Inability, or Absence from the State, the Speaker of the House of Commons shall exercise the Powers of the Governor, after such Death, or during such Absence or Inability of the Governor or Speaker of the Senate, or until a new Nomination is made by the General Assembly.

*Sect. XX.* That in every Case where any Officer, the Right of whose Appointment is by this Constitution vested in the General Assembly, shall during their Recess die, or his Office by other Means become vacant, the Governor shall have Power, with the Advice of the Council of State, to fill up such Vacancy by granting a temporary Commission, which shall expire at the End of the next Session of the General Assembly.

*Sect. XXI.* That the Governor, Judges of the Supreme Courts of Law and Equity, Judges of Admiralty, and Attorney-General, shall have adequate Salaries during their Continuance in Office.

*Sect. XXII.* That the General Assembly shall, by joint Ballot of both Houses, annually appoint a Treasurer or Treasurers for this State.

*Sect. XXIII.* That the Governor and other Officers offending against the State, by violating any Part of this Constitution, Mal-Administration or Corruption, may be prosecuted on the Impeachment of the General Assembly, or Presentment of the Grand-Jury of any Court of supreme Jurisdiction in this State.

*Sect. XXIV.* That the General Assembly shall, by joint Ballot of both Houses, triennially appoint a Secretary.

*Sect. XXV.* That no Persons who heretofore have been, or hereafter may be, Receivers of public Monies, shall have a Seat in either House of General Assembly, or be eligible to any Office in this State, until such Person shall have fully accounted for and paid into the Treasury, all Sums for which they may be accountable and liable.

*Sect. XXVI.* That no Treasurer shall have a Seat in either the Senate, House of Commons or Council of State, during his Continuance in that Office, or before he shall have finally settled his Accounts with the Public, for all Monies which may be in his Hands at the Expiration of his Office belonging to the State, and hath paid the same into the Hands of the succeeding Treasurer.

*Sect. XXVII.* That no Officer in the regular Army or Navy, in the Service and Pay of the United States, of this or any other State, nor any Contractor or Agent for supplying such Army or Navy with Clothing or Provisions, shall have a Seat in either the Senate, House of Commons, or Council of State, or be eligible thereto; and any Member of the Senate, House of Commons, or Council of State, being appointed to and accepting of such Office, shall thereby vacate his Seat.

*Sect. XXVIII.* That no Member of the Council of State shall have a Seat either in the Senate or House of Commons.

*Sect. XXIX.* That no Judge of the Supreme Court of Law or Equity, or Judge of Admiralty, shall have a Seat in the Senate, House of Commons, or Council of State.

*Sect. XXX.* That no Secretary of this State, Attorney-General, or Clerk of any Court of Record, shall have a Seat in the Senate, House of Commons, or Council of State.

*Sect. XXXI.* That no Clergyman, or Preacher of the Gospel, of any Denomination, shall be capable of being a Member of either the Senate, House of Commons,



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mons, or Council of State, while he continues in the exercise of the pastoral Function.

*Sec̄t.* XXXII. That no Person who shall deny the being of God, or the Truth of the Protestant Religion, or the Divine Authority either of the Old or New-Testament, or who shall hold Religious Principles incompatible with the Freedom and Safety of the State, shall be capable of holding any Office or Place of Trust or Profit in the Civil Department, within this State.

*Sec̄t.* XXXIII. That the Justices of the Peace, within the respective Counties within this State, shall in Future be recommended to the Governor for the Time being, by the Representatives in General Assembly, and the Governor shall commission them accordingly: And the Justices, when so commissioned, shall hold their Offices during good Behaviour, and shall not be removed from Office by the General Assembly unless for Misbehaviour, Absence, or Inability.

*Sec̄t.* XXXIV. That there shall be no Establishment of any one Religious Church in this State in Preference to any other; neither shall any Person, on any Preference whatsoever, be compelled to attend any Place of Worship, contrary to his own Faith or Judgment; nor be obliged to pay for the Purchase of any Glebe, or the building of any House of Worship, or for the Maintenance of any Minister or Ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all Persons shall be at Liberty to exercise their own Mode of Worship. *Provided*, That nothing herein contained, shall be construed to exempt Preachers of treasonable or seditious Discourses from legal Trial and Punishment.

*Sec̄t.* XXXV. That no Person in the State shall hold more than one lucrative Office at any one Time. *Provided*, That no Appointment in the Militia, or to the Office of a Justice of the Peace, shall be considered as a lucrative Office.

*Sec̄t.* XXXVI. That all Commissions and Grants shall run in the Name of the State of North-Carolina, and bear Test and be signed by the Governor; and all Writs run in the same Manner, and bear Test and be signed by the Clerks of the respective Courts; Indictments shall conclude, against the Peace and Dignity of the State.

*Sec̄t.* XXXVII. That the Delegates for this State to the Continental Congress, while necessary, shall be chosen annually by the General Assembly, by Ballot, but may be superceded in the mean Time, in the same Manner; and no Person shall be elected to serve in that Capacity more than three Years successively.

*Sec̄t.* XXXVIII. That there shall be a Sheriff, Coroner or Coroners, and Constables in each County within this State.

*Sec̄t.* XXXIX. That the Person of a Debtor, where there is not a strong Presumption of Fraud, shall not be confined in Prison after delivering up, *bona fide*, all his Estate, real and personal, for the Use of his Creditors, in such Manner as shall be hereafter regulated by Law. All Prisoners shall be bailable by sufficient Sureties, unless for capital Offences, when the Proof is evident, or the Presumption great.

*Sec̄t.* XL. That every Foreigner who comes to settle in this State, having first taken an Oath of Allegiance to the same, may purchase, or by other just Means acquire, hold, and transfer Land or other real Estate; and after one Year's Residence, shall be deemed a Free Citizen.

*Sec̄t.* XLI. That a School or Schools shall be established by the Legislature for the convenient Instruction of Youth, with such Salaries to the Masters paid by the Public, as may enable them to instruct at low Prices; and all useful Learning shall be duly encouraged and promoted in one or more Universities.

*Sec̄t.* XLII. That no Purchase of Lands shall be made of the *Indian* Natives, but on Behalf of the Public, and by Authority of the General Assembly.

*Sec̄t.* XLIII. That the future Legislature of this State shall regulate Entails in such a Manner as to prevent Perpetuities.

*Sec̄t.* XLIV. That the Declaration of Rights is hereby declared to be Part of the Constitution of this State, and ought never to be violated on any Pretence whatever.

*Sec̄t.* XLV. That any Member of either House of the General Assembly, shall have Liberty to dissent from, and protest against any Act or Resolve which he may



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may think injurious to the Public or any Individual, and have the Reasons of his Dissent entered on the Journals.

*Sec't. XLVI.* That neither House of the General Assembly shall proceed upon public Business, unless a Majority of all the Members of such House are actually present; and that upon a Motion made and seconded, the Yeas and Nays upon any Question shall be taken and entered on the Journals; and that the Journals of the Proceedings of both Houses of the General Assembly, shall be printed and made public immediately after their Adjournment.

This Constitution is not intended to preclude the present Congress from making a temporary Provision for the well ordering of this State, until the General Assembly shall establish Government agreeable to the Mode herein before prescribed.

R. CASWELL, *President.*

December the 18th Day, A. D. 1776, }  
 read the Third Time, and ratified }  
 in open Congress.

JAS. GREEN, jun. *Secretary.*

*Copy, Test.*

J. GLASGOW, *Secretary.*

An Ordinance to empower the Governor to issue a Proclamation requiring all Persons who have at any Time, by taking Arms against the Liberty of America, adhering to, comforting, or abetting the Enemies thereof; or by Words disrespectful, or tending to prejudice the Independence of the United States of America, or of this State in particular, to come in before a certain Day therein mentioned, and take an Oath of Allegiance and make Submission, on Pain of being considered as Enemies, and treated accordingly.

See acts, April  
 1783, c. 6 N. v.  
 1785, c. 23. Nov.  
 1788, c. 4.

**I. W**HEREAS divers Persons within this State have been in actual Arms against the Liberties of the United States of America, or have adhered to the King and Parliament of Great-Britain against the same, or have comforted and abetted the Enemies thereof, or by Words and Speeches have endeavoured to disaffect and disunite the good People, with Design to weaken and obstruct the necessary Efforts of the said States against the Wrongs and Hostilities of the said King and Parliament of Great-Britain; and it being hoped that such Persons are now become sensible of the Wickedness and Folly of endeavouring to subject their Country to Misery and Slavery, and are penitent for the same:

**II. B E** it ordained by the Authority of this Congress, That his Excellency the Governor shall issue a Proclamation, in the Name of this State, offering free Pardon and Protection to all Persons who shall at any Time within ninety Days after the Date of the said Proclamation, appear before some Court, or Judge or Justice of the Peace, and in the most solemn Manner, take the following Oath, to wit,

*I A. B. do sincerely promise and swear, that I will be faithful and bear true Allegiance to the State of North-Carolina, and to the Powers and Authorities which are or may be established for the Government thereof, and that I will to the utmost of my Power, maintain and defend the same against all Attempts whatsoever; and I do swear, that I will do no act wittingly, whereby the Independence of the said State may be destroyed or injured.*

SO HELP ME GOD.

And all such Persons refusing or neglecting to take the said Oath within the Time aforesaid, and in Manner aforesaid, shall be and are hereby declared incapable of bringing any Suit or Action, real, personal or mixed, before any Court, Judge or Magistrate within this State; or being sued, plead or make Defence; or of prosecuting any Indictment; or of purchasing or transferring any Lands, Tenements or Hereditaments, the same shall be and are hereby declared to be forfeited to this State, being first found by Inquest of a Jury. *Provided*, That where any Person shall be out of the Limits of this State, in Prison, *non Compos Mentis*, under the Age of twenty-one Years, he shall not incur any of the Penalties or Disabilities aforesaid, unless he shall neglect or refuse to take the said Oath within the Time aforesaid after such Impediments shall be removed. *Provided also*, That the above last proviso shall not extend to any Persons who have been, now are, or hereafter shall be, in open Enmity with this State, or in the Dominions and under



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der the Authority of the Enemies of *America* willingly remaining, but the same shall be left to the future Legislature of this State, to be provided for in the same Manner as if this Ordinance had never been made.

Ratified the 22d of November, 1776.

*An Ordinance for appointing a Governor, Council of State, and Secretary, until the next General Assembly. EXP.*

Ratified the 20th of December, 1776.

*An Ordinance of the State of North-Carolina to secure the Titles of Church Lands and Houses of Public Worship, to the Proprietors thereof, and quiet them in the peaceable Possession of the same.*

I. **W**HEREAS Controversies may arise concerning the Titles, Property and Occupancy of Glebes, Church Lands, and the several Churches, Chaples and other Houses built for the Purpose of public Worship in this State, and such Controversies might prove injurious to the Peace and Tranquility thereof: For Prevention whereof,

II. *BE* it ordained and declared by the Representatives of the Freemen of the State of North-Carolina, in Congress assembled, and by the Authority of the same, That all Glebes, Lands and Tenements, heretofore purchased, given or devised for the Support of any particular Ministry or Mode of Worship; and all Churches, Chaples and other Houses built for the Purpose of public Worship, shall be and remain forever to the Use and Occupancy of that religious Society, Church, Sect, Denomination, to or for which the said Glebes, Lands and Tenements were so purchased, given or devised, or the said Churches, Chaples or other Houses of public Worship were built.

*An Ordinance to appoint certain Commissioners to revive the Statutes and Acts of Assembly heretofore in Force and Use in North-Carolina, and to prepare Bills for the Consideration of the next Assembly. EXP.*

*An Ordinance to enable certain Inhabitants of certain Counties therein mentioned, and the District Washington, to vote in Elections for Senators. EXP.*

*An Ordinance for appointing Collectors at the Ports of Currituck, Roanoke, Bath, Beaufort, and Brunswick. EXP.*

Ratified the 21st of December, 1776.

See Act, April 1778, c. 9. *An Ordinance for appointing certain Commissioners therein named, to procure a Great Seal for this State, and other Purposes therein mentioned.*

I. **W**HEREAS it is necessary that a Great Seal should immediately be procured for this State, for the Use of the Governor for the Time being, to be affixed to all Grants, Proclamations and other public Acts; and that certain Commissioners be appointed for that Purpose:

II. *BE* it therefore ordained, and it is hereby ordained, by the Representatives of the Freemen of the State of North-Carolina, in Congress assembled, and by the Authority of the same, That William Hooper, Joseph Hewes, and Thomas Burke, Esquires, be appointed Commissioners to procure for this State, for the Use of the Governor for the Time being thereof, a Great Seal, to be affixed to all Grants, Proclamations and other public Acts.

III. *AND* be it further ordained by the Authority aforesaid, That the Governor for the Time shall, until the Great Seal can be procured, make Use of his own private Seal at Arms, and affix the same to all Grants, Proclamations, and other public Acts of this State.

Ratified the 22d of December, 1776.

*An*



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An Ordinance for supplying the Public Treasury with Money for the Exigencies of this State, and for the Support of that Part of the Continental Army stationed therein.

**B**E it ordained, That the Treasurer or Treasurers of this State be empowered to draw on the Continental Treasurer, on the Account and Credit of this State, for any Sum or Sums not exceeding five hundred thousand Dollars, for the Purpose of paying the Continental Troops, and the Incidental Charges and Disbursements necessary thereto; which Sum, or so much thereof as shall be drawn, the said Treasurer or Treasurers shall account for with next General Assembly to be held for this State. And in Case a sufficient Sum for the Purpose aforesaid, cannot be procured on the Draughts of the Treasurer or Treasurers, *Be it ordained*, That the said Treasurer or Treasurers be empowered to borrow Money from the sinking Fund for the same; and if there shall not be Money sufficient in the Treasury on Account of the said Fund, *Be it ordained*, That the Treasurer or Treasurers be empowered to borrow Money on the Faith and Credit of this State, to the Amount of the Deficiency, at an Interest not exceeding Six per Cent. per Annum, and that this State shall be pledged to repay the same. And in Case the necessary Sums of Money for the Purpose aforesaid cannot be raised by the Ways and Means aforesaid, *Be it ordained*, That his Excellency the Governor be empowered to apply to the Continental Congress for such Sum or Sums as may be necessary.

An Ordinance declaring who shall be Governor of this State until the End of the Session of the next General Assembly, in Case of the Death, Resignation or Absence of his Excellency Richard Catwell, Esquire, appointed Governor by this Congress. Temporary.

An Ordinance to establish Courts for the Trial of Criminals in each District within this State, and for vesting in the several Sessions of the Peace the Power of appointing Jurymen for the said District Courts, and constituting Judges to preside therein. **EXP.**

An Ordinance to enforce the Statute Laws, and such Parts of the Common Law and Acts of Assembly heretofore in Use here; also to enforce the Resolves of the Conventions and Congresses of this State which have not had their Effect.

[Expired, except a Clause repealing all former Resolves constituting Committees.]

An Ordinance for appointing Justices of the Peace, Sheriffs and Constables for the several Counties in this State; for creating County Courts for the Purposes of holding Sessions of the Peace, and putting into Execution the Laws relative to Orphans, Guardians and Highways, until Provision shall be made by the General Assembly of this State for the same. **EXP.**

An Ordinance for the appointing a Treasurer for the Southern District in the Room of Richard Catwell, Esquire. **EXP.**

An Ordinance concerning Marriages. **EXP.**

An Ordinance declaring what shall be Treason in this State, and for punishing the same, and other Crimes and Practices committed therein. **EXP.**

An Ordinance declaring certain Practices Misdemeanors against the State, and for punishing the same. Temporary.

An Ordinance directing the Qualification of Members of the General Assembly, and all Officers civil and military. Provided for by subsequent acts.

CORNELIUS HARNETT, Vice-President.

Read the Third Time, and ratified in open }  
Congress, the 23d of December, 1776. }

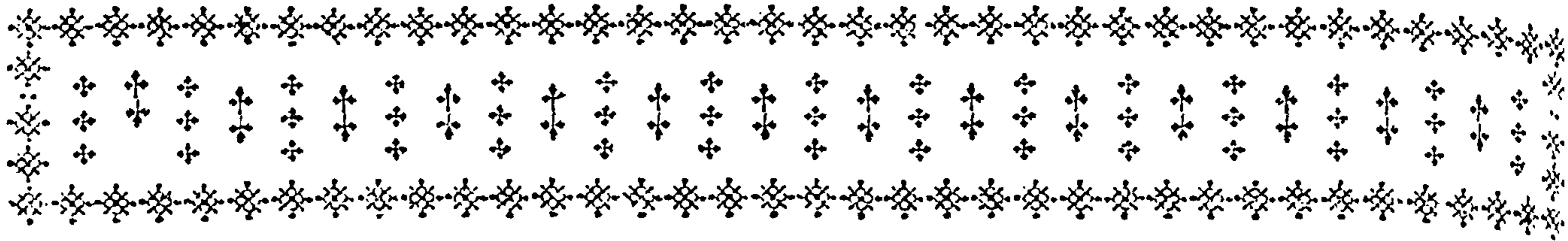
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J. GLASGOW, Secretary.

L A W S



A. D. 1777.



L A W S  
O F  
N O R T H - C A R O L I N A.

RICHARD CASWELL, Esq. Governor.

At a GENERAL ASSEMBLY, begun and held at Newbern, on the Eighth Day of April, in the Year of our Lord One Thousand Seven Hundred and Seventy-seven, and in the First Year of the Independence of the said State: Being the First Session of this Assembly.

Rep. and provided for by subsequent acts.

C H A P. I.

*An Act to establish a Militia in this State.*

Rep. by act Nov. 1777, c. 13.

C H A P. II.

*An Act for levying a Tax by general Assessment, and other Purposes.*

See acts Nov. 1777, c. 6. April 1780, c. 13.

C H A P. III.

*An Act declaring what Crimes and Practices against the State shall be Treason, and what shall be Misprision of Treason, and providing Punishments adequate to Crimes of both Classes, and for preventing the Dangers which may arise from Persons disaffected to the State.*

Persons owing allegiance to the state.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all and every Person and Persons (Prisoners of War excepted) now inhabiting or residing within the Limits of the State of North-Carolina, or who shall voluntarily come into the same hereafter to inhabit or reside, do owe, and shall pay Allegiance to the State of North-Carolina.

Crimes declared High-Treason.

II. *A N D* be it further enacted by the Authority aforesaid, That if any Person or Persons belonging to, or residing within this State, and under the Protection of its Laws, shall take a Commission or Commissions from the King of Great-Britain, or any under his Authority, or other the Enemies of this State, or the United States of America; or shall levy War against this State, or the Government thereof; or knowingly and willingly shall aid or assist any Enemies at open War against this State, or the United States of America, by joining their Armies, or by inlisting, or procuring or persuading others to inlist for that Purpose, or by furnishing such Enemies with Arms, Ammunition, Provision, or any other Article for their Aid or Comfort; or shall form, or be in any wise concerned in forming, any Combination, Plot, or Conspiracy, for betraying this State, or the United States of America, into the Hands or Power of any foreign Enemy; or shall give or send any Intelligence to the Enemies of this State for that Purpose; every Person so offending, and being thereof legally convicted by the Evidence of two sufficient Witnesses, or standing mute, or peremptorily challenging more than thirty-five Jurors, in any Court of Oyer and Terminer, or other Court that shall and may be established for the Trial of such Offences, shall be adjudged guilty of High-Treason, and shall suffer Death without the Benefit of Clergy, and his or her Estate shall be forfeited to the State. *Provided*, That the Judge or Judges of the Court wherein such Conviction may be, shall and may order and appropriate



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appropriate so much of the Traitor's Estate, as to him or them may appear sufficient, for the Support of his or her Family.

III. *A N D* be it further enacted by the Authority aforesaid, That if any Person or Persons within this State shall attempt to convey Intelligence to the Enemies of this State or of the United States; or shall publicly and deliberately speak or write against our public Defence; or shall maliciously and advisedly endeavour to excite the People to resist the Government of this State, or persuade them to return to a Dependance on the Crown of *Great-Britain*; or shall knowingly spread false and dispiriting News, or maliciously and advisedly terrify and discourage the People from inlisting into the Service of the State; or shall stir up or excite Tumults, Disorders or Insurrections in the State; or dispose the People to favour the Enemy, or oppose and endeavour to prevent the Measures carrying on in Support of the Freedom and Independence of the said United States; every such Person or Persons being thereof legally convicted by the Evidence of two or more creditable Witnesses, or other sufficient Testimony, shall be adjudged guilty of Misprision of Treason, and shall suffer Imprisonment during the War, and forfeit to the State one Half of his, her or their Lands, Tenements, Goods and Chattels.

Misprision of treason.

IV. *A N D* be it further enacted by the Authority aforesaid, That all Offences by this Act declared Misprision of Treason shall be cognizable before any Justice of Peace of the County where the Offence was committed, or where the Offender can be found; and every Justice of the Peace within this State, on Complaint to him made on the Oath or Affirmation of one or more credible Person or Persons, shall cause such Offender to come before him, and enter into a Recognizance, with one or more sufficient Surety or Sureties, to be and appear at the next County Court of the County wherein the Offence was committed, and abide the Judgment of the said Court, and in the mean Time to be of the Peace and good Behaviour toward all People in the State; and for Want of such Surety or Sureties, the said Justice shall and may commit such Offender either to the Gaol of the County or District where the Offence was committed, and appoint a Guard for the safe conveying of him to such Gaol. And all Persons charged on Oath or Affirmation with any Crime or Crimes by this Act declared to be Treason against the State, shall be dealt with and proceeded against in like Manner as the Law directs in Respect of other capital Crimes.

Where cognizable.

Method of proceeding on complaint.

V. *A N D* whereas the safety of the State, and the present critical Situation of Affairs, make it necessary that all Persons who owe or acknowledge Allegiance or Obedience to the King of *Great-Britain*, should be removed out of the State; Be it enacted by the Authority aforesaid, That all the late Officers of the King of *Great-Britain*, and all Persons (Quakers excepted) being Subjects of this State, and now living therein, or who shall hereafter come to live therein, who have traded immediately to *Great-Britain* or *Ireland* within ten Years last past, in their own Right, or acted as Factors, Storekeepers, or Agents, here or in any of United States of *America*, for Merchants residing in *Great-Britain* or *Ireland*, shall take the following Oath of Abjuration and Allegiance, or depart out of the State, viz. *I will bear faithful and true Allegiance to the State of North-Carolina, and will to the utmost of my Power, support, maintain, and defend the independent Government thereof, against George the Third, King of Great-Britain, and his Successors, and the Attempts of any other Person, Prince, Power, State, or Potentate, who by secret Arts, Treasons, Conspiracies, or by open Force, shall attempt to subvert the same, and will in every Respect conduct myself as a peaceful, orderly Subject; and that I will disclose and make known to the Governor, some Member of the Council of State, or some Justice of the Peace, all Treasons, Conspiracies, and Attempts, committed or intended against the State, which shall come to my Knowledge.* And that all Persons being Quakers, and under the Circumstances abovementioned, shall make the following Affirmation, or depart out of the State: *I A. B. do solemnly and sincerely declare and affirm, that I will bear true Allegiance to the independent State of North-Carolina, and to the Powers and Authorities which are or may be established for the good Government thereof; and I do renounce any Allegiance to the present King of Great-Britain, his Heirs and Successors; and that I will disclose and make known to the Governor, some Member of the Council of State, or Justice of the Peace, all Treasons, Conspiracies, or Attempts, committed or intended against*

Persons obliged to take the oath of allegiance, or depart the state.



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*the same, which shall come to my Knowledge.* And the said Oath or Affirmation shall be taken and subscribed in open Court in the County where the Person or Persons taking the same, shall or do usually reside.

Justices may cite them to appear.

Their authority if the person cited fail to appear.

Penalty for not complying with the order of court.

Such persons ordered out of the state have liberty to sell and dispose of their estates, &c.

Penalty for returning.

Justices may cite persons to appear and take the oath.

VI. *A N D* be it further enacted by the Authority aforesaid, That the County Court in each and every County, and every Justice of Peace in each respective County, shall have full Power to issue Citations against Persons coming within the above Description, as Officers, Merchants, Traders, Factors, Storekeepers, or Agents, and to demand Surety on Recognizance, if necessary, and to require their Attendance at the next ensuing Court to be held for the County; and if any Person so cited (due Proof being made thereof) shall fail or neglect to attend, or attending shall refuse to take the said Oath or Affirmation (as the Case may be) then the said Court shall and may have full Power and Authority to order such Person to depart out of this State to *Europe* or the *West-Indies*, within sixty Days, and may take Bond and Security, in the Name of the Governor, for the Benefit of the State, for faithful Compliance with such Order. And if any Person so ordered, shall fail or neglect to depart within the limited Time, such Bond shall be forfeited to the State, without good and sufficient Reason shewn to and approved of by the Governor and Council; and the Justices, or any of them, in the County wherein the Person so failing or neglecting to depart shall be found, shall and may cause him to be apprehended and brought before the Court of the County where the Order was made; and the said Court shall in such Case send the Person so offending, as speedily as may be out of the State, either to *Europe* or the *West-Indies*, at the Cost and Charges of such Offender. *Provided nevertheless*, That all and every such Person and Persons shall have Liberty to sell and dispose of his or their Estates, and after satisfying all just Demands, to export the amount in Produce (Provisions and Naval Stores excepted) and may also nominate and appoint an Attorney or Attornies to sell and dispose of his or their Estates, for his or their Use and Benefit; but in Case any Real Estate belonging to any such Person, shall remain unsold for more than three Months next after the Owner thereof hath departed this State, the same shall be forfeited to and for the Use of the Public.

VII. *A N D* be it further enacted by the Authority aforesaid, That if any Person so departing or sent off from this State, shall return to the same, then such Person shall be adjudged guilty of Treason against the State, and shall and may be proceeded against in like Manner as is herein directed in Cases of Treason.

VIII. *A N D* be it further enacted by the Authority aforesaid, That each and every Justice in each respective County may cite any Person or Persons to appear before the County Court where such Person or Persons usually reside, and take the aforesaid Oath or Affirmation; and in Case of Non-Attendance or Refusal, the said Court shall and may have full Power to compel such Person or Persons to leave the State, under the same Regulations herein mentioned in other Cases.

## C H A P I V .

*An Act concerning Oaths.*

See acts Nov. 1777, c. 2, § 41 & 42. Oct. 1784, c. 21.

I. **W**HEREAS lawful Oaths, for the Discovery of Truth, and establishing Right, are necessary, and highly conducive to the important Ends of good Government; and being most solemn Appeals to Almighty God, as the omniscient Witness of the Truth, just and omnipotent Avenger of Falsehood, such Oaths ought therefore to be taken and administered with the utmost Solemnity:

Manner of taking oaths.

II. *B E* it therefore enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That Judges, Justices of the Peace, and other Persons, who are or shall be empowered to administer Oaths, shall (except in the Cases in this Act excepted) require the Party to be sworn to lay his Hand upon the Holy Evangelists of Almighty God, in Token of his Engagement to speak the Truth, as he hopes to be saved in the Way and Method of Salvation pointed out in that blessed Volume, and in further Token, that if he should swerve from the Truth, he may justly be deprived of all the Blessings of the Gospel, and made liable



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liable to that Vengeance which he has imprecated on his own Head ; and after repeating the Words *So help me God*, shall kiss the Holy Gospels, as a Seal of Confirmation to the said Engagements.

III. *AND be it enacted by the Authority aforesaid*, That in all Cases when any Judges, Justices of the Peace, or other Persons, are or shall be empowered to administer any Manner of Oath in this State, and the Person to be sworn shall be conscientiously scrupulous of taking a Book Oath in Manner aforesaid, and pray the Benefit of this Act, it shall and may be lawful for all such Judges, Justices, and other Persons, and they, and each of them, are hereby required to excuse such Person from laying Hands upon or touching the Holy Gospels; and the said Judges, Justices, and others, are hereby directed in such Case to administer the Oath required, in the following Manner, *to wit*, The Party so conscientiously scrupulous, and praying the Benefit of this Act, shall stand with his right Hand lifted up towards Heaven, in Token of his solemn Appeal to the Supreme God, whose Dwelling is in the highest Heavens, and also in Token, that if he should swerve from the Truth, he would draw down the Vengeance of Heaven upon his Head, and shall introduce the intended Oath with these Words, *viz. I A. B. do appeal to God, as a Witness of the Truth and Avenger of Falsehood, as I shall answer the same at the great Day of Judgment, when the Secrets of all Hearts shall be known, that, &c.* as the Words of the Oath may be. *And it is hereby declared*, That an Oath thus administered and taken, with the right Hand lifted up, is and shall be a lawful Oath in this State; and such Oath shall be admitted and used in all Courts in this State where the same shall be requested as aforesaid, and shall be equally good and valid in Law, to all Intents and Purposes, as if the same Oath had been taken by the Party, having laid his Hand upon, and kissed the Holy Gospels.

Method where persons are conscientiously scrupulous.

IV. *AND be it enacted by the Authority aforesaid*, That the solemn Affirmation of Quakers, Moravians, and Menonists, made in the Manner heretofore used and accustomed, shall be admitted as Evidence in civil Controversies in this State; and where other Persons are required to take an Oath or Oaths to the State, the said Quakers, Moravians and Menonists, shall make their solemn Affirmations in the Words of the said Oath or Oaths, beginning after the Word *swear*, or shall make such Affirmations as shall be hereafter provided for them by Law.

In what cases affirmation of Quakers, &c. to be admitted.

See act Nov. 1777, c. 2, § 42.

## C H A P. V.

*An Act for the Punishment of such Persons as shall procure or commit any wilful Perjury.*

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That every Person who, at any Time after the tenth Day of May, shall unlawfully and corruptly procure or suborn any Witness or Witnesses, by Letters, Rewards, Promises, or by any other sinister and unlawful Labour or Means whatsoever, to commit any wilful and corrupt Perjury, in any Matter or Cause whatsoever now depending, or which hereafter shall depend in Suit and Variance, by any Writ, Action, Bill, Complaint, Indictment or Information, in any wise touching or concerning any Crime or Offence, or touching or concerning any Lands, Tenements, or Hereditaments, or any Goods, Chattels, Debts, Damages, or other Estate or Interest whatsoever, in any Court of Equity, Superior Court, Court of Appeals and Writs of Error, Court of Oyer and Terminer, Court of Admiralty, Inferior or County Court, or any Court of Record that shall be established in this State, or before any Commissioner or Commissioners authorized to take Depositions to be given in Evidence in any such Court, or who shall in the Manner, or by any the Means aforesaid, unlawfully and corruptly procure or suborn any Witness or Witnesses, which shall from and after the said tenth Day of May, be sworn to give Testimony for the Purpose of perpetuating the same, every such Offender of the same, being lawfully convicted in any Court having Cognizance thereof, shall stand in the Pillory one Hour, have his or her right Ear nailed thereunto, and be further punished by Fine and Imprisonment, at the Discretion of the Court; and every such Offender shall be discredited, and disallowed forever to be sworn as a Witness in any of the Courts of Record, before

Penalty for suborning witnesses.



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fore Commissioners, or sworn to give Testimony for the Purpose of perpetuating the same as aforesaid.

For committing perjury.

II. *A N D* be it enacted by the Authority aforesaid, That every Person who shall after the said tenth Day of May, either by the Subornation, unlawful Procurement, sinister Persuasion, or Means of any other, or by his or her own Act, Consent, or Agreement, willfully and corruptly commit any Manner of wilful Perjury by his or her Deposition, in any of the Courts before mentioned, or when being examined before any Commissioner or Commissioners authorized to take Depositions to be given in Evidence in such Court, or when examined for the Purpose of perpetuating Testimony, every such Offender of the same, being lawfully convicted in any Court having Cognizance thereof, shall stand in the Pillory one Hour, having his or her Ears nailed during the whole Time, and at the Expiration of the said Hour, both Ears of the Offender shall be cut off and severed from the Head, leaving them nailed on the Pillory until the setting of the Sun; and the Offender shall be discredited, and disallowed forever to be sworn as a Witness in any Court in this State, before Commissioners, or for the Purpose of perpetuating Testimony.

For making a false affirmation, &c.

III. *A N D* be it further enacted by the Authority aforesaid, That every Person who shall after the said tenth Day of May, in any of the Courts aforesaid, or when examined before any Commissioner or Commissioners, or for the Purpose of perpetuating Testimony, commit or make any false, wilful, corrupt Affirmation, in the Mode of Affirmation used, or that shall be used by the Quakers, Moravians, and Menonists, every such Offender of the same, being lawfully convicted in any Court having Cognizance thereof, shall suffer all the Pains, Disabilities, and Punishments, which by this Act are ordained for wilful corrupt Perjury; and also every Person who shall suborn, or unlawfully procure, any such false, wilful, and corrupt Affirmation, to be committed or made, shall suffer all the Pains, Disabilities, and Punishments, which by this Act are ordained for the unlawful Procurement and subornation of wilful Perjury.

## C H A P. VI.

*An Act to prevent domestic Insurrections, and for other Purposes.*

See acts Jan. 1776, c. 12, Nov. 1785, c. 20.

I. **W** H E R E A S the evil and pernicious Practice of freeing Slaves in this State, ought at this alarming and critical Time to be guarded against by every Friend and Wellwisher to his Country:

Slaves not to be set free, but for meritorious services, &c.

II. *B E* it therefore enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That no Negro or Mulatto Slave shall hereafter be set free, except for meritorious Services, to be adjudged of and allowed by the County Court, and Licence first had and obtained thereupon. And when any Slave is or shall be set free by his or her Master or Owner otherwise than is herein before directed, it shall and may be lawful for any Freeholder in this State, to apprehend and take up such Slave, and deliver him or her to the Sheriff of the County, who, on receiving such Slave, shall give such Freeholder a Receipt for the same; and the Sheriff shall commit all such Slaves to the Gaol of the County, there to remain until the next Court to be held for such County; and the Court of the County shall order all such confined slaves to be sold during the Term to the highest Bidder.

Proceedings where slaves are otherwise set free.

Notice to be given to the owners, who are to be barred if they do not claim.

III. *P R O V I D E D* always, That the Sheriff, upon committing any such Slave or Slaves, shall at least five Days before such Sale, give Notice in Writing to the last Owner or Owners, or the reputed Owner or Owners of such Slave or Slaves, of the Time and Place of Sale, and of the Name and Names of such Slaves, to the End that such Owner or Owners may, if he or they think proper, make his or their Claim to the same; but if such Owner or Owners shall neglect or refuse to appear on the Day of Sale (due Proof of the Service of such Notice being made to the Satisfaction of the Court) such Owner or Owners, so neglecting or refusing, shall be forever barred from making any Claim to such Slaves.

IV. *A N D*



A. D. 1777.

IV. *AND* be it further enacted by the Authority aforesaid, That the neat Proceeds of the Money arising by such Sale shall be disposed of in the following Manner, *that is to say*, That one-fifth Part thereof shall be paid to the Takers up of such Negroes or Mulattoes, and that the remaining Part of such Money be paid into the Hands of the Public Treasurers, to defray the contingent Charges of Government, and to no other Intent, Use or Purpose, whatsoever.

Money arising by the sale of the slaves appropriated.

V. *AND* be it enacted by the Authority aforesaid, That if any Slave or Slaves shall hereafter be allowed by his or her Master, Mistress, or Overseer, or other Person having the Care of such Slave or Slaves, to hire out him or herself, such Slave may be taken up by any Magistrate or Freeholder, and kept to hard Labour, for the Use of the Poor of the County, for any Time not exceeding twenty Days; any Law, Usage, or Custom to the contrary notwithstanding.

No slave to be allowed to hire himself out.

## C H A P. VII.

*An Act for the Encouragement of the Militia and Volunteers employed in prosecuting the present Indian War.* E X P.

## C H A P. VIII.

*An Act for the Appointment of Registers in the several Counties in this State.*

Provided for by Act Nov. 1777, c. 2, § 13.

## C H A P. IX.

*An Act to empower the Justices of Bladen County to take into their Possession the Records of said County, now in Possession of Maturin Colville.* P R I V.

## C H A P. X.

*An Act for the Relief of such Persons who have or may suffer by their Deeds and Mesne Conveyances not being proved and registered within the Time heretofore appointed by Law.*

I. **W**HEREAS many Persons, through Ignorance of the Law, have neglected to have their Deeds and Mesne Conveyances proved and registered according to the Directions of the several Acts of Assembly in such Case made and provided: For Remedy whereof,

II. *BE* it enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That all Deeds and Mesne Conveyances of Lands, Tenements, and Hereditaments, not already registered, acknowledged or proved, shall and may, within two Years after the passing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attorney, or proved by one or more of the subscribing Witnesses of the same, and tendered or delivered to the Registers of the Counties where such Lands, Tenements, or Hereditaments, are respectively situated; and all Deeds and Mesne Conveyances whatsoever, which shall be acknowledged or proved according to the Directions of this Act, though not within two Years after the Date of the respective Conveyances, shall be good and valid in Law, and shall enure and take Effect as fully and effectually to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged or proved, and registered, agreeable to the directions of any Act of Assembly heretofore made.

Further time allowed for proving deeds.

## C H A P. XI.

*An Act for establishing Fairs in the Town of Halifax, in Halifax County.* P R I V.

## C H A P. XII.

*An Act for enlarging the Time of saving Lots in the Town of Windsor, in Bertie County.* P R I V.



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## C H A P. XIII.

An Act for appointing Commissioners for building a Court-House, Prison, and Stocks for the County of Tryon. P R I V.

## C H A P. XIV.

An Act for appointing Commissioners to finish the building of a Court-House, Prison and Stocks in the County of Guilford. P R I V.

## C H A P. XV.

An Act for establishing a Town on the Lands of John Smith, and other Purposes. P R I V.

## C H A P. XVI.

An Act for the Regulation of the Town of Hillsborough. P R I V.

## C H A P. XVII.

An Act for establishing a new County between Hillsborough and the Virginia Line, by erecting the Northern Part of Orange County into a distinct County, by the Name of Caswell.

I. **W** H E R E A S the large Extent of the County of Orange renders the Attendance of the Inhabitants of the Northern Part to do public Duties extremely difficult and expensive: For Remedy whereof,

II. *B E* it enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That from and after the first Day of June next, the Inhabitants of the County of Orange lying to the North of a Point twelve Miles due North of Hillsborough, and bounded as follows, to wit, Beginning at the aforesaid Point, running thence due East to Granville County Line, thence North along Granville County Line to the Virginia Line, thence West along the Virginia Line to Guilford County Line, thence South along Guilford County Line to a Point due West of the Beginning, thence due East to the Beginning, be erected into a distinct County, by the Name of Caswell County.

[The Remainder unnecessary to be inserted.]

## C H A P. XVIII.

An Act for dividing the County of Pasquotank, and establishing that Part thereof on the North-East Side of Pasquotank River a County, by the Name of Camden.

I. **W** H E R E A S by reason of the Width of Pasquotank River, and the Difficulty of passing the same, especially in boisterous Weather, it is extremely inconvenient for the Inhabitants who live on the North East Side of said River to attend Courts and other Public Business in the County of Pasquotank, For Remedy whereof,

II. *B E* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all that Part of Pasquotank County, lying on the North East Side of the said River, and of a Line to be run from the Head of the said River; a North West Course to the Virginia Line, shall be, and is hereby established a County, by the Name of Camden.

[The Remainder unnecessary to be inserted.]

## C H A P. XIX.

An Act for dividing Rowan County, and other Purposes therein mentioned.

I. **W** H E R E A S the large Extent of the County of Rowan, renders it grievous and troublesome to many of the Inhabitants thereof, to attend the Courts and general Elections, and other public Meetings appointed therein;

II. *B E* it therefore enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That from and after the first Day of June next, the said County of Rowan be divided by a Line beginning at the Catawba River, on the

the

Orange county  
divided.

Pasquotank county  
divided.



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the Line between *Rowan* and *Tryon* Counties ; thence running up the Meanders of said River to the North End of an Island, known by the Name of the *Three Cornered* Island ; thence North to the Ridge that divides the *Yadkin* and *Catawba* Waters, then Westerly along the Ridge to the Mountain which divides the Eastern and Western Waters, commonly known by the Name of the *Blue Mountain*. And that all that Part of the late County of *Rowan* which lies to the East of the said dividing Line, shall continue and remain a distinct County, by the Name of *Rowan* ; and all that other Part of the said County of *Rowan* which lies West and South of the said dividing Line, shall thenceforth be erected into a new and distinct County, by the Name of *Burke*.

Rowan county divided.

[The Remainder unnecessary to be inserted.]

## C H A P. XX.

An Act for incorporating the President and Trustees of Liberty-Hall, in the County of Mecklenburg. P R I V.

## C H A P. XXI.

An Act to regulate the recruiting Service, apprehending Deserters, and other Purposes therein mentioned. E X P.

## C H A P. XXII.

An Act to prevent hunting with a Gun by Fire-Light in the Night.

Provided for by subsequent acts.

## C H A P. XXIII.

An Act to prevent the forging or counterfeiting, and punish such Persons as shall forge or counterfeit, or pass or vend knowing the same to be forged or counterfeited, any of the Lottery Tickets of the United States, and for other Purposes. E X P.

## C H A P. XXIV.

An Act for continuing an Act, entitled, An Act to amend an Act, entitled, An Act what Fences are sufficient, and to amend and continue an Act relating to taking up Stray-Horses. E X P.

## C H A P. XXV.

An Act for ascertaining the Salary of the Governor, and other Purposes therein mentioned. E X P.

## C H A P. XXVI.

An Act for enforcing the Statute Laws, and such Parts of the Common Law and Acts of Assembly heretofore in Use here ; and also for enforcing the Resolves of the Conventions and Congresses of this State which have not had their Effect, and for other Purposes therein mentioned. E X P.

## C H A P. XXVII.

An Act for erecting County Courts and Sessions of the Peace, and also for appointing and commissioning Justices of the Peace and Sheriffs in and for the several Counties, and the District of Washington, within this State, and for other Purposes therein mentioned. E X P.

## C H A P. XXVIII.

An Act to establish Courts for the Trial of Criminals in each District within this State, and for vesting in the several County Courts and Sessions of the Peace the Power of appointing Jurymen for the said District Courts, and constituting Judges to preside therein. E X P.

Read three Times, and ratified in General Assembly, the Ninth Day of May, 1777.

SIGNED BY

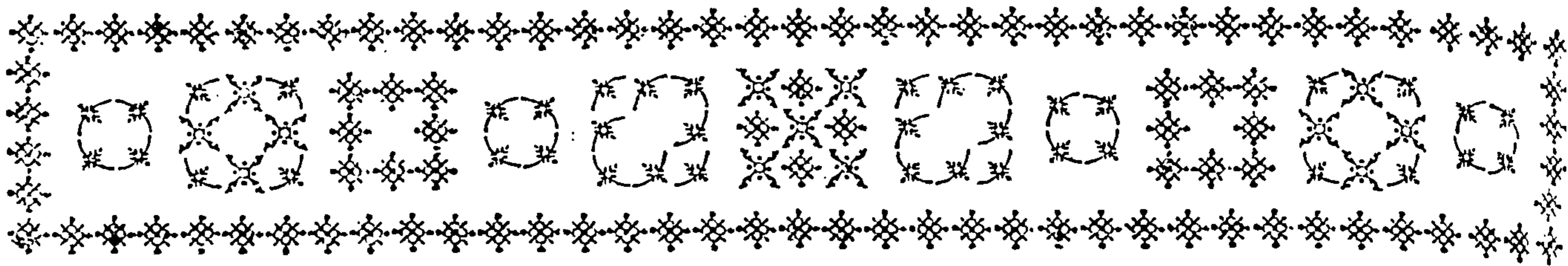
SAMUEL ASHE, S. S.

ABNER NASH, S. C.

L A W S



A. D. 1777.



## L A W S

O F

## NORTH-CAROLINA.

RICHARD CAS-  
WELL, Esq. Go-  
VERNOR.

At a GENERAL ASSEMBLY, begun and held at Newbern, on the Fifteenth Day of November, in the Year of our Lord One Thousand Seven Hundred and Seventy-seven, and in the Second Year of the Independence of the said State: Being the Second Session of this Assembly.

## C H A P. I.

See acts, April  
1778, c. 3. Jan.  
1779, c. 6. Oct.  
1779, c. 4. April  
1780, c. 11. Sept.  
1780, c. 7. June  
1781, c. 7, § 7.  
April 1784, c. 17,  
c. 19.

*An Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned.*

I. **W**HEREAS it is expedient that the Lands within this State should be parcelled out to industrious People, for the Settlement thereof, and increasing the Strength and Number of the People of the Country, by affording an easy and comfortable Subsistence for Families:

Entry-takers and  
surveyors to be  
elected.

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Justices of the Peace in every County within this State, on the second Day of the next Court which shall be held after the End of this present Session of Assembly, and afterwards at the next Court which shall be held after each respective Vacancy, shall elect one good and sufficient Person to receive Entries of Claims for Lands within such County respectively, and also one Person properly qualified to be Surveyor of Lands within the same; at which Election, whosoever shall appear to have the Majority of the Votes of the Justices then present, shall be deemed duly elected, and no other; and every Person so duly elected for either of the Offices aforesaid shall hold the said Offices respectively during good behaviour.

Entries how to be  
made.

III. *AND* be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person who is or shall hereafter become a Citizen of this State, according to the Constitution thereof, and who shall perform the several Requisites by this Act required, to enter with the Entry Taker of any County within this State, a Claim for any Lands lying in such County, which have not been granted by the Crown of *Great-Britain*, or the Lords Proprietors of *Carolina*, or any of them, in Fee, before the fourth Day of *July* in the Year One Thousand Seven Hundred and Seventy Six, or which have accrued or shall accrue to this State, by Treaty or Conquest, every such Citizen, performing every Thing by this Act required to be previously done. *Provided*, That when any Person shall have, *bona fide*, purchased Lands, and has failed to register the Deeds for the same within the Times required by Law, nothing herein contained shall bar him from availing himself of the further Times given for registering such Deeds by any subsequent Law. *Provided*, That no Person shall be entitled to claim any greater Quantity of Land than six hundred and forty Acres, where the Survey shall be bounded in any Part by vacant Lands, or more than one thousand Acres, between the Lines of Lands already surveyed and laid out for any other Person.

Proviso for regis-  
tering deeds.

Quantity of acres  
to be granted to  
one person.

IV. *AND*



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IV. *AND* be it also enacted by the Authority aforesaid, That every Person except a Guardian who shall claim for an Orphan Child, and except persons absent in the Service of this State, or the United States, before he shall enter a Claim for any of the Lands aforesaid, shall take and subscribe the Oath or Affirmation of Allegiance and Abjuration, prescribed by the Law of this State, which Oath the Entry Officer is hereby empowered and required to administer; and every Person claiming, shall also, before he shall be entitled to enter a Claim for any of said Lands, pay into the Hands of the Entry Taker, at the Rate of two Pounds ten Shillings for every hundred Acres, together with the Fees which shall be by this Act made lawful. *Provided*, That where any Person shall claim a greater Quantity of Lands aforesaid than six hundred and forty Acres for himself, and one hundred Acres for his Wife and each of his Children, including all that such Persons may have claimed in one or more Tracts or Surveys under this Act, within twelve Months from the End of this present Session of Assembly, shall pay for every hundred Acres exceeding the Quantity aforesaid, five Pounds, and so in Proportion.

Persons to take the oaths, and pay the purchase money before they enter lands.

Purchase money, where more land is claimed than allowed to one person.

V. *AND* be it also enacted by the Authority aforesaid, That the Claimant of any Land shall produce to the Entry Taker a Writing, setting forth the Name of the County wherein the Land shall be situated, the nearest Water Courses and remarkable Places, and such Water Courses, Lakes, or Ponds, as may be therein, the natural Boundaries and Lines of any other Person or Persons, if any, which divide it from other Lands; and every such Writing shall be endorsed by the Entry Taker, with the Name of the Claimant, and the Number of Acres claimed, and a Copy thereof shall be entered in a Book, well bound and ruled, with a large Margin, and into Spaces of equal Distances, every Space to contain only one Entry, and every Entry shall be made in the Order of Time in which it shall be received, and numbered in the Margin; and if no Person shall appear within three Months after to make Claim for the same Lands, the Entry Taker shall deliver to the Party a Copy of the Entry, with its proper Number, and an Order to the County Surveyor to survey the same; which Order shall be written or printed, on at least Half a Sheet of Paper: But if any Person shall appear within the Time aforesaid, and set up a Claim to any Lands which shall be entered, the Entry Taker shall note the same in the Margin of the Book of Entries, opposite to the Claim in Dispute, and shall transmit a Copy of the whole to the County Court, to be proceeded on as by this Act is directed, and in the mean Time shall forbear to issue any Order to the Surveyor relative thereto.

Manner of entering & surveying lands.

VI. *AND* whereas many of the good People of this State, during the Continuance of Land Offices therein, have settled and improved Lands, with Intention to become lawful Proprietors thereof, and by Reason there was no Method for ascertaining the Bounds of their respective Claims, it may happen that Disputes may arise respecting Bounds and Priority of Occupancy, and it is expedient that all such Disputes be terminated with as little Delay and Expence as possible, consistent with Justice and the Constitution of this State: *Be it therefore enacted by the Authority aforesaid*, That when the Entry Taker shall certify to the County Court a disputed Claim, in Manner as by this Act directed, the said Court shall order the Sheriff to summon a Jury of good and lawful Men, unconnected by Affinity or Consanguinity with the contending Parties, who shall be above all Exceptions, and having given the Parties ten Days previous Notice, shall go with the said Jury on the Premises, and the Jury being sworn to do equal Right between the Parties, to cause the Witnesses on both Sides to be examined, and the Allegations of the Parties to be made before such Jury, and to receive the Verdict of the said Jury, and return the same, together with the Pannel, to the next County Court; and at the said Court, if it shall appear that the Jury have found generally for any of the Parties, then the Court shall order an authentic Copy of the Verdict to be delivered to the Party for whom the same shall be found, who upon entering the same with the Entry Taker, and performing the Requisites by this Act required, shall obtain a Certificate and Order of Survey, in like Manner as if he had made Entry of a Claim for the same Premises; and the Officer shall refund to the other Party all the Money which he has received

Manner of trying disputed claims to entries of lands.



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Proviso for a new trial.

ceived from him, except the Fees to himself for the Services actually performed; and in all Cases where the Jury shall find a special Verdict, the County Court shall decide thereon according to the Right of the Case, and shall order such Determination to be delivered to the Party, who may thereupon proceed as in Case of a general Verdict. *Provided*, That where it shall be made appear to the County Court that the Jury were partial, or not all good and lawful Men as required by the Constitution, or have been influenced by any unfair Practices of the Party for whom they shall find, the said Court shall order a new Trial, and the Proceeding shall be as before directed.

Persons making subsequent claims, to give bond to prosecute them.

VII. *AND* in order to prevent Disputes and Delays to Persons in obtaining Titles to the Lands before mentioned, *Be it further enacted by the Authority aforesaid*, That where a Claim shall be made to any Lands for which a prior Claim has been duly entered before such subsequent Claim shall be received, the Party making the same shall enter into Bond with the Entry Taker, with sufficient Security, payable to the adverse Party, in the Sum of fifty Pounds, that he will prosecute the said Claim with Effect; and if he shall fail therein, he shall pay all Costs and Damages which shall accrue, which Costs shall not exceed the Fees in Cases of Juries of View in Causes respecting the Title or Bounds of Lands, and the Clerks and Attornies Fees as by Law established in other Causes, but may be diminished by the Courts respectively, as they shall judge right.

Proviso not to bar the claim of persons having prior titles.

VIII. *PROVIDED*, That Nothing in this Act contained shall extend to affect the Right, Title or Interest, which any Citizen may have in Lands heretofore obtained by Patent from the Crown of *Great-Britain*, or any Person claiming by, from, or under the same, or to bar any Right of Action, Entry or Possession, to such Lands appertaining; but all such Rights, Titles, Interests, Rights of Action, Entry and Possession, shall be and remain as if this Act had never been made.

Right not obtained as by this act directed, void

IX. *AND be it also enacted by the Authority aforesaid*, That every Right, Title Claim, Interest, or Property, by any Person or Persons set up or pretended to any of the before mentioned Lands which shall not be obtained in Manner by this Act directed, or by Purchase or Inheritance from some Person or Persons becoming Proprietors by Virtue thereof, or which shall be obtained in Fraud, Evasion or Evasion of the Provisions and Restrictions thereof, shall be deemed and are hereby declared utterly void.

Surveyors how to survey, bound, & describe lands.

See act Jan. 1779 c. 6.

X. *AND be it further enacted by the Authority aforesaid*, That every County Surveyor, upon receiving the Copy of the Entry and Order of Survey for any Claim of Lands, shall as soon as may be lay off and survey the same, agreeable to this Act, and make thereof two fair Plats, the Scale whereof shall be mentioned on such Plats; and shall set down in Words the Beginning, Angles, Distances, Marks, and Water-Courses, and other remarkable Places, crossed or touched by or near to the Lines of such Lands, and also the Quantity of Acres; and shall transmit the Plats to the Secretary's Office, together with the Warrant or Order of Survey, one of which, with the Warrant, shall be filed by the Secretary, and the other annexed to the Grant. And no Surveys shall be made without Chain-Carriers, who shall actually measure the Land surveyed, and shall be paid by the Party for whom the Survey shall be made; and such Chain-Carriers shall be sworn to measure justly and truly, and to deliver a true Account thereof to the Surveyor; which Oath every Surveyor is hereby empowered and required to administer: And every Survey shall be bounded by natural Boundaries, or right Lines, running East, West, North and South, and shall be an exact Square, or Oblong, the Length not exceeding double the Breadth, unless where such Lines interfere with Lands already granted or surveyed, or unless where the Survey shall be made on any navigable Water; in which last Case the Water shall form one Side of the Survey, and the Breadth on such Water shall not be more than one fourth Part of the Distance back from the Water. *Provided nevertheless*, That Nothing herein contained shall be construed to extend to prevent any Person from entering a Claim for any Island or Islands in navigable Waters, the Quantity of which shall not exceed what is allowed by this Act to be contained in one Entry.

Proviso to enter Islands.

IX. *AND*



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Grants to be made by the Secretary, and registered within twelve months.

XI. *A N D* be it enacted by the Authority aforesaid, That the Secretary shall make out Grants for all Surveys returned to his Office, which Grants shall be authenticated by the Governor, and countersigned by the Secretary, and recorded in his Office, ready to be delivered to the Parties to whom the same shall be made, on the first Day of *April* and *October* in every Year; and every Person obtaining a Grant for Lands, shall within twelve Months after such Grant shall be perfected as aforesaid, cause the same to be registered in the Register's Office of the County where the Lands shall lie, otherwise such Grant shall be void.

XII. *A N D* be it further enacted by the Authority aforesaid, That the several Entry Takers, Surveyors, Registers, and the Secretary, shall be entitled to have and receive the Fees hereafter particularly specified, and no more, *that is to say*, To the Entry Taker, for all Services, sixteen Shillings. To the Surveyor, for making the Survey, and all other Services for every three hundred Acres or under, thirty Shillings; and for every one hundred Acres more, three Shillings. To the Secretary, for making out the Grants, and recording the same, five Shillings. To the Governor's Secretary, for the Great Seal, three Shillings.

Entry Takers, Surveyors, Registers, and Secretary's Fees.

XIII. *A N D* be it also enacted by the Authority aforesaid, That every Entry Taker shall on or before the first Day of *April* and *October* in every Year, pay into the public Treasury all such Monies as he shall receive for Entries; and in Consideration of the said Service, and the Risk of such Monies, and for carrying the Grants from the Secretary's Office to his County, and delivering the same when called for to the Persons to whom they shall be made (which he is hereby required to do) it shall and may be lawful for him to retain two *per Cent*.

Entry Taker to pay all monies into the treasury, and his allowance.

XIV. *A N D* be it also enacted by the Authority aforesaid, That every Entry Taker and Surveyor, before entering upon the Execution of his Office, shall take and subscribe in open Court the Oath prescribed for the Qualification of Officers, and also an Oath that he will well and impartially discharge the several Duties of his respective Office; and shall enter into Bond, with sufficient Security, to be approved by the County Court, in the Sum of two thousand Pounds, to the Governor for the Time being, and his Successors, for the faithful Discharge of his respective Duty; which Bond, upon a Breach of the Condition thereof, shall be assigned by the Governor to the Party or Parties injured, who shall and may maintain an Action or Actions thereon in his or their own Name or Names, and shall not become void upon the first Recovery, or if Judgment be for the Defendant, but may be put in Suit from Time to Time, until the whole Penalty shall be recovered; and every Entry Taker shall also give Bond, in the Sum of eight thousand Pounds, payable to the Governor for the Time being, and his Successors, well and truly to pay to the public Treasury all such Monies as he is or shall be required by Law to pay in Virtue of his Office; and in Case where the Entry Taker shall fail to pay the Monies by him received into the public Treasury as required by Law, the Treasurer shall cite the Delinquent and his Securities to the next Superior Court to be held for the District wherein the County of which he is Entry Taker shall be situated, and such Court shall direct an Issue to be immediately made up and tried by a Jury, and if it shall be found that the Entry Taker has failed to make Payment as by Law required, or shall fail to appear on such Citation, the Court shall give Judgment and award Execution against him and his Securities, for the Sum which shall be found or appear to be due from him. And upon such Citation, the Treasurer shall be entitled to demand and receive of such Entry Taker his Entry Book, and every other Evidence, by Books or Papers, which by this Law such Entry Taker is directed to keep; and if such Entry Taker shall, upon such Demand, neglect or refuse to deliver such Books or Papers to be made Use of in the Trial of such Citation, such Refusal shall be deemed a Presumption amounting to full Proof, and Judgment pass against the Entry Taker for the Amount of the whole Sum demanded by the Citation, and Execution shall go accordingly.

Entry Takers to take the oaths, and give bond.

Surveyor to give the same.

Public money how recovered from them.

XV. *A N D* be it also enacted by the Authority aforesaid, That every Entry Taker and Surveyor who shall neglect or refuse to perform the several Duties by this Act required, or shall knowingly suffer the Provisions and Restrictions thereof to be eluded or evaded, or shall ask, demand, or receive, directly or indirectly, any greater Fees than are by this Act made lawful, shall forfeit the Sum of five hundred

Pen. on Entry Taker refusing his duty, or taking unlawful fees



A. D. 1777.

What lands may be entered in *Washington* county.

Persons who have preference to lands in virtue of old entries or occupancy.

See act Jan. 1779, ch. 5.

Not to extend to lapsed lands.

Proviso, for persons claiming under *Indian* titles.

Entry Takers how to enter lands for themselves.

What money to be received.

dred Pounds, to be recovered by Action of Debt, Bill, or Plaintiff; and moreover shall forfeit all Right to Office, and shall be forever disabled from holding the same, or any other Office within this State: *Provided*, That no Person shall take up any Lands under this Act in *Washington* County, in any greater Quantity than six hundred and forty Acres for himself, and one hundred Acres for his Wife, and one hundred Acres for each of his Children, until the Legislature shall make further Provision relative thereto.

XVI. *AND provided also, and be it further enacted by the Authority aforesaid*, That every Person or Persons, and his or their Heirs or Assigns, who in the Office of the late *Earl Granville*, or in the late Public Land Office, have heretofore made any Entry or Entries, or who since the Death of the said *Earl Granville*, hath possessed and actually improved any vacant or unappropriated Lands for which no just Claim by Entry in any Office shall have been made, shall be entitled, in Preference to all others, to enter and obtain a Grant or Grants for the same, so that such Entry or Entries be made on or before the first Day of *January*, one thousand seven hundred and seventy-nine, and so that no such Grant shall contain more than six hundred and forty Acres, subject nevertheless to the Payment of five Pounds for every hundred Acres, and so in Proportion, which any Person shall claim over and above the Quantity which by the Provisions of this Act each Person is allowed to claim for the Price of fifty Shillings for every hundred Acres, and so in Proportion; any Thing herein before contained to the contrary notwithstanding.

XVII. *PROVIDED nevertheless*, That this Act shall not extend to confirm any Entry made or Grant obtained in the late Public Land Office, for Lands in the late *Lord Granville's* District, or to any Entry which hath heretofore lapsed for Want of suing out a Patent or Grant agreeable to the Regulations heretofore established and in Use within this Territory. *Provided also*, That Nothing in this Act contained shall be construed to prevent or bar any Persons, being Subjects of this State, and claiming Property in any Lands therein by Conveyance or Grant from any Nation of *Indians*, from the Right of Trial by Jury, or a Hearing before the General Assembly of the State at a future Day.

XVIII. *AND be it further enacted by the Authority aforesaid*, That if any Entry Taker shall be desirous to make any Entry of Lands in his own Name, such Entry shall be made in its proper Place before a Justice of the Peace of the County not being a Surveyor or Assistant, which Entry the Justice shall return to the County Court at their next Sitting, and the County Court shall insert such Entry; and every Entry made by or for such Entry Taker in any other Manner than is herein directed, shall be illegal and void, and any other Person may enter, survey, and obtain a Grant for the same Land.

XIX. *AND be it further enacted by the Authority aforesaid*, That no Entry Taker shall receive, for the Use of this State, any other Sort of Money for the Entry of Lands than Continental Bills of Credit, or the Dollar Bills emitted at the Congress held at *Hillsborough* and *Halifax*.

## C H A P. II.

*An Act for establishing Courts of Law, and for regulating the Proceedings therein.*

I. **W**HEREAS it is necessary to a due and regular Administration of Justice, that Courts be established in this State:

II. *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 this State shall be, and it is hereby divided into six several Districts, *That is to say*, the Districts of *Wilmington*, *Newbern*, *Edenton*, *Halifax*, *Hillsborough*, and *Salisbury*, in each of which a Court for the Trial of Causes, civil and criminal, shall be established, by the Name of the Superior Court of Law in the District where the same shall be held; and the said Courts shall consist of three Judges, being Men of Abilities, Integrity, and learned in the Law, who shall have Cognizance and legal Jurisdiction of all Pleas, real, personal, and mixt; and also all Suits and Demands relative to Legacies, Filial Portions, and Estates of Intestates;

See acts April 1782, c. 11, c. 22, c. 31. Ap. 1784, c. 36. Oct. 1784, c. 13, c. 15, c. 25. Nov. 1785, c. 2, c. 47. Nov. 1786, c. 14. Nov. 1787, c. 21, c. 22. Nov. 1788, c. 31, c. 32. State divided into districts and Superior Courts established.



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testates; all Pleas of the State, and criminal Matters, of what Nature, Degree, or Denomination soever, whether brought before them by original or mesne Procefs, or by *Certiorari*, Writ of Error, Appeal from any Inferior Court, or by any other Ways or Means whatsoever: And they are hereby declared to have full Power and Authority to give Judgment, and to award Execution, and all other necessary Procefs thereupon; and shall have, use, exercise, and enjoy, the same Powers and Authorities, Rights, Privileges, and Preheminences, as were had, used, exercised, and enjoyed, by any former Judges in this Territory, except where it is, or may be otherwise directed by this, or any other Act, or where such Authorities, Rights, Privileges, or Preheminency, or any of them, may be inconsistent with, or repugnant to, the Form of Government and Constitution by Law established: And in Case of the Death or Absence of any of the said Judges, it shall and may be lawful for one or more of the same Judges, by himself or themselves, to hold any of the said Courts, and to take Cognizance, and give Judgment, and award Execution, in the same Manner as all the said Judges might have done, had they been present. *Provided always*, That Demurrers, Cases agreed, special Verdicts, Bills of Exception to Evidence, and Motions in Arrest of Judgment, shall not be argued but before two or more of the said Judges.

One Judge may hold a court.

Except in particular cases.

III. A N D for the Benefit of Suitors, and to prevent Irregularities in making up Records, *Be it enacted by the Authority aforesaid*, That the said Judges shall appoint Clerks of Skill and Probity to the several and respective Courts hereby established, who shall each of them give Bond, with sufficient Security, payable to the said Judges, and their Successors in Office, in the Sum of two thousand Pounds, for the safe keeping of the Records, and the faithful Discharge of his Duty in Office; which said Bond shall be lodged in the Secretary's Office, and may be put in Suit on the Assignment of the said Judges, or their Successors, by the Party or Parties injured, in his or their own name; and shall not become void upon the first Recovery, or if Judgment be given against the Plaintiff, but may from Time to Time be put in Suit, by Action of Debt, until the whole Penalty shall be recovered.

Appointment of Clerks.

Who are to give bond.

IV. *A N D be it enacted by the Authority aforesaid*, That the Clerks of the said Courts, when so appointed, shall hold their Offices during their good Behaviour therein; but before entering upon the Execution thereof, shall before his Excellency the Governor take the Oath for the Qualification of public Officers, and also the following Oath, *to wit*,

To hold their offices during good behaviour.

**I** A. B. do swear, that by myself, or any other Person, I neither have given, nor will give, to any Person or Persons whatsoever, any Gratuity, Gift, Fee, or Reward, in Consideration of my Appointment to the Office of Clerk of the nor have I sold, nor offered to sell, nor will I sell, or offer to sell, my Interest in the said Office. I also solemnly swear, that I do not, directly or indirectly, hold any other lucrative Office in this State. And I do further swear, that I will execute the Office of Clerk of the without Prejudice, Favour, Affection, for the or Partiality, to the best of my Skill and Ability. SO HELP ME GOD.

Their oath.

And the Governor is hereby required to issue his Proclamation to every County of this State, notifying to the good People thereof the Names of those Persons who have qualified as Clerks of the Courts of the respective Districts, agreeable to this Law, and requiring all Persons to pay Obedience to all Precepts issued by them by Virtue thereof: And if it shall be discovered that any of the said Clerks, after his Appointment, shall have violated his said Oath, or wittingly, willingly, and corruptly, have done any Thing contrary to the true Intent and Meaning of the said Oath, such Clerk shall be deemed upon Conviction guilty of Misbehaviour in Office, and shall forever afterwards be incapable of holding any Office, civil or military, within this State.

Governor to issue a proclamation, notifying their qualification.

Penalty on them for misbehavior.

V. *A N D be it further enacted by the Authority aforesaid*, That the said Judges, before they act as such, shall in open Court, or before the Governor for the Time being, take the Oath appointed for the Qualification of public Officers, and also the following Oath, *to wit*,

Oaths to be taken by the Judges.

**I** A. B. do solemnly swear, that I will well and truly serve the State of North-Carolina, in the Office of of the Superior Courts of Law of the said State. I will do



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do equal Law and Right to all Persons, rich and poor, without having Regard to any Person. I will not wittingly or willingly take by myself, or by any other Person, any Fee, Gift, Gratuity, or Reward whatsoever, for any Matter or Thing by me to be done by Virtue of my Office, except the Fees and Salary by Law appointed. I will not maintain by myself, or by any other, privately or openly, any Plea or Quarrel depending in any of the said Courts. I will not delay any Person of common Right, by Reason of any Letter or Command from any Person or Persons in Authority to me directed, or for any other Cause whatsoever; and in Case any Letters or Orders come to me contrary to Law, I will proceed to enforce the Law, such Letters or Orders notwithstanding, I will not give my Voice for the Appointment of any Person to be Clerk of any of the said Courts, but such of the Candidates as appear to me sufficiently qualified for that Office; and in all such Appointments I will nominate without Reward, the Hope of Reward, Prejudice, Favour, or Partiality, or any other sinister Motive whatsoever. And finally, in all Things belonging to my Office, during my Continuance therein, I will faithfully, truly, and justly, according to the best of my Skill and Judgment, do equal and impartial Justice to the Public and to Individuals.

SO HELP ME GOD.

Pen. for acting before qualifying

And if any of the said Judges shall presume to act in his Office before he shall have taken the Oaths hereby directed, he shall forfeit and pay one thousand Pounds, to be recovered by Action of Debt in any of the Superior Courts; one Half to the Use of the State, towards defraying the Charges of Government, and the other Half to the Person or Persons who shall sue for the same.

VI. [Provided for by Act, April 1778, Ch. 4, and Oct. 1784, Ch. 7, Sect. 21]

Admission of Attornies.

VII. *AND* be it further enacted by the Authority aforesaid, That all Persons who have heretofore obtained Licences to practise as Attornies in the Courts under the late Government, and have been admitted as such, shall hereafter be permitted to practise in such Courts in which they were heretofore admitted to practise, without any further Examination; and every Person who shall hereafter apply for Admission to practise as an Attorney, shall undergo an Examination before two or more Judges of the Superior Courts of this State, and if such Person shall be found to possess a competent Share of Law Knowledge, and be a Person of upright Character, such Judges shall give him a Certificate, under their Hands and Seals, to practise in any Court of this State for which they may judge him qualified.

Persons coming into this state with intent to practise, how admitted.

VIII. *AND* be it further enacted by the Authority aforesaid, That no Person coming into this State from any other State, or from any foreign Country, with an Intention to practise the Law, shall by the said Judges be admitted to practise as an Attorney, unless he shall have previously resided one Year in this State, or unless such Person shall produce to the said Judges a Testimonial from the Chief Magistrate of such State or Country, or from some other competent Authority, that he is of an unexceptionable moral Character; and all such Attornies, before they shall be admitted to practise in any Court, shall in open Court, before the Judges thereof, take the following Oath, *viz.*

Their oath.

**I** A. B. do swear, that I will truly and honestly demean myself in the Practise of an Attorney, according to the best of my Knowledge and Ability.

SO HELP ME GOD.

And upon such Qualification had, and Oath taken, such Attornies, as well as those who have heretofore obtained Licences, may act as Attornies during their good Behaviour.

Actions in what districts to be brought.

IX. *AND* be it further enacted by the Authority aforesaid, That all real Actions, Actions of Ejectment, Trespas, *Quare Clausum Fregit*, Suits on penal Statutes, and Pleas of the State, shall be commenced in the Court of the District wherein the Cause of Action shall arise, or the Offence be committed, and not in any other District; and all Actions of Debt, other than on penal Statutes, all Actions of Detinue and Replevin, Actions of Account Render, Assault and Battery, and for the unlawful taking of Goods, all Actions upon the Case, and Suits for Legacies, and for distributive Shares of Intestates Estates, shall be brought to the Court of the District where both Parties reside; and where the Parties live in different Districts, shall be brought to the Court of either District, at the Option of the Plaintiff; and where the Plaintiff shall reside beyond Seas, or in a different State

or



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or Government, shall be brought to the Court of the District where the Defendant resides; and where any Action or Suit shall be brought otherwise than is herein directed, such Action or Suit may be abated, on the Plea of the Defendant.

X. *AND be it enacted by the Authority aforesaid,* That no Suit shall be originally commenced in any of the said Courts for any Debt or Demand of less Value than one hundred Pounds, where the Plaintiff and Defendant live in the same District; or for less than fifty Pounds where the Parties live in different Districts. And if any Suit shall be commenced contrary to the true Intent and Meaning hereof, or if any Person shall demand a greater Sum than is due, on Purpose to evade this Act, in either Case the Plaintiff shall be nonsuited, and pay Costs. *Provided always,* That if the Plaintiff, or any other Person for him, will make an Affidavit (to be filed in the Court) that the Sum for which his Suit shall be brought is really due, but that for Want of Proof, or that the Time limited for the Recovery of any Article, bars a Recovery, then, and in that Case, such Plaintiff shall have a Verdict and Judgment for what appears to be legally proved; any Thing herein before mentioned to the contrary notwithstanding. *And provided also,* That Nothing herein contained shall extend, or be construed to extend, to Suits on Bonds, penal Bills, or any other Action of Debt grounded on a Penalty, where the Balance due on such Bond or penal Bill, or other Action of Debt, is not of less Value than the Sums herein before mentioned, to be limited for bringing Suits in the said Courts.

Of what value suits may be commenced in the superior courts.

Proviso for the Plaintiff to prove his debt.

Not to extend to particular cases.

XI. *AND be it further enacted by the Authority aforesaid,* That if any Plaintiff or other Person, shall hereafter swear falsely, in order to obtain a Recovery in any of the said Courts, he shall, upon Conviction thereof, be adjudged guilty of Perjury, and suffer as in Cases of wilful and corrupt Perjury.

Pen. on plaintiff for false swearing.

XII. *AND be it enacted by the Authority aforesaid,* That none of the said Courts, nor any of the Proceedings therein depending, shall be discontinued by Reason of the Death of any of the said Judges, or by their not attending at any Term; but in such Cases all Pleas, Causes, Matters and Things, therein depending, shall stand continued and remain in the same Condition in which they shall then be, to the next succeeding Term.

Courts kept up, notwithstanding non-attendance, &c.

XIII. *AND be it enacted by the Authority aforesaid,* That until the Commencement of the first Term of each of the said Courts, original Procefs may bear Test at the Time of issuing the same, and such Writs and Procefs so tested before such Term, shall be valid in Law, any Usage or Practice of Courts to the contrary notwithstanding: And after the first Term of each Court, the Clerk or Attorney issuing Procefs, shall mark thereon the Day on which the same shall be issued, and the Sheriff or other Officer receiving the same, in Order to execute, shall in like Manner mark on each Procefs the Day on which he shall have received it; and every Clerk, Attorney, Sheriff, or other Officer, neglecting so to do, shall forfeit and pay the Sum of fifty Pounds; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, by any Person who shall sue for the same, with Costs.

Till the 1st term, writs may bear test immediately.

Day of issuing procefs to be marked on it.

XIV. *AND be it further enacted by the Authority aforesaid,* That all Writs and other Procefs (except Subpœnas for Witnesses returnable immediately) shall be returned the first Day of the Term to which the same shall be returnable, and shall be executed at least ten Days before the Beginning of such Term; and if any original or mesne Procefs shall be taken out within ten Days before the Beginning of any Term, such Procefs shall be made returnable to the Term next succeeding that which shall commence within ten Days after taking out such Procefs, and not otherwise; and all Procefs made returnable at any other Term, or executed at any other Time, or in any other Manner, than by this Act is directed, shall be adjudged void upon the Plea of the Defendant.

Procefs when returnable.

XV. *PROVIDED nevertheless,* That Nothing herein contained shall be construed to invalidate or vacate any Procefs, Warrant or Precept, to be issued by any of the Judges of the said Courts, or any Justice of the Peace, or Clerk of any Court, on any criminal Prosecution on Behalf of the State, but that the same may

Proviso for criminal procefs.



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may be issued at any Time, and made returnable to any Day of the Term; and the Proceedings on criminal Suits and Prosecutions shall be agreeable to the Practice heretofore in Use in this Territory, except where the same is or may be otherwise directed, any Thing herein contained to the contrary notwithstanding.

Sheriff's duty when process issues to him.

XVI. *AND be it enacted by the Authority aforesaid,* That when any Writ shall issue from any of the said Courts, whereby any Sheriff, or other Officer, shall be commanded to take the Body of any Person or Persons, to answer to any Action in any of the said Courts, such Sheriff shall take Bond, with two sufficient Securities, in double the Sum for which such Person or Persons shall be held in Arrest (Executors, Administrators, and Persons sued on such penal Statutes as do not expressly require Bail, excepted) and shall return such Bond with the Writ; and in Case the Sheriff shall fail or neglect to take such Bail, or the Bail returned be held insufficient, on Exception taken and entered the same Term to which such Process shall be returnable, the Sheriff having due Notice thereof, he shall be deemed and stand as special Bail, and the Plaintiff may proceed to Judgment, according to the Rules herein after prescribed.

Indorsement of bail bonds returned.

XVII. *AND be it enacted by the Authority aforesaid,* That all Bail Bonds returned to any of the said Courts, shall be assigned by the Sheriff returning the same, by Indorsement thereon, in the following Form, *to wit,* " I A. B. Sheriff of County, do hereby assign the within Obligation and Condition to C. D. the Plaintiff therein named, his Executors and Administrators, to be sued for according to the Statute in such Case made and provided. In Witness whereof, I have hereunto set my Hand and Seal, the Day of in the Year of our Lord one thousand seven hundred and . " And every Sheriff failing to make such Assignment, shall be deemed, held, and taken as special Bail, in the same Manner as if no Bail Bond had been returned.

Proceedings where he returns the body in custody.

XVIII. *AND be it enacted by the Authority aforesaid,* That when any Sheriff shall return that he hath taken the Body of any Defendant, and committed him to the Prison of his County (which is hereby declared to be the proper Prison for such Commitment) the Plaintiff may enter the Defendant's Appearance, and he shall be at Liberty to plead as if such Appearance had been entered by himself, and the Plaintiff may proceed to Judgment as in other Cases in this Act directed; nevertheless the Defendant shall not be discharged out of Custody, but by putting in Bail, or Rule of Court.

All bail taken special, and when liable to recovery

XIX. *AND be it enacted by the Authority aforesaid,* That all Bail taken according to the Directions of this Act, shall be deemed, held, and taken to be special Bail, and as such liable to the Recovery of the Plaintiff; but the Plaintiff, after final Judgment, shall not take out Execution against such Bail, until an Execution be first returned that the Defendant is not to be found in his proper County, and until a *Scire Facias* hath been made known to the Bail, which *Scire Facias* shall not issue till such Execution shall have been so returned; and after Return of such Execution against the Principal, and *Scire Facias* against the Bail, Execution may issue against the Principal and Securities, or any of them, or any of their Estates, unless the Bail shall surrender the Principal before the Return of the first *Scire Facias*, or shall appear and plead upon the Return thereof; any Law, Custom, or Practice, to the contrary thereof, in any Wise, notwithstanding.

Bail may surrender the principal.

XX. *AND it is hereby enacted by the Authority aforesaid,* That the Bail shall have Liberty, before final Judgment obtained against him, to surrender to the Court from which the Process issued, or to the Sheriff returning such Process during the Sitting of such Court, or to the Sheriff in the Recess of such Court, the Principal in Discharge of himself; and such Bail shall, at any Time before such Judgment had, have full Power and Authority to arrest the Body of his Principal, and secure him until he shall have an Opportunity to surrender him to the Sheriff who made the Arrest, or to the Court to which the Process was returnable; and such Sheriff is hereby required to receive such Surrender, and hold the Body of the Defendant in Custody, as if Bail had never been given.

Scire facias made known, the bail

XXI. *AND be it enacted by the Authority aforesaid,* That when any *Scire Facias* shall by the proper Officer be returned to have been made known to the Bail, and



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and they in consequence thereof shall appear, they shall be obliged to plead, and the Issue shall be tried the same Term to which the Process shall be returned, unless sufficient Cause be shewn to the Court to the contrary; but the Bail shall not be admitted to plead *non est factum*, unless they first file an Affidavit of the Truth of their Plea.

to plead, and be tried the 1st term.

XXII. *PROVIDED* nevertheless, That if any Sheriff shall return on a *Scire Facias* to him directed, that the Principal is imprisoned by Virtue of any Process civil or criminal, the Court to which such *Scire Facias* is returnable shall, on Motion of the Plaintiff or Bail, order and direct that such Principal be retained where he or she shall be a Prisoner, until the Plaintiff's Judgment and Cost shall be paid, or he or she otherwise discharged by due Course of Law; a Copy of which Order being served on the Keeper of such Prison before such Prisoner's Release, shall be a sufficient Authority for him to retain such Prisoner until such Order be complied with, and shall be deemed a Surrender of the Principal, and a Discharge of the Bail.

Proviso where the principal is in gaol, and proceedings thereupon.

XXIII. *AND* for the better ascertaining what Process shall issue when the Sheriff shall return that the Defendant is not to be found within his County, *Be it enacted by the Authority aforesaid*, That when the Sheriff shall make such Return in any civil Action, the Plaintiff may at his Election sue out an Attachment against the Estate of such Defendant, or an *Alias* or *Pluries Capias*, until he be arrested, returnable in the same Manner as original Process; and if the Sheriff shall return any Goods by him attached, and the Defendant shall fail to appear and plead within the Time herein directed, the Plaintiff shall be entitled, if in an Action of Debt, to final Judgment, and if in an Action on the Case, to an interlocutory Judgment, and in consequence thereof may execute a Writ of Enquiry the next succeeding Term; and the Goods so attached, if not replevied or sold, according to the Rules herein after prescribed for Goods taken on original Attachments, shall remain in the Custody of the Sheriff until final Judgment, and then be disposed of in the same Manner as Goods taken in Execution on a Writ of *Fieri Facias*; and if the Judgment shall not be satisfied by the Goods attached, the Plaintiff may have Execution for the Residue.

Proceedings where the Sheriff returns the plaintiff not to be found.

XXIV. *AND* *be it enacted by the Authority aforesaid*, That in Case any Plaintiff shall obtain Judgment final at the first Term to which the Process shall be returnable on an Action of Debt, it shall be lawful for him to execute his Enquiry as to the Value of any foreign Currency or Money for which the Suit may be brought, at the same Term in which such Judgment shall be entered or obtained.

Judgment final the first court, enquiry may be executed as to the value of the currency, &c.

XXV. *AND* *be it enacted by the Authority aforesaid*, That upon any Complaint being made, on Oath, to any of the Judges of the said Courts, or to any Justice of any of the County Courts, by any Person or Persons, his, her, or their Attorney, Agent or Factor, that any Person hath removed, or is removing him or herself out of the County privately, or so absconds or conceals him or herself that the ordinary Process of Law cannot be served on such Debtor, and if such Plaintiff, his, her, or their Attorney, Agent, or Factor further swears to the Amount of his, her, or their Debt or Demand, to the best of his, her, or their Knowledge and Belief, it shall be lawful for such Justice, and he is hereby empowered and required, to grant an Attachment against the Estate of such Debtor, wherever the same may be found, or in the Hands of any Person or Persons indebted to, or having any of the Effects of the Defendant, or so much thereof as shall be of Value sufficient to satisfy the Debt or Demand, and Costs of such Complaint; which Attachment shall be returned to the Court where the Suit is cognizable, and shall be deemed the leading Process in such Action, and the same Proceedings shall be had thereon as on judicial Attachments.

Where attachment may be issued.

XXVI. *PROVIDED* always, That every such Justice, before granting such Attachment, shall take Bond and Security of the Party for whom the same shall be issued, his, her, or their Attorney, Agent or Factor, payable to the Defendant, in double the Sum for which the Complaint shall be made, conditioned for satisfying all Costs which shall be awarded to such Defendant in Case

Bond to be given before attachment granted.



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the Plaintiff shall be cast in the Suit, and also all Damages which shall be recovered against the Plaintiff in any Suit or Suits which may be brought against him, for wrongfully suing out such Attachment; which Bond, together with the Affidavit of the Party complaining, subscribed with his proper Name, shall be returned by the Justice taking the same to the Court to which the Attachment is returnable; and every Attachment issued without Bond and Affidavit taken, and returned as aforesaid, shall be abated on the Plea of the Defendant.

Justices may issue attachments.

XXVII. *A N D* for the Ease and Convenience of Creditors and others who may be injured as aforesaid, and to remove Doubts with respect to the Authority of the Justices of the County Courts in issuing Attachments; *Be it enacted by the Authority aforesaid*, That it shall and may be lawful for any Justice of the County Courts, upon Complaint made to him by any Person or Persons as aforesaid, to issue Attachments under the Rules and Regulations before mentioned, and make the same returnable to any of the said Courts where the same is cognizable; any Law, Usage, or Custom to the contrary notwithstanding.

In what cases attachment may issue against the estates of persons in other governments.

XXVII(a). *A N D be it enacted by the Authority aforesaid*, That when any Person who shall be an Inhabitant of any other Government, so that he cannot personally be served with Process, shall be indebted to any Person a Resident of this State, and hath any Estate within the same, any of the said Justices may grant an Attachment against the Estate of such foreign Person, under the Rules, Restrictions, and Regulations, before mentioned, and the same Proceedings may be had thereon.

Proceedings on attachments.

XXVIII. *A N D be it enacted by the Authority aforesaid*, That when any Goods, or other Estate, shall be attached by Virtue of any Attachment, whether judicial or original, it shall and may be lawful for the Defendant or Defendants, his, her, or their Attorney, Agent or Factor, to replevy the same, by giving Bond, with sufficient Security, to the Sheriff, or other Officer serving such Attachment; which said Bond the Sheriff, or other Officer, is hereby empowered and required to take, to appear at the Court to which such Attachment is returnable, and to abide by, perform and satisfy, the Order and Judgment of such Court; and when the Estate attached shall by three Justices of the County Court, to be summoned by the Sheriff for that Purpose, be certified on Oath to be perishable, and the Person or Persons to whom it belongs, his, her, or their Attorney, Agent or Factor, shall not within sixty Days after the serving of such Attachment replevy the same, then such Estate shall be sold at public Vendue by the Sheriff, or other Officer, he having first advertised such Sale at the Court-House, and other public Places in his County, at least ten Days before the Sale; and the Money arising by such Sale shall be liable to the Judgment obtained upon such Attachment, and deposited in the Hands of the Clerk of the Court to which the Process shall be returnable, there to wait the Event of such Judgment; and where the Sheriff, or other Officer, shall serve an Attachment in the Hands of any Person or Persons supposed to be indebted to, or supposed to have any of the Effects of the Party absconding or residing out of this State, he shall at the same Time summon such Person or Persons as a Garnishee or Garnishees, in Writing, to appear at the Court to which the Attachment shall be returnable, within the first four Days of the first Term thereof, there to answer upon Oath what he or she is indebted to the Defendant, and what Effects of the Defendant he or she hath in his or her Hands, and had at the Time of serving such Attachment, and what Effects or Debts of the Defendant there are in the Hands of any other, and what Person, to his or her Knowledge and Belief; and where any Attachment shall be served in the Hands of any Garnishee in Manner aforesaid, it shall be lawful, upon his or her Appearance and Examination, to enter up Judgment, and award Execution against any such Garnishee, for all Sums of Money due to the Defendant from him or her, and for all Effects and Estate of any Kind belonging to the Defendant in his or her Possession or Custody, for the Use of the Plaintiff, or so much thereof as shall be sufficient to satisfy the Debt and Costs, and all Charges incident on levying the same; and all Goods and Effects whatsoever in the Hands

(a) The Repetition of this Number is a Mistake in the first Publication, but as this Act has been referred to by the Number of its Sections, I thought it best to republish it in the same Manner.



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of any Garnishee or Garnishees belonging to any Defendant, shall be liable to satisfy the Plaintiff's Judgment, and shall be delivered to the Sheriff, or other Officer serving the Attachment; and where any Garnishee shall be returned by the Sheriff, or other Officer, summoned in Manner aforesaid, and shall fail to appear and discover, on Oath, as by this Act is directed, it shall be lawful for the Court, after solemnly calling the Garnishee, and such Court is hereby authorized and required, to enter a conditional Judgment against such Garnishee, and upon such Judgment so entered, a *Scire Facias* shall issue against such Garnishee, returnable the next Term, to shew Cause, if any he hath, why final Judgment should not be entered against him; and upon such *Scire Facias* being duly executed and returned, if such Garnishee shall fail to appear at the next Term, and discover, on Oath, in Manner aforesaid, the Court shall confirm such Judgment, and award Execution for the Plaintiff's whole Judgment and Costs; and if upon the Examination of any Garnishee, it shall appear to the Court that there is any of the Defendant's Estate in the Hands of any Person or Persons who have not been summoned, such Court shall, upon Motion of the Plaintiff, grant a judicial Attachment, to be levied in the Hands of such Person or Persons having any of the Estate of the Defendant in his, her or their Custody or Possession, who shall appear and answer, and be liable as other Garnishees.

XXIX. AND whereas divers Persons residing in other States or Governments, possessed of Lands, Tenements, and Hereditaments, in this State, may have contracted, or may contract Debts with the Inhabitants of this State, without having personal Estate in the same to satisfy such Debts and Damages; and whereas by the Policy and Genius of our present Constitution, Lands and Tenements ought to be made subject to the Payment of just Debts, when the Debtor hath not within the Limits of this State Goods and Chattels sufficient to satisfy the same; *Be it therefore enacted by the Authority aforesaid*, That all Procefs which heretofore issued against Goods, Chattels, Lands and Tenements, shall for the future issue in the same Manner, and such as issued only against Goods and Chattels, shall hereafter issue against Lands and Tenements, as well as Goods and Chattels; and the Sheriff, upon such Attachment, Execution, or other Procefs, shall proceed to levy the same upon the Goods and Chattels of the Defendant, in the first Instance, if any there be; but if to the best of his Knowledge there be no such Goods and Chattels, or not sufficient to answer the Plaintiff's Demand, he shall execute the same upon the Lands and Tenements to the Amount of the whole Debt, or of so much as may remain more than the Value of the Goods and Chattels so found; and such Lands and Tenements shall be liable, under the Restriction aforesaid, to be sold to satisfy the Judgment of the Plaintiff; and where any Sheriff shall have levied Procefs upon Lands and Tenements, in Manner aforesaid, and Judgment shall have been thereupon had, he shall not proceed to sell the same, until in the most public Place in his Bailiwick he shall, forty Days at least before the Day of Sale, have advertised the same.

Attachment may be granted against the lands of persons out of the state, & proceedings thereon.

XXX. PROVIDED always, That it shall be lawful for any Person, against whose Estate any Attachment hath issued as aforesaid, his or her Attorney, Agent or Factor, at any Time before final Judgment entered, or Writ of Enquiry executed, upon giving special Bail, to replevy the Estate so attached, and plead to issue, so that the Plaintiff is not thereby delayed of his Trial. *And provided also*, That no judicial Procefs shall be issued against the Estate of any Person residing without the Limits of this State, unless such Procefs is grounded on an original Attachment, or unless the leading Procefs in the Suit has been executed on the Person of the Defendant when within the State.

Estate repleviable

In what cases judicial procefs to issue against estates of persons out of the state.

XXXI. AND to prevent Errors in issuing Attachments, and taking Bonds thereupon, *Be it enacted by the Authority aforesaid*, That the Attachment shall be in the following Form, *that is to say*,

The State of North-Carolina,

To the Sheriff of

County, Greeting:

WHEREAS A. B. (or A. B. Attorney, Agent or Factor, as the Case may be, of C. D.) hath complained, on Oath, to Esquire, Justice of

Form of the attachment.

of



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of the Superior Courts of Law, or of the County Court of \_\_\_\_\_ that E. F. is justly indebted to him (or to the said A. B.) to the Amount of \_\_\_\_\_ and Oath having been also made that the said E. F. hath removed, or is about to remove himself out of your County, or so absconds or conceals himself that the ordinary Process of Law cannot be served on him, (or is an Inhabitant of another Government, if the Case is so) and the said \_\_\_\_\_ having given Bond and Security, according to the Directions of the Act of the General Assembly in such Case made and provided: We therefore command you that you attach the Estate of the said E. F. if to be found in your County, or so much thereof, repleviable on Security, as shall be of Value sufficient to satisfy the said Debt and Costs, according to the Complaint; and such Estate so attached, in your Hands to secure, or so to provide that the same may be liable to further Proceedings thereupon, to be had at the Court to be held for \_\_\_\_\_ of \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ next, so as to compel the said E. F. to appear and answer the above Complaint of the said \_\_\_\_\_ when and where you shall make known to the said Court how you shall have executed this Writ. Witnesses \_\_\_\_\_ Esquire, Justice of the said \_\_\_\_\_ Court, at \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ in the \_\_\_\_\_ Year of American Independence.

Which Attachment shall be signed and sealed by the Justice granting the same. And the Bond to be given on obtaining such Attachment shall be in the following Form, to wit,

Form of the bond.

**K** N O W all Men, by these Presents, that We \_\_\_\_\_ all of the County of \_\_\_\_\_ are held and firmly bound unto \_\_\_\_\_ in the Sum of \_\_\_\_\_ to be paid to the said \_\_\_\_\_ his certain Attorney, Executors, Administrators, or assigns. For which Payment well and truly to be made, we bind ourselves, and each of us, our and each of our Heirs, Executors and Administrators, jointly and severally, firmly by these Presents. Sealed with our Seals, and dated the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord one thousand seven hundred and \_\_\_\_\_

The condition.

**T** H E Condition of the above Obligation is such, that whereas the above bounden \_\_\_\_\_ hath the Day of the Date hereof prayed an Attachment, at the Suit of \_\_\_\_\_ against the Estate of the above named \_\_\_\_\_ for the Sum of \_\_\_\_\_ and hath obtained the same, returnable to the \_\_\_\_\_ Court, to be held at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ next: Now if the said \_\_\_\_\_ shall prosecute his said Suit with Effect, or in Case he fail therein, shall well and truly pay and satisfy to the said \_\_\_\_\_ all such Costs and Damages as shall be awarded and recovered against the said \_\_\_\_\_ his Heirs, Executors, or Administrators, in any Suit or Suits which may be hereafter brought for wrongfully suing out the said Attachment; then the above Obligation to be void, otherwise to remain in full Force and Effect.

No attachment to be abated for want of form.

XXXII. *PROVIDE D nevertheless*, That no Attachment shall be abated for Want of Form, if the essential Matters expressed in the foregoing Precedent be set forth in such Attachment.

Proceedings on suits on attachments of estates of persons out of the State.

XXXIII. *AND be it enacted by the Authority aforesaid*, That in all Suits commenced or prosecuted by Attachment against the Estate of Persons residing out of the Government, the Court to which the same shall be brought shall stay all Proceedings in such Suits for so long Time as they may think necessary, not exceeding one Year from the Time of the Return of such Process, and where it can be conveniently done, Notice shall issue from the Court to the Defendant, and if the Defendant appear, put in Bail, and plead within the Time limited for his Appearance, in such Case his Estate shall be liberated, and the Garnishee discharged; and it shall be lawful for the Jury to give in Damages legal Interest upon the Plaintiff's Recovery, during the Time of such extraordinary Continuances, even in Cases where Interest is not usually allowed in the Courts.

Rules of court.

XXXIV. *AND be it enacted by the Authority aforesaid*, That the following Rules and Methods shall be observed in the said Courts, to wit,

The Plaintiff shall file his Declaration in the Clerk's Office on or before the second Day of the Term to which his Suit shall be brought, and serve the Defendant with a Copy at least five Days before the Commencement of such Term, otherwise the Action may be abated on the Plea of the Defendant.

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The Defendant shall appear and plead, or demur, within the first three Days of the Term to which the Writ shall be returnable, otherwise the Plaintiff may have Judgment by Default, which in Actions of Debt shall be final, unless where Damages are suggested on the Roll; and in that Case, and in all others not herein specially provided for, where the Recovery shall be in Damages, a Writ of Enquiry shall be executed at the next succeeding Term. *Provided*, That where the Nature of the Action requires special Pleading, the Time for Pleading may be enlarged.

Where the Defendant pleads specially, the Plaintiff shall reply or demur within three Days, or a *Non Pros* may be entered by the Defendant; and if the Plaintiff replies, and in his Replication tenders an Issue, the Defendant shall join Issue, or demur in three Days, otherwise the Plaintiff may have Judgment; and where the Defendant rejoins to the Plaintiff's Replication, he shall file his Rejoinder within three Days, or Judgment shall go against him, unless the Time for Pleading shall be enlarged as aforesaid; and the same Time shall be given, and Rules observed, through the whole Course of the Pleadings.

Where a special Verdict shall be found, a Case agreed, a Demurrer filed, or a Bill of Exceptions to the Evidence tendered, Time shall be allowed, upon Motion of either Party, to the next Term to argue the same.

For the better Preservation of the Records of the Courts when any Cause is finally determined, the Clerk of each Court shall enter all the Proceedings therein in a book well bound, and an entire and perfect Record make thereof.

All Jury Causes shall be first tried.

All Motions in Arrest of Judgment shall be argued within the three last Days of the Term in which the Issue shall be tried, the Defendant's Attorney first serving the Plaintiff's Attorney with a Copy of the Reasons in Arrest of Judgment the Day immediately following that on which such Motion shall be made.

Arguments on Writs of Error, special Verdicts, Cases agreed, Demurrers, Petitions for Legacies, and Distributions of Intestates Estates, shall be heard upon the four last Days of the Term.

No Plea in Abatement shall be received in any of the said Courts, unless the Party offering the same shall by Affidavit, or otherwise, prove the Truth of such Plea.

Where a Plea in Abatement shall be pleaded, and upon Argument the same shall be adjudged insufficient, the Plaintiff shall recover against the Defendant full Costs to the Time of overruling such Plea, including the Costs of Court; and the Plaintiff in Replevin, or Defendant in any other Action, may plead as many several Matters as may be necessary for his Defence, so that he be not admitted to plead and demur to the whole.

XXXV. *AND be it enacted by the Authority aforesaid*, That all the Statutes of England and Great-Britain for the Amendment of the Law, commonly called Statutes of Jeoffails, and which were heretofore enforced in this Territory by any Act or Acts of the General Assembly under the late Government, are hereby declared to have continued, and to be now in full Force in this State, and shall be duly observed by all Judges and Justices of the several Courts of Record within the same, according to the true Intent and Meaning of the said Statutes, unless where the same are or may be altered by this or any other Act. Statutes of Jeoffails enforced.

XXXVI. *AND be it enacted by the Authority aforesaid*, That for taking the Testimony of Witnesses in all Causes which may be depending in the Superior and County Courts, the following Rules shall be observed and put in Practice, *to wit*, Rules for witnesses.

In all Suits where Witnesses are to appear at any of the said Courts, the Clerk, at the Request of the Party, shall issue a Subpœna, directed to the Sheriff, or other Officer of the County where such Witness or Witnesses are said to reside, mentioning the Time and Place for his, her or their Appearance, the Names of the Parties to the Suit wherein the Testimony is to be given, and the Party at whose Instance such Witness or Witnesses is or are summoned.

Every Subpœna made returnable immediately shall be issued only in Term Time, and shall be personally served on the Witness or Witnesses therein named.

A Copy of every Subpœna issued by the Clerks in the Vacation, in Case the Witness or Witnesses therein named is or are not to be found, may be left at their



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their usual Places of Residence ; and such Copy, certified by the Sheriff or other Officer, left as aforesaid, shall be deemed a legal Summons, and the Person or Persons therein named shall be bound to appear in the same Manner as if personally summoned.

To attend till discharged.

XXXVII. *AND be it enacted by the Authority aforesaid,* That every Witness being summoned to appear in any of the said Courts, in Manner as herein before directed, shall appear accordingly, and continue to attend from Term to Term, until discharged by the Court, or the Party at whose Instance such Witness shall be summoned ; and in Default thereof, shall forfeit and pay to the Party at whose Instance the Subpœna issued, the Sum of fifty Pounds, and shall be further liable to the Action of such Party, for the full Damages which may be sustained for Want of such Witness's Testimony, who shall recover the same by *Scire Facias*, with Costs.

Provido where the suit is settled.

XXXVIII. *PROVIDED always,* That if it shall so happen that the Suit depending shall in the Vacation be accommodated and settled between the Parties, and the Party at whose Instance such Witness was summoned should neglect or omit to discharge him or her from further Attendance, and he or she, for Want of such Discharge, should attend at the next Term, then, and in that Case, the Witness, upon Oath made of the Facts, shall be entitled to a Ticket from the Clerk in the same Manner as other Witnesses, and shall recover from the Party at whose Instance he was summoned, the same Allowance which by this Act is given to Witnesses for their Attendance at the said Court, with Costs. *And provided,*

Penalty for false swearing.

That if any Witness shall hereafter swear falsely, in order to obtain a Ticket, he shall upon Conviction be adjudged guilty of Perjury, and suffer as in Cases of corrupt and wilful Perjury. *And provided further,* That if sufficient Cause be shown

Provido for incapacity to attend.

by the Person so summoned, and failing to appear, of his or her Incapacity to attend at the Time and Place mentioned in the Subpœna, then no Forfeiture or Penalty shall be incurred by such Failure ; but if on Notice given by the Court, sufficient Cause be not shown at the next succeeding Term after such Failure, it shall and may be lawful for such Court, on Motion, to grant Judgment, and award Execution, for the Forfeiture before mentioned, against the Person so summoned and failing to appear as aforesaid.

Commissions to take testimony to be granted in certain cases. See section 41.

XXXIX. *AND be it further enacted by the Authority aforesaid,* That when any Person who may be a Witness in any Cause in any of the said Courts, shall retire out of this State, or shall by Reason of Age, bodily Infirmary, or any other Cause, be incapable of attending to give his Testimony in Court, Oath thereof being made, or the Truth of the Matter otherwise appearing, the Judge or Judges of the Court wherein such Suit is depending shall and may, by Commission, empower such and so many Persons as may be thought necessary to take and receive the Deposition of such Witness, which being duly taken and returned as herein after is directed, shall be received as legal Testimony.

Provido for the adverse party to have notice.

XL. *PROVIDED always,* That the Party praying such Commission shall give such Notice to the adverse Party of the Time and Place when and where such Commission is to be executed, as the Court shall think proper ; and the adverse Party shall have Power to cross examine any Witness whose Deposition shall be so taken, and all Depositions otherwise taken than as herein is directed, unless by Consent of Parties, shall be void to all Intents and Purposes.

Persons leaving the state, their depositions may be taken. See section 39.

XLI. *AND be it further enacted by the Authority aforesaid,* That if any Person who may be a Witness in any Cause depending in any of the said Courts, shall be under a Necessity of leaving this State before such Cause is to be tried, or even before such Cause shall be at Issue, upon Oath thereof made before any of the Justices of the said Courts, such Justice is hereby empowered to order the Clerk of the Court where such Cause is depending to issue a Commission to one or more Persons to take the Deposition of such Witness, Notice being first given to the adverse Party of the Time and Place when and where such Deposition is to be taken, at least ten Days previous to the Time of executing such Commission ; which Deposition when returned, taken in Manner aforesaid, shall be received as legal Evidence.

XLII. *AND*



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XLII. *A N D* be it further enacted by the Authority aforesaid, That if any Person who shall be summoned as a Witness in any of the said Courts, or before any Persons appointed to take Depositions as aforesaid, shall refuse to give Testimony on Oath, such Person so refusing shall by the Court, or by the Commissioner before whom he shall be summoned, be committed to the common Prison, there to remain, without Bail or Mainprize, until he shall be willing to give Testimony, in such Manner as the Law doth or may direct. *Provided*, The People called Quakers shall have the Liberty of giving their Testimony by Way of solemn Affirmation, in all Causes whatsoever, criminal as well as civil. *And provided also*, That all Negroes, Indians, Mulattoes, and all Persons of mixed Blood, descended from Negro and Indian Ancestors, to the fourth Generation inclusive (though one Ancestor of each Generation may have been a white Person) whether Bond or free, shall be deemed and taken to be incapable in Law to be Witnesses in any Case whatsoever, except against each other.

Pen. for refusal to give evidence.

Proviso for Quakers.

Negroes, &amp;c. no witnesses, except against each other.

XLIII. *B E* it enacted by the Authority aforesaid, That every Witness being summoned to appear in any of the said Courts on a criminal Prosecution, or Plea of the State, shall appear accordingly, and continue to attend from Day to Day until discharged by the Court, the Attorney for the State, or the Party at whose Instance he shall be summoned; and in Default thereof, shall forfeit and pay the Sum of one hundred Pounds, for the Use of the State, unless upon Notice issued and made known, sufficient Cause be shewn for such Failure at the next succeeding Term.

Witnesses to attend till discharged.

XLIV. *A N D* be it further enacted by the Authority aforesaid, That during the Attendance of any Person summoned as a Witness to any Court whatsoever, and during the Time that such Person is going to, and returning from the Place of such Attendance, allowing one Day for every twenty-five Miles such Witness has to travel to and from his Place of Residence, no Sheriff or other Officer shall serve or execute on any Person so attending, going to, or returning from such Court, any Writ or Process, Warrant, Order, Judgment, or Decree, in any Cause (Summons for Witnesses excepted) and if any such shall be executed, the same shall be, and is hereby declared null and void.

Witnesses privilege.

XLV. *A N D* be it further enacted by the Authority aforesaid, That for every Mile any Witness shall travel, either going to or coming from the Court to which such Witness shall be summoned to appear, there shall be paid to him, by the Party at whose Instance the Subpoena shall have issued, two Pence Halipenny *per* Mile, together with the necessary Ferriages, and six Shillings *per* Day for every Day he shall attend, until he shall have given Testimony, or shall be discharged. *Provided*, That in any Bill of Costs there shall not be allowed the Charge of more than two Witnesses to any particular Matter of Fact.

Their allowance for attendance.

XLVI. *A N D* be it enacted by the Authority aforesaid, That the Clerks of the said Courts are hereby empowered and directed to take Probate of all Evidence Tickets upon Oath, and certify the same.

Clerks to take probate of evidence tickets.

XLVII. *A N D* be it further enacted by the Authority aforesaid, That the said Courts shall have Power and Authority to grant Writs of Error for correcting the Errors of any Inferior Court, and the Party praying such Writ, before the same shall issue, shall assign Error, and give Bond and Security, to the Satisfaction of the Court, to abide by, perform and fulfil, the Judgment which shall be given thereon by such Court; and if upon Argument of any Writ of Error, or Trial of any Appeal from an Inferior Court, the Judgment or Decree of the Inferior Court shall be reversed, the Superior Court shall grant Judgment, or make such Decree thereupon, as should have been made up or entered in such Inferior Court, and shall and may issue Execution thereupon, without granting a Writ of *Procedendo*; and to prevent the obtaining of Writs of Error by Surprise, the Party praying such Writ in a civil Cause, shall give Notice in Writing to the adverse Party, at least ten Days before Motion, of his Intention to move for such Writ, and no such Writ shall be granted without Affidavit of such Notice.

Writs of error granted.

XLVIII. *A N D* be it further enacted by the Authority aforesaid, That all Causes, Actions, Writs, Suits, Attachments, Plaints, Process, Appeals, Recognizances, and



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Causés transposed to the superior court dockets.

and Presentments whatsoever, which remained undetermined in any of the late Superior Courts within this Territory, or in any of the late Courts of *Oyer and Terminer* and General Gaol Delivery, held under any Act of Assembly or Ordinance of Congress, or such as shall be returnable to, or had, or shall have Day or Days in any of the said Courts, and other Matters and Things in them depending, and not fully determined, except for criminal Offences committed before the Declaration of Independence, shall be transferred and put on the Dockets of the respective Courts hereby established, in the same Order in which they now stand, or ought to stand, on the Dockets of the said late Courts respectively, and shall be proceeded on by the Courts hereby established according to the Method by this Act directed, as if they had been originally commenced in any of the same.

Suits for quitrents excepted.

XLIX. *PROVIDED* always, That Nothing herein contained shall extend, or be construed to extend, to such Suits as are now upon the Dockets of the said late Superior Courts, and still depending, and which were instituted in the Name of the King of *Great-Britain*, when this Territory was under his Government, and owed Allegiance to him, for Quitrents, and Arrears of Quitrents, said to be due for Lands held of the said King, but that all such Suits shall be dismissed and done away as if the same had never been commenced.

Action given in the late superior courts, suit may be brought for the same in the present courts.

L. *AND* be it further enacted by the Authority aforesaid, That in all Cases, wherein by any Act of Assembly heretofore made, Action is given, or Recovery directed to be had, in any of the late Superior Courts within this Territory, Suit may be brought for the same Cause of Action, and Recovery had in the Courts hereby established, and Judgment and Execution shall be awarded, as in other Cases by this Act directed.

Process began in the late courts, may be taken cognizance of in the present courts

LI. *AND* be it enacted by the Authority aforesaid, That all Writs and other Processes, and all Suits, Appeals, and Proceedings whatsoever, issued, granted, or prosecuted, in the said late Superior Courts, or in the said late Courts of *Oyer and Terminer* and General Gaol Delivery, wherein Judgment hath been entered, or Decree made, shall and may be taken Cognizance of by the Courts hereby established; and such Courts may respectively award Execution, and other necessary Proceedings on such Judgments and Decrees, in the same Manner as if such Suits had been originally commenced in such Courts; any Law, Custom, or Usage, to the contrary notwithstanding.

Forfeited recognizances in the late courts how levied.  
See act Nov. 1788, ch. 32.

LII. *AND* be it further enacted by the Authority aforesaid, That where in any of the late Superior Courts or in any of the late Courts of *Oyer and Terminer* and General Gaol Delivery before mentioned, any Recognizance has been forfeited, or Fine imposed, and not hitherto levied or paid, it shall and may be lawful for the Courts hereby established, in their respective Districts, to issue Execution for levying the same, after the Party has been served with a *Scire Facias*, and Judgment awarded against him; and on all Recognizances which shall hereafter be forfeited, and on Fines which shall hereafter be imposed in any of the Superior Courts, the same Process shall issue, and the Fine or Forfeiture be levied in the same Manner, unless sufficient Cause can be shewn, on the Return of the *Scire Facias*, why such Fines or Forfeitures should be discharged, or mitigated by the Court.

Commission of oyer and terminer may be issued

LIII. *AND* whereas many of the Prisons within this State are insufficient for the Retention of Persons who may commit Offences against the same, and the Peace and good Government thereof; therefore, for the speedy Trial of such Offenders, *Be it enacted by the Authority aforesaid*, That the Governor or Commander in Chief for the Time being, is hereby empowered and required, by and with the Advice of the Council of State, as often as it shall be found necessary, to issue a Commission to the Justices of the Superior Courts of this State, empowering them, or any of them, to hold a Court of Sessions of the Peace, *Oyer and Terminer* and General Gaol Delivery, for the Trial of such Offenders; and to hear, try and determine, all Crimes and Misdemeanors, of what Nature or Kind soever, wherewith such Offenders, or any of them, shall stand charged, and to give Judgment, and award Execution thereon.

LIV. *AND*



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LIV. *AND* be it further enacted by the Authority aforesaid, That the Time elapsed since the sixth Day of March, one thousand seven hundred and seventy-three, until the End of the present Session of this General Assembly, shall not be allowed of in the Superior Courts hereby established in any Plea of Limitation, or in the Computation of Time allowed for proving Accounts, under the Act for ascertaining the Method of proving Book Debts.

Time not allowed in plea of limitation. See act April, 1783, c. 4, § 9.

LV. *AND* be it further enacted by the Authority aforesaid, That the Justices of the Peace appointed by this General Assembly at their last Session, and who qualified as such, shall have and hold, and may exercise the Powers of Justices of the Peace, until the Sitting of the next County Court of their respective Counties.

Justices continued till the next county courts.

LVI. *AND* be it further enacted by the Authority aforesaid, That every Person nominated and appointed a Justice of Peace, and Justice of any County Court, before entering upon and executing the said Offices, shall publicly, in the Court-House of his County, on a Court Day, take the Oaths appointed, or which shall be appointed by the General Assembly, for the Qualification of public Officers, and also the following Oath, to wit,

Justices to take the oaths of the State, and

**I** A. B. do solemnly swear, that as a Justice of the Peace, and a Justice of the County Court of Pleas and Quarter-Sessions in the County of \_\_\_\_\_ in all Articles in the Commission to me directed, I will do equal Right to the Poor and to the Rich, to the best of my Judgment, and according to the Laws of the State. I will not privately or openly, by myself or any other Person, be of Counsel in any Quarrel or Suit depending before me; and I will hold the County Court and Quarter-Sessions of my County as the Statutes in that Case shall and may direct. The Fines and Amerciaments that shall happen to be made, and the Forfeitures that shall be incurred, I will cause to be duly entered, without Concealment. I will not wittingly or willingly take by myself, or by any other Person for me, any Fee, Gift, Gratuity, or Reward whatsoever, for any Matter or Thing by me to be done by Virtue of my Office, except such Fees as are or may be directed and limited by Statute; but well and truly I will do my Office of a Justice of the Peace, as well within the County Court of Pleas and Quarter-Sessions as without. I will not delay any Person of common Right, by Reason of any Letter or Order from any Person or Persons in Authority to me directed, or for any other Cause whatever; and if any Letter or Order come to me contrary to Law, I will proceed to enforce the Law, such Letter or Order notwithstanding. I will not direct, or cause to be directed, any Warrant by me to be made to the Parties; but will direct all such Warrants to the Sheriff or Constables of the County, or other the Officers or Ministers of the State, or other indifferent Persons, to do Execution thereof. And finally in all Things belonging to my Office, during my Continuance therein, I will faithfully, truly and justly, according to the best of my Skill and Judgment, do equal and impartial Justice to the Public and to Individuals. **SO HELP ME GOD.**

This oath.

And if any Person whatsoever shall presume to execute the Office of a Justice of the Peace, or the Office of a Justice of any County Court, without first qualifying himself in the Manner by this Act required, he shall for every such Offence forfeit and pay the Sum of one hundred Pounds, one Moiety thereof to the State, towards the Support of Government, and the other Moiety to him or them who will sue for the same; to be recovered, with Costs, by Action of Debt, in any Court where the same may be cognizable.

Pen. for acting without qualifying.

LVII. [The Times of holding the Courts altered by subsequent Acts.]

LVIII. *PROVIDED* nevertheless, That if the Business of any of the said Courts cannot be determined on the Day of the Term, the Justices may adjourn from Day to Day, not exceeding six Days; at the End of which Time, the Causes and Matters which may be depending before them, and not then finally determined, shall be continued to the next succeeding Term.

Courts how long to sit.

LIX. *PROVIDED* also, That if by Reason of Indisposition, or other Inability, bad Weather, or other Accidents, it shall so happen that a sufficient Number of Justices shall not meet for holding the said Courts, or any of them, on the Days by this Act appointed, in such Case it shall and may be lawful for any one Justice to adjourn the Court whereof he shall be a Member from Day to Day, not exceeding three Days, until a sufficient Number of Justices can attend to hold the Court.

One Justice may adjourn.



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Courts, or pro-  
cesses not discon-  
tinued.

LX. *AND be it further enacted by the Authority aforesaid,* That none of the said County Courts, nor any Process in any of them depending, shall be discontinued for or by Reason of the Justices failing to hold Court upon the Day by Law appointed, or of any Alteration of any of the Days appointed for holding the said Courts, but in every such Case, all such Process, Matters, and Things depending, shall stand continued, and all Appearances upon Returns of Process shall be made to the next succeeding Term in Course, in the same Manner as if such succeeding Term had been the same Term to which such Process had stood continued, or such Returns or Appearances had been made; and all Recognizances, Bonds, and Obligations for Appearances, and all Returns, shall be of the same Force and Validity for the Appearance of any Person or Persons at such succeeding Term, and all Summonses for Witnesses as effectual, as if the next succeeding Term had been expressly mentioned therein.

Courts power.

LXI. *AND be it enacted by the Authority aforesaid,* That the Justices of the said County Courts of Pleas and Quarter Sessions, or any three of them, shall and may take Cognizance of, and are hereby declared to have full Power and Authority, and Jurisdiction, to hear, try, and determine, all Causes whatsoever at the common Law, within their respective Counties, where the Debt, Damages, or Cause of Action is above five Pounds, (Actions of Trespass in Ejectment, Forfeiture in Descender, Remainder and Reverter, Dower, Partition, Perjury, and such Felony and criminal Causes where the Judgment, upon Conviction, shall be for the Loss of Life, Limb, or Member, excepted) and all petit Larcenies, Assaults, Batteries, and Trespasses, (other than such Trespasses where the Title of Freehold may come in Question) Breaches of the Peace, and other Misdemeanors of what Kind soever, of an inferior Nature; and all Actions of Detinue, Trover, and on penal Statutes, Suits for filial Portions, Legacies, and distributive Shares of Intestates Estates, and all other Matters relating thereto: And the said Justices of the Peace, and every of them, during their Continuance in Office, as well within their County Courts of Pleas and Quarter Sessions as without, shall have full Power and Authority as amply and fully, to all Intents and Purposes, as any Justice of the Peace in this Territory had, or ought to have had, by Virtue of any Act or Acts of Assembly heretofore made under the late Government, to preserve, maintain and keep the Peace within their respective Counties.

The jurisdiction  
since enlarged.See acts Oct.  
1784, c. 15. Nov.  
1785, c. 2. Nov.  
1786, c. 14. Nov.  
1787, c. 21. Nov.  
1788, c. 32.May take pro-  
bate of wills.

LXII. *AND be it further enacted by the Authority aforesaid,* That the said Courts of Pleas and Quarter Sessions shall and may, within their respective Counties, take the Probate of Wills, and order the same to be recorded in proper Books to be kept for that Purpose; and the said Courts shall and may make Orders for issuing Letters Testamentary, and Letters of Administration, which Letters shall be signed and issued by the Clerk of the said Court, and may by Summons, upon Application to them made, compel any Person or Persons whatsoever within their respective Counties, having in their Possession any Will or Testament of any deceased Person, to exhibit the same to the Court for legal Probate thereof; and whoever being legally summoned shall, in Contempt of the Court, refuse to produce any such Will in his or her Possession, or having been in his or her Possession shall refuse to inform the Court, on Oath, where such Will then is, or in what Manner he or she hath disposed of the same, such Person shall, by Order of Court, be committed to the common Prison of the County, there to remain, without Bail or Mainprize, until such Will shall be produced, and due Submission made to the Court for the Contempt; and the Court shall, and is hereby empowered, in Case of such Persons Removal, to issue such Summons and Process for Commitment, into any County in this State.

Right of appeal.

LXIII. *PROVIDED always,* That if any Person who shall claim a Right to execute any Will, or to administer the Estate of any Intestate, and shall think himself injured by Order of Court for Letters Testamentary or of Administration, shall be entitled to an Appeal to the Superior Court of the District where such Order shall be made, subject to the same Regulations as in other Cases of Appeal; and such Superior Court is hereby declared to have Cognizance thereof, and shall, at their Sitting next succeeding such Appeal, determine the same, and upon such Determination had, such Court shall proceed to grant the Letters to  
the



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the Persons entitled to the same, he or she giving Bond, with sufficient Security, for the faithful Discharge of the Trust.

LXIV. *AND* for the better Preservation of Wills and other Papers relating to the Estates of deceased Persons, *Be it enacted by the Authority aforesaid*, That all original Wills, Inventories and Accounts of Executors and Administrators, shall remain in the Clerk's Office among the Records of the respective Counties where the same shall be proved or exhibited; and to the said Wills, Inventories and Accounts, any Person may have Access as to the other Records, except for the Time they shall or may be removed before any other Court upon the Determination of any Controversy.

Wills, &c. to remain among the court records.

LXV. *AND be it further enacted by the Authority aforesaid*, That the Clerks of the County Courts of Pleas and Quarter-Sessions shall, in the Month of January annually, return to the Secretary's Office a List of all Orders for Letters Testamentary, and Letters of Administration, granted by the respective Courts in the preceding Year, containing the Names of the Testators and Intestates, their Executors and Administrators, and the Names of the Securities for Administration; and also Copies of the Inventories and Accounts exhibited from Time to Time; which Lists and Copies the Secretary is hereby required to have recorded in his Office alphabetically in Books to be kept for that Purpose; and the Secretary shall and may take and receive for the Copy of every such Order, and for the Copy of every such Inventory and every such Account, the same Fees which the Clerks of the Courts are or shall be entitled to for such Services; which Fees the Clerk of the Court of Pleas where the Business shall be transacted is hereby empowered and required to demand and receive, and shall return the same to the Secretary's Office with the Copies of such Order, Inventory and Account respectively.

Clerks to transmit lists of wills to the Secretary's office.

LXVI. *AND be it further enacted by the Authority aforesaid*, That where any Vacancy now is, or shall hereafter happen in the Office of County Clerk, the Court of Pleas and Quarter-Sessions of the County where such Vacancy shall be shall appoint a Person of Skill and Probity to fill such Vacancy; and all Clerks of the said Courts shall hold their Offices during their good Behaviour therein.

Clerks to be appointed for vacancies.

LXVII. *AND be it enacted by the Authority aforesaid*, That the Clerks of the several County Courts of Pleas and Quarter-Sessions, at the first Court to be holden in their respective Counties after the Expiration of this present Session of the General Assembly, shall each give Bond, with sufficient Security, in the Sum of two thousand Pounds, payable to the Justices of the said Courts respectively, and their Successors in Office, for the safe keeping the Records and the faithful Discharge of his Duty in Office; which said Bond shall be lodged in the Secretary's Office, and may be assigned and put in Suit, and Recovery had in the same Manner, and according to the like Rules and Restrictions as are herein before prescribed for Suits on Bonds given by Clerks of the Superior Courts; and each of the said County Court Clerks shall at the same Time, take and subscribe the Oath appointed to be taken for the Qualification of Public Officers, and the Oath of Office herein before directed to be taken by Clerks of the Superior Courts: And the Offences herein before mentioned of any Candidate or Person in Nomination for the Office of Clerk of any of the said County Courts, shall incur the same Incapacities, and the Violation of the Oath of Office in the Particulars herein before specified, shall, on Conviction, be attended with the same Penalties, Incapacities and Disabilities, as are in like Cases to be inflicted on Clerks of the Superior Courts, or Candidates or Persons in Nomination for such Clerkships for such Offences and Violation.

To give bond

LXVIII. *AND be it enacted by the Authority aforesaid*, That the County Courts are hereby authorized and required to appoint an Attorney, properly qualified, to act for and in Behalf of the State in each respective County within this State, who shall hold his Office during good Behaviour, and shall and may prosecute all Matters cognizable in the County Court of Pleas and Quarter-Sessions wherein he shall be appointed, for and in Behalf of the State.

County courts to appoint an Attorney.

LXIX. *AND be it enacted by the Authority aforesaid*, That all Debts and Demands



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All debts of 5l. or under, cognizable before one Justice.

mands of five Pounds, and under, where the Balance due on any Specialty, Contract, Note or Agreement, or for Goods, Wares and Merchandizes sold and delivered, or Work and Labour done, are hereby declared to be cognizable and determinable by any one Justice of the Peace, who may give Judgment, and thereupon award Execution against the Goods and Chattels or Body of the Debtor, which shall be executed and returned by the Sheriff, Constable or other Officer, to whom the same may be directed, in the same Manner as other Writs of *Fieri Facias* or *Capias ad Satisfaciendum* are to be executed and returned.

Right of appeal.

LXX. *PROVIDED* nevertheless, That if either of the Parties shall be dissatisfied with the Judgment given by such Justice, he may appeal to the next County Court of Pleas and Quarter Sessions, first giving Security for prosecuting such Appeal with Effect; and the Cause shall be re-heard and finally determined by the Justices the same Court, without any further Process, in a summary Way without a Jury; and Judgment shall be given thereupon, and the Party cast shall pay the Cost of all the Proceedings, to be taxed by the Court.

When to be made

LXXI. *PROVIDED* also, That the Cause shall be tried by, and the Appeal made from such Justice, five Days at least before the Term to which the Appeal shall be made, otherwise the Cause shall be continued to the next succeeding Term. *And provided further*, That the Justice before whom the Suit was first heard shall, at the Request of the respective Parties, summons such Witnesses to Court as they shall name, but shall not sit in Court or give Judgment on the Appeal.

Justice that tries the cause, to summon witnesses, but not to sit on the appeal.

Attachment returnable to court

LXXII. *AND* be it further enacted by the Authority aforesaid, That every Justice of the County Courts shall have Power, and they are hereby authorized and required, upon any Complaint being made by any Person or Persons, for any Debt or Damage, Matter or Thing, cognizable in the County Courts of Pleas and Quarter Sessions of this State, to grant an original Attachment against the Estate of any Person absconding or concealing himself, or removing out of the County privately, returnable to the Court of such County, observing therein the Rules and Restrictions directed for granting original Attachments in the Superior Courts; and all Sheriffs and Coroners shall execute and return the same, and observe the Rules and Directions appointed to be observed in executing Attachments returnable to the Superior Courts; and the like Judgment, Recovery, Kency, Relief, and Proceedings, shall be had thereupon, as in the like Cases are grantable in the said Superior Courts.

Attachment granted by a Justice.

LXXIII. *AND* be it further enacted by the Authority aforesaid, That any one Justice of the Peace, in Cases where by this Act he has Jurisdiction, may issue an original Attachment against the Estate of any absconding or absent Debtor, upon the Oath of the Plaintiff, his Agent or Attorney, directed to the Sheriff or any Constable of the County, first taking sufficient Security, as in other Cases of Attachments; and the Proceedings thereon shall be in a summary Way, in the same Manner as on a Warrant, and the Defendant may replevy the Goods attached, and either Party may appeal from the Judgment of the Justice, in Manner as is herein before directed.

Process how issued and returned.

LXXIV. *AND* be it further enacted by the Authority aforesaid, That all original Process, and all subsequent Process thereupon, to bring any Person or Persons to answer to any Action, Suit, Bill or Plaint, in any County Court of Pleas and Quarter-Sessions (except Subpœnas for Witnesses, which in Term Time may be made returnable immediately) shall be issued by the Clerk of such Court, and shall be returnable to the first Day of Term, and shall be executed at least five Days before the Return thereof; and if any Person takes out any Writ or Process while such Court is sitting, or within five Days before the Beginning of the Term, such Writ or Process shall be made returnable to the Term next after that then held, or to be held within five Days as aforesaid, and not otherwise; and all Writs and Process issued, made returnable, or executed in any other Manner, or at any other Time, than is herein before directed, may be abated upon the Plea of the Defendant.

LXXV. *PROVIDED* always, That Nothing herein contained shall extend, or



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or be construed to extend to invalidate or vacate any Writ, Process, Warrant, or Precept issued by a Justice, or other Officer having Jurisdiction thereof, on any criminal Prosecution, or in Behalf of the State; but the same may be made returnable to any Day in the Term; and the Proceedings in all criminal Cases shall be had according to the Laws and Statutes of this State, and in the Mode heretofore practised within the Limits thereof, under the Laws formerly in Use therein.

LXXVI. *AND* be it further enacted by the Authority aforesaid, That when any Writ or Process shall issue to take the Body or Bodies of any Person or Persons, to answer to any Plaintiff in any civil Action in any County Court of Pleas and Quarter Sessions, the Sheriff shall return therewith a Bail Bond, with two sufficient Securities, for double the Sum for which the Person or Persons shall be held in Arrest (Executors and Administrators, and Persons sued on such penal Statutes as do not expressly require Bail, excepted) to the Clerk on or before the first Day of every Term; and if the Sheriff shall not return Bail, or the Bail returned be held insufficient, upon Exception taken thereto, and entered on the Docket, the same Term to which the Writ shall be returnable, and Notice given that Term to the Sheriff to justify, then, and in such Case, the Sheriff shall be held and stand as special Bail for the Defendant, and the Plaintiff may proceed to Judgment, according to the Rules herein after mentioned; and the Plaintiff, on Recovery, may take out Execution against the Defendant or Sheriff, or both, any Law, Usage, or Custom to the contrary notwithstanding. *Provided always*, That if the Defendant puts in Bail before the Time to plead by the Rules hereafter mentioned is expired, then the Sheriff shall be discharged. *Provided also*, That the Sheriff may surrender the Defendant in Discharge of himself, at any Time before final Judgment obtained against the said Bail.

Proceedings where process issues to the Sheriff in civil cases.

LXXVII. *AND* be it further enacted by the Authority aforesaid, That where any Judgment or Decree shall be obtained in any County Court of Pleas and Quarter Sessions for any Debt, Damages, Portion, Legacy or distributive Share of an Intestate's Estate, and the Person against whom such Judgment or Decree shall be obtained shall remove him or herself and Effects, or shall reside out of the Limits of the Jurisdiction of such Court, it shall be lawful for the Clerk of the Court where such Judgment shall be given or Decree made, at the Request of the Plaintiff, to issue Execution to any County of this State where the Defendant or his Goods may be found, and the Sheriff or other Officer to whom the same may be directed, is hereby empowered and required to execute the same, and make Return thereof, in the same Manner as is directed for the Returns of Process issuing from the Superior Courts.

Execution to issue to any county after judgment.

LXXVIII. *AND* for the better ascertaining what Process may be issued where the Sheriff shall return that the Defendant is not to be found in his County, *It is hereby enacted*, That when any Sheriff shall make such Return, the Plaintiff in any civil Action may take out an Attachment against the Estate of such Defendant, returnable as is herein before directed for the Return of other Process, thereupon to enforce an Appearance, or an *Alias* or *Pluries Capias*, until such Defendant be arrested, at the Election of the Plaintiff; and if the Sheriff shall return such Attachment executed, the Plaintiff shall file his Declaration according to the Rules of the Court, and proceed as in other Cases.

Proceedings where *Non est inventus* is returned.

LXXIX. *AND* be it further enacted by the Authority aforesaid, That the same Rules, Method and Proceedings, shall be had, kept and observed, by the said County Courts of Pleas and Quarter Sessions, and the Officers thereof in granting, issuing, executing, and returning Process, and awarding Judgment on judicial Attachments, and the like Remedy, Recovery, and Relief, against the Sheriff's and Bail, as in like Cases are provided by Law in Suits depending, or to be commenced in the Superior Courts of Law.

Proceedings on attachments, the same as in the superior courts.

LXXX. *AND* for the regular Prosecution and Determination of Suits, entering up Judgments, and Preservation of the Records in the said County Courts of Pleas and Quarter Sessions; *Be it enacted by the Authority aforesaid*, That the following Rules and Method shall be observed, *to wit*,

Rules of Court.

The Plaintiff in every Suit shall file his Declaration on the first Day of the Term,



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Term, or first calling of the Cause in Court, and shall also serve the Defendant, or his Attorney, with a Copy thereof, at least five Days before the Term.

If the Plaintiff fails to file his Declaration, or to appear and prosecute his Suit, the Defendant may enter a *Non Profs.*

The Defendant shall enter his Appearance, and file his Plea in Writing, whether general or special, the first Term; and if he fails so to do, the Plaintiff shall have Judgment, which in Actions of Debt shall be final, except where Damages are suggested on the Roll; in which Case, and in all others where the Plaintiff is to recover in Damages, a Writ of Enquiry shall be executed the next succeeding Term.

The Defendant may plead as many several Matters as he may think necessary, so that he be not admitted to plead and demur to the whole.

All Issues, whether general or special, shall be heard and tried the next succeeding Term after the Issue shall be made up, unless sufficient Cause be shewn to the Court why such Causes should be continued.

All Jury Causes at Issue shall be first heard and tried.

Every Motion in Arrest of Judgment shall be argued the last Day of the Term in which the Issue shall be tried, the Defendant's Attorney first serving the Plaintiff's Attorney with a Copy of the Reasons in Arrest of Judgment, unless upon sufficient Reasons shewn, and approved of by the Court, further Time shall be allowed.

When a special Verdict shall be found, a Case agreed, a Demurrer filed, or a Bill of Exceptions to the Evidence tendered, Time shall be allowed, at the Motion of either Party, to the next succeeding Term.

Provision for the prevention of dilatory pleas.

LXXXI. A N D for Prevention of Vexation by dilatory Pleas, *It is hereby enacted by the Authority aforesaid*, That no Plea in Abatement shall be received in any Action or Suit in the said County Courts, unless the Truth thereof be sufficiently shewn to the Court by Affidavit or otherwise, and in all Actions where the Declaration shall plainly set forth sufficient Matter of Substance for the Court to proceed upon the Merits of the Cause, the Suit shall not abate for Want of Form in the Proceedings; and when any Plea shall be pleaded in any Action, and upon Argument thereof the same shall be adjudged insufficient to abate such Action, the Plaintiff shall recover against the Defendant full Costs to the Time of overruling such Plea, including the Costs of Court.

Appeals granted. See act Nov. 1785, c. 2.

LXXXII. A N D for granting Appeals from the County Courts of Pleas and Quarter Sessions to the Superior Courts, *Be it enacted by the Authority aforesaid*, That when any Person or Persons, either Plaintiff or Defendant, shall be dissatisfied with the Sentence, Judgment or Decree, of any County Court, he may pray an Appeal from such Sentence, Judgment or Decree, to the Superior Court of Law of the District wherein such County Court shall be; but before obtaining the same, shall enter into Bond, with two sufficient Securities, for prosecuting the same with Effect, and for performing the Judgment, Sentence and Decree, which the Superior Court shall pass or make thereon, in Case such Appellant shall have the Cause decided against him.

Writs of error granted.

LXXXIII. A N D because it may happen that in issuing Procefs, carrying on the Proceedings, and rendering Judgments in the said County Courts, there may be Error to reverse Judgment; *Be it enacted by the Authority aforesaid*, That when any Person shall be desirous to prosecute a Writ of Error, he shall move the County Court of Pleas and Quarter Sessions where such Suit is or hath been depending, to allow a Writ of Error, he first entering into Bond as before directed in Cases of Appeals; and the Court is hereby empowered and required to allow thereof, as if such Writ of Error should be then and there produced from the Superior Court.

Appeals how prosecuted.

LXXXIV. A N D for prosecuting Appeals, *Be it enacted by the Authority aforesaid*, That when any Person shall have appealed to a Superior Court in Manner above directed, a Transcript of the Record of the Suit on which the Appeal shall be made, shall be delivered to the Clerk of the Superior Court at least fifteen Days before the Sitting of the Term, and shall by him be filed the same Day on which he receives the same; and if the Trial of the County Court was  
of



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of an Issue to the Country, a Trial *de Novo* shall be had, and if on a Hearing on a Petition for a filial Portion or Legacy, or distributive Share of an Intestate's Estate, or other Matter relating thereto, a Re-Hearing at the Superior Court, without Notice given by either Party; and if such Transcript of the Record is not filed within the Time aforesaid, or if the Appellant shall fail to appear, or to prosecute his Appeal, then the Judgment, Sentence or Decree of the County Court shall be affirmed, and the Appellant shall pay double Costs in the Superior Court.

LXXXV. *AND* for prosecuting Writs of Error, *Be it enacted by the Authority aforesaid*, That the following Method of Practice shall be observed, *that is to say*, A Transcript of the Records and Proceedings in the County Court, in the Suit in which any Writ of Error shall be granted or allowed, shall be transmitted and delivered to the Clerk of the Superior Court at least fifteen Days before the Sitting of the Term; and in Case the Plaintiff in Error shall neglect to file such Writ, and assign Error as aforesaid, or shall fail to appear, or to prosecute the same, then the Judgment of the County Court shall be affirmed, and he shall be adjudged to pay double Costs in the Superior Court.

Writs of error how prosecuted.

LXXXVI. *PROVIDED always*, That if it shall so happen that there shall not be thirty Days between the last Day of the Term or Hearing in the County Court, and the next Term of the Superior Court to which such Appeal shall be made, or Writ of Error allowed, then such Appeal or Writ of Error shall be continued, and a Transcript of the Records and Proceedings shall be transmitted and filed in like Manner in the Office of the Superior Court, the Term succeeding that which shall immediately follow such County Court Term, in which such Trial and Hearing shall be had as aforesaid.

Proviso, where there shall not be 30 days between the last day of the term and the sitting of the Superior Court.

LXXXVII. *AND be it further enacted by the Authority aforesaid*, That in every County Court of Pleas and Quarter Sessions within this State, when any Appeal shall be granted, or Writ of Error allowed, the Clerk of such Court shall immediately make up a full and perfect Record of all the Proceedings in such Cause, and shall within ten Days after the final Adjournment of the Term in which the Cause shall be heard, give an Attested Copy of such Record, with a Taxation of all Costs accrued, to the Appellant, or Plaintiff in Error, if required, and shall endorse on such Copy the Day or Days on which the same may have been demanded, and the Day on which it shall be delivered, and sign his Name as Clerk thereto; and if by Reason of the Delay of any Clerk, any Transcript shall not be filed in Time, or that the Record is so erroneously or inartificially made up, that the Superior Court cannot proceed thereon, such Clerk, in any of the said Cases, shall, upon Trial, be adjudged guilty of Misbehaviour in Office, and shall forfeit and pay to the Person entitled to such attested Copy the Sum of fifty Pounds, to be recovered by Action of Debt, in any Court having Cognizance thereof; and shall be further liable to an Action on the Case for all Damages which such Person may sustain for the Want of such Copy.

On appeals, clerks to make up a record of proceedings for the appellant.

LXXXVIII. *PROVIDED always*, That if the Judge or Judges of the Superior Court should be of Opinion that there appears to be sufficient Matter of Substance in the Transcript of the Record and Proceedings, on any Appeal or Writ of Error, to enable them to proceed thereon, the same shall not be dismissed for Want of Form, any Thing herein contained to the contrary notwithstanding.

Appeal not to be dismissed for want of form, if sufficient matter in the transcript.

LXXXIX. *AND be it further enacted by the Authority aforesaid*, That the Clerks of the Superior Courts respectively, upon receiving a Transcript of the Record and Proceedings in any Suit, on which an Appeal shall be made, or Writ of Error allowed, shall give a Receipt to the Person delivering the same, and shall immediately endorse thereon the Day on which it shall be delivered; and if he receives it fifteen Days before the sitting of the Term of the then next Superior Court, he shall enter it upon the Docket of Causes for Trial, and deliver to the Parties such Summonses for their Witnesses as they may require; but if such Transcript shall be delivered to the Clerk of the Superior Court within fifteen Days before the Sitting of such Term as aforesaid, then such Clerk shall

Duty of the Clerks of the Superior Courts on receiving transcripts of records on appeals.



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shall enter the Cause on the Reference Docket of such Court; and if the Clerk of any Superior Court shall refuse, neglect or omit, to do any of the Duties which he is hereby required to perform, such Clerk shall, upon Trial and Conviction, be deemed guilty of Misbehaviour in Office, and shall forfeit and pay to the Appellant, or Plaintiff in Error, one hundred Pounds, to be recovered by Action of Debt, in any Court having Cognizance thereof; and be further liable to an Action on the Case for all Damages which such Appellant, or Plaintiff in Error, may sustain, by Reason of such Refusal, Neglect or Omission.

Actions trans-  
posed to the pre-  
sent court dock-  
ets.

Xc. *AND be it further enacted by the Authority aforesaid,* That all Causes, Actions, Suits, Writs, Plaints, Procefs, Recognizances, Indictments, and Presentments whatsoever, heretofore commenced, and not yet determined in any of the late Inferior Courts of Pleas and Quarter Sessions in this Territory under the late Government, or in any of the County Courts and Sessions of the Peace established by Ordinance of Congress, or Act of the General Assembly, or such as shall be returnable to, or had, or shall have Day or Days in any of the said late Courts, or other Matters and Things in them or any of them depending, except for criminal Offences committed before the Declaration of Independence, not fully determined, after the passing of this Act shall be transposed and carried off the Dockets of each the said late Courts respectively, into the Dockets of the several County Courts of Pleas and Quarter Sessions by this Act established, in the same Order and Condition in which they shall then stand on the Dockets of the said late Courts respectively, and shall be proceeded on by the County Courts hereby established according to the Method by this and other Acts, passed this Session, is directed, as if the same had been originally commenced therein.

Procefs in the  
late courts to be  
cognizable in the  
present courts.

Xci. *AND be it further enacted by the Authority aforesaid,* That all Writs and other Procefs, and all Suits and Proceedings whatsoever, issued, granted or prosecuted, in any of the said late Courts last mentioned, wherein Judgment hath been entered or Decree made, shall and may be taken Cognizance of by the Courts of the respective Counties by this Act established; and such Courts may respectively award Execution, or other necessary Procefs, on such Judgment or Decree, and proceed in the same Manner as if such Suits had been originally commenced in the County Courts by this Act established; any Law, Usage or Custom to the contrary notwithstanding.

All suits, procefs,  
&c. commenced  
under the late go-  
vernment, to be  
in the name of  
the state; and  
all bonds, penal-  
ties, &c. then to  
the King, now  
to the use of the  
state; and the pe-  
nalties to church  
wardens, to be  
to the counties.

Xcii. *AND be it further enacted by the Authority aforesaid,* That all Suits, Procefs, Informations, Indictments, Presentments, Recognizances, Bonds, and other Matters (Suits heretofore instituted for Quitrents excepted) commenced, prosecuted, made or taken, and all Penalties, Fines, Forfeitures, and Amerciaments, incurred in the Name or the Use of the King of Great-Britain, when this Territory was under his Government, and owed Allegiance to him, and not yet paid or satisfied, and all Breaches on penal Statutes directed to be prosecuted in the Name of the said King, shall be prosecuted and proceeded on in the Name of the State, in the same Manner as if such Suits, Procefs, Informations, Indictments, Recognizances, Bonds, penal Statutes, and other Matters, had been commenced, prosecuted, made, taken, or directed to be sued in the Name of the State; and the Governor or Commander in Chief for the Time being, is hereby authorized and required, upon Application made to him for that Purpose, to assign all Sheriffs Bonds, or other Bonds taken in the Name of the said King, by Virtue of any Act of Assembly heretofore made, to the Party or Parties injured, to be sued for in his or their own proper Name or Names; and all Breaches in Statutes heretofore made in the Time of the late Government, and directed to be prosecuted in the Name of the Governor, and all Bonds made by Virtue of any Act of Assembly payable to the Governor, shall be prosecuted in the Name of the present Governor, or the Commander in Chief for the Time being; and all Breaches on penal Statutes directed to be sued in the Name of the Vestry and Churchwardens of the late respective Parishes, shall be prosecuted in the Name of the Justices of the County where such Parish was situated; and all Penalties on Statutes directed to be for the Use of the King, or the late Lord Proprietors, or to be recovered in their, or either of their Names, to any other Use, shall be to the Use of this State; and all Penalties directed to be applied to  
the



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the Use of the Public, and to the Uses of the respective Counties, shall be to those Uses respectively ; and all Penalties directed to be applied to the Use of the late Parishes respectively, shall be applied to the Use of the respective Counties in which such Parishes were situated; and the several Superior and County Courts hereby established, are hereby authorised and empowered to give Judgment, and award Execution thereon accordingly ; any Law, Usage or Custom, to the contrary, in any wise, notwithstanding.

XCIII. *AND be it further enacted by the Authority aforesaid,* That all Fines, Amerciaments, Forfeitures, and Recoveries on penal Statutes, heretofore recovered and paid to any Officer, shall be accounted for and paid in Manner as by this Act is directed ; and on Neglect or Refusal, may be sued for and recovered by the Persons respectively to whom Fines, Amerciaments, Forfeitures, and Recoveries on penal Statutes, not heretofore recovered, are by this Act payable ; and all Fines, Amerciaments, Forfeitures, and Recoveries on penal Statutes, hereafter to be levied and received, and those in the Hands of the late Officers, or any of them, shall be paid to the Clerks of the respective Courts where the same shall be imposed or recovered, and shall by such Clerks be accounted for and paid to the Person or Persons to whom the same shall be payable ; and all such Fines, Amerciaments, Forfeitures, and Recoveries on penal Statutes, as are or shall be directed to be applied to the Use of the State, shall by the respective Clerks of the Courts of Law hereby established, be accounted for on Oath, and paid to the Treasurer once in every Year, and the said Clerks shall send certified Transcripts of all such Accounts at the same Time to the General Assembly, at their Sitting next ensuing such Payment made ; and all such Fines, Amerciaments, Forfeitures, and Recoveries on penal Statutes, directed to be applied to any other public or county Use, and to be received by any other Person or Persons, shall be accounted for in like Manner, and paid to the Person or Persons to whom the same is or may be payable ; and if any Clerk shall fail or neglect to account or pay in Manner as by this Act is directed, or shall conceal any Money or Monies which are payable as aforesaid, such Failure or Neglect shall be deemed, upon Conviction, a Misbehaviour in Office, and the Clerk so neglecting or failing, shall forever afterwards be incapable of holding any Office of Trust or Profit in this State.

Fines, &c. paid to any officer, to be accounted for; and all fines hereafter recovered, how paid and accounted for.

XCIV. *AND be it enacted by the Authority aforesaid,* That every Person accused of any Crime or Misdemeanor whatsoever, shall be entitled to Council in all Matters which may be necessary for his Defence, as well to Facts as to Law ; and every Person on Trial for his Life, may make a peremptory Challenge of thirty-five Jurors.

Criminals allowed council, and may challenge jurors.

XCV. *AND be it further enacted by the Authority aforesaid,* That the Clerks of the Superior Courts shall keep their Offices in the respective Towns where the said Courts are directed to be held ; and the Clerks of all the several Courts of Law hereby established shall by themselves, or their lawful Deputies, give due Attendance at their respective Offices, and all Deputies shall take the Oath appointed for the Qualification of public Officers, and an Oath of Office ; and in Case of the Death of the Clerk of any Court in the Vacation, his Deputy shall hold the Office of Clerk until he or another shall be appointed agreeable to Law, and shall be entitled to the Fees and Perquisites of the Office until such Appointment ; any Law, Usage, or Custom, to the contrary notwithstanding.

Clerks of the Superior Courts where to keep their offices, and to give due attendance.

Deputies.

XCVI. *AND* whereas Doubts may arise to whom Fees which accrued and became due on Suits and Proceedings in the late Courts, and which at the Time of Discontinuance of the said Courts respectively, or the Removal of any Officer to whom Fees were due, were not finally determined, or which being determined, the Fees due thereon have not been levied or received, shall be paid : For ascertaining whereof, and for providing a Remedy for all Persons to whom any Fees or other Monies are due, and have heretofore been paid to any Officer of any of the late Courts in this State : *Be it enacted by the Authority aforesaid,* That all Fees due to any Person or Persons, on Suits or Proceedings in any of the before mentioned late Courts in this Government, which have not been finally determined,

Fees due on suits in the late courts, how, and to whom paid.



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or which being determined, the Fees due thereon have not been levied or received, shall be paid to the Person or Persons to whom the same were payable, his or their Executors, Administrators or Assigns; and the Clerks of the several Courts of Law by this Act established, are hereby authorized and required to issue Executions for all such Fees, and when returned to their respective Offices, pay the same to the Persons to whom such Fees are due and payable.

All fees paid to Clerks, &c. may be sued for, and pen. on Clerks refusing to give up dockets, &c.

XCVII. *AND be it enacted by the Authority aforesaid,* That all Fees and other Monies, heretofore paid into the Hands of any Clerk or Sheriff, and not fully accounted for and paid to the Person or Persons to whom the same were due and payable, his, her or their Executors, Administrators, or Assigns, and all Fees which were heretofore due and unpaid, but shall be paid hereafter as aforesaid, shall and may be sued for in any Court having Cognizance thereof; and if any of the late or present Clerks, or other Person who may happen to be sued in Virtue of this Act, be at the Time of such Suit in the Possession of any Records, Dockets, Minutes or other Documents, which are suggested to contain Proofs of the Fees or other Monies sued for, and shall upon Notice previously given refuse to produce the same, or shall refuse to make Oath that such Records, Dockets, Minutes or other Documents, contain a full and true Account of all Fees and other Monies by him received in Virtue of his Office, such Defendant shall be deemed guilty of a fraudulent Concealment, and the Plaintiff shall recover the whole Sum for which his Suit shall be brought; any Law, Usage, or Custom, to the contrary, in any wise, notwithstanding.

Time not allowed in pleas of abatement. See act April, 1783, c. 4.

XCVIII. *AND be it further enacted by the Authority aforesaid,* That the Time elapsed between the sixth Day of *March*, one thousand seven hundred and seventy-three, and the nineteenth Day of *March*, one thousand seven hundred and seventy-four, and the Time between the tenth Day of *September*, one thousand seven hundred and seventy-five, and the End of this present Session of the General Assembly, shall not be allowed of in the County Courts hereby established in any Plea of Limitation, or in the Computation of Time allowed for proving Accounts, under the Act ascertaining the Method of proving Book Debts.

In all actions, costs to go with the cause. See act 1779, c. 4, § 5 & 19.

XCIX. *AND be it further enacted by the Authority aforesaid,* That in all Actions whatsoever, the Party in whose Favour Judgment shall be given, or in Case of a Nonsuit, Dismission, or Discontinuance, the Defendant shall be entitled to full Costs, unless where it is or may be otherwise directed by Statute.

Attachments by committees, may be taken cognizance of by the Court.

C. *AND be it enacted by the Authority aforesaid,* That Attachments issued against the Estates of absconding Debtors, or Persons suspected of Intentions to depart this Territory, by any of the late Committees, or any of the late or present Justices of the Peace, by Virtue of any Resolve or Ordinance of Congress, or any Resolve or Act of the General Assembly, shall and may be taken Cognizance of by the Courts hereby established, Regard being had to their respective Jurisdictions, and shall be proceeded on in the same Manner as Attachments which may be issued in Virtue of this Act; any Law, Usage, or Custom, to the contrary, notwithstanding.

Persons precluded from the benefits of law. See some of the subsequent acts of confiscation; the treaty of peace with Great Britain, and act Nov. 1787, c. 1.

CI. *PROVIDED,* That no Person who hath taken, or shall take Part with the Enemies of *America*, or who hath or shall refuse, when lawfully required thereto, to take the Oath of Allegiance and Abjuration required by the Laws of this State, or who hath or shall remove from this State, or any of the United States, to avoid giving their Assistance in repelling the Invasions of the common Enemy, or who hath or shall reside, or be under the Dominion of the Enemies of *America*, other than such as are detained as Prisoners of War, nor any Person claiming by Assignment, Representation, or otherwise, by or under any such Person, shall have or receive any Benefit of this Act; but all Right of commencing or prosecuting any Suit or Suits, Action or Actions, real, personal or mixt, shall be, and is hereby suspended, and shall remain suspended, until the Legislature shall make further Provision relative thereto.



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## C H A P. III.

An Act to regulate and ascertain the Fees of Clerks in the Superior and County Courts, Justices of the Peace, and Attornies, in this State, and directing the Method of paying the same.

That part of this act relating to fees to Justices of the Peace rep. by act Oct. 1784, c. 8; and the other objects of the act provided for by subsequent acts.

## C H A P. IV.

An Act directing the Method of electing Members of the General Assembly, and other Purposes.

See acts April, 1784, c. 2. Oct. 1784, c. 23. Nov. 1787, c. 20.

I. **W**HEREAS there is not any Law in Force for directing the Mode to be observed in electing Members of the General Assembly;

II. **B E** 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 Ratification of this Act, the annual Election of Members of the General Assembly shall be held on the tenth Day of March in each Year, and if such Day should happen on Saturday or Sunday, then on the Monday next following, at the Court-House of the respective Counties; and that the Sheriffs, or other Returning Officers, shall advertise the Day and Place of Election at the Court-House, and other public Places within their respective Counties, at least twenty Days before such Election.

General election when held. See act April, 1784, c. 2.

III. **P R O V I D E D** always, That during the present War with Great-Britain, if by Invasion of the Enemy, or any public Commotion or domestic Insurrection, it may become unsafe for the Electors to attend at the Court-Houses of their respective Counties, it shall and may be lawful for the Returning Officer of any County where such Invasion, Commotion, or Insurrection, may happen, to appoint any safe Place in his County for the holding of such Election, giving legal Notice thereof to the Electors, any Thing herein contained to the contrary notwithstanding.

Proviso to hold it at any other place than the court-house.

IV. **A N D** be it further enacted by the Authority aforesaid, That the County Courts respectively, at the Sessions next preceding the Day of Election in every Year, shall appoint two Inspectors to superintend the Election; and if it shall at any Time happen that any County Court shall fail to make such Appointment, or any Person so appointed shall refuse to serve, the Sheriff, with the Advice of three Justices of the Peace, or if none shall be present, three reputable Freeholders, shall before the Beginning of such Election appoint Inspectors for the Purpose aforesaid; and every Inspector who shall be appointed by either of the Ways aforesaid, and serving pursuant to such Appointment, shall be held and deemed eligible at such Election.

Inspectors of the poll to be appointed.

V. **A N D** be it further enacted by the Authority aforesaid, That the Sheriffs, or the Returning Officers, shall on the Day, and at the Place for holding each respective Election, be provided with small Boxes, one for receiving the Ballots for the Senator, and the other receiving the Ballots for Members of the House of Commons, and where there is a Town having a Right of Representation, a third Box for receiving the Ballots for such Town Member; and the Returning Officer, or his Deputy, shall receive the Tickets in Presence of the Inspectors, (who are to be appointed as hereafter directed) and put each Ticket into its proper Box; and all the Boxes shall be locked, or otherwise well secured, until the Election shall be finished; and the Returning Officer shall keep the Election open two Days, and no longer; and the Returning Officer shall at Sunset of the first Day, and in Presence of the Inspectors, put his Seal on the Place to be made for the Reception of the Tickets, which shall continue until the Election shall be renewed the succeeding Day, and shall then be taken off in Presence of the Inspectors.

Manner of taking the poll.

VI. **A N D** be it declared and enacted by the Authority aforesaid, That every Person qualified to vote in Manner directed by the Form of Government, who shall attend for that Purpose at any Election, shall give to the Returning Officer,

Manner of electors giving their votes, and Sheriffs declaring

in



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the members duly elected.

in Presence of the Inspectors, a Ticket or Scroll of Paper, rolled up, in which shall be written the Name or Names of the Person or Persons for whom he intends to vote, which Ticket shall be put into its proper Box, in Manner before directed; and at the same Time the Returning Officer, and each of the Inspectors, shall take down, in separate Lists, the Name of every Person voting, distinguishing those who shall vote for Senators in one List, those for County Members of the House of Commons in a second, and where there shall be a Town Election, those who vote for a Town Member in a third; and when the Election shall be finished, the Returning Officer and the Inspectors shall, in Presence of such of the Electors as may choose to attend, open the Boxes one after another, and number the Ballots of one Box before they shall open another, at the same Time reading aloud the Names of the Persons who shall appear in each Ticket; and if there shall be two Tickets rolled up together, or if any Ticket shall contain the Names of more Persons than such Elector has a Right to vote for, in either of these Cases, such Ticket shall not be numbered in taking the Ballots, but shall be adjudged void; and when each Class of Tickets shall be numbered, the Persons having the greatest Number of Ballots shall be declared duly elected; but where two Persons shall have an equal Number of Votes, the Returning Officer shall have the casting Vote, but shall not vote in any other Case whatsoever.

Proviso for Mecklenberg elections.

VII. *PROVIDED* nevertheless, That it shall and may be lawful for the Sheriff, or other Returning Officer of Mecklenberg County, and he is hereby authorized and required, to direct his lawful Deputy to open an Election at the House commonly called *The Cold Water Meeting-House*, and there, on the first Day of any Election, to receive the Ballots of the Persons entitled to vote in the said County, living on the East Side of *Coddle Creek* and *Rockey River*, from the Mouth of the said Creek, under the Rules and Regulations herein before and afterwards directed; and the Ballots so taken shall be sealed up by the Deputy, and transmitted to the Returning Officer of Mecklenberg County on the second Day of each Election, on or before one of the Clock in the Afternoon; and such Ballots so taken shall, and are hereby declared to be Part of the Election for the said County, any Thing herein contained to the contrary notwithstanding.

Electors to be sworn.

VIII. *AND* be it further enacted by the Authority aforesaid, That every Person, before he shall be admitted to give his Vote at any Election, shall, if required, swear (or affirm if a Quaker) that he is qualified to the Constitution, and that he hath not voted before at such Election.

Writs of election from the Assembly, made in the manner of annual elections.

IX. *AND* be it enacted by the Authority aforesaid, That every Election hereafter to be made by Virtue of any Writ from either House of the General Assembly, shall be conducted and regulated in the same Manner as annual Elections, so far as the particular Case can be applied to the general Rules.

Elections when to begin.

X. *AND* it is hereby enacted by the Authority aforesaid, That every Election hereafter to be made in this State, shall begin at twelve of the Clock at Noon, on the Day appointed for such Election.

Pen. on persons voting who are not qualified.

XI. *AND* be it further enacted by the Authority aforesaid, That if any Person shall hereafter vote at any Election, who by Law shall not be entitled to vote at such Election, he shall forfeit and pay the Sum of five Pounds lawful Money of this State; to be recovered with Costs, by Action of Debt, in any Court of Record having Cognizance thereof, one Half to the Justices of the County wherein such Election shall be had, to be applied towards lessening the County Tax, and the other Half to him or them who shall sue for the same; and where any Suit shall be brought against any Person for voting as aforesaid, without having a Right to such Vote, the *Onus Probandi* shall lie upon the Defendant.

Pen. on candidates giving rewards, &amp;c.

XII. *AND* be it enacted by the Authority aforesaid, That if any Person shall at any Time before or after any Election, either directly or indirectly, give any Money, Gift, Gratuity, or Reward, to any Elector or Electors, or to any County or Town, in order to be elected, or to procure any other Person to be elected as a Member of the General Assembly, every Person so offending shall forfeit and pay five hundred Pounds, lawful Money of this State; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, with Costs, and shall be



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be incapacitated to serve as a Member during the Continuance of that General Assembly, for which such Election shall be made as aforesaid.

XIII. *AND it is further declared and enacted by the Authority aforesaid, That the* Delegates, &c. not to sit in Assembly.  
*Delegates from this State in the Congress of the United States, and Officers of the Courts of Admiralty and Courts of Equity, shall be, and are hereby declared to be incapable of being elected as Members to serve in the General Assembly, or to enjoy Seats therein; and any Member of the General Assembly who shall accept any such Office, shall thereby vacate his Seat therein.*

XIV. *AND be it further enacted by the Authority aforesaid, That every Person* Members of Assembly to be sworn.  
*elected as a Member of the General Assembly shall, before he shall take his Seat therein, take the Oath of Allegiance appointed to be taken for the Qualification of Members of the General Assembly and public Officers, and also the following Oath, to wit,*

**I** DO solemnly swear, that I have not, by myself or any other Person or Persons, either directly or indirectly, given, or caused to be given, any Gift, Gratuity, Reward, or Present whatsoever, to any Person or Persons, for his or their Votes, to obtain a Seat in the present General Assembly; and that I will not, during my continuing a Member thereof, take or receive privately the Profits, or any Part of the Profits of any Office within this State, either for my own Use, or for the Use or Uses of any Person or Persons whatsoever, otherwise than what is or shall be allowed by Law. SO HELP ME GOD.

And every Person violating the said Oath, shall be expelled from his Seat in the General Assembly.

XV. *AND it is further enacted by the Authority aforesaid, That if at any Time it* Where no Sheriff, Coroner to take the poll, & give copies when demanded.  
*shall happen that there shall be no Sheriff in any County qualified according to Law, the Coroner or Coroners in such County is, and are hereby empowered to hold the Election for such County; and such Sheriff or Coroner, within ten Days after every Election, shall, at the Request of any Person elected to serve in the General Assembly, or other Person in his Behalf, cause fair Copies of the Lists of Votes, and the Number of Ticket Ballots for each Candidate, to be made out and delivered to the Person requesting the same, or to his Order, which Lists and Numbers shall be signed by the Returning Officer; and if any Officer shall refuse so to do, or to make Elections in any other Manner than by this Act is directed, or shall neglect or refuse to make Returns of the Elections by him to be made or taken, the Officer so offending shall forfeit and pay five hundred Pounds, lawful Money of this State; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, with Costs, one Half to the Governor for the Time being, for the Use of the State, and the other Half to such Person as shall sue for the same,*

XVI. *AND be it enacted by the Authority aforesaid, That the General Assembly* Meeting of the General Assembly.  
*shall meet forever hereafter on the first Monday in April in each Year, which is hereby declared to be the annual Meeting of the General Assembly of this State.*

## C H A P. V.

*An Act for directing the Method of appointing Jurors in all Causes, civil and criminal.* Provided for by subsequent acts.

## C H A P. VI.

*An Act to amend an Act for declaring what Crimes and Practices against the State shall be Treason, and what shall be Misprision of Treason, and providing Punishments adequate to Crimes of both Classes, and for preventing the Dangers which may arise from Persons disaffected to the State.* See acts April, 1777, c. 6. April, 1780, c. 13.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all and every Person and Persons (Prisoners of War excepted) now inhabiting or residing within the Limits of the State of North-Carolina, or who shall voluntarily come into the same hereafter to inhabit or reside, do owe and shall pay Allegiance to the State of North-Carolina. Persons owing allegiance.



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What shall be deemed high-treason.

II. *AND* be it further enacted by the Authority aforesaid, That if any Person or Persons belonging to or residing within this State, and under the Protection of its Laws shall take a Commission or Commissions from the King of *Great-Britain*, or any under his Authority, or other the Enemies of this State, or the United States of *America*, or shall levy War against this State, or the Government thereof, or knowingly and wilfully shall aid or assist any Enemies at open War against this State, or the United States of *America*, by joining their Armies, or by insisting, or procuring or persuading others to insist for that Purpose, or by furnishing such Enemies with Arms, Ammunition, Provision, or any other Article for their Aid or Comfort, or shall form, or be in any wise concerned in forming, any Combination, Plot or Conspiracy, for betraying this State, or the United States of *America*, into the Hands or Power of any foreign Enemy, or shall give any Intelligence to the Enemies of this State for that Purpose, every Person so offending, and being thereof legally convicted by the Evidence of two sufficient Witnesses, or standing mute, or peremptorily challenging more than thirty-five Jurors, in any Court of *Oyer and Terminer*, or other Court that shall and may be established for the Trial of such Offences, shall be adjudged guilty of High-Treason, and shall suffer Death without the Benefit of Clergy, and his or her Estate shall be forfeited to the State. *Provided*, That the Judge or Judges of the Court wherein such Conviction may be, shall and may order and appropriate so much of the Traitor's Estate as to him or them may appear sufficient for the Support of his or her Family.

Trial.

Punishment.

What shall be deemed misprision of treason.

III. *AND* be it further enacted by the Authority aforesaid, That if any Person or Persons within this State shall attempt to convey Intelligence to the Enemies of this State, or of the United States, or shall publicly and deliberately speak or write against the public Defence, or shall maliciously and advisedly endeavour to excite the People to resist the Government of this State, or persuade them to return to a Dependence on the Crown of *Great-Britain*, or shall knowingly spread false and dispiriting News, or maliciously and advisedly terrify and discourage the People from enlisting into the Service of this State, or the United States, or shall stir up or excite Tumults, Disorders, or Insurrections in the State, or dispose the People to favour the Enemy, or oppose, or endeavour to prevent the Measures carrying on in Support of the Freedom and Independence of the said United States, every such Person or Persons, being thereof legally convicted by the Evidence of two or more creditable Witnesses, or other sufficient Testimony, shall be adjudged guilty of Misprision of Treason, and shall suffer Imprisonment during the War, and forfeit to the State one Half of his, her or their Lands, Tenements, Goods and Chattels.

Trial.

Punishment.

Where cognizable.

Proceeding on complaint.

IV. *AND* be it further enacted by the Authority aforesaid, That all Offences by this Act declared Misprision of Treason, shall be cognizable before any Justice of Peace of the County where the Offence was committed, or where the Offender can be found; and every Justice of the Peace within this State, on Complaint to him made on the Oath or Affirmation of one or more creditable Person or Persons, shall cause such Offender to come before him, and enter into a Recognizance, with one or more sufficient Surety or Sureties, to be and appear at the next Superior Court of the District wherein the Offence was committed, and abide the Judgment of the said Court, and in the mean Time to be of the Peace and good Behaviour to all People within the State; and for Want of such Surety or Sureties, the said Justice shall and may commit such Offender either to the Gaol of the County or District where the Offence was committed; and appoint a Guard for the safe conveying him to such Gaol; and all Persons charged on Oath or Affirmation with any Crime or Crimes by this Act declared to be Treason against the State, shall be dealt with, and proceeded against, in like Manner as the Law directs, in Respect of other capital Crimes.

Persons to take the oath of allegiance.

V. *AND* whereas the Safety of the State, and the present critical Situation of Affairs, make it necessary that all Persons who owe or acknowledge Allegiance or Obedience to the King of *Great-Britain* should be removed out of the State; *Be it enacted by the Authority aforesaid*, That all the late Officers of the King of *Great-Britain*, and all Persons (Quakers excepted) being Subjects of this State, and



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and now living therein, or who shall hereafter come to live therein, who have traded immediately to *Great-Britain* or *Ireland* within ten Years last past, in their own Right, or acted as Factors, Storekeepers, or Agents, here or in any of the United States of *America* or *Ireland*, shall take the following Oath of Abjuration or Allegiance, or depart out of the State, viz.

**I** *W I L L* bear faithful and true Allegiance to the State of North-Carolina, and will truly endeavour to support, maintain, and defend the independent Government thereof, against *George the Third, King of Great-Britain, and his Successors, and the Attempts of any other Person, Prince, Power, State or Potentate, who by secret Arts, Treasons, Conspiracies, or by open Force, shall attempt to subvert the same, and will in every Respect conduct myself as a peaceful orderly Subject; and that I will disclose and make known to the Governor, some Member of the Council of State, or some Justice of the Superior Courts or of the Peace, all Treasons, Conspiracies, and Attempts, committed or intended against the State, which shall come to my Knowledge.*

And that all Persons being Quakers, Moravians, Menonists, and Dunkards, and under the Circumstances above mentioned, shall make the following Affirmation, or depart the State :

**I** *A. B.* do solemnly and sincerely declare and affirm, that I will bear true Fidelity to the independent State of North-Carolina, and to the Powers and Authorities which are or may be established for the good Government thereof; and I do renounce any Fidelity to the present King of Great-Britain, his Heirs and Successors; and that I will disclose and make known to the Governor, some Member of the Council of State, Judge of the Superior Court, or Justice of the Peace, all Treasons, Conspiracies, or Attempts, committed or intended against the same, which shall come to my Knowledge.

Quakers affirmation.

And the said Oath or Affirmation shall be taken and subscribed in open Court, in the County where the Person or Persons taking the same shall or do usually reside.

VI. *A N D* be it further enacted by the Authority aforesaid, That the County Courts in each and every County, and every Justice of the Peace in each respective County, shall have full Power to issue Citations against Persons coming within the above Description, as Officers, Merchants, Traders, Factors, Storekeepers, or Agents, and to demand Surety on Recognizance if necessary, and to require their Attendance at the next ensuing Court to be held for the County: And if any Person so cited (due Proof being made thereof) shall fail or neglect to attend, or attending shall refuse to take the said Oath or Affirmation, (as the Case may be) then the said Court shall and may have full Power and Authority to order such Person to depart out of this State, to *Europe* or the *West-Indies*, within sixty Days, and may take Bond and Security, in the Name of the Governor, for the Benefit of the State, for faithful Compliance with such Order; and if any Person so ordered shall fail or neglect to depart within the limited Time, such Bond shall be forfeited to the State, without good and sufficient Reasons shewn to, and approved of by the Governor and Council; and the Justices, or any of them, in the County wherein the Person so failing or neglecting to depart shall be found, shall and may cause him to be apprehended and brought before the Court of the County where the Order was made; and the said Court shall in such Case send the Person so offending as speedily as may be out of the State, either to *Europe* or the *West-Indies*, at the Cost and Charges of such Offender, and to this End shall and may direct the Clerk of the Court to issue an Order or Orders to any Sheriff in the State to seize and sell so much of the Goods and Chattels, Lands and Tenements, of such Person within his Bailiwick, as may be judged necessary by said Court to defray such Costs and Charges, together with the Costs and Charges of apprehending and confining such Person until he shall be sent out of the State; and the Sheriff to whom such Order of Court shall be directed, is hereby required to obey the same, and to execute proper Conveyances, and to return the Money arising by any Sale made by Virtue of such Order, after deducting his Fees and Commissions as in other Cases, to the next County Court of the County from whence such Order issued, under the Penalty of five hundred Pounds, current Money; to be recovered by Action of Debt, in any Court having Cognizance thereof, one Half for the Use of the State, the other Half to the Person that shall sue

Justices may issue citations against persons, and proceedings thereon.



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sue for the same; and if any Surplus shall remain after paying all Costs and Charges for apprehending, confining, and sending such Person out of the State, then the County Court shall cause such Surplus to be paid the Owner. *Provided nevertheless,* That all and every such Person and Persons shall have Liberty to sell and dispose of his or their Estates, and after satisfying all just Demands, to export the Amount in Produce (Provisions and Naval-Stores excepted) and may also nominate and appoint an Attorney or Attornies to sell and dispose of his or their Estates, for his or their Use and Benefit; but in Case any real Estate belonging to any such Person shall remain unsold for more than three Months next after the Owner thereof hath departed this State, the same shall be forfeited to and for the Use of the Public.

Pen. on persons returning.

VII. *AND be it further enacted,* That if any Person so departing, or sent off from this State, shall return to the same, then such Persons shall be adjudged guilty of Treason against the State, and shall and may be proceeded against in like Manner as is herein directed in Cases of Treason.

VIII. *AND* whereas among other Things it was enacted in an Act, entitled, *An Act for declaring what Crimes and Practices against the State shall be Treason, and what shall be Misprision of Treason, and providing Punishments adequate to Crimes of both Classes, and for preventing the Dangers which may arise from Persons disaffected to the State,* that each and every Justice in each respective County may cite any Person or Persons to appear before the County Court where such Person or Persons usually reside, and take the aforesaid Oath or Affirmation; and in Case of Non-Attendance or Refusal, the said Court shall and may have full Power to compel such Person or Persons to leave the State, under the same Regulations herein mentioned in other Cases. And as some Scruples have arisen with Respect to the Manner by Law required for the Service of such Citations, and as by many it has been held that a Service upon the Person of him intended to be cited was necessary, before his Attendance in Court could be legally compelled, as many suspected Persons, by continual Absence from their Place of Abode, or frequently removing from thence, have rendered the Service of such personal Citations difficult, and in some Cases impracticable, whereby they evade the Intentions of the said Act, and cannot be obliged to take the said Oath prescribed, nor be made subject to the Penalties ordained for neglecting or refusing the same: And whereas there is great Reason to believe that there are divers Persons whose Intentions are inimical to the State, who would in Case of Invasion by our Enemies, or the Expectation of immediate Support of them, carry such Intentions into Practice, but who artfully in their open Demeanor and Deportment betray no such Design, whereby from not incurring particular Suspicion, they have escaped being cited; and as it becomes the Duty of every Member of Society to give proper Assurance of Fidelity to the Government from which he enjoys Protection, and by their Refusal so to do, the Voice of Reason and Justice, confirmed by the Practice of all Nations, proclaim that they should no longer enjoy the Privileges of Freemen of the said State; and as the Penalties ordained by the said Act have been in a great Measure evaded by the Difficulty or Impossibility of procuring Vessels to transport all such Recufants beyond Sea, or from their being unable to pay the Expence of the Voyage, by which Means such Persons still remain within this State, without suffering the Penalties they have justly deserved; *Be it further enacted by the Authority aforesaid,* That the County Court of each respective County which shall sit after the last Day of *February*, shall divide the County into several Districts, in each of which shall reside one or more Justices of the Peace, which said Justices within their respective Districts are hereby enjoined and required to administer such Oath of Allegiance or Affirmation, as the Case may be, to all free Male Persons above sixteen Years of Age (Persons *non Compos Mentis*, Prisoners of War, only excepted) and such Justice or Justices in their respective Districts so allotted to him or them, shall immediately after the Sitting of the said Court, in different Parts of the said County, one of which shall be the Court-House of the same, and also upon the Church, if any there be, post and publish a Notice in Writing of the Places and Times when and where he or they will attend within their respective Districts to administer such Oath or Affirmation; and all such Persons who are Inhabitants of the said Districts respectively (and it

County to be divided into districts, &amp; oath to be administered.



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is declared that a Residence of one Week shall in this Instance constitute any Person an Inhabitant, seafaring Persons and foreign Traders excepted) being above the Age of sixteen Years, and of sound Mind, shall at such Time attend upon such Justice of the Peace, and take the Oath or Affirmation required, as the Case may be, and subscribe the same in a Book which such Justice or Justices shall keep for that Purpose, or in Case of such Juror or Affirmant not being able to write, the Justice shall write such Juror or Affirmant's Name, which Book or List shall at the next succeeding Court be returned to the said Court, together with the Names of those within his or their respective District refusing or neglecting the same; and if any Person (such only as are by this Act excepted) shall fail to attend, or attending at such Time and Place as he shall have been warned by such public Notice, shall refuse to take the Oath, or make such Affirmation, as the Case may be, except excused by Sickness or unavoidable Necessity, or other sufficient Reason, to be adjudged of by the next County Court, the Party offering such Excuse proffering at the same Time to take such Oath or Affirmation, as the Case may be, which in this Case such County Court are directed to administer, such Person or Persons so offering, shall be ordered by the said County Court next after such Failure or Neglect, to take the said Oath, or quit the State, and depart to the *West-Indies* or *Europe* in sixty Days; and if he or they shall fail so to do, and shall at the Expiration of such Term be found within this State, then the County Court shall and may, at their Discretion, either exercise the same Power and Authority with Respect to such Person or Persons, in order to compel his or their Departure out of the State, as is herein before provided, with Regard to the late Officers of the King of *Great-Britain*, and Persons who have traded to *Great-Britain* or *Ireland* within ten Years last past, or been concerned for, or employed by Persons trading thereto, within the Time aforesaid, or permit him to remain within the State.

Proceedings against persons liable to take the oath, who neglect or refuse to take it.

IX. *AND* be it further enacted by the Authority aforesaid, That all Persons failing or refusing to take the Oath of Allegiance, and permitted by the County Courts, as immediately aforesaid, to remain in the State, shall be adjudged incapable and disabled in Law to have, occupy or enjoy, any Office, Appointment, Licence, or Election of Trust or Profit, civil or military, within this State, and shall not be capable of being elected to, or aiding by their Votes to elect another to be a Member of Assembly, and shall not by themselves, or by Deputy, Attorney or Trustee, execute any such Office, Trust or Appointment, and shall be disabled to prosecute any Suit at Law or Equity, or to be Guardians, Executors or Administrators, or capable of any Legacy, or Deed of Gift of Lands, and shall be disabled from taking any Lands by Descent or Purchase, or conveying Lands to others for any Term longer than for one Year, and shall not keep Guns or other Arms within his or their House, but the same may be seized by a written Order of a Justice of the County in which he or they reside; and after the Expiration of the said sixty Days, he or they shall not be permitted to depart this State without Permission first had and obtained from the Governor and Council; and in Case of being suffered to depart, shall give Bond and sufficient Security, if such shall be required, not to be aiding to the Enemies of this State during his or their Absence; and in Case of their Departure without such Permission had, he or they shall forfeit all their Goods and Chattels, Lands and Tenements, to the Use of the State. *Provided nevertheless*, That all and every Person who has already taken the Oath, or made the Affirmation prescribed, before any Authority competent by Law to receive the same, upon his producing a Certificate of the same to the Justice or Justices appointed to administer the said Oath or Affirmation in their respective District where he resides, shall be held and deemed a good Subject of the State, and shall enjoy the Privileges thereof, as if he had made such Oath or Affirmation in Manner as by this Law directed.

Disabilities of persons suffered to remain in the State.

Proviso for persons having taken the oaths.

X. *AND* be it further enacted by the Authority aforesaid, That if any Person who has been banished this State for not having taken the Oath of Allegiance, or made the Affirmation agreeable to the aforesaid Act, passed the last Session of Assembly, shall return hither, or who may be banished in Consequence of this Act, then such Persons shall be held and deemed guilty of Treason against the State, and shall and may be dealt with in like Manner as is herein directed in Cases of Treason.

Pen. for returning.



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Repealing clause.

XI. *AND* be it further enacted by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes.

Act to be published.

XII. *AND* be it further enacted by the Authority aforesaid, That this Act shall be published in all the Newspapers of this State, as soon as the same shall have obtained the Sanction of both Houses of Assembly.

## C H A P. VII.

*An Act for making Provision for the Poor, and for other Purposes.*

See acts May, 1779, c. 5. June, 1771, c. 15. Ap. 1783, c. 16. Nov. 1785, c. 17, 18, 19. Nov. 1787, c. 44. Overseers of the poor to be elected in each county. Manner of election.

I. **B**E 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 Freemen in each and every County in the State shall meet on *Easter Monday* next after the passing of this Act, at the Court-House, or Place where the County Court is commonly held, and on the same Day, and at the same Place, in every three Years thereafter, then and there to elect seven Freeholders to serve as Overseers of the Poor; and the Sheriff, or his Deputy, is hereby directed to set up an Advertisement at the Place of Election in each County, appointing a Day for the Meeting of the Overseers so elected, which Day shall not be less than ten, and not more than thirty Days after the Election; and the said Sheriff, or his Deputy, shall also summon each and every Overseer to meet on the Day so appointed at the Court-House, or usual Place of holding Court in each respective County, to be qualified according to the Directions of this Act; and if the Sheriff shall fail to appoint and advertise a Day of Meeting as aforesaid, or shall fail to summon each and every Overseer in his County to attend on such Day, such Sheriff shall forfeit and pay the Sum of ten Pounds for the Default first mentioned, and the Sum of five Pounds for every Overseer not summoned as aforesaid, to be levied and applied as herein after directed; and the Sheriff shall be paid by the County the Sum of two Shillings and eight Pence for every Overseer he shall summon.

Sheriff to advertise the day of election.

II. *AND* be it enacted by the Authority aforesaid, That the Sheriff in each respective County shall advertise at the Court-House, and other public Places, the Day of holding the Election of Overseers of the Poor, at least ten Days before such Election, under the Penalty of ten Pounds for Neglect; and the Elections of such Overseers shall be held and conducted in the same Manner, and under the same Regulations, as Elections of Members of the House of Commons.

Overseers to take the oaths.

III. *AND* be it further enacted by the Authority aforesaid, That the Overseers of the Poor so elected, shall at the first Meeting next after such Election, take before some Magistrate the Oath by Law appointed to be taken by public Officers, and shall repeat and subscribe the following Oath in a Book to be by them kept for that Purpose, *to wit,*

**I**A. B. *do swear, that I will honestly and faithfully discharge my Office as Overseer of the Poor, to the best of my Skill and Ability, according to Law.*

And every Overseer so elected and qualified, shall be deemed and taken to be an Overseer of the Poor in the County for which he was elected for three Years.

Pen. for neglecting, &c. to qualify.

IV. *AND* be it further enacted by the Authority aforesaid, That every Person elected an Overseer of the Poor according to this Act, who shall refuse or neglect to qualify as aforesaid, shall forfeit and pay five Pounds, to be recovered by the Wardens before any Magistrate, and applied to the Use of the Poor; and the other Persons chosen and qualified as aforesaid, shall elect one or more Freeholder or Freeholders, instead of him or them so refusing or neglecting; and such Person or Persons so chosen shall, after being qualified in Manner aforesaid, be held to be a legal Overseer of the Poor to all Intents and Purposes.

Wardens to be elected, and pen. for refusing to serve.

V. *AND* be it further enacted by the Authority aforesaid, That the Overseers in each respective County, or a Majority of them, shall at their first Meeting elect two of their Members to execute the Office of County Wardens for one Year; and if the Persons so elected shall refuse to execute the Office of County Wardens, he or they shall forfeit and pay the Sum of twenty Pounds, to be recovered



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covered and applied as herein after directed; and in such Case, and also in Case of the Death of any County Warden, or Expiration of the Term of Appointment, or Removal out of the County, the said Overseers may proceed to elect another Warden, in the same Manner as in the first Instance. *Provided*, That no Person shall be obliged to serve as County Warden more than one Year in three succeeding Years. *Provided also*, That no Member of the Council of State, or Member of the General Assembly, shall be compelled to serve in the Office of County Warden, any Thing herein contained to the contrary notwithstanding.

Persons excepted

VI. *AND be it further enacted by the Authority aforesaid*, That the County Wardens of every County shall purchase, at the Expence of the same, well bound Books, for keeping a Journal and Minute of the Proceedings of the Overseers of the Poor, in which shall be fairly stated Accounts of all such Money as they from Time to Time shall receive in Virtue of their Office, and all Disbursements made by them on Account of the County; and the County Wardens in every County shall, upon the Expiration of their Wardenship, order and direct the Clerk of the Overseers of the Poor in their County to make a fair Copy of such Accounts, and set up the same in the Court-House of the County on some Day of the Court next after the Expiration of their Wardenship, there to continue for Inspection during the Sitting of the Court; and the County Wardens and Clerks who shall fail or neglect so to do, shall forfeit the Sum of ten Pounds, to be recovered by Action of Debt or Information, in any Inferior Court of Pleas and Quarter Sessions, by any Person suing for the same.

Books to be kept for the proceedings of the Overseers.

VII. *AND be it further enacted by the Authority aforesaid*, That the County Wardens, or either of them, or if they shall refuse or neglect, any three of the Overseers of the Poor in each County, shall have Power to call a Meeting or Court of Overseers when necessary, by Summons under his or their Hand or Hands, directed to the Sheriff or Constables of the County, who are hereby directed to execute the same, under the Penalty of forty Shillings for every Overseer in such Summons named whom he or they shall fail to summon; and every Overseer so summoned, and refusing or neglecting to attend, shall forfeit and pay the Sum of forty Shillings, unless such Sheriff, Constables or Overseer, shall shew sufficient Cause for the Omission to the next succeeding Meeting or Court of Overseers, which Penalties shall be recovered and applied as herein after directed.

Meeting of the Overseers to be called.

VIII. *AND be it further enacted by the Authority aforesaid*, That every Agreement and Order by the Vestry of any Parish heretofore entered into or made, for making Provision for a Minister to serve the Cure of the Parish, for supporting the Poor, or defraying the contingent Charges thereof, shall be, and is hereby declared good and available against the Overseers of the Poor in the County wherein such Parish shall be. *Provided*, That no Minister shall be authorized by any Thing herein contained, to claim Salary for Services performed since the eighteenth Day of *December*, one thousand seven hundred and seventy-six.

Former orders of vestry confirmed.

IX. *AND be it enacted by the Authority aforesaid*, That when any Overseer of the Poor shall die or remove out of the County for which he was elected, the remaining Overseers of the Poor, or a Majority of them, shall elect another in his Stead; and the Person so elected, being duly qualified, shall have the same Authority as other Overseers of the Poor.

Number of Overseers kept up.

X. *AND be it further enacted*, That the Meeting or Court of Overseers in every County in this State shall hereafter be held at the Court-House, or usual Place of holding the Court of the County; and that the said Overseers, or a Majority of them, in each County, at their first Meeting respectively, shall appoint some Person of Skill and Probity to officiate as Clerk, but such Person shall not be one of their own Body.

Overseers where to meet and appoint a Clerk.

XI. *AND for Payment of any Arrears now due in any Parish in this State to Ministers or others, for Services heretofore performed; Be it enacted by the Authority aforesaid*, That the said Overseers, or a Majority of them, in each County respectively, shall and may at their first Meeting, or within thirty Days after, lay a Tax, not exceeding one Shilling for every hundred Pounds Value of all taxable Property, agreeable to the Act for levying a Tax by general Assessment, within such

Arrears to be paid.



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such a Parish, and a Poll Tax, not exceeding one Shilling, on all Persons within such Parish not having Estates of the Value of one hundred Pounds, for the Purpose of paying the Arrears aforesaid; and if the said Overseers of the Poor in any County, shall refuse or neglect to lay a sufficient Tax as aforesaid, for the Purposes above mentioned, such Overseers so neglecting or refusing shall be liable to the Action of the Party or Parties aggrieved, his, her or their Executors or Administrators, for all Damages which he, she or they shall or may sustain thereby.

Clerks to furnish the Wardens with inventories of taxable property.

XII. *AND be it enacted by the Authority aforesaid,* That the Clerk of each County Court shall furnish the Wardens of his County with a true Copy of all the Inventories of taxable Property returned to the Court whereof he is Clerk within five Months after the passing of this Act, and the Clerk of each and every County Court to which such Inventories have not been heretofore returned, shall furnish the Wardens of his County with a true Copy of such Inventories within ninety Days after the Court to which such Inventories at any Time hereafter shall be returned, under the Penalty of twenty Pounds for Neglect; and each and every Clerk shall be allowed the Sum of forty Shillings for that Service, to be paid by the County Wardens out of the Money arising by that Tax.

Wardens to call Sheriffs, &c. to account.

XIII. *AND* whereas in some late Parishes Taxes have been laid for the contingent Charges of the same, and the Sheriffs or Collectors who have received the said Taxes have not accounted, and in other Parishes the said Taxes have not been collected; *Be it enacted by the Authority aforesaid,* That the County Wardens in their respective Counties shall have the same Power and Authorities, and may proceed in the same Manner against such Sheriffs or Collectors, as the Churchwardens might heretofore have had or done; and the Overseers of the Poor, or a Majority of them, in their respective Counties, shall and may appoint a Collector or Collectors to collect and receive such Taxes as remain due and uncollected, taking Bond for faithful Compliance; and such Collectors shall have the same Powers, Authorities and Emoluments, as other Tax-Gatherers in this State; and the Money arising from such Collections shall be paid by the said Sheriffs or Collectors to the County Wardens, and applied to the Discharge of Arrears due from the Parishes wherein the same was collected.

XIV. [*Provided for by subsequent Acts.*]

Collectors appointed.

XV. *AND* for the collecting of all Taxes intended to be laid by Way of Assessment on Property under this Act, *Be it further enacted by the Authority aforesaid,* That the Overseers of the Poor in each County shall and may appoint Collectors to receive the same, and may take Bonds, with sufficient Securities, of such Collectors, to the Wardens of the County, for duly collecting such Taxes, and paying the same to the Overseers of the Poor for the Purposes intended; and upon the Death, Refusal to act, or Removal out of the County, of such Collectors, or any of them, may appoint another or other Collectors, in like Manner as at first; and Collectors so appointed shall have the same Powers, Authorities, and Emoluments, as the Collectors of the public Tax.

Method of recovery against them

XVI. *AND be it enacted by the Authority aforesaid,* That if any Collector of Taxes imposed by Virtue of this Act, shall neglect or refuse to account for and pay the same, or so much thereof as he shall be chargeable with, after deducting his Commissions, it shall and may be lawful for the Inferior Court of the County wherein such Collector shall live, either before or at any Time after the Expiration of his said Office, on Motion of the County Wardens, to give Judgment against such Collector for all the Money wherewith he shall or may be chargeable to his County, with Costs, and thereupon to award Execution against the Goods and Chattels, Lands and Tenements, of such Collector. *Provided,* That he have ten Days previous Notice of such Motion.

Taxes when to be accounted for.

XVII. *AND be it further enacted by the Authority aforesaid,* That the Parish Taxes herein before mentioned, and the Tax directed to be laid for the Payment of Arrears due in any Parish to Ministers or others, for Services heretofore performed, shall be collected and accounted for by the Sheriffs or Collectors on or before the first Day of next *September*; and that the Tax directed to be laid at the first Meeting



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Meeting of the Overseers of the Poor in each County, or within ten Days after, for making Provision for the Poor in future, and for Payment of Expences incident thereto, shall be collected and accounted for on or before the first Day of *March*, one thousand seven hundred and seventy-eight, and so annually on or before the same Day.

XVIII. *AND be it further enacted*, That the Overseers of the Poor, or a Majority of them, in their respective Counties, shall have the same Powers and Authorities as Vestries heretofore had in their Parishes in every Respect, the Power of inducting Ministers, and of laying or applying any future Tax for religious Purposes, only excepted. Overseers powers

XIX. *AND be it further enacted by the Authority aforesaid*, That the several Forfeitures and Penalties by this Act inflicted, for which no Method of Recovery or Application is herein before directed, shall and may be recovered with Costs, before any Jurisdiction having Cognizance thereof; one Half to the Use of the Informer, the other Half to the County Warden, for the Use of the Poor of the County wherein such Penalties shall be incurred. Penalties how recovered.

XX. *AND be it enacted by the Authority aforesaid*, That the Sheriff in each County shall advertise the Election of Overseers of the Poor at least ten Days before such Election, at the Court-House, and other public Places; and every Sheriff failing so to do, shall forfeit and pay twenty Pounds; to be recovered with Costs, in any Court having Cognizance thereof, by Action of Debt, one Half to the County Wardens, for the Use of the Poor of the County, the other Half to the Person or Persons who shall sue for the same. Sheriffs to advertise the day of election.

XXI. *AND be it enacted by the Authority aforesaid*, That if it shall happen, from Badness of Weather, or any other unavoidable Hindrance, that an Election of Overseers of the Poor in any County shall not be held on the Day by this Act appointed for that Purpose, that in such Case the Sheriff shall appoint a Time, not less than ten, nor exceeding twenty Days thereafter, for electing Overseers of the Poor in such County, and shall summon the Inhabitants having a Right to vote for Members of the House of Commons to attend, and elect in Manner herein before directed; and every such Election shall be as good and valid, as if the same had been made on the Day by this Act directed. If prevented by bad weather, another time appointed.

XXII. *AND for determining all Disputes concerning what shall be accounted a legal Settlement*, whereby any Person may be entitled to be provided for at the Parish Charge; *It is hereby enacted and declared*, That no Person shall be accounted an Inhabitant, so as to have gained a legal Settlement in any Parish, until such Person shall have been actually resident in such County one whole Year. Legal Settlement.

XXIII. *AND be it further enacted by the Authority aforesaid*, That upon Complaint made by the County Wardens of any County, before a Justice of the Peace, that any poor Person or Persons are come into their County, and likely to become chargeable thereto, it shall be lawful for such Justice, by Warrant under his Hand, to cause such poor Persons to be removed to the County where he or she was legally last settled; but if such poor Person be sick or disabled, and cannot be removed without Danger of Life, the County Wardens shall provide for his or her Maintenance and Cure at the Charge of the Parish, and after Recovery, shall cause him or her to be so removed; and the County wherein he or she was last legally settled shall repay all Charges occasioned by the Sickness, Maintenance, and Cure, of such poor Person, and also all Charges and Expences, if such Person shall die before Removal; and if the County Wardens of the County to which such poor Person belongs, shall refuse to receive and provide for the Person or Persons removed by Warrant as aforesaid, every County Warden so refusing shall forfeit and pay twenty Pounds, one Half to the Use of the County from whence the Removal was, and the other Half to the Informer; to be recovered by Action of Debt or Information, in the County Court where the Information was made, with Costs of Suit; and if the Wardens of the County where such poor Person was legally settled shall refuse to pay and satisfy all the Charges and Expences aforesaid, in such Case the Wardens of the County refusing shall be liable for the same, to be recovered with Costs, in the County Court as aforesaid; and Proceedings where poor persons come into any county.



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if any Housekeeper shall entertain such poor Person, and shall not give Notice thereof to the County Wardens of the County, or one of them, within one Month, he or she so offending shall forfeit and pay the Sum of five Pounds; to be recovered with Costs, by the County Wardens, for the Use of the County, by Action of Debt or Information, in any County Court.

## C H A P. VIII.

See acts Oct. 1779, c. 5. Oct. 1784, c. 7, § 10. Nov. 1787, c. 21. Nov. 1788, c. 21.

*An Act for appointing Sheriffs, and directing their Duty in Office, and for obliging the late Sheriffs and Collectors of Public Monies who are in Arrear, to account for and pay the same, and other Purposes.*

Manner of appointing Sheriffs.

I. **B**E 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 County Court shall annually, at the first Court after the first Day of May, elect and nominate a Freeholder of sufficient Circumstance to execute the Office of Sheriff, who shall thereupon be commissioned by the Governor or Commander in Chief to execute that Office for one Year; and if any Sheriff so nominated shall happen to die in the Time of his Sheriffalty, the Court shall at the next Term elect and nominate another as aforesaid.

Sheriff not compelled to serve more than one year, and till the next County Court.

II. *AND* be it enacted by the Authority aforesaid, That no Sheriff shall be compelled to serve more than one Year, and until the next succeeding Term of his County Court, after Expiration thereof; and every Person accepting the Office of Sheriff shall, before his executing the same, in his County Court take the Oath appointed for the Qualification of public Officers, and also the following Oath, to wit,

His oath.

**I** A. B. do solemnly swear, that I will execute the Office of Sheriff of \_\_\_\_\_ County to the best of my Knowledge and Ability, agreeable to Law; and that I will not take, accept or receive, directly or indirectly, any Fee, Gift, Bribe, Gratuity, or Reward whatsoever, for returning any Man to serve as a Juror, or for making any false Return on any Process to me directed. And I also swear, that I have not given any Fee, Gift, Gratuity, or Reward, or other Thing whatsoever, to any Person or Persons for his or their Vote or Interest to procure me to be nominated to the said Office; nor will I hereafter give to any Person or Persons such Fee, Gift, Gratuity or Reward, for having procured, or contributed to procure me to be nominated thereto. **SO HELP ME GOD.**

To give bond.

And such Sheriff shall also enter into Bond, before the Justices of his County Court, with two or more good and sufficient Securities, in the Penalty of five thousand Pounds, payable to the Governor and his Successors, with Condition in Form following, *that is to say,*

The condition.

**T**HE Condition of the above Obligation is such, That whereas the above bounden \_\_\_\_\_ is constituted and appointed Sheriff of \_\_\_\_\_ County, by a Commission from the Governor, under the Seal of the State, dated the \_\_\_\_\_ Day of \_\_\_\_\_ last past; if therefore the said \_\_\_\_\_ shall well and truly execute and due Return make of Process and Precepts to him directed, and pay and satisfy all Fees and Sums of Money by him received or levied by Virtue of any Process into the proper Office, by which the same by the Tenor thereof ought to be paid, or to the Person or Persons to whom the same shall be due, his, her, or their Executors, Administrators, Attornies or Agents, and in all other Things well, truly and faithfully, execute the said Office of Sheriff, during his Continuance therein, then the above Obligation to be void, otherwise to remain in full Force and Effect.

Court to take bond, which on breach of the condition may be sued.

Which said Bond every County Court is hereby required and empowered to demand and take, and cause to be acknowledged before them in open Court, and recorded; and upon a Breach of the Condition of such Bond, the same shall be assigned by the Governor to the Party or Parties injured, who may maintain an Action thereon, in his or their Name; and no such Bond shall become void upon the first Recovery, or if Judgment shall be given for the Defendant, but may be put in Suit and prosecuted from Time to Time, until the whole Penalty shall be recovered.

Sheriff in office on the 1st of Ja-

III. *AND* be it further enacted by the Authority aforesaid, That every Sheriff who shall be in Office on the first Day of January next, shall at the first Court to be



be held for his County thereafter, enter into Bond with Security, as is directed for Persons accepting the Office of Sheriff; and if any Person who shall hereafter be appointed Sheriff by Virtue of this Act, shall refuse to accept and execute the Office of Sheriff, he shall forfeit and pay the Sum of fifty Pounds lawful Money of this State, to the Use of the Public; to be recovered in the Name of the Governor, by Action of Debt, in any Court having Cognizance thereof. *Provided always*, That if any Person who shall hereafter be nominated or appointed to execute the Office of Sheriff of any County in this State, shall be willing to execute the same, but cannot give Security as by this Act is required, and shall make Oath in the County Court that he hath used his best Endeavours, without Fraud or Collusion, to get such Securities, that then such Person shall not incur the Penalty aforesaid, any Thing herein contained to the contrary notwithstanding.

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 January next, to give bond.

Proviso where they cannot get security.

IV. *PROVIDED* further, and be it enacted by the Authority aforesaid, That no Member of the General Assembly, or Council of State, shall be nominated or commissioned, nor shall any practising Attorney be obliged to act as Sheriff of any County within this State.

Persons exempt from serving as Sheriff.

V. *AND* be it further enacted by the Authority aforesaid, That every Sheriff, by himself or his lawful Officers or Deputies, shall from Time to Time execute all Writs and other Procefs to him legally issued and directed within his County, or upon any Bay, River, or Creek, adjoining thereto, and make due Return thereof, under the Penalty of forfeiting fifty Pounds lawful Money of this State for each Neglect where such Procefs shall be delivered to him twenty Days before the Sitting of the Court to which the same is returnable, to be paid to the Party grieved by Order of such Court, upon Motion and Proof of such Delivery, unless such Sheriff can shew sufficient Cause to the Court at the next succeeding Court after such Order; and for every false Return the Sheriff shall forfeit and pay fifty Pounds, one Moiety thereof to the Party grieved, and the other Moiety to him or them that will sue for the same; to be recovered with Costs, by Action of Debt, Bill or Complaint, in any Court of Record, and moreover be further liable to the Action of the Party grieved for Damages; and no Sheriff shall return upon any Writ that the Defendant is not to be found within his Bailiwick, unless such Sheriff shall have actually been at the House or Place of abode of such Defendant; and where any Defendant shall be a known Inhabitant of any other County than that of the Sheriff to whom such Procefs shall be directed, the Sheriff shall return the Truth of the Case, and thereupon an *Alias* shall issue, directed to the Sheriff where such Defendant resides, if the original Procefs shall issue from a Superior Court, and Variance of the Addition of the Place of Abode of the Defendant shall not be deemed Error, or Matter of Abatement: And in Case at any Time there shall be no Person properly qualified to act as Sheriff in any County in this State, that then it shall and may be lawful for the Coroner of such County, and he is hereby required to execute all Procefs within the same, until some Person shall be appointed, and properly qualified, to act as Sheriff in said County; and such Coroner shall be under the same Rules and Regulations, and subject to the same Fines and Forfeitures, as Sheriffs are by Law, in Relation to the executing and returning of any Procefs to them directed.

Pen. on Sheriff neglecting to execute procefs, or making false returns.

Directions as to the return of *non est inventus*.

Coroner to act where no Sheriff.

VI. *PROVIDED* always, That it shall not be lawful for any Sheriff, or other Officer, to execute any Writ or other Procefs upon a *Sunday*, or upon any Person attending his Duty at a Muster of the Militia, or any Election of Burgesses or Burgesses, or Overseers of the Poor, or County Wardens, or any Person summoned to attend as an Evidence or a Juror; and all such Services of Procefs is hereby declared illegal and void, unless the same be issued against any Person or Persons for Treason, Felony, Riot, Rescous, Breach of the Peace, or upon an Escape out of Prison or Custody, and such Procefs shall and may be executed at any Time or Place.

Exemptions from the service of procefs in particular cases.

VII. *AND* be it further enacted by the Authority aforesaid, That from and after the first Court which shall happen after the first Day of *January* next, each and every Sheriff within this State shall, on levying any Execution for any Debt, Damages or Costs, make out, if required, a Bill of his Fees due on such Action or Suit, and set down under the said Bill a true Copy of the Clerk's, Attorney's and other

Sheriff's duty on serving executions.



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other endorsed Fees, separately and distinctly, and give a Receipt for the same to the Party against whom such Execution shall issue, and also shall endorse the Amount of his own Fees he shall so take on such Execution, to be entered by the Clerk on the Execution Docket, for which Copy the said Sheriff may demand and receive one Shilling of the Person requesting the same; and if any Sheriff, or other Officer, empowered to levy any Execution, shall fail so to do, such Sheriff or other Officer shall forfeit and pay fifty Pounds, to any Person who will sue for the same.

Penalty for not performing it.

To take no other bonds than bail bonds payable to themselves, dischargeable on prisoner's appearance, &c.

VIII. *AND be it enacted by the Authority aforesaid*, That it shall not be lawful for any Sheriff, or his Officer or Deputy, to take any Obligation of or from any Person or Persons in his Custody, for or concerning any Matter or Thing relating to his Office, otherwise payable than to himself as Sheriff, and dischargeable upon the Prisoner's Appearance, and rendering himself at the Day and Place required in the Writ, whereupon he was or shall be taken or arrested, and his Securities discharging themselves therefrom as special Bail of such Prisoner, or such Person or Persons keeping within the Limits and Rules of any Prison; and every other Obligation taken by any Sheriff in other Manner or Form, by Colour of his Office, shall be null and void, except in any special Case any other Obligation is or shall be by Law particularly and expressly directed: And that no Sheriff shall demand, exact, take or receive, any greater Fee or Reward whatsoever, nor shall have any Allowance, Reward or Satisfaction, from the Public, for any Service by him done, other than such Sum as the County Court shall allow for *ex Officio* Services, and the Allowances given and provided, or which shall be from Time to Time given and provided by Law.

To take no more than legal fees.

Proceedings in cases of prisoners escaping.

IX. *AND be it further enacted by the Authority aforesaid*, That if any Person committed, rendered, or charged in Execution, or upon Mesne Process, to any Prison, shall thence escape, it shall and may be lawful to and for any Justice of the Peace of the County where such Prisoner was in Custody, upon Oath of such Escape made before him by the Sheriff, Under-Sheriff, or Gaoler, or other credible Person, to grant to any Person demanding the same, one or more Warrant or Warrants, under his Hand and Seal, directed to all Sheriffs, Bailiffs and Constables within this State, reciting the Cause of such Person's Commitment, and the Time of his or their Escape, and commanding them, and every of them in their respective Counties and Precincts, to seize and re-take such Prisoner so escaped or going at large, and being so taken, forthwith to convey to the Prison where Debtors are usually kept in the County where such Re-taking shall be, there to be kept in safe Custody until he or she be thence discharged by due Course of Law; which Warrant the Sheriff is required to obey, and receive the Prisoner into his safe Custody, and to give a Note to the Person or Persons delivering him, her, or them, certifying his Receipt of such Prisoner, and shall also make Return of the Execution of such Warrant to the Court of the County where such Prisoner escaped; and if he or she was there in Custody charged in Execution, then the said Sheriff shall safely keep him or her without Bail or Mainprize, until he or she shall have made full Payment and Satisfaction to the Plaintiff or Plaintiffs, Creditor or Creditors, in whose Name such Execution was issued out, or until the Judgment or Judgments obtained against him or her shall be reversed or discharged by due Course of Law: And if any such Prisoner shall have been in Custody upon Mesne Process in any Action of Debt, or upon the Case, the Sheriff to whom he or she shall be so committed shall, in like Manner, keep such Prisoner in his safe Custody, and make Return of the Execution of the Warrant by which he, or she was re-taken to the Court of the County wherein he or she was first arrested; and thereupon it shall be lawful for the said Court, upon the Plaintiff's filing his Declaration and entering the Defendant's Appearance, to proceed to give Judgment thereon, in the same Manner as if the Defendant had appeared in Court and refused to plead, unless such Defendant shall cause special Bail to be entered in said Court, and shall immediately plead to issue; and thereupon a Certificate under the Hand of the Clerk of the said Court, that such Bail is given and delivered to the Sheriff in whose Custody such Defendant shall then be, it shall be lawful for him to set at large such Prisoner, and not otherwise; but where  
any



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any Prisoner escaped, and re-taken upon such Warrant as aforesaid, shall thereafter be charged with Treason, Felony, or other capital Crime, in Behalf of this State, for which he or she ought to be tried in one of the Superior Courts, and shall be for such Cause removed to any Gaol of such Court, every such Prisoner shall be charged in such Gaol with all the Causes wherewith he or she stood charged in the Gaol from whence he or she escaped, or was removed, until he or she be thence delivered by due Course of Law; any Law, Usage or Custom to the contrary notwithstanding.

X. *AND* be it further enacted by the Authority aforesaid, That if any Sheriff or other Officer hath made, or shall make any Return upon any Writ of *Fieri Facias* or *Venditioni Exponas*, that he hath levied the Debt, Damages and Costs, or Fees, as in such Writ required, or any Part thereof, and hath not or shall not pay the same into the proper Office, or to the Party to whom the same is payable, or his Attorney, at the Return of such Writ, or hath or shall return upon any Writ of *Capias ad Satisfaciendum*, or Attachment, for not performing a Decree in Chancery for the Payment of any Sum of Money or other Matter, that he hath taken the Body or Bodies of any Defendant or Defendants, and hath the same ready to satisfy the Money or other Matter in such Writ mentioned, and shall have actually received the Money or other Matter from the Defendant or Defendants, or any Part thereof, or suffered him, her or them, to escape with Consent of such Sheriff or Officer, and hath not or shall not pay the same into the proper Office, or to the Party to whom the same is payable, or his Attorney, that then and in either of the said Cases, it shall and may be lawful for the Creditor, at whose Suit of *Fieri Facias*, *Venditioni Exponas*, *Capias ad Satisfaciendum*, or Attachment, hath or shall issue, upon Motion made in the Court from whence such Writ issued, or in the Superior Court of the District wherein such Sheriff shall reside, to demand Judgment against such Sheriff or other Officer, for the Money or other Matter mentioned in such Writ, and such Court is hereby authorized and required to give Judgment accordingly for the same, with Costs, and to award Execution against the Goods and Chattels, Lands and Tenements, of such Sheriff, provided such Sheriff have ten Days previous Notice of such Motion; and where it shall so happen that the Time of any Person's Sheriffship shall be expired, or he shall be removed from his Office before such Motion made by the Creditor or Creditors, the same Remedy, Proceedings, and Relief, shall and may be had against him, as if such Person was actually in Office; any Thing herein contained to the contrary notwithstanding.

Remedy against Sheriffs, &c. failing to pay monies by them received in virtue of any precept to them directed, or suffering escapes.

XI. *AND* be it further enacted by the Authority aforesaid, That where any Sheriff shall take the Body of any Debtor in Execution, and shall wilfully or negligently suffer such Debtor to escape, and such Sheriff, or Person suing out such Execution, shall die before a Recovery can be had against such Sheriff for such Escape, the Person suing out such Execution, his Executors or Administrators, shall and may have and maintain an Action of Debt against such Sheriff, his Executors or Administrators, for the Recovery of all such Sums of Money as are mentioned in the said Execution and Damages for detaining the same; any Law, Usage or Custom to the contrary notwithstanding.

Method of recovery in cases of escape, where the plaintiff or Sheriff dies.

XII. *AND* for removing all Controversies touching the Manner of turning over Prisoners upon the Sheriff's quitting his Office; *Be it further enacted by the Authority aforesaid*, That the Delivery of Prisoners by Indenture between the old Sheriff and the new, or the entering upon Record in Court, the Names of the several Prisoners, and the Causes of their Commitment, delivered over to the new Sheriff, shall be sufficient to discharge the late Sheriff from all Suits and Actions for any Escape that shall happen.

Method of turning over prisoners.

XIII. *AND* be it enacted by the Authority aforesaid, That the Justices of the respective Counties in this State shall nominate and appoint Registers in the same Manner as is herein before directed for the Choice of Sheriffs; and the Registers so appointed shall hold their respective Offices during their good Behaviour; but each Register, before entering upon the Execution of his Office, shall take the Oath appointed for the Qualification of public Officers, and an Oath of Office; and shall give Bond, in the Penalty of five thousand Pounds, payable to the Governor for the Time being, and his Successors, for the true and faithful

Registers appointed.



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ful Discharge of his Office; which Bond, upon a Breach thereof, shall be assigned to the Party or Parties injured, and may be put in Suit from Time to Time until the whole Penalty shall be recovered.

Coroners appointed.

XIV. *AND be it further enacted by the Authority aforesaid,* That every County Court in this State shall, and they are hereby empowered, to appoint two or more Coroners within their County, if they shall be of Opinion that more than one will be necessary.

Governor to appoint Notaries.

XV. *AND be it further enacted and declared by the Authority aforesaid,* That the Governor for the Time being shall, from Time to Time, as any Vacancy may happen, appoint one or more Persons, properly qualified, to act as Notary or Notaries at the different Ports in this State; and the said Notaries, and every of them, shall take the Oath appointed to be taken for the Qualification of public Officers, and also an Oath of Office; which Oath may be taken in, and administered by the Court of the County in which such Notary shall reside. *Provided always,* That there shall not be more than one Notary appointed to reside in any one Place at the same Time.

Sheriffs, &c. to account for public monies.

XVI. *AND* whereas divers Persons, who have formerly been Sheriffs and Collectors of public Monies within this Territory, are still in Arrear to the Public, and it being necessary that a final Settlement of all such Matters should be made, and that all public Monies should be paid into the Treasury; *Be it therefore enacted by the Authority aforesaid,* That the Treasurers of this State be, and are hereby authorized and required, to call all such Sheriffs and Collectors to Account, and to institute Suits against them for the Monies by them respectively due and unaccounted for, and that the Proceedings thereon shall be agreeable to the Laws last in Force in this Territory, for the Recovery of Taxes and other public Monies; and the Treasurers shall be obliged to account therefor in the same Manner, as if such Laws had still continued and been in full Force.

Late Sheriffs to finish the collection.

XVII. *AND be it also enacted by the Authority aforesaid,* That every late Sheriff and Collector of public Monies, his lawful Representatives or Securities, shall and may finish the Collection of any Taxes or Duties yet in Arrear and unpaid, in the same Manner as might have been done under the Laws last in Force for such Purposes.

Receiver General to account.

XVIII. *AND be it further enacted by the Authority aforesaid,* That the late Receiver General, and all Deputy Receivers, shall account for and pay into the Hands of the public Treasurers, or either of them, all such Monies as they may have received by Virtue of their respective Offices, and which on the fourth Day of *July*, one thousand seven hundred and seventy-six, remained in their Hands unaccounted for; and if any of them shall fail so to do above six Months after the Ratification of this Act, the Attorney-General is hereby authorized to commence a Prosecution against such Delinquent; and to the End that the Deputy Receivers who may have Monies in their Hands may be known, the Justices of the respective County Courts, within three Months after the passing of this Act, shall transmit to the public Treasurers respectively, the Names of such Persons as have been Deputy Receivers in their respective Counties, certified by the Clerk, for twenty Years last past; and every such Deputy as shall not produce a full Discharge from the Receiver-General, and make Oath that he hath fully accounted for and paid all the Monies by him received, shall be prosecuted, and notwithstanding a Verdict may be in his Favour, shall pay Costs.

Clerks of the late Superior Courts to account for monies in their hands.

XIX. *AND* whereas there are considerable Sums of Money in the Hands of the Clerks of the late Superior and Inferior Courts, for Governors Fees by them received on Marriage Licences; Letters Testamentary and of Administration, and Guardianship, and other Fees and Monies by them received for the late Governor, or for the Use of the State; and as all such Monies should of Right be accounted for, and paid to the Use of the Public, *Be it enacted by the Authority aforesaid,* That the said late Clerks shall, on or before the first Day of *June* next, render an Account on Oath, to the Justices of the respective Counties whereof they were lately Clerks, and to the Justices of the Superior Courts, of all the Fees and Monies by them respectively received for the Use of the late Governor, and



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and of this State, not yet accounted for, and pay the same into the Hands of the present Clerks, in open Court; and the Justices shall cause a Copy of every such Account to be recorded in the Minutes of the Court; and the Clerks of the County Courts hereby established shall be accountable for all such Monies by them received, in the same Manner as for the Monies paid into their respective Offices.

XX. *A N D* be it enacted by the Authority aforesaid, That the Justices of the respective Superior and County Courts shall cause the Dockets, Minutes and Records of the late Superior and Inferior Courts to be inspected and examined, and an Account of all Fines, Forfeitures, Amerciaments, and Recoveries on penal Statutes, where any such Recovery, or Part thereof, was for any public, County or Parish Use, to be taken, and to whom the same had been paid, and direct that the same be paid agreeable to Law, and on Failure thereof to be sued for.

Court dockets to be inspected for the fines due,

## C H A P. IX.

*An Act to prevent Abuses in taking up stray Horses, Cattle, Hogs and Sheep, and other Things therein mentioned.*

I. **W**HEREAS it becomes difficult to recover stray Horses, Cattle, Sheep and Hogs, for Want of some legal Provision to effect the same;

II. *B E* 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 respective Courts in each County within this State shall appoint a Ranger for their respective Counties, who shall hold his Office during good Behaviour; and that every Freeholder who shall take up any stray Horse, Mare, Gelding or Colt, Neat Cattle, Hog or Sheep shall within ten Days after the taking up of such Stray (the Owner of such Stray or Strays being to him unknown) make Information on Oath before the Ranger of the County wherein such Stray or Strays shall be so taken up, of the Marks, Brands and Colour, of each and every such Stray or Strays, and that the same was taken up at his or her Plantation or Place of Abode, and that the Marks or Brands have not been altered or defaced, by Means of, or to the Knowledge of such Taker up; whereupon such Ranger is hereby required to issue his Summons to any two Freeholders of the Neighbourhood, who after taking the following Oath, *to wit,*

Rangers appointed, and proceedings with strays.

**Y**OU shall swear that you will well and truly view and appraise the Stray or Strays (as the Case may be) in the Summons to you directed, without Favour or Partiality, according to your Skill and Ability.

SO HELP YOU GOD.

before the Ranger (who is hereby authorized to administer the same) or some Justice of the Peace for the County where such Stray or Strays shall be so taken up, shall view and appraise such Stray or Strays, and make Return thereof to the said Ranger, under their Hands and Seals; which Appraisement, with a particular and exact Description of the Marks, Brands, Age and Colour, as near as can be ascertained, of each and every such Stray or Strays, together with the Time of taking up, and Place of Abode of the Person taking up the same, shall by such Ranger be entered in a Book to be by him kept for that Purpose, and shall during the Sitting of the next succeeding Court in the County where such Entry shall be made, put up an Advertisement in the most public Place, describing therein the Kind, Marks, Brands, and Colour of all Strays entered as aforesaid; and the Ranger shall have and receive from the Person taking up such Stray or Strays, the Sum of five Shillings for every such Entry to be by him made; and the Person taking up such Stray or Strays, for his Trouble and Expence in taking up the same, and paying as aforesaid, may demand and receive of the Person claiming the Property of the said Stray or Strays, the Sum of five Shillings for each Horse, two Shillings and six Pence for each Head of Cattle, and one Shilling *per* Head for every Hog or Sheep.

See acts June 1781, c. 7, § 9. Oct. 1784, c. 7, § 6.

III. *A N D* be it further enacted by the Authority aforesaid, That the Property of every stray Horse, Mare, Gelding or Colt, Neat Cattle, Hog, or Sheep, twelve Months after such Appraisement, and no Property proved by the Owner thereof, shall be deemed to be vested in the Person taking up the same.

Property of strays in the taker up.

IV. *PROVIDED*



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Proviso, for the  
owner to recover.

IV. *PROVIDED nevertheless*, That it shall and may be lawful for the former Owner of any such Stray or Strays, at any Time within twelve Months after such Appraisalment as aforesaid, on proving his Property to the same, by his own Oath or otherwise, to demand and recover such Stray or Strays, or the Valuation thereof, the Claimant first paying the Ranger's Fee, and the Reward for taking up the same.

Stray retained till  
expence of keep-  
ing paid.

V. *PROVIDED also*, That where the Taker up of any Stray shall have been at any Expence for keeping and maintaining such Stray, it shall be lawful for him to retain the same until the Owner or Claimer thereof shall pay all such Expence; which Expence shall be ascertained in the following Manner, *to wit*, The Taker up shall obtain from some Justice of the Peace a Warrant, empowering three Freeholders, by the said Justice to be named, to declare on Oath, upon View of the said Stray, and Examination of Witnesses if necessary, how much the said Taker up ought to demand for the Keeping and Maintenance of the Stray; and such Sum as shall by the said Freeholders, or any two of them, be so declared, shall be the Sum which the Taker up is and shall be entitled to demand and receive, before the Owner or Claimer can take the Stray out of his Possession.

If no property  
proved in 12  
months,  $\frac{2}{3}$  of the  
value to be paid  
the County Treas-  
urer.

VI. *AND be it further enacted by the Authority aforesaid*, That after the Expiration of twelve Months, each and every Person so taking up any Stray or Strays, and no Property proved by the Owner thereof, shall account for and pay into the Hands of the County Treasurer, two-thirds of the appraised Value of all such Stray or Strays, after deducting the Ranger's Fee, and the Reward for taking up the same; and in Case any Person so taking up any Stray or Strays, according to the Intent and Meaning of this Act, shall neglect or refuse to account with the said Treasurer, as in this Act before directed, he or she so failing shall forfeit and pay double the appraised Value of all such Stray or Strays by him or her so taken up, to be recovered by Action of Debt, before any Jurisdiction having Cognizance thereof, one Half to the Person suing for the same, and the other Half to the Use of the County wherein such Stray or Strays may be taken up; which said Treasurer is hereby authorized and required to receive and account for the same, in the same Manner, and under the same Regulations and Restrictions, as other County Monies; which said Money shall be applied to the Use of the County, where such Stray or Strays shall be so taken up.

Owner may re-  
ceive  $\frac{2}{3}$  of the va-  
lue.

VII. *PROVIDED nevertheless*, That it shall and may be lawful for the former Owner thereof, at any Time, on proving his Property by the Oath of one or more indifferent Witnesses, to demand and receive from the County Treasurer two-thirds of the appraised Value of all such Stray or Strays so accounted for as aforesaid, deducting therefrom the Ranger's Fee, the Reward for taking up, and the Treasurer's Commissions of two and a Half *per Cent.* for receiving and accounting for the same.

Taker up not an-  
swerable for the  
death of strays.

VIII. *PROVIDED always*, That if after the Appraisalment of any stray Horse, Mare, Gelding or Colt, and Entry thereof made with the Ranger as aforesaid, such Stray should happen to die within the Space of six Months after such Appraisalment, the Person taking up such Stray or Strays shall not be answerable for the same, unless such Death appears to have been occasioned by ill Usage or Abuse.

Who may take  
up strays.

IX. *AND be it further enacted by the Authority aforesaid*, That if any Person, not being a Freeholder, shall presume to take up any stray Horse, Mare, Gelding or Colt, Neat Cattle, Hog or Sheep, or if any Freeholder shall take any such Stray or Strays at any other Place than on his own Land, or shall make Use of any such Stray or Strays before the same shall be appraised as aforesaid, he or she so offending, shall for every such Offence forfeit and pay the Sum of five Pounds, to the Use of the Informer; to be recovered with Costs before any Jurisdiction having Cognizance thereof, and be further liable to the Action of the Party grieved. *Provided nevertheless*, That Nothing herein contained shall extend to prevent any Person from taking up any Stray or Strays of any Kind, and carrying the same immediately to the Owner thereof.

X *AND be it further enacted by the Authority aforesaid*, That for the more speedy Recovery of Strays, it shall and may be lawful for any Person, at all Times here-  
after



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Rangers book  
may be searched.

after, to look over and search the Entry Books by this Act directed to be kept by the Ranger in each County in this State, for any Information he may want as to any Horse, Mare, Gelding or Colt, Neat Cattle, Hog or Sheep, which heretofore has, or hereafter may stray away from the Owner thereof, the Person requesting such Search first paying one Shilling therefor to the Ranger keeping such Book.

## C H A P. X.

*An Act for ascertaining the Oath of Allegiance and Abjuration.*

Provided for by  
act Oct. 1784, c.  
21.

## C H A P. XI.

*An Act for appointing Naval-Officers in the different Ports of this State, and directing their Duty in Office.*

Rep. by act Jan.  
1779, c. 7.

## C H A P. XII.

*An Act to amend the Staple of Tobacco, and prevent Frauds.*

See acts Oct.  
1779, c. 9. Nov.  
1787, c. 3.

**W**HEREAS the Law heretofore in Force for amending the Staple of Tobacco, and preventing Frauds, hath been found highly beneficial to this State, as well as to the Planters of that Commodity;

II. *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 Inspectors of Tobacco appointed by the County Courts since the last Session of Assembly at any public Warehouses in this State, be, and they are hereby continued, and declared to be Inspectors at the respective Warehouses for which they were appointed, until Appointments can be had agreeable to this Act, and shall have the same Powers, Authorities and Emoluments, and be subject to the Rules, Regulations and Restrictions, herein after mentioned.

Inspectors conti-  
nued.

III. *BE it enacted by the Authority aforesaid,* That the Inferior Court of any County in this State, where the Tobacco Inspections and Warehouses are already established, shall annually, at the first Court to be held for their County after the first Day of June, appoint two discreet and careful Men, well acquainted with the Nature and Qualities of Tobacco, to be Inspectors thereof, who shall well and carefully examine every Hoghead, Cask, or Parcel of Tobacco, brought to their Warehouse, and such Tobacco as they shall find good, sound, and merchantable, and fit for Exportation, they shall cause to be immediately headed, hooped, and nailed, and the Number nett, and Weight and Tare, with the Name of the Warehouse, stamped or marked thereon; and for all Tobacco so passed by them in Crop Hogheads, they shall give to the Owner thereof a Receipt, containing the Warehouse, Number, Gross, Tare, and net Weight, the Kind of Tobacco, and therein oblige themselves to deliver the same Tobacco to such Owner, or his Order, for Exportation, when demanded; and for all such Tobacco as they shall pass in Parcels, they shall give the Owner a Transfer Note, and all such Parcels of Tobacco they shall immediately pack and prize into Hogheads of at least one thousand net Weight, to be by them paid in Discharge of such Transfer Notes to the Persons who shall be possessed of them, deducting from their Transfer Notes when returned to them, at the Rate of two *per Cent.* for the first Month, and one *per Cent.* for every Month after one, for Shrinkage, and may also charge out of such Transfer Notes thirty Pounds of Tobacco for the Cask; and all Tobacco brought into their Warehouses, which in their Judgment is not good, sound and merchantable, they shall cause to be immediately burned; and where Tobacco is offered for Inspection, and it appears to them Part thereof is only fit to pass, the Owner thereof may separate such good Tobacco from the bad, and that only which is bad shall be burned; but if the Owner refuses to have the same separated, then the Inspectors shall and may burn the whole; and where the Inspectors at any Warehouse shall disagree in their Opinion of the Quality of any Hoghead of Tobacco, or where the Tobacco to be inspected is

County Court to  
appoint them,  
their duty, and  
manner of in-  
spection,



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Provision where  
an Inspector shall  
die, or be unable  
to attend.

the Property of one of the Inspectors, then another sworn Inspector from the nearest Warehouse, or Justice of Peace, shall be called, and shall decide, and receive or reject the same; and where any Inspector shall die, or be rendered by Sickness or Accident unable to attend his Duty, then it shall be lawful for any three Justices of the County to appoint and swear in any proper Person to act as Inspector, until the Disability of the other be removed, or until the Court shall appoint; and such Person so appointed to act shall be under the same Penalties, and entitled to a proportionable Part of the Salary for the Time he shall act, and be under the same Regulations, as if originally appointed by the Court.

Bond to be given.

IV. *AND* be it further enacted by the Authority aforesaid, That the Inspectors to be appointed in Virtue of this Act shall give Bond and Security, to be approved by the Justices appointing them, in the Penalty of one thousand Pounds, payable to the Governor, or Commander in Chief for the Time being, with Condition they shall respectively execute the Office of Inspector of Tobacco faithfully and truly, according to the Laws in that Case made; which Bond, on any Suggestion made to the Commander in Chief for the Time being of a Breach thereof, shall by him be assigned to the Party injured, to be put in Suit, and shall not be void on any Recovery, until the whole Penalty be recovered; and such Inspectors shall, before they enter on the Duties of their Office, take in open Court the following Oath, *to wit,*

The oath.

**Y**OU shall swear, that you will carefully and diligently view and examine all Tobacco brought to any public Warehouse whereof you are appointed to be Inspector, and all other Tobacco which you shall be called upon to view and inspect, and that not separate and apart from your Fellow, but in his Presence. And that you will not receive any Tobacco that is not in your Judgment sound, well conditioned, merchantable, and clear of Tress; nor receive, pass or stamp, any Tobacco Hogshead, or Cask of Tobacco, prohibited by an Act of Assembly, entitled, An Act for regulating the Inspection of Tobacco, and preventing Frauds. And that you will not change, alter, or give out any Tobacco, other than such Hogshead or Cask for which the Receipt to be taken in was given; but that you will in all Things well and faithfully discharge your Duty in the Office of an Inspector, according to the Directions of the said Act, without Fear, Favour, Affection, Malice, or Partiality.

SO HELP YOU GOD.

No tobacco to be  
exported without  
inspection, and  
manner of deliv-  
ering it out.

V. *AND* be it further enacted by the Authority aforesaid, That no Tobacco shall be exported out this State until the same has been carried to some Inspection, and there viewed, passed, and stamped, according to the Directions of this Act, or which has already been so done, according to the Laws heretofore in Force; and the Inspectors at every Inspection which is, or shall by Virtue of this Act be appointed, on delivering out any Tobacco from their Warehouse for Exportation, shall deliver therewith to the Master or Skipper of the Vessel receiving the same, a Manifest thereof, signed by them, containing the Marks, Numbers, Gross, Nett and Tare, of every Hogshead or Cask then delivered, with the Name of the Warehouse, and the Name of the Vessel and Master thereof in which the same is intended to be exported, and the Name of the Skipper; which Manifest, in Case the Tobacco be delivered to any River Craft to be lightened down to any Seaport, shall be delivered herewith, by the Skipper of such Craft, on Board the Ship or Vessel in which the same is to be exported; or in Case such Vessel cannot take it in, then in the most convenient Warehouse at or near such Seaport, there to remain until the same shall be shipped in some other Vessel for Exportation, according to the true Intent and Meaning hereof; and all Tobacco Waterborne with Intention to elude this Act, is hereby declared to be forfeited, and shall be the Property of any Person who shall seize and take Possession of the same; and in Case of Suit against the Person seizing such Tobacco, he may on the general Issue give this Act in Evidence.

Duty of Halifax  
inspectors, and  
their salaries.

VI. *AND* be it further enacted by the Authority aforesaid, That the Inspectors at Halifax Warehouses shall constantly attend their Duty at the said Warehouses from the tenth Day of October to the tenth Day of July in every Year, on Penalty of forfeiting forty Shillings for each Day either of them shall neglect the same, Sickness or other unavoidable Accidents excepted; which Forfeiture shall

and



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and may be recovered by Warrant before any Magistrate of the County where the Inspector resides, by any Person suing for the same, to the Use of the Person suing, and shall furthermore be liable to the Action of the Party aggrieved for such Damages as he may sustain; and the Inspectors at the said Inspection of *Halifax* shall have and receive for their Attendance the Sum of seventy-five Pounds each, and the Inspectors at *Jones's* the Sum of thirty-seven Pounds ten Shillings each, annually, to commence from the tenth Day of *October* last past, to be paid by the Justices of the Interior Court for their respective Counties, out of the County Money: And the Justices of any County within this State may, and are hereby empowered, if necessary, to appoint such Places for the Inspection of Tobacco in their County, and Inspectors to attend thereat, as to them shall seem most proper, so as such Place of Inspection be at a Landing on some sufficient navigable Stream; and also may, at the Expence of their Counties, purchase or rent Ground, build or rent Warehouses, provide Scales and Weights, and other Matters incident to an Inspection, and allow such Salaries to the Inspectors as they shall judge proper, to be paid out of the Money assessed for the Maintenance and Support of the County Charges; and also shall at any such Inspection, order and limit the Time for the Attendance of such Inspectors at their respective Warehouses; and any Inspector so to be appointed, shall be under the like Bond, Security and Oath, and subject to the same Forfeiture, Method of Recovery, and Application, as is above directed for the Non-Attendance of the Inspectors at *Halifax* Warehouses.

Justices to appoint places of inspection.

VII. *A N D* for defraying the Charges of Inspection, *Be it enacted by the Authority aforesaid*, That for every Hoghead or Cask of Crop Tobacco delivered by the Inspectors for Exportation, there shall be paid to them by the Owner or Skipper thereof eight Shillings current Money of this State, for the Use of the County; and for every Hoghead of Transfer Tobacco prized up by them to the Weight herein directed, the Sum of ten Shillings like Money, five Shillings whereof for the Use of the County, and the other five Shillings to reimburse them for Prizing and Nails: And the Inspectors shall, at the first Court for their County after the tenth Day of *July* in every Year, lay before the said Court an Account on Oath of all Tobacco by them delivered for Exportation, and also an Account of their Transfer Tobacco remaining on Hand, and what Transfer Notes are not returned to them, shewing what has been gained or lost on the Allowance for Shrinkage above directed, and make a full Settlement with the Court for all Monies they are chargeable with in Virtue of this Act, before they shall obtain any Order from the Court for the Salaries which are or shall be allowed them.

Charges of inspection defrayed

See act Nov. 1767, c. 30.

VIII. *Be it further enacted by the Authority aforesaid*, That the Inspectors at *Jones's* Warehouse, and the *Pitch-Landing*, in *Northampton* County, respectively, shall pay and satisfy to the Owners of the same the Sum of one Shilling and six Pence for every Hoghead of Tobacco received, inspected and delivered out of the said Warehouses, to be deducted out of the eight Shillings *per* Hoghead directed to be received for the Use of the County, the Owners of such Warehouses keeping the same in Repair.

Rent of *Jones's* warehouse.

IX. *A N D* *be it further enacted by the Authority aforesaid*, That no Naval-Officer in this State, shall clear outwards any Ship or Vessel having Tobacco on Board, until the Captain or Master thereof shall produce and deliver to him such Manifest as above directed, signed by the Inspectors where the same was inspected, for all Tobacco he has on Board; and the Naval-Officer clearing such Ship or Vessel, is hereby directed to administer to such Captain or Master, before delivering such Clearance, an Oath to this Purport: That the Manifest by him produced contains a true Account of the Mark, Number, Tare and net Weight, stamped or marked on each Hoghead of Tobacco on Board his Vessel, as they were taken down before the same was stowed away. And the said Naval-Officer is hereby authorized to take and receive two Shillings for administering the said Oath. And every Naval-Officer who shall clear out any Vessel having Tobacco on Board, without receiving such Manifest, and causing such Oath to be made before them, shall forfeit the Sum of fifty Pounds Proclamation Money; to be recovered in any Court of Record in this State, by and for the Use of any Person who shall sue for the same.

Manner of clearing vessels with tobacco.

X. *A N D*



A. D. 1777.

Pen. for forging  
Inspector's notes,  
& method where  
they are lost.

X. *AND be it further enacted by the Authority aforesaid,* That if any Person shall forge or counterfeit the Stamp, Note or Receipt, of any Inspector, or offer for Sale or Payment, or demand of any Inspector, Tobacco on any such forged Notes or Receipt, knowing it to be such, or shall cause to be exported any Hoghead or Cask of Tobacco stamped with a forged or counterfeit Stamp, or shall take any Stave, Plank or Heading, out of any Hoghead of Tobacco stamped as herein directed, after such Hoghead shall have been delivered from any of the public Warehouses, every Person so offending, and being thereof legally convicted, shall be adjudged a Felon, and suffer as in Cases of Felony; and if any Inspector's Note shall be lost or destroyed, the Owner thereof may, on making Oath before some Magistrate of the Quantity of Tobacco mentioned in the same, and that the Note is lost or destroyed, and that he or she so making Oath is the lawful Owner thereof, and entitled to receive the Tobacco therein mentioned, obtain a certificate from the Justice administering such Oath, and shall thereby be entitled to receive the Tobacco for which the lost Note was given; and if any Person shall be convicted of making a false Oath, or producing a forged Certificate, in the above Case, knowing the same to be forged, he shall suffer as in Cases of wilful and corrupt Perjury.

Warehouses  
burnt how paid  
for.

XI. *AND be it further enacted by the Authority aforesaid,* That if any Warehouse at any of the Tobacco Inspections in this State, that is or shall be appointed, shall happen to be burned, and Tobacco therein destroyed, the Value of the Tobacco so burned shall be paid to the Proprietor thereof by the Counties where the same was made, in Proportion to the Quantity brought to Inspection by the different Counties; and where such Accident shall happen, no Inspector shall be sued, by Reason of any Notes or Receipts by them given for Tobacco so burned.

No Inspector to  
be a member of  
Assembly, and  
method where to-  
bacco is suspect-  
ed to be damaged

XII. *AND be it further enacted by the Authority aforesaid,* That no Inspector of Tobacco shall be capable of being elected Member of Assembly, during his Continuance in his Office of Inspector, or within one Year after; nor shall any Inspector, directly or indirectly, buy or receive, by Way of Barter, Loan or Exchange, any Tobacco whatsoever, (Payments in Tobacco for their own Rents excepted) under the Penalty of forfeiting their Office: And when any Person demands Tobacco of any Inspector on their Notes, and shall have cause to Doubt the same hath received Damage after Inspection, three Justices of the County, not being Merchants, where the Tobacco is, shall on the Application of the Person demanding the Tobacco, repair immediately to the Warehouse, and there (being first sworn before some other Justice, who is hereby empowered to administer such Oath) well and carefully view and examine the said Tobacco in Dispute, and give their Opinion thereon whether the same ought to pass or be rejected, according to the best of their Judgment and Conscience, without Favour or Affection; and if in their Judgment it is good, sound, and fit for Exportation, the Tobacco so passed shall be a sufficient Tender to the Party demanding on the Notes for the same, and in that Case the Party so calling a Review, shall pay and satisfy to the Justices so attending eight Shillings each; but if they reject the Tobacco so reviewed, in that Case the Inspectors shall pay the said Justices eight Shillings each, and shall be liable to the Owner of the Notes for the Value of the Tobacco so rejected, and such Damages as he may sustain by lying out of the same from the Time of demanding.

Slaves in certain  
counties not to  
cultivate tobacco

XIII. *AND be it further enacted by the Authority aforesaid,* That no Slaves within the Counties of *Halifax, Northampton, Bute, Granville, Edgcomb and Wake*, for his own Benefit, shall cultivate any Tobacco, under the Penalty of five Pounds current Money of this State for every five hundred Hills, so cultivated, to be recovered from the Master, Owner or Overseer, of such Slaves, by Action of Debt, before any Jurisdiction having Cognizance thereof; one Half to the Informer, and the other Half to the Use of the County where such Slave shall reside.

XIV. [*Repealed by Act April, 1784, Ch. 26.*]

C H A P. XIII.

Rep. by act Jan.  
1779, c. 3.

*An Act for amending an Act, entitled, An Act for levying a Tax by Assessment, and other Purposes, passed the last Session of this Assembly.*

C H A P.



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## C H A P. XIV.

An Act to enforce such Parts of the Statute and Common Laws as have been heretofore in Force and Use here, and the Acts of Assembly made and passed when this Territory was under the Government of the late Proprietors, and the Crown of Great-Britain; and for reviving the several Acts therein mentioned.

Provid. for by act April, 1778, c. 5.

## C H A P. XV.

An Act to amend an Act, entitled, An Act to establish a Militia in this State.

Rep. by act Jan. 1779, c. 1.

## C H A P. XVI.

An Act to empower the Court of Admiralty of this State to have Jurisdiction in all Cases of Capture of the Ships and other Vessels of the Inhabitants and Subjects of Great-Britain, to establish the Trial by Jury in the said Court in Cases of Capture.

Superseded by the constitution of the U. S. adopted by this State in 1789.

## C H A P. XVII.

An Act for confiscating the Property of all such Persons as are inimical to the United States, and of such Persons as shall not, within a certain Time therein mentioned, appear and submit to the State whether they shall be received as Citizens thereof, and of such Persons as shall so appear and shall not be admitted as Citizens, and for other Purposes therein mentioned.

See acts Jan. 1779, c. 5. Oct. 1779, c. 2. Sept. 1780, c. 4 &amp; 5. Jan. 1781, c. 4. June, 1781, c. 16. April, 1782, c. 6. April, 1783, c. 15. Oct. 1784, c. 6. Nov. 1785, c. 7.

I. **W**HEREAS divers Persons who have heretofore owned and possessed Lands, Tenements and Hereditaments, and also moveable Property in this State, have withdrawn themselves from the same, and attached themselves to the Enemies of the United States of America; and also divers Persons who have withdrawn to Places beyond the Bounds of any of the United States, in order to avoid bearing their proper and equal Part in Defence of the Freedom and Independence of the same; and also divers Persons who having been beyond the Bounds of the United States at the Beginning of the present War, have failed to return and unite their Effects for the common Defence of American Liberty; and it is expedient and just that every Person for whom Property is protected in any State should be and appear within the same, or join in Defence thereof whenever the same is threatened or invaded; and it is also just that a reasonable Time be given for such as have it in their Power to alledge favourable or mitigating Circumstances to induce this State, ever attentive to the Rights of natural Justice, and ever ready and willing to receive to Grace and Favour all who are sincerely attached to Liberty, to receive them as Citizens, and restore them to the Possessions which once belonged to them.

II. **B E** it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all the Lands, Tenements, Hereditaments, and moveable Property within this State, and all and every Right, Title and Interest therein, of which any Person was seized or possessed, or to which any Person had Title on the fourth Day of July in the Year one thousand seven hundred and seventy-six, who on the said Day was absent from this State, and every Part of the United States, and who still is absent from the same, or who hath at any Time during the present War attached himself to, or aided or abetted the Enemies of the United States, or who has withdrawn himself from this or any of the United States after the Day aforesaid, and still resides beyond the Limits of the United States, shall and are hereby declared to be confiscated to the Use of this State; unless such Person shall, at the next General Assembly which shall be held after the first Day of October, in the Year one thousand seven hundred and seventy-eight, appear, and be by the said Assembly admitted to the Privilege of a Citizen of this State, and restored to the Possessions and Property which to him once belonged within the same.

Property confiscated.

III. **P R O V I D E D**, That this Act shall not extend to such Persons as are, or have been actually employed in the Service of the United States, or any of them, and have not deserted to the Enemy, or traiterously violated their Trust, as are imprisoned, of unsound Mind, or under the Age of twenty-one Years.

Persons excepted



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Those removed  
not to return.

IV. *AND* provided also, That Nothing herein contained shall be construed to give Permission to such Persons as have removed themselves, or have been removed under the compulsive Authority of any Law of this State, or who have removed themselves to avoid taking the Oath of Allegiance to this State, to return thereto, or to avoid any Sales of Lands, Tenements, Hereditaments, or moveable Property, by such Persons *bona fide* made before their Departure, or pursuant to an Act of Assembly, passed at the last Session of this Assembly, entitled, *An Act for declaring what Crimes and Practices against the State shall be Treason, and what shall be Misprision of Treason, and providing Punishments adequate to Crimes of both Classes, and for preventing the Danger which may arise from Persons disaffected to the State.*

## C H A P. XVIII.

Rep. by act, A-  
pril, 1783, c. 20.

*An Act to regulate the Pilotage of Cape-Fear and Occacock Bars, and the Rivers leading from the same to Brunswick, Wilmington, Newbern, Bath, and Edenton.*

## C H A P. XIX.

Temporary.

*An Act to enable the Governour to send an Aid from the Militia to oppose the Enemies of the United States, if the same shall be requested by Congress.*

## C H A P. XX.

Temporary.

*An Act for establishing the Salaries of the Justices of the Superior Courts, and of the Attorney-General.*

## C H A P. XXI.

*An Act for establishing a Loan-Office in this State.*

I. **W**HEREAS the Congress of Delegates for the United States of *America* have recommended it to the different States of the Union that Loan-Offices should be established in each of them, for the Purposes of borrowing Money to support the present War against *Great-Britain*;

Loan-office.

II. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That a Loan-Office be established in the Town of *Newbern*, to receive all such Monies as may be lent in this State, pursuant to the Resolutions of the said Congress; and that such Office be under the Directions of the Congress of the United States, or their Board of Treasury, agreeable to the Rules and Regulations which are or may be established for such Purposes.

Treasurer ap-  
pointed.

To give bond.

III. *AND* be it further enacted by the Authority aforesaid, That the General Assembly shall, by joint Ballot of both Houses, appoint a Person to execute the several Duties to the Loan-Office appertaining, who shall be called the Treasurer of the Loan-Office for the State of *North-Carolina*; and the said Treasurer, before entering on the Execution of his Office, shall give Bond, with sufficient Sureties, to be approved by the Governor and Council, in the Sum of three hundred thousand Dollars, payable to the Governor and his Successors, conditioned for the due and faithful accounting for all such Certificates at he may receive from the continental Treasury, and the Payment of all such Monies as shall be received on such Certificates, in such Manner as shall be directed by Congress; and also duly and faithfully, to the utmost of his Power, to issue all Loan-Office Certificates which shall come to his Hands; and likewise well and faithfully to discharge all the other Duties of the said Office, in such Manner as the said Congress have directed, or may direct: And such Treasurer shall, and is hereby declared to be entitled to all the Commissions, Fees, Perquisites and Profits, allowed by the Congress for such Services; and shall be exempt from serving in the Militia, or doing any Duty as a Militia Man, during his Continuance in the said Office.

His allowance.

May appoint de-  
puties.

IV. *AND* for the Ease and Convenience of Persons who may incline to lend Monies to the United States on the said Certificates, and to the End that the  
Loan-Office



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Loan-Office may more speedily, and with less Expence to Individuals, be supplied with Money for the said Purposes; *Be it enacted by the Authority aforesaid,* That the said Treasurer shall be, and he is hereby empowered to appoint a Deputy in each of the Towns of *Salisbury, Hillsborough, Halifax, Edenton, and Wilmington,* for whose Conduct the said Treasurer shall be answerable; and the said Treasurer shall account for all Certificates that shall be to them delivered, and for all Monies to be by them received, in the same Manner as for Certificates delivered, or Monies paid to himself, in Virtue of this Act.

## C H A P. XXII.

*An Act declaring what Fences are sufficient, and to provide a Remedy for Abuses.*

I. **W**HEREAS the Peace and Harmony of every Neighbourhood much depends on good and sufficient Fences:

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That every Planter shall make a sufficient Fence about his cleared Ground under Cultivation, at least five Feet high, unless where some navigable Stream or deep Water Course shall be, that may be deemed sufficient instead of a Fence aforesaid. What shall be a lawful fence.

III. *AND be it further enacted by the Authority aforesaid,* That upon Complaint made by any Person to any Justice of the Peace of the County of any Trespas or Damages done by Horses, Cattle or Hogs, it shall and may be lawful for such Justice, and he is hereby authorized and required, to cause to be summoned two Freeholders, indifferently chosen, who (together with himself) shall view and examine, on Oath, whether the Complainant's Fence be sufficient or not, and what Damage he hath sustained by Means of the Trespas, and certify the same under their Hands and Seals; and if it shall appear that the said Fence be sufficient, then the Owner of such Horses, Cattle or Hogs, shall make full Satisfaction for the Trespas or Damages to the Party injured, to be recovered before any Jurisdiction having Cognizance thereof; but if it shall appear that the said Fence be insufficient, then the Owner of such Horses, Cattle or Hogs, shall not be liable to make Satisfaction for such Injury or Damages as aforesaid. Manner of proceeding where trespasses are committed.

IV. *AND be it further enacted by the Authority aforesaid,* That if any Person whose Fence shall be adjudged insufficient, shall with Guns, Dogs, or otherwise, unreasonably chase, worry, maim or kill, any Horses, Cattle or Hogs, or cause the same to be done, such Person so offending shall make full Satisfaction for all such Damages to the Party injured, to be recovered as aforesaid. Owners of unlawful fences to pay damages for any injury, &c.

## C H A P. XXIII.

*An Act to encourage the building of public Mills, and directing the Duty of Millers:*

I. **B**E 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 Water Grift Mill already built, or which shall hereafter be built, that hath or shall at any Time grind for Toll, shall be held and deemed, and is hereby declared to be a public Mill. Public mills.

II. *AND be it further enacted by the Authority aforesaid,* That any Person willing to build such Mill, who hath Land only on one Side of a Run, shall exhibit his Petition to the County Court, and therein shew who is the Proprietor on the opposite Side of the Run, whereupon a Summons shall issue to such Proprietor to appear at the next Court, and answer the Allegations of such Petition; and the Court also at the same Time shall order four honest Freeholders to lay off, view and value, on Oath, an Acre of the Land of such Proprietor, and also an Acre of the Land of the Petitioner opposite thereto, and to report their Opinion and Proceedings thereon to the next Court, and thereupon the Court shall order the said Report to be recorded; and if it take not away Houses, Orchards, Gardens, or other immediate Conveniencies, shall and may, and are hereby empowered and authorized, to grant Leave to the Petitioner, or such Proprietor, to erect such Mill at the Place proposed, as in their Discretion shall seem reasonable, and to order the Costs of such Petition to be paid by the Person to whom such Leave shall be granted. Manner of proceeding to obtain leave to build a mill, where one side of a run only is owned by the person applying.

III. *PROVIDED*



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Valuation paid  
down.

III. *PROVIDED* always, That the Person to whom such Leave is granted shall pay down in Court, for the Acre of Land he shall obtain thereby, the Valuation Money, and procure a Record to be made thereof, which shall be a good and effectual Seizen in Law to create to such Person, his Heirs and Assigns, a Fee Simple in such Acre of Land.

No mill within  
two miles of an-  
other.

IV. *AND provided also*, That where any Grist Mill has been heretofore erected by Order of Court, it shall not be lawful for any Court, on the Petition of any Person whatever, to grant any Part of the Tract whereon such Mill stands, for the Purpose of building another Mill within two Miles above or below the Mill already erected.

Not to overflow  
another, or create  
a nuisance.

V. *PROVIDED nevertheless*, That it shall not be lawful for any Court to grant Leave to any Person to erect a Mill so as to overflow any other Mill, or create a Nuisance to the Neighbourhood; any Thing herein contained to the contrary notwithstanding.

When to be built

VI. *PROVIDED also*, That the Person so being seized, shall within one Year begin to build a Water Mill, and finish the same within three Years, and shall thereafter keep up the same for the Use and Ease of all such as shall be Customers to it, otherwise the said Land shall return to the Person from whom it was taken, or to such other Person as shall have his Right, unless the Time for finishing the same, for Reasons shewn to and approved of by the Court, be enlarged.

Proviso for *some*  
*sovert, &c.*

VII. *PROVIDED likewise*, That if any Water Mill belonging to any Person within the Age of twenty-one Years, *Feme Covert, non Compos Mentis*, or imprisoned, be let fall, burnt or otherwise destroyed, that then such Person or Persons, and their Heir or Heirs, shall have three Years to rebuild and repair such Mill, after his or their full Age, Discoverture, coming of sound Mind, or Enlargement out of Prison.

Right of appeal.

VIII. *AND be it further enacted by the Authority aforesaid*, That if any Person shall think himself aggrieved by the Order or Determination of the County Court, he may appeal therefrom to the next Superior Court for the District in which the said Land doth lie, giving Bond and Security as usual; which Court shall, and is hereby authorized and empowered to take Cognizance of the same, and to confirm such Order, or reverse the same, and to give such Judgment therein as the County Court ought to have rendered.

Title confirmed  
to mills built by  
order of court.

IX. *AND be it further enacted by the Authority aforesaid*, That every Person who hath built any Mill in Consequence of any Order of Court, and hath actually paid the Money according to the Valuation of any Acre of Land as by this Act directed, to be laid off and valued, shall be, and is hereby declared to stand seized thereof, to him, his Heirs and Assigns, in absolute Property, in the same Manner, and under the same Restrictions, Limitations and Conditions, as if the same had been originally granted by Virtue of the Powers and Authorities of this Act.

Toll, & to grind  
in turn.

X. *AND be it further enacted by the Authority aforesaid*, That all Millers shall grind according to Turn, and shall well and sufficiently grind the Grain brought to their Mills, if Water will permit, and shall take no more Toll for grinding than one sixth Part of the *Indian Corn*, and one eighth Part of the *Wheat*, in the Districts of *Edenton, Newbern, Wilmington and Halifax*, and the eighth of the *Corn and Wheat* in the Districts of *Hillsborough and Salisbury*, and one fourteenth Part for chopping Grain of any Grind; and every Miller, or Keeper of a Mill, making Default herein, *viz.* not grinding according to Turn, nor well and sufficiently grinding the Grain, if Water will permit as aforesaid, or exacting or taking more Toll than herein is set down and allowed, shall for every such Offence forfeit and pay twenty-four Shillings Proclamation Money to the Party injured, to be recovered before any Justice of the County wherein such Offence is committed, with Costs. *Provided nevertheless*, That it shall be in the Power of any such Owner to grind, or cause to be ground, his own Grain, at any Time he thinks fit, any Thing in this Act to the contrary notwithstanding.

Proviso for their  
own grain.

Mill measures,

XI. *AND be it further enacted by the Authority aforesaid*, That all Millers shall keep in their Mills the following Measures, *viz.* a Half Bushel and Peck at full Measure,



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Measure, and also proper Toll Dishes for each Measure; and every Owner, by himself, Servant or Slave, keeping any Mill, and shall be lawfully convicted of keeping false Toll Dishes, contrary to the Intent and Meaning of this Act, shall forfeit and pay to the Party injured five Pounds, to be recovered before any Justice of the County as aforesaid; and in Case such Miller is a free Person, and keeps such Mill for a Share or for Hire, and is guilty of any of the above Offences, it shall be lawful for the Owner to stop so much of his Share or Hire, as will be sufficient to reimburse himself for such Fine or Fines as he shall become answerable for, with all the Charges that shall become due thereon.

## C H A P. XXIV.

An Act to encourage the destroying Vermin in the several Counties of this State. EXP.

## C H A P. XXV.

An Act to prevent burning the Woods.

I. **W**HEREAS the frequent burning of the Woods is found to be destructive to Cattle and Hogs, extremely prejudicial to the Soil, and oftentimes of fatal Consequences to Planters and Farmers, by destroying their Fences and other Improvements: For Prevention of which Evils,

II. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That it shall not be lawful for any Person whatsoever to set Fire to any Woods except it be his own Property, and in that Case it shall not be lawful for him to set Fire to his own Woods without first giving Notice to all Persons owning Lands adjacent to such Wood Lands intended to be fired, at least two Days before the Time of setting such Woods on Fire, and also taking effectual Care to extinguish such Fire before it shall reach any vacant or patented Lands, contiguous to or adjacent such Lands so fired.

In what manner alone woods may be set fire to.

III. [*Provided for otherwise by Act, April 1782, Ch. 29.*]

IV. *AND be it further enacted by the Authority aforesaid,* That if any Slave, free Negro, or Mulatto, or vagrant Person, unable to pay the Fine aforesaid, shall be convicted of setting Fire to any Woods, contrary to the true Meaning of this Act, such Person, on Conviction thereof, shall have and receive on his bare Back thirty-nine Lashes, well laid on, at the public Whipping-Post.

Pen. on negroes, &c. violating this act.

## C H A P. XXVI.

An Act for levying a Tax for the Year One Thousand Seven Hundred and Seventy-Eight. Temporary.

## C H A P. XXVII.

An Act for appointing Commissioners to lay off and mark a Road from the Court-House in the County of Washington, through the Mountains into the County of Burke. PRIV.

## C H A P. XXVIII.

An Act to facilitate the Navigation of Port Currituck.

See act April, 1783, c. 20.

I. **W**HEREAS the erecting of Stakes and Beacons from *Albemarle* through the Sound to *Currituck* Inlet, will tend much to the Interest and Advantage of sundry Merchants, Masters and Owners of Vessels, belonging to this State, in negotiating and carrying on their Business, Trade and Commerce to and from the State of *Virginia*;

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That *John Humphries* and *Thomas Taylor* be, and are hereby constituted and appointed Commissioners, and authorized and empowered to agree and contract with such Person or Persons as are willing and fit to be employed, for clearing away and removing any Obstructions found in the Channel from *Albemarle* through the Sound to *Currituck* Inlet, and for staking

Commissioners for clearing the navigation.



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staking out the said Channel, and erecting Beacons, for the better Discovery thereof by such Masters of Vessels and Mariners as shall sail along the same, in such Manner as the said Commissioners shall conceive will best promote the Navigation of the said Port, provided that the Sum they shall engage to pay the Person or Persons so doing the Services aforesaid, do not exceed the Sum of one hundred Pounds.

Tax laid.

III. A N D for reimbursing the said Commissioners the Sum they may expend for the Purposes aforesaid, and for keeping up the said Stakes, Beacons, and other Marks, necessary for indicating and pointing out the said Channel for the future; *Be it further enacted by the Authority aforesaid,* That the Master of every Vessel sailing to the said Port shall pay to the Naval-Officer of the said Port the Sum of two Dollars, before his Vessel shall be cleared out, to be paid to, and applied by the said Commissioners for the Purposes aforesaid.

Pen. for destroying beacons.

IV. *A N D be it further enacted by the Authority aforesaid,* That if any Person or Persons shall wilfully pull down, remove or destroy, any Beacon, Stake, or other Mark, erected or placed in Virtue of this Act, he or they shall for every such Offence forfeit and pay the Sum of five Pounds, to be recovered before any Jurisdiction having Cognizance thereof; one Half to the Naval-Officer of the said Port, to be paid and applied for the Purposes and in Manner aforesaid, and the other Half to him or them that will sue for the same.

## C H A P. XXIX.

*An Act to empower the Courts for the Counties of Tryon and Guilford to lay a Tax by Assessment, for finishing the Court-Houses, Prison and Stocks, in the said Counties; and also to empower the several Counties in the District of Wilmington to levy Taxes for building a District Gaol, and Gaoler's House, in the Town of Wilmington, and other Purposes. P R I V.*

## C H A P. XXX.

*An Act for dividing Edgcomb County, and other Purposes therein mentioned.*

I. **W** H E R E A S the large Extent of the County of *Edgcomb* renders it grievous and troublesome to many of the Inhabitants thereof to attend the Courts and General Elections, and other public Meetings appointed therein;

Edgcomb divided, and Nash erected.

II. *B E 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 present Session of Assembly, the said County of *Edgcomb* be divided by a Line, beginning at the cool Springs, at *John Powell's*, on *Fishing Creek*, thence running to the Falls of *Tar River*, from thence to the *Widow Rose's* on *Contentney*; and that all that Part of the late County of *Edgcomb* which lies to the East of the said dividing Line, shall continue and remain a distinct County, by the Name of *Edgcomb*; and that all that other Part of the said County of *Edgcomb* which lies West of the said dividing Line, shall thenceforth be erected into a new and distinct County, by the Name of *Nash* County.

[*The Remainder unnecessary to be inserted.*]

## C H A P. XXXI.

*An Act for erecting the District of Washington into a County, by the Name of Washington County.*

Washington erected.

I. **B** E 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 late District of *Washington*, and all that Part of this State comprehended within the following Lines, shall be erected into a new and distinct County, by the Name of *Washington* County, *viz.* Beginning at the most North-Westerly Part of the County of *Wilkes*, on the *Virginia* Line; thence running with the Line of *Wilkes* County, to a Point thirty-six Miles South of the *Virginia* Line; thence due West, to the Ridge of the



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the great Iron Mountain which heretofore divided the Hunting Grounds of the *Overhill Cherokees*, from those of the *Middle Settlements*, and *Valley*; thence running a South-Westerly Course, along the said Ridge, to the *Unacoy Mountain*, where the trading Path crosses the same from the *Valley* to the *Overhills*; thence South with the Line of this State, adjoining the State of *South-Carolina*; thence due West, to the great River *Mississippi*; thence up the said River the Courtes thereof, to a Point due West from the Beginning; thence due East with the Line of this State, to the Beginning: And it is hereby declared, that all that Part of this State comprehended within the Lines aforesaid, shall from henceforth be and remain the County of *Washington*, and shall be, and is hereby declared to be Part of the District of *Salisbury*.

Part of *Salisbury* district.

II. AND be it further enacted by the Authority aforesaid, and it is hereby declared, That all that Part of this State lying West of *Rowan* County, and South of the County of *Washington*, shall be, and is hereby declared to be Part of the County of *Burke*.

Part of *Burke*.

[The Remainder unnecessary to be inserted.]

## C H A P. XXXII.

An Act for erecting Part of the County of *Surry*, and Part of the District of *Washington*, into a separate and distinct County, by the Name of *Wilkes*.

I. WHEREAS the large Extent of the County of *Surry*, and the District of *Washington*, renders it grievous and burthensome to many of the Inhabitants thereof to attend the Courts, General Musters, and other public Meetings therein;

II. BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the fifteenth Day of *February* next after the passing of this Act, the said County of *Surry* and District of *Washington* be divided by the following Lines; Beginning at a Point twenty-six Miles due West of *Surry* Court-House, thence North to the *Virginia* Line, thence West along the said Line to the Ridge that divides the Waters of *Holstein* and *New Rivers*, thence along the said Ridge to *Burke* County Line, thence Eastwardly along the Line that divides the Counties of *Surry* and *Burke* to *Rowan* County Line, thence along *Rowan* County Line to a Point due South of the Beginning, thence North to the Beginning, be erected into a distinct County, by the Name of *Wilkes*.

*Wilkes* erected,

[The Remainder unnecessary to be inserted.]

## C H A P. XXXIII.

An Act for adding Part of the County of *Duplin* to *Johnston*.

I. WHEREAS the upper Part of *Duplin* County is very extensive in Length, which renders it burthensome to the Inhabitants of *Johnston* and *Cumberland* Counties, by Reason of the said County of *Duplin* running up twenty Miles between *Johnston* and *Cumberland* Counties, not more than three Miles wide, which obstructs the making of Roads and keeping them in Repair, much to the Injury of the Inhabitants of the aforesaid Counties, and Damage of Travellers:

II. BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all that Part of *Duplin* County above *Dismal* Creek be added to the County of *Johnston*, and that it be divided by said Creek, beginning at the Mouth of the Creek, *Cumberland* Line, thence running up the Meanders of the said Creek an East Course to *Johnston* County Line; and that from and after the passing of this Act, that all that Part of *Duplin* County above said Creek be annexed to, and made Part of the County of *Johnston*, and the Inhabitants thereof shall be subject and liable to the same Rules, Orders, Taxes and Privileges, as any other the Inhabitants of the County of *Johnston*.

Part of *Duplin* added to *Johnston*



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## C H A P. XXXIV.

An Act for erecting a Prison in the Town of Edenton, for the Use of the District of Edenton. P R I V.

## C H A P. XXXV.

An Act to ratify and confirm an Act, entitled, An Act for the Regulation of the Town of Wilmington; also to revive an Act, entitled, An Act for the Regulation of the Town of Wilmington. P R I V.

## C H A P. XXXVI.

See act April,  
1784, c. 30.

An Act for levying a Tax for defraying the Contingencies of the several Counties in this State, and other Purposes.

I. **W**HEREAS it is necessary to make Provision for discharging the Contracts and Agreements heretofore made by the Inferior Courts in the several Counties in this State, and for other good and necessary Purposes:

II. [Repealed by Act May, 1779. Ch. 3.]

Justices to order  
what sum to be  
collected.

III. *A N D* be it further enacted by the Authority aforesaid, That the Justices of the several County Courts in this State shall, during the Sitting of their respective Courts to be held next after the first Day of July, in the Year of our Lord one thousand seven hundred and seventy-eight, and so at such Courts yearly, and every Year, proceed to consider what Sums of Money will be necessary and sufficient for the Purposes mentioned in this Act, and for the other Contingencies of their respective Counties; and in Case they should determine that the Tax by this Act imposed will be greater than the Inhabitants of such County can conveniently pay, or will raise more Money than will be wanted for the aforesaid Purposes, the Court may order that the Collectors do collect only so much thereof as they may think necessary and expedient, and the public Collectors are hereby empowered and required to collect the same accordingly, and no more, of the Tax by this Act laid on taxable Property, any Thing herein before contained to the contrary notwithstanding: And the said Court shall, and they are hereby required, in each respective County, during the Term aforesaid, to appoint one good and proper Person to act as a Trustee for one Year for the Purposes herein mentioned, which Appointments shall be entered on the Records of the said Court; and the Person so appointed, after giving Bond and sufficient Security for the faithful Discharge of his Duty, agreeable to the Directions of this Act, and the Orders of the Court, is hereby directed, and shall have full Power and Authority to sue for, recover and receive, from the late Sheriff of the County, and from all other Persons, all Monies which may be in their Hands due and payable to, and for the Use of such County, and shall also receive from the Collectors all such Sums of Money as they shall be liable for in Virtue of this Act; which Monies the Trustees respectively shall apply as the County Court may direct, and to no other Use or Purpose whatsoever.

To appoint a  
trustee.

Succession of  
trustees kept up.

IV. *A N D* be it further enacted by the Authority aforesaid, That in Case of the Death, Disqualification, Neglect, or Refusal to act, of any of the Trustees by this Act to be appointed, the Court of the County where such Death, Disqualification, Neglect or Refusal shall happen, may proceed to appoint one other good and proper Person to fill up such Vacancy until the next annual Appointment, under the Rules and Regulations before described; and such Trustee during his Continuance in that Appointment, shall have the same Powers and Authorities which by this Act are given to other County Trustees; and the County Courts in this State are hereby respectively invested with full Power to direct the Application of all Monies arising by Virtue of this Act to and for the Purposes herein mentioned, and to any other good and necessary Purpose for the Use of the County, and may allow the County Trustee a reasonable Salary out of the same for his Services.

Tax in lieu of  
assessment.  
See act May,  
1779, c. 3.

V. *A N D* be it also enacted by the Authority aforesaid, That every Freeman in this State (other than Soldiers in the continental Service) who does not possess the Value of one hundred Pounds in taxable Property, shall pay annually a Tax of one



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one Shilling in Lieu of Assessment on Property, which Sum shall be collected and accounted for as other Taxes mentioned in this Act; and in Case any Justice of the Peace, or Trustee of any County in this State, shall neglect or refuse to do and perform the several and respective Duties by this Act required, or any of them, or if the Clerk of any County shall neglect or refuse to furnish the several Collectors in due Time with attested Copies of such Orders as the Court of his County may make respecting the Collection of the aforesaid Tax, the Person so offending, refusing or neglecting, shall forfeit and pay for every Neglect or Refusal the Sum of five Pounds good and lawful Money of this State; to be recovered by Action of Debt, in the Name of the Governor or Commander in Chief for the Time being, to and for the Use of the County where the Offence was committed.

Pen. on persons neglecting their duty.

## C H A P. XXXVII.

An Act for securing Lots in Elizabeth Town, in Bladen County. PRIV.

## C H A P. XXXVIII.

An Act for adding Part of Brunswick County to Bladen, and Part of Bladen to Brunswick County.

I. **W**HEREAS that Part of Brunswick County on the Western Side of Waggamaw Lake, lying between the dividing Line of Brunswick and Bladen Counties, and the Swamp called the Devil's Elbow, renders it extremely inconvenient for the few Persons who reside thereon to attend Courts and public Duties in Brunswick County, being obliged to go a considerable Distance into Bladen County, and to make a large Circuit before they can get into their own County on any direct Road; and whereas the Lands on the Northern Side of the said Swamp is of easy Access on the Bladen Side, and proves an Asylum for Vagabonds and Persons of evil Fame, who do not pay Taxes in any County, and are out of the Reach of any Process that can issue from Bladen, to the great Prejudice of the neighbouring Inhabitants; and whereas those Parts of Bladen County on the Eastern Side of the Northwest River, as high up the said River as Brunswick County reaches on the Western Side, make Part of the Plantations of the Inhabitants of Brunswick County who live on the said River, and will make it very inconvenient and expensive for them to give in their Lands and other Estates in Bladen County, and subject them to many other Inconveniencies: For Remedy whereof,

II. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all that Part of Brunswick County on the Western Side of Waggamaw Lake, lying between Brunswick and Bladen Line, and the Southern Side of the Swamp known by the Name of the Devil's Elbow, beginning at the Outlet from the said Lake, and running round the outermost Side of the said Swamp called the Devil's Elbow, until it intersects the said Line a Southwest Course to the Province Line, shall be, and is hereby added to, and made Part of Bladen County; and that all those Parts of Bladen County lying on the Eastern Side of the Northwest River, beginning at the upper Corner of the Plantation of John Grainger, Sen. Esq. on the same Side of the River, and running thence a Northeast Course to Black River, including all the Lands from the said Line downwards to New-Hanover Line, be, and are hereby added to, and made Part of Brunswick County.

[The Remainder unnecessary to be inserted.]

## C H A P. XXXIX.

An Act for building a Court-House in the Town of Salisbury, for the District of Salisbury. PRIV.

## C H A P. XL.

An Act for laying a Tax to defray the Expence of the Public Buildings in the County of Burke, and other Purposes therein mentioned. PRIV.

T A

C H A P.



A. D. 1777.

## C H A P. XLI.

*An Act to amend an Act, passed the last Session of this Assembly, entitled, An Act for establishing a new County between Hillsborough and the Virginia Line, by creating the Northern Part of Orange County into a distinct County, by the Name of Caswell. P R I V.*

## C H A P. XLII.

*An Act for adding Part of Anson County to Bladen.*

I. **W** H E R E A S the Inhabitants of the lower End of *Anson* County labour under great Inconveniencies in attending the Courts and other public Meetings of the said County at the Court-House thereof, and being more convenient for those Purposes to the County of *Bladen*, are desirous to be annexed thereto;

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That *James Pickett, Charles Medlock, Abraham Barns, and Richard Smith*, Esquires, be, and they are hereby appointed Commissioners, and they, or a Majority of them, are required and directed, within three Months after the passing of this Act, to run and mark, or cause the same to be done, a Line from *Drowning Creek* Bank, beginning where *Overstreet's* Bridge formerly was, thence running the shortest Course to the dividing Line between this State and the State of *South-Carolina*; and all that Part bounded to the lower End by the Line above directed to be marked, and along the said South Line to where it crosses *Drowning Creek*, shall be, and is hereby annexed to, and made Part of the County of *Bladen*, and the Inhabitants thereof shall be subject and liable to the same Rules, Orders, Taxes, and Privileges, as any other of the Inhabitants of the said County of *Bladen*.

Part of *Anson* added to *Bladen*.

## C H A P. XLIII.

*An Act for empowering Commissioners to build a Prison and Stocks in the County of Duplin, and other Purposes therein mentioned. P R I V.*

## C H A P. XLIV.

*An Act to ratify an Act, entitled, An Act for the better Regulation of the Town of Newbern, and for securing the Titles of Persons who hold Lots in the said Town; also to ratify an Act, entitled, An Act for the better Regulation of the Town of Newbern, and for securing the Titles of Persons who hold Lots in the said Town; also to ratify an Act, entitled, An Act for amending an Act entitled an Act for the better Regulation of the town of Newbern, and for securing the Titles of Persons who hold Lots in the said Town. P R I V.*

## C H A P. XLV.

*An Act for the Regulation of the Town of Edenton. P R I V.*

## C H A P. XLVI.

*An Act for the Ease and Convenience of the Militia on the West Side of Newport, in Carteret County. P R I V.*

## C H A P. XLVII.

*An Act for establishing Fairs in the Town of Wilmington in New-Hanover County. P R I V.*

## C H A P. XLVIII.

*An Act for the better Regulation and Ease of the Militia in the lower End of Hyde County. P R I V.*

## C H A P. XLIX.

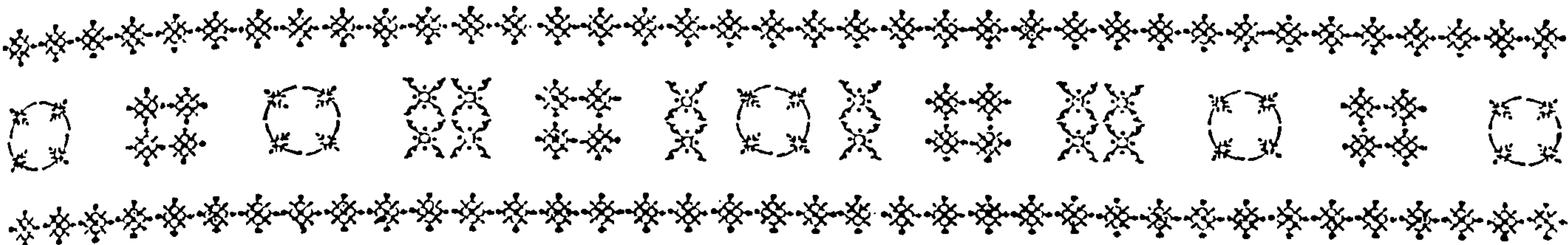
*An Act for altering the Name of John Gilliard to that of John Iler. P R I V.*

*Read Three Times, and ratified in General Assembly, }  
the twenty-fourth Day of December, 1777. }*

S I G N E D B Y S A M U E L A S H E, S. S.  
A B N E R N A S H, S. C.

L A W S





# L A W S

O F

# NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held at Newbern, on the Fourteenth Day of April, in the Year of our Lord One Thoutand Seven Hundred and Seventy-eight, and in the Second Year of our Independence: Being the First Session of this Assembly.

RICHARD CASWELL, Esq. Governor.

## C H A P. I.

An Act for raising Men, to complete the Continental Battalions belonging to this State.

Temporary.

## C H A P. II.

An Act for Restraint of Vagrants, and preventing Desertion.

Part of the act temporary; the rest provided for by act April 1784 c. 31.

## C H A P. III.

An Act to amend an Act, entitled, An Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned.

See act Nov. 1777 and references in the margin.

I. WHEREAS it has been found by Experience that divers Parts and Clauses in the said Act are defective, so as to require in some Places an Explanation, and in others an Amendment;

II. BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That in all Cases where the Quantity of Land surveyed shall fall short of the Entry, that the Entry Takers for each and every County in this State shall, and they are hereby commanded and required, to refund to every Person who already hath, or hereafter may make any Entry, the exact Deficiency which shall or may appear betwixt the actual Survey and the Entry, on the Return of the said Survey.

Fees returned where land is short of the entry.

III. AND be it also enacted, by the Authority aforesaid, That no Entry Taker for the future shall presume to take or receive the Fees due by Law to the Surveyor, but that the same shall be paid to the Surveyor himself, at the Time he really makes the Survey, by the Person requiring such Service; and that all Fees heretofore received by Entry Takers for the Use of any Surveyor, be on Application fairly returned to the Person who made the Entry, and paid such Fees.

Surveyor's fees to be paid to himself.

IV. AND whereas by an Act of this present Session of Assembly it is provided, that two thousand six hundred and forty eight effective Men be immediately called forth from this State into the Service of the United States, for a Space of Time therein mentioned; and whereas by Reason of such Service, great Inconvenience and Disappointments may arise to those of them who hath made, or may make any Entry of a Claim for Lands in this State, respecting a Completion of their Titles: Be it enacted, and it is hereby enacted by the Authority aforesaid, That in all Cases of disputed Claims, where any of the Persons aforesaid, or any other Person in the continental Service from this State, may be a Party, that all Proceedings

Disputed claims of persons in the army suspended.



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Proceedings thereupon be suspended and stopped until the first Day of *May*, one thousand seven hundred and seventy-nine, or until the Legislature shall take further Measures thereupon; and every Procedure contrary to the true Intent and Meaning of this Section, is and are hereby declared to be utterly void, and of no Force or Effect in Law, of which all Entry Takers and Surveyors are expressly required and commanded to make due Observance.

No lands to be entered within the Indian bounds.

V. *AND* be it further enacted by the Authority aforesaid, That for the future no Person shall presume to enter or survey any Lands within the *Indian* Hunting Grounds, or without the Limits of the Land heretofore ceded by the *Indians*, or conquered from them, which Limits Westward are hereby declared to be as follows, *that is to say*, Beginning at a Point in the dividing Line which hath been agreed upon between the *Cherokees* and Colony of *Virginia*, where the Line between that Commonwealth and this State (hereafter to be extended) shall cross or intersect the same; running thence a right Line to the North Bank of *Holstein* River, at the Mouth of *Cloud's* Creek, being the second Creek below the *Warrior's* Ford, at the Mouth of *Carter's* Valley, thence a right Line to the highest Point of a Mountain called the *High Rock*, or *Chimney Top*; from thence a right Line to the Mouth of *Camp* Creek, otherwise called *M'Names's* Creek, on the South Bank of *Nollechuckie* River, about ten Miles (be the same more or less) below the Mouth of *Great Limestone*; and from the Mouth of *Camp* Creek aforesaid, a South-East Course, to the Top of the Ridge of the Mountain called the *Great Iron Mountain*, being the same which divides the Hunting Grounds of the *Overhill* *Cherokees* from the Hunting Grounds of the *Middle Settlements*, and from the Top of the said Ridge of the *Iron Mountain* a South Course, to the dividing Ridge between the Waters of *French Broad* River and the Waters of *Nollechuckie* River; thence a South Westerly Course along the said Ridge, to the great Ridge of the *Appalachian* Mountains which divide the Eastern and Western Waters; thence with the said dividing Ridge, to the Line that divides the State of *South-Carolina* from this State: And that all Entries and Surveys of Land heretofore made, or which hereafter may be made within the said *Indian* Boundaries, are hereby declared to be utterly void, and of no Force or Effect; and the Entry Takers for the Counties of *Burke* and *Washington* are hereby strictly commanded immediately to refund to the proper Persons all Sums of Money by them received for the Purpose of any Entry within the *Indian* Limits as aforesaid, their own Fees for making the Entry included.

Entry Takers when to account.

VI. *AND* be it also further enacted by the Authority aforesaid, That no Entry Taker in this State shall be obliged to pay into the Treasury any Sum or Sums of Money by him received, on Account of any Entry of Lands with him made, until the Expiration of three Months after the Date of such Entry; any Law, Usage or Custom, to the contrary notwithstanding.

Dividing lines how run.

VII. *AND* be it further enacted by the Authority aforesaid, That the Surveyors shall run all dividing Lines between Party and Party, according to the Directions they may receive from them, or agreeable to Directions from a Jury, in Cases of contested and disputed Claims, without regarding the cardinal Points; any Law, Usage or Custom, to the contrary notwithstanding.

Houses of worship secured to their uses.

VIII. *AND* be it further enacted by the Authority aforesaid, That all Houses and Edifices erected for, and dedicated to the Worship of Almighty God, where the same may have been on vacant or unappropriated Lands, together with two Acres adjoining the same, shall hereafter be held and kept sacred for divine Worship, to and for the Use of such Society or Sectary by which the same was originally established.

Repealing clause.

IX. *AND* be it further enacted by the Authority aforesaid, That so much of an Act of Assembly, intituled, *An Act for opening the Land Office, &c.* passed at *Newbern* in *December*, one thousand seven hundred and seventy-seven, which comes within the Purview and Meaning of this Act, be, and the same is hereby declared to be repealed and made void, as if the same had never been made.



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## C H A P. IV.

An Act to alter the Times for holding the several Superior Courts of Law, and for the better arranging the County Courts within this State.

See acts October 1784, c. 7, § 11, Nov. 1785, c. 2.

I. **W**HEREAS the Times for holding the several Superior and Inferior Courts of Law within this State, from Experience, are found to be exceedingly inconvenient: For Remedy whereof,

II. *B E* it enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That from and after the first Day of August next, the several Superior Courts of Law shall be held for the several Districts in this State on the following Days, and in the following Places, *that is to say*, For the District of Salisbury, in the Town of Salisbury, for the Counties of Rowan, Mecklenberg, Tryon, Anson, Surry, Guilford, Burke, Washington and Wilkes, on the fifteenth Days of March and September. For the District of Hillsborough, in the Town of Hillsborough, for the Counties of Orange, Granville, Wake, Chatham and Caswell, on the first Days of April and October. For the District of Halifax, in the Town of Halifax, for the Counties of Halifax, Northampton, Edgcomb, Bute, Martin and Nash, on the fifteenth Days of April and October. For the District of Edenton, in the Town of Edenton, for the Counties of Chowan, Perquimans, Pasquotank, Currituck, Bertie, Tyrrel, Hertford and Camden, on the first Days of May and November. For the District of Newbern, in the Town of Newbern, for the Counties of Craven, Carteret, Beaufort, Johnston, Hyde, Dobbs and Pitt, on the fifteenth Days of May and November. For the District of Wilmington, in the Town of Wilmington, for the Counties of New-Hanover, Onslow, Bladen, Duplin, Cumberland and Brunswick, on the thirtieth Days of May and November. And each Term shall continue ten natural Days, exclusive of Sundays, by Adjournment from Day to Day, if the Business shall 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 shall happen to fall on a Sunday, then such Court shall be held the next succeeding Day, any Thing herein contained to the contrary notwithstanding.

III. [*Provided for by a subsequent Act.*]

IV. *A N D* be it enacted by the Authority aforesaid, That so much of an Act of Assembly, passed at Newbern the twenty-fourth Day of December, in the Year one thousand seven hundred and seventy-seven, entitled, *An Act for establishing Courts of Law, and for regulating the Proceedings therein*, as comes within the Purview of this Act, is, and are hereby henceforth repealed and made void.

## C H A P. V.

An Act to enforce such Parts of the Statute and Common Laws as have been heretofore in Force and Use here, and the Acts of Assembly made and passed when this Territory was under the Government of the late Proprietors and the Crown of Great-Britain, and for reviving the several Acts therein mentioned.

I. **W**HEREAS Doubts may arise, upon the Revolution in Government, whether any and what Laws continue in Force here: For Prevention of which,

II. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all such Statutes, and such Parts of the Common Law, as were heretofore in Force and Use within this Territory, and all the Acts of the late General Assemblies thereof, or so much of the said Statutes, Common Law, and Acts of Assembly, as are not destructive of, repugnant to, or inconsistent with the Freedom and Independence of this State, and the Form of Government therein established, and which have not been otherwise provided for, in the Whole or in Part, not abrogated, repealed, expired, or become obsolete, are hereby declared to be in full Force within this State.

Statutes, &c. enforced.

III. *A N D* be it enacted by the Authority aforesaid, That one Act of the General Assembly, made under the late Government, entitled, *An Act for the more advantageous and easy Manner of obtaining Partitions of Lands in Coparcenary, Joint Tenancy, and Tenancy in Common*; one other Act, entitled, *An Act to prevent Card Playing and other*

Acts revived.



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other deceitful Gaming, passed at Newbern, in the Month of December, in the Year one thousand seven hundred and seventy; also one Act, entitled, *An Act for the Relief of insolvent Debtors, with Respect to the Imprisonment of their Persons*, made and passed at Newbern the sixth Day of March, one thousand seven hundred and seventy-three, but since repealed by Proclamation; and the following Acts passed the last Session of Assembly, but which expire with this Session, if not revived, to wit, *An Act to prevent hunting with a Gun by Fire Light in the Night*; and *An Act to ratify an Act, entitled, An Act for the better Regulation of the Town of Newbern, and for securing the Titles of Persons who hold Lots in the said Town*; also to ratify *an Act, entitled, An Act for the better Regulation of the Town of Newbern, and for securing the Titles of Persons who hold Lots in the said Town*; also to ratify *an Act, entitled, An Act for amending an Act, entitled, An Act for the better Regulation of the Town of Newbern, and for securing the Titles of Persons who hold Lots in the said Town*; be, and are hereby revived, and declared to be in Force, so far as the said Acts are not destructive of, repugnant to, or inconsistent with the Freedom and Independence of this State, and the Form of Government therein established.

## C H A P. VI.

*An Act allowing Salaries to the Governor, Secretary, Delegates, Treasurers, and Members of the Council of State, and other Purposes. E X P.*

## C H A P. VII.

*An Act to establish Rules to be observed in solemnizing the Rites of Matrimony.*

See acts April 4;  
1741, c. 1. Nov.  
3, 1766, c. 9.

I. **W**HEREAS it is absolutely necessary that Rules should be observed concerning celebrating the Rites of Matrimony;

Matrimony how  
solemnized.

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all regular Ministers of the Gospel of every Denomination, having the Cure of Souls, and all Justices of the Peace in this State, are hereby authorized and empowered to solemnize the Rites of Matrimony, according to the Rites and Ceremonies of their respective Churches, and agreeable to the Rules in this Act prescribed; and the said Ministers may demand and take for every Couple by them married, if by Licence, the Sum of twenty Shillings lawful Money of this State, and if by Publication, the Sum of ten Shillings like Money, to their Use, and no more.

Licence granted.

III. *AND* be it further enacted by the Authority aforesaid, That the Clerk of each County Court is hereby authorized and empowered to grant Marriage Licences to any Person applying for the same, first taking Bond, in the Name of the Governor for the Time being, and his Successors, with sufficient Security, in the Sum of five hundred Pounds lawful Money of this State, with Condition that there is no lawful Cause to obstruct the Marriage for which such Licence is desired, to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, by the Party grieved; which Bond aforesaid shall be taken, and Licence granted, by the Clerk of the County in which the Feme resides, which Licence shall be directed to any authorized Minister or Justice of the Peace, and may demand and take the Sum of sixteen Shillings lawful Money of this State, and no more, for his Service in taking Bond and granting Licence as aforesaid.

Banns to be pub-  
lished.

VI. *AND* be it further enacted by the Authority aforesaid, That every Minister of the Gospel, qualified as in this Act before directed, or any other Person appointed by their respective Church as a Reader, is hereby authorized and empowered to publish the Banns of Matrimony between any two Persons requesting the same, provided that every Publication shall be made three several Sundays in the Congregation immediately after or during divine Worship, and shall give a Certificate of such Publication when demanded, directed to any authorized Minister or Justice of the Peace, and may demand and take for his Service, the Sum of four Shillings lawful Money of this State, and no more. *Provided*, That the People called Quakers shall still retain their former Rules and Privileges in solemnizing



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lemnizing the Rites of Matrimony in their own Church, any Thing in this Act contained to the contrary notwithstanding.

V. *AND* be it further enacted by the Authority aforesaid, That if any Minister or Justice of the Peace shall knowingly join together in Matrimony any two Persons, in any Way or Manner other than by this Act directed, shall forfeit and pay for every such Offence the Sum of fifty Pounds lawful Money of this State; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, one Half to him that shall sue for the same, and the other Half to be applied by the Court to the Use of the County where such Forfeiture ariseth, and be also liable to an Action of Damage to the Party grieved: And if any Clerk shall knowingly grant Marriage Licence, in any Way or Manner other than by this Act directed, he shall forfeit and pay for every such Offence the Sum of one hundred Pounds lawful Money of this State; to be recovered and applied as other Fines in this Act before directed, and be also liable to an Action of Damage to the Party grieved.

Pen. for marrying unlawfully.

And on Clerks for granting licence.

## C H A P. VIII.

*An Act to empower the County Courts of Pleas and Quarter Sessions in this State to order the laying off public Roads, and establish and settle Ferries, and other Purposes therein mentioned.*

Rep. by acts April, 1782, c. 19. and Oct. 1784, c. 14.

## C H A P. IX.

*An Act for procuring a Great Seal for this State.*

I. **W**HEREAS it is necessary that a Great Seal be procured, to be used by the Governor for the Time being as the Seal of this State:

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That William Tisdale, Esq. be and he is hereby appointed to cut and engrave a Seal, under the Direction of his Excellency the Governor, for the Use of the State; and the said Seal, when engraved, shall be called the Great Seal of the State of North-Carolina, and shall be used and affixed by the Governor for the Time being to all Grants, Proclamations, and other public Acts of the Executive Authority of this State.

Great seal to be made.

## C H A P. X.

*An Act to compel the late Officers of the Militia in this State, to account for and pay to the succeeding Commanding Officers all Monies in their Hands arising from the Fines of Delinquents.*

I. **W**HEREAS many Officers of the Militia have collected large Sums of Money by Virtue of the Law as Fines on Delinquents, and refuse or neglect to account for the same;

II. *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 Commanding Officer in each County within this State, and he is hereby required, to issue Citations to all or any of the late Officers whom he may suspect to have Money in his or their Hands arising from the Fines on Delinquents, to appear at the succeeding Court Martial, and fully account upon Oath for all Monies by him or them collected as aforesaid.

Citations to late officers having money in their hands.

III. *AND* be it further enacted by the Authority aforesaid, That if any Person cited as aforesaid at least ten Days before the Sitting of the Court Martial, and shall refuse or neglect to appear, or appearing, refuse to account for and pay into the Hands of the President of the Court-Martial, all Sums of Money in their Hands collected from Fines as aforesaid, such Persons neglecting or refusing on such Citation, due Proof being made thereof, shall forfeit and pay the Sum of one thousand Pounds; to be recovered by the President of the Court-Martial, who is hereby required and directed to sue for the same, by Action of Debt, in any Court

Pen. for refusing to appear.

of



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of Record having Cognizance thereof, the one Half for the Use of the County, towards lessening the County Tax, and the other Half to be applied as other Fines directed by the Militia Law.

Officer to lay an account of fines before the Court Martial.

IV. *AND be it enacted by the Authority aforesaid*, That the Commanding Officer of each County in this State shall lay before the Court-Martial in his County once in every Year, a true Account of all the Fine Money in his Hands, and the Disbursements, shewing the Quantity of Arms by him purchased, and how they are disposed of; and in Case of Neglect or Refusal of any of the said Commanding Officers, he shall forfeit and pay the Sum of five hundred Pounds; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, by any of the Militia Officers within the County where he resides, to be applied as other Fines in this Act directed.

Rep. by act April, 1783, c. 20.

C H A P. 11. *An Act to amend an Act, entitled, An Act to regulate the Pilotage of Cape-Fear and Occacock Bars, and the Rivers leading from the same to Brunswick, Wilmington, Newbern, Bath and Edenton.*

12. *An Act to prohibit the Exportation of Beef, Pork, Bacon, and Indian Corn. E X P.*

Provided for by subsequent acts.

13. *An Act more effectually to punish the Persons concerned in any of the several Species of counterfeiting in this State.*

Provided for by subsequent acts.

14. *An Act for ascertaining Sheriffs and Constables Fees in this State.*

Temporary.

15. *An Act for repairing Fort Johnston, near the Entrance of Cape-Fear River.*

## C H A P. XVI.

See acts August, 1778, c. 5. April, 1780, c. 23, 25, § 9. April, 1783, c. 21. Indian lands secured to the Indians.

*An Act for quieting and securing the Tuscarora Indians, and others claiming under the Tuscaroras, in the Possession of their Lands.*

I. **B** *E it enacted by the General Assembly, and it is hereby enacted by the Authority of the same*, That *Whitmell Tuffdick*, Chief or Headman of the *Tuscarora* Nation, and the *Tuscarora* Indians, now living in the County of *Bertie*, shall have, hold, occupy, possess and enjoy, all the Lands lying in the County of *Bertie* aforesaid, whereof they are now seized and possessed (being Part of the Lands heretofore allotted to the *Indians* aforesaid by solemn Treaty, and confirmed to them and their Successors by Act of Assembly, in the Year one thousand seven hundred and forty-eight) without Let, Molestation or Hindrance, clear of all Quitrents, or any public Demand by Way of Tax whatever, to them the said *Tuscarora* Indians, and their Heirs and Successors; and that they the said *Tuscaroras*, and their Heirs and Successors, shall forever be clear and exempt from every Kind of Poll Tax.

No purchases to be made of the Indians, nor their lands cultivated.

II. *AND* whereas the said *Tuscarora* Indians, by Nature ignorant, and strongly addicted to drinking, may be easily imposed on by designing Persons, and unwarily deprived of their said Lands; *Be it enacted by the Authority aforesaid*, That no Person, for any Consideration whatever, shall hereafter purchase, buy or lease, any Tract or Parcel of Land now claimed by, or in Possession of the said *Tuscarora* Indians, or any of them; nor shall any Person settle on or cultivate the said Lands, or any Part thereof, in his own Right, or under Pretence as acting as Overseer for the *Indians*; and if any Person shall hereafter purchase, buy or lease any Lands of the said *Indians*, or settle on or cultivate any Part thereof, in his own Right, or as Overseer for the *Indians*, all such Purchases, Sales, Leases and Agreements, shall be, and they are hereby declared null and void; and the Person so purchasing, buying or leasing, settling on or cultivating the said Lands, or any Part thereof, shall forfeit and pay the Sum of three hundred Pounds current Money for every hundred Acres by him so purchased, bought or leased; settled on or cultivated as aforesaid, one Half to the Use of the said *Tuscarora* Indians, the other to the Use of him or her who shall sue for same; to be recovered by Action of Debt, Bill,   
Plaint,



A. D. 1778.

Plaint, or Information, in any Court having Cognizance thereof. *Provided*, That the said *Tuscarora Indians* may sell or dispose of their Lands, or any Part thereof, with Consent of the General Assembly first had and obtained.

But with consent of the General Assembly.

III. A N D whereas the Chieftains and Headmen of the *Tuscarora Nation* living in the County, did on the twelfth Day of *July*, in the Year one thousand seven hundred and sixty-six, for the Consideration of fifteen hundred Pounds to them paid by *Robert Jones, Jun. William Williams, and Thomas Pugh*, by Indenture under their Hands and Seals, demise, grant, and to Farm let, unto the said *Robert Jones, William Williams, and Thomas Pugh*, a certain Tract of Land lying in the County aforesaid, containing about eight thousand Acres, more or less, bounded as follows, *to wit*, Beginning at the Mouth of *Deep Creek*, otherwise called *Falling Run*; thence running up the said Creek to the *Indian Head Line*; thence by the said Line South seventeen Degrees East, twelve hundred and eighty Pole; thence a Course parallel with the general Current of the said Creek to *Roanoke River*; and then up the River to the Beginning; together with the Appurtenances thereto belonging, to be held and enjoyed by the said *Robert Jones, William Williams, and Thomas Pugh*, their Executors, Administrators and Assigns, in Severalty, for and during the Term of one hundred and fifty Years, as may more fully appear by the said Indenture, registered in the County Court of *Bertie* aforesaid, and ratified by Act of Assembly, passed at *Newbern* in the Year one thousand seven hundred and sixty-six; *Be it enacted by the Authority aforesaid*, That each and every of the Persons entitled to claim under the Demise afore mentioned, or by Grants from the Persons claiming under the same, or either of them, and their Heirs and Assigns, shall and may have, hold, occupy, possess and enjoy, the several Shares, Dividends or Parcels of the said Land to them belonging, in as full, free, and absolute Manner, and with the same legal Privileges and Advantages, in every Respect, and subject to the same Taxes, as if the said Land had been originally granted to the said *Robert Jones, William Williams and Thomas Pugh*, by Lord *Granville*, or by this State.

Former purchases from the Indians, under the sanction of the Assembly, secured.

IV. A N D whereas the said *Tuscarora Indians*, for good and sufficient Reasons, and for valuable Considerations, have since the twelfth Day of *July*, one thousand seven hundred and sixty-six, and previous to the first Day of *December* last, demised, granted, and to Farm let, sundry Tracts or Parcels of Land lying in said County of *Bertie*, to sundry Persons, as by Indentures duly executed may more fully appear; *Be it enacted by the Authority aforesaid*, That all the Lands contained in the last mentioned Demises, if the said Demises were fairly, *bona fide*, and without Fraud, made by, and obtained from the said *Tuscarora Indians*, since the Year one thousand seven hundred and sixty-six, and previous to the first Day of *December* last past, shall not be deemed vacant Lands, or be liable to be entered as such in the Land-Office, unless the General Assembly shall hereafter so direct, but nevertheless shall be subject to the same Taxes as other Lands in this State are liable to.

Regulation in regard to former demises.

V. A N D whereas it is suggested by the said *Tuscarora Indians*, that unfair Dealing has been used in obtaining one or more of the Demises afore mentioned, and they the said *Indians* have at present no Mode for obtaining Redress in such Cases; *Be it therefore enacted by the Authority aforesaid*, That the Commissioners herein after mentioned, or a Majority of them, shall and may, upon Complaint of the said *Tuscarora Indians*, in Court or Meeting assembled, that any Person or Persons has or have unfairly or fraudulently obtained any Grant or Demise for Lands to them belonging since the Year one thousand seven hundred and sixty-six, and previous to the first Day of *December* last, summon the Person or Persons so complained against, or cause him or them to be summoned, to appear before them on a certain Day on the Land in Dispute (giving at least ten Days Notice previous to the Day in such Summons appointed) then and there to answer the Complaints of the *Indians* for having fraudulently or unfairly obtained a Grant or Demise of the Land in Question; and shall also summon, or cause to be summoned, a Jury of twelve Men, being Freeholders in the said County of *Bertie*, and not resident on, or Owners of any Lands purchased of the said *Tuscarora Indians*: And the said Commissioners, or a Majority of them, shall attend at the Time and Place appointed,

Method of trial for demises alleged to have been unfairly obtained.



A. D. 1778.

pointed, with the Jury aforesaid, and having first sworn the Jury to try and determine fairly between the said *Indians* and the Person or Persons complained against, shall and may cause Witnesses to be examined on both Sides, and receive the Verdict of the Jury, and return the same, with the Panel, to the next County Court of the said County of *Bertie*, to be entered upon Record, and such Verdict shall be as good and effectual as if obtained in any Court of Record; and if the same be general, the said Commissioners, or a Majority of them, shall and may appoint one or more Person or Persons to carry the same into Execution; but if special, then the Court shall decide thereon, and cause the Sheriff of the County to carry such Decision into Execution.

Commissioners  
for Indian affairs

VI. AND whereas the said *Indians* are often injured by Horses, Cattle and Hogs, driven on their Lands by the white People, the said Horses, Cattle and Hogs, breaking into their Inclosures, and destroying their Corn and other Effects, and are also frequently deprived of their Property, and abused by ill-disposed Persons: For Remedy whereof, and also for Recovery of Rents or Demands now due, or which may hereafter become due and owing to the said *Tuscarora Indians*; *Be it enacted by the Authority aforesaid, That William Williams, Thomas Pugh, Willie Jones, Simon Turner, and Zedekiah Stone, be, and they are hereby appointed Commissioners for the said Indians; and they, or any three of them, shall and may enquire into Complaints made by the said Indians, summon the Persons complained against before them, and award such Restitution and Redress as to them shall seem just and necessary; and may appoint an Officer or Officers to serve Subpœnas, and to execute such Awards and Determinations as they shall or may make in Regard of the Premises: And the Court of the said County of Bertie, is hereby authorized and required to fill up, from Time to Time, by new Appointments, any Vacancies which may happen among the Commissioners by Death or Resignation; and upon Complaint of the Chief or Headman of the Nation, and the Rest of the Indians, in Court or Meeting properly assembled, against any one of the Commissioners for Misbehaviour, may enquire into the Conduct of the Person or Persons complained against, remove him or them if necessary, and appoint another or others in his or their Stead.*

Reversion of In-  
dian lands.

VII. *AND be it further enacted by the Authority aforesaid, That the Lands leased by the said Tuscarora Indians to Robert Jones, Jun. William Williams, and Thomas Pugh, and to other Persons, shall revert to, and become the Property of the State, at the Expiration of the Terms the several Leases mentioned, if the said Nation be then extinct: And the Lands now belonging to, and possessed by the said Tuscaroras, shall revert to, and become the Property of the State, whenever the said Nation shall become extinct, or shall entirely abandon or remove themselves off the said Lands, and every Part thereof. Provided, That no Person shall have any Preference of Entry to any of the said Lands by Virtue of any Lease or Occupancy whatsoever since December, one thousand seven hundred and seventy-six, whenever the General Assembly shall declare the said Lands to be vacant.*

Temporary.

CHAP. 17. *An Act for fortifying Cape-Lookout Bay.*

18. *An Act for appointing Commissioners to build a Bridge across Cotentney, and for other Purposes therein mentioned. PRIV.*

19. *An Act to prevent the stopping the Fish in the Yadkin River. PRIV.*

20. *An Act for securing Lots in the Town of Tarborough, in Edgcomb County. PRIV.*

21. *An Act for building a Court-House in the Town of Hillsborough, for the District of Hillsborough. PRIV.*

22. *An Act to amend an Act, entitled, An Act for erecting Part of the County of Surry, and Part of the District of Washington, into a separate and distinct County, by the Name of Wilkes. PRIV.*

CHAP.

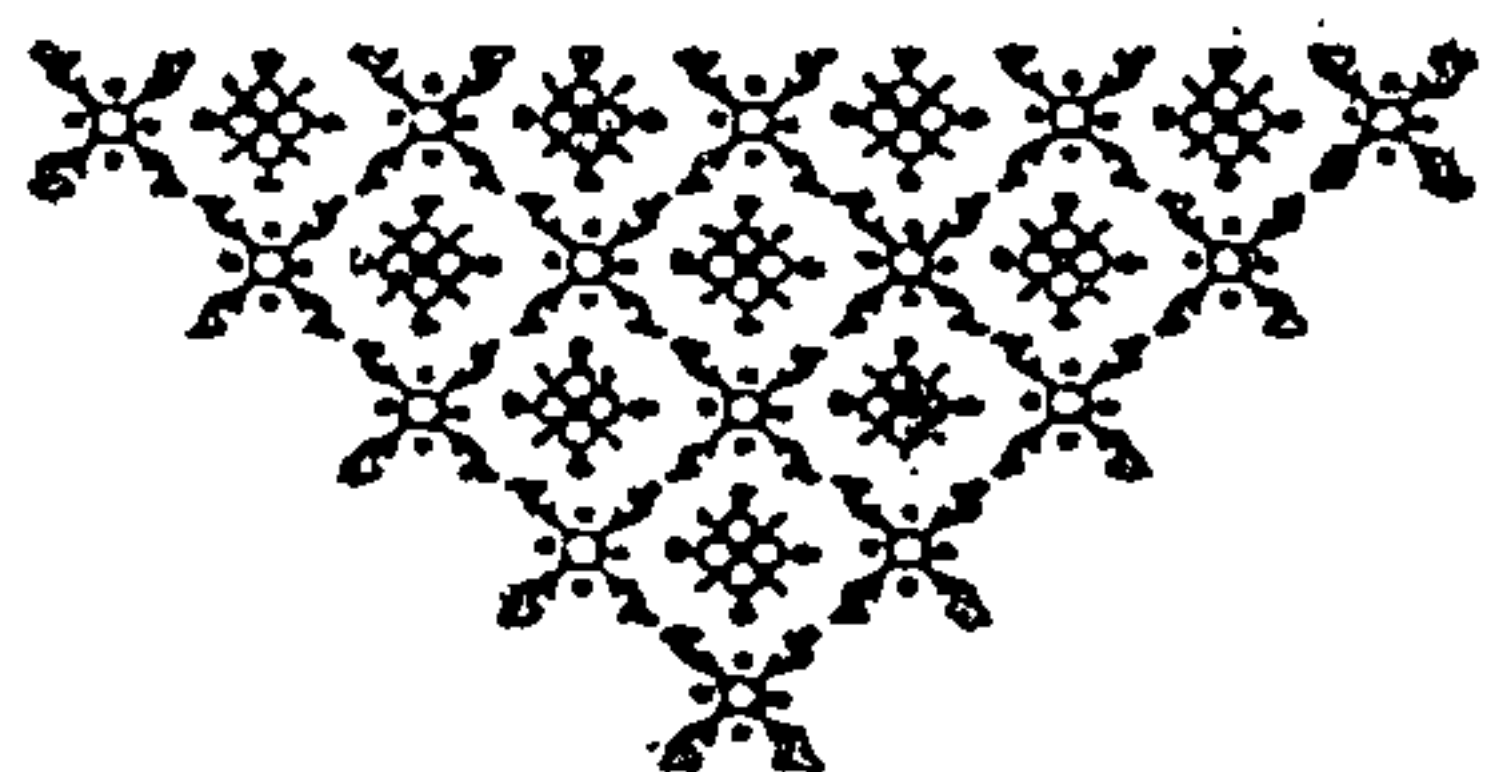


A. D. 1778.

- CHAP. 23. *An Act to amend an Act, entitled, An Act for establishing a Town in Mecklenberg County, passed in the Year One Thousand Seven Hundred and Sixty-Eight. P R I V.*
24. *An Act to empower the Justices of Duplin County to take into their Possession the Records of said County, now in the Possession of James Sampson. P R I V.*
25. *An Act for building a Court-House in Elizabeth Town, in the County of Bladen. P R I V.*
26. *An Act for regulating Campbellton, and erecting Public Buildings. P R I V.*

*Read Three Times, and ratified in General Assembly, }  
the Second Day of May, Anno Dom. 1778. }*

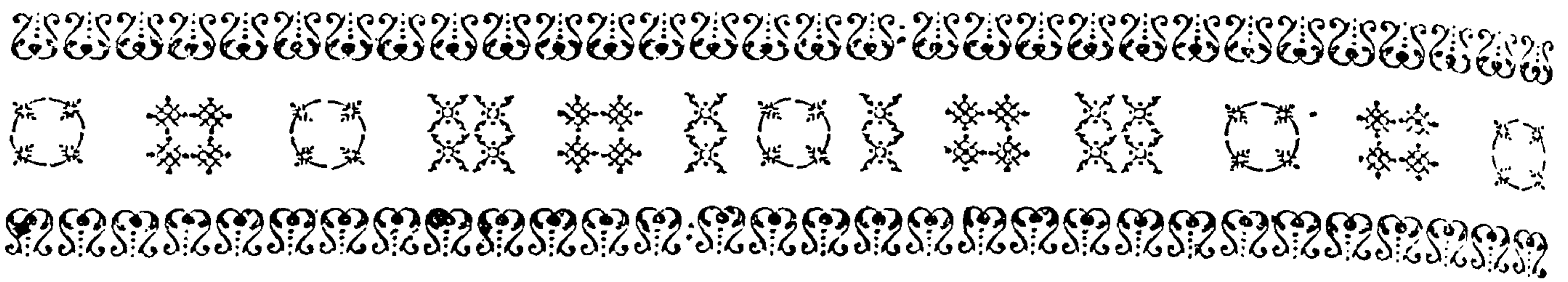
SIGNED BY WHITMILL HILL, S. S.  
THOMAS BENBURY, S. C.



L A W S



A. D. 1778.



## L A W S

O F

## N O R T H - C A R O L I N A .

RICHARD CAS-  
WELL, Esq. Go-  
vernor.

At a GENERAL ASSEMBLY, begun and held at Hillsborough, on the Eighth Day of August, in the Year of our Lord One Thousand Seven Hundred and Seventy-eight, and in the Third Year of the Independence of the said State: Being the Second Session of this Assembly.

## C H A P. I.

*An Act for emitting Eight Hundred and Fifty Thousand Pounds in Bills of Credit, for discharging the Debts incurred by this State in raising Men to reinforce the Battalions belonging to this State in the Continental Army, for calling in all former Emissions, and other Purposes.*

See act Jan.  
1779, c. 8.

I. **W**HEREAS this State has incurred Debts by raising Men to reinforce the Battalions thereto belonging in the Army of the United States, upon the particular Requisition of Congress, for the Payment of which Debts the public Faith stands pledged, and the Time for receiving the Taxes into the Treasury is too remote, and the Quantity thereof not yet ascertained; and whereas many evil disposed Persons have counterfeited great Part of the Bills of Credit now current in this State, in such a Manner as to be with great Difficulty distinguishable, and there is therefore great Danger of Injury to Individuals, and of Depreciation to the current Medium. And whereas also, the Disaffected in this State have endeavoured to depreciate the Bills of Credit emitted by the Authority of the Continental Congress, and the Congresses held in this State previous to our Constitution, by forming Comparisons much to the Prejudice of the said Bills of Credit, with the Bills of Credit emitted by Authority of the *British* Government; wherefore it is expedient to emit a Sum of Money in Bills of Credit, sufficient to discharge the said Debts, and call in all the Bills of Credit of former Emissions:

Sum emitted.  
See act Jan.  
1779, c. 8.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That eight hundred and fifty thousand Pounds be emitted on the Faith and Credit of this State, in Bills of the following Denominations, that is to say, Two thousand five hundred of one hundred Dollars, five thousand Bills of fifty Dollars, three thousand one hundred and twenty-five of forty Dollars, ten thousand of twenty-five Dollars, twelve thousand five hundred of twenty Dollars, fifty thousand of ten Dollars, fifty thousand of five Dollars, twelve thousand five hundred of four Dollars, twenty-five thousand of two Dollars, fifty thousand of one Dollar, one hundred thousand of Half a Dollar, one hundred thousand of one Fourth of a Dollar, one hundred thousand of one Eighth of a Dollar, and two hundred thousand of one Sixteenth of a Dollar; that the same be printed in a Printing Press, and that Henry Rhodes, Henry Horn, jun. Nathan Bryan, Jeremiah Frazier, James Saunders and George Alexander, be Commissioners to superintend and number the same; that James Kenan, John Lillington, James Williams, Thomas Satterwhite, Jesse Cobb, Benjamin Exum, William Sharp,*  
James



A. D. 1778.

James Kerr, Oroondates Davis, Benjamin Hawkins, Thomas Harvey and Joseph Jones, be Commissioners to receive the same when printed and numbered, to sign the same, and pay it into the Hands of the public Treasurers.

III. *AND* be it further enacted by the Authority aforesaid, That the general Form of the Bills hereby emitted shall be as follows, to wit, "State of North-Carolina. Form of the bills  
 " This Bill entitles the Bearer to receive Spanish milled Dollars,  
 " or the Value thereof in Gold or Silver, agreeable to an Act of Assembly passed  
 " at Hillsborough the eighth Day of August, 1778." And such Bill shall be im-  
 pressed and printed both in the Face and Reverse thereof, on the Edges as well as  
 the Body thereof, with divers Letters, Marks, Devices and Words which may  
 be difficult of Imitation, and which in the Opinion of the said Superintendants  
 of the Press, may most effectually secure the same from Attempts to counterfeit.

IV. *AND* be it also enacted by the Authority aforesaid, That every Dollar of the Value of the in-  
 Emission aforesaid, shall be held and deemed equal to eight Shillings proclama- ney.  
 tion Money, and shall pass current at the same, and be a lawful Tender in all  
 Payments and Contracts within this State, any Law, Custom or Usage to the con-  
 trary notwithstanding.

[The Remainder unnecessary to be inserted.]

## C H A P. II.

An Act to make Provision for the Recovery of Debts due to the United States, or any of them.

I. **W**HEREAS it is expedient that Provision be made for compelling all such Individuals as have received Money on Account of the United States, or any of them, to account and pay all Balances due:

II. *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 to com- Actions in the  
 mence and prosecute any Action or Actions, Suit or Suits, for any Debt, Duty or name of the Uni-  
 Demand, in the Name of the United States or any of them, in any Court of ted States, &c.  
 Law or Equity, or before any Judge or Justice within this State, where the Va-  
 lue of such Debt, Duty or Demand, may be cognizable; and every such Action  
 or Suit shall be subject to such Rules and Regulations, as Actions and Suits of  
 like Nature, commenced or prosecuted by any Citizen of this State. *Provided,*  
 That Costs shall be recoverable against the Agent, Factor or Attorney, who shall  
 commence the Action or Suit, when Judgment shall be given against the United  
 States, or any of them.

III. *AND* be it also enacted by the Authority aforesaid, That in any Action or Suit, How issue to be  
 in the Name of the United States, where it shall be made appear to the Court joined.  
 that a Declaration has been served on the Defendant or Defendants, with Notice  
 to prepare for Trial at the next ensuing Term, at least five Days before the said  
 Term, issue shall be joined; and the Action or Suit shall be tried the first Term,  
 except in Cases where the Court shall grant longer Time.

## C H A P. III.

An Act to amend an Act, passed in the last Session of this present Assembly, entitled, An Act to alter the Terms for holding the several Superior Courts of Law, and for better arranging the County Courts within this State.

I. **W**HEREAS by the said Act no Provision is made for transferring the several Causes on the Dockets of the several Superior Courts, and the County Courts in the said Act mentioned, or for making Procefs returnable to the Terms as they formerly stood, returnable to the Terms as established by the said Act, whereby a Discontinuation of all Suits and Procefs in the said Courts must happen, unless prevented by this Assembly, to the great Damage of Suitors in the said Courts, and to the Delay of Justice:

II. *BE* it therefore enacted by the General Assembly of North-Carolina, and it is hereby enacted by the Authority of the same, That every Suit, Indictment, Recogni- Causes transfer-  
 zance red.



A. D. 1778.

zance and Procefs, which was depending in the faid feveral Superior Courts, and in the County Courts in the faid Act mentioned, before the Time of passing the fame, and which hath not been abated, determined or discontinued, in due Courfe of Law, be, and is hereby declared to be transferred to the feveral Superior Courts, and the County Court aforefaid, as eftablished by the faid Act; and the Judges and Juftices in the faid Courts refpectively, fhall have Jurifdiction, and take Cognizance thereof, in the fame Manner as if the Terms had not been altered. And all Procefs, Recognizances, and other Proceedings, returnable to any certain Day or Days, in the Terms of the faid feveral Superior Courts, or County Court, as they flood before the passing of the Act aforefaid, fhall be returned to the fame Days of the Terms as eftablished by the faid Act.

C H A P. 4. *An Act to repeal Part of an Act, entitled, An Act allowing Salaries to the Governour, Secretary, Delegates, Treasurers, Members of the Council of State, and other Purpofes.*

Temporary.

## C H A P. V.

*An Act to prevent trading with the Cherokee Indians, without Licence first had and obtained; and alfo to prevent Trefpaffes upon the Indian Hunting Grounds.*

I. **W**H E R E A S divers avaricious and ill-dispofed Perfons, have by Frauds in Traffick, or by trefpaffing upon the Hunting Grounds of the *Cherokee Indians*, and divers other Abufes, excited their Jealoufies and Suspitions, which if not feafonably quieted, and fuch Abufes in future prevented, may involve this and other of the United States, in a bloody and expenfive *Indian War*.

II. *BE it therefore enacted by the Assembly of this State, and by the Authority of the fame*, That no Person or Inhabitant of this State, fhall trade, traffick or barter, with the *Cherokee Indians* within the *Indian Country*, unlefs he fhall first obtain a Licence for fo doing from the Judges of the Superior Courts; and if any Person fhall trade, traffick or barter, contrary to the true Spirit and Intention of this Act, fuch Person or Perfons fo offending, fhall, upon Conviction thereof, duly had and obtained in the Superior Court of the District neareft the Place where fuch Offence fhall have been committed, forfeit and pay the Sum of five hundred Pounds current Money of this State, one Half thereof to the Use of the Informer, the other to the Governour of this State, to be applied to defray the contingent Charges of Government; to be recovered by Action of Debt, Bill, Plaint or Indictment, wherein no Effoign, Excufe or Plea in Abatement fhall be admitted to the Jurifdiction of the faid Court, nor fhall Procefs be discontinued for or by Reason of any Omissions or Errors not fubftantially material; and in Cafe fuch Offender or Offenders fhall not within twenty-four Hours after Conviction, pay into Hands of the Sheriff of the County in which fuch District Court fhall be held, the faid Sum of five hundred Pounds, and all Cofts arifing upon fuch Profection, he fhall ftand in the Pillory two Hours, and receive thirty-nine Lashes upon his bare Back, and fhall ftand committed to the Gaol of the District until fuch Sums fhall be compleatly difcharged and paid.

III. *AND be it further enacted by the Authority aforefaid*, That if any Person fhall hereafter be guilty of trefpaffing upon the *Indian Hunting Grounds*, knowing them to be fuch, he fhall fuffer the fame Penalties, Fines and Forfeitures, to be profecuted, fued for and recovered, and inflicted, as are by this Act heretofore directed, with refpect to Perfons trafficking with the *Cherokee Indians*, and under the fame Rules, Regulations, Latitude and Restrictions, prefcribed to be had againft the Offenders fpecified in this Act heretofore, and all Fines and Forfeitures fhall be applied in Manner as before directed.

A L L E N J O N E S, S. S.  
T H O M A S B E N B U R Y, S. C.  
L A W S

NOTE. There is added in the printed Edition by *Davis*, after the Signature of the Speakers "An Act to prevent hunting with a Gun by Fire-Light in the Night." It does not appear, whether it passed that Session or was reprinted, according to his Promise (at the End of the Session of *April 1777*) it having been re-enacted. But if it was passed this Session, it expired, having been enacted only for five Months, and from thence to the End of the next Session.

See act April 1773, c. 16. and other acts there referred to.

Penalty for trading with the Indians.

For trefpaffing on their grounds.



L A W S

O F

NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held at Newbern, on the Fourteenth Day of April, in the Year of our Lord One Thousand Seven Hundred and Seventy-eight, and from thence continued by Adjournments and Prorogations to the Nineteenth Day of January, at Halifax, in the Year of our Lord One Thousand Seven Hundred and Seventy-nine: Being the Third Session of this Assembly.

RICHARD CASWELL, Esq. Governor.

CHAP. I. *An Act to regulate and establish a Militia in this State.*

Provided for by subsequent acts.

2. *An Act for raising Forces for the Defence of this and the neighbouring States, and other Purposes therein mentioned. EXP.*

3. *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 other Purposes.*

Provided for by subsequent acts.

C H A P. IV.

*An Act to regulate and ascertain the Fees of Clerks in the Superior and County Courts, Justices of the Peace and Attornies, in this State, and directing the Method of paying the same, and other Purposes.*

Provided for by subsequent acts, except the 4th, 5th, 7th & 19th §

IV. **A**ND be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Clerks of the Superior and County Courts, on the Fees not being paid by the Party from whom they are due, to make out Execution, directed to the Sheriff of the County where the Party resides, and the said Sheriff shall levy the same by Virtue of the said Execution as in other Cases; and to the said Execution shall be annexed a Copy of the Bill of Costs of the Fees on which such Execution shall issue, wrote in Words at Length, without any Abbreviation whatsoever; and all Executions issuing without the Copy of such Bill of Costs annexed, shall be deemed illegal, and no Sheriff shall serve or execute the same.

Execution may issue for fees.

V. **A**ND be it further enacted by the Authority aforesaid, That whenever it shall be the Opinion of the Court, that the Party praying a Continuance shall not obtain it without Payment of all Costs attending the same, the whole of these Costs shall be paid before the Continuance is granted; and the Party paying such Costs shall not be entitled to recover them, although the Judgment of the Court should finally be in his Favour.

Continuance.

VII. **A**ND be it enacted by the Authority aforesaid, That if any Clerk shall during the Sitting of the Court whereof he is Clerk, demand other or greater Fees than by this Act allowed, the Court shall immediately on Complaint being made thereof, determine what Fee or Fees shall be paid to the said Clerk by the Party complaining.

Clerks fees.

XIX. **A**ND whereas great Injustice is done to Witnesses appearing in Behalf of the State, by their having no Allowance for their Attendance at the Superior and



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Witnesses for the State allowed fees

and County Courts as such; *Be it therefore enacted by the Authority aforesaid, That* from the passing of this Act such Witnesses shall be allowed the same Pay for their daily Attendance as is allowed to Witnesses attending upon civil Prosecutions, and such Fees for Attendance shall be paid by the Defendant, upon Conviction; and if the State shall fail upon the Prosecution of any Offence of an inferior Nature, the Court may at their Discretion order the Costs to be paid by the Prosecutor, in Case such Prosecutor shall appear to have been frivolous or malicious; and in Case the Defendant shall not be able to pay Costs, or the Court shall not think fit to order the Prosecutor to pay the same, that then, and in that Case, the Clerk of the Superior and County Courts shall grant a Certificate of Attendance to such Witnesses, in Manner as Tickets are directed to be granted to Witnesses in civil Causes; and such Tickets may be received by the Sheriffs in Payment of public Dues.

## C H A P. V.

See act Nov. 1777, c. 17, and acts there referred to.

*An Act to carry into Effect an Act, passed at Newbern in November, in the Year One Thousand Seven Hundred and Seventy-seven, entitled, An Act for confiscating the Property of all such Persons as are inimical to the United States; and of such Persons as shall not, within a certain Time therein mentioned, appear, and submit to the State whether they shall be received as Citizens thereof; and of such Persons who shall so appear, and shall not be admitted as Citizens, and for other Purposes therein mentioned; and for other Purposes.*

I. **W** H E R E A S it is enacted by the Act aforesaid, passed at *Newbern* in November, one thousand seven hundred and seventy-seven, That all the Lands, Tenements, Hereditaments and moveable Property within this State, and all and every Right, Title and Interest therein, of which any Person was seized or possessed, or to which any Person had Title, on the fourth Day of *July*, in the Year one thousand seven hundred and seventy-six, who on the said Day was absent from this State, and every Part of the United States, and who still is absent from the same; or who hath at any Time during the present War attached himself to, or aided or abetted the Enemies of the United States, or who has withdrawn himself from this or any of the United States after the Day aforesaid, and still resides beyond the Limits of the United States, shall and are hereby declared to be confiscated to the Use of this State; unless such Person shall, at the next General Assembly which shall be held after the first Day of *October*, in the Year one thousand seven hundred and seventy-eight, appear, and be by the said Assembly admitted to the Privilege of a Citizen of this State, and restored to the Possessions and Property which to him once belonged within the same. And whereas many Persons who come within the Descriptions of the aforesaid Act recited, or some one of them, have failed or neglected to appear before the General Assembly during the present Session, and submit to the State whether they shall be admitted as Citizens thereof, and restored to the Possessions which to them once belonged; whereby all such Persons have clearly incurred, and are become liable to, the Penalties of the aforesaid Act:

Estates confiscated.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That* all the Lands, Tenements, Hereditaments, and moveable Property within this State, and all and every Right, Title, and Interest therein, of every Person and Persons, who come within or are included by the Descriptions in the aforesaid Act, or either of them, shall be, and are hereby declared to be forfeited to the State, and shall be vested in the same, for the Uses and Purposes herein after mentioned, and for no other Purpose whatsoever.

Commissioners appointed.

III. *AND be it enacted by the Authority aforesaid, That* three Commissioners shall be appointed by the County Court in each County, who shall give Bond, with three or more Sureties, in the Sum of two hundred and fifty thousand Pounds, to the Governor for the Time being, for the Use of the State, for the faithful Discharge of their Duty, according to Law; and shall also take the Oath of Allegiance, and the following Oath, previous to entering on their Office:

I A. B,



I A. B. do swear, that I will faithfully discharge the Trust reposed in me as a Commissioner, to the best of my Knowledge, according to Law; and that I will fully account for all Money or Effects that shall come to my Hands in Consequence of my Appointment, as the Law directs.

A. D. 1779.  
Their oath.

SO HELP ME GOD.

And the said Commissioners, or a Majority of them, in their respective Counties, shall have full Power and Authority to take Possession of all Lands, Tenements, Hereditaments, and moveable Property, in the Name and for the Use of the State, which by this Act are declared to be forfeited to the State, and shall give Receipts or Discharges, which shall forever indemnify and acquit the Persons delivering or paying the same, their Heirs, Executors and Administrators, against any future Claim for the Articles or Money mentioned in such Receipts or Discharges.

IV. AND in order to discover all Property, real and personal, by this Act declared to be forfeited; *Be it enacted by the Authority aforesaid,* That the said Commissioners or any two of them, shall and may order the several Constables to summon all the Inhabitants in their respective Counties, to appear before them at convenient Times and Places, to give in, on Oath, an Account of such forfeited Property; when they, or a Majority of them, being present, shall administer the following Oath or Affirmation to the Inhabitants so appearing:

Property how discovered.

I A. B. do swear, or affirm, that this Account by me rendered, contains a full and true Account, to the best of my Knowledge, of all the Lands, Tenements, Hereditaments, and moveable Property, in the County of \_\_\_\_\_ which belonged on the fourth Day of July, one thousand seven hundred and seventy-six, or at any Time since, to any Person or Persons who come within, or are included by the Descriptions, or either of them, recited in the Confiscation Act, passed at Newbern in November, one thousand seven hundred and seventy-seven; and farther that the said Account contains, to the best of my Recollection, the full Amount of all and every Sum and Sums of Money which now are by me, due and owing to any such Person or Persons, including Interest (if any) by Bond, Note or Account, or by Virtue of any Trust whatever.

SO HELP ME GOD.

And if any Person summoned as aforesaid shall fail to appear, or appearing, shall fail to render an Account as above mentioned, on Oath or Affirmation, as the Case may be, in such Case the said Commissioners, or any two of them, shall have Power to commit such Person, if present, to close Gaol, until he or she shall comply with the Law; and if absent, shall issue a Warrant, directed to any Sheriff or Constable, to apprehend and bring such absent Person before them, at any Place on a future Day, when if he or she shall refuse to render an Account on Oath as aforesaid, he or she shall also be committed to close Gaol, until he or she shall render an Account on Oath or Affirmation as aforesaid; and the said Commissioners are hereby invested with Power to administer the Oath, issue Warrants, and make Commitments, in Manner aforesaid.

V. AND *be it enacted by the Authority aforesaid,* That the County Courts shall have the same Powers to require and compel the Oath aforesaid from the Commissioners themselves, which the Commissioners have respecting others; and the Commissioners shall account for any Money, or other Effects, declared forfeited by this Act, due by them, or in their Possession, in the same Manner as in other Cases.

Commissioners to account with the Court.

VI. AND *be it further enacted by the Authority aforesaid,* That the said Commissioners shall enter in a Book to be kept for the Purpose, all Lands, Tenements, Hereditaments, and moveable Property, forfeited by this Act, which shall come to their Knowledge or Possession, in their respective Counties, together with the Names of the former Owners, and also whether the same, or any Part thereof, be claimed by any Subject of this State, or any of the United States, and shall specify all Sums of Money due and owing by the Inhabitants thereof in Manner above mentioned, together with the Names of the former Creditors, and the Names of the Persons from whom the same are or shall be due, and whether the same be due by Bond, Note or otherwise; and shall make Report of their Proceedings to every County Court which shall be held in their Counties respectively: And the several County Courts shall have Power to remove such Commissioners,

Commissioners to have books for their proceedings

Removable by the court, &c.



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Lands rented, &amp;c

or Removal out of the County, of any Commissioner; and the said County Courts shall and may order the Commissioners to rent such Lands, Tenements and Hereditaments in such Quantities, and for such Terms, as they shall think best, so that no Tract exceeds six hundred and forty Acres, and no Term one Year, taking Bond in the Name of the Governor for the Time being, for the Use and Benefit of the State; and the said Courts shall order all Negroes, or other personal Property, forfeited by this Act, to be sold at public Auction, and at such Times and Places as the said Court shall think proper, and the Commissioners shall thereupon proceed accordingly; and all Contracts and Sales made by such Commissioners, agreeable to the Directions of the said County Courts, and of this Act, shall be, and they are hereby declared good and valid, to all Intents and Purposes. *Provided nevertheless*, That the Wife, Child or Children, of such Absentee or Absentees, now in or under the Protection of this State, or the United States, shall be allowed so much of the Estate of such Absentee, as such Wife, Child or Children, might have enjoyed, and have been allowed, if such Absentee had died intestate in this State, or any of the United States.

Proviso, for the wife, &amp;c.

Right of appeal.

VII. *PROVIDED*, That if it shall appear to any County Court that any Person, being a Subject of this State, or of any of the United States, has or pretends to have, any Right or Title in Law, to any Lands, Tenements, Hereditaments, or moveable Property, declared forfeited by this Act, such Court shall stay all further Proceedings of the Commissioners thereupon, and shall send up a true and exact State of such Claim to the Superior Court of the District, which Superior Court shall proceed to enquire into and determine the legal Right and Title of the Person so claiming, by Jury, in the same Manner as in Suits at Common Law, and such Determination when had shall be final; and the Clerk of the Superior Court shall transmit a Copy thereof to the County Court wherein the Dispute originated, which shall proceed according to such Determination.

Proviso, for orphans.

VIII. *PROVIDED also*, That if any real or personal Estate belonging to any Orphan or other Person, not comprehended or included by the Descriptions in the Act afore mentioned, or either of them, shall be sold by Virtue of this Act, such Orphan or other Person, notwithstanding he, she or they shall have failed or neglected to exhibit such Claim to the County Court previous to the Sale, shall, on due and sufficient Proof made before the General Assembly, be entitled to receive the whole Amount of the Sales, with six *per Cent.* Interest thereon.

For creditors.

IX. *AND provided likewise*, That all Persons being Subjects of this State, or of any of the United States, and having just Claims or Demands against any Estate or Estates declared forfeited by this Act, and actually sold or converted to the Use of the State in Consequence thereof, shall, upon due Proof made before the General Assembly, be entitled to receive their several Demands, if the Sales or Uses be sufficient; but if not, shall receive in Proportion to their several Demands.

Commissioners power, and commissions.

X. *AND be it further enacted by the Authority aforesaid*, That the Commissioners in their respective Counties shall have the same Powers and Authorities to demand, make Distress for, and receive, all Sums of Money due and owing by the Inhabitants thereof, and declared forfeited to the State by this Act; and shall be subject to the same Pains, Penalties and Restrictions, and shall account with the Public Treasurers for the same, and also for all Money arising from Rents of Lands, Hire of Negroes, or Sale of perishable Property, at the same Times, and in the same Manner, as Sheriffs or County Treasurers have or are liable to by Law for the collecting and accounting for public Taxes; and shall have and receive for their Services at the Rate of two *per Cent.* each,

Proviso, for debts due from forfeited estates.

XI. *AND provided also*, That if any Subject of this State, or of any of the United States, has any Demand against any Person subject to the Penalties of this Act, and such Person has not personal Estate sufficient to satisfy such Debt or Demand, that then so much of the real Estate of such Person shall be sold as will be sufficient to satisfy and discharge such Debt or Debts; and the County Courts respectively are hereby authorized to examine into any such Claims, and to order Juries to try the same, and to award Judgment and Execution as the Case may require.

XII. *AND*



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XII. *AND* be it enacted by the Authority aforesaid, That all Entries already made, or which shall hereafter be made, of any Lands, Tenements or Hereditaments, which come within the Meaning of the Confiscation Act, passed at *Newbern* in *November*, in the Year one thousand seven hundred and seventy-seven, or of this Act, shall be utterly void and of none Effect. *Provided*, That Nothing contained in this Act shall be construed to invalidate or repeal any Part of an Act passed during this present Session of the General Assembly, entitled, *An Act to enable the Inhabitants of a Tract of Land lying in Mecklenberg County, known by the Name of Governor Dobbs's Tract, No. Five, to make Entries thereof, and obtain Titles for the same.*

Entries of lands void.

XIII. *AND* be it further enacted by the Authority aforesaid, That the Clerk of each and every County Court shall transmit to the General Assembly, a complete Transcript of the Report or Reports of the Commissioners in their respective Counties, and of the Proceedings of such Courts thereupon, under the Penalty of five hundred Pounds; to be recovered by Action of Debt, in the Name of the Governor for the Time being, and applied to the Use of the State.

Clerks to transmit commissioners reports.

XIV. *AND* whereas many Persons who heretofore refused to take the Oath of Allegiance to this State, and were compelled to leave the same in Consequence thereof, by Virtue of an Act of Assembly, passed at *Newbern* in *April*, in the Year one thousand seven hundred and seventy-seven, entitled, *An Act for declaring what Crimes and Practices against the State shall be Treason, and what shall be Misprision of Treason, and providing Punishments adequate to Crimes of both Classes, and for preventing the Dangers which may arise from Persons disaffected to the State;* and of another Act, passed at *Newbern* in *November*, in the Year one thousand seven hundred and seventy-seven, to amend the aforesaid Act; have failed or neglected to appoint lawful Agents or Attornies to receive and give Discharges for Debts due and owing by the Inhabitants of this State to Persons who so departed therefrom, whereby many honest and well meaning People are defeated of an Opportunity to discharge such Debts; *Be it therefore further enacted by the Authority aforesaid*, That the said Commissioners, or either of them, in their respective Counties, shall have full Power and Authority to receive and give Discharges for all such Debts as the Inhabitants thereof shall voluntarily offer to pay; and such Discharges shall forever indemnify the Persons paying the same against him, her or them, to whom the same were due, to the Amount specified in such Discharges: And the said Commissioners shall return a separate Account of their Proceedings herein to every County Court, specifying the Creditor's Name, that of the Person paying the Debt (whether due by Bond, Note or Account) the Amount thereof, and shall be liable to the same Pains, Penalties and Restrictions, for faithfully accounting for and paying the same, as herein before provided in other Cases.

Proceedings for dues to absentees

XV. *AND* whereas it may happen that many Absentees from the State may have left Fathers or Mothers in an advanced Age, and whose sole Dependence for their Subsistence has been upon the Property and filial Attention of their Children; and unless some Provision is made to allot some Part of the Property of such Absentees to the Support of such aged, indigent Persons, they must be reduced to the most abject Wretchedness; *Be it therefore enacted by the Authority aforesaid*, That when any such indigent Person, Father or Mother, shall make Application to the Superior Court of the District where such Person shall reside, such Superior Court is hereby empowered to set off and allot to such aged Parent such Part or Portion of the Estate of the Absentee as such aged Person hath heretofore been accustomed to receive and enjoy, and as much more as shall be necessary for the Subsistence of such aged or infirm Parent; such Allowance to invest only an Estate for the Life of such aged or infirm Parent.

Provision for indigent fathers, &amp;c.

## C H A P. VI.

*An Act to amend an Act, entitled, An Act to amend an Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned.*

See act Nov. 1777, c. 1. and acts there referred to.

I. **W**HEREAS it is enacted and provided by the Act before mentioned, passed at *Newbern* in *November*, one thousand seven hundred and seventy-seven



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ty-seven, that every Person and Persons, and his or their Heirs or Assigns, who in the Office of the late Earl *Granville*, or in the late public Land-Office, have heretofore made any Entry or Entries, or who since the Death of the said Earl *Granville* have possessed, and actually improved, any vacant or unappropriated Land, for which no just Claim by Entry in any Office shall have been made, shall be entitled in Preference to all others, to enter or obtain a Grant or Grants for the same, so that such Entry or Entries be made on or before the first Day of *January*, one thousand seven hundred and seventy-nine: And whereas Doubts, Difficulties and Injustice have frequently arisen in Consequence of the aforesaid Provision: For Remedy whereof,

Preference to peaceable possessors.

II. *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, in the Trial of any Dispute which has already arisen, and remains undetermined, or which may hereafter arise, for Preference of entering and obtaining a Grant for unappropriated Land, if it shall appear that any Person hath seated himself on Lands within the Bounds of any former Entry or Survey, and for which no Grant was ever obtained, and hath improved and continued in peaceable Possession of the same, by himself, or some Person for him, for seven Years, without Interruption by or from the Person claiming, or Declaration of Right to the Person so possessed under such Entry or Survey, in such Case, the Person claiming under such former Entry or Survey shall be forever barred of his Right of Entry of the Land in Question, and the Preference shall be given to him who settled on, and continued in peaceable Possession of the same, his Heirs or Assigns; any Law to the contrary notwithstanding.

Improvements.

III. *AND* in order to explain what shall be considered as an Improvement of Land, *Be it enacted by the Authority aforesaid*, That no Person shall hereafter be entitled to any Preference of entering or obtaining a Grant for unappropriated Land, under Pretence of Improvement thereof, unless it shall appear upon Trial that such Claimant had, previous to his Application for Entry, erected a House thereon, or cleared, enclosed, and cultivated a Part thereof.

Right of appeal.

IV. *AND be it further enacted by the Authority aforesaid*, That if any Person shall think himself aggrieved or injured by the Determination of any County Court, in any future Trial respecting vacant or unappropriated Lands, such Person shall have a Right to appeal to the Superior Court of the District wherein such Lands lie; and such County Court is hereby authorized and directed to grant such Appeal, and transmit the Proceedings to such Superior Court, the Appellant first giving Bond and Security to prosecute such Appeal with Effect.

Deputy Surveyors.

V. *AND* for the better ascertaining the Power, and directing the Duty of Surveyors, *Be it enacted by the Authority aforesaid*, That it shall and may be lawful for each and every Surveyor in this State, in his respective County, to appoint a Deputy or Deputies, who shall previous to entering on the Execution of his or their Office, be qualified in a similar Manner with the Surveyor; and the Surveyor making such Appointment shall be liable and accountable for the Conduct of such Deputy or Deputies, in the same Manner as for his own Conduct in Office.

When bounds intersect.

VI. *AND be it further enacted by the Authority aforesaid*, That where it shall happen that the Bounds of two or more Entries join or intersect each other, the Surveyor shall, and he is hereby required to survey such Entries in Turn, the eldest being first surveyed, provided such Entry be not caveated; but when that shall be the Case, it shall not be lawful for the Surveyor to survey either of the Entries so joining or intersecting each other, until a final Determination be had on such Caveat.

Surveys when returned.

VII. *AND be it enacted by the Authority aforesaid*, That every Surveyor in this State shall, and he is hereby required to return all Warrants of Surveys to him directed according to Law, within twelve Months after receiving the same, under the Penalty of one hundred Pounds for every Default; to be recovered by Action of Debt, by any Person suing for the same, before any Jurisdiction having Cognizance thereof, and applied to his own Use.

VIII. *AND*



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VIII. *AND* be it enacted by the Authority aforesaid, That so much of the Act passed at *Newbern* in *November*, one thousand seven hundred and seventy-seven, for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned; and of the Act passed at *Newbern* in *April*, one thousand seven hundred and seventy-eight, to amend the aforesaid Act; as comes within the Purview of this Act, shall be, and are hereby repealed.

Repealing clause.

CHAP. 7. *An Act for appointing Naval-Officers at the different Ports of this State, and directing their Duty in Office, and for other Purposes.*

Superfeded by the constitution of the United States

## C H A P. VIII.

*An Act to amend Part of an Act, for emitting Eight Hundred and Fifty Thousand Pounds in Bills of Credit, for discharging the Debts incurred by this State in raising Men to reinforce the Battalions belonging to this State in the Continental Army, for calling in all former Emissions, and for other Purposes.*

I. **W**HEREAS by the before recited Act it is directed that two hundred thousand Bills of one Sixteenth of a Dollar be printed for the Purposes therein mentioned, and it is found by Experience that the printing the same will be attended with considerable Expence, for no considerable Utility to the Public;

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Commissioners be, and they are hereby empowered to print twelve thousand five hundred Dollar Bills, in the Room and Stead of the two hundred thousand Bills of one Sixteenth of a Dollar.

Bills to be emitted.

III. *AND* whereas the present Exigencies of the State require the Monies now in the Hands of the Treasurers to defray the Expences thereof, and renders it necessary to give a further Day for the Redemption of the said late Emissions; *Be it therefore enacted by the Authority aforesaid*, That the Monies emitted by the Act of Assembly passed at *Hillsborough*, one thousand seven hundred and seventy-eight, shall be retained in the Hands of the said Treasurers to defray the Expences aforesaid; and that the Redemption of the Emissions of the Congress at *Hillsborough*, one thousand seven hundred and seventy-five, and Congress at *Halifax*, one thousand seven hundred and seventy-six, be deferred and postponed to the first Day of *May*, one thousand seven hundred and eighty.

Emission prolonged.

IV. *AND* be it further enacted by the Authority aforesaid, That so much of said Act as comes within the Purview of this Act, shall be repealed and made void; any Thing contained in said Act, to the contrary, notwithstanding.

Repealing clause.

CHAP. 9. *An Act to amend an Act, entitled, An Act to regulate the Pilotage of Cape-Fear and Occacock Bars, and the Rivers leading from the same to Brunswick, Wilmington, Newbern, Bath, and Edenton.*

Provided for by subsequent acts.

## C H A P. X.

*An Act to prescribe the Affirmation of Allegiance and Fidelity to this State to be taken by the Unitas Fratrum, or Moravians, Quakers, Menonists, and Dunkards, and granting them certain Indulgencies therein mentioned, and other Purposes.*

See acts April, 1783, c. 10. April, 1784, c. 29. Oct. 1784, c. 21.

I. **I**N order to quiet the Consciences, and indulge the religious Scruples of the Sects called the *Unitas Fratrum*, or Moravians, Quakers, Menonists, and Dunkards;

II. *BE* it enacted by the General Assembly of the State of North-Carolina, and by and with the Authority of the same, That the Affirmation of Allegiance and Fidelity to this State shall hereafter be taken by all the above People in the Form following, viz.

Affirmation of Moravians, &amp;c.



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Altered by act,  
Oct. 1784, c. 21.

**I** A. B. do solemnly and sincerely declare and affirm, in the Presence of Almighty God, that I will truly and faithfully demean myself as a peaceable Subject of the independent State of North-Carolina, and will be subject to the Powers and Authorities that are or may be established for the good Government thereof, not inconsistent with the Constitution, by yielding either an active or passive Obedience thereto; and that I will not abet or join the Subjects or Forces of the King of Great-Britain, or others the Enemies of this State, by any Means, in any Conspiracy whatsoever, against the said State, or the United States of America; and that I will make known to the Governor, or some Member of the Council of State, Judge of the Superior Court, or Justice of the Peace, all Treasons, Conspiracies, or Attempts, committed or intended against the same, which shall come to my Knowledge.

Which said Affirmation being taken before any Justice of the Peace in the County where they reside, at or before the first Day of May next, shall entitle them to all those Rights, Privileges and Immunities, they heretofore respectively enjoyed, any Law to the contrary notwithstanding, the Assessment and Payment of Taxes only excepted.

May enter lands.

**III.** *A N D* be it further enacted by the Authority aforesaid, That all and every of the said People, upon taking and subscribing the Affirmation of Allegiance and Fidelity to this State as aforesaid, before the Entry-Taker of the County, may re-enter all their Lands formerly made in Earl Granville's Office, or public Land-Office, or any Lands they, or either of them, have had the prior Occupancy of, or may enter a Caveat or Claim against any Person or Persons who may have entered or surveyed the same, provided such Entry, Caveat or Claim, be made at or before the first Day of May next after the passing of this Act, and shall be entitled in Preference of all others to obtain a Grant for the same, according to the Rules of the Act of Assembly for establishing Offices for receiving Entries of Claims for Lands, &c.

Oaths to be taken

**IV.** *A N D* whereas many ignorant, though good Subjects of this State, have not taken the Oath of Allegiance, owing to the Neglect of the Justices of the Peace in many Counties; *Be it therefore enacted by the Authority aforesaid,* That all Residents of this State, who have not been inimical, or heretofore refused to take the Oath when particularly called on, and who shall take the Oath of Allegiance to this State prescribed by Law before the first Day of May next, or who have taken the said Oath since the Time prescribed by the said Law, shall be admitted to all the Rights, Immunities, and Privileges of Citizens, hereby granted to the Moravians and other People; any Law to the contrary notwithstanding,

## C H A P X I .

*An Act to prevent the stealing of Slaves, or by Violence, Seduction or any other Means, taking or conveying away any Slave or Slaves the Property of another, and for other Purposes therein mentioned.*

**I.** **W**HEREAS it is necessary that the pernicious Practice of stealing, or otherwise carrying away Slaves, the Property of others, as also of stealing and carrying off free Negroes and Mulattoes, with an Intention to sell and appropriate the same, should be discouraged by a Law with additional Penalties:

Pen. for stealing  
Slaves.

**II.** *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That any Person or Persons who shall hereafter steal, or shall by Violence, Seduction or any other Means, take or convey away any Slave or Slaves the Property of another, with an Intention to sell or dispose of to another, or appropriate to their own Use, such Slave or Slaves, or who shall hereafter by Violence, or any other Means, take or convey any free Negro or free Negroes, or Persons of mixed Blood, out of this State to another, with an Intention to sell or dispose of such free Negro or free Negroes, or Persons of mixed Blood, and being thereof legally convicted, or shall upon his Arraignment peremptorily challenge more than thirty-five Jurors, or shall stand mute, shall be judged guilty of Felony, and shall suffer Death without Benefit of Clergy.

**III.** [*Provided for by Act, November 1788, Ch. 7.*]

For harbouring  
them.

**IV.** *A N D* whereas many evil disposed Persons frequently entice or persuade Slaves (without any Intention to steal them) and Servants, to absent themselves from



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from their Master or Mistress, and oftentimes harbour and maintain runaway Servants and Slaves; *Be it therefore further enacted by the Authority aforesaid*, That any Person or Persons who shall hereafter entice or persuade any Servant or Slave to absent him or herself from his or her Master or Mistress, or who shall harbour or maintain any runaway Servant or Slave, shall for every such Offence forfeit and pay to the Master or Mistress of such Servant or Slave the Sum of one hundred Pounds current Money; to be recovered by Action of Debt, in any Jurisdiction having Cognizance thereof; and be further liable to the said Master or Mistress in an Action for Damages, wherein no Essoign, Injunction, Protection, or Wager of Law shall be allowed or admitted, notwithstanding any Law, Usage or Custom to the contrary.

V. *A N D be it further enacted by the Authority aforesaid*, That the Clerk of every County Court of this State shall, on the third Day of every Court, read this Act in the Presence and Hearing of the County Court, under Penalty of five Pounds for every Default. Act to be read by the Clerk.

VI. *A N D be it further enacted by the Authority aforesaid*, That this Law shall take Effect and be binding upon the Subjects of this State, on the first Day of April next, and afterwards, and not sooner. When to take place.

VII. *A N D be it further enacted by the Authority aforesaid*, That so much of an Act of Assembly of this State, entitled, *An Act concerning Servants and Slaves*, as comes within the Purview of this Act, is hereby repealed, and declared to be void and of no Effect, to all Intents and Purposes whatsoever. Repealing clause.

## C H A P. XII.

*An Act for apprehending and selling certain Slaves set free contrary to Law, and for confirming the Sales of others, and for other Purposes.*

See acts April, 1777, c. 6. Nov, 1788, c. 20.

I. **W**HEREAS by an Act, entitled, *An Act to prevent domestic Insurrections, and for other Purposes*, it is provided, that no Person shall liberate his or her Slave except for meritorious Services, to be judged of and allowed by the County Court; and by the said Act it is directed in what Manner, and for what Purposes, such liberated Slaves shall be apprehended and sold: And whereas before the passing of the said Act, and since the sixteenth Day of April, one thousand seven hundred and seventy-five, divers evil minded Persons, intending to disturb the public Peace, did liberate and set free their Slaves, notwithstanding the same was expressly contrary to the Laws of this State; and the County Courts of *Perquimans* and *Pasquotank*, conceiving they had Power to proceed against all such liberated Slaves, did order them to be sold to the highest Bidder: And whereas Doubts have now arisen, whether the Purchasers of such Slaves have a good and legal Title thereto: For Remedy whereof,

II. *B E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That all such Sales made *bona fide*, and for valuable Consideration, shall be deemed good and valid, to all Intents and Purposes. Sales of slaves confirmed.

III. *A N D as many Negroes are now going at large, to the Terror of the good People of this State, who were liberated in Manner aforesaid previous to the passing of the said recited Act; Be it further enacted by the Authority aforesaid*, That the same Proceeding shall and may be had against all such illegally liberated Slaves, as is directed in the said recited Act, entitled, *An Act to prevent domestic Insurrections, and for other Purposes*, in the same Manner as if such Negro Slaves had been set free after the passing of the same. *Provided*, That Nothing herein contained shall deprive of Liberty any Slave, who having been liberated, and not sold by Order of any Court, has inlisted into the Service of this or the United States previous to the passing of this Act. Proceedings against those liberated.

C H A P. 13. *An Act for levying a Tax for the Year One Thousand Seven Hundred and Seventy-nine, and other Purposes.* Temporary.

C H A P.



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CHAP. 14. *An Act for laying a further Tax on the taxable Property of the Inhabitants of Camden County, for the Purposes of finishing and completing the Court-House, Prison and Stocks of the said County. PRIV.*

Provided for by  
act Nov. 1785, c.  
2.

15. *An Act for altering the Times of holding certain County Courts of Pleas and Quarter Sessions therein mentioned.*

## C H A P. XVI.

*An Act for extending the Boundary Line between this State and the Commonwealth of Virginia.*

See acts Oct.  
1779, c. 29. Sept.  
1780, c. 7. Jan.  
1781, c. 12. A-  
pril, 1782, c. 16.

I. **W**HEREAS the Inhabitants of this State, and those of the Commonwealth of Virginia, have settled themselves farther Westwardly than the Boundary between the said two States hath hitherto been extended; and it becomes expedient, in order to prevent Disputes among such Settlers, that the same should be now further extended and marked :

Line to be run.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That Oroondates Davis, John Williams (Caswell) James Kerr, William Bailey Smith, and Richard Henderson, or any three of them, be, and they are hereby appointed Commissioners, with full Power and Authority to meet with other Commissioners from the Commonwealth of Virginia, and to proceed to extend and mark the Line between that Commonwealth and this State, beginning where Joshua Fry and Peter Jefferson, Commissioners on the Part of Virginia, together with Daniel Weldon and William Churton, from North-Carolina, formerly appointed to run the said Line, ended their Work; and if that be found to be truly in the Latitude of thirty-six Degrees thirty Minutes North, then to run from thence due West to Tennessee or the Ohio River; or if it be found not truly in the said Latitude, then to run from the said Place, due North or due South, into the said Latitude, and thence due West to the said Tennessee or Ohio River, correcting the said Course at due Intervals by astronomical Observations. If either of the Commissioners by this Act appointed shall decline, or be unable to go through the Duties of his Appointment, the Governor and Council shall appoint some other to act in his Stead. The said Commissioners shall nominate such skilful Surveyor to execute their Directions, and such other Attendants as shall be necessary; and shall endeavour to procure the most accurate Instruments, which if injured in the said Service, shall be made good at the public Expence, or wholly paid for, at the Election of the Proprietor, if borrowed from an Individual; or of such other Person or Persons as shall have Authority to make such Election, if borrowed from any Seminary of learning. Each Commissioner shall be allowed for his Trouble herein ten Dollars per Day, for every Day he shall attend; each Surveyor, with the Chain-Carriers and other Attendants, shall be allowed such Sums as the Commissioners shall certify they respectively ought to receive, and be paid by either Treasurers of this State out of any public Monies in their Hands, together with Allowance to the Commissioners as aforesaid; and the said Commissioners are hereby directed to make Report of their Proceedings to the General Assembly.*

III. [*Temporary: Appointing a Guard for the Commissioners.*]

CHAP. 17. *An Act to enable the Inhabitants of a Tract of Land lying in Mecklenberg County, known by the Name of Governor's Dobbs's Tract, No. Five, to make Entries thereof, and obtain Titles for the same. PRIV.*

## C H A P. XVIII.

*An Act for dividing Craven County into two distinct Counties, and for other Purposes therein mentioned.*

I. **W**HEREAS the large Extent of the County of Craven renders the Attendance of the Inhabitants of the extreme Parts thereof at the Court-House, to perform public Duties, difficult and expensive: For Remedy whereof,

II. *BE*



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Jones county established.

II. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the said County of *Craven* shall be divided into two distinct Counties, by a Line beginning at that Part of *Carteret* Line which lies directly South from the Head of *Reedy* Branch, running thence to the Head of the said Branch, and so down the Meanders of the same to *Trent* River; thence up *Trent* River to the Mouth of *Deep-Gully* Branch, to *Dover* or *Bachelor* Defart; thence up *Dover* or *Bachelor* Defart, to the Plantation of *Thomas Kent*; thence a direct Course to the *South-West* Bridge, at *Dobbs* County Line; and that all that Part of the said County of *Craven* which lies above or Westwardly of the said dividing Line, shall be established a new and distinct County, by the Name of *Jones*.

[The Remainder unnecessary to be inserted.]

## C H A P. XIX.

An Act for dividing *Bute* County into two distinct Counties, and for other Purposes therein mentioned.

I. **W**HEREAS the large Extent of the County of *Bute* renders the Attendance of the Inhabitants on the extreme Parts of the said County to do public Duties extremely difficult and expensive: For Remedy whereof,

II. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the County of *Bute* shall be divided into two distinct Counties, by a direct Line from the *Granville* Line to *Halifax* or *Nesh* County Line, as the Case may be, leaving in each Part or Division an equal Quantity of Acres as near as can be ascertained. Bute divided.

III. **A**ND in order that the same may be ascertained with as much Precision as possible, *BE* it further enacted by the Authority aforesaid, That *Julius Nichols*, *William Duke*, *John Falcon*, *John Norwood*, and *Matthew Thomas*, or a Majority of them, be, and they are hereby appointed Commissioners, to measure the Lines of said County on every Side, and to run the dividing Line so as to make each respective Division as convenient to the respective Persons residing therein as possible, which said Line when run by the Commissioners, or a Majority of them, shall be entered on the Record of each County; and all that Part or Division which lies North of said Line, and adjacent to *Virginia*, shall be a distinct County, by the Name of *Warren*; and all that Part or Division that lies South of said Line shall be a distinct County, by the Name of *Franklin*. Counties erected.

[The Remainder unnecessary to be inserted.]

## C H A P. XX.

An Act for dividing *Hertford* County, and other Purposes therein mentioned.

I. **W**HEREAS by Reason of the Width of *Chowan* River, and the Difficulty of passing the same, especially in boisterous Weather, it is extremely inconvenient for the Inhabitants of the North-East Side of the said River to attend Courts, and other public Business, as also for the Ease and Convenience of the Inhabitants on the North Ends of *Chowan* and *Perquimans* Counties, it is necessary that the same be divided into a separate and distinct County:

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all that Part of *Hertford* County that lies on the North Side of *Chowan* River, and all that Part of *Chowan* and *Perquimans* Counties that lies on the North Side of *Catherine* and *Warwick* Creeks, and bounded as follows, that is to say, Beginning at the *Virginia* Line, on *Chowan* River; thence down the said River, to the Mouth of *Catherine* Creek; thence up the said Creek, to the Mouth of *Warwick* Creek; thence up said Creek, to the Head; thence a direct Line to the Head of the *Indian* Branch, in *Perquimans* County; thence down said Branch, to the great *Dismal* Swamp; thence a North-East Course to the *Virginia* Line; thence Westwardly along said Line, to the Beginning; Gates erected.



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ginning; and all that Part of *Hertford*, *Chowan* and *Perquimans* Counties, included in said Lines, shall be, and is hereby established a County, by the Name of *Gates*.

[*The Remainder unnecessary to be inserted.*]

## C H A P. XXI.

*An Act for dividing the County of Anson into two distinct Counties, and other Purposes therein mentioned.*

I. **W**HEREAS the large Extent of the County of *Anson* renders it grievous and troublesome to many of the Inhabitants thereof to attend the Courts, General Elections, and other public Meetings appointed therein;

*Montgomery erected.*

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the said County of *Anson* be divided by the Road leading from *Munro's* Bridge, on *Drowning* Creek, to *Colson's* Ferry, to a Point opposite the Mouth of *Rocky* River; thence running a direct Line, crossing *Pee Dee* River, to the Mouth of *Rocky* River; thence up the various Courses of *Rocky* River, to the dividing Line between the Counties of *Anson* and *Mecklenberg*; and that all that Part of the said County of *Anson* which lies to the North of the said dividing Line shall be erected into a new and distinct County, by the Name of *Montgomery*.

[*The Remainder unnecessary to be inserted.*]

## C H A P. XXII.

*An Act for dividing the County of Guilford into two distinct Counties, and other Purposes therein mentioned.*

I. **W**HEREAS the large Extent of the County of *Guilford* renders it grievous and troublesome to many of the Inhabitants thereof to attend the Courts, General Musters, Elections, and other public Meetings:

*County divided.*

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the said County of *Guilford* be divided into two separate and distinct Counties, beginning on the *Anson* Line, at the Corner of *Rowan*; thence running North twenty-eight Miles; then East, to the *Orange* Line; and all that Part of the said County of *Guilford* that lies South of the aforesaid Line, shall continue to remain a distinct and separate County, by the Name of *Randolph*.

[*The Remainder unnecessary to be inserted.*]

## C H A P. XXIII.

*An Act for dividing Tryon County into two distinct Counties, by the Names of Lincoln and Rutherford, and for other Purposes therein mentioned.*

I. **W**HEREAS the large Extent of the County of *Tryon* renders the Attendance of the Inhabitants on the extreme Parts of the said County to do public Duties extremely difficult and expensive: For Remedy whereof,

*County divided.*

II. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the County of *Tryon* shall be divided into two distinct Counties, by a Line beginning at the *South* Line near *Broad* River, on the dividing Ridge between *Buffaloe* Creek and *Little Broad* River, thence along the said Ridge to the Line of *Burke* County, thence along the said Line to the old *Cherokee* Line, thence a due West Course to the Top of a dividing Ridge between the Eastern and Western Waters, thence along the said Ridge to the old Line claimed by *South-Carolina*; and all that Part of the said County which lies on the East Side of the said Line shall be called and known by the Name of *Lincoln* County, and all that Part of the County which lies on the other or West Side thereof, shall be called and known by the Name of *Rutherford* County.

[*The Remainder unnecessary to be inserted.*]

C H A P.



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- CHAP. 24. *An Act to amend an Act, entitled, An Act for erecting a Prison in the Town of Edenton, for the Use of the District of Edenton, and other Purposes. P R I V.*
25. *An Act for the Regulation of the Town of Newbern, and for other Purposes therein mentioned. P R I V.*
26. *An Act to lay off and establish a Town near Chatham Court-House on the Plantation and Land formerly the Property of Ambrose Edwards, now entered in the Land-Office by Ambrose George, in said County. P R I V.*
27. *An Act for erecting a Court-House, Prison, and Stocks in Brunswick County, and other Purposes. P R I V.*

## C H A P. XXVIII.

*An Act for annexing Part of Halifax County to Edgcomb, and other Purposes.*

I. **W**HEREAS the lower Corner of *Halifax* County that lies next to *Fishing* Creek, is much more convenient to the public Buildings of *Edgcomb* County than to those of *Halifax*: For Remedy whereof,

II. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, all that Part of Halifax County lying below a Line beginning at John Wall's and Drewry Croker's dividing Corner Tree on Fishing Creek, then along said Wall's Line to the back Corner, thence a direct Line as near as may be to the Fork of the Marsh Swamp at or near Matthew Packer's, then down said Swamp to Deep Creek, and across said Creek to the Mouth of the Indian Branch, then the various Courses of said Branch to the Martin County Line, shall be held and deemed Part of the County of Edgcomb, and the Inhabitants thereof shall be under the same Rules and Restrictions, as the other Inhabitants of Edgcomb are.* County Lines.

III. [*Private.*]

IV. **A**ND whereas several of the Inhabitants of that Part of *Halifax* County, that by this Act is annexed to *Edgcomb*, have entered Land in the Entry-Office of *Halifax*:

V. *Be it therefore enacted by the Authority aforesaid, That where any Person shall have entered Land as aforesaid, the Entry-Taker of the County of Halifax is hereby empowered and directed to make out Warrants and Orders of Survey and direct them to the Surveyor of Edgcomb County, which said Surveyor is hereby ordered and empowered to survey said Land, to take the same Fees, and make the same Transmittance thereof, as if the same had been entered in the Entry-Office of Edgcomb.* Land surveyed.

VI. [*Private.*]

VII. **A**ND whereas that Part of the dividing Line between the Counties of *Edgcomb* and *Pitt* on the North Side of *Tar* River (as by Law directed) has never been run:

VIII. *Be it therefore enacted by the Authority aforesaid, That Jacob Little, Amos Adkinson and Charles Walderson are appointed Commissioners, and they are hereby empowered and directed to run said Line, beginning on Martin County Line as near as they conveniently can in a direct Course between the Dwelling-House of William Jackson and the Mouth of Cheeks Run on Tar River, thence a strait Course to the Mouth of said Cheeks Run on said River; which Line when run by the Commissioners or a Majority of them, agreeable to the Directions of this Act, shall be by them entered on Record in each of the Counties of Edgcomb and Pitt.* County lines.



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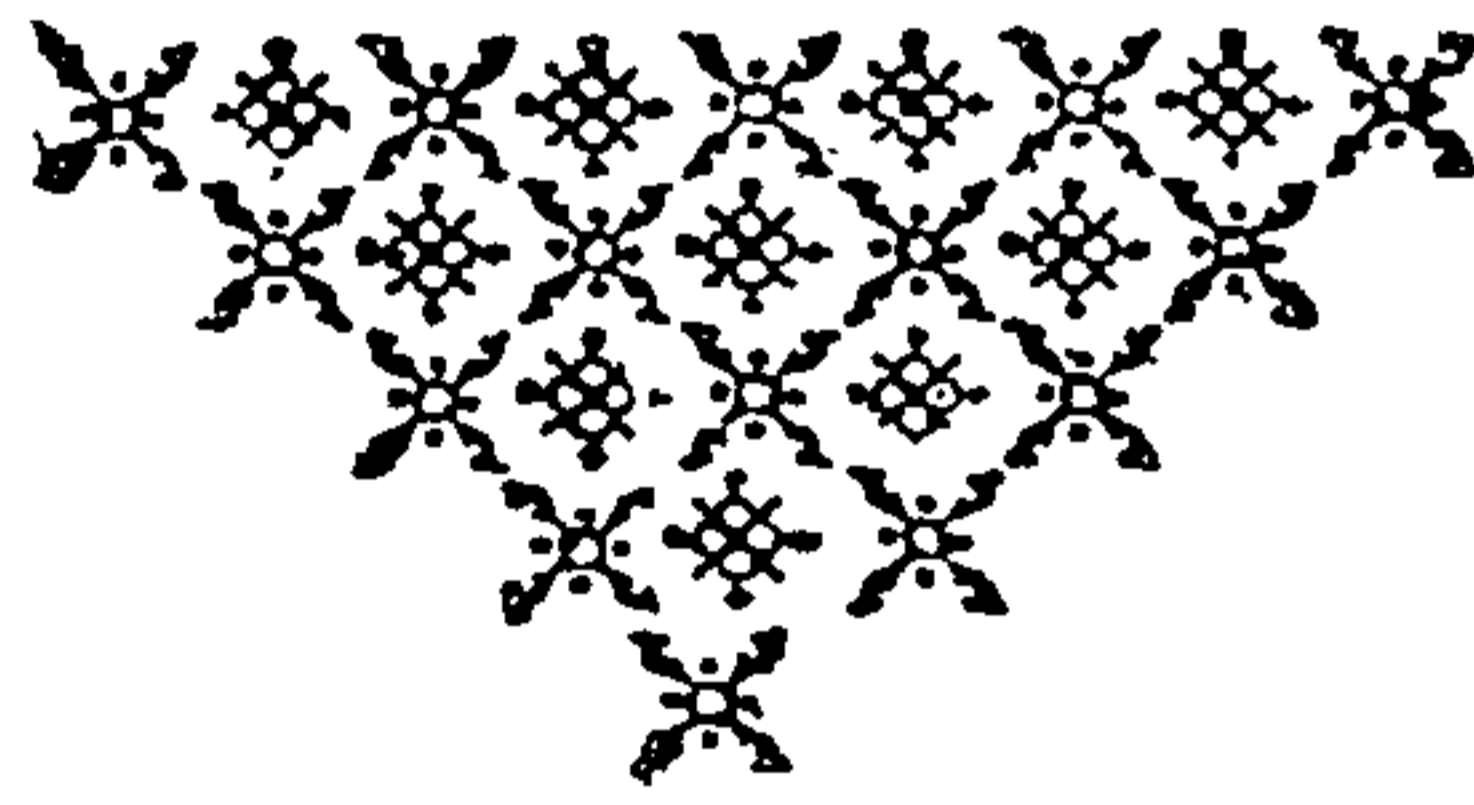
- CHAP. 29. *An Act for establishing an Academy in the Neighbourhood of Hillsborough. PRIV.*
30. *An Act to invest the Property of a Bridge or Causeway in Gideon Lamb, his Heirs and Assigns, (by him already built through the Great Dismal Swamp, from Lebanon to Camden County) for the Term of twenty-five Years. PRIV.*
31. *An Act to empower the County Courts of Martin and Tyrrel, to lay a further Tax for defraying the Expence of the public Buildings in said Counties. PRIV.*
32. *An Act to empower the Court of Bertie County to levy a further Tax for compleating the public Buildings of said County. PRIV.*

*Read Three Times, and ratified in General Assembly,  
the Twelfth Day of February, Anno Dom. 1779.*

SIGNED BY

ALLEN JONES, S. S

THOMAS BENBURY, S. C.





## L A W S

O F

## N O R T H - C A R O L I N A .

At a GENERAL ASSEMBLY, begun and held at Smithfield, on the Third Day of May, in the Year of our Lord One Thousand Seven Hundred and Seventy-nine, and in the Third Year of the Independence of the said State: Being the First Session of this Assembly.

RICHARD CASWELL, Esq. Governor.

CHAP. I. *An Act for raising regular Forces for the Defence of this and the neighbouring States, and for other Purposes.* Temporary.

## C H A P. II.

*An Act for emitting Money for defraying the Expence of the War, and for other Purposes.*

I. **W**HEREAS this State has incurred Debts by raising Men to reinforce the Battalions thereunto belonging in the Army of the United States, upon the particular Requisition of Congress, for the Payment of which Debts the public Faith stands pledged, and that a further Sum should be emitted to carry on the Operations of the War:

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same,* That one Half of a Million of Pounds be emitted on the Faith and Credit of this State, in Bills of the following Denominations, *that is to say,* One thousand Bills of two hundred and fifty Dollars each, one thousand Bills of one hundred Dollars, two thousand Bills of fifty Dollars each, twelve thousand Bills of twenty-five Dollars each, ten thousand Bills of twenty Dollars, twenty thousand Bills of ten Dollars each, and twenty thousand Bills of five Dollars each; that the same be printed in a Printing-Press, and that *Henry Rhodes, Daniel Grant and Memucan Hunt,* be appointed Commissioners to superintend the printing the same, and that *Thomas Person and John Hunt* be Commissioners to receive the same when printed and numbered, to sign the same and pay it into the Hands of the public Treasurers.

Money to be emitted.

III. *AND be it further enacted by the Authority aforesaid,* That the general Form of the Bills hereby emitted, shall be as follows, *to wit,* "State of North-Carolina." "This Bill entitles the Bearer to receive *Spanish milled Dollars,* or the Value thereof in Gold or Silver, agreeable to an Act of Assembly passed at *Smithfield,* the fifteenth Day of *May,* one thousand seven hundred and seventy-nine." And such Bills shall be impressed and printed both in the Face and Reverse thereof, on the Edges as well as the Body thereof, with divers Letters, Marks, Devices and Words, which may be difficult of Imitation, and which in the Opinion of the said Superintendants of the Press may most effectually secure the same from Attempts to counterfeit.

Form of the bills.

IV. *AND be it also enacted by the Authority aforesaid,* That every Dollar of the Emission aforesaid shall be held and deemed equal to eight Shillings Proclamation Money, and shall pass current at the same, and be a lawful Tender in all Payments and Contracts within this State; any Law, Usage or Custom to the contrary notwithstanding.

Valuation of the money.

[The Remainder unnecessary to be inserted.]

C 5

CHAP.



A. D. 1779.

## C H A P. III.

See acts Nov.  
1777, c. 36. A-  
pril, 1784, c. 30.

*An Act to amend an Act, entitled, An Act for levying a Tax for defraying the Con-  
tingencies of the several Counties in this State, and other Purposes.*

**W**HEREAS it is found by Experience that the Tax of one Shilling only  
on every hundred Pounds Value of taxable Property in this State levied  
by the said Act, is far inadequate to the Purposes aforesaid;

Tax laid.

*II. BE it therefore enacted by the General Assembly of the State of North-Carolina, and it  
is hereby enacted by the Authority of the same, That for the future an annual Tax, not ex-  
ceeding five Shillings on every hundred Pounds Value of taxable Property in this  
State, be levied for the Purposes aforesaid; which Value shall be assessed, and Tax  
collected in the same Manner, and under the like Rules, Regulations, Restrictions  
and Allowances, as made and directed in levying and collecting public Taxes;  
and the Sheriffs for each respective County in this State are hereby ordered and  
required to collect the aforesaid Tax, or so much thereof as the County Court in  
each respective County shall order and direct, and pay the same into the Hands  
of the Trustee on or before the first Day of April annually.*

Poll tax.

*III. AND be it further enacted by the Authority aforesaid, That every Freeman  
in this State of the Age of twenty-one Years and upwards (other than Soldiers  
in the Service of the Continent, or of this State) who shall not possess the Value  
of four hundred Pounds in taxable Property, shall pay annually, in Lieu of As-  
sessment on Property, a Poll Tax equal to the Tax that Year on four hundred  
Pounds, which shall be collected and accounted for as other Taxes mentioned in  
this Act. Provided nevertheless, That married Men who are not possessed of one  
hundred Pounds taxable Property, shall pay annually, in Lieu of Assessment, a  
Poll Tax equal to the Tax for that Year of one hundred Pounds only.*

Repealing clause.

*IV. AND be it further enacted, That so much of the before recited Act, as comes  
within the Purview and Meaning of this Act, is hereby repealed and made void.*

Warrants issued  
in Bute for lands  
in Warren.

*V. AND be it enacted by the Authority aforesaid, That it shall and may be lawful  
for the Entry-Taker of Bute County, when the same stood undivided, to issue  
Warrants for all Lands in Warren County, which have been entered with the said  
Entry-Taker before the Division of Bute County.*

Such lands how  
surveyed.

*VI. AND be it further enacted by the Authority aforesaid, That it shall and may be  
lawful for the late Surveyor of Bute or Warren County, as it stood undivided, to  
survey all Lands which were entered with the Entry-Taker of said County before  
the Division thereof, in that Part which is now called Warren, and shall be enti-  
tled to the same Fees as other Surveyors in this State.*

*VII. & VIII. [ Provided for by subsequent Acts. ]*

**C H A P. 4.** *An Act for allowing Salaries to the Governor, Members of the Council of  
State, and for other Purposes. E X P.*

## C H A P. V.

See act Nov.  
1777, c. 7, and  
acts there refer-  
red to.

The first 5 sections  
either provided  
for by subsequent  
acts, or private  
Slaves not to raise  
stock.

*An Act for amending an Act for making Provision for the Poor, and for other Purposes.*

**V**I. *AND* whereas by an Act, entitled, *An Act concerning Servants and Slaves,*  
it is enacted, That no Slave shall be permitted on any Pretence whatso-  
ever, to raise any Horses, Cattle, Hogs or Sheep; *Be it therefore enacted by the Autho-  
rity aforesaid, That all Horses, Cattle, Hogs or Sheep, that, one Month after the  
passing this Act, shall belong to any Slave, or be of any Slave's Mark, in this State,  
shall be seized and sold by the County Wardens, and by them applied, the one  
Half to the Support of the Poor of the County, and the other Half to the Informer.*

Provision for in-  
digent persons in  
service of the  
state.

*VII. AND be it further enacted by the Authority aforesaid, That when any Citizen  
of this State is absent on Service as a Militia Man, and is thereby rendered inca-  
pable of Labour, or whose Family is unable to support themselves during his Ab-  
sence or Inability, the Court of Overseers to which he belongs, on Application,  
shall make him or them such Allowance as they think reasonable out of their Tax,  
towards the Maintenance and Support of such Man or Family, and an Account  
of such Expenditures shall be allowed in their Settlement with the County.*

Repealing clause.

*VIII. AND be it further enacted by the Authority aforesaid, That so much of the  
above recited Act as comes within the Purview of this, is hereby repealed and  
made void.*

SIGNED BY

*Read Three Times and ratified in General  
Assembly, the 10th of May, 1779.*

ALLEN JONES, S. S.  
THOMAS BENBURY, S. C.



## L A W S

O F

## N O R T H - C A R O L I N A .

At a GENERAL ASSEMBLY, begun and held at Halifax, on the Eighteenth Day of October, in the Year of our Lord One Thousand Seven Hundred and Seventy-nine, and in the Fourth Year of the Independence of the said State: Being the Second Session of this Assembly.

RICHARD CASWELL, Esq.  
Governor.

CHAPTER I. *An Act for sending an Aid to the States of South-Carolina and Georgia, and for other Purposes.* Temporary.

## C H A P. II.

*An Act to carry into Effect an Act passed at Newbern in November, in the Year One Thousand Seven Hundred and Seventy-seven, entitled, An Act for confiscating the Property of all such Persons as are inimical to this or the United States, and of such Persons as shall not within a certain Time therein mentioned appear and submit to the State whether they shall be received as Citizens thereof, and of such Persons who shall so appear and shall not be admitted as Citizens, and for other Purposes therein mentioned, and for other Purposes.*

See act Nov. 1777, c. 17, and acts there referred to.

I. **W**HEREAS it is enacted by the Act aforesaid, passed at *Newbern* in *November*, one thousand seven hundred and seventy-seven, that all the Lands, Tenements, Hereditaments, and moveable Property, within this State, and all and every Right, Title, and Interest therein, of which any Person was seized or possessed, or to which any Person had Title, on the fourth Day of *July*, in the Year one thousand seven hundred and seventy-six, who on the said Day was absent from this State, and every Part of the United States, or who has withdrawn himself from this or any of the United States, after the Day aforesaid, and still resides beyond the Limits of the United States, shall and are hereby declared to be confiscated to the Use of this State, unless such Person shall at the then next General Assembly which shall be held after the first Day of *October*, in the Year one thousand seven hundred and seventy-eight, appear, and be admitted to the Privilege of a Citizen of this State, and restored to the Possessions and Property which to him once belonged within the same: And whereas divers Persons, who come within the Descriptions of the aforesaid Act recited, have failed or neglected to appear before the said General Assembly as last mentioned, or at any General Assembly since, and submit to the State whether they shall be admitted as Citizens thereof, and restored to the Possessions which to them once belonged, whereby such certain Persons herein after mentioned have clearly incurred and become liable to the Penalties of the aforesaid first recited Act:

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all the Lands, Tenements, Hereditaments, and personal Property within this State, of *William Tryon* and *Joseph Martin*, Esquires, *Sir Nathaniel Duckinfield*, *Henry Eustace M'Culloch*, *Henry M'Culloch*, *Samuel Cornell*, and *Edmund Fanning*, *Thomas Macknight*, late of *Currituck County*, *James Parker*, *William M'Cormack*, *John Dunlap*, *Neal Snodgrass*, and *John Lancaster*,

Estates confiscated.



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Lancaster, late of Pasquotank County, James Green, Mariner, and John Alexander, late of Craven, Thomas Oldham, late of Chowan, Thomas Christie, of the Kingdom of Ireland, Frederick Gregg, late of New-Hanover, Andrew Miller, Alexander Telfair, Hugh Telfair, John Thompson, John Hamilton, Archibald Hamilton, late of Halifax, George Alston, late of Granville, Michael Wallace, John Wallace, late Merchants of Virginia, William Field, John Field, junior, and Robert Turner, late of Guilford, John Moore, late of Tryon, James Roberts, late of Surry, George Miller, late of Dobbs County, James Cotten, Walter Cunningham, Samuel Williams, late of Anson, Samuel Bryan, William Spergen, Matthias Sappinfield, late of Rowan, William M'Clellan, late of Edgcomb, Messieurs Dinwiddie, Crawford, and Company, late of Bute County, Robert Palmer, late of Beaufort, Edward Brice Dobbs, Ralph M'Nair, John M'Nair, Joseph Field, James M'Meil, Archibald M'Coy, Alexander M'Cay, Neil M'Arthur, John Leggett, John M'Cloud, Colin Sbarw, William Campbell, James Gamble and Company, Thomas Rutherford, William Rose, Alexander M'Coy, Messieurs Waller and Bridgen, Merchants in London, Alexander M'Auslen, late of Newbern, Alexander Campbell, Robert Bell, and Duncan Campbell, late of Granville County, Francis Williamson, late of Currituck County, Chancey Townsend, Doctor Tucker, late of Wilmington, and Buchanan, Hastie, and Company, and all others who come within the Meaning of the Confiscation and this Act, and all and every the Right, Title and Interest, which all, or each of the Persons aforesaid, may have had therein on the said fourth Day of July, one thousand seven hundred and seventy-six, or at any Time since, shall be, and are hereby declared to be confiscated, fully and absolutely forfeited to this State, and shall be vested in the Hands of Commissioners as in this Act directed to be appointed, for the Purposes herein after mentioned.

Commissioners appointed.

III. *AND* be it further enacted by the Authority aforesaid, That Commissioners shall be appointed by the County Court in each County, who shall severally give Bond, with three or more Sureties, in the Sum of one hundred thousand Pounds at least, and not exceeding five hundred thousand Pounds, at the Discretion of the County Court, to the Governor for the Time being, for the Use of the State, for the faithful Discharge of their Duty according to Law; and shall also take the following Oath, previous to entering on their Office:

Their oath.

**I** A. B. do swear, that I will faithfully discharge the Trust reposed in me as a Commissioner, to the best of my Knowledge, according to Law; and that I will fully account for all Money or Effects that shall come to my Hands, in Consequence of my Appointment, as the Law directs. **SO HELP ME GOD.**

And power.

And the said Commissioners in their respective Counties shall have full Power and Authority to take Possession of all Lands, Tenements, Hereditaments, Monies, Debts, whether due by Judgment, Bond, Bill, Note, Account, or otherwise, and all other personal Property of the Persons aforesaid, in the Name, and for the Use of the State, which by this Act are declared to be forfeited to the State, and shall give Receipts or Discharges, which shall forever indemnify and acquit the Persons delivering or paying the same, their Heirs, Executors, and Administrators, against any future claim for the Articles or Money mentioned in such Receipt or Discharges.

Exchange of money.

IV. *AND* be it further enacted by the Authority aforesaid, That all Persons who owe any Sterling Debt to any Person or Persons described in the Confiscation Act or in this Act, whose Property is thereby confiscated, shall pay in Lieu of every hundred Pounds Sterling, the Sum of one hundred and seventy-five Pounds current Money of North-Carolina.

Property how discovered.

V. *AND* in order to discover all the Property, real and personal, of the Persons aforesaid, by this Act declared to be forfeited; *Be it enacted by the Authority aforesaid*, That the said Commissioners shall and may order the several Constables to summon any of the Inhabitants in their respective Counties to appear before them at convenient Times and Places, to give in on Oath an Account of such forfeited Property, when they, or a Majority of them being present, shall administer the following Oath or Affirmation to the Inhabitants so appearing:

**I** A. B. do swear or affirm, that the Account by me rendered contains a full and true Account, to the best of my Knowledge, of all the Lands, Tenements, Hereditaments, Debts,



A. D. 1779.

Debts, Monies, and all personal Property in the County of \_\_\_\_\_ or elsewhere, which belonged on the fourth Day of July, one thousand seven hundred and seventy-six, to any of the before mentioned Person or Persons, or at any Time since, who come within, or are included by the Description, or either of them, recited in this Act, or the Confiscation Act passed at Newbern, in the Year one thousand seven hundred and seventy-seven, and have not disposed of or parted with the same, or any Part thereof, to clude or evade the Intent and Meaning of the Confiscation or this Act; and further, that the said Account contains, to the best of my Recollection, the full Amount of all and every Sum or Sums of Money which now are by me due and owing to any such Person or Persons, including Interest (if any) by Bond, Note or Account, or by Virtue of any Trust whatever. SO HELP ME GOD.

And if any Person summoned as aforesaid shall fail to appear, or appearing shall fail to render an Account as above mentioned, on Oath or Affirmation, as the Case may be, in such Case the said Commissioners, or any two of them, shall have Power to commit such Person, if present, to close Gaol, until he or she shall comply with the Law; and if absent, shall issue a Warrant, directed to any Sheriff or Constable, to apprehend and bring such absent Person before them at any Place, on a future Day, when if he or she shall refuse to render an Account on Oath as aforesaid, he or she shall also be committed to close Gaol, until he or she shall render an Account on Oath or Affirmation as aforesaid; and the said Commissioners are hereby invested with Power to administer the Oath, issue Warrants, and make Commitments, in Manner aforesaid.

VI. *AND* be it further enacted by the Authority aforesaid, That the County Court shall have the same Power to require and compel the Oath aforesaid from the Commissioners themselves, which the Commissioners have respecting others; and the Commissioners shall account for any Money, or other Effects, declared forfeited by this Act, due by them, or in their Possession, in the same Manner as in other Cases. Commissioners how accountable.

VII. *AND* be it further enacted by the Authority aforesaid, That the said Commissioners shall enter in a Book to be kept for that Purpose, all such Lands, Tenements, Hereditaments, and personal Property, of the Persons aforesaid, forfeited by this or any other Act, which shall come to their Knowledge or Possession in their respective Counties, together with the Names of said former Owners, and also whether the same, or any Part thereof, be claimed by any Subject of this State, or any of the United States, and shall specify all Sums of Money which are or shall be due or owing by any Inhabitant or Inhabitants within said County to any of the before mentioned Persons, or his or their former Creditors, together with the Names of such Debtor and former Creditor as aforesaid, and shall make Report of their Proceedings to every County Court which shall be held in their Counties respectively; and the several County Courts shall and may have Power to fill Vacancies occasioned by Death, Refusal, or Removal out of the County, provided that there shall not be less than seven Justices present at the Appointment of any Commissioner: And the said Commissioners shall, and are hereby authorized and required, to sell all and every the Lands, Tenements, Hereditaments, and personal Property, of the Persons aforesaid, by Way of Public Auction, at the Court-House of the County wherein the said Estate shall be, in the Time of Sessions, advertising the same in the *Virginia* and *South-Carolina* Gazettes one Month at least previous thereto, and in the most public Places of the County, in such Quantities as the said Commissioners shall think best, so that no Tract exceed more than six hundred and forty Acres, to be laid out by a Surveyor for that Purpose appointed by the Commissioners, one Half the Purchase Money to be paid down to the said Commissioners, and for the other Half they shall take Bond, with sufficient Security, payable in six Months, to the Governor or Commander in Chief for the Time being, for the Use and Benefit of the same; and any two of the said Commissioners are hereby vested with full Power and Authority to execute to the Purchaser or Purchasers as aforesaid a Deed of Bargain and Sale, or other Conveyance in Law, for such Tract or Tracts of Lands purchased as aforesaid, which shall be good and valid in Law to convey the Fee of the same to the Purchaser or Purchasers, his Heirs and Assigns, forever; any Law to the contrary notwithstanding. Their duty on selling lands, and vacancies how filled.



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Right of appeal.

VIII. *PROVIDED*, That if it shall appear to the County Court that any Person, being a Subject of this or any of the United States, hath, or pretends to have, any Right or Title in Law to any Lands, Tenements, Hereditaments, Monies, Debts, or personal Property, of any of the said Persons declared forfeited by this Act, such Court shall stay all further Proceedings of the Commissioners thereupon, and shall send up a true and exact State of such Claim to the Superior Court of the District; which Superior Court shall proceed to enquire into and determine the legal Right and Title of the Person so claiming, by Jury, in the same Manner as in Suits of Common Law, and such Determination when had shall be final; and the Clerk of the Superior Court shall transmit a Copy thereof to the County Court wherein the Dispute originated, which shall proceed according to such Determination.

Proviso, for orphans.

IX. *PROVIDED also*, That if any real or personal Estate belonging to any Orphan, or other Person, not comprehended or included by the Descriptions in the Act afore mentioned, or either of them, shall be sold by Virtue of this Act, such Orphan or other Person, notwithstanding he, she or they, shall have failed or neglected to exhibit such Claim to the County Court previous to the Sale, shall on due and sufficient Proof made before the General Assembly, be entitled to receive the whole Amount of the Sale, with six *per Centum* Interest thereon.

For creditors.

X. *AND provided likewise*, That all Persons being Subjects of this State, or of any the United States, and having just Claims or Demands against any Estate or Estates declared forfeited by this Act, and actually sold or converted to the Use of the State in consequence thereof, shall upon due Proof made before the General Assembly, be entitled to receive their several Demands, if the Sales of such Estate be sufficient, but if not, shall receive in Proportion to their several Demands.

Commissioners the same power as Sheriffs, &amp;c.

XI. *AND be it further enacted by the Authority aforesaid*, That the Commissioners in their respective Counties shall have the same Powers and Authorities to demand, make Distress for, and receive, all Sums of Money due and owing by the Inhabitants thereof, and declared forfeited to the State by this Act; and shall be subject to the same Pains, Penalties and Restrictions, and shall account with the public Treasurers for the same, and also for all Money arising from the Sales of Lands, or Sales of personal Property, as in this Act directed, at the same Times, and in the same Manner, as Sheriffs or County Treasurers have or are liable to by Law for the collecting and accounting for public Taxes, and shall have and receive for their Services at the Rate of two *per Cent.* each.

Entries of lands void.

XII. *AND be it further enacted by the Authority aforesaid*, That all Entries already made, or which shall hereafter be made, of any Lands, Tenements or Hereditaments, of the Persons aforesaid, which come within the Meaning of the Confiscation Act, passed at *Newbern*, in *November*, one thousand seven hundred and seventy-seven, or of this Act, shall be utterly void and of none Effect. *Provided*, That Nothing contained in this Act shall be construed to invalidate or repeal any Part of an Act passed during the Session of General Assembly at *Halifax*, in *January* and *February*, one thousand seven hundred and seventy-nine, entitled, *An Act to enable the Inhabitants of a Tract of Land lying in Mecklenberg County, known by the Name of Governor Dobbs's Tract, No. Five, to make Entries thereof, and obtain Titles for the same.* *Provided*, That Nothing contained herein, or in the said Confiscation Act, shall be construed to repeal *An Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes*, or any Part thereof, but that the same is and shall be in full Force; and that all Proceedings that have been, or shall hereafter be conducted according to the Directions of the said Act, as to the Lands therein mentioned, are hereby declared good and valid; any Law, Custom or Usage to the contrary notwithstanding.

Proviso.

Clerks to make transcripts.

XIII. *AND be it further enacted by the Authority aforesaid*, That the Clerk of each and every County Court shall transmit to the General Assembly a complete Transcript of the Report or Reports of the Commissioners in their respective Counties, and of the Proceedings of such Court thereupon, under the Penalty of five hundred Pounds; to be recovered by Action of Debt, in the Name of the Governor for the Time being, to be applied to the Use of the State.

XIV. *AND*



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Property not bona fide, disposed of, confiscated.

XIV. AND whereas many Persons who heretofore refused to take the Oath of Allegiance to this State, and were compelled to leave the same in consequence thereof, by Virtue of an Act of Assembly, passed at *Newbern* in *April*, in the Year one thousand seven hundred and seventy-seven, entitled, *An Act for declaring what Crimes and Practices against the State shall be Treason, and what shall be Misprision of Treason, and providing Punishments adequate to Crimes of both Classes, and for preventing the Dangers which may arise from Persons disaffected to the State*, and of another Act passed at *Newbern* in *November*, in the Year one thousand seven hundred and seventy-seven, to amend the aforesaid Act, have failed or neglected to sell and convey their real Estates agreeable to the said Act, and to appoint lawful Agents or Attornies to receive and give Discharges for Debts due and owing by the Inhabitants of this State to Persons who so departed therefrom, whereby many Lands of the Persons last described are yet undisposed of, and still continue to be and remain to the Use of the same, and many well meaning People are defeated of an Opportunity to discharge such Debts due as aforesaid; *Be it therefore enacted by the Authority aforesaid*, That all such Lands of the Persons described in the said last recited Acts, which have not been sold and disposed of *bona fide* for a valuable Consideration actually paid, and all Debts, Money, and personal Property, belonging to the same, not yet collected and appropriated according to the Directions of said Acts, shall be, and hereby declared to be confiscated to this State, and the Commissioners aforesaid are hereby directed to proceed on such real and personal Estates in like Manner as on the Estates of the Persons first mentioned in this Act; any Thing contained in the said last recited Act to the contrary notwithstanding.

XV. AND *be it further enacted by the Authority aforesaid*, That the Surveyor appointed by the Commissioners to run out any of said Lands, shall be entitled to receive eight Pounds for each Tract of six hundred and forty Acres, and so in Proportion for a less Quantity of Land they shall be ordered to run out. Surveyor's fees.

XVI. AND *be it further enacted by the Authority aforesaid*, That an Act passed at *Halifax* in *January*, one thousand seven hundred and seventy-nine, entitled, *An Act to carry into Effect an Act, passed at Newbern, in the Year one thousand seven hundred and seventy-seven, for confiscating the Property of such Persons as are inimical to this State or the United States, and of such Persons as shall not within a certain Time therein mentioned appear and submit to the State whether they shall be received as Citizens thereof, and of such Persons who shall so appear and shall not be admitted as Citizens, and for other Purposes therein mentioned, and for other Purposes*, and every Clause of the said first recited Act, shall be, and is hereby repealed and made void; any Law to the contrary notwithstanding. Act repealed.

XVII. PROVIDED *nevertheless*, That the Wife or Widow of any of the Persons aforesaid, who hath been, and now is residing within this State, shall not be debarred from her Right of Dower in and to her Husband's Lands, but shall be entitled to one Third thereof for and during her natural Life, to be laid off by the Commissioners in the same Manner as Lands in Dower are by the Common Law; and that a proper Subsistence out of the Sales of said Husband's Estate shall be allowed to the Wife or Widow aforesaid, for the Maintenance of herself, and such Children, being Minors, who are now Residents of this State, as the General Assembly shall direct. Right of dower.

XVIII. PROVIDED *nevertheless*, That Nothing herein contained shall be construed to empower the Commissioners appointed by Virtue of this Act, to take into their Possession any Household Furniture or Provisions belonging to the aged Parents, Wives, Children, or Widows, of any Person whose Estate is confiscated by Virtue of this or any other Act passed in this State. Provision for aged parents, &c.

XIX. PROVIDED *nevertheless*, That the Commissioners appointed according to the Directions of the aforesaid Act, passed in *January*, one thousand seven hundred and seventy-nine, who have done, performed and executed, any of the Trusts reposed in them by the said Act, shall be accountable to the Treasurer of the District for all such Sum or Sums of Money by them so received, as the Commissioners by this Act are liable to, and required to be. Former Commissioners to account.

XX. AND



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Recoveries made good.

XX. *AND* be it further enacted by the Authority aforesaid, That if any Recovery shall be had hereafter against any Person for any Sum or Sums of Money by him or her paid in consequence of this Act, the State shall fully and amply, on sufficient Proof made to the General Assembly, pay and satisfy to such Person all Monies so recovered, together with all Damages which may thence accrue, whether arising from Delay, Imprisonment, or otherwise.

## C H A P. III.

Rep. by act April, 1784, c. 33, except, perhaps, the 9th section.

*An Act to prevent hunting in the Night Time with Gun and Fire-Light, and other Purposes therein mentioned.*

Pen. on evidences refusing to give testimony.

IX. *AND* be it further enacted by the Authority aforesaid, That if any Person summoned as an Evidence against any Fire Hunter, and shall refuse or neglect to give Evidence against such Fire Hunter, such Person so refusing or neglecting shall be committed to the Gaol of the County where the Offence shall be committed, until he or she shall give Evidence against the Offender.

## C H A P. IV.

See act Nov. 1777, c. 1. &amp; acts there referred to.

*An Act to amend an Act, entitled, An Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, and for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned; and also to amend one other Act, entitled, An Act to amend an Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned.*

Where new trials may be had.

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 several County Courts within this State shall have full Power and Authority, and they are hereby declared to have full Power and Authority, in all Cases now undetermined, where they shall judge a new Trial necessary, to order the same either on the Premises where the Bounds of the Land come in Question, or before them, in which last Case they shall direct a Jury to be impaneled and sworn as in the Trial of other Causes, to try the disputed Claim; and where the said Jury shall find generally or specially, the same Proceedings shall be had on their Verdict as in Cases of Verdicts returned by the Sheriff respecting vacant or unappropriated Lands; and the Judgment of the Court in all Cases of vacant or unappropriated Land shall be final and conclusive, without any Appeal to the Superior Court.

Appeals how tried.

II. *AND* be it enacted by the Authority aforesaid, That all Appeals undetermined and now depending in the said Superior Courts, shall be proceeded on and determined in the same Manner as before the passing of this Act, any Thing to the contrary notwithstanding.

Sheriff to administer an oath.

III. *AND* be it further enacted by the Authority aforesaid, That the Sheriff, or his Deputy, shall have full Power and Authority, and they are hereby declared to have full Power and Authority, to administer an Oath to the Jury and Witnesses, and to qualify them in the same Manner as a Justice of the Peace, pursuant to the before recited Act passed at *Newbern*.

Titles to entries of lands.

IV. *AND* be it further enacted by the Authority aforesaid, That in Case of the Death of any Person who heretofore has made an Entry of Land, or who hereafter shall make an Entry pending the same, or before the making out the Grant, his or their Heirs or Assigns shall have a Fee Simple Estate in the Premises, although the Grant shall be made in the Name of the Decedent.

Agreements ascertained.

V. *AND* whereas in many Cases after entering a Caveat the contending Parties meet and agree, which Agreement often cannot be ascertained, and thereby Justice is delayed, and the Intention of the Legislature in granting Land defeated; *Be it therefore enacted by the Authority aforesaid, That on Application to the County Court where the Land lies, both Parties having such previous Notice as the Court shall judge sufficient, they shall ascertain the Agreement, and give Judgment in*  
the



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the same Manner as on a Verdict of a Jury, and the like Proceedings shall be had thereon. *Provided nevertheless*, That in Case the Agreement cannot be ascertained to the Satisfaction of the Court, they shall order a Trial as in other Cases of Caveats.

VI. A N D whereas there is no Law to enforce the Attendance of Jurors on Trials on the Premises, and Delays frequently happen in consequence of their Failure; *Be it therefore enacted by the Authority aforesaid*, That in Case any Person summoned as a Juror to attend on the Premises, who shall fail to appear and proceed on the Trial, the Sheriff shall return a List of his or their Names so failing to the County Court next succeeding, who shall order a Notice to issue for him or them, to shew Cause at the next succeeding Session in Justification of such Failure; which if the Court should think not sufficient, they shall fix a Fine on the said Delinquent, not exceeding fifty Pounds, and be further liable to an Action of the Party grieved. Pen. on jurors.

VII. A N D *be it further enacted by the Authority aforesaid*, That when it shall so happen that any Person or Persons shall have made, or hereafter may make any Entry of Land on any navigable Water, and are prevented from running out the same, agreeable to the Directions of the before recited Act, by the Boundary of any Land heretofore run out, that then, and in that Case, the Surveyor may and shall run out and survey the same in the same Manner that other Lands are directed to be laid out; any Thing in the before recited Act to the contrary notwithstanding. Lands how run.

VIII. [*Provided for by subsequent Acts.*]

IX. A N D whereas Grants may be secretly obtained by artful and designing Men for Land to which they have no just Title, to the great Injury of many of the Inhabitants of this State: For Prevention whereof, *Be it further enacted*, That upon Complaint being made on Oath, and sufficient Reason shewn to the Governor or Commander in Chief, he may suspend the Execution of such Grants, and direct the Secretary to certify the same to the Court of the County wherein the Land may lie; and the Court shall upon receiving such Certificate from the Secretary order a Trial by Jury, in the same Manner as they might do if a Caveat had been made in the Office of the Entry-Taker, and the Proceedings to be conducted in the same Manner as is directed in the before recited Act. Execution of grants may be stopped.

X. [*Provided for by subsequent Acts.*]

#### C H A P. V.

*An Act to amend an Act for appointing Sheriffs, and directing their Duty in Office, and for obliging the late Sheriffs and Collectors of public Monies who are in Arrear to account for and pay the same, and for other Purposes.*

I. **B**E 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 County Court shall annually elect and nominate a Freeholder of sufficient Circumstance to execute the Office of Sheriff, who shall thereupon be commissioned by the Governor or Commander in Chief to execute that Office for one Year; and if any Sheriff so nominated shall remove out of his Bailiwick, or fail to give Security, or refuse to qualify, or shall happen to die in the Time of his Sheriffalty, the Court shall at the next Sessions elect and nominate another as aforesaid. Sheriffs appointed.

II. A N D *be it further enacted by the Authority aforesaid*, That in Case at any Time there shall be no Person properly qualified to act as Sheriff in any County of this State, that then it shall and may be lawful for the Coroner of such County, and he is hereby required, to execute all Procefs, civil or criminal, lawfully issuing, or Judgments, Orders or Sentences, of any Courts within the same, until some Person shall be appointed properly qualified as aforesaid to act as Sheriff in said County; and such Coroner shall be under the same Rules and Regulations, and subject to the same Fines and Forfeitures, as Sheriffs are by Law for Neglect or Disobedience of the Duties aforesaid. Coroners may serve precepts.

III. A N D *be it further enacted by the Authority aforesaid*, That when it shall so



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Where no Sheriff  
or Coroner.

happen that there is not a Sheriff or Coroner in any of the Counties of this State wherein the Superior Courts of Law are held, that then in such Case all Orders or Sentences of said Courts shall be performed and executed by the Sheriff of any County of the District to whom the Judges or Clerks of the said Courts after Term Time may think proper to direct the same, with the same Powers and Authorities as if he had been the Sheriff of the County wherein said Superior Court is held, under the Penalty and Fine of five thousand Pounds, to be inflicted upon him by the Superior Court of the District, on Indictment, for such Contempt and Disobedience, and to be further liable to Imprisonment, at the Discretion of said Court; any Law, Usage or Custom, to the contrary notwithstanding.

Arrears how re-  
covered.

IV. A N D whereas many Persons in this State still remain in arrear for Taxes due and payable previous to the Independency of the same; *Be it enacted by the Authority aforesaid*, That the Sheriffs or Collectors who are bound by Law to collect and account for such Arrears, shall have full Power and Authority to warrant all Persons so indebted for Taxes, and recover the same; any Law to the contrary notwithstanding.

V. A N D *be it further enacted by the Authority aforesaid*, That so much of the before recited Act as comes within the Purview or Meaning of this Act, be repealed, and made null and void; any Law to the contrary notwithstanding.

## C H A P. VI.

*An Act for directing the Method of appointing Jurors in all Causes civil and criminal.*

I. **W**H E R E A S a Trial by Jury is one of the best Securities of the Rights of the People, and a just Decision of Suits and Controversies in the several Courts of Law within this State, depend on the Integrity and Capacity of Jurors:

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same*, That the Justices of the County Courts within the District of each Superior Court of Law within this State shall, and they are hereby directed, before the sitting of any Superior Court, to nominate forty-eight Freeholders to serve as Jurors at such Superior Courts. *Provided always*, That no County Court shall knowingly nominate any Person to serve as a Juror at two Courts successively, or any Person who shall have an Action or Suit at Issue in the Superior Court at the Term to which he shall be so nominated.

III. *A N D be it further enacted by the Authority aforesaid*, That the Number of Freeholders to be nominated for each County to serve as Jurors, shall be proportioned as follows, *to wit*, Craven seven, Carteret five, Beaufort six, Hyde six, Lotts four, Wayne four, Pitt six, Johnston four, Jones six, for the District of Newbern; New-Harover twelve, Bladen eight, Onslow six, Duplin eight, Cumberland eight, Brunswick six, for the District of Wilmington; Wilkes two, Washington three, Sullivan two, Montgomery three, Rutherford three, Surry four, Guilford four, Anson three, Richmond three, Mecklenberg six, Burke four, Rowan ten, Lincoln three, for the District of Salisbury; Orange fourteen, Granville ten, Wake six, Chatham seven, Caswell seven, Randolph four, for the District of Hillsborough; Warren five, Franklin five, Edgcomb six, Northampton ten, Nash five, Martin four, Halifax twelve, for the District of Halifax; Chowan seven, Perquimans five, Pasquotank six, Currituck five, Tyrrel four, Bertie eight, Hertford five, Camden four, Gates four, for the District of Edenton: A List of which Jurors so nominated shall be delivered by the Clerk of each County Court to the Sheriff, who shall, and is hereby required to summon the Persons so nominated to serve as Jurors at the Superior Court; and if any Juror so summoned shall fail to appear, he shall be fined the Sum of two hundred Pounds, unless he can shew sufficient Cause to the next Court to excuse his Non-Appearance; which Fine shall be applied to the Payment of such Jurors as shall attend from the said County, and thereby lessen the County Tax.

IV. *PROVIDED always*, That if any of the said County Courts shall fail or neglect to nominate Freeholders to serve as Jurors as aforesaid, or the Persons so nominated shall fail to attend, it shall and may be lawful for such Superior Court

to

See acts April,  
1773, c. 11. Nov.  
1786, c. 13. Nov.  
1787, c. 21.

Jurors appointed

Number for the  
districts.How to be sum-  
moned.Fine for not at-  
tending, &c.By standers sum-  
moned.



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to order and direct the Sheriff to summon other Freeholders of the Bystanders to serve as Jurors, and the Persons so summoned shall be held and deemed lawful Jurors. *Provided*, That such Bystanders who shall be so summoned, shall and may be every Day discharged; and the succeeding Day, and so from Day to Day during the Continuance of the Court, the Sheriff shall summon of the Bystanders to make up as shall be necessary; and every Person so summoned of the Bystanders who shall not appear and serve as Jurors, shall be fined in the Sum of fifty Pounds, unless he can shew sufficient Cause, to be approved by the Court; to be applied as before directed.

V. **A N D** that the Fines may be applied according to the Directions of this Act. *Be it further enacted by the Authority aforesaid*, That the Fines herein imposed shall be levied by the Sheriff of each respective County wherein each Person shall be summoned as Jurors as herein directed, and shall fail to appear and serve as such; and such Sheriff shall be accountable for the same to the Court of his County. Fines levied.

VI. *And be it further enacted by the Authority aforesaid*, That the Sheriff of each respective County shall, and he is hereby required to summon the Freeholders in the List to be delivered him by the Clerk of the County Court of his County at least ten Days before the sitting of the Superior Court of which such Jurors are to attend as Jurors, which he may do personally, or by leaving a Copy of Summons in writing at the Dwelling-House of such Freeholder so to be nominated as aforesaid. Jurors how summoned.

VII. **A N D** whereas the attending Superior Courts will be very expensive to Jurors: For Remedy whereof, *Be it enacted by the Authority aforesaid*, That each and every Juror who shall attend either of the Superior Courts to which he shall be nominated as aforesaid, and summoned in Virtue of this Act, upon producing a Certificate from the Clerk of the Superior Court of the Time of his Attendance to the County Court of the County where he resides, shall have and receive ten Dollars for every Day he shall travel and attend as aforesaid; and an Allowance for his Ferriage, if certified as aforesaid, to be paid out of the County Tax. Their allowance.

VIII. *And be it further enacted by the Authority aforesaid*, That in all Suits in the Superior and County Courts within this State, wherein the Title or Bounds of Lands shall come in Question, if it shall appear to the Court necessary, such Court may order two Surveyors, one to be named by each Party, to attend and run out and survey the Lands in Dispute, agreeable to the Bounds and Lines expressed in each Party's Titles, and make three accurate Plans of such Surveys, and return the same to such Court; which Order such Surveyors are hereby required to obey, and shall be allowed fifteen Dollars each for every Day they shall be travelling to and from attending the Surveys, and performing the Duty by this Act required; which Allowance shall be taxed in the Bill of Costs, and paid by the Party cast. *Provided nevertheless*, If the Parties shall agree to have but one Surveyor appointed to perform such Services, that then, and in such Cases, the Court shall order one Surveyor only to attend, survey, and run out the Lands in Dispute; who shall return three Plans, in the same Manner, and be entitled to the same Allowance, as he would have been entitled to if two Surveyors had been appointed. Manner where lands are in question.

IX. *And be it enacted by the Authority aforesaid*, That the Justices of the County Courts shall, at the Sessions of their respective Courts, nominate thirty Freeholders to serve as Grand and Petit Jurors at the next ensuing Court of the County, and a List thereof shall by the Clerk be delivered to the Sheriff of such County, who is hereby required to summon the Persons therein named to attend as Jurors at such Courts respectively, at least five Days before the sitting of such Court, which said Jury shall appear and give their Attendance accordingly till discharged by the Court; and that there may not be a Default of Jurors, it shall and may be lawful, during the sitting of the County Court, for the Sheriff, by order of such Court, to summon of the Bystanders other Jurors, being Freeholders, to serve on the Petit Jury from Day to Day, and on any Day of the said Court the Justices may discharge those who have served the preceding Day. Jurors for County Courts.

X. **A N D**



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Penalty for non-appearance.

X. AND to enforce the Attendance of Jurors at the said County Courts, *Be it enacted by the Authority aforesaid*, That every Person who shall hereafter be summoned in Virtue of this Act to appear as Jurors at any County Court, such Person failing to appear, or to give his Attendance till discharged by Order of the Court, shall be fined in a Sum not exceeding fifty Pounds by the Justices of the County Court; to be applied towards defraying the Charges of the County, and lessening the County Tax, unless he shall shew sufficient Cause to the next succeeding Court for such Failure.

Privilege.

XI. *AND be it further enacted by the Authority aforesaid*, That no Sheriff, or other Officer, shall serve or execute any Writ, or other Process, on the Body of any Juror, during his Attendance on, going to, and returning from any of the said Superior or County Courts; any such Service shall be void, and the Defendant may on Motion be discharged.

Superior Court juries how drawn

XII. *AND be it further enacted by the Authority aforesaid*, That the Judges of the Superior Courts shall direct the Names of all the Jurors returned from the Counties of the District where such Court shall be held to be wrote on Scrolls of Paper, which Scrolls of Paper shall be put into a Box, and drawn out by a Child under ten Years of Age, and the first eighteen drawn shall be a Grand Jury for the said Court, and the residue of the Names in the Box shall be the Names of those who shall serve as Petit Jurors for the said Court.

How to be drawn when a ballot is required.

XIII. *AND be it further enacted by the Authority aforesaid*, That when either of the Parties shall require that a Jury should be balloted for, that then, and in that Case, the Clerk shall write the Names of all the Petit Jurors appearing on Scrolls or Pieces of Paper, and on the Issue in such Suit, a Child under ten Years of Age, in open Court, shall draw out of the said Box twelve of the said Scrolls or Pieces of Paper, and the Persons whose Names shall be in the said Scrolls or Pieces of Paper drawn as aforesaid, shall be Jurors to try such Issue, provided that they all do appear; and in Case of Defaulters, other Scrolls shall be drawn, until a sufficient Number shall appear to make a complete Jury.

Jurors for Oyer and Terminer Courts.

XIV. *AND be it further enacted by the Authority aforesaid*, That when the Governor or Commander in Chief, with Advice of the Council, shall think it necessary to issue a Commission to the Judges of the Superior Courts of Law of this State, empowering them, or any of them, to hold a Court of Sessions of the Peace, *Oyer and Terminer*, and General Gaol Delivery, that the Judge or Judges empowered to hold such Courts, shall issue a *Venire Facias* to the Sheriff of the County wherein such Court is to be held, who is hereby required to summon forty-eight Jurors, being Freeholders, five Days previous to the Sitting of said Court, to give their Attendance at the same, under the same Rules, Regulations and Penalties, as other Jurors are liable to in this Act directed; and in Case of a *Venire Facias* not arriving in Time to the Sheriff to summon as aforesaid, or in Default of the Attendance of such Jurors so summoned, that then the Sheriff shall summon of the Bystanders such other Persons, being Freeholders, to constitute the Grand and Petit Jurors of the Courts as aforesaid, who if they shall fail or refuse to attend, shall be subject to the same Penalties as before mentioned.

Allowance to witnesses.

XV. *AND be it enacted by the Authority aforesaid*, That the Witnesses attending at any Inferior or Superior Court of law within this State, shall be allowed ten Dollars for each and every Day he shall so attend, to be paid by the Party summoning such Witness or Witnesses.

C H A P. VII.

*An Act to amend an Act, entitled, An additional Act concerning Servants and Slaves, passed at Newbern, in the Year one thousand seven hundred and fifty-three, and for other Purposes therein mentioned.*

I. **W**HEREAS by the before recited Act, the Encouragement given to Searchers or Patrollers, the Penalty inflicted on them in Case of a Non-Compliance of their Duty, and the Times appointed for searching, are insufficient:

Exemption of Searchers.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That each and every Searcher or Patroller



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Patroller appointed in pursuance of the aforesaid Act shall, as to his own Person, during the Time of his Continuance in Office, be exempted from serving as a Constable, or working upon the Roads, attending private Musters, or as a Juror, and shall be entitled to such further Allowance out of the County Tax as the Court shall think necessary.

III. *AND be it further enacted by the Authority aforesaid,* That the Searchers in their respective Districts shall search once in every Month for Guns and other Weapons, as the before recited Act directs, and shall make Return on Oath of all such Guns, or other Weapons, which they shall so find, to the succeeding County Court, to be applied to the Use of the County, or returned to the Owner, as the Court may direct; and in Case they find any Slave or Slaves on the Sabbath, or other unseasonable Time, off his Master or Mistress's Plantation, without a Pass, or in Company with some white Person who will vouch for his or their honest Intention, it shall be lawful for them to apprehend such Slave or Slaves, and convey, or cause to be conveyed, to the Master, Mistress, or Overseer, who shall pay to the said Searchers or Patrollers in like Manner as for apprehending and conveying Runaways, as a Compensation for their Trouble.

IV. *AND be it enacted by the Authority aforesaid,* That every Searcher or Patroller who shall refuse to serve, or neglect to do his Duty, shall forfeit and pay the Sum of one hundred Pounds, to be recovered in any Jurisdiction having Cognizance thereof.

V. *AND be it further enacted by the Authority aforesaid,* That so much of the before recited Act, entitled, *An additional Act to an Act concerning Servants and Slaves, passed at Newbern the twenty-seventh Day of March, one thousand seven hundred and fifty-three,* as comes within the Purview of this Act, be, and is hereby repealed and made void.

VI. & VII. [*Provided for by subsequent Acts.*]

## C H A P. VIII.

*An Act for punishing Persons concerned in any of the several Species of Counterfeiting in this State.*

I. **W**HEREAS the Laws heretofore made for preventing Counterfeits are found ineffectual:

II. *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 after the passing of this Act shall by printing, writing, engraving, or any other Ways or Means, counterfeit, or attempt to counterfeit, any of the public Bills of Credit emitted by the Congress of the United States, or by any Congress, Convention or Assembly, of this State, or of any one of the United States, or any of the Lottery Tickets of the United States, or any Certificates from the Loan-Offices of this State or of the United States, or either of them, or any Part, Word, Letter, Name, Emblem, or Device of the said Bills of Credit, Lottery Tickets, or Loan-Office Certificates; or shall make or construct, or cause to be made or constructed, or have in Possession, any Die, Type, or other Instrument, for imitating or counterfeiting any of the said Bills of Credit, Lottery Tickets, or Loan-Office Certificates, or any Part, Word, Letter, Emblem, or Device thereof, except by Authority of Law, or in Case where such may be seized in order to bring suspected Persons to Justice; or shall alter or deface any of the said Bills of Credit, Lottery Tickets, or Loan-Office Certificates; such Person or Persons so offending, being thereof lawfully convicted, by Confession or Verdict, or standing mute on Arraignment or Trial, shall for the first Offence stand in the Pillory three Hours, and have his right Ear nailed to the Pillory and cut off, and receive on his or their bare Back thirty-nine Lashes, and be branded with a red hot Iron on the right Cheek with the Letter C, and on the left Cheek with the Letter M (which Brands shall be at least one Inch in Length, and three-quarters of an Inch in Breadth) and be imprisoned at the Discretion of the Court before whom it shall be tried, not exceeding one Year, and forfeit one Half of all his or their Goods



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Goods and Chattels, Lands and Tenements, whereof he or she was seized or possessed at the Time the Offence was committed, to the State.

On persons passing it, &amp;c.

III. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons shall pass, or attempt to pass, any counterfeit Likeness of any of the said Bills of Credit, Lottery Tickets, or Loan-Office Certificates, and being thereof convicted, by sufficient Evidence, that the same was passed, or intended to be passed, with an Intention to defraud, he or she so offending shall for the first Offence stand in the Pillory one Hour, and have one Ear cut off, and receive thirty-nine Lashes, well laid on, on his or her bare Back, and imprisoned at the Discretion of the Court, and forfeit one Half of his or her Property to the Use of this State.

Pen. for the second offence.

IV. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons shall be found guilty of uttering or passing any of the aforesaid counterfeit Bills of Credit, Lottery Tickets, or Loan-Office Certificates, for the second Offence he or they shall suffer Death, without Benefit of Clergy.

When apprehended how to be proceeded against

V. *AND be it further enacted by the Authority aforesaid,* That any Person apprehended for any of the Crimes afore mentioned, sufficient Proof thereof being made before any Justice of the Peace, shall be committed or bound over as in other Cases of Felony.

No challenge.

VI. *AND be it further enacted by the Authority aforesaid,* That in all future Trials or Arraignments under this Act, the Defendant shall not be entitled to make any peremptory Challenge, nor shall the Attorney for the State, nor the Defendant or his Council, take Exception against any of the Jury called, unless good and sufficient Reasons shewn to, and approved by the Court.

Nor argument.

VII. *AND be it further enacted by the Authority aforesaid,* That in all Trials hereafter, for any of the Crimes above mentioned, neither the Attorney for the State, nor the Council for the Defendant, shall be allowed to use any Argument against or in Favour of the Defendant, but shall and may examine and cross-examine the Witnesses on both Sides, leaving to the Judges to state the Evidences, and give a Charge to the Jury thereupon.

## C H A P. IX.

*An Act to amend an Act, entitled, An Act to amend the Staple of Tobacco.*

See acts Nov. 1777, c. 12, and Nov. 1787, c. 3.

I. **W**HEREAS for several Years past, from the Difficulty of procuring Materials, and the advanced Price of mechanical Labour, most of the public Warehouses in this State have become decayed, ruinous, and unrepaired, and it being at this Time inexpedient to levy on the different Counties wherein said Warehouses stand, a Sum equivalent to the re-building or repairing the same;

Warehouse rent.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That from and after the passing of this Act, the Justices in each respective County in this State, wherein public Warehouses for Tobacco now stand erected, shall, from Court to Court, as they shall deem fit and proper, regulate and ascertain what shall be paid as Warehouse Rent for each Hoghead of Tobacco by the Owner or Owners of the same, which shall thereafter be brought to the said Warehouses; and the said Justices shall and may appoint some fit Person to receive said Monies, who shall be accountable to them at all Times for the Appropriation of the same, by Action of Debt, before any Court having Cognizance thereof, wherein the Inspectors Books shall be Proof as to the number of Hogheads received, for the whole of which such Person shall be liable to answer, and shall be allowed no Protection.

Inspectors salaries.

III. *AND* whereas the Salaries and Allowances to Inspectors under the before recited Act, are inadequate to their Trouble, *Be it therefore enacted by the Authority aforesaid,* That the Justices of the respective Counties wherein Warehouses as aforesaid now stand erected, at the first Court to be held for such Counties after the passing of this Act, shall allow such farther Salary to Inspectors as to them shall seem reasonable and proper, and that such Salary shall be paid out of the Monies arising on Tobacco for Warehouse Rent.

IV. *AND*



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IV. *AND be it further enacted by the Authority aforesaid*, That the Justices in such respective Counties as aforesaid, shall from Time to Time, as Occasion may require, lay out and appropriate any remaining Part of the aforesaid Monies in repairing or rebuilding their respective Warehouses, in such Manner as they may think necessary. Warehouses repaired.

V. *AND be it further enacted by the Authority aforesaid*, That the same Rules and Regulations herein before contained shall be had and taken with Respect to Warehouses built by private Persons on their own Lands, and at which a public Inspection hath been heretofore held, so far as respects the Warehouse Rent that shall be paid for each Hoghead of Tobacco. Private warehouses.

VI. *AND be it further enacted by the Authority aforesaid*, That so much of the before recited Act as comes within the Purview and Meaning of this Act, shall be repealed and made void. Repealing clause.

## C H A P. X.

*An Act for regulating Ordinaries, Houses of Entertainment, and Ferries, and other Purposes.*

I. **W**HEREAS the Laws at present in Force have been found ineffectual for the due Regulation of Ordinaries and Ferries :

II. *BE it enacted by the General Assembly of North-Carolina*, That all Persons hereafter retailing Liquors shall sell the same by sealed Measures, or such other Measures as shall at least contain the full Quantity pretended to be sold. Sealed measures.

III. *AND be it further enacted*, That no Person, not having a Licence for keeping an Ordinary, shall sell or retail Liquors in smaller Quantities than is by this Act permitted, under the Penalty of fifty Pounds for every Offence, one Half to the Use of the State, the other Half to the Use of the Informer. Liquors retailed.

IV. *AND be it further enacted by the Authority aforesaid*, That any Person, by applying to the Court of the County in which such Person dwells, and praying a Licence to keep an Ordinary, may at the Direction of such Court be ordered to have a Licence for the Purpose aforesaid, unless it shall appear to the said Court that the Person so applying is a Person of gross Immorality, or of such poor Circumstance, and slender Credit, that they think him or her not able to comply with the Intention of this Act ; and on granting such Licence, the Person who applies for the same shall produce one or more Securities to the said Court, to be by them approved, who shall before the Licence be made out, join with him or her in a Bond of the following Tenor, *to wit*, Licences granted

**K**NOW all Men, by these Presents, that we A. B. and C. D. are held and firmly bound unto *Governor of the State of North-Carolina, in the Sum of one thousand Pounds current Money of the said State, to be paid to the said or his Successors. To the which Payment well and truly to be made, we bind ourselves, and every of us, our and every of our Heirs, Executors, and Administrators, jointly and severally, firmly by these Presents. Sealed with our Seals, and dated the* Day of

**T**HE Condition of the above Obligation is such, that whereas the above bounden A. B. hath obtained a Licence to keep an Ordinary at if therefore the said A. B. doth constantly find and provide in his or her said Ordinary, good, clean, and wholesome Diet and Lodging for Travellers, and Stable, Fodder, Corn and Pasturage, for their Horses, for and during the Term of one Year from the Day of then this Obligation to be void, otherwise to remain in Force.

And in Case of a Breach of, or not complying with the Condition of said Bond, it shall and may be lawful for any Person, in the Name of the Governor, to sue for and recover the Penalty of said Bond, and apply one Half thereof to his or her own Use, and the other Half to the Use of the County where the Cause of Action may arise.

V. *AND be it further enacted by the Authority aforesaid*, That when such Bond shall have been given, the Clerk of the Court shall prepare a Licence, and sign the Clerk to sign the licence.  
the



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His fee.

the same, which Licence shall continue in Force one Year, and no longer; and the said Clerk shall receive the Sum of five Dollars to his own Use, for Licence, Bond, and Order of Court.

Pen. for entertaining servants, &amp;c.

VI. *AND be it further enacted by the Authority aforesaid*, That if any Ordinary-Keeper shall entertain Servants or Slaves against the Will of their Owners, or common Sailors against the Directions of the Masters of Vessels to which they belong, every Ordinary-Keeper so offending shall and may, by Order of two Justices, before whom such Offence shall be proved, be from thenceforth suspended and disabled from keeping an Ordinary, as if he or she had never obtained a Licence for that Purpose. *Provided nevertheless*, That such Ordinary-Keeper may be heard by the next Court, who if they think proper may restore such Ordinary-Keeper, by granting him a new Licence.

For selling after suspension.

VII. *AND be it further enacted by the Authority aforesaid*, That any Person which (after being suspended and disabled from keeping Ordinary according to the Directions of this Act) shall sell or retail Liquors until he or she shall obtain another Licence for such Purpose, shall be liable to the same Penalties as if a Licence had never been obtained by him or her.

Liquors, &amp;c. rated.

VIII. *AND be it further enacted by the Authority aforesaid*, That the Justices of each County shall once a Year, or oftener if necessary, after the first Court to be held after the first Day of January next, rate the Prices of Liquors, Diet, Lodging, Fodder, Corn, Provender and Pasturage, to be taken by Ordinary-Keeper; also the said Justices shall, at the same Time, rate the Prices of such Ferries as shall be kept within their respective Counties: And every Ordinary-Keeper shall, within thirty Days after the Rates shall be set by the County Court where his or her Licence shall be granted, obtain of the Clerk a fair Copy of such Rates, for which the Clerk may take and receive eight Shillings; which Copy shall be openly set up in the common entertaining Room of such Ordinary, and there kept till the Rates are again altered; and every Ordinary-Keeper failing herein, shall forfeit and pay one hundred Pounds for every Failure.

Pen. for greater rates.

IX. *AND be it further enacted by the Authority aforesaid*, That every Ordinary-Keeper who shall ask, demand or receive, a greater Price for any Drink, Diet, Lodging, Fodder, Provender, Corn or Pasturage; or any Ferry-Keeper who shall ask, demand or receive, a greater Price for Ferriage than shall be rated by the Justices according to the Directions of this Act, shall forfeit fifty Pounds for every Offence; to be recovered by the Informer to his own Use, before any Jurisdiction having Cognizance thereof.

For selling to sailors on credit.

X. *AND be it further enacted by the Authority aforesaid*, That no Ordinary-Keeper shall sell on Credit Liquors to any common Sailor to more than the Amount of ten Pounds, without Leave of the Master of the Vessel to which he belongs, under the Penalty of losing the Money which otherwise he or she might have recovered for such Liquor so sold to such Sailor on Credit; nor sell Drink by small Measure upon Credit to any other Person to a greater Amount than twenty Pounds, unless the Person so credited shall sign a Book, in the Presence of one or more sufficient Witnesses or Witnessess, in Acknowledgment of the said Debt, under the Penalty of losing the Money so credited; and in any Action brought for Recovery of such Debt, the general Issue may be pleaded, and this Act given in Evidence.

Fines how recovered.

XI. *AND be it further enacted by the Authority aforesaid*, That all Penalties, Fines and Forfeitures in this Act, the Method of recovering or applying whereof are not herein particularly directed, shall be one Half to the County Wardens for the Use of the County where such Fine is incurred, the other Half to him or them that shall sue for the same; to be recovered with Costs, by Action of Debt, Bill, Plaint or Information, in any Court of Record having Cognizance of the same.

Proviso for selling by the gallon

XII. *PROVIDED always*, That Nothing in this Act contained shall be construed, deemed or taken, to prohibit or restrain any Person to sell by Retail Wine, Rum, Brandy, or other Spirits, by the Quart or a greater Quantity, or Ale, Beer, or Cider, in any Quantity not less than a Gallon, provided that the same be not intended to be drank on the Plantation whereon the same are sold.

XIII. *AND*



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XIII. *AND* be it further enacted by the Authority aforesaid, That if any Person or Persons, from and after the passing of this Act, shall sell and deliver any Kind of Grain, Salt, or other Articles, in a less Measure than the Standard established by Law, shall forfeit and pay for each Offence the Sum of five hundred Pounds; to be recovered in any Court of Record having Cognizance thereof, to be applied to the Use of the Person suing for the same.

Pen. for false measures.

XIV. *AND* whereas some Persons who live at, or own public Ferries in this State, have denied to keep up the same for the Rates allowed them by their respective County Courts: For Remedy whereof, *Be it further enacted by the Authority aforesaid*, That if any Person or Persons who live at, or own public Ferries in this State, shall refuse to keep up such Ferry or Ferries at the Rates allowed them by their said County Courts, every such Person so offending shall for every Offence forfeit and pay the Sum of fifty Pounds; to be recovered by any Person suing for the same, to his or her own Use.

On ferry-keepers

XV. [ *Provided for by subsequent Acts.* ]

XVI. *AND* be it enacted by the Authority aforesaid, That so much of an Act of Assembly, passed at Newbern, in the Year one thousand seven hundred and seventy-seven, entitled, *An Act to prevent Abuses in taking up stray Horses, Cattle, Hogs and Sheep, and other Things therein mentioned*, as comes within the Purview of this Act shall be made void.

Repealing clause,

XVII. *AND* be it further enacted by the Authority aforesaid, That every Act and Acts, and every Clause and Article thereof, heretofore made, within the Purview and Meaning of this Act, is and are hereby repealed and made void, to all Intents and Purposes.

Repealing clause

CHAP. II. *An Act to amend an Act, entitled, An Act for ascertaining the Property in this State shall be deemed taxable Property, the Method of assessing the same, and collecting the public Taxes, and other Purposes.*

12. *An Act to amend an Act, entitled, An Act concerning Servants and Slaves.* Rep. by act Nov. 1786, c. 17.

13. *An Act to enlarge the Jurisdiction of Justices of the Peace.* Provided for by subsequent acts.

14. *An Act for establishing Fairs in Halifax Town and Edenton.* PRIV.

15. *An Act to vest the Title of certain Lands therein mentioned in Abner Nash, Esquire, and other Purposes.* PRIV.

## C H A P. XVI.

*An Act for dividing Anson County, and other Purposes.*

I. **W**HEREAS the large Extent of the County of *Anson*, together with the Difficulty of crossing the River *Pee-Dee*, especially when Waters are high, renders it grievous and troublesome to many of the Inhabitants to attend the Courts, general Musters, Elections, and other public Meetings appointed therein;

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the said County of *Anson* be divided into two separate and distinct Counties, and that the River *Pee-Dee* be the dividing Line; and that all that Part of *Anson* that lies on the South-West Side of the said River *Pee-Dee*, shall be, continue and remain, a distinct County, by the Name of *Anson*; and that all that other Part of the County of *Anson* that lies on the North-East Side of said River, shall thenceforth be erected into a new and distinct County, by the Name of *Richmond* County.

Richmond erected.

[ *The Remainder, except the tenth Section, unnecessary to be inserted.* ]

X. *AND* be it further enacted by the Authority aforesaid, That all Entries of Land lying in the said County of *Richmond*, which hath or hereafter shall be made

Lands surveyed.

with



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with the Entry-Taker of *Anson* County on or before the first Day of *December* next, and shall remain unsurveyed on the Day aforesaid, that it shall and may be lawful for the Entry-Taker of *Anson* County, and he is hereby directed to issue Warrants for all such Entries aforesaid, to the Surveyor of said County of *Richmond*; any Thing in this Act to the contrary notwithstanding.

## C H A P. XVII.

*An Act for the Division of Dobbs County, and other Purposes therein mentioned.*

I. **W**HEREAS the large Extent of the County of *Dobbs* renders the Attendance of the Inhabitants of the extreme Parts thereof at the Court-House, to perform public Duties, difficult and expensive: For Remedy whereof,

County divided.

II. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the said County of *Dobbs* be divided, and that *William Caswell, Charles Markland, William M'Kinnie, senior, Ebelared Ruffin, and Benjamin Cobb*, or a Majority of them, be, and they are hereby appointed Commissioners for running the dividing Line, who are hereby directed to run the Lines of the said County of *Dobbs* so that they ascertain the middle Part of said County, which when discovered, they shall run a Line a North and South Course through the middle Part of said County; and then all that Part of said County which lies Eastwardly of the dividing Line, shall continue and remain a distinct County, by the Name of *Dobbs*; and that all the other Part shall be a distinct County, by the Name of *Wayne*, with the same Privileges and Immunities as any other County within this State.

[*The Remainder, except the ninth Section, unnecessary to be inserted.*]

Land surveyed in Wayne.

IX. *AND* be it further enacted, That where any Inhabitant of *Wayne* County already hath, or hereafter may make an Entry for Lands lying in said County with the Entry-Taker of *Dobbs* County, and the Warrant of Survey is not already executed, said Entry-Taker is hereby required to make out and direct such Warrant to the proper Surveyor of *Wayne* County.

C H A P. 18. *An Act to enable John Kirkwood and Thomas Robeson to sell and dispose of the Estate of John Robeson, deceased.* P R I V.

Temporary.

19. *An Act for dividing the Mecklenberg Regiment of Militia into two separate and distinct Regiments.*
20. *An Act to lay off and establish a Town in Warren County, on the Land already purchased by Commissioners, at the Place fixed for setting the Court-House of said County, and for other Purposes therein mentioned.* P R I V.
21. *An Act to amend an Act, entitled, An Act for the Regulation of the Town of Hillsborough.* P R I V.
22. *An Act to prevent Persons from stopping the Passages of Fish up Tar River and Dan River.* P R I V.
23. *An Act to empower the Commissioners therein mentioned to purchase a Lot in the Town of Wilmington, to build a Gaol thereon for the District of Wilmington, and other Purposes.* P R I V.
24. *An Act for prolonging the Time for saving the Lots in the Towns of Windsor and Wynton.* P R I V.
25. *An Act for establishing an Academy in the County of Granville, for appointing Trustees, and for other Purposes.* P R I V.
26. *An Act to prevent the stopping of Fish from running up the Rockey and Haw Rivers.* P R I V.
27. *An Act to establish a Road from James M'Daniel's, in Pasquotank County, to the Widow White's, in Perquimans County, and granting a Toll on the same.* P R I V.

C H A P.



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CHAP. 28. An Act to appoint Commissioners for fixing on a Place within the County of Montgomery to build a Court-House, Prison, and Stocks, and other Purposes therein mentioned. PRIV.

## C H A P. XXIX.

An Act for securing the Rights of such Persons in the County of Washington as lie between the River Holstein and the Line lately run by the Commissioners of this State and the State of Virginia, as the dividing Line between the said States; and for dividing the said County of Washington into two distinct Counties, and for other Purposes. See acts Jan. 1779, c. 16. Sept. 1780, c. 7. Jan. 1781, c. 12. Act 11, 1782, c. 16.

I. WHEREAS the boundary Line between this State and the State of Virginia hath never, until lately, been extended by actual Survey further than to that Part of *Holstein* River that lies directly due West from a Place well known by the Name of *Steep-Rock*, and all the Lands Westward of the said Place, lying on the North or Northwest Side of the said River *Holstein*, hath, by Mistake of the Settlers in that Part of the Country, been held and deemed to be in the State of *Virginia*, owing to which Mistake, the said Settlers have failed to repair to the proper Offices to enter and secure their respective Lands and Improvements by the Time required by Law, in order to their having the Preference of Entry: And whereas by the Line lately run by the said Commissioners of *Virginia* and this State, it appears that great Numbers of good Subjects have fallen into this State, who were before reputed to be in *Virginia*, and it is suggested that sundry Persons have thereupon suddenly entered the Lands and Improvements of the said Settlers: For Remedy whereof,

II. 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 Settlers and Inhabitants, lying between the River *Holstein* and the boundary Line lately run between *Virginia* and this State, shall have a further Time of Preference to all others allowed for entering their respective Lands, Plantations and Improvements, until the first Day of *May* next ensuing; and that all Entries made, or which shall be made, by any Person or Persons whatsoever, for the Improvements, Plantations, or Claims of others, where they have at any Time before the said first Day of *May* been actually settled, and all Proceedings thereon shall be null and void, any Law to the contrary notwithstanding. Settlers further time for entering their lands.

III. AND whereas by the great Extent of the said County of *Washington*, and the great Number of Inhabitants therein, it becomes highly necessary that the said County should be divided into two distinct and separate Counties, by a Line beginning at the *Steep-Rock*; thence running along the dividing Ridge that divides the Waters of the *Great Canawee* and *Tennessee*, to the Head of *Indian Creek*; thence along the Ridge that divides the Waters of *Holstein* and *Wataga*, to the Mouth of *Wataga*; thence a direct Line to the highest Part of the *Chimney-Top* Mountain at the *Indian* Boundary: And that all that Part of said County of *Washington* which lies Northwardly of said dividing Line, shall be erected into a new and distinct County by the Name of *Sullivan* County; and that all that other Part of said County which lies Southwardly of said dividing Line, shall continue and remain a distinct County by the Name of *Washington*. County divided.

[The Remainder, except the eleventh Section, unnecessary to be inserted.]

XI. AND be it further enacted, That where any Inhabitant of *Sullivan* County, hereby erected, already hath or shall make an Entry for Lands with the Entry-Taker of *Washington* County, for which no Warrant of Survey shall be executed by the first Day of *January* next, the Entry-Taker for said County is hereby required to make out and direct the Warrants for such Surveys to the proper Surveyor of *Sullivan* County. Lands surveyed.

CHAP. 30. An Act to lay off and establish a Town in Franklin County, on the Land already purchased by Commissioners, at the Place fixed for setting the Court-House of said County, and for other Purposes therein mentioned. PRIV.

31. An Act for laying a Tax to defray the Expence of the public Buildings in the County of Nash. PRIV. CHAP.



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- CHAP. 32. *An Act to confirm the Titles of Lands to sundry of the Inhabitants of Duplin County. PRIV.*
33. *An Act to establish a Town in the County of Surry, heretofore laid out on the Lands of John Armstrong and William Sheppard, at the Court-House of said County, and for other Purposes. PRIV.*
34. *An Act for building a Court-House in Elizabeth Town, in the County of Bladen. PRIV.*
35. *An Act for erecting a Town on the Lands of Thomas Hunter, at Skewarkey, in Martin County. PRIV.*
36. *An Act to establish and layout a Town in Washington County. PRIV.*
37. *An Act to vest the Property of a Bridge lately built by Samuel Ruffin, deceased, over Great Cotentney Creek, in Etheldred Ruffin, his Heirs or Assigns, for Twenty Years. PRIV.*
38. *An Act for granting a free Pardon to Charles Shearing, now under Sentence of Death. PRIV.*

## C H A P. XXXIX.

*An Act for annexing Part of Carteret to Jones, and other Purposes.*

I. **W** H E R E A S the upper Part of Carteret which lies adjoining Jones County, is much more convenient to the public Buildings of said County than to those of Carteret :

Part of Carteret  
added to Jones.

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all that Part of the said County of Carteret beginning in Jones County Line in the Head of Black Swamp, thence running down the Meanders of said Swamp to White-Oak River, then up the various Courses of said River to the Head, thence a direct Line to Jones County Line, that all that Part on the North Side of said White-Oak River, and West of the aforesaid Swamp, shall, from and after the passing of this Act, be held and deemed Part of the County of Jones, and the Inhabitants thereof shall be under the same Rules and Restrictions as the other Inhabitants of Jones County are. *Provided nevertheless*, That Nothing herein contained shall be construed to debar any Sheriff, Collector or Tax-Gatherer, from collecting his or their Taxes in the same Manner as if this Act had never been made.

Land surveyed.

III. *AND* whereas some of the Inhabitants of Carteret County, which by this Act is annexed to Jones, may have entered Land in the Entry-Office of Carteret ; *Be it therefore enacted by the Authority aforesaid*, That where any Persons shall have entered Land as aforesaid, the Entry-Taker of the County of Carteret is hereby empowered and directed to make out Warrants and Orders of Survey and direct them to the Surveyor of Jones County ; which said Surveyor is hereby ordered and empowered to survey said Land, take the same Fees, and make the same Transmittance thereof, as if the same had been entered in the Entry-Office of Jones.

[The Remainder unnecessary to be inserted.]

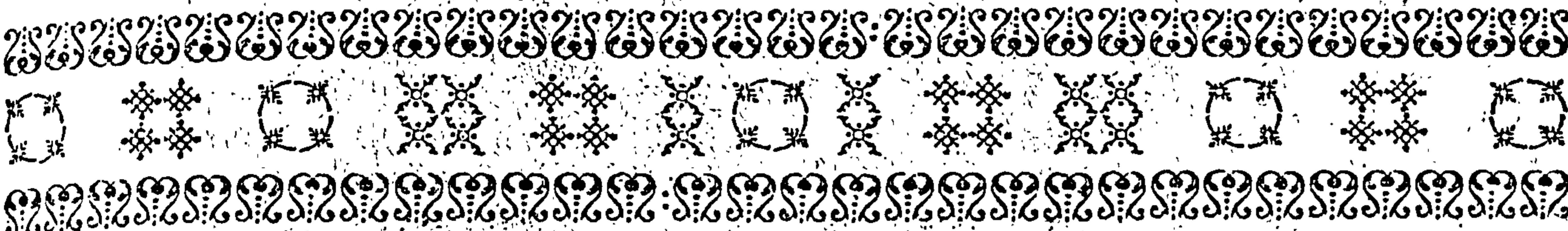
- CHAP. 40. *An Act to prevent the stopping the Fish in the Uharie River. PRIV.*
41. *An Act to enable John Norwood, surviving Executor of the last Will and Testament of Henry Bradley, deceased, to sell and convey the Lands of the said Deceased. PRIV.*

*Read Three Times, and ratified in General Assembly, }  
the Tenth Day of November, 1779. }*

SIGNED BY ABNER NASH, S. S.  
THOMAS BENBURY, S. C.

L A W S





# L A W S O F N O R T H - C A R O L I N A.

At a GENERAL ASSEMBLY, begun and held at Newbern, on the Seventeenth Day of April, in the Year of our Lord One Thousand Seven Hundred and Eighty, and in the Fourth Year of the Independence of the said State: Being the First Session of this Assembly.

ABNER NASH,  
Esq. Governor.

- CHAP. 1. *An Act to regulate and ascertain the Officers Fees therein mentioned.* Provided for by subsequent acts.
2. *An Act to amend an Act, entitled, An Act for ascertaining what Property in this State shall be deemed taxable Property, the Method of assessing the same, and collecting public Taxes, and other Purposes.* Provided for by subsequent acts.
3. *An Act for levying a public Tax for the Year One Thousand Seven Hundred and Eighty, and for other Purposes.* Part temporary, the rest provided for.
4. *An Act for the more effectually preventing Engrossing and Forestalling, for the Encouragement of Commerce and the fair Trader, and for other Purposes therein mentioned.* Rep. by act Sept. 1780, c. 9.

## C H A P. V.

*An Act for emitting One Million Two Hundred and Forty Thousand Pounds in Bills of Credit, for discharging the Debts due by this State, and other Purposes.*

I. **W**HEREAS this State has incurred Debts by raising Men for the Defence of this and the United States, for which the public Faith stands pledged; and whereas it is absolutely necessary that a farther Sum should be emitted for effecting the Completion of the Continental Battalions of this State, and other Purposes:

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same,* That one million two hundred and forty thousand Pounds be emitted on the Faith and Credit of this State, in Bills of the following Denominations, *that is to say,* One thousand Bills of five hundred Dollars each, two thousand of two hundred and fifty Dollars each, five thousand of one hundred Dollars each, eight thousand of fifty Dollars each, and forty-eight thousand of twenty-five Dollars each; that the same be printed in a Printing-Press, and that *Memucan Hunt, Henry Rhodes and William Tisdale,* Esquires, be Commissioners to superintend and number the same; that *Joseph Leech, James Coor, James Green and John Macon,* Esquires, be Commissioners to receive the same when printed and numbered, to sign the same, and pay it into the Hands of the public Treasurers. Money emitted.

III. *AND be it further enacted by the Authority aforesaid,* That the general Form of the Bills hereby directed to be emitted, shall be as follows, *viz.* "State of Form of the bills  
"North-Carolina. This Bill entitles the Bearer to receive Spanish milled  
"Dollars, or the Value thereof in Gold or Silver, agreeable to an Act of Assem-  
"bly passed at *Newbern,* the Day of 1780." And such Bill shall be  
" H 5 impressed



A. D. 1780.

impressed and printed both in the Face and Reverse thereof, on the Edges as well as the Body thereof, with divers Letters, Marks, Devices and Words, which may be difficult of Imitation, and which in the Opinion of the said Superintendants of the Press may most effectually secure the same from Attempts to counterfeit, and shall be signed by two of the said Commissioners only hereby appointed to sign the said Bills.

Value.

IV. *AND* be it also enacted by the Authority aforesaid, That every Dollar of the Emission aforesaid, shall be held and deemed equal to eight Shillings current Money of this State, and shall pass current at the same and be a lawful Tender in all Payments and Contracts within this State.

[The Remainder, except the tenth and eleventh Sections, unnecessary to be inserted.]

Further sum may be emitted.

X. *AND* whereas the Exigencies of the Times, contrary to the present Expectations of the General Assembly, may require a further Emission of Bills of Credit before the Sitting of the next General Assembly: *Be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the Governor, with the Advice and Consent of the Council of State, to cause to be emitted such further Sum or Sums in the Recess of the Assembly as the Exigencies of the State may require, under the same Rules and Regulations as the Money to be emitted under the immediate Authority of this Act.

Pen. for counterfeiting.

XI. *AND* be it enacted by the Authority aforesaid, That whosoever shall, by printing, writing, engraving or by any other Ways or Means counterfeit, or attempt to counterfeit, any of the Bills of Credit by this Act directed to be emitted, or any Part, Word, Letter, Name, Emblem or Device thereof, except by Authority of Law, or shall alter or deface any of the Bills with Intention to change the Value or Denomination thereof, or shall knowingly pass or utter any counterfeit Likeness of any of the Bills to be emitted under this Act, being thereof lawfully convicted by Confession or Verdict, every such Person shall be liable to be proceeded against and suffer the Pains and Penalties which Persons guilty of similar Offences are liable to by an Act, entitled, *An Act for punishing Persons concerned in any of the several Species of Counterfeiting in this State*, passed at Halifax, the eighteenth Day of October, in the Year of our Lord one thousand seven hundred and seventy-nine.

Temporary.

CHAP. 6. *An Act for establishing a Board of Commissioners for carrying on Trade for the Benefit of this State.*

Rep. by act Oct. 1784, c. 3. § 13.

7. *An Act to suppress excessive Gaming.*

## C H A P. VIII.

See acts Sept. 1780, c. 8. Jan. 1781, c. 3. June 1781, c. 2. April 1782, c. 4. Nov. 1785, c. 13. c. 16. Nov. 1787, c. 10. Nov. 1788, c. 6.

*An Act to establish a Board of Auditors for settling and adjusting the public Accounts of this State, and other Purposes.*

Board of Auditors.

I. **W**HEREAS many Persons have been entrusted with large Sums of public Money for the Use of the State, and also public Property, for which they have never accounted, but have abused the Trust reposed in them by misapplying the same, to the great Injury of the public Credit: And whereas the keeping of the public Accounts methodically stated, and the calling upon Receivers of public Money to pay up the same, or account for the Application thereof, would prevent many Abuses and save a great Expence:

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That a Board of Auditors be constituted and appointed, to consist of three Persons, to be elected by Ballot of both Houses; and such Auditors shall make a complete State, from Time to Time, of the Accounts of this State with the Continental Congress; and shall also state regular Accounts against all Persons who, having been entrusted with public Money, or the Collection thereof, either on Account of or for the immediate Use of this State, or for Continental Purposes, have failed fully to account and settle; and that they furnish the Attorney-General of this State with Lists of the Names, and a State of



A. D. 1789.

of the Accounts and Balances due from such Persons, that Suits may be immediately commenced for the Recovery of all such Balances; and shall likewise state such Mistakes or Frauds as may appear in Accounts or Claims heretofore settled or allowed by the General Assembly, and lay the same before the General Assembly when thereto required; and to this End shall have full Power and Authority to ask, demand and receive, all Papers, Matters and Things, which may be necessary or conducive thereto; and to purchase such Stationary as may be wanted, and to appoint a Clerk or Clerks to aid and assist in executing the Business of their Office; and the said Auditors, or any two of them, shall and may draw on any or either of the Treasurers of this State from Time to Time for such Sums as shall be actually necessary for purchasing Stationary and hiring a Clerk or Clerks as aforesaid; which shall be allowed such Treasurer in Settlement.

III. *AND be it further enacted by the Authority aforesaid,* That the said Auditors shall attend the General Assembly at each and every Session, and they, or any two of them, as well in the Recess as at the Meeting of the Assembly, shall have full Power and Authority, and are hereby required to settle and adjust all Accounts and Claims which heretofore were wont to be settled and adjusted by the General Assembly; and shall lay the same before the General Assembly to be by them approved or rejected: And the said Auditors, previous to their entering on the Business of their Office, shall take the following Oath;

Their duty and oath.

**I** A. B. do swear that I will faithfully execute the Trust reposed in me as an Auditor, to the best of my Skill and Judgment, without Prejudice or Favour.

SO HELP ME GOD.

And the said Auditors shall have a generous and sufficient Compensation for settling the public Accounts in Manner before directed, to be allowed by the General Assembly whenever such State shall be completed; and shall also severally have and receive for their Attendance on the General Assembly, and settling and adjusting Accounts and Claims during the Session, twice the Sum *per Day* which the General Assembly shall allow its own Members.

IV. *AND be it further enacted by the Authority aforesaid,* That in Case Suits should be commenced agreeable to the Directions of this Act, the Jury shall allow in Damages at the Rate of one hundred *per Cent. per Annum*, Interest on the Balance due to the State.

Damages on suits

V. *AND be it further enacted by the Authority aforesaid,* That the said Auditors shall settle and adjust the Accounts as aforesaid, during the Recess of the Assembly, at some convenient Place at or near the Centre of the State, and that they advertise the Place of their sitting as soon as they shall agree upon the same.

Place of business.

## C H A P. IX.

*An Act allowing Salaries to the Governor, Council of State and others, and other Purposes.*

All but the 3d § altered by subsequent acts.

III. **A**ND *be it further enacted by the Authority aforesaid,* That it shall and may be lawful for the Governor or Commander in Chief, with the Advice of the Council of State, to call a Meeting of the General Assembly, if the same shall be absolutely necessary, at a sooner Day than the same may stand adjourned to or appointed to meet.

Assembly may be called.

CHAP. 10. *An Act to enlarge the Jurisdiction of Justices of the Peace, and other Purposes.*

Provided for by subsequent acts.

## C H A P. XI.

*An Act to amend an Act, entitled, An Act to amend an Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned.*

See act Nov. 1777, c. 1. and acts there referred to.

I. **W**HEREAS it is enacted by the before recited Act, that all Warrants of Surveys shall be returned within twelve Months after the same is received



A. D. 1700.

ceived by the several Surveyors in this State, which is found by Experience not sufficient for the Purpose therein intended: For Remedy whereof,

Time for returning surveys.

II. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That a longer Time of twelve Months be allowed, after the passing of this Act, for each Surveyor to make their Returns, which shall be done under the like Rules and Regulations as in the before recited Act; any Thing contained in the before recited Act to the contrary notwithstanding.

For registering grants.

III. *AND* be it further enacted by the Authority aforesaid, That a further Time of two Years be given to all Persons who have heretofore, or may hereafter, obtain Grants of Lands under the present Government, to have the same registered; any Law, Usage or Custom to the contrary notwithstanding.

## C H A P. XII.

*An Act to empower the County Courts within the respective Counties to inspect the circulating Currency in this State, and for other Purposes.*

I. **W**HEREAS the good People of this State are greatly injured by the Quantity of circulating counterfeit Money therein, great Part of which is done with such Exactness as to deceive the most skilful Observer, and unless timely detected will be the Subversion of our Currency and Credit: For Remedy whereof,

County Courts to inspect the circulating Currency.

II. *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 respective County Courts within this State are hereby empowered, required and directed, to appoint three or more proper Persons within their Counties, to inspect all Bills that shall come within their Knowledge; and that the Inspectors appointed as aforesaid be, and they are empowered and directed to write COUNTERFEIT, in large Letters, on the Face of all such Bills as they adjudge bad, to prevent the further Circulation of the same. *Provided nevertheless*, That if any Person shall think himself aggrieved, he may apply to the Treasurer of the District, who is hereby directed to take in all such Money as may be wrongfully condemned and give other Money for it.

III. *BE* it enacted by the Authority aforesaid, That the Inspectors appointed in Virtue of this Act, before they enter on the Execution of their Office, shall take the following Oath:

Oath.

**I** A. B. do swear, that I will faithfully inspect all Bills that may come to my Hand, and that I will, without Favour, Affection or Partiality, condemn all such as I may adjudge are bad, and that I will not make any indirect Use of my Appointment.

Salaries.

IV. *AND* be it further enacted by the Authority aforesaid, That each of the County Courts be, and they are hereby empowered to give an adequate Sum out of the County Tax to their respective Inspectors.

How to proceed on a tender.

V. *BE* it also enacted by the Authority aforesaid, That on the Tender of any Sum of Money the Person to whom such Tender is made may, if he thinks proper, require the Money to be inspected, and in Case the Person who made the Tender shall delay or refuse to have the said Money examined by the most convenient Inspector, then and in that Case the Tender so made shall not be good or valid in Law; and the Person so refusing shall forfeit and pay for every such Refusal double the Amount of the Sum so tendered, to be recovered in any Court of Law having Cognizance thereof, and applied one Half to the Use of the County, and the other Half to the Person or Persons who shall sue for the same.

## C H A P. XIII.

*An Act for the Relief of the People called Moravians, Quakers, Menonists and Dunkards, within this State.*

I. **W**HEREAS by an Act of the General Assembly of this State, entitled, *An Act to amend an Act for declaring what Crimes and Practices against the State shall be Treason, and what shall be Misprison of Treason, and providing Punishments*



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*Punishments adequate to the Crimes of both Classes, and preventing the Dangers which may arise from Persons disaffected to the State, all Persons within this State are required to take an Oath or Affirmation to the State, and in Case of Refusal are either to be sent out of the State or to be deprived of the Benefit and Protection of the Laws of said State, and disabled from prosecuting or defending any Suit either in Law or Equity; and whereas numbers of Persons under Pretence that the People called Quakers, Moravians, Menonists, and Dunkards, have not taken an Affirmation to the State, have entered and taken up the Lands which the said Denominations of People have remained in quiet Possession of for many Years: For Remedy whereof, and to prevent such Abuses for the future,*

II. *BE it enacted by the General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, when it shall appear that any of the People of any of the said Denominations within this State, who are in Unity with the People of their respective Persuasions, shall have been lawfully possessed of any Lands within the said State, either by Patent, Deed, or otherwise, whereon any other Person hath heretofore made Entry and under the abovesaid Pretence, all such Entries and the Proceedings thereon shall be deemed null and void; and in Case any Entries shall hereafter be made on any of the Lands of the said People, such Entries shall also be void and of no Effect.*

- CHAP. 14. *An Act to amend an Act passed this present Session of the General Assembly, entitled, An Act to prevent all armed or other Vessels leaving any Port, Harbour or Quay, within this State.* Temporary.
15. *An Act for altering the Times of holding the County Courts of Pleas and Quarter Sessions in the County of Gates, and other Purposes.* See act Nov. 1785, c. 2.
- PRIV.

## C H A P. XVI.

*An Act to continue an Act, entitled, An Act to amend Part of an Act for emitting Eight Hundred and Fifty Thousand Pounds in Bills of Credit, for discharging the Debts incurred by this State in raising Men to reinforce the Battalions belonging to this State in the Continental Army, for calling in all former Emissions, and for other Purposes.*

I. **W**HEREAS by the before recited Act the Redemption of the Bills of Credit emitted under the Authority of Congress, held at *Hillsborough* in the Year one thousand seven hundred and seventy-five, and those emitted under the Authority of the Congress, held at *Halifax* in the Year one thousand seven hundred and seventy-six, was postponed to the first Day of *May*, in the Year one thousand seven hundred and eighty, and the Exigencies of the State require a further Time for the Redemption of the said Emissions:

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Redemption of the said late Emissions be further postponed until the first Day of May, one thousand seven hundred and eighty-one, and from thence to the End of the next Session of Assembly.* Redemption postponed.

- CHAP. 17. *An Act for authorising his Excellency the Governor, with the Advice of the Council of State, to send a Relief to South-Carolina of any Number of Men not exceeding Eight Thousand, if absolutely necessary.* Temporary.
18. *An Act to invest the Title of a certain Tract of Land therein mentioned in William Houston, his Heirs and Assigns, in Fee Simple.* PRIV.
19. *An Act for vesting and confirming in Hannah Reed, Widow and Administratrix of the late Reverend James Reed, deceased, the personal Estate of the said James Reed in her own Right, and for other Purposes.* PRIV.



A. D. 1780.

## C H A P. XX.

*An Act to appoint Commissioners to compleat the Emissions of Eight Hundred and Fifty Thousand Pounds, directed to be emitted by an Act passed at Hillsborough, in the Year One Thousand Seven Hundred and Seventy-eight.*

I. **W**HEREAS by Reason of the Small-Pox breaking out in *Newbern* at the Time the said Commissioners were superintending the Press, and striking the said Bills of Credit, they were prevented from finishing the same, there being yet the Sum of twenty-nine thousand eight hundred and seventy-six Pounds five Shillings of the aforesaid Sum of eight hundred and fifty thousand Pounds yet to compleat and finish ;

Money finished.

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That *Memucan Hunt* and *Henry Rhodes*, Esquires, are hereby directed and required to proceed immediately to the printing and emitting the aforesaid Sum in Bills of the following Denominations, that is to say, Fourteen hundred and ninety-four Bills of fifty Dollars each, in Lieu of the Bills directed ; that they proceed with the same under the same Rules, Regulations and Restrictions, as are prescribed by the aforesaid Act of Assembly for emitting the said Sum of eight hundred and fifty thousand Pounds.

Commissioners kept up.

III. *AND* be it enacted by the Authority aforesaid, That if either of the said Commissioners should die, remove, or neglect to proceed to finish the said Emission, that his Excellency the Governor be empowered and required to appoint other Commissioners, in the Room of those so dying, removing, or neglecting to serve.

[The last Section unnecessary to be inserted.]

C H A P. 21. *An Act for prolonging the Time for securing Lots in the Town of Smithfield, in Johnston County. P R I V.*

22. *An Act to vest the Title of a certain Lot therein mentioned in William Courtney, Esquire. P R I V.*

## C H A P. XXIII.

*An Act to amend an Act, entitled, An Act for quieting and securing the Tuscarora Indians, and others claiming under the Tuscaroras, in the Possession of their Lands.*

I. **W**HEREAS by the said Act there is no Penalty imposed on Jurors or Witnesses, duly summoned, and failing to attend ;

II. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is enacted by the Authority of the same, That the Commissioners by the said Act appointed, or any three of them, assembled for the Purpose of holding a Court, shall and may inflict Fines on Jurors or Witnesses so failing to attend, not exceeding one hundred Pounds, at their Discretion ; and unless sufficient Excuse be to them afterwards shewn, cause the same to be levied and applied towards defraying the County Charges of *Bertie* : And the Witnesses and Jurors who shall attend on the Trial of any Dispute between the said *Tuscaroras* and others, shall have and receive ten Dollars *per* Day for their Attendance, to be paid by the Party cast, with all other Costs ; and such Trials may hereafter be had on any Part of the Lands belonging to said *Tuscaroras* in *Bertie* County, which the Commissioners shall direct.

Attendance of jurors.

Provided for by subsequent acts.

C H A P. 24. *An Act to amend an Act, entitled, An Act to regulate and establish a Militia in this State.*

## C H A P. XXV.

All but the last § temporary. *An Act for raising Men to compleat the Continental Battalions belonging to this State, and other Purposes.*

Indians quieted. IX. **A**ND whereas it hath been represented to this General Assembly, that sundry of the Subjects of this State, have contrary to the Laws, and in direct



A. D. 1780.

direct Violation of the Treaties subsisting between this State and the *Cherokee Indians*, settled beyond the boundary Line, on the Lands reserved for the said *Indians* Hunting-Ground, to their great Un easiness: *Be it therefore enacted by the Authority aforesaid*, That none of the said Persons so unlawfully settled, shall be entitled to enter, survey, or take up, any of the said Lands, but that they remove themselves therefrom before the first Day of *January* next; and if they shall refuse or delay to remove themselves, and are found on the said Lands after the Day aforesaid, they, and every one of them, shall forfeit and pay the Sum of five hundred Pounds; to be recovered in any Court having Cognizance of the same, to the Use of the State, and be liable to be forcibly removed therefrom; and the Governor, or Commander in Chief for the Time being, is hereby authorized and required to order out such Force from any of the neighbouring Counties as may be sufficient to effect the same,

CHAP. 26. *An Act for granting an Aid to the State of South-Carolina, and other Purposes.* Temporary.

27. *An Act to prevent armed and other Vessels, leaving the several Ports, Harbours and Quays, within this State.* Temporary. See c. 14 of this session.

## C H A P. XXVIII.

*An Act for protecting and encouraging the Commerce of Nations acknowledging the Independence of the United States of America.*

I. **F**OR preserving Friendship and Harmony with those Nations who have acknowledged, or shall hereafter acknowledge, the Independence of the United States of *America*, speedily determining Disputes wherein their Subjects or Citizens are Parties, and protecting and encouraging their Commerce within this State:

II. *Be it enacted by the General Assembly, and it is hereby enacted by the Authority of the same*, That it shall be lawful for the Governor, with the Advice of the Council, to receive and admit, from Time to Time, a Consul or Consuls appointed by any such State to be resident within this State; such Consul, if he were not a Citizen of this State at the Time of receiving his Appointment, shall be deemed a Subject or Citizen of the State by which he was appointed, and shall be exempted from all personal Services required by the Laws of this State from its own Citizens; and if he shall do any Act which by the Laws of this State would subject him to criminal Prosecution, it shall be lawful for the Governor, with the Advice of the Council, in their Discretion, either before the Prosecution instituted, or in any Stage thereof, to remand such Consul to his own Sovereign or State for Punishment; and for that Purpose to command him to be delivered by any civil Officer in whose Custody he may be. It shall be lawful for the said Consul to take Cognizance of all Differences and Controversies arising between Subjects and Citizens of his own State only, and finally to determine and compose them according to such Rules and Laws as he shall think fit, and such Determinations to carry into Execution: And where he shall require Aid for executing the same, it shall be lawful for the Governor, with the Advice of the Council, using their Discretion, to order any Sheriff within his own County, or any military Officer whatsoever, to execute, or to aid and assist in, executing any such Determination, provided the same does not extend to Life or Limb of the Offender. Where any Sailor, Seaman or Marine, belonging to any Vessel of such State within this State, shall desert or enlist in the Service of this State, or of the United States, or be found wandering from his Vessel, it shall be lawful for the Master of such Vessel to reclaim such Sailor, Seaman or Marine, notwithstanding such Sailor, Seaman or Marine may in the mean Time be naturalized in this State; and any Justice of the Peace to whom the Master may apply, shall grant his Warrant for taking and conveying such Sailor, Seaman or Marine, from Constable to Constable, to the said Vessel; or on Application from the Consul, the Governor, with the Advice of the Council, may issue such Orders to any Sheriff, Constable or military Officer, who shall yield due Obedience thereto.

III. A N D



A. D. 1780.  
 Procefs tried.

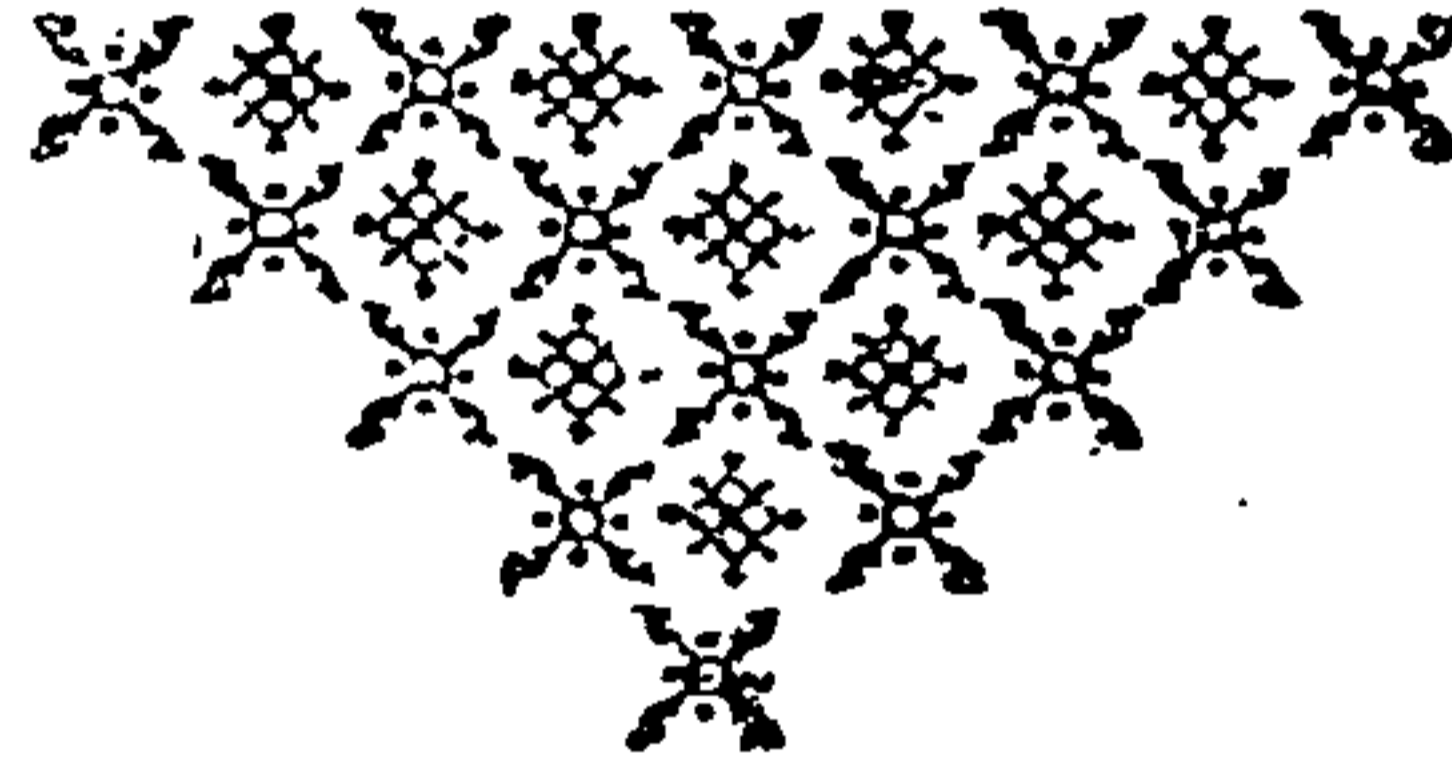
III. *AND* be it further enacted by the Authority aforesaid, That any Suit commenced in the Superior Court by or against any Subject or Citizen of such State, shall be heard or tried in the Term to which the Procefs shall be returned regularly executed, or so soon as may be; and to this End subsequent Procefs may issue to compel Appearance returnable to any Day in the same Term, and Rules to bring the Matter in Dispute to speedy Issue may be given, to expire at any shorter Time than what is prescribed in ordinary Cases: If such Suit be commenced in the County Court, it may, without any other Reason, on the Motion or Petition of either Party, be removed by Writ of *Certiorari* into the Superior Court of the District, and the Hearing or Trial thereof shall be accelerated by like Means as if it had originated in such Superior Court; and the Superior Court shall determine every such Suit brought before them by Writ of Error or Appeal, with all the Expedition which the necessary Forms of their Proceedings will allow.

*Read Three Times, and ratified in General Assembly,* }  
*the Tenth Day of May, Anno Dom. 1780.* }

S I G N E D B Y

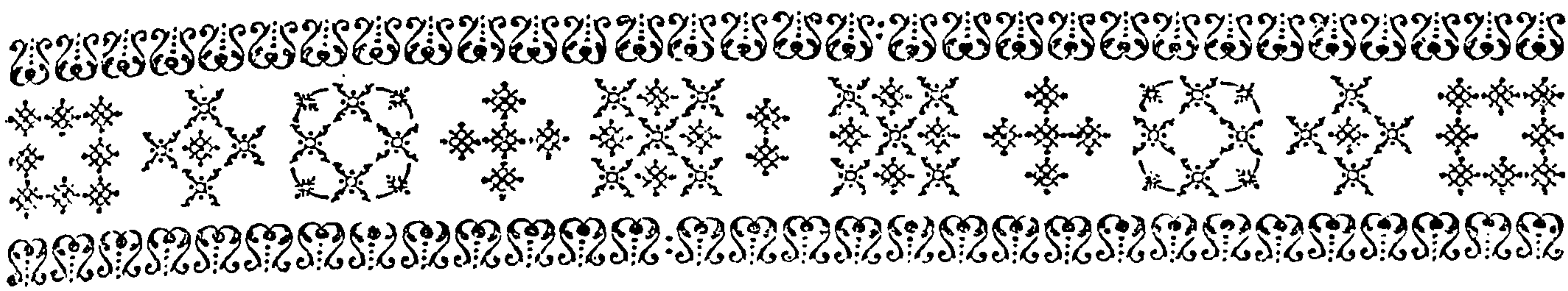
A L E X. M A R T I N, S. S.

T H O M A S B E N B U R Y, S. C.



L A W S





L A W S

O F

NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held at Hillsborough, on the Fifth Day of September, in the Year of our Lord One Thousand Seven Hundred and Eighty, and in the Fifth Year of the Independence of the said State: Being the Second Session of this Assembly. ABNER NASH, Esq. Governor.

- CHAP. 1. An Act for levying a specific Provision Tax on all the Inhabitants of this State, for the Support of the Army and Navy of this and the United States in the Southern Department. Temporary.
2. An Act for raising Money on Loan for the immediate Support of the Army, and levying an additional Tax for the Year One Thousand Seven Hundred and Eighty, and for other Purposes. Temporary.
3. An Act for the speedy Trial of all Persons accused of Treason against this and the United States, and for other Purposes. EXP.

CHAP. IV.

An Act for securing the quiet and inoffensive Inhabitants of this State from being injured, for preventing such Property as hath or may be confiscated from being wasted or destroyed, and for other Purposes.

I. WHEREAS great and frequent Complaints have been made, that many Acts of Violence and Barbarity have been lately committed in divers Counties of this State, under Pretence of seizing the Property of disaffected Persons, and of those who have joined, or are supposed to have joined the Enemy, and under various other Pretences, and it is suggested that these unwarrantable Depredations have been carried so far as to deprive many poor People of their common Houie and Kitchen Utensils, and even of some Part of their wearing Apparel; and whereas many Persons have unlawfully seized upon, and carried away, Negro Slaves, and other valuable Effects, which fall within the Description of confiscated Property, with Intention, as it is suggested, of applying the same to their own particular Use, and many Slaves are said to be conveyed to distant Parts, and others have been publickly sold, in Violation of Law and Justice: That the Public therefore may not be defrauded, and that the quiet and inoffensive Inhabitants may be protected and redressed:

II. 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 confiscated Estates in every County in this State, and where there are no lawful Commissioners, the Sheriff or Coroner of the County, shall seize and take into his or their Possession all the confiscated Property in his or their respective Counties, not claimed by any other Person, and shall secure the same, to be hereafter applied as the General Assembly shall direct; and it is hereby declared, that the Property of all Persons who may at any Time have joined, or shall hereafter join or attach themselves to the Enemy, shall be comprehended within the Meaning of this Act. Confiscated property secured.



A. D. 1780.

Commissioners or Sheriff to seize confiscated property.

III. *AND be it further enacted by the Authority aforesaid,* That no Person or Persons whatsoever but the Commissioners of confiscated Estates in each County, or for Want of lawful Commissioners, the Sheriff or Coroner, shall have any Authority to take Possession of any confiscated Property, and every Person offending, or who hath already offended in the Premises, on their Refusal to deliver the same, shall forfeit and pay treble the Value of the Property so illegally seized as aforesaid; to be recovered by Action of Debt, in the Name of the Governor, and shall moreover be compelled to make Restitution of all Property so illegally taken as aforesaid, and in Default thereof, shall suffer Imprisonment at the Discretion of the Court.

Governor or Board of War to enforce this act.

IV. *AND be it enacted by the Authority aforesaid,* That the Governor or Commander in Chief for the Time being, or the Board of War, shall take such Measures as to them shall appear necessary for enforcing the Execution of this Act, and shall cause all Offenders therein directed to be prosecuted and punished agreeable to the Directions thereof.

Confiscated negroes to be hired out.

V. *AND* whereas no Provision has been made in the several Counties of this State for the hiring out, for the Benefit of the State, Negroes seized under the Confiscation Law; *Be it therefore enacted by the General Assembly of the State, and the Authority of the same,* That where no Provision has been made adequate to this Purpose, or such Provision not carried into Execution, that the Sheriff, or Coroner if there is no Sheriff, shall be empowered to hire out until the first Day of February, such Negroes to the highest Bidder, at public Auction, at the Court-House, after giving ten Days Notice.

Property plundered from South-Carolina, secured to the owners.

VI. *AND* whereas divers evil disposed Persons, taking Advantage of the present unsettled state of public Affairs, and under Pretence of distressing the Enemies of the United States, make a Practice of going into the State of South-Carolina, plundering and committing Depredations upon all Persons indiscriminately, and bringing the plundered Property into this State, whereby many faithful Citizens of that State are reduced to the most distressing Circumstances: In order to prevent such unlawful and cruel Proceedings, *Be it enacted by the Authority aforesaid,* That all Property heretofore brought, or that may hereafter be brought from South-Carolina, by any Person or Persons residing in this State, shall be seized by the Sheriff of the County to which the same shall be brought, and the Commanding Officer of the County shall, if required, assist the Sheriff with such Aid as may be deemed necessary for that Purpose; and all such Property shall be safely kept and secured, and returned to the Owner, if it shall appear that such Owner is a faithful Citizen of any of the United States, but if otherwise, shall remain in the Hands of such Sheriff, to be applied to the Use of the State, in such Manner as the General Assembly may hereafter direct: And every Person or Persons who shall offend against this Act, by plundering as aforesaid, shall upon Conviction thereof, for the first Offence receive thirty-nine Lashes on his bare Back, and for the second Offence shall be deemed guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

People from Georgia exempt from taxes.

VII. *AND be it further enacted by the Authority aforesaid,* That any Person or Persons, formerly Inhabitants of the State of Georgia, who have taken Refuge in this State, shall be, and they are hereby exempted from the Payment of any Taxes whatever to this State for the present Year; any Law to the contrary notwithstanding.

CHAP. 5. *An Act to prevent the Impressment of Boats, Waggon, Carts, and other Carriages, employed in carrying Salt, and for other Purposes therein mentioned. E X P.*

#### C H A P VI.

See act Jan. 1781, c. 4, § 8. *An Act for suspending the Operations of an Act, for carrying into Effect an Act, commonly called the Confiscation Act.*

I. **W** H E R E A S from the unsettled State of public Affairs, and from the fluctuating State of the Currency, as well as from other Causes, the Act directing



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directing the Sale of confiscated Property has not answered the Purposes intended thereby, and the Army of the Enemy now in the State of *South-Carolina*, would occasion the said Property to sell greatly under its intrinsic Value; and whereas the Lands confiscated to the State would, if reserved, establish a valuable and permanent Fund, either for supplying the Army and Navy with Provisions, or for establishing a Paper Currency, which would in all Probability maintain its original Value:

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Operation of an Act, entitled, *An Act to carry into Effect an Act passed at Newbern in the Year one thousand seven hundred and seventy-seven, entitled, An Act for confiscating the Property of all such Persons as are inimical to this or the United States, and of such Persons as shall not within a certain Time therein mentioned appear and submit to the State whether they shall be received as Citizens thereof, and of such Persons as shall so appear and shall not be admitted as Citizens, and for other Purposes therein mentioned, and for other Purposes, and the Powers of the Commissioners appointed under the said Act, be, and are hereby suspended, and shall continue suspended, and of no Effect, from and immediately after the passing of this Act, until the End of the next Session of the General Assembly.* Act suspended,

III. *AND* be it further enacted by the Authority aforesaid, That in the mean Time the Commissioners appointed in the several Counties by Virtue of the said Act, do account with and pay to the Treasurers of their respective Districts, agreeable to the Directions of the same Act, all the Monies which may be now remaining in their Hands, received for confiscated Property by them sold and disposed of; and such Commissioners as refuse or neglect so to do, shall be prosecuted agreeable to the Directions of the said Act. Commissioners to pay the monies in their hands.

IV. *AND* whereas it is necessary that the General Assembly should be informed of the different Kinds and Quantities of confiscated Property in the State, in order that the same may be applied to the most beneficial Purposes for the public Use; *Be it therefore enacted by the Authority aforesaid, That the Commissioners of the respective Counties (and where no Commissioners have been appointed, or where appointed have declined qualifying, then the Sheriff of such County) shall return to the next Session of the General Assembly a separate List of the Property of every Person who comes within the Confiscation Acts, or any of them, which shall be found within their respective Counties; which Lists shall be signed by such Commissioners or Sheriffs, and shall contain all the Lands, Houses, and other real Estate, Slaves, Horses, Hogs, Neat Cattle, and Sheep, and other moveable Property, confiscated by any Act or Acts of the General Assembly, and how much of the same hath been sold under the said Acts, or claimed by other Persons.* Lists of confiscated property to be returned.

V. *AND* be it enacted by the Authority aforesaid, That the several Commissioners shall in the mean Time compleat the Titles of such Sales as they may have *bona fide* made agreeable to Law, any Thing in this Act to the contrary notwithstanding. Titles to be compleated.

## C H A P. VII.

*An Act for quieting such Persons as may suffer in their Titles and Claims of Lands, by Reason of the Extension of the Boundary Line between this State and the Commonwealth of Virginia.* See act Jan. 1779, c. 16, and acts there referred to.

I. **W** H E R E A S from the Extension of the dividing Line between this State and the Commonwealth of *Virginia*, Lands claimed under the Authority and Sanction of the Laws of *Virginia* are found to fall within this State, though deemed when patented and surveyed, to lie within the then Colony of *Virginia*; and whereas sundry Persons have proceeded to make Entries on the said patented and surveyed Lands as aforesaid, whereby divers Persons, Patentees and Claimants aforesaid, are likely to be greatly injured in their just Rights; and whereas it is right Policy to do equal Justice, and grant reciprocal Advantages, to Citizens whose States are in Union.

II. *BE*



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Certain entries  
suspended.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all Entries made within the Limits of the said patented and surveyed Lands as aforesaid, shall, and are hereby declared to be suspended until the End of the next Session of the General Assembly of this State; and the Entry-Takers and Surveyors of the Counties of W<sup>est</sup>-*ington* and *Sullivan* are enjoined and required, at their Peril, to desist from any further Proceedings on the said Lands.*

## C H A P. VIII.

*An Act to amend an Act, entitled, An Act to establish a Board of Auditors for settling and adjusting the public Accounts of this State, and other Purposes.*

I. **W**HEREAS by the before recited Act no Provision is made for the filling up of Vacancies, occasioned by the Death, Removal, or Refusal to act, of the Persons appointed Auditors under the same, whereby the good Intention and Meaning of the said Act may be entirely frustrated:

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That in the before mentioned Cases of any of the Persons appointed Auditors under the said Act, the General Assembly, by a joint Resolve of both Houses, may occasionally appoint another Person or Persons to fill up the Vacancies as aforesaid; and if any Vacancy should happen during the Recess of the General Assembly, the Governor, with Advice of the Council of State, may make a temporary Appointment, to be in Force until the General Assembly shall meet and take such Appointment under Consideration; and all Auditors appointed to fill up any Vacancy, shall take the Oath appointed by the before recited Act.*

## C H A P. IX.

*An Act to repeal an Act, entitled, An Act for the more effectually preventing Engrossing and Forestalling, for the Encouragement of Commerce and the fair Trader, and for other Purposes therein mentioned.*

I. **W**HEREAS by Experience it is found that the above recited Act hath not produced the good Effects intended, being fraught with many Inconveniences, prejudicial to Commerce, and the good People of this State:

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the before mentioned Act, and every Part thereof, be henceforth repealed and made void.*

III. [*Temporary.*]

C H A P. 10. *An Act for establishing a Board of War, and other Purposes.*

*Read Three Times and ratified in General Assembly, }  
the 13th of September, Anno Dom. 1780. }*

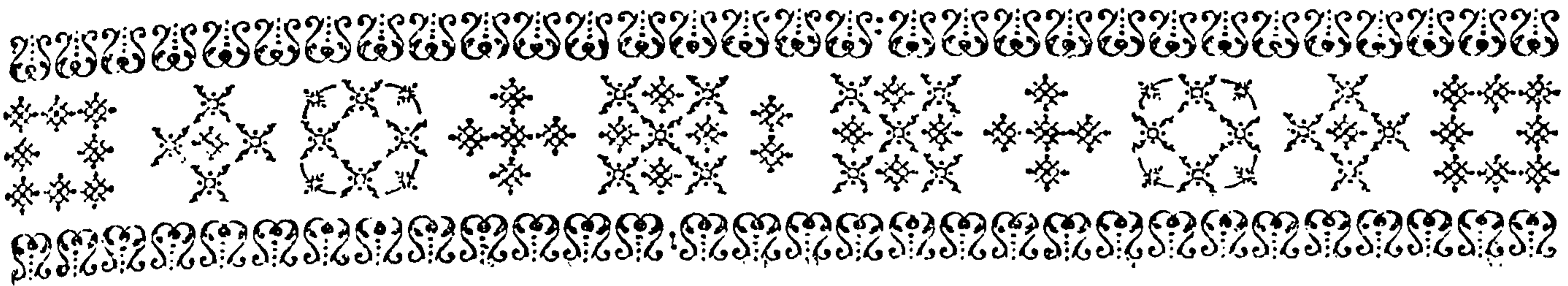
SIGNED BY

ALEX. MARTIN, S. S.

THOMAS BENBURY, S. C.

L A W S





L A W S  
O F

N O R T H - C A R O L I N A .

At a GENERAL ASSEMBLY, begun and held at Halifax, on the Eighteenth Day of January, in the Year of our Lord One Thousand Seven Hundred and Eighty-one, and in the Fifth Year of the Independence of the said State: Being the Third Session of this Assembly.

ABNER NASH,  
Esq. Governor.

CHAP. I. *An Act to regulate and establish a Militia in this State.*

Provided for by  
subsequent acts.

C H A P. II.

*An Act to reduce the Six Continental Battalions belonging to this State to Four, to complete the said Four Battalions, and for other Purposes therein mentioned.*

All but the two  
last § thought  
immaterial to be  
inserted.

XVII. **A**ND be it further enacted by the Authority aforesaid, That James Coor and William Pasteur be appointed Commissioners to print, or cause to be printed or written, three thousand five hundred Certificates of seven thousand five hundred Dollars each, of the following Form, viz, "State of North-Carolina. This may certify that the Bearer is entitled to seven thousand five hundred Dollars, to be paid out of the public Treasury of this State, with six per Cent. Interest, at any Time after the first Day of March, in the Year one thousand seven hundred and eighty-two, agreeable to Act of Assembly. Given under my Hand this Day of one thousand seven hundred and eighty-one." And shall in the most frugal and expeditious Manner deliver, or cause to be delivered, the said Certificates to the several District Treasurers on or before the first Day of April next, in the Proportions following, that is to say, To the Treasurer of the District of Newbern five hundred, Wilmington five hundred, Salisbury nine hundred, Hillsborough six hundred, Halifax five hundred, and the remaining five hundred of the said Certificates to the Treasurer of the District of Edenton, taking Receipts for the same: And the said Commissioners shall, previous to their entering on the printing or writing the same, take an Oath not to print or write, or cause to be printed or written, any greater Number of Certificates than are hereby directed to be printed or written; and the Treasurers of each District are required to attend in Person, or otherwise, at the Place of general Rendezvous in their respective Districts, and after signing the said Certificates, to deliver one of them to each Volunteer and Draft who by Virtue of this Act shall appear at such Place of Rendezvous, taking a Receipt from each Individual, for which Trouble and Expence the said Treasurers shall be allowed in the Settlement of their public Accounts: And the Treasurer of the District of Newbern shall advance to the said Commissioners the Sum of three thousand Pounds out of the public Treasury, to enable them, if necessary, to hire Expresses, and purchase Paper, for the Purposes of procuring and delivering the said Certificates as directed by this Act; for which Sum the said Commissioners shall account with the Board of Auditors, who are hereby directed to allow them a reasonable Compensation for their Services and Expences in performing the several Duties required of them by this Act.

Commissioners  
appointed.



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Pen. for counter-  
feiting.

XVIII. *AND* be it further enacted by the Authority aforesaid, That whosoever shall by printing, writing, engraving, or by any other Ways or Means, pass or counterfeit, or attempt to pass or counterfeit, any of the Certificates by this Act directed to be granted, or any Part, Word or Letter, Name, Emblem or Device of the same, or shall make or construct any Die, Press, Type, or other Instrument, for imitating any of the said Certificates, or any Part, Word, Letter, Name, Emblem or Device thereof, or shall alter or deface any of the said Certificates with Intent to change the Value or Denomination thereof, or shall knowingly pass or utter any counterfeit Likenels of any of the said Certificates, being thereof lawfully convicted by Confession or Verdict, or on Arraignment or Trial shall stand mute, or challenge peremptorily more than thirty-five Jurymen, every such Person shall receive Judgment of Death, without Benefit of Clergy, and shall suffer as in Case of Felony.

## C H A P. III.

*An Act for appointing District Auditors for the Settlement of public Claims.*

See act April,  
1781, c. 8, and  
acts there refer-  
red to.

I. **W**HEREAS the Claims against this State are too numerous to be settled by the present Board of Auditors in any reasonable Time, and whereas it is necessary that the same should be immediately settled:

District Auditors  
appointed.

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That a Board of Auditors be constituted and appointed for each of the Districts of Newbern, Wilmington, Hillsborough, Halifax, Raenton, and two for the District of Salisbury, each Board to consist of three Members, to be respectively composed of the following Persons, and a Secretary: James Coor, Benjamin Laxum, and John Harwks, Esquires, for the District of Newbern; Francis Lucas, Wm. Dixon, and Thomas Sewell, Esquires, for the District of Wilmington; Mennuan Hunt, Ambrose Ramsay, and John Taylor, Esquires, for the District of Hillsborough; John Macon, Henry Monfort, and Goodwin Davis, Esquires, for the District of Halifax; Lawrence Baker, Edward Everigm, and Wm. Righlon, Esquires, for the District of Raenton; Anthony Bledsoe, Ralph Humphreys, and Jesse Walton, Esquires, of one Board, Matthew Lock, Benjamin Cleveland, and David Wilson, Esquires, for the other Board for the District of Salisbury; and the Secretary of each Board to be appointed by it: And such Auditors shall have, and are hereby vested, each Board in their respective Districts, with full Power and Authority finally to settle and adjust all Claims against the State for Articles heretofore furnished or impressed for the Use thereof, at the following Prices, *viz.* For every Pound of fresh Beef one Pound twelve Shillings, three Years old Steers or barren or dry Cows each four hundred and forty Pounds, four Years old Steers five hundred and sixty Pounds, five Years old Steers six hundred and forty Pounds, six Years old Steers and upwards seven hundred and twenty Pounds, salt Beef *per* Barrel eight hundred Pounds, salt Pork *per* Barrel one thousand Pounds, each good Sheep one hundred Pounds, Wheat *per* Bushel forty-five Pounds, Flour *per* hundred Weight one hundred and thirty-five Pounds, Oats *per* Bushel twenty-four Pounds, Oats in the Sheaf each Sheaf two Pounds, Kye *per* Bushel forty Pounds, Hay and Corn-Blades *per* Cent. each thirty Pounds, Bran *per* Bushel six Pounds eight Shillings, Brandy *per* Gallon eighty Pounds, Whisky *per* Gallon sixty Pounds, Cyder *per* Barrel one hundred Pounds, brown Sugar *per* Pound sixteen Pounds, Molasses *per* Gallon fifty Pounds, Butter and Cheele *per* Pound six Pounds, Bacon *per* Pound six Pounds, dried Beef *per* Pound four Pounds, Hire of a single Horse *per* Day ten Pounds, Waggon without a Team *per* Day ten Pounds, Waggon with Geer *per* Day twelve Pounds ten Shillings, Cart without a Team *per* Day five Pounds, clean Rice *per* hundred Weight one hundred and fifty Pounds, rough Rice *per* Bushel thirty Pounds, shoeing a Horse each Shoe fourteen Pounds, pasturing each Horse twenty-four Hours two Pounds, feeding a Horse each Feed two Pounds, Pot-Iron *per* Pound eight Pounds, Bar-Iron *per* Pound eight Pounds, dieting a Soldier each Diet four Pounds. In the Counties of Rowan, Mecklenberg, Lincoln, Rutherford, Burke, Anson, Montgomery, and Richmond, for Corn *per* Bushel forty Pounds, Rum *per* Gallon one hundred and twenty Pounds; in the District of Salisbury, for Salt *per* Bushel six hundred and forty Pounds;

shall power, &amp;c.



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Pounds; in the Districts of *Halifax* and *Hillsborough*, for Salt *per* Bushel five hundred Pounds; in any other Part of the State, for Salt *per* Bushel four hundred Pounds, Corn *per* Bushel thirty Pounds, Rum *per* Gallon one hundred Pounds; and when in any Claim presented there shall be Articles charged not heretofore mentioned, the Auditors are hereby vested with full Power and Authority to allow such Prices as to them shall appear just, having Regard to the Prices as before mentioned, and issue Certificates indented and numbered for whatever Sum or Sums shall appear justly due to the several Claimants; which Certificates shall be signed by two Members of the Board from whence it issues, and be countersigned by the Secretary; and Certificates thus attested shall be deemed, and are hereby declared lawful Vouchers for the Sheriffs, Tax-Gatherers, and Treasurers, in the Settlement of their public Accounts, and the Sheriffs and Tax-Gatherers are hereby directed to receive them in the Payment of public Taxes; and the said Boards shall sit at the most convenient Places within their respective Districts, at their Discretion: And that the several Boards meet as soon as possible after the Ratification hereof, and continue to sit, if they shall find it necessary, until the first Day of *May* next, for the Purposes aforesaid, and no longer; and that immediately after the first Day of *May*, each Board is hereby directed and required to transmit by their Secretary to the present Board of Auditors the Counterpart of the Certificates by them issued, together with the Accounts they have passed, with the Vouchers. *Provided nevertheless*, That if any one of the said Boards of Auditors shall by Invasion, or other Cause, be prevented from sitting to adjust the Claims of their District within the Time before mentioned, it shall be lawful for the said Board to sit for the same Purpose at any other Time or Times when they can do the same with Safety.

III. AND the better to carry this Act into Execution, *Be it enacted*, That the Sum of six thousand Pounds be paid to each Board by the Treasurer of each District, for the Purpose of purchasing Stationary, paying for House-Rent, &c. And if a Balance should remain in their Hands, it shall be applied to the Pay of their Service (such Receipt to be a sufficient Voucher to the Treasurer) and that the same Sum be allowed to each Member of these District Boards, and to their respective Secretaries, *per* Day, as is allowed to the present Auditors and their Secretary. And on the first Day of *May* as aforesaid, the respective District Boards are directed and required to transmit by their Secretary as aforesaid, and exact Account of the Expenditures of their Board, as well as the Account against the Public for their Services, giving Credit for such Sums as they may have received from the Treasurers: And the present Board of Auditors are hereby empowered to settle such Accounts so offered, and to issue Certificates for the Balance; which Certificates shall be sufficient Vouchers for the Sheriffs and Treasurers in the Settlement of their Accounts. Money advanced

IV. *Be it enacted*, in Case of Refusal, Death or Removal, of any Auditor appointed by this Act, that it shall and may be lawful for such Vacancy to be filled by two acting Members of such Board, or in Failure thereof, by the Representatives of the same County in which the Person so refusing, dying or removing, resides, or may have resided: And that each Auditor and Secretary shall, before they enter upon the Execution of their Office, take the following Oath: Auditors kept up.

I A. B. do swear, that I will faithfully execute the Trust reposed in me, to the best of my Skill and Judgment, without Prejudice or Favour. SO HELP ME GOD. Oath.

V. AND whereas Certificates issued in consequence of this Act may be as liable to be counterfeited as the present Currency of this State, and equally as pernicious to the State; *Be it enacted*, That any Person or Persons issuing false Certificates, or counterfeiting such as have been legally issued, shall be subject to the same Penalties as if they had been guilty of counterfeiting the Currency of this State. Pen. for counterfeiting.

VI. AND *be it further enacted*, That it shall not be lawful for any of the Collectors of the pecuniary Tax within this State, to distrain for the same on any of the Inhabitants of their Counties who have just Claims against the Public, until the first Day of *May* next, any Law to the contrary notwithstanding. Collectors not to distrain till 1st of May.

VII. AND



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Purchases to be  
in Specie.

VII. *AND* be it further enacted by the Authority aforesaid, That all Purchases hereafter made for the Use of the Public, or on Account of this State, shall be in Specie, and Certificates granted accordingly; which Certificates are to be paid in Specie, or the Value thereof in the circulating Currency, agreeable to the Par of Exchange at the Time said Certificates are paid; and all Articles impressed, or otherwise entered into the public Service, shall be valued in Specie, and if lost by unavoidable Accident, shall be paid for in the same Manner as other Articles furnished the Public.

Claims recon-  
sidered.

VIII. *AND* whereas the present Board of Auditors have settled and allowed a Number of Claims since the sitting of the last Assembly, which ought to be reported agreeable to Law; and as it may be necessary that the said Claims be reconsidered, and the Allowances made agreeable to this Act; *Be it therefore enacted by the Authority aforesaid*, That the present Board of Auditors may reconsider the Claims already received, and issue Certificates, in the same Manner as is directed by this Act to the District Auditors.

Interest of certi-  
ficates.

IX. *AND* be it further enacted by the Authority aforesaid, That all Certificates issued agreeable to this Act shall bear an Interest of ten *per Cent.* and be free and exempt from Taxation, in Case the Person to whom such Certificate shall issue do retain the same in his own Possession unpaid until the first Day of *March*, which shall be in the Year one thousand seven hundred and eighty-two.

## C H A P. IV.

See act April,  
1780, c. 4.

*An additional Act to an Act, entitled, An Act for securing the quiet and inoffensive Inhabitants of this State from being injured, for preventing such Property as hath or may be confiscated from being wasted or destroyed, and for other Purposes; for continuing an Act, entitled, An Act for suspending the Operation of an Act, for carrying into Effect an Act commonly called the Confiscation Act; and for directing and regulating Elections in particular Instances; and also for giving further Time to Surveyors to compleat their Surveys.*

I. **W**HEREAS it is found by Experience that the first recited Act is insufficient to answer the Purposes intended thereby, and since the passing thereof new Abuses have arisen: For Remedy whereof,

Commissioners  
duty.

II. *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 forfeited Estates in each County, or for Want of such the Sheriff or Coroner, and where there is no Sheriff or Coroner the County Court, are hereby strictly enjoined to seize and take into their Possession all such Property as has been described in the said Act; and in Case any Person or Persons should persist to retain the same in Defiance of this and the foregoing Act, such Commissioners, Sheriff, Coroner or County Court, as the Case may be, shall call upon the Commanding Officer of the Militia of the County for such Aid as may be necessary to secure the quiet Possession thereof; and every Militia Officer refusing or neglecting to act, when called upon in Manner herein directed, shall forfeit and pay the Sum of twenty thousand Pounds; to be recovered in any Court of Record, in the Name, and to the Use of the State. *Provided nevertheless*, That the Estates of all such Persons as have been heretofore in Arms against, and are now on Service in Defence of this State, and who shall continue therein so long as to compleat the Term of eighteen Months actual Service from the Time of their entering respectively, and also the Estates of all such Persons who having joined the Enemy, may return and serve in the Army of this State, agreeable to a Resolve of this General Assembly, shall be suffered to be and remain in the peaceable Possession of the respective Families of all such Persons; any Thing in this or any other Law to the contrary notwithstanding.

Lands, &c. to be  
rented.

IV. *AND* be it enacted by the Authority aforesaid, That the Lands, Tenements, Hereditaments, and Negro Slaves, shall be rented and hired out by public Auction, to the highest Bidder, for any Term not exceeding one Year, and so from Year to Year, until the General Assembly shall direct otherwise; and the Horses shall be valued and put into the public Service, and the Beef, Cattle and fat Hogs shall be delivered to the County Commissioners for public Use; and all other personal Property shall be secured and preserved as well as may be. V. *AND*



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V. AND whereas in many Counties in this State, as it is asserted, divers Bargains, Contracts, Sales, Conveyances, and Deliveries, have been made and entered into for Property falling within the Description in the said first recited Act, in Order to evade the Operation of the same Act; *It is therefore hereby declared and enacted*, That all such Bargains, Contracts, Sales, Conveyances, and Deliveries, made and entered into since the Expiration of the last Session of the General Assembly (notwithstanding that the same may bear a prior Date) shall be null and void, and made in direct Violation of the said Act, and all such Property shall be liable to the same Process and Proceedings as if such Bargains, Contracts, Sales, Conveyances, and Deliveries, had never been made.

Bargains, &amp;c. void.

VI. AND whereas many avaricious and evil disposed Persons, in direct Violation of any Acts of the General Assembly, have made Entries of Lands which were within the Confiscation Act, and have actually seated themselves thereon, and cut and destroyed large Quantities of Timber, and committed manifold Trespases: For Remedy whereof, *Be it enacted by the Authority aforesaid*, That the Commissioners of confiscated Estates in each County, or for Want of Commissioners the Sheriff or Coroner, or where there is no Sheriff or Coroner the County Court, shall as soon as may be after the passing of this Act cause an exact Account to be taken of all Lands in their respective Counties, supposed to come within the Confiscation Act, where Entries or Settlements have been made, or shall hereafter be made, and transmit the same to the Attorney-General at the first Superior Court to be held for the District in which such Lands lie, with a Description as exact as possible of such Entries, Settlements, and other Trespases; and the Attorney-General is hereby directed and enjoined to prosecute all such Trespases in the Name of the State, by Indictment, Action of Trespass and Ejectment, or any of them, as he shall think proper; and the Judges of the Superior Courts are directed and empowered to give Judgment upon such Prosecutions, in the same Manner as if such Lands had been conveyed to the State by the common Mode of Conveyance, and all the Formalities of the Law had been strictly observed.

Returns to be made.

Prosecutions directed.

VII. *AND be it enacted by the Authority aforesaid*, That where any Property confiscated to the State by any Act of Assembly hath been, or may hereafter be conveyed out of the County to which the same originally belonged, it shall be lawful for the Commissioners of forfeited Estates, the Sheriff, Coroner, or Justices of the County as aforesaid, to pursue and seize such Property in Manner as if the same had never been removed, any Law or Statute to the contrary notwithstanding.

Property seized.

VIII. AND whereas an Act of Assembly passed at Hillsborough in August last, entitled, *An Act for suspending the Operation of an Act for carrying into Effect an Act commonly called the Confiscation Act*, will expire at the End of the present Session of Assembly, unless further continued; *Be it therefore enacted by the Authority aforesaid*, That the said Act, passed at Hillsborough as aforesaid, shall continue and be in Force until the General Assembly shall otherwise direct.

Act continued.

IX. AND whereas in some Parts of this State divers Persons have since the first Day of June last attached themselves to the Enemies of this State and the United States, and openly appeared in Arms against the same, and if such Persons are suffered at the next annual Election to choose Representatives to sit in the General Assembly, it may be attended with the worst Consequences to the Safety of the State; *Be it therefore enacted by the Authority aforesaid*, That all such Persons are hereby declared to be disqualified from voting for Members of the General Assembly, either at the annual or any other Election, of which the Judges and Inspectors of the Poll in every County are hereby directed to take due Notice.

Persons disqualified to vote.

X. AND whereas from divers Causes it may happen that there may not be either Sheriff or Coroner in some Counties in this State to take and make Return of Elections for Members of the General Assembly; *Be it therefore enacted by the Authority aforesaid*, That where there shall not be either Sheriff or Coroner to take the Poll at the annual or any other Election, it shall be lawful for three Justices

If no Coroner, &amp;c. Justices to appoint a freeholder to take the poll.



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of the Peace to appoint some reputable Frecholder to hold the Election, with the same Powers, Directions and Restrictions, as Sheriffs by Law are invested with and subject to, and such Elections so made shall be as valid as if taken and held by the Sheriff or Coroner.

Further time allowed surveyors.

XI. *AND be it further enacted by the Authority aforesaid,* That the Surveyors of the several Counties within this State shall be allowed a further Time of twelve Months from the passing of this Act to compleat their Surveys, and make their Returns to the Secretary's Office.

Temporary.

C H A P. 5. *An Act to establish a Council extraordinary.*

Temporary.

6. *An Act to vest the executive Powers of the Government in the present Governor, and to continue the Delegates from this State to the Continental Congress, after the fifteenth Day of April next, on the Contingency therein mentioned, and for other Purposes.*

Rep. by act April, 1783, c. 22.

7. *An Act for encouraging the Importation of Arms, Ammunition, and other warlike Stores, and other Purposes.*

Temporary.

8. *An Act to enlarge the Powers of the Quarter-Master-General.*

## C H A P. IX.

See act April, 1780, c. 16.

*An Act to continue an Act, entitled, An Act to continue an Act, entitled, An Act to amend Part of an Act for emitting Eight Hundred and Fifty Thousand Pounds in Bills of Credit, for discharging the Debts incurred by this State in raising Men to reinforce the Battalions belonging to this State in the Continental Army, for calling in all former Emissions, and other Purposes.*

I. **W** H E R E A S by the before recited Act the Redemption of the Bills of Credit emitted under the Authority of Congress at *Hillsborough*, in the Year one thousand seven hundred and seventy-five, and those emitted under the Authority of the Congress held at *Halifax*, in the Year one thousand seven hundred and seventy-six, was postponed to the first Day of *May*, in the Year one thousand seven hundred and eighty, and the Exigencies of the State require a further Time for the Redemption of the said Emissions:

Redemption postponed.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That the Redemption of the said late Emissions be further postponed until the fourth Day of *February*, one thousand seven hundred and eighty-four, and from thence until the End of the next Session of Assembly.

Rep. by act Nov. 1786, c. 17.

C H A P. 10. *An additional Act to an Act, entitled, An Act concerning Servants and Slaves.*

Original act expired.

II. *An Act to amend an Act, entitled, An Act to prevent the Impressment of Boats, Waggons, Carts, and other Carriages, employed in carrying Salt, and for other Purposes therein mentioned.*

## C H A P. XII.

See act Jan. 1779, c. 16, and acts there referred to.

*An Act to continue an Act, entitled, An Act for quieting such Persons as may suffer in their Titles and Claims of Land, by Reason of the Extension of the Boundary Line between this State and the Commonwealth of Virginia.*

I. **W** H E R E A S an Act, entitled, *An Act for quieting such Persons as may suffer in their Titles and Claims of Lands, by Reason of the Extension of the Boundary Line between this State and the Commonwealth of Virginia*, which passed the last Session of Assembly, will expire, unless it be further continued:

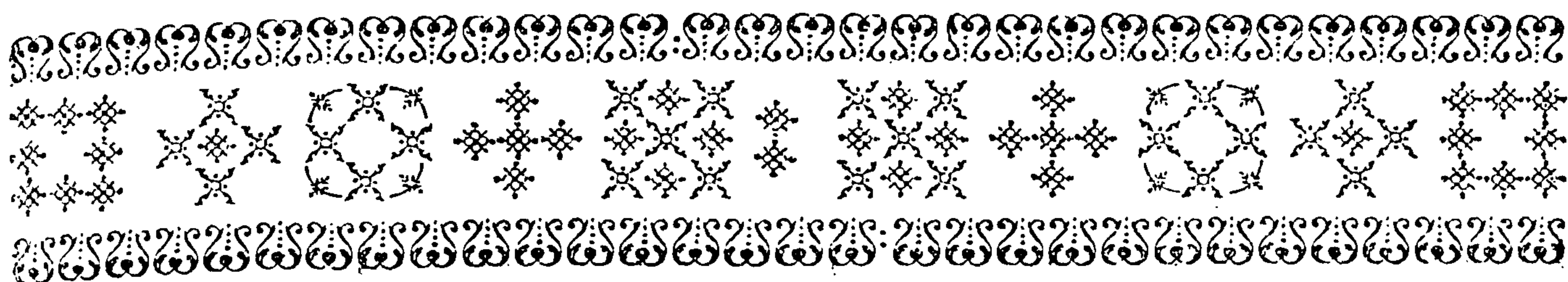
Act continued.

II. *BE it therefore enacted,* That the same shall be, and is hereby continued, until the Claims mentioned in the said recited Act shall be fairly heard, and finally determined, by the General Assembly of this State.

*Read Three Times and ratified in General Assembly,*  
the 14th of February, Anno Dom. 1781.

ALEX. MARTIN, S. S.  
THOMAS BENBURY, S. C.





# L A W S

O F

## NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held in Wake County, on the Day of June, in the Year of our Lord One Thousand Seven Hundred and Eighty-one, and in the Sixth Year of the Independence of the said State: Being the First Session of this Assembly.

THOMAS BURKE, Esq., Governor.

CHAP. I. *An Act for raising Troops out of the Militia of this State for the Defence thereof, and for other Purposes.*

Provided for by subsequent acts.

### CHAP II.

*An Act for continuing the District Auditors of this State, directing their Duty in Office, and for other Purposes.*

See act April, 1780, c. 8, and acts there referred to.

I. **WHEREAS** it is absolutely necessary that the Pay due, or which may hereafter be due, for Militia Duty, and all other Claims against the State for Articles furnished or impressed, or which hereafter may be furnished or impressed, should be speedily settled, and Certificates granted for the same;

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That a Board of Auditors be constituted and appointed in each of the Districts of *Newbern, Wilmington, Hillsborough, Halifax, Edenton,* and two for the District of *Salisbury;* each Board to consist of three Members, to be composed of the following Persons, and a Clerk to be chosen by each Board respectively, *that is to say, James Coor, John Hawks, and William Bryan, Esquires, for the District of Newbern; John Spicer, sen. William Dixon, and John King, of Bladen, Esquires, for the District of Wilmington; John Macon, William Green, and John Branch, Esquires, for the District of Halifax; Absalom Tatom, Charles Abercrombie, and John Rand, Esquires, for the District of Hillsborough; Edward Everigin, Lawrence Baker, and William Righton, Esquires, for the District of Edenton; Matthew Lock, William Cathey, and David Wilson, Esquires, for the lower Board, and John Brown, Daniel M'Kezick, and Alexander Irwin, Esquires, for the upper Board, comprehending the Counties of Washington, Sullivan, Rutherford, Burke, Lincoln, and Wilkes, for the District of Salisbury:* And such Auditors shall have, and are hereby vested, each Board in its respective Districts, with full Power and Authority finally to settle and adjust all Claims against the State for Militia Pay, and for Articles which are or may be purchased or impressed for the Use of this State (Purchases made by County Commissioners or their Assistants excepted) as to them may appear just, and to subtract from any Claim all such Sums as appear to them unreasonable, notwithstanding the same may be duly sworn to, or to lay over and refer all such Claims to the State Auditors, or the General Assembly, as they may judge necessary.

Auditors appointed.

III. *AND be it further enacted by the Authority aforesaid,* That where it shall so happen that in any Claim the Articles furnished or impressed shall not have been valued agreeable to Law, then, and in all such Cases; the following Prices in Specie shall be allowed, or the lawful Value of such Specie in the Currency of

Prices allowed, where there was no valuation.

the



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the State, *that is to say*, For salt Beef *per* Barrel 7l. fresh Beef *per* hundred Weight 2l. 4s. good Pork *per* Barrel 8l. 16s. Bacon *per* Pound 1s. 4d. fresh Pork *per* hundred Weight 2l. 16s. each good Sheep 1l. 12s. Wheat *per* Bushel 12s. Flour *per* hundred Pounds 1l. 16s. Oats *per* Bushel 4s. sheaf Oats, each large Sheaf 4d. Rye *per* Bushel 8s. Hay and Corn Blades *per* hundred Pounds 6s. Bran *per* bushel 8d. Corn *per* Bushel 6s. Salt *per* Bushel 2l. Salt in *Hillsborough* District *per* bushel 3l. 4s. Salt in *Salisbury* District *per* Bushel 4l. good Brandy *per* Gallon 10s. good Whiskey *per* Gallon 8s. *West-India* Rum *per* Gallon 14s. *Trench* Tafia *per* Gallon 8s. Molasses *per* Gallon 10s. good Cyder *per* Barrel 1l. 10s. brown Sugar *per* Pound 1s. 6d. Bar-Iron *per* Pound 1s. 4d. Pot-Iron *per* Pound 1s. 4d. shoeing a Horse, each Shoe 2s. Hire of a Horse *per* Day 2s. 6d. Hire of a Cart and Team each Day 12s. Hire of a Waggon without Team each Day 4s. Hire of a Waggon and four Horses, with Geer complete and Driver, each Day 24s. Butter and Cheese *per* Pound 1s. 4d. and when in any Claim there shall be Articles charged not rated in this Act, nor valued agreeable to Law, the Auditors shall allow such Prices as shall appear just, having respect to the rated Articles: And the several Auditors in their respective Districts shall have full Power and Authority to issue Certificates, indented and numbered, for whatever Sums they may allow in Specie; which Certificates shall be signed by at least two of the Auditors, and countersigned by the Clerk; and all Certificates issuing so attested, shall be deemed, and are hereby declared, lawful Vouchers in the Settlement of all public Accounts; and the Tax-Gatherers, County Treasurers, and public Treasurers, are hereby directed to receive such Certificates in Payment of public Taxes: And the Auditors are hereby respectively required to sit at some convenient Place near the Centre of the District, at their Discretion, from Time to Time, till the General Assembly shall otherwise direct; and shall by their Clerk transmit a Copy of their Proceedings, together with the Counterpart of the Certificates by them issued, on Oath, to the State Board of Auditors: *And it is hereby provided*, That in Case of the Death, Neglect, or Refusal to act, of any Auditor, it shall be lawful for the other Members of the Board to fill up such Vacancy, or on Failure thereof, the Representatives of the County where the Vacancy happens shall fill up the same; and the Person so appointed shall have the same Privileges and Powers as the Auditors appointed and nominated in this Act: And such Auditors and Clerk shall, before they enter on the Execution of their respective Duties, take before some Justice of the Peace the following Oath, *to wit*,

Certificates to be issued.

Auditors kept up.

Their oath.

**I** A. B. *do solemnly swear, that I will faithfully execute the Trust reposed in me as Auditor for the District of* \_\_\_\_\_ *(or Clerk, as the Case may be) to the best of my Skill and Judgment, according to Law.*

Money paid the Clerk, and allowance to the board, &amp;c.

IV. **A N D** the better to carry this Act into Effect, *Be it enacted*, That the Sum of five thousand Pounds be paid to the Clerk of each Board by the Treasurer of each District, for purchasing Stationary, Payment of House-Rent, and other incidental Charges; and the District Auditors and Clerk shall each have and receive the Sum of twenty Shillings Specie for each Day's Attendance on the Duties of their Appointment, or Currency equal to the Value of such Amount in Specie; and the respective Clerks shall return on Oath an Account of the public Expenditures of the Board, and the Number of Days each Member may have attended, to each Session of the General Assembly, or State Auditors, as the Law may direct.

Pen. for counterfeiting certificates.

V. **A N D** whereas Certificates issued in consequence of this Act may be as liable to be counterfeited as the present Currency of this State, *Be it therefore enacted by the Authority aforesaid*, That any Person issuing false Certificates, or counterfeiting or altering such as may be lawfully issued, shall be subject to the same Pains and Penalties as if they had been guilty of counterfeiting the Currency of this State.

Certificates to bear interest.

VI. **A N D** *be it further enacted by the Authority aforesaid*, That all Certificates issued in consequence of this Act, or by the late District Auditors, for Sums not less than one Pound Specie, or the lawful Value thereof in the Currency of the State, shall bear an Interest of six *per Cent.* from the Date, and be free from Taxation until paid, in Case such Certificate shall remain unpaid until the first Day of *May*, in the Year one thousand seven hundred and eighty-three, after which Time all such



such Certificates shall be payable out of the public Treasury of this State, together with the Interest due thereon, in Specie, or the true and real Value of the Amount of such Specie in the Currency of this State; and all such Certificates shall at any Time before the said first Day of *May*, one thousand seven hundred and eighty-three, at the Option of the Holder, be a Tender in Payment of public Taxes, at the Rate of two hundred for one; and the Tax-Gatherers and Treasurers are hereby required to receive them accordingly, the Person so tendering the same first endorsing on the Back of such Certificate the Time when, and the Officer to whom paid as aforesaid *Provided*, That the aforesaid Proportion or Difference of Value between Specie and the Currency of this State, shall not apply or be considered as the Value of any Salaries, Fees or other Allowances, which by Law are rated in Specie; all which shall be paid in Specie, or the true Value of such Specie in the Currency of the State, any Thing in this Act to the contrary notwithstanding.

VII. *AND* be it further enacted by the Authority aforesaid, That the Pay due the Militia shall be considered in Specie, and regulated and settled agreeable to the Act of Assembly regulating the Militia in the Year one thousand seven hundred and sixty-eight. Militia pay.

VIII. *AND* be it further enacted by the Authority aforesaid, That all Appraisers of Articles impressed, or otherwise entered into public Service, the Value of which not being ascertained in this Act, shall be valued on Oath by two Freeholders in Specie, as near as may be to the Specie Value of the same. *Provided nevertheless*, That all Claims for Articles furnished this State before the fourteenth Day of *February* last, not heretofore allowed, shall be settled agreeable to the Prices ascertained in an Act of Assembly passed at *Halifax*, entitled, *An Act for appointing District Auditors for the Settlement of public Claims*. *Provided*, That no Board of Auditors shall be at Liberty to settle or allow any Clothes lost, Rails burnt, or any other Damages, except for Fields of Grain, Meadow or Pasturage, taken for the Use of the Army, until ordered by the General Assembly. Value of articles.

IX. *AND* whereas there is only one Commissioner now remaining for the Port of *Roanoke*, occasioned by the Refusal of *William Savage* to act, the Death of *Joseph Hewes*, *John Campbell*, and *Robert Hardy*, and the Law under which they are appointed provides that the Survivors, or a Majority of them, shall in Case of Death, Refusal or Removal, appoint others in their Room: To remove this Difficulty, Be it enacted by the Authority aforesaid, That *Robert Smith*, *Josiah Collins*, *William Bennet*, and *Nathaniel Allen*; be, and they are hereby appointed Commissioners of the said Port, and invested with the same Powers as those heretofore by Law appointed. Commissioners appointed.

X. *AND* be it further enacted by the Authority aforesaid, That a Brigadier-General of Militia be allowed the Sum of twenty-four Shillings Specie *per Day*, together with Rations as heretofore allowed by Law; a Brigade-Major, and an Aid-de-Camp to the Brigadier, and Waggon-Master-General, when necessary, shall have the Pay and Rations of a Major; that the Brigade Quarter-Master, Waggon-Master, Purchasing Commissary and Issuing Commissary, shall be entitled to receive the Pay and Rations of a Lieutenant: And the Auditors shall not settle the Pay of any Militia Soldier, unless a Pay-Roll on Oath shall be produced from the Captain or Commanding Officer under whom they served, certifying the Term of Service, and Amount of Pay received by each Officer and Soldier; and that a Serjeant-Major be allowed the Pay and Rations of an Ensign. Officers pay, &c.

CHAP. 3. *An Act for levying a money and specific Provision Tax for the Year One Thousand Seven Hundred and Eighty-one.* Temporary.

#### C H A P. IV.

*An Act for the Relief of such Persons as have taken Paroles, and for other Purposes.*

I. **W**HEREAS many of the Inhabitants of this State, who have voluntarily and inconsiderately taken Paroles or Protection from the Officers and others of the British Army, who on Reflection are become sensible of their Misconduct, and willing to be subject to the Laws of this State;



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Paroles to be de-  
livered up.

II. *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 of the Inhabitants aforesaid, who on or before the first Day of *October* in the present Year, shall voluntarily go before the Chairman of the Court, or the Colonel of his County, take the Oath of Allegiance to this State, and deliver up, (if not already given up or actually destroyed) on Oath, to such Officer, all the original Paroles and other Papers which they may have received from any *British* Officer, or any other Person acting under the Authority of the King of *Great-Britain*, and shall also swear that they have not kept back any Copy of such Parole or other Paper, all such Persons so taking the Oath, and delivering up such original Paroles or other Papers, after procuring a Certificate thereof from the said Chairman or Colonel of his County, shall be liable to all the Duties, and entitled to all the Privileges, which the other good Citizens of this State are liable and entitled to; and the said Colonels and Justices are respectively required to make Return of all such Paroles and other Papers, together with the Names and Descriptions of the Persons to whom they have granted Certificates as aforesaid, to the County Court which may first happen after the aforesaid first Day of *October* next.

Pen. for neglect.

III. *AND* be it further enacted, That all such Persons who have voluntarily applied for, and taken Paroles as aforesaid, who shall not on or before the said first Day of *October* next renew their Allegiance, and surrender up all such original Paroles and other Papers as aforesaid, and procure a Certificate thereof, shall thenceforward be deemed Continental Soldiers, and shall be liable for such Neglect to serve twelve Months, by themselves or Substitutes, in the Continental Army, from the Time they may be delivered into the Hands of any Continental Officer, entitled nevertheless to the same Pay and Allowance in every Respect as other Continental Soldiers are entitled to: And every Subject of this State who shall after the said first Day of *October* aforesaid, take up and deliver any such delinquent Parole Man to any Continental Officer, such Person shall, on producing the Officer's Receipt, be freed and exempted from one Tour of Militia Duty. *Provided*, That Nothing in the foregoing Act shall in any wise be construed so as to exempt or excuse any Person who hath voluntarily supplied the Enemy with Provisions, or hath taken Arms against the State, from the Pains and Penalties inflicted on Persons guilty of Treason or Misprision of Treason, agreeable to Law.

Pen. for taking  
paroles.

IV. *AND* be it further enacted, That all Persons who shall hereafter voluntarily go over to, or throw themselves in the Way of the Enemy, and take Paroles or Protection from them, shall be deemed guilty of Misprision of Treason, and be prosecuted accordingly. *Provided nevertheless*, That this Act shall not be construed so as to excuse any Officer either civil or military, or other Person holding any Office of Profit or Trust in this State, who hath voluntarily gone over to, or fallen into the Hands of the *British*, and hath taken Paroles or Protections.

V. [*Temporary.*]

Temporary.

- C H A P. 5. *An Act to compel the Counties which have not furnished their Quota of Continental Troops, as required by a late Act of the General Assembly of this State, to furnish the same.*
6. *An Act for the more speedy Trial of all Persons charged with Treason, or Misprision of Treason against this State, or the United States, and other Purposes. E X P.*

C H A P. VII.

*An Act to regulate and ascertain the several Officers Fees therein mentioned.*

7th § rep. by act  
April 1783, c 2.  
The other objects  
of the act provid-  
ed for by subse-  
quent acts, ex-  
cept the 9th §

No lands to be  
entered.

VII. *AND* be it enacted by the Authority aforesaid, That from and after passing this Act, it shall not be lawful to enter any Lands with any Entry-Taker in this State; and in Case any Quantity of Lands shall be entered with any of the Entry-Takers in this State after the passing hereof, all such Entries so made shall, and the same are hereby declared null and void; And so much of an Act of the General Assembly, entitled, *An Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned*, as comes within the Fur-  
view



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view and Meaning of this Act, is hereby declared void; and every Entry-Taker in this State is hereby strictly required to forbear making any further Entries, on any Pretence whatsoever.

IX. *AND be it further enacted by the Authority aforesaid, That all Horses, Cattle, Hogs and Sheep, shall be in future valued in Specie; and that so much of an Act of Assembly, passed at Newbern, in the Year one thousand seven hundred and seventy-seven, entitled, An Act to prevent Abuses in taking up stray Horses, Cattle, Hogs and Sheep, and other Things therein mentioned, that comes within the Purview of this Act, is hereby repealed.*

- CHAPTER 8. *An Act directing the Duty of Naval-Officers, and for prohibiting the Exportation of Provisions for a limited Time, and for other Purposes.* Temporary.
9. *An Act for protecting and securing the Navigation of Ocracoke Bar, and the Sounds and Rivers communicating therewith, and other Purposes.* Temporary.
10. *An Act for drafting the Militia to reinforce the Southern Army.* Temporary.
11. *An Act for vesting a Power in the Honourable the Continental Congress to levy a Duty of Five per Cent. upon all foreign Merchandize, except such Articles as are therein excepted, and for other Purposes.* Rep. by act April 1783, c. 22.
12. *An Act allowing Salaries to the Governor, Delegates, Judges of the Superior Courts, Attorney-General, Public Secretary, Treasurers, Members of the Council of State, and Public Printer.* Provided for by subsequent acts.
13. *An Act to enable the Governor, with the Advice of the Council of State, to procure Tobacco for the Purpose of obtaining Arms, and for other Purposes.* Temporary.

## C H A P. XIV.

*An Act to compel all such Persons who have received, or have been entrusted, with public Monies, to account for the same, and for other Purposes.*

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all Commissaries, Quarter-Masters and Paymasters, the Commercial Agent, Commissioners of Trade, Commissioners of confiscated Property, Officers who have received Money for the Purpose of recruiting or paying Soldiers, all Treasurers, Sheriffs and Collectors, and Persons who have received or been entrusted with public Monies not yet accounted for, in this State, shall, and they are hereby severally required to settle their respective Accounts with the General Assembly, or State Auditors, on or before the first Day of October next; and the State Auditors are hereby respectively required, on all such Settlements, to add the Interest and Depreciation of the Money on all Balances due the Public, at the Rate of two hundred for one, first reducing the said Balances at the Time they became due or payable to the Public in Specie; and in Case any Person so settling shall refuse or delay to pay such Balances, Depreciation and Interest, the Auditors shall bring Suits for the same as this Act directs.

All receivers of public monies to settle their accounts.

Manner of doing it.

II. *AND be it further enacted, That if any of the above described or particularised Persons shall fail to settle their public Accounts with the General Assembly, or the State Auditors, at the Times before prescribed and limited, the Penalty of the Bond of such Person, together with the Depreciation thereupon from the Day of the Date thereof, given for the faithful Application of Money received by him, or for the faithful Discharge of his Duty or Office, shall within forty Days after such Failure be sued for by the said Board of Auditors in some one of the County Courts within this State; by which County Court if it shall appear to them that the said Failure shall have really happened, an Execution shall be awarded against the Goods and Chattels, Lands and Tenements, of the Defendant, directed to the Sheriff of the County where the Defendant resides, or wherein the Effects of the Defendant may be.*

Pen. for neglect.

How recoverable

III. *AND be it further enacted by the Authority aforesaid, That the Sheriff to whom such Execution shall be directed, shall levy the same as may be therein directed, and as is directed by Law in like Cases, and shall pay the Sums levied in consequence*

Sheriffs duty on executions.



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consequence thereof into the Hands of the Public Treasurer of the District where-  
in he resides, taking a Receipt for the same; which he the said Sheriff shall de-  
liver within ninety Days afterwards to the State Board of Auditors, under the  
Penalty of ten thousand Pounds, to be recovered by the said Board, and applied  
to public Uses.

Receipts to be  
rendered.

IV. *AND be it further enacted by the Authority aforesaid,* That the said Board  
shall cause all such Receipts to be recorded, in order that they may have it in their  
Power hereafter to oblige the Treasurers to account for the Sums therein acknow-  
ledged to have been received.

Suits to be  
brought if neces-  
sary.

V. *AND be it further enacted by the Authority aforesaid,* That where any of the  
above mentioned or described Persons shall settle their Accounts with the Public  
as is herein before required with the Board of Auditors, and it shall appear upon  
the Settlement that any Balances are due the Public which ought to be paid up,  
or which are not necessary to be retained for public Purposes in the Hands of the  
Persons from whom they may be due, and the Person or Persons from whom such  
Balances may be due shall not pay up the same at the Time of Settlement, with  
the Depreciation and Interest thereupon, the said Board of Auditors shall with-  
in ten Days thereafter commence and prosecute an Action or Actions (as is herein  
before directed in Cases where the afore described Persons shall fail to account)  
against the Person or Persons so failing to pay up the Balances aforesaid, not only  
for the Balance due, but also for such Depreciation in Damages thereupon, from  
the Day that the said Balances first became due, as the Jury shall think just, and  
shall ascertain.

Settlements to be  
recorded.

VI. *AND be it further enacted,* That the said Boards of Auditors shall cause  
all the Settlements made with them in consequence of this Act, to be entered in  
well bound Books kept for that particular Purpose, which shall be laid before  
the General Assembly at the next Session after the said Settlements shall be made,  
and at all Times after when called for.

## C H A P. XV.

See acts April,  
1782, c. 3. April  
1783, c. 3. April  
1784, c. 15, c. 16.  
Oct. 1784, c. 18.  
Nov. 1785, c. 13,  
c. 14, c. 22.

*An Act to relieve all such Persons as are rendered incapable of procuring themselves and  
Families Subsistence, by Reason of Wounds received in Defence of their Country, and  
for other Purposes.*

I. **W**HEREAS many of the good People of this State, while in Defence  
of their Country, have been wounded, and thereby rendered unable  
to procure a comfortable Subsistence:

County Courts  
to certify.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and  
it is hereby enacted by the Authority of the same,* That the respective County Courts,  
on Application of such wounded or disabled Persons in their Counties, shall cer-  
tify to the General Assembly the Inability of such Persons, setting forth what  
Sum shall be necessary for their Support and Maintenance, as the Nature of the  
Case may require.

Widows and or-  
phans to be pro-  
vided for.

III. *AND* whereas many Persons have died, and others may die, from  
Wounds received in the Defence of their Country, and the Widows and Orphans  
of such may be reduced to Want thereby; *Be it therefore enacted,* That the same  
be under Consideration of the County Courts as for wounded Men, and provided  
for accordingly.

[The remaining Sections deemed immaterial to be inserted, being either of a temporary or  
a private Nature, or provided for by subsequent Acts.]

Temporary.

C H A P. 16. *An Act for securing all Articles left by the British Troops in this State,  
taken from the Citizens as well as others, and for other Purposes.*

17. *An Act to enable the Justices of New-Hanover County to hold a Court  
in any Part of said County, and for other Purposes.* P R I V.

Provided for by  
subsequent acts.

18. *An Act to amend an Act passed at Newbern, in May, One Thousand  
Seven Hundred and Eighty, entitled, An Act to enlarge the Juris-  
diction of Justices of the Peace, and for other Purposes.*

*Read Three Times and ratified in General Assem- } ALEX. MARTIN, S. S.  
bly, the 14th of July, Anno Dom. 1781. } THOMAS BENBURY, S. C.*



## L A W S

## NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held at Hillsborough, on the Thirteenth Day of April, in the Year of our Lord One Thousand Seven Hundred and Eighty-two, and in the Sixth Year of the Independence of the said State: Being the First Session of this Assembly.

ALEXANDER  
MARTIN, Esq.  
Governor.

- CHAP. I. *An Act for raising Troops to compleat the Continental Battalions of this State, and other Purposes.* Temporary.
2. *An Act to compel all Persons who have acted as Commissaries or Quarter-Masters, in the Militia Line of this State, to account for public Stores, and for restraining Impressments, and for other Purposes.* Temporary.

## C H A P III.

*An Act for the Relief of the Officers and Soldiers in the Continental Line, and for other Purposes therein mentioned.*

See acts April, 1783, c. 3. April, 1784, c. 15, c. 16. Oct. 1784, c. 18. Nov. 1785, c. 13, 14, 22.

I. **W**HEREAS the Officers and Soldiers of the Continental Line of this State, have suffered very much by the Depreciation of Paper Currency, as well as by the Deficiency of Cloathing and other Supplies, that have been due them according to sundry Acts and Resolves of the General Assembly of this State; and whereas the Honourable the Continental Congress have resolved, that such Depreciation shall be made good to the eighteenth Day of *August*, one thousand seven hundred and eighty, agreeable to a Scale of Depreciation established;

II. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That all Depreciation of Pay and Subsistence, due to any Officer or Soldier before the said eighteenth Day of *August*, one thousand seven hundred and eighty, be made good to them agreeable to the Resolutions of Congress, and that they shall be paid for all Deficiency of Cloathing, and that *John Hawks, James Coor, and William Blount, Esquires*, or any two of them, be, and they are hereby appointed a Board to liquidate, and finally settle the same in Specie.

Depreciation allowed.

To be paid for deficiency of cloathing.

Commissioners appointed.

III. **A**ND for the more immediate Relief of the Parties, *Be it enacted,* That each Officer and Soldier shall receive indented Certificates, one or more being for twelve Months Pay and Subsistence, which shall be negociable in prompt Payment for any public Property that may be immediately sold, and shall receive another Certificate or Certificates, for the Balance, which shall be paid off by any Treasurer of the State, as soon as the Situation of the Finances will permit.

To receive certificates.

IV. *AND be it enacted,* That the Balance, or Arrearages, due to any Officer or Soldier who has been killed in Action, or died in Service, since the eighteenth Day of *August*, one thousand seven hundred and eighty, shall be paid to the Heirs of such Officer or Soldier deceased, and that such Widows of Officers and Soldiers deceased, as are by Resolve of the Assembly of *North-Carolina*, entitled to

In what cases heirs and widows are entitled.



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Half-Pay, shall have the Depreciation made good to them, and have their Certificates issued accordingly.

Commissioners pay, and pen. for counterfeiting.

V. *AND be it further enacted*, That the Commissioners aforesaid shall each receive twenty-four Shillings *per Day* for their Trouble in liquidating, and finally settling the aforesaid Accounts; and that any Person who shall counterfeit any Certificate issued in consequence of this Law, shall be deemed guilty of Forgery, and suffer accordingly.

Lands allowed the troops.

VI. *AND* whereas it is proper that some effectual and permanent Reward should be rendered for the signal Bravery, and persevering Zeal, of the Continental Officers and Soldiers in the Service of the State; *Be it enacted*, That each Continental Soldier of the Line of this State, who is now in Service, and continues to the End of the War, or such as from Wounds or bodily Infirmities, have been, or shall be rendered unfit for Service, which shall be ascertained by a Certificate from the Commanding Officer, shall have six hundred and forty Acres of Land; and every Officer who is now in Service, and shall continue in Service during the War, as well as those Officers who from Wounds or bodily Infirmities, have left, or may be obliged to leave the Service, shall have a greater Quantity, in Proportion to his Pay, as followeth: A Private six hundred and forty Acres of Land, and each Non-commissioned Officer one thousand Acres, a Subaltern two thousand five hundred and sixty Acres, a Captain three thousand eight hundred and forty Acres, a Major four thousand eight hundred Acres, a Lieutenant-Colonel five thousand seven hundred and sixty Acres, a Lieutenant-Colonel Commandant seven thousand two hundred Acres, a Colonel seven thousand two hundred Acres, a Brigadier twelve thousand Acres, a Chaplain seven thousand two hundred Acres, each Surgeon four thousand eight hundred Acres, each Surgeon's Mate two thousand five hundred and sixty Acres; and where any Officer or Soldier has fallen, or shall fall in the Defence of his Country, his Heirs or Assigns shall have the same Quantity of Land that such Officer or Soldier would have been entitled to, had they served during the War; and the aforesaid Grants of Land to each Officer and Soldier, shall be free from Taxation during the Term they respectively shall continue in actual Service, unless by them sooner disposed of.

Pre-emptions allowed for the benefit of certain settlers on the land.

VII. *AND* whereas in *May*, one thousand seven hundred and eighty, an Act passed at *Newbern*, reserving a certain Tract of Country to be appropriated to the aforesaid Purposes, and it being represented to this present Assembly that sundry Families had, before the passing the said Act, settled on the said Tract of Country; *Be it enacted*, That six hundred and forty Acres of Land shall be granted to each Family, or Head of a Family, and to every single Man of the Age of twenty-one Years and upwards, (to include their Improvements) settled on said Land before the first Day of *June*, one thousand seven hundred and eighty, for which they shall have the Right of Pre-emption: *Provided*, No such Grant shall include any Salt-Lick, or Salt-Spring, which are hereby declared to be reserved as public Property, together with six hundred and forty Acres of the adjoining Lands, for the common Use and Benefit of the Inhabitants of that Country, and not subject to future Appropriations; and all the Remainder of the aforesaid Tract of Country, shall be considered as subject to Partition, as by this Act directed.

Commissioners to lay off the land allotted to the officers & soldiers.

VIII. *AND be it further enacted*, That *Abraham Tatom*, *Isaac Shelby*, and *Anthony Bledsoe*, Esquires, or any two of them, are appointed Commissioners in Behalf of the State, to examine and superintend the laying off the Land in one or more Tracts allotted to the Officers and Soldiers, and they shall be accompanied by one or more Agents, whom the Officers may appoint, to assist in the Business; and in Case any Commissioner so appointed shall die, or refuse to act, his Excellency the Governor shall fill up the Vacancy.

Directions as to their proceeding on duty.

IX. *AND* whereas it is proper that an early Opportunity should be taken to explore, and lay off those Lands; *Be it therefore enacted*, That his Excellency the Governor, or his Successor, shall be empowered in the Course of the present Year, or as soon as the Situation of public Affairs shall render it practicable and expedient, to direct the Commissioners to proceed in the Execution of their Duty, and



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and he shall appoint them a proper Guard, not exceeding one hundred Men, properly officered, which said Officers shall be appointed and commissioned by the Governor. And that each Commissioner shall receive, in one Survey, five thousand Acres of Land for his Service.

X. *AND be it further enacted by the Authority aforesaid,* That twenty-five thousand Acres of Land shall be allotted for, and given to Major-General *Nathaniel Greene*, his Heirs or Assigns, within the Bounds of the Lands reserved for the Use of the Army, to be laid off by the aforesaid Commissioners, as a Mark of the high Sense this State entertains of the extraordinary Services of that brave and gallant Officer. Lands allowed Gen. Greene.

XI. *AND be it further enacted by the Authority aforesaid,* That the said Commissioners are hereby authorized and empowered, to appoint one or more Surveyors, not exceeding three, as they may find necessary, for the more speedy and effectual laying off, and surveying the said Lands, and also to employ the usual Number of Chain-Carriers and Markers, and such Number of Hunters (not exceeding six) as may be absolutely necessary to supply the Persons concerned in this Business with Provisions; which said Surveyors shall be allowed two thousand five hundred Acres of Land each for their Services, the Chain-Carriers, Markers and Hunters, six hundred and forty Acres each for their Services, and the private Men of the Guard three hundred and twenty Acres each, and the officers of the Guard in Proportion to their Militia Pay respectively. Surveyors, &c. appointed. Allowance to them.

XII. *AND be it further enacted by the Authority aforesaid,* That the Commissioners shall be empowered, from Time to Time, during the Execution of this Business, to administer an Oath or Oaths in Cases where Doubts may arise respecting any Settler claiming a Right to Pre-emption under this Act, and to grant Certificates to such Persons as shall appear to them to have a Right to the same; and the said Commissioners are directed and required to note down, in a Book to be kept by them for that Purpose, the Names of such Persons to whom Certificates of Pre-emption may be granted, a Copy of which Certificates they shall return to the General Assembly, also an accurate Draught of the Country they may explore, and the Tracts of Land they may lay off. Commissioners how to ascertain rights of pre-emption.

XIII. *AND be it further enacted by the Authority aforesaid,* That the Commissioners hereby appointed shall take an Oath, to do equal Right and Justice in determining Preference to the Settled, as by this Act admitted. To take an oath.

## C H A P. IV.

*An Act to amend an Act, passed at the last Session of the General Assembly, entitled, An Act for continuing the District Auditors of this State, directing their Duty in Office, and for other Purposes; and also another Act passed at Halifax, on the Eighteenth Day of January, One Thousand Seven Hundred and Eighty-one, entitled, An Act for appointing District Auditors, for the Settlement of public Claims.* See act April, 1780, c. 8, and acts there referred to.

I. **W** H E R E A S the before recited Acts are found inadequate to the good Purposes intended thereby, and the Auditors have been much embarrassed in the Liquidation of the public Accounts: For Remedy whereof,

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That all Claims now due, and unsettled, shall be liquidated in Specie, by the District Auditors, under the same Rules and Regulations as prescribed by the before recited Act, passed at Wake County. Claims in specie.

III. *AND be it enacted by the Authority aforesaid,* That the Auditors shall be, and they are hereby authorized and directed, to settle with, and adjust the Accounts of the several County Commissioners within their respective Districts, allowing each of them a Commission of seven and a Half *per Cent.* for receiving, purchasing and delivering, and return the same with the Vouchers, and their Report thereon, into the Comptroller's Office. Auditors to settle commissioners accounts.

IV. *AND be it enacted by the Authority aforesaid,* That the District Auditors may, and shall, settle all such Claims and Accounts in their respective Districts, as are not otherwise provided for by Law, And other claims.

V. *AND*



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District Auditors

V. *AND* be it further enacted by the Authority aforesaid, That the following Persons be, and they are hereby appointed District Auditors, to wit, *William Kighun, Edward Everagin, and James Webb*, for the District of Edenton; *David Wilkin, Matthew Lock, and William Catba*, for the Middle Board of Salisbury District; *Traugott Bagge, James Hunter, and Charles Bruce*, for the Upper Board; and *John Auld, Stephen Miller, and Thomas Childs*, for the Lower Board of Salisbury District; *John Bradford, John Branch, and William Green*, for Halifax District; for *Washington and Sullivan Counties, Ambony Bledsoe, Edmund Williams, and Landon Carter*, for the other Board in Morgan District, *Alexander Irwin, James Miller, and Benjamin Elledge*; for *Wilmington District, William Dickson, Thomas Rutledge, and John King*; for *Hillsborough, Archibald Murpbrey, John Nichols, and Richard D. Cook*; for *Newbern District, James Coor, John Hawks, and Elheldred Ruffin*.

Their power.

VI. *AND* be it enacted by the Authority aforesaid, That the several Boards of Auditors appointed by this Act, shall have the same Powers, Authorities and Privileges, as the Auditors held and enjoyed under an Act passed at Wake County, entitled, *An Act for continuing the District Auditors of this State, directing their Duty in Office, and for other Purposes*. And in Case one or more of the Auditors herein named should die, remove, or refuse to act, his Excellency the Governor, with the Advice of the Council of State, shall appoint others to serve in the Room of the Person or Persons so dying, removing, or refusing to act:

## C H A P. V.

*An Act for the Relief of Persons who have suffered, or may suffer, by their Deeds and Mesne Conveyances not being proved and registered, within the Time heretofore appointed by Law.*

I. **W**HEREAS many Persons, through Ignorance of the Law, have neglected to have their Deeds and Mesne Conveyances proved and registered, according to the Directions of the several Acts of Assembly in such Case made and provided, or through the Confusion of the Times have been prevented from a Compliance with the aforesaid Acts: For Remedy whereof,

Time extended for the register and probate of deeds, &amp;c.

II. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all Deeds and Mesne Conveyances of Lands, Tenements and Hereditaments, not already registered, acknowledged or proved, shall and may within two Years after the passing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attornies, or proved by one or more of the subscribing Witnesses to the same, and tendered or delivered to the Registers of the Counties where such Lands, Tenements or Hereditaments are respectively situated; and all Deeds and Mesne Conveyances whatsoever, which shall be acknowledged or proved, according to the Directions of this Act, though not within two Years after the Date of the respective Conveyances, shall be good and valid in Law, and shall enure and take Effect, as fully and effectually, to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances had been acknowledged or proved, and registered, agreeable to the Directions of any Act of Assembly heretofore made. *Provided nevertheless*, That Nothing herein contained shall be construed to affect, or in any Manner whatsoever to relate to, Lands or other Property of Persons coming within the Description or Penalties of the Confiscation Act, or any other Act creating Forfeitures for Acts of High and Petit Treason. *Provided also*, That Nothing in this Act contained shall be construed so as to admit to Record, or ratify and enforce any Grant or Grants, heretofore made in Lord Granville's Office.

Exceptions as to confiscated or forfeited property.

How to be proved where witnesses have removed out of the county

III. *AND* whereas sundry Persons may have purchased Land at a Time when it was not in their Power to have their Deeds admitted to Record, owing to a Stop being put to the Business of the several County Courts within this State, since which Time the Grantor or Grantors, together with the subscribing Witnesses, have removed themselves out of the County where the Land lies, to the great Prejudice of the Purchaser or Purchasers; and whereas there is no Law to compel them, or any of them, to appear at any of the said Courts to acknowledge

or



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or prove any such Deed or Deeds ; *Be it enacted by the Authority aforesaid*, That any Person or Persons under the before mentioned Circumstances, after making it appear to the Satisfaction of said Courts where such Cases may be, the said County Courts are hereby empowered to grant a *Dedimus*, directed to some Justice of the Peace in the County or State where such Grantor, Grantors, or all or any of the subscribing Witnesses may be, empowering the said Justice to take the Acknowledgment, or Probate of such Deed, and requiring him to certify the same under his Hand and Seal, directed to the County Court, setting forth that such Deed or Deeds have either been acknowledged by the Grantor or Grantors, or otherwise proved by the Oath of one or more of the subscribing Witnesses, then and in that Case, such County Courts may, and are hereby empowered to admit such Deed or Deeds to Record, which shall be as good and valid in Law, as if the same had been acknowledged or proved in open Court of said County, any Law to the contrary notwithstanding.

## C H A P. VI.

*An Act directing the Sale of Confiscated Property.*

See act Nov. 1777, c. 17, and acts there referred to.

I. **W**HEREAS many large and valuable Tracts of Land, as well as Negroes and other personal Property, of Persons who have left this State, gone over to the Enemy, and joined the same, and others, have been forfeited to the State, and it is apprehended the selling the same will be a Means of raising a considerable Revenue to the State :

II. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That all the Lands, Tenements, and Hereditaments, Negroes and other Estates, real and personal, which were, on the fourth Day of July, in the Year of our Lord one thousand seven hundred and seventy-six, and at any Time since, the Property of the following Persons, *to wit*, William Tryon and Josiah Martin, Esquires, Sir Nathaniel Duckinfield, Henry M<sup>c</sup>Culloch, Henry Eustace M<sup>c</sup>Culloch, Samuel Cornell and Edmund Fanning, Thomas M<sup>c</sup>Knight, late of Currituck County, James Parker, William M<sup>c</sup>Cormack, John Dunlap, Neal Snaagras, and John Lancaster, late of Pasquotank County, James Green, Mariner, and John Alexander, late of Craven, Thomas Oldham, late of Chowan, Thomas Christie, of the Kingdom of Ireland, Frederick Gregg, late of New-Hanover, Andrew Miller, Alexander Telfair, Hugh Telfair, John Thompson, John Hamilton, and Archibald Hamilton, late of Halifax, George Alston, late of Granville, Michael Wallace, John Wallace, late Merchants of Virginia, William Field, John Field, jun. and Robert Turner, late of Guilford, John Moore, late of Tryon, James Roberts, late of Surry, George Miller, late of Dobbs, James Cotton, Walter Cunningham, Samuel Williams, late of Anson, Samuel Bryan, William Spurgin, Matthias Sappingfield, late of Rowan, William M<sup>c</sup>Lellan, late of Edgcomb, Mess. Dinwiddie, Crawford, and Company, late of Bute County, Robert Palmer, late of Beaufort, Edward Brice Dobbs, Ralph M<sup>c</sup>Nair, John M<sup>c</sup>Nair, Joseph Field, James M<sup>c</sup>Neil, Arch. M<sup>c</sup>Kay, Alex. M<sup>c</sup>Kay, Neil M<sup>c</sup>Aribur, John Leggett, John M<sup>c</sup>Cloud, Collin Shaw, Wm. Campbell, James Gamble, and Company, Thomas Rutherford, William Rose, Alexander M<sup>c</sup>Kay, Mess. Waller and Bridgen, Merchants in London, Alexander M<sup>c</sup>Causlin, late of Newbern, Alexander Campbell, Robert Bell, and Duncan Campbell, late of Granville, Francis Williamson, late of Currituck County, Chancey Townsend, Doctor Tucker, late of Wilmington, Buchanan, Hastie, and Company, James M<sup>c</sup>Neil, late of Halifax County, and Alexander Munn, late of Wake County, shall be considered as absolutely forfeited, and shall be sold by the Commissioners by this Act appointed, in Manner herein after directed.

Forfeited estates.

III. **A**ND whereas the Property of sundry other Persons hath been seized by the Commissioners of confiscated Property, Sheriff or Coroner, in the different Counties of this State, as forfeited under some one or other of the Acts of Assembly commonly called the Confiscation Laws, and some Differences have arisen, or may arise, respecting the legal Forfeiture of the same ; *Be it therefore enacted by the Authority aforesaid*, That in all Cases whatsoever, (except in Cases relating to the Property of the Persons herein before expressly named) the County Commissioners

Notice on disputed property.



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missioners of confiscated Property, and where there are no Commissioners, the Sheriff, and where no Sheriff, the Coroner, of each County shall, by Notice under their, or his Hand, require each and every Person in the County where they are Commissioners, he is Sheriff or Coroner, in whose Hands or Possession any Property is, which has been, or may be seized as forfeited, and all other Property within this State which may be deemed forfeited, and confiscated by any Law, though the same may not hitherto have been seized, or possessed by any Commissioner, Sheriff or other Officer, to appear at the next County Court to be held for such County, and before the Justices thereof shew Cause, if any they have, why such Property shall not be adjudged as confiscated to the Use of the State; and on Failure of the Person or Persons so notified to appear, the Property in the Hands of such Person or Persons, shall be adjudged by the Justices of the County Court to be forfeited. But wherever any Person or Persons shall appear, in pursuance of such Notice, and dispute the Right of Confiscation, then and in such Case, the Court shall direct a Trial to be had at the same Court, by the Jury attending such Court, in the same Manner as Trials are had in other Cases; and in Case of a Verdict being found, that the Property in Dispute is forfeited under the Confiscation Laws, then the same shall be sold in the same Manner as other Property directed to be sold under this Act. *Provided*, That the Claims set up by Persons under Entries or Grants obtained since the Declaration of Independence, shall not be deemed a Claim under this Act, so as to obstruct or delay the Sale thereof, except such Entries or Grants as have been, or may be made, on the large Tract of Land called No. V. and of which *Arthur Dobbs*, Esquire, died seized.

Condemned property to be sold.

IV. *AND be it further enacted by the Authority aforesaid*, That all the Lands, Tenements, and Hereditaments, with their, and every of their Appurtenances lately belonging to the several Persons herein before named, as well as all those which shall, under this Act, be adjudged as forfeited, shall be sold by the Commissioner at public Vendue for Specie, such Commissioner giving public Notice thereof, by advertising the same at all the Court-Houses in the District in which such Property shall be, at least one Month before such Sales, which Sales shall be made on Credit for five Years, the Purchasers giving Judgment Bonds, with sufficient Security, payable to the Governor for the Time being, or his Successor, for the Use of the State, in double the Amount of the Purchase Money, conditioned for the Payment of the Principal at the End of the said five Years in Specie, and for the faithful Payment and Discharge of six *per Cent.* Interest thereon annually; and in Case of the Interest not being regularly paid, Judgment shall be entered in any Court of Record for the same, and the Bond shall not be void on the first Recovery, but Judgment may be entered thereon from Time to Time, so as not to exceed the whole Penalty of such Bond, until the Interest and Principal shall be recovered.

Certificates to be received.

V. *PROVIDED nevertheless*, That every Purchaser who is willing, and desirous of paying any Part of the Purchase Money down, not exceeding two-thirds thereof, shall be at Liberty to pay the same in Certificates issued for Currency by the General Assembly, or by any Board of Auditors in this State, at or before the Session of Assembly at *Wake Court-House*, one thousand seven hundred and eighty-one, at the Rate of one hundred and fifty Dollars Currency for one in Specie, (Certificates for Soldiers Bounty excepted) or in Currency or Certificates issued as aforesaid, for Currency since the said Session of Assembly at *Wake Court-House*, at eight hundred Dollars Currency for one in Specie.

Commissioners to attend the sales.

VI. *AND be it further enacted by the Authority aforesaid*, That seven Commissioners be appointed to superintend the Sales of such forfeited Estates, whose Duty it shall be to receive Returns of all confiscated Property from the Commissioners, Sheriff or Coroner, in each County, and direct the Surveyors of the Counties, to survey and lay off all the forfeited Lands in their respective Counties, and return one Plan thereof to him, and one other Plan to the Secretary's Office; which Surveys shall not contain more than six hundred and forty Acres of Land in each; and the said Commissioners shall attend the Sales of such Lands, and make Return thereof to the Governor and Commander in Chief for the



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the Time being, or his Successors in Office, within three Months after such Sale, in which shall be expressed the Quantity and Description of the Land, County where situated, to whom sold, and the Price, with the Bond for Payment of Principal and Interest; and thereupon the Governor and Commander in Chief shall cause Grants, under the Great Seal of the State, to be made to the respective Purchasers; which Grants shall be enroled in the Secretary's Office, and registered in the County where the Lands lie, in the same Manner as other Grants; but no Grant shall issue from the Secretary's Office until the Purchaser shall, in order further to secure the Payment of the Purchase Money and Interest as aforesaid, execute a Mortgage of the Lands contained in his Grant to the Governor and Commander in Chief for the Time being, for the Use of the State; in which Mortgage it shall be expressly declared, that the same shall be void on the regular Payment of the Interest yearly, and of the Principal at or before the End of the said five Years, and on Failure of such Payment, it shall be lawful for the State to re-sell the same Lands to any other Person, or so much thereof as may be sufficient to raise the Balance that shall be then due to the Public for Principal and Interest, from any of the Grantees, and their Secretaries, their Heirs or Assigns.

VII. *AND be it enacted by the Authority aforesaid,* That in Case of the Death, Removal out of this State, or Resignation of all, or any of the Commissioners named in this Act, that his Excellency the Governor, with the Advice of the Council of State, be, and he is hereby authorized and empowered to appoint other Commissioner or Commissioners to fill such Vacancy or Vacancies. Commissioners kept up.

VIII. *AND be it further enacted by the Authority aforesaid,* That the said Commissioners shall, before they enter on the Execution of their Office, take an Oath that they will truly and faithfully execute their said Office agreeable to the Directions of this Act; and such Commissioners, for such their faithful Services, shall be entitled to a Commission of one *per Cent.* to be paid them by any one of the Treasurers on a Warrant from the Governor, or Commander in Chief for the Time being, and allowed such Treasurer in his Accounts with the Public. Their Oath, and commissions.

IX. *AND be it further enacted by the Authority aforesaid,* That the County Surveyors shall be allowed the Sum of forty Shillings for each and every Survey by them respectively made, agreeable to the Directions of the said Commissioners, paying the Chain-Bearers, and returning the Plans according to the Directions of this Act, to be paid by Warrant from the Governor in Manner aforesaid. And in Case any Surveyor shall meet with Opposition by Force, he shall apply to the Commanding Officer of the County, who, on having the same ascertained on Oath, shall order out so many of the Militia under his command as may be sufficient to repel such Force, and support the Surveyor in the Execution of his Office. Surveyors fees.

X. *AND be it enacted by the Authority aforesaid,* That the Sales of all confiscated Lands, Negroes and Horses, shall be held at the several District Court-Houses in this State, *to wit,* Hillsborough, Halifax, Salisbury, Newbern, Wilmington, Edenton, and Morgan, by the Persons for that Purpose appointed; and the Sales of all other confiscated Property in the several Counties where the same may be, by the Commissioners or Commissioner of confiscated Property for such Counties respectively, or in Case of the Neglect or Refusal of such Commissioners, then by the Sheriff or Coroner of the County where such Refusal or Neglect shall happen; and the Commissioners shall divide the Negroes as nearly as may be, into four equal Lots, of which three Lots shall be sold for Specie, payable in Certificates for Currency, or Currency at the Rate herein before mentioned, or Specie Certificates at their nominal Value, the remaining Lot to be sold for hard Money, one Half to be paid in Hand, the other Half to be paid at six Months, for which Judgment Bonds shall be given, payable to the Governor, or his Successor, with good and sufficient Security; and the Commissioners aforesaid are hereby required and directed to give public Notice thereof, in the *Virginia and North-Carolina Gazettes* (if such shall be published) at least sixty Days previous to such Sale, and also at the most public Places in the Districts respectively. Sales where held. And how sold.

XI. *AND be it further enacted by the Authority aforesaid,* That the Commissioners of confiscated Property herein before mentioned, shall cause all such confiscated Time of sales.



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cated Property to be sold on or before the first Day of *January* next ; and the Commissioners are hereby directed and required to order and direct the Sales of such in their respective Districts in such Manner that the Sales in no two or more of the Districts shall be on the same Week, or in such Manner as to prevent any Person or Persons being desirous of attending the Sales of a reasonable Time to go from one Sale to another, and that the Commissioners so appointed shall settle with the District Commissioner for all Sums that may arise from such Sales.

To be on one day.

XII. *AND be it enacted by the Authority aforesaid*, That the County Commissioner shall open the Sale of all the confiscated Property in their District herein mentioned on one Day, and continue the same open until the whole of the Property so collected is sold in the said District.

Sales in *Washington* and *Sullivan*.

XIII. *PROVIDED nevertheless*, That the Commissioner for the Counties of *Washington* and *Sullivan* may, and shall sell the confiscated Property in those Counties at the Court-House in *Washington*, which Sales the Commissioner for the District of *Morgan* is hereby required to attend, any Thing in this Act to the contrary notwithstanding. And the remaining Part of the Property as herein before mentioned in the District of *Morgan* to be sold at *Burke* Court-House, under the same Rules and Restrictions as herein before mentioned.

Property taken from the disaffected, and how disposed of.

XIV. *AND* whereas it has been represented to the General Assembly that sundry licentious Persons, during the late Disturbance in this State, have taken by Force or otherwise, various Kinds of Property from the disaffected Inhabitants, and have applied the same to their own Use ; *Be it therefore enacted by the Authority aforesaid*, That the Commissioners of confiscated Property shall be, and they are hereby authorized and directed to demand and receive such Property so taken as aforesaid, from any Person being possessed of the same within their Counties respectively ; and any Person being possessed of Property, and refusing to deliver the same to any County Commissioner, or his Order, shall forfeit and pay a Sum in Specie equal to three Times the estimated Value of such Property so detained, to be recovered by Action on the Case, in the Name of the Governor for the Time being, for the Use of the State ; and the Commissioners shall sell the Property so demanded and received in the same Manner as other perishable confiscated Property.

Persons having property to be cited to appear.

XV. *AND be it enacted by the Authority aforesaid*, That the Commissioners of confiscated Property, and all Justices of the Peace, are hereby authorized and directed to cause all Persons within their County whom they suspect, or believe to have been possessed of Property taken as herein aforesaid, to appear before some Justice of the Peace, and declare upon Oath, what Property so taken as aforesaid he now is, or has been possessed of ; and if it shall appear that any Person summoned to appear as aforesaid, hath been possessed of such Property, he shall pay the estimated Value thereof to the Commissioners for the Use of the State, under the Penalty herein aforesaid.

Not to extend to property taken from the enemy.

XVI. *PROVIDED nevertheless*, That this Act shall not extend to any Species of Property taken from the Enemy in Action, or within their Lines, when the same may be proved by two or more Witnesses to the Satisfaction of the Commissioner or Commissioners. *Provided also*, That the several Commissioners shall have full Power to stop any Sale, or the Sale of any Article, when it is evidently below its Value.

Commissioners to pay the Treasurers.

XVII. *AND be it further enacted by the Authority aforesaid*, That the superintendant Commissioners of confiscated Property within this State, pay over the Money by him or them received from the Sales of Property as aforesaid, into the Hands of the District Treasurers, within twenty Days from the Date of such Sales as may be made in consequence of this Act, under the Penalty of double the Sum or Sums by him or them so received, to be recovered by Action on the Case, in the Name of the Governor for the Time being, for the Use of the State.

Not to affect legal sales.

XVIII. *PROVIDED nevertheless*, That Nothing herein contained shall be construed to invalidate or affect any legal Sales made, and the consideration Money *bona fide* paid to any of the Persons enumerated in this Act, pursuant to an Act of the General Assembly, entitled, *An Act to amend an Act for declaring what Crimes*



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*Crimes and Practices against this State shall be Treason, and what shall be Misprision of Treason, and providing Punishments adequate to the Crimes of both Classes, and for preventing the Dangers which may arise from Persons disaffected to the State.*

XIX. *AND be it enacted*, That when any Citizen of this State, or the United States, shall have any just Claim or Demand against any of the Persons who have forfeited his or their Estates, such Citizen shall prefer a petition to the Superior or Inferior Court where he resides, setting forth the Nature and Circumstances of such Claim or Demand, whereupon the Court shall cause a Jury to be summoned to try the said Case, in the same Manner as Juries are summoned to enquire of Damages in Cases of Default, and the Court shall pass Judgment in Favour of the Complainant, or dismiss the same agreeable to the Verdict of the Jury, as the Case may be; and thereupon, in Case of a Verdict and Judgment in Favour of the Complainant, Execution may issue against the Goods and Chattels, Lands and Tenements, of such Debtor, as in other Cases; but in Case the Estate of such Debtor shall be sold on Account of the State, previous to the Recovery to be had against him, then and in such Case, the said Judgment shall be deemed and considered as a Debt due and owing from the Public to such Creditor, so that the same do not exceed the Sales of such Estate.

Claims against  
forfeited estates,  
Rep. by act A-  
pril, 1783, c. 19,  
§ 5.

XX. *BE it enacted by the Authority aforesaid*, That every Person who has been a Resident in this State, and have heretofore attached themselves in any Manner whatsoever to the Enemies of this, or the United States, it is hereby fully and entirely expressed, that all the Property of such Person or Persons, shall be considered as having been forfeited to and for the Use of this State, from the Time that such Person so joined the Enemy as aforesaid; and that all Bargains and Sales, Wills and Devises, made so as to interfere with this Act, is, and are hereby declared to be null and void, to all Intents and Purposes.

Persons estates  
forfeited.

XXI. *PROVIDED nevertheless*, That it shall be lawful for the several County Courts in this State, and they are hereby strictly required, previous to any Sales which may be made in Virtue of this Act, to set apart so much of the personal Property, including all the household Goods of every Estate liable to be sold as aforesaid, as will be sufficient for the reasonable Support of the Wives, Widows and Children, of any Person whose Estate is, or may be confiscated, and one Third of the Lands, or so much thereof as will be sufficient for their Support, to be laid off by the County Surveyor, in the same Manner as Lands in Dower are directed by the common Law, or may, at their Discretion, assign the whole of the Land, and Manor Plantation, where the same may be of small Value, and not more than sufficient for the Purposes aforesaid; and the respective County Courts are hereby required to make due Return of all such Lands and other Property to the next General Assembly for their further Determination. *Provided*, That no such Reservation of Property shall be made, unless for Wives, Widows and Children, now subsisting in this State.

Provision for  
wives and chil-  
dren.

## C H A P. VII.

*An Act for ascertaining what Property in this State shall be deemed Taxable Property, the Method of assessing the same, and collecting public Taxes.*

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That all Lots and Lands, with their Improvements, Slaves under the Age of sixty Years, Horses, Mules and Cattle, from one Year old and upwards, and Stock in Trade, shall be held and deemed taxable Property, liable to be assessed, and the public Taxes laid thereon by Law collected agreeable to the Directions of this Act.

See acts April,  
1783, c. 10. A,  
pril, 1784, c. 1.  
Oct. 1784, c. 2.  
Nov. 1786, c. 1.  
Taxable proper-  
ty.  
Altered by act  
April, 1784, c. 1.

II. [Provided for by Act April, 1784, Ch. 1.]

III. *AND* whereas Doubts have arisen whether Lands which have been entered in the Land-Offices, and for which Grants have not been yet obtained, should be deemed taxable Property; *Be it enacted by the Authority aforesaid*, That when any Person has heretofore made, or shall hereafter make, Entries of Land in the Land-Offices of this State, agreeable to the Act in such Case made, and

Entries of lands  
taxable.



when no Caveats have been entered against such Entries, that then and in that Case, such Lands shall be given in as taxable Property, and assessed accordingly. *Provided always*, That this Clause shall not affect any Lands subject to the Operation of the Confiscation Law, all Entries of which are hereby declared null and void.

**IV. AND** be it enacted by the Authority aforesaid, That all Cattle from one Year old and upwards shall be, and they are hereby rated at twenty Shillings *per* Head; and all Slaves under seven Years of Age, and all who are between the Ages of fifty and sixty, shall be rated at twenty Pounds each; all Slaves seven Years old and under sixteen, and all between the Ages of forty and fifty, shall be rated at forty Pounds each; and all Slaves sixteen Years old and under forty, shall be rated at eighty Pounds; and every Wheel affixed to any Coach, Chariot, Phaeton, Stage-Waggon or other Carriage of Pleasure, be taxed the Sum of five Shillings Specie for each Wheel.

**V. PROVIDED** nevertheless, It shall not extend to tax any new Carriage in the Hands of the Maker remaining unfold. *Provided also*, That Slaves disabled by bodily Infirmities, or void of Reason, such Incapacity to be judged and certified by the County Court, shall not be deemed taxable Property, nor given in as such by the respective Proprietors. And the Persons so appointed to value the taxable Property of such Inhabitants shall, previous to their valuing the same, take the following Oath before some Justice of the Peace:

**I** A. B. do solemnly swear, that I will faithfully, and to the best of my Information and Understanding, according to Law, value and appraise the taxable Property directed to be valued and appraised by Law, of the Inhabitants of the County wherein I am appointed for that Purpose.  
SO HELP ME GOD.

**VI. AND** be it further enacted by the Authority aforesaid, That if any Person or Persons, his, her or their Attorney, Agent or Factor, shall fail or refuse, in due Time to give in to the Justice of the Peace appointed to receive the same, an Account of all his, her or their taxable Property, agreeable to the Directions of this Act, it shall and may be lawful for the Assessors in their respective Counties, to value and appraise, to the best of their Knowledge, the taxable Property of the Person or Persons so failing or refusing as aforesaid, and the Tax on all such Property shall be two-fold the Sum which said Amount of taxable Property for that Year would otherwise have been liable to, and shall be collected and accounted for as other public Taxes.

**VII. AND** be it enacted by the Authority aforesaid, That every unmarried Freeman in this State, of the Age of twenty-one Years and upwards, other than Soldiers in the Service of the Continent, or of this State, who shall not possess the Value of one hundred Pounds in taxable Property, shall pay annually, in Lieu of Assessment on Property, a Poll-Tax equal to the Tax for that Year on one hundred Pounds.

**VIII. AND** be it enacted by the Authority aforesaid, That the several County Courts are hereby authorized to exempt all such aged or infirm Persons within their Counties, as they may think proper Objects, from the Payment of a Poll-Tax.

**IX. AND** be it further enacted by the Authority aforesaid, That the Clerks of the several County Courts shall, within thirty Days after the Courts to which the Assessments may be returned, transmit an exact List of the several Assessments in their respective Counties, and a List of all Persons subject to the Payment of a Poll-Tax, to the Sheriff and County Commissioner, and shall also furnish to each Tax-Gatherer an Account of the Amount of each Person's taxable Property, and a List of such Persons as are liable to pay Poll-Taxes, within the respective Districts to which they may be appointed, and certify to the Public Treasurer the Amount of the Taxes in their several Counties, and transmit annually to the General Assembly a fair State of the Quantity of all the taxable Property in their respective Counties, distinguishing precisely the several Denominations of such Property, with the Amount of the Valuation of each, under the Penalty of one hundred Pounds Specie for the Neglect or Omission of each and every of the said Duties, to be recovered by Action of Debt, in the Name of the Governor,  
**XI. AND**

Cattle. &c. rated.  
Sec. 8 April,  
1784, c. 1.

Proviso for new  
carriages, & de-  
bilated slaves.

Assessors oath.

Pen. for not giv-  
ing in an account  
of property.

Poll-tax.

Persons exempt.

Clerks to trans-  
mit lists of assess-  
ments.



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Tax-gatherers.

X. *AND be it further enacted by the Authority aforesaid,* That the County Courts shall appoint a Tax-Gatherer or Collector in each District in their respective Counties, who shall collect all the Taxes in their respective Districts; but before entering on the Execution of his said Office, shall give Bond, with ample and sufficient Security, in double the Sum at least to be by him collected, payable to the Governor for the Time being, and his Successors in Office, for the faithful Discharge of his Duty; and every Tax-Gatherer shall be allowed at the Rate of three Pounds for every hundred Pounds he shall so collect, and shall pay into the Hands of the County Treasurers the whole Amount of his Collection, deducting Commissions as aforesaid, on or before the first Day of *February*, in each Year. And the Sheriffs of every County in this State shall demand and receive from the Tax-Gatherers within their respective Counties all public Taxes by them collected, and for that Purpose the said Sheriffs shall be, and are hereby constituted County Treasurers; and for their Trouble in so receiving the public Taxes, and paying the same to the Treasurer, shall be allowed at the Rate of two Pounds for every hundred Pounds so received and paid; and every Sheriff shall enter into Bond in the County Court, with two or more sufficient Securities, in double the Amount of the public Tax assessed in his County, payable to the Governor for the Time being, and his Successors in Office, with Condition that he shall well and truly account for, and pay to the public Treasurer, all such public Taxes as he shall receive from the Tax-Gatherers, after deducting his lawful Commissions.

Sheriffs to receive, &amp;c.

XI. *AND be it further enacted by the Authority aforesaid,* That if any Tax-Gatherer shall fail to collect, account for and pay, the public Taxes as by this Act directed, such Tax-Gatherer shall forfeit his Commissions, and shall be liable to pay the whole Amount of the Taxes which he ought to have collected; and it shall be lawful for the County Treasurer, and he is hereby required, to move for Judgment on the Bond of such Tax-Gatherer in any Court having Cognizance thereof; and if any County Treasurer shall be found in Arrear for public Taxes, the Treasurer shall, and he is hereby required to move for Judgment on the Bond of such County Treasurer, in any Court having Cognizance thereof; and such Court upon due Proof before them made, that ten Days previous Notice had been given to such Tax-Gatherer, or County Treasurer, or their Securities, shall cause the Tax-Gatherer or County Treasurer, or the Securities, to be called, and if the Tax-Gatherer or County Treasurer, or the Securities, shall appear and contest the same, the Court shall order an Issue to be speedily made up and tried by a Jury, and shall give Judgment and award Execution accordingly; but if such Tax-Gatherer or County Treasurer, or the Securities, shall fail to appear, the Court shall cause a Jury to be sworn, to enquire what Arrears are due, and shall give Judgment and award Execution accordingly. And the Tax-Gatherers in the several Counties shall, within two Months after the Courts to which the Assessors shall make their Returns annually, attend three Days at least in their respective Districts, previously giving due Notice of the Time and Place, to receive from the Inhabitants of such Districts their public Taxes; and if any Person, after being lawfully taxed as aforesaid, shall neglect or refuse to pay the same on or before the first Day of *February* in every Year, such Tax-Gatherers may, and they are hereby empowered to levy the same by Distress, and Sale of the Goods and Chattels of such Delinquent, and shall be entitled to take and receive for such Distress four Shillings and no more. *Provided,* That no Distress shall be made on Slaves, without the Consent of the Owner thereof, if other sufficient personal Estate can be found. And if it shall appear to any Tax-Gatherer that any Person in his District is about to remove himself and Effects out of the County wherein it is, then it shall and may be lawful for such Tax-Gatherer to distrain on so much of the Goods and Chattels of such Person, previous to the said first of *February*, as will fully pay his or her Taxes for that Year, and the Charges of Distress.

Method of recovering taxes from tax-gatherers.

Distress on persons removing.

XII. *AND be it further enacted by the Authority aforesaid,* That the Justices of the respective County Courts who shall fail or neglect to lay off their respective Counties into Districts as directed by this Act, or fail or neglect to appoint a Justice of the Peace for each District, to receive the Accounts of the taxable Property

Pen. on Justices, &amp;c. refusing or neglecting to perform their duty.



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Property of the Inhabitants thereof, and every Justice of the Peace who shall be appointed to receive Lists of taxable Property from the Inhabitants of their respective Districts, or any of them, or any of the Persons to be appointed to value the Property of the Inhabitants aforesaid, who shall refuse or neglect to do and perform the several and respective Duties required of them by this Act, or any of them, the Person or Persons so neglecting or refusing, shall forfeit and pay for every such Neglect or Refusal the Sum of thirty Pounds Specie, to be recovered by Action of Debt, in the Name of the Governor for the Time being, and applied to the Use of the State.

Where Justices or Assessors die, remove, &c. how others are to be appointed.

XIII. *AND be it enacted*, That any three Justices of any County, on the Death, Inability, Removal, or Refusal to act, of any of the Justices appointed by the County Court to receive Lists of taxable Property from the Inhabitants of such County, or of any of the Assessors appointed to value the taxable Property, shall, and they are hereby empowered and required to appoint other Justices, or Assessors, instead of those so refusing to act, dying, removing or being disabled.

Estates to be delivered in by executors, &c.

XIV. *AND be it further enacted*, That Inventories of the Estates of Testators, Intestates, Minors and Absentees, shall be delivered by the Executors, Administrators, Guardians, Agents or Attornies, in the same Manner as the Estates of other Persons; and on Refusal or Neglect shall be valued as aforesaid, and the Tax shall be levied of the proper Estate of such Executor, Administrator, Guardian, Agent or Attorney, any Law or Custom to the contrary notwithstanding.

Estates of absentees, or of inhabitants having no personal property in the State, how to recover the tax

XV. *AND be it also enacted by the Authority aforesaid*, That the real Estates of Persons residing out of this State, or of the Inhabitants thereof who have not any personal Property therein, shall be assessed yearly by the Persons appointed to value as aforesaid, and a particular and separate Return thereof made to the County Court; and if the Tax thereon shall not be discharged within one Year after the same becomes due, then such Estate, or so much thereof as shall be necessary to discharge such Tax, with all contingent Charges, shall be sold by the Sheriff of the County by Order of the County Court, any Law or Usage to the contrary notwithstanding; and the taxable Part of the Estates of the Assessors in the different Counties shall be valued by the Court of the County wherein they reside, and the Tax-Gatherers shall collect and account for the same as in other Cases.

Estates of assessors, how to be valued.

Assessors allowance.

XVI. *AND be it further enacted*, That the County Courts may allow the Assessors reasonable Satisfaction for their Services, which Allowance being certified by the Clerk of the Court, shall be paid by Sheriff of the County, who shall be allowed for the same in the Settlement of his public Accounts.

Lands taxable.

XVII. *AND be it enacted*, That every Person holding Lands by Title of Dower, Courtesy, or other Estate for Life, or on Lease for five Years or more, shall pay all such Taxes as shall be assessed on the same, in like Manner as Owners of other Lands are required to pay by this Act.

XVIII. & XIX. [*Repealed by Act, April 1783. Ch. 10.*]

Temporary.

CHAP. 8. *An Act for levying a specific Provision Tax, for defraying Contingencies, and supporting the Armies of the United States, for the Year One Thousand Seven Hundred and Eighty-two.*

Temporary.

9. *An Act to amend an Act, passed the last Session of the General Assembly, entitled, An Act for levying a specific and pecuniary Tax.*

Temporary.

10. *An Act for raising a Revenue for the Support of Government.*

#### C H A P. XI.

*An Act for giving an Equity Jurisdiction to the Superior Courts.*

I. **W**HEREAS the Courts of Law as at present established, are not equal to the Redress of all Kinds of Injuries, but many innocent Men are with-held of their just Rights, and some deprived of them altogether, for Want of a Court or Courts of Equity:

II. *BE*



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Courts of Equity  
established.

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the Expiration of the present Session of the General Assembly, each Superior Court of Law in this State shall also be and act as a Court of Equity for the same District, and possess all the Powers and Authorities within the same, that the Court of Chancery which was formerly held in this State under the late Government used and exercised, and that are properly and rightfully incident to such a Court, agreeable to the Laws in Force in this State, and not inconsistent with our present Constitution. *Provided*, That no final Decree shall be passed by any such Court but where two of the Judges at least are present.

Two Judges necessary to pass a final decree.

III. *AND* be it further enacted by the Authority aforesaid, That the Rules and Methods of Proceeding in the said Courts shall be as follows, *that is to say*,

Rules.

The Plaintiff may file his Bill in the Clerk's Office, either during Term Time, or in the Vacation, and therein suggest on Oath such Damages as he thinks he has incurred by the Conduct complained of in the Defendant, (which Damages are to be stated in Specie) and thereupon the Clerk shall issue a Writ of *Subpœna* as is usual in Cases of Chancery, or in Case either of the Judges shall give special Order to hold the Defendant to Bail, the Clerk shall issue a Writ directed to the Sheriff of the County wherein the Defendant is supposed to be resident, as follows :

In what cases the plaintiff may obtain a writ to hold the defendant to special bail.

*The State of North-Carolina, To the Sheriff of* County, *Greeting :*  
**Y**OU are hereby commanded to take the Body of late of your County, (if to be found in your County) and him safely keep, so that you have him before the Judges of the Superior Court of Law and Equity for the District of at the Town of on the Day of next, or until he shall give you good and sufficient Security in the Sum of Pounds Specie, (which Sum is hereby directed to be double the Damages suggested on Oath in the Bill) to appear and answer at the said Court on the Day aforesaid, to a Bill in Equity filed against him by and this you shall in no wise omit at your Peril. Witness Clerk of the said Court, at the Day of and in the Year of the State.

Form of the writ.

Which Writ the Sheriff is hereby directed and required to obey ; and the same Rules and Regulations shall be observed in Regard to Bonds taken by Virtue of this Act, and that they be on the same Footing in all Respects as Bail Bonds taken by the Sheriff on Actions at Law, except that they shall be assignable by the Sheriff, or his Executors or Administrators, under the Direction of the Court, and the Sheriff is to be held liable for taking insufficient Security as in such Cases in Actions at Law. *Provided*, That no such Writ shall issue against an Executor, Administrator or Heir at Law, who is sued as such, but the Process against such Executor, Administrator or Heir at Law, shall be by a Writ of *Subpœna*, as usual in Cases of Chancery, and the Penalty for not appearing and answering shall be one hundred Pounds Specie, but the said Penalty is not to be levied, nor final Judgment given for it, until the Term ensuing that to which it is returnable, nor without a *Scire Facias* having been duly served, and Proof thereof made to the Satisfaction of the Court, as in Cases at Law where *Scire Facias* are required. And where any other Person is made a Defendant together with such Executor, Administrator or Heir at Law, as aforesaid, a *Capias* may issue as above against such other Person, and a Writ of *Subpœna* against such Executor, Administrator or Heir at Law.

How to be served, &amp;c.

Process against executors, &c. must be by *subpœna*.

Case of different defendants.

No Writ shall be served by the Sheriff unless he has a Copy of the Bill ready to deliver to the Defendant, and he is hereby required to deliver the said Copy immediately after the Service of the said Writ ; nor shall any Service be valid unless it be made at least ten Days before the Term at which the Defendant is required to appear ; and where the Service is by *Subpœna* the Defendant shall be served with a Copy of the Bill at least ten Days before such Term, on Failure of any of which Requisitions, the Defendant may plead the Matter in Abatement, and the Bill shall be dismissed.

Manner of service.

Upon such Writ or *Subpœna* being duly served, and a Copy of the Bill delivered in proper Time, (Proof being made to the Satisfaction of the Court by Return



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In what cases the  
Bill may be taken  
*pro confesso*, &c.

of the Sheriff or by Affidavit) the Defendant shall appear and put in his Answer or Plea, agreeable to the Practice in Chancery, or demur; or on Failure thereof the Plaintiff's Bill shall be taken *pro Confesso*, and appointed to be heard *ex Parte* at the ensuing Term. *Provided*, That if within the three first Days of the said ensuing Term the Defendant shall offer any satisfactory Reason to the Court for his not appearing at the first Term, the Order for the Bill being taken *pro Confesso*, and heard *ex Parte*, may be discharged, and the Defendant then admitted to plead, answer or demur, and such Time shall be allowed in this as well as in all other Cases for the Pleadings on both Sides, and such Day appointed for the Hearing as the Court shall direct.

Commissions to  
take testimony  
how to issue.

Notice necessary.

Commissions to take Testimony may issue, directed to any two Justices of the Peace, who shall have all the Powers of Commissioners of Chancery, and the Rules of Proceeding in all Cases of taking such Testimony shall be conformable to the Method of Proceeding formerly observed in the Court of Chancery in this State. *Provided*, That no such Testimony shall be taken until at least twenty Days Notice of the Time and Place of taking the same be given to the opposite Party, unless the Court for sufficient Reasons should appoint any other limited Time for the Notice, which they may do in all Cases, either by enlarging or shortening the Time hereby appointed for taking such Testimony, as the Case may require.

Commissions may also issue to any Justice or Justices of the Peace to take the Plea, Answer, or Demurrer of a Defendant, as is accustomed in Cases in Chancery with Respect to Commissioners of Chancery, and the said Justice or Justices shall have all the Power of such Commissioners for that Purpose.

Power of one  
Judge in the va-  
cation.

Any one Judge of the Court may in the Vacation, if it shall be necessary, grant such Commissions as are above mentioned, or may himself examine Testimony, or take the Plea, Answer or Demurrer of a Defendant in like Manner; he may also grant Injunctions, or *ne exeat*, where the Necessity of the Case will not admit of a Delay, but still subject to the Controul and further Order of the Court; and no *ne exeat* shall issue where sufficient Bail has been taken for the Party's Appearance.

Matters of fact  
coming in issue,  
how to be tried.

All Matters of Fact that shall come in Issue between the Parties shall be determined by a Jury in the Presence of the Court, as in Trials at Law, and the Trial shall be by the Jury attending the Superior Court, or if they shall be discharged, it may be by a Jury summoned *instantly*, (who are to be qualified as other Jurymen) or a special Jury may be summoned for that Purpose with the Consent of the Parties, and Approbation of the Court, and the Mode of Proceeding by such Juries shall be the same in every Respect as in Trials at Law; the same Rules and Methods to be observed in this Case as have been practised upon Questions of Fact being submitted by a Court of Chancery to the Decision of a common Law Jurisdiction.

Costs how to be  
given.

Court's power as  
to ordering secu-  
rity.

And process in  
general.

Costs shall be paid by either Party at the Discretion of the Court.

The Court may at any Time during the Dependence of the Suit, require further Security from a Defendant, or on Failure thereof, make Use of such personal Process as was formerly used by the Court of Chancery held in this State, and deemed incident to the Chancery Jurisdiction; and the Court shall in all Cases have Power to order such Process to enforce their Sentences or Decrees, as have usually belonged to Courts of Chancery.

Title of the  
Court.  
See act Nov.  
1787, c. 22.

IV. *AND* be it further enacted by the Authority aforesaid, That from and after the Expiration of the present Session of the General Assembly, each Superior Court of Law in this State shall be called in all Court Proceedings, the Superior Court of Law and Equity for its respective District, and shall have the like Jurisdiction in the said District in Matters of Equity, as it now has in Matters of Law, and shall be deemed equally for that Purpose a Court of Record: And each Clerk of the said Superior Court of Law for the Time being, shall be also Clerk of the Court of Equity, and keep all the Proceedings of the said Court distinctly by themselves, and shall be entitled to the following Fees and no other:

For



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		£.	s.	d.	Fees.
For	An Injunction, - - - - -	0	5	0	
	A Superfedeas or Return, - - - - -	0	1	6	
	Entering up a Decree, - - - - -	0	3	0	
	Calling or Dismission, - - - - -	0	0	8	
	Taking every Deposition in Writing, - - - - -	0	0	8	
	Interrogatories, if drawn by the Clerk, - - - - -	0	1	6	
	A Commission to take Testimony, - - - - -	0	2	0	
	Every Petition or Motion, if entered in Writing, - - - - -	0	0	8	
	Recording of any Paper not before mentioned, or Copy of } Record, per Copy Sheet, containing ninety Words, }	0	0	6	
	Setting down the Cause for Hearing, - - - - -	0	1	6	
Every Search, - - - - -	0	0	10		

V. *AND* be it further enacted by the Authority aforesaid, That the respective Sheriffs shall be entitled to receive the same Fees for any Services under this Act, as for the like Services in Proceedings at Law, and be entitled to the same Remedy for the Recovery of them. Sheriff's fees.

C H A P. XII.

An Act to establish a Department for adjusting and liquidating the public Accounts of this State, and for appointing a Comptroller, and other Purposes. See act April, 1783, c. 17.

I. **W**HEREAS it is indispensably necessary that the public Accounts of this State should be immediately settled, and those of the several Departments collected into one Office, so that the Legislature may have a clear and distinct View of the Accounts, and of the State of each Department from Time to Time:

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That there shall be ten Boards of Auditors, to consist of three Members at each Board, two of which Boards shall be for the District of Morgan, and three for the District of Salisbury; any one of the Members of which Boards is hereby authorized and empowered to administer an Oath or Affirmation where the same may be necessary; and the said Boards shall perform such Duties, receive such Emoluments, and be subject to such Penalties and Forfeitures, as may be pointed out by Law. Boards of Auditors.

III. *AND* be it enacted by the Authority aforesaid, That a Comptroller shall be appointed by the General Assembly, who shall keep his Office as near as conveniently may be to the Centre of the State, and whose Duty it shall be to direct the Mode of stating, to check and controul all public Accounts in every Department; that he shall enter up in Books for that Purpose a clear and distinct View of the Accounts of each Department, ready for the Inspection of the General Assembly; and who shall at any Time when required by his Excellency the Governor and Council of State, make out a brief State of the public Accounts for their Information. Comptroller.

IV. *AND* be it further enacted by the Authority aforesaid, That the several Boards of Auditors shall make accurate Returns half yearly to the Comptroller's Office, of all the Accounts, with the Vouchers, which they may have respectively liquidated; that the several District Treasurers, the County Commissioners of specific Taxes, the Commissioners of confiscated Estates, the Clerks of Courts who have passed the Accounts of Commissioners of Confiscation, and all Persons who have acted as Quarter-Masters, Commissaries, and all others in the Staff Department, the late Commissioners of Trade or public Agents, and all whose Accounts are independent of any of the Departments aforesaid, are hereby required respectively to render a true and perfect State of their several Accounts and Vouchers forthwith into the Comptroller's Office, and then half yearly afterwards, in Case any such Officers may be continued. Accounts to be settled.

V. *PROVIDED* nevertheless, That all such Persons as have heretofore accounted with the Public, shall not be called upon for their respective Accounts Proviso for accounts settled;  
and



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and Vouchers, but that such Accounts and Vouchers shall be furnished from the different Officers or Persons in whose Possession they are.

Accounts, &c.  
delivered to the  
Comptroller's  
office.

VI. *AND be it enacted by the Authority aforesaid*, That the State Board of Auditors, or their Clerk, shall deliver into the Comptroller's Office all public Books, Accounts and Vouchers, which are or have been in their Possession, and the several Clerks of the District Boards of Auditors shall respectively deliver to the District Auditors who may be appointed by Virtue of this Act, all their Books, Vouchers and Papers, which respect the public Accounts, and the same shall be done by the County Commissioners, and the Commissioners of confiscated Estates, to their respective Successors, and the same shall be done by every Person who may be removed from Office or Employment, or suspended, to their Successors, or to such other Person as the Comptroller may direct to receive the same.

Clerks allowed.

VII. *AND be it enacted by the Authority aforesaid*, That the Clerks of the District Boards of Auditors respectively by this Act required to make Returns of the Proceedings of such Board to the Comptroller's Office, shall be allowed all reasonable Expences attending such Duty.

Pen. for neglect  
of duty.

VIII. *AND be it enacted by the Authority aforesaid*, That any Person or Persons named or described in this Act, refusing or failing to perform their respective Duties required by this Act, shall for every Offence forfeit and pay fifty Pounds Specie, to be recovered by Action of Debt, in the Name of the Governor for the Time being, for the Use of the State.

Comptroller's &  
Auditor's oath.

IX. *AND be it further enacted by the Authority aforesaid*, That the Comptroller and each Auditor, before entering on the Duties of their several Appointments, shall before some Justice of the Peace, take the following Oath:

**I** A. B. do swear, that I will well and truly execute the Trust reposed in me as Comptroller, or Auditor (as the Case may be) without Favour or Partiality, according to Law, to the best of my Knowledge and Understanding. SO HELP ME GOD.

Comptroller  
kept up.

X. *AND be it enacted by the Authority aforesaid*, That in Case of the Resignation or Death of the Comptroller, the Supreme Executive are hereby authorized and empowered to nominate a Person to exercise the Powers, and perform the Duties of Comptroller, during the Recess of the General Assembly.

His salary.

XI. *AND be it further enacted by the Authority aforesaid*, That the Comptroller shall be allowed eight hundred Pounds Specie *per Annum* for his Services, exclusive of all necessary Expences for Books and Paper, and that he shall employ one, two, or three Clerks, the first of which shall be allowed a Salary of two hundred and fifty Pounds Specie, inclusive of his Expences, and for the others he shall be allowed the necessary Wages; and that the Comptroller shall apply to the Governor, who is hereby authorized to grant Warrants quarterly on the Treasury for his Expences; and that each Member of any of the several Boards of Auditors shall be allowed three Dollars Specie *per Day* for each Day's Attendance at the Board, and the Clerks of the respective Boards the same.

Property to be  
sold.

XII. *AND be it enacted*, That the District Commissioner shall sell the House and Lot in *Newbern*, which belonged to the late *Samuel Cornell*, in and on which he lived, being that in which Mess. *Singleton* and *Jones* now live, with the Wharf, and every Thing to the said Lot and Wharf appertaining, for hard Money, one third to be paid in Hand, the remaining two-thirds in four and eight Months, with good Security, after the same has been advertised one Month; the County Commissioners of confiscated Estates shall also sell all the Slaves lately belonging to *Thomas Oldham*, late of *Chowan* County, for hard Money, on the same Terms that the Lot and its Improvements are to be sold; two thousand five hundred Pounds of the Money arising from those Sales to be paid into the Hands of the Governor for the Time being, to be appropriated to the sole Purpose of defraying the Expence of the Delegates in Congress; any Thing in this Act, or any other Act of the General Assembly, to the contrary notwithstanding.

Accounts settled  
by depreciation.

XIII. *AND be it further enacted by the Authority aforesaid*, That the Comptroller of this State, in liquidating and settling any Accounts with any Person or Persons who may have been entrusted with public Monies, or may have been Receivers of public



public Monies, to settle and account for any Sums by them received and accounted for, agreeable to the Scale of Depreciation as by Law established.

CHAP. 13. *An Act for ascertaining the Salaries of the Governor, Secretary, and other Officers of the State.* Provided for by subsequent acts.

## C H A P. XIV.

*An Act to regulate and ascertain the Fees to the Secretary of State, the Governor's Private Secretary, the Surveyors, and other Officers.*

I. **W**HEREAS it is necessary that adequate Fees be allowed to the Secretary of State, the Governor's Private Secretary, and the County Surveyors, for Services by them respectively to be performed :

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That for the future the said Officers shall take and receive the following Fees, *to wit,* The Secretary of State, for receiving the Surveyor's Return, filing the Plan, making out and recording the Grant, with the Indorsement thereof, and the Certificate thereon, to be paid by the Grantee at or before the Delivery of the said Grant out of the Office, four Shillings; for docketing a Caveat, filing Order of Suspension of Grants, issuing and certifying such Suspension to the Court, and entering and filing the Judgment of Court thereon, four Shillings; for copying and certifying a Will, four Shillings; for copying and certifying the Record of a Grant or Patent, four Shillings; for every Commission for a Place of Profit, eight Shillings; for every Search, eight Pence; for every Certificate, one Shilling; for recording Inventories, Orders for Letters Testamentary or of Administration, to be received and accounted for by the Clerk of the County Court, two Shillings and eight Pence. To the Governor's Private Secretary, for the Certificate of Suspension of a Grant, two Shillings and eight Pence; for every Testimonial, five Shillings; for every Commission for a Place of Profit, eight Shillings; for a Pilot Branch, eight Shillings; for the Great Seal, two Shillings and eight Pence; for sealing each Grant for Land, including Wax, Paper and Tape, used in making the same, to be paid by the Grantee on or before the Delivery of the Grant out of the Secretary's Office, two Shillings and eight Pence. To the Surveyor, for making each Survey of three hundred Acres or under, sixteen Shillings; for every hundred Acres more than three contained in a Warrant, four Shillings.

III. *AND be it further enacted by the Authority aforesaid,* That so much of the tenth Clause of an Act of Assembly passed at Wake Court-House in June, one thousand seven hundred and eighty-one, entitled, *An Act to regulate and ascertain the several Officers Fees therein mentioned,* as directs that the Fees therein rated in Specie, shall be received in Currency at the Proportion of two hundred for one, is hereby repealed and made void; and that the above Fees shall and may in future, be discharged in Specie or eight Hundred Currency for one Specie.

## C H A P. XV.

*An Act for the Security of the Bank of North-America.*

I. **W**HEREAS Congress on the twenty-sixth Day of May last did, from Conviction of the Support which the Finances of the United States would receive from the Establishment of a national Bank, approve a Plan for such an Institution; and whereas a Subscription thereto was filled, and a President and Directors chosen, from the Expectation of a Charter of Incorporation; and as the Exigencies of the United States render it indispensably necessary that such an Act of Incorporation should be passed, and the Congress of the United States have been pleased, by an Ordinance dated the thirty-first of December, one thousand seven hundred and eighty-one, to incorporate as well those who then were, as those who thereafter might become, Subscribers to the said Bank, by the Name and Style of the President, Directors and Company of the Bank of North-America; and as it is the Interest of the United States that the Faith of the said Bank should be preserved :

II. *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 Ordinance of Incorporation shall Bank Corporation sanctioned,



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shall be held and deemed valid and effectual to all Intents and Purposes, as if the same had been passed by an Act of the General Assembly of this State.

Counterfeiting, &c. bank-notes, felony without clergy.

III. *AND* be it further enacted by the Authority aforesaid, That if any Person shall erase, alter, or counterfeit any Note or Notes of the aforesaid Bank of *North-America*, he shall be deemed guilty of Felony without the Benefit of Clergy; and if any President, Inspector, Director, Officer or Servant, of the said Bank, shall convert any of the Property, Money or Credit of the said Bank, to his own Use, or in any other Way be guilty of Fraud or Embezzlement as an Officer or Servant of the Bank, he shall be deemed guilty of Felony without Benefit of Clergy,

C H A P. XVI.

See act Jan. 1779 c. 16, and acts there referred to.

An Act to confirm certain Patents therein specified, issued in Virginia, for Lands, which on the Extension of the Boundary Line between this State and that, are found to lie within the State of North-Carolina.

I. **W** H E R E A S it is represented to this General Assembly that certain Lands granted and patented in the State of *Virginia*, under a Supposition of their being within the Bounds thereof, have on the late Extension of the boundary Line between this State and that, been found to lie within the Bounds of this State; and although it is consonant to Justice, to Custom, and to the Obligations of federal Union, that Titles to such Lands should be established in this State, yet it is advisable, in order to prevent Monopolies and obviate stale or latent Grants, to particularise the Lands which stand in the said Predicament.

Patents established.

II. *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 Patents or Grants herein after enumerated, which were so issued in *Virginia* for Lands now found to lie within this State, shall be good and valid in this State, in like Manner as if they had been passed or issued therein, either previous or subsequent to the Declaration of Independence. *Provided*, That the said Patents or Grants were, or would have been good and valid in *Virginia*, according to the Laws thereof, previous to the Extension of the said Boundary Line. *Provided also*, That Nothing herein contained shall be construed so as to defeat any previous or elder Grant or Deed, which may have been issued in the State of *North-Carolina*, for the same Lands, or any Part thereof. The said Patents or Grants as above ratified, established and confirmed, are and shall be as follows, *to wit*, A Patent issued to *Edmund Pendleton*, bearing Date the sixteenth Day of *August*, one thousand seven hundred and fifty-six, containing three thousand Acres, and lying on a Branch of the middle Fork of *Indian River*, called *West Creek*, according to the Courses thereof: A Patent issued to *John Shelton*, bearing Date the same Day and Year, containing nine hundred and forty Acres, and lying on the middle Fork of the *Indian River*, according to the Courses thereof: A Patent issued to *John Buchanan*, bearing Date the twentieth Day of *June*, one thousand seven hundred and fifty-three, for one thousand two hundred and fifty Acres, and lying on the *Indian River*, according to the Courses thereof: And one other Grant or Patent issued to *William Campbell* and *William Preston*, Executors of *John Buchanan*, who was Assignee of *James Patton*, deceased, bearing Date the twenty-third Day of *December*, one thousand seven hundred and seventy-nine, containing one thousand nine hundred and forty-six Acres, and lying on *Wood's River*, or *Shelton Creek*, a Branch of the middle Fork of *Indian River*, at a Place called the *Sappling Grove*, according to the Courses thereof.

And confirmed to under purchasers.

III. *AND* be it further enacted by the Authority aforesaid, That the Confirmation of the said Patents, as above enumerated, shall accrue and enure to the Confirmation of the Titles of any Person claiming under either of the said Patentees as Purchasers, as much as if they had been the original Patentees, and had been named in this Act.

How put in possession.

IV. *AND* be it further enacted by the Authority aforesaid, That any Person claiming a Tract of Land in Virtue of this Act, may apply to a Magistrate, who shall issue his Warrant to the Sheriff to summon a Jury of good and honest Men, who are



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are not interested in any of the Lands herein mentioned, to meet on the Premises in Question; which Jury being met, shall be sworn by the said Magistrate to enquire what Person or Persons possess the best Title to the said Lands under this Act, and having returned their Verdict to such Magistrate, he shall thereupon by his Warrant require the Sheriff (who shall attend for the Purpose) to put the Person who shall be so found to possess the best Title under this Act, his Agent or Attorney, into actual Possession of the said Premises. *Provided*, That such Verdict shall only effect the bare Possession of the said Premises, and shall not be a Bar to a Suit or Suits which any Person or Persons may think proper to commence for the Recovery of the said Lands, but such Suit shall be tried and determined in like Manner as if no Jury had been impanelled thereon. *Provided nevertheless*, That no Jury shall be summoned to meet on the Premises before the first Day of *December* next.

CHAP. 17. *An Act for appointing a Place for the future Meetings of the General Assembly.* R E P.

18. *An Act to amend an Act, entitled, An Act to amend an Act, passed at Newbern in May, One Thousand Seven Hundred and Eighty, entitled, An Act to enlarge the Jurisdiction of Justices of the Peace, and for other Purposes.*

*Provided for by subsequent acts.*

19. *An Act to amend an Act, passed at Newbern the second Day of May, One Thousand Seven Hundred and Seventy-eight, entitled, An Act to empower the County Courts of Pleas and Quarter Sessions in this State to order the laying off public Roads, and establish and settle Ferries, and other Purposes therein mentioned.*

*Repealed by an Act of the General Assembly, passed at Newbern the 12th of the month of May, 1781.*

20. *An Act to prolong the Time of saving Lots in the several Towns in this State.*

*See act Nov. 1785 c. 33.*

21. *An Act for dividing the Rowan Regiment of Militia, into two separate and distinct Regiments.* P R I V.

## C H A P. XXII.

*An Act for dividing the District of Salisbury.*

*See act Nov. 1788 c. 32.*

I. **W**HEREAS the great Extent of the Counties West of *Salisbury* makes it extremely inconvenient for the Parties, Witnesses and Jurymen, to repair to, and attend the Superior Court of Law at that Place, and the said Court, in the Course of a Term as the same is now limited by Law, cannot decide the great Number of Causes, civil and criminal, that arise in the extensive District of *Salisbury*; wherefore for the more speedy Trial of Causes, civil and criminal, and to obtain a more full and complete Administration of Justice in the several Counties which compose the said District:

II. *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 District of *Salisbury* be divided in the Manner following: The Counties of *Rowan, Anson, Mecklenberg, Guilford, Surry, Montgomery* and *Richmond*, shall be and remain the District of *Salisbury*; and the Counties of *Burke, Wilkes, Rutherford, Washington, Sullivan* and *Lincoln*, immediately after the passing this Act, shall be and are hereby declared to be a distinct and separate District by the Name of *Morgan*, wherein the Judges of the several Superior Courts of Law for the State shall, twice every Year, sit and hold a Superior Court of Law, one Session thereof beginning on the first Day of *March*, and the other on the first Day of *September* annually; and the said Sessions respectively, shall each be continued by Adjournment for ten Days, exclusive of *Sundays*, if the Business depending in such Court shall not be sooner finished.

*District divided.*

III. *AND* be it further enacted by the Authority aforesaid, That the Judges of the several Superior Courts of Law in this State shall possess and exercise as full and ample Power and Authority, in all Causes, Matters and Business whatsoever, in the said District of *Morgan*, as they now do lawfully possess, or may exercise in any other District of this State; and that the Judges, Attorney-General, or in his Absence, such Person as the Court shall appoint to transact the Business in his Department,

*Judges power.*



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Department, shall have the same Allowance for Attendance and Services in the said District of *Morgan*, as they respectively are or may be entitled to receive for the same Services in any other District.

Jurors for *Morgan*.

IV. *AND* be it further enacted by the Authority aforesaid, That the several County Courts in the said District of *Morgan*, at their respective Sessions next before the sitting of the Superior Court of Law therein, shall appoint Persons to serve at the same as Grand and Petit Jurymen, as follows, *viz.* in *Burke* twenty, in *Wilkes* ten, in *Rutherford* nine, and in *Lincoln* nine; who shall receive the same Pay, and be liable to the same Penalties, as Jurymen appointed to serve at the several Superior Courts of Law in other Districts.

Courts of oyer.

V. *AND* whereas the extensive Mountains that lie desolate between the inhabited Parts of *Washington*, and the inhabited Parts of *Burke* Counties make the Transportation of Criminals from the former to the latter difficult, and on the Way may frequently find Means to break Custody and escape; wherefore that Offenders in the said Counties of *Washington* and *Sullivan* may be more easily and certainly brought to Justice, Be it enacted by the Authority aforesaid, That one of the Judges of the Superior Court, and some other Gentleman commissioned for that Purpose, or one of them, twice in every Year, at the Court-House in *Washington* County, sit and hold a Court of Oyer and Terminer and General Gaol Delivery, for the Trial of all criminal Causes whatsoever within the Limits of the Counties of *Washington* and *Sullivan*, one Session thereof beginning on the fifteenth Day of *February*, and the other on the fifteenth Day of *August*; and every Session shall be continued by Adjournments for five Days, exclusive of *Sundays*, unless the Business shall be sooner finished; and the said Court shall possess and exercise as full and ample Power and Authority in all criminal Matters within the Limits aforesaid, as the Judges of the several Superior Courts of Law in this State possess and exercise in other Districts, and shall also have Power to receive and try Appeals from the County Courts of *Washington* and *Sullivan*.

Judges, &amp;c. allowance.

VI. *AND* be it further enacted by the Authority aforesaid, That the Judges who shall hold the said Court of Oyer and Terminer, Attorney-General, or in his Absence the Person appointed by the Court to do the Business in his Department, shall have two Thirds of the Allowance for Attendance and Service, as the Judges and Attorney respectively are entitled to receive for the same Service at the Superior Courts of Law in other Districts.

Jurors.

VII. *AND* be it further enacted by the Authority aforesaid, That the County Courts shall appoint Jurymen as follows, *viz.* *Washington* thirty-two, and *Sullivan* sixteen, to serve as Grand and Petit Jurors at the said Court of Oyer and Terminer; and the said Jurymen shall receive the same Allowances, and be liable to the same Penalties as Jurymen appointed to serve at the several Superior Courts of Law in this State.

Sup. Court for *Morgan* where held.

VIII. *AND* be it further enacted by the Authority aforesaid, That the Superior Court of Law for the District of *Morgan* shall be held at the Court-House in *Burke* County, until some other Place shall be appointed by Act of Assembly.

Not held on *Sunday*.

IX. *AND* be it further enacted by the Authority aforesaid, That if the Day of the Month as above prescribed for the first day of any Term of either of said Courts shall happen to be *Sunday*, then such Term shall begin on the Day following.

Jurors for *Salisbury*.

X. *AND* be it further enacted by the Authority aforesaid, That the Jurors for the Superior Courts to be held at *Salisbury*, for the District of *Salisbury*, shall be furnished from the several Counties of said District in the following Proportion, to wit, *Anson* three, *Richmond* three, *Montgomery* three, *Guilford* eight, *Surry* seven, *Rowan* fifteen, and *Mecklenberg* nine.

CHAP. 23. An Act for regulating the Town of Edenton. PRIV.

24. An Act for the Promotion of Learning in the District of Edenton. PRIV.

25. An Act for building a Prison in the Town of Edenton. PRIV.

CHAP.



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- CHAP. 26. *An Act for appointing Commissioners to examine the Claims of Thomas Clark, and others, against the Estate of James Murray, and other Purposes therein mentioned. PRIV.*
27. *An Act for establishing a Town on the Lands formerly belonging to Colonel James Bonner, at the Forks of Tar River, in the County of Beaufort. PRIV.*
28. *An Act to alleviate in some Degree the distressed Inhabitants of the several Counties in the District of Wilmington. Temporary.*

## C H A P. XXIX.

- An Act to amend an Act, entitled, An Act to prevent burning the Woods. See act Nov. 1777, c. 25.*
- I. **W**HEREAS the Penalties in the said Act are not sufficient to answer the good Purposes therein mentioned;

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That every Person offending against the said Act, shall forfeit and pay for every Offence the Sum of twenty-five Pounds Specie, to be recovered by Action of Debt, Bill, Plaint, or Information, to the Use of the Person who shall sue or prosecute for the same, and shall also be further liable to the Party injured by such unlawful firing of the Woods for all Damages that may accrue therefrom.

- CHAP. 30. *An Act to amend the several Acts passed within this State, to prevent the Stoppage of the Passage of Fish up the several Rivers therein mentioned. PRIV.*
31. *An Act to alter the Time of holding several County Courts of Pleas and Quarter Sessions within the District of Morgan. See act Nov. 1785, c. 2.*
32. *An Act to empower the Commissioners therein mentioned to repair the public Buildings in the Town of Hillsborough, and other Purposes. PRIV.*
33. *An Act to encourage Caleb Grainger to build a Bridge over Smith's Creek, at the Place where the late Bridge stood in New-Hanover County. PRIV.*
34. *An Act to appoint Commissioners for fixing on a Place within the County of Anson, to build a Court-House, Prison and Stocks, and other Purposes therein contained. PRIV.*
35. *An Act for appointing Commissioners to fix on a Place to build a Court-House, Prison and Stocks, in the County of Wayne, and for other Purposes. PRIV.*
36. *An Act to vest in Frederick William Marshall, Esquire, of Salem, in Surry County, the Lands of the Unitas Fratrum, in this State, for the Use of the said United Brethren, and other Purposes. PRIV.*
37. *An Act to vest the Title of a certain Tract of Land in Robert Cummins. PRIV.*
38. *An Act to confirm a certain Patent therein mentioned. PRIV.*
39. *An Act for establishing the Copy of a Deed therein mentioned. PRIV.*
40. *An Act to vest in John Hay the Property of certain Lands in Duplin County. PRIV.*
41. *An Act for erecting a Prison in the County of Bertie, and finishing the Court-House. PRIV.*
42. *An Act to amend an Act, entitled, An Act for dividing Edgcomb County, and for other Purposes therein mentioned. PRIV.*



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- CHAP. 43. *An Act for levying a further Tax of One Shilling on every Hundred Pounds Value of taxable Property in the County of Jones, for defraying the Expence of compleating the public Buildings thereof. PRIV.*
44. *An Act for levying a further Tax of One Shilling on every Hundred Pounds Value of taxable Property in the County of Camden, for defraying the Expences of compleating the public Buildings thereof. PRIV.*

## C H A P. XLV.

*An Act for adding Part of Burke County to Lincoln, for appointing Commissioners for the Purpose therein mentioned, and for laying a Tax to compleat the public Buildings therein.*

I. **W**HEREAS it hath been represented to the Assembly by the Inhabitants living in the South-East Part of *Burke County*, that they labour under great Hardship in attending on Courts and other public Meetings in the said County, from their remote Situation from the Court-House, and have prayed to be added to the County of *Lincoln*;

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That a Line shall be run as follows, viz. Beginning at *Sbarrol's Ford*, running with the Road leading towards *Henry Whitner's*, as far as *Matthew Wilson's*, thence a direct Course to *Simon Horse's*, on the Waters of *Clark's Creek*, thence a direct Course to the *Fish-Dam Ford* of the South Fork of the *Catawba River*, between *James Wilson* and *David Robinson*, and from thence a South-West Course to *Earl Granville's* old Line; and that all that Part of *Burke County* lying South-East of the Line above described, shall henceforth be taken off from *Burke*, and shall be added and remain to *Lincoln County*.

[The Remainder unnecessary to be inserted.]

- CHAP. 46. *An Act to amend an Act, entitled, An Act for dividing Tryon County, and other Purposes. PRIV.*
47. *An Act to oblige the Inhabitants of Bladen County to attend public Meetings with their Arms. PRIV.*

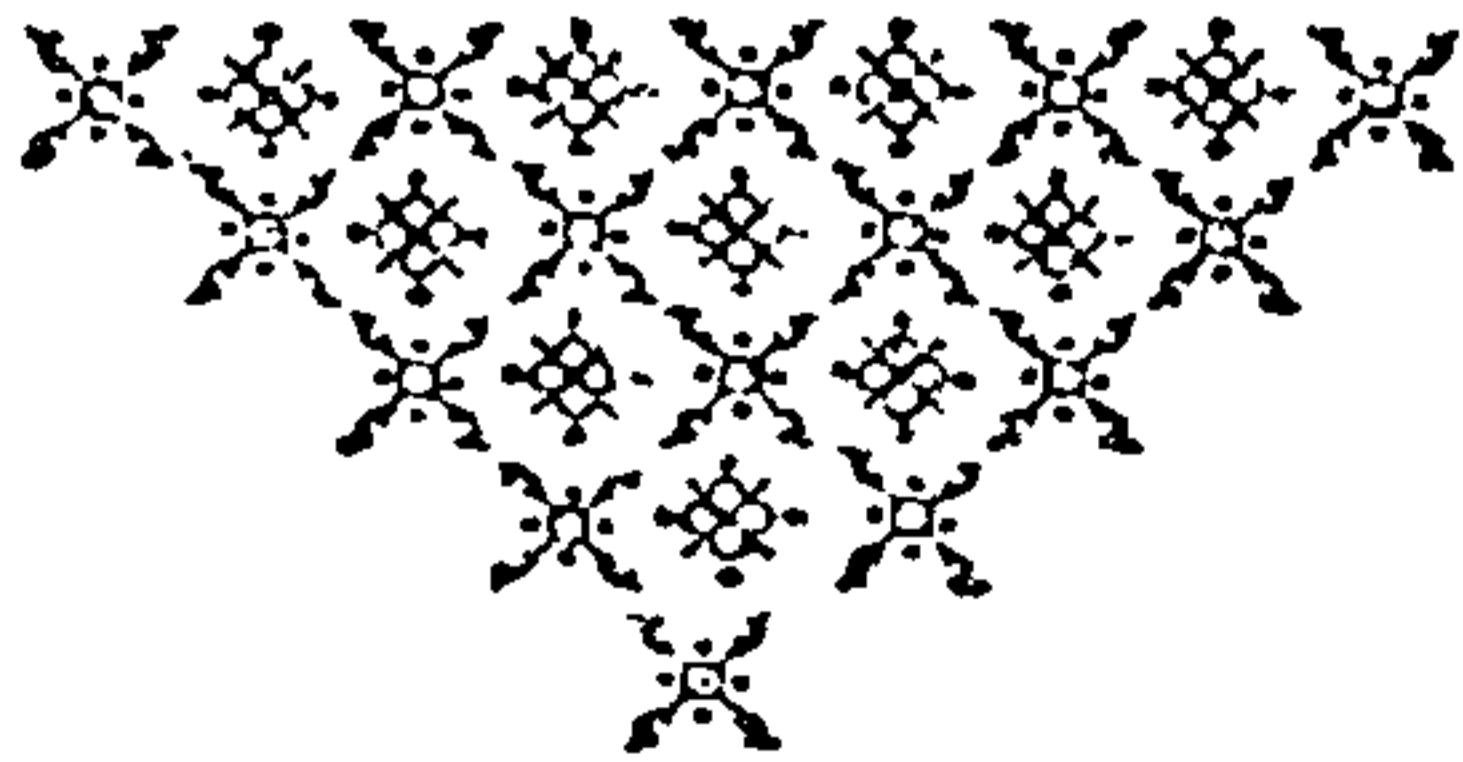
*Read Three Times, and ratified in General Assembly, }  
the Twelfth Day of May, Anno Dom. 1782. }*

SIGNED BY

RICHARD CASWELL, S. S.

THOMAS BENBURY, S. C.

L A W S





L A W S

O F

NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held at Hillsborough, on the Eighteenth Day of April, in the Year of our Lord One Thousand Seven Hundred and Eighty-three, and in the Seventh Year of the Independence of the United States of America: Being the First Session of this Assembly.

ALEXANDER  
MARTIN, Esq.  
Governor.

C H A P. I.

An Act for emitting One Hundred Thousand Pounds in Paper Currency, for the Purposes of Government for Seventeen Hundred and Eighty-three, for the Redemption of Paper Currency now in Circulation, and advancing to the Continental Officers and Soldiers Part of their Pay and Subsistence, and for levying a Tax, and appropriating the Confiscated Property for the Redemption of the Money now to be emitted.

I. **W**HEREAS the Necessity for Money for the Purposes aforesaid is indispensable; Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That one hundred thousand Pounds be emitted in paper Bills of Credit, on the Faith and Credit of this State, in Bills of the following Denominations, *to wit*, Twenty thousand Bills of forty Shillings each, forty thousand Bills of twenty Shillings each, twenty thousand Bills of ten Shillings each, twenty thousand Bills of five Shillings each, forty thousand Bills of two Shillings each, ten thousand Bills of one Shilling each, and twenty thousand Bills of six Pence each; that the same be printed in a Printing-Press, and that *John Geddy* and *James Gillespie* be appointed Commissioners to superintend the Press and number the Bills; and that *John Hunt* and *Benjamin M'Culloch* be appointed Commissioners to sign and deliver the same to the public Treasurers, to be by them applied as hereafter by this Act directed.

Denomination of  
the bills.

Commissioners  
appointed.

II. **A**ND be it further enacted by the Authority aforesaid, That the general Form of the Bills hereby directed to be emitted, shall be as follows, *to wit*, "This Bill of Shillings shall be a Tender in all Payments whatever, agreeable to Act of Assembly passed at Hillsborough, the seventeenth Day of May, Anno Domini, seventeen hundred and eighty-three." And such Bills shall be impressed and printed, the whole of them, on thin Paper of the same Fabrication, both in the Face and the Reverse thereof, on the Edges as well as the Body thereof, with divers Letters, Marks, Devices and Words, which may be difficult of Imitation, and which in the Opinion of the said Superintendants, may most effectually secure the same from Attempts to counterfeit.

Form of the bills.

How to be printed.

III. **A**ND be it further enacted by the Authority aforesaid, That each Pound of the Emission aforesaid, shall be deemed and held equal to two and an Half Spanish milled Dollars, and shall be a Tender in all Payments whatever.

Its value.

IV. **A**ND be it further enacted by the Authority aforesaid, That each and every Person appointed by this Act to superintend the Press, number, sign and pay the Bills into the public Treasury, shall take an Oath well and truly to execute the Duties, and discharge the Trust by this Act required; and each and every one of them shall enter into Bond to the Governor for the Time being, with sufficient Security

Commissioners to  
give bond.



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Security to be by him approved, in the Sum of one hundred thousand Pounds, for the faithful and due Performance of the Duties by this Act required.

Their allowance for superintending and signing, &c.

V. *AND be it further enacted by the Authority aforesaid*, That each and every Commissioner for superintending the Prefs, and numbering or signing, and paying into the public Treasury, shall receive twelve Shillings for every thousand Bills by them signed or numbered, and delivered into the public Treasury, to be paid out of the Money by them paid into the public Treasury.

Empowered to purchase paper, and employ a printer.

VI. *AND be it further enacted by the Authority aforesaid*, That the Commissioners by this Act appointed, shall be and are empowered to purchase Paper and Materials, and to employ a Printer to print the said Bills, and may draw on the Treasury into which the aforesaid Bills shall be paid, for the Money necessary for the same, and their Drafts shall be admitted as Vouchers in the Settlement of the Treasurer's public Accounts.

Types to be destroyed.

VII. *AND be it further enacted by the Authority aforesaid*, That the Superintendants of the Prefs, as soon as they have struck the Sum of Money hereby directed to be emitted, shall break and destroy, or cause to be broken or otherwise destroyed, such Types, Dies, or other Emblems, as they shall have used in printing and impressing the same.

Pen. for counterfeiting. See act April, 1784, c. 25.

VIII. *AND be it further enacted by the Authority aforesaid*, That whoever shall by printing, writing, engraving, or by any Ways and Means, counterfeit any of the said Bills of Credit emitted by Virtue of this Act, or any Part, Word, Letter, Name, Emblem or Device of the same, or shall make or construct any Die, Prefs, Type, or other Instrument for emitting or counterfeiting any of the said Bills, or any Part, Letter, Name, Emblem or Device thereof, except by Authority of Law, (or in Case where such may be signed in order to bring suspected Persons to Justice) or shall alter or deface any of the said Bills with Intention to change the Value and Denomination thereof, or shall knowingly pass or utter any counterfeit Likeness of any of the said Bills, being thereof lawfully convicted, by Confession or Verdict, or on Arraignment on Trial shall stand mute, or challenge peremptorily more than thirty-five Jurymen, every such Person shall be subject to and suffer the same Pains and Penalties as are provided by an Act passed at Halifax, in the Year seventeen hundred and seventy-nine, entitled, *An Act for punishing Persons concerned in any of the several Species of counterfeiting in this State*.

See act Oct. 1779, c. 8.

Governor to appoint a commissioner, in case of a vacancy.

IX. *AND be it further enacted by the Authority aforesaid*, That if any Commissioner appointed by this Act to sign the said Bills of Credit, or superintend and number the same, shall die, refuse to act or resign, remove or become disabled or disqualified, it shall and may be lawful for the Governor to appoint one in his Stead; and such Commissioner shall give Bond, and be subject to the same Rules and Regulations as Commissioners appointed by this Act.

Treasurer of the district in which the money is struck to attend, to receive, &c.

X. *AND be it further enacted by the Authority aforesaid*, That the Treasurer of the District wherein the Money shall be struck, shall attend upon Notice from the Commissioners, at the Place where the same may be impressed and signed, for the Purpose of receiving it, and shall be allowed for every thirty Miles he shall travel in going to, and returning from such Place, and for every Day's Attendance for that Purpose the Sum of twenty Shillings.

To be printed, &c. in Halifax town.

XI. *AND be it further enacted by the Authority aforesaid*, That the Bills of Credit to be emitted in Virtue of this Act, shall be impressed, signed and numbered at Halifax Town.

How to be paid out of the treasury.

XII. *AND be it further enacted by the Authority aforesaid*, That the Treasurer to whom the Commissioners before named shall pay the Money emitted by Virtue of this Act, is hereby directed and required to pay the same out of the Treasury for the Purposes, and in Manner hereafter mentioned, and for no other Purposes or Manner; *that is to say*, To the Warrant of the Commissioners for the Paper and printing; to the Warrant of the Governor for the Allowance of the Commissioners for superintending the Prefs, numbering, signing, and delivering the Bills into the public Treasury; to the Order of the General Assembly for Allowances given to their Members and Officers for their Attendance and Service; and to the Warrant



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rant of the Governor for the Salary or Allowance of the Civil List, for their Services performed, or to be performed; all such Allowances to be for Services performed in the Year seventeen hundred and eighty-three, and for no other Time preceding.

XIII. *AND be it further enacted by the Authority aforesaid,* That the several District Treasurers respectively, shall have and receive from the Treasurer of *Halifax* District, the Sum of two thousand five hundred Pounds out of the Monies to be emitted in Virtue of this Act, to be by them applied to the express Purposes mentioned in this Act, and to no other Use or Purpose whatsoever; and the said Treasurer of *Halifax* District is hereby required to deliver the aforesaid Sum to the other District Treasurers, or their Orders respectively; and the Sum of seventy-two thousand Pounds to pay into the Hands of *Willie Jones, Henry Montfort* and *Benjamin M'Culloch*, Esquires, who shall respectively give Bond, with good and sufficient Security, payable to the Governor for the Time being, in the Sum of fifty thousand Pounds, for the faithful Application of the said Monies to the Purposes appointed by this Act to be by them paid to the Continental Officers and Soldiers of this State, in Part Discharge of the Arrears due them, in such Manner as shall be directed hereafter, any Law, Usage or Custom to the contrary notwithstanding.

District Treasurers to receive part.

Part to be paid for the use of the army.

XIV. *AND be it further enacted by the Authority aforesaid,* That any Officer or Soldier who is, or hath been of the Continental Line of this State, and have Demands against the same for Services, shall be entitled to have and receive from the Commissioners aforesaid, out of the Monies emitted by Virtue of this Act, the one Fourth Part of the Balance which on a Settlement with the Commissioners appointed for that Purpose, shall appear to be justly due and owing to such Officer or Soldier respectively; and the said Commissioners are hereby authorized and required to grant to each of the Officers and Soldiers aforesaid, one or more printed Certificates under their Hands, for the Balance which on a full Settlement shall be due in Specie; which Certificates so issued, shall bear an Interest of six *per Cent. per Annum*, until paid, from the Date thereof.

Officers how much to be paid.

Certificate for balance.

XV. *AND be it further enacted by the Authority aforesaid,* That for the Year seventeen hundred and eighty-three, a Tax of three Pence for each and every Pounds Value of taxable Property in this State shall be levied, and paid in the Bills as before directed by this Act to be emitted, or in Gold or Silver at the Rates established by Law, in Currency or Currency Certificates, as rated by the Act for the Sale of confiscated Property, or in Specie Certificates at their nominal Value. *Provided,* The late Currency, Currency Certificates, and Specie Certificates, shall not be received for more than the two Thirds of the said Tax.

Tax laid.

XVI. *AND be it further enacted by the Authority aforesaid,* That the above Tax shall be collected; paid and accounted for, as directed by an Act, entitled, *An Act for ascertaining what Property in this State shall be deemed taxable Property, the Method of assessing the same, and of collecting public Taxes.*

How collected.

XVII. *AND be it further enacted by the Authority aforesaid,* That each and every public Treasurer be, and hereby is directed and required to retain in his Hands, all such Bills of Credit emitted by Virtue of this Act, as may be paid him for the Taxes of the Year seventeen hundred and eighty-three, also all the Gold or Silver that may be paid him for the Taxes for the Year seventeen hundred and eighty-three, until otherwise directed by the General Assembly, any Law, Usage, or Custom to the contrary notwithstanding.

Treasurers to retain in their hands the tax revenue.

XVIII. *AND be it further enacted by the Authority aforesaid,* That all the Property belonging to this State, which has been confiscated by and under the several Laws commonly called Confiscation Laws, is hereby expressly reserved as a Fund for the Redemption of the said Bills of Credit emitted by Virtue of this Act.

Confiscated property how to be disposed.

XIX. *AND be it further enacted by the Authority aforesaid,* That each of the Treasurers from the several Districts within this State shall attend the General Assembly whenever they shall meet, and lay before them all Certificates and Monies they shall have received in their respective Districts, to be disposed of in such Manner as the General Assembly may judge proper; and any Treasurer failing or neglecting to comply with this Act, shall forfeit the Sum of two hundred Pounds,

Treasurers to attend the General Assembly, &amp;c.

Pen. for neglect.



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Pounds, to be sued for and recovered in any Court of Record, by Action of Debt, by the Comptroller, and applied to the Use of the State.

## C H A P. II.

See acts April,  
1784, c. 14, 17,  
18, 19, 20. Oct.  
1784, c. 19. Nov.  
1785, c. 10. Nov.  
1785, c. 20.

*An Act for opening the Land-Office for the Redemption of Specie and other Certificates, and discharging the Arrears due to the Army.*

I. **W**HEREAS opening the Land-Office, and granting the Lands within this State, would not only redeem the Specie and other Certificates due from the Public, but greatly enhance the Credit thereof;

Act repealed.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That so much of an Act of the General Assembly, passed at Wake, entitled, An Act to regulate and ascertain the several Officers Fees therein mentioned, as prohibits the future entering of Lands with any Entry-Taker in this State, and declares void so much of An Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned, shall be null and void; and the Act last above recited is hereby declared to be in full Force and Efficacy, except so much thereof as comes within the Purview and Meaning of this Act.*

Western bounda-  
ry enlarged and  
established.

III. *AND be it further enacted by the Authority aforesaid, That the Western Boundary be enlarged and established by a Line beginning in the Line which divides this State from that of Virginia, at a Point due North of the Mouth of Cloud's Creek, running thence West to the Mississippi, thence down the Mississippi to the thirty-fifth Degree of North Latitude, thence due East until it strikes the Apalachian Mountains, thence with the Apalachian Mountains to the Ridge that divides the Waters of French-Broad River, and the Waters of Nollicuckee River, and with that Ridge until it strikes the Line described in the fifth Section of an Act, entitled, An Act to amend an Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes, and with that Line, and those several Water Courses, to the Beginning.*

Entries & grants  
without the  
boundary to be  
void.

IV. *AND be it further enacted by the Authority aforesaid, That all Entries of Land heretofore made, or Grants already obtained, or which may be hereafter obtained in consequence of the aforesaid Entries for Land, to the Westward of the Line last above described in this Act, be, and the same are hereby declared to be null and void to all Intents and Purposes, as if such Entries and Grants had never been made or obtained.*

Lands reserved to  
the Cherokee In-  
dians.

V. *AND be it further enacted by the Authority aforesaid, That the Cherokee Indians shall have and enjoy all that Tract of Land bounded as follows, to wit, Beginning on the Tennessee where the Southern Boundary of this State intersects the same nearest to the Chickamauga Towns, thence up the Middle of the Tennessee and Holstein to the Middle of French-Broad, thence up the Middle of French-Broad River (which Lines are not to include any Island or Islands in the said River) to the Mouth of Big-Pidgeon River, thence up the same to the Head thereof, thence along the dividing Ridge between the Waters of Pidgeon River, and Tuckasejah River, to the Southern Boundary of this State; and that the Lands contained within the aforesaid Bounds shall be, and are hereby reserved unto the said Cherokee Indians and their Nation forever, any Thing herein to the contrary notwithstanding.*

Pen. for entering,  
&c. Cherokee  
lands.

VI. *AND be it further enacted by the Authority aforesaid, That no Person shall enter and survey any Lands within the Bounds set apart for the said Cherokee Indians, under the Penalty of fifty Pounds Specie for every such Entry so made, to be recovered in any Court of Law in this State, by and to the Use of any Person who will sue for the same; and all such Entries, and Grants thereupon, if any should be made, shall be utterly void.*

Such entries, &c.  
void.

All purchases of  
said lands to be  
void.

VII. *AND be it further enacted by the Authority aforesaid, That no Person, for any Consideration whatever, shall purchase or buy, or take any Gift or Lease of any Tract of Land within the said Bounds, of any Indian or Indians, but all such Bargains, Sales, Gifts, and Leases shall be, and are hereby declared to be null and void;*



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void; and the Person so purchasing, buying, leasing, or taking any Gift of any Land, of any *Indian* or *Indians* as aforesaid, shall moreover forfeit the Sum of one hundred Pounds Specie for every hundred Acres so purchased, bought, leased or taken as aforesaid, one Half to the Use of the State, and the other Half to him that will sue for the same, to be recovered in the Manner as aforesaid.

Pen. on persons purchasing, &c. the same.

VIII. *AND* whereas the said *Indians* may receive Injuries from People hunting, ranging or driving Stocks of Horses, Cattle or Hogs, on the Lands hereby allotted them: For Remedy whereof, *Be it enacted by the Authority aforesaid*, That it shall not be lawful for any Person or Persons whatsoever to hunt or range on the said Lands, or to drive Stocks of Cattle, Horses or Hogs thereon, on Pain of forfeiting the Sum of fifty Pounds Specie for every such Offence, together with such Stock or Stocks of Horses, Cattle or Hogs, so driven; to be recovered by any Person who shall sue for the same in the Manner aforesaid.

No persons to hunt, range, or drive stock on their lands.

Penalty.

IX. *AND* be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person who now is, or hereafter shall become a Citizen of this State, according to the Constitution thereof, to enter with the Entry-Taker to be appointed by joint Ballot of both Houses of this General Assembly to receive Entries for Claims of Land (all Lands in this Act reserved for the *Indians* excepted) a Claim for any Lands, provided such Claim does not exceed five thousand Acres.

Entries by whom to be made.

Quantity.

X. *AND* be it further enacted by the Authority aforesaid, That every Person claiming, before he shall be entitled to enter a Claim for any of the said Lands, shall pay into the Hands of the Entry-Taker at the Rate of ten Pounds in Specie, or in Specie Certificates at their nominal Value, or Certificates for Currency as rated by Law, and all other Certificates at the Value ascertained by the Scale of Depreciation, for every hundred Acres so entered, together with the Fees which by this Act shall be established.

What to be paid previous to an entry.

XI. *AND* be it further enacted by the Authority aforesaid, That the Claimant of any Land shall produce to the Entry-Taker a Writing signed by such Claimant, setting forth where the Land shall be situated, the nearest Water-Courses, Mountains and remarkable Places, and such Water-Courses and remarkable Places as may be therein, the natural Boundaries and Lines of any other Person or Persons, if any, which divide it from other Lands; and every such Writing shall be in one Quarter of a Sheet of Paper at least, and shall be endorsed by the Entry-Taker with the Name of the Claimant, and Number of Acres claimed, and Date of the Entry; and a Copy thereof shall be entered in a well bound Book, ruled with a large Margin, and into Spaces of equal Distances, every Space to contain one Entry only, and every Entry to be made in the Order of Time in which it shall be received, and numbered in the Margin; and if no Person shall appear within three Months after such Entry, to make Claim for the said Lands, the Entry-Taker shall deliver to the Party a Copy of the Entry with its proper Number, and a Warrant to the Surveyor to survey the same, which Warrant shall be written or printed on a Half Sheet of Paper at least; but if any Person shall appear and set up a Claim to any Lands so entered, the Entry-Taker shall note the same in the Margin of the Book of Entries opposite such Claim, and transmit the whole to the Court, to be proceeded on as by the said Act directed.

Lands how to be ascertained by the claimant.

Entry-taker's duty.

Time limited for adverse claims.

Proceedings in consequence of such claim.

XII. *PROVIDED* nevertheless, That it shall not be lawful for any Person to make Entry of, or settle on any Lands within the Bounds reserved for the Officers and Soldiers of the Continental Line of this State. *Provided also, and it is hereby expressly declared*, That it shall not be lawful for any Person or Persons to claim, enter, or survey the great Island in *Holstein* River; and if any such Entry be made, (the same having been made in open Violation of Treaty) is hereby declared void. *And be it enacted*, That the said Island shall be, and hereby is reserved and appropriated to the sole Purpose of holding the beloved Talks and Treaties on, with the said *Cherokee* Indians, and shall not be granted, sold or disposed of, to any Person or Persons whatever.

Lands excepted from entry.

No entries to be made on the great island in *Holstein* river.

See act April, 1784, c. 20.

XIII. *AND* be it further enacted by the Authority aforesaid, That every Entry-Taker that now is, or hereafter may be appointed, shall previous to his entering on the Execution of his Office, enter into Bond with approved Security, in the Sum

Entry-takers to give bond.



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To discharge his duty.

How to be proceeded on in case of a breach.

To give bond also to account with the treasury, &amp;c.

Office for the western lands where to be held.

Secretary's duty in respect to grants.

When to be registered in the county.

Fees of Entry-takers, Surveyors, Registers &amp; Secretary.

Secretary's how to be paid.

Surveyor to return lists, &amp;c.

Entry-takers when to deliver their warrants, &amp; manner of doing the same, to the Surveyor.

Sum of ten thousand Pounds Specie, to the Governor for the Time being, for the faithful Discharge of his respective Duty; which Bond upon a Breach of the Condition thereof, shall be assigned by the Governor to the Party or Parties injured, who shall or may maintain an Action or Actions thereupon in his or their own Names, and shall not become void upon the first Recovery, or if Judgment be for the Defendant, but may be put in Suit from Time to Time until the whole Penalty be recovered; and every Entry-Taker shall also give Bond in the Sum of fifty thousand Pounds Specie, payable to the Governor for the Time being, and his Successors in Office, well and truly to account and pay to the public Treasury, all such Monies or Certificates as he is, or shall be required by Law to account for and pay in Virtue of his Office; and where the Entry-Taker shall fail to account for and pay the Monies and Certificates by him received into the public Treasury, as required by Law, the Treasury shall proceed against him as by the said Act directed.

XIV. AND whereas establishing the Office for receiving Entries of Claims for the Western Lands convenient to the Citizens in general, will greatly tend to the Disposal of the said Lands; *Be it therefore enacted by the Authority aforesaid*, That the Office of receiving Entries of Claims for Lands, Westward of the Line herein before established, shall be held at *Hillsborough*.

XV. *AND be it further enacted by the Authority aforesaid*, That the Secretary shall make out Grants for all Surveys returned to his Office, which Grants shall be authenticated by the Governor, countersigned by the Secretary, and recorded in his Office, ready to be delivered to the Parties to whom the same shall be made, on the first Day of *April* and *October* in every Year; and every Person obtaining a Grant for Lands, shall within twelve Months after such Grant shall be perfect as aforesaid, cause the same to be registered in the Register Office of the County where the Lands shall be.

XVI. *AND be it further enacted by the Authority aforesaid*, That the several Entry-Takers, Surveyors, Registers, and the Secretary, shall be entitled to have and receive the Fees hereafter particularly specified, and no more; *that is to say*, To the Entry-Taker for all Services, four Shillings; to the Surveyor for making the Survey and all other Services, for every three hundred Acres or under, sixteen Shillings, and for every one hundred Acres more, four Shillings.

XVII. *AND be it further enacted by the Authority aforesaid*, That the Entry-Takers shall receive the Secretary's Fees on the several Entries made in their respective Offices at the Time of making the same, and shall on the first Day of *April*, and the first Day of *October* annually, account with, and pay to the Secretary, all such Monies by them so received, after deducting a Commission of five *per Cent.* for their Trouble in collecting and paying the same.

XVIII. AND in order to ascertain such Grants as may issue in future, *Be it enacted by the Authority aforesaid*, That with each Return hereafter to be made, the Surveyor shall return two fair Lists, setting forth the Name of the Grantee, and Number of Acres surveyed, with the Date of such Return; one of which Lists shall be signed by the Surveyor and left with the Secretary, and the other signed by the Secretary and returned to such Surveyor.

XIX. AND whereas many Disputes have and may arise from the Surveyor giving Preference to Warrants of a younger Date, and not certifying in the Return of Survey, the Date of the Entry, and Number of the Warrant under which the same is surveyed, by Means whereof Grants have in many Instances issued on such Returns contrary to the true Intent and Meaning of the said Act: For Prevention whereof in future, *Be it enacted by the Authority aforesaid*, That every Entry-Taker within this State shall make out and deliver to the Surveyor, on or before the first Day of *April*, and the first Day of *October* annually, the Warrants for the several Entries (which are not disputed) made in his Office, endorsed in the Manner aforesaid; which Surveyor shall proceed in his Surveys, according to the Number and Date of the respective Entries, and shall within twelve Months after the receipt thereof, lay off and survey the same agreeable to the Directions of the said Act; and shall make two fair Plats thereof, on not less than a quarter



of a Sheet of Paper, certifying in such Plats the Date of the Entry, and Number of the Warrant under which the same shall be made, and shall set down in Words at Length, the Beginning, Courses, Distances, Marks and Water Courses, together with the Lines of such Lands as may join the same, and the Quantity of Acres; which Return shall be signed by such Surveyor or his Deputy, and transmitted with the Warrant to the Secretary's Office within eighteen Months after receiving the same, under the Penalty of fifty Pounds Specie for every Default, to be recovered by the Action of the Party injured, before any Jurisdiction having Cognizance thereof, and applied to his own Use.

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Surveys how to be made.

And returned, &amp;c.

Pen. for neglect.

XX. *PROVIDED always*, That where any Entry shall be caveated, it shall not be lawful for such Surveyor to survey any Entry for the same Land, (of a younger Date than the one caveated) joining or intersecting such Entry, until a final Determination be had on such Caveat; and every Entry-Taker shall copy and transmit to the Surveyor every Caveat entered in his Office, with the Time of entering such Caveat, and the Number thereof.

Proviso for entries caveated.

XXI. *AND* whereas Grants may be secretly obtained on Entries heretofore made by artful and designing Men, for Land to which they have no just Title, to the great Injury of many of the Inhabitants of this State; for Prevention whereof, *Be it enacted by Authority aforesaid*, That upon Complaint being made on Oath, and sufficient Reason shewn to the Governor or Commander in Chief, he may suspend the Execution of such Grants, and direct the Secretary to certify the same to the Court of the County wherein the Land may lie, and the Court shall, upon receiving such Certificate from the Secretary, order a Trial by Jury, in the same Manner as they might do if a Caveat had been made in the Office of the Entry-Taker, and the Proceedings to be conducted in the same Manner as is directed by the before recited Act.

Governor may suspend the execution of grants.

Proceedings thereupon.

XXII. *AND be it further enacted by the Authority aforesaid*, That so much of the aforesaid Act of the General Assembly for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned, and the several Amendments thereof, as comes within the Meaning of this Act, shall be, and are hereby repealed and made void.

Repealing clause.

XXIII. *AND be it further enacted by the Authority aforesaid*, That all the Lands lying between the Iron Mountain and the present Indian Boundary, as far as a Point opposite to the Line already extended betwixt Burke and Rutherford Counties, shall be entered in the County of Burke; and all the Lands South of the last mentioned Line to the South Line of this State and the Indian Boundary, from the aforesaid Point, shall be entered in the County of Rutherford.

Certain lands to be entered in Burke and Rutherford.

XXIV. *AND be it further enacted by the Authority aforesaid*, That this Act shall be in Force, and take Effect in the respective Counties in this State, on the first Day of August next, excepting for the Lands appropriated by sundry Acts of this Assembly, lying to the Westward of the present Indian boundary Line, which said Lands shall not be liable to be entered until the twentieth Day of October next.

When to be in force.

## C H A P III.

*An Act to amend an Act, entitled, An Act for the Relief of the Officers and Soldiers of the Continental Line, and for other Purposes.*

See act June, 1782, c. 15, and acts there referred to.

I. **W**HEREAS by the above mentioned Law, certain Quantities of Land are allowed to sundry Persons, Officers and Soldiers, and to the Heirs of sundry Officers and Soldiers who have fallen in the Course of the War, for obtaining Titles to which no Mode is pointed out:

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That each and every Person and Persons entitled to Land by Virtue of the aforesaid Law, shall on Application being made to the Secretary of the State, obtain and receive from him a Warrant of Survey for such Quantities of Land, within the Limits of the Land reserved by the aforesaid Law for the said Officers and Soldiers, as he, she, or they, by the

Secretary to issue warrants of survey.



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Surveyor appointed, &amp;c.

His oath.

Disputes determined by lot.

When the warrants are to issue. Time allowed the officers, &amp;c. for securing.

What locations to be valid.

Secretary to make out grants, &amp;c.

Within what lines the lands to be bounded.

Persons prohibited from entries. Exceptions.

Commissioners, &amp;c. allowed lands.

How to enter them.

Fees allowed, &amp; manner of securing them.

afore said Law shall be entitled to, which shall be directed to Colonel *Martin Armstrong*, who is hereby appointed Surveyor for this Purpose, and is authorized and required, by himself or Deputy, to execute and return the same into the Secretary's Office within the same Time, and in the same Manner as is required in other Cases; and for which Services he shall be entitled to the same Fees, and be subject to the same Pains and Penalties for Neglect or Breach of Duty; and shall also previous to his entering upon the Exercise of that Office, take the same Oath in Presence of the Governor, as is by Law appointed to be taken by other Surveyors, and shall also administer to every Chain-Carrier who shall be employed with him in running out any of the said Tracts, the same Oath as is usually administered to Chain-Carriers in other Cases.

III. AND least Disputes should or may arise between two or more Persons by each wishing or claiming to have his Warrant or Warrants located on the same Piece of Land; *Be it enacted by the Authority aforesaid*, That in such Case the Parties contending or claiming the same, shall cast Lots for the Choice, and the Person in whose Favour the Lot falls, shall have the Preference to such Tract or Parcel of Land so claimed.

IV. *AND be it further enacted by the Authority aforesaid*, That no Warrant shall be issued by the Secretary in Virtue of this Act, before the first Day of *October* next; and the Officers and Soldiers aforesaid shall be allowed the Term of three Years from the first Day of *October* next to secure the Lands hereby reserved for them.

V. *AND be it further enacted by the Authority aforesaid*, That where a Warrant shall be hereafter located, without any Person making Objections to such Location, that such Location shall be good and valid, notwithstanding the Claim that may be afterwards set up by any other Person.

VI. *AND be it further enacted by the Authority aforesaid*, That the Secretary shall make out Grants for all Surveys returned to his Office, which Grants shall be authenticated by the Governor, countersigned by the Secretary, and recorded in his Office ready to be delivered to the Parties to whom the same shall be made.

VII. AND for Prevention of Disputes, *Be it enacted by the Authority aforesaid*, That the Officers and Soldiers aforesaid shall enter and survey the Lands within the following Lines, *that is to say*, Beginning in the *Virginia* Line where *Cumberland* River intersects the same, thence South fifty-five Miles, thence West to the *Tennessee* River, thence down the *Tennessee* to the *Virginia* Line, thence with the said *Virginia* Line East to the Beginning.

VIII. *AND be it further enacted by the Authority aforesaid*, That no Person or Persons but the Officers and Soldiers of the Continental Line (except those who are now settled on *Cumberland* River and have a Right of Pre-emption, whose Claims are hereby reserved to them) shall enter any Lands within the said Bounds within three Years after the passing of this Act; and all Entries hereafter made within that Time, by any except Officers or Soldiers entitled by Law, are hereby declared void.

IX. *PROVIDED nevertheless*, That *Anthony Bledsoe*, *Absalom Tatom*, and *Isaac Shelby*, late Commissioners to lay off the Lands for the Continental Officers and Soldiers, and the Surveyors Guards, and others who accompanied the said Commissioners on that Duty, shall each obtain Titles to such Quantity of Land within the Bounds aforesaid, as they or each of them are entitled to by the Act under which they were appointed, by entering the said Lands with the Entry-Taker of *Davidson* County, who is required to receive their Claims without any Purchase Money, and to grant them Warrants for the same.

X. *AND be it further enacted by the Authority aforesaid*, That the Surveyor by this Act appointed, shall have the same Fees as by Law are appointed for public Surveyors, and shall be, and hereby is allowed and permitted to lay off for himself, within the Bounds of the aforesaid Tract of Land, equal to the Amount of his Fees, rating the said Lands at ten Pounds the hundred Acres, any Thing in this Act notwithstanding.

XI. *AND be it further enacted by the Authority aforesaid*, That the Scale of Depreciation established by an Act, entitled, *An Act for establishing a Scale of Depreciation*,



ciation, with a Provision for Suits commenced for Paper Currency, and for suspending the Operation of the Laws therein mentioned, shall be the Scale by which the Continental Officers and Soldiers of this State shall account for all such Sums of Money as they have received in Part of their Pay and Subsistence, and by which they shall account for such Balances as may be due from them on the Sums by them received for the Purpose of recruiting.

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Officers how to account for money they have received.

XII. *AND* be it further enacted by the Authority aforesaid, That all Officers who have served with Reputation two Years and upwards, and either resigned, or were left out of the Line on the Reduction of their respective Corps, and their Heirs, shall be entitled to Grants of Land proportionate (having Respect to their Time of Service) to those Grants that Officers who have served during the War are entitled to by Law, computing their Time of Service at seven Years; and also all Soldiers who have served two Years or upwards, shall be entitled to Grants of Lands proportionate (having Respect to their Time of Service) to those Grants of Lands that Soldiers who have served two Years and an Half are entitled to by Law.

How lands to be proportioned between different kinds of officers.

XIII. *AND* be it further enacted by the Authority aforesaid, That his Excellency Alexander Martin, Esquire, and David Wilson, Esquire, be entitled, agreeable to Report of the Committee, to two thousand Acres of Land each, adjacent to Lands allotted for the Officers and Soldiers, for which they shall have and receive Titles in the same Manner as is directed by this Act, for the Officers and Soldiers to obtain Titles to their Lands, any Law or Custom to the contrary notwithstanding.

Lands allowed to Governor Martin &amp; David Wilson.

XIV. *AND* whereas it will be more convenient for the Officers and Soldiers to attend at Halifax than at Newbern to have their Accounts liquidated and settled; Be it enacted by Authority aforesaid, That Willie Jones, Benjamin M'Culloch, and Henry Montfort, Esquires, be, and are hereby appointed Commissioners in the Room and Stead of James Coor, John Hawks, and William Blount; and in Case of the Death of the said Willie Jones, Benjamin M'Culloch, or Henry Montfort, or Refusal to act, the Governor is hereby empowered to appoint one or more Persons in his or their Place, as the Case may be, to liquidate and settle the Officers and Soldiers Accounts to the first Day of January, one thousand seven hundred and eighty-two, who are hereby empowered to allow Interest on all Accounts by them settled, agreeable to a Resolution of this General Assembly of the fifteenth of May.

New commissioners for the army accounts appointed, &amp;c.

Their duty.

XV. *AND* whereas it is absolutely necessary that some Mode be adopted for the speedy Recovery of Monies due from any delinquent superintendant Commissioner, or County Commissioner of confiscated Property, Sheriffs, Treasurers, and Tax-Gatherers; Be it enacted by the Authority aforesaid, That if any superintendant Commissioner, or County Commissioner of confiscated Property, Sheriff, Treasurer or Tax-Gatherer, who have been, or shall be appointed by Virtue of any Act of Assembly, shall fail or neglect to account for all Monies which they respectively have been, now are, or hereafter shall be empowered and authorized to receive, it shall and may be lawful for any Court of Record in this State, on Motion of the Attorney-General, or any other Attorney, to grant Judgment against such superintendant Commissioner, or County Commissioner of confiscated Property, Sheriff, Treasurer or Tax-Gatherer, for all Sums which he may have in his Hands unaccounted for, with Interest thereon from the Day of Receipt till the same is paid, and to award Execution against the Body, Goods and Chattels, Lands and Tenements, of such Delinquent, or his Securities; provided such Delinquent have ten Days previous Notice of such Motion; any Law to the contrary notwithstanding.

Delinquent commissioners, Sheriffs and others, to account.

Proceedings against those who neglect.

## C H A P. IV.

*An Act for the establishing a Scale of Depreciation, with a Provision for Suits commenced for Paper Currency, and for suspending the Operation of the Laws therein mentioned.*

I. **W**HEREAS much Difficulty hath arisen in the adjusting and settling Debts and Demands, as well within the Courts of this State as out thereof, from the rapid Depreciation of Paper Currency emitted in Circulation; and that a fixed and permanent Scale may be established for the ascertaining the Value of the same in future,

II. *BE*



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Scale of depreciation established.

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the following Scale shall be, and is hereby declared to be the only Scale to determine the Value of the Depreciation of the Paper Currency of this State, in all Cases whatsoever, estimating the same in Specie; deeming one Spanish milled Dollar, weighing seventeen Penny-Weight six Grains, to be of the Value of eight Shillings Specie; which Scale shall be as follows, *that is to say* :

YEARS and MONTHS.	1777.	1778.	1779.	1780.	1781.	1782.
January, - - - -	0	3½	6	32	210	800
February, - - - -	0	3½	6½	35	225	800
March, - - - -	1¼	3¾	7½	40	250	800
April, - - - -	1½	4	10	50	260	800
May, - - - -	1¾	4	10	60	300	800
June, - - - -	2	4	12¼	75	350	800
July, - - - -	2⅛	4¼	15	90	400	800
August, - - - -	2¼	4½	18	100	500	800
September, - - - -	2½	4½	21	125	550	800
October, - - - -	2½	4¾	25	150	600	800
November, - - - -	2½	5	27	175	675	800
December, - - - -	3	5½	30	200	725	800

Value of coins.

III. *AND* be it further enacted by the Authority aforesaid, That the following Scale of the Value of Gold and Silver foreign Coin, shall be the only Value thereof, in the Transactions of Gold and Silver hereafter; *that is to say* :

A T A B L E O F C O I N S .

Gold Coins.	dwt. gr.	£. N. Cur.	Silver Coins.	dwt. g.	£. N. Cur.
A Guinea -	5 6	1 17 4	French Crown	—	0 9 0
Half a Guinea	2 15	18 8	English Crown	—	0 9 0
A French Guinea	5 5	1 16 0	Half Crown	—	0 4 6
Moidore	6 18	2 8 0	Quarter ditto	—	0 2 3
Four Pistole Piece	17 0	6 0 0	A Dollar	17 6	0 8 0
A Pistole	4 4	1 10 0	Half Dollar	—	0 4 0
Double Johannes	18 0	6 8 0	Quarter Dollar	—	0 2 0
Single ditto	9 0	3 4 0	A Pistareen	—	0 1 8
Half ditto	4 12	1 12 0	English Shilling	—	0 1 8
Quarter Johannes	2 16	0 16 0			

Scale to be read in evidence.

And the said Scale shall hereafter be read in Evidence in all the Courts of this State, to liquidate all Debts and Demands, and in entering up Judgments thereon.

Proviso for a debt in the present time & payment in future.

IV. *PROVIDED* always, and it is the true Intent and Meaning of this Act, That on Trials of Actions for Debt, where the Debt is in the present Time, and the Payment in the future Time, the Contracts, and all Matters, Circumstances and Things relating thereto, shall be given in Evidence to the Jury, whose Verdict shall regulate the same, so that Judgment may be entered up thereon.

Judgment to be given in specie.

V. *AND* whereas many Suits are hanging up in the Superior and Inferior Courts, from the Damage in Writs being laid in the said Paper Currency, whereon if the Plaintiff had proceeded to Judgment, such Judgment would in no Manner have been intrinsic and adequate to the Debt or Damage sustained or demanded; *Be it enacted by the Authority aforesaid*, That the Judges and Justices of the said Courts are hereby authorised and empowered to direct the Jurors in all such Cases, to find their Verdict in Specie, although the Writ shall be laid in the said Paper Currency, and to enter up Judgment in Specie; which Variation between the Writ and Judgment shall not be assigned an Error thereon, in Impediment of Justice and the Operation of this Law.

Justices of the Peace to decide according to the scale.

VI. *AND* be it further enacted by the Authority aforesaid, That all Justices of the Peace, on Trial of Warrants brought before them, or any of them, shall give Judgment and award Execution according to the foregoing Scale of Depreciation, and agreeable to the true Intent and Meaning of this Act.

VII. *AND*



A. D. 1783.

VII. *AND be it further enacted by the Authority aforesaid*, That on all Pleas of Tender, with an *Always ready*, alledged to be made after the last Day of *March*, one thousand seven hundred and seventy-seven, the Party pleading such Plea shall file an Affidavit therewith, that the Sum so tendered was equal at the Time of such Tender to the Debt or Damage demanded, according to the then Depreciation; and for the Want of such Affidavit the Plaintiff shall be admitted to proceed on his Writ in the usual Course of Practice, unless the Defendant waves his said Plea, and pleads to Issue.

Regulation as to pleas of tender.

VIII. *PROVIDED nevertheless*, That no Creditor who hath before the said last Day of *March*, in the Year seventeen hundred and seventy-seven, refused to receive, or artfully evaded receiving his Debt in Currency, shall be entitled to have Depreciation made good to him.

Proviso where the paper currency was refused or evaded, &amp;c.

IX. *AND* whereas great Injustice and Injury may arise to many Persons who may have Claims to Property, or Demands on Debtors, by Reason of the Courts of Justice being often stopped, the Depreciation of the Paper Currency, and the Intrusion of a destructive War, Creditors have been prevented from prosecuting for the same to any Effect; that Justice and Equity may therein be done, *Be it enacted by the Authority aforesaid*, That the Statute of Limitations, entitled, *An Act concerning old Titles to Lands, and for Limitations of Actions, and for avoiding Suits in Law*, be and is hereby suspended from its usual Operation, so far forth as it acts, or might act, as an Estoppel or Impediment against the Recovery of Lands, Tenements and Hereditaments, or any of them, or the Recovery of Property by Actions of Detinue, Trover and Conversion, or Demands against Debtors, or Suits in Equity coming within the Provisions and Remedies of this Act, from the fourth Day of *July*, seventeen hundred and seventy-six, to the first Day of *June*, seventeen hundred and eighty-four, that all Persons may implead or be impleaded in that Time, unless the said Law had had the full Operation thereof before the said fourth Day of *July*, in the Year aforesaid.

Statute of limitations suspended.

X. *AND be it further enacted by the Authority aforesaid*, That until the said first Day of *June*, seventeen hundred and eighty-four, any Plaintiff shall and may recover under the Act commonly called the Book-Debt Act, a Verdict and Judgment for such Articles as he or she shall prove by his or her own Oath, although the Cause of Action may not have arisen within two Years before the Time when the Suit was, or shall be commenced; any Thing in the same Act to the contrary notwithstanding.

Regulation as to book debts recovered before 1st June, 1784.

XI. *AND be it further enacted by the Authority aforesaid*, That all and every Act of this State making the Paper Currency thereof, heretofore emitted, or the Continental Paper Currency, a Tender in the Payment of Debts, so far forth as they relate to the Payment of Debts, are hereby repealed and made void.

Acts making paper currency a tender repealed.

XII. *AND* whereas many great and difficult Disputes may happen in Matters of Administration, Testamentary, and Trusts between Executors, Administrators and Guardians, and their Wards and Minors, in the Settlement of Accounts and Trusts, arising from the said Depreciation, and Incidents growing out of the Times, which are only determinable in a Court of Equity; and that Law Suits and expensive Litigation thereon may be obviated, *Be it enacted by the Authority aforesaid*, That in all such Cases as above described, the Parties are hereby empowered to form a full and perfect State of the Case on both Sides, at their joint Expence, which Case shall be submitted to the Determination of the Judges of the Court of Equity, who are hereby authorized to take such Case under their Consideration, and to determine the same according to Equity and good Conscience.

Particular cases that may be submitted by consent to the Court of Equity.

XIII. *PROVIDED* always, and it is the Intent hereof, That no Part of this Law shall be construed to estop, or hinder any Person or Persons from proceeding in the usual Course of Law, if he, she, or they shall deem the same necessary. *And provided also*, That in all Cases where a Debt is due, upon Bond, Note, or otherwise, with a penal Sum, and a Part thereof paid in Paper Currency, then and in that Case, this Act shall not enable or suffer the Creditor to take any Sum out of the Penalty, or be construed to affect the Residue of said Debt; any Thing to the contrary notwithstanding.

Proviso not to prevent a due course of law, if either party thinks proper.



A. D. 1783.

The act not to enable any person coming within any of the confiscation acts, or an assignee, to bring suit, &c.

See the treaty of peace, and act Nov. 1787, c. 1.

XIV. *PROVIDED* nevertheless, That Nothing in this Act shall be construed to enable any Person or Persons, by themselves or their Agents or Attornies, Heirs or Assigns, to bring Suit for any Lands, Tenements or Hereditaments, or any Actions of Detinue, Trover and Conversion, on any Bond, Note, or other Contract or Agreement, or to have any Judgment upon any such Suit or Action, if it shall appear to the Court that the Plaintiff in such Suit or Action, comes within the Description of any of the Laws commonly called the Confiscation Laws, or being Assignee of any Person coming within the aforesaid Description, or have withdrawn themselves from the common Defence of the Country during the War; and that all Suits commenced in any of the Courts of Law or Equity in this State, formed upon any such Suits for any Lands and Tenements, or Hereditaments, or any Action of Detinue, Trover and Conversion, or on any Bond, Note, or other Contract, Agreement or Account, by any Person included within the Description of the aforesaid Laws commonly called the Confiscation Laws, shall be declared null and void, and no Judgment shall be obtained thereon.

## C H A P. V.

*An Act to indemnify such Persons as have acted in Defence of the State, and for the Preservation of Peace during the late War, from vexatious Suits and Prosecution.*

I. **W**HEREAS during the late War with *Great-Britain*, which began on or about the twentieth Day of *April*, in the Year of our Lord one thousand seven hundred and seventy-five, divers Officers of the Army, Officers of the Militia, Justices of the Peace, and other Officers and Persons well affected to the Freedom and Independence of the People, in order to enforce and protect our present happy Establishment and the Peace of the State, and to suppress and put an End to the War, apprehended and put into Custody and imprisoned, or caused to be apprehended, put into Custody or imprisoned, several Criminals, Traitors and others, whom they suspected had, or might adhere to the Enemies, were in open Rebellion, or might disturb the Peace of the said State, or excite and promote evil Designs against the same, and also seized and used Horses, Arms, and other Articles, and also impressed divers Waggons, Carriages, Horses, Arms, Provisions and other Things essentially necessary for supplying Troops in the Service of the United States, or of this State, with Arms, Provisions or Forage, or for recovering any military Stores, Forage or Baggage, either for repelling the Enemy, or their Adherents, and carrying on the War, and for the Purposes aforesaid, entered into the Houses and Possessions of divers Persons, and committed sundry Acts, which though not strictly agreeable to Law, yet were requisite, and so much for the Service of the Public, that they ought to be justified by Act of Assembly, and the Persons by whom they were transacted indemnified:

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all personal Actions and Suits, Indictments, Informations, and all Molestations, Prosecutions and Proceedings whatsoever, and all Judgments thereupon, if any be, for or by Reason of any Matter or Thing advised, commanded or appointed to be done or executed, in consequence of and during the late War with *Great-Britain*, and until the first Day of *May*, in the Year of our Lord one thousand seven hundred and eighty-three, in order to repel the Enemy, carry on the War, or to preserve the Peace, Safety and Independence of the State, shall be discharged and made void; and that every Person by whom any such Act, Matter or Thing, shall have been so advised, commanded, appointed or done, for the Purposes aforesaid, or any of them, before the said first Day of *May*, shall be freed and acquitted, and indemnified as well against the State, as against all and every Person or Persons: And if any Action or Suit hath been, or shall be commenced or prosecuted against any Person or Persons for any such Act, Matter or Things, so advised, commanded, appointed or done, for the Purposes aforesaid, or any of them, before the said first Day of *May*, he, she, or they may plead the General Issue, and give this Act, and the special Matters in Evidence, and if the Plaintiff or Plaintiffs shall become non-suited, or forbear further Prosecution, or discontinue his or their Suit, or if a Verdict shall pass against such Plaintiff or Plaintiffs, the Defendant or Defendants

Persons indemnified.

Such persons if sued or prosecuted, may plead the general issue, and give this act, &c. in evidence.

ants



A. D. 1783.

ants shall recover his, her, or their full Costs, where he, she, or they shall have the like Remedy, as where Costs by Law are given to the Defendants in other Cases. *Provided*, That Nothing in the foregoing Act shall be construed or intended to justify any Person whatever, who under Pretences of public Service shall have distrained and taken any Thing or Things from the Citizens of this State, and converted the same to their own or any other Persons Use, but the Right to sue and recover Damages from all such Persons, is expressly reserved to the Citizens of this State for such Mal-versations.

*Proviso, not to justify a wrong under colour of public service.*

## C H A P. VI.

*An Act of Pardon and Oblivion.*

See acts Nov. 1783, c. 23, Nov. 1788, c. 4.

I. **WHEREAS** it is the Policy of all wise States on the Termination of civil Wars, to grant an Act of Pardon and Oblivion for past Offences, and as divers of the Citizens of this State, and others the Inhabitants thereof, in the Course of the late unhappy War, have become liable to great Pains and Penalties for Offences committed against the Peace and Government of the State, and the General Assembly out of an earnest Desire to observe the Articles of Peace, and on all Occasions disposed to forgive Offences rather than punish where the Necessity for exemplary Punishment has ceased :

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That all and all Manner of Treasons, Misprision of Treason, Felony or Misdemeanor, committed or done since the fourth Day of July, seventeen hundred and seventy-six, by any Person or Persons whatsoever, be pardoned, released, and put in total Oblivion.

*Offences obliterated.*

III. *PROVIDED* always, That this Act, or any Thing therein contained, shall not extend to pardon or discharge, or give any Benefit whatsoever to Persons who have taken Commissions, or have been denominated Officers, and acted as such under the King of Great-Britain, or to such as are named in any of the Laws commonly called Confiscation Laws, or such as have attached themselves to the British and continued without the Limits of this State, and not returned within twelve Months previous to the passing of this Act. *Provided further*, That Nothing herein contained shall extend to pardon Peter Mallette, David Fanning, and Samuel Andrews, or any Person or Persons guilty of deliberate and wilful Murder, Robbery, Rape, or House-Burning, or any of them, any Thing herein contained to the contrary notwithstanding. *Provided nevertheless*, That Nothing in this Act shall be construed to bar any Citizen of this State from their civil Action for the Recovery of Debts and other Damages. *Provided also*, That Nothing herein contained shall entitle any Person by this Law to be received, to elect or be elected, to any Office or Trust in this State, or to hold any Office civil or military.

*Proviso, for persons who have taken commissions against the State.*

*Peter Mallette, David Fanning, &c. excepted.*

IV. **WHEREAS** by an Act passed at Wake Court-House, all Officers civil and military, who had taken Parole, were suspended from the Execution of their respective Offices, and required to appear at the next General Assembly to shew Cause, if any they could, why they should not be removed from said Office; and whereas several of the Officers aforesaid have neglected to appear agreeable to the Requisition of the Act of Assembly; *Be it enacted by the Authority aforesaid*, That all such Officers, both civil and military, is hereby declared to stand suspended from the Execution of their several Offices, until they shall appear at some future Assembly, and be restored to the Execution of their respective Offices, or removed agreeable to their Merit or Demerit.

*Persons who have taken parole to continue suspended.*

V. *PROVIDED*, That Nothing herein contained shall be construed to exclude a Justice of the Peace from executing the Duties of his Office, who shall make it appear to the Satisfaction of the Court of his County, by Oath or otherwise, that he was taken Prisoner without his Consent and Privity, and that after his Capture he had not voluntarily stayed with the Enemy, nor taken an active Part in any Manner, by furnishing them willingly with Provision, bearing Arms, or accepting any Appointment in their civil Regulations.

*Proviso for Justices of the Peace*



*A. D. 1783.*  
 Temporary.

C H A P. 7. *An Act to suspend the Operation of Executions, for a Time therein mentioned.*

C H A P. VIII.

*An Act to prevent vexatious Suits, and to confirm the Rights and Titles of sundry Citizens therein mentioned.*

I. **W**HEREAS during the late Invasion of the State of *Georgia*, Contracts were made by the Governor and Council of *Georgia*, with several of the Citizens of this State, for Horses and other valuable Property to mount their Dragoons, and other public Purposes, the more effectually to oppose the common Enemy; And whereas the said Citizens of this State have received from the public Officers of the said State of *Georgia*, by Order of their Governor and Council, several Negroes and other Property heretofore belonging to the Subjects of that State, in Payment for Horses and other Property as aforesaid:

In suits for property obtained from the Governor and Council of *Georgia*, what evidence may be given, &c.

II. *BE it therefore enacted by Authority of the General Assembly of the State of North-Carolina*, That if any Citizen of this State shall be sued for any Negroes, or other Property as aforesaid, obtained from the Governor and Council of the State of *Georgia*, for Horses or other Property sold as aforesaid, such Citizens shall be allowed to give in Evidence such Contract, and if the same shall be proved to the Satisfaction of the Court and Jury trying the Cause, a Verdict and Judgment shall be given for the Defendant; any Law, Custom, or Usage to the contrary, notwithstanding.

C H A P IX.

*An Act to inhibit and put an End to the entering up Judgments on Bonds commonly called Judgment Bonds.*

I. **W**HEREAS it hath been heretofore usual for Persons to enter up Judgments on old and dormant Bonds and other Writings, with Powers to confess Judgment thereon, by any practising Attorney in any Court of Law, without previous Notice to the Debtor or Debtors to make his Defence, and enable such Debtor or Debtors to produce his or their Releases, Receipts and other Acquittances, by Means whereof much Fraud hath been committed, and the good Citizens burthened with heavy Judgments and Costs, without any Relief but by an expensive Course in Equity: For Prevention of such Abuses in future,

Judgment bonds declared void as to the power of entering up judgment.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That from and after the passing of this Act, all Judgment Bonds, Notes and other Writings, with Power to any Person whatever to confess Judgment thereon, shall be and are hereby declared utterly void as to such Power, but the same Proceedings shall be had thereon, as on common Bonds and penal Notes.

C H A P. X.

*An Act to amend the Assessment Law passed last Assembly at Hillsborough.*

See act April 1782, c. 7.

I. **W**HEREAS in a Time of War it was necessary that all Persons refusing from a conscientious Motive to bear Arms, should be taxed heavier than those who actually performed military Service, in consequence whereof the *Moravians, Quakers, Menonists* and *Dunkards*, were taxed in a three-fold Proportion; and whereas by Divine Providence Peace and Harmony are once more restored to the State, by which Means the Cause for such unequal Taxation is removed; and as it is contrary to the Spirit of our Constitution that any Citizen should pay an extraordinary Tax on Account of Religion:

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That so much of the Assessment Law, passed at *Hillsborough*, in the Year one thousand seven hundred and eighty-two, as relates to the extraordinary Taxation of the *Moravians, Quakers, Menonists* and *Dunkards*, be and is hereby repealed and made void.

III. AND



III. AND whereas many of the Citizens of this State have hitherto refused and neglected to take the Oath or Affirmation of Allegiance by Law prescribed, and therefore have not any Right or Title to Indulgence; *Be it therefore enacted by the Authority aforesaid*, That all Persons Citizens of this State, who have not taken the Oath or Affirmation of Allegiance by Law prescribed, shall take the same within six Months after passing this Act, and all Persons refusing or neglecting to take an Oath or Affirmation of Allegiance as aforesaid, shall pay double the Tax.

*d. D. 1783.*  
Pen. for refusing to take the oath of allegiance.  
See act April 1784, c. 29.

IV. *AND be it further enacted by the Authority aforesaid*, That no Person shall be subject to a greater Taxation, in Proportion to his taxable Property, by Reason of his being exempt by Age or Infirmary from military Service, than other the Citizens of this State. *Provided*, That no Person who has come to the Age of sixteen Years since the Time last prescribed by Law for taking the Oath of Allegiance, shall be deemed to be within the Meaning of this Clause, they having Proofs of their Fidelity.

Unequal tax taken off.

V. *PROVIDED also*, That Nothing in this Act shall be construed so as to permit any Person who has been in Arms against this or the United States, or joined the Enemy thereof, to avail themselves by taking the Oath so as to become Citizens of this State.

Proviso for persons who have been natural. See Treaty of Peace, & act Nov. 1787, c. 1.

VI. AND whereas in several of the Counties in this State the Collectors have refused or neglected to give Bond for the Collection of public Taxes agreeable to Law; *Be it therefore enacted by the Authority aforesaid*, That in all such Counties the Sheriff shall, and he is hereby required to collect all such public Taxes as may be now due and owing from the Inhabitants of his County, and pay the same into the public Treasury of his District on or before the first Day of *October* next, after deducting his Commissions, which are hereby declared to be at the Rate of five Pounds for every hundred Pounds he may so collect and pay as aforesaid.

Sheriffs to collect the taxes, where the collectors did not give bond, &c.

VII. *AND be it further enacted by the Authority aforesaid*, That so much of the before mentioned Act as directs the particular Form of Returns to be made by the Assessors of taxable Property, be and the same is hereby repealed.

Repealing clause

VIII. AND whereas the Tax-Gatherers in this State are liable by Law to forfeit their Commissions, and to pay the whole Amount of the Taxes by them to be collected on the first Day of *February* in each Year, and previous to that Day they have no Power to levy the Taxes by Distress, and Sale of Goods and Chattels of Delinquents; *Be it therefore enacted by the Authority aforesaid*, That the Tax-Gatherers may, and they are hereby empowered to levy the Taxes by Distress, and Sale of Goods and Chattels of all Persons who being lawfully taxed, shall neglect or refuse to pay the same on or before the first Day of *January* in each Year; and so much of the aforesaid Assessment Law as comes within the Purview of this Act, is hereby repealed and made void.

Tax-gatherers may levy by distress and sale.

## C H A P. XI.

*An Act to enforce the Attendance of Jurors in this State, to provide for their Subsistence in attending, also to ascertain the Pay of Witnesses attending Courts, and other Purposes.*

I. **W** H E R E A S the above Purposes have not hitherto been sufficiently provided for:

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That every Juror who shall be hereafter appointed by any of the County Courts within this State to attend at any of the Superior Courts, and shall fail to appear according to the Summons, and give his Attendance, shall forfeit and pay ten Pounds Specie; and every Person appointed by, and duly summoned to attend any County Court, who shall fail or neglect to attend such Court as Juror, shall forfeit and pay the Sum of Five Pounds Specie; which Forfeitures shall be assessed by the Court to which such Person shall be returned a Juror, and recovered and applied as Fines are directed in an Act of Assembly, entitled, *An Act to provide indifferent Jurymen, &c.* and appropriated to the same Purposes as in the said Act is directed. *Provided*,

Pen. for non-attendance of jurors.

How to be recovered.



A. D. 1783.

Time given for  
excuse.

That each delinquent Jurymian shall have till the next succeeding Term to make his Excuse to the Judges or Justices of the said Court, as the Case may be, for his Non-Attendance.

Their allowance  
for attendance.

III. *AND be it further enacted by the Authority aforesaid,* That every Jurymian who shall attend agreeable to such Summons at any of the Superior Courts, shall be allowed for every Day's Attendance the Sum of eight Shillings Specie, and the like Sum for every thirty Miles he shall travel in going to and returning from the said Court, and such Sums as shall be necessarily expended by him in crossing Ferries; and every Juror shall receive at the End of the Term from the Clerk of the Court, a Certificate for the Sum he may be entitled to receive, in which Ticket the Number of Days such Juror hath attended shall be expressed, and also the Number of Miles he may have travelled, together with the Charges of Carriage, where any may have been expended by him, which Ticket shall be paid out of the County Tax of the County wherein such Juror resides.

To receive a cer-  
tificate, and be  
paid out of the  
county tax.Witnesses allow-  
ance.

IV. *AND be it further enacted by the Authority aforesaid,* That each Person who shall attend any of the said Superior or County Courts as a Witness, shall be allowed for each and every Day's Attendance, and for every thirty Miles he shall travel going to and returning from the said Court, the Sum of eight Shillings Specie, and for every Day's Attendance on the County Court the Sum of four Shillings Specie, to be paid by the Party cast, and inserted by the Clerk in the Taxation of Costs. *Provided,* That the Party cast shall not be obliged to pay for more than two Witnesses to prove any single Fact; and the Attendance of Witnesses as to the Number of Days shall be ascertained by the Oath of the Witness, to be made at the Court at which the Cause is determined, or within five Days after before the Clerk of the Court.

Restriction on  
the costs.How attendance  
to be ascertained.Pen. for non-at-  
tendance as a ta-  
lisman.

V. *AND be it further enacted by the Authority aforesaid,* That when any Person shall be summoned by the lawful Officer to attend any of the aforesaid Courts as a Talisman, and who shall fail to appear and give his Attendance during the Day for which he is summoned, shall be amerced at the Discretion of the Court, not exceeding twenty Shillings Specie, and the Court shall order the Clerk forthwith to issue an Execution against the Body or Goods of the Delinquent for such Amerciament and Costs.

Rep by act, A-  
pril 1784, c. 31.

CHAP. 12. *An Act to empower the Justices of the County Courts to appoint a County Attorney and Solicitor to prosecute for the State in the County Courts, and for the Purpose of appointing a Salary and the Fees of the Attorney and Solicitor, and other Purposes.*

## C H A P. XIII.

*An Act for appointing Commissioners to take into their Possession sundry Articles of public Property, and to secure the same from Embezzlement and further Waste.*

I. **W** H E R E A S there is in many Parts of this State a Number of Cattle, Horses, Waggon, Fire Arms, Clothing, and sundry other Articles of public Property in the Hands of Individuals, or running at large, which are no longer necessary for public Use:

Sheriffs to collect  
the public pro-  
perty.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That the Sheriffs for the Time being of the respective Counties in this State, shall be, and they are hereby appointed Commissioners, each in his proper County, to collect and get into their Possession all the Cattle, Horses, Arms, Ammunition, Waggon, Carts, and all and every other Article of public Property, which may be running at large or in the Hands or Possession of any other Person whatsoever in his said County, other than such Property which may be in the Hands of the Commissioners of confiscated Property; and for that Purpose the aforesaid Commissioners respectively shall have Power to appoint one or more Assistants, as they shall find necessary, and shall allow them reasonable Wages for such Service as they may perform in the Business; and the aforesaid Commissioners shall respectively in their Counties,  
have

Their power.



A. D. 1783.

have full Power to call upon, and demand from all Persons in whose Custody or Possession any of the afore-described Articles may be to deliver the same, and on Refusal or Neglect the said Commissioners are hereby authorized and required to commence Suit in the Name of the State, in any of the Courts of Law in this State having Cognizance thereof, against such Persons as may hold and refuse to deliver, or whom he may suspect or know to have embezzled any of the Property aforesaid.

Persons refusing to deliver it to be sued.

III. *AND be it further enacted by the Authority aforesaid,* That the said Commissioners shall sell, or cause to be sold, all and every such Article as may come to his Possession or Knowledge, at Public Auction, at the Court-House of the County where such Property may lie, after giving Notice thereof by Advertisement at least twenty Days before the Day of Sale, and at five different Places within their respective Counties where it may be most notorious, and shall receive in Payment therefor Specie Certificates, and Currency Certificates, agreeable to the established Scale of Depreciation; and the aforesaid Commissioners shall within one Month after such Sales, pay all such Monies and Certificates which they may or ought to receive, into the public Treasury, after deducting therefrom his own Commissions and the necessary Charges and Expences expended by him in the Prosecution of the Business, and shall also render to the District Auditors a true and fair Account upon Oath of all the Sales he shall make in Virtue of this Act, in which Account all Expences and Expenditures shall be clearly distinguished and entered.

How to be sold.

Proceeds how to be applied.

To render an account to the district auditors.

IV. *AND* whereas there is in many Counties in this State Quantities of specific Articles in the Hands of the County Commissioners, Sheriffs and others, which have arisen from the Tax for the Year one thousand seven hundred and eighty-two; *Be it therefore enacted by the Authority aforesaid,* That the Commissioners aforesaid in their respective Counties, shall receive from all and every Person that may have such specific Commodities in their Possession, all the said Articles, which shall be sold at the public Stores where the same may be lodged by the said Commissioners respectively, agreeable to the Directions of this Act.

Power of commissioners to receive and sell specific commodities.

V. *AND be it further enacted by the Authority aforesaid,* That each and every Commissioner acting under this Law, shall receive for his Trouble in attending the Sales, keeping the Accounts, and every other Service necessary, two and an Half *per Cent.* upon such Sales, over and above a reasonable Allowance for his Time and Trouble in collecting and removing such Property as may be necessary to be collected and removed, which Allowance shall be adjudged of and made by the District Auditors upon Settlement of his Account.

Commissioners allowance.

VI. *AND be it further enacted by the Authority aforesaid,* That every Sheriff before he enters upon the Execution of the Duties aforesaid, shall give Bond with sufficient Security in the Court of his County, or before any three Justices of the County, payable to the Governor for the Time being, and his Successors in Office, in the Sum of two thousand Pounds Specie, for the faithful Discharge of those Duties, and such Bond shall be given as soon as may be after the passing of this Act.

Sheriff to give bond.

VII. *AND be it further enacted by the Authority aforesaid,* That the Sheriffs of the several Counties of this State shall apply, and they are hereby required to apply to the Officers commanding and holding any public Arms or military Stores at the District Towns or Magazines, for an equal Portion of such Arms or military Stores, and shall sell the same according to the foregoing Directions; and such Sheriff shall return an Account of such Sales on Oath to the next General Assembly, and shall be allowed for the same by his County Court as an *extra Officio* Service; and the Officers delivering such Arms and Stores to the several Sheriffs within his District, shall take their Receipts for the same, and shall return a true Account of the Number of Arms and Quantity of military Stores by him delivered to the several Sheriffs to the next General Assembly.

Power to receive &amp; sell arms, &amp;c. and return an account to the General Assembly.

VIII. *AND be it further enacted by the Authority aforesaid,* That Nothing in this Act contained shall preclude the Officers and Soldiers belonging to the Continental Line of this State from drawing Rations and Forage due them until the Sale is made.

Officers, &amp;c. may draw rations.



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## C H A P. XIV.

*An Act to amend an Act passed in the Year of our Lord One Thousand Seven Hundred and Forty-one, entitled, An Act concerning Servants and Slaves.*

I. **W**HEREAS the Mode directed in the said Act for the Trial of Slaves where the Offence may be of a small and trivial Nature, is found to be attended with Delay, great Loss of Time, and Expence to the Owner: For Remedy whereof,

Slaves how to be tried.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That where any Slave or Slaves shall hereafter commit any Misdemeanor or Offence which is not by Law declared capital, and which in the Opinion of the Justice or Justices before whom such offending Slave may be carried for Examination, shall appear to be of so trivial a Nature as not to deserve a greater Punishment than a single Justice of the Peace is by this Act empowered to inflict, such Justice shall, and he is hereby authorized and empowered forthwith to issue *sub poenas* if necessary, to compel the Attendance of Witnesses, and proceed immediately upon the Trial of such Slave in a summary Way, and to pass Sentence and award Execution; provided the Punishment extends no further than by ordering the Offender to be publicly whipped not exceeding forty Lashes: And where the Offence for which any Slave shall be apprehended, shall appear to the Justice or Justices to be of such a Nature as to deserve any other or greater Punishment, such offending Slave shall be committed to Gaol, and stand his or her Trial by a Court in the Way prescribed by the aforesaid Act.

And punished.

Any Justice may assist.

III. *PROVIDED,* That upon all Trials of Slaves before any Justice of the Peace, for any Misdemeanor under this Act, any other of the Justices of the County where such Slave may be upon Trial, may if they think proper, sit upon and assist in the Examination and Trial.

IV. & V. [*Provided for by Act, November 1788, Ch. 8*]

## C H A P. XV.

*An Act to vest the Courts of the several Counties in this State with Power to call to Account, as therein mentioned, the Commissioners of confiscated Property for their respective Counties.*

I. **W**HEREAS it may be necessary that the Courts of the respective Counties in this State be vested with Power to call to Account the Commissioners of confiscated Property, where such have been appointed:

Commissioners of confiscated property, &amp;c. to make return to the county court, &amp;c.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That from and after the passing of this Act, the Courts of each respective County within this State shall, and are hereby declared to be fully empowered, and strictly required and enjoined, to cause that the Commissioners of confiscated Property, Sheriffs, and other Officers having confiscated Property in his or their Possession for their Counties, make Return to the Court on Oath, at the first Court which shall happen after the first Day of *August* next, of all and every Species of public Property which may have come to their Hands, or being in their Possession as Commissioners aforesaid, together with an Account of the Disposal of such Property, setting forth to what Use or Uses each Individual Part thereof hath been appropriated, one fair Copy of which shall be filed by the Clerk of such Court in his Office, and one other fair Copy shall be by such Clerk transmitted to the Comptroller General, under Pain of forfeiting for each Neglect the Sum of twenty Pounds Specie.

In case of refusal or neglect report to be made to the Attorney-General, &amp;c.

III. *AND be it further enacted by the Authority aforesaid,* That in Case of the Neglect or Refusal of any Commissioner, Sheriff, Coroner, or other Officer, to appear and make Return as aforesaid when thereto required, the Court of the County in which such Commissioner resides shall make Report thereof to the Attorney-General, who shall thereupon commence an Action for the Forfeiture of such Officers Bonds, which Report shall on Trial be deemed as sufficient Testimony against such Officers.

IV. AND



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IV. AND in order to enable the County Courts to do the more ample Justice to the Public, and the more fully to investigate the several Matters and Things coming under their Cognizance by Virtue of this Act, *Be it enacted*, That they shall, and are hereby declared to have full Power and Authority to call before them, and examine on Oath, all and every Person or Persons whom they may think proper, touching the Conduct of the Officers aforesaid, and after such Examination had, shall proceed as to them shall seem just.

Courts may examine any person touching the officers conduct.

V. AND *be it further enacted by the Authority aforesaid, and it is hereby declared*, That this Act shall not be construed as empowering the County Courts finally to adjust and settle the Accounts of such Commissioners and other Officers, but that the same shall be settled and adjusted by the Comptroller General of this State.

Comptroller only to adjust the commissioners accounts.

## C H A P. XVI.

An Act to amend an Act passed at Newbern, the Fifteenth Day of November, in the Year One Thousand Seven Hundred and Seventy-seven, for making Provision for the Poor, and other Purposes.

See acts Nov. 1785, c. 18, 19. Nov. 1787, c. 44.

I. WHEREAS it appears to this Assembly that the before recited Act does not answer the good Purposes that were thereby intended, whereby many of the poor People of this State, who are proper Objects of Charity, are suffering for Want of necessary Supplies for their Support:

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That the Overseers of the Poor in each County in this State, are hereby directed to lay a Tax annually, not exceeding one Shilling Specie, on every hundred Pounds Value of taxable Property within their respective Counties; and also a Sum not exceeding one Shilling Specie on every Person liable to pay a Poll-Tax within the same; which Tax shall be collected and applied, and be under the same Rules and Restrictions as the Tax that was mentioned in the before recited Act.

Overseers to lay a tax.

III. AND whereas it appears to this Assembly that there are no Overseers of the Poor elected in many Counties of this State, and that they have not qualified according to Law in others; *Be it therefore enacted by the Authority aforesaid*, That in all such Counties as have not elected according to Law, the Sheriffs shall, within seven Months after the passing of this Act, summons the Inhabitants to elect and choose seven good and sufficient Freeholders, to act as Wardens of the Poor; and all such Overseers as have been elected and not qualified according to Law, shall within the same Time meet at the Court-House and qualify, after which they shall be under the same Rules, Regulations and Restrictions, as those who have heretofore qualified according to Law.

The inhabitants to appoint overseers.

Who are to qualify.

IV. AND *be it further enacted by the Authority aforesaid*, That all Persons duly elected, and on Notice from the Sheriff refusing to qualify, shall forfeit and pay the Sum of ten Pounds Specie, to be sued for and recovered in any Court of Record, by the County Trustee, in an Action of Debt, and the Money so recovered to be applied to the Use of the County.

Pen. for refusing.

V. AND *be it further enacted by the Authority aforesaid*, That from and after the passing of this Act, the Overseers of the Poor shall be styled and called Wardens of the Poor, and shall in every Thing be under the same Rules and Regulations, and enjoy the same Rights and Privileges as the Overseers of the Poor heretofore have or might have had.

To be styled wardens of the poor.

VI. AND *be it further enacted by the Authority aforesaid*, That so much of the before mentioned Act as comes within the Purview of this Act, is hereby repealed and made void.

Repealing clause.

## C H A P. XVII.

An additional Act to an Act, entitled, An Act to establish a Department for adjusting and liquidating the public Accounts of this State, and for appointing a Comptroller, and other Purposes.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That the Comptroller be, and he

Comptroller to administer an oath, &c.



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is hereby empowered and authorized to administer an Oath or Affirmation to Accountants and Witnesses in Support of the Justice of such Accounts as may be exhibited to him for Liquidation, and certify the same accordingly.

To transmit to the Attorney General, once in six months, a list of balances, &c.

II. *AND be it further enacted by the Authority aforesaid*, That the Comptroller shall, and he is hereby directed to transmit to the Attorney-General once in every six Months after the passing of this Act, a List of the Balances which shall appear to him to be due to the Public from any of the Inhabitants of this State, and which ought to have been paid previous to such Settlement, together with a Copy of the Account by him raised against such Debtors, with the necessary Vouchers in Support of the same, and the Attorney-General shall thereupon immediately commence and prosecute Suits against such Debtors for the Recovery of their respective Balances, in the speediest Manner the Law will enable him to do, which Suits for the Balances of Accounts shall be instituted in the Name of the Governor for the Time being, and on Recovery paid to the Treasurer of the District wherein the Debtor resides, for the Use of the Public.

Attorney-General to bring suit thereupon, &c.

To grant certificates to accountants, &c.

III. *AND be it further enacted by the Authority aforesaid*, That on every Settlement by the Comptroller made, where the Balance shall appear to be due from the State to the Accountant, the said Comptroller shall certify under his Hand the true State of such Account, and the Balance so due, and shall keep a fair Copy of such Certificate to be laid before the General Assembly; and in Virtue of such Certificate the Person to whom a Balance may be due, shall have an equal Claim against the Public with those who have, or shall obtain Auditors Certificates.

May fix the price of articles not ascertained by law, &c.

IV. *AND be it further enacted by the Authority aforesaid*, That where any Accounts shall be exhibited into the Comptroller's Office for Settlement, and there shall be therein charged any Article or Articles the Prices of which are not particularly ascertained by Law, the Comptroller shall make such Allowances as Auditors might do, and the Comptroller shall be governed in every Respect therein by the Law respecting Auditors in such Cases.

Accounts to be settled in specie.

V. *AND be it further enacted by the Authority aforesaid*, That all Accounts to be settled by the Comptroller in Virtue of this Act, shall be liquidated in such Manner by the Scale of Depreciation established by this Assembly at the present Session, as that the Balances both for and against the Accountants shall be in Specie, and shall, being so adjusted according to such Scale, be sued for and recovered in Specie.

To distinguish continental accounts from those of this State.

VI. *AND* whereas it is doubted whether the Comptroller is invested with Powers to settle and adjust Accounts of such Persons Inhabitants of this State, as have received Monies from the Continental Treasury to be applied to the Use of the Public in this State, or from the Treasury of this State to be applied to Continental Uses; *Be it enacted by the Authority aforesaid*, That in all such Cases the Comptroller be, and he is hereby authorized and empowered to settle such Accounts, and therein distinguish the same, so far as may be practicable, from the Accounts which such Persons may have for Monies received from this State.

To demand the public books and vouchers, &c.

VII. *AND be it further enacted by the Authority aforesaid*, That the Comptroller for the Time being shall, and he is hereby authorized and directed to call upon and demand of the several Boards of Auditors, District Treasurers, the Commissioners of specific Taxes, the Commissioners Superintendants, and all others concerned in the Management, Collection, or Disposal of confiscated Estates, the Clerks of Courts who passed the Accounts of Commissioners of Confiscation, all Persons who have acted as Quarter-Masters and Commissaries, and all others in the Staff Department, as well as all other Persons whatever, who have in their Hands, Custody or Possession, any Books, Accounts, Vouchers or other Papers, belonging to the State relative to the public Accounts, to the End that he may be able to make a true and just State of such Accounts; and in Case any Person or Persons in whose Hands, Custody or Possession, such Books, Accounts, Vouchers, or other Papers may be, shall refuse or neglect to deliver the same to the Order of the said Comptroller, such Person or Persons shall forfeit and pay for each and every such Neglect or Refusal, the Sum of one hundred Pounds Specie, to be recovered before any Jurisdiction having Cognizance thereof, by any Person who shall sue for the same, to his own Use.

Proceedings upon refusal to deliver, &c.



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## C H A P. XVIII.

An Act to amend an Act passed at Hillsborough, the Twelfth Day of May, in the Year One Thousand Seven Hundred and Eighty-two, entitled, An Act for the Relief of Persons who have suffered, or may suffer, by their Deeds and Mesne Conveyances not being registered within the Time heretofore appointed by Law.

I. **W**HEREAS by the before recited Act there is no Provision for the Registration of Grants obtained for Lands entered in the late Land-Office, under the present Constitution; and whereas many good People may be greatly injured thereby;

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all Grants for Lands entered in the late Land-Office under the present Constitution, which have not been registered within the Times heretofore appointed by Law, shall be admitted to Registration, in the same Manner, and under the same Rules and Regulations that Deeds and Mesne Conveyances in Virtue of the before recited Act are, and shall be as good and valid as if they had been registered within the Time heretofore appointed by Law, any Thing to the contrary notwithstanding.

Provision for grants of land entered which have not been duly registered.

III. *AND* be it further enacted by the Authority aforesaid, That all Grants of Lands obtained as aforesaid, and which have been registered since the Expiration of the Time by Law appointed for their being registered, shall be as good and valid to all Intents and Purposes, as if they had been registered within the Time aforesaid.

All registered heretofore to be valid.

## C H A P. XIX.

An Act for allowing Salaries to the Governor, Secretary, and other Officers of State, and for other Purposes.

All but the 2 last § provided for by subsequent acts.

V. *AND* whereas the nineteenth Section of an Act of the General Assembly, passed in May, in the Year one thousand seven hundred and eighty-two, entitled, *An Act directing the Sale of confiscated Estates*, hath been so misconstrued as to lead the County Courts into innumerable Errors, and hath been found extremely injurious; and the Laws heretofore in Force for Proceedings by Attachment against Absentees, and taking Administration on the Estates of deceased Persons, being fully adequate to give Relief to every Creditor who hath any legal Proof of his Demand; *Be it therefore enacted by the Authority aforesaid*, That the said nineteenth Section, or Clause of the said Act, entitled, *An Act directing the Sale of confiscated Estates*, be, and the same is hereby repealed, and declared null and void.

Repealing clause.

VI. *AND* whereas it has pleased the Almighty God to bless the United States with Peace, and a happy Intercourse with all the Subjects of the King of Great-Britain; *Be it therefore enacted by the Authority aforesaid*, That an Act, entitled, *An Act to empower the Court of Admiralty of this State to have Jurisdiction in all Cases of Capture of the Ships and other Vessels of the Inhabitants and Subjects of Great-Britain, to establish the Trial by Jury in the said Court in Cases of Capture*, be suspended till the End of the next General Assembly.

Act suspended.

## C H A P. XX.

An Act for facilitating the Navigation, and regulating the Pilotage of the several Ports of this State.

See acts April 1784, c. 27, 28. Oct. 1784, c. 5. Nov. 1786, c. 50.

I. **W**HEREAS the Commerce of this State has been greatly injured by the Imposition, Extortion, Insufficiency and Negligence of Pilots, and for Want of staking out the Channels within the Ports of Bath-Town, Roanoke, Beaufort, and Brunswick: For Remedy whereof,

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That Nathan Keais, Thomas Alderson, Richard Blackledge, John Bonner and John Gray Blount, Esquires, be and are hereby appointed Commissioners for Port Bath; Josiah Collins, William Bennet, Nathaniel Allen, Joseph Blount and William Littlejohn, be and they are hereby appointed

Commissioners appointed.



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Their duty.

pointed Commissioners for Port *Roanoke*; and *Richard Ellis, James Green, Spiers Singleton, Thomas Ogden* and *John Jones*, Esquires, be and they are hereby appointed Commissioners for Port *Beaufort*; to contract with proper Persons to examine from Time to Time the Situation of the *Swash*, and to keep the same and all other Channels leading from *Occacock Bar* to *Washington, Edenton* and *Newbern*, well and sufficiently staked out, and to erect Beacons at *Occacock, Beacon-Island, Con-Banks*, and all other such Places as the said Commissioners shall think most convenient for the Safety of Vessels.

Vessels to pay a tax.  
See act Oct. 1784, c. 5, § 10.

III. *AND be it further enacted by the Authority aforesaid*, That the following Taxes shall be paid by the Master or Owner of each Vessel that shall enter in either of the said Ports of *Bath, Roanoke, Beaufort* and *Currituck*,\* to the Naval-Officers of the respective Ports, *that is to say*, For every Vessel of fifty Tons and under, ten Shillings; every Vessel above fifty Tons, and under one hundred Tons, twenty Shillings; and for every Vessel above one hundred Tons, thirty Shillings, Specie.

Pilots may be examined and approved.

IV. *AND be it further enacted by the Authority aforesaid*, That the said Commissioners, or a Majority of them in each respective Port, shall have full Power and Authority to examine Pilots touching their Qualifications, and upon their Approbation to grant them a Certificate or Certificates to pilot Vessels in all or any of the respective Ports aforesaid; and in Case any Person shall pretend to pilot or take Charge of any Ship or Vessel without having passed an Examination as aforesaid, and obtained a Certificate for so doing, and also giving Bond in Manner as is hereafter directed, shall forfeit and pay for each and every Offence the Sum of twenty Pounds Specie.

Pen. for acting without certificate.

Proviso.

V. *PROVIDED nevertheless*, That no Person shall be subject to the said Penalty who shall obtain a Certificate of his Qualification as aforesaid, within three Months from and after the passing of this Act.

Pilots to give bond.

VI. *AND be it further enacted by the Authority aforesaid*, That all Pilots heretofore appointed, or that shall be hereafter appointed, shall give Bond in the Sum of one hundred Pounds Specie, with two good and sufficient Securities to the respective Commissioners of the several Ports before mentioned, in which they shall act as Pilots, conditioned for the true and faithful Discharge of their duty; and that Negroes after undergoing an Examination before the Commissioners aforesaid, shall be entitled to a Certificate to act as Pilots, upon their Masters giving Bond with good Security in the Manner herein directed.

Negroes may be entitled on their master's giving bond, &c.

Pilotage allowed.

VII. *AND be it further enacted by the Authority aforesaid*, That there shall be paid and allowed to every Pilot who shall take Charge of any Ship or Vessel, the following Pilotage, *that is to say*, For every Ship or Vessel from the outside of the Bar of *Occacock* into *Beacon-Island Road*, two Shillings Specie *per Foot*, for every Vessel that draws nine Feet Water or less; and for every Ship or Vessel that draws more than nine and less than ten Feet Water, two Shillings and six Pence Specie *per Foot*; and for every Vessel drawing ten Feet Water and upwards, three Shillings Specie *per Foot*; and that the same Sums be allowed to Pilots for Pilotage outwards as inwards.

Pilot to be paid after boarding, though the master will not employ him.

VIII. *AND be it further enacted by the Authority aforesaid*, That when any Pilot shall board any Vessel at Sea, and offer his Service to any Master of a Vessel bound into *Occacock-Inlet*, he shall be entitled, although the Master of such Vessel shall refuse to employ him, to the same Fees which he would have been entitled to if he had taken Charge of the said Vessel, and the Master shall be obliged to pay the same accordingly; and if any Ship or Vessel coming into the said Inlet of *Occacock* and taking a Pilot on Board, shall be by contrary Winds or otherwise drove off the Coast, the Master or Owner of such Vessel shall allow and pay the said Pilot three Shillings and six Pence Specie *per Day*, for each and every Day he shall be on Board the said Vessel, over and above his Pilotage.

Provision for a pilot if drove off the coast.

Pen. for refusing to board.

IX. *AND be it further enacted by the Authority aforesaid*, That when any Branch-Pilot shall see any Vessel on the Coast, having a Signal for a Pilot, and shall neglect or refuse to go to the Assistance of such Vessel, on proper Proof being made of

\* It seems as if *Brunswick* should be inserted here instead of *Currituck*.



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of such Neglect or Refusal, shall forfeit and pay the Sum of twenty Pounds Specie, to be recovered by Action of Debt in any Court of Record in this State, the one Half to the Informer and the other Half to the Master or Owner of said Ship or Vessel.

X. *AND be it further enacted by the Authority aforesaid,* That there shall be paid Pilotage from Beacon Island to Washington or Bath-Town, Edenton and Newbern. and allowed to every Pilot who shall take Charge of any Ship or Vessel from Beacon-Island Road, that draws six Feet Water or less, to *Washington or Bath-Town*, thirty Shillings Specie; for every Vessel that draws above six Feet Water, six Shillings Specie per Foot; and for every Vessel from Beacon-Island Road, that draws six Feet Water or less, to *Edenton*, three Pounds Specie; and for every Vessel that draws above six Feet Water, ten Shillings Specie per Foot; and for every Vessel that draws six Feet Water or less, from Beacon-Island Road to *Newbern*, thirty-six Shillings Specie; for every Vessel drawing above six Feet Water, seven Shillings Specie per Foot.

XI. *AND be it further enacted by the Authority aforesaid,* That any Pilot appointed as is herein before mentioned, who shall demand or exact any larger Sum of Money than is by this Act directed and appointed, shall forfeit and pay the Sum of twenty Pounds Specie; provided that Suit is brought or prosecuted within one Year after such Demand or Exaction made, and not afterwards. Pen. for demanding greater fees.

XII. *AND be it further enacted by the Authority aforesaid,* That each of the Naval-Officers herein appointed to collect the Taxes on Vessels in the several Ports aforesaid, shall, before he enters on the said Office, give Security in the Sum of three hundred Pounds Specie, to the Commissioners of the said Ports respectively; and the Naval-Officer of Port *Currituck* shall give Security in the like Sum of three hundred Pounds Specie, to the Commissioners of Port *Roanoke*; for the due Performance of the Trust reposed in them, and for accounting with and paying to the said Commissioners as often as required, all such Sum and Sums of Money as shall be from Time to Time by him received; and if either of the said Naval-Officers shall refuse to give such Security, *It is hereby enacted,* That the said Commissioners of that Port shall and may appoint another Receiver or Receivers in his or their Place or Stead, who shall have full Power and Authority to receive the said Tax, giving such Security to the Commissioners of the Port where he is so appointed. Naval-Officers to give security for the duties. On refusal to give security Commissioners may appoint other receivers.

XIII. *PROVIDED nevertheless,* That no Ship or Vessel coming in at *Old-Topfail, Bogue, or Currituck* Inlets, shall be subject to the Payment of the Tax for the Support of the Stakes as aforesaid. Proviso for Old-Topfail, &c.

XIV. *AND be it further enacted by the Authority aforesaid,* That each Receiver shall in his Port have full Power and Authority to go on Board of any Vessel in order to measure and ascertain the Burthen of such Vessel, and shall likewise have Power and Authority to examine on Oath the Master of any Vessel for that Purpose. Receiver's power.

XV. *AND be it further enacted by the Authority aforesaid,* That from and after the passing of this Act, no Naval-Officer of either of the said Ports shall clear out any Vessel till the Master shall have produced to him a Certificate from the Receiver of the said Tax, of his having paid the same, under the Penalty of twenty Pounds Specie. Pen. for clearing before the duty is paid.

XVI. *AND be it further enacted by the Authority aforesaid,* That the Expence of setting up Beacons at *Occacock, Beacon-Island and Coor-Banks*, and the staking out the Swath, shall be discharged by the Commissioners hereby appointed for the several Ports in the Proportion following, *that is to say,* The Commissioners for Port *Roanoke* shall pay two Fifths of the said Charges and Expences, and the Commissioners for the Port of *Bath*, and for the Port of *Beaufort*, shall pay the other three Fifths of the said Charges and Expences, out of the Monies by them received in Proportion to the Sums received in the said Ports of *Bath* and *Beaufort*; and the Expences of staking out the other Channels leading to the said Ports shall be severally paid by the Commissioners of each respective Port to which the said Channels lead. Expence of the stakes how paid.



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Commissioners  
may fill up va-  
cancies.

XVII. *AND be it further enacted by the Authority aforesaid,* That upon the Death, Removal, or Refusal of any of the said Commissioners or Receivers to act, the remaining Commissioners of each respective Port shall and may choose and appoint another Commissioner or Receiver in the said Port, in the Room of the Commissioner or Receiver so dying, removing or refusing to act.

Pen. for throw-  
ing ballast over-  
board.

XVIII. *AND be it further enacted by the Authority aforesaid,* That no Master or other Persons belonging to any Vessel trading to this State shall cast or throw overboard into any Channel or Rivers within this State, any Stones or other Ballast whatsoever, any Oysters or Oyster-Shells, under the Penalty of one hundred Pounds Specie for every such Offence; and if any Person or Persons shall wilfully pull down any Beacon, Stake or other Mark, erected or placed in Virtue of this Act, he or they shall for every such Offence forfeit and pay fifty Pounds Specie.

Commissioners to  
account with the  
General Assem-  
bly.

XIX. *AND be it further enacted by the Authority aforesaid,* That the said Commissioners as often as they are required, shall account with the General Assembly for such Money as shall be by them from Time to Time respectively received, and shall have such Allowance for their Expences actually disbursed as shall appear reasonable.

To demand the  
duties of the re-  
ceivers.

XX. *AND be it further enacted by the Authority aforesaid,* That it shall and may be lawful for the Commissioners hereby appointed for Port *Bath*, Port *Roanoke* and Port *Beaufort*, to demand and receive from the Receivers of the Duty of the Tonnage of Vessels, all such Sum and Sums of Money as shall at the Time of passing this Act be in his or their Hands, arising from the said Duty, and for them to apply the same towards amending and improving the Navigation of the said Ports in such Manner as to them shall seem necessary and convenient.

How to apply the  
same.

XXI. *AND be it further enacted by the Authority aforesaid,* That the Commissioners appointed by this Act for Port *Bath*, Port *Roanoke*, and Port *Beaufort*, are hereby authorized and empowered to demand of the late Commissioners, the Survivor or Survivors of them, an Account of the Monies received by him or them, by Virtue of this Act or their Office, and also of all Monies paid for the Services expressed and before recited in this Act, and if there should be any Balance remaining in his or their Hands, to pay the same to the Commissioners herein appointed, under the Penalty of one hundred Pounds Specie, to be recovered in the Superior Court of the District, by Action of Debt by the Commissioners herein named, and applied towards the Purposes of this Act, and the Commissioners herein named and appointed are authorized and empowered to settle with, and shall pay any Balance that may appear to be due to the former Commissioners, or any of them, for any Sums by them advanced.

Fines how to be  
recovered and  
applied.

XXII. *AND be it further enacted by the Authority aforesaid,* That each and every Fine imposed by this Act, shall be recovered by Action of Debt in any Court of Record having Cognizance thereof, one Half to the Person suing for the same, the other Half to the Commissioners where the Offence shall be committed, to be by them applied toward staking out the Channel as aforesaid.

Pilotage allowed  
at *Old-Topfail*.

XXIII. *AND be it further enacted by the Authority aforesaid,* That there shall be paid and allowed to every Pilot who shall take Charge of any Ship or Vessel from the outside of *Old-Topfail* Bar to *Bourden's* or *Shackleford's* Banks, two Shillings Specie *per* Foot for every Vessel that draws nine Feet Water or less; and for every Ship or Vessel that draws more than nine, and less than ten Feet Water, two Shillings and six Pence Specie *per* Foot; and for every Vessel drawing ten Feet Water and upwards, three Shillings Specie *per* Foot; and that the same Sums be allowed to Pilots for Pilotage outwards as inwards.

Commissioners  
for *Old-Topfail*.

XXIV. *AND be it further enacted by the Authority aforesaid,* That *John Easton*, *David Cooper*, *Enoch Ward*, *William Thomson* and *Malachi Bell*, Esquires, be and are hereby appointed Commissioners for *Old-Topfail* Inlet Navigation, and are hereby vested with all the Powers and Authorities with respect to the Pilots and Pilotage of the said *Old-Topfail* Inlet and its Navigation, which are given to the other Commissioners by this Act appointed.

The master of an  
infectious vessel

XXV. *AND be it further enacted by the Authority aforesaid,* That when any Ship or Vessel shall arrive in any of the Ports in this State, with the Small-Pox or other infectious



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infectious Disorder on Board, the Master and Pilot of such Ship or Vessel shall give immediate Information thereof to the Commissioners of Navigation of the Port at which they arrive, and the said Commissioners or any three of them are hereby empowered and directed to order and command the Master of such Ship or Vessel to perform *Quarantine* with his said Ship or Vessel at such Place, and for as many Days as they may think necessary; and if the said Pilot or Master shall neglect or refuse to give such Information, the Pilot for such Neglect shall forfeit and pay the Sum of fifty Pounds Specie, and the Master for the like Neglect shall forfeit and pay the Sum of one hundred Pounds Specie; and in Case the Master of any Ship or Vessel having any infectious Disorder on Board, shall refuse to comply with, or fail to fulfil the Orders of the Commissioners for performing *Quarantine* with his Vessel as aforesaid, he shall forfeit and pay the Sum of five hundred Pounds Specie, to be recovered by Action of Debt in any Court of Record in this State having Cognizance thereof, to be applied in the same Manner as other Fines are in this Act directed.

to perform *quarantine*.

Penalty for not giving information.

Pen. for refusing to perform *quarantine*.

XXVI. AND whereas the different Acts in Force for regulating the Pilotage of *Cape-Fear* River require Amendment and Alteration, the Act for that and other Purposes, passed at *Newbern* the fourth Day of *December*, one thousand seven hundred and seventy-seven, being now expired, which revives the before mentioned Acts; and whereas it is now become necessary that a new Set of Commissioners to regulate the Pilotage of *Cape-Fear* River be nominated and appointed; Be it enacted by the Authority aforesaid, That *William Purviance, Robert Sharpe, Norman Harrison Chivers, William Hill, John Albin Campbell, Parker Quince, William Campbell, James Read* and *John Hust*, be and they are hereby appointed Commissioners for regulating the Pilotage and Navigation of *Cape-Fear* River, and they or a Majority of them are hereby authorized and empowered from Time to Time to examine such and so many Pilots as shall offer themselves, or consent to be Pilots for the said River, not exceeding ten in Number, who shall be appointed by Commissions from the Governor or Commander in Chief for the Time being, who for that Purpose shall lodge blank Commissions in the Hands of the said Commissioners, and they shall fill up the same with the Names of such Persons as they shall from Time to Time approve.

Commissioners for *Cape-Fear*.

XXVII. AND be it further enacted by the Authority aforesaid, That any Number of Pilots not exceeding four, may be appointed as aforesaid to attend the Bar of *Cape-Fear* River, and to pilot Vessels coming up from, and going down to *Brunswick*, and no higher; who may take and receive in Gold or Silver, rating *Spanish* milled Dollars at eight Shillings, the same nominal Sum for such Services as are directed to be paid in Proclamation Money by an Act, entitled, *An Act to amend an Act, entitled, An Act for regulating the Pilotage of Cape-Fear River*, and for other Purposes, passed in *November*, one thousand seven hundred and sixty-six; and that any Number of Pilots not exceeding four may be appointed as aforesaid to pilot Vessels from *Brunswick* to *Wilmington*, and from *Wilmington* to *Brunswick*, who shall and may receive the following Rates, to wit, If from *Brunswick* to *Wilmington*, and back again to *Brunswick*, one Half of the before mentioned Sums; if to the *Flatts* and back again to *Brunswick*, one Fourth of the said Sums, according to the Draught of Water such Vessel shall draw.

Pilots and pilotage for *Cape-Fear*.

XXVIII. AND be it further enacted by the Authority aforesaid, That two Pilots may be appointed to attend the Bar of the *New-Inlet*, and to pilot Vessels through the said Inlet and up to *Brunswick*, and no higher, and from *Brunswick* out at the said *New-Inlet*; who may take and receive two third Parts of the Fees to which Pilots are by this Act entitled for bringing Vessels over the Bar and up to *Brunswick* as aforesaid, according to the Draught of Water such Vessel shall draw.

Pilots and pilotage of *New Inlet*.

XXIX. AND be it enacted by the Authority aforesaid, That the Commissioners for the Pilotage of *Cape-Fear* River shall affix true Copies or Tables of the several Rates of Pilotage as before limited, at the Naval-Office and at Fort *Johnston*, as soon as an Officer shall be stationed there, that Masters of Vessels and others concerned may have Recourse thereto.

Commissioners to notify the rates.

XXX. AND as the erecting of Beacons and Buoys at the Mouth of *Cape-Fear* River, and staking the Channel of the said River, would greatly facilitate the Navigation



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Duties on vessels  
coming into  
Cape-Fear, &c.Naval-Officer to  
give bond, &c.

Navigation thereof, *Be it therefore enacted by the Authority aforesaid*, That a Duty of three Pence *per* Ton be, and is hereby laid on all Vessels coming into the Port of *Brunswick* to unload Goods or to take in a Cargo, for and during the Term of three Years from and after the passing of this Act, but not to commence until the first Day of *July* next, which Duty the Naval-Officer of the Port is hereby directed and empowered to receive, but before the Receipt of any of the Duties, the said Naval-Officer shall give Bond with sufficient Security to the Governor or Commander in Chief for the Time being, in the Sum of one thousand Pounds, conditioned that he will well and truly account with, and pay to the said Commissioners, or their Orders, when thereto required, all such Sums of Money as he shall receive by Virtue of this Act, first deducting thereout five *per Cent.* for receiving the same; and in Case of a Breach of the Condition of the said Bond, the same shall be put in Suit, and the Monies recovered therein be applied by the said Commissioners in the same Manner as the Duties if paid to them would have been, *that is to say*, In erecting Beacons, Buoys and Stakes, in Manner herein before mentioned; and the said Bond shall be lodged with the Clerk of the Superior Court of *Wilmington*, who is hereby directed to receive the same and give a promissory Receipt to the Commissioners to be accountable for it.

XXXI. *AND be it further enacted by the Authority aforesaid*, That every Master or Commander of any Ship or Vessel liable to pay the said Duty, shall render to the said Commissioners or one of them, a Certificate signed by himself, specifying the Amount of the Duty with which he shall be charged, and which he shall pay by Virtue of this Act, and every such Master refusing or omitting to give such Certificate before he shall have cleared out in the Naval-Office, shall forfeit and pay the Sum of fifty Pounds, to be recovered by Action of Debt before any Jurisdiction having Cognizance thereof, in the Name of the Commissioners, and to be by them applied to the same Uses to which the Duties aforesaid are applicable, and the said Commissioners shall carefully keep the said Certificates as a Check on the Receiver of the said Duties, and the said Receiver shall render to the Commissioners on Oath an Account of all Sums by him received for Duties as aforesaid.

XXXII. *AND be it further enacted by the Authority aforesaid*, That in Case any *New-Inlet* Pilot should cruise off the main Bar, and no Bar Pilot should be off when any Vessel appears who may be coming into *Cape-Fear*, it shall and may be lawful for such *New-Inlet* Pilot to bring in such Vessel, for which Service he shall be entitled to Half the Fees which such Bar Pilot would have been entitled to had he brought in such Vessel, the other Half to be paid to the Bar Pilots in equal Proportions, and the same Regulations shall extend to Bar Pilots cruising off the *New-Inlet*; any Law or Usage to the contrary notwithstanding.

XXXIII. *AND* whereas it is customary for Masters of Vessels who are acquainted with the Bar of *Cape-Fear* River, the *New-Inlet*, and the River up to *Wilmington*, to bring their Vessels over the Bar and up to the said Town without employing a Branch Pilot; and it being necessary to give good Pilots every possible Encouragement, *Be it therefore enacted by the Authority aforesaid*, That when any Master of a Vessel shall refuse a Pilot in any Part of *Cape-Fear* River from *Wilmington*, or to go out of either of the said Inlets, then such Pilots so refused shall be entitled to the full Pilotage in the same Manner as he would have been had he been employed for the Purpose of piloting such Vessel, any Law, Custom or Usage to the contrary, notwithstanding.

XXXIV. *AND* whereas it is necessary that the Pilots of *Cape-Fear* River should live as near the Mouth of the said River as possible, in order to be ready on all Occasions when any Vessel may appear off the Bar, and there being no Situation so convenient as the Ground which belongs to the Public on which *Fort Johnston* stood; *Be it therefore enacted by the Authority aforesaid*, That every Bar Pilot of *Cape-Fear* River shall, and he is hereby empowered to build such House or Houses for the Conveniencies of himself and Family on the public Ground, and for his Houses, Yards and Gardens, may have an Acre of the same for his own Use, with the Liberty of enclosing the said Acre or any Part thereof, to hold to such Pilot during the Time he shall continue in Office; and in Case such Pilot shall die in Office,

fice,

Masters to render certificates of the duties he shall pay to the commissioners.

Half fees allowed in certain cases.

Pilots refused to be entitled to full pilotage notwithstanding.

Pilots where to reside.



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vice, his Family shall and may continue in Possession of such Acre of Ground and Premises for and during the Term of seven Years from and after the Death of such Pilot. *Provided always*, That none of the Pilots shall lay off such Acre of Ground so near Sight of Fort *Johnston*, so as to interfere with any Fortification that may hereafter be erected, of which the Commissioners of the Pilotage of *Cape-Fear* River are required to take Notice, so as to prevent any inconvenient Encroachments.

XXXV. *AND* be it further enacted by the Authority aforesaid, That an Act, entitled, *An Act for regulating the Pilotage of Cape-Fear River, and other Purposes*, made in *January* and *February*, one thousand seven hundred and sixty-four; an Act, entitled, *An Act to amend an Act, entitled, An Act for regulating the Pilotage of Cape-Fear River, and other Purposes*, made in *November*, one thousand seven hundred and sixty-six; and an Act, entitled, *An Act to amend an Act, entitled, An Act for regulating the Pilotage of Cape-Fear River, and for other Purposes*, made in *November*, seventeen hundred and seventy-one, are hereby declared to be, and have been in full Force, in the same Manner as they were at the passing of the said last mentioned Act, (a) except where they have been altered by this present Act of the General Assembly, and excepting the thirteenth and fourteenth Sections of the first mentioned Act, directing the Duty of the Commander of Fort *Johnston*, and such other Parts of the said Act which requires a Bill of Health at the Naval-Office before Entry, which are and must remain quiescent until an Officer shall be stationed at the said Fort.

Acts declared to be in force.

XXXVI. *AND* be it further enacted by the Authority aforesaid, That if the Person appointed by this Act to receive the Duties on Vessels coming into *Cape-Fear* River should neglect or refuse to give Security in Manner by this Act directed, the said Commissioners shall and may appoint another Receiver of the said Duties, who shall give Bond as aforesaid, and shall be liable to the same Penalties and Mode of Recovery as is herein before directed; and if the said Duties should be found more than sufficient for the Purposes in this Act expressed, the Commissioners shall apply the Surplus at their Discretion in amending the Navigation of *Cape-Fear* River.

In case of refusal or neglect.

XXXVII. *AND* be it further enacted by the Authority aforesaid, That all Fees, Sums of Money, Penalties and Forfeitures, in the three Acts of Assembly, in the Clause but one immediately preceding this Section therein particularly recited, and mentioned as Proclamation Money, are hereby declared to be the same nominal Sum and of the same real Value as Gold and Silver, rating *Spanish* milled Dollars at eight Shillings; and any Action or Actions commenced or prosecuted on any Bond, Penalty, or Forfeiture in any of the said Acts mentioned, shall be commenced and prosecuted for Gold and Silver at the Rates aforesaid; any Law or Usage to the contrary notwithstanding.

Forfeitures to be in specie.

XXXVIII. *AND* be it further enacted by the Authority aforesaid, That all and every Act and Acts of Assembly, or any Clause or Clauses of Acts coming within the Purview of this Act, and not herein particularly confirmed, be and the same are hereby repealed and declared void and of no Effect.

Repealing clause,

XXXIX. *AND* be it further enacted by the Authority aforesaid, That the Naval-Officers or other Receivers of the Duties imposed by this Act on Vessels coming into the Ports of *Bath-Town*, *Roanoke*, *Beaufort* and *Currituck*, shall have and receive the Sum of five *per Cent.* on all Sums by them collected as Commissioners for receiving and collecting the same.

Commissions allowed receivers,

## C H A P. XXI.

*An Act for appointing an Agent and holding a Treaty with the Cherokee Indians, and for other Purposes.*

I. **W**HEREAS holding Treaties, and appointing one or more Agents to keep up a continual friendly Correspondence with the said *Indians*, may prevent future Wars, and save Expence of Blood and Treasure:

C 6

II. B E

(a) By the seventeenth Section of the Act of Nov. 1777, c. 18, it was enacted in these Words, *viz.* "That all Acts, Clause or Clauses of Acts, relative to Pilotage or Navigation, heretofore in this State, be and they are hereby repealed."—See Acts, April 1784, c. 27. Nov. 1786, c. 50.



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Governor to hold  
a treaty.

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That his Excellency the Governor, as soon as may be, shall hold, or by such Persons as he shall commissionate for that Purpose, cause to be held a Treaty with the *Chickamagaw* and *Over-Hill Cherokees*, and also with the *Cherokees* of the *Middle* and *Valley* Settlements, at the *Long-Island* on *Holstein* River; and his Excellency the Governor is hereby empowered to cause the *Musket Powder* belonging to this State, or so much thereof as he shall think necessary, not exceeding one thousand Weight, to be removed to the Frontiers convenient to the Place where the said Treaty shall be held, and to give the said Powder, or cause the same to be given in Presents to the said *Indians*; and his Excellency the Governor is hereby empowered to issue Warrants on the Treasury for any Sum not exceeding two thousand five hundred Pounds Specie, and cause the same to be laid out in the Purchase of Goods suitable for the said *Indians*, and the same Goods to give or cause to be given in Consideration of the Lands by the said *Indians* to be ceded to the State; and also to issue Warrants on the Treasury for the Sum of one thousand Pounds Specie, to defray the Expences of removing the said Powder and Goods, and the Purchase of necessary Provisions for the Support of the said *Indians* attending the Treaty, and other Expences thereof: And a full and accurate Account of all Expenditures, Articles, Stipulations, Cessions, Agreements and Proceedings of the said Treaty, wherein this State is or may be interested, shall be laid before the next General Assembly.

Power to give  
powder, &c.To issue warrants  
and purchase  
goods, &c. to  
give in conside-  
ration of lands.Agent appoint-  
ed.

III. *AND* be it further enacted by the Authority aforesaid, That *Joseph Martin* be, and he is hereby appointed Agent in Behalf of this State for the *Chickamagaw* and *Over-Hill Cherokees*, and for the *Cherokees* of the *Middle* Settlements and *Valley* Towns; and the said Agent shall visit the *Indians* under his Agency in their own Country once in six Months, shall deliver to them Messages from the Governor, receive their Talks, record them in his Journal, record in the like Manner such public Talks as he without Order may deliver them, and send Copies of both to the Governor.

No person to  
trade with them  
without licence.

IV. *AND* in order that all the Dealings and Intercourses with the said *Indians* may be carried on in the most friendly and upright Manner, and every Fraud and Imposition as far as possible prevented; *Be it therefore enacted by the Authority aforesaid*, That no Person whatsoever shall deal or traffic with the said *Indians* within the Limits of this State, without Licence first had and obtained from the Governor for the same, and that these Licences shall be granted only to Men of the most upright and unexceptionable honest Characters, and shall not authorise any Person obtaining them to trade with the said *Indians* for any longer Time than one Year, and those be annually received and obtained.

Nature of the li-  
cence.Licence how ob-  
tained.Pen. for trading  
without it.

V. *AND* be it further enacted by the Authority aforesaid, That every Person obtaining such Licence shall pay for the same to the Governor the Sum of five Pounds Specie: And if any Person shall without such Licence presume to deal with the said *Indians* within the Limits of this State, he shall forfeit and pay fifty Pounds Specie for the first Offence, and one hundred Pounds Specie for every subsequent Offence, one Half to the Use of the Public, the other Half to him or them that shall prosecute for the same, to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record.

Agent's allow-  
ance.

VI. *AND* be it enacted by the Authority aforesaid, That the said Agent shall be allowed one hundred Pounds Specie *per Annum* for all Services.

Pen. on attornies  
for taking un-  
lawful fees.

VII. *AND* be it further enacted by the Authority aforesaid, That all Attornies practicing in any of the Superior or Inferior Courts of this State, shall take no other Fees than what were allowed them in the Year one thousand seven hundred and seventy-three; and in Case any Attorney shall, under any Pretence, take any greater Fees, upon Information being made to the Court where the said Attorney may practice, the Court is required and directed to call or summons the Parties before them, and if the Charge be supported against such Attorney, the said Court may fine the Offender in any Sum not exceeding twenty-five Pounds for the first Offence; and in Case any such Attorney will persist in taking extortionate Fees, it shall and may be lawful for such County or Superior Court to silence such Attorney; any Law, Usage or Custom to the contrary notwithstanding.

For the first of-  
fence.

For the second.



## C H A P XXII.

*An Act for repealing two Acts of the General Assembly therein mentioned.*

I. **W**HEREAS an Act of the General Assembly passed at *Wake Court-House*, empowering Congress to levy a Duty of five *per Cent. ad Valorem*, on all foreign Merchandize imported into this State, which Act was not to be in Force nor take Effect until the States from *New-Hampshire* to *North-Carolina*, both inclusive, had invested Congress with the same Powers and Authorities as are mentioned in the said Act, and as there is no longer any Probability that the said Act can be carried into Effect, by Reason of the Refusal of some of the United States aforesaid to invest Congress with the before mentioned Powers:

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That an Act, entitled, An Act for vesting a Power in the Honourable Continental Congress to levy a Duty of five per Cent. upon all foreign Merchandize, except such Articles as are therein excepted, and for other Purposes; be and is hereby repealed,* Repealing clause.

III. **A**ND whereas an Act passed at *Halifax*, in the Year one thousand seven hundred and eighty-one, entitled, *An Act to encourage the Importation of Arms, Ammunition and other warlike Stores, and other Purposes*, is now become unnecessary, and if continued would be injurious to the State; *Be it therefore enacted by the Authority aforesaid, That the said last recited Act be, and the same is hereby declared repealed, and made null and void.* Repealing clause.

## C H A P. XXIII.

*An Act for repealing an Act, entitled, An Act for appointing a Place for the future Meeting of the General Assembly.*

I. **W**HEREAS the Reasons for holding the General Assemblies in the Town of *Hillsborough* in Preference to any other Place within this State, have ceased by the Restoration of Peace, and all the Blessings attending thereon:

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Act of the General Assembly passed at Hillsborough, the twelfth Day of May, one thousand seven hundred and eighty-two, entitled, An Act for appointing a Place for the future Meeting of the General Assembly, be and is hereby repealed.* Repealing clause.

CHAP. 24. *An Act for the Promotion of Learning in the District of Wilmington.* PRIV.

25. *An Act for appointing the several Persons therein named to lay out the Streets in Upper-Cambleton, in Cumberland County, and for the future Regulation of the said Town, and giving a further Time for saving of Lots in the lower Town, and also for altering the Name of Cambleton to Fayetteville.* PRIV.

26. *An Act for regulating the Town of Halifax.* PRIV.

27. *An Act for levying a Tax on every hundred Pounds taxable Property in the District of Halifax, for repairing the Court-House and Gaol of said District.* PRIV.

28. *An Act to amend an Act, entitled, An Act for regulating the Town of Edenton.* PRIV.

29. *An Act for purchasing a Lot or Lots in the Town of Wilmington, for the Purpose of building a Gaol for the District of Wilmington, and other Purposes.* PRIV.

30. *An Act for levying a Tax on every hundred Pounds Value of taxable Property in the District of Newbern, for repairing the Gaol of the District.* PRIV.

31. *An Act for repairing the Court-House and Prison in the Town of Salisbury, for the District of Salisbury.* PRIV.

CHAP.



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See act Nov.  
1785, c. 2.

- CHAP. 32. *An Act for altering the Time of holding of the County Courts of Pleas and Quarter-Sessions in the Counties of Caswell, Warren and Edgecomb, in this State, and other Purposes. PRIV.*
33. *An Act for the Relief of Thomas Clark, and other Persons therein named, and to vest in them an indefeasible Title to certain Lands, Hereditaments, Goods, Chattels, Rights and Credits, formerly the Estate of James Murray, and to enable them to take Possession thereof. PRIV.*
34. *An Act to vest the Title of certain Lands in Joseph Herring. PRIV.*
35. *An Act to enable Thomas Hill, Guardian of Elizabeth Henry Hill, to convey to Joseph Cocke, and Winnifred his Wife, the Negro Slaves therein mentioned, in Satisfaction of the Right of Dower of the said Winnifred, in the Lands, Tenements and Hereditaments, which were of Henry Hill, deceased, her late Husband. PRIV.*
36. *An Act to vest the Fee Simple of certain Lands therein mentioned in Thomas Eaton, his Heirs and Assigns. PRIV.*
37. *An Act to vest the Title of a Piece or Parcel of Land lying in Camden County, in Isaac Guilford, and his Heirs, in Fee Simple. PRIV.*
38. *An Act to vest certain Lands in Fee Simple in Richard Henderfon, and others. PRIV.*
39. *An Act to encourage John and James Bonner, junior, of Beaufort County, to clear and make a Road through the great Swamp and Marsh, on the South Side of Pamlico River, opposite to the Town of Washington. PRIV.*
40. *An Act to amend an Act, entitled, An Act to vest the Property of a Bridge or Causeway in Gideon Lamb, and his Heirs, by him already built through the Great-Dismal Swamp, from Lebanon to Camden, for the Term of twenty-five Years. PRIV.*
41. *An Act to vest the Title of certain Lands, and other Property therein mentioned, in Thomas Cotton, James Cotton, and their Sister. PRIV.*
42. *An Act for vesting the Title of certain Lands herein mentioned, in Ralph Miller, his Heirs and Assigns. PRIV.*
43. *An Act for establishing two public Schools in the County of Onslow, and for other Purposes. PRIV.*
44. *An Act to incorporate Trustees for two Academical Schools in the District of Morgan. PRIV.*
45. *An Act to keep open Roanoke River for the Passage of Fish up the same, and other Purposes therein mentioned. PRIV.*
46. *An Act authorising James Davis, Esquire, to revise, print and publish all the Laws now in Force and Use in this State, for appointing a Public Printer, and other Purposes. (a)*
47. *An Act for establishing a Town on the Land formerly belonging to William Best, at the Place where the Road leading from Salisbury to the Cheraws crosses the Road leading from Maik's Ferry to Camden, in Anson County. PRIV.*
48. *An Act for cutting a Canal from Clubfoot's Creek to Harlow's Creek, to open a Communication between Neuse River, and the Navigation of Old-Topfail Inlet. PRIV.*
49. *An Act for appointing Commissioners for selling the Lot, No. Forty-four, in Warrenton, whereon the public Granary now stands, and other Purposes. PRIV.*

CHAP.

(a) Part of this Act temporary. The Revision was never executed. See Act, Nov. 1787, c. 43



CHAP. 50. *An Act for altering the Name of Jonathan Bronnocks, to that of Jonathan Bryant.* PRIV.

## C H A P. LI.

*An Act for dividing Washington County into two distinct Counties, and erecting a County by the Name of Greene.*

I. **W**HEREAS the large Extent of the County of *Washington*, renders the Attendance of the Inhabitants on the extreme Parts of the said County to do public Duties, extremely difficult and expensive:

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, <sup>Boundaries,</sup> and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the County of *Washington* shall be divided into two distinct Counties, by a direct Line beginning at *William Williams's*, in the Fork of *Horse Creek*, at the Foot of the *Iron Mountain*, thence a direct Course to *George Galliespie's House*, at or near the Mouth of *Big Limestone*, thence a North Course to the Line which divides the Counties of *Washington* and *Sullivan*, thence with the said Line to the *Chimney-Top Mountain*, thence a direct Course to the Mouth of *Cloud's Creek*, in *Holstein River*; and all that Part of *Washington* County Westward of the said Line, from and after the passing this Act, shall be and is hereby declared to be a distinct County by the Name of *Greene*.

[*The Remainder unnecessary to be inserted.*]

## C H A P. LII.

*An Act to erect a County adjoining the Line of Virginia, including a Part of Cumberland River.*

I. **W**HEREAS a considerable Number of Inhabitants have settled on the Lands on *Cumberland River* in this State, at a very great Distance from any Place where County Courts are held, and it is represented that erecting a County to include the said Inhabitants, and appointing Courts to be held among them, would be very beneficial and advantageous: Therefore for the general Good of the said Inhabitants,

II. *BE* it enacted by the General Assembly of the State of North-Carolina, <sup>Boundaries,</sup> and it is hereby enacted by the Authority of the same, That all that Part of this State lying West of *Cumberland Mountain* and South of the *Virginia Line*, beginning on the Top of *Cumberland Mountain* where the *Virginia Line* crosses, extending Westward along the said Line to *Tennessee River*, thence up said River to the Mouth of *Duck River*, thence up *Duck River* to where the Line of marked Trees run by the Commissioners for laying off Land granted the Continental Line of this State intersects said River (which said Line is supposed to be in thirty-five Degrees fifty Minutes North Latitude) thence East along said Line to the Top of *Cumberland Mountain*, thence Northwardly along said Mountain to the Beginning, shall after the passing of this Act be, and is hereby declared to be a distinct County by the Name of *Davidson*.

III. [*Unnecessary to be inserted.*]

IV. *AND* be it further enacted by the Authority aforesaid, That the County Court <sup>Entry-taker appointed,</sup> of *Davidson* shall appoint an Entry-Taker for the Purpose of receiving Entries of Lands from those who are allowed Pre-Emptions by the Law for laying off Lands granted to the Continental Line of this State: And as it has been suggested that the Inhabitants of said County have no Specie Certificates, they shall be at Liberty to pay at the Rate of ten Pounds Specie or Specie Certificates per hundred Acres, for the aforesaid Pre-Emptions, and shall be allowed the Term of eighteen Months to pay the same; and that the Heirs of all such Persons who have died, having Rights of Pre-Emption as aforesaid, shall be allowed the Term of one Year after coming of lawful Age, to secure their Pre-Emptions. *Provided*, That no Grants shall be made for said Lands until the Purchase Money shall be paid into the proper Office.



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- CHAP. 53. *An Act for fixing on a Place in the County of Anson for building a Court-House, Prison and Stocks, and for other Purposes therein mentioned. PRIV.*
54. *An Act for building a Court-House and Prison in Elizabeth-Town, in the County of Bladen. PRIV.*
55. *An Act for appointing Commissioners to fix on a Place for building a Court-House, Prison and Stocks in the County of Randolph, and for other Purposes. PRIV.*
56. *An Act for establishing the Court-House, Prison and Stocks, at the Place whereon they are now erected, on the Plantation of Henry Monger, in Montgomery County. PRIV.*
57. *An Act for levying a Tax of one Shilling Specie on every hundred Pounds Value of taxable Property in Warren County, for the Purpose of building a Court-House, Prison and Stocks, for the Use of said County. PRIV.*
58. *An Act for levying a Tax of one Shilling Specie on every hundred Pounds Value of taxable Property in Franklin County, for the Purpose of building a Court-House, Prison and Stocks, and other Purposes, for the Use of the said County. PRIV.*
59. *An Act for levying a Tax on every hundred Pounds Value of taxable Property in the County of Lincoln, for the building a Court-House, Prison and Stocks for the Use of said County. PRIV.*

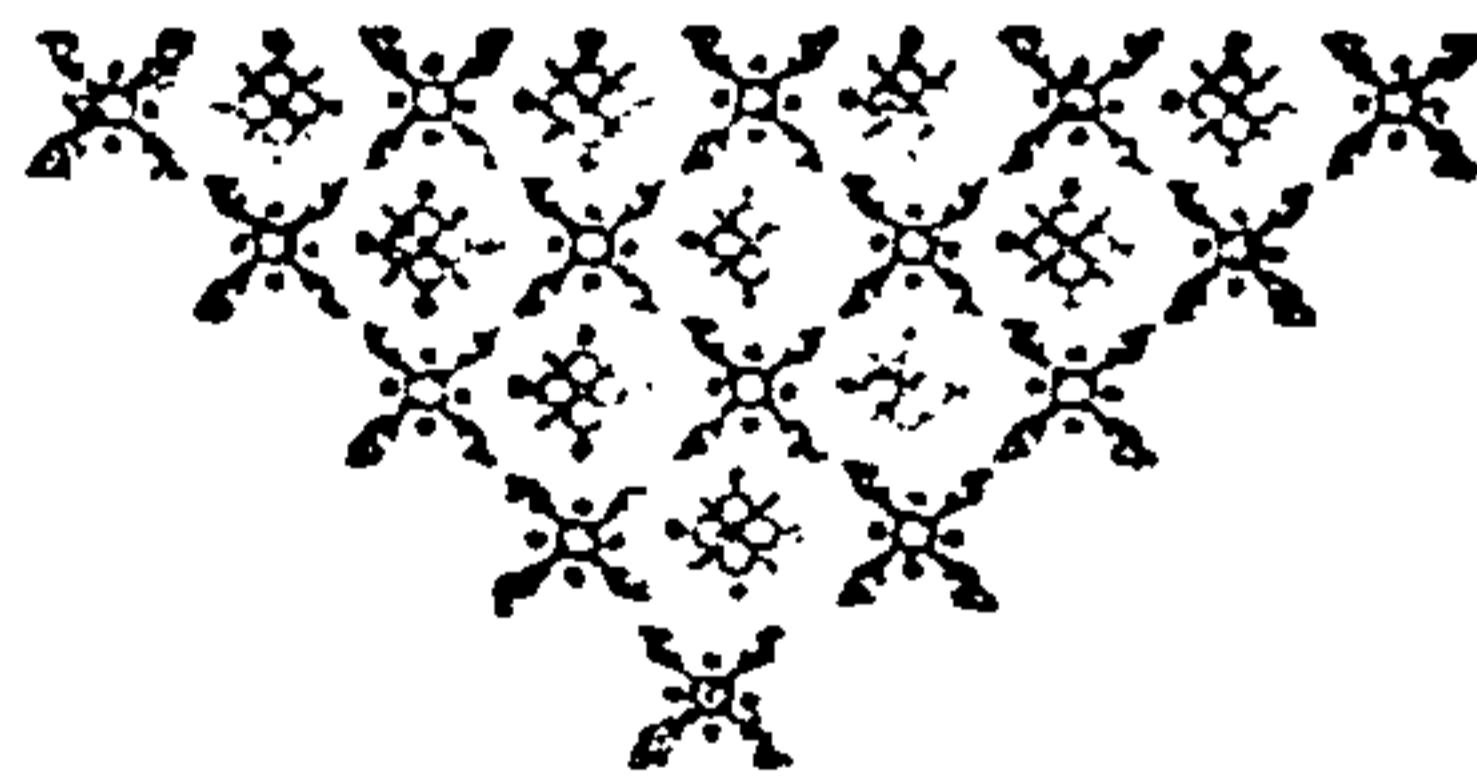
*Read Three Times, and ratified in General Assembly, }  
the Seventeenth Day of May, Anno Dom. 1783. }*

SIGNED BY

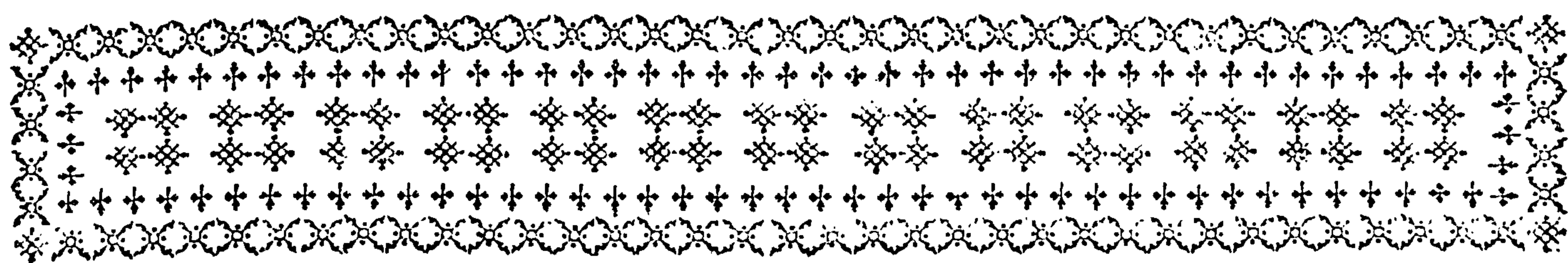
RICHARD CASWELL, S.S.

EDWARD STARKEY, S.C.

L A W S







# L A W S

O F

## NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held at Hillsborough, on the Nineteenth Day of April, in the Year of our Lord One Thousand Seven Hundred and Eighty-four, and in the Eighth Year of the Independence of the said State: Being the First Session of this Assembly.

ALEXANDER  
MARTIN, Esq.  
Governor.

### C H A P. I.

An Act to amend an Act, entitled, An Act for ascertaining what Property in this State shall be deemed taxable Property, the Method of assessing the same, and collecting public Taxes.

See acts April  
1782, c. 7. April  
1783, c. 10. Oct.  
1784, c. 2. Nov.  
1786, c. 1.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all Lands as described by the afore mentioned Act, Town Lots with their Improvements, all free Males and Servants twenty-one Years old or upwards, and all Slaves male and female between the Age of twelve and fifty Years, within this State, shall be subject to the Payment of public Taxes; and the public Taxes on such Property and Persons shall be assessed and proportioned as follows, *viz.* All Lands shall be liable to be taxed by the Quantity, and Freemen and male Servants twenty-one Years old and upwards, and Slaves male and female between the Age of twelve and fifty Years, shall be subject to a Poll-Tax.

Property deemed  
taxable, and how  
assessed.

II. *AND* be it further enacted by the Authority aforesaid, That the public Tax on each and every Poll shall be equal to the public Tax on three hundred Acres of Land, and Town Lots with their Improvements shall be valued as herein after directed.

Poll-Tax.

III. *AND* be it further enacted by the Authority aforesaid, That the Sheriff of each and every County shall within forty Days after the passing of this Act, summon the several Justices of the Peace within his respective County to attend at the Court-House, or usual Place of holding Court, within ten Days after the Date of such Summons, and the said Justices, or any five of them so meeting, are hereby authorized and directed to appoint one Justice of the Peace for every Captain's District in such County, and where there shall be a Town one for such Town, to receive Lists of taxable Property in such District and Town respectively, and the Justices when so appointed, shall without Delay fix the Time and Place in each District and Town for receiving Lists of taxable Property; and in order that all the Inhabitants may be apprised in due Time that such Lists are to be received, the Justice of each District and Town shall order and direct one of the Constables to warn every Family in such District of the Time and Place appointed for receiving Lists of Taxables at least five Days previous to such Time. *Provided always,* That if the Court of any County shall sit within forty Days after the passing of this Act, then the Sheriff shall warn the Justices to attend at such Court for the Purposes aforesaid, and the Court shall appoint the Justices for the several Districts in their County.

Justices to be ap-  
pointed to receive  
lists of taxables.

To give notice of  
the time.

IV. *AND*



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Inhabitants how to give in their lists.

IV. *AND* be it further enacted by the Authority aforesaid, That the Inhabitants of the respective Districts in each County shall attend at the Time and Place to be appointed, and shall return on Oath in writing to the Justice appointed to receive the same, the Quantity of Land, the particular Tracts, the Counties in which the same lie, with the Number of free Males and Servants twenty-one Years old and upwards, the Number of Slaves male and female between the Age of twelve and fifty Years, which to him belonged, or who lived in his Family, and the Number of Town Lots of which he was possessed on the first Day of *April* then last past; and the Oath to be administered by the Justice receiving such Lists shall be as follows:

Their oath.

**Y**OU do swear or affirm (as the Case may be) that this List by you delivered, contains a just and true account of all the Property for which by Law you are subject to pay Taxes, to the best of your Knowledge and Belief. **SO HELP YOU GOD.**

Persons to be appointed to value town lots.

V. *AND* in order to ascertain the Value of Town Lots with their Improvements, *Be it enacted by the Authority aforesaid*, That the Justices of the Peace when met upon the Summons of the Sheriff as aforesaid, or in the County Court, if such Court should be held within the Time herein before limited, shall nominate and appoint three Freeholders in each Town within their respective Counties, who being duly sworn, shall value the Lots in such Town with their Improvements to the full Value thereof respectively, and such Valuation shall be subject to public Taxation, as follows, *to wit*: The same Tax shall be paid upon every hundred Pounds Value of such Town Lots as shall be paid upon every three hundred Acres of Land, and where they shall not all agree in the Value, the Agreement of any two of them shall be returned as the true Value, but where they all disagree, then the different Valuation of three shall be added together, and one Third of the Amount of the whole shall be deemed the true Value of the Property.

Lots how taxed.

Tenants of houses and lots to give in lists of them.

VI. *AND* whereas there are generally in the Towns of this State Lots and Improvements the Property of Persons living at a Distance, or without the Bounds of such Towns, by Reason of which such Property if returned only by the Proprietors would not come to the Hands of the Assessors; for Remedy whereof, *Be it enacted by the Authority aforesaid*, That all Property in the several Towns shall be returned by the Tenants or Occupiers thereof, unless returned by the Proprietors thereof, or the Agent, Attorney, Trustee or Guardian of the Proprietor; and when returned by the Tenant or Occupier, such Tenant or Occupier shall be liable to pay the Taxes thereon assessed, but the absent Owner or Person in whose Care the same shall be, shall nevertheless return such Lots in his general Return, specifying at the same Time in whose actual Possession, or under whose immediate Superintendency the same may be.

All lists and assessments to be returned to the County Court.

VII. *AND* be it further enacted by the Authority aforesaid, That the Justices who shall be appointed to receive the Lists of taxable Property, and the Assessors in every Town, shall make fair Returns of their Lists and Assessments respectively to their respective County Courts next after such Lists shall be received and Assessments made, and the Justices shall in their Return (exclusive of the original Lists received by them) distinguish the Persons Names, the several Tracts of Land, the Quantity and Situation of each Tract, the Town Lots, and Number of Polls white and black, in the following Manner, *viz.*

Property how distinguished.

Persons Names.	Quantity in each Tract	Situation or Place where each Tract lies.	Town Lots.	Value of Town Lots with Improvements.	Numb. of free Polls.	Numb. of black Polls.	Amount of each Persons taxable Property.
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And the Assessors in their Return shall distinguish the different Town Lots, the Situation and Value thereof, with the Amount of each Persons Property in Lots, *viz.*

Persons Names.	No. of Lots and Part of Lots.	Value of Lots	Amount of Assessment.
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Clerks to record the returns of the Assessors.

VIII. *AND* be it further enacted by the Authority aforesaid, That the Clerk of each Court shall record at large in alphabetical Order, the annual Returns to be made by the Justices and Assessors in his County, and the Court shall and may make a reasonable Allowance for such Service, to be paid out of the County Tax; and if any Person appointed to receive Lists of taxable Property, or to assess Town Lots, shall fail or neglect to discharge the Duty of his Appointment, the Person



so failing or neglecting shall forfeit and pay the Sum of one hundred Pounds, to be recovered in any Court of Record having Cognizance thereof, in the Name of the Governor, to the Use of the State; and if any Master or Mistress of a Family, his or her Agents, Factors, Managers or Attornies, after due Notice given as before directed, shall fail or neglect to attend and return Inventories for his or her taxable Property in Manner before mentioned, each and every Person so failing shall forfeit and pay the Sum of fifty Pounds, to be recovered and applied as in the Case last mentioned, and the Person so failing or neglecting shall pay a double Tax, the Number of Polls belonging to the Person neglecting as aforesaid to be reported by the Justice to the best of his Knowledge: And if any Executor, Administrator, Guardian, Trustee, Agent or Attorney, shall after due Notice fail to return an Inventory to the Justice appointed to receive the same of the taxable Property in his Trust or Possession, the Property of the Testator, Intestate, Minor or Absentee, shall be liable to a double Tax, and the Justice shall report the same to the best of his Knowledge or Information; and such double Tax shall be levied of the proper Estate of such Executor, Administrator, Guardian, Trustee, Agent or Attorney.

A. S. 1784.  
Pen. for neglects

Pen. on persons failing to return lists.

IX. *AND be it further enacted by the Authority aforesaid,* That if any Person residing out of the State shall fail, by himself, his Agent or Attorney, to return an Inventory of his taxable Property, the Lands shall be liable to a double Tax, and the taxable Polls if any shall be reported by the Justice as aforesaid, and the Tax shall be levied thereon in the usual Way, provided there be personal Estate sufficient to pay the same; but if there shall be no personal Estate, or not sufficient to pay the Tax, and such Tax shall remain unpaid for twelve Months after it becomes due, then the Lands or so much thereof as may be necessary to pay the Tax, with contingent Charges, shall be sold by the Sheriff by Order of the County Court, and the Sheriff shall account for the same as in other Cases.

Pen. on property not given in by agents of absentees.

X. *AND be it further enacted by the Authority aforesaid,* That the several Justices appointed to receive Lists of Taxables, shall make Return of their own Lists to the County Court, or to some other Justice; and the Property of Assessors of Town Lots shall be assessed by the County Court: And if any Justice appointed to receive Lists of taxable Property, or any Assessor of Town Lots, shall die, refuse to act, or remove out of the County, before the Duty of his Appointment shall be performed, any three Justices of such County may, and they are hereby authorized and directed to appoint another to act in the Place of such Person so dying, refusing to act, or removing, and the Person so appointed shall be on the same footing in all Respects as if he had been originally appointed; and the several County Courts shall and may allow the Assessors of Town Lots in their respective Counties a reasonable Sum for their Services, which Allowance being certified by the Clerk of the Court, shall be paid by the Sheriff out of the public Tax, and such Sheriff shall be allowed for the same in the Settlement of his public Accounts.

The Justices appointed to receive lists to give in their own to the County Court. Property of Assessors of town lots how to be assessed. How vacancies to be supplied.

XI. *AND be it further enacted by Authority aforesaid,* That every Person holding Lands by Title of Dower, Curtesy or other Estate, for Life, or on Lease for five Years or more, computing from the Commencement of such Lease to the End of the Term, shall return an Inventory of such Estate, and pay the public Taxes thereon as in other Cases. *Provided always,* That any Person incurring any of the Penalties in this Act mentioned for omitting to return his List of taxable Property, may apply to the County Court to which the List shall be returned, or to the next succeeding Court, and such Court upon sufficient Reasons shewn may remit the Penalties.

Persons holding titles of dower, &c. to return lists

Provision for a remission of the penalty on applying to County Court, &c.

XII. *AND be it further enacted by the Authority aforesaid,* That at the first Court in every County to be held next after the first Day of April, in every Year after the present, such Court shall appoint a Justice of the Peace for each District in the County to receive Lists of taxable Property for the then present Year, and where there shall be any Town or Towns three Assessors for every Town, and the Clerk of each County Court shall furnish each Justice within twenty Days after his Appointment, with a fair alphabetical Copy at large of the List of taxable Property within his District the preceding Year, under the Penalty of ten Pounds for each Neglect, to be recovered by Action of Debt in the Governor's Name, in any Court having Cognizance thereof, and to be applied to the Use of the State.

Justices to be appointed to receive lists annually.

And Assessors of town lots to be appointed, &c. Clerk's duty.



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No Justice to be a collector of taxes

Lands may be surrendered to the State in lieu of taxes.

Repealing clause.

XIII. *AND be it further enacted by the Authority aforesaid, That no Person being a Justice of the Peace shall be a Collector of public Taxes.*

XIV. *AND be it further enacted by the Authority aforesaid, That if any Person shall be possessed of any Land for which he is unwilling to pay Taxes, he may apply to the Court to which the Returns of taxable Property shall be made by the Justices, and by the said Court shall be permitted to enter on Record such Unwillingness, which when done shall operate forever thereafter as a Surrender of such Lands to the State, and shall be thenceforth liable to be taken up and secured by any Person who will perform such Requisites as the Law directs.*

XV. *AND be it further enacted by the Authority aforesaid, That so much of the Act aforesaid, entitled, An Act for ascertaining what Property in this State shall be deemed taxable Property, the Method of assessing the same, and collecting the public Taxes, as relates to Stock in Trade, Slaves under the Age of twelve Years or over fifty, Wheel Carriages, Horses, Mules and Cattle, and so much of the said Act as comes within the Purview of this Act be, and the same is hereby repealed.*

## C H A P. II.

See act Oct. 1784, c. 22.

*An Act for altering the Time of holding the annual Elections, and annual Assemblies, and directing the Manner of electing annual Officers for the succeeding Year.*

I. **W**HEREAS by holding the annual Assemblies in the Month of *April* great Inconveniencies arise to the Members thereof, and others whose private Business requires their Attendance; many Persons being thereby prevented from cultivating their Farms on which their Means of Subsistence depends, which makes it difficult and frequently impossible for many of the Members to render the necessary Services to the Public without manifest Injury to themselves: And whereas most if not all the States in the Union have their annual Elections in Autumn, and their annual Assemblies in the Winter, which makes it necessary for the Congress of the United States to settle and adjust the Quota of each State at a Period long preceding the annual Assemblies for this State, so that the Requisitions made to support the Union cannot be complied with in proper Time: For Remedy whereof,

Annual elections when held.

II. *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 future the annual Elections of Members of the General Assembly shall commence on the third Friday in August in every Year, and be held and concluded agreeable to Law; and that the next annual Election shall begin on the third Friday of August in the present Year, in the Manner before directed; of which annual Elections the Sheriffs of the respective Counties in this State are hereby directed and required to give due Notice by Advertisement as the Law directs.*

III. [*Repealed by Act, October 1784, Ch. 22.*]

- CHAP. 3. *An Act vesting a Power in the United States in Congress assembled to levy a Duty on foreign Merchandise, for the Use of the United States. (a)*
4. *An Act for laying certain Duties therein mentioned on all foreign Merchandise imported into this State, in Aid of the public Finances, and directing the Mode of collecting the same. (b)*
5. *An Act for appointing Collectors of the Imposts at the several Ports of this State, and for regulating the Duty of Naval-Officers, the Officers of Customs, and Masters of Vessels. (c)*

## C H A P.

- (a) This Act never had its Effect, as all the States did not consent to a similar Measure.  
 (b) Superfeded by the Authority of the United States, under the Constitution of the United States adopted by this State in 1789.  
 (c) Superfeded by the Authority of the United States.



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## C H A P. VI.

An Act for levying a Tax for the Support of Government, and for the Redemption of old Paper Currency Specie and other Certificates. The two first § temporary.

III. **A**ND whereas many Acts of the General Assembly passed heretofore and during this Session, for laying District and County Taxes, are drawn to correspond with the former Mode of assessing Property, whereby Doubts may arise in the Construction of such Acts, *Be it therefore enacted by the Authority aforesaid*, That every Person holding Lands by Deed or Entry where there is no Caveat, or holding Lands by Lease for five Years or for Life, or in Right of Dower, shall pay in Lieu of the Tax in such Acts directed to be levied on the hundred Pounds, a District or County Tax, as the Case may be, on every three hundred Acres; and also on each and every free Poll being twenty-one Years of Age, and on every Slave, male and female, between twelve and fifty Years old, equal to the Tax imposed by the said Acts respectively on each hundred Pounds taxable Property and no more; any Law to the contrary notwithstanding. District and poll-tax.

CHAP. 7. An Act for levying a Tax for the Purposes therein mentioned, and for investing the United States in Congress assembled, with a Power to collect the same. (a)

## C H A P. VIII.

An Act for imposing a Duty or Tax in Aid of the public Revenue upon the different Articles therein mentioned, sold at Auction or public Vendue, and for regulating Auctioneers or Vendue-Masters.

I. **W**HEREAS for the better Support of Government it becomes necessary that a Tax should be imposed upon the net Amount of several Articles sold at public Auction:

II. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That from and immediately after the first Day of July next a Duty or Tax of two and a Half per Cent. be, and the same is hereby assessed and shall be levied upon the net Amount of all Lands, Negroes, Horses, Goods, Wares and Merchandize whatsoever, sold by Auction or public Vendue in the several Towns hereafter mentioned; and every Auctioneer or Vendue-Master shall keep in his Hands out of the net Amount of such Sales, after deducting his own Commissions, the Sum of fifty Shillings for every hundred Pounds produced thereby, and so at that Rate for a greater or less Sum; which said Duty shall be paid into the public Treasury, to be applied towards the Support of Government. Duties imposed.

III. **A**ND for the better and more certain Collection of the said Duty, *Be it enacted by the Authority aforesaid*, That George Deberry for the Town of Wilmington, Ijaiah Chaddock for the Town of Beaufort, Thomas Sitgreaves for the Town of Newbern, and Stephen Owen for the Town of Washington, James Emmit for the Town of Fayetteville, and Edmund Blount for the Town of Edenton, be and they are hereby appointed Auctioneers or Vendue-Masters; which said Auctioneers or Vendue-Masters shall be commissioned by the Governor, and upon a Vacancy in any of the said Offices the Governor for the Time being shall make a temporary Appointment until the General Assembly shall fill up the Vacancy: And every Vendue-Master, before he shall be empowered to act as such, shall enter into Bond, payable to the Governor or Commander in Chief for the Time being and his Successors in Office, in the Penalty of ten thousand Pounds, with sufficient Securities, conditioned for the faithful Discharge of his Duty in Office, and that he will well and truly at the End of every three Months render an Account on Oath to the Treasurer of the District in which he shall reside, of the Sales of all Goods by him disposed of as Auctioneer or Vendue-Master, and which shall be liable to the Duty or Tax hereby imposed, and shall pay to the said Treasurer the Taxes arising upon Vendue-Masters appointed.  
See act Oct. 1784, c. 27.  
To give bond.

(a) This Act never had its Effect, for Want of a general Consent of all the States to a similar Measure.



A. D. 1784.

To render account to their Treasurers:

upon such Sales; and the said Treasurers are hereby required to call upon the Auctioneers or Vendue-Masters within their respective Districts once in every three Months to render an Account of the Sales by them made as aforesaid; and in Case of Neglect or Refusal to render such Account and make Payment as aforesaid, the Treasurers are hereby authorized and required to commence an Action or Actions against him or them for the Recovery of the Penalty of the said Bond, which upon any such Neglect is hereby declared to be forfeited to the Use of the State.

Pen. on persons acting without commissions.

IV. *AND be it further enacted by the Authority aforesaid;* That if any Person or Persons shall sell or expose to Sale by public Auction in any of the said Towns any Lands, Negroes, Horses, Goods, Wares or Merchandizes, nor their own Property, in any of the Towns aforesaid, before he or they shall have given Bond with Securities as aforesaid, or without any Appointment to the Office of Auctioneer or Vendue-Master, every such Person or Persons shall for every public Sale or Auction so made, forfeit the Sum of five hundred Pounds current Money, to be recovered by Action of Debt by the respective Treasurers in any Court having Cognizance thereof, and applied to the Use of the State.

Proviso for the estates of deceased persons.

V. *PROVIDED always, and be it enacted by the Authority aforesaid,* That Nothing in this Act shall extend or be construed to extend to levy any Tax from or to prevent the Sales of the Estates of any deceased Persons, or any Property real or personal, sold under any Execution, Attachment or Decree of any Court of Law or Equity, but that all such Property and Estates shall be sold by the Sheriff of the County in which the same shall be situated, except the Estates of deceased Persons, who by Will may direct any particular Mode of Sale, in which Case the Will of the Testator shall be pursued. *And provided also,* That Goods distrained and sold for Rent shall not be liable to any Duty or Tax.

And for goods distrained and sold for rent.

Vendue-Masters commissions.

VI. *AND be it further enacted by the Authority aforesaid,* That every Auctioneer or Vendue-Master to be appointed by Virtue of this Act, shall and may take and receive for his Trouble in selling, keeping an Account of, collecting and paying the Monies for which such Lands, Negroes, Horses, Goods, Wares and Merchandizes, shall be sold, including the Bonds to be taken when the said Articles or any of them shall be sold on Credit, the following Commissions, *that is to say,* On all Lands, Slaves, Horses, and Goods, Wares and Merchandizes sold by the Bale, Package or Cask, forty Shillings for every hundred Pounds by them to be sold; on all Goods, Wares and Merchandizes by the Piece, Dozen or Set, or any less Quantity, two Pounds ten Shillings for every hundred Pounds to be sold, and so in Proportion for a greater or less Sum; and when any of the said Articles shall be sold on Credit, the Bonds for securing the Payment thereof shall be taken payable to the Auctioneer or Vendue-Master, who shall sell the same, and shall by him be collected and paid, after deducting his own Commissions and the Duty hereby imposed, to the Person or Persons to whom such Articles shall belong, his or their Factor or Agents.

Provided for by the constitution of the U. States.

Superseded by the constitution of the United States.

Rep. by act Oct. 1784, c. 16.

- CHAP. 9. *An Act for authorising the United States in Congress assembled, to regulate the Trade of this State with foreign Nations.*
10. *An Act vesting certain Powers therein mentioned in the United States in Congress assembled.*
11. *An Act ceding to the Congress of the United States certain Western Lands therein described, and authorising the Delegates from this State in Congress to execute a Deed or Deeds for the same.*

## C H A P XII.

*An Act to prevent Doubts as to the Right of Sovereignty and Jurisdiction in and over the Territory lying West of the Apalachian Mountains, for shutting the Land-Office, and for indemnifying John Armstrong, Esq. Entry-Taker, against vexatious Suits for his Conduct in Office.*

- I. **W**HEREAS the General Assembly by Act passed this Session, has ceded on certain Conditions therein mentioned, to the United States  
in



A. D. 1784.

in Congress, all the Territory which belonged to this State lying West of the *Apalachian* or *Alleghany* Mountains; and whereas Doubts may arise with Respect to the Sovereignty and Jurisdiction of the Territory aforesaid until the United States in Congress shall accept or refuse the Cession :

II. *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 Sovereignty and Jurisdiction of this State in and over the Territory aforesaid, and all and every the Inhabitants thereof, shall be and remain the same in all Respects until the United States in Congress shall accept the Cession, as if the Act aforesaid had never passed.

Right of sovereignty retained till the acceptance of the cession,

III. *AND* whereas it is just and right that no further Entries of Lands within the Territory aforesaid should be allowed until the United States in Congress refuse the Cession aforesaid, *Be it enacted by the Authority aforesaid*, That the said Office be and the same is hereby discontinued; and that all Entries of Lands in the said Territory made since the 25th Day of *May*, 1784, or which shall hereafter be made in the said Office of *John Armstrong*, shall be and they are hereby declared void, except such Entries of Lands as shall be made by the Commissioners, Agents and Surveyors who extended the Lines of the Lands allotted to the Continental Officers and Soldiers, and the Guards and Hunters, Chain-Carriers and Markers who attended the said Commissioners; which Entries shall and may be received by the said *John Armstrong* agreeable to the Report of the Committee, and Proceedings had thereon in the same Manner as if this Act had not passed; and that the said *John Armstrong* shall not be liable to the Action of any Person or Persons for Damages, or to any Fine or Penalty for refusing to receive any Entry or Entries of Lands except the Entries to be made for the Lands last above mentioned, lying in the Territory aforesaid, on the said 25th Day of *May*, or at any Time since, any Law to the contrary notwithstanding.

Land-office shut, and certain entries disannulled,

## C H A P. XIII.

*An Act to empower the Delegates of this State in Congress to assent to a Repeal of Part of the Eighth of the Articles of Confederation and perpetual Union between the Thirteen States of America, and to subscribe and ratify the Alteration proposed in the Recommendation of Congress of the 18th of April, 1783, in Place thereof, as Part of the said Instrument of Union.*

I. **W** H E R E A S by a Resolve of the United States in Congress assembled of the 18th of *April*, 1783, it is recommended that so much of the eighth of the Articles of Confederation and perpetual Union between the thirteen States of *America* as is contained in the Words following, *to wit*, "All Charges of War and all other Expences that shall be incurred for the common Defence or general Welfare and allowed by the United States in Congress assembled, shall be defrayed out of a common Treasury which shall be supplied by the several States in Proportion to the Value of all Land within each State granted to or surveyed for any Person, as such Land and the Buildings and Improvements thereon shall be estimated according to such Mode as the United States in Congress assembled shall from Time to Time direct and appoint," be repealed and made void,

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Delegates of this State in Congress be and they are hereby authorized, empowered and directed to assent to the Repeal of so much of the eighth of the Articles of Confederation and perpetual Union between the thirteen States of *America* as is recited in the foregoing Words.

Delegates authorized to repeal part of the articles of confederation.

III. *AND* whereas it is also recommended by the United States in Congress assembled in the Words following, *to wit*, "That all Charges of War and all other Expences that have been or shall be incurred for the common Defence or general Welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of a common Treasury which shall be supplied by the several States in Proportion to the whole Number of white and other free Citizens and Inhabitants of every Age, Sex and Condition, including those bound to Servitude for a Term of Years, and three Fifths of all other Persons not comprehended in the foregoing Description, except *Indians* not



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And ratify a proposed alteration.

"paying Taxes, in each State, which Number shall be triennially taken and transmitted to the United States in Congress assembled, in such Mode as they shall direct and appoint;" *Be it therefore enacted by the Authority aforesaid*, That the Delegates of this State in Congress be and they are hereby fully authorized, empowered and directed to subscribe and ratify the same as Part of the said Instrument of Union.

## C H A P. XIV.

See act April, 1783, c. 2, and acts there referred to.

*An Act to amend an Act, entitled, An Act for opening the Land-Office for the Redemption of Specie and other Certificates, and for discharging the Arrears due to the Army.*

I. **W**HEREAS by the said Act no Mode is pointed out for appointing a Surveyor or Surveyors for surveying the Lands entered in the general Entry-Office kept by Col. *John Armstrong* :

Surveyors appointed.

II. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That three Surveyors be appointed by joint Ballot of both Houses to survey the said Lands, *viz.* One to survey those Lands that lie between the Bounds hereafter described for the Surveyor of *Greene County* and *Cumberland Mountain*, one to survey those Lands that lie between the *Cumberland Mountain* and the *River Tennessee*; and one to survey those Lands that lie between the *Tennessee* and the *Mississippi River*, who shall each of them give Bond with sufficient Security in the penal Sum of ten thousand Pounds, payable to his Excellency the Governor and his Successors in Office, for the faithful Discharge of his Duty agreeable to Law; which said Bond shall be deposited in the Secretary's Office, and upon Breach of the Condition of the said Bond, the same shall be assigned by the Governor to the Party or Parties injured, who may maintain an Action thereon in his or their Name, and no such Bond shall become void upon its Recovery, or if Judgment shall be given for the Defendant, but may be put in Suit and prosecuted from Time to Time until the whole Penalty shall be recovered.

Who are to give bond with security, &amp;c.

Assistant Surveyors appointed.

III. *AND be it further enacted by the Authority aforesaid*, That the Surveyors elected by joint Ballot of both Houses as aforesaid, shall have Power, and are hereby authorized to appoint one or more Assistant Surveyors to assist them in their respective Districts in the Execution of their Offices, for whose Conduct the said Surveyors so elected by joint Ballot of both Houses shall be respectively answerable as for their own.

Pen. on persons not receiving their grants.

IV. *AND* whereas it appears to this General Assembly that there are a Number of Grants made out by the Secretary for Lands formerly entered with the Entry-Takers appointed in the several Counties in this State to receive Entries of Claims for Lands, by Virtue of an Act passed at *Newbern* in *December*, one thousand seven hundred and seventy-seven, entitled, *An Act for receiving Entries of Claims for Lands, &c.* and a Number of said Grants lie in the Secretary's Office for which the Fees have not been paid, to the great Injury of the Secretary; for Remedy whereof, *Be it enacted by the Authority aforesaid*, That if the Secretary shall send such Grants as now are or hereafter may be made out for any Lands that have been entered with any Entry-Taker in this State, before the fifteenth Day of *July*, one thousand seven hundred and eighty-one, to the County where such Grantee or Grantees reside, and shall cause the Arrival of such Grants to be advertised four Months at least, immediately succeeding such Arrival, at the Court-House in such County, that then and in that Case it shall and may be lawful for the Secretary or his Agent to ask, demand and receive one Shilling *per Month* after the Expiration of the said four Months, for each and every Grant by him sent and advertised as aforesaid, for which the Fees are not paid: *Provided further*, That Nothing in this Act contained shall affect a Survey of two thousand Acres of Land made for *David Wilson*, Esquire, by the Surveyor of *Greene County*.

Provide.

Further time allowed for the inhabitants of *Davidson* county to pay for claims.

V. *AND* whereas by an Act passed the last Session of Assembly, entitled, *An Act to erect a County adjoining the Line of Virginia, including a Part of Cumberland River*, it is provided that the Inhabitants of *Davidson County* shall be allowed the Term of eighteen Months to procure Certificates to pay for the Pre-Emptions granted to the Inhabitants of the said County; and whereas the Time allotted to the



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the said Inhabitants for the aforesaid Purposes will soon expire, and many of the Inhabitants from their remote Situation have not been able to procure Certificates for the Purposes aforesaid, *Be it therefore enacted by the Authority aforesaid,* That the Inhabitants of *Davidson County*, who have Claims of Pre-Emption, and have not paid for the same, be allowed the Term of twelve Months, from the passing of this Act, to pay for the same, any Law to the contrary notwithstanding.

VI. *AND* to prevent Disputes respecting the Bounds allotted to the Surveyor of *Greene County*, *Be it enacted by the Authority aforesaid,* That the Surveyor of *Greene County* is hereby authorized to survey all Lands for which Warrants have been or may be granted by Colonel *John Armstrong*, Entry-Taker at *Hillsborough*, lying Westward of the *Apalachian Mountains*, and including all the Lands on the Waters of *Holstein*, from the Mouth of *French Broad River* upwards to the Bounds of *Washington* and *Sullivan Counties*, exclusive of the Entries made by the Entry-Taker of *Greene County*; any Thing in any Law to the contrary notwithstanding.

Bounds allotted the Surveyor of *Greene county*.

VII. *AND* be it further enacted by the Authority aforesaid, That all Tracts of Land shall be laid off and surveyed in a square or oblong Form, as the Law directs, and every Survey shall be on the Lands entered and as nearly as may be agreeable to the Locations thereof; and in Case any Entry shall be made for Lands which have been previously granted or entered and located, the Surveyor shall and he is hereby authorized to survey the Quantity on any vacant Lands in this State, which may be located or described by the Person who made the Entry, or any other Person authorized for that Purpose.

Entries how to be made.

C H A P. XV.

An Act to amend an Act, entitled, An Act for the Relief of the Officers and Soldiers of the Continental Line, and for other Purposes.

See act June, 1781, c. 15, and acts there referred to. Descriptive books to be kept by the Surveyor.

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 Surveyor appointed by the Act aforesaid to survey the Lands granted to the Officers and Soldiers of the Continental Line of this State, shall keep a proper Book, wherein he shall enter all Locations of Lands which have been made agreeable to Law, and therein shall insert the Name of the Person, the Number of the Location, Number of the Warrant, Quantity of Acres, when located, and Description of the Location, in the following Manner :

Persons Names.	No. of the Warrant.	No. of the Location.	Quantity of Acres.	When located.	Description.
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II. *AND* be it further enacted by the Authority aforesaid, That from and after the passing of this Act the Office of the said Surveyor shall be kept at *Nashville*, in *Davidson County*, and conducted under the Regulations and upon the Principles aforementioned, and thereafter no Locations made elsewhere shall be deemed valid.

His office where kept.

III. *AND* be it further enacted by the Authority aforesaid, That any Officer having a Warrant for Lands, may have the same surveyed in one Tract; and each and every Tract surveyed for Officers or Soldiers, shall be run out at the four Cardinal Points of the Compass, either in a Square or in an Oblong, which last shall in no Case be more than twice as long as it is broad, and no Survey of less than one thousand Acres, whether the same be made for any Officer or Soldier, or for any Person on Account of Pre-Emption or Guard-Right, shall be extended across any River or Creek where the same is navigable for Batteaux. *Provided*, That when a Mountain, River or Creek shall interfere in any Survey, one Side of such Survey may be bounded by such Mountain, River or Creek, and the other three Sides shall be run out at the Cardinal Points.

Lands how to be run out.

Proviso.

IV. *AND* whereas the Money paid into the Hands of *Willie Jones*, *Henry Montfort*, and *Benjamin McCulloch*, Commissioners by Law appointed to liquidate the Accounts of the Officers and Soldiers of the Continental Line is found insufficient for the Purposes intended; *Be it enacted by the Authority aforesaid,* That the further Sum of ten thousand Pounds be granted for the said Purposes, to be paid into

Commissioners to make further payments to the army.



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Money granted  
for that purpose.Commissioners to  
enter into bond,  
&c.

into the Hands of the said *Henry Montfort* and *Benjamin M'Culloch*, and *John Macon*, who is hereby appointed a Commissioner instead of *Willie Jones* resigned; and the said Commissioners shall severally enter into Bond with Security in the Sum of thirty thousand Pounds, payable to the Governor and his Successors in Office for the Time being, for the faithful Discharge of the Trust reposed in them, and to account with the General Assembly and pay the Balance if any that may remain in their Hands, as shall hereafter be directed by the General Assembly; and the said Commissioners shall take the following Oath:

And take an  
oath.

**I** A. B. Commissioner for liquidating the Accounts of the Officers and Soldiers of the Continental Line, do swear that I will discharge the Trust reposed in me to the best of my Knowledge, and that I will apply all the Money that I shall receive in Virtue of my Office (my lawful Allowance excepted) as the Law directs.

Monies to be  
supplied from the  
treasury.

And the said Commissioners, or a majority of them, are hereby authorized to demand and receive out of the Tax for the Year of one thousand seven hundred and eighty-three, the said ten thousand Pounds, viz. From the Treasurer of *Edenton* District, fifteen hundred and forty Pounds; from the Treasurer of the District of *Newbern*, fifteen hundred and forty Pounds; from the Treasurer of *Wilmington* District, fifteen hundred and forty Pounds; from the Treasurer of the District of *Salisbury*, fifteen hundred and forty Pounds; from the Treasurer of the District of *Hillsborough*, fifteen hundred and forty Pounds; from the Treasurer of the District of *Halifax*, fifteen hundred and forty Pounds; from the Treasurer of the District of *Morgan*, seven hundred and sixty Pounds.

To settle ac-  
counts not yet  
adjusted.

V. *AND* be it further enacted by the Authority aforesaid, That the said Commissioners, or a Majority of them, shall settle the Accounts of the Officers and Soldiers not yet adjusted for Services prior to first of *January*, one thousand seven hundred and eighty-two, computing Interest to the first of *August*, one thousand seven hundred and eighty-three, and shall pay one Fourth of the Balance in Money, and issue indented Certificates for the Remainder, dated the said first Day of *August*, one thousand seven hundred and eighty-three.

In case of defi-  
ciency certificates  
how to be paid.

VI. *AND* be it further enacted by the Authority aforesaid, That if the Sum of ten thousand Pounds hereby granted for the Purpose of paying one Fourth of the Demands for Services prior to *January*, one thousand seven hundred and eighty-two, should still be insufficient, that the Commissioners shall nevertheless proceed to settle finally all the Accounts to them exhibited, and shall issue Certificates for three Fourths of the several Balances due as in other Cases, and a separate and distinct Certificate shewing what is due to each Claimant in Money, taking a Receipt in full, in order that the State may be enabled to settle and obtain full Credit with the United States; and the Claimants to whom such Certificates for the one Fourth Part of their Demands due in Money shall be granted, shall be entitled to have and receive the Amount of such Certificates in current Money out of the Tax to be collected for the Year one thousand seven hundred and eighty-four, to be paid as the General Assembly shall hereafter direct.

Accounts how to  
be certified and  
received.

VII. *AND* be it further enacted by the Authority aforesaid, That the said Commissioners shall not in future allow or pay the Account or Claim of any Officer or Soldier to them exhibited, unless the same, if an Officer's Account, be certified by *General Sumner*, or some Field-Officer who continued in Service to the End of the War; and if a Soldier's Account, by a Captain or other commissioned Officer, and countersigned by some Field-Officer who continued in Service to the End of the War: *And it is also hereby declared*, That no Pay shall be allowed to any Soldier who deserted, for the Time which elapsed during such Desertion notwithstanding he might afterwards join the Army; but if any Soldier deserted and did not join the Army again, such Soldier shall not be entitled to any Pay or Land for the Time subsequent to the Day of Desertion.

Time of desertion  
not allowed.Commissioners  
allowance.

VIII. *AND* be it further enacted by the Authority aforesaid, That the said Commissioners shall have twenty-four Shillings each *per Day*, for every Day they shall be actually sitting as a Board in Discharge of the Duties of their Office, and for the Risk and Trouble of receiving and paying the Money by this Act granted, shall have one *per Cent.* to be divided among them, and no more.



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## C H A P. XVI.

*An Act for the Relief of such Persons as have been disabled by Wounds, or rendered incapable of procuring for themselves and Families Subsistence, in the Militia Service of this State, and providing for the Widows and Orphans of such as have died.*

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing this Act, that every Person who shall come within the above Description shall apply to the Court of the County in which he or they shall reside, which Court on such Application shall certify to the General Assembly the Distresses of such Person or Persons, who shall have an Allowance adequate to their Relief for one Year, which Allowance shall be continued for the next succeeding Year, and so long as such Court shall certify such Person to continue under the Description aforesaid; which Order or Certificate of Court being countersigned by the Speakers of the General Assembly, shall be a sufficient Voucher to any Sheriff, Collector, or Treasurer paying the same, in the Settlement of their public Accounts.

Disabled persons to apply to the County Courts.

II. *AND* be it further enacted by the Authority aforesaid, That the Widows and Orphans of such Persons as come within the above Description, shall be entitled to obtain Relief on Application to the County Court, in the same Manner as those disabled Persons before mentioned.

Also their widows and orphans.

III. *AND* be it further enacted by the Authority aforesaid, That the Allowances made to Objects within either of the before mentioned Descriptions during the present Session of Assembly, shall be paid by the Treasurers or either of them, according to the Order contained in the Certificate of such Allowance, any Thing herein contained to the contrary notwithstanding.

Their allowances how to be paid.

## C H A P. XVII.

*An Act for the Relief of such Persons who have through Misapprehension entered their Lands in a different County from that wherein they lie, by which Means they are deprived of a legal Title; for Remedy whereof,*

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all such Entries shall be as good and valid in Law as if they had been made in the proper Office of the County wherein they lie; and it shall and may be lawful for the Surveyor or Surveyors who may have the Warrants in Possession, to lay out and survey the said Lands so entered, and make Returns thereof to the Secretary's Office, who is hereby required to issue Grants for the same, under the like Rules, Regulations and Restrictions, as prescribed by Law; and all such Titles heretofore granted or hereafter to be granted, shall be good and valid in Law, to secure the Property to the Grantee, to all Intents and Purposes as if the said Lands had been entered with the Entry-Taker of the County wherein they lie, any Law, Usage or Custom to the contrary notwithstanding: *Provided*, That this Act shall extend only to the Counties of *New-Hanover* and *Brunswick*: *And provided also*, That no Persons shall take any Benefit by this Act, unless the Lands entered were generally conceived to be within the County wherein such Entries may have been made, and the Persons making such Entries shall have performed public Duties, and paid public Taxes in such Counties, as Inhabitants thereof, before the Time of making such Entries.

Titles made good.

## C H A P. XVIII.

*An Act to describe the Lands granted to Major-General Nathaniel Greene, and to confirm the Title thereof in the said Nathaniel Greene, his Heirs and Assigns forever.*

I. **W**H E R E A S the General Assembly by an Act passed in *April* and *May* Session, seventeen hundred and eighty-two, entitled, *An Act for the Relief of the Officers and Soldiers in the Continental Line, and for other purposes therein mentioned*; did allot and give to the said *Nathaniel Greene*, his Heirs and Assigns, twenty-five thousand Acres of Land, as a Mark of their high Sense of the extraordinary Services of the said *Nathaniel Greene*; and directed the same to be laid



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off by the Commissioners by the said Act appointed, within the Bounds of the Lands reserved for the Use of the Army: And whereas *Abfalom Tatom, Isaac Shelby, and Anthony Bledsoe*, Commissioners appointed by the said Act to examine and superintend the laying off the Lands reserved for the Use of the Army, in pursuance of the said Act; and agreeable thereto did lay off and survey, or cause to be laid off and surveyed, twenty-five thousand Acres of Land for the said *Nathaniel Greene*, a Plat of which was duly returned, and now is among the public Papers, bounded as follows; beginning on the south Bank of *Duck River*, on a Sycamore, Cherry-Tree and Ash, at the Mouth of a small Branch running thence along a Line of marked Trees, South seven Miles and forty-eight Poles to two Spanish Oaks, a Hickory and Sugar Sapling, thence East six Miles and ninety Poles to a Spanish Oak and Hackberry Tree, North three Miles and three hundred Poles to a Sugar Tree Sapling, and two White Oak Saplings, under a Clift of *Duck River*, where it comes from the North-East, thence down *Duck River* according to its several Meanders to the Beginning.

Lands vested and the Governor to execute a deed.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That the absolute Property of the Land so laid off by the Commissioners, and included in the Bounds above-mentioned, be and it is hereby vested in Fee-Simple in the said *Nathaniel Greene*, his Heirs and Assigns forever; and his Excellency the Governor is hereby directed to make out and execute without Delay, on Behalf of the State, a good and sufficient Grant, with the Seal of the State annexed in due Form, to the said *Nathaniel Greene*, his Heirs and Assigns, for the Lands above described, and to cause the same to be recorded or registered in the proper Offices, and then to transmit the said Grant as soon as may be to the said *Nathaniel Greene*.

Entries declared void.

III. *AND be it further enacted by the Authority aforesaid*, That all Entries, Warrants, Surveys and Grants, which have been made or obtained subsequent to *March* the eleventh, seventeen hundred and eighty-three, the Date of the Return of the Survey of said *Nathaniel Greene's* Lands, or shall be hereafter made or obtained by any other Person or Persons for the said Lands, or any Part thereof, shall be and they and every of them are hereby declared utterly void, any Law to the contrary notwithstanding.

## C H A P. XIX.

*An Act to empower the County Surveyors to make Surveys and Returns in the Manner therein mentioned.*

I. **W**HEREAS it has been found impracticable to survey most of the Entries of Lands made in and adjoining the large Swamps in the Eastern Parts of this State agreeable to the Manner directed by the Acts now in Force, without putting the Persons entering the same to great and unnecessary Expence; for Remedy whereof,

Surveyors how to return, when surveys are difficult to be made.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That it shall and may be lawful for the Surveyors or any of them in the Eastern Parts of this State, and they or either of them are hereby empowered and required to survey for any Person or Persons whosoever, his or their Entries of Land already made, or that hereafter may be made in or adjoining any of the great Swamps, (be the Number of Entries more or less) in one entire Survey, and return the same to the Secretary's Office, who is hereby empowered and required to make out a Grant or Grants for the same, agreeable to such Return: *Provided*, That the Entries so border on each other as to render this Mode more practicable than to survey the same separately.

Joint entries how surveyed.

III. *AND be it further enacted by the Authority aforesaid*, That where two or more Persons shall have entered or may hereafter enter Lands jointly, or where two or more Persons agree to have their Entries surveyed jointly in one or more Surveys, the Surveyor is hereby empowered and required to survey the same accordingly in one entire Survey; and the Persons so agreeing to have their Entries surveyed, or entering Lands jointly, shall hold the same as Tenants in common, and not as joint Tenants.

IV. *AND*



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IV. *AND be it further enacted by the Authority aforesaid,* That the Owner or Owners of Lands surveyed in Manner aforesaid, shall be obliged to pay to the Surveyor or Surveyors and Secretary, the same Fees as are allowed by Law for other Lands.

Fees allowed.

V. *AND be it further enacted by the Authority aforesaid,* That so much of any Act or Acts now in Force in this State as comes within the Purview and Meaning of this Act, shall be and the same is hereby repealed and made void.

Repealing clauses

## C H A P XX.

*An Act for repealing Part of an Act passed at Hillsborough in May, One Thousand Seven Hundred and Eighty-three, 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. **B**E *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 twelfth Section of the Act aforesaid as is contained in these Words, *viz. "Provided also, and it is hereby expressly declared,* That it shall not be lawful for any Person or Persons to claim, enter or survey the great Island in *Holstein* River, and if any such Entry be made (the same having been made in open Violation of Treaty) is hereby declared void. *And be it enacted,* That the said Island shall be and hereby is reserved and appropriated to the sole Purpose of holding the beloved Talks and Treaties on with the said *Cherokee* Indians, and shall not be granted, sold or disposed of to any Person or Persons whatever," be and it is hereby repealed and declared utterly void.

Act disannulled.

## C H A P XXI.

*An Act for the Relief of Persons who have suffered or may suffer by their Grants, Deeds, and Mesne Conveyances not being proved and registered within the Time heretofore appointed by Law.*

I. **B**E *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the Authority of the same,* That all Grants for Lands entered in the late Land-Office, under the present Constitution, which have not been registered within the Times heretofore appointed by Law, shall and may within two Years after the passing of this Act be admitted to Registration, and shall be as good and valid as if they had been registered within the Time aforesaid; and all Grants for Lands obtained as aforesaid, which have been registered since the Expiration of the Time by Law appointed for their being registered, shall be as good and valid to all Intents and Purposes as if they had been registered within the Time aforesaid, any Law to the contrary notwithstanding.

Further time allowed for registering, &amp;c. grants for lands entered in the late land-office.

II. *AND be it further enacted by the Authority aforesaid,* That all Deeds and Mesne Conveyances of Lands, Tenements, and Hereditaments not already registered, acknowledged or proved, shall and may within two Years after the passing of this Act be acknowledged by the Grantor or Grantors, his or their Agents or Attornies, or proved by one or more of the subscribing Witnesses to the same, and tendered or delivered to the Registers of the Counties where such Lands, Tenements or Hereditaments are respectively situated; and all Deeds and Mesne Conveyances whatsoever which shall be acknowledged or proved according to the Directions of this Act, though not within two Years after the Date of such Conveyance, shall be good and valid in Law, and shall enure and take Effect as fully and effectually to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deed and Conveyance had been acknowledged or proved, and registered agreeable to the Directions of any Law heretofore made: *Provided,* That Nothing in this Act contained shall be construed so as to admit to Record or Registration, or ratify and enforce any Grant or Grants heretofore made in Lord *Granville's* Office.

Further time allowed for registering, &amp;c. deeds not already registered.

Exception as to grants in Lord Granville's office

III. *AND* where any Purchase of Land hath been made within this State since which Time the Grantor or Grantors, or the subscribing Witnesses have removed themselves out of the County where such Land lies, *Be it enacted by the Authority aforesaid,*



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Probates how to be obtained when the grantors or witnesses have removed, &c.

*aforeſaid*, That if any Perſon or Perſons under the before mentioned Circumſtances ſhall make it appear to the Satisfaction of the County Court of the County in which ſuch Land may lie, the ſaid Court is hereby empowered to grant a *Deceimus*, directed to ſome Juſtice of the Peace in the County or State where ſuch Grantor or Grantors, or any of the ſubſcribing Witneſſes may be, empowering the ſaid Juſtice to take the Acknowledgement or Probate of ſuch Deed or Deeds, and requiring him to certify the ſame under his Hand and Seal, directed to the ſaid County Court, ſetting forth that ſuch Deed or Deeds have either been acknowledged by the Grantor or Grantors, or otherwiſe proved by the Oath of one or more of the ſubſcribing Witneſſes ; then and in that Caſe ſuch County Court is hereby empowered to admit ſuch Deed or Deeds to Record and Registry, which ſhall be as valid in Law as if the ſame had been acknowledged or proved in open Court of ſaid County, any Law to the contrary notwithstanding

## C H A P. XXII.

See act Oct. 1784, c. 10.

*An Act to regulate the Deſcent of real Eſtates, to do away Entails, to make Proviſion for Widows, and to prevent Frauds in the Execution of laſt Wills and Teſtaments.*

I. **W** H E R E A S it will tend to promote that Equality of Property which is of the Spirit and Principle of a genuine Republic, that the real Eſtates of Perſons dying inteſtate ſhould undergo a more general and equal Distribution than has hitherto prevailed in this State :

Lineal deſcents.

II. *B E* 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 when any Perſon ſhall die ſeized or poſſeſſed of, or having any Right, Title or Intereſt in and to any Eſtate, or Inheritance of Land, or other real Eſtate in Fee-Simple, and ſuch Perſon ſhall die inteſtate, his or her Eſtate or Inheritance ſhall deſcend in the following Manner, *to wit*, To all the Sons to be equally divided amongſt them, and for Want of Sons, to all the Daughters to be divided amongſt them equally, Share and Share alike, as Tenants in common in Severalty, and not as joint Tenants, other than ſuch Son or Daughter as ſhall have Lands ſettled on him or her by his or her deceased Parent in Fee-Simple, equal to the Share which ſhall deſcend to the other Sons or Daughters, as the Caſe may be, reſpectively ; and in Caſe any Son or Daughter ſhall have Lands ſettled on him or her by his or her deceased Parent, not equal to the Share which ſhall deſcend to ſuch Sons or Daughters, as the Caſe may be, reſpectively as aforeſaid, then ſo much of the Lands or other real Eſtate of the Deceased ſhall deſcend to ſuch Son or Daughter, ſo provided for, as will make the Eſtates of all the Children entitled by this Act to the Inheritance, as nearly equal as can be eſtimated ; and each and every of the Children of the Deceased ſo inheriting, ſhall have, hold and enjoy, in the Land ſo deſcending, ſuch Eſtate as the ſaid Deceased had and held in the ſame at the Time of his Deceate : *Provided always*, That if any Child of ſuch Ineſtate ſhall have died in the Lifetime of the Parent, his or her lineal Deſcendants ſhall be held to repreſent their Parent, and ſhall ſtand in the ſame Place he or ſhe would have done, and ſhall be entitled to the ſame Portion of the Eſtate of their Grand-Father or Grand-Mother, as their Father or Mother would have been entitled to if living ; ſuch Part or Portion to be divided amongſt the Sons, and for Want of Sons among the Daughters, as Tenants in common in Severalty, and not as joint Tenants.

Exception in the caſe of a child preferred.

Proviſo where a child of the inteſtate died in the inteſtate's lifetime.

Collateral deſcents.

III. **A N D** whereas it is almoſt peculiar to the Law of *Great-Britain*, and founded in Principles of the Feudal System, which no longer apply in that Government, and can never apply in this State, that the Half-Blood ſhould be excluded from the Inheritance, *Be it therefore enacted by the Authority aforeſaid*, That if any Perſon dying inteſtate ſhould at the Time of his or her Death be ſeized or poſſeſſed of, or have any Right, Title or Intereſt, in or to any Eſtate or Inheritance in Lands or other real Eſtate in Fee-Simple, and without Iſſue, ſuch Eſtate or Inheritance ſhall deſcend to his or her Brothers, and for Want of Brothers, to his or her Siſters, as well thoſe of Half-Blood as thoſe of whole Blood ; to be divided amongſt them equally, Share and Share alike, as Tenants in common and not as joint Tenants, and each and every of them ſhall have, hold and enjoy



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enjoy in their respective Parts or Portions such Estate or Inheritance as the Intestate died seized or possessed of, or entitled unto: *Provided always*, That when the Estate shall have descended on the Part of the Father, and the Issue to whom such Inheritance shall have descended shall die without Issue, male or female, but having Brothers or Sisters of the paternal Side of the Half-Blood, and Brothers or Sisters of the maternal Line, also of the Half-Blood, such Brothers and Sisters respectively of the paternal Line shall inherit in the same Manner as Brothers and Sisters of the Whole-Blood, until such paternal Line is exhausted of the Half-Blood; and the same Rule of Descent and Inheritance shall prevail amongst the Half-Blood of the maternal Line under similar Circumstances, to the Exclusion of the paternal Line: *Provided also*, That if any Brother or Sister of the Intestate shall have died in the Lifetime of the Intestate, leaving Issue male or female, such Issue shall represent their deceased Parent, and stand in the same Place he or she would have done if living, and shall be entitled to the same Part or Portion of the Estate of his or their Uncle or Aunt, as his or their Father or Mother would have been entitled unto if living, such Part or Portion to be divided amongst such Representatives, if more than one, among all the Sons, and for Want of Sons among all the Daughters equally, Share and Share alike, as Tenants in common and not as joint Tenants.

Proviso for brothers or sisters of half blood where no issue.

See act O.S. 1784, c. 10 § 2.

Issue of a deceased brother or sister entitled to the ancestor's part.

IV. *AND* be it further enacted by the Authority aforesaid, That the same Rules of Descent shall be observed in lineal Descendants and Collaterals respectively, when the lineal Descendants shall be further removed from their Ancestor than Grand-Children, and when the Collaterals shall be further removed than the Children of Brothers and Sisters.

Same rules with respect to remote as to near descendants or collaterals.

V. *AND* whereas Entails of Estates tend only to raise the Wealth and Importance of particular Families and Individuals, giving them an unequal and undue Influence in a Republic, and prove in manifold Instances the Source of great Contention and Injustice, *Be it therefore enacted by the Authority aforesaid*, That from and after the Ratification of this Act, any Person seized or possessed of an Estate in general or special Tail, whether by Purchase or Descent, shall be held and deemed to be seized and possessed of the same in Fee-Simple, fully and absolutely, without any Condition or Limitation whatsoever to him, his Heirs and Assigns forever, and shall have full Power and Authority to sell or devise the same as he shall think proper, and such Estate shall descend under the same Rules as other Estates in Fee-Simple; and all Sales and Conveyances made *bona fide*, and for valuable Consideration, since the first Day of *January*, in the Year of our Lord one thousand seven hundred and seventy-seven, by any Tenant in Tail, in actual Possession of any real Estate where such Estate hath been conveyed in Fee-Simple, shall be good and effectual in Law to bar any Tenant or Tenants in Tail, and Tenants in Remainder of and from all Claim and Claims, Action and Actions, and Right of Entry whatsoever, of, in and to such entailed Estate, against any Purchaser, his Heirs or Assigns, now in actual Possession of such Estate, in the same Manner as if such Tenant in Tail had possessed the same in Fee-Simple.

Tenants in tail made tenants in fee-simple.

*Bona fide* sales & conveyances by tenant in tail in possession in fee-simple, held to convey a right in fee-simple.

VI. *AND* whereas in real and personal Estates held in joint Tenancy the Benefit of Survivorship is a manifest Injustice to the Families of such as may happen to die first, *Be it therefore enacted by the Authority aforesaid*, That in all Estates real and personal, held in joint Tenancy, the Part or Share of any Tenant dying shall not for the future descend or go to the surviving Tenant or Tenants, but shall descend or be vested in the Heirs, Executors, Administrators or Assigns respectively of the Tenant so dying, in the same Manner as Estates held by Tenancy in common, any Law, Usage or Custom to the contrary notwithstanding: *Provided always*, That Estates held in joint Tenancy for the Purposes of carrying on and promoting Trade and Commerce, or any other useful Work or Manufacture established and pursued with a View of Profit to the Parties therein concerned, shall be vested in the surviving Partner or Partners, in order to enable him or them to settle and adjust the Partnership-Business and pay off the Debts which may have been contracted in Pursuit of the said joint Business; but as soon as the same shall be effected, the Survivor or Survivors shall account with and pay and deliver to the Heirs, Executors, Administrators and Assigns respectively of the deceased Partner or Partners,

In joint-tenancy the heirs, &c. of one dying entitled as on a tenancy in common.

Exception for a particular purpose, as to partnerships in trade.



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ners, all such Part, Share and Sums of Money, as he or they may be entitled to by Virtue of the original Agreement if any, or according to his or their Share or Part in the joint Concern, in the same Manner as Partnership Stock is usually settled between joint Merchants and the Representatives of their deceased Partners.

Parent to inherit where no brother or sister or the issue of such is living.

Particular manner in which the estate shall be vested.

See Act Oct. 1784, c. 10, § 3.

Widow's dower.

Widow may dissent from her husband's will.

Proviso against fraudulent conveyances.

To be entitled to one third of lands for life. In which shall be comprehended the husband's usual dwelling house, &c.

Unless it shall appear to the Court that this will prejudice the children, &c.

If no child, or not more than 2, to have one third, otherwise a child's part only of the personal estate.

VII. AND whereas by the Law of Descents as it now stands, when any Person seized of a real Estate in Fee-Simple, dies intestate without Issue, and not having any Brother or Sister, such Estate descends to some collateral Relation, notwithstanding that the Intestate may have Parents living, a Doctrine grounded upon a Maxim of Law not founded in Reason, and often iniquitous in its Consequences, *Be it therefore enacted by the Authority aforesaid*, That in Case of any Person dying intestate, possessed of an Estate of Inheritance without leaving any Issue, or not having any Brother or Sister, or the lawful Issue of such who shall survive, the Estate of such Intestate shall be vested in Fee-Simple, in his or her Parent, from whom the same was derived; or if such Estate was actually purchased or otherwise acquired by such Intestate, then the same shall be vested in the Father of such Intestate if living, but if dead, then in the Mother of such Intestate and her Heirs, and if the Mother of the Intestate should be dead, then in the Heirs of such Intestate on the Part of the Father, and for Want of Heirs on the Part of the Father, then to the Heirs of the Intestate on the Part of the Mother.

VIII. AND whereas the Dower allotted by Law in Lands for Widows in the present unimproved State of this Country, is a very inadequate Provision for the Support of such Widows, and it is highly just and reasonable that those who by their Prudence, Economy and Industry, have contributed to raise up an Estate to their Husbands, should be entitled to share in it; *Be it therefore enacted by the Authority aforesaid*, That if any Person shall die intestate, or shall make his last Will and Testament, and not therein make any express Provision for his Wife, by giving and devising unto her such Part or Parcel of his real or personal Estate, or to some other for her Use, as shall be fully satisfactory to her, such Widow may signify her Dissent thereto before the Judges of the Superior Court, or in the Court of the County wherein she resides, in open Court, within six Months after the Probate of the said Will, and then and in that Case she shall be entitled to Dower in the following Manner, *to wit*, One third Part of all the Lands and Tenements, and Hereditaments, of which her Husband died seized or possessed. *Provided always*, That any Conveyances made fraudulently to Children or otherwise, with an Intention to defeat the Widow of the Dower hereby allotted, shall be held and deemed to be void, and such Widow shall be entitled to Dower in such Land so fraudulently conveyed as if no Conveyance had been made, which said third Part shall be and enure to her own proper Use, Benefit and behoof, for and during the Term of her natural Life; in which said third Part shall be comprehended the Dwelling-House in which the said Husband shall have been accustomed most generally to dwell next before his Death, and commonly called the Mansion-House, together with the Offices, Out-Houses, Buildings, and other Improvements thereunto belonging or appertaining. *Provided always*, That in Case it should appear to the said Judges or Justices that the whole of the said Dwelling-House, Out-Houses, Offices and Appurtenances, cannot be applied to the Use of the Wife, without manifest Injustice to the Children or other Relations, then and in that Case such Widow shall be entitled to such Part or Portions of said Dwelling-House, Out-Houses, Offices and Improvements thereunto belonging, as they shall conceive will be sufficient to afford her a decent Residence, due regard being had to her Rank, Condition and past Manner of Life; which Dwelling-House, Out-Houses, Offices and Improvements, or such Part thereof so allotted the said Widow, shall be and enure to her during the Term of her natural Life; and furthermore, if such Husband shall die leaving no Child, or not more than two, then and in that Case she shall be entitled to one third Part of the personal Estate; but if such Husband shall die leaving more than two Children, then and in that Case such Widow shall share equally with all the Children, she being entitled to a Child's Part. (a)

IX. A N D

(a) See Acts Oct. 1784, Ch. 10, Sect. 4. Nov. 1787, Ch. 24.



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IX. AND whereas the present Mode of suing for Dower is dilatory, expensive and intricate, *Be it enacted by the Authority aforesaid*, That after the Ratification of this Act, it shall and may be lawful for any Widow having Claim to Dower, to file her Petition in the Superior Court of the District, or the Court of the County where her Husband shall have usually dwelt, setting forth the Nature of her Claim, and particularly specifying the Lands, Tenements and Hereditaments of which her Husband died seized or possessed, and praying that her Dower may be allotted to her; whereupon the said Court shall issue their Writ to the Sheriff of the County where the Lands, Tenements and Hereditaments of the deceased Husband lie, commanding him to summon twelve Freeholders connected with the Parties neither by Consanguinity or Affinity, and entirely disinterested, who upon Oath (which Oath the Sheriff is hereby empowered to administer) shall allot and set off to the said Widow, one third Part of all the Lands, Tenements and Hereditaments in the said County, of which the said Husband was so as aforesaid seized or possessed, and shall put her in Possession of the same, which Possession shall vest in her an Estate for her natural Life, in the third Part of the Lands, Tenements and Hereditaments of which her Husband was so as aforesaid seized or possessed; and the said Sheriff and Freeholders shall also put her in Possession of the House or Mansion, or Part or Portion thereof, in which her said Husband most generally dwelt next before his Decease, and of all Offices, Out-Houses, Buildings and Improvements thereunto belonging, or in any wise appertaining; and in Case of the Lands, Tenements and Hereditaments that were of the Estate of the Deceased lying in different Counties, the Court shall issue their Writs to the Sheriffs of the several Counties respectively, commanding them as aforesaid, which Writs shall be executed in Manner as aforesaid directed, when the Lands, Tenements and Hereditaments lie in the same County; and such Sheriff and Jury shall also allot and set off to such Widow, such Part or Portion of the personal Estate of which her Husband died possessed, and to which by this Law she shall be entitled, which Part or Portion shall be and enure to such Widow, her Executors, Administrators and Assigns forever.

Method of suing for dower.

And proceedings thereupon.

X. *AND be it further enacted by the Authority aforesaid*, That the Proceedings upon such Petitions for Dower shall be in a summary Manner, and the Judges or Justices shall at the first Court when such Petitions are filed, proceed to hear and determine as to them shall seem just and right: *Provided always*, That the Party petitioning for Dower, shall give ten Days previous Notice to the Heirs and Executors, or Executors and Administrators of the last Will and Testament of her deceased Husband, and shall serve him, her or them with a Copy of the said Petition.

Proceedings to be in a summary manner.

Previous notice.

XI. AND whereas Wills and Testaments which ought to be the most solemn and best considered Act of a Man's Life, are in too many Instances the most indigent, and from Weakness of Body and Mind, and the undue Influence of those about them, and from an Omission of due Ceremonies, the true Intentions of the Testator are frustrated, and Injustice done to those for whom he meant specially to provide, *Be it enacted by the Authority aforesaid*, That no last Will or Testament shall be good or sufficient either in Law or Equity to convey or give any Estate in Lands, Tenements or Hereditaments, unless such last Will shall have been written in the Testator's Lifetime, and signed by him or some other Person in his Presence, and by his Direction, and subscribed in his Presence by two Witnesses at least, no one of which shall be interested in the Devise of the said Lands.

Requisites to make a good will of lands.

See act Oct. 1784, c. 10.

XII. AND whereas for Want of Knowledge in the Law many real Estates are devised in such a Manner as to frustrate the Intentions of the Testators, and it not unfrequently happens from the Difficulty of discovering such Intentions, that the Posterity of such Testators are disinherited, and the Families of such Persons whose Fortunes are intended to be promoted are left without Support; for Remedy whereof, *Be it therefore enacted by the Authority aforesaid*, That from and after the Ratification of this Act, where any Lands, Tenements, Hereditaments, or other real Estate shall be devised to any Person or Persons, the same shall be held, deemed and construed to be a Devise in Fee-Simple, unless such Devise shall in plain or express Words, or it shall be plainly intended by such Will or some Part thereof,

Devises how to be made.

thereof,



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thereof, that the Testator intended to convey an Estate of less Dignity, any Law, Usage or Custom to the contrary notwithstanding.

Revocation of a written will.

XIV. *AND be it further enacted by the Authority aforesaid,* That no written Will shall be revoked or altered by a subsequent nuncupative Will, except the same be in the Lifetime of the Testator reduced to writing and read over to him and approved, and unless the same be proved to have been so done by the Oaths of two Witnesses at least, who shall be such as are admissible upon Trials at common Law.

Nuncupative will. Requisites for one where the estate exceeds 100l.

XV. *AND be it further enacted by the Authority aforesaid,* That no nuncupative Will in any wise shall be good where the Estate exceeds one hundred Pounds current Money of the State, unless proved by two such Witnesses as last mentioned present at the making thereof, and unless they or some of them were specially required to bear Witness thereto by the Testator himself, and unless it was made in his last Sickness in his own Habitation or Dwelling-House, or where he had been previously resident ten Days at least, except he be surpris'd with Sickness on a Journey or from Home, and dies without returning to his Dwelling.

How to be proved.

XVI. *AND be it further enacted by the Authority aforesaid,* That no nuncupative Will shall be proved by the Witnesses after six Months from the making, unless it were put in writing within ten Days, nor shall it be proved till fourteen Days after the Death of the Testator, nor till Process hath first issued to call in the Widow or next of Kin, or both if conveniently to be found, to contest it if they think proper.

Repealing clause.

XVII. *AND be it further enacted by the Authority aforesaid,* That every Law heretofore in Force in this State, and every Clause or Part thereof, which come within the Purview of this Act, are hereby repealed and made void.

## C H A P. XXIII.

See page 28.

*A supplemental Act to an Act, entitled, An Act for proving of Wills and granting Administration, and to prevent Frauds in the Management of Intestates Estates.*

I. **W**HEREAS it is enacted in the ninth Section of the said Act, "That "Creditors of any Person deceased shall make their Claims in seven "Years after the Death of such Debtor, otherwise such Creditor shall be forever "barred; and if it shall happen that any Sum or Sums of Money shall hereafter "remain in the Hands of any Administrator after the Term of seven Years shall "be expired, and not recovered by any of Kin to the Deceased, or by any Cre- "ditor in that Time, the same shall be paid to the Churchwardens and Vestry to "and for the Use of the Parish where the said Money shall remain." And as there are no Churchwardens or Vestry to make Claim in such Cases,

Estates deposited in the treasury subject to legal claims.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That as soon as an Administrator shall have finished his Administration on such Estates, and no Creditor shall make any further Demand, the Residue of such Estate shall be deposited in the Treasury, and there to remain without Interest, subject to the Claim of Creditors and the lawful Representatives of such Decedent without being subject to Limitation or Time.

Treasurers to demand payment of administrator.

III. *AND be it further enacted by the Authority aforesaid,* That the Treasurer is hereby authorized and empowered in all such Cases to demand Payment of such Administrator, and on Refusal or Delay, to give Notice of thirty Days to appear and shew Cause why he refuses or delays Payment, and on Non-Appearance to enter up Judgment, and thereon proceed to Execution for the Purposes aforesaid.

Superseded by the present constitution of the United States.

C H A P. 24. *An Act directing the Appointment of Delegates agreeable to the Recommendation of Congress.*



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## C H A P. XXV.

An Act to amend an Act passed at Hillsborough, in the Year One Thousand Seven Hundred and Eighty-three, entitled, An Act for emitting One Hundred Thousand Pounds for the Purpose of Government for One Thousand Seven Hundred and Eighty-three, for the Redemption of the Paper Currency now in Circulation, and advancing to the Continental Officers and Soldiers Part of their Pay and Subsistence, and for levying a Tax and appropriating the confiscated Property for the Redemption of the Money now emitted; and also an Act passed at Halifax in the Year One Thousand Seven Hundred and Seventy-nine, entitled, An Act for punishing Persons concerned in any of the several Species of Counterfeiting in this State, to prevent the counterfeiting of Certificates issued by the public Authority, and to subject Persons guilty of counterfeiting the Bills of Credit of this State in any of the neighbouring States to the same Punishment as if the Offence had been committed in this State.

I. **W** H E R E A S in the said Act passed at *Halifax* in the Year one thousand seven hundred and seventy-nine, it is enacted, That if any Person or Persons shall be found guilty of altering or passing any counterfeit Bills of Credit, Lottery-Tickets or Loan-Office Certificates, for the second Offence he or they shall suffer Death without Benefit of Clergy: And whereas in the said Act passed at *Hillsborough* in the Year one thousand seven hundred and eighty-three, it is enacted, That whosoever shall by printing, writing, engraving, or by any Ways and Means counterfeit any of the said Bills of Credit emitted by Virtue of this Act, or any Part, Word, Letter, Name, Emblem or Device of the same, or shall make or construct any Die, Press, Type or other Instrument for emitting or counterfeiting any of the said Bills, or any Part, Name, Emblem or Device thereof, (except by Authority of Law or in Case where such may be signed to bring suspected Persons to Justice) or shall alter or deface any of the said Bills with Intention to change the Value and Denomination thereof, or shall knowingly pass or utter any counterfeit Likeness of any of the said Bills, being thereof lawfully convicted by Confession or Verdict, or on Arraignment on Trial shall stand mute or challenge peremptorily more than thirty-five Jurymen, every such Person or Persons shall be subjected to and suffer the same Pains and Penalties as are provided by an Act passed at *Halifax* in the Year one thousand seven hundred and seventy-nine, entitled, *An Act for punishing Persons concerned in any of the several Species of Counterfeiting in this State*, and these Laws being found ineffectual in preventing the uttering and passing the counterfeit Bills aforesaid,

II. *B E* 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, if any Person or Persons shall be a second Time convicted of uttering or passing in Manner aforesaid any such counterfeit Bills of Credit, Lottery-Tickets or Loan-Office Certificates, he or they on such second Conviction shall suffer Death without Benefit of Clergy, any Law to the contrary notwithstanding.

Pen. for passing, &c. counterfeit bills a second time.

III. *A N D* be it further enacted by the Authority aforesaid, That whosoever shall by printing, writing or engraving, or by any other Ways or Means counterfeit any of the Comptrollers, Auditors, Commissioners, Colonels, or any other Certificates issued by public Authority, or any Part, Word or Letter of the same, with an Intention to defraud and deceive, or shall alter or deface any such Certificates with an Intention to change the Value or Denomination thereof, or shall knowingly pass or offer to pass or present as a Voucher any counterfeit Likeness of such Certificates, being thereof lawfully convicted, shall suffer the same Pains and Penalties as are by Law inflicted on Persons convicted of counterfeiting the Bills of Credit of this State.

Pen. for counterfeiting or passing, &c. comptroller and other certificates.

IV. *A N D* whereas there is Reason to apprehend that wicked and ill-disposed Persons resident in the neighbouring States, make a Practice of counterfeiting the current Bills of Credit of this State, and by themselves or Emiffaries utter or vend the same with an Intention to defraud the Citizens of this State, *Be it therefore enacted by the Authority aforesaid*, That all such Persons shall be subject to the same Mode of Trial, and on Conviction liable to the same Pains and Penalties as

Pen. on Counterfeiters, &c. of the currency of this state in other states.



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if the Offence had been committed within the Limits of this State, and be prosecuted in the Superior Court of any District within this State.

## C H A P. XXVI.

*An Act to prevent the Exportation of unmerchable Commodities.*

I. **W** H E R E A S the Establishment of an Inspection for certain Articles exported from this State would be of great Utility to the Commerce thereof,

II. *B E it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That the Justices of the County Courts of Pleas and Quarter Sessions in the several Counties hereafter mentioned, are hereby authorized and required at the first or second Court to be held in each of the said Counties after the passing of this Act, and on the first Court in each County respectively, which shall be held next after the first Day of *January* in each succeeding Year, to nominate and appoint in open Court one or more fit or proper Person or Persons, residing in the said County, to attend at such Times and Places as are by this Act appointed and directed to inspect all such Beef, Pork, Rice, Tar, Pitch and Turpentine, Staves and Heading, Fish, Flour, Butter, Flax-Seed, sawed Lumber and Shingles, as shall be exposed to Sale for Exportation within the respective Counties according to the Directions of this Act; and every Inspector so appointed shall before he enters upon or executes his Office enter into Bond with two good and sufficient Securities, in the Penalty of five hundred Pounds current Money, for the true and faithful Discharge of his Office according to the Directions of this Act, (which Bond and Securities every such Court respectively is hereby empowered and required to demand and take, and cause to be acknowledged before them in open Court and recorded) and the said Bond shall be made payable to the Governor or Commander in Chief for the Time being and his Successors in Office, and shall be in Force for the Term of three Years after such Inspector shall be out of Office, and that in the Name of the Governor or Commander in Chief for the Time being, any Person or Persons injured may and shall at his, her or their Costs and Charges commence and prosecute a Suit or Suits on such Bond against the Parties therein bound, their Executors or Administrators, and shall and may recover all Damages which he, she or they may have sustained by Reason of the Breach of the Condition thereof; and the said Bond shall not become void upon the first Recovery, or if Judgment be given against any Plaintiff or Plaintiffs who may sue on such Bond, but may be put in Suit and prosecuted from Time to Time for the Benefit of the Party or Parties injured until the whole Penalty expressed in such Bond shall be recovered: *Provided always,* That if any Verdict or Judgment shall pass for such Inspector or his Security, the Person or Persons at whose Instance such Suit shall be prosecuted shall pay double Costs; and every such Inspector shall take the following Oath, *to wit,*

I **A. B.** *do swear that I will faithfully, impartially and diligently execute the Office of Inspector, and that I will not for Favour, Affection, Prejudice or Partiality, brand for any Person whatsoever any Barrel of Beef, Pork, Rice, Tar, Pitch or Turpentine, Fish, Flour, Butter or Flax-Seed, or pass any Staves or Heading, Lumber or Shingles, other than such as are declared lawful by an Act of Assembly, entitled, An Act to prevent the Exportation of unmerchable Commodities, according to the best of my Skill and Judgment.*

III. *A N D be it further enacted by the Authority aforesaid,* That the County Courts of Pleas and Quarter Sessions of the respective Counties, shall be and are hereby authorized and empowered at any Time to discharge any Inspector from his said Office, who shall misbehave himself and act contrary to his Duty therein, the Party complaining giving such Inspector ten Days previous Notice in writing of the Complaint against him with the Particulars thereof; and at the Death or on the Disability of any of them, to appoint another to succeed such dead, disabled or misbehaving Inspector; and if any such Death should happen in the Vacation of such Courts, it shall then be lawful for any three Justices of such Court to nominate and appoint some other fit and proper Person as Inspector until the next succeeding Court for such County, or if any Inspector shall be rendered incapable

See act Oct. 1784, c. 5.

Inspectors to be appointed by the County Courts.

His duty.

To give bond with security.

How to be proceeded on in case of a breach.

Plaintiff to pay double costs if verdict for defendant.

His oath.

Court's power over inspectors after appointment.

Power of Justices in the vacation.



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ble of performing his Duty by Sicknefs or other Accident, it fhall then be lawful for fuch Infpector by and with the Consent of three Juftices to appoint fome other Perfon as an Affiftant during the faid Infpector's Sicknefs or other Difability, which Consent fhall be certified under their Hands and lodged with the Clerk of the Court of the County wherein the Infpector refides, and the Perfon fo appointed fhall take the fame Oath as Infpectors appointed by the Courts, and the Infpector fhall be liable to to the fame Fines and Penalties for the faid Affiftant's bad Conduct and Mifbehaviour as he is liable to for his own.

Places appointed for the infpection of commodities in the feveral counties.

IV. *AND* be it further enacted by the Authority aforefaid, That the Places and Landings hereafter mentioned fhall be and are hereby appointed for the Infpection of Beef, Pork, Rice, Tar, Pitch, Turpentine, Fish, Flour, Butter and Flax-Seed, Staves and Heading, fawed Lumber and Shingles, to which Places all of the faid Commodities before fold or exported fhall be brought, examined and infpected, according to the Directions herein after mentioned, *that is to fay*, In *New-Hanover* County, at the Town of *Wilmington*, *New-Topsail Inlet*, and *South-Washington*; in *Brunswick* County, at the Town of *Brunswick*, *Walkersburg* and *Eagles Island* oppofite the Town of *Wilmington*, and the *Great Island* below the *Flats*, and all other convenient Landings; *provided* the Infpector appointed by the Court of *Brunswick* County for the Landing on *Eagles Island*, oppofite *Wilmington*, do refide in that Town, any Thing in this Act to the contrary notwithstanding; in *Onslow* County, at *Swanborough*, *Bear Inlet*, *New-River Inlet*, and all other convenient Landings; in *Carteret* County, at *Beaufort*, *David Bell's Landing* on *White-Oak*, and *Abraham Dudley's* on *Houfton's Creek*; in *Craven* County, at *Newbern*, *Clubfoot's Creek*, *Lower Broad Creek* and *Swift-Creek Bridge*; in *Beaufort* County, at *Bath*, *Washington*, *Broad Creek*, *South-Dividing Creek*, *Durham's Creek* and *Blount's Creek*; in *Pitt* County, at *Martinborough*, *Lanier's Landing*, *E. Salter's*, *Dupree's* and *Ellis's* Landings, and *Spier's* Landing, the *Red-Banks* and *Simpson's* Landing; in *Hyde* County, at *Woodftock* and *Log-Houfe* Landing; in *Tyrrel* County, at *Ballard's* Wharf, *Coniby*, and other convenient Landings; in *Chowan* County, at *Edenton*, *Rocky Hock*, *Black Halls*, *Red Banks*, *Wilder's* Landing; in *Bertie* County, at the Landings heretofore in Ufe for lading of Veffels; in *Hertford* County, at the Landings heretofore ufed for lading of Veffels; in *Northampton* County, at *Figure's* Point, and *Pitch* Landing, and *Jones's* Warehouse; in *Halifax* County, at *Halifax* Town and *Edward's* Ferry; in *Edgcomb* County, at *Tarborough*, and all other convenient Landings; in *Perquimans* County, at the Landings heretofore ufed for lading of Veffels; in *Pasquotank* County, at *Nixonton*, *New-Begun Creek*, *Pasquotank-River* Bridge, *Little-River* Bridge, *Simons's-Creek* Bridge, *Winfield* and *Parmer's* Landing, *Poffum Quarter*; in *Currituck* County, at *Tull's-Creek* Bridge, *Moyack* Creek, *Widow Farvis's*, near the *Narrows*, *Indian-Town* Bridge, *Checonocomick*, near *Thomas Paine's* Landing, at the Head of *Tull's* Creek, *Currituck* Court-Houfe, Mouth of *North River*, *Cowenjack* Bridge and *Lindsay's*; in *Cumberland* County, at *Fayetteville*; in *Camden* County, at the Landings where Commodities have ufually been fhipped; *Wayne* County, *Cobb's* Landing, *Spring-Bank*, *Old-Store*, *West-Point*; *Martin* County, at the Landings heretofore ufed; *Dobbs* County, *Kingfton*, *Abraham Shepperd's*, *Bryant Whitfield's*, *Benjamin Cafwell's* Landing, *Peacock's* Bridge; *Davidfon* County, at *Nashville*; *Montgomery* County, at *Allen's* Landing; *Jones* County, at *Trenon*, *Pollock's* Ferry, and other convenient Places; *Johnfton* County, at *Smithfield* and *Boon's* Landing; *Gates* County, at *Old-Town*, *Bennett's* Creek, and other convenient Places. *Provided* nevertheless, That any Perfon or Perfons having at any Landing, which is not by this Act appointed a Place of public Infpection, a Quantity of Merchandize for Exportation, and being defirous to fhip the fame directly on Board a Veffel for Exportation from fuch Landing, it fhall and may be lawful for fuch Perfon or Perfons intending to fhip and export the faid Merchandize as aforefaid, to call any Infpector, who is hereby required to infpect and brand the fame under the Rules and Directions herein mentioned, any Thing in this Act contained to the contrary notwithstanding.

Proviso for a cargo ready for exportation at any other landing.

V. *AND* be it further enacted by the Authority aforefaid, That where any fuch Infpector fhall be appointed by this Act to be held in any Town that fends a Representative to the Affembly, the Court of the County wherein fuch Town is

Infpectors of borough towns to refide in them.

fhall



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shall not nominate or appoint any other Inspector or Inspectors for any such Inspection, but such Person or Persons who shall during his Continuance in Office reside in such Town.

Pen. on masters of vessels for receiving on board uninspected commodities.

VI. *AND be it further enacted by the Authority aforesaid,* That no Master or Commander of any Ship or Vessel shall take on Board his Ship or Vessel any such Cask or Barrel, or other inspectable Commodity as aforesaid, without being inspected and branded, as by this Act is required, under the Penalty of one hundred Pounds for each Offence, one Half to the Informer and the other Half to the Wardens of the County wherein the Offence shall be committed, to the Use of the Poor of such County, to be recovered with Costs by Action of Debt, in any Court of Record having Cognizance thereof.

To take an oath for that purpose.

VII. *AND be it further enacted by the Authority aforesaid,* That no Naval-Officer shall enter any Ship or Vessel before the Master or Commander thereof shall have taken the following Oath :

**Y**OU shall swear that you will not export in the Ship or Vessel whereof you are Master or Commander any Barrel of Beef, Pork, Rice, Flax-Seed, Tar, Pitch, Turpentine, Fish, Flour or Butter, that shall not have an Inspector's Brand thereon, except such as shall be necessary for the Vessel's Use.

Which Oath the Naval-Officer of the Port or his Deputy is hereby empowered and required to administer, and shall and may take and receive of such Master for the same two Shillings and eight Pence ; and no Naval-Officer shall clear out any Ship or Vessel until the Master shall produce a Certificate or Certificates from the Inspector or Inspectors that his Cargo has been inspected agreeable to this Act, under the Penalty of fifty Pounds current Money, to be recovered and applied as before directed.

Naval officers to certify the administration of said oath.

VIII. *AND be it further enacted by the Authority aforesaid,* That every Naval-Officer or his Deputy shall grant a Certificate to the Master or Commander of any Ship or Vessel of his having taken such Oath, under the Penalty of twenty-five Pounds for each Neglect or Refusal, to be recovered and applied as herein before directed, for which Certificate the Naval-Officer shall and may receive three Shillings.

Inspectors to furnish proper branding irons, &c.

IX. *AND be it further enacted by the Authority aforesaid,* That every such Inspector shall constantly attend at the Places for which he shall or may be appointed, and shall provide an Iron to brand any of the Commodities, bearing the Name of the Inspector and his Place of Residence, and shall find Labourers equally with the Owner to assist in weighing the several Commodities he shall inspect and weigh, and also shall find and provide proper Steelyards or Scales of the lawful Standard for that Purpose ; and if any Inspector shall neglect his Duty, or brand or stamp any of the Commodities contrary to this Act, or brand any empty Barrel, or lend his Brand to any Person or Persons whatsoever, he shall forfeit and pay for every Barrel or Cask of Beef, Pork or Rice, Fish, Flour or Flax-Seed, ten Pounds, and for every Barrel of Tar, Pitch or Turpentine, twenty Shillings, and for branding any empty Barrel or lending his Brand one hundred Pounds, to be recovered with Costs, by Action of Debt, by and for the Use of any Person who shall sue for the same before any Jurisdiction having Cognizance thereof, and every other Person or Persons that shall by any Ways or Means brand or procure to be branded any Cask or Barrel as aforesaid, than by the Inspector or by his Assistant, he or they so offending, shall forfeit and pay for every such Offence the same Fines and Penalties as Inspectors are by this Act liable to pay for Breach of Duty or Misbehaviour.

Beef and pork how packed with the dimensions of the casks.  
See act Oct. 1784, c. 5.

X. *AND be it further enacted by the Authority aforesaid,* That all Beef or Pork packed within this State for Sale or Exportation, shall be put in good and sufficient new white oak Casks, which shall not contain more than thirty-one Gallons and an Half, Wine Measure, each Barrel, and fifteen Gallons and three Quarts each Half Barrel ; and all Barrels and Half Barrels shall be made of Timber seasoned at least six Months after the riving, the Staves not less than half an Inch thick when wrought, the Heading not less than three Quarters of an Inch thick and well dowed, twelve good substantial Hoops on each Cask ; and the whole



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whole to be tight, fit to hold Pickle, and made in a Workman-like Manner, and shall contain at least two hundred and twenty Pounds of good sound and clean merchantable Meat, well salted and cured with at least half a Bushel of Salt to each Barrel, and nailed and packed, and no more than two Heads in one Barrel, and not any Boars Flesh in any Barrel of Pork, or any Heads or Bulls Flesh, or more than two Shanks in any Barrel of Beef; and every Cask of Rice shall be filled with sound and well cleaned Rice, and after the same has been inspected, found good and merchantable, every such Barrel shall be by him branded as aforesaid, and a Certificate thereof given to the Owner, bearing Date in Words at Length the same Day such Commodity was inspected and passed.

XI. *AND be it further enacted by the Authority aforesaid,* That each Barrel of Fish shall be full of well saved Fish and packed with half a Bushel of Allum Salt, and the Barrel shall not contain less than thirty-two Gallons, Wine-Measure, and each Barrel of Flour shall contain one hundred and ninety-six Pounds Weight of net Flour well ground, boulted and packed. Fish how to be saved and salted, &c. See act Oct. 1784, c. 5.

XII. *AND be it further enacted by the Authority aforesaid,* That every Barrel of Pitch or Turpentine shall contain thirty-two Gallons, and be free from any fraudulent Mixture, and in good and sufficient Casks made of good seasoned Staves at least three Quarters of an Inch thick and not exceeding four inches in Breadth, and each to be at least two Thirds covered with good Hoops, and the Joint of the Head placed perpendicular to the Bung, and before it be branded by the Inspector shall be weighed in his Presence, and every Barrel of Pitch or Turpentine shall weigh not less than three hundred and twenty Pounds Weight including the Barrel, and if any Pitch or Turpentine shall be found by the Inspector to be fraudulently mixed, the same shall be condemned and forfeited to the Use of the Poor where the same shall be, and may by the Wardens thereof be cleaned and sold for such Use; and every Barrel of Tar shall be the Gauge of thirty-two Gallons Wine-Measure, and every Barrel of less Size or in bad Casks not being two Thirds bound with Hoops, shall be put in merchantable Order at the Expence of the Owner, and every Barrel of Tar, Pitch and Turpentine, after the same shall be inspected, gauged, found clean, well filled, and in merchantable Order, shall be by him branded. And forasmuch as it is difficult in warm and rainy Weather to separate Tar from Water, *It is hereby declared,* That Water shall not be accounted a fraudulent Mixture in any Tar, but that in such Cases the Barrel shall not be branded by the Inspector until the same is as free from Water as it can be made, any Thing herein contained to the contrary notwithstanding. Naval stores in their proper quantities, &c. See act Oct. 1784, c. 5.

XIII. *AND be it further enacted by the Authority aforesaid,* That every Maker of Tar, Pitch or Turpentine, shall mark or brand every such Barrel with the initial Letters of his or her Name not less than one Inch long, under the Penalty of one Shilling for every Barrel as may not be so branded, and every Person so failing or neglecting shall also pay one Halfpenny *per* Barrel to the Inspector for marking the same with the initial Letters of the Maker's Name, which Fee shall be paid by the Person paying the Fees of Inspection, and by him may be charged to the Maker; and every Inspector shall keep a Book in which shall be fairly entered the Maker's Name and Mark of every Barrel of Beef, Pork, Rice, Tar, Pitch and Turpentine, Flour, Fish and Butter, the Number of Barrels landed, the Number of Barrels inspected of the same Mark, the Merchant or Shipper's Name causing the same to be inspected, and the Time of Inspection, and shall give a Certificate of any Parcel to any Person requiring the same on Payment of one Shilling. Marked with the initials of each maker, &c.

XIV. *AND* whereas the said Commodities by being exposed to the Sun or kept too long on Hand after Inspection may become unmerchantable, *Be it further enacted by the Authority aforesaid,* That no Beef, Pork, Rice, Fish, Flour or Butter shall be shipped on Board any Ship or Vessel for Exportation after the Expiration of sixty Days from the Time the same was inspected, nor any Tar, Pitch or Turpentine after the Expiration of twenty Days, until the same shall have been again inspected, and Certificate or Certificates granted in the same Manner as if such Commodities had never been inspected; any Thing herein contained to the contrary notwithstanding: And every Person offending herein shall forfeit five hundred To be exported within a limited time after inspection, or re-inspected.



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dred Pounds, and the Master or Commander of such Ship or Vessel shall be liable to the same Penalty as for taking on Board any of the said Commodities without being branded.

Dimensions of  
staves and head-  
ing, and quality  
of timber.

XV. *AND be it further enacted by the Authority aforesaid*, That all Staves and Heading which shall be sold or shipped for Exportation shall be of the following Dimensions, otherwise not merchantable, *to wit*, Butt Staves shall be five Feet nine Inches long, four Inches broad, and an Inch thick on the Heart or thin Edge and clear of Sap; Pipe Staves four Feet eight Inches long, four Inches broad, and three Quarters of an Inch thick on the Heart or thin Edge, and free from Sap; Hoghead Staves shall be three Feet six Inches long, four Inches broad, and three Quarters of an Inch thick on the Heart or thin Edge, and free from Sap; Barrel Staves shall be two Feet nine Inches long, four Inches broad, and three Quarters of an Inch thick on the Heart or thin Edge, and free from Sap; white-oak Hoghead Heading shall be thirty-two Inches long, six Inches broad, and one Inch thick on the Heart or thin Edge, and clear of Sap; Barrel Heading shall be nineteen Inches long, six Inches broad, and three Quarters of an Inch thick on the Heart or thin Edge, and clear of Sap; which said several Sorts and Kinds shall be of the aforesaid Dimensions at least and made of sound Timber.

Of boards and  
scantling.

XVI. *AND be it further enacted by the Authority aforesaid*, That the Dimensions of Boards, Plank, Scantling and Shingles shall be as follows, or otherwise not merchantable: All Shingles not less than eighteen Inches long, four Inches broad, and five Eighths of an Inch thick, well made and of sound Timber, and no Boards or Plank shall be deemed merchantable or passed by any Inspector that is not free from any Split, not less than twelve Inches long, hath no Edge less than half an Inch thick, and as near as may be of an equal Thickness at each End; and every Board, Plank, Piece of Scantling, or other square Timber, being marked with the Number of more superficial Feet than are contained therein, shall be forfeited to the Wardens of the County for the Use of the Poor thereof: *Provided nevertheless*, That no Staves or Heading, Shingles, Boards, Plank or Scantling shall be inspected unless required by the Purchaser.

Staves, &c. not  
inspected unless  
required by the  
purchaser.

XVII. *AND be it further enacted by the Authority aforesaid*, That from and after the passing of this Act no Cooper or other Person whatsoever making Caiks shall expose to Sale any Barrel or Half-Barrel for the holding of Pork or Beef, other than such as are by this Act directed to be made for that Use, under the Penalty of twenty Shillings; and every Cooper or other Person making Barrels or Half-Barrels before they expose the same to Sale shall set his or her proper Brand upon the same, which Brand shall be recorded in the Office of the Clerk of the County Court where he or they shall reside under the Penalty of ten Pounds for each and every Neglect; and every Barrel for Tar, Pitch and Turpentine shall be branded in the Manner aforesaid by the Maker thereof under the Penalty of five Shillings.

No cooper to ex-  
pose any barrels,  
&c. for sale but  
such as this act  
directs.

To fix his brand  
upon them, &c.  
See act Oct.  
1734, c. 5.

Certificates of  
inspection to be  
produced to the  
buyer.

And oath, &c. to  
be made if re-  
quired, &c.

XVIII. *AND be it further enacted by the Authority aforesaid*, That every Seller or Exporter of Beef, Pork, Rice, Tar, Pitch and Turpentine, Fish, Flour, Butter and Flax-Seed, shall produce the Certificate of the Inspector who inspected the same and make Oath or Affirmation if required, before a Justice of the Peace, on the Delivery of the Goods sold or exported, that the several Commodities by him to be sold or exported are the same that were inspected and passed, and do contain the full Quantity mentioned in such Certificate without Embezzlement to his Knowledge, which Oath or Affirmation the Justice shall and is hereby required to certify on the Back of the Certificate, which Certificate the Seller shall deliver to the Buyer of such Commodities sold, and the Person exporting such Commodities shall deliver such Certificate to the Master of the Ship or Vessel on Board which the same shall be shipped, and if such Seller or Exporter shall refuse to make Oath or Affirmation, he shall for every such Offence forfeit and pay the Sum of one hundred Pounds.

Persons ineligi-  
ble to the post of  
an Inspector.  
He not to be a  
member of As-  
sembly.

XIX. *AND be it further enacted by the Authority aforesaid*, That no Person holding any Post or Place of Profit by Deputation or otherwise shall be appointed to the Office of Inspector, and no Inspector shall be capable of being elected a Member of the Assembly; and if any Person shall be appointed to such Office, and shall



shall accept of any Post or Place of Profit after such Appointment, he shall be rendered incapable of holding his said Office of Inspector, and the Court shall proceed to appoint another Inspector in the Room of such Person, according to the Directions of this Act.

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Office to be forfeited on having any other place of profit.

XX. [*Provided for by Act Oct. 1784, Ch. 5.*]

XXI. *AND be it further enacted by the Authority aforesaid,* That the several Fines and Forfeitures by this Act inflicted, for which no Method of Recovery or Application is herein before directed, shall and may be recovered with Costs before any Jurisdiction having Cognizance thereof, one Half to the Use of the Prosecutor, and the other Half to the County wherein such Penalty shall be incurred, to be applied by the Justices of the Inferior Court towards lessening the County Tax.

Fines and forfeitures how recovered and applied.

XXII. *AND be it further enacted by the Authority aforesaid,* That no Inspector shall by himself or others purchase any Cullings or other Articles that do not pass Inspection, upon Pain of forfeiting fifty Pounds, to be recovered and applied in like Manner as other Fines and Forfeitures are directed by this Act.

Pen. on Inspectors for buying unmerchantable articles or cullings.

XXIII. *AND be it further enacted by the Authority aforesaid,* That the last Clause of an Act of Assembly passed at *Newbern* in *November*, one thousand seven hundred and seventy-seven, entitled, *An Act to amend the Staple of Tobacco and prevent Frauds*, be and the same is hereby repealed and made void.

Repealing clause.

XXIV. *AND be it further enacted by the Authority aforesaid,* That this Act shall not be in Force nor take Effect with Respect to the Exportation of unmerchantable Commodities until the first Day of *September* next.

Suspending clause.

#### C H A P. XXVII.

*An Act for regulating the Pilotage and facilitating the Navigation of Cape-Fear River.*

See act Nov. 1786, c. 50.

I. **W**HEREAS the Sums allowed by Law to the Pilots of *Cape-Fear* River are inadequate to their Services, by Reason of which they refuse to take out Branches to enable them to act, and several of them go to other States where Encouragement is greater; and whereas the Duty of the Pilots and of the Commissioners of Pilotage is contained in so many different Acts, that it is become necessary to reduce the Substance of them all into one, with such Additions and Amendments as may tend to render the Law in that Respect more complete;

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That the Commissioners of the Pilotage for the Bars and River of *Cape-Fear*, or a Majority of them, are hereby authorized and empowered from Time to Time to examine as many Persons as shall offer themselves to be Pilots for *Cape-Fear* River aforesaid, not exceeding ten in Number, and on approving any such Person to be a Pilot shall give to such Person a Commission under their Hands and Seals to act as a Pilot for the Bars or River according as they shall find him qualified.

Commissioners of navigation to grant commissions to pilots.

III. *AND be it further enacted by the Authority aforesaid,* That every such Person shall before he obtains a Commission or Branch to be a Pilot give Bond with two sufficient Securities to the Governor or Commander in Chief for the Time being, and his Successors in Office, in the Sum of two hundred and fifty Pounds lawful Money of this State, with Condition for the due and faithful Discharge of his Office, which Bond shall be lodged in the Secretary's Office in Trust for such Person or Persons as shall appear to be injured by such Pilot, and shall be assigned to any Person applying for the same, and a Copy thereof with a Copy of such Assignment thereon shall be delivered in order to prosecute such Pilot and his Sureties, and the Person or Persons to whom any Assignment or Assignments shall be made shall and may maintain an Action thereon, and the Bond shall not be void upon the first Recovery or if Judgment shall be given for the Defendant, but may be put in Suit from Time to Time by any Person who shall be injured by a Breach of the Condition thereof, until the whole Penalty shall be recovered.

Who are to give bond.

How to be proceeded on in case of a breach.

IV. *AND be it further enacted by the Authority aforesaid,* That upon the Misbehaviour of any Pilot in his Office, the said Commissioners or a Majority of them shall

Pilots may be removed for misbehaviour, &c.



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shall and they are hereby authorized and required to remove such Pilot from his Office by a Note in writing directed to him and subscribed by them, and to appoint another in his Stead in Manner aforesaid, and the Commissioners shall put up Notice in writing in all public Places within the said Port, or publish in some convenient Newspaper that such Pilot is removed.

Number of pilots to attend the bar, &c.

Their fees. See act Nov. 1786, c. 50.

V. *AND be it further enacted by the Authority aforesaid*, That any Number of Pilots not exceeding five may be appointed as aforesaid to attend the principal Bar of the said River and the *New-Inlet*, and to pilot Vessels coming up to or going down from *Brunswick* and no higher; and such Pilots may take and receive for such Services for each Vessel they shall pilot over the Bar or into the *New-Inlet* and up to *Brunswick* and out again to Sea, *to wit*: For a Vessel drawing six Feet Water three Pounds eight Shillings, for a Vessel drawing seven Feet Water three Pounds thirteen Shillings, for a Vessel drawing eight Feet Water four Pounds, for a Vessel drawing nine Feet Water four Pounds fourteen Shillings, for a Vessel drawing ten Feet Water five Pounds, for a Vessel drawing eleven Feet Water six Pounds, for a Vessel drawing twelve Feet Water seven Pounds seven Shillings, for a Vessel drawing thirteen Feet Water eight Pounds thirteen Shillings, for a Vessel drawing fourteen Feet Water ten Pounds, for a Vessel drawing fifteen Feet Water eleven Pounds seven Shillings, for a Vessel drawing sixteen Feet Water twelve Pounds thirteen Shillings, for a Vessel drawing seventeen Feet Water fourteen Pounds thirteen Shillings, for a Vessel drawing eighteen Feet Water seventeen Pounds seven Shillings, for a Vessel drawing nineteen Feet Water eighteen Pounds ten Shillings, for a Vessel drawing twenty Feet Water twenty Pounds, such Draught of Water to be computed when the Vessel is loaded.

Number for the river, and their fees. See act Nov. 1786, c. 50.

VI. *AND be it further enacted by the Authority aforesaid*, That any Number of Pilots not exceeding five may be appointed as aforesaid to pilot Vessels from *Brunswick* to *Wilmington*, who shall and may receive for their Services as follows, *that is to say*, if from *Brunswick* to *Wilmington* and back to *Brunswick* one Half of the aforesaid Rates; if to the *Flats* and back to *Brunswick* one Fourth Part of the aforesaid Rates according to the Draught of Water such Vessel shall draw: *Provided always*, That in Case the Trade of the said River should increase so as to require a greater Number of Pilots the Commissioners may authorise one or more Persons to act as a Pilot or Pilots until a proper Representation can be made to the Legislature to have the Number augmented.

Pen. for taking exorbitant fees.

VII. *AND be it further enacted by the Authority aforesaid*, That if any Pilot who shall be authorized to act as such for *Cape-Fear* shall ask, demand, take or receive any greater Fees for his Services than are allowed by this Act he shall forfeit and pay the Sum of one hundred Pounds lawful Money of this State, to be recovered by Action of Debt in any Court having Cognizance thereof, one Half to the Person who shall sue for the same, and the other Half to the said Commissioners, to be by them employed in improving the Navigation of the said River; and that all Persons concerned may know what Fees the Pilots may lawfully demand, the Commissioners of the Pilotage aforesaid shall cause to be affixed in the Naval-Office, in the Collector's Office, and at Fort *Johnston* as soon as an Officer shall be stationed there, true Copies or Tables of the several Rates of Pilotage as the same are ascertained by this Act.

Rates of pilotage to be fixed in the naval-office, &c.

Vessels coming in without a pilot, what fees subject to.

See act Nov. 1786, c. 50.

VIII. *AND be it further enacted by the Authority aforesaid*, That if any Vessel shall come over the Bar or through the *New-Inlet* before a Pilot goes on Board the same, the Master of such Vessel shall not be obliged to pay more than one Half of the Pilotage allowed by this Act for bringing Vessels to *Brunswick*, unless such Pilot shall make Oath that he did his utmost Endeavours to get to such Vessel before she came over the Bar or through the *New-Inlet* as the Case may be, any Thing herein contained to the contrary notwithstanding.

Pen. for non-attendance.

IX. *AND* whereas many of the *Cape-Fear* Pilots have neglected to give due Attendance when called upon to pilot Vessels up or down the River, *Be it therefore enacted by the Authority aforesaid*, That when any Pilot shall have Notice from the Master of any Vessel or other Person in his Behalf to attend in piloting such Vessel and shall not go on Board for that Purpose without Delay, the Pilot having such



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such Notice shall forfeit and pay the Sum of five Pounds (unless he shall at the Time of such Notice have the actual and personal Charge of some other Vessel) for each and every Day's Delay of the Vessel of which he had Notice to attend by Reason of such Pilot's Neglect, to be recovered by a Warrant under the Hand of any one of the Commissioners on Oath being made of the Fact (which Oath any of the Commissioners is hereby authorized to administer) and shall be paid to the Master or Owner of the Vessel so detained or delayed.

X. *AND be it further enacted by the Authority aforesaid*, That if the Master of any Vessel shall send for or take on Board any Pilot to conduct such Vessel from her Station to any other Place in the said River, and shall afterwards neglect or delay to remove such Vessel (Wind and Weather permitting) such Master shall pay unto the Pilot attending ten Shillings for each and every Day he shall be so detained; and if any Vessel which shall be boarded by a Pilot without the Harbour should happen to be blown off to Sea by the Violence of the Weather, the Pilot on Board such Vessel shall also be entitled to receive from the Master thereof ten Shillings for every Day he shall be at Sea until the said Vessel shall be brought into Port, which Sum such Master is hereby required to pay.

Pilots fees for detention and extra services in case of being blown off.

XI. *AND be it further enacted by the Authority aforesaid*, That if any Person not authorized as a Pilot for *Cape-Fear* in Manner by this Act directed, shall assume and take upon himself the Office of Pilot, and shall bring or attempt to bring into the said River any Vessel whatsoever, such Person shall forfeit and pay the Sum of twenty Pounds, to be recovered by Action of Debt, one Half to the Person who shall sue for the same, and the other Half to the Commissioners for improving the Navigation of the said River. *Provided always*, That it shall be lawful for any Person to conduct into the Port of *Brunswick* any Vessel in Danger from Distress of Weather or in a leaky Condition, any Thing herein to the contrary notwithstanding.

Pen. on persons piloting without a branch.

XII. *AND* whereas it hath been customary for Masters of Vessels who are acquainted with the Bar of *Cape-Fear* River, the *New-Inlet*, and the River up to *Wilmington*, to bring their Vessels into the Harbour and up to the said Town without employing any Branch Pilots; and it being necessary to give good Pilots every possible Encouragement, *Be it therefore enacted by the Authority aforesaid*, That when any Master of a Vessel shall refuse a Pilot to come into or up the said River, or in any Part of the said River to go out of either of the Inlets, then such Pilots so refused shall be entitled to the full Pilotage in the same Manner as he would have been had he been actually employed for the Purpose of piloting such Vessel; any Law, Custom, or Usage to the contrary notwithstanding.

Pilots entitled to their pilotage tho' their service be refused,

XIII. *AND* whereas it is necessary that some of the Pilots of *Cape-Fear* should reside as near the Mouth of the River as possible, in order to be ready on all Occasions when any Vessel may appear off the Bar, and there being no Situation so convenient as the Ground which belongs to the Public, on Part of which Fort *Johnston* stood, *Be it therefore enacted by the Authority aforesaid*, That the Commissioners of the said Pilotage do suffer such Number of Pilots as they shall deem necessary to build such Houses for the Convenience of themselves and Families respectively on the public Ground as they shall think proper, and that every such Pilot may enclose for his own Use an Acre of Ground for his Buildings, Gardens and other Conveniencies, to hold the same to such Pilot during the Time he shall continue in Office; and in Case such Pilot shall die in Office, his Family shall and may continue in Possession of such Acre of Ground and Premises for and during the Term of seven Years from and after the Death of such Pilot: *Provided always*, That none of the Pilots shall lay off such Acre of Ground so near the Site of Fort *Johnston* as to interfere with any Fortification hereafter to be erected, of which the Commissioners of the Pilotage of *Cape-Fear* River are required to take Notice, so as to prevent any inconvenient Encroachments: *Provided also*, That the Family of any deceased Pilot shall not commit any Waste on the Buildings or Improvements made by such Pilot; and if any wilful Waste shall in such Case be committed, such Family may be removed by the Commissioners.

Pilots where to reside.

Provision for themselves and their families.

XIV. *AND be it further enacted by the Authority aforesaid*, That when any Branch Pilot shall see a Vessel on the Coast having a Signal for a Pilot, or shall hear a

Pen. for refusing to board a vessel offering a signal.



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Gun or Guns fired off the Coast, and shall refuse or neglect to go to the Assistance of such Vessel, such Pilot shall on Conviction forfeit and pay the Sum of twenty Pounds, to be recovered by Action of Debt in any Court of Record in this State, the one Half to the Informer, and the other Half to the Master of such Vessel.

Pen. for pilot  
suffering ballast  
to be thrown o-  
verboard, &c.

XV. *AND* be it further enacted by the Authority aforesaid, That if any Branch Pilot of *Cape-Fear* River shall knowingly suffer any Kind of Ballast or Trash to be thrown out of any Vessel into any Part of the Channel of the said River, and shall not within ten Days after the Commission of such Offence make Information thereof to one or more of the Commissioners of Pilotage, such Pilot shall upon Conviction be forever rendered incapable of acting as a Pilot for the said River or any Part thereof.

Partnership in  
pilotage forbid.

XVI. *AND* whereas it hath been heretofore customary with the Pilots of *Cape-Fear* to be equally concerned in the Pilotage of Vessels coming into the said River, which has been found to be extremely injurious to Commerce; for Remedy whereof, *Be it enacted by the Authority aforesaid*, That for the future it shall not be lawful for any of the Branch Pilots of the said River to be in Partnership with any other Pilot; and every Person desirous of acting as a Branch Pilot in the said River shall, before he is authorized so to do, take the following Oath before one or more of the Commissioners of Pilotage, which Oath the said Commissioners or any of them are hereby authorized to administer, *to wit*,

Oath.

**I** A. B. do solemnly swear that I am not at this Time, neither will I at any Time hereafter during my Continuance as a Branch Pilot for the Inlets or River of *Cape-Fear*, be concerned in any Partnership with any other Pilot in the Business of Pilotage, so as to receive therefrom any Benefit or Advantage to myself or Family. **SO HELP ME GOD.**

And every Person refusing or neglecting to take the said Oath, shall not be permitted to act as a Pilot for *Cape-Fear*.

Duty laid for the  
purpose of erect-  
ing a lighthouse.

XVII. *AND* whereas it will greatly facilitate the Navigation of Vessels trading to *Cape-Fear* River that a Light-House should be erected at the extreme Point of *Bald-Head* or some other convenient Place near the Bar of said River, in order that Vessels may be enabled thereby to avoid the great Shoal called the *Frying-Pan*, *Be it therefore enacted by the Authority aforesaid*, That an additional duty of six Pence *per* Ton be laid on all Ships or Vessels coming into the said River to trade, which additional Tonnage shall be collected by the Collector of the said Port in the same Manner as the other Duty on Tonnage imposed by this Act; and the Collector shall keep a distinct and separate Account thereof from all other Duties, and after deducting five *per Centum* for his Trouble in collecting and paying the same, shall once in every six Months render an Account on Oath of all such Monies as he shall have received for additional Tonnage, and pay the same into the Hands of the Commissioners of Navigation and Pilotage for the said River, to be by them reserved for raising a Fund for the Purpose of establishing a Light-House as aforesaid.

For stakes, bea-  
cons, &c.

XVIII. *AND* as the erecting Beacons and Buoys at the Mouth of *Cape-Fear* River and staking the Channel of said River would greatly facilitate the Navigation thereof, *Be it therefore enacted by the Authority aforesaid*, That a Duty of six Pence *per* Ton be and is hereby laid on all Vessels coming into the Port of *Brunswick* to unload Goods or to take in a Cargo from and after the first Day of *July* next, which several Duties the Collector of the Port is hereby directed and empowered to receive; but before the Receipt thereof the Collector shall give Bond with sufficient Security to the Governor or Commander in Chief for the Time being, in the Sum of one thousand Pounds, conditioned that he will well and truly account with and pay to the said Commissioners or their Orders when there- to required all such Sums of Money as he shall receive by Virtue of this Act, first deducting thereout five *per Centum* for receiving the same; and in Case of a Breach of the Condition of the said Bond, the same shall be put in Suit, and the Monies recovered thereon be applied by the said Commissioners in the same Manner as the Duties if paid to them would have been, *that is to say*, In erecting Beacons, Buoys and Stakes in Manner herein before mentioned; and the said Bond shall be lodged with the Clerk of the Superior Court of *Wilmington*, who is hereby di-

Collector to give  
bond.

Commission for  
receiving.

Bond how to be  
prosecuted, and  
application of the  
money recovered.

irected



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rected to receive the same and give a promissory Receipt to the Commissioners to be accountable for it.

XIX. *AND be it further enacted by the Authority aforesaid,* That every Master or Commander of any Ship or Vessel liable to pay the said Duty shall render to the said Commissioners or one of them a Certificate signed by himself, specifying the Amount of the Duty with which he shall be charged, and which he shall pay by Virtue of this Act; and every Master neglecting or refusing to give such Certificate before he shall have cleared out in the Naval-Office, shall forfeit and pay the sum of five Pounds, to be recovered by Action of Debt before any Jurisdiction having Cognizance thereof in the Name of the Commissioners, and to be by them applied to the same Uses to which the Duties aforesaid are applicable; and the Commissioners shall carefully keep the said Certificates as Checks on the Collector of the said Duties, and the Collector shall render to the Commissioners on Oath an Account of all Sums by him received for Duties on Tonnage as aforesaid.

Pen. on masters refusing to give a certificate to the Commissioners, &c.

XX. *AND be it further enacted by the Authority aforesaid,* That when any Ship or Vessel shall arrive in the Port of *Brunswick* with any infectious Distemper on Board, the Master and Pilot of such Vessel shall give immediate Information thereof to the Commissioners of Pilotage, and the said Commissioners or any three of them are hereby authorized and required to order such Master to perform *Quarantine* with his Vessel at such Place and for as many Days as he shall think necessary; and if such Pilot or Master shall neglect to give such Information the Pilot shall forfeit and pay the Sum of fifty Pounds, and the Master for the like Neglect shall forfeit and pay the Sum of one hundred Pounds; and in Case the Master of any Ship or Vessel being ordered to perform *Quarantine* shall refuse to comply with such Order he shall forfeit and pay the Sum of five hundred Pounds, the said Forfeitures to be recovered by Action of Debt in the Name of the Commissioners for the Time being, and applied to the Improvement of the Navigation of the said River; and in Case any Master of a Vessel shall abscond so as to evade the Payment of the said Forfeitures or any of them, then and in that Case the Vessel shall be liable, and such Vessel may be attached as the Property of such Master.

Directions about performing quarantine, where a vessel brings in an infectious distemper.

XXI. *AND be it further enacted by the Authority aforesaid,* That the Collector of the Duty on Tonnage aforesaid shall have full Power and Authority to go on Board of any Vessel in order to measure and ascertain the Burthen thereof, and to examine on Oath the Master of any Vessel for that Purpose, and no Naval-Officer shall clear out any Vessel till the Master shall have produced to him a Certificate from the Collector of the Tonnage Duty of his having paid the same under the Penalty of twenty Pounds.

Collector to ascertain the tonnage of vessels.

XXII. *AND* whereas the Channel of *Cape-Fear* River hath been greatly injured by throwing Ballast and other Trash therein; for Remedy whereof, *Be it enacted by the Authority aforesaid,* That every Master of a Vessel coming into *Cape-Fear* River shall upon his Arrival at *Wilmington*, take the following Oath before the Naval-Officer or his lawful Deputy, who is hereby empowered and required to administer the same, *to wit,*

Oath to prevent stoppage of the channel by ballast.

**I** A. B. do solemnly swear that I have not thrown, or caused or suffered to be thrown, nor will I directly or indirectly throw, or cause or suffer to be thrown, any Ballast into the Channel of *Cape-Fear* River or otherwise so as to injure the same, but that all Ballast by me imported shall be landed or thrown entirely above Low-Water Mark.

SO HELP ME GOD.

And if any Ballast shall be thrown out of any Vessel into any Part of the Channel of the said River by any Sailor, Mariner or other Person whatsoever, the Master of the Vessel from whence the same shall be thrown shall forfeit and pay the Sum of fifty Pounds, to be recovered by Action of Debt by the Commissioners of the Navigation and Pilotage, one Half to the Informer, and the other Half to be applied in improving the Navigation of the said River: *Provided always,* That no Recovery shall be had thereon unless Suit shall be brought within twelve Months after the Time the said Offence shall be committed.

Pen. for ballast being thrown over.

Time to sue.

XXIII. *AND*



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Masters to give bond to carry off no servant or slave, and to pay pilotage. See act Nov. 1786, c. 50.

XXIII. AND whereas several of the Inhabitants in the Neighbourhood of *Cape-Fear* and Parts adjacent, have been greatly injured by Masters of Vessels carrying Slaves and Servants out of the said Port, and the Pilots have been great Sufferers by such Masters departing without paying their Pilotage, *Be it therefore enacted by the Authority aforesaid*, That in all Bonds taken from Masters of Vessels by Virtue of an Act, entitled, *An Act for the entering of Vessels, and to prevent the Exportation of Debtors*, there shall be the following further Conditions added thereto, *that is to say*, That the Master giving such Bond shall not transport or carry off any Slave or Slaves, Servant or Servants belonging to any Inhabitant of this State, and shall not depart the Port without paying Pilotage according to Law; and in Case of a Breach of the Condition of such Bond, or any Part thereof, the Master and his Securities shall be liable in the same Manner as they would have been had the additional Condition not been added.

How vacancies among the Commissioners to be supplied.

XXIV. *AND be it further enacted by the Authority aforesaid*, That in Case of the Death, Refusal to act, or Removal from *New-Hanover* and *Brunswick* Counties, or other Disability of any of the present or any future Commissioners, it shall and may be lawful for the remaining Commissioners, or the Majority of them, and they are hereby directed to elect another or others in the Room of such Commissioner or Commissioners, so that the Residence of such new elected Commissioner or Commissioners be in *Brunswick* or *New-Hanover* County, and as nearly convenient to the River and the Town of *Wilmington* as may be, which Commissioner or Commissioners so elected shall be vested with the same Powers as the other Commissioners.

Powers of the Commissioners of the pilotage and navigation of *Cape-Fear* river. See act Nov. 1786, c. 50.

XXV. *AND be it further enacted by the Authority aforesaid*, That the Commissioners of the Pilotage and Navigation of *Cape-Fear* River for the Time being, shall have Authority in all Matters that may concern the Navigation of the said River from *Negro-Head Point* downwards, and out of each of the Inlets; and with Respect to throwing Trash in the River at the Town of *Wilmington* and the Contraction of Wharves, shall have a concurrent Jurisdiction with the Commissioners of the Town of *Wilmington*, and the Commissioners of the Pilotage and the Commissioners of the said Town shall consult together upon the best Methods of preventing any Injury being done to the Channel by Wharves or otherwise opposite to the said Town; and until a Fund can be established for the Payment of a Harbour-Master the Commissioners of Pilotage, or such of them as shall reside in the Town of *Wilmington*, shall decide all Disputes about the mooring of Vessels, and other Matters which properly fall within the Department of a Harbour-Master.

Repealing clause.

XXVI. *AND be it further enacted by the Authority aforesaid*, That all and every Act and Acts of the General Assembly for facilitating the Navigation and regulating the Pilotage of *Cape-Fear*, so far as the same concerns the Navigation and Pilotage of the said River (excepting the Duty of three Pence *per* Ton upon Shipping which is to continue until the Duty laid by this Act takes Place and no longer, and the Appointment of Commissioners of the Navigation and Pilotage) be and the same are hereby repealed and made void.

#### C H A P. XXVIII.

*An Act for ascertaining the Fees of the Pilots at Ocock, Beaufort, and Bogue Inlets, and for appointing Commissioners of Navigation for Bogue Inlet.*

Fees allowed from the outside of the bar, and from *Beacon-Island* road.

I. **B**E it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the Authority of the same, That there shall be allowed and paid to every Pilot who shall take Charge of any Vessel the following Pilotage, *that is to say*, For every Ship or Vessel drawing eight Feet Water or less from the Outside of the Bar into *Beacon-Island* Road three Shillings *per* Foot, for every Vessel that draws more than eight Feet Water three Shillings and six Pence *per* Foot, and that the same Wages be allowed to Pilots for Pilotage outwards as inwards; and for every Vessel from *Beacon-Island* Road that draws six Feet Water or less to *Washington* forty Shillings, and for every Vessel that draws above six Feet seven Shillings and six Pence *per* Foot; and for every Vessel from *Beacon-Island* Road that draws six Feet Water or less to *Edenton* four Pounds ten Shillings, and for every Vessel that draws above six Feet fifteen Shillings *per* Foot; and for every Vessel from *Beacon-Island*



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*Beacon-Island Road* that draws six Feet Water or less to *Newbern* forty Shillings, and for every Vessel that draws above six Feet seven Shillings and six Pence *per Foot*.

II. *AND* be it further enacted by the Authority aforesaid, That there shall be allowed and paid to every Pilot who shall take Charge of any Ship or Vessel over the Bar of *Beaufort* the following Fees, *that is to say*, For every Ship or Vessel drawing eight Feet Water or less from the Outside of the Bar to the Anchorage at *Shackleford's Banks* or *Borden's Banks* three Shillings *per Foot*, for every Vessel that draws more than eight Feet Water three Shillings and six Pence *per Foot*.

Over *Beaufort* bar.

III. *AND* be it further enacted by the Authority aforesaid, That *Edward Starkey*, *John Starkey*, *William Nelms*, *George Mitchell*, and *Reuben Grant*, Esquires, be and they are hereby appointed Commissioners for the Navigation of *Bogue Inlet*, and they are hereby declared to have the same Powers and Authorities with Respect to the Pilots and Pilotage of the said Inlet and its Navigation as the Commissioners of Navigation in the several Ports in this State are invested with by Law.

Commissioners for *Bogue Inlet*.

IV. *AND* be it further enacted by the Authority aforesaid, That the Pilot for every Vessel coming into the said Inlet drawing less than seven Feet from the Outside of the Bar to the Anchorage at or near *Bear Banks* shall be allowed three Shillings *per Foot*, and for every Vessel drawing more than seven Feet shall be allowed three Shillings and six Pence, and that the same Fees be allowed to Pilots for Pilotage outwards as inwards in the several Ports and Harbours above mentioned; any Law, Usage, or Custom to the contrary notwithstanding.

Fees of that inlet.

V. *AND* be it further enacted by the Authority aforesaid, That the Commissioners or a Majority of them in each respective Port, shall have full Power and Authority to examine Pilots touching their Qualification, and upon their Approbation to grant them Certificates to pilot Vessels into the aforesaid Ports, and shall annex to the Branch or Certificate of every such Pilot a Copy of the Fees allowed them by this Act, and also a Copy of this Clause; and in Case any Person shall attempt to pilot or take Charge of any Vessel without having obtained a Certificate for so doing, and also given Bond in Manner as is directed in an Act, entitled, *An Act for facilitating the Navigation and regulating the Pilotage of the several Ports of this State*, shall forfeit and pay for each and every Offence one hundred Pounds current Money, to the Use and Benefit of any Person suing for the same.

How pilots to be authorized, &amp;c.

## C H A P. XXIX.

*An Act to prescribe the Affirmation of Allegiance and Fidelity to this State to be taken by the People called Quakers, and for granting them certain Indulgences therein mentioned.*

See act Oct. 1784, c. 21.

I. **I**N order to quiet the Consciences and indulge the religious Scruples of the People called *Quakers*, 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 Affirmation of Allegiance and Fidelity to this State shall hereafter be taken by all the above said People in the following Form, *to wit*,

Affirmation prescribed.

**I** A. B. do solemnly and sincerely declare and affirm, that I will truly and faithfully demean myself as a peaceable Subject of the independent State of North-Carolina, and that I will be subject to the Powers and Authorities that are or may be established for the good Government thereof, not inconsistent with the Constitution, either by yielding an active or passive Obedience thereto, and that I will not abet or join the Enemies of this State by any Means in any Conspiracy whatsoever against the said State, or the United States of America, and that I will disclose and make known to the Legislative or Executive Powers of the said State all treasonable Conspiracies which I shall know to be made or intended against the said State.

Which said Affirmation being taken before any Justice of the Peace of the County where they reside, shall entitle them to the Rights, Privileges and Immunities of Citizens, in as full and ample a Manner as those who have taken the Affirmation heretofore prescribed by Law.

II. *AND* be it further enacted by the Authority aforesaid, That from and after the passing of this Act, it shall be lawful for the People called *Quakers* to wear their

Privilege to wear hats, &amp;c.



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Hats as well within the several Courts of Judicature in this State as elsewhere, unless otherwise ordered by the Court.

Repealing clause.

III. *AND* be it further enacted by the Authority aforesaid, That so much of an Act of the General Assembly passed in the Year of our Lord one thousand seven hundred and sixty-two, entitled, *An Act for the better Care of Orphans, and Security and Management of their Estates*, as comes within the Purview of this Act; and also so much of an Act of the General Assembly passed in the Year of our Lord one thousand seven hundred and seventy-nine, entitled, *An Act to prescribe the Affirmation of Allegiance and Fidelity to this State to be taken by the Unitas Fratrum, or Moravians, Quakers, Menonists and Dunkards, and granting them certain Indulgences therein mentioned and other Purposes*, as relates to the People called *Quakers*, shall be, and is hereby repealed and made void and of no Effect.

## C H A P. XXX.

*An Act to empower the several County Courts therein mentioned to lay a Tax annually for the Purpose of erecting or repairing the Court-House, Prison and Stocks in each County where necessary, and for defraying the contingent Charges of the County.*

Courts authorized to lay a tax annually not exceeding 4s. on every 100l. and a poll-tax of 4s.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the County Court of each County herein mentioned, *viz. Chowan, Halifax, Camden, Edgcomb, Caswell, Wake, Washington, Onslow, Northampton, Currituck, Montgomery, Pasquotank, Hertford, Bertie, Tyrrel, Cumberland, Anson, Nash, Richmond, Brunswick, Orange, Craven, Bladen, Jones, Carteret, Chatham, Burke and Dobbs*, shall, and the same are hereby authorized and empowered from and after the passing of this Act, to lay a Tax annually not exceeding the Sum of four Shillings current Money on every hundred Pounds of taxable Property in their County, and a Poll-Tax of four Shillings current Money on every taxable Person in the said County, for the Purpose of erecting, finishing or repairing such Court-House, Prison or Stocks, in any County within this State, when the same may be found by the said Court to be absolutely necessary, and for the Purpose of defraying the contingent Charges; which said Tax shall be collected and accounted for in the same Manner, at the same Time, and by the same Persons who are appointed to collect the public Tax in each County, and to be paid into the Hands of such Person or Persons as the several County Courts shall from Time to Time hereafter direct: *Provided*, That a Majority of the acting Justices of any Court wherein any Tax shall be laid in Virtue hereof shall be present at the Time of laying the same.

A majority of the Justices to be present.

Repealing clause.

II. *AND* be it further enacted by the Authority aforesaid, That all and every Act and Acts, so far as they come within the Purview of this Act, be, and they are hereby repealed and made void.

## C H A P XXXI.

*An Act for repealing an Act of the last General Assembly, entitled, An Act to empower the Justices of the County Courts to appoint a County Attorney and Solicitor to prosecute for the State in the County Courts, and for the Purpose of appointing a Salary and Fees for the Attorney and Solicitor and other Purposes, and for allowing Fees to Attornies who may hereafter prosecute in the respective Counties in this State, and for regulating the Proceedings on Presentments and Indictments.*

Repealing clause.

I. **B**E 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 above recited Act shall be and it is hereby repealed and made void.

Fees allowed to Attorney for the State in the County Courts.

II. *AND* be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Attorney who may hereafter prosecute for the State in any of the County Courts in any Matter civil or criminal, to have and receive the same Fees which are by Law allowed to the Attorney-General of this State for like Services.

III. *AND* be it further enacted by the Authority aforesaid, That in all criminal Prosecutions hereafter to be had by Indictment or Presentment in the County Courts,



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Courts, it shall be sufficient to all Intents and Purposes, that the Bill shall contain the Charge against the Criminal expressed in a plain, simple, intelligible and explicit Manner, and that no Bill of Indictment or Presentment shall be quashed, or Judgment arrested, for or by Reason of any Informalities or Refinements, when there appears to the County Court sufficient in the Face of the Indictment to induce them to proceed to Judgment.

Forms in criminal prosecutions in the County Courts dispensed with.

## C H A P. XXXII.

*An Act to ascertain the Measurement of Fire-Wood sold in the several Towns established within this State by the Legislature.*

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all Fire-Wood sold in the Towns established within this State by the legislative Authority, shall be sold by the Cord and no otherwise; and that each Cord shall contain eight Feet in Length, four Feet in Height, and four Feet in Breadth, and shall be corded by the Carter or Seller, under the Penalty of twenty Shillings for each Offence, to be recovered against the Owner or Seller, before a single Magistrate by a Warrant, which Penalty shall be to the Use of the Informer.

Wood to be sold by the cord.

How much to measure.

## C H A P. XXXIII.

*An Act to prevent the several Species of Hunting therein mentioned.*

I. **B**E 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 or Persons shall be discovered hunting in the Woods with a Gun in the Night-Time by Fire-Light, such Person or Persons so offending shall upon Conviction by Indictment or Presentment in any Court of Record in the State, be fined by such Court twenty Pounds current Money, to be applied to the Use of the County wherein the Offence was committed; and if any Person so fined shall fail or refuse to pay such Fine, the Person so failing or refusing shall receive thirty-nine Lashes on his bare Back by Order of such Court, to be well laid on in open View by the Sheriff of the County, and shall stand committed until all Costs accruing upon the Presentment be paid.

Pen. for fire-hunting.

How to be recovered.

Punishment if money not paid.

II. **A**ND whereas many Persons make a Practice of hunting and killing Deer and leaving the Carcasses in the Woods, *Be it enacted*, That if any Person shall be convicted as aforesaid of killing any Deer and leaving the Carcasses thereof in the Woods, he shall for every Offence forfeit and pay the Sum of twenty Shillings.

Pen. for leaving carcases in the woods.

III. **A**ND be it further enacted by the Authority aforesaid, That if any Slave or Slaves shall be discovered hunting in Manner herein before mentioned, the Master of such Slave or Slaves, or the Person in whole Service he or they may be, shall upon due Conviction of such Slave or Slaves before any Justice of the Peace of the County wherein such Offence may be committed, forfeit the Sum of five Pounds, to be levied by a Warrant immediately to be issued by such Justice for that Purpose; and if any Person shall be duly convicted as aforesaid of sending his Slave to hunt with a Gun in the Night by Fire-Light, he shall be subject to the same Pains as are provided by this Act to be inflicted on Fire-Hunters.

Pen. on masters, &c. of slaves hunting as above

Pen. on the master sending a slave to hunt by fire-light.

IV. **A**ND be it further enacted by the Authority aforesaid, That it shall not be lawful for any Person on the East Side of the *Apalachian* Mountains, to kill or destroy any Deer running wild in the Woods or unfenced Grounds in this State by Gun or otherwise, between the twentieth Day of *February* and the fifteenth Day of *August* then next succeeding in each Year, unless on his own Lands; and if any Person on the East Side of the said Mountains shall kill or otherwise destroy any Deer within the Time before described and contrary to the Meaning and Intent of this Act, every such Person shall forfeit and pay for each and every Deer so unlawfully killed or destroyed, the Sum of forty Shillings, to be recovered before any Justice of the Peace, and applied as is by this Act directed: And in Case any Servant or Slave shall on the East Side of the said Mountains kill or destroy any Deer between the twentieth Day of *February* and the fifteenth Day of *August* in any Year, the Owner of such Slave shall be liable to pay the Sum of forty Shillings for each Deer

Time limited for killing deer, unless on a person's own land.

Penalty.

Deer



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Deer so unlawfully killed or destroyed, to be recovered and applied as before directed.

Pen. for hunting on another person's land without leave.

V. *AND be it further enacted by the Authority aforesaid*, That it shall not be lawful for any Person or Persons on the East Side of the *Appalachian* Mountains, to hunt with a Gun or with Dogs on the Lands of any other Person without Leave obtained from the Owner of the said Land, under the Penalty of forfeiting five Pounds for every Offence, to be recovered by the Owner before any Justice of the Peace of the County where such Offence is committed or the Offender resides, and applied one Half to his own Use, the other Half to the Use of the County: *Provided*, That no such Recovery shall be had for the Offence afore mentioned unless the Owner of the Land shall, by Advertisement posted up in two or more public Places, have forbid the Persons so hunting by Name, or all Persons generally to hunt on his Land previous to the Offence. *Provided also*, That Recovery shall not be had in any Case whatever unless the Prosecution is commenced within one Month after the Offence is committed.

Exception.

Time to sue.

Repealing clause.

VI. *AND be it further enacted by the Authority aforesaid*, That so much of the Laws heretofore made, which relates to Fire-Hunting and destroying Deer at unreasonable Times of the Year, as comes within the Purview of this Act, be and is hereby repealed and made void to all Intents and Purposes, and construed as if the same had never been made.

Fines how applied.

VII. *AND be it further enacted by the Authority aforesaid*, That all Fines imposed and recovered by Virtue of this Act, shall be one Half to the Use of the Informer, the other Half to the Use of the Poor of the County wherein the Offence shall be committed, except such as are otherwise directed.

Suspending clause.

VIII. *AND be it further enacted by the Authority aforesaid*, That this Act shall not operate or take Effect until the first Day of *July* next.

#### C H A P. XXXIV.

##### *An Act for the Restraint of idle and disorderly Persons.*

I. **W**HEREAS it becomes necessary for the Welfare of Community to suppress wandering, disorderly and idle Persons:

Vagrants and disorderly persons to be apprehended, and in case of conviction to require security for good behaviour.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That it shall not be lawful for any Person or Persons who have no apparent Means of Subsistence, or neglect applying themselves to some honest Calling for the Support of themselves and Families, and every Person so offending, who shall be found sauntering about neglecting their Business, and endeavouring to maintain themselves by gaming or other undue Means, it shall and may be lawful for any Justice of the Peace of the County wherein such Person may be found, on due Proof made, to issue his Warrant for such offending Person, and cause him to be brought before said Justice, who is hereby empowered, on Conviction, to demand Security for his or their good Behaviour, and in Case of Refusal or Neglect to commit him or them to the Gaol of the County for any Term not exceeding ten Days, at the Expiration of which Time he shall be set at Liberty if Nothing criminal appears against him, the said Offender paying all Charges arising from such Imprisonment; and if such Person shall be guilty of the like Offence from and after the Space of twenty Days, he or they so offending shall be deemed a Vagrant, and be subject to one Month's Imprisonment with all Costs accruing thereon, which if he neglects or refuses to pay, he may be continued in Prison until the next Court of the County, who may proceed to try the said Offender, and if found guilty by a Verdict of a Jury of good and lawful Men, said Court may proceed to hire the Offender for any Time not exceeding the Space of six Months to make Satisfaction for all Costs; but if such Person or Persons so offending be of ill Fame, so that he or they cannot be hired for the Cost, nor give sufficient Security for the same, and his or their future good Behaviour, in that Case it shall and may be lawful for said Court to cause the Offender or Offenders to receive thirty-nine Lashes on his or their bare Back, after which he or they shall be set at Liberty, and the Cost arising thereon shall become a County

In case of refusal, &c. to be committed for any time not exceeding ten days.

How to be proceeded against for a repetition of the offence after a limited time.



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a County Charge, which Punishment may be inflicted as often as the Person may be guilty, allowing twenty Days between the Punishment and the Offence.

III. *AND be it further enacted by the Authority aforesaid,* That it shall not be lawful for any Person or Persons of ill Fame or suspicious Characters to remove him or themselves from one County to another in this State without first obtaining a Certificate from the Sheriff of said County, or some Justice of the Peace or Captain of his Company, setting forth his former good Behaviour and his Intention in removing, whether to settle in said County, or if travelling to set forth his Business and Destination; and if such Traveller should be desirous to make any Stay in any County longer than forty-eight Hours, he shall first apply to some Justice of said County for Leave and obtain a Certificate for that Purpose, setting forth the Time of his Permission; and if such Person shall be found loitering in said County after the Expiration of his Permit, or fail to obtain the same agreeable to the true Intent and Meaning of this Act, such Person so offending may be apprehended by any Person or Persons and carried before some Justice of the Peace, who may enquire into his Character and Business, and fine him at his Discretion, not exceeding forty Shillings; but if the said Traveller shall be found on Examination to be a Person of ill Fame, and there be Reason to suspect that he is loitering in said County for some evil Purpose, attempting to acquire a Living by Gaming or other bad Practices, such Justice shall have Power to commit any Person of like Character, until he shall find good and sufficient Security for his good Behaviour, for any Time not exceeding ten Days; and such Justice of the Peace or Court of the County shall proceed against such Offender in the same Manner as is heretofore prescribed for Vagrants.

Persons of ill fame, &c. not to remove without a certificate, &c.

How to proceed with it.

Pen for negl.

IV. *AND be it further enacted by the Authority aforesaid,* That it shall not be lawful for any House-Keeper in this State to harbour any Traveller or idle Person of the Character aforesaid for any longer Time than is heretofore specified, under the Penalty of five Pounds for every such Offence, to be recovered by Warrant before any Justice of the Peace of the County where the Offence is committed.

Pen. for harbouring persons of the above description

V. *AND be it further enacted by the Authority aforesaid,* That it shall not be lawful for any House-Keeper to harbour and conceal or hire any Orphan Child or Children without first obtaining Leave of some Justice of the Peace, under the Penalty of five Pounds; and such Justice on granting Permission, shall compel the Person requiring the same to bring the said Orphan Child to the next County Court, which is hereby required to bind such Orphan Children agreeable to Law.

Or orphan children.

VI. *AND be it further enacted by the Authority aforesaid,* That all Fines inflicted by this Act shall be one Half to the Informer, and the other Half to the Poor of the County.

Fines how applied.

- CHAP. 35. *An Act for shortning the Time given by Law for securing Lots in the several Towns within this State.*
36. *An Act for establishing a Court of Oyer and Terminer and General Gaol Delivery in the County of Davidson.*
37. *An Act for extending the Navigation of Roanoke River. PRIV.*
38. *An Act to facilitate the Navigation of Neuse River. PRIV.*
39. *An Act for clearing and opening the Navigation of Trent River, in Jones County. PRIV.*
40. *An Act for appointing Commissioners in the District of Morgan for the Purpose of erecting a Court-House, Prison and Stocks in the County of Burke, for the Use of said District, and for levying a Tax to complete the same, also for laying out and establishing a Town in Burke County. PRIV.*
41. *An Act for the Promotion of Learning in the District of Hillsborough, and to amend an Act for establishing an Academy in the Neighbourhood of Hillsborough. PRIV.*

Provided for by act Nov. 1785, c. 33.

See acts Nov. 1785, c. 47, and Nov. 1788, c. 31.



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- CHAP. 42. *An Act to amend an Act passed at Newbern the first Day of December, One Thousand Seven Hundred and Sixty-six, entitled, An Act for establishing a School-House in the Town of Newbern.* P R I V.
43. *An Act for establishing a Town in Jones County, on the Lands of Thomas Webber and others.* P R I V.
44. *An Act to establish a Town on the Land of John Walker at a Place called Deep-Water Point, joining Fort Johnston on the River Cape-Fear, in Brunswick County.* P R I V.
45. *An Act for establishing and laying out a Town in Richmond County, by the Name of Rockingham.* P R I V.
46. *An Act to amend an Act, entitled, An Act for establishing a Town on the Land of William Herritage, at a Place called Atkins's Banks, in Dobbs County.* P R I V.
47. *An Act for establishing a Town on Cumberland River, at a Place called the Bluff, near the French-Lick.* P R I V.
48. *An Act for annexing certain Lands laid off by Thomas Respiss, Esquire, to the Town of Washington, and for empowering the Commissioners to lay a Tax on the Inhabitants of said Town.* P R I V.
49. *An Act to amend an Act, entitled, An Act for the Regulation of the Town of Wilmington.* P R I V.
50. *An Act to regulate the Town of Hillsborough, and to repeal all Laws now in Force which come within the Purview hereof.* P R I V.
51. *An Act to amend an Act, entitled, An Act for purchasing a Lot or Lots in the Town of Wilmington, for the Purpose of building a Gaol for the District of Wilmington and other Purposes, and for repairing the Court-House of the said District.* P R I V.
52. *An Act for levying a further Tax in the District of Halifax, for repairing the Court-House and Gaol of said District.* P R I V.
53. *An Act for appointing Commissioners for selling the Granaries in the Counties of Franklin and Warren, and for repealing an Act, entitled, An Act for appointing Commissioners for selling the Lot Number Forty-four in Warrenton, whereon the public Granary now stands, and for other Purposes, and for altering the Times of holding Courts in the County of Caswell.* P R I V.
54. *An Act to authorise and empower Isaac Gregory, Esquire, formerly Sheriff of Pasquotank, now Pasquotank and Camden Counties, to collect the Arrears of Taxes due him from the Inhabitants of said Counties, for the Years one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, and one thousand seven hundred and seventy-four.* P R I V.
55. *An Act to authorise Richmond Pearson to collect the specific Tax which remains due from the Inhabitants of the County of Rowan for the Year seventeen hundred and eighty-one; and also the Commissioners of Franklin County to collect the Arrears of Taxes of said County, for the Years seventeen hundred and eighty, seventeen hundred and eighty-one, and seventeen hundred and eighty-two.* P R I V.
56. *An Act to empower Arthur Brown, Esquire, late Sheriff of Bertie County to collect the Arrears of Taxes due for the said County in the Year one thousand seven hundred and seventy-four, and one thousand seven hundred and seventy-five.* P R I V.
57. *An Act to empower Edward Winflow to receive Storage of Tobacco inspected and deposited in the Warehouse by him built at Fayetteville, by Permission of the Court of Cumberland.* P R I V.

CHAP.



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- CHAP. 58. *An Act for the Relief of sundry Petitioners, Inhabitants of Davidson County, whose Names are therein mentioned. PRIV.*
59. *An Act to alter the Place of holding the County Court in Pasquotank County, from Winfield to the Town of Nixonton in the said County, and to erect a new Court-House, Prison, Pillory and Stocks, in the said County. PRIV.*
60. *An Act for empowering the Court of Brunswick County to adjourn to the Place which they shall think most convenient for holding the same. PRIV.*
61. *An Act for laying a Tax in the County of Northampton for repairing the public Builings thereof, and to appoint and empower Commissioners for that Purpose. PRIV.*
62. *An Act to empower the Executors of John Bowman, deceased, to pay into the Hands of the Treasury such Sums of Money as he received for the Public as Sheriff for Burke County, without Depreciation. PRIV.*
63. *An Act to encourage Enoch Ward, Spyers Singleton, Christopher Neale, and Company, to cut a Canal from Clubfoot's Creek to Harlowe's Creek. PRIV.*
64. *An Act for vesting in James Williams, his Heirs, Executors, Administrators and Assigns, the Property of the Toll-Bridge, known by the Name of M'Craney's Bridge, on the lower Little-River in Cumberland County. PRIV.*
65. *An Act to authorise Theophilus Evans to receive Toll at Rockfish Bridge, by him built in Bladen County. PRIV.*
66. *An Act to encourage Enoch Sawyer to make a Road through Pasquotank River Swamp opposite to his Plantation. PRIV.*
67. *An Act to encourage Benjamin Smith to repair and complete the Bridges and Causeways through the great Island opposite Wilmington. PRIV.*
68. *An Act for appointing a public Printer, and directing his Duty in Office. EXP.*
69. *An Act to enable Mary Dowd to sue for and recover to her own Use, and the Use of her Children by her Husband Conner Dowd, all Debts due and owing to the said Conner, and all other Things in Action which the said Conner Dowd might lawfully sue for and recover were he a Citizen of this State and entitled to the Benefits of its Laws. PRIV.*
70. *An Act for enfranchising Ned Griffin, late the Property of William Kitchen. PRIV.*
71. *An Act to vest in Nathaniel Allen and others, certain Lands therein mentioned. PRIV.*
72. *An Act to amend an Act passed in the Year one thousand seven hundred and eighty-three, entitled, An Act to vest certain Lands in Fee-Simple in Richard Henderson and others. PRIV.*
73. *An Act to alter the Name of Frederick Totevine to Frederick Lane. PRIV.*
74. *An Act for altering the Names of Joshua Taylor, Moses Taylor, Aaron Taylor, Mark Taylor, and William Taylor, to that of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg. PRIV.*



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## C H A P. LXXV.

*An Act for dividing Duplin County.*

I. **W**HEREAS by Reason of the large Extent of said County, it is greatly inconvenient for the Inhabitants to attend the Courts and other public Duties by Law required:

County erected  
by the name of  
*Sampson.*

Boundary.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act the said County of Duplin shall be divided into two distinct Counties, by a Line beginning on the Line that divides Duplin from New-Hanover County where the main Road crosses Bultail, a Branch of Rockfish Creek; and running thence a strait Line to the lower Bridge on Stewart's Creek, from thence a direct Line to Gosken Swamp at the Mouth of Young's Swamp, thence due North to the Wayne Line; and all that Part of the said County of Duplin which lies West of the above Line, shall be established into a separate and distinct County by the Name of Sampson.*

[*The Remainder unnecessary to be inserted.*]

## C H A P. LXXVI.

*An Act for dividing Cumberland County into two distinct Counties.*

See act Oct.  
1784, c. 44.

I. **W**HEREAS the County of Cumberland is so extensive that it is extremely inconvenient for the Inhabitants to attend Courts and public Meetings:

County erected  
by the Name of  
*Moore.*  
Boundary.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the fourth Day of July next, the County of Cumberland shall be divided into two distinct Counties, by a Line beginning at Cole's Bridge on Drowning Creek, thence a direct Line to the Corner of Wake and Johnston Counties in Cumberland Line, and all that Part of Cumberland lying to the North-West of the new Line, shall be a separate and distinct County by the Name of Moore County.*

[*The Remainder unnecessary to be inserted.*]

C H A P. 77. *An Act to amend an Act, entitled, An Act to amend an Act, entitled, An Act for dividing Tryon County, and other Purposes. PRIV.*

## C H A P. LXXVIII.

*An Act for altering the Line between the Counties of Lincoln and Burke, and appointing Commissioners to fix on a convenient Place in the said County of Lincoln to erect the public Buildings of the said County.*

Line to be run.

I. **B**E 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 Boundary Line between the Counties of Burke and Lincoln shall hereafter be as follows, to wit, Beginning at the Horse-Ford on Catawba River, running thence to John Harwison, Henry River, thence to William Orrson, Jacob's River, and thence to the Intersection of the Counties of Burke, Lincoln and Rutherford, as they now stand.

[*The Remainder unnecessary to be inserted.*]

## C H A P. LXXIX.

*An Act for extending the Dividing Line between the Counties of Edgcomb and Martin and between the Counties of Martin and Pitt.*

I. **W**HEREAS there is no established Line between the Counties aforesaid, and whereas Disputes may arise respecting the same:

Line to be run.

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That Isaac Sessums, Joseph Hart, Nathan Mayo, Joseph Cooper and Solomon Cherry, Commissioners, or a Majority of them,*



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them, be and they are hereby authorized and empowered, as soon as may be after the passing of this Act, to extend the dividing Line between the Counties aforesaid, beginning in the old Line that formerly divided *Edgcomb* and *Halifax*, at or near *Benjamin Cotton's*, running thence a direct Course to the Line that divides *Martin* and *Pitt* Counties at or near *Charles Council's*.

III. *AND* be it further enacted by the Authority aforesaid, That where any vacant Lands may have been entered in either of the said Counties (and not surveyed) over the said Line, the same shall have Preference according to the Date of such Entry, as fully as if it had been made in the County where the Land shall appear to be. Entries to be v<sup>z</sup> lid.

[The Remainder unnecessary to be inserted.]

## C H A P. LXXX.

An Act for extending the Boundary Line between the Counties of *Currituck* and *Camden*, and for allowing Surveyors further Time to make their Returns.

I. **W**HEREAS there is no established Boundary Line between the said Counties of *Currituck* and *Camden*, and whereas Disputes may arise respecting the same:

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the following shall hereafter be held and deemed the boundary Line between the said Counties, *that is to say*, Beginning at the Head of *North River* where the same forks into two Runs, thence a direct Course to the Middle of *Lamb's Toll Road* or Bridge, thence a direct Course to the *Virginia Line*, so as to divide that Part of the *Great-Dismal Swamp*, as nearly as may be between the said Counties. Boundary estab-  
lished.

III. [Immaterial to be inserted.]

IV. *AND* be it further enacted by the Authority aforesaid, That where any vacant Lands may have been entered in either of the said Counties over the said Line, the same shall have Preference according to the Date of such Entry, as fully as though it had been made in the County where the Land shall appear to be. Entries to be v<sup>z</sup> lid.

V. *AND* whereas by Reason of the great Difficulty of making Surveys in the Swamps and low Lands in this State, the Surveyors in many Counties have not made their Returns agreeable to Law: *Be it further enacted by the Authority aforesaid*, That the County Surveyors shall be allowed a further Time of twelve Months, from and after the passing this Act, for making their Returns; any Law, Usage or Custom to the contrary notwithstanding. Further time al-  
lowed surveyors.

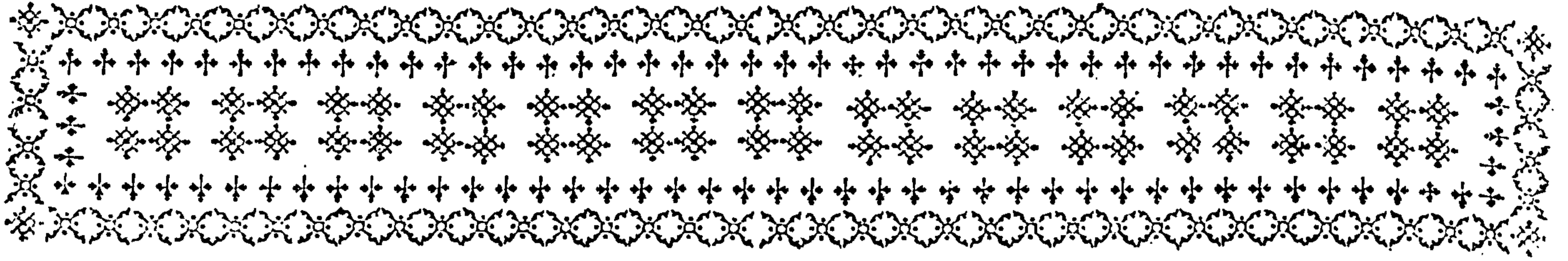
Read Three Times, and ratified in General Assembly, }  
the Second Day of June, Anno Dom. 1784. }

SIGNED BY

RICHARD CASWELL, S. S.

THOMAS BENBURY, S. C.





# L A W S

O F

# N O R T H - C A R O L I N A.

ALEXANDER  
MARTIN, Esq.  
Governor.

At a GENERAL ASSEMBLY, begun and held at Newbern, on the Twenty-second of October, in the Year of our Lord One Thousand Seven Hundred and Eighty-four, and in the Ninth Year of the Independence of the said State: Being the First Session of this Assembly.

## C H A P. I.

*An Act to ascertain the Number of white and black Inhabitants, and the Citizens of every Age and Condition in the State.*

I. **W**HEREAS it is recommended by the United States in Congress assembled, that the Number of white and black Inhabitants, and free Citizens of every Age, Sex and Condition, including those bound to Servitude for a Term of Years, and three Fifths of all other Persons not comprehended in the foregoing Description, shall be taken in each State; and in order to comply with the above Recommendation :

II. *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 several County Courts in this State, shall within six Months after the passing this Act, appoint a proper Person in each Captain's District to take a List of the Number of white and black Inhabitants, and the free Citizens of every Age, Sex and Condition in each District; which List shall distinguish the Number of Blacks from the Whites and other free Inhabitants in the following Manner:

Persons to be appointed by the County Courts to take lists.

How to be distinguished.

White Males from twenty-one Years old to sixty.	White Males under twenty-one Years old and above sixty.	White Females of every Age.	Blacks of each Sex from twelve to fifty.	Blacks upwards fifty & under twelve Years old.
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Lists how to be returned, &c.

And the List by them so taken, shall be returned to the Court which shall sit next after their Appointment; which List shall by the Clerk of the Court be immediately transmitted to the Governor, under the Penalty of fifty Pounds, to be recovered before any Jurisdiction having Cognizance thereof, and applied to the Use of the County, and by him sent to our Delegates at Congress; and in Failure of the Appointment aforesaid, by the several County Courts within the Time limited by this Act, the Sheriffs of the several Counties are hereby required to summon three of the Justices in the respective Counties, who are hereby authorized to make the Appointment aforesaid.

How appointments to be made if the County Courts neglect.

Penalties for failure.

III. *AND* be it further enacted by the Authority aforesaid, That if any Person who shall be appointed to receive the Lists, shall fail or neglect to do the Duty by this Act appointed, he shall forfeit and pay the Sum of one hundred Pounds, to be recovered in any Court of Record having Cognizance thereof, in the Name of the Governor, for the Use of the State; and if any Master or Mistress of a Family, his or her Agent, Director, Manager, or Attorney, after due Notice given by Advertisement of the same at the most public Place of the District, shall fail to give in a List of his or her Family, as by this Act required, he or she so failing or neglecting, shall forfeit and pay the Sum of fifty Pounds, to be recovered and applied as in the Case last mentioned.

C H A P.



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## C H A P. II.

An Act for the more regular collecting Payment of, and accounting for the public Taxes. See Act Nov. 1786, c. 10.

I. **W**HEREAS the Mode heretofore directed by Law for the collecting Payment, and accounting for the public Taxes, hath been found to be extremely irregular, inconvenient and expensive, and large Sums remain unaccounted for: For Remedy whereof,

II. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That all Taxes by this Assembly imposed, or hereafter to be imposed on the Citizens of this State, shall be collected, paid and accounted for, in the Manner and Form following: Taxes how to be collected.

III. *PROVIDED nevertheless,* That the Tax for the Year one thousand seven hundred and eighty-five, shall not be collected until the Year one thousand seven hundred and eighty-six, any Thing contained in this Act to the contrary notwithstanding. Proviso for the tax of 1785.

ON or before the first Day of *November*, in every Year, the Clerks of the respective Counties within this State, shall furnish the Collectors of their Counties with a List of the taxable Property in their respective Districts, as the same Lists are directed to be made out by an Act passed at *Hillsborough*, on the ninth Day of *April*, in the eighth Year of the Independence of this State, entitled, *An Act to amend an Act, entitled, An Act for ascertaining what Property in this State shall be deemed taxable Property, the Method of assessing the same, and collecting public Taxes:* And the Collectors shall appoint the Day and Place in each District of said County, in the Month of *April*, when and where he will attend for the Purpose of receiving from the Inhabitants of such District, the public Tax required by Law from each Inhabitant thereof, agreeable to the List of taxable Property furnished him as aforesaid; the said Collector having caused eight Days previous Notice of the Time, Place, and Cause of his Attendance, to be given to the Inhabitants of the said District, by advertising the same; and if any Person or Persons so notified, shall neglect, or refuse to pay, or cause to be paid, on the Day appointed, his Part of the public Taxes as assessed, it shall and may be lawful for the said Collector to levy the same, by Distress and Sale of the Goods and Chattels of the Persons so neglecting or refusing, and for every Distress and Sale so made, it shall and may be lawful for such Collector, as Fees of Office, to levy therewith the Sum of two Shillings and eight Pence. *Provided always,* That the said Collector shall give ten Days previous Notice of the public Sale of the Distresses taken, and the Amount of the Tax thereon due, by Advertisement at three of the most public Places in and near the said District. Collectors to be furnished with lists of taxable property.

IV. **A**ND whereas a considerable Portion of the public Taxes for each Year may be paid and discharged in Certificates, and old Dollar Money of this State; and it frequently happens that many Persons, when paying their public Taxes cannot procure Certificates to discharge any Part thereof, whereby many Sums are paid in Money which are accounted for to the Treasury in Certificates, and old Paper Currency; to prevent which for the future, *Be it enacted by the Authority aforesaid,* That the several Collectors shall keep regular Accounts of their respective Receipts, by inserting in different Columns the Money and Certificates received from each Person, and shall make Return thereof, and pay the same, or Money and Certificates of the like Kind, and in the same Proportion as shall be received, to the Sheriffs of their respective Counties upon Oath, which Oath every Sheriff is hereby directed and empowered to administer; and every Sheriff shall cause to be set up in the Court-House of his County, fair Copies of such Returns, there to remain for two succeeding Terms; and the Sheriffs shall pay into the Treasury, on Oath to be administered by the Treasurer, the several Species of Money and Certificates, which they shall receive from the different Collectors of their respective Counties, and shall swear that the Monies and Certificates so paid, are the same, or of the like Kind, and in the like Proportion, with the Monies and Certificates received from the Collectors of their respective Counties. And to give notice of the time and place of his attendance.

V. *PROVIDED always,* That when any Collector or Sheriff shall have taken up and paid any Warrant or Warrants, such Warrant or Warrants shall be paid Proceedings where persons do not pay.

Collectors duty as to accounting, &c.

Sheriffs duty.

Proviso for public warrants.



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paid and received as so much Money; any Thing herein contained to the contrary notwithstanding. And to prevent Mistakes, the Oath to be taken by the Collectors and Sheriffs shall be in the following Form, *to wit*,

Oath to be taken.

**I** A. B. do swear that the Return by me now made and exhibited, contains a just and true Account of all the Monies, Certificates and Dollar Bills, by me received in Payment of public Taxes for the Year, and that all Monies and Certificates by me now paid, bear an exact Proportion to what I have received of each, reckoning the different Warrants by me taken up as so much of the Money by me received. **SO HELP ME GOD.**

What commissions allowed, and how to be received.

VI. *AND* be it enacted by the Authority aforesaid, That the Collectors to be appointed by Virtue of this Act, shall have and receive as Commissions for collecting the public Taxes, and paying the same, three Pounds for every hundred Pounds, and so in Proportion for a greater or less Sum, which they shall so receive and pay; and the Commissions of Collectors and Sheriffs, shall be by them respectively deducted out of the different Sums by them to be received, whether in Money or in Certificates, and old Dollar Bills in Proportion to the Receipts of Money and Certificates and old Dollar Bills, *that is to say*, The Commissions on the Amount of the Money shall be retained in Money, and the Commissions on Certificates and old Dollar Bills in Certificates.

Treasurer to account on oath with the General Assembly.

VII. *AND* be it further enacted by the Authority aforesaid, That the Treasurer shall account with the General Assembly in the same Manner, and upon the same Principles as Sheriffs are hereby directed to account, and shall take an Oath similar to that herein before described. The public Tax of each and every County in the State, so collected, shall to the Sheriff thereof be accounted for by the Collector or Collectors, within the first Week of the Month of *June*, in every Year; and the Collector or Collectors, so failing to account, shall forfeit all his or their Commissions for such Collection, and further pay Interest on the full Amount of his or their Collection, for the Time he or they may retain the Money in his or their Hands; and Grants of Monies by the General Assembly, signed by the Speakers of both Houses thereof, and Warrants issued by his Excellency the Governor of this State, by the said Sheriff or Collectors discharged, to them shall be held and deemed good and sufficient Acquittances in their Settlements of Accounts.

Collectors when to account.

Pen. for taking any fee in paying warrants, &c.

VIII. *AND* be it further enacted by the Authority aforesaid, That if any Collector, Sheriff, or other Person holding public Monies, shall presume to demand or accept any Fee, Gift, Gratuity or Discount, for paying or taking up any Warrant or Draught, chargeable upon the Taxes, every such Offender, upon due Conviction in any Court of Record, shall forfeit and pay to the State a Sum equal to the Amount of the Draught so taken up, and shall moreover forfeit his whole Commissions upon his Collection, and be rendered thereafter incapable of holding, or exercising any Office of Trust, Honour or Profit, in this State; and the Sheriffs of each County, on the annual Settlements of their Accounts of Collection of the public Taxes, shall be allowed thereon a Commission of three *per Cent.* and the Sheriff shall account for the public Money by him received at the Office of the public Treasury between the first Week of *July*, and the first Week in *August* in every Year.

Sheriffs commissions, and when to account.

Treasury-office where to be held, and the duties incident thereto.

IX. *AND* be it further enacted by the Authority aforesaid, That from and after the passing of this Act, the Business heretofore conducted by Treasurers for the several Districts of this State, shall be conducted by one Treasurer, to be appointed by the General Assembly, who shall keep his Office at *Hillsborough*, whose Business and Duty it shall be to keep distinct Accounts with the several County Sheriffs within this State for the Taxes by them hereby directed to be collected, and the Return thereof directed to be made into the said Office, and with the Clerks of Superior and County Courts, for all Sums of Money paid on account of any Taxes by them by Law directed to be collected, and of Recognizances forfeited, Fines decreed, Forfeitures and Amercements made by Judgments of the said Courts, as far as the said Recognizances, Fines, Forfeitures, and Amercements, are by Law directed for the Use and Benefit of the State, and of all Monies by him received on any Account whatsoever; distinguishing particularly the Accounts



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counts of the separate Taxes and Impositions laid by Law, and their Produce, with the Payments made by the Treasury on the Grants of the General Assembly, or the Warrants of the Governor, for the Time being, or where Taxes are or may be laid, for special Purposes, to those by Law authorized to receive the same.

X. *AND be it further enacted by the Authority aforesaid,* That over and above the usual Bonds directed by Law to be given by the Sheriff of each County before his entering into Office, he shall enter into a distinct Bond, with two sufficient Securities, to be approved of by the County Court, in the Sum of two thousand Pounds of the current Money of the State, to the Governor, conditioned for the due Collection from the Collectors Payment and Settlement of the public Taxes, which to him are hereby directed to be by the County Collectors paid, on or within the Time by this Act directed, which Bond, after having duly recorded the same, the Clerk of each County Court is hereby directed to forward to the Treasurer of the State, together with a List of the taxable Property of the County, made conformably to the Act of Assembly aforesaid.

Sheriffs to give bond to the County Courts,

Which is to be forwarded to the Treasurer, &c.

XI. *AND be it further enacted by the Authority aforesaid,* That if the Sheriff or Sheriffs of any County within the State, shall neglect or refuse to settle his or their Accounts on or within the Time limited by this Act, and in Manner hereby directed, then it shall and may be lawful for the Treasurer of the State to enter up Judgment in the Name of the Governor on the same, for the Amount of the Tax due from such Sheriff or Sheriffs and their Securities, in any Court of Record within this State, which is hereby declared to be good and valid in Law, and Execution may issue thereon, directed to the succeeding Sheriff, or the Coroner of the County wherein the delinquent Sheriff resides, as if the Sheriff and Securities had been prosecuted to Judgment by the usual Processes of the said Court; any Law, Custom or Usage to the contrary notwithstanding; and the Sheriff so delinquent is hereby declared to have forfeited all Commission by this Act allowed on his Collection of public Taxes; and the like Remedy is hereby given and declared to each and every Sheriff against all delinquent Collectors within their respective Counties.

Treasurer to enter up judgment against delinquent Sheriffs.

How execution to issue.

Commissions of delinquent Sheriffs forfeited.

XII. *AND be it further enacted by the Authority aforesaid,* That if the Sheriff of any County within this State shall die shortly before, or during the Time appointed for the Collection of public Taxes, so that the County Court could not have appointed a Successor in Office before the Time for collecting the Taxes, in such Cases it may and shall be lawful for their Securities to receive the same from the Collectors; in which Business they are hereby declared to have all the Powers, Authorities, Privileges and Emoluments, in and for the Receipt and Collection of public Taxes, which the Sheriff deceased possessed and enjoyed.

Power of securities in case of a Sheriff's death before the time limited for collecting.

XIII. *AND be it further enacted by the Authority aforesaid,* That the public Treasurer shall on his Appointment call for and demand from the Comptroller of this State, a List of all Persons within this State described in an Act of Assembly passed at Hillsborough, in the sixth Year of the Independence of this State, entitled, *An Act to establish a Department for adjusting and liquidating the public Accounts of this State, and for appointing a Comptroller, and other Purposes,* who have not agreeably thereto settled their public Accounts; against all and every of said Persons, the said Treasurer is hereby required to commence an Action of Debt, as the said Comptroller is directed under the eighth Section of the said last mentioned Act; and the said Treasurer is further hereby required to call for and demand from the said Comptroller the Accounts of all Persons indebted to the Public, either before or since the Revolution, for Quitrents received, public Monies, or public Property of any Denomination whatsoever, for which the said Treasurer is hereby directed and authorized to commence Action of Debt, or otherwise, in the Name of the Governor, for the Balances remaining due to the former Province or present State of North-Carolina; to which Action or Actions so brought, no Plea of Limitation shall be admitted, any Law to the contrary notwithstanding.

Treasurer to demand a list of the Comptroller of those who have not settled their accounts, or are indebted to the public, and to commence suits.

XIV. *AND be it further enacted by the Authority aforesaid,* That to enable the said Treasurer to procure Testimony, commence and prosecute Suits for Recovery of such Balances due previous to the fourth of July, one thousand seven hundred

Treasurer's commissions on recoveries.



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dred and seventy-six, it shall and may be lawful for the said Treasurer to receive on every Recovery so made, the Commission of twelve *per Cent*.

In case of death or disability of the Treasurer during the recesses of the Assembly, the Governor with the advice of his Council to appoint.

XV. *AND be it further enacted by the Authority aforesaid*, That in Case of the Death or Disability of the Treasurer during the Recesses of the General Assembly, then it shall and may be lawful for the Governor, and he is hereby empowered and required, with Advice of his Council, to appoint some other fitting Person to the Office of public Treasurer, which Person so appointed shall have all the Powers, Authorities and Emoluments hereby granted, subject to the same Rules, Regulations and Penalties herein directed, which Office he shall hold until the End of the succeeding Session of the General Assembly, and no longer.

Bond to be given by the Treasurer.

XVI. *AND be it further enacted by the Authority aforesaid*, That the said Treasurer before he enters into Office, shall give Bond with sufficient Securities, whose Property shall be valued at least to the Amount of the Bond required, the Treasurer's Property included, in the Sum of one hundred thousand Pounds, to be approved of by the Governor and Council, to the Governor, for the Use of the State; which Bond shall be conditioned for the faithful and diligent Discharge of his Trust, and accounting for the public Monies of this State, and calling to account by Law Persons charged with public Monies who shall prove Delinquents, and making regular Returns from his Office of the Proceedings therein, and of the Cash on Hand, and the Sums remaining due, to every Session of the General Assembly of this State in Person, and as often as thereunto required to the Governor for the Time being; on which Bond Judgment may be entered up by his Successor in Office, in the same Manner as by this Act is directed on the Bonds of delinquent Sheriffs against him the said Treasurer and his Securities, where the said Treasurer hath not fully complied with the Duties of his Office, as by this Act is directed.

Pen. on the Treasurer for neglect of duty.

XVII. *AND be it further enacted by the Authority aforesaid*, That if it shall appear that the public Treasurer hath failed at any Time to pay the public Monies in his Hands on Grants of the General Assembly, on the Governor's Warrants, or Monies brought into the Treasury on special Taxes, to those authorized by Law to apply for and receive the same, or hath neglected in any Instance to call to Account as by this Act is directed, any Delinquents therein described, by which the public Revenue of the State may suffer Loss, then and in such Case the said Treasurer shall be held and deemed accountable for Sums due by such Delinquents, to all Intents and Purposes as if the same had actually been paid into his Office.

What grant or warrant may be taken up.

XVIII. *AND be it further enacted by the Authority aforesaid*, That the County Sheriffs, or the public Treasurer, shall not discharge any Grant of Assembly, or Warrant of the Governor, hereafter to be issued, unless in the said Grant and Warrant it shall particularly express the Cause and Service for which the same issued.

Treasurer to be elected annually.

XIX. *AND be it further enacted by the Authority aforesaid*, That the Election of the said public Treasurer shall be annual, and that in Consideration of his Office he shall be entitled to and receive the Salary of five hundred Pounds *per Annum*, in full Consideration of all Services incident to his Office; and the said Treasurer is hereby required to take the following Oath, *viz.*

His salary.

His oath.

**I** Swear that according to the best of my Abilities and Judgment, I will execute impartially the Office of public Treasurer in all Things, according to the true Intent and Meaning of the Act for the more regular collecting Payment of, and accounting for the public Taxes; and that I will not directly or indirectly be concerned in carrying on Trade or Merchandize of any Kind whatsoever, or apply the public Money to any other Use than by Law directed.  
SO HELP ME GOD.

Taxes of 1784 how paid.

XX. *AND be it further enacted by the Authority aforesaid*, That the Taxes laid for the Year one thousand seven hundred and eighty-four, shall be paid by the several Sheriffs into the Hands of the Treasurer by this Act appointed, any Law to the contrary notwithstanding. And the Offices of District Treasurers, from and after the passing of this Act, are hereby declared to cease; and the Treasurer hereby appointed is to enter into the Execution of his Office on the first Day of *January*, one thousand seven hundred and eighty-five, at *Hillsborough* as aforesaid, when and where he shall give Attendance by himself or Clerk.

Treasury office when to commence.

XXI.



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Repealing clause.

XXI. *AND be it enacted by the Authority aforesaid, That all Acts and Clauses of Acts heretofore made, which come within Purview of this Act, be repealed and made void.*

## C H A P. III.

*An Act for raising a public Revenue for the Support of Government, and to repeal an Act, entitled, An Act to suppress excessive Gaming.* See act Nov. 1785, c. 8.

I. **W**HEREAS a settled Revenue is necessary for the Maintenance of the Governor, Judges of the Superior Courts, and other Officers and Persons:

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is enacted by the Authority thereof, That from and after the first Day of January next, the following Duties, Impositions and Taxes, be collected and accounted for in Manner hereafter pointed out and directed, viz. for every Writ or leading Process returnable in the Superior Court, ten Shillings; on every Writ or leading Process in any County Court, five Shillings; on every Marriage Licence, ten Shillings; on every Ordinary Licence annually, two Pounds; on every Deed recorded in any Court, five Shillings; on every Grant which shall issue on any Entry hereafter made, when registered, five Shillings, to be received by the Register, which he shall account for in the same Manner as Clerks of Courts account for the Tax on Deeds, and be under the same Penalties and Forfeitures for Neglect; on every Pack of Playing-Cards imported or brought into this State, eight Shillings; on every Box and Dice kept in a Tavern, or by any Person for the Purpose of gaming, annually, ten Shillings; for every Billiard-Table, ten Pounds annually; for a general Licence to an Attorney, ten Pounds; for a Licence to practice in the County Courts, five Pounds; on every Wheel-Carriage kept for Pleasure, ten Shillings per Wheel annually; for every Stud-Horse, the Sum demanded by the Owner for the Season of one Mare; and that all Goods imported by Merchants into this State by Land, for the Sake of Trade and Commerce, shall pay the same Duties as Goods imported into this State by Water: *Provided nevertheless, That no Planter or Farmer bringing Goods for Sale, or Merchandize into this State by Land, under the Amount of twenty Pounds, at any one Time, shall be considered within the Purview of this Act.* Taxes laid. See the constitution of the United States.*

III. *AND be it further enacted by the Authority aforesaid, That the Clerks of the several Courts of Record, and the Registers, be and they are hereby empowered to demand, take and receive the said Taxes; and the Tax on Marriage and Ordinary Licences shall be paid down before any such are issued or made out to the Party praying the same, and the Tax on Deeds shall be paid before any such Deeds shall be admitted to Probate, and the Tax on Writs or other leading Processes shall be taxed in the Bill of Costs, and levied on the Goods and Chattels, Lands and Tenements of the Person or Persons against whom Judgment shall or may be given, or against Plaintiffs, or Persons discontinuing his, her or their Suit or Action, in the same Manner as other Costs are levied and recovered: *Provided, That no Tax shall be collected from the Representatives of any deceased Plaintiff, by whose Death any Action may be abated; and in Case the Defendant or Defendants are insufficient to pay said Tax, tho' Judgment is given for the Plaintiff, yet he shall pay the above Tax, and Execution shall and may issue for the same.* Taxes when to be paid, &c. *Provided.**

IV. *AND be it further enacted by the Authority aforesaid, That at the first Superior or County Court to be held for any District or County, after the present Session of General Assembly, the several Clerks in the said Superior and County Courts, and Registers, shall give Bond, payable to the Governor and his Successors in Office, with Security, to be approved of by the Judges or Justices of such Court, in the Sum of one thousand Pounds, for their faithful fulfilling and discharging the Duties by this Law pointed out and enjoined on them; and on Breach of said Bond, the Treasurer is hereby empowered and required to enter up Judgment against such delinquent Clerk or Clerks, Register or Registers, in any Court of Record.* Clerks and Registers to give bond for the discharge of their duty.

V. *AND be it further enacted by the Authority aforesaid, That all Merchants and others importing Goods into this State for the Sake of Commerce by Land, and* all



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Traders to declare on oath the amount of their invoices, &c. See the constitution of the United-States.

Duties collected and accounted for.

Clerks to return annual lists to the treasury-office, &c.

Annual registry of deeds, &c. to be returned.

Clerks and Registers how to account, &c.

Commissions.

Pen. on Clerks and Registers for neglect of duty.

Tax how appropriated.

Proviso.

Pedlars not to trade without a permit.

Penalty.

Price of permits.

all and every Person bringing into this State by Land or Water any Pack or Pack of Playing-Cards, and all Keepers of Taverns or Ordinaries, Stud-Horses, or Carriages kept for Pleasure, shall annually at the Time they give in their Lists of Polls or taxable Property, declare on Oath to what Amount they or any of them may have imported Goods into this State by Land, for the Sake of merchandizing; and shall further, on Oath, produce the Invoices of their several Purchases at the same Time, except as herein before excepted the Number of Packs of Playing-Cards imported by Land or Water, and the Number of Die Boxes and Dice, Billiard-Tables and Stud-Horses, or Carriages kept for Pleasure, belonging to them; and the Justices taking the said Lists are hereby empowered and required to assess and lay on the aforesaid Articles, the Sum or Sums by this Law directed to be laid on them; and the Collectors are hereby empowered to demand and collect the said Duties, and to account for them at the same Time and in the same Manner as other Taxes are collected and accounted for, and shall have the same Commission for their Services and be liable to the same Penalties and Mode of Recovery for Failure or Neglect of Duty.

VI. *AND be it further enacted by the Authority aforesaid,* That the several Clerks shall and they are hereby required and commanded annually, on or before the first Day of *June*, to transmit to the Treasurer an attested Account of the Parties Names who have brought Suit in their respective Courts, also of those who have paid the aforesaid Taxes on Marriage and Ordinary Licences and Deeds, which Account shall be certified by the Judges or presiding Justice in such Court to have been compared to the several Dockets.

VII. *AND be it further enacted by the Authority aforesaid,* That the Register of each County shall annually, on or before the Month of *June*, transmit to the Treasurer a List of all Deeds and Grants registered in his Office in the preceding Year.

VIII. *AND be it further enacted by the Authority aforesaid,* That the said Clerks and Registers shall pay to the Sheriff or Treasurer of the County, all Monies that are or shall be paid into their respective Offices arising from the Taxes aforesaid, taking the Treasurer's Receipt for the same; an attested Copy of which Receipt they shall as soon as possible transmit to the Comptroller, who is hereby required to charge the Treasurer with the Amount of the Money so paid by the Clerk and Registers into his Hands; and the several Clerks and Registers for their Trouble in collecting and paying the aforesaid Taxes and Duties, are hereby empowered to retain for their own Use two and an Half *per Cent.* of all Taxes so collected and accounted for.

IX. *AND be it further enacted by the Authority aforesaid,* That if any Clerk or Register shall fail so to pay said Money, he shall be deemed guilty of a Misdemeanor in Office; and upon Conviction thereof be removed from his Office, and be deemed forever after incapable of holding any Office of Trust or Profit in this State.

X. *AND be it further enacted by the Authority aforesaid,* That the Tax hereby imposed on Suits in the Superior and County Courts in this State, shall be and remain a Tax appropriated to the sole Purpose of the Payment of the Salaries allowed by Law to the Judges of the Superior Courts of Law and Equity, and to the Attorney-General, as far as the said Tax shall be adequate to the Discharge of the said Salaries. *Provided always,* If the said Tax collected shall exceed the Amount of the Salaries aforesaid, then the Surplus shall be applied to the Contingencies of the State.

XI. *AND be it further enacted by the Authority aforesaid,* That no Person shall hawk, or carry Goods up and down this State, without first obtaining a Permit from some County Court of this State, on Pain of forfeiting said Goods, or the Value thereof, to be sued for and recovered in an Action of Debt by any Person suing for the same, one Half to such Suitor's Use, and the other Half to the Use of the County where such Suit shall be determined.

XII. *AND be it further enacted by the Authority aforesaid,* That all Pedlars and other itinerant Traders, for a Permit shall pay to the Clerk fifty Pounds, which shall be only for Licence to hawk and sell for one Year; and the Clerk shall account



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count for and pay said Monies arising from such Permits, as other Monies by this Act are directed, and be liable to the same Penalties.

XIII. *AND be it further enacted*, That an Act of the General Assembly passed in April, one thousand seven hundred and eighty, entitled, *An Act to suppress excessive Gaming*, be and the same is hereby repealed and made void. Repealing clause,

CHAP. 4. *An Act for levying a Tax for the Support of Government, and for the Redemption of Continental Money, old Paper Currency, Specie and other Certificates.* Temporary.

## C H A P. V.

*An Act to amend an Act of Assembly, passed at Hillsborough in June, One Thousand Seven Hundred and Eighty-four, entitled, An Act for levying certain Duties on all foreign Merchandize imported into this State in Aid of the public Finances, and directing the Mode of collecting the same; and also to amend one other Act passed in the same Year, entitled, An Act to prevent the Exportation of unmerchantable Commodities; and also to amend one other Act of Assembly passed in May, One Thousand Seven Hundred and Eighty-three, entitled, An Act for facilitating the Navigation, and regulating the Pilotage of the several Ports of this State.* That part of the act concerning duties, superseded by the adoption of the constitution of the United States.

V. *AND* whereas in the Act to prevent the Exportation of unmerchantable Commodities, it is directed that all Barrels of Pitch and Turpentine shall be covered two Thirds with Hoops, *is found unnecessary: Be it therefore enacted by the Authority aforesaid*, That from and after the passing this Act, it shall be lawful for the Inspectors to inspect and brand all Barrels of Pitch and Turpentine which shall be well secured with twelve good Hoops on each Barrel, in Case the same shall in other Respects be agreeable to Law; nor shall any Barrel of Pitch or Turpentine be refused or condemned for Want of Weight, if the Barrel shall be good, of full Size, and well filled with good Pitch or Turpentine, any Law to the contrary notwithstanding. What barrels may be inspected and branded,

VI. *AND be it further enacted*, That no Inspector shall hereafter refuse to pass and brand any Barrel containing any inspectable Commodity on Account of Width or Thickness of the Staves; provided no Stave exceed five Inches in Width and is at least three Quarters of an Inch thick at the Chime or Crose, and of proportionable Thickness in the Bilge. To be made of proper staves.

VII. *AND be it further enacted by the Authority aforesaid*, That all Fish hereafter to be exported from this State shall be packed in good and sufficient Barrels, and shall be inspected by the Inspector of the County where the same may be saved at the Time of shipping the same; and where the Barrels shall appear to be good and full of good sound Fish, by the best Information the Inspector can make by examining or broaching or otherwise, the same shall be deemed merchantable, on the Inspector's marking, branding, &c. otherwise it shall not be lawful to export any Fish from this State; any Law, Usage or Custom to the contrary notwithstanding. What fish shall be merchantable,

VIII. *AND* whereas the Fees allowed in the said Act to Inspectors, are in some Instances inadequate to their Services; *It is hereby enacted by the Authority aforesaid*, That from and after passing this Act, the respective Inspectors shall and may lawfully take and receive the following Fees and no more: For inspecting each Barrel of Flax-Seed, containing seven and a Half Bushels, one Shilling; for cleaning the same if required, three Shillings; for each Barrel of Beef or Pork, one Shilling; for each Barrel of Rice, Flour, Fish or Butter, eight Pence; for each Barrel of Tar two Pence; for each Barrel of Pitch or Turpentine, three Pence; for each hundred Staves or Heading, three Pence; for every thousand Shingles, one Shilling; and for each thousand Feet of Boards, Plank or Scantling, one Shilling; provided the Fees for Inspection of Staves, Heading, Shingles, Plank and Scantling if required to be inspected, shall be paid one Half by the Purchaser, and the other Half by the Person selling the same; and the Fees of Inspection in all other Instances, shall be paid by the Purchaser or Exporter of the Article inspected. Fees allowed for inspection.  
Proviso for lumber.



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What barrels may be passable for beef or pork.

IX. *AND* be it further enacted, That all Barrels in which Pork or Beef shall be packed for Exportation, shall be deemed merchantable, and may be passed and branded by any Inspector; provided they be made of Turkey, Water or White-Oak, and are in all other Respects agreeable to Law; and that it shall be lawful for the Inspectors to inspect all Hog's Lard which shall be exported in Casks, respecting the Quality thereof; for which the Inspector shall be entitled to Fees similar to those allowed in Pork, Respect being had to the Size of the Cask; and the Article of Hog's Fat or Lard shall not hereafter be exported unless in Cypress or Juniper Casks, and inspected; under the Pains and Penalties inflicted by Law for exporting uninspected Pork, Beef or any other Commodities liable by Law to be inspected.

Channel tax altered in respect to vessels under 20 tons.

X. *AND* whereas in the Act for facilitating the Navigation and regulating the Pilotage of the several Ports in this State, it is in the third Section enacted, That all Vessels under fifty Tons Burthen coming into either of the Ports of Beaufort, Bath, Roanoke or Currituck, shall pay to the Naval-Officer, and by him payable to the Commissioners of Navigation, the Tax or Sum of ten Shillings each; which if exacted and taken from small Vessels and open Boats would be very burthensome and unequal Tax, as such Vessels or open Boats would pay as much as Vessels of fifty Tons Burthen, and for the Purpose of staking the Channel, whereby the Owners of small Boats receive but little or no Advantage: *Be it therefore enacted by the Authority aforesaid*, That from and after passing this Act, the aforesaid Sum or Tax of ten Shillings shall not be taken, demanded or received on or from any Vessel or Boat whatsoever, whose real Burthen does not amount to twenty Tons or more; any Thing in the last recited Act, or any other Law, to the contrary notwithstanding.

The tax laid for continental purposes, how collected and accounted for.

XI. *AND* whereas by an Act passed at the last Session of the General Assembly, entitled, *An Act for levying a Tax for the Purposes therein mentioned, and for investing the United States in Congress assembled with a Power to collect the same*; a Tax of six Pence was laid on every hundred Acres of Land, one Shilling and six Pence on every Poll, and one Shilling and six Pence on every hundred Pounds Value of Town-Lots with their Improvements: And whereas it appears that the other States in the Union have not passed similar Acts, and the said Tax having been intended to pay the Quota of this State for the Discharge of the public Debt; *Be it therefore enacted by the Authority aforesaid*, That the Collectors of the public Tax within this State for the Year one thousand seven hundred and eighty-five, are hereby authorised and required to collect, pay and account for the Tax laid in and by the before recited Act, in the same Manner and under the same Rules, Regulations, Restrictions and Penalties, and entitled to the same Emoluments, as is prescribed by an Act passed this Session of the General Assembly, entitled, *An Act to amend an Act of Assembly, passed at Hillsborough, in June, one thousand seven hundred and eighty-four, entitled, An Act for levying certain Duties on all foreign Merchandize imported into this State in Aid of the public Finances, and directing the Mode of collecting the same; and also to amend one other Act, passed the same Year, entitled, An Act to prevent the Exportation of unmerchantable Commodities; and also to amend one other Act of Assembly, passed in May, one thousand seven hundred and eighty-three, entitled, An Act for facilitating the Navigation, and regulating the Pilotage of the several Ports of this State.*

C H A P. VI.

*An Act directing the Sale of confiscated Property.*

See act Nov. 1777, c. 17, and acts there referred to.

I. **W**HEREAS it appears to this General Assembly that considerable Quantities of Lands, Tenements, Hereditaments and moveable Property, which have been confiscated under some one or other of the Laws of this State commonly called Confiscation Laws, yet remain unsold; and it being just and necessary that the same should be sold for the Use and Benefit of the State:

What confiscated property not yet sold, shall be sold by commissioners as directed by this act.

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is enacted by the Authority thereof, That all the Lands, Tenements, Hereditaments and moveable Property within this State, heretofore confiscated and not yet sold, (except such Lands which have not been granted by the Crown of Great-Britain,



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*Great-Britain, or the Lords Proprietors of Carolina, or any of them, in Fee, before the fourth Day of July, one thousand seven hundred and seventy-six, and such other Lands, Tenements, Hereditaments and moveable Property, which hath or have heretofore been restored to the former Owners by the General Assembly, or otherwise disposed of by lawful Authority) shall be sold by Commissioners in Manner herein after directed.*

III. *AND be it further enacted by the Authority aforesaid, That the Commissioners for the several Districts shall be as follows, to wit, For the District of Morgan, John Walker; for the District of Salisbury, Charles Bruce; for the District of Hillsborough, Archibald Lytle; for the District of Halifax, Nicholas Long; for the District of Edenton, Hardy Murfree; for the District of Newbern, James Armstrong; and for the District of Wilmington, Griffith John M<sup>r</sup> Ree.*

Commissioners appointed,

IV. *AND be it further enacted by the Authority aforesaid, That the several Commissioners by this Act appointed, shall have Power within their respective Districts, and they are hereby required to call on the Surveyor of each and every County respectively, to make actual Surveys of all the confiscated Lands by this Act directed to be sold, lying within the County whereof he is Surveyor. Provided, That no Survey shall contain a greater Quantity of Land than six hundred and forty Acres. And the Surveyors respectively shall return two fair Plats of each and every Survey to the Commissioners within three Months after receiving the Commissioner's Orders for that Purpose, in which Return shall be expressed the Quantity and Situation of the Land, together with the Name of the late Owner or Owners, and in Case of Town-Lots, the Number of the Lot and how improved, shall also be expressed.*

who are to call on the surveyor to survey confiscated lands.

No survey to contain more than 640 acres.

Surveyor's duty in running plats.

V. *AND be it further enacted by the Authority aforesaid, That the Sheriffs of the several Counties respectively, shall return to the Commissioners a List of all Negroes and other moveable Property coming within the Meaning of this Act which may be in the County whereof he is Sheriff; in which Return shall be expressed the Quality of each Article, the Name of the Person in whose Possession it may be, and the Name of the late Owner or Owners, within six Months after the passing of this Act; and the Sheriffs respectively shall have Power and they are hereby required to cite any Person or Persons whatsoever suspected of having or concealing confiscated Negroes or other moveable Property in his, her or their Hands, to the County Court, then and there to answer such Questions on Oath as the Court shall ask relative thereto; and if it shall appear to the said Court that any confiscated Property as aforesaid, is in the Hands of any Person or Persons so examined, the Sheriff shall notify the same to the Commissioners in their Return, and the Commissioners are hereby empowered and required to ask for and receive such Property for the Purposes herein before expressed; and in Case of Refusal the Commissioners are hereby empowered and required to prosecute a Suit or Suits in the Name of the State for the Recovery of the full Value of such Article or Articles which is or may have been in his or their Hands unaccounted for.*

Sheriffs to return them lists of personal property in their respective counties, &amp;c.

Persons supposed to have confiscated personal property in possession, may be cited to appear and answer on oath.

Commissioners to have notice, &amp;c.

VI. *AND be it further enacted by the Authority aforesaid, That the Lands, Tenements, Hereditaments and moveable Property, by this Act intended to be sold for the Use and Benefit of the State, shall be sold by the Commissioners at public Vendue to the highest Bidder, at the Court-House of the County wherein such Lands, Tenements, Hereditaments and moveable Property shall be, for the current Money of this State, or the Certificates granted to the Officers and Soldiers of the Continental Line of this State, first giving public Notice of the Time of Sale, as soon as may be after receiving the Returns herein before directed to be made by the Sheriffs and Surveyors, by advertising the same at the Court-Houses of the Districts wherein such Property shall be, and by Publication thereof in the North-Carolina (if there should be a Paper published in the State) Virginia and South-Carolina Gazettes, at least three Months before the Day of Sale; which Advertisement shall clearly express the Conditions of Sale, the particular Tracts of Land with their Situations, Town-Lots with the Quantity of Ground each Lot contains, the Number of the Lot and how improved, and also each Article of moveable Property to be sold in each County respectively, together with the Name of the*

Property how and where to be sold.

Person



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Person or Persons to whom each Tract of Land, Town-Lot, or Article of moveable Property did lately belong; which Sales shall be made on Credit for twelve Months, the Purchasers giving Bond with sufficient Security, payable to the Governor for the Time being, or his Successor, for the Use of the State, in double the Amount of the Purchase Money, conditioned for the Payment of the Principal in current Money or Certificates as aforesaid, with lawful Interest at the End of the Term aforesaid.

Commissioners to superintend the sales, &c.

VII. *AND be it further enacted by the Authority aforesaid,* That the Commissioners shall superintend the Sales in their own Persons, and may continue from Day to Day so long as may be necessary, and when the Sales are completed the Commissioners respectively shall make a fair Statement of their Proceedings, wherein shall be set forth each Purchaser's Name, the Amount of his Bond, and also the Amount in Cash or Certificates if any has been received, and shall make Return thereof on Oath to the Comptroller's Office, and the Comptroller is hereby required to state the same in his Books, whereby such Commissioners shall become Debtor to the Public to the Amount, but the Bonds shall remain in the Hands of the Commissioners respectively; and when the same becomes due they shall have Power and they are hereby required to sue for and recover the same in any Court of Record within this State having Cognizance thereof; and shall pay the Money into the Treasury, and the Treasurer's Receipt shall be a Voucher for settling their Accounts with the Public.

Duty in consequence thereof.

Commissioners to return plats &c. to the Secretary's office.

VIII. *AND be it further enacted by the Authority aforesaid,* That the Commissioners respectively shall transmit to the Secretary's Office two fair Plats of each and every Survey of Land and Town-Lot which shall be sold by Virtue of this Act, within six Months after such Sales are made; wherein shall be expressed the Quantity and Description of the Land, County where situated, to whom sold, and the Price; together with the Name of the late Owner; and in Case of Town-Lots the Number of the Lot as by the Plan of the Town where such Lots may lie, shall also be expressed; and thereupon the Governor and Commander in Chief shall cause Grants under the Great Seal of the State to be made out to the respective Purchasers; one of the aforesaid Plats shall be annexed to the Grant, and the other filed by the Secretary; which Grants shall be enroled in the Secretary's Office in the same Manner as other Grants; but no Grant shall issue from the Secretary's Office until the Purchaser shall have paid the Principal and Interest of the Purchase Money; and where it shall so happen that a Suit or Suits shall be prosecuted against any of the Purchasers agreeable to the Directions of this Act, the Lands, Tenements, Hereditaments and other Property purchased as aforesaid, shall (a) be liable to Execution on the Judgment of the Plaintiff; any Thing in this Act to the contrary notwithstanding.

Grants to issue in consequence.

but not till the purchase money and interest is paid.

To give bills of sale.

IX. *AND be it further enacted by the Authority aforesaid,* That the Commissioners respectively shall give Bills of Sale for all Negroes and other moveable Property, subject nevertheless to the Payment of the Purchase Money, in the same Manner as Lands are by this Act made liable.

Condition.

Vacancies of commissioners how to be supplied.

X. *AND be it further enacted by the Authority aforesaid,* That in Case of the Death, Removal out of the State, or Resignation of all or any of the Commissioners named in this Act, his Excellency the Governor, with the advice of the Council of State, be and he is hereby authorized and empowered to appoint other Commissioners to fill such Vacancy or Vacancies.

Commissioners to give bond.

XI. *AND be it further enacted by the Authority aforesaid,* That the Commissioners respectively before entering upon the Execution of their Office, shall enter into Bonds with sufficient Security, to the Governor and Commander in Chief for the Time being, in the Sum of fifty thousand Pounds; conditioned for the faithful Discharge of the Duties by this Act reposed in them; and shall also take an Oath before the Court of the County where such Commissioners shall reside, that they will truly and faithfully execute their said Office agreeable to the Directions of this Act.

XII. *AND*

(a) *Qu.* If "not" should not be here.



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XII. *AND be it further enacted by the Authority aforesaid,* That the Commissioners respectively shall be entitled to a Commission of three *per Cent.* for the faithful Discharge of the Duties by this Act required; to be paid them by the Treasurer on a Warrant from the Governor and Commander in Chief for the Time being; which Warrant shall be allowed the Treasurer in his Accounts with the Public. *Provided,* That the Governor shall not issue such Warrant until such Commissioners shall have finally settled their Accounts with the Comptroller for the whole Amount of Sales. Commissions allowed them.

XIII. *AND be it further enacted by the Authority aforesaid,* That the County Surveyors respectively, shall be allowed the Sum of forty Shillings for each and every Survey by them made, paying the Chain-Bearers and returning the Plats by this Act required; to be paid on a Warrant from the Governor or Commander in Chief for the Time being by the Treasurer, and such Warrant shall be allowed the Treasurer in his Accounts with the Public: And in Case any Surveyor shall meet with any Opposition by Force, he shall apply to the Sheriff of the County where such Force shall be used, who on having the same ascertained on Oath, shall summon so many of the Inhabitants of his County as may be sufficient to repel such Force and support the Surveyor in the Execution of his Office. Surveyors fees, and how to be paid. Sheriff, if necessary, may assist with the posse comitatus.

XIV. *AND be it further enacted by the Authority aforesaid,* That the Sheriffs respectively, shall return an Estimate of their Services done in Obedience to this Act to the County Courts, who are hereby authorized and required to make adequate Allowances for such Services; and the Clerk shall certify the same under his Hand and affix the County Seal thereto; which Allowance certified as above directed shall be allowed such Sheriff in Settlement of his Accounts with the Public. Sheriffs how to be paid.

## C H A P. VII.

*An Act to regulate and ascertain the several Officers Fees therein mentioned, and for altering the Times of holding the Superior Courts of Law and Equity for the Districts of Halifax, Edenton, Newbern and Wilmington.* See acts Nov. 1786, c. 14. Nov. 1787, c. 11.

I. **B**E *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 future the several Officers herein mentioned, shall take and receive the following and no other or greater Fees whatsoever, *viz.* The Clerks of the Superior Courts of Law and Equity for every leading Process returned to the first Court, and all subsequent Process, Appearances, Pleas, Rules, Orders, and other Services necessary thereon, until the making up an Issue inclusive, and also for Dismission or final Judgment where either happens, or for Confession of Judgment, to the Clerk of the Court ten Shillings: for every Continuance or Reference of every Cause after the second Court, including all Fees for every necessary Service, four Shillings; for the Court at which the Cause is determined, including all Fees for every necessary Service thereon, and entering final Judgment inclusive, eighteen Shillings; for every *Subpœna*, provided the Party insert no more than four Witnesses in the same, two Shillings; for every Execution or Order of Sale when necessarily issued and returned, including all Services thereon, with taxing Costs and Copy and entering Satisfaction, five Shillings; for every *Scire Facias* against Bail with making an Issue thereon or entering Judgment without Plea, including Fees for every Service necessary thereon, provided that the Party cast shall not be subject to this unless the *Scire Facias* is requisite and required by the Plaintiff, eight Shillings; for giving a Copy of the Record of any Cause when demanded by either of the Parties, six Shillings; for every Recognizance, two Shillings; for every Order or Rule of Court, made on Matters foreign to the Suit depending in Court and Copy thereof when demanded, two Shillings and eight Pence; for searching a Record out of Court, one Shilling; for a Commission to take the Examination of a *Feme Covert* or Witnesses in any Cause depending, the Return thereon entering and all other Services necessary thereon, three Shillings; for a special *Venire Facias* in an Action of Ejectment, or where the Bounds of Lands shall come in Question, when the said Writ shall be issued, eight Shillings; for a special Verdict, Demurrer or Motion in Arrest Clerks fees in the Superior Court.



A. D. 1785.

Fees allowed  
Clerks of County  
Courts.

Arrest of Judgment, and Argument thereon, four Shillings; for a Writ of Error, *Certiorari* or Appeal, with a Transcript of the Record and all Services necessary thereon, eight Shillings; for making out Certificates of Witnesses or Jurymens Attendance, eight Pence. The Clerks of County Courts of Pleas and Quarter-Sessions for every leading Process returned to the first Court, including all Services together with Dismission or final Judgment where either happens, ten Shillings; for every Presentment or Indictment, six Shillings; for entering and filing every Recognizance, two Shillings; for every Continuance or Reference of any Cause after the second Court, including all Fees for every Service necessary thereon, three Shillings; for the Court at which the Cause is determined, including all Services, seven Shillings and six Pence; for every *Subpœna*, provided the Party insert no more than four Witnesses in the same, one Shilling and six Pence; for every Execution or Order of Sale when necessarily issued, including all Services thereon, with taxing Costs and Copy and entering Satisfaction, three Shillings and nine Pence; for every *Scire Facias* against Bail, with making up an Issue thereon or entering Judgment without Plea, including all Fees for every necessary Service thereon, provided that the Party paying Costs shall not be subject to this unless the *Scire Facias* is necessary and required by the Plaintiff, six Shillings; for giving a Copy of the Record of any Cause when demanded by either of the Parties, four Shillings and six Pence; for every Order or Rule of Court made on Matters foreign to the Suit depending in Court, and Copy thereof if demanded, two Shillings; for entering on the Minutes the Probate of Wills, qualifying Executors, making Certificates, recording the Will and giving Copy thereof, eight Shillings; for granting Administration, taking Bond and all other Services thereon, eight Shillings; for proving and recording at Length in bound Books to be kept for that Purpose, and filing an Inventory Account of Sales or Account Current exhibited by an Executor, Administrator or Guardian, or for Search, Copy and Certificates of the same, if the Estate be under one hundred Pounds, two Shillings, if above four Shillings; for every Marriage Licence and Bond, eight Shillings; for Ordinary Licence and Bond and all Services necessary to be done therein, eight Shillings; for Tavern Rates, two Shillings; for searching a Record out of Court, one Shilling; for proving or entering Acknowledgment of a Conveyance of Land or other Estate, and certifying the same, with Order of Registration and Examination of a *Feme Covert* without Commission, two Shillings; for a Commission to take the Examination of a *Feme Covert*, or Witnesses in a Cause depending in said Court, entering the Return thereon, and other necessary Services, two Shillings and four Pence; for a Guardian or other Bond taken in Court including all Services, six Shillings; for Indentures for binding out Apprentices including all Fees for every Service necessary thereon, six Shillings; for a special Verdict or Demurrer, or Motion in Arrest of Judgment, three Shillings; for a Writ of Error or Appeal, with a Transcript of the Record and all Services thereon, eight Shillings; for making out Certificates of Witnesses Attendance, eight Pence; for recording a Mark or Brand, and granting a Certificate thereof if required, one Shilling: And all other Services done by the Clerks of the County Courts are hereby deemed *ex Officio*, amongst which all Notices or Writs of *Scire Facias* against Jurymen shall be considered, and the respective Courts may allow reasonable Satisfaction for the same annually, out of the County Tax, not exceeding the Sum of twenty Pounds.

Clerks to set up  
in their office, &c.  
a copy of their  
fees.

II. *AND* be it further enacted by the Authority aforesaid, That the Clerks of the several Superior and County Courts of this State, shall and they are hereby required to put up in some public Place in their Office an exact Copy of the Fees by this Act allowed, and also in the Court-House during the sitting of each Court, and for every such Failure or Neglect, they shall forfeit and pay the Sum of five Pounds, to be recovered by Warrant to the Use of any Person who will sue for the same.

Sheriffs fees.

III. *AND* be it further enacted by the Authority aforesaid, That after the passing this Act, the Sheriffs in the several Counties in this State shall and may receive for their Services, the following and no other or larger Fees, *to wit*, For every Arrest, five Shillings and four Pence; for every Bail Bond, two Shillings; for serving a Copy of a Declaration, one Shilling; for serving a *Subpœna*, for each Person named in the same, two Shillings and eight Pence; for pillorying a Person, five Shillings;



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lings; for an Attachment the same as for an Arrest, and if further Trouble by moving of Goods to be taxed by the Court; for executing a Warrant of Distress or an Execution against the Body or Goods, two and a Half *per Cent.* for summoning, empanneling and attending on every Jury on every Cause in Court, one Shilling; when a special *Venire* shall issue by Order of Court, for summoning each Juror and attending the same, two Shillings; putting a Person in the Stocks and releasing, five Shillings and four Pence; for every Commitment, two Shillings and eight Pence; for every Release, two Shillings and eight Pence; for serving a Writ of Possession of Land eight Shillings; for serving and attending on any Person on a *Habeas Corpus*, *per* Day, fifteen Shillings; for calling every Action in Court, four Pence; for Imprisonment of Felons or Debtors or any other Person, for each Prisoner *per* Day, for finding one Pound of wholesome Bread, one Pound of good roasted or boiled Flesh, and a sufficient Quantity of fresh Water, and every other necessary Attendance and keeping the Prisoner clean, one Shilling and six Pence.

IV. *AND* be it further enacted by the Authority aforesaid, That the Register in each County in this State, shall and may take for registering each Deed or Grant including Certificate thereof, four Shillings; for every Search, eight Pence; for a Copy of a Grant or Deed, four Shillings; and for registering every other Instrument of Writing, four Shillings. Registers fees,

V. *AND* be it also enacted by the Authority aforesaid, That the Sheriff, Constable or other Officer may take and receive the following Fees: For serving every Warrant, two Shillings and eight Pence; for serving an Execution, two Shillings and eight Pence; for summoning each Witness, one Shilling and four Pence; for every Attachment, two Shillings and eight Pence; for Attendance of a Constable every Court when summoned by the Sheriff, eight Shillings *per* Day; for whipping a Negro by Order of Court or any Justice, two Shillings and eight Pence. Constables fees,

VI. *AND* be it further enacted by the Authority aforesaid, That the Rangers in each and every County in this State, may take and receive the following Fees from the Persons taking up Strays, *viz.* For each and every Horse, Mare or Gelding, including the Certificate entered in his said Office, five Shillings; for each Head of Neat Cattle, two Shillings and six Pence; for each Head of Hogs or Sheep, one Shilling. Rangers fees,

VII. *AND* be it further enacted by the Authority aforesaid, That the Coroner may take and receive for his Services the following Fees: For attending on every Inquest, twenty-four Shillings; and the same Fees for discharging the Duties of a Sheriff as such Sheriff himself would be entitled to by this Act for performing the same Services. Coroners fees,

VIII. *AND* be it further enacted by the Authority aforesaid, That it shall hereafter be lawful for the Clerks of the Superior and County Courts where Suits are determined and the Fees not paid by the Party from whom they are due, to make out Executions directed to the Sheriff of any County in this State, and the said Sheriff shall levy the same as in other Cases; and to the said Execution shall be annexed a Copy of the Bill of Costs of the Fees on which such Execution shall issue, wrote in Words at Length without any Abbreviation whatsoever; and all Executions issuing without the Copy of such Bill of Costs annexed, shall be deemed illegal, and no Sheriff shall serve or execute the same. Fees on suits how to be recovered,  
Bills of costs on executions to be annexed without any abbreviation. Executions without such illegal.

IX. *AND* be it further enacted by the Authority aforesaid, That if the Clerk of any Court, Sheriff, Register or Coroner of any County, shall hereafter be guilty of any Breach of the Duties enjoined him by this Act, either by his own Confession or Verdict of a Jury, it shall on a second Conviction be adjudged and deemed a Misbehaviour in Office, for which such Clerk or other Officer herein mentioned, shall be removed from Office. *Provided nevertheless,* That in Case such Clerk or other Officer shall be dissatisfied with the Determination of the County Court, he may appeal to the Superior Court of the District in which he resides; in which Case there shall be a Trial by Jury, where if the Suspension of the County Court shall be confirmed, the said Clerk or other Officer as aforesaid, shall ever after be rendered incapable of acting in the said Office in any County in this State. Pen. for misbehaviour in office.  
How to be adjudged.

X. *AND*



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Sheriffs, &c. to make deeds for property sold under execution; tho' out of office.

If dead, &c. his successor to convey.

Superior Courts for certain districts when to be held.

Repealing clause.

Suspending clause.

X. *AND* be it further enacted by the Authority aforesaid, That where any Sheriff or Coroner has heretofore sold any Lands in Obedience to Executions or Writs of *Venditioni Exponas* to him directed, and not have executed Deeds for the same, such Sheriff or Coroner, though he may be now out of Office, shall, and he is hereby required to seal and execute a Deed of Bargain and Sale for such Lands to such Person or Persons who have purchased at Vendue and paid the Money for the same; and in Case any Sheriff or Coroner having sold any Lands as aforesaid, and hath since died or removed out of the State, then his Successor in Office is hereby required and empowered to make such Conveyance as is herein next before directed.

XI. *AND* be it further 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*, one thousand seven hundred and eighty-five, the Superior Courts of Law and Equity for the Districts of *Halifax*, *Edenton*, *Newbern* and *Wilmington* shall be held on the Days following, to wit, For *Halifax* on the seventeenth Days of *April* and *October*; for *Edenton* on the third Days of *May* and *November*; for *Newbern* on the twentieth Days of *May* and *November*; for *Wilmington* on the sixth Days of *June* and *December*; to which Days all Proccesses of the said Courts civil and criminal shall be returnable to, or to be done or executed on other Days at which the said Terms were heretofore to commence, shall be returnable to and be done and executed on the Days by this Act directed for holding the said Courts.

XII. *AND* be it further enacted; That so much of an Act of the General Assembly passed in *Wake County* the fourteenth Day of *July*, one thousand seven hundred and eighty-one, entitled, *An Act to regulate and ascertain the several Officers Fees therein mentioned*, and all other Acts that come within Purview of this Act are hereby repealed and made void.

XIII. *AND* be it further enacted by the Authority aforesaid, That this Act shall commence, to be in Force and take Effect on the first Day of *April* next, and no sooner.

## C H A P. VIII.

*An Act for repealing Part of an Act, passed at Newbern in November, one thousand seven hundred and seventy-seven, entitled, An Act to regulate and ascertain the Fees of Clerks in the Superior and County Courts, Justices of the Peace, and Attornies in this State, and directing the Method of paying the same; also Part of an Act, passed at Halifax in January, one thousand seven hundred and seventy-nine, also entitled, An Act to ascertain the Fees of Clerks in the Superior and County Courts, Justices of the Peace, and Attornies in this State.*

Clauses repealed. I. **B**E 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 tenth Section of the Act aforesaid, passed at *Newbern*, one thousand seven hundred and seventy-seven; and also so much of the sixteenth Section of the above Act, passed at *Halifax* in *January*, one thousand seven hundred and seventy-nine, as relate to the Justices of the Peace in this State taking and receiving Fees for Business done out of Court, be and they are hereby repealed and declared utterly void.

## C H A P. IX.

*An Act for allowing Salaries to the succeeding Officers of State, and repealing so much of an Act, entitled, An Act for allowing Salaries to the Governor, Secretary and other Officers of State, and other Purposes, as comes within the Purview of this Act.*

III. **A**ND be it further enacted by the Authority aforesaid, That the Governor for the Time being shall appoint a Private Secretary, who shall enter into Books for that Purpose, all such Letters written by and to the Governor as are official and important, and such other Letters as the Governor may think necessary; which Book or Books shall be laid before the next General Assembly, and by the Clerks carefully preserved in their Offices: That the said Secretary be allowed one hundred Pounds *per Annum*, in full Consideration of his Services and Expences

Provided for by act Nov. 1786, c. 8. except the third §.

Duty and salary of Private Secretary.



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Expences incidental to his Office, exclusive of such Fees as are allowed by Law : That the Comptroller-General of this State be allowed the Sum of five hundred Pounds *per Annum* for his Services, including Stationary and all other Expenditures incidental to his Office, and also the Sum of two hundred and fifty Pounds for the Purpose of employing Clerks.

## C H A P. X.

An Act to explain, amend and supply the Deficiencies of an Act passed last Assembly at Hillsborough, entitled, An Act to regulate the Descent of real Estates, to do away Entails, to make Provision for Widows and to prevent Frauds in the Execution of last Wills and Testaments, and for directing how Deeds of Gifts and Bills of Sales of Slaves shall be executed, authenticated and perpetuated.

See act April, 1784, c. 22. Nov. 1787, c. 14.

I. **W**HEREAS Doubts have been suggested that the Law referred to in the Title of this Act leaves it at least uncertain whether Brothers of the Half-Blood shall be entitled to succeed to the Inheritance in the same Manner as Sisters do where there is no Brother, nor the Issue of any such : To remedy such Doubts,

II. *Be it declared by the General Assembly of the State of North-Carolina, and it is hereby declared by the Authority of the same,* That in the third Section of the said Act it was the Intention of the Legislature to let in the Brothers of the Half-Blood equally with the Brothers of the Whole-Blood, and for Want of a Brother or Brothers, or any lawful Issue of such Brother or Brothers, then to the Sisters as well of the Half as of the Whole-Blood.

Explanation of a part of the former act in regard to the half blood.

III. **A**ND whereas by the seventh Section of the said Act, real Estates actually purchased or otherwise acquired by any Intestate, are to descend to the Father if living, but if dead then to the Mother of such Intestate and her Heirs, by which the Descent may be altered by the Accident of Death, and the parental Line which is favoured in all other Instances may be deprived of the Inheritance by such Accident : For Remedy whereof, *Be it enacted by the Authority aforesaid;* That in Case of the Death of any Person intestate leaving any real Estate actually purchased or otherwise acquired, and not having any Heirs of his Body nor any Brother or Sister or the lawful Issue of such, then such Estate shall be vested in the Father of such Intestate if living, but if dead, then in the Mother for Life, and after the Death of the Mother, then in the Heirs of such Intestate on the Part of the Father, and for Want of Heirs on the Part of the Father, then in the Heirs of the Intestate on the Part of the Mother forever.

In case of death where no issue.

IV. **A**ND *be it further enacted by the Authority aforesaid,* That such Part of the personal Estate of any deceased Person as may be laid off for the Widow, as directed by the eighth Section of the before recited Act, and shall consist of Slaves, shall be laid off to such Widow for Life only, and after her Death shall go according to the Statute of Distributions ; and every Widow of any deceased Person before receiving into her Possession any such Slaves, shall give Bond to the County Court in the Value thereof, that such Slaves with their Increase shall be returned to the Executors or Administrators of her deceased Husband immediately upon her Death, free of all Charges and Expences whatsoever : *Provided always,* That where there are no lawful Descendants of the Deceased, the Widow shall have an absolute Estate in such Slaves, any Thing herein to the contrary notwithstanding.

Widows seized in life estates only.

See act Nov. 1787, c. 14.

Proviso.

V. **A**ND whereas the Attestation of Witnesses to Wills and Testaments required by the before mentioned Act, is intended to prevent Frauds and Impositions by the Will of Persons hastily drawn up in their last Sickness, or from their Want of sufficient Knowledge for that Purpose, and it may be proper to make Exceptions from that Rule in particular Cases : *Be it therefore enacted by the Authority aforesaid,* That when any last Will shall be found amongst the valuable Papers or Effects of any deceased Person, or shall have been lodged in the Hands of any Person for safe keeping, and the same shall be in the Hand-Writing of such deceased Person and his Name subscribed thereto or inserted in some Part of such Will, and if such Hand-Writing is generally known by the Acquaintances of such deceased Person, and it shall be proved by at least three credible Witnesses that they veri-

In what cases a will in the hand-writing of the deceased may be valid, tho' there are no subscribing witnesses.



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ly believe such Will and every Part thereof is in the Hand-Writing of the Person whose Will it appears to be ; then and in that Case such Will shall be sufficient in Law to give and convey a sufficient Estate in Lands, Tenements and Hereditaments, any Thing in the before recited Act to the contrary notwithstanding.

Probates of wills admitted in evidence to prove devises of lands, and attested copies, &c. may be received.

VI. *A N D* be it enacted by the Authority aforesaid, That all Probates of Wills in the County Courts, as well those made heretofore as those which may be made hereafter, shall be sufficient Testimony for the Devise of real Estates, and attested Copies of such Wills, or the Records thereof by the proper Officer, shall and may be given in Evidence in the same Manner as the Originals ; any Law or Usage to the contrary notwithstanding : *Provided always*, That when any Fraud may be suggested to have been committed in the drawing or obtaining any last Will, or any Irregularity in the executing or Attestation thereof, the Party making such Suggestion shall and may insist upon the original Will being produced to the Court, if the same is to be found ; and the Court wherein any Suit is depending, and in which such Will may be introduced as Testimony, may compel all and every Person or Persons whether in Office or otherwise to produce the same.

What necessary for a bill of sale of slaves.

VII. *A N D* whereas many Persons have been injured by secret Deeds of Gift to Children and others, and for Want of formal Bills of Sale for Slaves, and a Law for perpetuating such Gifts and Sales : For Remedy whereof, *Be it enacted by the Authority aforesaid*, That from and after the first Day of *June* next, all Sales of Slaves shall be in writing, attested by at least one credible Witness, or otherwise shall not be deemed valid ; and all Bills of Sale of Negroes and Deeds of Gift of any Estate of whatever Nature, shall within nine Months after the making thereof be proved in due Form and recorded ; and all Bills of Sale and Deeds of Gift not authenticated and perpetuated in Manner by this Act directed, shall be void and of no Force whatsoever, any Law to the contrary notwithstanding.

All deeds of gift to be proved and recorded, &c.

C H A P. XI.

*An Act directing the Mode of proceeding against the real Estates of deceased Debtors, where the personal Estate is insufficient for the Payment of the Debts.*

I. **W** H E R E A S Doubts are entertained whether the real Estates of deceased Debtors in the Hands of their Heirs or Devisees, should be subject to the Payment of Debts upon Judgments obtained against the Executors or Administrators : In order therefore to remove such Doubts in future, and to direct the Mode of Proceeding in such Cases,

In what cases, & how to proceed against the lands.

II. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That in all Suits at Law where the Executors or Administrators of any deceased Person shall plead fully administered, no Assets, or not sufficient Assets to satisfy the Plaintiff's Demand, and such Plea shall be found in Favour of the Defendant, the Plaintiff may proceed to ascertain his Demand and to sign Judgment ; but before taking out Execution against the real Estate of the deceased Debtor, a Writ or Writs of *Scire Facias* shall and may issue, summoning the respective Heirs and Devisees of such deceased Debtor to shew Cause why Execution should not issue against the real Estate for the Amount of such Judgment, or so much thereof as there may not be personal Assets to discharge ; and if Judgment shall pass against the Heirs or Devisees or any of them, Execution shall and may issue against the real Estate of the deceased Debtor in the Hands of such Heirs or Devisees against whom Judgment shall be given as aforesaid.

Scire facias to be served.

III. *P R O V I D E D* always, and be it enacted by the Authority aforesaid, That when any such Heir or Devisee shall be a Minor and have a Guardian, the *Scire Facias* shall be served on such Guardian, but where the Minor shall have no Guardian, then and in that Case the Court shall appoint a Guardian to defend the Suit for such Minor.

What service in case of a minor who has a guardian.

IV. *A N D* be it enacted by the Authority aforesaid, That when the Heirs and Devisees of any deceased Debtor, or any of them, shall reside out of the State, so that Writs of *Scire Facias* cannot be served on them, and shall have no Guardians

In case of an heir or devisee living out of the state, and having no guardian.



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on which the same can be executed, then and in that Case the Sheriff shall return the Fact to be so, and another *Scire Facias* shall issue, on which the same Return shall be made if the Parties still continue to reside without the Limits of this State; on which second Return, and likewise on every second Return that the Party or Parties have been summoned and no Appearance shall be made upon such Summons, Judgment shall be given against the real Estate in the Hands of such Heirs or Devisees.

Proceedings on the second return

V. *AND* be it further enacted by the Authority aforesaid, That when any Executors or Administrators shall plead fully administered, no Assets, or not sufficient to discharge the Plaintiff's Debt, such Plea shall not be received unless the same shall be sworn to by the Defendant or Defendants; but notwithstanding that such Plea should be found in Favour of the Defendant or Defendants on the Trial of the Issue, the Heirs or Devisees shall be permitted to contest the Truth thereof; and upon the Plea of such Heirs or Devisees, that the Executors or Administrators have sufficient Assets, or have wasted or concealed the same, the Court shall order the Trial of a collateral Issue between the Executors or Administrators and such Heirs or Devisees; which if found against the Executors or Administrators, the original Plaintiff shall have Execution not only against the Goods and Chattels of the deceased Debtor, but against the proper Goods, Chattels, Lands and Tenements of such Executors or Administrators; any Law or Custom to the contrary notwithstanding.

Plea of fully administered not to be admitted without oath. But if sworn to, not to be conclusive against the heirs or devisees.

Collateral issue between the heirs &amp;c. &amp; executors.

VI. *AND* whereas it may so happen that the real Estate of a deceased Person may by Will be distributed among several Devisees, and the Part devised to one of such Devisees may be seized in Execution and sold, while the other Devisees continue possessed of such Part of the Estate as the Testator intended for them; and it is just and reasonable in such Cases that all the Devisees should bear an equal Proportion of the Loss; *Be it therefore enacted by the Authority aforesaid*, That it shall and may be lawful for any Devisee so evicted by the Sale of the Devisee to him as aforesaid, to bring his Action at Law against the other Devisee or Devisees for his or their Proportion of the Value of the Land so sold as aforesaid, suggesting in his Declaration the Value of all the several Devisees, and the Recovery against the other Devisee or Devisees shall be in Proportion to the Value of all the Devisees, which shall be proved on the Trial without having any Regard to the Sum for which the Estate of the evicted was sold.

One devisee evicted may sue the others for a contribution.

## C H A P. XII.

*An Act for the more ready and effectual Execution of Procefs issuing from the several Courts of Law and Equity, in Cases where the Sheriff or Coroner may be resisted, and the Power of the County should be insufficient for the Purpose.*

I. **W**HEREAS it appears to this present General Assembly by authentic Documents, that in some Instances the Power of the Sheriffs may be insufficient to enable them to seize the Property of Debtors, or to give quiet and peaceable Possession of real Estates sold under Execution; the Possessors of such Property, in some Parts of the County where the unimproved Swamps and other Places of difficult Access is favourable to them, conceal themselves when they are opposed by Force, and when that Force is withdrawn have an Opportunity of wreaking their Vengeance on innocent Persons who may have purchased their Property: For Remedy whereof,

II. *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 Sheriff or Coroner, or the under Officer or Deputy of any Sheriff or Coroner shall be opposed with Force in the Execution of his Office, or cannot by summoning the Power of the County procure sufficient Force to carry into Execution such Precepts as he shall be commanded to execute, and to leave the Purchaser of any real or personal Property in quiet and peaceable Possession of what he shall purchase, upon the Affidavit of such Officer and two or more credible Persons in writing, of the Difficulty and Danger of executing such Procefs, and the Danger which may arise to the Purchasers thereof, it shall be lawful for the Colonel or Commanding Officer or Officers of any adjacent

In case of resistance of the Sheriff, &amp;c. &amp; a real necessity, the commanding officer of an adjoining county, &amp;c. may raise a sufficient body of militia.



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Proceedings a-  
gainst those who  
resisted, &c.

adjacent County or Counties, to raise the Militia of such County or Counties, or so many as may be thought necessary for the Purpose, and by Force and Stratagem to seize the Persons of all such Persons as shall by any such Depositions appear to use Force or Threatenings against any civil Officer in the Execution of his Office, or against any Plaintiff or Purchaser under any Execution or Attachment, and such Persons so seized as aforesaid, to convey under a strong Guard to any Prison within the State, there to be kept in safe Custody without Bail or Mainprize, and upon Conviction shall be fined in Proportion to his Circumstances, and suffer Imprisonment at the Discretion of the Court, not less than twelve Months; and all Persons against whom there shall be any Proof of aiding or favouring indirectly any Person or Persons who shall oppose a civil Officer or use Threats as aforesaid, shall be seized in like Manner and committed to Imprisonment as aforesaid, unless he gives good and sufficient Security before a Justice of the Peace in the Sum of at least five hundred Pounds for his Appearance at the next District Court, there to answer such Charges as may be exhibited against him by the Attorney-General or other Council for the State, and upon Conviction shall be fined at the Discretion of the Court. *Provided always*, That all Depositions taken by Virtue of this Act, shall be lodged with the Colonel or Commanding Officer of the County for his Indemnity.

## C H A P. XIII.

*An Act for appointing County Commissioners for taking Affidavits in Causes of Law and Equity.*

I. **W**HEREAS the distant Abode of the Judges of the Superior Courts of Law and Equity in this State, from a Majority of the good People thereof, who have or may have Causes in the said Courts depending, wherein by the present Practice of the said Courts, it is necessary that Affidavits should be made before some one of the Judges before original or mesne Process can issue in said Cases, which is inconvenient, expensive and dilatory to Suitors in said Courts: For Remedy whereof,

Commissioners  
to be appointed to  
take affidavits,  
&c.

II. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That from and after the passing this Act, the said Judges may appoint, and they are hereby directed to appoint, one prudent and discreet Person in each County as a Commissioner for taking Affidavits relative to all Causes about being instituted or depending in any of the Courts of Law and Equity within this State, on which Affidavits being certified by such Commissioner to have been taken before him, the same Process, Orders and Rules may issue from the said Courts, or the Judges thereof respectively, as if the Matter in said Affidavits contained had been sworn to before the said Judges in Term Time or in the Vacation; any Law, Custom or Usage to the contrary notwithstanding.

Fees of the Com-  
missioners.

III. *AND be it also enacted by the Authority aforesaid*, That for every Affidavit so taken and certified, it shall and may be lawful for the said Commissioners to receive the Sum of four Shillings, and the Person under this Act appointed by the said Judges, are hereby declared to have the Authority thereunto competent, and any Person or Persons who shall, before the Commissioners by Virtue of this Act, be guilty of swearing falsely, shall on Conviction thereof suffer the Pains and Penalties by Law inflicted on Persons convicted of Perjury.

## C H A P. XIV.

See acts, Nov.  
1785, c. 25. Nov.  
1786, c. 18. Nov.  
1787, c. 16.

*An Act to empower the County Courts of Pleas and Quarter-Sessions of the several Counties in this State, to order the laying out public Roads, and to establish and settle Ferries, and to appoint where Bridges shall be built, and to clear inland Rivers and Creeks.*

Roads and fer-  
ries already estab-  
lished, confirm-  
ed.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all Roads and Ferries in the several Counties in this State, that have been laid out or appointed by Virtue of any Act of Assembly heretofore made, or by Virtue of any Order of Court, are hereby



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hereby declared to be public Roads and Ferries; and that from Time to Time, and at all Times hereafter, the Courts of the several Counties in this State shall have full Power and Authority to appoint and settle Ferries, and to order the laying out public Roads where necessary, and to appoint where Bridges shall be made, and to discontinue such Roads as are now or shall be hereafter made, as shall be found useless, and to alter Roads so as to make them more useful as often as Occasion shall require.

County Courts  
power over such  
for the future.

II. *AND be it further enacted by the Authority aforesaid*, That every County Court within this State, is hereby authorized and empowered to call any Person or Persons in their respective Counties to account for any Monies such Person or Persons may have in his or their Hands, by Virtue of any Distress heretofore made, for Default of working on any Road in such County, and all such Monies to receive and apply towards keeping in Repair the Roads and Bridges on which such Default was made.

To call on delin-  
quents for all  
fines for default  
of working.

III. *AND be it further enacted by the Authority aforesaid*, That all Roads to be hereafter laid out shall be laid out by a Jury of Freeholders to the greatest Advantage of the Inhabitants, and as little as may be to the Prejudice of Inclosures, which layout, and such Damage as private Persons may sustain, shall be done and ascertained by the same Jury on Oath, which Oath shall run in these Words, *to wit*,

Roads to be laid  
out by jury.

*I A. B. do solemnly swear that I will lay out the Road now directed to be laid out by the Court of Pleas and Quarter-Sessions, to the greatest Ease and Advantage of the Inhabitants, and with as little Prejudice to Inclosures as may be, without Favour or Affection, Malice or Hatred, and to the best of my Skill and Knowledge. SO HELP ME GOD.*

Jury's oath.

And all Damages hereafter to be thus assessed shall be deemed a County Charge, and be defrayed from the Tax on each County laid for contingent Charges.

IV. *AND be it further enacted by the Authority aforesaid*, That all Roads so laid off shall be deemed public Roads, and shall be at the least twenty Feet wide, and where to the Overseers of Roads it may be deemed expedient to make or repair Causeways on the same Roads, they shall be at least fourteen Feet wide, and the Earth necessary to raise or cover the said Causeways shall be taken from each Side of the Causeway equally and so as to form a Drain on each Side of the said Causeway: And the Overseers of public Roads are hereby directed to have completely cut and cleared all Stumps and Runners for the Width of sixteen Feet in the Centre of the Highways under their Care, of which Width necessary Bridges through Swamps and over small Runs, Creeks or Streams, are hereafter directed to be made.

What shall be the  
proper width of  
roads and cause-  
ways, &c.

V. *AND be it further enacted by the Authority aforesaid*, That where a Bridge shall be necessary over any Place where the Overseer with his Assistants cannot conveniently make it, the Court of that County wherein such Place shall be, is hereby empowered and required to contract and agree for the building, keeping and repairing thereof, and to levy the Charge in their County; and when Bridges shall be necessary over any such Creek or River which divides one County from another, the Court of each County shall join in the Agreement for building, keeping and repairing the same, and the Charge thereof shall be defrayed by both Counties in Proportion to the Number of Taxables in each.

Where the over-  
seers are insuffi-  
cient the Courts  
to build bridges,  
&c.

Where bridges  
shall be necessary  
over a creek, &c.  
dividing two  
counties.  
See act Nov.  
1786, c. 18.

VI. *AND be it further enacted by the Authority aforesaid*, That all and every Contract, Agreement and Order by the Justices of the Court of any of the Counties aforesaid, entered into or made for or concerning the building, keeping or repairing Bridges in such Manner as to them shall seem most proper, shall be good against them and their Successors.

Contracts for  
them to be good  
against the Justi-  
ces and their suc-  
cessors.

VII. *AND be it further enacted by the Authority aforesaid*, That the Justices of the Courts through whose Counties run large Water-Courses or Creeks which from the Rapidity of the Water, and Width of the Stream may be too burthenfome to build Bridges and keep them in Repair by a Tax on the Inhabitants, it shall and may be lawful for the Majority of the Justices of such County where it may be necessary, to contract with Builders to build Toll-Bridges or expensive Causeways, for each of which each Court is hereby authorized and required to lay the Toll to be paid on all Persons, Horses, Carriages, and Cattle passing over the same,

Toll-bridges and  
causeways how  
regulated.



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same, the Revenue arising from which for such a Number of Years as the said Courts may agree upon to be granted unto the Builders of the said Bridges, their Heirs and Successors, for the building thereof, which Bridges being built under the Direction of the said Courts, and the Revenue arising from the Toll thereof so granted, the said Builder or Builders, his or their Heirs or Successors, shall keep in constant Repair at his or their sole Expence, in Default of which on Conviction they are hereby declared to forfeit all Right and Title to the Toll allowed by the Court.

Overseers to be appointed annually. Their duty.

VIII. *AND be it further enacted by the Authority aforesaid*, That the Court of the said Counties shall annually appoint Overseers of the Highways or Roads who are by this Act obliged to summon all male Taxables from the Age of sixteen to fifty (except such Persons as are or shall be exempt from public Services by the Assembly) within their District, to meet at such Places and Times as to them shall seem convenient for the repairing or making such Roads as shall be necessary, and except such as are or have been heretofore by Law excused from appearing at Musters, and such as send three Slaves or other three sufficient Hands to work on the public Roads; and whosoever shall upon such Summons refuse or neglect to do and perform their Duty therein, shall forfeit and pay the Sum of five Shillings *per Day* for each Person so neglecting or refusing, to be recovered by a Warrant from any Justice of the County and paid by the Sheriff or Constable to the Overseer, and by him to be expended in hiring other Hands to work on said Roads.

Pen. on persons summoned refusing to work. See act Nov. 1786, c. 18.

Pen. for not serving as overseer.

IX. *AND be it further enacted by the Authority aforesaid*, That any Person refusing to serve as Overseer on any Road agreeable to the Order of the County Court in which he resides, shall forfeit and pay the Sum of twenty Pounds, to be recovered and applied as other Fines and Forfeitures by this Act directed. *Provided*, That no Person shall be compelled to serve as Overseer of a Road in any County more than one Year in three. *Provided nevertheless*, That Nothing herein contained shall be construed to exempt Overseers of Slaves from working on Roads. *Provided also*, That the Overseer shall give Notice to each free Person, or the Masters, Mistresses or Overseers of Slaves, what Kind of Tools they and each of them shall bring and work with on the Roads at the Time of summoning; and that the several Persons summoned by the Overseers to work on the Roads as aforesaid, shall not be liable to any Fine for not appearing and doing their Duty unless they shall be so summoned three Days before the Day appointed for working.

Overseers of Slaves not to be exempted from working.

Notice to be given by the overseer.

Labour how to be apportioned to the workers.

X. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful for an Overseer, if required by the Majority of the Workmen on the Road assigned him, to lay off the Road in equal Apartments for the Ease of the Labourers, who shall finish his or their Parts in a Time agreed on between him and each free Person, Master, Mistress or Overseer; and on Default of any agreeing Party, the Overseer is hereby authorized to cause such Part to be finished by Hire of other Persons to do the same, and thereon to tender his Account and demand Payment, and on Refusal to warrant for the same, and to recover the Money to his own Use: *Provided*, the Time agreed upon shall not exceed ten Days.

If work not performed, overseer may hire others and charge.

Posts to be marked with directions where roads meet, &c.

Pen. on overseer not keeping them in repair.

XI. *AND be it further enacted by the Authority aforesaid*, That all Overseers of Roads shall cause to be set up at the Forks of all Roads within their several Districts, a Post or Posts with Arms pointing the Way of each and every Road, with Directions to the most public Places to which they lead, with the Number of Miles from that Place as near as can be computed; and every Overseer who shall neglect or refuse to do and keep the same in Repair shall forfeit and pay for every such Neglect the Sum of five Pounds, to be recovered before any Justice of the Peace, and applied as other Fines in this Act are directed; and every Person or Persons who shall wantonly remove, knock down or deface the said Arms, shall for every such Offence forfeit and pay the Sum of five Pounds.

Overseers to have the roads measured, and miles marked, &c.

XII. *AND be it further enacted by the Authority aforesaid*, That the several Overseers of the Roads, within twelve Months next after the passing of this Act, shall cause the public Roads within their Districts respectively, to be exactly measured, where the same has not already been done, and shall at the End of each Mile, mark in a legible and durable Manner the Number of such Miles, beginning,

continuing



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continuing and marking the Numbers in such Manner and Form as the Courts of the Counties shall severally and respectively direct; and every Overseer shall keep up and repair such Marks and Numbers within his District; and every Overseer neglecting or refusing to Mile mark, or to repair the Mile Marks within his District, according to the Intent and Meaning of this Act, for the Space of thirty Days after their Appointment to Office, shall forfeit and pay the Sum of forty Shillings, to be recovered by a Warrant before any Justice of the Peace.

Pen. for not keeping them in repair.

XIII. *AND be it further enacted by the Authority aforesaid*; That if any Person or Persons whatsoever, shall erect or cause to be erected across any public Road any Bars, he shall be subject to pay to any Person who may sue for the same the Sum of five Pounds, to be recovered before any Justice of the Peace, to the Use of the Person who may sue for the same. *Provided always*, That no Gate on any Toll-Bridge shall be considered as liable to the Fine hereby imposed, and no Person shall turn, alter or change any public Road unless it be by the Order of the Court of the County, founded upon the Report of a Jury appointed and sworn as in the Cases of laying off new Roads, under the Penalty of five Pounds for each Month such Road is turned out of the old Course without an Order of Court, to be recovered on a Warrant before any Justice of the Peace by any Person suing for the same, and that the old Road shall in no Case be shut up until the Overseer shall certify to the Court that the new opened Road is in good and sufficient Order.

Pen. for barring or obstructing the roads.

Proviso for toll-gates.

No person to turn a road without an order of Court &c. Penalty.

XIV. *AND be it further enacted by the Authority aforesaid*, That all Overseers of Roads who shall refuse or neglect to do their Duty as is by this Act directed, or who shall not keep the Roads and Bridges clear and in Repair, or let them remain uncleared or out of Repair for and during the Space of fifteen Days, unless hindered by extreme bad Weather, such Overseer shall forfeit for each and every such Offence the Sum of forty Shillings over and above such Damage as may be sustained, to be recovered by a Warrant from any Justice of the Peace by any Person taking out the same, and to be applied to his own Use.

Pen. on overseers for not doing their duty, &c. See act Nov. 1786, c. 18.

XV. *AND be it further enacted by the Authority aforesaid*, That from and after the passing of this Act the Courts of each and every County in this State shall have full Power and Authority, and they are hereby directed and required to compel all Persons that now do or shall hereafter be appointed to keep a public Ferry, or who shall own a Bridge receiving Toll within the said Counties, to give good and sufficient Security in the Sum of five hundred Pounds, payable to the Chairman of the said Court and his Successors, with Condition that he or they shall and will constantly find, provide and keep good and sufficient Boats or other proper Crafts, and keep such Bridges in good Repair as the Case may be, and always to be well attended for Travellers or other Persons, their Horses, Carriages and Effects over any River or Creek; and if any Person shall receive Damage by any Ferryman or Keeper of a Toll-Bridge, not having complied with the Condition of his Bond, the Person receiving such Damage shall and may bring an Action of Debt against such Ferryman or Bridge-Keeper on such Bond in the Name of the Chairman, and recover for the Non-Performance of the said Condition so much Damages as he, she or they shall appear to have sustained, and thereupon take out Execution for whatever shall be so recovered, and apply the same to his, her or their own Use; and it shall and may be lawful for any Person detained at any public Ferry by Reason of the Ferryman's not having sufficient Boats, or other proper Crafts and Hands, or by neglecting to do his Duty, by a Warrant from a Justice of the Peace to recover of such Ferryman the Sum of five Pounds for every such Default or Neglect. *Provided*, That any such Recovery shall not be deemed to bar any Action for personal Damages suffered by any Person or Persons by Reason of the Insufficiency of said Ferries and Boats thereon, and Bridges and Causeways.

Courts power to compel ferry-keepers & owners of toll bridges to give bond, &c.

How recovered in case of breach thereof.

Proviso, not to bar an action for personal damages suffered. See act Nov. 1787, c. 16.

XVI. *AND* whereas the opening and cleansing the inland Rivers and Water-Courses within this State may tend to the Ease of the Inhabitants in the Carriage of the Produce of the Country to Market, and be of general Utility, *Be it therefore enacted by the Authority aforesaid*, That the Majority of the Justices of the County Courts shall, and they are hereby authorized and empowered, where an inland River or Stream shall run through the County of which they are Justices,

Commissioners to be appointed to inspect rivers, &c. and open and cleanse them, if for the benefit of the public.

by



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by Order of Court to appoint Commissioners to view and inspect such River, and make out a Scale of the Expence of Labour with which the opening and clearing the same will be attended, and if the same shall be deemed within the Compaits of the Abilities of the County, and shall judge the Burthen will be compensated by the Utility, to appoint and authorise the Commissioners to proceed in the most expeditious Manner in the opening and cleansing the same, by taking such Hands off the making or repairing the public Roads as the Court shall permit and direct to be appropriated to such Work, which Hands shall be placed under Overseers in Companies, every Overseer and Company to have a distinct Portion of such Rivers or Streams laid off by the Court, which Overseers and Men of Companies are hereby subject to the same Rules and double the Penalties as by this Act imposed on the Overseers and working Hands upon public Roads. *Provided*, No Overseer or Hands appointed to open and cleanse navigable Rivers and Streams shall be compelled to work on public Roads.

XVII. *AND be it further enacted by the Authority aforesaid*, That all Fines and Forfeitures mentioned in this Act, and herein not applied, shall be applied to the Use of the County.

XVIII. *AND be it enacted by the Authority aforesaid*, That all and every public Act relative to Roads and Water-Courses, and coming within the Meaning and Purview of this Act is and are hereby repealed and made void to all Intents and Purposes whatsoever. *Provided nevertheless*, That Nothing in this Act contained shall be construed to alter the Method of working on and clearing the Rivers *Neuse, Dan, Roanoke and Trent* in the Manner by the Laws heretofore enacted is directed.

## C H A P. XV.

*An Act to prevent unjust Appeals, and to empower the County Courts in this State to provide for the safe-keeping the Estates of Idiots and Lunatics.*

I. **W**HEREAS an Act for the above Purposes is necessary, and would be attended with general Utility :

II. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is enacted by the Authority thereof*, That whenever upon the Allowance of an Appeal from a Judgment in any County Court in Debt or otherwise, such Judgment shall be affirmed in the Superior Court, or the Appellant should discontinue his Appeal, then such Appellant shall pay to the Plaintiff in the original Action at the Rate of six *per Cent.* upon the Judgment so affirmed, the total Sum mentioned in the Judgment appealed from, computing from the Time of the Appeal to the Affirmance of the Judgment, and the said Interest shall be added to the said Judgment in the Superior Court, and Execution shall issue for the same; and in every Bond to be given for the obtaining of an Appeal from a Judgment in any County Court, Mention shall be made in the Condition thereof of the said six *per Cent.* be paid by the Parties bound, in Case of an Affirmance of the Judgment of such County Court.

III. *AND* whereas there are in divers Parts of this State Idiots and Lunatics possessed of considerable Property who waste and destroy the same, and make improvident Dispositions thereof; *Be it therefore enacted*, That it shall and may be lawful for every County Court in this State, wherever any such Idiots or Lunatics shall be within the Jurisdiction thereof, to appoint him or her a Guardian, taking Bond for the faithful Administration of the Trust reposed in them, in the same Manner as Bonds are taken from the Guardians of Orphans; and such Guardians when so appointed shall continue during the Pleasure of the Court, and shall have the same Powers, to all Intents, Constructions and Purposes, and shall be subject to the same Rules, Orders and Restrictions, as Guardians of Orphans appointed by the Court, such Idiocy or Lunacy to be ascertained by the Inquisition of a Jury by Virtue of a Writ to be issued by such Court to the Sheriff of the County for that Purpose.



## C H A P. XVI.

*An Act to repeal an Act of the last General Assembly, entitled, An Act ceding to the Congress of the United States certain Western Lands therein described, and authorising the Delegates from this State in Congress to execute a Deed or Deeds for the same.*

I. **W**HEREAS at the last General Assembly began and held at *Hillsborough* on the nineteenth Day of *April* last, an Act was passed ceding to the Congress of the United States certain Western Lands therein described, and authorising the Delegates from this State in Congress to execute a Deed or Deeds for the same, which Territory when ceded was to be considered as a common Fund for the Use and Benefit of such of the United *American* States as now are, or shall become Members of the Confederation or Fœderal Alliance: And whereas the Cession so intended was made in full Confidence that the whole Expence of the *Indian* Expeditions and Militia Aids to the State of *South-Carolina* and *Georgia* should pass to Account in our Quota of the continental Expences incurred by the late War: And also that the other States holding Western Territory would make similar Cessions, and that all the States would unanimously grant Imposts of five *per Cent.* as a common Fund for the Discharge of the fœderal Debt: And whereas the States of *Massachusetts* and *Connecticut*, after accepting the Cession of *New-York* and *Virginia*, have since put in Claims for the whole or a large Part of that Territory, and all the above expected Measures for constituting a substantial common Fund, have been either frustrated or delayed:

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, Act repealed. and it is hereby enacted by the Authority of the same, That an Act of the last General Assembly, entitled, *An Act ceding to the Congress of the United States certain Western Lands therein described, and authorising the Delegates from this State to execute a Deed or Deeds for the same*, shall be and the same is hereby repealed, and every Clause and Article thereof declared null and void to all Intents and Purposes as if the same had never been made.

## C H A P. XVII.

*An Act for obtaining an accurate Account of the Militia Service during the late War, in order that the Claims of this State upon the United States may be ascertained.*

I. **W**HEREAS several States in the Union have made Claims for Militia Service, and particular Expeditions which do not fall within the Description of such Services as Congress have determined should be carried to the Charge of the United States; and whereas many Expeditions undertaken by the Militia and other Troops of this State without the express Direction of Congress or any continental Commander, were of such Nature and so circumstanced as to preclude the Possibility of an Application to Congress or any such Commander, without hazarding the Safety of the State and endangering the common Cause: In order therefore that the Services and Expenditures of this State in the Cause of the United States may be the more easily and accurately ascertained,

II. *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 immediately after Ratification of this Act, the Governor or Commander in Chief for the Time being, shall issue his Orders to the Brigadiers or Commanding Officers of the respective Districts to collect from the different Officers in such Districts, and from such as have been Officers at any Time during the War, or their Representatives, complete Muster-Rolls of all Militia that have at any Time been in Service since the nineteenth Day of *April*, in the Year one thousand seven hundred and seventy-five, or other sufficient Documents thereof, in which shall be specified the Number of Men, the Continuance of each Tour of Duty, and under what Command called out and continued in Service. Governor to issue orders to the Brigadiers to collect muster-rolls, &c.

III. *AND* be it further enacted by the Authority aforesaid, That the several Brigadiers or Commanding Officers shall call upon all Officers within their respective Districts, and all others who have acted as Officers at any Time during the War Brigadiers to call on all officers within their districts, &c.



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Duty of commanders of counties.

Pen. on officers for neglecting to deliver muster-rolls, &amp;c.

Governor to collect vouchers, &amp;c. and have fair copies made, &amp;c.

Delegates how to be instructed.

See act June, 1781, c. 15, and acts there referred to.

County Courts to receive applications, &amp;c.

or their Representatives, as well those who have filled the Office of Brigadiers as others, for all such Muster-Rolls, Letters from superior Officers, and other Documents of whatever Kind whether from civil or military Authority which may now be in the Possession of them, or which they or any of them have in their Power to procure; and all Demands and Requisitions made by Virtue of this Act shall be in writing: And the Colonels or Commanding Officers of Counties shall issue their Orders in like Manner to the other Field Officers and Captains in their respective Districts, and when any Person who acted as an Officer of any Denomination shall be dead or removed, the Requisition in Case of Death shall be made to the Representatives of the deceased Person, and in Case of Removal (if to any other County in the State) to the Commanding Officer of such County; and the several Brigadiers and other Officers are hereby required and directed to call on all and every Person and Persons who may have in their Possession any of the Documents required by this Act, and if any Person or Persons shall refuse or neglect to deliver any Muster-Rolls, Letters or Documents required by this Act, or shall refuse or neglect to certify and authenticate such Muster-Rolls, Letters or Documents, or shall refuse or neglect to give such Information in writing as he may be possessed of, the Person so offending shall forfeit and pay the Sum of fifty Pounds, to be recovered by Action of Debt in the Name of the Governor for the Time being, in any Court of Record having Cognizance thereof.

IV. *AND be it further enacted by the Authority aforesaid,* That the Governor for the Time being shall cause to be collected all Letters from General Officers of the United States, all Orders for calling into actual Service the State Regiment and Militia, and all Letters from continental Officers to the Executive Authority of this State, as also to call upon the Comptroller for such Papers and Documents as may be in his Office as have a Tendency to support the Demands hereby intended to be made, and have fair Copies made of such Letters or Orders, or such Extracts from the Letters as may be necessary to effect the Purposes intended by this Act; and the Governor for the Time being is required to use all possible Dispatch in every Part of the Business required by this Act, so that the necessary Documents may be in Readiness to be forwarded to the Delegates of this State in Congress on or before the first Day of *October* next, and to forward them accordingly as soon as they shall be prepared for that Purpose.

V. *AND be it further enacted by the Authority aforesaid,* That the Governor shall by Virtue of this Act instruct the Delegates of this State in Congress to lay the above mentioned Documents before Congress, and in the Name of the State to require that this State shall have Credit with the United States for the Expence of the different Expeditions and Militia Service in such Manner as may be consistent with Equity and Justice, having a due Regard to the remote Situation of this State from Congress and the Commander in Chief during a great Part of the War, and to the pressing Necessity of the different Services when there was no continental General in the Southern Department.

## C H A P. XVIII.

*An Act to amend an Act, passed at the last Session of the General Assembly, entitled, An Act for the Relief of such Persons as have been disabled by Wounds, or rendered incapable of procuring for themselves and Families Subsistence, in the Militia Service of this State, and providing for the Widows and Orphans of such as have died.*

I. **W**HEREAS the Mode prescribed in the before recited Act for the Relief of Persons therein described, is found to be inconvenient to those who apply to the General Assembly, and an Estimate of the Amount, such Applications and Advances from the public Treasury cannot be made with Ease and Precision:

II. *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 at the first Court which shall be held in each County after the first Day of *January* in every Year, the Justices of the several County Courts are empowered, and they are hereby authorized and required



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required to receive the Applications of all Persons within their Counties respectively of the Description mentioned in the aforesaid Act, and thereupon determine such Sum of Money as they may judge necessary for the Relief of such Persons for one Year, and enter the same upon Record.

And determine a sum for their relief for one year, &c.

III. *AND be it further enacted by the Authority aforesaid,* That the said several County Courts at their first Session on or after the first Day of *January* in every Year, are empowered, and they are hereby authorized and required to levy a Tax within their respective Counties, on the same Principles and in the same Proportion with Respect to Land, Polls and other taxable Property prescribed for public and County Taxes, as may be sufficient to pay and discharge the several Sums which may be granted for the Relief of the Persons described as aforesaid.

Tax to be laid by the County Courts to raise money.

IV. *AND be it further enacted by the Authority aforesaid,* That the Tax so laid for the Purpose aforesaid, shall be collected and accounted for by the same Officers, and under similar Rules, Regulations and Penalties; and they are entitled to the same Emoluments as are or may be provided for the Collection and Payment of public and County Taxes within this State.

How accounted for.

V. *AND be it further enacted by the Authority aforesaid,* That the Tax collected as aforesaid, shall be paid into the Hands of some discreet Person appointed by the Court as Treasurer for that Purpose, who shall enter into Bond with sufficient Security, conditioned for the faithful Discharge of the Trust reposed in him, and whose Duty it shall be to receive the said Tax, and pay out the same agreeable to the Order of the said Courts from Time to Time; for which Service the said Treasurer shall be allowed two *per Cent.* and no more; and every of the Treasurers so appointed as aforesaid, shall lay before their respective County Courts annually, a fair State of their several Accounts, under the Penalty of two hundred Pounds, recoverable in the said County Courts respectively, and applied in Aid of the County Tax.

To be paid to a Treasurer appointed by the Court.

Who is to give bond, &c.

His allowance.

Pen. for neglect of duty.

VI. *AND be it further enacted by the Authority aforesaid,* That the several Treasurers aforesaid shall, and they are hereby required, in the latter End of every third Year after the first Day of *January* next, to transmit to the public Treasurer a fair and just Statement of all their Receipts and Payments during the three preceding Years, for the Relief of the Persons before described respectively, under the Penalty of five hundred Pounds, to be recovered and applied to the Use of the State; and the said public Treasurer is hereby required to lay the said Accounts before the next General Assembly in order that the same may be examined and due Credit given to such Counties as may have advanced more than their equitable Share of Money for the Purposes aforesaid.

Those Treasurers to transmit annual statements to the public Treasurer, &c.

Pen. for not doing it.

## C H A P. XIX.

*An Act to prevent the issuing of Grants for Lands on the Western Waters to such as have paid for the Entry thereof in counterfeit Certificates, and until the Surveyors Fees shall be paid, and making Provision for those who may have entered Lands previously located by others.*

See act April, 1783, c. 2, and acts there referred to.

I. **W**HEREAS it hath been made known unto this General Assembly by the Entry-Taker appointed under an Act of Assembly, passed at *Hillsborough*, on the eighteenth Day of *April*, in the seventh Year of *American Independence*, entitled, *An Act for opening the Land-Office for the Redemption of Specie and other Certificates, and discharging the Arrears due to the Army*, that large Sums of counterfeit Specie Certificates have been paid into his Office for Entries of Lands made under the said Act, for which Grants have not yet been issued from the Secretary's Office as by the said Act is directed.

II. *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 Entry-Taker to deliver to the Secretary of State, all such counterfeit Certificates so received with an Endorsement of the Persons by whom paid; which Certificates shall be accompanied with descriptive Lists of each Parcel of the counterfeit Certificates as aforesaid, containing an

Entry-taker to deliver counterfeit certificates to the Secretary of State, with endorsement of the persons who paid them, and other

Account



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particulars relating thereto.

Account of each Certificate, the Board of Auditors in whose Name issued, and the Person to whom said to be issued, the Amount of Certificates, by whom paid, with the Quantity of Land and Number of Entry, which shall be subject to a Detention of Grant as by this Law directed, to which the Entry-Taker aforesaid, or his Assistant in Office, shall subjoin the following Affidavit: *I do swear that the above List is just and true to the best of my Knowledge.* SO HELP ME GOD. Which Oath the Secretary of State is hereby required and empowered to administer.

Secretary to stop the issuing of grants of lands, the entries of which have been paid for in counterfeit certificates, &c.

III. *AND be it further enacted by the Authority aforesaid, That the Certificates being returned into the said Office of the Secretary of State, under the Restrictions before recited, it shall and may be lawful for said Secretary to stop in his Office the Grants of Lands for which the Entries thereof have been paid for in counterfeit Certificates, agreeable to the Entry-Taker's Return aforesaid, until the same shall be exchanged by the Person or Persons claiming such Grant, with good and true Specie or other Certificates to the same Value, as by Law directed, to the Amount of such counterfeit Certificates paid for the same, or with the Paper Currency of this State, emitted under the Act of Assembly, passed at Hillsborough, in the Month of April, one thousand seven hundred and eighty-three, entitled, An Act for emitting one hundred thousand Pounds in Paper Currency, for the Purposes of Government for seventeen hundred and eighty-three, for the Redemption of Paper Currency now in Circulation, and advancing to the Continental Officers and Soldiers Part of their Pay and Subsistence, and for levying a Tax and appropriating the confiscated Property for the Redemption of the Money now to be emitted.*

Entry-taker to be furnished by the Secretary with a receipt.

IV. *AND be it further enacted by the Authority aforesaid, That the Secretary shall give the Entry-Taker a Certificate of the Amount of counterfeit Certificates by him received by Virtue of this Act; which Certificate shall be a sufficient Voucher for said Entry-Taker in passing his public Accounts; any Law, Usage or Custom to the contrary notwithstanding.*

Grants may be stopped for surveyors fees.

V. *AND whereas the Surveyors appointed by the last General Assembly to survey and lay off the Lands on the Western Waters, from the far distant Residence of the numerous Proprietors, may find it impracticable to collect the Fees for their Services: Be it therefore enacted by the Authority aforesaid, That where the Persons claiming Grants under their Entries and Surveys, shall not produce Receipts of their having paid the Surveyor or Surveyors, then it shall and may be lawful for the Secretary of State to demand and receive the same, and without Discharge of which he is hereby directed to stop the said Grants.*

Subsequent entries may be removed to other lands.

VI. *AND be it enacted by the Authority aforesaid, That if any Person or Persons shall have (by Virtue of the Law commonly called the Land Law now in Force in this State) located his or their Entry to any Spot or Piece of Ground on which any other Person or Persons shall have previously located an Entry or Entries, that then and in that Case the Person or Persons making such Entry or Entries, or their Assignee or Assignees, shall be at full Liberty to remove his or their Warrant or Warrants to any other Lands on which no Entry or Entries have been previously specially located; and the Surveyor or Surveyors are hereby authorized and required to survey and make Return thereof in like Manner as for other Surveys and Return as by Law directed.*

The bounds of continental land may be enlarged.

VII. *AND be it further enacted by the Authority aforesaid, That in Case it shall happen that there is not a sufficient Quantity of tillable Land within the Boundaries laid off for the Officers and Soldiers of the Continental Line of this State, the Deficiency shall and is hereby directed to be made up on any unappropriated Lands within the Limits of this State, any Law to the contrary notwithstanding.*

## C H A P. XX.

See act Nov. 1785, c. 11.

*An Act to describe and ascertain such Persons who owed Allegiance to this State, and to impose certain Disqualifications on certain Persons therein described.*

I. **W**HEREAS the Citizens of this State at the Expence of much Blood and Treasure have emerged from a cruel and dangerous War, and whereas sundry Persons who resided within this State, and who by every moral and political



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cal Obligation owed Obedience and Allegiance to the same, being lost to a Sense of the Rights of Mankind, attached themselves to the then common Enemy and continued with them throughout the late War, whereby the Calamities thereof were greatly encreased. And whereas in all well regulated Governments it is just and necessary to prevent all such Persons as may be dangerous to the Harmony of the Community from participating in the public Councils and in the Government thereof :

II. *B E* 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 and every Person above the Age of twenty-one Years, who at any Time voluntarily attached himself to, or traitterously corresponded with, or in any Manner aided or abetted the *British* Troops in prosecuting the late War, shall be incapable of holding and exercising the Office of Governor, Councillor of State, Delegate in Congress, Judge or Justice of the Peace, Member of the General Assembly, Sheriff, Coroner, Clerk of a Court, and all military Offices. Persons ineligible to public offices.

III. *A N D* be it further enacted by the Authority aforesaid, That any Person of the above Description offering himself as a Candidate or consenting to serve as a Member for any County in the General Assembly of this State, shall forfeit and pay the Sum of fifty Pounds for every such Offence, to be recovered in any Court of Record within this State, one Half to be applied to the Use of the Prosecutor, and the other Half to the Use of the County where such Offence may happen. Pen. on those ineligible, offering as candidates, or consenting to serve as a member of Assembly.

IV. *P R O V I D E D* nevertheless, That Nothing contained in this Act shall be construed to encourage or permit the Return to this State of any Person who may have been a Resident of the same, and who has at any Time during the late War attached themselves to the Enemy, and who may have acted by Commission or otherwise as Officers, in any military or judicial Department, and who have not submitted to the Laws of this State before the Day of the Ratification of the Definitive Treaty. Proviso.

## C H A P. XXI.

*An Act for altering the Oath of Allegiance, and the Oath and Affirmation of Fidelity.*

**I** W H E R E A S the Oath of Allegiance and Abjuration required to be taken by Persons holding Places of Trust and Profit, and the Oath and Affirmation of Fidelity were framed in the Infancy of the present Government, when the Dominion and Sovereignty of this State were claimed by the King and Parliament of *Great-Britain* : And whereas by the late Treaty of Peace the said King hath expressly acknowledged this State, and the other United States, to be free, sovereign and independent : It is therefore become necessary that the Oaths and Affirmation should be altered :

II. *B E* 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 who shall hereafter be elected a Member of the General Assembly, or who shall be appointed to hold any Office of Trust or Profit in this State, shall before taking his Seat in the General Assembly or executing the Office to which he shall be appointed, make Oath to, repeat and subscribe the following Form, *viz.*

**I** A. B. do solemnly and sincerely swear that I will be faithful and bear true Allegiance to the independent State of North-Carolina, and to the Powers and Authorities which are or may be established for the Government thereof, not inconsistent with the Constitution ; and I will do my utmost Endeavour to disclose and make known to the Legislative or Executive Powers of the said State, all Treasons and traitterous Conspiracies which I shall know to be made or intended against the said State : And I do faithfully promise that I will endeavour to support, maintain and defend the Independence of the said State against all Persons and Powers whatsoever ; and all these Things I do plainly swear according to these express Words by me spoken, and according to the plain and common Sense and Signification of the same Words, heartily, willingly and truly, and without any Equivocation, mental Evasion or secret Reservation whatsoever. Oath to be taken for qualification of public officers.

SO HELP ME GOD.



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III. *AND* be it further enacted by the Authority aforesaid, That all Persons hereafter to be admitted Citizens of this State, or who shall be required to take an Oath of Allegiance and Fidelity thereto, (*Quakers, Moravians, Menonists and Dunkards* excepted) shall take and subscribe the following Oath, *that is to say,*

Oath to be taken by those who may become citizens.

**I** A. B. do swear that I will be faithful and bear true Allegiance to the State of North-Carolina, and I will truly endeavour to support, maintain and defend the independent Government thereof, against all Powers and Persons who by secret Arts or open Force shall endeavour to subvert the same, and will in every Respect conduct myself as a peaceable orderly Citizen, and that I will disclose and make known to the Legislature, or some Person or Persons in civil Authority, all Treasons, Conspiracies or Attempts committed or intended against the said State which shall come to my Knowledge. **SO HELP ME GOD.**

And all *Quakers, Moravians, Menonists and Dunkards* to be admitted Citizens, or who shall be required to testify their Fidelity to the State, shall make the following Affirmation, *that is to say,*

Oath of affirmation.

**I** A. B. do solemnly and sincerely declare and affirm that I will pay Obedience to the independent State of North-Carolina, and to the Powers and Authorities which are or may be established for the good Government thereof, and that I will disclose and make known to the Legislature, or some Person or Persons in civil Authority, all Treasons, Conspiracies or Attempts committed or intended against the said State which shall come to my Knowledge.

Provided always, That this Act shall not be in Force until after the first Day of April next.

## C H A P. XXII.

See act Nov. 1787, c. 13.

An Act to amend an Act, entitled, An Act for altering the Time of holding the annual Elections and annual Assemblies, and directing the Manner of electing annual Officers for the succeeding Year.

I. **W**HEREAS it is found highly inconvenient to the Members of the General Assembly to give their Attendance on the first Monday in *October* annually;

Assemblies when held.

II. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is enacted by the Authority of the same, That the next annual Meeting of the General Assembly shall be on the first Monday in *November* next; 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.

Repealing clause.

III. *AND* be it further enacted by the Authority aforesaid, That so much of the aforesaid Act as comes within the Meaning and Purview of this Act, be and is hereby repealed and made void.

## C H A P. XXIII.

An Act to prevent Persons holding Offices of Profit from enjoying Seats in the General Assembly.

I. **W**HEREAS it is contrary to the Spirit of the Constitution, and the Principle of a genuine Republic, that any Person possessing a lucrative Office should also hold a Seat in the General Representative of the People:

Persons incapable of being elected members of Assembly, &amp;c.

II. *BE* it therefore enacted by the General Assembly of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the present Session of the General Assembly, every Person holding a public Office of Profit, either by stated Salary or Commissions, shall be and they are hereby declared to be incapable of being elected as Members to serve in the General Assembly, or to enjoy Seats therein; and any Member of the General Assembly who shall accept any such Office shall thereby vacate his Seat, any Law, Usage or Custom to the contrary notwithstanding.



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## C H A P. XXIV.

An Act to limit the Time of the Continuance of the several Boards of Auditors in this State, and of the Board for settling and liquidating the Accounts of the Continental Officers and Soldiers, to a certain Period, and to empower the Treasurer to pay out of the Tax for the Year Seventeen Hundred and Eighty-four the Money which was to have been paid agreeable to an Act of Assembly passed at Hillsborough in June last.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That each of the Boards of Auditors in this State shall continue to sit and execute the Business of its Institution for thirty Days between the passing of this Act and the first Day of February next, and shall from and after the said Time be, and each of the said Boards are hereby dissolved: And also the Board for settling and liquidating the Accounts of the Officers and Soldiers of the continental Line belonging to this State shall continue to sit and exercise the Powers with which they are invested by Law until the first Day of February next, and afterwards shall be dissolved and entirely annihilated. And each of the Boards above mentioned shall as soon as may be after the passing of this Act give public Notice in the *North-Carolina Gazette* where it may be conveniently done, or if it cannot be done, then in the most public Places in the District wherein each of the said Boards have usually been set.

Time limited for the continuance of the Board of Auditors.

And of the Board for settling, &c. the accounts of the officers and soldiers of the continental line of this State.

Boards to give notice.

II. **A**ND be it further enacted by the Authority aforesaid, That the public Treasurer be and he is hereby required to pay into the Hands of *Benjamin McCulloch* and *Henry Montfort*, the Balance yet deficient of the Sum directed to be paid into the Hands of the Commissioners for settling and liquidating the Officers and Soldiers Accounts by an Act passed at Hillsborough in June last, out of the Monies arising from the Tax for the Year one thousand seven hundred and eighty-four; and that their Receipts for such Money shall be a Voucher for the Treasurer in the Settlement of his Accounts with the Public.

Further sum to be paid to the Commissioners of army account.

III. **A**ND be it further enacted by the Authority aforesaid, That upon the Commissioners appointed to settle and liquidate Officers and Soldiers Accounts, settling any Account with Officer or Soldier not having Money in their Hands, they shall issue to such Person a Certificate for three Fourths of the Sum due, agreeable to Law.

Certificate to issue to each officer & soldier on settlement.

IV. **W**HEREAS the Auditors for the District of Hillsborough, by Removal and Refusal, will leave the said District without Persons to settle and adjust the Accounts thereof; Be it therefore enacted by the Authority aforesaid, That *John Young*, *Samuel Smith* and *Alexander Mebane*, shall be and they are hereby appointed Auditors for the said District; which Persons, before entering on their Office, shall take the Oath appointed by Law.

Auditors appointed for Hillsborough.

**C H A P. 25.** An Act to establish in the Towns of Edenton, Washington, Newbern and Wilmington, Courts for the speedy Decision of mercantile Transactions with Foreigners and transient Persons, and of maritime Affairs.

Superseded by the adoption of the constitution of United States.

26. An Act to prevent Horse-Stealing.

Rep. by act Nov. 1786, c. 7.

## C H A P. XXVII.

An Act to alter the Time of holding the several County Courts of Pleas and Quarter-Sessions therein mentioned, and for appointing a Vendue-Master in the Town of Edenton.

With respect to the times of holding these County Courts, see act Nov. 1785, c. 2.

V. **A**ND whereas *Edmund Blount*, who was appointed Vendue-Master for the Town of Edenton by Act of Assembly passed at Hillsborough, then was and still continues to be Sheriff of the County of Chowan, by which Means the first Office remains vacant; Be it therefore enacted by the Authority aforesaid, That *Matthew O'Mally* be, and he is hereby appointed Vendue-Master of the Town of Edenton, in the Room of the aforesaid *Edmund Blount*, to have and enjoy the same Privileges and Emoluments, and to be under the like Penalties, Regulations and Restrictions, any Law to the contrary notwithstanding.

C. H. A. P.



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## C H A P XXVIII.

*An Act for dividing the District of Morgan.*

How to be divided.

New district erected by the name of Washington.

Jurisdiction of the Judges of the Superior Court of law and equity for Washington district.

Salary.

County Courts in the district of Washington to appoint jurors.

And in Morgan district.

Courts not to be held on Sunday.

Allowance to one of the former Superior Court Judges for attending.

I. **B**E 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 District of Morgan be divided in the following Manner, that is to say, The Counties of Burke, Lincoln, Rutherford and Wilkes, shall be and remain the District of Morgan; and the Counties of Washington, Sullivan, Davidson and Greene, immediately after the passing this Act, shall be and are hereby declared to be a distinct and separate District by the Name of Washington: And an Assistant Judge and Attorney-General shall be nominated and appointed by the General Assembly for the Superior Court of Law and Equity for the said District, and to exercise the same Powers, and to have the same Privileges and Emoluments within the said District as the Judges and Attorney-General within this State hold and exercise; and shall twice every Year sit and hold a Superior Court of Law and Equity, one Session thereof beginning on the fifteenth Day of February, and the other on the fifteenth Day of August annually; and the said Sessions respectively shall each be continued by Adjournment for ten Days exclusive of Sundays, unless the Business depending in such Court shall be sooner finished.

II. *AND* be it further enacted by the Authority aforesaid, That the Judges of the said Superior Court of Law and Equity for the said District of Washington, shall possess and exercise as full and ample Power and Authority in all Causes, Matters and Business whatsoever, both in Court and out of Court within the said District of Washington, as the Judges of the several Superior Courts of Law and Equity for this State do now possess or may exercise in any other District of this State: And the Judges shall be allowed for Attendance and Service at every Court held for the said District of Washington, the Sum of fifty Pounds each; and the Attorney-General, or in his Absence such Gentleman as the Court shall appoint to transact the Business in his Department, the Sum of forty Pounds.

III. *AND* be it further enacted by the Authority aforesaid, That the several County Courts in the said District of Washington, at their respective Sessions next before the sitting of the Superior Court of Law and Equity therein, shall appoint Persons to serve as Grand and Petit Jurors at the same as follows: In Washington fifteen, in Sullivan twelve, in Greene twenty-one; who shall receive the same Pay, and be liable to the same Penalties as Jurymen appointed to serve at the Superior Courts of Law and Equity in other Districts.

IV. *AND* be it further enacted by the Authority aforesaid, That the County Courts of Morgan District, shall appoint Jurymen to serve at the Superior Courts of Law and Equity therein as follows; Burke sixteen, Lincoln thirteen, Wilkes nine, Rutherford ten.

V. *AND* be it further enacted by the Authority aforesaid, That if the Day of the Month as above prescribed for the first Day of any Term of said Superior Court of Law and Equity for the District of Washington, shall happen to be Sunday, then such Term shall begin on the Day following; and that the same Courts for the District of Washington shall be held at Washington Court-House, until some other Place shall be appointed by Act of Assembly.

VI. *AND* whereas one Judge cannot decide on Demurrers, Writs of Error, and other Matters that may arise before said Judge; *Be it therefore enacted by the Authority aforesaid*, That when any one of the Judges of the former Superior Courts of Law and Equity shall attend said Court, he shall be allowed the Sum of eighty Pounds for his Services.

C H A P. 29. *An Act for the Encouragement of Learning in the District of Salisbury.*  
P R I V.

30. *An Act for levying a Tax in the Counties in Hillsborough and Salisbury Districts, for the Repairs of the District Buildings in the Towns of Hillsborough and Salisbury, and directing the Method of calling to Account all Commissioners of public Buildings heretofore or hereafter to be appointed.* P R I V.

C H A P.



- CHAP. 31. *An additional Act to amend an Act, entitled, An Act for purchasing a Lot or Lots in the Town of Wilmington for the Purpose of building a Gaol for the District of Wilmington, and other Purposes, passed at Hillsborough in the Year One Thousand Seven Hundred and Eighty-three: And an Act, entitled, An Act to amend an Act, entitled, An Act for purchasing a Lot or Lots in the Town of Wilmington for the Purpose of building a Gaol for the District of Wilmington, and other Purposes, and for repairing the Court-House of said District, passed at Hillsborough last Assembly. PRIV.*
32. *An Act to establish the principal Streets of Fayetteville as laid down in a Plan of the said Town by Commissioners appointed by an Act passed at Hillsborough, the Eighteenth Day of April, in the Seventh Year of the Independence of this State, entitled, An Act for appointing the several Persons therein named to lay out the Streets in Upper Campbelton, in Cumberland County, and for the future Regulation of the said Town, and giving a further Time for saving Lots in the lower Town, and for altering the Name of Campbelton to Fayetteville. PRIV.*
33. *An Act for the Inspection of Tobacco in the Town of Hillsborough. PRIV.*
34. *An Act to remove all Disabilities from Simon Cleary, and others therein named. PRIV.*
35. *An Act to amend an Act, entitled, An Act for establishing a Town in Jones County; also one other Act, entitled, An Act for dividing Craven County into two distinct Counties, and for other Purposes therein mentioned. PRIV.*
36. *An Act to establish the Town of Morgan, and to direct the building a Court-House and Prison in the same, for the District of Morgan. PRIV.*
37. *An Act for empowering the County Courts of Warren and Franklin to levy a further Tax on the Inhabitants of said Counties, for defraying the Expence of building a Court-House, Prison and Stocks. PRIV.*
38. *An Act to amend an Act, entitled, An Act for levying a Tax on every Hundred Pounds Value of taxable Property in the District of Newbern, for repairing the District Gaol. PRIV.*
39. *An Act to empower the County Court of Wayne to lay a Tax annually, for the Purpose of finishing and compleating the Court-House, Prison and Stocks, and for defraying the contingent Charges of said County. PRIV.*
40. *An Act for empowering the Commissioners of public Buildings in Bladen County to sell the public Lots reserved for said Buildings, to purchase others and build the Court-House on the Street, if more eligible in their Opinion. PRIV.*
41. *An Act for removing the public Buildings of Mecklenberg County from Charlotte to the Centre of said County, appointing Commissioners to find said Centre, and to superintend the erecting a Court-House, Prison and Stocks as near said Centre as Convenience will permit, and altering the Mode of annual Elections in said County. PRIV.*
42. *An Act for clearing and opening the Navigation of Tar River and Fishing Creek, in the Counties of Pitt, Edgcomb and Halifax. PRIV.*
43. *An Act to amend an Act, entitled, An Act for laying a Tax in the County of Northampton, for repairing the public Buildings thereof, and to appoint and empower Commissioners for that Purpose. PRIV.*

## C H A P. XLIV.

*An Act to amend an Act, entitled, An Act for dividing the County of Cumberland, passed at Hillsborough last General Assembly, and to confirm the Proceedings of the Justices of Moore County, and to alter the Time of holding the Courts of said County.*

I. **W**HEREAS by some Mistake in describing the dividing Line of the late County of Cumberland, it has been directed to be laid off in a different Manner from what was intended; for Remedy whereof,



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Line how to be run.

II. *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 Line for dividing the County of Cumberland shall begin at Cole's Bridge, on Drowning Creek, thence a direct Line to the Cumberland and Chatbam Line, on the South Side of the River Cape-Fear; and that Thomas Armstrong, William Seals and William Rand, or a Majority of them, be and they are hereby appointed Commissioners to appoint and agree with a Surveyor for the Purpose of running the said dividing Line; and the said Line when so run shall be held, deemed and taken to be the dividing Line of the said County of Cumberland, and that the lower County continue and remain by the Name of Cumberland County; and that the Justices in the said County hold the Courts at the Place where they were usually held in the said County, on the fourth Mondays in *January, April, July* and *October*, in every Year; and that all Causes, Pleas, Writs, Actions, Suits, Plaints, Procefs, Precepts, Recognizances and other Matters and Things in the said Court depending, shall continue and remain to be tried in the said County.

County created.

III. *AND* be it further enacted by the Authority aforesaid, That all that Part of the County lying to the North-West of the new Line, shall be and continue by the Name of Moore County.

[The Remainder unnecessary to be inserted.]

## C H A P. XLV.

An Act for extending the dividing Line between the Counties of Hyde and Tyrrel.

I. **W**HEREAS the Line between the Counties of Hyde and Tyrrel has never been extended, by which Means the Lands lying on the supposed Boundary have been indiscriminately entered in the said Counties; for Remedy whereof,

Commissioners appointed to run the line.

II. *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 Southby Rew, John Eburns, Israel Watson, James Anderson, William Blount and Nathaniel Jones, or any four of them, be and they are hereby appointed Commissioners for the Counties of Hyde and Tyrrel, and that they or any four of them shall meet on or before the first Day of *December*, seventeen hundred and eighty-five, and jointly proceed to run and mark the said Line as follows: Beginning where the Counties of *Beaufort, Martin* and *Tyrrel* corner, thence a direct Course to *Long-Shoal* River, and thence the same Course continued to *Pamptico* Sound.

III. [Altogether private.]

Prior entries to be valid.

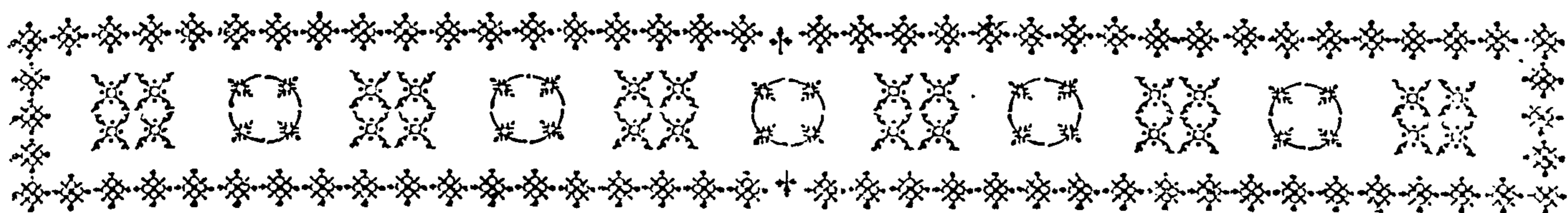
IV. *AND* be it further enacted by the Authority aforesaid, That where any vacant Lands may have been entered in either of the said Counties over the said Line in the *Great-Dismal* Swamp, the same shall have Preference and Effect according to the Date of such Entry, as fully as though it had been made in the County where the said Land shall be on the Extension of the dividing Line.

- C H A P. 46. An Act to release James Underwood and Job Ward from the Forfeiture of a Recognizance entered into for the Appearance of a certain Daniel Campbell, before the Superior Court of Hillsborough District, and from a Judgment given upon the said Forfeiture. PRIV.
47. An Act to enable Benjamin Blount, of Tyrrel County, Trustee to Thomas Bogg, to sue and recover for and to the Use and Uses of the Children of the said Thomas Bogg all Debts due and owing to the said Thomas Bogg, and all other Things in Action which the said Thomas Bogg might have lawfully sued for and recovered. PRIV.
48. An Act to secure the Property of Elizabeth Bonner, in Beaufort County, in the Hands of Trustees. PRIV.
49. An Act to supply the Loss of a Patent for a certain Tract of Land lying in Currituck County, granted to Richard Cummingforth. PRIV.

Read Three Times, and ratified in General Assembly, the }  
Twenty-fifth Day of November, Anno Dom. 1784. }

RICHARD CASWELL, S. S.  
WILLIAM BLOUNT, S. C.





# L A W S

O F

## N O R T H - C A R O L I N A .

At a GENERAL ASSEMBLY, begun and held at Newbern, on the Nineteenth Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty-five, and in the Tenth Year of the Independence of the said State: Being the First Session of this Assembly.

RICHARD CASWELL, Esq.  
Governor.

CHAP. I. *An Act for establishing a Militia in this State.*

Rep. by act Nov.  
1786, c. 22.

### C H A P. II.

*An Act for increasing the Jurisdiction of the County Courts of Pleas and Quarter-Sessions, and of the Justices of the Peace out of Court, and directing the Time of holding the several Courts of this State.*

See acts Nov.  
1786, c. 14. Nov.  
1787, c. 21.

WHEREAS the Extension of the Jurisdiction of the Courts of Pleas and Quarter-Sessions of the several Counties within this State, may tend to the more speedy Furtherance of Justice to the Citizens therein:

I. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the several County Courts of Pleas and Quarter-Sessions within this State, shall have, hold and exercise Jurisdiction in all Actions of Trespafs in Ejectment, Formedon in Descender, Remainder and Reverter, Dower and Partition, and of Trespafs *quare Clausum fregit*, any Law to the contrary notwithstanding. And from Judgments thereon the same Right of Appeal is hereby granted to any Person or Persons thinking himself or themselves aggrieved by Reason thereof, as in such Case is provided by an Act, entitled, *An Act for establishing Courts of Law and regulating the Proceedings therein.* Provided nevertheless, That before the granting of any Appeal whatever, the Attorney praying the same shall certify to the Court in writing Reasons for his Motion, with his Opinion that the same are good and sufficient in Law why such Appeal ought to be granted; which Certificate as aforesaid, signed with the Name of the said Attorney, shall make Part of the Record, and be transmitted with the other Transcript of the Cause to the Superior Court as aforesaid.

Jurisdiction of  
County Courts  
increased.

Appeals granted  
under certain re-  
strictions.

II. *AND* whereas from the Manner in which Appeals from the County Courts of Pleas and Quarter Sessions have been heretofore obtained in numerous Instances, frequent Injustice has happened to many just Suitors from the Delay incident to said Appeals: For Remedy whereof, *Be it further enacted*, That when any Appeal prayed shall not be prosecuted, or the Court before whom the said Appeal may be determined shall affirm the Judgment, then shall the Appellant be decreed to pay to the Appellee, twelve and an Half *per Cent.* Interest from the passing of the Judgment in the County Court by which such Appeal may have been granted; and the Bonds taken for Prosecution of Appeals with Effect shall hereafter make Part of the Records sent up to the Superior Court, on which Judgment may be *instanter* entered up against the Appellant and his Securities; and no Appeal in any Cause or Court whatsoever shall be abated by the Death of either Plaintiff or Defendant, but may be proceeded on by Application of the Heirs, Executors, Administrators or Assigns of either Party.

In what cases in-  
terest allowed on  
appeals.

Bonds for prose-  
cution to form  
part of the re-  
cords transmitted

No appeal to be  
abated by death.

III. *AND*



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Causes how con-  
tinued.

III. *AND* be it further enacted, That it shall not be lawful for any Court to grant a Continuance of any Cause therein depending, but by Consent of both Parties, or on Cause shewn by Affidavit filed; which Cause shall be held sufficient in Law for the said Continuance.

Justice of the  
Peace to have ju-  
risdiction as far  
as tol.

IV. *AND* be it further enacted by the Authority aforesaid, That single Justices of the Peace shall from and after the passing of this Act, have Jurisdiction of all Debts and Demands of ten Pounds and under, where the Balance due on any Specialty, Contract, Note or Agreement, or for Goods, Wares and Merchandizes sold and delivered, or Work or Labour done; all which Matters and Things are hereby declared to be cognizable and determinable before any one Justice of the Peace out of Court, and Execution thereon may be awarded as directed by the aforesaid recited Act, entitled, *An Act for establishing Courts of Law and regulating the Proceedings therein*, subject nevertheless to the Appeal of any Party as by the said Act is provided. *Provided always*, That Judgments given by any one Justice of the Peace, Execution thereon shall be stayed in the following Manner, *to wit*, For all Sums not exceeding forty Shillings, twenty Days; for all Sums above forty Shillings and not exceeding five Pounds, sixty Days; and for all Sums above five and not exceeding ten Pounds, one hundred and twenty Days: For the full and truly Payment of which with Costs and Interest till paid, the Party requiring such Stay of Execution shall give sufficient Security if required; and if the said Judgment shall not be discharged at the Time to which the Execution thereon may have been stayed, then it shall and may be lawful for any Justice to issue Execution in the usual Form for the same against the Principal and his Securities.

Appeal.

Executions.

Time of holding  
Courts.

V. *AND* be it further enacted by the Authority aforesaid, That the several County Courts of Pleas and Quarter-Sessions herein after mentioned within this State, shall be held hereafter on the following Days: For the County of *Brunswick*, on the fourth Mondays in *December, March, June* and *September*; the Counties of *Lincoln, Montgomery, New-Hanover, Tyrrel, Dobbs* and *Davidson*, on the first Mondays in *January, April, July* and *October*; the Counties of *Onslow, Perquimans, Rutherford, Richmond* and *Wayne*, on the second Mondays in the same Months; the Counties of *Anson, Caswell, Burke* and *Duplin*, on the third Mondays of the same Months; the Counties of *Pitt, Wilkes* and *Cumberland*, on the fourth Mondays, and *Warren*, on the last Mondays of the same Months; and for the County of *Johnston*, on the last Mondays of *February, May, August* and *November*; the Counties of *Edgcomb, Granville, Rowan* and *Bladen*, on the first Mondays in *February, May, August* and *November*; and for the Counties of *Nash, Surry, Sampson* and *Chatham*, on the second Mondays in the same Months; the Counties of *Guilford, Gates, Halifax, Moore* and *Bertie*, on the third Mondays of the same Months; the Counties of *Rockingham, Hertford* and *Orange*, the fourth Mondays, and *Hyde* on the last Mondays of the same Months; and the County of *Martin*, on the third Mondays in *March, June, September* and *December*; the Counties of *Norhampton, Wake, Beaufort* and *Currituck*, on the first Mondays in *March, June, September* and *December*; the Counties of *Randolph, Craven* and *Camden*, on the second Mondays in the same Months; the Counties of *Franklin, Pasquotank* and *Carteret*, on the third Mondays in the same Months; the Counties of *Jones* and *Chowan*, on the fourth Mondays in the same Months: To which Times respectively, all Matters and Things in the respective County Courts within this State shall stand adjourned, from the Courts which will be next in Course after the passing of this Act. (a)

See acts Nov.,  
1786, c. 35, 40,  
34. Nov. 1787, c.  
51. Nov. 1788, c.  
36, 44.Security from  
Coroner.

VI. *AND* be it further enacted by the Authority aforesaid, That every Coroner in this State at the next Court for their respective Counties, shall before the Justices in Court, enter into Bond with two or more good and sufficient Securities, in the Penalty of one thousand Pounds, payable to the Governor or his Successors, with Condition for truly and faithfully executing the Office of Coroner; and upon a Breach of the said Condition the Bond may be assigned and sued for until the whole Penalty is recovered, in like Manner as the Bonds given by Sheriffs.

VII. *AND*

(a) The County Courts of *Greene, Washington*, and *Sullivan*, by Act Oct. 1784, Ch. 27, are to be held as follows, *viz.* For *Greene*, on the first Mondays in *May, August, November* and *February*; for *Washington*, on the second Mondays in those Months; and for *Sullivan*, on the third Mondays in the same Months.—See Act Nov. 1785, Ch. 38.



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VII. *AND* be it further enacted by the Authority aforesaid, That in all Trials for the Recovery of Debts contracted previous to the fourth of July, one thousand seven hundred and seventy-six, no Interest shall be allowed from that Period until the fourth Day of July, one thousand seven hundred and eighty-two, where the Debtor shall prove the Creditor had refused to receive the current Money of the State, or had removed him or herself, or remained out of the State within the aforesaid Time, or continued within the *British* Lines.

No interest allowed for a specified time.

## C H A P. III.

*An Act for the Regulation of Commerce.*

IX. *AND* be it further enacted, That *Josiah Collins, William Littlejohn, John Gray Blount, John Wright Stanley* and *Spvers Singleton*, Esquires, be appointed Commissioners for improving the coasting Navigation; and they, or any three of them, shall cause a Survey to be made of the Coast and Beacons or Land-Marks, to be erected on such Places and in such Manner as they shall think most conducive to the Information and Safety of Vessels coming on the Coast; and the Expence of such Survey and Beacons or Land-Marks shall be paid them by the Collectors, by Order of the Commissioners of Navigation, out of the Tonnage Duties that shall be collected in the Ports of *Roanoke, Barb, Beaufort* and *Currituck*, after the necessary Expence of keeping up the Stakes has been deducted; to which Surveys and concomitant Expences, the Commissioners of the several Ports mentioned, shall contribute respectively in the same Proportions they contribute to the Stakeage of the *Swish*.

All of this act but the 9th and 10th § superseded by the adoption of the constitution of the United States.

Commissioners to improve the navigation.

X. *AND* be it further enacted by the Authority aforesaid, That the Commissioners of Navigation heretofore appointed by Law, and their Successors, shall have full Power to cause the Navigation from the Town of *Beaufort* to *Newse River*, to be staked as other Channels, any Law to the contrary notwithstanding.

Power of former Commissioners as to the navigation from *Beaufort* to *Newse River*.

## C H A P. IV.

*An Act to enable the public Treasurer more effectually to recover public Monies that are now due or hereafter may become due.*

WHEREAS it appears to the General Assembly, that by the Neglect of many of the Clerks of the County Courts failing to make Returns of the former Sheriffs, Receivers of Quitrents and Duties, and County Treasurers Bonds, and the taxable Property and Polls within their respective Counties, it is impracticable for the public Treasurer to perform the Duties by Law required. And whereas there are many Entry-Takers and others, who owe considerable Sums of Money, and cannot be called to Account by the said Treasurer: For Remedy whereof,

I. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Clerk of each and every County Court within this State shall, and they and every of them are hereby required to, transmit to the public Treasurer at his Office, on or before the first Day of *June* in each and every Year, attested Copies of the Bonds of the former Sheriffs, Receivers of Quitrents and Duties, and County Treasurers, with the Amount of taxable Property, and Polls subject to pay a public Tax, for the preceding Year, setting forth in such Return the Quantity of each Species of Property subject to be taxed as aforesaid, and the Number of Polls within his County; and at the same Time the said Clerks shall, and they are hereby required to return to the said Treasurer, the Bonds of the Entry-Takers of their respective Counties, if any such shall be in their Office; and if no Entry-Taker is in the said County, then the Clerk shall certify the same to the Treasurer.

Clerks to make returns to Treasurer of bonds, and taxable property, &c.

II. *AND* be it further enacted by the Authority aforesaid, That the Clerk of each and every of the Superior and County Courts shall, and they are hereby required, at the Time for making Returns of the Copies of the former Sheriffs, Receivers of Quitrents and Duties, and County Treasurers Bonds as aforesaid, to render unto the Treasurer an Account of the Fines, Forfeitures and Amercements that

Of fines, forfeitures, &c.



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are due and payable for the Use of the State; and at the same Time to pay into the Treasury the Money due thereon, or so much thereof as he shall have received; and if no such Fines or Forfeitures have been recovered in any of the said Courts, the Clerk of such Court shall certify the same.

Clerk's fees.

III. *AND be it further enacted by the Authority aforesaid*, That on Application of the Treasurer to the Clerk of any County Court for a Copy of the Record certifying who was the Sheriff, Receiver of Quitrents and Duties, and County Treasurer, and their Securities, for any one or more Years since the Year one thousand seven hundred and fifty; or for the Sheriff's Bonds, or a Copy thereof if recorded in his said Office, or for the Amount of the public Taxes for any one or more Years, or for the Settlement made by any Sheriff with the Court of such County, the said Clerk is hereby directed and required to transmit the same unto the Treasurer, and for each and every Copy made and transmitted by such Clerk, he shall be allowed the Sum of eight Shillings, to be paid out of the County Tax, on his producing the Treasurer's Receipt therefor.

Pen. on Clerk for neglect.

IV. *AND be it further enacted by the Authority aforesaid*, That if any of the Clerks of the Superior or County Courts, shall fail or neglect to comply with the Directions of this Act, he or they so offending shall forfeit and pay the Sum of fifty Pounds current Money, to be recovered by Action of Debt in any Court of Record having Cognizance thereof; and the public Treasurer is hereby required to commence and prosecute a Suit or Suits in the Name of the Governor for the same; and on Recovery thereof to be applied as other public Monies.

Bonds to be delivered to Treasurer.

V. *AND be it further enacted by the Authority aforesaid*, That each and every Officer and other Person within this State, who hath in his or their Possession any Bonds for which the Money due thereon is payable for the Use of the State, are hereby required to deliver such Bonds into the Treasurers's Office as soon as may be. *Provided*, That this Act shall not be construed to extend to compel the Collectors of Imposts to deliver up the Bonds taken for Payment of the Duties on Goods imported into this State, or Superintendants of Sales of confiscated Property.

Proviso.

Pen. on Sheriffs, &amp;c. or County Treasurer failing to pay punctually.

VI. *AND be it further enacted by the Authority aforesaid*, That if any former Sheriff, Receiver of Quitrents or Duties, or County Treasurer, shall hereafter fail or neglect to account for and pay into the public Treasury the public Tax of his County, at the Time by Law required, he shall not be allowed his Commissions on the Money by him received or to be received by Virtue of his said Office, unless such former Sheriff, Receiver of Quitrents and Duties, or County Treasurer, shall produce a Certificate from the Clerk of the Court, that the said County Treasurer proceeded agreeable to Act of Assembly for the Recovery of the said Tax from the Collector or Collectors who failed to account with him.

Treasurer to publish a statement.

VII. *AND be it further enacted by the Authority aforesaid*, That the Treasurer shall and is hereby required, as soon as may be after the first Day of *December* in each Year, to make an exact Statement of the Balances due on the public Tax by each former Sheriff or County Treasurer for the preceding Year, and publish the same.

## C H A P. V.

See act Nov. 1786, c. 21.

*An Act for emitting One Hundred Thousand Pounds Paper Currency, for the Purposes therein expressed.*

**W**HEREAS the pressing Circumstances of our domestic and foreign Debts, evince the Necessity of emitting a further Sum of one hundred thousand Pounds in Paper Currency, to be applied to discharge a Part of the foreign Debts due from the United States, and a Part of the current Expences of the federal Government; as also to make Provision for the Payment of the Civil List of the Government of this State, and for the Redemption of Certificates issued for Interest by the Commissioners of continental Loans in this State, and also for the Redemption of Due-Bills issued by *Benjamin M'Culloch* and *Henry Montfort*, Esquires, Commissioners appointed to settle with the Officers and Soldiers of the continental Line of this State:

I. B E



I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That one hundred thousand Pounds be emitted in Paper Bills of Credit, on the Faith and Credit of this State, in Bills of the following Denominations, *to wit,* Twenty-four thousand three hundred and seventy-five Bills of forty Shillings each, twenty-five thousand Bills of twenty Shillings each, twenty-five thousand Bills of ten Shillings each, twenty-five thousand Bills of five Shillings each, twenty-five thousand Bills of two Shillings and six Pence each, twenty-five thousand Bills of two Shillings each, twenty-five thousand Bills of one Shilling each, and twenty-five thousand Bills of six Pence each: That the same be printed in a Printing-Press; and that such Persons as shall be elected by joint Ballot of both Houses of the General Assembly, shall be Commissioners to sign and deliver the same to the public Treasurer, to be by him apphed as hereafter by this Act directed.

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100,000l. to be emitted.

Denominations of the bills.

How printed.

II. *AND be it further enacted by the Authority aforesaid,* That the general Form of the Bills hereby directed to be emitted, shall be as follows, *to wit,* "This Bill of Shillings shall be a Tender in all Payments whatsoever, agreeable to an Act of Assembly passed at *Newbern,* the twenty-ninth Day of *December,* Anno *Domini,* one thousand seven hundred and eighty-five." And such Bills shall be impressed and printed the whole of them on good Paper of the same Fabrication, both in the Face and Reverse thereof, on the Edges as well as the Body, with divers Letters, Marks, Devices and Words, which may be difficult of Imitation, and which in the Opinion of the said Superintendants may most effectually secure the same from Attempts to counterfeit.

Form of the bills.

Manner of fabrication.

III. *AND be it further enacted by the Authority aforesaid,* That each Pound of the Emission aforesaid, shall be deemed and held equal to two and an Half *Spanish* milled Dollars, and shall be a lawful Tender in all Payments whatever.

Lawful tender.

IV. *AND be it further enacted by the Authority aforesaid,* That the Persons appointed by this Act to superintend the Press, number, sign and pay the Bills into the public Treasury, shall each take an Oath before some Justice of the Peace, well and truly to execute the Duties and discharge the Trust by this Act required; and they shall enter into Bond to the Governor for the Time being and his Successors, with sufficient Security to be by him approved, in the Sum of two hundred thousand Pounds, for the faithful and due Performance of the Duties by this Act required.

Superintendants to swear and give security.

V. *AND be it further enacted by the Authority aforesaid,* That each and every Commissioner for superintending the Press, and numbering or signing, and paying into the public Treasury, shall receive for every thousand Bills by them signed or numbered and delivered into the public Treasury, the Sum of twelve Shillings, to be paid out of the Money by them paid into the Treasury.

Their pay.

VI. *AND be it further enacted by the Authority aforesaid,* That the Commissioners by this Act appointed, shall be and are hereby empowered to purchase Paper and Materials, and to employ a Printer to print the said Bills, and may draw on the Treasury into which the aforesaid Bills shall be paid for the Money necessary for the same, and their Drafts shall be admitted as Vouchers in the Settlement of the Treasurer's public Accounts.

To provide materials, &amp;c.

VII. *AND be it further enacted by the Authority aforesaid,* That the Superintendants of the Press, as soon as they have struck the Sum of Money hereby directed to be emitted, shall break and destroy, or cause to be broken or destroyed, such Types, Dies or other Emblems as they shall have used in printing and impressing the same.

Types, &amp;c. to be destroyed.

VIII. *AND be it further enacted by the Authority aforesaid,* That whoever shall, by printing, writing, engraving, or by any other Ways and Means, counterfeit any of the said Bills of Credit emitted by Virtue of this Act, or any Part, Words, Letters, Name, Emblem or Device of the same, or shall make any Die, Press, Type or other Instrument for emitting or counterfeiting any of the said Bills, or any Part, Letter, Name or Device thereof, except by Authority of Law, (or in Case where such may be signed in order to bring suspected Persons to Justice) or shall alter or deface any of the said Bills with Intention to change the Value or Denomination

Punishment for counterfeiting, &amp;c.



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Denomination thereof, or shall knowingly pass or utter any counterfeit Likeness of any of the said Bills, being thereof lawfully convicted by Confession or Verdict, or on Arraignment on Trial stand mute, or challenge peremptorily more than thirty-five Jurors, every such Person shall suffer Death without Benefit of Clergy.

Vacancy of Commissioner how supplied.

IX. *AND be it further enacted by the Authority aforesaid*, That if any Commissioner appointed by this Act to sign the said Bills of Credit, or superintend and number the same, shall die, refuse to act or resign, remove or become disabled or disqualified, it shall and may be lawful for the Governor to appoint one in his Stead; and such Commissioner shall give Bond, and be subject to the same Rules and Regulations as the Commissioners heretofore named.

To be printed, &c. at Hillsborough.

X. *AND be it further enacted by the Authority aforesaid*, That the Bills of Credit to be emitted in Virtue of this Act, shall be impressed, signed and numbered at Hillsborough.

How to be applied.

XI. *AND be it further enacted by the Authority aforesaid*, That the Treasurer after receiving the Money by this Act directed to be emitted, shall be and is hereby directed and required to pay the same out of the Treasury for the Purposes in Manner hereafter mentioned, and for no other Purposes, *that is to say*, To a Warrant of the Governor in Favour of the Commissioners for their Expenditures in printing and purchasing Paper, they having first settled their Accounts with the Comptroller of this State; to the Warrant of Governor for the Allowance of the Commissioners for superintending the Press, numbering, signing and delivering the Bills into the public Treasury; to the Order of the General Assembly for Allowances given to their Members and Officers for their Attendance and Service, and the Warrant of the Governor for the Salary or Allowance of the Civil List for their Services performed.

A sum not exceeding 36,000l. to buy tobacco, &c.

XII. *AND be it further enacted by the Authority aforesaid*, That a further Sum, not exceeding thirty-six thousand Pounds, shall be paid to such Persons as shall be elected by Ballot as aforesaid, for the express Purpose of purchasing Tobacco, deliverable at the Towns of Halifax, Tarborough and Fayetteville; whereof the Commissioner for Fayetteville shall receive sixteen thousand Pounds; which Commissioners shall not on any Occasion be allowed to give more than fifty Shillings for each hundred Weight of merchantable Tobacco by them respectively purchased, when inspected at the respective Warehouses of the said Towns; which said Tobacco shall be purchased by the said Commissioners, and shall be by them shipped to such Ports in Europe or the West-Indies, or elsewhere, as they shall be advised by the Board of Treasury, to such Persons from whom Bills of Exchange or Monies may be procured for the Payment of the proportionable Part of this State of the Debt due from the United States, to be subject to the Orders of the Board of Treasury of the United States, and to obtain Releases and Discharges for so much Monies paid as aforesaid in Behalf of this State; whose Transactions shall be laid before the Governor every three Months, and before the next General Assembly: And the Governor shall from Time to Time, whenever it shall appear from their Report that any considerable Quantity of Tobacco is in the Hands of the Commissioners ready for Exportation, give Information thereof to the Board aforesaid, and request their Direction with Respect to the same: And the said Commissioners shall for their Trouble be allowed the Sum of two and an Half *per Cent.* for this Service. *Provided*, That the Commissioners to be appointed by Virtue of this Act, shall previous to entering into the Execution of their Office take the following Oath,

Their pay, security, &c.

**I** A. B. *do solemnly swear that I will not trade with or part from any of the public Money by me received by Virtue of my Appointment, but as is prescribed by the true Intent and Meaning of this Act.*

And the said Commissioners before their receiving the said Monies and entering upon the Duties of their Appointment, shall enter into Bond with two or more Securities in double the Sum they shall respectively receive, payable to the Governor for the Time being and his Successors in Office, for the true and faithful Performance of the Trusts reposed in them and Duties by this Act directed.

XIII. *AND*



XIII. *AND be it further enacted by the Authority aforesaid,* That the Residue of the said Sum of Money emitted as aforesaid, shall be reserved in the Hands of the Treasurer for the Payment of all such Claims which have been granted or which shall hereafter be granted to the Citizens of this or the United States, or any other Person whatsoever, by the General Assembly, he or they obtaining the Governor's Warrant for such Claim particularly specified.

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Remainder appropriated to the payment of public claims.

XIV. *AND be it further enacted by the Authority aforesaid,* That the Tax of six Pence on every hundred Acres of Land, one Shilling and six Pence on every Poll, and one Shilling and six Pence on every hundred Pounds Value of Town Property, shall be levied in each and every Year, to commence and be first paid for the Year one thousand seven hundred and eighty-six; which shall be a sinking Fund to sink the Paper Money in Circulation, no Part of which shall again go into Circulation except the Commissions given for the Collection of said Tax.

Sinking fund for its redemption.

CHAP. 6. *An additional-Act to amend the several Acts for regulating the Town of Wilmington, and to regulate and restrain the Conduct of Slaves and others in the said Town, and in the Towns of Washington, Edenton and Fayetteville. P R I V.*

## C H A P. VII.

*An Act to secure and quiet in their Possessions all such Persons, their Heirs and Assigns, who have purchased, or may hereafter purchase Lands and Tenements, Goods and Chattels, which have been sold, or may hereafter be sold by Commissioners of forfeited Estates, legally appointed for that Purpose.*

See act Nov. 1786, c. 6.

WHEREAS by Force of sundry Acts of the General Assembly of this State heretofore passed, commonly called Confiscation Acts, the Lands and Tenements, Goods and Chattels, Rights and Credits of divers Persons specified by Name, and all other Persons in Circumstances similar to those so specified, are declared to be forfeited to this State, and in Virtue of the said Acts, and of other Acts for carrying into Effect the said Acts, Commissioners have been from Time to Time appointed for seizing all such forfeited Estates and making Sale thereof for the Use and Benefit of the said State: And whereas it is declared by the said Act that the Sales of the said Commissioners shall be good and valid in Law, and shall vest in the Purchaser, his Heirs and Assigns, as good and absolute Estate in Fee-Simple in all such Property so purchased as the Person from whom sold possessed on the fourth Day of July, one thousand seven hundred and seventy-six, or at any Time since; and the said Acts do further provide, that in Case any Estate so sold should afterwards appear to have been the Property of Infants, *Feme Coverts*, or any Person or Persons not described or meant to be included in the Penalties of the said Confiscation Laws, that then and in such Case, such favourable Circumstances being made to appear to the Satisfaction of the General Assembly, such Person or Persons should be entitled to receive all such Sums of Money or Monies which such Estate or Estates did sell for, together with an Interest of six *per Cent.* thereon: And whereas in Virtue of the said Acts of the General Assembly Commissioners have been appointed, and in pursuance of their Duty have actually sold and disposed of great Part of the Estates so heretofore forfeited and vested in this State to the Citizens thereof and of the United States; and it is highly reasonable and just that all such Purchasers, their Heirs and Assigns, should be protected from expensive and vexatious Law-Suits which have been or may be commenced against them or any of them by the obnoxious and disqualified Persons so specified in said Acts, commonly called Confiscation Acts, or by any other Person or Persons whatsoever claiming by, from or under them or any or either of them, by any Act, Deed, Gift, Will or other Conveyance whatsoever, unless the same were actually made *bona fide* before the fourth Day of July, one thousand seven hundred and seventy-six: Wherefore,

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That Persons holding or deriving Titles to any real or personal Estate, under a Sale or Sales lawfully made by Commissioners

Persons holding titles under sales lawfully made by Commissioners of



*A. D. 1785.*  
 forfeited estates, not liable to answer any suit by a person specified or described in the confiscation acts, &c. or any claiming under him, &c.  
 How such suits to be dismissed.

oners of forfeited Estates legally appointed for such Purposes, shall be deemed not liable to answer any Suit or Suits in Law or Equity, which hath been, or may be commenced by any Person or Persons so specified or described in the said Confiscation Acts as inimical to the States, or by any Person or Persons whatsoever claiming by, from or under them or any or either of them; and that the Courts respectively shall and may, and they are hereby required in all such Cases, upon the Motion or Affidavit of the Defendant or other Person, and by his Deeds and other Documents making it appear that he holds and derives his Title to the Lands or Chattels in Question under and by the Sale of a Commissioner or Commissioners of forfeited Estates legally appointed, to dismiss all such Suitors, Suits, Action or Actions, at the proper Costs and Charges of the Plaintiff or Plaintiffs, any Law, Usage or Custom to the contrary notwithstanding.

## C H A P. VIII.

*An additional Act to an Act, entitled, An Act for raising a public Revenue for the Support of Government, and to repeal an Act, entitled, An Act to suppress excessive Gaming.*

**W**HEREAS since the passing of the before recited Act an evil Species of Gaming has been introduced into this State, known by the Name of the A. B. C. and E. O. Tables, greatly to the Prejudice of the good People of this State: For Remedy whereof,

Tax on A. B. C. and E. O. tables, &c.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That the following Duties, Impositions and Taxes be collected and accounted for in the same Manner as the Duties and Taxes imposed by the before recited Act, in Addition to said Act, *that is to say,* On every A. B. C. Table now in or that hereafter shall be brought or made in this State, the Sum of two hundred and fifty Pounds, for every E. O. Table the same Sum, and for every Species of Gaming of like Kind and Nature, the Sum of two hundred and fifty Pounds as aforesaid.

Pen. for removing the table without paying the tax.

II. *AND be it further enacted,* That it shall not be lawful for any Person or Persons claiming or owning one or more of the said Tables, to remove himself or Table, or attempt to remove himself or Table out of the County where such shall be, under the Penalty of paying the Sum of five hundred Pounds, to be recovered in any Court of Record in this State, one Half for the Person suing for the same, and the other Half for the Use of the State, until such Person claiming or owning any of the above mentioned Tables shall fully comply with the Direction and Intention of this Act.

Temporary.

C H A P. 9. *An Act for levying a Tax for the Support of Government, and to continue the Redemption of Continental Money, old Paper Currency, Specie and other Certificates.*

## C H A P. X.

*An Act to amend an Act, entitled, An Act for opening the Land-Office and other Purposes.*

See act April, 1787, c. 2, and act: there referred to.

**W**HEREAS it is found altogether impracticable for the different Surveyors within this State to compleat their Surveys in their Districts and Counties agreeable to an Act of the General Assembly passed at *Hillsborough*, in the Year seventeen hundred and eighty-three.

Time granted for the completion of surveys.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That in order to secure the Rights of those Persons who have entered Lands with any of the Entry-Takers, or may be possessed of Warrants granted by the Secretary of State to the Officers and Soldiers of the continental Line of this State, a further Indulgence of eighteen Months be granted the Surveyors, in order to compleat the Surveys on such Warrants as may have issued previous to the passing of this Act, any Law to the contrary notwithstanding.

II. *AND*



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II. *A N D* be it further enacted by the Authority aforesaid, That in all Cases where the Office of Entry-Taker shall become vacant, that then and in that Case, the Successor in Office shall and is hereby authorized and required to make out and issue all Warrants which shall not have been made out; that all Warrants so made out and issued shall be and are hereby made as valid as if they had been executed by the Entry-Taker who received the Entry. *Provided*, That such Entry-Taker shall not be accountable for such Monies as by Law directed to be received for Entries of Land made previous to his Appointment to the Office.

Orders to Entry-takers.

## C H A P. XI.

An Act to amend an Act, passed at Newbern, in November, One Thousand Seven Hundred and Eighty-four, entitled, An Act to describe and ascertain such Persons who owed Allegiance to this State, and to impose certain Disqualifications on certain Persons therein described.

See act Oct. 1784, c. 20.

**W**HEREAS it appears to the General Assembly of North-Carolina, by the Petitions from the several Counties in this State, that the above recited Act has not had the desired Effect:

I. *B E* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That every Person who at any Time since the fourth Day of July, one thousand seven hundred and seventy-six, attached himself to, or traiterously corresponded with, or in any Manner aided or abetted the Enemies of this State in prosecuting the late War, shall be incapable of holding or exercising the Office of Governor, Councillor of State, Delegate in Congress, Judge or Justice of the Peace, Member of the General Assembly, or any Office of Honour, Profit or Trust whatsoever within this State.

Persons incapable of office.

II. *A N D* be it further enacted by the Authority aforesaid, That any Person of the above Description offering himself as a Candidate, or consenting to serve as a Member for any County in the General Assembly, or who shall hereafter offer as a Candidate for, or accept of or qualify to either of the aforementioned Offices, or holding either of the said Offices shall presume to continue to exercise the same ten Days after being served with an authentic Copy of this Act, or after the Expiration of three Months from the Ratification hereof, shall forfeit and pay the Sum of five hundred Pounds current Money for every such Offence, to be recovered in any Court of Record within this State; one Half to be applied to the Use of the Person suing for the same, and the other Half to the Use of the State. *Provided nevertheless*, That Nothing herein contained shall be construed to exclude any of the good Citizens of this State from holding and exercising any of the aforesaid Offices, who were under the Necessity of receiving Protection from the late common Enemy, and who after receiving that Protection did not stay voluntarily with them, nor took an active Part in any Manner, by furnishing them willingly with Provisions or bearing Arms against this State, or accepting any Appointment under the said Enemy, civil or military, and the said unfortunate Citizens having only received Protection as aforesaid, and having renewed their Allegiance to the State in good Time, are hereby restored to the Rights and Privileges of Citizens as fully as if they never had received Protection from the common Enemy as aforesaid, any Law to the contrary notwithstanding.

Pen. for soliciting, accepting or exercising any.

Provide,

Not to affect those who took protections from necessity, &amp; took no active or voluntary part in favour of the enemy.

## C H A P. XII.

An Act directing that Marriage Settlements and other Marriage Contracts shall be registered, and for preventing Injury to Creditors.

**W**HEREAS Marriage Settlements and other Marriage Contracts, binding the Estates of the Husbands, have been frequently made and kept secret, whereby the Possessors upon the Credit of their apparent Property have been enabled to contract great Debts, to the manifest Deception and Injury of their Creditors: For Remedy whereof for the future,

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all Marriage Settlements and other Marriage

Marriage contracts to be proved and registered.



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Else void against  
creditors.

Marriage Contracts whereby any Money or other Estate shall be secured to the Wife or Husband heretofore made, and which have not had their Effect, shall be proved in the same Manner as other Deeds, and shall be registered in the proper County on or before the first Day of *May* next; and all Marriage Settlements and other Marriage Contracts hereafter to be made, shall be proved within six Months after the making thereof, and registered within one Month thereafter; and all Marriage Settlements and other Marriage Contracts not proved and registered according to the Directions of this Act, shall be void against Creditors, any Law to the contrary notwithstanding.

What necessary  
to make a mar-  
riage settlement,  
&c. good.

II. AND for preventing Injury to Creditors, *Be it enacted and declared by the Authority aforesaid*, That no Marriage Settlement or other Marriage Contract shall be good against Creditors, where a greater Value is secured to the intended Wife and the Children of the Marriage, or either of them, than the Portion actually received with the Wife in Marriage, and such Estate as the Husband at the Time of his Marriage shall be possessed of, after deducting the just Debts by him then due and owing; and in Case of any Suit upon any such Marriage Contract, where any Creditor or Creditors shall be a Party, the Burthen of the Proof shall lie upon the Person or Persons claiming under such Marriage Contract. *Provided always*, That if any Legacy or Legacies shall be given to the Wife in general Words and not in Trust, or a distributive Share or Shares of any Intestate's Estate shall fall to her during her Coverture, such Legacies and distributive Shares (in Case the Estate of the Husband and Wife shall not at the Time of the Marriage be of sufficient Value to make good the Marriage Contract) shall be held, deemed and taken as Part of the Portion received with the Wife, and shall be secured to those claiming under such Marriage Contract, any Thing herein contained to the contrary notwithstanding.

Proof requisite.

Proviso in regard  
to legacies, &c.

## C H A P. XIII.

*An Act to empower the Commissioners to liquidate the Accounts of the Officers and Soldiers of the continental Line of this State, and to revive the late Boards of District Auditors for a limited Time.*

WHEREAS the Commissioners heretofore appointed for liquidating the Accounts of the Line aforesaid have not been able to receive all the Accounts aforesaid, in a great Measure owing to the Shortness of Time given for that Purpose in the Act of Assembly passed at *Newbern*, in *November*, one thousand seven hundred and eighty-four, whereby many of the good Citizens of this State are greatly injured: For Remedy whereof,

Appointment of  
Commissioners,  
their power, &c.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That *Benjamin McCulloch, John Macon and Henry Montfort*, Esquires, are hereby appointed Commissioners to liquidate the Remainder of the Accounts due Officers and Soldiers of the continental Line of this State, and are hereby invested with the same Powers with Respect to the Settlement of Accounts, and are under the same Restrictions as the Commissioners were that acted under an Act of Assembly passed at *Hillsborough*, in *June*, one thousand seven hundred and eighty-four, entitled, *An Act for the Relief of the Officers and Soldiers of the continental Line and other Purposes*,

III. *AND be it further enacted*, That the said Commissioners shall take the following Oath before they enter upon the Duties of their Office, *that is to say*,

Their oath.

**I** A. B. *Commissioner for liquidating the Accounts of the Officers and Soldiers of the continental Line, do swear, that I will faithfully and to the best of my Knowledge discharge the Trust reposed in me.*

To issue certifi-  
cates.

III. *AND be it further enacted*, That the said Commissioners when they have settled the remaining Claims of the Officers and Soldiers of the continental Line, for Services performed prior to *January*, one thousand seven hundred and eighty-two, shall issue to the respective Claimants two indented Certificates, one of which shall be a Certificate for the fourth Part of the Sum that appears to be due to him, and shall be declared by its Tenor to entitle the Party or his Assignee to prompt Payment;



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ment; the other shall be a Certificate for three Fourths of the Sum due to the Claimant, and shall be in the common Form.

IV. *AND be it further enacted*, That the Commissioners aforesaid shall sit as a Board the first ten Days in *April, May and June* next, and no longer, and that all Accounts that are not exhibited within that Time shall forever after be of no Effect; and the said Commissioners are hereby required and directed to advertise the Time and Place aforesaid in each of the Districts within this State, as soon as may be after the passing of this Act.

Time to sit as a Board limited.  
Notice to be given.

V. *BE it further enacted by the Authority aforesaid*, That the Commissioners appointed by this Act, shall be empowered to liquidate the Claims of all continental Soldiers raised for the Term of twelve Months, in full, and issue Certificates in the same Manner as for the Officers and Soldiers who served to the End of the War.

To liquidate enlistments for one year.

VI. *AND be it enacted by the Authority aforesaid*, That the late District Auditors respectively, are hereby empowered to meet at or near their District Court-Houses, at any Time after the first Day of *April* next, to receive and settle all such Claims not heretofore allowed as the late District Auditors were by Law empowered to settle, and to give Certificates for such Sums as they may allow.

When and where Auditors meet.  
To settle all claims.

VII. *PROVIDED nevertheless, and be it further enacted by the Authority aforesaid*, That *David Vance, Edward Hunter and Russel Jones*, be and they are hereby appointed Auditors in the Room and Stead of those heretofore appointed for the District of *Morgan*; and that the said *David Vance, Edward Hunter and Russel Jones*, shall take the Oath heretofore prescribed for District Auditors previous to their settling Claims.

Appointment & qualification of Auditors for Morgan.

VIII. *AND be it further enacted by the Authority aforesaid*, That the said Auditors and their Clerks shall be entitled to the same Pay as the late Auditors, provided their Time of Service shall not exceed ten Days in any one District.

Allowance to Auditors, &c.

IX. *AND be it further enacted by the Authority aforesaid*, That the public Treasurer shall be and is hereby authorized to discharge and pay off all such Certificates as shall be issued by the Commissioners aforesaid for prompt Payment, as well as those that hitherto have been issued, commonly called Due-Bills, for which Service he shall receive a Commission of one Half *per Centum* and no more.

Treasurer's directions and pay.

X. *AND be it further enacted*, That the said Commissioners shall lodge their Check-Book in the Hands of the Treasurer, as soon as the Time shall have elapsed in which they are allowed to settle Accounts.

Commissioners to lodge their check book with the Treasurer.

## C H A P. XIV.

*An Act for the Relief of the Officers, Soldiers and Seamen, who have been disabled in the Service of the United States during the late War.*

WHEREAS it hath been recommended by the United States in Congress assembled, that uniform Provision be made in the several States for Officers, Soldiers and Seamen who have been disabled in the Service of the United States:

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That a compleat List shall be made out by the Comptroller of this State of all the Officers, Soldiers or Seamen resident in this State, who have served in the Army or Navy of the United States, or in the Militia in the Service of the United States, and have been disabled in such Service so as to be incapable of military Duty, or of obtaining a Livelihood by Labour. In this List shall be expressed the former Pay, the Age and Disability of each Invalid, also the Regiment, Corps or Ship to which he belonged; and a Copy of the same shall be transmitted to the Office of the Secretary at War, within one Year after the fitting of this present Assembly, and a like List of the Invalids resident in this State shall from Year to Year be transmitted to the Office of the Secretary at War.

A list of the invalids to be made by the Comptroller, and sent to the Secretary at War



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Certificates necessary to be produced.

II. *BE it further enacted*, That no Officer, Soldier or Seaman shall be considered as an Invalid, or entitled to Pay, unless he can produce a Certificate from the Commanding Officer or Surgeon of the Regiment, Ship, Corps or Company in which he served, or from a Physician or Surgeon of a military Hospital, or other good and sufficient Testimony, setting forth his Disability, and that he was thus disabled while in the Service of the United States.

Pensions to be proportionate to disability and rank.

III. *AND be it further enacted by the Authority aforesaid*, That all the commissioned Officers of the aforesaid Description, disabled in the Service of the United States, so as to be wholly incapable of military Duty or of obtaining a Livelihood, be allowed a yearly Pension, which shall correspond with the Degree of their Disability compared with that of an Officer wholly disabled; that all non-commissioned Officers and Privates within the aforesaid Description, disabled in the Service of the United States, so as to be wholly incapable of military or Garrison Duty, or of obtaining a Livelihood by Labour, be allowed a Sum not exceeding five Dollars *per Month*; and all non-commissioned Officers and Privates as aforesaid, who shall not have been disabled in so great a Degree, be allowed such Sum as shall correspond with the Degree of their Disability compared with that of a non-commissioned Officer or Private wholly disabled. *Provided always*, That no Officer who has accepted his Commutation for Half-Pay shall be entered on the List of Invalids, unless he shall have first returned his Commutation.

Proviso.

Commissioners appointed.

IV. *AND be it further enacted*, That *William M'Clure, Joseph Leech and Andrew Blanchard*, in the District of *Newbern*; *Samuel Dickinson, Joseph Blount and Lott Brewster*, in the District of *Edenton*; *James Gickie, John Fergus and James Read*, in the District of *Wilmington*; *Goodorum Davis, Nicholas Long and Charles Pasteur*, in the District of *Halifax*; *William Courtney, John Taylor and John Estis*, in the District of *Hillsborough*; *Anthony Newman, Edward Yarborough and Lewis Beard, jun.* in the District of *Salisbury*; *Joseph Dobson, David Vance and Charles M'Dowall*, in the District of *Morgan*; *Lardner Clark, Eusebius Bushnal and T. Molloy*, in the District of *Washington*, be and they are hereby appointed Commissioners for examining into the Claims of all Officers, Soldiers and Seamen resident in their respective Districts, who have served in the Army or Navy of the United States, or in the Militia in the Service of the United States, and have been disabled in said Service so as to be incapable of military Duty or of obtaining a Livelihood by Labour, and to report whether the Person producing a Certificate as before required setting forth that he is an Invalid be such in Fact, and if such to what Pay he is entitled; whereupon the Commissioners aforesaid shall give to the Invalid a Certificate, specifying to what Pay he is entitled, and shall transmit a Copy of each Certificate to the Comptroller aforesaid, whose Duty it shall be to receive and record the same; and the Commissioners in each Certificate shall express the Age and Disability of the Invalid, also the Regiment, Corps or Ship to which he belonged; and the said Commissioners, before entering on the Duties of their Appointment, shall take an Oath before some Justice of the Peace for the faithful Discharge of the same.

Their duty.

To take an oath.

V. *AND be it further enacted by the Authority aforesaid*, That every Invalid shall annually apply himself to some Magistrate of the County in which he resides, and take the following Oath, *viz.*

Oath to be taken by invalids.

**A**. *B. came before me, one of the Justices for the County of \_\_\_\_\_ in the State of North-Carolina, and made Oath that he was examined by the Commissioners for the District of \_\_\_\_\_ appointed by the State for that Purpose, and obtained a Certificate setting forth that he served in \_\_\_\_\_, that he was disabled by \_\_\_\_\_, and that he now lives in the County of \_\_\_\_\_.*

Copy to be sent to the Comptroller.

VI. *AND be it further enacted*, That a Copy of each Affidavit, drawn according to the above Form, and dated, and attested by a Magistrate, be sent by the said Magistrate to the Comptroller aforesaid, and that a Counterpart of the same be given to the Person taking it to be exhibited to the Treasurer of the State.

Instructions to the Comptroller and Treasurer.

VII. *AND be it further enacted*, That the Comptroller shall annually transmit to the Treasurer an Account of the Persons whom he has registered as Invalids according to this Act, and who have been certified to him to be living within the State



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State on that Year, and the Sums to which they are respectively entitled, and the Treasurer is hereby authorized and required to discharge their annual Pensions accordingly.

## C H A P. XV.

*An Act for recovering Part of the Artillery belonging to this State.*

**W** H E R E A S it is represented that a considerable Number of heavy Cannon belonging to this State, were thrown into a River near *Edenton* during the late War lest they should fall into the Hands of the Enemy, and that it is probable the same may be recovered :

I. *BE it enacted by the General Assembly of the State of North-Carolina, That Joseph Blount, Josiah Collins and William Bennett, be and they are hereby appointed Commissioners for recovering the aforesaid Cannon; and they are authorized to contract with any Person or Persons for raising the whole of the said Cannon, or so many of them as shall be found, and depositing the same in a safe and proper Place; for which Service they may allow a reasonable Sum, not exceeding twelve Pounds for raising and securing each Piece of Cannon.*

Appointment of Commissioners, with their instructions.

II. *AND be it enacted by the Authority aforesaid, That as soon as the Cannon are raised and secured, and the Commissioners shall have reported the same to his Excellency the Governor, he shall give them a Draft on the Collector for Port Roanoke, for the Amount of the Services performed according to Contract; which Draught shall be allowed the Collector in the Settlement of his Account.*

Governor to grant a warrant on the Collector.

## C H A P. XVI.

*An Act empowering the Commissioners appointed to settle the Accounts between the United States and the State of North-Carolina, or the Creditors of the United States with the said State, to call Witnesses and examine them upon Oath or Affirmation touching such Accounts.*

**W** H E R E A S it hath been recommended by the Congress of the United States to the several Legislatures of the respective States, to empower by Law their Commissioner for settling Accounts, to call Witnesses and examine them upon Oath or Affirmation touching all Accounts and Claims against the United States: And whereas *James Hindman, Esquire*, hath been appointed Commissioner from Congress to the State of *North-Carolina*, for the Purposes aforesaid :

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the said James Hindman, Esquire, or his Successor in Office, shall have full Power to call before him, by Summons under his Hand and Seal directed to any Sheriff, Coroner or Constable, any Person or Persons whose Testimony may be deemed necessary on the Admission or Establishment of such Claims as may be exhibited before him, and to examine them upon Oath or Affirmation; which Oath or Affirmation the said Commissioner is hereby authorized to administer. Provided nevertheless, where the Person or Persons whose Testimony may be required, live distant from the Residence of the said Commissioner, then it shall and may be lawful for the said Commissioner to exhibit in writing such Interrogatories as may be necessary, which Interrogatories may be answered to upon Oath before the Commissioner for taking Affidavits in Causes in Law and Equity for the County wherein such Person or Persons as aforesaid dwell.*

Commissioner authorized to summon witnesses, and examine them upon oath, &c.

Proviso for examining distant; witnesses upon interrogatories.

II. *AND be it further enacted by the Authority aforesaid, That if any Person or Persons summoned by the said Commissioner, shall fail to appear or answer as aforesaid as the Case may be, the Party aggrieved by Reason of such Default shall be entitled to his Recovery at Law, by Action on the Case, for such Damages as it may appear has been suffered by such Default.*

Party injured may recover damages against witnesses failing to attend.

III. *AND be it further enacted by the Authority aforesaid, That if any Person or Persons shall before the said Commissioner swear or affirm falsely, and be thereof lawfully*

Witnesses swearing falsely before Commissioner to



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 be deemed guilty  
 of perjury.

lawfully convicted, he, she or they shall suffer as in Cases of wilful and corrupt Perjury.

C H A P. XVII.

*An Act to amend an Act for making Provision for the Poor.*

See act Nov.  
 1777, c. 7, and  
 acts there refer-  
 red to.

**W**HEREAS it appears to this General Assembly, that in some Counties within this State the Sheriffs have neglected to hold Elections for the County Wardens, whereby many of the poor People of this State who are proper Objects of Charity, are suffering for Want of necessary Supplies for their Support:

Wardens of the  
 poor to be chosen,  
 &c.

I. *BE it therefore enacted by the General Assembly, and it is hereby enacted by the Authority thereof,* That in all such Counties as have not elected Wardens according to Law, the Sheriff shall within two Months after the Passing of this Act, summons the Inhabitants to elect and chuse seven good and sufficient Freeholders to act as Wardens of the Poor; and such Wardens so elected, shall within twenty Days meet at the Court-House and qualify, after which they shall be under the same Rules, Regulations and Restrictions as those who have heretofore qualified according to Law.

C H A P. XVIII.

See acts Nov.  
 1777, c. 7, and  
 acts there refer-  
 red to.

*An Act to empower the County Wardens of the Poor for the Counties therein mentioned, to build Houses in their respective Counties for the Reception of the Poor, and other Purposes.*

**W**HEREAS the Poor should always be an Object of legislative Attention:

Tax for support  
 of the poor.

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That a Tax not exceeding the Sum of two Shillings, shall be laid on every taxable Person; and also a Tax not exceeding eight Pence, on every hundred Acres of Land; and a Sum not exceeding two Shillings, on every hundred Pounds Value of Town Lots, in the Counties of *Northampton, Nash, Halifax, Chowan, Carteret, Wayne and Onslow*; where the Wardens shall judge it expedient for discharging Arrears due, and for the Support of their Poor: Which Tax shall be collected by the same Persons appointed to collect the public Taxes, and to be accounted for under the same Restrictions as other public Taxes are: Which said Taxes when collected, shall be paid into the Hands of the County Wardens, to be applied to the Discharge of Arrears due from their respective Counties; and also to purchase such Quantity or Quantities of Land as shall be expedient to erect a House or Houses thereon, for the Purpose of receiving into and maintaining the Poor of their said Counties; and all such Land and Houses when purchased and built shall be and remain for the Use of the Counties aforesaid under the Direction of the Wardens of the Poor for the said Counties and to their Successors forever.

Application.

Persons distract-  
 ed to be provided  
 for.

II. *AND be it further enacted by the Authority aforesaid,* That Persons being either distracted or otherwise deprived of their Senses, so that the Wardens shall judge them incapable of Self-Preservation, shall be under the Care of said Wardens, who are empowered to keep them confined in such Houses so long as they may judge necessary.

C H A P. XIX.

See act Nov.  
 1777, c. 7, and  
 acts there refer-  
 red to.

*An Act to empower the Wardens of the Poor to call to Account all former Sheriffs, Clerks of County Courts, and other Persons who have not accounted for Taxes and Fines by them received, which are appropriated to or intended for the Support of the Poor in the several Counties within this State.*

**W**HEREAS in many of the Counties within this State there are Arrears yet due from the Sheriffs, Clerks of County Courts, and other Persons who



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who collected the Parish Taxes under the former Government, and received Fines which were intended for the Support of the Poor, and have not accounted for the same with the Wardens of the Poor in their respective counties:

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the Ratification of this Act, the Wardens of the Poor in each respective County within this State are hereby authorized and required at their first Meeting, or any other Time after the passing of this Act, to cite each Person being in Arrears as aforesaid, or his or their Securities, Executors or Administrators, to appear on a certain Day at the Place where the said Wardens usually meet for the transacting the Business enjoined them by their Office; which Citation shall be executed at least ten Days before the said Meeting:

Wardens to cite those in arrear.

II. *A N D* be it further enacted by the Authority aforesaid, That if any Person or Persons as before mentioned, shall after being thus cited refuse or neglect to appear agreeable to such Citation, and settle his or their Accounts, and pay into the Hands of the County Wardens all such Monies as shall by any Means appear to be due for the Purpose before mentioned, then and in such Case the County Wardens of the County wherein such delinquent Debtor or Debtors reside, are hereby required to commence a Suit or Suits against such Debtor or Debtors, his or their Securities, and Executors or Administrators for the same, before any Jurisdiction having Cognizance thereof, to be recovered with Costs in the same Manner by which other Debts are recoverable.

Liable to prosecution for not appearing.

C H A P. 20. *An Act for the better Regulation of the Town of Tarborough.* P R I V.

21. *An Act for the more speedy determining Disputes that have arisen, or hereafter may arise in the Counties of Rowan, Mecklenberg, Kutherford, Guilford, Lincoln and Rockingham, from erecting Mill-Dams, and to prevent Persons from building Mills as herein described.* P R I V.

## C H A P. XXII.

*An Act for the Relief of the Widows or Children of Officers who have died in the Service of the United States.*

W H E R E A S it was resolved by the United States in Congress assembled, on the twenty-fourth of August, one thousand seven hundred and eighty, " That the Resolution of the fifteenth Day of May, one thousand seven hundred and seventy-eight, granting Half-Pay for seven Years to the Officers of the Army who should continue in Service to the End of the War, be extended to the Widows of those Officers who have died or shall hereafter die in the Service, to commence from the Time of such Officer's Death and continue for the Term of seven Years, or if there be no Widow, or in Case of her Death or Intermarriage, the said Half-Pay be given to the Orphan Children of the Officers dying as aforesaid if he shall have left any; and that it be recommended to the Legislatures of the respective States to which such Officers belong, to make Provision for paying the same on the Account of the United States:" And whereas Justice and Humanity require that the utmost Attention be paid to the Families of those Patriots who have died in the Service and Defence of their Country:

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Widows, or where there are no Widows, the Children of such continental Officers belonging to the Line of this State as have died while they were in the Service of the United States, shall be, and they are hereby declared to be entitled to receive from the Treasury of this State, per Account of the United States, annually and every Year, for the Term of seven Years, a Sum equal to the Half of the Pay to which such Officers respectively were entitled at the Time of their Death.

Sum equal to half pay for seven years to widows or orphans.



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Warrant to be granted on the treasury.

Proviso.

Restrictions on claims under divers acts.

II. *AND be it further enacted*, That the Governor of the State for the Time being shall on the first Day of *January* every Year for the Term of seven Years, beginning on the first Day of *January*, one thousand seven hundred and eighty-six, issue a Draught on the Treasury in Favour of the Widows of the several continental Officers belonging to the Line of this State who died in the Service of the United States, or in Case there is no Widow, to the Children or the Guardian or legal Representative of the Children of such Officers respectively, for a Sum of Money equal to Half of the Pay to which such Officers were entitled by the Year, according to the Commission they held in the Army at the Time of their Death. *Provided nevertheless*, That no Draught shall issue in Favour of any Widow or Child of any deceased Officer, until a Certificate is produced, duly attested before some Justice of the Peace, that such Person is living and is the Widow or Child of the Officer under whom they claim.

III. *AND be it further enacted*, That no Person who is entitled to the Benefits of this Act, nor of another Act passed at the present Session of the General Assembly, entitled, *An Act for the Relief of wounded and disabled Officers, Soldiers and Seamen, &c.* shall have any Claims on the State under a former Act, entitled, *An Act for the Relief of such Persons as have been disabled by Wounds, or rendered incapable of procuring for themselves and Families Subsistence, in the Militia Service of this State, and providing for the Widows and Orphans of such as have died*, or of an Act to amend said Act.

## C H A P. XXIII.

*An Act for the dividing the County of Guilford.*

**W**HEREAS the Extent of the County of *Guilford* and different Water-Courses in the same, render it inconvenient and troublesome to many of the Inhabitants thereof to attend the Courts and general Elections, and other public Meetings appointed therein :

Division line to be run.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That from and after the passing of this Act the said County of *Guilford* be divided by an East and West Line, beginning at *Haw-River* Bridge, near *James Martin's*; and that all that Part of the late County of *Guilford* which lies to the South of the said Line, shall continue and remain a distinct County by the Name of *Guilford*; and all that other Part of the said County of *Guilford* which lies North of the said dividing Line, shall thenceforth be erected into a new and distinct County by the Name of *Rockingham*.

[*The Remainder unnecessary to be inserted.*]

## C H A P. XXIV.

*An Act to prevent Persons from stopping or obstructing Ways leading to Houses of public Worship.*

**W**HEREAS it may happen that Persons may be possessed of Lands in such Manner as to enable them to stop and obstruct the usual Ways leading to Houses of religious public Worship:

Fine for obstructing ways leading to houses of worship, &amp;c.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That any Person who shall under Pretence of owning the Land or Lands adjoining or surrounding any Church, Meeting-House, or other House or Houses of religious public Worship, stop or obstruct, or cause the same to be done, the usual Way or Ways leading to or from any of the aforesaid Places of public Worship, or Springs or Wells thereby used, shall forfeit and pay the Sum of five Pounds for every such Offence, to be recovered by an Action of Debt in any Court of Record in this State; one Half to go to the Person suing for the same, the other Half to be applied to the Maintenance of the Poor of such County, any Law or Custom to the contrary notwithstanding. *Provided always*, That Nothing herein shall subject any Person to the Penalty aforesaid, who shall surround any Spring or Well with a Fence, if such Fence shall

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shall not absolutely render a Passage to such Spring or Well impracticable. *And* <sup>Proviso.</sup> *provided also*, That no surrounding any Piece of Land, through which any of the aforesaid Ways shall lead, with a Fence, shall subject any Person to the said Penalty, if a Passage shall be left to the Church, Meeting-House or Place of religious public Worship of the same Width at least that such Way was usually of. *And provided also*, That this Act shall not be in Force until the first Day of April  
NEXT.

## C H A P. XXV.

*An Act to amend an Act to empower the County Courts of Pleas and Quarter-Sessions of the several Counties in this State, to order the laying out public Roads, and to establish and settle Ferries, and to appoint where Bridges shall be built, and to clear inland Rivers and Creeks.* <sup>See act Oct. 1784, c. 14.</sup>

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That the Justices of the County Courts where any inland River or Stream of Water, is or shall be the Line of the County whereof they are Justices, shall have all the Powers and Authority given by the said Act, the Title whereof is above recited, for the Purposes therein mentioned, to the Justices of the County Court of any County through which an inland River or Stream doth run. <sup>Power of Justices extended.</sup>

II. *AND* be it further enacted by the Authority aforesaid, That the Justices of each of the said Courts respectively, where any such inland River or Stream should run through the County, or be a Line of the County whereof they are Justices, shall have full Powers and Authority, where the same shall appear necessary and expedient to them, to direct the Commissioners by them appointed in Virtue of this Act, and the said Act the Title whereof is above recited, to purchase or hire a Flat, with a Windlafs, and the Appurtenances necessary to remove loose Rocks and other Things which may by such Means be more easily removed, and allow the same Flat, Windlafs and Appurtenances to be paid for out of the County Tax. *Provided nevertheless*, That Nothing in this Act contained shall affect private Property. <sup>To remove obstructions.</sup>

## C H A P. XXVI.

*An Act for securing Literary Property.*

**W**HEREAS Nothing is more strictly a Man's own than the Fruit of his Study, and it is proper that Men should be encouraged to pursue useful Knowledge by the Hope of Reward; and as the Security of literary Property must greatly tend to encourage Genius, to promote useful Discoveries and to the general Extension of Arts and Commerce:

I. *B*E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Author of any Book, Map or Chart, not hitherto printed, who is a Citizen of the United States, and his Heirs or Assigns, shall have the sole Liberty of printing, publishing and vending the same within this State for the Term of fourteen Years, to commence on the Day of its Publication; and if any Person or Persons within the said Term of fourteen Years, shall presume to print, reprint or publish any such Book, Map or Chart within this State, or shall import any Copy or Copies of the same, which have been reprinted beyond the Limits of the State, and shall knowingly publish, distribute or vend the same without the Consent of the Author or Proprietor, in writing, signed in the Presence of two credible Witnesses, such Offender or Offenders shall forfeit to the Proprietor all the Books, Maps or Charts thus printed, reprinted, imported, published or offered for Sale, together with double the Value of the Articles so imported; one Moiety of which Money shall go to the State, the other Moiety to him who shall sue for the same for the Benefit of the Party injured, in any Court of Record within this State. *Provided nevertheless*, That no Author or Proprietor of any such new Book, Map or Chart, shall be entitled to the Benefit of this Act, unless he shall before Publication duly enter his Name <sup>Author's privilege.</sup> <sup>Pen. for any infraction of it.</sup> <sup>Proviso.</sup>



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as Author or Proprietor, together with the Title of the Book, Map or Chart to be published in the Office of the Secretary of the State, who is hereby directed to enter the same on Record; nor unless he shall before Publication have delivered to the Secretary of the State one Copy of such Book, Map or Chart, for the Use of the Executive of the State; of which Entry and for which Copy the Secretary is hereby required to give him a Certificate and Receipt.

Judges empowered to settle the price, &c. if deemed extravagant.

II. *AND be it further enacted*, If the Author or Publisher of any Book as aforesaid, shall set an unreasonable Price on the same, Regard being had to the probable Labour, Expence and Risk of such Author or Publisher, the Judges of the Supreme Court, on Complaint thereof made in Writing by two or more Persons, are hereby authorized and empowered to summons such Author or Publisher to appear before next Supreme Court, to be holden in that County or District where such Author or Publisher usually resides; and said Court shall enquire into the Justice of the Complaint, and if the same on full Examination shall appear to be well founded, they shall correct or settle the Price; and if said Author or Publisher after such Price is fixed by the Court, shall sell any Book at a higher Rate, he shall for every Offence forfeit twenty Spanish milled Dollars, one Moiety to the State and the other Moiety to the Person who shall sue for the same.

Pen. for disobeying their order.

What authors in other states to have the benefit of this act.

III. *AND be it further enacted*, That every Author who is a Citizen in any of the United States, and whose Work shall originally be published in any of the United States where Laws similar to this are or may be passed for the Security of literary Property, or his Assigns, being also Citizens of the United States, shall be entitled to the Benefit of this Act and none others. *Provided always*, That Nothing contained in this Act shall be construed to prevent any Person from reprinting any Book, Map or Chart that has been published; or from importing, reprinting or publishing any Book, Map or Chart that shall be originally published in any other Country; nor shall any Thing in this Act be construed to encourage or protect any Authors or Publishers of Books, Maps or Charts, which may be dangerous to civil Liberty, or to the Peace or Morals of Society.

Proviso.

#### C H A P. XXVII.

*An Act for ascertaining the Duties and Salary of the Public Printer.*

**W**HEREAS general Complaints have been made of the Want of Dispatch or Punctuality in printing or distributing the Laws of this State: For Remedy whereof,

Printer's salary.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That it shall be the Duty of the Printer for this State, who shall be chosen by the joint Ballot of the two Houses of Assembly, to print the Laws and Journals of the General Assembly, the Governor's Proclamations, such Accounts of the Executive Officers as the General Assembly may order to be printed for public Information, and such Bills as they may order to be printed for Consideration, and to print the Titles of such Laws as shall pass during each Session, one Copy for each Member, and the Certificates for the Attendance of the Members.

Number of laws and journals, &c. to be printed.

II. *AND be it further enacted*, That one thousand one hundred and six Copies of the Laws shall be printed on a good Type, one hundred and sixty-two Copies of the Journals of each House of Assembly, and one hundred and sixty-two Copies of the several Proclamations, Accounts or Bills ordered to be published; and that the whole of the Laws and Journals be printed on Paper of the same Size.

Where and to whom to be delivered.

III. *AND be it further enacted*, That the public Printer shall with all convenient Dispatch, cause the Laws and Journals to be delivered at the Office of the Clerk of the Supreme Court in the Districts of *Edenton, Newbern, Wilmington, Halifax, Hillsborough, Salisbury and Morgan*, in the following Manner, *viz.* He shall deliver at *Edenton*, for the several Counties in that District, one hundred and seventy-six Copies of the Laws, and twenty-eight Copies of the Journals; at *Newbern*, for the Counties in that District, one hundred and eighty Copies of the Laws, and twenty-eight Copies of the Journals; at *Halifax*, for the several Counties in that District, one hundred and thirty Copies of the Laws, and twenty-two Copies



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Copies of the Journals; at *Wilmington*, for the Counties in that District, one hundred and sixty Copies of the Laws, and twenty-five Copies of the Journals; at *Hillsborough*, for the Counties in that District, one hundred and fifty Copies of the Laws, and nineteen Copies of the Journals; at *Salisbury*, for the Counties in that District, one hundred and eighty Copies of the Laws, and twenty-five Copies of the Journals; and he shall deliver to the Clerk of the District Court for the District of *Morgan*, one hundred and thirty Copies of the Laws, and fifteen Copies of the Journals, for the several Counties in that District and in the District of *Washington*.

IV. *AND be it further enacted*, That the public Printer shall be allowed the Sum of five hundred Pounds by the Year, in full for performing the public Printing, including the Price of Paper and the whole of his Trouble and Expence in distributing the Acts and Journals as before directed; one Half of which Sum shall be advanced at the first Session of the several General Assemblies, the other Half as soon as he shall have produced to his Excellency the Governor for the Time being, Receipts from the several District Clerks referred to, that he has furnished them respectively with a proper Number of the Laws and Journals. 500l. salary.

V. *AND be it further enacted*, That the public Printer shall give a Bond with sufficient Security to the Governor for the Time being, conditioned for Payment of double the Sum that may be advanced him if he does not well and truly perform the Duties of his Office. Security for performance.

- C H A P. 28. *An Act for destroying Wolves, Wild-Cats, Panthers, Bears, Crows and Squirrels in the several Counties therein mentioned. P R I V.*
29. *An Act for the Promotion of Learning in the County of Davidson. P R I V.*
30. *An Act to erect and establish an Academy in the County of Duplin. P R I V.*
31. *An Act empowering the Commissioners of the Town of Edenton to convey Part of the Town Commons to the Trustees of Smith's Academy. P R I V.*
32. *An Act for establishing an Academy at Kinston, in the County of Dobbs, and to amend the Act establishing the Academy in the District of Salisbury. P R I V.*

## C H A P. XXXIII.

*An Act to allow a further Time for saving Lots in the several Towns within this State.*

**W**HEREAS the Time allowed by Law for saving Lots in the several Towns of this State, will expire on the second Day of *June* next:

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That a Term of ninety-nine Years from and after the passing of this Act be given to all Persons who hold Lots in any of the Towns within this State, for the compleating their Buildings, agreeable to the respective Acts of Assembly in those Cases made and provided, any Law to the contrary notwithstanding. 99 years to save lots.

- C H A P. 34. *An Act to amend the Acts passed for purchasing a Lot or Lots in the Town of Wilmington, for the Purpose of building a Gaol for the District of Wilmington, and for the repairing the Court-House of said District. P R I V.*
35. *An Act to empower certain Persons therein named to receive, sue for and recover all such Bequests, Donations, Benefactions and other Things as have heretofore been bequeathed, given or made by any Person or Persons whatsoever, for the Use of the Congregation or Society of the Presbyterian Communion at Wilmington. P R I V.*

## C H A P. XXXVI.

*An Act for annexing Part of the County of Pitt to Beaufort County.*

**W**HEREAS many of the Inhabitants of the County of *Pitt* have petitioned to be annexed to the County of *Beaufort*:

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Division line.

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, all that Part of the County of Pitt included in the following Bounds, beginning at Craven County Line where it crosses Creeping-Swamp, and running with Creeping-Swamp and Checod-Swamp to the Mouth of Round-Island Branch, then a direct Course to the Mouth of Pitch-Hole Branch, then with the Swamp to Bear Creek, then down Bear Creek to Tar River, then down the River on the North Side to the Mouth of Tranter's Creek, then up said Creek to Martin County Line, then with Martin, Beaufort and Craven Lines to the Beginning, be and the same is hereby annexed to and shall be and remain a Part of the County of Beaufort: Provided always, Nothing in this Act shall be understood to prevent the Sheriff of the County of Pitt from collecting all public Taxes now due in that Part of said County which comes within the Description of this Act.*

II. [*Unnecessary to be inserted.*]

- C H A P. 37. *An Act to empower Roberfon Mumford and James Porterfield to receive Storage of Tobacco inspected and deposited in such Warehouse or Houses as they shall build at Fayetteville. P R I V.*
38. *An Act vesting certain Property lying and being in Granville County, in Mary Alston Bell, in Fee-Simple. P R I V.*
39. *An Act to vest the Estate of Richard Caswell, junior, in Trustees for the Benefit of his Creditors. P R I V.*
40. *An Act to prevent the Sale of such of the Lands of Ralph Macnair, dec. as remain unsold in this State, and to empower Edward Hall, of Edgcomb County, Executor of the last Will and Testament of the said Ralph, to collect the Debts due from the Inhabitants of this State to the said Ralph, which have become due to him since the passing of the Law commonly called the Expulsion Act. P R I V.*
41. *An Act for the Relief of Mercy Bedford, and to vest in the Heirs of Jonas and Mercy Bedford the Landed Estate of the said Jonas Bedford. P R I V.*
42. *An Act to restore to Edward Bridgen, his Heirs and Assigns, all his Property, real and personal, in this State. P R I V.*
43. *An Act to release certain Persons therein mentioned from Judgments on forfeited Recognizances, and to empower the Judges to suspend Judgments hereafter to be given in like Cases. P R I V.*
44. *An Act for appointing a Treasurer in the District of Edenton, for the Purpose of calling to Account the Commissioners for building a public Gaol in the District aforesaid. P R I V.*
45. *An Act to alter the Place of holding the County Court of Beaufort County from Bath to the Town of Washington in said County, and to erect a new Court-House, Prison, Pillory and Stocks in said County. P R I V.*

## C H A P. XLVI.

*An Act to empower the Freeholders and Freemen of the Counties of Washington, Sullivan and Greene, to return their Representatives otherwise than is hitherto directed.*

**W** H E R E A S it is represented to the General Assembly that many of the Inhabitants of Washington, Greene and Sullivan Counties have withdrawn their Allegiance from this State, and have been erecting a separate temporary Government among themselves in consequence of a general Report and Belief that the State being inattentive to their Welfare had ceased to regard them as Citizens, and had made an absolute Cession both to the Soil and Jurisdiction of the Country in which they reside to the United States in Congress: And whereas such Report was ill-founded, and it was and continues to be the Desire of the General Assembly of this State to extend the Benefits of civil Government to the Citizens Inhabitants of the Western Counties until such Time as they might be separated with Advantage and Convenience to themselves; and as the Assembly are ready to pass over and consign to Oblivion the Mistakes or Misconduct of such Persons in  
the



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the above mentioned Counties as have withdrawn themselves from the Government of this State, to hear and redress their Grievances if any they have, and to afford them the Protection and Benefits of Government until such Time as they may be in a Condition from their Numbers and Wealth to be formed into a separate Commonwealth, and be received by the United States in Congress as Members of this Union :

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority aforesaid,* That all Matters and Things done and transacted by the Inhabitants of the Counties aforesaid, in setting up or endeavouring to set up an independent Government and carrying on the same, are hereby pardoned and put in total Oblivion, provided they return to their Allegiance to this State. Amnesty.

II. *AND* whereas it is probable that in some of the Counties before mentioned, though the Freeholders and Freemen thereof may be desirous of being represented in the General Assembly of this State, the Court may neglect to appoint Inspectors to superintend at the Election for Members of Assembly, or there may not be any Justices present at the Time and Place of the Election to appoint Inspectors : *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* On the Day or Days appointed by Law for the Election of Members of Assembly, it may and shall be lawful for the Freemen, Inhabitants of the Counties of *Washington, Greene and Sullivan*, being convened at the Court-House of their respective Counties, or at such other Place as the Courts usually sit, to proceed to choose by Ballot Members to represent them in the General Assembly of this State, under the Inspection of any three good and honest Men whom they may prefer in Cases where the Court or the Justices may have neglected to appoint Inspectors for that Purpose ; and a Return or Certificate in Favour of the Members thus chosen, and signed by any two of the Inspectors thus appointed, shall be considered as good and valid Certificate, any Law, Custom or Usage to the contrary notwithstanding. And the Inspectors shall also return at the same Time the Names and Numbers of the Freeholders and Freemen who may vote at the Election of the Members to be chosen. Election to be held.

## C H A P. XLVII.

*An Act to establish a Superior Court of Law and Equity in the County of Davidson.*

See act Nov. 1788, c. 31.

**W**HEREAS the very remote Situation of the County of *Davidson* from the other inhabited Parts of this State, renders it necessary for the Determination of civil Suits and the Punishment of public Offences committed in the said County, that a Court of supreme Jurisdiction be established therein :

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That one Judge shall be commissioned by his Excellency the Governor for the Time being, first being elected by joint Ballot of the General Assembly for this Purpose, to hold a Superior Court of Law and Equity in the said County, to be stiled the Superior Court of Law and Equity for the County of *Davidson*, twice in each Year at *Nashville*, to wit, On the first *Monday* of *May* and the first *Monday* of *November* annually, to be continued by Adjournment for ten Days exclusive of *Sundays* (if the Business therein depending should be found to require it) which said Judge so long as he shall continue in Office as well within Court as without, shall have and exercise exclusively the same Jurisdiction, Power and Authority in and over all Controversies, Cases and Matters in Law or Equity arising within the said County of *Davidson*, to all Intents and Purposes whatever as the Judges of this State now have or can lawfully exercise. Judge to be appointed for *Davidson*.  
His authority & power.

II. *AND be it further enacted,* That the Court of Pleas and Quarter-Sessions for the said County, at the Court that shall happen next before each sitting of the said Superior Court, shall nominate and cause to be summoned forty-eight Householders to attend the same as Jurors ; who shall be bound to give their Attendance accordingly, under the same Penalties for Disobedience as Jurors summoned to attend the other Superior Courts in this State. Jurors.

III. *AND*



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Judge's allow-  
ance.

III. *AND be it further enacted*, That the said Judge for his Service in attending at and holding the said Courts, shall be allowed fifty Pounds *per* Court, to be paid by the County Treasurer of *Davidson*, on his producing a Certificate from the Clerk of the Court that he has performed the Service.

Line of jurisdic-  
tion.

IV. *AND be it further enacted*, That no Person in the County of *Davidson* shall be subject to any Action, real and personal or mixed, to be institute against him, in any of the Courts on the East Side of the *Apalachian* Mountains; and no Person on the said East Side of the *Apalachian* Mountains shall be subject to any Action, real, personal or mixed, in the Court of *Davidson*.

- CHAP. 48. *An Act for levying a Tax in the District of Halifax, to discharge a Balance due for repairing the Court-House and Jail of said District.*  
P R I V.
49. *An Act to alter the Manner of holding Elections for Members of the General Assembly in New-Hanover County.* P R I V.
50. *An Act to empower the County Courts of Johnston and Duplin to levy a further Tax on the Inhabitants of said Counties for defraying the Expence of building the Court-House, Prison and Stocks in the same.* P R I V.
51. *An Act to empower the Justices of Hertford and Tyrrel Counties to establish free Ferries in the said Counties, and lay a Tax for defraying the Charges of the same.* P R I V.
52. *An Act for the Inspection of Tobacco in the County of Davidson, in the Town of Nashville, on Cumberland River.* P R I V.
53. *An Act for empowering the Court of Randolph County to adjourn to the Place which they shall think most convenient for holding the same.*  
P R I V.
54. *An Act to prevent the Distillation of Spiritous Liquors for the Time therein mentioned in the County of Davidson.* P R I V.
55. *An Act for appointing Commissioners in the County of Rutherford for building a Court-House, Prison and Stocks in said County, and for levying a Tax for defraying the Expences thereof.* P R I V.
56. *An Act for the Inspection of Tobacco in the Town of Windsor.* P R I V.
57. *An Act for the Inspection of Tobacco in certain Western Counties.* P R I V.
58. *An Act for the Inspection of Tobacco in the County of Surry.* P R I V.
59. *An Act for erecting a Town on the Lands of Whitmill Hill, in Martin County, on Roanoke River.* P R I V.
60. *An Act for establishing a Town on the Lands of Mial Scurlock, deceased, in Chatham County.* P R I V.
61. *An Act for laying out a Town on the Lands of Jesse Peacock, in the County of Sampson.* P R I V.
62. *An Act for erecting a Town on the Lands of Luke Mazell and William Mackay, on the South Side of Roanoke River, in Martin County.* P R I V.
63. *An Act for erecting and establishing a Town in the County of Lincoln.*  
P R I V.
64. *An Act to establish the Town laid off at Guilford Court-House by the Name of Martinville.* P R I V.
65. *An Act to establish a Town in the Fork of Cumberland and Red River, on the East Side of Red River, in Davidson County.* P R I V.
66. *An Act to amend an Act, to establish the Town of Morgan, and to direct the building a Court-House and Prison in the same for the District of Morgan.* P R I V.
67. *An Act to amend an Act for establishing a Town on the Land of Richard Evans, by the Name of Martinborough, passed at Newbern, 1771; also to amend another Act to amend the before recited Act, passed at Newbern, in March, 1774.*

*Read Three Times, and ratified in General Assembly, the }  
Twenty-ninth Day of December, Anno Dom. 1785. }*

A L E X. M A R T I N, S. S.  
R I C H A R D D O B B S S P A I G H T, S. C.



L A W S

O F

N O R T H - C A R O L I N A .

At a GENERAL ASSEMBLY, begun and held at Fayetteville, on the Eighteenth Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty-six, and in the Eleventh Year of the Independence of the said State: Being the First Session of the said Assembly.

RICHARD CASWELL, Esq.  
Governor.

C H A P I .

*An Act for raising Troops for the Protection of the Inhabitants of Davidson County.*

WHEREAS the frequent Acts of Hostility committed by the *Indians* on the Inhabitants of *Davidson* County for a considerable Time past, renders it necessary that some Measures should be taken for their Protection:

I. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That two hundred and one Men shall be enlisted and formed into a military Body, for the Protection of the Inhabitants of *Davidson* County, in such Manner and Form, and under such Regulations and Rules, as are herein after mentioned; whose Time of Service shall continue for two Years, commencing from the Day of their first general Rendezvous at the lower End of *Clinch* Mountain, unless sooner disbanded by the General Assembly.

201 men to be raised for 2 years from the day of their rendezvous.

II. *AND* be it further enacted, That the said Troops, when raised and embodied, shall be formed into three Companies, each Company consisting of sixty-seven Men, and officered by one Captain, one Lieutenant, one Ensign and four Serjeants; the whole to be under the immediate Command of one Major: The Major, Captains, Lieutenants and Ensigns to be elected by joint Ballot of both Houses of the General Assembly, and commissioned by his Excellency the Governor for the Time being: The Serjeants to be chosen and appointed by the commissioned Officers, or the Majority of them, being assembled for that Purpose by the Commanding Officer.

How officered.

III. *AND* be it further enacted, That each Captain, Lieutenant and Ensign to be commissioned by Virtue of this Act, shall upon the Receipt of his Commission, without Delay, repair to such Place as shall be directed by his Commanding Officer, for the Purpose of enlisting Troops, and use his utmost Diligence in so doing; and shall from Time to Time and as often as possible, give Information to his said Commanding Officer of the Progress he shall have made in that Business; and the said Commanding Officer, so soon as he shall discover that a sufficient Number of Troops have been raised, shall give Intelligence thereof to his Excellency the Governor for the Time being, who with the Advice of the Council of State, shall give Orders for the marching the said Troops from Time to Time, into the *Cumberland* Settlements; and the present Field Officers of *Davidson* County are hereby authorised and required to give Directions for the Disposition of the said Troops, into such Proportions and at such Places, as may be deemed most likely to intimidate the *Indians*, and prevent their Incurfions into the *Cumberland* Settlements; but nevertheless, the Commanding Officer of the said Troops, in

Officers appointed to enlist, &c.

Disposition of the troops, &c.



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Commanding of-  
ficer's authority.

Cases of Emergency, or when the Situation of Affairs or Alteration of Circumstances shall make it immediately necessary, may take such other Measures, and make such other Disposition of the said Troops, although not directed thereto as aforesaid, as may be deemed most conducive to the Safety of the Inhabitants aforesaid.

Discipline.

IV. *AND be it further enacted*, That the said Troops, when raised and entered upon Service, shall be trained and disciplined according to such Modes as the Commanding Officer shall judge most proper, to enable them to oppose the *Indians* in their Manner of fighting with Success; but shall be subject to the same Rules with Respect to their Government, as were established in the Time of the late War by the Congress of the United States for the Government of the continental Army.

Rules for their  
government.What each soldi-  
er shall be enti-  
tled to receive.  
Arms.

V. *AND be it further enacted*, That every able bodied Man who shall be enlisted into the said Service, and shall furnish himself with one good rifled or smooth bored Gun fit for Service, one good Picker, Shot-Bag and Powder-Horn, twelve good Flints, one Pound of good Powder, and two Pounds of good leaden Bullets or Buck Shot suitable to his Gun, shall be entitled to receive from this State on the first Day of *October*, in each Year of his Service, one Blanket, two Pair of Stockings, two Pair of Shoes, two Shirts, two leather Stocks, one good Hunting-Shirt, one good woollen or fur Hat of a middle Size, one Pair of buckskin Breeches, and one Waistcoat lined, to be provided and furnished by a Clothier to be appointed by his Excellency the Governor for the Time being; who shall be furnished in convenient Time by the Commanding Officer of the said Troops, with a Certificate sworn to before some three or more Justices of some County within this State, with the Amount of the Number of Troops under his Command entitled to draw Clothes according to this Act, which the said Clothier shall present to the Governor for the Time being, together with the whole Amount of each Article wanted for the Troops, and thereupon his Excellency shall grant him a Warrant on the Treasury for a Sum sufficient to purchase the said Articles at a moderate Rate, and to defray the Expence of making them into Suits, and removing them to the Troops: And the said Clothier shall purchase the said Articles, and cause them to be made up into Suits, and delivered to the Troops at the Times aforesaid, taking a Receipt from each Soldier, attested by the Captain of the Company to which he may belong; for all which Services the said Clothier shall be allowed by the General Assembly on the Settlement of his Accounts, a Sum not less than the Amount of the yearly Pay hereby appointed for a Captain in the said Troops.

Cloathing.

Provisions.

VI. *AND be it further enacted by the Authority aforesaid*, That the Justices of the Peace for the County of *Davidson*, or the major Part of them, for that Purpose assembled, shall be and they are hereby authorized and required from Time to Time, so long as the said Troops shall continue in Service, to impose a Tax on the Inhabitants of *Davidson*, leviable in Corn, Pork, Beef or other Species of Provision for the Support of the said Troops, to be collected at such Times and Places, by such Ways and Means, under such Regulations, by such Persons, and in such Proportions as the said Justices, or the major Part of them, shall appoint and direct: And also, the said Justices, or the major Part of them, shall be empowered to appropriate the public Money Tax leviable on the Inhabitants aforesaid, (if Need should be) to the Purpose of defraying the Expence of removing the Provisions from the Place or Places of Collection to the several Stations of the Troops; and the said Justices, or the major Part of them, shall appoint an Officer to superintend the Collection and Removal of the Provisions to the Troops, who shall be entirely subject to the Directions of the Commanding Officer, with Respect to the Place, Time and Quantity of Provisions to be delivered, but to be accountable for his Receipts to, and to be paid by the said Justices, or the Majority of them, out of the Money Tax aforesaid, and to be removable by them at Pleasure. And the Collector or Collectors of the several Species of Provision before mentioned, shall give Receipts to the several Persons of whom they shall receive any of the before mentioned Provisions, which Receipts shall be received by the Collectors of the public Taxes at such Rates as shall be settled by the Justices of the said County of *Davidson*,



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*Davidson*, or a Majority of them, and they shall be proper Vouchers for the said Collector in the Settlement of his Accounts with the County Treasurer, and also for the said County Treasurer in the Settlement of his Accounts with the public Treasurer, any Law to the contrary notwithstanding.

VII. *AND be it further enacted*, That the Officers of the said Troops shall be allowed the same Cloathing herein before allowed to the Soldiery, to be furnished by the Clothier of the Troops, for which he shall be entitled to a Warrant on the Treasury. Cloathing for officers.

VIII. *AND be it further enacted*, That the Officers and Privates of the said Troops shall be allowed the same Pay and Rations (spiritous Liquors excepted) as are allowed to the Militia Officers and Privates (Regard being had to the Ranks of Officers) when in the actual Service of this State: The Payments to be made on the last Day of each Year's Service, or within sixty Days after their being disbanded. Pay and rations;

IX. *AND be it further enacted*, That the same Person who shall be appointed Clothier to the said Troops, shall also act as Paymaster to them, and shall at a convenient Distance before each Day of Payment exhibit to his Excellency the Governor a List, signed by the Commanding Officer, countersigned by the Captain or Commanding Officer of each Company, and sworn to before some Justice of the Peace, specifying the Number of Troops then in Service entitled to draw Pay, and the Day from which each Man's Pay commenced, and all such as shall have died in the Service, with the Amount of the Sums due at their Death, and the total Sum due the Troops. And the said Paymaster shall thereupon obtain a Draft on the Treasury for such total Sum, and shall proceed to the Distribution thereof, taking a Receipt from each Man of the Sum paid, attested by the Captain of the Company. Paymaster's duty.

X. *AND be it further enacted*, That the Captain or Commanding Officer of each Company shall monthly make out a Pay-Roll of his Company, which he shall swear to and sign, and the same be countersigned by the Commanding Officer of the Troops, which shall be transmitted to the Treasurer of this State in order to make Settlement with the Paymaster of the said Troops. Pay-rolls to be sent to the Treasurer.

XI. *AND be it further enacted*, That the said Clothier and Paymaster, before entering on the Exercise of his Office, shall give Bond with sufficient Security, in such Sum as his Excellency the Governor for the Time being shall direct, for the due Application of all Monies to be received by him according to the Directions of this Act, and for the faithfully accounting for the same before each General Assembly that shall happen in this State during the Continuance of the said Troops in Service, and also before the General Assembly that shall happen next after the Determination of the said Service, unless his Accounts should be then fully settled and balanced. Clothier and Paymaster to give security.

XII. *AND be it further enacted*, That the Person to be appointed Clothier and Paymaster by Virtue of this Act, shall provide and furnish the said Troops from Time to Time with such Quantities of Lead and Gun Powder as shall be required by the Commanding Officer of the Troops, and to that End shall be enabled to draw on the Sheriff of *Davidson* County for all such Sums of Money belonging to the Public that shall happen to be in his Hands, as shall be necessary for that Purpose. Lead & powder.

XIII. *AND be it further enacted*, That every Private to be raised by Virtue of this Act shall be allowed four hundred Acres of Land, to be laid off and allotted in some Part of this State West of the *Cumberland* Mountain, in full Satisfaction of the Half of the first Year's Pay that shall be due; and in the same Proportion for the Time that he shall serve over and above one Year, in full Satisfaction of one Half of the Pay that shall be due him for such further Service. And also the Commanding Officer of the Troops shall be allowed two thousand Acres of Land, to be allotted as aforesaid, in full Satisfaction of Half the Pay that shall be due him for the first Year's Service, and in the same Proportion for any Service over and above the Term of one Year that he shall perform; and the other Officers belonging to the said Troops, in like Manner shall receive Satisfaction for the one Half of the Pay that shall be due them, in Lands in Proportion to the

*Quantum*



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*Quantum* of Pay that each Officer shall be entitled to for the first Half Year's Pay, whenever a proper Board shall be appointed for the Adjustment of their Accounts.

Cavalry.

XIV. *AND be it further enacted*, That if any twenty-five of the said Troops shall furnish themselves, each Man with a good Horse fit for Service, four Feet eight Inches high at the least, and not exceeding nine Years of Age, with a good Saddle and Bridle, and one good rifled or smooth bored Gun, they shall be formed into a Company of Cavalry, to be commanded by such Officers as a Majority of the commissioned Officers belonging to the said Troops assembled for that Purpose shall direct and appoint, and be allowed the same Pay and Rations (spirited Liquors excepted) as other Militia Light-Horse when in actual Service.

Road to be cut.

XV. *AND be it further enacted*, That the said Troops, when assembled at the lower End of *Climb* Mountain as aforesaid, shall cut and clear a Road from thence the nearest, most direct and convenient Way to the Town of *Nashville*, on *Cumberland* River, making the same ten Feet wide at the least, and fit for the Passage of Waggon and Carts.

Commissary's duty.

XVI. *AND be it further enacted*, That his Excellency the Governor shall appoint a Commissary or Contractor, whose Duty it shall be to furnish the Troops with the necessary Rations on their March to the *Cumberland* Settlement, and with fifteen Axes for each Company, and grant him a Warrant on the Treasury for such a Sum of Money as will enable him to comply with the same; who before he enters on the Execution of his Appointment shall enter into Bond with sufficient Security to the Governor for the Time being, for the faithful accounting for all such Money as he may have received.

Expence how defrayed.

XVII. *AND be it further enacted by the Authority aforesaid*, That the Monies arising from the Tax on the Lands lying West of the *Apalachian* Mountains, be and they are hereby appropriated to the Purpose of discharging the Expence of raising, cloathing, arming and supporting the Troops embodied in pursuance of this Act. *Provided nevertheless*, That the Surplus of such Monies, if any, shall be carried to the contingent Fund.

Revenue of western counties to be ascertained.

XVIII. *AND be it further enacted*, That in all Returns of taxable Property made by the Receivers of Lists and Clerks of Courts, they shall particularly specify the Lands situate West of the *Apalachian* Mountains, that the net Produce of the Revenue arising therefrom may be ascertained.

## C H A P. II.

See act Nov. 1787, c. 7.

*An Act to bring to condign Punishment and to secure their Estates so as to be answerable to the Public, the Persons therein described, accused of certain Crimes and fraudulent Practices, and to indemnify such Persons as have acted in pursuance to certain Resolutions of this Assembly from vexatious Suits and Prosecutions, and to establish a Board for the Detection and further Discovery of the said fraudulent Practices, and for settling and liquidating the Accounts of the Officers and Soldiers of the continental Line.*

**W**HEREAS divers Persons have contrived and carried on many notorious fraudulent and indirect Practices, under divers Pretences, and under the Colour of an Act passed at *Newbern*, in the Year 1785, entitled, *An Act to empower Commissioners to liquidate the Accounts of the Officers and Soldiers of the continental Line of this State, and to revive the late Board of Auditors for a limited Time*, and also of one other Act, entitled, *An Act for emitting one hundred thousand Pounds Paper Currency, for the Purpose therein expressed*, to the great Detriment of the Public, to the manifest Wrong of great Numbers of the Citizens of this State, and contrary to the Intention of the said Act, to the great Loss of the State, in Breach of the great Trusts in them reposed, and with a View to their own exorbitant Profit, have confederated and combined together in pernicious Practices, and have been guilty of the most dangerous and infamous Corruptions, to the Ruin of public Credit: Now to the End of rendering all such Persons as aforesaid, for their many Frauds, Deceits and Corruptions, amenable to Law, and their Estates liable to Justice,

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I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That the Judges of Law, or any of them, are hereby empowered and required to hold a Court of Sessions of the Peace, Oyer and Terminer and General Gaol Delivery, for the Trial of all such Persons who shall be charged with the having been concerned in the Frauds aforesaid, or any of them; which Court shall be held at *Warrenton*, in the District of *Halifax*, on the last Monday in *January*, and shall continue to sit for the Term of twenty Days, *Sundays* excluded, unless the Business shall be sooner finished; and such Court so constituted, shall have the same Powers and Authorities, and the Jurors summoned thereunto shall be under the same Rules, Regulations and Restrictions as if the said Court had been called in the Town of *Halifax*, and shall be paid out of the public Treasury upon producing their Certificates to the Treasurer; and the said Judges shall have and exercise the same Powers, Jurisdiction and Authority as the Judges of the Superior Court have heretofore done when acting under a Commission of Oyer and Terminer and General Gaol Delivery to them duly and legally issued.

Court where and when to be held.

Its powers, &amp;c.

II. *AND be it further enacted by the Authority aforesaid,* That the Sheriffs of the several Counties of the District of *Halifax*, do forthwith and without Delay summon Jurors to attend the said Court of Oyer and Terminer, *that is to say*, The same Number of Jurors for the several Counties respectively as by Law are directed to be summoned to attend the Superior Court of the District of *Halifax*, to be nominated by the Justices to be summoned by the Sheriff of each County within the said District, which Nomination shall not be by a smaller Number than five of the said Justices in each County.

Jurors how summoned.

III. *AND be it further enacted,* That the Sheriff of each of the said Counties, shall and are hereby respectively required to summon the said Justices to meet for the Purpose aforesaid, on the third *Tuesday* of *January*.

Justices to meet for that purpose.

IV. *AND be it further enacted,* That the Judge or Judges who shall hold the said Court, may if the same should be thought proper and necessary, adjourn all Proceedings before him or them to the next succeeding Court of the District or County, as the Case may be, where such Offences may be cognizable; and bind all Persons accused before them and not tried before the Expiration of the said Term, and all Witnesses necessary to be produced in Behalf of the State, to appear before such Court at the said next Meeting.

Judge may adjourn proceedings, &amp;c.

V. *AND be it further enacted,* That the several Persons charged before the said Court of Oyer and Terminer, by Presentment or Indictment, or thereat convicted, shall enter into Bond with good and sufficient Sureties before the Judge or Judges of the said Court, in double the Amount of the Due-Bills drawn by such Persons respectively out of the Office of the Commissioners of Army Accounts, that they will not transport their Property out of this State, or leave this State for the Space of twelve Months and till the End of the next Session of Assembly.

Bond to be given by those charged, &amp;c.

VI. *AND be it further enacted,* That no Prosecution which shall be begun in consequence of and by Virtue of this Act shall abate or be discontinued, for or by Reason of the Offences charged having been committed in any other District, than that in which such Court of Oyer and Terminer shall be held.

Prosecutions not to abate, because the offence was not committed in the district.

VII. *AND be it further enacted by the Authority aforesaid,* That any Person or Persons failing or neglecting to enter into Recognizance as aforesaid, may be committed to any Gaol of the State without Bail or Mainprize, and their Property sequestered as a Security to the Public.

Persons not giving security to be imprisoned, &amp;c.

VIII. *AND be it further enacted by the Authority aforesaid,* That if any such Person or Persons shall depart the State, or having been committed to Prison shall escape therefrom, he or they, together with any Person or Persons aiding and assisting such Departure or Escape, shall be held and deemed guilty of Felony, and his or their Estate forfeited to the Use of the Public, and shall suffer Death without Benefit of Clergy.

Felony for departing the state, or breaking gaol, &amp;c.

IX. *AND be it further enacted by the Authority aforesaid,* That each and every of the Persons aforesaid, shall on or before the last Day of the Court of Oyer and Terminer

Inventory of estate to be given, &amp;c.



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Penalty for not complying.

*Terminer* by this Act appointed, deliver upon Oath to the Judge or Judges of the said Court an Inventory of all their Estate real and personal, of which they were possessed on the first Day of *November*, in the Year one thousand seven hundred and eighty-five, or at any Time since, as also an Account of such Estate as they have aliened or disposed of since that Day; and any Person or Persons aforesaid failing to render the said Inventories and Accounts, or shall knowingly make a false Return of his or their Property as aforesaid, in order to conceal the same, he or they on Conviction thereof shall be held and deemed guilty of Felony, and his or their Estate forfeited to the Use of the Public.

Property not alienable.

X *AND* be it further enacted by the Authority aforesaid, That each and every of the Persons aforesaid shall, until the End of the next General Assembly, be held and deemed incapable in Law of alienating or disposing of any of their Estates real or personal in any Manner whatever.

Indemnity to certain persons.

XI. *AND* whereas the Enormity of the fraudulent and corrupt Practices of the Persons aforesaid, and the Security of the State, have rendered Proceedings in order to bring them and others suspected of the same Offences to Justice, and to prevent the Concealment of their Estates and Alienation thereof, which although they may not have been strictly legal, were yet absolutely necessary for the public Safety: *Be it therefore enacted by the Authority aforesaid*, That all Persons who have acted pursuant to any Resolve of this General Assembly, or Order of the Governor of this State, in order to apprehend any Person or Persons suspected of the fraudulent and corrupt Practices aforesaid, and to sequester the real and personal Estates of any Person or Persons so suspected to be rendered liable to Justice, they and each of them are hereby fully indemnified against all Suits and Prosecutions of whatever Nature, for any Act or Acts so by them committed.

Board instituted to detect frauds, &amp;c.

Its power.

XII. *AND* for the better discovering and more effectually detecting the Frauds which have been committed in the Settlement of the said Army Accounts: *Be it further enacted by the Authority aforesaid*, That three Persons, to be appointed by joint Ballot of both Houses of the General Assembly, be and they are hereby constituted a Board, who, or any two of them, shall examine the Books, Vouchers and Proceedings of the Board for settling and liquidating the Remainder of the Accounts of the Officers and Soldiers of the continental Line belonging to this State, as far as such Books, Papers, Accounts and Vouchers relate to the Proceedings of the said Board, in the Year one thousand seven hundred and eighty-six, appointed by an Act as before recited: And the said Board, or any two of them, are hereby declared to possess full Power and Authority to investigate the said Frauds, examine the said Books and Accounts, and determine what Accounts were unjustly and unlawfully settled, and what Monies and Certificates were procured from the State on such Settlements by Fraud and Imposition.

Musters-rolls to be obtained.

XIII. *AND* the better to enable the said Board to investigate and discover the Frauds and Impositions which have taken Place; *Be it further enacted by the Authority aforesaid*, That the Governor be and he is hereby required to direct the Delegates from this State to make Application to the United States in Congress, for all the Muster-Rolls of the continental Line of this State returned to the War-Office or the Paymaster-General, and the Faith of this State is hereby solemnly pledged for the Security and safe Return of the same.

Return to be made to the Comptroller.

Power of the Board to settle accounts truly.

XIV. *AND* be it further enacted by the Authority aforesaid, That the Commissioners appointed by this Act, shall as soon as they have examined the said Books, Vouchers and Accounts, make Return to the Comptroller of this State of such Accounts as shall appear on such Investigation to have been justly settled, and the Claimant rightfully entitled thereto, and where a Claimant may have procured a Certificate or Due-Bill for a larger Sum than he was justly and legally entitled to, the said Board are hereby invested with full Powers, to settle the Account or Claim of such Officer or Soldier, and return the true Balance that may be due in the same Manner to the Comptroller, who is hereby required to issue a Certificate for the same agreeable to the said Returns, which Returns shall relate to the Certificate Part of such Pay due to such Officer and Soldier, and shall be delivered by the Comptroller to such Officer or Soldier, or their Agents, At-

torney,



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torney, Executors, Administrators or Assigns, who may be authorized to receive the same; and all the Certificates issued by the said Board for settling and liquidating the Remainder of the Accounts due Officers and Soldiers of the continental Line of this State under the said Act, entitled, *An Act to empower Commissioners to liquidate the Accounts of the Officers and Soldiers of the continental Line of this State, and to revive the late Boards of Auditors for a limited Time*, passed at Newbern, in the Year one thousand seven hundred and eighty-five, are hereby declared null and void, and shall not be received in Payment of Taxes or any other public Demand whatever. And that Justice may be done as speedily as possible, the Commissioners appointed by this Act are hereby required to make Return to the Attorney-General of all such Persons as have by Fraud, Imposition or otherwise wrongfully and unjustly procured Due-Bills, or drawn or procured to be drawn Monies out of the Treasury of this State, in consequence of the Settlements made by the Commissioners appointed in the said Act, passed at Newbern, in the Year one thousand seven hundred and eighty-five, as soon as such Frauds shall be by them discovered and ascertained, and the Certificate of the said Board relative to such Frauds, is hereby declared legal Testimony in any Court of Law or Equity in this State, and the Attorney-General is hereby required to bring Suit without Delay, for the Recovery of such Monies, in any Court of Record having Cognizance thereof, which Suits shall be tried the first Court the same is set for Trial, without Regard to any other Suit or Suits that may have been docketed before it.

To make return of frauds, &c to Attorney-General.

Attorney-General to bring suit, &c.

XV. *AND be it further enacted*, That no Suit shall abate for or by Reason of the Cause of Action having arisen in any other District, or by Reason of one or more of the Parties being Residents of any other Districts, but such Suits shall be had and maintained as if the Cause of Action had originated in the said District, and the Party or Parties against whom Suit was brought, had been Resident within the said District, any Law, Usage, or Custom to the contrary notwithstanding.

Suits not to abate on account of a locality of districts.

XVI. *AND be it further enacted by the Authority aforesaid*, That the Books of Accounts of the Treasurer, as well as of the Auditors for liquidating Army Accounts, the continental Muster-Rolls, and authenticated Copies thereof, shall be held and deemed legal Evidence in any Prosecution or Suit which may be had in consequence of this Act.

Particular regulation as to evidence.

XVII. *BE it enacted by the General Assembly, and by the Authority of the same*, That the Treasurer of this State and the Comptroller attend, and they are hereby required to attend the said Court of Oyer and Terminer, and to carry with them, ready to be produced in Evidence when the Attorney-General shall require the same, all Books of Accounts, Certificates, Vouchers, Claims, Accounts, Due-Bills, Orders, and all and singular other Writings which relate to the Conduct of the Treasury-Office, or the Office of Commissioners for the Settlement of Army Accounts, so far as they relate to the Conduct of the late Treasurer; and the said Commissioners and all others, on the passing or Payment of the said Claims, and all other Matters relating to the Frauds heretofore set forth.

Treasurer and Comptroller to attend the court, &c.

XVIII. *BE it enacted also*, That the Attorney-General shall be allowed five Pounds per Day, for attending the said Court, and forty Shillings for every Day he shall be going to or returning from the same. That each and every Judge who shall attend the said Court be allowed five Pounds per Day for his Attendance on the said Court, and forty Shillings for every Day he shall be going to or returning from the same.

Allowance to Judges, and Attorney-General.

XIX. *AND be it further enacted*, That each of the Commissioners hereby directed to be appointed, shall be allowed thirty-two Shillings for every Day they shall be attending on the Board on the public Business.

To Commissioners.

XX. *AND be it further enacted*, That each of the said Commissioners, before entering on the Duties of his Office, shall enter into Bond before some County Court, with good and sufficient Security, in the Sum of ten thousand Pounds, payable to the Governor for the Time being, for the Use of the State, for the faithful and honest Discharge of the Duties of his said Office; which Bond shall

Commissioners to give bond & security.



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shall be entered of Record and transmitted to the Governor by the Clerk of such Court, and shall also take the following Oath before the Judge or Judges who shall hold the said Court of *Oyer and Terminer*, to wit :

And take an oath.

**I** DO solemnly swear, that in all Things pertaining to my Office as a Commissioner of the Board for examining the Proceedings of the late Commissioners of Army Accounts, as directed by the Act which constitutes the said first mentioned Board, I will truly, honestly, and impartially, do and execute my Duty.

## C H A P. III.

See the constitution of the United States, which this Convention recommended, & was adopted by the Convention of North-Carolina, in 1789.

*An Act for appointing Deputies from this State, to a Convention proposed to be held in the City of Philadelphia, in May next, for the Purpose of revising the Federal Constitution.*

**W**HEREAS in the Formation of the Federal Compact which frames the Bond of Union of the American States, it was not possible in the infant State of our Republics to devise a System which in the Course of Time and Experience would not manifest Imperfections that it would be necessary to reform. And whereas the limited Powers which by the Articles of Confederation are vested in the Congress of the United States, have been found far inadequate to the enlarged Purposes which they were intended to produce. And whereas Congress hath by repeated and most urgent Representations, endeavoured to awaken this and the other States of the Union, to a Sense of the truly critical and alarming Situation into which they must be unavoidably cast, unless Measures are forthwith taken to enlarge the Powers of Congress, that they may thereby be enabled to avert the Dangers which threaten our Existence as a free and independent People. And whereas this State hath been ever desirous to act upon the enlarged System of the general Good of the United States, without bounding its Views to the narrow and selfish Object of partial Convenience, and has been at all Times ready to make every Concession to the Safety and Happiness of the Whole, which Justice and sound Policy could vindicate :

Commissioners to be appointed to attend at Philadelphia, &c.

Powers, &c.

**I.** *BE it therefore enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That five Commissioners be appointed by joint Ballot of both Houses of Assembly, who, or any three of them, are hereby authorized as Deputies from this State, to meet at Philadelphia on the first Day of May next, then and there to meet and confer with such Deputies as may be appointed by the other States for similar Purposes, and with them to discuss and decide upon the most effectual Means to remove the Defects of our Federal Union, and to procure the enlarged Purposes which it was intended to effect, and that they report such an Act to the General Assembly of this State, as when agreed to by them, will effectually provide for the same.*

Governor to supply vacancies, &c.

**II.** *AND be it further enacted, That in Case of the Death or Resignation of any of the said Deputies, or of their declining their Appointments, his Excellency the Governor for the Time being, is hereby authorized to supply such Vacancies, and the Governor is required to transmit forthwith a Copy of this Act to the United States in Congress assembled, and to the Executives of each of the States in the Union.*

## C H A P. IV.

*An Act to make the Securities therein named, negotiable.*

**W**HEREAS it would contribute to the Convenience of Merchants, Traders and other Inhabitants, in the Interchange of Property which Traffic makes necessary, that Bills, Bonds, and Notes, as well those with as those without Seal, should be made negotiable :

Securities negotiable as promissory notes, &c.

**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 Bills, Bonds, or Notes for Money, as well those with Seal as those without Seal, those which are not expressed to be payable to Order or for Value received, as those which are expressed*

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to be Payable to Order and for Value received, shall after the passing of this Act be held and deemed to be negociable, and all Interest and Property therein shall be transferable by Endorsement, in the same Manner, and under the same Rules, Regulations and Restrictions as Notes called promissory or negotiable Notes have heretofore been : And the Indorsee or Assignee may have and maintain his Action of the Case for the Recovery of the Monies due him upon such Bill, Bond or Note, notwithstanding any Seal thereunto annexed, in his the said Indorsee's or Assignee's own proper Name, as Suits have been heretofore had and maintained by Indorsees or Assignees of Notes called promissory or negociable.

Indorsee or assignee may have an action on the case in his own name.

II. *AND be it further enacted by the Authority aforesaid,* That Executors and Administrators, in the Payment of the Debts of their Testators and Intestates, shall hereafter hold and consider Debts due upon Bills, Bonds and Promissory Notes, whether with or without Seal, and all settled and liquidated Accounts signed by the Debtor, as of equal Dignity, and shall pay the same accordingly : *Provided always,* That Executors and Administrators shall in all other Respects, except as aforesaid, have the same Right of Preference in the Payment of Creditors, which they have heretofore had and held under the Laws then in Force.

Direction to executors, &c. in the distribution of assets.

III. *AND be it further enacted by the Authority aforesaid,* That all Bonds, Bills, Notes, Bills of Exchange, liquidated and settled Accounts, shall bear Interest from the Time they become due, provided that such liquidated and settled Accounts shall be signed by the Debtor, unless it shall be specially expressed that Interest is not to accrue until a Time specially mentioned in the said Writings or Securities : *Provided also,* That this Act shall not extend to, or have any Operation with Respect to any Bonds, Bills, Notes, Bills of Exchange, liquidated or settled Accounts heretofore given or made.

Interest when payable.

IV. *AND be it further enacted by the Authority aforesaid,* That all Bills, Bonds and Notes made payable on Demand, shall be held and deemed to be due on Demand made by the Creditor, his Agent or Attorney, by Suit or Request, and shall bear Interest accordingly.

Bills, &c. on demand, their operation.

V. *AND be it further enacted,* That all Securities for the Payment or Delivery of Tobacco, and all other specific Articles, shall bear Interest as monied Contracts, *that is to say,* The Articles shall be rated by a Jury at the Time they become due, and Interest be paid by the Debtors accordingly. *Provided always,* The Act of Limitation of this State shall apply to all Bonds, Bills and other Securities hereafter executed, made transferable by this Act, after the Assignment or Endorsement thereof, in the same Manner as it operates by Law against Promissory Notes : *And provided also,* That this Act shall not be in Force until the first Day of May next.

Specific contracts

Proviso.

## C H A P. V.

*An Act to impose a Duty on all Slaves brought into this State by Land or Water.*

**W**HEREAS the Importation of Slaves into this State is productive of evil Consequences, and highly impolitic :

See the constitution of the United States.

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That from and after the passing of this Act, a Duty of fifty Shillings *per* Head on all Slaves under seven and over forty Years of Age, and a Duty of five Pounds *per* Head on all Slaves between the Age of seven and twelve Years, and between the Age of thirty and forty Years, and a Duty of ten Pounds *per* Head on all Slaves of twelve Years and upwards to the Age of thirty Years, shall be collected by the Collectors of the different Ports in this State, on all Slaves brought into any of the said Ports ; which Duty shall be collected and accounted for in the same Manner, and under the same Regulations as are prescribed for collecting and accounting for the Duties on Goods, Wares and Merchandize, &c. imported into this State.

Duty on Slaves imported by water.

II. *AND be it further enacted by the Authority aforesaid,* That if any Slave or Slaves shall be brought into this State by Land, except as herein after excepted,

Those brought by land.



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the Person or Persons who shall have the Care of the same or Claim thereto, shall within ten Days after his or their Arrival within the State, make faithful Return of the Number of Slaves so brought into the State, to the Clerk of the Court of the County where he may be, and shall swear to and subscribe the said Return or List, as just and true, and shall pay into the Hands of the Clerk the aforesaid Duties for each and every Slave, for the Use of the State, or give Bond and sufficient Security for the Payment of the said Sum in three Months after such Return is made; and upon failing to perform the Condition of the said Bond, the Clerk is hereby directed at the first Court which may be held after the said Bond is due, to enter up final Judgment thereon, and the Court is hereby directed to award Execution.

Clerks to render account.

III. *AND* be it further enacted, That the Clerks of each Court respectively, shall annually account with the Treasurer on Oath, for all the Duties they may receive in Virtue of this Act, under the same Pains and Penalties as they are liable to for failing to account for other public Monies.

Pen. on persons bringing slaves by land not complying with this act.

IV. *AND* be it further enacted by the Authority aforesaid, That if any Person or Persons who may bring Slaves hereafter into this State by Land, shall fail or neglect to comply with the Directions of this Act, in making Return of the same on Oath as is by this Act directed, he shall forfeit and pay the Sum of one hundred Pounds for each Slave so brought in and not accounted for, to be recovered in any Court of Record within this State, one Half to the Person who shall sue for the same, and the other Half to the Use of the State; and shall be moreover liable to pay the aforementioned Duty on each Slave in Manner as is before prescribed: *Provided nevertheless*, That Nothing in this Act shall be construed to compel any Person or Persons who may remove to this State with their Families and Property, in order to become Citizens thereof, to pay the aforesaid Duty on any Slave or Slaves belonging to them; but in such Case the Person or Persons bringing such Slave or Slaves into this State, shall, before some Justice of the Peace of the County in which he or she may be, take the following Oath:

Proviso.

**I** A. B. do swear, that the Slaves brought by me into this State are for my own Service, and that I have not brought them into the State with Intention to sell or dispose of them, or to evade the Payment of the Duties imposed on Slaves brought into this State by Land or Water.  
SO HELP ME GOD.

*And provided also*, That this Duty shall not be imposed or collected on any Slaves which may become the Property of any of the Citizens of this State, by Gift, Devise, Marriage or Descent; or any which are now the Property of any of the said Citizens, and taken by the *British* in the late War, and which may be within any of the United States or elsewhere.

Tax on slaves from Africa.

V. *BE* it enacted, That a Tax of five Pounds *per* Head shall be levied and collected by the Collectors of the different Ports within this State, upon all Slaves imported therein from the Coast of *Africa*, and which have not been more than one Month in any other Port or Place after leaving the said Coast. *Provided*, That no Slave born on the Passage shall be subject to this Tax.

Proviso.

Pen. &amp;c. on bringing slaves from certain states.

VI. *AND* be it further enacted, That every Person who shall introduce into this State any Slave or Slaves after the passing hereof, from any of the United States which have passed Laws for the Liberation of Slaves, shall on Complaint thereof before any Justice of the Peace, be compelled by such Justice to enter into Bond with sufficient Surety in the Sum of fifty Pounds current Money for each Slave, for the removing of such Slave or Slaves to the State from whence such Slave or Slaves were brought, within three Months thereafter; the Penalty whereof shall be recovered, one Half for the Use of the State, the other for the Use of the Prosecutor, on Failure of a Compliance therewith; and the Person introducing such Slaves shall also in Case of such Failure, forfeit and pay the Sum of one hundred Pounds, to be recovered by any Person suing for the same, and applied to his own Use.

Unless entered with Collector as if brought by land.

VII. *AND* be it enacted by the Authority aforesaid, That all Slaves brought into this State, unless in Vessels which enter with the Collectors of Duties in some of the Ports in this State, shall be considered as having been brought in by Land,  
and



and liable to the same Fines, Penalties and Duties as is directed by this Act. *Provided*, That Nothing herein contained shall be construed so as to impose the aforesaid Duty or Forfeiture on any Slave or Slaves who may pass through this State to any other State under the Direction of their Owners.

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Provido.

VIII. *AND be it further enacted by the Authority aforesaid*, That this Act shall not be in Force or take Effect, before the first Day of February next. When in effect.

IX. *AND be it further enacted*, That all Laws and Clauses of Laws which come within the Meaning of this Act, as far forth as they respect a Duty or Imposition on Slaves imported or brought into this State by Land or Water, are hereby repealed and made void. Former acts repealed.

## C H A P. VI.

*An Act to amend an Act, entitled, An Act to secure and quiet in their Possessions all such Persons, their Heirs and Assigns, who have purchased or may hereafter purchase Lands and Tenements, Goods and Chattels, which have been sold or may hereafter be sold by the Commissioners of forfeited Estates legally appointed for that Purpose.* See act Nov. 1785, c. 7.

**W**HEREAS Doubts have arisen whether the Citizens of this State claiming Property by any Title whatsoever, which had been seized and sold by the Commissioners appointed to sell the confiscated Property, were enabled to claim, or commence and prosecute a Suit or Suits in any of the Courts of Law in this State for the aforesaid Property, by Reason of the aforementioned Act:

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 Citizens of this State are hereby declared to possess and enjoy the Right and Privilege to commence, prosecute and maintain any Suit or Suits in any of the Courts of Law or Equity within this State, for any real or personal Estate sold by any of the Commissioners of forfeited Estates: *Provided* the said Citizens do not hold or derive their Titles, by, from or under any Person or Persons named or described by some one of the Laws commonly called the Confiscation Laws. Citizens may prosecute suits. Provido.

II. *AND be it further enacted by the Authority aforesaid*, That in Case any real Estate should be deemed by a Commissioner of confiscated Property to be forfeited, and should be claimed by any Citizen or Citizens as not liable to Confiscation, such Commissioner shall not proceed to the Sale thereof, but shall commence a Suit for the Recovery of such Estate in the same Manner as by Law directed for the Recovery of personal Property withheld from him: And such Suit shall be instituted in his Name as Commissioner of his own particular District for and on Behalf of the State, and the same Proceedings shall be had thereon as in other Suits of the like Nature. Commissioner to prosecute for estates claimed.

## C H A P. VII.

*An Act to alter the Mode of punishing Horse-Stealing; also to repeal an Act, entitled, An Act to prevent Horse-Stealing.*

**W**HEREAS it is inconsistent with the Policy of a well regulated Government, that the Crime of Horse-Stealing should be subjected to a Punishment as severe as that which is inflicted for the most atrocious Offence of which human Nature is capable: And whereas from the Punishment in its Nature and Gradation bearing no Proportion to the Guilt, the Persons injured from Compassion forbear to prosecute, Juries from the same Motive too often acquit, and if Convictions are had, Pardons are extended to the guilty, whereby the present Mode of punishing is found inadequate to the Evil:

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That if any Person or Persons from and after the first Day of February next, shall feloniously steal or take any Horse, Mare or Gelding of the Property of any other Person or Persons, or of this State, or of the United States of America, and shall be thereof convicted, every such Person Punishment for horse-stealing.



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Person or Persons so offending, for the first Offence shall stand in the Pillory one Hour, and shall be publicly whipped on his, her or their bare Backs with thirty-nine Lashes well laid on, and at the same Time shall have both of his, her or their Ears nailed to the Pillory and cut off, and shall be branded on the right Cheek with the Letter H. of the Length of three Quarters of an Inch and of the Breadth of Half an Inch, and on the left Cheek with the Letter T. of the same Dimensions as the Letter H. in a plain and visible Manner; and for the second Offence shall suffer Death without Benefit of Clergy.

Where bail is not to be admitted, &amp;c.

II. *AND* be it further enacted by the Authority aforesaid, That from and after the passing of this Act, no Person charged with stealing any Horse, Mare or Gelding on the direct Testimony of one Witness or more, shall be admitted to Bail.

All former laws repealed.

III. *AND* be it further enacted, That all Acts and Laws which are contradictory to or inconsistent with this Act, are hereby repealed and made void.

IV. *AND* be it further enacted, That the above recited Act, entitled, *An Act to prevent Horse-Stealing*, passed at Newbern, in October, in the Year 1784, shall be and the same is hereby repealed.

## C H A P. VIII.

*An Act for the Support of Government, and for appropriating the Revenues of the State.*

**W**HEREAS it is proper that those who dedicate their Time and Abilities to the Service of the Public ought to be recompenced for the same:

Annual salary to officers of government.

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 following annual Salaries, to be discharged in half yearly Payments, and the following daily Allowances, shall be the Recompences of the several Officers of this State hereafter named, *that is to say,*

No. 1. To his Excellency the Governor seven hundred and fifty Pounds.

No. 2. To the Secretary of State one hundred Pounds, in full Consideration of all Services and Expences incidental to his Office, except such for which he is expressly allowed Fees by Law.

No. 3. To the Private Secretary one hundred Pounds, as a full Recompence for all the Duties which the said Secretary by Law or Custom is obliged to perform.

No. 4. To each Judge of the Superior Court of Law and Equity in this State, fifty Pounds for each Court he shall attend.

No. 5. To the Attorney-General of this State, forty Pounds for each Court he shall attend.

No. 6. To the Comptroller five hundred Pounds, for all Services incidental to his Office.

No. 7. To the Treasurer five hundred Pounds.

No. 8. To the public Printer six hundred Pounds.

Monthly &amp; daily allowances.

II. *AND* be it further enacted by the Authority aforesaid, That the following monthly and daily Allowances shall be paid to the Persons hereinafter mentioned, *to wit,*

See the constitution of the United States.

1. To each of the Delegates of this State in the Honourable the Congress of the United States of *America*, the Sum of sixty-four Pounds for every Month he shall be attending the Duty of his Office, or travelling to and from Congress.

2. To each of the Members of the Council of State, for each Day's Attendance twenty Shillings.

3. To the Clerk of the Council, for each Day he is employed the Sum of twenty Shillings.

4. To the Door-Keeper of the Council of State, for each Day he is employed eight Shillings.

How payable.

And the said annual Salaries shall be paid as aforesaid in half yearly Instalments, on Warrants drawn by the Governor, bearing Date the last Day of *June* for the first Payment, and the last Day of *December* for the second, unless otherwise specially provided in this Act.

III. *AND*



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III. AND whereas it is necessary to provide an adequate Fund for the Payment and punctual Discharge of the said Salaries and Allowances: *Be it enacted by the Authority aforesaid*, That all and singular the Monies which shall arise and be received from the Tax on Polls, levied by Virtue of an Act, entitled, *An Act for levying a Tax for the Support of Government and for the Redemption of old Paper Currency, Specie and other Certificates*, passed at Newbern, in November, in the Year 1785, and all and singular the Monies which shall hereafter be levied and collected annually on a Poll-Tax in pursuance of a general Law for that Purpose, shall and the same is hereby appropriated as a Fund for the regular Payment of the said Salaries, Wages and Allowances, and for the Payment and Recompence of all such Officers of Government as shall or may hereafter be put on the Civil List of this State, and so shall remain, continue and be applied, and to no other Use or Purpose whatsoever; any Law, Usage or Custom to the contrary notwithstanding: *Provided nevertheless*, That the Surplus of such Monies arising from the said Tax which may remain in the Treasury after the Payment of the Civil List Charges of the current Year, shall and may be placed to the contingent Fund, and applied accordingly. Appropriation of taxes for the payment of the civil list.   
 Proviso.

IV. AND whereas the United States in Congress assembled have recommended to the several States to establish substantial Revenues adequate to the punctual and honourable Discharge of their respective Quotas of the Interest and Principal of the foreign Loans: *Be it therefore enacted by the Authority aforesaid*, That all and singular the Monies which shall hereafter arise from and be collected by Virtue of an Act made and passed at Hillsborough, Anno Domini 1784, entitled, *An Act for levying certain Duties therein mentioned on all foreign Merchandize imported into this State, in Aid of the public Finances, and directing the Mode of collecting the same*, and also one other Act passed at Newbern, in the same Year, entitled, *An Act to amend the said Act*, and also by Virtue and in pursuance of an Act passed at Newbern, Anno Domini 1785, entitled, *An Act for the Regulation of Commerce*, and all the Monies arising from the Duties imposed on Goods imported by Merchants into this State by Land, and collected in pursuance of an Act, entitled, *An Act for raising a public Revenue for the Support of Government, and to repeal an Act, entitled, An Act to suppress excessive Gaming*; and all the Monies which may become due for Duties on Goods or Merchandize of any Kind hereafter imported into this State by Land or Water, and all the Tonnage on foreign Bottoms as far as the same shall or may be considered as a Duty or Duties imposed for the Purpose of Revenue, and all the Monies which shall arise and be collected from the Tax laid on Lands and collected in pursuance of an Act, entitled, *An Act for levying a Tax for the Support of Government, and for the Redemption of continental Money, old Paper Currency, Specie and other Certificates*, passed at Newbern, Anno Domini 1785, and all the Monies which shall hereafter be received and collected from the Tax usually called the Land Tax in this State, laid and levied in pursuance of any general Law for the Purpose of public Revenue, be, and the said Revenues and Sources of Revenue are hereby severally and respectively appropriated for and towards a Fund for the punctual and regular Discharge of this State's estimated Quota of the Principal and Interest of the foreign Loans, and so shall remain and continue to be paid and applied yearly and every Year, until the final Extinction of the said Debts in the Manner directed by an Act passed this Session, entitled, *An Act for amending an Act, entitled, An Act for emitting one hundred thousand Pounds for the Purposes therein mentioned, and for appropriating the Tobacco lately purchased by the Commissioners, to discharge the Interest of this State's Quota of the foreign Debt, and for making effectual Provision for the future Discharge of this State's Quota of the Principal and Interest of the foreign Debt, and as the General Assembly shall hereafter direct, and to no other Use, Intent or Purpose whatsoever, any former or other Appropriation thereof, or of any Part thereof, or any Law, Usage or Custom to the contrary notwithstanding.* Appropriation of taxes for the payment of the foreign debt, &c.

V. AND *be it further enacted by the Authority aforesaid*, That the remaining Revenues and Sources of Revenue shall be considered as the contingent Fund, to be applied to the incidental Charges and Exigencies of Government. Contingent fund.

VI. [*Superseded by the Adoption of the Constitution of the United States.*]



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C H A P. 9. *An Act to amend an Act for dividing Guilford County.* P R I V.

## C H A P. X.

See acts Oct.  
1784, c. 2. Nov.  
1787, c. 27.

*An Act to amend an Act, entitled, An Act for the more regular collecting, Payment of, and accounting for the public Taxes, and for laying certain Duties therein mentioned.*

**W** H E R E A S in some of the Counties Collectors have not been appointed, and in others when appointed have failed to perform the Duties required of them by Law, by which Means the Taxes in such Counties remain unpaid, and the Intentions of the General Assembly respecting Revenue are in a great Measure defeated: For Remedy whereof,

In case of default  
Sheriffs to collect  
the tax.

I. *B E 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, whatever County Court shall fail or neglect to appoint Collectors in their respective Counties, it shall be the Duty of the Sheriffs of such Counties to collect the public Taxes and be accountable for the same, and for such Services shall have the same Allowance as is allowed by Law to the Collectors for the same Service.

Refusal of Col-  
lector, &c.

II. *A N D be it enacted by the Authority aforesaid,* That from and after the passing of this Act it shall be the Duty of the Sheriffs to serve the Collectors appointed by the County Courts with a Copy of their Appointments, and in Case of the Refusal or Neglect of them or any of them to act, they shall immediately signify their Refusal under their Hands on the Back of the Order in writing; which Order the Sheriff shall return to the Clerk, in which Case it shall be the Duty of the Sheriffs to collect the Taxes in such District or Districts for which the Collector or Collectors so refusing or neglecting to act were appointed, and for such Services they shall have the same Allowance as is allowed to the Collectors by Law.

Clerks to make  
return to the  
Comptroller.

III. *A N D be it further enacted by the Authority aforesaid,* That the Clerk of each and every County Court within this State, shall and they and every of them are hereby required to transmit to the Comptroller at his Office, on or before the first Day of *June* in each and every Year, attested Copies of the Amount of taxable Property and Polls subject to pay a public Tax for the preceding Year, setting forth in such Return the Quantity of each Species of Property subject to be taxed as aforesaid, and the Number of Polls within his County.

Fines, &amp;c.

IV. *A N D be it further enacted,* That the Clerk of each and every of the Superior and County Courts, shall and they are hereby required, at the Time for making Returns of the Amount of taxable Property aforesaid, to render unto the Comptroller an Account of the Fines, Forfeitures and Amercements that are due and payable for the Use of the State, and if no such Fines and Forfeitures have been recovered in any of the said Courts, the Judge or three of the Justices (as the Case may be) of such Court, shall certify the same: And at the same Time the said Clerks shall and they are hereby required to transmit to the said Comptroller, Copies of the Settlements of the Commissioners of confiscated Property for their respective Counties; and for each and every of the aforesaid Returns made and transmitted by such Clerk, he shall be allowed the Sum of eight Shillings, to be paid out of the County Tax on his producing the Comptroller's Receipt therefor.

Clerks to give  
bond.

V. *A N D be it enacted by the Authority aforesaid,* That the Clerk of each and every County Court within this State, shall enter into Bond with sufficient Securities for the due and faithful Discharge of the aforesaid Duties, in the Sum of one thousand Pounds; which Bond shall be transmitted to the Comptroller by the Chairman of the Court, under the Penalty of one hundred Pounds, to be sued for and recovered by the Comptroller of the State, by Action on the Case in any Court of Record having Cognizance of the same, for the Use of the State; and the Comptroller shall and may enter Judgment on the said Bond in Case of Failure or Neglect after Notice given, in the Manner of entering up Judgment against County Treasurers.

VI. *A N D*



VI. *A N D* be it enacted by the Authority aforesaid, That it shall be the Duty of the Comptroller to open an Account against the public Treasurer agreeable to the Returns he shall receive, distinguishing the Money from the Certificate Tax; and it shall be the Duty of the public Treasurer to settle with the Comptroller on or before the second Monday in November in each Year; and the Treasurer and Comptroller shall each lay before the General Assembly that may meet subsequent to their Settlement, their Accounts for the Inspection of the Assembly.

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Comptroller to account with the Treasurer.

VII. *A N D* whereas the Tax called the Continental Tax, which was ordered to be collected for the Year 1785, hath not been collected in many of the Counties within this State, owing to the Misapprehension or Mistake of the Sheriffs and Inhabitants of said Counties; *Be it further enacted by the General Assembly*, That the Sheriffs or Collectors of such Counties who have neglected to make Collection of the said Tax, be and they are hereby directed to make Collection of the same in current Money, as well from those who have heretofore collected and not accounted as those Individuals who have never yet paid; and that the Sheriffs or Collectors of such Counties shall at their next annual Settlement with the Treasurer, account for and pay into the Treasury the aforesaid Tax, under the Penalties inflicted by Law for Neglect in accounting for any other Tax.

Former taxes to be collected.

[The remaining Parts of the Act superseded by the Adoption of the Constitution of the United States, and an Act of Congress in Pursuance thereof.]

CHAP. II. *An Act for laying a Tax for the Support of Government, and for the Redemption of the old Paper Currency, Continental Money, and Specie and other Certificates.*

Temporary.

## C H A P. XII.

*An Act directing the Commissioners of confiscated Property to receive Certificates agreeable to a Resolution of the last General Assembly, at Newbern, in December, 1785.*

**W**HEREAS it is represented to this General Assembly that some of the Commissioners of confiscated Property have refused to receive Certificates agreeable to a Resolution of the last General Assembly, while others have received them agreeable to the same, whereby one Part of our Citizens are deprived of that Benefit that was intended to be general:

I. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That each of the Commissioners of confiscated Property within this State, are hereby respectively directed to receive in Payment for all confiscated Property they have sold since the last General Assembly, Certificates agreeable to the above recited Resolution, *that is to say*, The Currency of this State, Certificates granted to the Officers and Soldiers, Final Settlement Certificates and Currency Certificates, at the Rate established by Law.

Confiscated property how to be paid for.

II. *A N D* be it further enacted by the Authority aforesaid, That all Acts coming within the Meaning and Purview of this Act, are hereby repealed and made void. *Provided nevertheless*, That Certificates issued by the late Board of Commissioners, and declared not negociable by this Assembly, shall not be received.

Former acts repealed.

Proviso.

## C H A P. XIII.

*An Act to direct the Method to appoint Jurors and Surveyors to run out disputed Lands.*

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That in all Suits in the Superior and Inferior Courts of this State wherein the Bounds of Land shall come in Question, if it shall appear to the Court necessary, such Court may order two Surveyors, one to be named by each Party, to attend and run out and survey the Lands in Dispute, agreeable to the Bounds and Lines expressed in each Party's Title, and make three accurate Plans of such Surveys, and return the same to such Court; which Order such Surveyors are hereby required to obey, and shall be allowed

Surveyors to be appointed if necessary.



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Their duty and pay.

lowed twenty Shillings each, for every Day they shall be travelling to and from attending the Surveys, and performing the Duty by this Act required.

12 jurors to attend the surveyors, and be the jury on the trial.

II. *AND* be it further enacted by the Authority aforesaid, That twelve Jurors, six of which shall be chosen by each Party, shall go upon the Lands, the Bounds of which shall so come in Question, and shall attend the Surveyors while they are making such Survey, and shall subscribe their Names upon the Plat or Plats so to be returned by the said Surveyors, and such Jurors shall at the Court where such disputed Bounds is to be tried, constitute a Petty Jury for the Trial of the same;

If any fail to attend how to be supplied.

and if one or more of the said Jury shall fail to attend when such Bounds is to be tried, his or their Places shall be supplied by Jurors drawn from the *Venire Facias* returned to the Inferior or Superior Court where such Cause shall stand for Trial;

Jurors allowance.

And such Jurors for their Services in attending such Survey, shall have and receive eight Shillings *per* Day each, and such Allowances shall be taxed in the Bill of Costs and paid by the Party cast. *Provided nevertheless*, That if the Parties

Proviso, if the parties shall choose only one surveyor & fewer jurors, &c.

shall agree to have but one Surveyor, or a smaller Number of Jurors to go upon the Land, the Court shall order one Surveyor to go upon the Land, and perform the Duties enjoined by this Act, and shall return three Plans in Manner as aforesaid; and the whole Number of Jurors so agreed upon by the Parties, shall attend the said Court, and constitute Part of the Jury for the Trial of the said disputed Bounds, and the Residue of the said Jury shall be drawn from the *Venire Facias* returned to the said Court; and the said Jury so going upon the Land shall be stiled the Jury of View, and for Attendance at the said Court shall be entitled to receive the same Allowances as Petit Jurors, to be paid by the Party cast.

Former laws repealed.

III. *AND* be it further enacted, That all Laws and Parts or Clauses of Laws heretofore made that come within the Purview of this Act, shall be, and the same are hereby repealed.

## C H A P. XIV.

See act Nov. 1785, c. 2.

*An Act to amend an Act, passed at Newbern, in December, one thousand seven hundred and eighty-five, entitled, An Act for encreasing the Jurisdiction of the County Courts of Pleas and Quarter-Sessions, and of the Justices of the Peace out of Court, and directing the Time of holding Courts in this State.*

Suits to be carried on, notwithstanding the death of parties.

I. **B**E 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 future it shall and may be lawful for the Heirs, Executors, Administrators or Guardians, to carry on every Suit or Action in Courts after the Death of either Plaintiff or Defendant, and may be proceeded on by Application in the same Manner as Appeals are carried on, under an Act passed the last Session of Assembly, entitled, *An Act for encreasing the Jurisdiction of the County Courts of Pleas and Quarter-Sessions, and of the Justices of the Peace out of Court, and directing the Time of holding the several Courts of this State.*

One attorney only to speak, &amp;c.

II. *AND* whereas the frequent Abuses of Attornies have occasioned Distresses to many of the good People of this State; *Be it therefore enacted*, That it shall not be lawful for either Plaintiff or Defendant to employ in any Matter or Suit whatever more than one Attorney to speak to any Suit in Court; and the Courts in this State are hereby directed not to suffer more than one Attorney as aforesaid in any Matter whatever, to plead for either Plaintiff or Defendant to any Suit, under the Penalty of a Violation of this Act.

Plaintiff or defendant may enter his own plea, &amp;c.

III. *AND* be it enacted, That in any Matter or Suit depending in Court, it shall and may be lawful for either Plaintiff or Defendant to enter his own Plea and defend his own Cause, and that no Instrument of Writing which contains the Substance, shall be lost or destroyed for Want of Form, any other Law to the contrary notwithstanding.

Attornies fees.

IV. *AND* be it further enacted by the Authority aforesaid, That all Fees to be taken by Attornies in future, in any Suits in any of the several Courts of Law and Equity established in this State, shall be as follows, *to wit*, In any Suit in Equity the



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the Sum of ten Pounds; in any Suit in any of the Superior Courts where the Title of Lands shall come in Question, the Sum of five Pounds; in all other Suits originally commenced in any of the said Courts on the Law Side, the Sum of five Pounds; in all Appeals from any other Court to the said Superior Courts, the Sum of five Pounds; in all Suits in the County Courts of Pleas and Quarter-Sessions where the Title of Lands shall come in Question, the Sum of five Pounds; in all other Suits originally commenced in the said County Courts, the Sum of two Pounds; in every Appeal from the Judgment of a Justice of the Peace to the said County Courts, the Sum of twenty Shillings.

V. *AND be it further enacted by the Authority aforesaid,* That if any Attorney or Attornies shall presume to ask, take or receive, directly or indirectly, any other or greater Fees than are by this Act directed in all civil Cases, it shall be deemed in such Attorney or Attornies a Misdemeanor in his Office or Profession of an Attorney, and such Mal-Practices being made known to any of the Courts within this State, such Court is hereby required to direct the Attorney-General or the Solicitor, on Behalf of the State, to carry on a Prosecution by Indictment for such Mal-Practice aforesaid; and if any such Attorney or Attornies shall be thereupon convicted by the Verdict of a Jury, of taking any other or greater Fees than by this Act are allowed, he or they shall in the same Court in which such Conviction shall be had, be thenceforth dismissed from his Practice as an Attorney, for one Year, in every Court of Law and Equity within this State.

Attornies liable to prosecution for taking, &amp;c. greater fees.

Judgment on conviction.

VI. *AND be it further enacted by the Authority aforesaid,* That every Attorney when employed in any Suit in any of the Courts of this State, shall file his Declaration in the Clerk's Office, any Time within the first three Days of the Term to which the Writ is made returnable, and on Failure thereof such Suit shall be dismissed by the Court at the Cost of the Plaintiff; which Cost being paid by said Plaintiff to the Clerk of the said Court, he or they paying such Costs in consequence of a Declaration not being filed in due Time as aforesaid, may warrant such Attorney for all such Costs by him paid as aforesaid; and the Receipt of the Clerk shall and may be given in Evidence in Support of such Claim; and the Justice before whom such Warrant shall be tried, may give Judgment and issue Execution thereon; and such Attorney shall be further liable to the Action of such Plaintiff, for such Damages as he or they may have sustained in consequence of such Declaration not having been filed as aforesaid.

Attornies to file declaration within three days of the term, &amp;c.

Pen. for neglect.

VII. *AND be it further enacted by the Authority aforesaid,* That single Justices of the Peace shall, from and after the passing of this Act, have Jurisdiction of all Debts and Demands of twenty Pounds and under, where the Balance due on any Specialty, Contract, Note or Agreement, or for Goods, Wares and Merchandize sold and delivered, or Work or Labour done, all which Matters and Things are hereby declared to be cognizable and returnable before any one Justice of the Peace out of Court, and Execution thereon may be awarded as directed by an Act, entitled, *An Act for establishing Courts of Law, and regulating the Proceedings therein*; subject nevertheless to the Appeal of either Party: Which said Appeal shall be tried and determined by a Jury of good and lawful Men as in Court has heretofore been used, the first Court, and the Determination thereon shall be decisive. *Provided always,* That Judgments given by any one Justice of the Peace, Execution thereon shall be stayed in the following Manner, *to wit,* For all Sums not exceeding forty Shillings, twenty Days; and for all Sums above forty Shillings and not exceeding five Pounds, sixty Days; for all Sums above five and not exceeding ten Pounds, one hundred and twenty Days; and for all Sums above ten and not exceeding twenty Pounds, six Months; for the full and truly Payment of which, with Costs and Interest until paid, the Party requiring such Stay of Execution, shall give sufficient Security if required, and if the said Judgment shall not be discharged at the Time to which the Execution thereon may have been stayed, then it shall and may be lawful for any Justice to issue Execution in the usual Form for the same against the Principal and his Securities. *Provided also,* That no Suit shall be commenced in the first Instance, returnable to any Court, for any Sum under twenty Pounds.

Jurisdiction of Justices 20l. and under.

Stay of execution, &amp;c.



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Constable to give security.

VIII. *AND be it further enacted*, That the Constables of this State shall be appointed as usual, who shall enter into Bond payable to the Governor, with sufficient Securities, with the Court, in the Sum of two hundred and fifty Pounds, for the faithful Discharge of his Duty; and shall be entitled to the following and no other or greater Fees for his Services, *to wit*, For serving every Warrant four Shillings, for every Execution four Shillings, for summoning every Witness two Shillings, for every Attachment levied five Shillings, for every Bail Bond one Shilling.

His fees.

Proceedings upon a warrant for 5l. or under.

IX. *AND be it enacted*, That in all Cases where any Constable shall serve a Warrant on any Person for a Demand of five Pounds or upwards, he shall take Bond with sufficient Security for his Appearance before some Magistrate to have the same tried, and for a Compliance with the Judgment of such Magistrate to be given thereon, in Double the Amount at least of the Sum laid in the Warrant; and in Case any such Person so bound, shall fail to comply with such Judgment when given, the Constable shall make an Assignment of such Bond to the Party injured, who shall proceed thereon as in Cases of Bail Bonds given on Suits commenced in the Courts of Law.

Executions leviable on real estates.

X. *AND be it further enacted by the Authority aforesaid*, That when it shall so happen, that an Execution in the Hands of any Constable in consequence of a Judgment from any Justice of the Peace, and there shall be no personal Property in his County whereon to levy such Execution, then and in all such Cases it shall be the Duty of the Constable to levy such Execution on the real Estate of the Person against whom it issued, and make Return of such his Proceedings to the next ensuing County Court, that an Order of such Court may direct the Sheriff of the County to dispose of such real Estate, or so much thereof as the Court may direct, according to Law.

Taxes on suits.

XI. *AND* whereas it is just and reasonable that those who employ the principal Officers in Law Department in deciding their private Litigations, should contribute somewhat more amply than the rest of the Community towards their Support; *Be it therefore enacted by the General Assembly*, That for the future the following Taxes shall be assessed on the Proceedings in Law and Equity herein after particularised, *that is to say*, For every *Subpœna*, or Writ to answer to any Bill in Equity or in the Courts of Law, twenty Shillings; for every Writ for the Removal of the entire Record of any Cause from any of the Courts of Law in this State into any other Court of Law or Equity, twenty Shillings; for every leading Process returnable to any Superior Court of Law and Equity in this State, ten Shillings; for every Appeal from the Judgment or Determination of any Inferior Court of Law in this State, ten Shillings; for every Writ of *Mandamus certiorari*, or for the Removal of the Body of any Person, or other Writ to be granted on Motion where the same is the original of any Proceedings in Court, fifteen Shillings; for every leading Process returnable to any Court of Pleas and Quarter-Sessions in this State, five Shillings; for every Appeal from the Judgment or Decree of any Court of Pleas and Quarter-Sessions, or Motion allowed instead of a Writ of Error, eight Shillings.

Clerk's duty in collecting &amp; accounting for taxes.

XII. *AND be it further enacted*, That the Clerks of the respective Courts from whence the aforesaid Writs may issue, or whereon such Appeals or Motions may be granted or allowed, shall at the same Time of such Allowance, or at the Time of such Writ shall be prayed before the issuing thereof, receive the Taxes hereby imposed on the same; and if it shall be at any Time discovered that any Writ has issued, or the Record of any Cause transmitted upon any Appeal or Writ of Error, before the Receipt of the Tax thereon imposed by this Act, the Clerk so issuing or transmitting shall be deemed guilty of Misbehaviour in Office; and the said Clerks respectively shall annually on or before the thirty-first Day of *December* in every Year, under the Pain aforesaid, account with upon Oath and pay to the public Treasurer of this State for the Time being, all Monies which he ought to collect by Virtue of this Act, and cause a Copy of his Account passed with the Treasurer, specifying each particular Tax, from whom received and for what Purpose, and signed by the Treasurer in his own proper Hand-Writing, to be posted against the Wall of his Court-House in the most public



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public Part thereof twenty Days thereafter, and the same so posted to continue for three Months, in order that it may be the more easily discovered whether he has neglected to receive any Tax which he ought to have collected, or has failed to account for any Tax which he did receive.

XIII. *AND be it further enacted*, That the Clerk of each and every Court of Law and Equity in this State, at the first Court that shall be held after the first Day of *May* next, or in Case of any unavoidable Hindrance the next Court afterwards, shall give Bond with approved Security to the Court whereof he is Clerk, in the Sum of two thousand Pounds, conditioned for the due Performance of the Duties hereby enjoined him; which Bond shall be transmitted to the Treasurer, or otherwise the said Clerk shall be liable and bound to pay a Sum equal to treble the Tax imposed by this Act. Clerks to give security.

XIV. *AND be it further enacted by the Authority aforesaid*, That all and every Act or Acts heretofore made, so far as they come within the Purview or Meaning of this Act, are hereby repealed and made void; provided that this Act shall not be in Force until after the first Day of *May* next. Former laws repealed.

## C H A P. XV.

*An Act to amend an Act, entitled, An Act to amend an Act, entitled, An Act for ascertaining what Property in this State shall be deemed taxable Property, the Method of assessing the same and collecting public Taxes.* See act April, 1784, c. 1.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That all Land held by Deed or Entry, where there is no Caveat, or by Lease, or in Right of Dower, all Town-Lots with certain Improvements, all free Males and Servants between the Ages of twenty-one and sixty Years, all Slaves male and female between the Ages of twelve and sixty Years within this State, shall be subject to the Payment of public Taxes; and the public Taxes on such Property and Persons shall be assessed and proportioned in the Manner directed by this Act, *that is to say*, All Lands shall be taxed by the hundred Acres, and so in Proportion for a greater or less Quantity. Taxable property, &c.

II. *AND be it further enacted by the Authority aforesaid*, That the public Tax on each and every Poll shall be equal to the public Tax on three hundred Acres of Land; and Town-Lots with certain Improvements shall be valued as herein after directed. Tax on polls.

III. *BE it further enacted by the Authority aforesaid*, That the List of Taxes shall be taken and returned in the same Manner, and under the same Penalties as by an Act, entitled, *An Act for ascertaining what Property in this State shall be deemed taxable Property, the Method of assessing the same, and collecting the public Taxes*, passed at Hillsborough, in April, 1784. List of taxes.

## C H A P. XVI.

*An Act to compel certain Officers therein mentioned to publish the Application of the public Monies, and Allowances for Insolvents.*

**W**HEREAS it is just and right that the Body of the People on whom Taxes are laid, should know to what Purposes the Monies arising therefrom are applied and appropriated; And whereas no adequate Means have been adopted to draw into View the annual State of the Treasury, and the Application of the public Monies:

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 Treasurer or Treasurers shall form an accurate State of the Treasury, which shall be laid before the General Assembly of that Year, and published and bound up with the Laws of that Session, in which Statement shall be specified the net Produce of the several Branches of Revenue, the several Allowances for Insolvencies, and the Arrears of any of the Sheriffs or County Treasurers, all Allowances or Drafts made by the General Assembly, and Warrants issued by the Governor, shall be severally enumerated, briefly setting forth in whose Favour they were made or drawn, and on what Account. Treasury accounts to be stated and published.

II. AND



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Clerks to set up  
a list of taxables,  
&c.Regulation in  
case of insolvents.Pen. on the Clerk  
for neglect, &c.Wardens of the  
poor to publish  
an account.County Court to  
cause a list to be  
published, &c.Commissioners of  
towns to publish  
a list of taxes, &c.Former acts re-  
pealed.

II. A N D whereas it is found necessary to form some Check against fraudulent and deficient Returns of taxable Property, and to prevent improper Allowances for Insolvents : *Be it enacted by the Authority aforesaid,* That the Clerk of each County shall at the next Court after the Returns of the taxable Property are directed to be made, set up in some conspicuous Part of the Court-House an alphabetical List of the Taxables and taxable Property delivered or reported by the Persons appointed to take the Lists of taxable Property, and when any Collector shall return his List of Insolvents to be allowed by the Court, he shall make Oath that he hath been at the Dwelling-House or usual Place of Residence of the Person or Persons therein named, and that he could not find Property of such Person or Persons sufficient to discharge their respective Taxes, or any Part thereof, which List shall also be advertised by the Clerk in the Court-House, specifying each Collector's District and Return ; and any Clerk neglecting or refusing to perform the Duties required by this Act, shall for every such Neglect or Refusal forfeit and pay the Sum of fifty Pounds, to any Person who shall sue for the same within six Months.

III. A N D whereas the Poor have of late Years considerably encreased, and large Sums have been annually levied for the charitable Purpose of their Support, of the due Application of which the People have no Account or Knowledge : *Be it further enacted by the Authority aforesaid,* That the Wardens of the Poor shall hereafter every Year, at the next Court of their respective Counties after the first Day of June, publish and set up in the Court-House, an Account of the Monies by them received by Taxes or otherwise for the Purposes aforesaid, with the Use and Application they have made of the same, particularly specifying the Expence of each Pauper, with an Account of the Claims or such Debts unpaid, if any, and to whom due, under the Penalty of one hundred Pounds, to be sued for and recovered by Action of Debt, in the Name of the Chairman of the Court of the County where such Neglect shall happen, and applied to the Use of the County.

IV. A N D whereas large Sums are frequently levied for County Purposes, which are within the Management of the Court or Justices of each County : And whereas no Money ought or can be levied as a Tax, of which the People have not a Right to know the Application : *Be it enacted by the Authority aforesaid,* That the Court of each County shall at the first Session after the first Day of June in every Year, cause the proper Officer to publish and set up in some Part of the Court-House, an Account of the Monies received the preceding Year by Taxes or otherwise, stating also what Application hath been made of the same, to whom paid, and what Claims if any against the County remain undischarged.

V. A N D *be it further enacted by the Authority aforesaid,* That the Commissioners of the respective Towns in this State shall annually publish an accurate List of the Taxes levied and collected in such Town, together with a List of each Sum expended by said Commissioners, and to whom paid, and for what Purpose ; and any Board of Commissioners failing to comply with the Directions and Intention of this Act, shall forfeit and pay the Sum of fifty Pounds, to be recovered and applied in Manner by this Act directed for the Recovery and Application of other Fines, which Sum shall be levied of the proper Goods and Chattels of the said Commissioners, or either of them.

VI. A N D *be it further enacted,* That all Acts and Parts of Acts which come within the Purview of this Act, shall be and they are hereby repealed and made void.

## C H A P. XVII.

*An Act to repeal the several Acts of Assembly respecting Slaves within this State, as far as the same relates to making an Allowance to the Owner or Owners for any executed or outlawed Slave or Slaves.*

WHEREAS many Persons by cruel Treatment to their Slaves, cause them to commit Crimes for which many of said Slaves are executed, whereby



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whereby a very burthensome Debt is unjustly imposed on the 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 enacted by the Authority of the same, That from and after the passing of this Act, the several Acts of Assembly of this State, as far as relates to making an Allowance for any outlawed or executed Slave or Slaves, shall be, and the same is hereby repealed and made utterly void.*

## C H A P. XVIII.

*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 Rivers and Creeks.* See act Oct. 1784, c. 14.

**W**HEREAS by the before recited Act the Overseers of the Roads are compelled to make small Bridges, Causeways, &c. where the County Courts do not think proper to have the same built at the Expence of their Counties, and the said Overseers are not authorized by said recited Act to cut any Timber to enable him or them to comply with the Requisitions of said Act: For Remedy whereof,

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is enacted by the Authority of the same, That the Overseers of the several Roads within this States are hereby authorized to cut Poles and other necessary Timber, to enable him or them to comply with the Duties enjoined them in repairing and making Bridges and Causeways, without incurring any Penalty thereby.* Overseers may cut timber, &c.

II. *AND be it further enacted by the Authority aforesaid, That all white Males between the Ages of eighteen and fifty Years (except such Persons as are excepted in the before recited Act) shall be liable to work on Roads.* Persons liable to work on roads.

III. *AND be it further enacted by the Authority aforesaid, That so much of the before recited Act as comes within the Purview of this Act is hereby repealed and made void.* Repeal.

IV. *AND be it further enacted, That all Offences committed or done against the Purview of the aforesaid recited Act, shall hereafter be prosecuted by Indictment in any Court having Cognizance thereof; and all Forfeitures shall be recovered by Action of Debt, Bill, Complaint or Information; one Half to the Use of the Prosecutor, the other Half to the Use of the State, unless the same have been otherwise provided for by the said Act.* Method of prosecution.

V. *AND be it further enacted by the Authority aforesaid, That when any Person appointed as an Overseer of the Roads in any County in this State, he shall be deemed and held liable for any Neglect in working on the Roads, until he shall have made Return to the Court of his County, and shall make it appear to their Satisfaction he has done the Duties of an Overseer by Law directed.* Overseers liable for neglect.

CHAP. 19. *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 County.*  
P R I V.

## C H A P. XX.

*An Act to prevent the obtaining of Grants for Lands lying in the Western Parts of this State to the Prejudice of the first Enterers, and entered in the Office lately established for receiving Entries of Claims of such Lands, by an 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.* See acts Nov. 1777, c. 1. and April 1783, c. 2. and acts there referred to.

**W**HEREAS it is the Intent and Meaning of the said Act and of the Act hereby revived and put in Force, that the first Enterers of the vacant and unappropriated



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unappropriated Lands, if specially located, therein described, shall have Preference to all others in surveying and obtaining Grants for the same, when such Entries have been made : And whereas divers Persons have repaired to the Lands lying out of the inhabited Part of this State, and have caused the same to be surveyed in Virtue of Entries made subsequent to the Entries for the same Lands and Plats of such Surveys to be returned to the Secretary's Office, have or are about to obtain Grants for the same, to the Prejudice of the first Enterers : For Remedy whereof,

Further time allowed for the survey, &c. of lands

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 first Enterer of any Tract of Land specially located, lying in the Western Parts of this State, out of the inhabited Parts thereof, shall be allowed the Term of two Years from the last Day of the present Session of Assembly to cause the same to be surveyed, and to obtain Grants thereon ; and that all Grants and Surveys of Land lying in the Parts aforesaid heretofore or hereafter to be made or obtained within the said two Years by any Person upon Lands previously or first entered by any other Person, shall be, and the same are hereby declared to be void and utterly of no Effect.

II. *AND* whereas it hath been found impracticable for the Surveyors in the different Districts and Counties West of the *Apalachian* Mountain, to make their Surveys within the Time limited by Law : *Be it enacted, and it is enacted by the Authority of the same,* That a further Time of two Years from and after the Expiration of the Limitation by Law now existing, be allowed, in order that the Surveyors may compleat the Surveys as by Warrant to them directed.

No grants to be issued for certain lands before the end of the next session.

III. *AND be it further enacted,* That it shall not be lawful for the Secretary of State, and he is hereby directed not to issue any Grants for Lands lying West of the *Cumberland* Mountain until the End of the next Session of Assembly, Grants allowed for military Services, Pre-Emption and Guard Rights excepted.

Further time allowed for army locations, &c.

IV. *AND be it further enacted by the Authority aforesaid,* That the farther Time of twelve Months shall be allowed to the Officers and Soldiers of the late continental Line of this State, to locate and survey the Lands allowed them by Law.

And registering military grants.

V. *AND be it further enacted by the Authority aforesaid,* That the further Time of two Years shall be given for the registering Military Grants in this State.

Further time for probate and registration.

VI. *AND be it further enacted,* That all Deeds, Grants and Mesne Conveyances not issued from the late Lord *Granville's* Office, shall be allowed a further Time of two Years for Probate and Registration ; all which Deeds, Grants and Mesne Conveyances not issued from the Lord *Granville's* Office, although the Time in which they ought to have been proved and registered may have elapsed, shall be as valid when proved and registered in pursuance hereof, as if the same had been done in due Time according to any former Law.

Removed warrants.

VII. *AND be it further enacted,* That all Surveys already made for removed Warrants for Lands actually entered in the Land-Office at *Hillsborough*, and removed on Account of the Lands entered being previously entered as the Law directs, shall be good in Law, provided such Lands were at the Time of such Survey actually vacant, and that such Survey on removed Warrants shall not affect or injure the Right of any Lands entered and specially located in the Office aforesaid, previous to such Survey.

## C H A P. XXI.

See act Nov. 1787, c. 8.

*An Act to amend an Act, entitled, An Act for emitting One Hundred Thousand Pounds Paper Currency for the Purposes therein mentioned, for appropriating the Tobacco lately purchased by Virtue of said Act towards discharging the Interest of the foreign Debt due by the United States, and for making Provision for the future Discharge of the Principal and Interest of the said Debt.*

**W**HEREAS the Provision made by the Act, entitled, *An Act for emitting one hundred thousand Pounds Paper Currency, for the Purposes therein mentioned,* was intended to discharge the Proportion of this State of the Interest of the foreign



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reign Debt due by the United States, but the said Act is expressed in Terms altogether uncertain and insufficient to answer the Purpose thereby intended: For Remedy whereof,

I. *B E* 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 Delegates from this State in Congress be and they are hereby authorized to sell and dispose of the said Tobacco purchased by the State under the said Act, for the highest Price that can be had for the same, and the Proceeds of such Sales shall be subject to the Orders of the Board of Treasury of the United States, and shall be carried to the Credit of this State in Account with the United States, in Discharge of so much of the Interest of the foreign Debt due by the United States for which this State is or may be liable; and on such Sale being made as aforesaid, they shall without Delay advise the Governor thereof, who shall be and is hereby directed and authorized to give the necessary Orders to the several Commissioners to have the said Tobacco respectively by them purchased, carefully reviewed and put in good Order and Readiness to be delivered, at the usual Place of lading at or near *Edenton, Washington, or Wilmington*, to such Person or Persons to whom the same may have been sold as aforesaid.

Tobacco to be sold.

Proceeds how applied.

II. *A N D* be it further enacted, That proper Persons shall be chosen by joint Ballot of both Houses of the General Assembly, for the Purpose of purchasing Tobacco, deliverable at the Towns of *Halifax, Tarborough and Fayetteville*, to whom the Treasurer shall pay the Monies arising from the Revenues and Sources of Revenues appropriated to the Discharge of this State's estimated Quota of the Interest and Principal of the foreign Loans, by an Act, entitled, *An Act for the Support of Government, and for appropriating the Revenues of the State*; whereof the Monies arising and collected from such Revenues in the District of *Edenton, Halifax and Newbern*, shall be paid as aforesaid to the Commissioners of *Halifax and Tarborough*, that is to say, The one Half to each Commissioner; and the Monies arising from such Revenues in the remaining Districts in the State, shall be paid to the Commissioner purchasing at *Fayetteville* for the Purposes aforesaid; and the Commissioners so appointed shall be entitled to the same Commissions for such Service, take the same Oath, and give the same Security for the faithful Performance of the Trust reposed in them, which was required of the Commissioners appointed for similar Purposes under an Act passed at *Newbern*, in 1785, entitled, *An Act for emitting one hundred thousand Pounds Paper Currency, for the Purposes therein expressed*.

Commissioners to purchase tobacco, &amp;c.

III. *A N D* be it further enacted, That the said Commissioners shall not on any Pretence give more than the current Cash Price of the Day for each hundred Weight of merchantable Tobacco, which Tobacco shall be disposed of for the Purposes aforesaid as the next General Assembly shall direct; and the said Commissioners shall settle their Accounts with the Comptroller of this State on or before the first Day of *March, 1788*.

Price limited.

## C H A P. XXII.

*An Act for establishing a Militia in this State.*

See act Nov. 1787, c. 21.

**W**HEREAS in all republican Governments a well regulated Militia is highly necessary for the Defence and Safety thereof:

I. *B E* 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 Freemen and indented Servants within this State, from eighteen to fifty Years of Age, shall compose the Militia thereof; Judges of the Superior Court of Law, Delegates, Secretary, Councillor of State, Treasurer, Attorney-General, Ministers of the Gospel of every Denomination having the Cure of Souls, Ferry-men, Branch-Pilots, Inspectors of public Warehouses, Justices of the Peace, and Continental Officers who have served with Reputation three Years or to the End of the War, unless sooner deranged by a Reform of the Army, excepted. *Provided*, That Nothing herein contained shall be construed so as to exempt any Person from performing

Militia of whom composed.

Exempts.

Duty



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How organized.

Duty in Case of Insurrection or Invasion in this State: organized in the following Manner, *to wit*, The Militia of each District shall compose a Brigade, the Infantry of each County shall form a Regiment consisting of one or more Battalions, with eight Regiments of Cavalry and two Battalions of Artillery, formed as hereinafter directed. *Provided*, That no Person shall be enrolled in any Troop of Horse until approved of by the Field Officers of the Regiment of his County, but shall until then do his Duty in the Infantry.

Officers of companies of infantry.

cavalry.

artillery.

II. *AND* be it further enacted by the Authority aforesaid, That each and every Company of Infantry shall consist of one Captain, one Lieutenant, one Ensign, three Sergeants, three Corporals, one Drummer, one Fifer, and not less than fifty Privates; all of whom shall reside in the District: And one Troop of Horse shall be formed in each County, consisting of one Captain, one Lieutenant, one Cornet, three Sergeants, three Corporals, one Trumpeter, and thirty-two Privates; and the Cavalry in each District shall compose one Regiment: And there shall also be one Company of Artillery in each Borough Town in this State, consisting of one Captain, one Captain-Lieutenant, and one Lieutenant, three Sergeants, three Corporals, two Drummers, two Fifers, and fifty-two Privates; which shall be formed into two Battalions, composing one Regiment.

Officers of brigade.

regiments of infantry.

cavalry:  
artillery.

Staff and other officers how appointed.

Promotion.

III. *AND* be it further enacted by the Authority aforesaid, That each Brigade shall be commanded by a Brigadier-General, each Regiment of Infantry by a Lieutenant-Colonel Commandant, a Lieutenant-Colonel and two Majors, except where there may be two or more Battalions in one County, then in that Case by a Lieutenant-Colonel Commandant of the Regiment, and one Lieutenant-Colonel and one Major to each Battalion; and each Regiment of Cavalry by one Lieutenant-Colonel Commandant and two Majors; and the Regiment of Artillery by a Lieutenant-Colonel Commandant and two Majors, one to each Battalion; who shall be chosen by a joint Ballot of both Houses of the General Assembly in all Cases of Vacancy: And the Brigadier-General of each District is hereby authorized to appoint the Brigade-Major, Aid-de-Camp and Inspector to the Brigade; the Adjutant, the Surgeon and Drum and Fife-Major shall be appointed by the Commanding Officer of each Regiment; and the Non-commissioned Officers, Drummers, Fifers and Trumpeters shall depend on the Appointment of the Captain of each Company or Troop, who are hereby empowered to make the same. The commissioned Officers of Companies shall rise to the Grade of Captain by Seniority, and be commissioned accordingly, on the Return or Certificate of the Commanding Officer of the Regiment; and in Case of Vacancy in the inferior Grades where this Rule will not apply, the Field-Officers of the Regiment shall recommend proper Persons to his Excellency the Governor, who shall issue Commissions accordingly.

Musters of regiments.

companies.

Arms, &amp;c.

IV. *AND* be it further enacted by the Authority aforesaid, That the Commanding Officer of each and every Regiment or Battalion, shall in every Year cause two regimental or battalion Musters to be made of their respective Regiments, at the Court-House of their County, except as herein after excepted; and every Captain or Commanding Officer of a Company shall once within two Months, at such Place as he shall think most convenient, muster, train and exercise his Company; at which Musters, as well regimental or battalion as Company Musters, the Officers and Privates shall appear armed in the following Manner, *that is to say*, All Commissioned Officers of the Infantry with Side Arms or a Spontoon, and each Private and Non-commissioned Officer shall be provided either with a Muffet and Cartouch-Box, or a Rifle, Powder-Horn and Shot-Pouch in good Condition, with nine Charges of Powder made into Cartridges with sizeable Balls or Swan-Shot, one spare Flint, one Worm and Picker: That every Officer and Private belonging to the Troop or Regiment of Horse, shall appear at such Musters, with a strong serviceable Horse, at least fourteen Hands high, with a good Saddle, Bridle, Holsters, one Pistol, Horseman's Sword and Cap, a Pair of Shoe-Boots and Spurs, with a proper Cartouch-Box and Cartridges, all in good Order; and at all Musters the Officers and Privates of the Artillery shall be armed and accoutred with small Arms in the same Manner of the Infantry, except the Non-commissioned Officers, who shall have Swords instead of Fire-Arms.

V. *AND*



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V. *AND be it further enacted by the Authority aforesaid,* That if any Officer shall fail to appear at such Muster as aforesaid, or neglect to appear properly armed, such Officer shall on Conviction before a Court-Martial forfeit and pay, if a Colonel, Lieutenant-Colonel Commandant, Lieutenant-Colonel or Major, the Sum of four Pounds; if a Captain, Captain-Lieutenant, Lieutenant, Ensign or Cornet, the Sum of two Pounds; unless he or they shall make such Excuse as the said Court shall judge sufficient: And every Non-commissioned Officer and Private who shall fail to appear at the said Musters, or who shall not be armed and provided in Manner directed by this Act, shall, for every such Failure or Neglect, forfeit and pay, if at a General Muster twenty Shillings, and if at a Private ten Shillings; which Fines shall be recovered before any Justice or Justices of the Peace having Cognizance thereof: And in all Cases of Fines inflicted at regimental or battalion Musters, the Certificate of the Adjutant, countersigned by the Commanding Officer of the Regiment or Battalion, and in all Cases of Fines imposed at Private Musters, the Certificate of the first Sergeant, countersigned by the Captain, shall be sufficient Authority for any Magistrate to issue his Warrant upon, but on Trial shall be proved by the Oath of such Adjutant or Sergeant: *Provided always,* That every Absentee shall be allowed until the next succeeding Muster, to make his Excuse before the Captain or Commanding Officer of the Company.

Fines for neglect

How recovered.

VI. *AND be it further enacted by the Authority aforesaid,* That the several Captains shall enroll the Names of all such Freemen and indented Servants of which their several Companies consist, and shall at their respective General Musters return a Copy thereof to the Colonel or Commanding Officer of their respective Regiments, under the Penalty of ten Pounds, to be levied by Warrant of Distress from the Colonel of the Regiment, directed to the Sheriff of the County to which the said Regiment belongs, which Sheriff shall be paid out of the said Penalty the Sum of eight Shillings: And in Case any Sheriff shall neglect or refuse to execute such Warrant, he shall forfeit and pay the Sum of five Pounds, to be recovered before any Jurisdiction having Cognizance thereof, and applied as herein after directed; which Copy so returned, shall by every Colonel or Commanding Officer of the Regiment be returned to the Brigadier-General of the District within one Month after such Muster, under the Penalty of twenty-five Pounds; who is hereby required within three Months to transmit the same to the Governor, under the Penalty of fifty Pounds, to be recovered and applied as other Fines by this Act imposed: And his Excellency the Governor is hereby required once in every Year to report to the General Assembly the Number of effective Men in each County, the general State and Condition of the Militia, Magazines and Military Stores.

Captain to enroll his company and make return, &amp;c.

Pen. for neglect how recovered.

Returns how to be made.

VII. *AND be it further enacted by the Authority aforesaid,* That when any Brigadier-General shall be charged with Mal-Practice or Neglect of Duty in Office, the Governor or Commander in Chief for the Time being shall order him to be arrested and furnished with a Copy of his Charge, and shall order a General Court-Martial, composed of one Brigadier-General and twelve Field Officers, six of whom shall be drawn from some other Brigade: And in like Manner the Brigadier-General or Commanding Officer of each Brigade shall arrest and appoint Courts-Martial for the Trial of the Field Officers of the same, against whom Charges may be exhibited; which Courts shall be composed of thirteen Officers, none of whom to be under the Rank of Captain, and a Field Officer to preside: The Colonel or Commanding Officer of each Regiment or Battalion shall order a Court-Martial to be held at the Place appointed for the Muster of the same, on the Day following their respective regimental or battalion Musters; which Court shall consist of thirteen Members, the eldest of which shall be President, and be of the Grade of Field Officer; the Court shall be warned to that Duty by the Adjutant of the Regiment or Battalion by a Roster to be by him kept: And the said Court when convened shall have Power to enquire into the Age and Abilities of all Persons brought before them, and exempt such as may be adjudged incapable of Service; and also all Neglects or Omissions as well by Officers as Privates, and to hear and determine all Appeals which shall be made by Non-commissioned

Courts-Martial.

General.

Regimental.

Authority.



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missioned Officers or Privates who may think themselves aggrieved by the Officers of the Company ; and to order and dispose of all Fines, in the first Place for buying Drums and Fifes and other Implements of War for the Use of the Company whence the same shall arise, and afterwards with supplying the Militia with Arms and Accoutrements.

Judge Advocate.

VIII. *AND be it further enacted*, That whenever a Court-Martial is ordered, the Officer directing the same shall appoint a Judge-Advocate to attend, who shall be allowed a reasonable Salary out of the Fines arising from the Neglects of Duty for his Services ; whose Duty shall be to write at Length the Proceedings of the said Court ; and no Sentence of a Court-Martial shall be put in Execution until the same is returned to the Officer ordering such Court ; and when the Judgment or Sentence shall be to cashier or suspend any Officer whose Appointment is in the General Assembly, the Proceedings shall be transmitted to the Governor or Commander in Chief for the Time being, to be by him laid before the next General Assembly after such Sentence. The President and Members of every Court before they proceed to Business shall take the Oath herein after directed to be taken by the Members of Courts-Martial in actual Service ; and regimental or Battalion Courts-Martial shall also take the following Oath, *to wit*,

Sentence how to be put in execution.

Oath taken by members.

**Y** O U shall swear well and truly to appropriate all Fines and Forfeitures, according to the true Intent and Meaning of the Act for establishing a Militia in this State, without Favour, Affection or Partiality. SO HELP YOU GOD.

Which said Oaths shall be administered by the Judge-Advocate, who shall himself in Presence of the said Court, take the following Oath, *to wit*,

By Judge-Advocate.

**I** A. B. do swear that I will well and truly perform the Duties of Judge-Advocate of this Court, according to the best of my Skill and Abilities. SO HELP ME GOD.

Regulations for preserving decorum.

And the said Courts when formed and sworn, shall observe due Order and Decorum, and should any Member be guilty of any Misbehaviour while on the said Court, he shall for the first Offence be reprimanded by the President, and for the second and every other shall be fined by the Rest of the Members any Sum not exceeding ten Pounds, to be recovered and applied as other Fines by this Act directed.

Pen. for disobeying officers.

IX. *AND be it further enacted by the Authority aforesaid*, That if any Non-commissioned Officer or Private shall during the Time of Muster, resist his Commanding Officer or refuse his lawful Commands, if a Non-commissioned Officer he shall be fined forty Shillings, reduced to the Ranks and kept under Guard during the Time of such Muster, and if a Private, shall be fined twenty Shillings, and be kept under Guard during such Muster ; which Fine shall be levied in the Manner herein before directed. And if the Captain, Lieutenant and Ensign, or any two of them, shall adjudge any Person or Persons enrolled as aforesaid, to be incapable of providing and furnishing him or themselves with Arms, Ammunition and Accoutrements required by this Act, they shall make Report thereof to the next regimental or battalion Court-Martial as the Case may be, who may if it should appear necessary exempt such Persons from the Fines and Forfeitures by this Act imposed, until such Arms and Accoutrements shall be provided and delivered him by the Court-Martial, to be paid out of the Fines already collected and that may hereafter be collected, such Court-Martial first taking Security for the safe keeping of such Arms and Accoutrements, and to be returned when required.

Paupers to be provided with arms.

Power of the Governor in case of invasion or insurrection.

X. *AND be it further enacted by the Authority aforesaid*, That in Case of an Insurrection within this State, or Invasion, it shall and may be lawful for the Governor and Commander in Chief for the Time, or any Officer by him directed, to raise so many of the Militia as shall be thought necessary for opposing such Insurrection or Invasion ; and the Militia so raised shall perform such Duty or Service as they shall be required to do by their Commanding Officer ; and it is hereby required and directed that the said Militia shall appear furnished with Arms, Ammunition and Accoutrements as aforesaid.

Fine for not appearing on alarm, &amp;c.

XI. *AND be it further enacted by the Authority aforesaid*, That every Person who shall neglect or refuse on Call or Alarm given, to appear at such Times and Places



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ces as shall be appointed by his Captain or other Officer, shall on due Conviction before a Court-Martial, forfeit and pay ten Pounds, to be levied by Warrant from the Colonel or Commanding Officer for that Service, directed to the Sheriff of the County where the Offender resides; and such Sheriff, who is hereby required and directed to execute the same, shall for every Neglect or Refusal forfeit and pay the Sum of ten Pounds, to be recovered by Action of Debt before any Jurisdiction having Cognizance thereof: And any Person who shall refuse to march against the Enemy when commanded, or refuse or neglect to do his Duty or perform the Service he is put upon by his Officer, or shall quit his Post, desert or mutiny, it shall and may be lawful for the Commanding Officer of the Regiment or Corps to order a Court-Martial for the Trial of such Offender, first taking the following Oath, *to wit,*

Court-Martial  
for offences when  
it may be order-  
ed.

**Y**OU shall swear well and truly to try and determine according to your Evidence in the Matter now before you, between the state and the Prisoner to be tried.

SO HELP YOU GOD.

And on Trial and Conviction, to punish the Offender according to the Articles of War established for the Regulation of the continental Army, and the Nature of the Offence. *Provided nevertheless,* Such Punishment shall not extend to Sentence of Death, except in Cases of Desertion to an Enemy or Mutiny.

XII. *A N D* be it further enacted by the Authority aforesaid, That the respective Pay, &c. Officers, Non-commissioned Officers and Privates, when in actual Service, shall from the Day they are ordered on Duty, be paid according to the following Rates, *viz.* A Brigadier-General *per* Day, 11. 4s. A Colonel or Lieutenant-Colonel Commandant of Infantry, 16s. Lieutenant-Colonel of ditto, 16s. Major of ditto, 12s. Captain of ditto, 8s. Lieutenant of ditto, 6s. Ensign of ditto, 5s. Surgeon of ditto, 7s. 6s. Sergeant-Major of ditto, 4s. Drum-Major of ditto, 4s. Fife-Major of ditto, 4s. Sergeant of ditto, 3s. Drummer of ditto, 3s. Fifer of ditto, 3s. Corporal of ditto, 3s. Private of ditto, 2s. 6d. Lieutenant-Colonel Commandant of Cavalry, 20s. Major of ditto, 15s. Captain of ditto, 12s. 6d. Lieutenant of ditto, 10s. Cornet of ditto, 7s. 6d. Surgeon of ditto, 10s. Sergeant of ditto, 5s. 6d. Corporal of ditto, 5s. 6d. Trumpeter of ditto, 5s. 6d. Private of ditto, 4s. 6d. Lieutenant-Colonel Commandant of Artillery, 20s. Major of ditto, 12s. 6d. Captain of ditto, 10s. Captain-Lieutenant of ditto, 7s. 6d. Lieutenant of ditto, 7s. 6d. Surgeon of ditto, 10s. Non-commissioned Officers and Privates to have the same Pay as in the Cavalry.

XIII. *A N D* be it further enacted by the Authority aforesaid, That when any Commissioned Officer shall be convicted before a Court-Martial of having violated this Act, he shall not only be subject to the Fines imposed by this Act but shall be cashiered: And all the Field-Officers of the Militia shall be resident in the District or County for which they are appointed; and they shall possess a Freehold of one hundred and fifty Acres of Land, or a Freehold in some Town: And the Persons enrolled in any Troop of Horse or Company of Artillery, shall be and are exempt from their Service in the Infantry, but shall not be afterwards transferred to the Infantry, except in Case of Removal, or by the Consent of the Commanding Officer of the Company.

Punishment of  
officers.

Qualifications of  
field officers.

Cavalry and ar-  
tillery exempt  
from serving in  
the infantry, &c.

XIV. *A N D* be it further enacted by the Authority aforesaid, That no Officer or Soldier ordered or directed by this Act to appear at Muster as aforesaid, shall be liable to be taken or arrested by any Officer in any civil Action or Process whatsoever, on the Day such Person or Persons is or are directed to appear, or in any reasonable Time either going to, continuing at, or returning Home from the Place appointed to muster, but every such Arrest is hereby declared to be void; and every Person required by this Act to attend Musters, going to or returning from any Musters, shall be suffered to pass over any Bridge, and shall be put over any Ferry without Delay, free from any Charge whatsoever; and if any Ferryman shall demand Pay for, delay or refuse to put such Person or Persons over, he shall forfeit and pay for every such Offence the Sum of twenty Shillings, to be recovered by a Warrant from a Justice of the Peace, one Half to the Informer and the other Half to the Use of the County wherein the Offence was committed: And

Privileges on at-  
tending musters.



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Arms not liable to execution.

Brigadier to review.

Captain's fine for neglect.

no Non-commissioned Officer or Private shall be deprived of the Arms and Accoutrements required by this Act, by Execution issuing on an Action of Debt, or any civil Process whatsoever. And the Brigadier-General of each District shall at least once in two Years, review the several Regiments or Battalions in his Brigade: And if any Captain or Commanding Officer of a Company shall fail or neglect to muster his Company as by this Act required, he shall forfeit and pay the Sum of ten Pounds, to be recovered before a Justice of the Peace, or in any Court having Cognizance thereof, at the Suit of the Commanding Officer of the Regiment; which Fines shall be applied to the Use of the Regiment in which they are levied, and the Purposes to which other Fines are appropriated.

Reviews of

Artillery.

Cavalry.

XV. *AND be it further enacted*, That the Major of each Battalion of Artillery, shall once in every Year review the Companies of the same, under the Penalty of twenty-five Pounds; and the Commanding Officer of the Regiment shall once in two Years review the said Regiment by Companies, under the Penalty of twenty-five Pounds, and shall once in every Year transmit a Return of said Regiment to the Governor. The Commanding Officer of each Regiment of Cavalry shall once in two Years muster the same, at some convenient Place of the District where the same shall be formed, under the Penalty of twenty-five Pounds; and shall also once in every Year review every Troop in his Regiment, by calling one or two of them together at some convenient Place; and shall also once in every Year make a just Return of his Regiment to the Brigadier-General of the District, under the Penalty of twenty-five Pounds. *Provided always*, That the Companies of Artillery shall attend the General Musters of the Regiments or Battalions of Infantry which may be most convenient to them.

Fines how appropriated.

XVI. *AND be it further enacted*, That all Fines and Forfeitures by this Act directed, and not particularly appropriated, shall be applied to the Purposes of supplying Arms, Ammunition and Accoutrements, and Colours for the Use of the Corps from whence the same may arise; and those paid by the Brigadier-General, to be divided among the different Regiments and Battalions of his Brigade for the same Purposes.

Rowan three battalions.

Mecklenberg two battalions.

Religious exemptions.

XVII. *AND be it further enacted*, That the Militia in the County of *Rowan* shall be divided into three Battalions, *to wit*, Those Companies that muster at *Salisbury* shall be the first Battalion, the second Battalion shall remain as heretofore, and the Companies on the East Side of the *Yadkin* River shall form a third Battalion, and shall muster at *Wilson's* Old Field. The Militia of the County of *Mecklenberg* shall be divided into two Battalions, and muster as heretofore. *Provided*, That Nothing in this Act contained shall be construed so as to oblige any of the People called *Quakers*, *Moravians*, *Dunkards* or *Menonists* to attend any private or General Muster of Infantry.

Post of companies.

XVIII. *AND be it further enacted*, That the Companies of each Regiment or Battalion shall take Post in the same according to the Age of the Commissions of the several Captains, and if two or more Officers of the same Grade shall have Commissions of equal Date, the Priority shall be decided by drawing Lots in Presence of a Majority of the Field Officers of the Regiment or Battalion, which Lot shall be marked on the several Commissions and forever conclude the Parties.

Former laws repealed.

XIX. *AND be it further enacted*, That all former Laws for regulating the Militia of this State, and every Part thereof, be and they are hereby repealed and made void. *Provided*, That this Act shall not take Effect or be in Force until the first Day of *June* next.

Printer to furnish Military Guide.

New-Hanover muster.

XX. *AND be it further enacted*, That it shall be considered Part of the public Printer's Duty to furnish three Pamphlets of the Baron *Steuben's* Military Guide to each County within this State, for the Use and Instruction of the Field and other Officers of the Militia in the Line of their Duty; and shall be sent with the Acts of Assembly to the different Districts. *And provided also*, That the General Muster for the County of *New-Hanover* shall hereafter be held at *Beaufort* Bridge, any Law to the contrary notwithstanding.

Additional officers to continue.

XXI. *AND be it further enacted*, That if any Regiment or Battalion is at this Time officered different from the Directions of this Act, the same shall remain so until



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until by Vacancies happening in the same, it shall be practicable to arrange the Appointment as by this Act before directed.

XXII. *A N D* be it further enacted, That the Brigade-Inspector shall have the Rank of Lieutenant-Colonel of Infantry, and be allowed the same Pay when in actual Service; whose Duty it shall be to attend the General Musters of each Battalion in the District of which he is appointed once in every Year: And the Brigade-Major and Aid-de-Camp shall severally have the Rank of Major of Infantry, and be allowed the same Pay when in actual Service.

Rank and pay of  
Brigade-Inspector.Brigade-Major  
and Aid-de-  
Camp.

## C H A P. XXIII.

*An Act to pardon and consign to Oblivion the Offences and Misconduct of certain Persons in the Counties of Washington, Sullivan, Greene and Hawkins.*

See acts Nov.  
1787, c. 27. Nov.  
1786, c. 4.

**W**HEREAS divers Persons within the Counties of *Washington, Sullivan, Greene and Hawkins*, who had withdrawn themselves from their Allegiance to the State, have returned thereto, and expressed a Disposition to continue peaceful Subjects of the same:

I. *B E* 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 Treasons, Misprision of Treasons, Offences and Misdemeanors of every Kind soever, done or committed by any of the said Persons against the Sovereignty and Government of this State in and over the said Counties, as heretofore acknowledged, held and exercised, be and are hereby pardoned and buried in total Oblivion; and the said Persons be and are hereby restored to all the Privileges of the other Citizens of the State, as if the said Offences and Misconduct had never existed; any Law to the contrary notwithstanding. *Provided*, That where any Decisions have been had respecting Property which are incompatible with Justice, the Person or Persons injured shall have his or their Remedy at common Law.

Former offences  
pardoned.

II. *A N D* be it further enacted by the Authority aforesaid, That all Persons who held and enjoyed civil and military Offices within the said Counties, on the first Day of *April*, one thousand seven hundred and eighty-four, be and are hereby continued and confirmed in the said Offices; and such as have accepted and exercised other Offices and Appointments, the Acceptance and Exercise of which are considered to be a Resignation of their former Offices held under this Government, and the same are hereby declared vacant; which said vacant Offices, both civil and military, shall be filled up with proper Persons to be appointed by the General Assembly and commissioned by his Excellency the Governor, or otherwise as by Law directed.

Appointment of  
officers, &c.

III. *B E* it enacted by the Authority aforesaid, That all Arrearages of Taxes due from the Citizens of the said Counties up to the End of the Year one thousand seven hundred and eighty-four, shall be collected and accounted for according to the Revenue Laws of the State; and that all Taxes due from the said Citizens from the End of the Year one thousand seven hundred and eighty-four up to this present Time, shall be and the same are hereby relinquished and given to the Citizens aforesaid; any Law to the contrary notwithstanding.

Arrearages of  
taxes, &c.

C H A P. 24. *An Act for the Relief of George Laine Moore and William Jones.*

P R I V.

25. *An Act for raising Money by a Lottery, for the Purpose of building a House for the Reception of the Poor in Craven County.* P R I V.
26. *An additional Act to an Act, entitled, An Act for the Regulation of the Town of Newbern, and for other Purposes.* P R I V.
27. *An Act to authorise the late Commissioners of specific Supplies for the several Counties therein mentioned, to collect the Arrearages of specific Taxes yet due from the Inhabitants thereof.* P R I V.
28. *An additional Act to an Act, entitled, An Act to amend an Act passed at Newbern, the first Day of December, One Thousand Seven Hundred and Sixty-six, entitled, An Act for establishing a School-House in the Town of Newbern.* P R I V.



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C H A P. 29. *An Act for improving the Navigation to Newbern.* P R I V.

## C H A P. XXX.

*An Act for annexing Part of the County of Craven to Pitt County.*

**W** H E R E A S many of the Inhabitants of the County of *Craven* have petitioned to be annexed to the County of *Pitt*:

Division line.

I. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, all that Part of the County of *Craven*, included in the following Bounds, beginning at the *Pitt* Line where *Crooping* Swamp intersects the same, thence down the Run or Middle of the said Swamp to the Run or Middle of the *Clay-Root* Swamp, thence down the Run of the said *Clay-Root* Swamp to the Run of *Swift's* Creek Swamp, thence up the Run of the same to *Isaac Garraener's* Field, or Path across the same, thence a direct Line to the lower Landing on *Grincaul* Creek, which is in about Half a Mile of the said Creek, thence down the said *Grincaul* Creek to the River *Neuse*, thence up the Meanders of the said River *Neuse* to the Mouth of *Great-Colemney* Creek, thence up the said Creek to the Mouth of *Linn-Colemney* Creek, then up the same to the Line of the County of *Pitt*, be, and the same is hereby annexed to, and shall be and remain a Part of the County of *Pitt*. *Provided* always, Nothing in this Act shall be understood to prevent the Sheriff of *Craven* from collecting all public Taxes, that now are or may be due for the Year one thousand seven hundred and eighty-six, in that Part of the said County which comes within the Description of this Act.

Proviso.

II. [*Unnecessary to be inserted.*]

C H A P. 31. *An Act to repeal Part of an Act passed at Newbern, the twenty-ninth Day of December, Seventeen Hundred and Eighty-five, entitled, An Act for destroying Wolves, Panthers, Bears, Crows and Squirrels in the several Counties therein mentioned.* P R I V.

## C H A P. XXXII.

*An Act for dividing the County of Davidson.*

**W** H E R E A S from the Extent of the County of *Davidson*, it renders it very inconvenient and troublesome to many of the Inhabitants thereof to attend the Courts, general Elections, and other public Meetings appointed therein:

Division line.

I. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the said County of *Davidson*, be divided by a Line beginning where the County Line crosses the West Fork of *Stone's* River, down the same to the Junction with the Main *Stone's* River, thence a direct Line to the Mouth of *Erake's* Lick Creek, thence down *Cumberland* River to the Mouth of *Kaspus* Creek, thence up the said Creek to the Head of the *War-Trace* Fork, thence a Northwardly Course to the *Virginia* Line, at a Point that will leave *Red* River, old Station, one Mile to the East; and all that Part of *Davidson* that lies to the West of the said Line, shall continue and remain the County of *Davidson*; and all that Part of the said County of *Davidson* that lies East of the said dividing Line, shall thenceforth be erected into a new and distinct County by the Name of *Sumner*.

Court in *Sumner* when held, &c.

II. **A N D** for the due Administration of Justice: *Be* it enacted by the Authority aforesaid, That the Court for the said County of *Sumner*, shall be held constantly by the Justices thereof on the second *Mondays* of *January*, *April*, *July* and *October* in every Year; and the Justices for the said County of *Sumner* are hereby authorized and empowered to hold the first Court in the same at the House of *John Hamilton*, all subsequent Courts for the said County on the Days above appointed for holding the Courts therein, at any Place to which the said Justices shall from Court to Court adjourn themselves, until a Court-House shall be built for the said County of *Sumner*, and then all Causes, Matters and Things depending in the said



said Court, and all Manner of Procefs returnable to the same, shall be adjourned to such Court-House; and all Courts held in and for the said County of *Sumner*, shall be held by Commission to the Justices in the same Manner, and under the same Rules and Restrictions, and shall have and exercise the same Power and Jurisdiction, as are or shall be prescribed for other Courts held for the several Counties in this State.

[*The Remainder unnecessary to be inserted.*]

CHAP. 33. *An Act for the better Regulation of the Town of Hillsborough.* PRIV.

C H A P. XXXIV.

*An Act for dividing the County of Sullivan.*

WHEREAS the Extent of *Sullivan* County being one hundred and fifty Miles in Length, the Settlements thereof and different Water-Courses in the same, render it inconvenient and troublesome to many of the Inhabitants thereof to attend the Courts and general Elections, and other public Meetings appointed therein :

I. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the said County of *Sullivan* be divided in the following Manner, Beginning where the boundary Line between the Commonwealth of *Virginia* and the State of *North-Carolina* crosses the North Fork of *Holstein* River, thence down said Fork to its Junction with the main *Holstein* River, thence cross said River due South to the Top of *Bayes* Mountain, thence along the Top of the said Mountain and the Top of the dividing Ridge between the Waters of *Holstein* River and *French-Brook* River to its Junction with *Holstein* River, thence down said River *Holstein* to its Junction with the *Tennessee* River, thence down the same to the *Suck* where said River runs through *Cumberland* Mountain, thence along the Top of said Mountain to the aforesaid boundary Line, and thence along said Line to the Beginning: And that all that Part of *Sullivan* County on the East Side of the North Fork of *Holstein* River, shall continue and remain a distinct County by the Name of *Sullivan*; and all that other Part which lies West of said North Fork of *Holstein* shall thenceforth be erected into a new and distinct County by the Name of *Hawkins*.

Division Lines

II. AND for due Administration of Justice: *Be* it enacted by the Authority aforesaid, That a Court for said County of *Hawkins* shall be held constantly by the Justices thereof on the first Mondays of *March*, *June*, *September* and *December*; and the Justices for the said County of *Hawkins* are hereby authorized and empowered to hold the first Court in the same at the House of *Thomas Gibbins*; all subsequent Courts for said County on the Days above appointed for holding Courts therein, at any Place to which the said Justices shall from Court to Court adjourn themselves, until a Court-House, Prison and Stocks shall be built for said County of *Hawkins*; and then all Causes, Matters and Things depending in said Court, and all Manner of Procefses returnable to the same, shall be adjourned to such Court-House; and all Courts held in and for said County of *Hawkins* shall be held by Commission to the Justices in the same Manner, and under the same Rules and Restrictions, and shall have and exercise the same Power and Jurisdiction, as are or shall be prescribed for other Courts held for the several Counties in this State.

Court of *Hawkins* when and where held, &c.

[*The Remainder unnecessary to be inserted.*]

CHAP. 35. *An Act for the better Regulation of the Town of Halifax, and extending the Liberties thereof; and for altering the Mode of laying and levying Taxes in the Town of Edenion.* PRIV.

36. *An Act for erecting a Prison in the County of Franklin.* PRIV.

37. *An Act to release the Estate of John Anderson, deceased, late of Guilford County, from the Forfeiture of a Recognizance entered into for the Appearance of a certain John M' Rory before the Superior Court of Salisbury District.* PRIV.

CHAP.



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## C H A P. XXXVIII.

See act Nov.  
1785, c. 2.

*An Act to alter the Time of holding the County Court of Pleas and Quarter-Sessions in the County of Mecklenberg, and other Counties therein mentioned.*

**W**HEREAS it is represented to this General Assembly, that the Time for holding the County Court of Pleas and Quarter-Sessions in Mecklenberg County, is extremely inconvenient by Reason of the Court for the Month of June happening in the Time of Wheat Harvest: For Remedy whereof,

Time of holding  
Courts in Meck-  
lenberg.

I. *B E* 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 future the said County Court of Pleas and Quarter-Sessions shall be held on the fourth Mondays in January, April, July and October in each Year; to which Time all Matters and Things in the said Court depending, shall stand adjourned and continued from the Court which will be next in Course after the passing of this Act.

In Halifax.

II. *A N D* be it further enacted, That the Courts for the County of Halifax, after the next Sessions for said County, shall be held on the first Mondays in May, August, November and February in each Year; and the Courts for the County of Warren shall, after the next Sessions for said County, be held on the fourth Mondays in May, August, November and February in each Year; and the Courts for the County of Edgcomb shall be held, after the next Sessions for said County, on the fourth Mondays in April, July, October and January in each Year; and Writs and Processes of every Kind shall be made returnable accordingly, and all Proceedings in the said Courts respectively shall stand continued to the respective Terms as by this Act established, and be valid in Law, any Thing to the contrary notwithstanding. And the Courts for the County of *Tut* shall be held, after the next Sessions for said County, on the third Mondays in April, July, October and January in each Year.

In Warren.

In Edgcomb.

In Pitt.

## C H A P. XXXIX.

*An Act for adding Part of Wake County to Franklin County.*

**W**HEREAS it is represented to this General Assembly that it would greatly add to the Ease and Convenience of a Number of the Inhabitants of Wake County, if that Part of the said County lying East of Mockison Swamp, was added to and made a Part of Franklin County:

Part of Wake ad-  
ded to Franklin.

I. *B E* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all that Part of the County of Wake lying East of Mockison Swamp, and a Line running from the Head of the Westernmost Prong thereof a North Course to the Franklin Line, be, and the same is hereby added to and made a Part of Franklin County.

[The Remainder immaterial to be inserted.]

## C H A P. XL.

*An Act for dividing the County of Bladen.*

**W**HEREAS the Extent of the County of Bladen, and different Water-Courses in the same, render it inconvenient and troublesome to many of the Inhabitants thereof to attend the Courts and general Elections, and other public Meetings appointed therein:

Division line.

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act the said County of Bladen be divided as follows: Beginning on Drowning Creek where South-Carolina Line crosses said Creek, thence up said Creek to the Mouth of the Great-Swamp, thence a direct Line to a Point on the main Road five Miles Westwardly of the Bridge on said Great-Swamp as the Road now runs, thence running a strait Line to Cumberland County, touching at Stewart's Mills, on Rock-Fish; and all that Part of the late County of Bladen lying East of said Line, shall continue and remain a distinct County by the Name of Bladen; and all that other

Part



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Part of the said County of *Bladen* lying West of said Line, shall thenceforth be erected into a new and distinct County by the Name of *Robeson*.

II. AND for the due Administration of Justice: *Be it enacted by the Authority* Court of Robeson, when and where held. That a Court for the said County of *Robeson* shall be held constantly on the second Mondays in *February, May, August* and *November*, and the Justices for the said County of *Robeson* are hereby authorized and empowered to hold the Court for the same at the House of Captain *John Willis*, and to adjourn to such other Place as they may judge most convenient, until a Court-House shall be built for said County; and all Courts held for, and in said County of *Robeson*, shall be held by Commission to the Justices in the same Manner, and under the same Rules and Restrictions, and shall have and exercise the same Power and Jurisdiction, as are or shall be prescribed for other Courts held for the several Counties in this State.

[The Remainder immaterial to be inserted.]

CHAP. 41. *An Act to amend an Act, entitled, An Act for regulating the Town of Salisbury in the County of Rowan, and for regulating the Town of Windsor in Bertie County. PRIV.*

42. *An Act to alter and amend an Act, passed at Hillsborough, in May, 1783, entitled, An Act for repairing the Court-House and Prison in the Town of Salisbury, for the District of Salisbury; also one other Act, passed at Newbern in November, 1784, entitled, An Act for levying a Tax in the Counties in Hillsborough and Salisbury Districts, for the repairing the District Buildings in the Towns of Hillsborough and Salisbury, and directing the Method of calling to Account all Commissioners of public Buildings heretofore or hereafter to be appointed; also to alter and amend the several Laws now in Force for erecting and repairing the public Buildings in the District of Hillsborough. PRIV.*

### C H A P. XLIII.

*An Act to annex Part of the County of Burke to Rutherford County.*

WHEREAS by Reason of a Ledge of Mountains that divide the Waters of first *Little-Broad River* from the Waters of *Silver* and *Cain Creeks*, it is extremely difficult for the Inhabitants on the South Side of the said Ledge to attend at the Court-House of the County of *Burke*: And whereas the Inhabitants on the South Side of the Ledge aforesaid have signified their Desire to be annexed to the County of *Rutherford*:

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That from and after the passing of this Act, all that Part of the County of *Burke* lying to the South-East of the aforesaid Mountains so as to include all the Waters of first *Little-Broad River*, shall be, and the same is hereby annexed to and declared to be within the County of *Rutherford*. Part of Burke added to Rutherford *Provided nevertheless,* That Nothing herein contained shall be construed to debar the Sheriffs or other Collectors of public Taxes for the County of *Burke*, from collecting all Monies that may be due at this Time in that Part of the said County, which is by this Act annexed to the County of *Rutherford*; any Law, Usage or Custom to the contrary notwithstanding.

CHAP. 44. *An Act to establish a Town on the East Side of the North-East of Cape-Fear River, in Duplin County, and for adding Alexander Martin, Esquire, to the Board of Commissioners for the Town of Martinville, in Guilford County. PRIV.*

45. *An Act to establish a public Inspection of Tobacco in the Town of Salisbury in the County of Rowan. PRIV.*

46. *An Act to confirm unto Richard Dobbs Spaight an indefeasible Title to certain Lands therein mentioned in Bladen County. PRIV.*



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- CHAP. 47. *An Act to keep open Cape-Fear, Uharie, Rockey River of Pee-Dee, the Catawba, Deep River, the Yadkin River, Dan, Haw River and Rockey River for the Passage of Fish up the same.* P R I V.
48. *An Act to emancipate Cæsar, formerly a Servant of Samuel Yeargan, deceased.* P R I V.
49. *An Act for erecting Bogue Bar and New River Inlet, into a distinct Port by the Name of Swanborough.*

Superseded by the authority of the U. States under their constitution

## C H A P. L.

See act April 1784, c. 27.

*An Act to amend an Act, passed at Hillsborough, in May, One Thousand Seven Hundred and Eighty-four, entitled, An Act for regulating the Pilotage and facilitating the Navigation of Cape-Fear River.*

**W**HEREAS it is necessary that the Regulations established concerning the Navigation and Pilotage of *Cape-Fear River* should be altered and amended:

Power granted Commissioners of navigation.

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 Navigation and Pilotage of the said River, or a Majority of them, shall have and they are invested with full Power and Authority to make and establish such Regulations and Ordinances (not inconsistent with the Constitution, and not otherwise provided for by Law) as to them shall seem necessary from Time to Time, and for the Enforcement of such Ordinances may annex such Fines to any Breach thereof, as they shall deem adequate to the Offence; provided that no such Fine shall exceed the Sum of one hundred Pounds.*

Appropriation and recovery of fines.

II. *AND be it further enacted by the Authority aforesaid, That all Fines laid by Virtue of this Act for Breach of the Regulations aforesaid, shall be paid to the said Commissioners or their Successors in Office, to be laid out for the Improvement of the Navigation of the said River; and the Manner of recovering such Fines shall be by Application to some Justice of the Peace of New-Hanover County by any of the said Commissioners for the Purpose of enforcing the said Regulations, or by any Person conceiving himself aggrieved by the Breach thereof; upon which Application such Justice shall issue his Warrant to bring the Offender before him, and if such Offender shall be found guilty of the Offence wherewith he is charged, the said Justice shall enter up Judgment against him for the Penalty annexed to the said Offence, and issue Execution for the same. Provided, That any Person considering himself aggrieved by such Judgment, may appeal to the next Court of New-Hanover County, first giving Security for prosecuting the Appeal in like Manner as is directed by Law upon other Appeals from Justices of the Peace.*

Regulation as to bar and river pilots.

III. *AND be it further enacted by the Authority aforesaid, That the Number of Bar Pilots for the River aforesaid be reduced to four, and that any two of them (and no more) may enter into Partnership together; and that the Number of River Pilots be increased to six, who may by no Means enter into Partnership with each other.*

Regulation as to apprentices.

IV. *AND be it further enacted by the Authority aforesaid, That each and every Pilot of the said River shall keep at least one Apprentice, and instruct him in the Art and Mystery of a Pilot; and that each of the said Pilots may keep two Apprentices and no more, which said Apprentices upon being authorized by the Majority of the said Commissioners, may pilot any Vessel which their several Masters are entitled to pilot, for the Behoof and Emolument of their said Masters, without Let or Molestation; subject however to the same Regulations as the said Pilots are.*

Bounds of bar and river pilots.

V. *AND be it further enacted by the Authority aforesaid, That the said Bar Pilots shall take Vessels over the Bar to Fort Johnston only, and from the said Fort to Sea; and that the said River Pilots shall take Vessels from the said Fort to Wilmington, and back again to the Fort; for which the following Fees shall be allowed and no more, viz. For bringing a Vessel over the Bar to Fort Johnston, and mooring her there if the Master requires it, if drawing six Feet Water, one Pound five Shillings;*

Rates of pilotage.



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lings; seven Feet, one Pound seven Shillings; eight Feet, one Pound ten Shillings; nine Feet, one Pound fifteen Shillings; ten Feet, one Pound seventeen Shillings; eleven Feet, two Pounds five Shillings; twelve Feet, two Pounds fifteen Shillings; thirteen Feet, three Pounds five Shillings; fourteen Feet, three Pounds fifteen Shillings; fifteen Feet, four Pounds five Shillings; sixteen Feet, four Pounds fifteen Shillings; seventeen Feet, five Pounds ten Shillings; eighteen Feet, six Pounds ten Shillings; nineteen Feet, seven Pounds; twenty Feet, seven Pounds ten Shillings. For bringing a Vessel from the Fort to *Brunswick* and mooring, the same as the above: For bringing a Vessel from *Brunswick* to the *Flats* and mooring, one Half the above Rates: For bringing a Vessel from the *Flats* to *Wilmington* and mooring, one Half the above Rates. For such Vessels as come in at the new Inlet to *Five-Fathom-Hole*, the same as over the main Bar: For bringing from *Five-Fathom-Hole* to *Brunswick*, one Half the above Rates; and the like Rates for taking Vessels down the River and to Sea from each of the said Stations; the Draft of Water to be computed not when the Vessel is loaded, but what she will actually draw at the Time of her passing to or from any of the said Stations, or over the Bar. *Provided*, That where a Vessel shall deepen or lighten while on her Passage between any two of the Stations, the Pilot shall be paid for the greatest Draught between each of the Places respectively.

VI. *A N D* be it further enacted by the Authority aforesaid, That when a Pilot If at sea. shall board any Vessel at Sea in ten Fathom Water or more, and bring her into Port, he shall be entitled to one Half more, or fifty *per Cent.* Advance on the above Rates, for bringing such Vessel in.

VII. *A N D* be it further enacted by the Authority aforesaid, That when any Vessel If over the bar. shall come over the Bar before a Pilot boards her, she shall pay only one-third Fees for coming in; unless when it may happen the Weather is so bad that no Person can board a Vessel, in which Case if he shall hail her without the Bar and she shall follow him into Port, he shall be entitled to full Fees.

VIII. *A N D* be it further enacted by the Authority aforesaid, That the said Commis- New Inlet pilots. sioners of Navigation be and they are hereby empowered to authorise any two Persons, either of the Bar Pilots or others as to them shall seem convenient, to act as Pilots for the new Inlet; who on bringing Vessels in at the said new Inlet and up to *Five-Fathom-Hole*, and mooring there if required by the Master, shall be entitled to the same Fees as are herein before allowed for bringing Vessels over the aforesaid main Bar, and the same for carrying out from *Five-Fathom-Hole* to Sea through the said new Inlet.

IX. *A N D* whereas the Pilotage of the said River has been greatly injured by Pilots fees how recovered. the Delay which the Pilots have suffered in obtaining their lawful Fees, owing to the tedious Mode heretofore in Use for recovering the same: *Be it therefore enacted by the Authority aforesaid*, That all Demands for Fees due to Pilots of the said River not exceeding twenty Pounds, shall be recoverable before a Justice of the Peace, against the Masters or Commanders of Vessels; whose Bonds entered into at the Naval-Office, may be put in Suit for the said Pilots Fees before such Justice; who on due Proof thereof shall enter up Judgment for the same and issue Execution therefor immediately. *Provided*, That the Party cast may appeal to the next County Court, in like Manner as directed in other Cases of Appeals from a Justice of the Peace. *And provided*, That where such Judgment shall be had in Favour of any Pilot for Fees due him, if the Defendant shall appeal, and the Judgment of the Justice shall be confirmed by the said County Court, the Defendant so appealing shall be adjudged by the said Court to pay Damages to the Plaintiff in such Case, equal to one Half the Amount of the Judgment so appealed from.

X. *A N D* be it further enacted by the Authority aforesaid, That all Laws and Former laws repealed. Clauses of Laws which come within the Purview of this Act, be and they are hereby repealed and made void.

XI. *A N D* be it further enacted by the Authority aforesaid, That the Commis- Additional fees. sioners of Navigation for Port *Beaufort*, or a Majority of them, do from Time to Time make to the Bar and River Pilots, such additional Fees and Allowances



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ances to those already established by Law, as they may think just and reasonable, until the General Assembly shall otherwise direct.

- CHAP. 51. *An Act to establish the late Survey and Plan of the Town of Tarborough, as made and laid down by the Direction of the Commissioners composing the Body Politic and Corporate of the said Town, and to amend an Act, entitled, An Act for the better Regulation of the Town of Tarborough. PRIV.*
52. *An Act for empowering the Court of Chatham County to adjourn to the Town of Pittiborough in said County. PRIV.*
53. *An Act erecting a Town on the Lands of Matthew Figures, in Northampton County, on the South Side of Meherrin River. PRIV.*

## C H A P. LIV.

*An Act for appointing the Place of holding Courts of Pleas and Quarter-Sessions in the County of Sullivan.*

**W**HEREAS the Division of Sullivan County hath rendered the usual Place of holding Courts unequal in Distance to a Number of the Inhabitants of said County:

Commissioners to fix the place of building court-house, &c.

I. *BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the Authority of the same, That Joseph Martin, James M'Neil, John Duncan, Evan Shelby, Samuel Smith, William King and John Scott, be appointed Commissioners, and they are hereby empowered or a Majority of them, to fix upon the most central or convenient Place to the Inhabitants of said County, for building and erecting a Court-House, Prison and Stocks for the Use of the same, and all subsequent Courts shall be constantly held by the Justices thereof, on the second Mondays in March, June, September and December; and the Justices of the County of Sullivan are hereby authorized and empowered to hold the first Court in the said County of Sullivan at the House of Joseph Cole, and that the Justices for said County of Sullivan shall and may have full Power and Authority to adjourn themselves to any other convenient Place in said County, until such Time that a Court-House, Prison and Stocks shall be built for said County, and then all Causes, Matters and Things depending in said Court, and all Manner of Process returnable to the same shall be adjourned to such Court-House.*

II. *[Unnecessary to be inserted.]*

- CHAP. 55. *An Act for altering the Names of Walter Hogg and Gavin Hogg to those of Walter Alves and Gavin Alves, the Name of James Mason to that of James Isham, and the Name of Jonathan Ballinger to that of Jonathan Parker. PRIV.*
56. *An Act to enable the Executors of Robert Hogg, deceased, to maintain and defend Suits under the Regulations therein mentioned. PRIV.*
57. *An Act for the Inspection of Tobacco at Anson Court-House. PRIV.*
58. *An Act to emancipate Hannah, alias Hannah Bowers, a Person of mixed Blood, belonging to the Estate of the late Alexander Gaston, deceased. PRIV.*
59. *An Act for establishing a Town on the Lands of William Murfree, on Meherrin River, in the County of Hertford. PRIV.*
60. *An Act for the Inspection of Tobacco at Joseph Green's, in Wayne County. PRIV.*
61. *An Act for enabling certain Persons to perfect a Canal between Scuppernong River and the Lake near its Head. PRIV.*
62. *An additional Act to an Act, entitled, An Act to prevent the several Species of Hunting therein mentioned. PRIV.*

Relating to the county of Guilford.

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- CHAP. 63. *An Act to empower the Wardens of the Poor in the County of Granville to sell the Glebe in said County. PRIV.*
64. *An Act for creating an Academy at the Town of Warrenton, in the District of Halifax. PRIV.*

## C H A P. LXV.

*An Act to annex Part of the County of Granville to Warren.*

**W**HEREAS the annexing a Part of the County of Granville to Warren will tend greatly to the Ease and Convenience of those inhabiting the same :

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, all that Part of Granville County included within the following Bounds, viz. Beginning at the Point where the Line of Division between Warren and Granville Counties shall touch the Line of Division between this State and the State of Virginia, and running thence West along the said Line to Nutbush Creek, thence up said Creek as it meanders to the Mouth of Anderson's Swamp, thence up the said Swamp to the Fork, thence up the South Fork of the said Swamp to Stark's Mill, thence by a Line to be run due South until it shall touch the aforesaid Line of Division between Warren and Granville, be, and the same is hereby annexed to, and shall be and remain a Part of the County of Warren : Provided, Nothing in this Act shall be understood to prevent the Sheriff of the County of Granville from collecting all public Taxes now due in that Part of the County which comes within the Description of this Act.*

Part of Granville  
added to Warren.

II. [Unnecessary to be inserted.]

- CHAP. 66. *An Act to enable William Moore, late Sheriff of Burke County, to collect all the Taxes due from the said County for the Year One Thousand Seven Hundred and Eighty-five, and to allow him a further Time for settling for his Collections with the Treasurer. PRIV.*
67. *An Act for establishing an Academy at the Place heretofore called Martinborough, in the County of Pitt; and for altering the Name of Martinborough to that of Greensville. PRIV.*
68. *An Act for the Promotion of Learning in the County of Chatham. PRIV.*
69. *An Act to vest in Trustees certain Powers for the Benefit of Elizabeth Torrens and her Children. PRIV.*
70. *An Act for cutting a Canal from Currituck Sound to the Indian-Ridge, and from thence to the Head of North River, or as far as the Commissioners herein named shall think proper. PRIV.*
71. *An Act empowering Commissioners to dispose of the Lands and Glebe, the Property of St. John's Parish, formerly of the County of Bute, now in Franklin. PRIV.*
72. *An Act to vest the Title of a Piece or Parcel of Land lying in Jones County, in Howel Brown and his Heirs, in Fee-Simple. PRIV.*
73. *An Act for levying a Tax in the District of Edenton, for building the Gaol of the said District. PRIV.*
74. *An Act to amend an Act passed at Hillsborough, in the Year One Thousand Seven Hundred and Eighty-two, entitled, An Act to vest the Title of a certain Tract of Land in Robert Cummins. PRIV.*
75. *An Act to appoint Commissioners to carry on and finish the public Buildings in the County of Anson. PRIV.*
76. *An Act for establishing a Town on the Lands of Andrew Bafs. PRIV.*
77. *An Act to erect and establish an Academy in the County of Franklin. PRIV.*



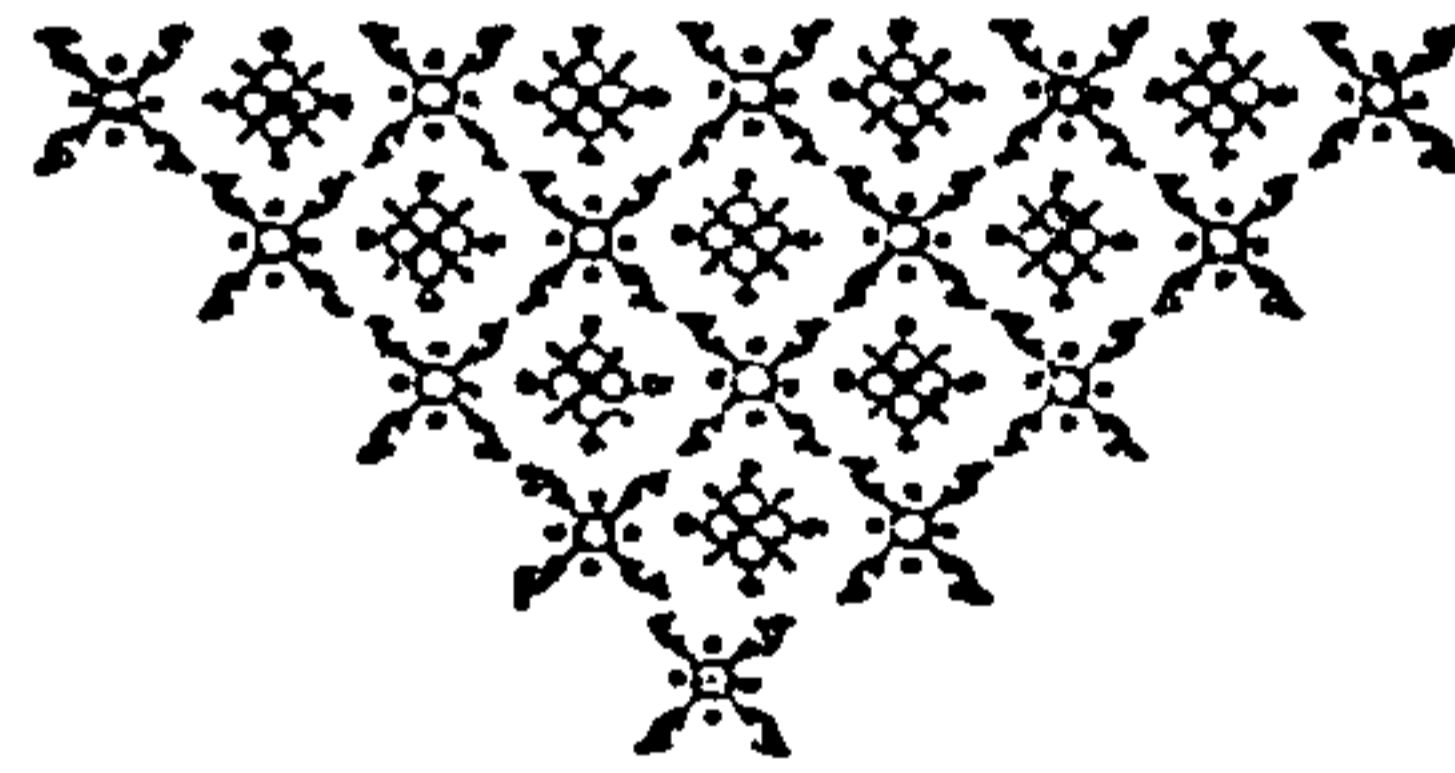
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- CHAP. 78. *An Act for establishing a Town on the Land of Robert Burton, Esquire, in the County of Granville. PRIV.*
79. *An Act appointing Commissioners to fix on a convenient Place for holding the Courts of Pleas and Quarter-Sessions in the County of Washington, and for vesting the Commissioners herein mentioned with full Power to call out of the former Commissioners Hands such Sums of Money as may appear to be due in their Hands. PRIV.*
80. *An Act for altering the Manner of holding the annual Elections for the County of Hyde. PRIV.*
81. *An Act for establishing a Town on the Lands late the Property of William Petty, adjoining Chatham Court-House, as laid off by the Trustees named in the Act of the last General Assembly, entitled, An Act for establishing a Town on the Lands of Mial Scurlock, deceased, in Chatham County, for appointing Commissioners for the Regulation of said Town, and repealing said Act. PRIV.*
82. *An Act vesting certain Lands therein mentioned in John Colson, Son of William Colson, in Fee-Simple. PRIV.*
83. *An Act to extend two Acts passed at the last General Assembly held at Newbern, concerning the County Wardens of the Poor and Tobacco Inspection to the County of Chatham. PRIV.*

*Read Three Times, and ratified in General Assembly, the }  
Sixth Day of January, Anno Dom. 1787. }*

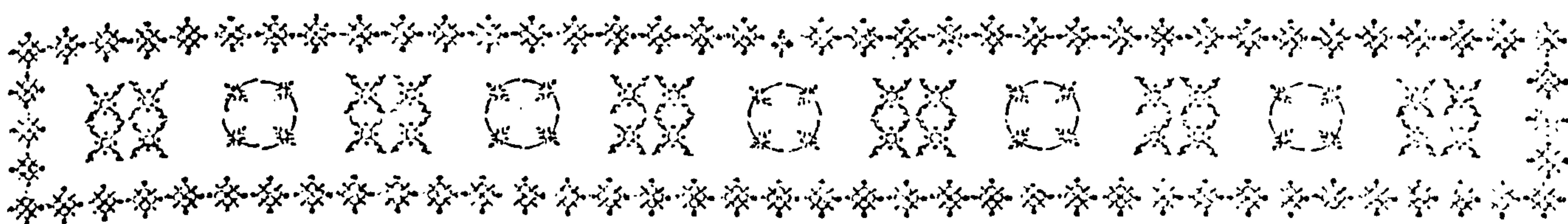
SIGNED BY

JAMES COOR, S. S.  
JOHN B. ASHE, S. C.



L A W S





# L A W S

O F

## NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held at Tarborough, on the Eighteenth Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty-seven, and in the Twelfth Year of the Independence of the said State: Being the First Session of the said Assembly.

RICHARD CASWELL, Esq.  
Governor.

### C H A P. I.

*An Act declaring the Treaty of Peace between the United States of America and the King of Great-Britain, to be Part of the Law of the Land.*

See the treaty of peace hereafter published in this collection.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Articles of the Definitive Treaty between the United States of America and the King of Great-Britain, are hereby declared to be Part of the Law of the Land.

Treaty with G. Britain to be the law of the land.

II. *AND* be it further enacted by the Authority aforesaid, That the Courts of Law and Equity are hereby declared in all Causes and Questions cognizable by them respecting the said Treaty to judge accordingly.

Courts to judge accordingly.

CHAP. 2. *An Act for levying a Tax for the Support of Government, and for the Redemption of the old Paper Currency, Continental Money, and Specie and other Certificates.*

Temporary.

### C H A P. III.

*An Act to regulate the Inspection of Tobacco in this State.*

**W**HEREAS by the Laws now in Force in this State for the Inspection of Tobacco, Frauds may be committed: For Remedy whereof,

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the Inspectors that are or shall hereafter be appointed to inspect Tobacco at the several Inspections within this State, shall and may take and receive for inspecting each Hoghead of Tobacco and issuing a Note, the Sum of four Shillings; and for each hundred Weight of transfer Tobacco by them inspected, the Sum of six Pence, and so in Proportion for a smaller Quantity, and no more; and the Turners up of Tobacco as hereafter to be appointed, may take and receive the Sum of three Shillings for each Hoghead he or they shall turn up and cooper, and no more.

Fees of Inspector, &c.

II. *AND* be it further enacted, That any Number of Persons not exceeding ten, shall be appointed by the Court of the County where such Inspection may be, to turn up and cooper Tobacco, and they shall hold their Appointment during good Behaviour.

Appointment of persons to assist the Inspector.

III. *AND* be it also enacted, That the Inspectors at each and every Inspection shall be a Judge of the Behaviour of the said Turners up, and if they in their Opinion find the said Turner or Turners up deficient in his or their Duty, the

Inspectors to judge of their behaviour, &c.



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the said Inspectors shall and they are hereby required to report the said Turner or Turners up so misbehaving, to the Court of the County in which they are appointed; and if he or they shall be found guilty of the Charge alledged by the said Inspectors, in that Case the Court is hereby directed and required to remove such Person or Persons from the said Appointment, and appoint another or others in his or their Stead. *Provided*, That any Person bringing Tobacco to any of the said Inspections, such Person is hereby entitled either by himself or otherwise, to turn up, pick, prize and cooper his or their own Tobacco, and to have free Access to any of the Prizes erected by the County where such Inspection is, for the Purpose of prizing the same: And if any Dispute should arise between the Parties bringing Tobacco to any of the said Warehouses, the Right of Preference to the said Prizes shall be determined by the Inspectors.

Inspectors not to take greater fees than this act allows.

IV. *AND be it further enacted by the Authority aforesaid*, That if any of the Inspectors at the several Inspections in this State, shall take and receive any greater Fees than are by this Act allowed, he or they so offending, shall upon Conviction thereof, forfeit and pay the Sum of five Pounds for each and every Offence, to be recovered before any Jurisdiction having Cognizance thereof, by any Person suing for the same, to the Use of the Prosecutor.

Tobacco to be divided into three qualities.

V. *AND be it further enacted by the Authority aforesaid*, That after the passing of this Act, the several Inspectors heretofore or hereafter to be appointed, shall and they are hereby directed to pass all Tobacco which they shall find to be in found good Condition, and shall make the following Distinctions in the Tobacco so by them inspected and passed, *that is to say*, A first, second and third Quality, which they shall certify in every Note by them issued, and cause to be properly branded on the Hogthead, and inserted or certified in the shipping Manifest.

Appointment of pickers, their duty, &c.

VI. *AND be it further enacted by the Authority aforesaid*, That the Court of each County where a public Inspection of Tobacco is established, shall at their first Court after the passing of this Act, appoint two Persons skilled in Tobacco to be Pickers, who shall be entitled to the following Fees for their Services, *viz.* for each and every hundred Weight of Tobacco by them picked and prized, one Fifteenth Part; and shall take the following Oath or Affirmation:

**I** A. B. *do swear* (or affirm as the Case may be) *that I will faithfully pick all Tobacco which may be put into my Possession for that Purpose, without Fraud or Damage to the Owner.*  
SO HELP ME GOD.

And each of the said Courts shall and may appoint one of the Pickers to act in the Room of either of the Inspectors, at any Time when such Inspector may be incapable of attending, who shall take the Oath in Manner prescribed for Inspectors, and such Picker may be called on to give a casting Voice should the Inspectors disagree in the Inspection of any Tobacco; and the said Picker when attending in Lieu of either of the Inspectors, may receive the Allowance of the said Inspector for each Hogthead of Tobacco he shall inspect: *Provided*, That the Picker by whose Voice any Tobacco shall be condemned shall not be allowed to have the picking thereof, and that when the Picker is so appointed by the Court, he shall be invested with the Power of Inspector, in Case of Inability of either of the Inspectors so appointed, until the next County Court, or until the Inspector can be present. *Provided nevertheless*, That upon Complaint made to any of the said Courts, against either of the said Pickers, the Court where such Complaint is lodged shall and is hereby directed to enquire into the Nature of the Complaint, and if it shall appear that the Picker or Pickers, against whom such Complaint hath been lodged, has been guilty of any Misbehaviour in the Execution of his Duty, such Court shall remove him or them from said Appointment, and appoint another or others in his or their Stead.

Former laws repealed.

VII. *AND be it further enacted by the Authority aforesaid*, That all Laws heretofore made, that come within the Purview and Meaning of this Act, are hereby declared to be made void.



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## C H A P. IV.

An Act for revising and collecting the Acts of the General Assembly of the State of North-Carolina.

See act Nov. 1788, c. 8.

**W**HEREAS it is necessary that the Acts of the General Assembly now in Force in this State be revised and collected:

I. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That James Iredell be, and he is hereby appointed a Commissioner to revise and compile the Acts of the General Assemblies of the late Province and present State of North-Carolina, and to insert the Charter from the Crown of Great-Britain, the Lords Proprietors, Great Grant and the Constitution of this State, together with the Treaty of Peace between Great-Britain and the United States of America, and the Confederation of the United States existing at the Time such Revival shall be published; and further the said Commissioner is hereby authorized and directed in revising and collecting said Acts, to leave out all Laws repealed or obsolete, all private Acts, and all Acts on which no Question of Property can arise; and further the said Commissioner is hereby required to see the said Acts printed in the same Order and in the same Words in which they now stand, with marginal Notes of the Contents of each Section, a marginal Reference and a copious general Index with Reference to each Act and the Contents of each Section.

Commissioner appointed to revise the acts of Assembly, &c.

II. *AND* be it further enacted by the Authority aforesaid, That the said Commissioner be and he is hereby authorized to agree and contract with a Printer or Printers to print and publish the said Revival, and furnish one Copy to each County Court within this State, two Copies for the Use of the General Assembly, and one to each Superior Court, on Account of the Public; and such Printer or Printers shall be entitled to an exclusive Right to print and sell the Copies of such Revival for the Space of seven Years.

To agree with a Printer, &c.

III. *AND* in Order to enable such Printer or Printers to undertake and complete the said Work: *Be* it further enacted by the Authority aforesaid, That the Sum of five hundred Pounds shall be advanced to him or them on Loan, payable in three Years from the Receipt thereof, he or they first giving Bond with Sufficient Security, payable to the Governor or his Successors in Office, for the faithful Performance of the said Agreement, and the Payment of the said Money as aforesaid; which Bond shall be taken by the Commissioner and lodged in the Secretary's Office, and the Governor is hereby directed and required to issue a Warrant or Warrants in Favour of the said Commissioner for the Purposes aforesaid.

500l. to be advanced to the Printer on loan. See act Nov. 1788, c. 8.

IV. *AND* be it further enacted by the Authority aforesaid, That when such Commissioner shall lay before the General Assembly a Statement of his Labour and Expences in forming the said Revival or Compilation, and in attending and correcting the Press during the printing and publishing the same, such General Assembly shall allow him a full and ample Compensation for such Service and Expenditures.

Allowance to Commissioner.

CHAP. 5. An Act to amend an Act, entitled, An Act to remove all Disabilities from Simon Cleary, and others therein named. P R I V.

## C H A P. VI.

An Act to prevent Thefts and Robberies by Slaves, free Negroes and Mulattoes.

**W**HEREAS it is represented that Slaves and free Negroes are encouraged to rob or steal from the Inhabitants all Kinds of Produce, by the Facility with which they may conceal and dispose of such Produce to the Masters of trading Vessels in the several Bays, Harbours, Creeks and Rivers within this State:

I. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, it shall not be permitted for the Master or Commander of any Vessel to entertain any Slave, Negro or Mulatto on Board such Vessel at any Time

No slave, &c. to be permitted to be on board a vessel in the night, or on the Sabbath-



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 day, without a  
 pass, &c.

between Sun-Set and Sun-Rise, nor during the Sabbath-Day, unless such Slave, Negro or Mulatto as shall belong to the Vessel, or shall have a Pass from his, her or their Master or Mistress, or from some Justice of the Peace, expressing the Time when and the Business for which they go on Board: And if any Slave, Negro or Mulatto who has not such Pass, or is not stately employed on Board the Vessel as one of the Hands, shall be found on Board any Vessel in any Bay, Harbour, Creek or River within this State, on the Sabbath-Day, or in the Night between Sun-Set and Sun-Rise, he shall be presumed to have been disposing of stolen Goods; and the Master or Commander of such Vessel, on Complaint and Conviction before any two Justices of the Peace, shall be subject to a Fine for Entertainment of such Slave, Negro or Mulatto of five Pounds for the first Offence, and ten Pounds for every succeeding Offence, to be applied to the Use of the Poor of the County in which such Conviction shall be had: But any Person dissatisfied with the Judgment of the said two Justices, shall have the Right of appealing to the Court of the County, the Determination whereof shall be final; the Person appealing to be subject to the same Regulations as in the Cases of other Persons appealing from the Judgment of a Justice.

Pen. for free negro, &c. entertaining slaves, &c.

II. AND whereas the Property of many of the Citizens of this State may be greatly affected by permitting a private Intercourse between Slaves and free Negroes and Mulattoes: *Be it enacted by the Authority aforesaid*, That if any free Negro or Mulatto shall entertain any Slave in his or her House during the Sabbath, or in the Night between Sun-Set and Sun-Rise, he or she shall for entertaining such Slave be subject to a Fine of twenty Shillings for the first Offence, and forty Shillings for every subsequent Offence, to be recovered on Conviction before any one Justice of the Peace, and applied to the Use of the Poor of the County in which the Offence shall be committed, saving to the Party the same Right of appealing as aforesaid. And in Case the said free Negro or Mulatto shall not be able to pay the Fine aforesaid, the Constable who shall have attended at such Conviction, shall hire out said free Negro or Mulatto to the Person who shall take him or her for the shortest Space of Time in Payment of the said Fine with Costs, the said Constable having previously advertised at least ten Days at the Door of the Court-House and other public Places of the said County, that such Negro or Mulatto would be hired out for the Purpose aforesaid; and the Person who shall hire such free Negro or Mulatto, shall be bound to pay at the Time and Place of such hiring the Amount of the Fine with Costs as aforesaid.

Pen. for free negro, &c. marrying a slave, &c.

III. *AND be it further enacted by the Authority aforesaid*, That in Case any free Negro or Mulatto shall from and after the passing this Act, intermarry or cohabit with any Slave, without the Consent of his or her Master had in writing, and attested by two Justices of the Peace, such free Negro or Mulatto shall be liable and held to pay to the Master or Mistress of such Slave the Sum of ten Pounds; and on failing to pay such Sum, shall be held to Service to the Master or Mistress of such Slave for and during the Term of one Year.

## C H A P. VII.

See act Nov. 1786, c. 2.

*An Act to amend an Act, entitled, An Act to bring to condign Punishment, and to secure their Estates so as to be answerable to the Public, the Persons therein described, accused of certain Crimes and fraudulent Practices, and to indemnify such Persons as have acted in Pursuance to certain Resolutions of this Assembly from vexatious Suits and Prosecutions, and to establish a Board for the Detection and further Discovery of the said fraudulent Practices, and for settling and liquidating the Accounts of the Officers and Soldiers of the continental Line, to give the Public a further Security, and to relieve the Creditors of Persons who have been presented or indicted in consequence of the said Act.*

**W**HEREAS by the fifth Section of the said Act it is required and enacted that the Persons presented or indicted at a Court of *Oyer and Terminer* held under the said Act, should enter into Bond with good and sufficient Sureties before the Judge or Judges of the said Court, in double the Amount of the Due-Bills drawn by such Persons respectively out of the Office of the Commissioners  
of



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of Army Accounts, that they will not transport their Property out of this State, or leave this State for twelve Months and till the End of the next General Assembly; and by the tenth Section of said Act it is enacted, that such Persons are and shall be held and deemed incapable in Law of alienating and disposing of any of their Estates, real or personal, in any Manner whatever, until the End of this present General Assembly: And whereas the innocent Creditor of such Persons have been injured by such Disability: Wherefore,

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That each and every of the said Persons so presented or indicted as aforesaid, shall enter into Bond with good and sufficient Sureties before the Comptroller of the State in the full Amount of Due-Bills and Certificates, together with the Interest drawn for themselves or received in the Names of others by such Persons respectively out of the late Office of the Commissioners of Army Accounts, erected under an Act passed at *Newbern*, in the Year one thousand seven hundred and eighty-five, entitled, *An Act to empower Commissioners to liquidate the accounts of the Officers and Soldiers of the continental Line of this State, and to revive the late Boards of Auditors for a limited Time*, such Bond to be conditioned that they will well and truly pay to the Governor for the Time being, or his Successor in Office, for the Use of the State, such Sum or Sums of Money as may appear hereafter to have been illegally or fraudulently drawn by them out of the Treasury of this State in consequence of the said Due-Bills, and also the Amount of the Certificates by them fraudulently drawn from the Commissioners of Army Accounts as aforesaid.

Persons indicted to give bond and security for monies illegally drawn.

II. *A N D* be it further enacted by the Authority aforesaid, That if such Person or Persons as aforesaid shall not, on or before the first Day of *March* next, enter into Bond as aforesaid, before the Comptroller of the State as aforesaid, then and in that Case they shall be held and deemed liable to the Pains and Penalties, Forfeitures and Disabilities described and enacted in the fifth, seventh, eighth, ninth and tenth Sections of the said Act passed at *Fayetteville* as aforesaid; which said Sections of said Acts are hereby continued and declared to be and remain in full force and Efficacy against all and every of the said Persons who shall or may refuse or neglect to take the Benefit of this Act. *Provided nevertheless*, That such of the said Persons as are now in Confinement, or should remain in such Situation, may enter into Bond as aforesaid before three Justices of the Peace, to be summoned for that Purpose by the Sheriff of the County wherein such Person may be confined; which Bond the said Justices shall transmit to the Comptroller's Office within three Months, under the Penalty of five hundred Pounds, to be sued and recovered in the Name of the Governor, for the Use of the State.

Pen. &c. for failing to give bond, &c.

Proviso.

#### C H A P. VIII.

*An Act to direct the Application of such public Tobacco as already is or hereafter may be purchased by the Commissioners for that Purpose appointed by the last General Assembly.*

See act Nov. 1786, c. 21.

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That it shall be the Duty of the Commissioners appointed for purchasing Tobacco for the Use of this State, to make quarterly Returns of the Quantity and Quality, with the Names of the Persons of whom purchased, with the net Weight and Price by them given for every hundred Weight so by them purchased, to the Governor for the Time being, who together with the Council of State shall take Order from Time to Time and as early as may be for the Disposal of such Tobacco for the highest Price that can be had for the same, so that the Proceeds of such Sales shall be subject to the Order of the Board of Treasury of the United States, and shall be carried to the Credit of this State in Account with the United States, in Discharge of so much of the Interest of the foreign Debt due by the United States, for which this State is or may be liable.

Purchasers of tobacco, their duty.

Power of the Governor & Council

II. *A N D* be it further enacted, That the second and third Sections of an Act of the last General Assembly, entitled, *An Act to amend an Act, entitled, An Act*

Part of a former act revived.

for



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for emitting one hundred thousand Pounds paper Currency for the Purposes therein mentioned, for appropriating the Tobacco lately purchased by Virtue of said Act towards discharging the Interest of the foreign Debt due by the United States, and for making Provision for the future Discharge of the Principal and Interest of the said Debt; shall be revived and govern the Purchasers for one Year longer. *Provided nevertheless,* The Commissioners shall not be at Liberty to purchase any Tobacco but such as shall be of the first and second Clais or Quality.

Former contracts

III. *AND be it further enacted,* That all Contracts for Tobacco made and entered into before the passing of this Act, shall be held and deemed to be one Half of the first Quality and the other Half of the second Quality, and all Verdicts and Judgments shall be given accordingly.

Superfeded by the authority of the U. States under their constitution.

CHAP. 9. *An Act directing the Duty of Naval-Officers, and of all Masters of Vessels coming into any of the Ports or Inlets of this State.*

## C H A P. X.

*An Act for fixing the final Settlement of unliquidated Claims against this State, and against the United States within this State.*

**W**HEREAS it is necessary in order to prevent Frauds in the Liquidation of Claims against this State, that the Mode of settling the same should be uniform:

Claims to be exhibited to the Comptroller.

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That all Persons having unliquidated Claims against the State pertaining to the late Commissary, Quarter-Master, Clothier, Marine or Hospital Departments, or other unliquidated Claims of whatever Nature, shall exhibit such Claims to the Comptroller for Settlement within twelve Months from the Date hereof; and all Accounts not exhibited as aforesaid, shall be precluded from Settlement or Allowance.

Who shall pass and report the same.

II. *BE it enacted by the Authority aforesaid,* That the Comptroller is hereby authorized to receive the said Accounts, and to pass upon all such as are authorized by the Resolves of Congress or by the Acts or Resolves of this State, and supported by proper Vouchers, so far as it respects the Evidence in Support of the said Claims, and to receive such as are not thus warranted or supported, with such Remarks as may explain the Nature of these Accounts, and the Reasons offered for the Deficiency of Vouchers, and report the same in alphabetical Order to the General Assembly, and to the Commissioner appointed to settle the Accounts between the United States and this State, to be adjusted according to the Provision in the Ordinance of Congress for allowing such Advances or Disbursements as may have been made by the Citizens for the Use of the Union, although the same be not sanctioned by the Resolves of Congress or supported by proper Vouchers.

III. *AND be it further enacted,* That all Claims in future shall be exhibited to the Comptroller, and all Persons making or demanding the same, shall take and subscribe the following Oath or Affirmation:

Oath to be taken by claimants, &c.

**I** A. B. *do swear or affirm (as the Case may be) that the Claim by me now exhibited is justly due, that it has not been rejected heretofore by any of the Auditors of this State, or by the Comptroller or any Committee of the General Assembly, and neither by myself or any other Person have I received Satisfaction for the same or any Part thereof.*

Which Oath or Affirmation shall be endorsed thereon, or annexed thereto; and the Comptroller, or some Justice of the Peace of the County wherein he may reside, is hereby empowered to administer such Oath or Affirmation: And the Comptroller on receiving such Claim and Certificate, shall examine whether it is covered by any Resolution of the Congress, or any Resolve or Act of the General Assembly, and reject or allow the same according to the Right of Demand founded on any such Resolution or Act, and shall enter all such as are well founded in a Book or Books to be kept for that Purpose, under an Account to be raised between the State and said Claimant, and shall file those rejected according to the County



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County and Date in his Office; and further said Comptroller shall at the succeeding General Assembly lay before them a Transcript of all Allowances by him made, with the Vouchers, that the Assembly may take Order thereon.

IV. *AND be it further enacted*, That no Claim, Draft or Warrant from the Governor or any one else, except the Certificates for the Service of the Members of the General Assembly and their Clerks and Waiters, and the Certificates of the Clerks of the Superior Courts for the Salaries of the Judges and the Attorney-General, shall be paid by the Treasurer, Collector or other Receiver of the public Revenue or Taxes, until such Claim, Draught or Warrant shall have been entered in the Comptroller's Office and charged to the Person or Persons drawing the same, with the Comptroller's Order endorsed to the Treasurer or other Receiver of the public Revenue to pay the same, and no Claim, Warrant or Draft (except as before excepted) shall be allowed in the Settlement of the Account of any Treasurer, Collector or Receiver of the public Revenue or Taxes, but under the foregoing Rules and Regulations; any Law to the contrary notwithstanding.

Claims to be entered with the Comptroller before paid.

## C H A P . XI.

*An Act for hiring out Persons convicted on Indictment or Presentment, not being able or willing to pay the Fees of Office and Gaoler's Fees.*

**W**HEREAS many Persons convicted on Indictment take the Benefit of the insolvent Act, either neglecting or refusing to pay Fees of Office, and Sheriffs and Gaoler's Fees, to the great Injury of the Citizens of this State: For Remedy whereof,

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That all and every Person who shall be found guilty of any Charge exhibited against him or them by Indictment or Presentment, and shall be unwilling or unable to pay the Office and Gaoler's Fees that are or may be consequent thereon, shall be hired out by the Sheriff of the County where such Person is or may be convicted, for such Time as any Person will take him or them to serve for the said Fees and Charges, the said Sheriff first advertising the Time and Place of hiring at least ten Days previous thereto.

Persons found guilty, &c. not paying fees, to be hired out.

## C H A P . XII.

*An Act for the more regular collecting and accounting for the Revenue of this State, for allowing the public Treasurer a Clerk, and for the Collection of Arrearages, and to repeal the twelfth Section of an Act therein mentioned.*

**W**HEREAS it is adviseable that the public Accounts of this State should in future be kept after a Manner different from the Mode heretofore pointed out by Law:

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That for the Year one thousand seven hundred and eighty-eight, and each succeeding Year, all Sheriffs and other Receivers of public Monies, shall settle their respective Accounts, or cause them to be settled with the Comptroller of this State, the whole of which Settlements, except those herein after excepted, shall be made in the Months of *July, August or September* in each and every Year; and it shall be the Duty of the Comptroller on forming any such Settlement, forthwith to report the Sums or Amount due from such Accountant to the Treasurer of the State, setting forth in such Report (if a Sheriff's Account) the net Amount of each Species of public Tax; and the Treasurer shall raise an Account against each and every of such Persons and debit them accordingly; and in Case any such Person shall fail to appear, fully pay up and finally settle for the Sums so reported against him or them on or before the first Day of *October* in each Year, it shall then be the indispensable Duty of the Treasurer, and he is hereby required to take Judgment without Delay for the several Sums or Balances due the State agreeable to such Reports, to which Sum in Case the Delinquent be a Sheriff shall be added his Commissions, which shall

Sheriff, &c. to settle with the Comptroller.

Comptroller to report to the Treasurer, &c.

Delinquents how to be proceeded against.



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shall be considered as absolutely forfeited to the State; and it is hereby declared that in all Cases of the Delinquency of Sheriffs, Clerks of Courts, Collectors of Imposts, Entry-Takers, Registers, Vendue-Masters, and others accountable for public Monies, the Comptroller's Report shall be held and deemed sufficient Testimony for the Court and Jury to found their Verdict on.

Return of taxable property to be made the Comptroller by Clerks of County Courts &c.

II. *AND be it further enacted*, That it shall be the Duty of each and every of the Clerks of the County Courts in this State, to make or cause to be made Return of the taxable Property of their Counties respectively to the Comptroller, on or before the first Day of *December* in every Year, in which Return shall be expressed each particular Species of taxable Property in Words written at full Length, and every of the said Clerks shall at the Time of making such Return, (*to wit,*) in the Month of *December* annually, also make Return of and settle his Accounts of Fines and Tax Fees, and shall obtain a Copy of the same signed by the Comptroller in his own proper Hand-Writing, which he shall post up in his Court-House in Manner as is directed by an Act of the General Assembly, entitled, *An Act to amend an Act passed at Newbern, in December, one thousand seven hundred and eighty-five, entitled, An Act for encreasing the Jurisdiction of the County Courts of Pleas and Quarter-Sessions, and of the Justices of the Peace out of Court, and directing the Time of holding Courts in this State; of all which Settlements the Comptroller shall without Delay make Report to the Treasurer as in other Cases, who shall take Judgment in Case of Non-Payment accordingly.*

Names of certain officers and their securities to be given in.

III. *AND be it also enacted*, That it shall further be the Duty of the Clerks at the Time of making such Returns and Settlements, to furnish the Comptroller with a Certificate of the Names of his Securities, and also with a Certificate of the Name of the Sheriff of his County and his Securities, the Name of the Entry-Taker and his Securities, the Name of the Register and his Securities; which Certificates when certified by the Comptroller to be agreeable to the Originals, shall on Motion of the Treasurer for Judgment against any such Persons be deemed equally valid in Law with the Bond of such Clerk, Sheriff, Entry-Taker or Register, and the Court shall give Judgment and award Execution thereon accordingly.

Pen. on Clerks for neglect, &c.

IV. *AND be it further enacted*, That in Case any of the Clerks of the Courts of this State shall fail or neglect to do and perform any of the Duties hereby enjoined them, he or they so failing or neglecting, shall forfeit and pay one hundred Pounds current Money to the Use of the State; and it shall be the Duty of the Comptroller to certify every such Failure to the Treasurer, who shall on Motion in any Court of Record in this State be entitled to a Judgment for the above mentioned Penalty with Costs; which Judgment shall be founded on such Certificate or Report, and it is hereby expressly declared to be the Treasurer's Duty to have the same entered up accordingly.

Duty of Clerks of the Superior Courts.

V. *AND it is also further enacted*, That the Clerks of the several Superior Courts in this State shall be subject to and bound by this Act in every Respect so far as the same will apply to them, and in Case of Neglect of Duty shall be subject to the like Penalty as other Clerks of Courts; and all Taxes on Suits both in the Superior and County Courts, shall be recovered, levied and accounted for agreeable to an Act passed at *Newbern*, in the Year one thousand seven hundred and eighty-four, entitled, *An Act for raising a public Revenue for the Support of Government, and to repeal an Act, entitled, An Act to suppress excessive Gaming*; and all Clerks shall make their Returns and account for the Monies in their Hands agreeable to the said Act, where it shall not be otherwise provided for by this Act; and every Entry-Taker, Register or Vendue-Master, failing to settle his Accounts agreeable to the true Intent and Meaning of this Act, shall also forfeit the Sum of one hundred Pounds, to be recovered in like Manner as aforesaid.

Comptroller to open an account with the Treasurer.

VI. *AND be it further enacted by the Authority aforesaid*, That it shall be the Duty of the Comptroller to raise an Account against and debit the public Treasurer with the net Amount of each Account so by him to be settled and reported as aforesaid, and in the same to credit him by and agreeable to such Settlements

as



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as he shall hereafter make; and the said Comptroller is hereby directed to balance and finally do away such Accounts as he may already have raised against the public Treasurer since the first Day of *January* last.

VII. *AND* whereas the many Duties enjoined the public Treasurer renders it absolutely necessary that he should be furnished with a Clerk: *Be it further enacted*, That for the Year one thousand seven hundred and eighty-eight, and each succeeding Year, the Treasurer of this State be allowed one Clerk, whose Salary shall be one hundred and fifty Pounds, to be paid him out of the public Treasury in Half-yearly Payments on Warrants to be drawn by the Governor.

The Treasurer to be allowed a Clerk.

VIII. *AND* in order to enable the public Treasurer the more effectually to collect and recover such Arrears or other Monies as may now be due the State: *Be it further enacted by the Authority aforesaid*, That it shall be the Duty of the Treasurer of this State to attend by himself or his Clerk at certain Times in the ensuing Year (and as often afterwards as he shall deem it necessary) in each of the Districts within the State, which Time shall be during the sitting of the Superior Court of such District, in order to collect and receive from the Inhabitants thereof the Arrears or other Monies by them or any of them due the Public; and the said Treasurer is hereby declared to have Power by himself, his Clerk or his Attorney, to summon or cause to be summoned any Inhabitant of this State whom he may suspect as having public Monies in his Hands as Garnishee, to appear before any Court of Record in their County or District, and declare on Oath whether they have in their Hands public Monies, or any of the Property of any absconding Sheriff or their Securities, and to what Amount; and every Person so summoned who shall fail to appear and declare on Oath accordingly, shall forfeit the Sum of fifty Pounds to the Use of the State, and shall be further liable to be proceeded against in the same Manner as Garnishees are in Cases of Attachments, such Garnishee being duly served with a *Scire Facias* from the said Court before final Judgment shall be entered up against him: And the said Treasurer as a Reimbursement for his Expenditures and Trouble in this Behalf shall be allowed a Commission of ten *per Cent.* on all Monies so by him to be recovered and paid into the public Treasury. *Provided*, That Bonds given for the Purchase of confiscated Property sold by any Commissioner of this State, and Arrears due by Sheriffs and others on Accounts which have had their Origin since the first Day of *January*, one thousand seven hundred and eighty-four, shall not be considered as coming within the Meaning of this Act, but all other Dues or Monies of what Kind or Nature soever, which were payable previous to the said first Day of *January*, one thousand seven hundred and eighty-four, shall be so considered.

Treasurer to attend, &c. at stated times, to receive public money, &c.

His power against any he suspects to have public money in his hands, &c.

IX. *AND* *be it further enacted by the Authority aforesaid*, That from and after the passing of this Act, the Collectors of the Impost at the different Ports within this State, shall be obliged to settle with the Comptroller and pay the Monies by them received to the Treasurer every six Months; and in Case of Failure, upon Complaint being made by the Comptroller or Treasurer to the Governor for the Time being, he shall have full Power and is hereby directed to suspend such Collector or Collectors from Office, and appoint others in their Stead, who shall give Bond as is hereinafter directed, and remain in Office until the End of the next General Assembly.

Collectors to settle with the Comptroller, &c.

X. *AND* *be it further enacted*, That each and every of the Collectors shall within three Months after the passing of this Act, give a further Bond and approved Security to the Governor for the Time being, in the Sum of ten thousand Pounds, for the faithful Discharge of their Duty in Office.

Collectors to give new bond.

XI. *AND* *be it further enacted by the Authority aforesaid*, That from and after the passing of this Act, the twelfth Section of an Act, entitled, *An Act directing the Sale of confiscated Property*, passed at *Newbern*, in the Year one thousand seven hundred and eighty-four, be and the same is hereby repealed and made void.

Section of an act repealed.

XII. *AND* *be it further enacted*, That all Acts and Clauses of Acts directing the Duty of Clerks in making Returns and Settlements, which come within the Purview hereof, shall be and the same are hereby repealed and made void.

Former acts, &c. repealed.



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## C H A P. XIII.

*An Act authorising and requiring the Sheriffs of the several Counties in this State to bring Suit, take into Possession, receive and make Sale of all Property left by the British in this State during the late War.*

**W**HEREAS it is represented to this General Assembly that Negroes, Horses and other Property have been left in different Parts of this State by the *British Army* :

Sheriffs power.

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That the Sheriffs of the several Counties in this State be and they are hereby authorized and required to demand, ask for and receive into their Possession, all Negroes, Horses, Waggon and other Property of every Nature and Kind, which may have been left in their respective Counties by the *British Army* during the late War; and the said Sheriffs shall have the same Power to prosecute a Suit or Suits as the Commissioners of confiscated Property have under an Act, entitled, *An Act directing the Sale of confiscated Property*, and shall make Sale of the said Property in the same Manner in their respective Counties, and under the same Regulations and Restrictions as to making Sale and accounting for the Proceeds, returning one descriptive List of such Property to the Comptroller's Office, attested by the Court of the County, with an Account of Sales, a Copy of which shall be recorded in the County Court Office, and entered at large on the Minutes of said Court.

The property how to be sold.

II. *AND* whereas the Property before mentioned liable to be sold for the Use of the State, may be the Property of Citizens of the United States: *Be it therefore enacted by the Authority aforesaid,* That any Property so left and recovered or received by the Sheriff, shall be sold for current Money, at twelve Months Credit, taking Bond and sufficient Security for the Payment.

Satisfaction to citizens of the United States, if injured.

III. *AND be it further enacted,* That if any Citizen of the United States claiming any of the Property, shall hereafter make it appear to the Satisfaction of the General Assembly that they were legally entitled to any of the said Property, they shall receive the Sum such Property sold for, with lawful Interest thereon from the Time such Money was paid into the Treasury.

## C H A P. XIV.

See act Oct. 1784, c. 10.

*An Act to repeal the Fourth Section of an Act passed at Newbern, in the Year One Thousand Seven Hundred and Eighty-four, entitled, An Act to amend and supply the Deficiencies of an Act passed last Assembly at Hillsborough, entitled, An Act to regulate the Descent of real Estates, to do away Entails, to make Provision for Widows, and to prevent Frauds in the Execution of last Wills and Testaments, and for directing how Deeds of Gifts and Bills of Sales of Slaves shall be executed, authenticated and perpetuated.*

**W**HEREAS the Operation of the fourth Clause or Section of the above mentioned Act in a great Measure deprives the Widows of Persons dying intestate, of the just and reasonable Proportion and Share of the personal Estate of their deceased Husband, as provided for them and expressed in an Act of the General Assembly of this State passed at *Hillsborough*, in the Year one thousand seven hundred and eighty-four, entitled, *An Act to regulate the Descent of real Estates, to do away Entails, to make Provision for Widows, and to prevent Frauds in the Execution of last Wills and Testaments* :

Section of an act repealed.

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That from and after the passing of this Act, the aforesaid fourth Section or Clause of the first recited Act passed at *Newbern*, in the Year one thousand seven hundred and eighty-four, shall be, and is hereby declared to be and remain null and void, to all Intents and Purposes, as if the same had never been made.



## C H A P. XV.

*An Act to enable the County Courts to appoint Commissioners to keep open Rivers and Creeks at their several Falls, so far as they think necessary for the Passage of Fish up the same.*

**W**HEREAS it is necessary for the general Good of the Citizens of this State that the several Rivers and Water-Courses within the same should be kept so far open as to allow a free Passage for Fish up the same :

I. *B E* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the County Courts of Pleas and Quarter-Sessions shall be and they are hereby empowered to appoint Commissioners to examine and lay off the Rivers in their County, and where the River is a Boundary between two Counties, to lay off the River on the Side of the County appointing such Commissioner ; and further such Commissioner shall in laying off the Rivers, allow three Fourths of such Rivers for the Owner or Owners of the same, for the Purpose of erecting Stops, Dams and Stands, and one Fourth Part, including the deepest Water of the River and Creeks, they shall leave open for the Passage of Fish, marking and designating the same in the best Manner they can ; and where any Mill or Mills are built across any such River or Rivers, and Slopes are or may be necessary, Commissioners shall be appointed as above, who shall lay off such Slope or Slopes and determine the Length of Time such shall be kept open ; and such Commissioners shall and they are hereby required to return to their respective County Courts a Plan of such Falls, Dams and other Parts of Rivers as may have been thought necessary to survey as above.

II. *A N D* be it further enacted by the Authority aforesaid, That all and every Person or Persons who shall hereafter erect any Stand, Dam, Wear or Hedge, in such Part of the River as by this Law is required to be left open for the Passage of Fish, or who shall not make and keep open any such Slope as the Commissioners may judge necessary, shall forfeit and pay five Pounds for every twenty-four Hours any Person shall keep up, erect or make any such Stop, Dam, Stand, Wear or Hedge, or dam up or stop any such Slope, to be recovered by any Person suing for the same, one Half to his own Use, the other Half to be applied to the Use of the County, either by Warrant before a Justice of Peace, or in a Court of Law, as the Case may require.

## C H A P. XVI.

*An Act for the Accommodation of Post-Riders, and to amend an Act, entitled, An Act to empower the County Courts of Pleas and Quarter-Sessions of the several Counties in this State to order the laying out public Roads, and to establish and settle Ferries, and to appoint where Bridges shall be built, and to clear inland Rivers and Creeks, passed at Newbern, the Twenty-second Day of October, One Thousand Seven Hundred and Eighty-four.*

**W**HEREAS it is represented that Persons who contract for riding Post or carrying the public Mail, are subject to great Delays by Detention at Ferries, or to very grievous Exactions, to the Injury of the Public :

I. *B E* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That such Person or Persons may contract for riding Post, or for carrying the Mail in Stages, shall be authorised to keep a Boat and to employ Hands for the sole Purpose of transporting the public Mail, and such Passengers as may travel in the Stage with the same, across any Ferry or Ferries, without Let or Hindrance ; any Law to the contrary notwithstanding. *Provided nevertheless,* That Nothing contained in this Act shall be so construed as to authorise the Contractors for riding Post, or for carrying the Mail by Stage, to transport any other Passengers across at public Ferries than such as travel by the Stage, and that no Person or Persons shall pretend to transport any other Passenger for Pay at a public Ferry, unless he or they are duly authorised so to do by the Court of the County in which the Ferry may be, or of the County from which the Passenger may be carried, under the Penalty of five Pounds for every Offence, to be recovered before any Justice of the Peace,



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to the Use of the Person who may sue for the same, subject nevertheless to an Appeal by the Party grieved to the County Court.

## C H A P. XVII.

*An Act authorizing and empowering the County Courts of Pleas and Quarter-Sessions to divide and appropriate the real Estate of Intestates.*

Estates of intestates how to be divided.

Provido, where the real estate lies in different counties, or in one only.

Commissioners appointed to divide, to make a return to the Court, &c.

Their allowance.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Judges of the Superior Court of Law and Equity, and the Justices of the County Courts of Pleas and Quarter-Sessions, be and they are hereby required and empowered, on Petition of one or more Persons claiming the real Estate of any Intestate, to appoint five Commissioners to divide and appropriate the same, or so much thereof as shall be prayed for, and the Court shall judge proper and requisite according to Law: *Provided*, That in all Cases where the real Estate lies in different Counties within this State, such Petition shall be exhibited in the Superior Court of the District where such real Estate or Part of it lies, and where the Estate lies in one County only, the Petition for a Division shall be to the Court of such County, and no otherways; and further said Commissioners or a Majority of them, being first sworn to do Justice among the Claimants according to the best of their Skill and Abilities, are hereby empowered to charge the more valuable Dividend or Dividends with such Sum or Sums as they shall judge necessary to be paid to the Dividend or Dividends of inferior Value, in order to make an equitable Division; which Sum or Sums so charged shall be paid to the Owner or Owners of the Dividend or Dividends of inferior Value, by or to the Guardian or Guardians, for and on Account of the Minors, within one Year after the Commissioners shall have made a Return of their Proceedings. And further the said Commissioners or a Majority of them are hereby required, as soon as they can, to make a Return of their Proceedings and Appropriations, under their Hands and Seals, ascertaining with Precision the different Tracts or Parcels of Lands, Lots or Houses, with actual Surveys of the same when necessary, to the Court by which they were appointed; which Return and Appropriation shall be certified by the Clerk and enrolled in his Office, and registered in the Office where such Lands, Lots or Houses respectively lie, and such Return and Appropriation shall be binding and valid in, among and between the Claimants, their Heirs and Assigns forever.

II. *A N D* be it enacted by the Authority aforesaid, That the said Commissioners for their Trouble and Services, may take and demand whatever the Court by which they may be appointed shall judge adequate to the Trouble they may have been at, and for the Expences incurred either to Surveyors or otherwise; the said Expences to be paid in equal Proportions by the Claimants: And further, if said Charges are not paid on Return of their Proceedings and Services, Execution shall and may issue against the Petitioner or Petitioners in the same Manner as for the Attendance of Witnesses.

## C H A P. XVIII.

*An Act to empower the County Courts to proceed in certain Cases as therein directed.*

See page 202.

**W**HEREAS in the Course of the late War many Accidents have happened by Fire or otherwise, whereby the Books of Accounts, Bonds and other Writings and Papers of Persons deceased have been destroyed, and the Proofs of many Debts, Dues and Demands due and owing to the said deceased Persons, have been thereby rendered impassable, and by Means of the said Accidents no Recovery of the said Debts, Dues and Demands can be had in the ordinary Course of Law, and many Orphans are likely to be greatly injured:

Mode of relief where papers of a deceased person are destroyed.

I. *B E* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That in all such Cases, where the Papers of any deceased Person have been or shall hereafter be so destroyed by Accident, due Proof being thereof made to the Court of the County and entered on Record by the Direction of the Court, it shall and may be lawful for the  
Executors



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Executors or Administrators of such Person to prefer a Petition for the Recovery of any Debt or Demand due and owing from any Person whatsoever, to the Court of the County where the Debtor resides, in the Manner and under the Regulations prescribed by *An Act for the better Care of Orphans, and Security and Management of their Estates*, passed in the Year one thousand seven hundred and sixty-two, therein setting forth the said Debt and the Amount thereof as nearly as may be, and the supposed Origin thereof; and such Petition being filed in the Clerk's Office, the same Proceedings shall be had therein, and the Defendant shall be bound and subject to the same Rules, as in the twenty-third Section of the said Act and the last Clause thereof is directed, as fully to all Intents as if the said Clauses and every Sentence thereof were herein particularly set down and expressed.

II. *AND be it further enacted*, That this Act shall in no Case be allowed to take Place but only where Papers have been accidentally destroyed; nor where it shall appear to the Court on Trial there was used any Kind of Fraud to obtain the Benefit of this Act; in which last Case the Suit shall be dismissed with Cost. Restriction:

## C H A P. XIX.

*An Act directing the Clerks of the several Courts of Record within this State as to their Duty in Office with Respect to issuing Writs.*

**W**H E R E A S transient Persons and others, having no Property either real or personal in this State, obtain Writs and enter into litigious Law-Suits where they have not Allegations sufficient to support a Suit, or Property to discharge the Charges thereof in Case of Failure, much to the Injury of the good Citizens thereof: For Remedy whereof,

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That from and after the first Day of *July* next, no Writ or other leading Process returnable to any of the Courts of Record within this State, shall be granted by the Clerk or his Assistant in Office, but under the following Regulations and Restrictions, *to wit*, That the Clerk either by himself or his Deputy, before issuing any Writ or other leading Process, take sufficient Security of the Person so applying, conditioned that they will prosecute such Suit or Suits they may so commence, and in Case of Failure of such Prosecution pay to the Defendant all such Costs and Damages as may be awarded against him by the Court having Cognizance thereof. Manner of issuing writs.

II. *AND be it further enacted by the Authority aforesaid*, That where any Clerk, either by himself or his Deputy in Office, shall issue any Writ or other Process, he shall enter the same into a Book by him to be kept for that Purpose, together with the Names of the Plaintiff and the Defendant, the Place of their Abode, the Name of the Security or Securities for obtaining such Writ, and the Place where they live, and have the same before the Judges of the Court where he may so officiate as Clerk, subject to the Examination of such Court. To be entered in a book, &c.

III. *AND be it further enacted by the Authority aforesaid*, That if any Clerk, either by himself or his Assistant in Office, shall issue any Writ or other leading Process otherwise than by this Act directed, he shall pay to the Defendant the Sum of one hundred Pounds, to be recovered by Action of Debt in the Court where such Offence shall have been so committed; and also shall forfeit and pay the Sum of fifty Pounds for every Offence so committed by such Clerk or his Assistant in Office, recoverable in any Court of Record having Cognizance thereof, one Half to the Use of the Person suing for the same, the other Half to the Use of the Poor of the County. Pen. on Clerks for non-compliance.

IV. *AND be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the Clerk of such Court, to tax in the Bill of Costs the Sum of two Shillings for every Security by him so taken, and also the Sum of two Shillings for entering the same, together with the Names of the Security, in the Book to be by him kept for that Purpose; any Law, Usage or Custom to the contrary notwithstanding. Costs to be taxed.



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## C H A P XX.

*An Act to compel the Attendance of all such Persons as are or shall be elected to represent any County or Town in the General Assembly of this State, at such Time and Place as may be appointed.*

**W**HEREAS the Want of the due and punctual Attendance of Persons elected as Members of the General Assembly at the Time and Place appointed for holding their Sessions, hath been found prejudicial to Individuals, and highly injurious to the Public :

To meet on the first day appointed.

I. *B E* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the first Day of April next, every Person who shall be elected to represent any County or Town in this State in the General Assembly thereof, shall meet at such Time and Place as may be appointed for the Meeting of the General Assembly by Adjournment or otherwise, on the first Day appointed for that Purpose, and attend to the public Business as Occasion may require.

Pen. for not attending duly.

II. *A N D* be it further enacted by the Authority aforesaid, That in Case any Person who shall be hereafter elected to represent any County or Town in the General Assembly of this State, shall fail, refuse, neglect or delay to attend to the Duties of his Appointment, agreeable to the Directions of this Act, every such Person shall forfeit and pay for not appearing as aforesaid, the Sum of five Pounds, current Money of this State, and the Sum of twenty Shillings like Money for each and every Day he may be absent from his Duty during the Sessions ; which Sum or Sums of Money shall be deducted or taken from his Pay, or Allowance as a Member, if the same shall be sufficient ; and should the Fine or Forfeiture exceed the Pay or Allowance of such Member or Person elected as aforesaid, then and in that Case such Excess so remaining due, shall be taken out and deducted from any future Allowance which may be made to such Person as a Member by the General Assembly of this State. *Provided nevertheless*, That a Majority of the Members of either House of the General Assembly may and shall have Power to remit to any Person having incurred the same, the Fines and Forfeitures aforesaid, or any Part thereof, where it shall appear to their Satisfaction on Oath or Affirmation, that the Person hath been prevented from attending his Duty by Sickness, unavoidable Hindrance, or other sufficient Cause ; any Thing heretofore in this Act mentioned to the contrary notwithstanding.

Proviso.

Privileges of the members.

III. *A N D* be it further enacted, That the Members of the General Assembly shall have Freedom of Speech and Debate in General Assembly, and not be liable to Impeachment or Question in any Court or Place out of the General Assembly for Words therein spoken ; and the Members are hereby declared protected from all Arrest and Imprisonment, or Attachment of Property, during the Time of their going to, coming from or attending the General Assembly, agreeable to the Certificate of his Attendance, except for Felony, Treason or Breach of Peace.

Sheriff's duty in making a return.

IV. *A N D* be it further enacted, That the Sheriff of every County in this State shall make Return to the General Assembly, at their first annual Meeting, of the Persons elected in his County to represent the Inhabitants in either House of the Legislature, and shall therein certify whether the Persons so returned were chosen by their own Consents, and which of them was so chosen ; and if any Person so returned shall fail to attend at any Session of the General Assembly which he ought to attend, then such Person shall forfeit and pay the Sum of twenty-five Pounds, to be recovered in the Court of Pleas and Quarter-Sessions of the County for which such Person was elected, at the Suit of the Governor for the Time being, on the Certificate of such Failure issued by the Speaker of the House in which such Delinquency happened, unless sufficient Excuse for such Failure be offered and proved on Oath by such delinquent Member at the next succeeding Assembly.

Pen. for a member chosen with his own consent not attending.



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## C H A P. XXI.

An Act to amend an Act, entitled, An Act to amend an Act passed at Newbern in December, One Thousand Seven Hundred and Eighty-five, for encreasing the Jurisdiction of the County Courts of Pleas and Quarter-Sessions, and of Justices of the Peace out of Court, and to direct the Time of holding Courts in this State; to appoint Jurors for the District of Wilmington, to amend an Act, entitled, An Act to establish a Court of Law and Equity in the County of Davidson; and also to amend an Act, entitled, An Act for establishing a Militia in this State.

See acts Nov. 1785, c. 2. Nov. 1786, c. 22.

**W** H E R E A S Doubts have arisen in the several County Courts in this State respecting the Trial of Appeals: For Remedy whereof,

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That any Justice of the Peace granting an Appeal to the County Court, is hereby authorized and required, on Application of either of the Parties, to issue *Subpoenas* directed to the Sheriff or other lawful Officer in any County within this State, for Witnesses to appear and give Testimony at the said Court to which said Appeal is returnable, and due Respect shall be paid to such Summons; and the Officer to whom such *Subpoena* shall be directed, and every Witness summoned in consequence thereof, shall be under the same Rules and Regulations, and subject to the same Penalties, and entitled to the same Pay, Privileges and Emoluments, as if such *Subpoena* had issued from the Clerk of the Court to which said Appeal shall be returnable.

*Subpoenas* in appeals to be granted.

II. *AND* whereas Doubts have arisen respecting the Authority and Duty of Sheriffs and Constables in serving Warrants: *Be it enacted by the Authority aforesaid,* That when any Sheriff, Constable, or other lawful Officer, shall serve a Warrant on any Person or Persons who shall refuse or neglect to give Bond and Security according to Law, for his, her or their Appearance before such Justice, and at such Time and Place as he, she or they shall be directed (to appear and stand Trial and fulfill the Judgment of said Justice) by said Officer, such Officer is hereby authorized and required to commit such Person or Persons to the Gaol of the said County, in the same Manner as Sheriffs are directed and authorized to commit Defendants in Cases of Arrests by Virtue of a Writ from the County Court of Pleas and Quarter-Sessions.

Proceedings against a defendant refusing to give bail on a warrant.

III. *AND* whereas the Counties of *Cumberland, Moore, Robeson and Sampson,* from the District of *Wilmington,* are included in the District of *Fayetteville,* whereby there will be a Deficiency of Jurors to the Superior Court for the District: *Be it therefore enacted by the Authority aforesaid,* That the County Courts belonging to the District of *Wilmington,* be and they are hereby empowered and required to appoint the following Number of Jurors from their respective Counties, at each Court immediately preceding the said Superior Court of *Wilmington,* *viz. New-Hanover* twelve, *Brunswick* six, *Orslow* six, *Duplin* six, and *Bladen* six; which Jurors to be appointed shall be under the same Rules and Regulations, and have the same Pay as other Jurors in this State.

Jurors for the district of *Wilmington.*

IV. *AND* whereas before the establishing a Superior Court Jurisdiction for the County of *Davidson,* sundry Appeals have been granted from the County Court of *Davidson* to the Superior Courts of the Districts of *Morgan* and *Washington;* and for the Ease and Convenience of the said Appellants, *Be it enacted by the Authority aforesaid,* That the Clerks of the Superior Courts of the Districts of *Morgan* and *Washington,* on Application of either Party, where both Parties reside in the Counties of *Davidson* or *Sumner,* tendering all Fees due therein, shall transmit to the Clerk of the said Superior Court of *Davidson,* all the Papers relative to any Appeal or Appeals that have been so transmitted to either of them, and the said Superior Court of the District of *Davidson* shall proceed and determine thereon as in other Cases of Appeals according to Law.

Duty of Clerks of the Superior Courts of *Morgan* and *Washington* in certain cases.

V. *AND* whereas Doubts have arisen respecting the appointing Officers of the several Regiments of Cavalry in this State: For Remedy whereof, *Be it enacted by the Authority aforesaid,* That hereafter the right of recommending Captains, Lieutenants and Cornets or Ensigns of the several Regiments of Cavalry, Infantry and Artillery in this State, to be commissioned by his Excellency the Governor,

Recommending officers for commissions.



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vernor, shall be and is hereby vested in the Field Officers of the Regiment by whom such Captains, Lieutenants, Cornets or Ensigns are to be commanded, observing the Rules and Regulations of the Militia Law now in Force in this State.

Part of the militia law repealed.

VI. *AND* be it further enacted by the Authority aforesaid, That so much of an Act passed last Session of the General Assembly at Fayetteville, entitled, *An Act to establish a Militia in this State*, which directs that the Field Officers of the Militia in each County within this State shall be chosen by joint Ballot of both Houses of the General Assembly, is hereby repealed and made void.

VII. *AND* whereas the Court of the County of *Washington* was directed by Act of Assembly to be held on the second *Mondays* of *February, May, August* and *November*, and by Mistake the said Court hath been held on the first *Mondays* of the said Months: Wherefore, *Be it enacted by the Authority aforesaid*, That all the Proceedings had in the said Court the said first *Mondays* as aforesaid, shall be held and deemed as good and valid in Law, as if the said Proceedings had been done and transacted on the second *Mondays* of the Months aforesaid; any Law to the contrary notwithstanding.

## C H A P. XXII.

*An Act for making Process in Equity effectual against Persons who abscond, and who reside without the Limits of the State, and for better regulating the Proceedings in Courts of Equity.*

**W**HEREAS Persons have sometimes withdrawn themselves beyond the Limits of the State, or otherwise absconded, to avoid appearing in Courts of Equity; and whereas also, no Means have been provided to cite Persons residing without the Limits of the State to appear in the said Courts: For Remedy of the Inconvenience thence arising,

I. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That if any Suit which hath been or hereafter shall be commenced in any Court of Equity, any Defendant or Defendants against whom any *Subpœna* or other Process shall issue, shall not cause his, her or their Appearance to be entered on such Process within such Time, and in such Manner, as according to the Rules of the Court the same ought to have been entered in Case such Process had been duly served, and an Affidavit or Affidavits shall be made to the Satisfaction of such Court, that such Defendant or Defendants resides or reside beyond the Limits of the State, or that upon Enquiry at his, her or their usual Place of Abode, he, she or they could not be found, so as to be served with such Process, and that there is just Ground to believe that such Defendant or Defendants is or are gone without the Limits of the State, or otherwise abscond to avoid being served with the Process of such Court, then and in such Cases, the Court out of which such Process issued may make an Order, directing and appointing such Defendant or Defendants to appear at a certain Day therein to be named; and in Cases where such Defendant or Defendants resides or reside without the Limits of the State, a Copy of such Order shall within sixty Days after such Order made, be inserted in some Gazette regularly published within the State, for such Length of Time as the Court shall order and direct, and may when they shall think necessary, direct such Order to be inserted in any Gazette in the United States; and in Cases where such Defendant or Defendants shall have withdrawn him, her or themselves beyond the Limits of the State, or otherwise absconded to avoid the Service of such Process, a Copy of such Order shall within sixty Days after such Order made, be inserted in some Gazette regularly published within this State, if any there be, for such Length of Time as the Court shall direct, and shall within the Time aforesaid, be posted up at the Door of the Court-House where such Order shall be made, and also in some public Place within the County where such Defendant or Defendants respectively made his, her or their usual Abode within thirty Days next before such his, her or their absenting; and if the Defendant or Defendants do not appear within the Time limited by such Order, or within such further Time as the Court shall appoint, then, on Proof made of such Publication of such Order as aforesaid, the Court

being

Proceedings in Court of Equity when defendant resides out of the state, or has absconded, &amp;c.



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being satisfied of the Truth thereof, may order the Plaintiff's Bill to be taken *pro Confesso*, and make Decree thereupon as shall be thought just; and may thereupon issue Process as in other Cases to compel the Performance of the Decree, either by Execution as hereinafter provided to satisfy the Demands of the Plaintiff or Plaintiffs in the said Suit, or by causing the Possession of the Estate and Effects demanded by the Bill to be delivered to the Plaintiff or Plaintiffs, or otherwise, as the Nature of the Case shall require. 1st. *Provided nevertheless*, That such Plaintiff or Plaintiffs shall first give sufficient Security, in such Sum as the Court shall think proper, to abide such Order touching the Restitution of such Estate or Effects as the Court shall think proper to make concerning the same, upon the Defendant or Defendants appearing and petitioning to have the said Cause reheard, and paying such Costs to the Plaintiff or Plaintiffs as the Court shall order. 2d. *Provided*, That if any Decree shall be made in pursuance of this Act, against any Person or Persons residing without the Limits of the State at the Time such Decree is pronounced, and such Person or Persons shall within two Years after the making such Decree reside within the State, or become publicly visible therein, then and in such Case he, she or they shall likewise be served with a Copy of such Decree within a reasonable Time after his, her or their coming into the State, or their public Appearance shall be known to the Plaintiff or Plaintiffs; and in Case any Defendant or Defendants, against whom such Decree shall be made, shall within two Years after the making of such Decree, happen to die before his or her coming into the State, or appearing openly as aforesaid, or shall within the Time last before mentioned die in Custody, before his or her being served with a Copy of such Decree, then his or her Heir of such Defendant shall have any real Estate whereof Possession shall have been delivered to the Plaintiff or Plaintiffs, if such Heir may be found, or if such Heir shall be a *Feme Covert*, Infant or *non Compos Mentis*, the Husband, Guardian or Committee of Guardians of such Heir respectively, or if the personal Estate of such Defendant shall have been levied upon or Possession thereof delivered to the Plaintiff or Plaintiffs, then his or her Executor or Administrator, if any such there may be, may and shall be served with a Copy of such Decree within a reasonable Time after it shall be known to the Plaintiff or Plaintiffs that the Defendant is dead, and who is his or her Heir, Executor or Administrator, and where he, she or they may respectively be served therewith within the State. 3d. *Provided always*, If any Person or Persons so served with a Copy of such Decree, shall not within twelve Months after such Service appear and petition to have the said Cause reheard, such Decree so made as aforesaid, shall stand absolutely confirmed against the Person or Persons so served with a Copy thereof, his, her or their respective Heirs, Executors and Administrators, and all Persons claiming or to claim by, from or under him, her or them, or any of them, by Virtue of any Act done or to be done subsequent to the Commencement of such Suit. 4th. *Provided nevertheless*, That if any Person so served with a Copy of such Decree, shall within twelve Months after such Service, or if any Person not being so served, shall within three Years next after the making such Decree, appear in Court and petition to be heard with Respect to the Matter of such Decree, and shall pay down, or give Security for Payment of such Costs as the Court shall think reasonable in that Behalf, the Person or Persons so petitioning, his, her or their respective Representatives, or any Person claiming under him, her or them respectively, by Virtue of any Act done before the Commencement of the Suit, may be admitted to answer the Bill exhibited, and Issue may be joined, and Witnesses on both Sides examined, and such other Proceedings, Decree and Execution may be had thereon, as there might have been in Case the same Party had originally appeared, and the Proceedings had then been newly began, or as if no former Decree or Proceedings had been in the same Cause. 5th. *Provided nevertheless, and be it enacted by the Authority aforesaid*, That if any Person or Persons against whom such Decree shall be made, his, her or their Heirs, Executors or Administrators, shall not within three Years next after the making of such Decree, appear and petition to have the Cause reheard, and pay down, or give Security for Payment of such Costs as the Court shall think reasonable in that Behalf, such Decree made as aforesaid shall stand absolutely confirmed against the Person and Persons against whom such

Plaintiff must give security.

Proviso, where a non resident defendant, against whom a decree is obtained, afterwards returns, &c.

When such decree may be absolutely confirmed against such defendant not applying for a rehearing.

Rehearing on application within a limited time.

When to be absolutely confirmed, &c.



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Not to affect persons living out of the state, unless the cause of action arose in it.

such Decree shall be made, his, her or their Heirs, Executors and Administrators, and against all Persons claiming or to claim by, from or under him, her, them or any of them, by Virtue of any Act done or to be done subsequent to the Commencement of such Suit; and at the End of such three Years, it shall and may be lawful for the Court to make such further Order as shall be just and reasonable according to the Circumstance of the Case. 6th. *Provided always*, That this Act shall not extend, or be construed to extend to warrant or make good any Proceedings against any Person residing without the State, unless the Ground or Cause of Action, or the Transaction on which the Bill may be brought, took Place within the Limits of the State.

What executions to issue on decrees in equity.

II. W H E R E A S the present Mode of Proceeding to carry into Effect the Decrees of the Court of Equity by Attachment, *Habeas Corpus*, Attachment with Proclamation and Commissions of Rebellion, are in many Cases dilatory, oppressive and inadequate: *Be it enacted by the Authority aforesaid*, That in all Cases where Decrees may have been made in any Suit in Equity in any of the Courts in this State, or shall hereafter be made for any Sum or Sums of Money, it shall and may be lawful for Execution to issue thereon against the Defendant's Body, or against his Goods and Chattels, Lands and Tenements, to satisfy such Decree (and Lands and Tenements, Goods and Chattels, shall be found by such Decree and Execution in the same Manner as Lands and Tenements, Goods and Chattels, are by Judgments and Executions in Law) and Costs, in the same Manner as Execution may or shall issue in the Courts of Law.

Clerk and Master in Equity to be appointed.

III. W H E R E A S the drawing and enrolling of Decrees, Rules and Orders in Equity, require considerable Skill, Experience and Attention; and whereas the present Mode of adjusting and stating Accounts by Auditors or Commissioners, has been found productive of great Delay and Difficulty: *Be it enacted by the Authority aforesaid*, That the Judges of the said Court of Equity shall appoint some Person of Skill and Probity, to act as Clerk and Master in Equity to each of the said Courts; who shall give Security in the same Manner, and take the same Oath before the Judges, as the Clerks on the Law Side of the Court, and shall hold his Office during good Behaviour; and the said Clerk shall keep a fair and distinct Record of the Proceedings of the Court of Equity to which he may be appointed; and the Bills, Answers and Decrees shall be regularly enrolled in a well bound Book kept for that Purpose; and shall be entitled to the following Fees and no other:—For a Report on an Answer, three Shillings; on a Plea and Answer, four Shillings; on a Demurrer and Answer, four Shillings; for an Affidavit to an Answer, one Shilling and six Pence; for an Affidavit to a Bill, one Shilling and six Pence; for a separate Affidavit, two Shillings; for a Copy Report by the Office, Copy Sheet, two Shillings; for a Report stating an Account, one *per Cent.* on the Amount of each Account exhibited, where the Account is made five hundred Pounds, and a Half *per Cent.* for all Sums over five hundred Pounds; for Copies of Proceedings and Exemplifications, Copy Sheet, two Shillings; for taking a Bend, one Shilling and six Pence; for every Rule given for Service, two Shillings and six Pence; for every Rule not for Service, one Shilling and three Pence; for every *Subpoena*, Writ or other Process, ten Shillings; for every *Dedimus* or Commission, five Shillings and four Pence; for every Injunction, ten Shillings; for drawing Decrees, four Shillings by the Copy Sheet; for enrolling a Bill or Answer, two Shillings by the Copy Sheet; for entering a Plea or Demurrer, two Shillings; for recording Depositions to perpetuate Testimony, by the Copy Sheet, two Shillings; for every Search, one Shilling; for every Dismission, two Shillings. And further, the said Master in Equity is hereby fully empowered and authorised to administer the Oath or Affirmation to all and every Person and Persons, either Witnesses or others having Business in the Court of Equity, at all Times, in the same Manner as Masters in Chancery do in like Cases in *Great-Britain*.

His duty, fees, &c.

Superior Courts to bear distinct names, as to their law and equity business.

IV. A N D to prevent Confusion in construing Acts relative to the Proceedings in said Courts: *Be it enacted by the Authority aforesaid*, That from and after the Expiration of the present Session of the General Assembly, such Courts in all Equity Proceedings shall be stiled and called the Court of Equity for its respective

tive



tive District, and in all Law Proceedings, the Superior Court of Law for its respective District as formerly.

## C H A P. XXIII.

*An Act to amend the several Acts of Assembly heretofore passed for giving further Time to Surveyors within the different Counties to make their Surveys, and return Plats thereof to the Secretary's Office, and for giving a further Time for the Registration of certain Deeds issued from Lord Granville's Office, and Marriage Contracts therein mentioned.*

**W**HEREAS by Misconstruction of the several Laws respecting entering and surveying Lands in this State, Impositions have been attempted on the original Enterer of the said Lands: For Remedy whereof,

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That the Surveyors in the several Counties in this State shall survey all Entries of Land according to the Priority of such Entry, paying due Respect to the Number of each Warrant, and every Grant hereafter to be obtained by any subsequent Entry or Entries, otherwise than is by this Act directed, shall be and the same is hereby declared void and of no Effect; any Law or Custom to the contrary notwithstanding. *Provided nevertheless,* That Nothing herein contained shall be construed to prevent any Person making a subsequent Entry on any Land, from surveying and obtaining a Grant as the Law directs, for all such surplus Land as shall remain after the Enterer or Enterers of such Land hath surveyed his, her or their Entry or Entries as aforesaid.

Surveyors to survey according to priority of entries.

II. *AND be it further enacted,* That all Deeds issued from the Office of the late Earl of Granville, and not already registered, may have a further Time of twelve Months allowed for Registration, and the Proof necessary thereto shall be by Parity of Hands: *Provided,* That the Lands held under such Deeds shall have been actually occupied by the original Grantee, or some Person under him, for the Space of seven Years, and Taxes paid thereon for the said Time, and that the said Lands have not been entered in the Land-Office under the present Government by any Person or Persons whatsoever; and all Deeds under the Description and Conditions aforesaid proved and registered, shall be good and valid in Law, and shall enure and take Effect as fully and effectually to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds had been proved and registered agreeable to the Directions of any Act of Assembly heretofore made.

Further time allowed for registering deeds issued from Lord Granville's office.

III. *AND be it enacted,* That all Marriage Contracts made and entered into before the passing of the Act, entitled, *An Act directing the Marriage Settlements and other Marriage Contracts shall be registered, and for preventing Injury to Creditors,* shall be allowed a further Time of twelve Months for Registration, and if duly proved and registered within that Time, shall be as good and valid in Law, to all Intents whatsoever, as if the same had been proved and registered within the Time thereby limited and directed.

Further time allowed for registering marriage contracts.

**CHAP. 24.** *An Act to repeal Part of an Act passed at Newbern in the Year One Thousand Seven Hundred and Eighty-five, entitled, An Act for destroying Wolves, Panthers, Wild-Cats, Bears, Crows and Squirrels in the several Counties therein mentioned. PRIV.*

25. *An Act to effect the cutting and clearing a Road from the lower End of Clinch Mountain to the Cumberland Settlements, and for preserving and granting Safety to the Inhabitants thereof. PRIV.*

26. *An Act to encourage the making of Salt in Davidson County. PRIV.*



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## C H A P. XXVII.

See acts Nov.  
1786, c. 23.  
Nov. 1788, c. 4.

An Act to extend an Act, entitled, An Act to pardon and consign to Oblivion the Offences and Misdemeanors of certain Persons in the Counties of *Washington, Sullivan, Greene and Hawkins.*

Act of pardon  
and oblivion ex-  
tended.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the said Act, and every Clause thereof, shall be and is hereby extended to all Persons who are desirous to avail themselves of the Benefits and Advantages contained in the same, and are hereby declared pardoned of the Crimes mentioned therein, and fully restored to the Privileges of Citizens; any Law to the contrary notwithstanding.

Further time al-  
lowed for giving  
account of tax-  
able property.

II. **A**ND whereas sundry of the Inhabitants of the Counties aforesaid, have failed to give in an Account of their taxable Property for the Year one thousand seven hundred and eighty-seven, as the Law directs: *Be it therefore enacted by the Authority aforesaid,* That a further Time of three Months from and after the passing of this Act shall be allowed them to render an Account of their taxable Property, in such Manner as is prescribed by Law; and all Persons who shall neglect or refuse to comply therewith, shall be subject to all the Pains and Penalties prescribed by said Law to be inflicted on them; and all Suits commenced for the Recovery of any Penalty or Forfeiture incurred by not complying with the Laws usually called Revenue or Tax Laws, shall be discontinued, on the Defendant or Defendants assuming all the Costs thereon in open Court.

- C H A P. 28. *An Act for the better Regulation of the Town of Edenton. P R I V.*  
29. *An Act for the better Regulation of the Town of Fayetteville. P R I V.*  
30. *An Act to empower the Administrators of Samuel Swann, of New-Hanover County, Esquire, deceased, to sell and dispose of Part of the real Estate of the said Samuel, for the Payment of his Debts, in order to make the better Provision for his Family, and also to make Conveyances for such Part of the real Estate as was sold by the said Samuel in his Lifetime. P R I V.*

## C H A P. XXXI.

An Act to charge the Estate of Honorie Geroud, late of the Town of Halifax, deceased, with the Payment of all his just Debts, and to prefer the same to the Title acquired by this State in the Property which was of the said Geroud in consequence of his Self-Murder.

First § private.

Forfeitures in  
cases of suicide,  
done away.

II. **A**ND whereas such Forfeitures can answer no valuable Purpose, and may distress Creditors, innocent Relations and Orphans: *Be it enacted,* That in all Cases of Suicide or Self-Murder hereafter happening, Administration may be applied for and granted as in the Cases of natural and ordinary Death, and Debts shall be paid and Distribution made agreeable to the Laws that are or may be made and provided for the Management and Distribution of the Estates of Persons dying intestate; and no Forfeiture shall be hereafter incurred by Suicide or Self-Murder; any Law, Usage or Custom to the contrary notwithstanding.

## C H A P. XXXII.

An Act to erect the Counties of Richmond, Cumberland, Sampson, Moore and Robeson into One District, and appointing a Superior Court of Law and Equity to be held for the said Counties, at Fayetteville.

See act Nov.  
1788, c. 25.

**W**HEREAS it hath been made appear to this General Assembly, that the County of Richmond, of Salisbury District, Cumberland, Sampson, Moore and Robeson, of the District of Wilmington, by remaining annexed to those Districts respectively, subject the Inhabitants of the same to much Inconvenience, by Reason of their extreme Distance from the Superior Courts of Law and Equity of the several Districts to which they have respectively belonged; and as it may tend to a more equitable and speedy Distribution of Justice to the Citizens



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in the Counties aforesaid, to be erected into a separate District, to be held at *Fayetteville*, to which Place they are more conveniently situated :

I. *B E* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Counties of *Richmond*, *Cumberland*, *Sampson*, *Moore* and *Robeson*, from and after passing this Act, shall be and they are hereby declared to be a separate District, by the Name of *Fayetteville*; and the Superior Courts of Law and Equity for the said District shall be held twice in every Year, at the Court-House in *Fayetteville*, the first Sitting whereof shall commence on the twentieth Day of *June*, in the Year one thousand seven hundred and eighty-eight, and the second Sitting shall commence on the twentieth Day of *December*, in the same Year, and be so continued by Adjournment; and the said Court is hereby declared to be vested with the same Powers, Privileges and Authorities, and entitled to the same Emoluments, as the other District Courts of Law and Equity within this State.

New district erected by the name of *Fayetteville*.

II. *A N D* be it further enacted by the Authority aforesaid, That the said Court shall sit ten Days at every Session, exclusive of *Sundays*, if the Business depending in said Court shall not be sooner finished; and if the Days prescribed for the Commencement of the Terms aforesaid shall fall on *Sundays*, then shall such Term commence on the following Day.

Length of the term.

III. *A N D* be it further enacted by the Authority aforesaid, That the Jurors for the Court aforesaid, shall be furnished from the Counties within the District in the following Manner, to wit, *Cumberland* twelve, *Moore* six, *Richmond* six, *Sampson* six and *Robeson* six.

Number of Jurors.

IV. *A N D* be it further enacted by the Authority aforesaid, That the respective County Courts within the said District of *Fayetteville* shall name and appoint the Number of Jurors in this Law required, and the said Jurors so appointed are directed and requested to attend at the Court-House in *Fayetteville*, on the first Day appointed by this Act for Sitting of said Superior Court of Law and Equity; and they are hereby declared to be under the same Rules, Regulations and Penalties, as Jurors for other District Courts of Law and Equity within this State, and to have the same Rights, Privileges and Emoluments. *Provided*, That Nothing herein contained shall be so construed as to hinder or delay any Suit or Suits, either at Law or in Equity, heretofore commenced or recovered in the Superior Courts respectively wherein such Counties are at present contained, but the same, and every Process appertaining thereto, shall be sued out, prosecuted and finally determined, in the same Manner as if this Law had never been made; and all Execution and other Process shall be returned by the Sheriff of each County respectively to the Court from whence the same issued, as by Law and Custom has been heretofore established.

County Court to appoint, &c.

Provide.

CHAP. 33. An Act to restore to Hugh Ross, of Anson County, the Land by him forfeited to the State. P R I V.

34. An Act to appoint a Trustee in the Room of James Sampson, Esquire, deceased, who together with others was appointed a Trustee for the Purposes therein mentioned, by an Act of Assembly passed at Fayetteville, One Thousand Seven Hundred and Eighty-seven, entitled, An Act to vest in Trustees certain Powers for the Benefit of Elizabeth Torrens and her Children. P R I V.

35. An Act to emancipate certain Persons therein mentioned. P R I V.

36. An Act for ascertaining the true Courses of a Tract of Land on Neuse River, in Craven County. P R I V.

37. An Act for promoting the Navigation of Albemarle Sound.

Rep. by act, Nov. 1788, c. 22.

38. An Act to erect and establish a Town in Rutherford County, on Land already procured by the Commissioners for the Purpose of building a Court-House, Prison and Stocks for the said County, and to amend an Act to regulate the Town of Salisbury, and for authorising the Commissioners



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missioners in the Town of Halifax to levy a Tax on the Slaves within the Liberties thereof. P R I V.

- CHAP. 39. An Act to prevent the obstructing Fish from running up the Streams and Water-Courses in Bertie County, and to clear the Navigations thereof. P R I V.
40. An Act to amend an Act, entitled, An Act to keep open Roanoke River for the Passage of Fish up the same, and other Purposes therein mentioned. P R I V.
41. An Act to remove all Obstruction to the Passage of Fish up the Neuse River. P R I V.
42. An Act for altering the Names of certain Persons therein mentioned. P R I V.
43. An Act empowering the Court of Pitt County to establish a Free Ferry over Tar River, at the Town of Greenville, and to levy a Tax on the Inhabitants of said County for that Purpose. P R I V.
44. An Act to empower the Wardens of the Poor for the County of Currituck to lay a Tax to enable them to settle the arrears due from the said County to Persons who have supported the Poor, and for electing Wardens of the Poor in the several Counties within this State where no such have been elected agreeable to Law. P R I V.
45. An Act to empower the County Court of Fleas and Quarter-Sessions in the County of Perquimans, to lay a Tax for the Purpose of repairing the Prison, and building a Gaoler's House in the County aforesaid. P R I V.
46. An Act for levying a Tax in the County of Brunswick for the Purpose of building a Gaol therein. P R I V.
47. An Act appointing Commissioners to repair the Court-House, Prison, and Stocks, in the Town of Hillsborough, for the District of Hillsborough, and to levy a Tax on the Inhabitants thereof, for the Benefit, Use, and Reparation of the Streets of the Town aforesaid. P R I V.
48. An Act for levying a further Tax in the several Counties in Morgan District, to defray the remaining Expence of building a Court-House, Prison, and Stocks in said District, and also to levy a further Tax in the County of Mecklenberg, to defray the Expence of the public Buildings in said County. P R I V.
49. An Act for establishing a Town in the County of Hyde, on the Land of Joseph Gibbs. P R I V.
50. An Act to enable William Nall, Sheriff of Wilkes County, to collect all the Taxes due from said County for the Year One Thousand Seven Hundred and Eighty-five and the Year One Thousand Seven Hundred and Eighty-six, and to allow him further Time to settle for his Collection with the Treasurer; and also for giving a further Time to John May, Sheriff of Rockingham, to collect the Arrearages of his sinking Fund and continental Tax in said County. P R I V.

## C H A P. LI.

An Act for altering the Times for holding the County Courts of Edgcomb, Halifax, and Pitt.

WHEREAS the Time heretofore by Law appointed for holding the County Courts of Pleas and Quarter-Sessions of Edgcomb County is found inconvenient, by Reason of the Superior Courts of Halifax District interfering therewith:

L. B. E.



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Time of holding  
Courts in Edg-  
comb.

I. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the next Court to be held for the said County of *Edgcomb*, the said Courts shall be held on the following Days, *to wit*, the first Mondays in *May, August, November* and *February*, and that every Process and Recognizance returnable to the said Court, shall be returnable on the Days by this Act appointed; and all Causes depending in the said Court, shall stand continued to the same Days; any Law to the contrary notwithstanding.

II. *AND* whereas by the Alterations of the County Courts of *Edgcomb*, it becomes absolutely necessary that the neighbouring Courts of *Halifax* and *Pitt* Counties should be altered from the Days on which by Law they are now appointed: *Be it therefore enacted by the Authority aforesaid*, That from and after the next Courts to be held for the said Counties of *Halifax* and *Pitt*, the Courts of Pleas and Quarter Sessions for the said Counties shall be held on the following Days, *to wit*, For *Halifax* County, on the third Mondays in *May, August, November* and *February*, and in *Pitt* County, on the fourth Mondays in *April, July, October* and *January*, and that every Process and Recognizance returnable to the said Courts respectively, shall be returnable on the Days by this Act appointed; any Law to the contrary notwithstanding.

- CHAP. 52. An Act for establishing two Places in the County of New-Hanover, for the Purpose of holding General Musters therein, for dividing the Militia of said County into two Districts, suitable and convenient for the Inhabitants to attend Muster at the respective Places, and for appointing the Place of holding Courts-Martial in said County. PRIV.
53. An Act granting to the Inhabitants living on the South Side of Mecklenberg County a Privilege of holding a separate Election for Members of Assembly, and to repeal an Act, entitled, An Act for removing the public Buildings of Mecklenberg County from Charlotte to the Centre of said County. PRIV.
54. An Act empowering the Commissioners therein mentioned to build a Gaol in the County of Anson, to levy a Tax to defray the Expence thereof, and to change the Name of Newton in said County to that of Wadesborough. PRIV.
55. An Act to extend an Act passed at Newbern the Twenty-ninth Day of December, One Thousand Seven Hundred and Eighty-five, entitled, An Act to empower the County Wardens of the Poor for the Counties therein mentioned to build Houses in their respective Counties for the Reception of the Poor, and other Purposes; to the several Counties herein mentioned. PRIV.
56. An Act to repeal Part of an Act, entitled, An Act to empower the several County Courts therein mentioned to lay a Tax annually, not exceeding three Years, for the Purpose of erecting or repairing the Court-House, Prison and Stocks in each County when necessary, and for defraying the contingent Charges. PRIV.

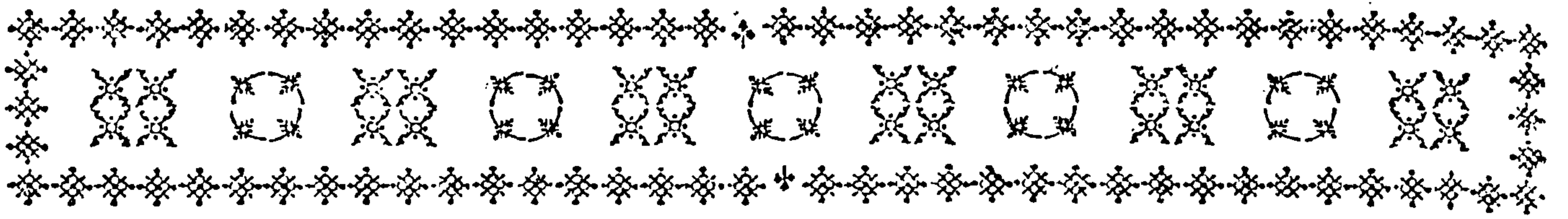
Read Three Times, and ratified in General Assembly, the }  
Twenty-second Day of December, Anno Dom. 1787. }

SIGNED BY

ALEX. MARTIN, S. S.

JOHN SITGREAVES, S. C.





## L A W S

## NORTH-CAROLINA.

SAMUEL JOHN-  
STON, Esq. Go-  
vernor.

At a GENERAL ASSEMBLY, begun and held at Fayetteville, on the Third Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty-eight, and in the Thirteenth Year of the Independence of the said State: Being the First Session of the said Assembly.

## C H A P. I.

*An Act for levying a Tax for the Support of Government, and for the Redemption of the old Paper Currency, Continental Money and Specie and other Certificates, and for sinking the State Currency.*

Tax in money.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is enacted by the Authority of the same, That for the Year one thousand seven hundred and eighty-nine, a Tax of three Shillings on every hundred Acres of Land within this State, and a Tax of nine Shillings on each hundred Pounds Value of Town Lots with their Improvements, and a Tax of nine Shillings on every Poll in this State, shall be levied and paid in State Currency, or in Gold and Silver, at the Rates established by Law: *Provided*, That all the Lands West of the *Apalachian* Mountains shall pay a Tax of two Shillings on every hundred Acres of Land, and a Tax in continental or State Dollar Bills, or Soldiers Bounty or Specie Certificates, in Proportion, for every hundred Acres of Land aforesaid.

Proviso for lands west of the *Apalachian* mountains.

Tax in certificates.

II. *AND* be it further enacted by the Authority aforesaid, That for the said Year one thousand seven hundred and eighty-nine, a Tax for three Shillings on every hundred Acres of Land, and nine Shillings on each hundred Pounds Value of Town Lots with their Improvements, and a Tax of nine Shillings on every Poll in this State, shall be levied and paid in continental or State Dollar Bills, or Soldiers Bounty Certificates, at the Rate of eight hundred for one, in Specie Certificates of every Kind at their nominal Value, with the Interest thereon, (such as have been issued by the Board of Commissioners for settling Army Accounts since the first Day of *January*, one thousand seven hundred and eighty-six, excepted) in Currency Certificates as rated by the Act for the Sale of confiscated Property, or in Final Settlement Certificates at their nominal Value, including the Interest thereon.

How to be collected, &c. See act April, 1782, c. 7, and other acts there referred to, and Oct. 1784, c. 2.

III. *AND* be it further enacted by the Authority aforesaid, That the above mentioned Taxes shall be collected, paid and accounted for as directed by an Act, entitled, *An Act for ascertaining what Property in this State 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*.

Sinking tax.

IV. *AND* it is further enacted, That the Sinking Tax directed to be collected by an Act passed in one thousand seven hundred and eighty-five, for emitting one hundred thousand Pounds paper Currency, shall be collected in Money, and accounted for in the same Manner as other Taxes.

Tax on lands of absentees how to be collected;

V. *AND* whereas there are large Bodies of Land in this State granted to Citizens of other States, and the Laws in Force are insufficient to compel such Persons



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sons to pay a Tax for the same, by which Means the State is in many Cases deprived of a Part of its Revenue: For Remedy whereof, *Be it enacted by the Authority aforesaid*, That any Person who holds or may hold Lands in this State, whose Residence is in any other State, failing by himself, his Agent or Attorney, to make a lawful Return annually of such Lands, and to pay Taxes for the same in the respective Counties where the said Lands are situated, then and in that Case, the Sheriff of the County where such Lands lie is authorized and required to levy on the same, and sell as much thereof as shall be sufficient to pay the Taxes, under the same Rules and Restrictions as in other Cases of Distress.

VI. *AND be it further enacted by the Authority aforesaid*, That each and every Citizen of this State, shall at the Time of making the annual Return of their taxable Property, make a separate Return on Oath or Affirmation of what Land he, she or they may claim by Virtue of any military Grant, or of any Entry or Entries made in the Office of *John Armstrong*, Entry-Taker, or that he, she or they may hold in Trust for any other Person or Persons, as Guardian, Attorney, or Agent of military Grants, or Lands entered in the said Office, under the Regulations and Penalties prescribed by an Act, entitled, *An Act to amend an Act, entitled, An Act for ascertaining what Property in this State shall be deemed taxable Property, the Method of assessing the same, and collecting public Taxes, passed at Hillsborough, on the nineteenth Day of April, one thousand seven hundred and eighty-four.*

Returns of taxable property how to be made.

VII. *AND be it enacted*, That if any Justice of the Peace shall receive any Person's List of taxable Property without taking such Person's Oath or Affirmation, as the Case may be, thereto, the Justice or Justices so misbehaving, shall be deemed guilty of a Misdemeanor, and upon Conviction in any Court having Cognizance of the same, shall be thenceforth suspended from the Exercise of his Office.

Penalty on Justices for neglect.

## C H A P. II.

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

WHEREAS it has been represented to this General Assembly, that some of the County Courts have neglected to take Bond and Security of the Collectors appointed in the different Districts within their Counties, to the great Diminution of the public Revenue of the State; and as it would be unjust that the Sheriffs should be made answerable for the Sums the Public are entitled to, unless they have a proper Remedy pointed out by Law where to apply in Case of such Neglect of Duty: For Remedy whereof,

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That from and after the passing of this Act, the Clerks of the several County Courts in this State shall not utter or deliver any List of Taxes to be collected in any District in any of the Counties within this State, until he shall have entered on Record that such Collector for such District has given Bond with sufficient Security as the Law requires.

Collector's bond to be recorded before a list of taxes is delivered.

II. *AND be it further enacted by the Authority aforesaid*, That if any Clerk for any of the Counties in this State, shall utter or deliver out a List of Taxes to any of the Collectors to be collected, without having first entered on Record the Collector with his Securities, such Clerk shall and is hereby declared liable for such Collection.

Pen. on the Clerk for neglect.

III. *AND be it further enacted by the Authority aforesaid*, That the County Courts within this State are hereby required and directed, on Motion of the Sheriff, to enter up Judgment against the Clerk so failing or neglecting his Duty, as is directed by this Act; which Judgment shall operate in the same Manner as Judgments obtained against Collectors of public Taxes, who have given Securities; any Custom or Law to the contrary notwithstanding.

How recovered.



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## C H A P. III.

*An Act to confirm the Rights and Titles of several Citizens of this State in certain Negroes therein described, and preventing unjust and vexatious Law-Suits.*

**W**HEREAS in the Year one thousand seven hundred and eighty-one, sundry of the Citizens of this State did enlist in the Service of the State of *South-Carolina*, in the Brigade commonly called the State Troops, commanded by Brigadier-General *Sumpter*, and several of them agreeable to their Enlistment and Service did draw Negroes, one for each private Soldier, and Officers in Proportion to their Rank, which Negroes were at that Time taken from the disaffected Citizens of said State by Order of General *Sumpter*, for that Purpose; and the General Assembly of the State of *South-Carolina* did since, *to wit*, on the twenty-first Day of *March*, one thousand seven hundred and eighty-four, pass an Ordinance to indemnify Brigadier-General *Sumpter*, and the Officers acting under his Command during the *British* Invasion, in the second Section of which Ordinance it is ordained, that in all Cases where any Property hath been taken from any Person resident in said State, and appropriated to the public Use by Order of the said Brigadier-General *Thomas Sumpter*, such Person or Persons shall apply for Redress to the Legislature, and not elsewhere; yet the disaffected Citizens of that State, from whom those Negroes were taken, have since instituted sundry Suits against the Citizens aforesaid of this State, for the Recovery of said Negroes. For Remedy whereof,

Negroes sectred to those who received them for services in Gen. *Sumpter's* brigade &c.

Proviso, for citizens of other States.

**I.** *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That where any Citizen of this State shall have actually served in the aforesaid Brigade, and drawn a Negro or Negroes for said Service, if there is or hereafter shall be any Suit or Suits for said Negroes commenced against them, or any of them, or any Person or Persons claiming by, from or under them, or any of them, on the Fact being proved to the Satisfaction of the Court and Jury trying the Cause, that such Negro or Negroes were regularly drawn in consequence of said Service, a Verdict and Judgment shall be given for the Defendants; any Law, Usage or Custom to the contrary notwithstanding. *Provided nevertbeless*, That Nothing herein contained shall be construed to vest the Property of any Negro or Negroes, taken by any Person or Persons of the aforesaid Brigade, and not specially delivered to the said Troops for their Pay in the Manner aforesaid for said Service. *And provided also*, That Nothing herein contained shall preclude Citizens of other States, except those of *South-Carolina*, from recovering their Negroes, if any may have been taken for the Purposes aforesaid, who have not applied to the State of *South-Carolina* agreeable to the Directions of the aforesaid Ordinance for Satisfaction, and received the same.

## C H A P. IV.

*An Act once more to extend an Act, entitled, An Act to pardon and consign to Oblivion the Offences and Misconduct of certain Persons in the Counties of Washington, Sullivan, Greene and Hawkins.*

Pardon extended, &c.

Conditions.

Not to extend to any subsequent offence.

**I.** *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the said Act, and every Clause thereof, shall be and is hereby extended to all Persons within the Counties aforesaid, who are desirous of availing themselves of the Benefits and Advantages held out to them by the said Act; and it is hereby declared, that they are and shall be pardoned for the Crimes mentioned therein, and for all Crimes of a similar Nature committed since the passing of the Act aforesaid, and prior to the passing of this Act, and freely restored to the Privileges of Citizens: *Provided*, That the Persons meant and intended by the above mentioned Act of Pardon and Oblivion, shall within three Months from and after the passing of this Act, take the Oath of Allegiance to the State of *North-Carolina*, before the Judge of the Superior Court of the District of *Washington*, or any County Court in said District. *Provided also*, That the Act aforesaid shall not extend to any Crimes, Offences or Misconduct of the Persons above mentioned, which may be done or committed



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committed subsequent to the passing of this Act. *Provided*, That the Benefit of this Act shall not entitle *John Sevier* to the Enjoyment of any Office of Profit, Honour or Trust in this State, but that he be expressly declared therefrom. Exception.

## C H A P . V .

*An Act to repeal Part of an Act, entitled, An Act to suppress excessive Gaming.*

**W** H E R E A S by the Repeal of the above recited Act, Gaming Debts to any Amount are recoverable before any Jurisdiction in the State, whereby many Abuses and Injuries arise, and Vice and Immorality are encouraged: For Remedy whereof,

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, every Promise, Agreement, Note, Bill, Bond or other Contract, to pay, deliver or secure Money or other Thing won or obtained by playing at Cards, Dice, Tables, Tennis, Bowles or other Games, Horse-Racing excepted, or by wagering or betting on either of the Parties who shall play at such Games, or to repay or secure Money or other Thing lent or advanced for that Purpose, or lent or advanced at the Time of such gaming, playing, betting, laying or adventuring, shall be void; and every Conveyance or Lease of Land, Tenements or Hereditaments, sold, demised or mortgaged, and every Sale, Mortgage or other Transfer of Slaves or other personal Estate to any Person, or for his Use, to satisfy or secure Money so won, lent or advanced, on due Proof made before any Jurisdiction having Cognizance thereof, shall be and is hereby declared void. No monies, &c. won by gaming recoverable, horse races excepted.

II. *A N D* be it further enacted by the Authority of the same, That every Act or Part of Acts, coming within the Purview and Meaning of this Act, shall be and is hereby declared void. Former acts repealed.

III. *A N D* be it further enacted by the Authority aforesaid, That an Act, entitled, *An Act to prevent Card-Playing and other deceitful Gaming*, passed at *Newbern*, in the Month of *December*, one thousand seven hundred and seventy, is hereby repealed and made void.

## C H A P . VI .

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

I. **B** E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That so much of the before recited Act as respects the Adjustment of unliquidated Claims against this State by the Comptroller, be and the same is hereby declared to be in full Force for and during the Space of twelve Months from the Date hereof. Former act continued twelve months.

## C H A P . VII .

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

**W** H E R E A S the Laws and Regulations made to prevent dealing and trafficking with Slaves, have been found insufficient to prevent that pernicious Practice:

I. *B E* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That if any free Person shall either buy from or sell to any Slave or Slaves, any Kind of Goods or Commodities whatsoever, or any other Thing, without a Permission in writing, setting forth the identical Article or Articles such Slave or Slaves may have for Sale, from the Master, Mistress or other Person having the Management of such Slave or Slaves, every such free Person shall on Conviction forfeit and pay the Sum of ten Pounds, and be further liable to pay all Damages that may accrue in consequence of such trading. Pen. on persons trading with slaves, &c.



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trading or trafficking; one Half thereof to the Person informing, the other Half to the Person injured, to be levied of his or her Property as other Recoveries by Law; and if the Offender shall not have sufficient Property to satisfy the Judgment, then such Offender shall be committed to close Custody, and shall remain in Prison without Bail or Mainprize for any Time not exceeding three Months.

Pen. on slaves offering any thing for sale without permission.

II. *AND be it further enacted*, That if any Slave or Slaves shall hereafter offer any Article whatever for Sale, without Permission from his or her Owner, Master or Overseer, it shall or may be lawful for any Person knowing the same, to apprehend such Slave or Slaves, and on due Proof of the Offence being made on Oath before a Justice of the Peace of the County, he may order the said Slave or Slaves to receive any Number of Lashes, not exceeding thirty-nine, on his, her, or their bare Back. *Provided nevertheless*, That this Act shall not have Effect or be in Force until after the first Day of *March* next.

## C H A P. VIII.

*An Act to repeal Part of an Act, entitled, An Act for the revising and collecting the Acts of the General Assembly of the State of North-Carolina.*

**W**HEREAS in the third Clause of the said Act it is enacted, that the Sum of five hundred Pounds shall be advanced to the Printer or Printers of said Laws when revised, on Loan, payable in three Years from the Receipt thereof:

Part of the former law repealed.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That so much of the said third Clause as authorises the said Printer or Printers to receive the Sum of five hundred Pounds on Loan, be and is hereby repealed and made void.

## C H A P. IX.

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

Act continued.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That an Act, entitled, *An Act allowing Salaries to the Governor and other Officers of the State*, passed at *Tarborough*, in one thousand seven hundred and eighty-seven, shall be, and is hereby continued in Force until the End of the next Session of the General Assembly. (a)

## C H A P. X.

*An Act for establishing the Dividing Line between the Counties of Burke and Rutherford.*

**W**HEREAS the dividing Line between the Counties of *Burke* and *Rutherford* hath not yet been established, in consequence of which the Lands West of the *Apalachian* Mountain have been indiscriminately entered in the respective Counties, contrary to the Intent and Meaning of an Act of Assembly in that Case made and provided:

Dividing line.

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That the Line as laid out, marked and extended by *Joseph M'Dowall*, junior, in the Year one thousand seven hundred and eighty-five, *viz.* Beginning at the West Point of the Line that formerly divided the above said Counties, thence West to the *Indian* Boundary as in the Act of Assembly of the seventeenth of *May*, one thousand seven hundred and eighty-three; which Line is hereby established to be the dividing Line between the Counties of *Burke* and *Rutherford*; any Law, Usage or Custom to the contrary notwithstanding.

C H A P. II. *An Act to repeal Part of an Act passed at Newbern, in December, One Thousand Seven Hundred and Eighty-five, entitled, An Act for destroying Wolves, Wild-Cats, Panthers and Bears, Crows and Squirrels in the several Counties therein mentioned.* P R I V.

## C H A P.

(a) The Act here continued I have not been able to find in the Collection of the Acts of that Session.



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## C H A P. XII.

*An Act to annex Part of Dobbs County to the County of Jones.*

**W**HEREAS it is represented to the General Assembly, that it would greatly add to the Ease and Convenience of a Number of the Inhabitants of *Dobbs County*, to be added to the County of *Jones* :

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That all that Part of *Dobbs County* lying between the following Lines, beginning at *Dortch's Mill*, on *Trent River*, running from thence a direct Line to the *Widow Jerman's*, and from thence to *Duplin Line*, then with the same to *Onslow Line*, then with *Onslow Line* to where *Dobbs and Jones Line* intersect the same ; and that all that Part of *Dobbs* between the said Lines, be and the same is hereby added to and made Part of *Jones County*. *Provided always,* That Nothing in this Act shall be understood to prevent the Sheriff or Collectors of *Dobbs County*, from collecting all public Taxes which are now due, or may be due for the Year one thousand seven hundred and eighty-eight, in that Part of the said County which comes within the Description of this Act.

II. [*Unnecessary to be inserted.*]

C H A P. 13. *An Act to explain An Act directing the Duty of Naval-Officers, and all Masters of Vessels coming into any of the Ports or Inlets of this State.*

Superfeded by the authority of the U. States under their constitution, adopted by this State in 1789.

## C H A P. XIV.

*An Act to annex Part of the County of Carteret to the County of Jones.*

**W**HEREAS it is represented to the General Assembly, that it would greatly add to the Ease and Convenience of a Number of the Inhabitants of *Carteret County*, to be added to the County of *Jones* :

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That all that Part of *Carteret County* lying on the North Side of *White-Oak River* and on the West Side of *Hunter's Creek*, be and the same is hereby annexed to and made Part of *Jones County*. *Provided always,* That Nothing in this Act shall be understood to prevent the Sheriff or Collectors of *Carteret County*, from collecting all public Taxes that are now due, or may be due for the Year one thousand seven hundred and eighty-eight, in that Part of the said County which comes within the Description of this Act.

Part of *Carteret* annexed to *Jones* county.

C H A P. 15. *An Act to amend an Act, entitled, An Act to erect a Town on the Lands of Matthew Figures, in Northampton County. PRIV.*

## C H A P. XVI.

*An Act to establish a Company for the opening the Navigation of the Catawba Rivers.*

**W**HEREAS *John Rutledge, Thomas Sumpter, Isaac Huger, Benjamin Waring, Christian Senf, Daniel Bourdeaux, Alexander Gillon, Joseph Atkinson, William Hill* and *John Gillaird*, of *South-Carolina*, Esquires, have for themselves and others, by their Petition to the General Assembly, represented that the opening of the Navigation of the *Catawba Rivers*, from the *South-Carolina Line* as far up both Branches of the *Catawba Rivers* as may be found practicable, by Means of Canals, Dams and Locks, and clearing the same of the Obstructions which are now in the Way, will be of great public Utility ; that the said Petitioners have entered into an Agreement for establishing a Company for opening the Navigation of the said Rivers, should it meet the Sanction of the Legislature, and prayed to be incorporated by Law, under the Name or Title of *The Company for opening the Navigation of the Catawba Rivers*, and that they may be vested with such Powers, Privileges



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Privileges and Immunities for carrying the same into Effect, similar to those Powers, Rights and Titles as are granted to them as an incorporated Company for opening the Navigation of *Catawba* and *Waterie* Rivers by the State of *South-Carolina* :

Company incor-  
porated.

I. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the said Petitioners, and such others as shall be admitted into the said Company, shall be and they are hereby incorporated, by the Name and Title of *The Company for opening the Navigation of the Catawba Rivers*.

Their general  
power.

II. *AND* be it further enacted by the Authority aforesaid, That the said Company, by the Name and Style aforesaid, shall and may sue and be sued, implead and be impleaded in any Court within this State; and that they may elect and appoint all necessary Officers, and from Time to Time make such Rules, Regulations and Bye-Laws as they shall think proper for their own Government, provided the same shall not be repugnant to or inconsistent with the Constitution, or any Laws of this State.

May cause a na-  
vigation to be  
made as they  
shall deem expe-  
dient.

III. *AND* be it further enacted by the Authority aforesaid, That the said Company shall and may cause a Navigation to be made on the Rivers aforesaid, by Means of Dams, Canals and Locks, or in such other Manner as to them shall seem most fit and convenient, from the *South-Carolina* Line as far up both Branches of the *Catawba* River as may be found practicable; and that they and their Successors, for ninety-nine Years, shall and may fix and establish, and be entitled to take and receive by Way of Toll, for all Goods and Merchandize carried on or through, and Boats, Vessels and Rafts passing on or through the said Rivers, within the Limits aforesaid, such Sums or Rates as the said Company shall think proper to impose, not exceeding at any Time more than twenty-five *per Cent. per annum* on the Money which they shall have expended in opening and keeping in Repair the said Navigation; to ascertain which the Books of the said Company shall always be liable to the Inspection of the Legislature of this State; that the said Toll shall be payable in the current Money of the State, and that the said Company, or their Agents, may stop any Goods, Vessels, Boats or Rafts from passing on the said River, until Payment of the said Toll.

Right of toll.

Power to open  
roads, &c.

IV. *AND* be it further enacted by the Authority aforesaid, That the said Company shall have Power to open and keep open such Road or Roads on each Side of the Banks of the said Rivers, as they may deem necessary for the Use of the Navigation aforesaid, and to purchase for themselves and their Successors forever, all such Lands as may be necessary for the Purposes aforesaid.

Navigation to be  
kept in order.

V. *AND* be it further enacted by the Authority aforesaid, That the said Company shall be obliged to keep the said Navigation in good and sufficient Order and Condition, on Pain of being answerable for any Damages occasioned by their wilful Default and Neglect.

Shares to be free  
from any tax for  
99 years.

VI. *AND* be it further enacted by the Authority aforesaid, That the Shares in the said Company shall be ninety-nine Years exempted from any Rate, Tax, Duty, Assessment or Imposition whatever; and that the said Shares may be sold, transferred, assigned, or bequeathed by the Proprietors respectively, and in Case of their dying intestate, shall go as personal Estates according to the Statute of Distributions.

To be negocia-  
ble, &c.Company may  
sue for trespasses.

VII. *AND* be it further enacted by the Authority aforesaid, That if any Person shall wilfully and maliciously cut, break down, damage, or destroy any Bank or other Work to be erected or made for the Purpose of the said Navigation, or shall throw Dirt, Trees, Logs, or other Rubbish in the Way, so as to prejudice the Navigation and Works aforesaid, such Person shall be answerable to the said Company for treble the Damages sustained thereby.

May hold & sell  
property.

VIII. *AND* be it further enacted by the Authority aforesaid, That the said Company and their Successors, from Time to Time forever, shall be capable of purchasing or acquiring, holding and possessing, and of selling and disposing of any Negroes or other Goods and Chattels, as well as of any Lands or real Estates.

IX. *AND*



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IX. *AND be it further enacted by the Authority aforesaid*, That if any Person shall be sued for any Matter or Thing done in pursuance of this Act, he may plead the general Issue, and give this Act and the special Matter in Evidence, and on a Verdict against the Plaintiff or a Non-Suit on Discontinuance, recover Costs of Suit. Privilege as to law suits.

X. *AND be it further enacted by the Authority aforesaid*, That this Act shall be deemed and taken to be a public Act, and judicially taken Notice of as such without special Pleading, and liberally construed for carrying the Purposes aforesaid into Effect: *Provided*, That the State of *South-Carolina* agrees that no Restrictions, Duty, or Impost shall be laid on any Commodity which is the Growth, Produce or Manufacture of the State of *North-Carolina*, brought through the said Canal or River, for Sale or Exportation, and that the same may be exported without Re-Inspection: *Provided also*, That Nothing contained in this Act shall be construed to operate against the Claim of the State for any Part of the Territory included within the Lines established as the Southern Boundary of the State, by the twenty-fifth Article of the Bill of Rights. This to be deemed a public act. Provisoes.

XI. *AND be it further enacted by the Authority aforesaid*, That this Act shall not take Effect or be in Force, until the State of *South-Carolina* shall pass a Law establishing this Proviso a Part thereof. When in force.

CHAP. 17. *An Act to repeal Part of an Act, entitled, An Act for the better Regulation of the Town of Halifax, and extending the Liberties thereof; and for altering the Mode of laying and levying Taxes in the Town of Edenton. P R I V.*

18. *An Act to emancipate a certain Negro Slave named Phillis, late the Property of George Jacobs, of the Town of Wilmington, deceased. P R I V.*

19. *An Act to empower the Wardens of the Poor for the County of Camden to lay a Tax, to enable them to settle the Arrears due from the said County. P R I V.*

## C H A P. XX.

*An Act to amend an Act, entitled, An Act to prevent domestic Insurrections. See act April, 1777, c. 6.*

WHEREAS by the before recited Act it is enacted, that no Person shall liberate or set free his or her Slave except for meritorious Services, to be adjudged and allowed of by the County Court, and by the said Act it is directed in what Manner and for what Purpose Slaves illegally liberated shall be apprehended and sold: And whereas divers Persons, from religious Motives, in Violation of the said Law, continue to liberate their Slaves, who are now going at Large to the Terror of the People of this State: And whereas the Mode prescribed for apprehending such Slave or Slaves, is found by Experience not to answer the good Purposes by the said Act intended, the Power of apprehending liberated Slaves being confined to Freeholders only, and optional in them whether they will exercise the Authority or not; and it appearing the said Law is not fully adequate to the good Purposes intended: Therefore,

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That from and after the passing of this Act, if any Slave hath been liberated contrary to the before recited Act, should be still within the Limits of this State, and all Slaves liberated after the passing of this Act, should be known or suspected to be lurking in any of the inhabited Parts thereof, then and in such Case, on Information made to any Justice of the Peace by any Freeman, of such liberated Slave or Slaves going at Large or lurking about, contrary to the true Intent and Meaning of the said Act, then and in such Case the Justice to whom such Information is made, is hereby empowered and required immediately to issue his Warrant, directed to the Sheriff of the County, commanding him to make diligent Search and to apprehend all such Proceedings against slaves liberated contrary to the original act.



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Slave or Slaves, and to commit him, her or them to the Gaol of the County, there to remain until the next succeeding Court of the County; on which Warrant all Proceedings shall be regulated in the same Manner as is directed by the before recited Act; and that the Person or Persons apprehending any such Slave or Slaves by Virtue of any such Warrant, shall be entitled to the Emoluments as is allowed to Freeholders by the before recited Act. *Provided nevertheless*, That Nothing in this Act shall be construed to debar any Freeholder or Freeholders from stepping forward in the Execution of said Law in the usual Manner, or to divest them of the Emoluments given by the said Act.

## C H A P. XXI.

*An Act for the Relief of former Sheriffs, and for directing the Comptroller as to the Manner of settling their Accounts.*

**W**HEREAS divers Persons who acted as Sheriffs under the former Government of this State, then Province, and others who have acted as such since the Revolution, and previous to the Year one thousand seven hundred and eighty-four, are in Arrear to the Public, and it being proper they should be called to Account:

Mode of settlement for Sheriffs who acted before the revolution.

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That each and every such Person shall be at Liberty to settle his or their Account with the Comptroller of this State, at any Time from and after the passing of this Act until the first Day of July, which shall happen in the Year one thousand seven hundred and eighty-nine, on the following Principles, *that is to say*, All Sheriffs who acted as such previous to the Revolution, shall be held and deemed bound to pay their respective Balances in the present Currency of the State: *Provided nevertheless*, That where it shall be made appear by the Oath of the Executors, Administrators or Representatives of any deceased Sheriff of the above Description, or by other sufficient Testimony, that from the Difficulty of the Times or other unavoidable Hindrances, such deceased Sheriff failed to make his Collection until after the Emission of the late Dollar Currency of this State, the said Dollar Currency shall be received by the Comptroller in Payment of the Arrears of such Sheriff, agreeable to the Scale of Depreciation at the Time it shall have been collected, the Executors, Administrators or Representatives first making Oath that they know or believe the Dollar Money tendered, to be the identical Money which was collected in Payment of Taxes for the Years in which such deceased Sheriff became chargeable: *And provided also*, That where the Property of any such deceased Sheriffs has been sold by their Executors, Administrators or Representatives as aforesaid, for Dollar Money, for the express Purpose of paying such public Demands or Balances, and such Money has not been paid into the Treasury heretofore, through the Neglect or Refusal of any of the late District Treasurers to receive the same, or from other unavoidable Causes, in all such Cases it shall be the Duty of the Comptroller to receive the Dollar Money in Discharge of the Debt or Balance of such deceased Sheriff, at the Rate fixed by the Scale of Depreciation at the Time the Property was sold, the Person tendering the same first making Oath, that the Dollar Bills tendered, are the same which were received in Payment for the Purchase of such Property.

Mode of settlement for Sheriffs who have acted under the present government and previous to 1784.

II. *AND be it further enacted by the Authority aforesaid*, That all Persons who have acted as Sheriffs under the present Government, and previous to the Year one thousand seven hundred and eighty-four, shall be at Liberty to settle their respective Accounts with the Comptroller at any Time within the Period herein before limited, in the following Manner, *to wit*, They shall be at Liberty to settle fully and completely in such Species of Payment as are by Law required for the Taxes of the Year in which they may have acted as Sheriff, they and every of them first making Oath, that the Dollar Money or Claims tendered, are the same which they collected in Payment of Taxes, and that they had not used or been benefited by the same.

III. AND



III. *AND be it further enacted*, That on all Settlements made in Virtue of this Act, the Comptroller shall report the Balances due, if any, to the Treasurer, as in other Cases; which Report shall be made in Specie, and shall be sued for accordingly. A. D. 1788. Balances to be reported and sued for.

IV. *AND be it also enacted*, That this Act shall be and continue in Force until the first Day of July, which shall happen in the Year one thousand seven hundred and eighty-nine, and no longer. Act how long to continue.

## C H A P. XXII.

*An Act for improving the Navigation of Albemarle Sound.*

**W**HEREAS it appears to the General Assembly, that by opening a navigable Passage into the Ocean, near the Island of *Roanoke*, the Navigation of this State would be greatly improved, and the Value of Lands lying contiguous to *Albemarle* and *Pamptico* Sounds, and that the Waters that communicate with them, will be encreased; and it being represented that many Citizens of this State are willing to contribute to effect this beneficial and necessary Work:

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That his Excellency *Samuel Johnston*, *Whitmill Hill*, *John Skinner*, *Josiah Collins*, *Demcy Corner*, *Hardy Murfree*, *Charles Johnson*, *David Meredith*, *Christopher Clark*, *Thomas Stewart*, *Lawrence Baker*, *Morris Baum*, *Isaac Gregory* and *Nathaniel Allen*, be and they are hereby appointed Commissioners to receive Subscriptions for the Purpose aforesaid, five of whom shall be a Quorum. Commissioners appointed.

II. *AND be it enacted by the Authority aforesaid*, That the Commissioners aforesaid be and they are hereby declared to be a Body corporate and politic, and as such they shall be capable to sue and be sued, under the Name of the Commissioners for cutting *Raleigh Canal*; and they are hereby authorized to purchase Lands, make Contracts, and to do all Things necessary for the above Purpose. Incorporated. Their general power.

III. *AND be it further enacted by the Authority aforesaid*, That if the Lands through which the said Canal is intended to be cut, do belong to any Persons unwilling to sell them at a reasonable Price, or to a *Feme Covert*, Minor or Absentee, it shall be lawful for the said Commissioners, or such Person as they shall authorise for the Purpose, to apply to any Justice of the Peace of the County, who is hereby required to cause seven Freeholders to be summoned, to value the same upon their Oath; which Valuation shall be returned to the next County Court, and upon the Commissioners, or any Person for them, paying to the Clerk of the Court, for the Use of the former Proprietor of the Land, the Sum to which the Lands were valued, the said Lands shall be vested in them and their Successors forever. How to obtain the lands necessary.

IV. *AND be it enacted by the Authority aforesaid*, That if the Sum which may be subscribed shall appear inadequate to the Undertaking, the said Commissioners shall within three Years from the passing of this Act, return the Sums of Money received by them to the Subscribers respectively; and if the said Commissioners shall not within three Years after the passing of this Act, begin to work upon the said Canal, Inlet or Passage to the Ocean, it shall be lawful for the Subscribers to sue for and recover such Sums as they may have advanced for the above Purpose. Money to be returned if inadequate.

V. *AND be it further enacted by the Authority aforesaid*, That the said Commissioners, or a Majority of them, shall meet annually, when they shall appoint such Officers as may be necessary to make out their Accounts, a State of which they shall publish every Year; and in Case of the Death, Resignation, Inability or Removal of any of the Commissioners aforesaid, they shall elect Persons in their Room and Stead by a Majority of Votes, who shall possess all the Powers given and granted by this Act. Directions to the Commissioners. Vacancies how to be supplied.

VI. *AND be it further enacted*, That an Act passed at *Tarborough*, entitled, *An Act for promoting the Navigation of Albemarle Sound*, be and the same is hereby repealed and made void. Former act repealed.



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## C H A P. XXIII.

*An Act to admit to Record certain Deeds, Grants and Patents for Lands heretofore obtained.*

**W**HEREAS it is represented to this General Assembly, that some of the Record Books belonging to the Secretary's Office, in which Deeds, Grants and Patents heretofore obtained have been recorded, are now lost or otherwise destroyed, whereby many of the good People of this State may be greatly injured: For Prevention whereof,

Deeds, &c. to be recorded where record books have been lost, &c.

**I.** *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That it shall and may be lawful for his Excellency the Governor for the Time being, by and with the Consent of the Council of State, on Application of any Person or Persons having a Deed, Grant or Patent for Lands in such Predicament, (provided it shall appear to them that such Deed, Grant or Patent had been fairly obtained, and the Requisites of the Law fully complied with) to order the Secretary to record such Deed, Grant or Patent; and on such Order, the Secretary is hereby directed to record in his Office such Deed, Grant or Patent for Lands so ordered, together with such Order; which Deed, Grant or Patent so recorded, shall be as good and valid in Law, to all Intents and Purposes whatsoever, as if such former Records had never been lost or destroyed; and in any Controversy at Law that may happen in consequence thereof, this Act may be given in Evidence to support the Validity of the Record of such Deed, Grant or Patent; any Law to the contrary notwithstanding.

## C H A P. XXIV.

*An Act for the Relief of Persons who have suffered or may suffer by their Grants, Deeds and Mesne Conveyances not being proved and registered within the Time heretofore appointed by Law, and to grant a further Time for registering certain Grants heretofore issued from Lord Granville's Office, and to direct Transcripts of the Records of Orange and Tyrrel Counties to be made.*

**W**HEREAS many Persons through Ignorance of the Law have neglected to have their Grants, Deeds and Mesne Conveyances registered, according to the Directions of the several Acts of Assembly in such Case made and provided: For Remedy whereof,

Time for registering grants not already registered.

**I.** *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That all Grants for Lands entered in the Land-Office under the present Government, which have not been registered within the Times heretofore appointed by Law, shall and may, within two Years after the passing of this Act, be admitted to Registration, and shall be as good and valid as if they had been registered within the Time heretofore allowed by Law.

Time for registering deeds and mesne conveyances.

**II.** *AND be it further enacted by the Authority aforesaid,* That all Deeds and Mesne Conveyances of Lands, Tenements and Hereditaments not already registered, acknowledged or proved, shall and may, within two Years after the passing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attornies, or proved by one or more of the subscribing Witnesses to the same, and tendered or delivered to the Registers of the Counties where such Lands, Tenements or Hereditaments are respectively situated; and all Patents, Grants, Deeds and Mesne Conveyances whatsoever, which shall be acknowledged or proved according to the Directions of this Act, shall be good and valid, and enure and take Effect as fully, to the Use and Benefit of the Grantees, their Heirs and Assigns, as if such Patents, Grants, Deeds and Mesne Conveyances had been acknowledged or proved and registered agreeably to the Directions of any Law heretofore made.

Time for proving and registering grants from Lord Granville's office.

**III.** *AND* whereas many Persons through Inattention have failed to have their Grants, heretofore issued from Lord Granville's Office, registered within the Time limited by Act of Assembly, passed at *Tarborough*, in *November*, one thousand seven hundred and eighty-seven: *Be it enacted by the Authority aforesaid,* That all Grants heretofore issued from Lord Granville's Office, and not yet registered, may



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may be admitted to Probate and Registration at any Time within two Years from and after the passing of this Act, under the Rules, Restrictions and Provisions contained in the Act aforesaid, passed at Tarborough, in November, one thousand seven hundred and eighty-seven, entitled, *An Act to amend the several Acts of Assembly heretofore passed, for giving further Time to Surveyors within the different Counties to make their Surveys, and return Plats thereof to the Secretary's Office; and for giving further Time for the Registration of certain Deeds issued from Lord Granville's Office, and Marriage Contracts therein mentioned.*

IV. [Private: concerning the Records of Orange and Tyrrel.]

V. *BE it further enacted*, That all Lands entered in the Office of *John Armstrong*, West of *Cumberland Mountain*, shall be registered in the County in which the Proprietor of the said Lands may reside: *Provided always*, That Persons owning such Lands in this State, Westward of the said Mountain, and not residing therein, shall register their Grants for such Lands in the County of *Hawkins*.

Certain western lands how to be registered.

## C H A P. XXV.

*An Act to amend an Act, entitled, An Act for appointing the Place of holding Courts of Pleas and Quarter-Sessions in the County of Sullivan; and to alter the Time for holding the Superior Court for the District of Fayette.*

Private; all but that part of the act concerning the time of holding the Court for Fayetteville.

V. **A**ND whereas the Time fixed for holding the Superior Court of Law and Equity in the District of *Fayetteville*, is found inconvenient, from its being so shortly after *Wilmington Superior Court*: For Remedy whereof, *Be it enacted by the Authority aforesaid*, That from and after the next Superior Court to be held for the said District of *Fayetteville*, on the twentieth Day of the present Month *December*, the Superior Courts shall be constantly held on the twenty-third Days of *June* and *December* in each Year, except when the same shall happen on a *Sunday*, and in that Case on the next succeeding Day; to which Days all future Courts shall adjourn, and all Procefs shall be returned to the same; any Law, Usage or Custom to the contrary notwithstanding.

Fayetteville Court.

C H A P. 26. *An Act to quiet Thomas Brown, of Bladen County, Esquire, in his Title to and Possession of divers Lands, Tenements and Hereditaments therein referred to. PRIV.*

27. *An Act to quiet in the Possession of William Scott certain Lands therein described. PRIV.*

## C H A P. XXVIII.

*An Act for dividing the County of Davidson.*

**W**HEREAS the great Extent of the County of *Davidson* renders it inconvenient to the Inhabitants thereof to attend Courts, General Musters and Elections:

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That from and after the passing of this Act, the said County of *Davidson* shall be divided by a Line beginning on the *Virginia Line*, running South along *Sumner County* to the dividing Ridge between *Cumberland River* and *Red River*, then Westwardly along the said Ridge to the Head of the main South Branch of *Sycamore Creek*, then down the said Branch to the Mouth thereof, then due South across *Cumberland River* to *Davidson County Line*; and all that Part of *Davidson County* that lies to the East of the said Line, shall continue and remain the County of *Davidson*; and all that Part of the said County of *Davidson* that lies West of the said Line, shall be erected into a County by the Name of *Tennessee*.

Tennessee County erected.

II. **A**ND for the due Administration of Justice: *Be it enacted by the Authority aforesaid*, That the Courts for the said County shall be held by the Justices thereof on the third Mondays in *January, April, July and October*; and the Justices for

Time of holding Courts, &c.



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the said County of *Tennessee* are empowered to hold the first Court at the House of *Isaac Fitzworth*, and all subsequent Courts at such Place as the said Justices may adjourn to, until a Court-House shall be built for the said County of *Tennessee*, and then all Causes, Matters and Things depending in the said Court, and all Manner of Process returnable to the same, shall be adjourned to such Court-House; and all Courts held in and for the said County of *Tennessee* shall be held by Commission to the Justices, in the same Manner, and under the same Rules and Restrictions, and shall have and exercise the same Powers and Jurisdictions, as are or shall be prescribed for other Courts held for the several Counties in this State.

[*The Remainder unnecessary to be inserted.*]

## C H A P. XXIX.

*An Act to annex Part of the County of Washington to Sullivan.*

**W**HEREAS the annexing a Part of the County of *Washington* to *Sullivan*, will tend greatly to the Ease and Convenience of those inhabiting the same :

Part of *Washington* added to *Sullivan* 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 from and after the passing of this Act, all that Part of *Washington* County included within the following Bounds, *viz.* Beginning at the Head of *Indian Creek*, where the Line divides *Washington* and *Sullivan* Counties, thence a strait Line South of *David Hughes's*, thence a strait Line South of *Francis Hodge's* to the *Walagea* River, thence down the Meanders of said River to its Junction with *Holstein* River, thence up the Line which divides *Washington* and *Sullivan* Counties to the first Station, be and the same is hereby annexed to, and shall be and remain a Part of the County of *Sullivan* : *Provided*, That Nothing in this Act shall be understood to prevent the Sheriff of the County of *Washington* to collect all public Taxes now due, in that Part of the County which comes within the Description of this Act.

II. [*Unnecessary to be inserted.*]

## C H A P. XXX.

*An Act to empower the Commanding Officers of the Counties of Greene, Washington, Sullivan and Hawkins, to erect a Station on the North Side of the River Tennessee, for the Protection of the Frontiers, and to insure Safety to Travellers on the new Road to the Cumberland Settlements ; also to empower the County Court of Moore to lay a Tax for repairing the public Buildings of the said County.*

Commanding officers to fix a station.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Commanding Officers of the said Counties, or a Majority of them, shall have Power and Authority to fix on a proper Place on the North Side of *Tennessee* River, for establishing a Station for the aforesaid Purposes.

Guard to be stationed there, and how raised.

II. *AND* be it enacted, That a Guard, consisting of a Captain, one Lieutenant, one Ensign, and thirty-three Non-commissioned Officers and Privates, to be kept at the said Station so fixed for the Term of one Year ; the Officers to be appointed by the said Commanding Officers of the said Counties, or a Majority of them, and the Men to be raised from the respective Counties by voluntary Indistment, or an equal indiscriminate Draft.

To be subject to militia rules, and have the same pay and rations.

III. *AND* be it enacted, That the said Guard shall be subject to the same Rules and Regulations as established by the Militia Law, and have the same Pay and Rations ; and that the said Commanding Officers, or a Majority of them, shall be and are hereby authorized, empowered and required, to appoint some one Person Commissary and Paymaster to said Guard, who shall enter into Bond with good and sufficient Security, in the Sum of five thousand Pounds, for the faithful Discharge of his Office, which Bond and Security shall be approved of by the Judge of the District of *Washington*, and be deposited in the Office of the Secretary of State ; whereupon the Governor may and is hereby directed to issue

Warrants



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Warrants in Favour of the Person so appointed Paymaster and Commissary, for the Pay and Rations of the said Guard, on the public Treasurer, payable out of the Funds arising from the Taxes of the said four Counties of *Greene, Washington, Sullivan* and *Hawkins*, and out of no other Fund whatever; provided the Price of the Ration shall not exceed one Shilling *per Day*: *Provided nevertheless*, That Nothing in this Act contained, shall be construed to prevent the Governor of this State from disbanding the aforesaid Troops, at any Time he, with the Advice of the Council of State, may think proper.

IV. [Private.]

## C H A P. XXXI.

An Act to amend an Act, entitled, An Act to establish a Superior Court of Law and Equity in the County of *Davidson*, and for erecting the said County of *Davidson*, and the Counties of *Sumner* and *Tennessee*, into a separate District. See act Nov. 1785, c. 47.

WHEREAS it is doubted whether the Jurisdiction of the said Court extends to the Counties of *Sumner* and *Tennessee*: And whereas it is necessary such Doubts should be removed:

I. *BE* it enacted, That the Jurisdiction of the said Court shall extend as fully, in all Respects, in and over the said Counties of *Sumner* and *Tennessee*, as in and over the County of *Davidson*. Jurisdiction of the Court.

II. *AND* be it enacted, That the said three Counties are hereby erected into a separate District, by the Name of *Mero*; and that the Superior Court of Law and Equity in the said District of *Mero*, shall be held at the same Time and Place, and in the same Manner as the Superior Court of Law and Equity is directed to be held by the aforesaid Act in the County of *Davidson*. *Mero* district.

III. *AND* be it enacted, That the Person at present holding and exercising the Office of Judge of the Superior Court of Law and Equity in the County of *Davidson*, is hereby declared to be continued Judge of the Superior Court of Law and Equity in and for the District of *Mero*. Judge of the Superior Court.

## C H A P. XXXII.

An Act for appointing an additional Judge of the Superior Court of the District of *Morgan*, and for the Relief of Persons who have or may hereafter forfeit their Recognizances in the Superior and County Courts. See act April, 1782, c. 22.

WHEREAS the Non-Attendance of some of the Judges at the Superior Court of Law and Equity in the District of *Morgan*, hath been represented to this General Assembly as a great Grievance to the Inhabitants of said District; and from the great Distance and local Circumstances of said Judges, it appears impracticable to get them to attend the said Court: For Remedy whereof,

I. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That in Addition to the Judges of the Superior Court of Law and Equity already appointed in this State, a Judge shall be nominated and appointed by the General Assembly for the Superior Court of Law and Equity for the District of *Morgan*, who shall and may exercise the same Powers and Authorities, and be entitled to the same Pay, Privileges and Emoluments within the said District, as the other Judges of the Superior Court of Law and Equity in this State hold, exercise and enjoy; any Law, Custom or Usage to the contrary notwithstanding. Judge appointed for *Morgan* district.

II. *AND* whereas Application hath often been made to the General Assembly by Persons who have forfeited their Recognizances, and conceive they have Reason to pray Relief therein: *Be it enacted by the Authority aforesaid*, That the Judges of the Superior Court in their several Districts in Court, are hereby fully authorized and empowered to receive, hear and determine on the Petition or Petitions of all Persons who may conceive they merit Relief on their Recognizances forfeited, and to lessen or absolutely remit the same, and to do all and every Thing Relief on forfeited recognizances.



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Thing therein as they shall deem just and right, and consistent with the Welfare of the State as well as the Persons praying such Relief; which Power shall extend to the Relief of those Persons against whom final Judgment hath been entered, and Execution awarded accordingly.

County Courts  
may remit fines,  
&c.

Provisoos.

III. *AND be it further enacted by the Authority aforesaid,* That the several County Courts of Pleas and Quarter-Sessions in this State, shall have Power to remit or mitigate all Fines by them inflicted, and all Forfeitures on Recognizances, previous to entering final Judgment thereon; *provided* a Majority of the Justices in the said County be present when such Remittance or Mitigation shall be made: *Provided also,* That if any Person or Persons shall be dissatisfied with the Judgment or Decree of any County Court entering final Judgment against him or them on forfeited Recognizances, shall be entitled to an Appeal to the Superior Court of the District, under the same Rules and Regulations of other Appeals; which Superior Court is hereby authorized to determine on the Premises as in other Cases in this Act directed: *Provided,* That Nothing contained in this Act shall be construed to debar the County Solicitor, or Attorney for the State, from appealing on any Judgment given, wherever he shall conceive the State has been injured, but that in all such Determinations, he is hereby expressly required to pray an Appeal, which the said Court shall grant accordingly.

CHAP. 33. *An Act to amend an Act, entitled, An Act for the Regulation of the Town of Hillsborough. PRIV.*

## C H A P. XXXIV.

*An Act to encourage the building of Iron-Works in this State.*

**W**HEREAS it appears to the General Assembly, that several Places in this State are advantageously situated for the building of Iron-Works; and in order to encourage any Person or Persons who will undertake and erect the same:

Lands granted to  
proprietors of  
Iron-works.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That three thousand Acres of vacant Land, not fit for Cultivation, most convenient to the different Seats, is hereby granted for every Set of Iron-Works, as a Bounty from this State, to any Person or Persons who will build and carry on the same; to be under the following Rules and Regulations, *viz.* Where any Person or Persons intend to build Iron-Works, such Person or Persons may proceed to the Entry-Taker of the County where he intends to erect such Works, and enter in one or more Tracts the Quantity of Bounty Land allowed by this Act for one Set of Works; and the Entry-Taker or Entry-Takers is and are hereby required to make out a Copy of the Land entered as aforesaid, and transmit the same to the next Court that shall be held in the County in which he or they are Entry-Takers.

Jury to view the  
land.Proceedings on  
their return.

II. *AND be it further enacted by the Authority aforesaid,* That the Court of any County in this State, upon receiving the Return of the Entry-Taker for the Land as aforesaid, such Court shall proceed to appoint a Jury, consisting of twelve Persons, who are of good Character; and the Jury so appointed shall proceed to view the Land in their County entered as aforesaid, and if they shall adjudge the Land so entered not fit for Cultivation, they shall certify the same in writing, and return the Certificate to the next Court held in their County, and the Court upon receiving such Return, shall cause the Certificate to be recorded by the Clerk.

Conditions to en-  
title the proprie-  
tors to the land  
granted.

III. *AND be it further enacted by the Authority aforesaid,* That if any Person or Persons who may enter Land agreeably to this Act, shall erect Iron-Works within the Term of three Years from the Time of the Jury's Return, such Person or Persons, on making it appear to the Court of the County that he or they have made at said Works five thousand Weight of Iron, shall receive an Order to the Entry-Taker, requiring him to issue the Warrants for the Bounty Land.

Manner in which  
the grants are to  
be obtained.

IV. *AND be it further enacted by the Authority aforesaid,* That such Entry-Taker upon receiving such Order, shall proceed to issue Warrants for the Lands granted  
by



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by this Act, without receiving any Money for the State; and the Surveyor upon receiving such Warrants, shall proceed to survey the same as soon as convenient, and make Return to the Secretary's Office, that Grants may issue for the same; and such Grant or Grants shall be as good and valid to the Proprietors of such Works, their Heirs or Assigns, as if the Purchase Money had been paid: *Provided nevertheless*, That if any Person or Persons shall enter Land in pursuance of this Act, and fail to erect Iron-Works according to the true Intent and Meaning thereof, the Land so entered shall revert to the State, unless the Person who has entered the same pays the Purchase Money for the Use of the State.

V. *AND* be it further enacted, That the Bounty Lands granted by this Act shall be exempted from Taxation for the Term of ten Years.

Lands exempt  
from taxation for  
10 years.

CHAP. 35. *An Act to erect and establish an Academy in the County of Richmond.*  
P R I V.

## C H A P. XXXVI.

*An Act for dividing the County of Rowan.*

WHEREAS the Extent of the County of *Rowan* renders it inconvenient and troublesome to many of the Inhabitants thereof to attend the Courts, annual Elections, Juries and other public Meetings therein:

I. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the said County of *Rowan* shall be divided by a Line beginning where *Coddie* Creek enters *Mecklenberg*, and running up the East Fork of said Creek to the Road leading from *Beatie's Ford* to *Salisbury*, from thence a strait Course to *Alexander M'Korkle's*, senior, from thence to the South Fork of the *Yaakin* River, at the Mouth of a Branch in *Margaret Dobbins's* Meadow, and from thence due North to the *Surry* Line; that all that Part of the said County of *Rowan* lying Westwardly of the said dividing Line, shall thenceforth be erected into a new and distinct County, by the Name of *Iredell*.

Division line.

II. *AND* for due Administration of Justice: *Be it enacted by the Authority* *aforsaid*, That a Court for the said County of *Iredell* shall be held constantly by the Justices thereof, on the fourth *Mondays* in *March*, *June*, *September* and *December*; and the Justices for the said County of *Iredell* are hereby authorized and empowered to hold the first Court for the same at the House of *William Durfreg*, and all subsequent Courts for said County on the Days above appointed for holding Courts therein, at any Place to which the said Justices shall from Court to Court adjourn themselves, until a Court-House shall be built for the said County of *Iredell*, and then all Causes, Matters and Things depending in the said Court, and all Manner of Process returnable to the same, shall be adjourned to such Court-House; and all Courts held in and for the said County of *Iredell*, shall be held by Commission to the said Justices, in the same Manner, and under the same Rules and Restrictions, and shall have and exercise the same Powers and Jurisdiction, as are or shall be prescribed for other Courts held for the several Counties in this State.

Court of *Iredell*  
when and where  
held.

[*The Remainder, except the fourth Section, immaterial to be inserted.*]

IV. *AND* be it further enacted by the Authority *aforsaid*, That after the passing of this Act, the said County of *Iredell* shall be, continue and remain Part of the District of the Superior Court of Law and the Court of Equity usually held for the District of *Salisbury*; and the County Treasurer of the said County of *Iredell*, shall from Time to Time account for and pay to the Treasurer of this State for the Time being, all public Levies by him collected, or wherewith he shall be chargeable, in the same Manner, and under the like Pains and Penalties, as other County Treasurers.

Included in *Salis-*  
*bury* district.



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- CHAP. 37. *An Act to empower the County Court of Cumberland to appoint Inspectors for the Warehouse built in Fayetteville by Robertson Mumford and James Porterfield, established by Act of Assembly, passed the twenty-ninth Day of December, One Thousand Seven Hundred and Eighty-five. P R I V.*
38. *An Act to amend an Act, entitled, An Act for the better Regulation of the Town of Fayetteville, passed at Tarborough, in November, One Thousand Seven Hundred and Eighty-seven. P R I V.*
39. *An Act to amend an Act, entitled, An Act for the Promotion of Learning in the District of Wilmington. P R I V.*

## C H A P. XL.

*An Act to annex Part of Brunswick County to the County of New-Hanover.*

WHEREAS it is represented to the General Assembly, that the Inhabitants of *Brunswick County*, who reside in the Fork of *Black River* and the North-West Branch of *Cape-Fear River*, suffer many Inconveniencies in performing their public Duties, having to cross the *North-West River*, which in Time of Freshes is difficult, if not impracticable: For Remedy whereof,

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, all that Part of the County of *Brunswick* which lies in the Fork of *Black River* and the *North-West*, as far as the *Bladen Line*, shall hereafter be annexed to the County of *New-Hanover*; any Law, Usage or Custom to the contrary notwithstanding. *Provided nevertheless*, That Nothing herein contained shall prevent the Sheriff or Collectors of *Brunswick County* from collecting the Taxes due, or from Suits commenced to be prosecuted to final Issue in said County.

Part of *Brunswick* added to *New-Hanover*.

Proviso.

- CHAP. 41. *An Act to enable John Magee to inherit and recover the Estate of his reputed Brother Jesse Stead, deceased. P R I V.*
42. *An Act for erecting a Town on the Lands of Thomas Douggan, in Randolph County. P R I V.*
43. *An Act to amend an Act, entitled, An Act to amend an Act, entitled, An Act to remove all Disabilities from Simon Cleary, and others therein named. P R I V.*

## C H A P. XLIV.

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

WHEREAS it is represented to this General Assembly, that all that Part of the Inhabitants West of the *Great-Swamp*, in *Bladen County*, are inconveniently situated to attend the public Meetings at the Court-House in the said County, and petitions to be added to the County of *Robeson*; which would be productive of many Advantages, by enabling them to keep in Repair certain Roads crossing the *Great-Swamp*, and also to attend the Courts of *Robeson County* with much Convenience, to which they should belong by a natural Boundary:

I. *B E* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, all that Part of the County of *Bladen* West of the *Great-Swamp*, be and the same is hereby annexed to and shall remain Part of the County of *Robeson*; and that the dividing Line between the said two Counties shall be and forever remain as herein described, *viz.* Beginning at the Line dividing this State from *South-Carolina*, where it crosses *Drowning Creek*, and the said *Drowning Creek* to be the Line (as it now is) to the Mouth of the aforesaid *Great-Swamp*, thence up the Meanders of the East Side of the said Swamp to the Head thereof, commonly called the *Galberry*, and thence a direct Line to the Head of *Gilley's*

Part of *Bladen* annexed to *Robeson*.



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ley's Branch, and down the Meanders of said Branch to Rockfish Creek, and thence to the nearest Point to the Cumberland Line.

[The Remainder, except the third Section, unnecessary to be inserted.]

III. A N D whereas the Time heretofore appointed by Law to hold the Courts in the said County of Robeson, is found to be very inconvenient, by interfering with the Time of holding Courts in several of the adjacent Counties: *It is hereby enacted by the Authority aforesaid, That instead of holding the said Courts on the second Mondays in May, August, November and February, they shall hereafter be constantly held on the third Mondays in April, July, October and January; and the Justices appointed to hold the same, are hereby authorized to adjourn their Proceedings from Time to Time as by this Law required.* Time of holding Courts.

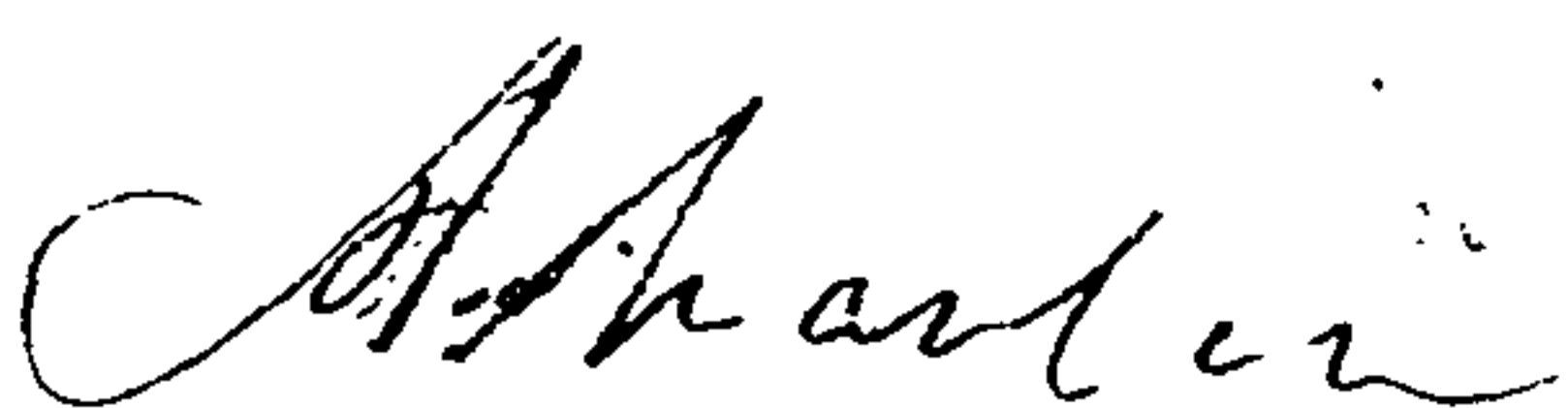
- C H A P. 45. *An Act to empower the County Court of Rockingham to lay a further Tax, to reimburse the Commissioners the Money by them expended in erecting the Court-House, Prison and Stocks in said County. P R I V.*
46. *An Act empowering Thomas Johnston, late Sheriff of Onslow County, his Heirs, Executors or Administrators, to collect the Sinking Fund Tax due from that County for the Year 1786, and for giving him or them a longer Time to collect and settle for the same, and for extending this Act to the Counties therein mentioned. P R I V.*
47. *An Act to appoint Commissioners to superintend the building a Prison and Stocks for the District of Fayetteville, and to levy a Tax in the Counties within the said District, for defraying the Expences thereof. P R I V.*
48. *An Act to amend an Act passed at Hillsborough, in the Year One Thousand Seven Hundred and Eighty-three, entitled, An Act to vest certain Lands in Fee Simple in Richard Henderson and others. P R I V.*
49. *An Act to establish a Town already laid off at the Court-House in Robeson County, by the Name of Lumberton. P R I V.*
50. *An Act to establish the Town already laid off at the Court-House in Caswell County. P R I V.*
51. *An Act to authorize and enable John Colson to return into this State, and exercise the Privileges therein mentioned. P R I V.*

*Read Three Times, and ratified in General Assembly, the }  
Sixth Day of December, Anno Dom. 1787. }*

S I G N E D B Y

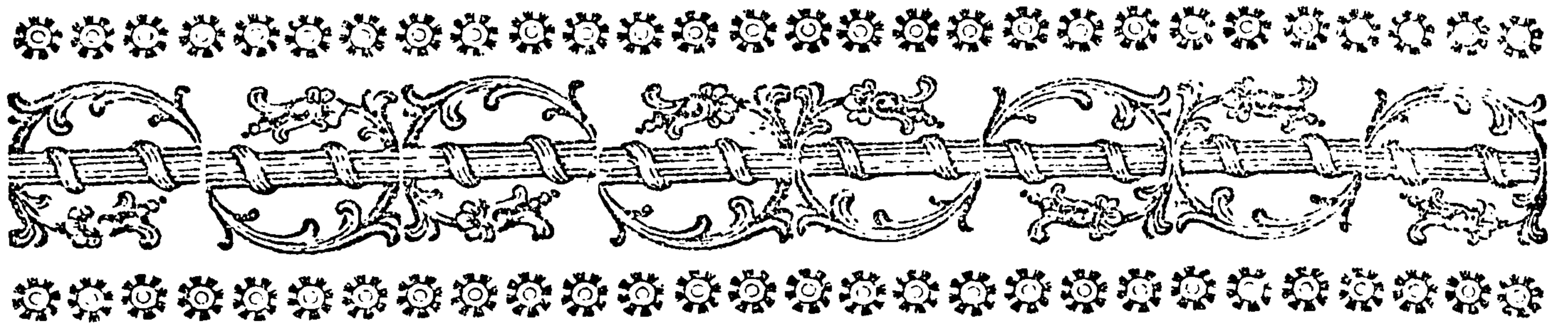
ALEX. MARTIN, S. S.

JOHN SITGREAVES, S. C.



Treaty





# Treaty of Peace

BETWEEN

## AMERICA AND GREAT-BRITAIN.

BY THE UNITED STATES IN CONGRESS ASSEMBLED.  
A P R O C L A M A T I O N.

See act Nov.  
1787, c. 1.

WHEREAS Definitive Articles of Peace and Friendship, between the United States of *America* and his *Britannic Majesty*, were concluded and signed at *Paris*, on the third Day of *September*, 1783, by the Plenipotentiaries of the said United States, and of his said *Britannic Majesty*, duly and respectively authorised for that Purpose; which Definitive Articles are in the Words following:

*In the Name of the Most Holy and Undivided Trinity:*

IT having pleased the Divine Providence to dispose the Hearts of the most Serene and most Potent Prince *George the Third*, by the Grace of *God*, King of *Great-Britain, France and Ireland*, Defender of the Faith, Duke of *Brunswick and Lunenburgh*, Arch-Treasurer and Prince Elector of the Holy Roman Empire, &c. and of the United States of *America*, to forget all past Misunderstandings and Differences that have unhappily interrupted the good Correspondence and Friendship which they mutually wish to restore, and to establish such a beneficial and satisfactory Intercourse between the two Countries, upon the Ground of reciprocal Advantages and mutual Convenience, as may promote and secure to both perpetual Peace and Harmony; and having for this desirable End already laid the Foundation of Peace and Reconciliation, by the Provisional Articles signed at *Paris* on the 30th of *November*, 1782, by the Commissioners empowered on each Part, which Articles were agreed to be inserted in, and to constitute the Treaty of Peace proposed to be concluded between the Crown of *Great-Britain* and the said United States, but which Treaty was not to be concluded until Terms of Peace should be agreed upon between *Great-Britain* and *France*, and his *Britannic Majesty* should be ready to conclude such Treaty accordingly; and the Treaty between *Great-Britain* and *France* having since been concluded, his *Britannic Majesty* and the United States of *America*, in order to carry into full Effect the Provisional Articles above mentioned, according to the Tenor thereof, have constituted and appointed, *that is to say*, His *Britannic Majesty* on his Part, *David Hartley*, Esq. Member of the Parliament of *Great-Britain*, and the said United States on their Part, *John Adams*, Esq. late a Commissioner of the United States of *America* at the Court of *Versailles*, late Delegate in Congress from the State of *Massachusetts*, and Chief Justice of the said State, and Minister Plenipotentiary of the said United States to their High Mightinesses the States-General of the *United Netherlands*; *Benjamin Franklin*, Esq. late Delegate in Congress from the State of *Pennsylvania*, President of the Convention of the said State, and Minister Plenipotentiary from the said United States of *America* at the Court of *Versailles*;



*sailles*; and *John Jay*, Esq. late President of Congress, and Chief Justice of the State of *New-York*, and Minister Plenipotentiary from the said United States at the Court of *Madrid*, to be Plenipotentiaries for the concluding and signing the present Definitive Treaty; who, after having reciprocally communicated their respective full Powers, have agreed upon and confirmed the following Articles:

ART. I. His Britannic Majesty acknowledges the said United States, *viz.* *New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia*, to be Free, Sovereign and Independent States; that he treats with them as such, and for himself, his Heirs and Successors, relinquishes all Claims to the Government, Property, and territorial Rights of the same, and every Part thereof.

ART. II. And that all Disputes which might arise in future, on the Subject of the Boundaries of the said United States, may be prevented, it is hereby agreed and declared, that the following are and shall be their Boundaries, *viz.* From the North-West Angle of *Nova-Scotia*, *viz.* that Angle which is formed by a Line drawn due North from the Source of *St. Croix* River to the *Highlands*, along the said *Highlands*, which divide those Rivers that empty themselves into the River *St. Lawrence*, from those which fall into the *Atlantic* Ocean, to the North-Westernmost Head of *Connecticut* River; thence down along the Middle of that River to the forty-fifth Degree of North Latitude; from thence by a Line due West on said Latitude, until it strikes the River *Irriquois* or *Cataraqui*; thence along the Middle of the said River into *Lake Ontario*; through the Middle of the said Lake until it strikes the Communication by Water between that Lake and *Lake Erie*, through the Middle of said Lake, until it arrives at the Water Communication between that Lake and *Lake Huron*, thence through the Middle of said Lake to the Water Communication between that Lake and *Lake Superior*; thence through *Lake Superior*, Northward of the *Isles Royal* and *Pbelipeaux* to the *Long Lake*; thence through the Middle of said *Long Lake* and the Water Communication between it and the *Lake of the Woods*, to the said *Lake of the Woods*; thence through the said Lake to the most North-Western Point thereof, and from thence on a due West Course to the River *Mississippi*; thence by a Line to be drawn along the Middle of the said River *Mississippi* until it shall intersect the Northernmost Part of the 31st Degree of North Latitude, South, by a Line to be drawn due East from the Determination of the Line last mentioned in the Latitude of 31 Degrees North of the Equator, to the Middle of the River *Apalachicola* or *Catabouche*; thence along the Middle thereof to its Junction with the *Flint* River; thence strait to the Head of *St. Mary's* River; and thence down along the Middle of *St. Mary's* River to the *Atlantic* Ocean: East, by a Line to be drawn along the Middle of the River *St. Croix* from its Mouth in the Bay of *Fundy* to its Source, and from its Source directly North to the aforesaid *Highlands* which divide the Rivers that fall into the *Atlantic* Ocean from those which fall into the River *St. Lawrence*, comprehending all Islands within twenty Leagues of any of the Shores of the United States, and lying between the Lines to be drawn due East from the Points where the aforesaid Boundaries between *Nova-Scotia* on the one Part, and *East-Florida* on the other, shall respectively touch the Bay of *Fundy* and the *Atlantic* Ocean, excepting such Islands as now are or heretofore have been within the Limits of the said Province of *Nova-Scotia*.

ART. III. It is agreed that the People of the United States shall continue to enjoy unmolested the Right to take Fish of every Kind on the *Grand-Bank*, and on all the other Banks of *Newfoundland*, also in the Gulph of *St. Lawrence*, and all other Places in the Sea, where the Inhabitants of both Countries used at any Time heretofore to fish. And also that the Inhabitants of the United States shall have Liberty to take Fish of every Kind on such Part of the Coast of *Newfoundland* as *British* Fishermen shall use, (but not to dry or cure the same on that Island) and also on the Coasts, Bays and Creeks of all others of his *Britannic* Majesty's Dominions in *America*; and that the *American* Fishermen shall have Liberty to dry and cure Fish in any of the unsettled Bays, Harbours and Creeks of *Nova-Scotia, Magdalen Islands* and *Labrador*, so long as the same shall remain unsettled;



but so soon as the same or either of them shall be settled, it shall not be lawful for the said Fishermen to dry or cure Fish at such Settlement, without a previous Agreement for that Purpose with the Inhabitants, Proprietors or Possessors of the Ground.

ART. IV. It is agreed that Creditors on either Side shall meet with no Lawful Impediment to the Recovery of the full Value, in *Sterling* Money, of all *bona fide* Debts heretofore contracted.

ART. V. It is agreed that Congress shall earnestly recommend it to the Legislatures of the respective States, to provide for the Restitution of all Estates, Rights, and Properties, which have been confiscated; belonging to real *British* Subjects; and also of the Estates, Rights, and Properties of Persons resident in Districts in the Possession of his Majesty's Arms, and who have not borne Arms against the said United States; and that Persons of any other Description shall have free Liberty to go to any Part or Parts of any of the Thirteen United States, and therein to remain twelve Months unmolested in their Endeavours to obtain the Restitution of such of their Estates, Rights, and Properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several States a Re-Consideration and Revision of all Acts or Laws regarding the Premises, so as to render the said Laws or Acts perfectly consistent, not only with Justice and Equity, but with that Spirit of Conciliation, which, on the Return of the Blessings of Peace, should universally prevail: And that Congress shall also earnestly recommend to the several States, that the Estates, Rights, and Properties of such last mentioned Persons shall be restored to them, they refunding to any Persons who may be now in Possession, the *bona fide* Price (where any has been given) which such Persons may have paid on purchasing any of the said Lands, Rights, or Properties since the Confiscation.

And it is agreed, That all Persons who have any Interest in confiscated Lands, either by Debts, Marriage Settlements, or otherwise, shall meet with no Lawful Impediment in the Prosecution of their just Rights.

ART. VI. That there shall be no future Confiscations made, nor any Prosecutions commenced against any Person or Persons, for or by Reason of the Part which he or they may have taken in the present War; and that no Person shall, on that Account, suffer any future Loss or Damage, either in his Person, Liberty, or Property; and that those who may be in Confinement on such Charges, at the Time of the Ratification of the Treaty in *America*, shall be immediately set at Liberty, and the Prosecutions so commenced be discontinued.

ART. VII. There shall be a firm and perpetual Peace between his *Britannic* Majesty and the said States, and between the Subjects of the one and the Citizens of the other; wherefore all Hostilities both by Sea and Land shall from henceforth cease; all Prisoners on both Sides shall be set at Liberty, and his *Britannic* Majesty shall, with all convenient Speed, and without causing any Destruction, or carrying away any Negroes or other property of the *American* Inhabitants, withdraw all his Armies, Garrisons, and Fleets, from the said United States, and from every Post, Place, and Harbour within the same, leaving in all Fortifications the *American* Artillery that may be therein; and shall also order and cause all Archives, Records, Deeds, and Papers belonging to any of the said States, or their Citizens, which in the Course of the War may have fallen into the Hands of his Officers, to be forthwith restored, and delivered to the proper States and Persons to whom they belong.

ART. VIII. The Navigation of the River *Mississippi*, from its Source to the Ocean, shall forever remain free and open to the Subjects of *Great-Britain* and the Citizens of the United States.

ART. IX. In Case it should so happen that any Place or Territory belonging to *Great-Britain*, or to the United States, should have been conquered by the Arms of either from the other, before the Arrival of the said Provisional Articles in *America*, it is agreed that the same shall be restored without Difficulty, and without requiring any Compensation.

ART. X.



ART. X. The solemn Ratifications of the present Treaty, expèdited in good and due Form, shall be exchanged between the contracting Parties in the Space of six Months, or sooner, if possible, to be computed from the Day of the Signature of the present Treaty. In Witness whereof, we the undersigned, their Ministers Plenipotentiary, have in their Name, and in Virtue of our full Powers, signed with our Hands the present Definitive Treaty, and caused the Seals of our Arms to be affixed thereto.

*DONE at Paris, this 3d Day of September, in the Year of our Lord One Thousand Seven Hundred and Eighty-three.*

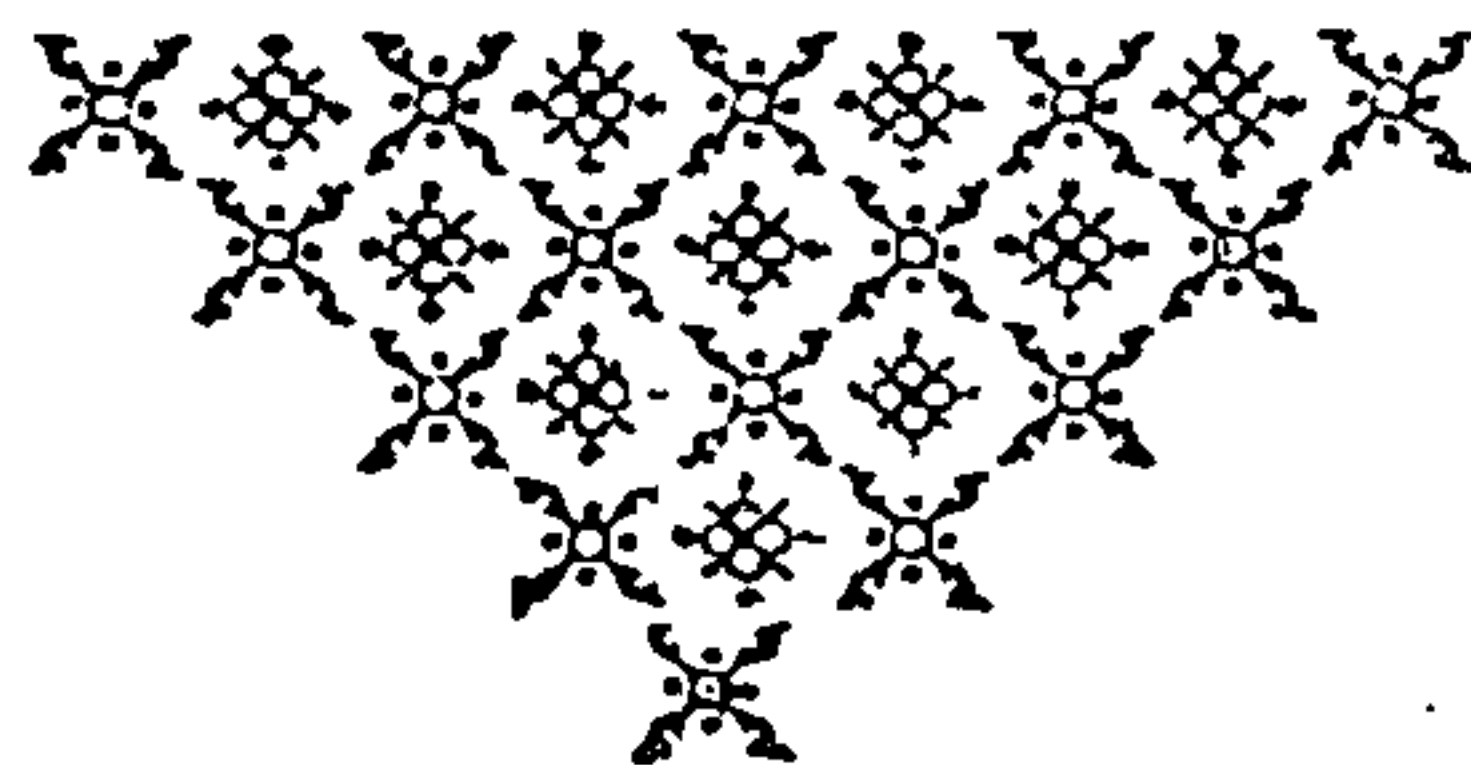
	(L. S.)	JOHN ADAMS.
(L. S.)	DAVID HARTLEY.	(L. S.) B. FRANKLIN.
	(L. S.)	JOHN JAY.

A N D We the United States in Congress assembled, having seen and duly considered the Definitive Articles aforesaid, did, by a certain Act under the Seal of the United States, bearing Date this 14th Day of *January*, 1784, approve; ratify and confirm the same, and every Part and Clause thereof, engaging and promising that we would sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one, or transgressed in any Manner, as far as should be in our Power: And being sincerely disposed to carry the said Articles into Execution truly, honestly and with good Faith, according to the Extent and Meaning thereof, we have thought proper, by these Presents, to notify the Premises to all the good Citizens of these United States, hereby requiring and enjoining all Bodies of Magistracy, Legislative, Executive and Judiciary, all Persons bearing Office, civil or military, of what Rank, Degree or Powers, and all others the good Citizens of these States of every Vocation and Consideration, that reverencing those Stipulations entered into on their Behalf, under the Authority of that Federal Bond by which their Existence as an Independent People is bound up together, and is known and acknowledged by the Nations of the World, and with that good Faith which is every Man's surest Guide, within their several Offices, Jurisdictions and Vocations, they carry into Effect the said Definitive Articles, and every Clause and Sentence thereof, sincerely, strictly and completely.

*GIVEN under the Seal of the United States. WITNESS his Excellency THOMAS MIFFLIN, our President, at Annapolis, this Fourteenth Day of January, in the Year of our Lord One Thousand Seven Hundred and Eighty-four, and of the Sovereignty and Independence of the United States, the Eighth.*

(L. C. S.) THOMAS MIFFLIN.

CHARLES THOMSON, *Secretary.*



ORDINANCE





# ORDINANCE

FOR FIXING THE SEAT OF GOVERNMENT OF NORTH-CAROLINA.

*Extract from the Journal of the House of Commons, Thursday, December 6, 1787.*

**R**ESOLVED, That it be recommended to the People of this State, to authorise and direct their respective Representatives, to be elected for the Purpose of deliberating on the Federal Constitution, to fix on the Place for holding the future Meetings of the General Assembly, and the Place of Residence of the chief Officers of the State; which, when fixed, shall be considered the unalterable Seat of Government for this State.

By a Convention of Delegates of the People of *North-Carolina*, elected pursuant to a Recommendation of the General Assembly, of the said State, and assembled at the Town of *Hillsborough* on the Twenty-first Day of *July*, in the Year One Thousand Seven Hundred and Eighty-eight.

*An Ordinance for establishing a Place for holding the future Meetings of the General Assembly, and the Place of Residence of the chief Officers of the State.*

**W**HEREAS in pursuance of a Recommendation of the General Assembly, passed on the sixth Day of *December*, one thousand seven hundred and eighty-seven, this Convention hath been elected by such of the Inhabitants of this State as are entitled to vote for Representatives of the House of Commons, for the Purpose (together with that of deliberating and determining on the new Constitution of Government for the United States of *America*, proposed by the late Federal Convention) of fixing on the Place for holding the future Meetings of the General Assembly, and the Place of Residence of the chief Officers of the State, which Place when fixed, is to be considered the unalterable Seat of Government for this State: And whereas this Convention, previous to their voting for any Place for the above Purposes, did pass a Resolution in the Words following, *viz.* “*Resolved*, That this Convention will not fix the Seat of Government at any one particular Point, but that it shall be left at the Discretion of the Assembly to ascertain the exact Spot; *provided always*, That it shall be within ten Miles of the Point or Place determined on by this Convention:” And whereas upon a Ballot being taken, pursuant to a Resolve of this Convention, a Majority of the said Convention voted for the Plantation whereon *Isaac Hunter* now resides, in the County of *Wake*, as the Place at which, or within ten Miles of which, a Place for the above Purposes should be fixed on by the General Assembly, agreeable to the above Resolution:

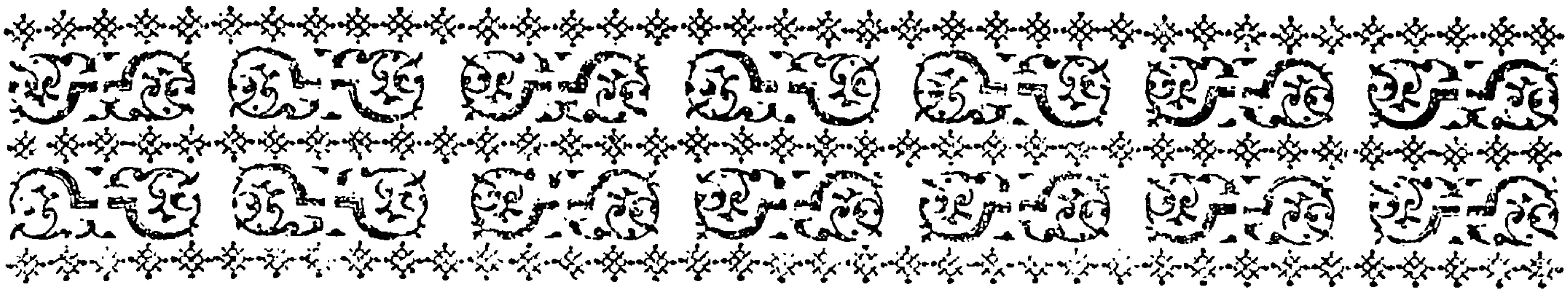
*BE it therefore ordained by this Convention, on Behalf of the People of the State of North-Carolina, and it is hereby ordained by the Authority of the same, That the said Plantation, whereon the said Isaac Hunter now resides, or such Place as the General Assembly shall fix upon within ten Miles of the said Plantation, pursuant to the true Intent and Meaning of the above recited Resolution of this Convention, shall be the Place for holding the future Meetings of the General Assembly, and the Place of Residence of the chief Officers of the State, and the unalterable Seat of Government of this State, except by the Authority of the People in Convention met for the said Purpose: Provided always, That until convenient Buildings can be erected on the said Place for the said Purposes, it shall be in the Power of the General Assembly, from Time to Time, to appoint any other Place or Places for the Meeting of the General Assembly, and for the Residence of the chief Officers of the State; any Thing in this Ordinance to the contrary thereof notwithstanding.*

*Ratified in Convention, the fourth Day of August, Anno Domini 1788.*

SAMUEL JOHNSTON, *President.*

By Order, J. HUNT, *Secretary.*





*The* Constitution  
OF THE  
UNITED STATES,  
RATIFIED BY THE STATE OF NORTH-CAROLINA.

RESOLUTIONS of ASSEMBLY for CALLING a CONVENTION.

IN GENERAL ASSEMBLY, NOVEMBER 20, 1789.

RESOLVED, That it is the Opinion of this House, a new Convention be recommended, for the Purpose of reconsidering the new Constitution, held out by the Federal Convention as a Government for the United States.

*Resolved,* That it be recommended to such of the Inhabitants of this State as are entitled to vote for Members of the House of Commons, at the annual Election to be held in each County on the third *Friday* and *Saturday* in *August* next, to vote for five Persons in each County, and one Person in each Borough Town having a Right of Representation agreeable to the Constitution of this State, to sit as a State Convention, for the Purpose of deliberating and determining on the proposed Federal Constitution for the future Government of the United States, and on such Amendments, if any, as shall or may be made to the said Constitution by a Convention of the States previous to the Meeting of the said Convention of this State; which Election shall be conducted agreeable to the Mode, and conformable to the Rules and Regulations prescribed by Law for conducting the Elections of Members of the General Assembly: And every Citizen within this State, being a Freeholder, shall be eligible to a Seat in the said Convention, Sheriffs and Returning Officers excepted.

*Resolved,* That the Sheriffs of the Counties in this State, do advertise and notify the People of their Counties and Borough Towns, of the Time, Place and Purpose of holding said Election, at the same Time, and in the same Manner, as the Law requires them to advertise Elections for Members of the General Assembly.

*Resolved,* That the Persons so elected to serve in a State Convention, do assemble and meet together on the third *Monday* in *November*, at such Place as shall be appointed for the Meeting of the General Assembly, then and there to deliberate and determine on the said Constitution, and on the Amendments, if any; and if approved of by them, to confirm and ratify the same on Behalf of this State, and make Report thereof to Congress and to the General Assembly.

*Resolved,* That it be recommended by this Assembly, to the Convention which is to meet on the third *Monday* in *November* to reconsider the new Constitution, that they also consider the Propriety of allowing the Town of *Fayetteville* a Member to represent the said Town, on the same Terms with the other District Towns in this State.

ALEX. MARTIN, S. S.  
JOHN SITGREAVES, S. C.

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IN



IN CONVENTION, SATURDAY, *November 21, 1789.*

WHEREAS the General Convention which met in *Philadelphia*, in pursuance of a Recommendation of Congress, did recommend to the Citizens of the United States, a Constitution or Form of Government, in the following Words, *viz.*

WE, the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of *America.*

ARTICLE I.

*Seç.* I. ALL Legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

*Seç.* II. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding *Indians* not taxed, three Fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such Enumeration shall be made, the State of *New-Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode-Island and Providence Plantations* one, *Connecticut* five, *New-York* six, *New-Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North-Carolina* five, *South-Carolina* five, and *Georgia* three.

When Vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

*Seç.* III. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one Third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall choose their other Officers, and also a President *pro tempore*, in the Absence of the Vice-President, or when he shall exercise the Office of President of the United States.

The



The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two Thirds of the Members present.

Judgment in Cases of Impeachment, shall not extend further than to Removal from Office, and Disqualification to hold and enjoy any Office of Honour, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

*Sec. IV.* The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any Time by Law make or alter such Regulations, except as to the Places of choosing Senators.

The Congress shall assemble at least once in every Year; and such Meeting shall be on the first *Monday* in *December*, unless they shall by Law appoint a different Day.

*Sec. V.* Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from Day to Day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and with the Concurrence of two Thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from Time to Time publish the same, excepting such Parts as may in their Judgment require Secrecy—And the Yeas and Nays of the Members of either House, on any Question, shall, at the Desire of one Fifth of those present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three Days, nor to any other Place than that in which the two Houses shall be sitting.

*Sec. VI.* The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall, in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such Time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

*Sec. VII.* All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not, he shall return it, with his Objections, to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration, two Thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two Thirds of that House, it shall become a Law. But in all such Cases, the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill, shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (*Sundays* excepted) after it shall



shall have been presented to him, the same shall be a Law in like Manner as if he had signed it, unless the Congress, by their Adjournment, prevent its Return—in which Case it shall not be a Law.

Every Order, Resolution or Vote, to which the Concurrence of the Senate and House of Representatives may be necessary, (except on a Question of Adjournment) shall be presented to the President of the United States; and before the same shall take Effect, shall be approved by him, or, being disapproved by him, shall be repassed by two Thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

*Sec't.* VIII. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States: But all Duties, Imposts and Excises shall be uniform throughout the United States—To borrow Money on the Credit of the United States—To regulate Commerce with foreign Nations, and among the several States, and with the *Indian* Tribes—To establish an uniform Rule of Naturalization, and uniform Laws on the Subject of Bankruptcies throughout the United States—To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures—To provide for the Punishment of counterfeiting the Securities and current Coin of the United States—To establish Post-Offices and Post Roads—To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors, the exclusive Right to their respective Writings and Discoveries—To constitute Tribunals inferior to the Supreme Court—To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations—To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water—To raise and support Armies; but no Appropriation of Money to that Use shall be for a longer Term than two Years—To provide and maintain a Navy—To make Rules for the Government and Regulation of the Land and Naval Forces—To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions—To provide for organizing, arming and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress—To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States; and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards and other needful Buildings; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

*Sec't.* IX. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten Dollars for each Person.

The Privilege of the Writ of *Habeas Corpus* shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or *ex post Facto* Law shall be passed.

No capitation or other direct Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State. No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to or from one State, be obliged to enter, clear or pay Duties in another.

No Money shall be drawn from the Treasury, but in consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from Time to Time.

No



No Title of Nobility shall be granted by the United States : And no Person holding any Office of Profit or Trust under them, shall, without the Consent of Congress, accept of any Present, Emolument, Office, or Title, of any Kind whatever, from any King, Prince, or foreign State.

*Sec.* X. No State shall enter into any Treaty, Alliance or Confederation ; grant Letters of Marque and Reprisal ; coin Money ; emit Bills of Credit ; make any Thing but Gold and Silver Coin a Tender in Payment of Debts ; pass any Bill of Attainder, *ex post Facto* Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports and Exports, except what may be absolutely necessary for executing its Inspection Laws ; and the net Produce of all Duties and Imposts laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States ; and all such Laws shall be subject to the Revision and Controul of the Congress. No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops or Ships of War in Time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

## ARTICLE II.

*Sec.* I. The Executive Power shall be vested in a President of the United States of *America*. He shall hold his Office during the Term of four Years, and, together with the Vice-President, chosen for the same Term, be elected as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress : But no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each ; which List they shall sign and certify, and transmit, sealed, to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed ; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately choose by Ballot one of them for President ; and if no Person have a Majority, then from the five highest on the List, the said House shall in like Manner choose the President. But in choosing the President the Votes shall be taken by States, the Representation from each State having one Vote : a Quorum for this Purpose shall consist of a Member or Members from two Thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors, shall be the Vice-President. But if there should remain two or more who have equal Votes, the Senate shall choose from them by Ballot the Vice-President.

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes ; which Day shall be the same throughout the United States.

No Person, except a natural born Citizen, or a Citizen of the United States at the Time of the Adoption of this Constitution, shall be eligible to the Office of President ; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office,



same shall devolve on the Vice-President; and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice-President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enters on the Execution of his Office, he shall take the following Oath or Affirmation:

*I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.*

*Seçt.* II. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the Executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two Thirds of the Senators present concur: And he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law. But the Congress may by Law vest the Appointment of such interior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions, which shall expire at the End of their next Session.

*Seçt.* III. He shall from Time to Time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall commission all the Officers of the United States.

*Seçt.* IV. The President, Vice-President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

### ARTICLE III.

*Seçt.* I. The Judicial Power of the United States shall be vested in one Supreme Court, and in such Inferior Courts as the Congress may from Time to Time ordain and establish. The Judges, both of the Supreme and Inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

*Seçt.* II. The Judicial Power shall extend to all Cases in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority—To all Cases affecting Ambassadors, other public Ministers and Consuls—To all Cases of Admiralty and Maritime Jurisdiction—To Controversies to which the United States shall be a Party—To Controversies between two or more States—between a State and Citizens of



of another State—between Citizens of different States—between Citizens of the same State claiming Lands under Grants of different States—and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions and under such Regulations, as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crime shall have been committed;—but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

*Sec.* III. Treason against the United States shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason; but no Attainder of Treason shall work Corruption of Blood, or Forfeiture, except during the Life of the Person attainted.

#### ARTICLE IV.

*Sec.* I. Full Faith and Credit shall be given in each State to the public Acts, Records and Judicial Proceedings of every other State: And the Congress may, by general Laws, prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

*Sec.* II. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall, on Demand of the Executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up, on Claim of the Party to whom such Service or Labour may be due.

*Sec.* III. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and Nothing in this Constitution shall be so construed as to prejudice any Claims of the United States, or of any particular State.

*Sec.* IV. The United States shall guarantee to every State in this Union a republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

#### ARTICLE V.

The Congress, whenever two Thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two Thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three Fourths of the several States, or by Conventions in three Fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress: *Provided*, That no Amendment which may be made prior to the Year one thousand eight hundred and eight, shall in any Manner affect the first and fourth Clauses

in



in the ninth Section of the first Article ; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI.

All Debts contracted, and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in pursuance thereof ; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land ; and the Judges in every State shall be bound thereby ; any Thing in the Constitution or Laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all Executive and Judicial Officers, both of the United States, and of the several States, shall be bound by Oath or Affirmation, to support this Constitution ; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the same.

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*RESOLVED*, That this Convention, in Behalf of the Freemen, Citizens and Inhabitants of the State of *North-Carolina*, do adopt and ratify the said Constitution and Form of Government.

SAMUEL JOHNSTON, *President*.

*By Order*, J. HUNT, *Secretary*.

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*An Ordinance to enable the Freemen of the Town of Fayetteville to elect a Member to represent the said Town, on the same Terms with the other Towns in this State.*

**W**HEREAS it hath been recommended by the General Assembly to this Convention, to consider the Propriety of allowing the Town of *Fayetteville* a Member to represent the said Town, on the same Terms with the other Towns in this State ; and this Convention, in Consideration of the same, deeming it consistent with the Justice and Policy of the State, that the said Town of *Fayetteville* should be represented as other District Towns of this State : *Be it therefore ordained and declared, by the Representatives of the State of North-Carolina in Convention assembled, and it is hereby ordained by the Authority of the same, That the said Town shall and may be represented.*

II. *AND be it further ordained by the Authority aforesaid, That this Ordinance shall be held and taken, to all Intents and Purposes, as Part of the Constitution of this State.*

*Done in Convention, the 22d of November, Anno Dom. 1789.*

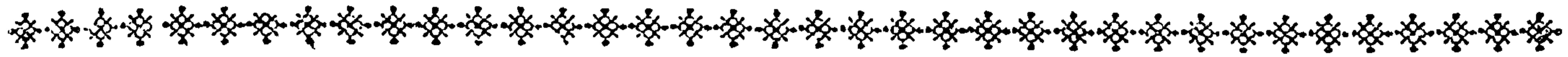
SAMUEL JOHNSTON, *President*.

*By Order*, J. HUNT, *Secretary*.





# APPENDIX.



## L A W S

O F

## NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held at Fayetteville, on the Second Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty-nine, and in the Fourteenth Year of the Independence of the said State: Being the First Session of the said Assembly.

SAMUEL JOHN-  
STON, Esq. Go-  
vernor.

### C H A P. I.

*An Act directing the Manner of electing Representatives to represent this State in Congress.*

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That until an actual Census be made, this State shall be divided and laid off into five Divisions; the first to be called *Roanoke* Division; the second *Edenton* and *Newbern* Division; the third *Cape-Fear* Division; the fourth *Yadkin* Division; and the fifth the *Western* Division; each of which shall be formed by annexing two of the Superior Court Districts together, in the following Manner: that is, the Districts of *Hillsborough* and *Halifax* shall form the *Roanoke* Division; the Districts of *Newbern* and *Edenton* shall form the *Edenton* and *Newbern* Division; the Districts of *Wilmington* and *Fayetteville* shall form the *Cape-Fear* Division; the Districts of *Salisbury* and *Morgan* shall form the *Yadkin* Division; and the Districts of *Washington* and *Mero* shall form the *Western* Division; each of which Divisions shall be entitled to elect and send one Representative to the Legislature of the United States; and the Person elected in each Division, shall be a Resident or Inhabitant of that Division for which he is elected, during the Space or Term of one Year before, and at the Time of Election.

State laid off into  
five divisions.

Each to elect one  
Representative.  
Qualification.

II. *AND* be it further enacted by the Authority aforesaid, That the Elections shall be held in each County within the said Divisions of *Roanoke*, *Edenton* and *Newbern*, *Cape-Fear*, and *Yadkin*, on the first *Thursday* and *Friday* in *February* next ensuing, at the Places appointed by Law for the annual Elections of Members of the General Assembly, and the same are to be conducted in like Manner with the said annual Elections, saving that the Inspectors of the Election, and Clerks of the Poll, shall be qualified to act with Justice and Impartiality, by any one Justice of the Peace then present; and each and every Freeman entitled to vote for a Member of the Commons House of Assembly, shall and may vote for a Representative; and in Counties where separate Places of Elections have been established by Law, the Elections directed by this Act shall be conducted by the Returning Officer, in the same Manner as Elections for Members of Assembly heretofore, such Officer making Return of the Poll agreeably to this Act.

Time, places and  
manner of hold-  
ing elections.

III. *AND* be it further enacted by the Authority aforesaid, That immediately after the Close of the Election in each County, the Sheriff or other Returning Officer shall,

Duty of the She-  
riff, &c. after the  
election is closed.



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shall, in the Presence of the Inspectors of the Election, make out two correct Statements of the Number of Votes given to each Candidate in his County, which two Statements shall be certified by the said Sheriff or Returning Officer, and a Majority of the Inspectors, one of which Statements shall be by the Inspectors filed in the Clerk's Office of the County, and the Sheriff or other Returning Officer, by himself or Deputy, shall attend with the other on the Day and at the Place herein after mentioned, and at the same Time and Place, the Poll for the different Counties shall, by the said Sheriffs or their Deputies, or other Returning Officers, as the Case may be, in the Presence of three Justices of the Peace, which are to be summoned and to attend for that Purpose, be examined and compared, and a Certificate, under the Hands and Seals of the said Returning Officers, shall be given to the Candidates in each Division for whom the greatest Number of Votes shall have been given: but if two or more Candidates shall have an equal Number of Votes, the said Returning Officers shall decide which of them shall be the Representative; and if the said Returning Officers do not decide by their Votes who shall be the Representative, then they shall decide the same by drawing in the like Manner as the Grand Jury are drawn for in the Superior Courts.

Representatives  
to be commission-  
ed by the Govern-  
or.

IV. *AND* be it further enacted by the Authority aforesaid, That each and every Person who shall be duly elected a Representative under this Act, shall upon obtaining a Certificate of his Election according to the Directions above mentioned, obtain from his Excellency the Governor, a Commission, certifying his Appointment as Representative aforesaid, which Commission the Governor is hereby empowered and required to grant on his producing such Certificate.

Time & place of  
meeting of the  
Sheriffs, &c. in  
all but the *Wes-*  
*tern* division.

V. *AND* be it further enacted, That the Sheriffs or Returning Officers for *Roanoke* Division, shall meet on the third *Monday* in *February* next, at *Williamstorough*, in *Granville* County; those for *Edenton* and *Newbern* Division shall meet at *Macky's* Ferry on the same Day; those for *Cape-Fear* Division shall meet at *Elizabeth-Town* on the same Day; and those of the *Yadkin* Division shall meet at the House of Colonel *David Caldwell*, in *Iredell* County, on the said third *Monday* in *February*. *Provided*, That if any Accident shall happen to either of the Returning Officers, which may prevent their Meeting on the Day aforesaid, the Returns of such Officers shall be received on the Day following; and the Sheriff or Coroner or his Deputy failing to attend at the Time and Place before ascertained, shall forfeit and pay the Sum of five hundred Pounds, to be paid into the Treasury of this State, upon due Proof thereof in any Court of Law within this State, to be recovered upon an Action of Debt, by the Treasurer of this State for the Time being.

Time, places and  
manner of electi-  
on & comparing  
the returns, &c.  
in the *Western* di-  
vision.

VI. *AND* whereas from the great Distance between the Districts of *Mero* and *Washington*, it will be difficult and dangerous for the Sheriffs or other Returning Officers of the *Western* Division to meet conveniently, to examine and compare their respective Number of Polls: *Be it therefore* enacted, That the Election for said Division shall be held on the second *Monday* and *Tuesday* in *March*, and the Returning Officers of the District of *Washington*, shall meet on the first *Monday* after said Election, at the Town of *Jonesborough*, and in the Presence of three Justices of the Peace, to be summoned for that Purpose, compare and examine the Return of the Polls from the several Counties of said District, and make out a true Statement thereof, which shall be certified under the Hands and Seals of the Returning Officers, and countersigned by a Majority of the said Justices, and shall then be delivered to the Clerk of the Superior Court of the said District: And the Returning Officers of the District of *Mero*, shall, on the *Monday* following the Election, meet in the Town of *Nashville*, and on such Meeting shall, in the Presence of three Justices of the County of *Davidson*, to be summoned for that Purpose, examine and compare the Statements of the Polls of the different Counties of said District, and make out two Statements thereof, and certify the same under their Hands, which shall also be countersigned by a Majority of said Justices; one Statement shall be lodged with the Clerk of the Superior Court of the said District, the other shall be delivered to the Returning Officer of the said County of *Davidson*, whose Duty it shall be to transmit or carry the same safely,  
within



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within twenty Days after the Receipt thereof, to the Clerk of the Superior Court in *Washington* District, who for that Purpose shall attend at the House of *James White*, in *Hawkins* County; which Clerk shall, as soon as he receives the said Return, compare and examine the same, together with the Statement of the Poll from the District of *Washington*, in the Presence of three Justices of the Peace, and the Person entrusted with said Return from *Mero*, in like Manner as Sheriffs are enjoined, and shall give a Certificate under his Hand and Seal, to the Candidate having the greatest Number of Votes; and in Case two or more Candidates shall have an equal Number, the said Clerks shall decide which of them shall be the Representative, provided that the said Clerk shall not be entitled to vote for a Representative in the County wherein he resides, at the Election of such Representative.

VII. *AND* be it further enacted, That the Sheriffs and other Returning Officers, and the Person entrusted with the Return from *Mero*, shall be allowed the Sum of twenty Shillings for every thirty Miles Travelling to and from the Places appointed for the Returning Officers to meet, and the Place where the Returns of the *Western* Division is to be made, and twenty Shillings for each Day which they shall necessarily attend at such Meeting, comparing the Polls. Allowance to Sheriffs, &c.

VIII. *AND* whereas the dividing Line between the Counties of *Surry* and *Stokes* will be extended previous to the first Election of Representatives: And whereas there will be no Sheriff for the County of *Stokes* to hold the Election: *Be it therefore enacted*, That *John Bostick* is hereby authorized and empowered to hold the Election for a Representative in the County of *Stokes*, in the same Manner as the Sheriffs of other Counties are authorized to hold said Election, he, the said *John Bostick*, first taking an Oath in the Presence of three Justices of the Peace for the said County, that he will conduct the said Election without Favour, Affection or Partiality; which three Justices shall certify the same under their Hands and Seals. Election in Stokes county.

IX. *AND* be it further enacted, That if any Person shall be found guilty of having committed any Fraud in executing the Duties enjoined on him by this Act, he shall, on Conviction, forfeit and pay the Sum of one hundred Pounds, and suffer six Months Imprisonment, without Bail or Mainprize. Pen. on persons committing frauds.

## C H A P. II.

*An Act directing the Mode of choosing Senators to represent this State in the Congress of the United States.*

I. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Legislature of this State shall, at their annual Meeting, whenever a Senator or Senators are to be chosen, at such Time during their Sessions as they shall appoint, by joint Ballot of both Houses of the General Assembly, elect such Senator or Senators as may be necessary, under the Inspection of two Members from each House; and it shall be necessary to have a Majority of Votes of both Houses to elect any Person for that Purpose. Manner, &c. of choosing Senators.

II. *AND* be it further enacted by the Authority aforesaid, That the Person or Persons so elected Senator or Senators, shall obtain a Certificate of his or their Election, signed by the Speakers of the two Houses, and shall be commissioned by the Governor for the Time being, with the Great Seal of the State annexed to the Commission. How commissioned.

## C H A P. III.

*An Act for the Purpose of ceding to the United States of America, certain Western Lands therein described.*

**W**HEREAS the United States in Congress assembled, have repeatedly and earnestly recommended to the respective States in the Union claiming or owning vacant Western Territory, to make Cessions of Part of the same,



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as a further Means, as well of hastening the Extinguishment of the Debts, as of establishing the Harmony of the United States; and the Inhabitants of the said Western Territory being also desirous that such Cession should be made, in order to obtain a more ample Protection than they have heretofore received: Now this State being ever desirous of doing ample Justice to the public Creditors, as well as the establishing the Harmony of the United States, and complying with the reasonable Desires of her Citizens:

Persons empowered to execute deeds ceding to Congress western lands.

Boundaries thereof.

Conditions of the cession.

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Senators of this State in the Congress of the United States, or one of the Senators and any two of the Representatives of this State in the Congress of the United States, are hereby authorized, empowered and required to execute a Deed or Deeds on the Part and Behalf of this State, conveying to the United States of America, all Right, Title and Claim which this State has to the Sovereignty and Territory of the Lands situate within the chartered Limits of this State, West of a Line beginning on the extreme Height of the *Stone Mountain*, at the Place where the *Virginia* Line intersects it, running thence along the extreme Height of the said Mountain, to the Place where *Wataugo* River breaks through it, thence a direct Course to the Top of the *Yellow Mountain*, where *Bright's* Road crosses the same, thence along the Ridge of said Mountain between the Waters of *Doe* River and the Waters of *Rock* Creek, to the Place where the Road crosses the *Iron Mountain*, from thence along the extreme Height of said Mountain, to where *Nolichucky* River runs through the same, thence to the Top of the *Bald Mountain*, thence along the extreme Height of the said Mountain to the *Painted Rock*, on *French-Broad* River, thence along the highest Ridge of the said Mountain, to the Place where it is called the *Great-Iron* or *Smoaky Mountain*, thence along the extreme Height of the said Mountain, to the Place where it is called *Unicoy* or *Unaka Mountain*, between the *Indian* Towns of *Cowee* and *Old Chota*, thence along the main Ridge of the said Mountain, to the Southern Boundary of this State, upon the following express Conditions, and Subject thereto: *That is to say,*

*First.* That neither the Lands nor Inhabitants Westward of the said Mountain shall be estimated, after the Cession made by Virtue of this Act shall be accepted, in the ascertaining the Proportion of this State with the United States in the common Expence occasioned by the late War.

*Secondly.* That the Lands laid off, or directed to be laid off, by any Act or Acts of the General Assembly of this State, for the Officers and Soldiers thereof, their Heirs and Assigns respectively, shall be and enure to the Use and Benefit of the said Officers, their Heirs and Assigns respectively; and if the Bounds of the said Lands already prescribed for the Officers and Soldiers of the continental Line of this State, shall not contain a sufficient Quantity of Lands fit for Cultivation, to make good the several Provisions intended by Law, that such Officer or Soldier, or his Assignee, who shall fall short of his Allotment or Proportion after all the Lands fit for Cultivation within the said Bounds are appropriated, be permitted to take his Quota, or such Part thereof as may be deficient, in any other Part of the said Territory intended to be ceded by Virtue of this Act, not already appropriated. And where Entries have been made agreeable to Law, and Titles under them not perfected by Grant or otherwise, then and in that Case, the Governor for the Time being shall, and he is hereby required to perfect, from Time to Time, such Titles, in such Manner as if this Act had never been passed; and that all Entries made by, or Grants made to all and every Person and Persons whatsoever, agreeable to Law, and within the Limits hereby intended to be ceded to the United States, shall have the same Force and Effect as if such Cession had not been made, and that all and every Right of Occupancy and Pre-Emptions, and every other Right reserved by any Act or Acts, to Persons settled on and occupying Lands within the Limits of the Lands hereby intended to be ceded as aforesaid, shall continue to be in full Force in the same Manner as if the Cession had not been made, and as Conditions upon which the said Lands are ceded to the United States. And further, it shall be understood that if any Person or Persons shall have, by Virtue of the Act, entitled, *An Act for opening the Land-Office,*



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Office, for the Redemption of Specie and other Certificates, and discharging the Arrears due to the Army, passed in the Year one thousand seven hundred and eighty-three, made his or their Entry in the Office usually called *John Armstrong's Office*, and located the same to any Spot or Piece of Ground on which any other Person or Persons shall have previously located any Entry or Entries, that then and in that Case, the Person or Persons having made such Entry or Entries, or their Assignee or Assignees, shall have leave and be at full Liberty to remove the Location of such Entry or Entries to any Lands on which no Entry has been specially located, or any vacant Lands included within the Limits of the Lands hereby intended to be ceded. *Provided*, That Nothing herein contained, shall extend or be construed to extend to the making good any Entry or Entries, or any Grant or Grants heretofore declared void by any Act or Acts of the General Assembly of this State.

*Thirdly*. That all the Lands intended to be ceded by Virtue of this Act, to the United States of *America*, and not appropriated as before mentioned, shall be considered as a common Fund for the Use and Benefit of the United States of *America*, *North-Carolina* inclusive, according to their respective and usual Proportion in the general Charge and Expenditure, and shall be faithfully disposed of for that Purpose, and for no other Use or Purpose whatever.

*Fourthly*. That the Territory so ceded, shall be laid out and formed into a State or States, containing a suitable Extent of Territory, the Inhabitants of which shall enjoy all the Privileges, Benefits and Advantages set forth in the Ordinance of the late Congress for the Government of the Western Territory of the United States; *that is to say*, Whenever the Congress of the United States shall cause to be officially transmitted to the Executive Authority of this State, an authenticated Copy of the Act to be passed by the Congress of the United States, accepting of the Cession of Territory made by Virtue of this Act, under the express Conditions hereby specified, the said Congress shall at the same Time assume the Government of the said ceded Territory, which they shall execute in a Manner similar to that which they support in the Territory West of the *Ohio*, shall protect the Inhabitants against Enemies, and shall never bar or deprive them or any of them, of Privileges which the People West of the *Ohio* enjoy. *Provided always*, That no Regulations made or to be made by Congress, shall tend to emancipate Slaves.

*Fifthly*. That the Inhabitants of the said ceded Territory shall be liable to pay such Sums of Money as may, from taking their Census, be their just Proportion of the Debt of the United States, and the Arrears of the Requisitions of Congress on this State.

*Sixthly*. That all Persons indebted to this State, residing in the Territory intended to be ceded by Virtue of this Act, shall be held and deemed liable to pay such Debt or Debts, in the same Manner, and under the same Penalty or Penalties, as if this Act had never been passed.

*Seventhly*. That if the Congress of the United States do not accept the Cession hereby intended to be made, in due Form, and give official Notice thereof to the Executive of this State, within eighteen Months from the passing of this Act, then this Act shall be of no Force or Effect whatsoever.

*Eighthly*. That the Laws in Force and Use in the State of *North-Carolina* at the Time of passing this Act, shall be and continue in full Force within the Territory hereby ceded, until the same shall be repealed, or otherwise altered by the Legislative Authority of the said Territory.

*Ninthly*. That the Lands of Non-resident Proprietors, within the said ceded Territory, shall not be taxed higher than Lands of Residents.

*Tenthly*. That this Act shall not prevent the People now residing South of *French-Broad*, between the Rivers *Tennessee* and *Pidgeon*, from entering their Pre-Emptions on that Tract, should an Office be opened for that Purpose under an Act of the present General Assembly.

II. *A N D* be it further enacted by the Authority aforesaid, That the Sovereignty and



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Jurisdiction, &c. of this State to remain till Congress accept.

and Jurisdiction of this State, in and over the Territory aforesaid, and all and every the Inhabitants thereof, shall be and remain the same in all Respects, until the Congress of the United States shall accept the Cession to be made by Virtue of this Act, as if this Act had never passed.

Part of this act superseded by the authority of Congress under the constitution of the United States—the rest private.

CHAP. 4. *An Act to repeal Part of an Act, entitled, An Act to explain an Act directing the Duty of Naval Officers, and all Masters of Vessels coming into the Ports or Inlets of this State, and to amend the Navigation Law for Cape-Fear River.*

## C H A P. V.

*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 the old Paper Currency, Continental Money, Specie and other Certificates.*

Tax to pay off the domestic debt

I. **B**E 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, and for every succeeding Year, until the said domestic Debt shall be extinguished, a Tax of two Shillings on every hundred Acres of Land, and a Tax of six Shillings on every hundred Pounds Value of Town Lots with their Improvements, and a Tax of six Shillings on every Poll within this State, shall be levied and paid in Specie Certificates of every Kind, including the Interest due thereon, (such as have been issued by the Board of Commissioners of Army Accounts since the first Day of *January*, one thousand seven hundred and eighty-six, excepted) in Currency Certificates as rated by the Act for the Sale of confiscated Property, continental and State Dollar Bills at the Rate of eight hundred for one. *Provided nevertheless*, The Payer of such Tax is hereby authorized and allowed to pay four Shillings of the Currency of the State, in Lieu of twenty Shillings Specie Certificates: And the Money so collected in Lieu of the Certificates aforesaid, shall be, and the same is hereby appropriated to the sole Purpose of the Redemption of the Certificates and the Reduction of the domestic Debt.

Certificates to be exchanged at the Treasurer's office, &c.

II. *AND* be it further enacted by the Authority aforesaid, That all the Certificates, of every Description, issued under the Authority of this State, (except as herein before excepted) shall, on or before the first Day of *January*, one thousand seven hundred and ninety-one, be brought to the Treasurer's Office, and being compared with the Checks or Counterparts, and found to be genuine, shall be exchanged for the other Certificates which the Treasurer is hereby required and authorized to issue to the Holders or Owners of such Certificate or Certificates, in the following Manner, *that is to say*, All Currency Certificates shall be reduced to Specie agreeably to the Rate established by an Act directing the Sale of confiscated Property, passed at *Hillsborough*, in *April*, one thousand seven hundred and eighty-two; and the Holders or Owners of the Certificate or Certificates so presented to be exchanged, shall receive three Indents or Certificates, one for the Amount of the Interest due on the Certificate or Certificates so presented, which Certificate shall expressly state that it was granted for Interest due as aforesaid, and shall not bear Interest; one other Indent or Certificate for the one third Part of the Principal of the Certificates so presented, which shall also not bear Interest, and shall by the Tenor thereof be negociable at the Treasury in a Manner herein after directed; and a third Indent or Certificate for the Balance of such Principal, which shall bear Interest from the Date thereof; and all such Certificates shall bear Date the first Day of *January*, one thousand seven hundred and ninety, and the Interest due as aforesaid shall be calculated up to that Time. *Provided nevertheless*, That the Holder of any Certificate presented to the Treasurer to be exchanged as aforesaid, shall have it in his Option to receive the whole Amount of the Principal of his Certificate so presented, in one Certificate of the Denomination of the third Certificate herein before mentioned.

III. *AND*



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Funds appropriated for redeeming certificates.

III. *AND be it further enacted by the Authority aforesaid,* That such Part of the Monies as may have arisen and have been collected, or may arise and be collected, from the following Funds and Subjects of Taxation, *that is to say,* The Tax on Lands for the Years one thousand seven hundred and eighty-seven and one thousand seven hundred and eighty-eight, the Money arising from the Tonnage, Imposts and other Duties arising from Goods imported into this State in the Years one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight and one thousand seven hundred and eighty-nine, and which may not have been applied to the Purpose for which they were appropriated by Law; and all such Monies as may be collected from Tonnage Duties or any other Imposts or Duties previous to the Collection of Duties in this State by the United States, shall be and the same are hereby appropriated as a Fund for the Purchase of the Certificates issued as by this Act directed, for the third Part of the Principal of the Certificate Debt due by this State; and the Holder of such Certificate or Certificates so issued, shall be entitled to draw Cash from the public Treasury for the same, *that is to say,* at the Rate of four Shillings for every twenty Shillings of such Certificates.

IV. *AND be it further enacted,* That the Treasurer, for his Trouble in issuing the Certificates aforesaid, shall be allowed a Sum of Money proportionate to his Services, to be determined on by the next General Assembly; and also shall be allowed such Sums of Money as he shall have expended in purchasing Stationary, and employing the Clerks necessary for the carrying on of this Business.

Compensation to be allowed to the Treasurer hereafter.

V. *AND be it further enacted,* That where there are no Checks, the Treasurer be directed and authorized to judge of such Certificates from the Books and Accounts of the Commissioners of Specific Supplies and the best Information he can collect, and exchange or reject them accordingly.

Treasurer's authority in judging of the certificates.

VI. *BE it further enacted by the Authority aforesaid,* That the Tax to be levied by Virtue of the said Act, entitled, *An Act for levying a Tax for the Support of Government, and for the Redemption of the old Paper Currency, Continental Money, Specie and other Certificates, and for sinking the State Currency,* passed at Fayetteville, in the Year one thousand seven hundred and eighty-eight, of three Shillings on every hundred Acres of Land within this State, and a Tax of nine Shillings on each hundred Pounds Value of Town Lots with their Improvements, and a Tax of nine Shillings on every Poll in this State, to be paid in State Currency, or in Gold and Silver, shall be and the same is hereby reduced to one Shilling on every hundred Acres of Land, and three Shillings on each hundred Pounds Value of Town Lots with their Improvements, and three Shillings on every Poll in this State, and shall be levied and paid agreeably to the Directions contained in the first Section of said Act. *Provided,* That all the Lands West of the *Apalachian* Mountains shall pay a Tax of eight Pence on every hundred Acres of Land, to be levied and paid in like Manner.

Tax reduced.

VII. *AND be it further enacted by the Authority aforesaid,* That the Tax which is to be levied by Virtue of the second Section of the aforesaid Act, may be paid in Money in Lieu of Certificates, at the Rate of four Shilling in current Money for each twenty Shillings of Specie Certificates, except as in this Act before excepted.

Tax may be paid 4s. in currency for 20s. certificates.

VIII. *AND* whereas the Monies raised by the Sinking Fund Tax for the Year one thousand seven hundred and eighty-eight, hath been burned, and there still remains in the Treasury a Sum equal to the whole Amount of the said Tax for the Year one thousand seven hundred and eighty-nine, in Bills unfit for Circulation: *Be it enacted by the Authority aforesaid,* That the Sinking Fund Tax for the Year one thousand seven hundred and eighty-nine, directed to be collected by an Act, entitled, *An Act for emitting one hundred thousand Pounds Paper Currency, for the Purposes therein expressed,* shall not be collected for the said Year one thousand seven hundred and eighty-nine.

Sinking fund not to be collected for 1789.



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## C H A P. VI.

*An Act for procuring Testimony concerning the Accounts of this State against the United States.*

**W**HEREAS it is represented by the Agents of this State, that many Officers, and whole Regiments of Privates, who served in the continental Line of this State, are not to be found on the Musters in the War or Pay-Office of the United States, and that no Account has been taken of numerous Waggons and Teams with which the Armies of the United States have been supplied by this State :

Comptroller to collect vouchers, &c.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That the Comptroller shall forthwith collect such Musters as may be among the Papers of the late Governors of this State, or such Military Officers as may be supposed to have Muster or Pay-Rolls in Possession, or any Return of Waggons furnished by the Militia Classes, in one thousand seven hundred and eighty-two; and that he shall also apply to the several Field Officers of the continental Line who served to the End of the War, and obtain their Oath or Affirmation, as to their Knowledge of the Services of Officers or Privates whose Claims to Pay are not supported by the Musters.

Colonels, &c. to make enquiry, &c.

II. *AND be it further enacted,* That the Colonel or Commanding Officer of the Militia of every County in this State, shall enquire what Waggons, or whether any, have been furnished in one thousand seven hundred and eighty-two, by the Militia Classes in the several Counties; and what Bounties have been paid by the Classes in the several Counties to procure Soldiers, in the Years one thousand seven hundred and eighty-one and one thousand seven hundred and eighty-two, and shall, under the Penalty of fifty Pounds, before the first Day of *April* next, make Return on the Oath of one or more Persons who appear to have the best Information on that Subject, of the Waggons and Teams, and computed Value of the same, that were furnished by the Classes as aforesaid, or whether any were furnished, and what Bounties have been paid, to the Brigadier-General of the District, who shall forward the same to the Governor or Comptroller, on or before the first of *May* next, under the Penalty of one hundred Pounds; and the Governor of the State for the Time being, shall forthwith transmit the same to the Agents of this State, appointed to settle the Accounts of this State with the United States.

And make return on oath.

Governor to transmit returns to the Agents.

## C H A P. VII.

*An Act to repeal Part of an Act, entitled, An Act once more to extend an Act, entitled, An Act to pardon and consign to Oblivion the Offences and Misconduct of certain Persons in the Counties of Washington, Sullivan, Greene and Hawkins.*

Part of an act repealed.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same,* That all and every Part of the last providing Clause in the above mentioned Act, be and the same is hereby repealed and made void.

## C H A P. VIII.

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

**W**HEREAS the Exportation of the Hides, Skins and Furs above mentioned, is found detrimental to our own Manufactures, which demand the Attention of the Legislature :

Oath to be taken by masters, &c. of vessels.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That every Master or Owner of a Vessel, at the Time of his Clearance out before the Naval-Officer, shall take the following Oath, *viz.*

**I** A. B. Master or Owner (as the Case may be) of the *\_\_\_\_\_* called the *\_\_\_\_\_* do swear, that there are not on Board of my Vessel, any Raw Hides, Pieces of Hides of Neat Cattle, Calf-Skins, nor any Beaver, Raccoon or Fox Furs, for the Purpose of exporting *\_\_\_\_\_*



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ing them out of this State, either as Cargo or Adventure of my own, or any other Persons whomsoever; and that I will not knowingly or willingly suffer any Person or Persons to export any of the said Kind of Skins and Furs out of this State, in the Vessel of which I am Commander or Owner.

II. *BE* it further enacted by the Authority aforesaid, That if any Captain or Owner shall, after the passing this Act, suffer or willingly permit any of the above mentioned Articles to be brought on Board his Vessel, it shall be deemed Evidence of his Intention of exporting the same, and shall forfeit five hundred Pounds, to be recovered by Action of Debt in any Court having Jurisdiction, one Half to the Person suing, and the other Half to the State; and if the Judge or Judges before whom the same shall be tried, shall certify there was a reasonable Cause of Action, the Plaintiff or Complainant shall not be subject to Cost.

500l. penalty on attempting, &c. to export hides, &c. by water.

III. *AND* be it further enacted, That if any Person shall by Land convey any such Hides, Skins or Furs out of this State into any other State, for the Purpose of selling the same, such Person on Conviction shall suffer the same Pains and Penalties, as are before prescribed for exporting such Hides, Skins or Furs by Water, to be recovered in like Manner, and applied to the same Uses. *Provided* nevertheless, That this Act shall not extend to or be in Force in any County West of the *Apalachian* Mountain: *And provided also*, That this Act shall not be in Force until the first Day of *January* next.

Or by land.

Provido.

- CH A P. 9. An Act for granting to the Inhabitants of Tyrrel County a Privilege of holding separate Elections for Members of Assembly. P R I V.
10. An Act to empower the Wardens of the Poor for the County of Currituck to lay a Tax, to enable them to settle the Arrears due from said County to Persons who have supported the Poor. P R I V.
11. An Act for levying a Tax in the District of Salisbury for finishing the Court-House, and repairing the Gaol for the said District. P R I V.
12. An Act for altering the Name of James Rousom to that of James Long. P R I V.

### C H A P. XIII.

An Act to annex the County of Anson to Fayetteville District, and to regulate the Appointment of Jurors to Fayetteville Court.

**W**HEREAS it is represented to this General Assembly, that it will tend greatly to the Convenience of the good People of *Anson* County, to be annexed to the District of *Fayetteville*: Therefore,

I. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the County of *Anson* shall be annexed to and form a Part of the District of *Fayetteville*, in the same Manner as if the said County of *Anson* had originally been Part of said District.

*Anson* added to *Fayette* district.

II. *AND* whereas the annexing the County of *Anson* to the District of *Fayetteville*, will make it necessary that an Alteration of the Number of Jurors to be furnished by the different Counties within said District, should be made: *Be it therefore further enacted*, That the Jurors for the Superior Court of *Fayetteville*, shall be furnished by the Counties within the District in the Proportion and Number, to wit, *Cumberland* eleven, *Richmond* five, *Anson* five, *Sampson* five, *Robeson* five, *Moore* five.

Jurors.

### C H A P. XIV.

An Act for dividing the County of *Surry* into two distinct Counties, and for other Purposes.

**W**HEREAS the large Extent and inconvenient Situation of the County of *Surry*, render the Attendance of the Inhabitants of the extreme Parts



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at Courts, Elections and General Musters, difficult and expensive : For Remedy whereof, and to gratify the Wishes of the good People of the said County :

Division of Surry

I. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the County of *Surry* shall be divided into two distinct Counties, by a Line beginning on the Line dividing this State from the State of *Virginia*, at a Point equidistant from the nearest Parts of the Counties of *Rockingham* and *Wilkes*, and running from thence until it intersects the *Rowan* County Line, so as to leave an equal Number of Acres in each County.

Surry and Stokes counties erected.

II. *AND* be it further enacted, That all that Part of the said County, lying West of said Line, shall be erected into a distinct County by the Name of *Surry* County; and all that Part lying East of said Line, shall be erected into another distinct County by the Name of *Stokes* County.

[The Remainder, except the Fourth and Tenth Sections, unnecessary to be inserted.]

Courts of said counties.

IV. *AND* for the due Administration of Justice, *Be it enacted*, That the Justices of the Peace shall be nominated and commissioned, and the Courts held in the respective Counties of *Surry* and *Stokes*, in the same Manner, and with the same Powers and Jurisdictions as Justices of the Peace and County Courts in the other Counties in this State; and the Courts of and for the County of *Surry*, shall be constantly held on the second *Mondays* in *February*, *May*, *August* and *November*, in each and every Year; and the Courts for the County of *Stokes*, shall be constantly held on the third *Mondays* in *February*, *May*, *August* and *November*, in each and every Year; And the first Court for the County of *Surry* shall be held at the House of *Richard Horn*, on the second *Monday* in *February* next; and the first Court for the County of *Stokes* shall be held at the House of *Gray Bynum*, on the third *Monday* in *February* next; and the Justices for each of the said Counties of *Surry* and *Stokes*, are hereby authorised to adjourn to such Places in their respective Counties as they shall think most convenient to hold all subsequent Courts, until Court-Houses shall be built in each respective County.

Jurors.

X. *AND* be it further enacted, That the Justices of the County Courts of *Surry* and *Stokes*, shall each appoint four Freeholders to serve as Jurors at the Superior Courts for the District of *Salisbury*; and the said Counties shall compose Part of said District.

C H A P. 15. *An Act directing the Sale of the County Buildings in Surry, and to alter the Times of holding several County Courts in this State.* P R I V.

## C H A P. XVI.

*An Act the better to regulate the Inspection of Tobacco in this State.*

**W** H E R E A S the Laws now in Force to regulate the Inspection of Tobacco, are found not to answer the intended Purpose :

Inspectors duty.

I. *BE* it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the Inspectors of Tobacco at the several Warehouses of this State, shall and they are hereby required to examine, by breaking in at one or more Places, all Tobacco which shall be brought to their respective Warehouses for Inspection, and shall class and mark them as follows, *to wit*: All Tobacco that shall be thick, well cured, and in good Condition, shall be deemed of the first Class, and branded with the Letter *A*, at least four Inches long, on each Head and on the Side of the Hoghead: All Tobacco which shall not answer the Description of the first Class, but shall be found well cured and in good Condition, shall be deemed of the second Class, and branded with the Letter *B*, in the same Manner as is directed with Letter *A*: And all Tobacco which shall be found sound and in good Condition, but of an inferior Quality to *A* and *B*, shall be deemed of the third Class, and branded as above described with the Letter *C*. And where any Hoghead of Tobacco shall be offered for Inspection,

a considerable



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a considerable Part of which shall be of one Class and the Remainder of another, it shall be the Duty of the Inspectors to place such Hogheads in the Class to which the inferior Tobacco of said Hoghead entitles it to belong, unless the Person offering such Tobacco will agree to have the same picked and sorted agreeable to the Inspection Law now in Use in this State.

II. *AND be it further enacted by the Authority aforesaid,* That the several Inspectors of Tobacco shall and they are hereby required when they shall have inspected and branded any Hoghead of Tobacco agreeable to the Directions of this Act, to give the Person claiming such Hogheads, a Note for the same, certifying the Quality, Mark, Number, and Weight thereof.

Inspector to give a note.

III. *AND be it further enacted by the Authority aforesaid,* That when any Tobacco shall be delivered out of the Warehouse, the Inspectors shall and they are hereby required, to give a separate Manifest of each Hoghead of Tobacco by them so delivered, in which shall be inserted the Mark, Number, Weight, and Quality of said Tobacco.

And manifest, when delivered out of the warehouse.

IV. *AND be it further enacted by the Authority aforesaid,* That when any Captain or Master of a Vessel shall clear out at the Naval-Office, he shall lodge with the Naval-Officer, a general Manifest of his Cargo, and shall also deliver to him the Inspectors Manifest of each and every Hoghead of Tobacco he may have on Board his Vessel.

Duty of masters of vessels.

V. *AND be it further enacted by the Authority aforesaid,* That the Naval-Officer shall and he is hereby required to certify, in the Body of the Clearance of each Vessel he may clear out with Tobacco on Board, the Mark and Quality of each Hoghead of Tobacco so cleared out; and if he shall fail or neglect so to do, he shall forfeit and pay the Sum of fifty Pounds, to the Use of any Person suing for the same.

Naval-Officers duty.

VI. *AND be it further enacted by the Authority aforesaid,* That if any Person shall appear before the Collector or Naval-Officer, and make Oath that there is on Board any Vessel bound to Sea, any Tobacco which has not been inspected and marked as is by this Act required, it shall and may be lawful for the Collector or Naval-Officer to summon and take with him two or more Freeholders, and search the Vessel so informed of, and if any such Tobacco shall be found on Board, they may and are hereby required to seize and take Possession of the same, and cause such Proceedings to be had thereon, as is directed by Law on other Goods when seized; and if it shall appear that the Tobacco so seized, has not been inspected and branded as aforesaid, the same shall be condemned and sold to the Use of the Informer, first deducting the necessary Expences for Search and Condemnation, to be taxed by the Court before whom the Matter is cognizable.

Duty of Naval-Officer or Collector upon oath that tobacco is on board not inspected, &amp;c.

VII. *AND be it further enacted by the Authority aforesaid,* That if any Person shall alter or cause to be altered the Brand of any Hoghead of Tobacco inspected and marked so as aforesaid, as to make it appear to be of any other Class than the one of which the Inspectors have marked it, or shall brand or cause to be branded any Hoghead which the Inspectors had not examined and branded, so as to induce a Belief that such Hoghead, had been lawfully inspected, such Person shall forfeit and pay the Sum of fifty Pounds, to be recovered before any County Court, by any Person suing for the same, to his own proper Use. *Provided nevertheless,* That this Act shall not be in Force or have Effect until the first Day of May next.

Pen. on altering brand, &amp;c.

When in force.

## C H A P. XVII.

*An Act to amend an Act, entitled, An Act to prevent the Exportation of unmerchandise Commodities.*

See page 494, 521.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That an Inspection be and hereby is established on Neuse River, at Harris's Landing or Ferry, heretofore Bryan's, under

Inspection established on Neuse river, at Harris's Landing, &amp;c.



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under the same Rules, Regulations and Restrictions, as directed by the above recited Act ; and the County Court of *Craven* are hereby directed and empowered to appoint an Inspector for the said Landing, at the same Time and in the same Manner as other Inspectors for the said County are appointed, who shall have the same Advantages, and be subject to the same Pains and Penalties, as other Inspectors ; and Commodities by him inspected and passed shall be merchantable and proper for shipping, in like Manner with those inspected by other Inspectors above the Town of *Newbern*.

C H A P. 18. *An Act for the Promotion of Learning in the County of Currituck, and to amend the Wilmington Academy Law.* P R I V.

## C H A P. XIX.

*An Act to ratify the Amendments to the Constitution of the United States.*

W H E R E A S the Senate and House of Representatives of the United States of *America* in Congress assembled, on the fourth Day of *March*, did resolve, two Thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States ; all or any of which Articles, when ratified by three Fourths of the said Legislatures, to be valid to all Intents and Purposes as Part of the said Constitution :

Amendments to  
the Constitution.

ART. I. After the first Enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the Number shall amount to one hundred ; after which the Proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives nor less than one Representative for every forty thousand Persons, until the Number of Representatives shall amount to two hundred ; after which the Proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives nor more than one Representative for every fifty thousand Persons.

ART. II. No Law varying the Compensation for the Service of the Senators and Representatives, shall take Effect until an Election of Representatives shall have intervened.

ART. III. Congress shall make no Law respecting an Establishment of Religion, or prohibiting the free Exercise thereof, or abridging the Freedom of Speech, or of the Press, or the Right of the People peaceably to assemble and to petition the Government for a Redress of Grievances.

ART. IV. A well regulated Militia being necessary to the Security of a free State, the Right of the People to keep and bear Arms shall not be infringed.

ART. V. No Soldier shall in Time of Peace be quartered in any House without the Consent of the Owner, nor in Time of War but in a Manner to be prescribed by Law.

ART. VI. The Right of the People to be secure in their Persons, Houses, Papers and Effects against unreasonable Searches and Seizures, shall not be violated, and no Warrant shall issue but upon probable Cause, supported by Oath or Affirmation, and particularly describing the Place to be searched and the Persons or Things to be seized.

ART. VII. No Person shall be held to answer for a capital or otherwise infamous Crime, unless on a Presentment or Indictment of a Grand Jury, except in Cases arising in the Land or Naval Forces, or in the Militia when in actual Service in Time of War or public Danger ; nor shall any Person be subject for the same Offence to be twice put in Jeopardy of Life or Limb ; nor shall be compelled in any criminal Case to be a Witness against himself ; nor be deprived of Life, Liberty or Property without due Process of Law ; nor shall private Property be taken for public Use without just Compensation.

ART. VIII. In all criminal Prosecutions, the Accused shall enjoy the Right to a speedy



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a speedy and public Trial, by an impartial Jury of the State and District where the Crime shall have been committed, which District shall have been previously ascertained by Law ; and to be informed of the Nature and Cause of the Accusation, to be confronted with the Witnesses against him, to have compulsory Process for obtaining Witnesses in his Favour, and to have the Assistance of Counsel for his Defence.

ART. IX. In Suits at common Law where the Value in Controversy shall exceed twenty Dollars, the Right of Trial by Jury shall be preserved ; and no Fact tried by a Jury shall be otherwise re-examined in any Court of the United States than according to the Rules of common Law.

ART. X. Excessive Bail shall not be required, nor excessive Fines imposed, nor cruel and unusual Punishments inflicted.

ART. XI. The Enumeration in the Constitution of certain Rights, shall not be construed to deny or disparage others retained by the People.

ART. XII. The Powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the People.

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the said Amendments, agreeable to the fifth Article of the original Constitution, be held and ratified on the Part of this State, as Articles in Addition to and Amendments of the Constitution of the United States of America.* Ratification of the amendments.

## C H A P. XX.

*An Act to establish a University in this State.*

**W**HEREAS in all well regulated Governments, it is the indispensable Duty of every Legislature to consult the Happiness of a rising Generation, and endeavour to fit them for an honourable Discharge of the social Duties of Life, by paying the strictest Attention to their Education : And whereas an University supported by permanent Funds, and well endowed, would have the most direct Tendency to answer the above Purpose :

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That Samuel Johnston, James Iredell, Charles Johnson, Hugh Williamson, Stephen Cabarrus, Richard Dobbs Spaight, William Blount, Benjamin Williams, John Sitgreaves, Frederick Harget, Robert W. Snead, Archibald Maclaine, Honourable Samuel Ashe, Robert Dixon, Benjamin Smith, Honourable Samuel Spencer, John Hay, James Hogg, Henry William Harrington, William Barry Grove, Reverend Samuel M'Corkle, Adlai Osborne, John Stokes, John Hamilton, Joseph Grabam, Honourable John Williams, Thomas Person, Alfred Moore, Alexander Mebane, Joel Lane, Willie Jones, Benjamin Hawkins, John Haywood, senior, John Macon, William Richardson Davie, Joseph Dixon, William Lenoir, Joseph M<sup>c</sup>Dowall, James Holland, and William Porter, Esquires, shall be and they are hereby declared to be a Body politic and corporate, to be known and distinguished by the Name of *The Trustees of the University of North-Carolina* ; and by that Name shall have perpetual Succession, and a common Seal ; and that they the Trustees and their Successors, by the Name aforesaid, or a Majority of them, shall be able and capable in Law to take, demand, receive and possess all Monies, Goods and Chattels that shall be given them for the Use of the said University, and the same apply according to the Will of the Donors, and by Gift, Purchase or Devise to take, have, receive, possess, enjoy and retain to them and their Successors forever, any Lands, Rents, Tenements and Hereditaments, of what Kind, Nature or Quality soever the same may be, in special Trust and Confidence that the same or the Profits thereof shall be applied to and for the Use and Purposes of establishing and endowing the said University.* Trustees nominated, and constituted a body politic.

II. *AND be it enacted by the Authority aforesaid, That the said Trustees and their Successors, or a Majority of them, by the Name aforesaid, shall be able* Their authority.



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and capable in Law to bargain, sell, grant, demise, alien or dispose of, and convey and assure to the Purchasers, any such Lands, Rents, Tenements and Hereditaments aforesaid, when the Condition of the Grant to them, or the Will of the Devitor, does not forbid it. And further that they the said Trustees and their Successors forever, or a Majority of them, shall be able and capable in Law, by the Name aforesaid, to sue and implead, be sued and impleaded, answer and be answered, in all Courts of Record whatsoever; and they shall have Power to open and receive Subscriptions, and in general they shall and may do all such Things as are usually done by Bodies corporate and politic, or such as may be necessary for the Promotion of Learning and Virtue.

Meetings of the Trustees, &amp;c.

III. *AND be it further enacted by the Authority aforesaid*, That the said Trustees, in order to carry the present Act into Effect, shall meet at *Fayetteville*, on the third *Monday* in the Session of the next General Assembly, at which Time they shall choose a President and Secretary; and shall then fix the Time of their next annual Meeting; and at every annual Meeting of the Trustees, the Members present, with the President and Treasurer, shall be a Quorum to do any Business, or a Majority of the Members, without either of those Officers, shall be a Quorum; but at their first Meeting as above directed there shall be at least fifteen of the above Trustees present, in order to proceed to Business; and the Trustees at their annual Meeting may appoint special Meetings within the Year; or in Case unforeseen Accidents shall render a Meeting necessary, the Secretary, by order of the President and any two of the Trustees signified to him in writing, shall by particular Notice to each Trustee, as well as by an Advertisement in the State Gazette, convene the Trustees at the Time proposed by the President; and the Members thus convened shall be a Quorum to do any Business except the Appointment of a President or Professors in the University, or the Disposal or Appropriation of Monies; but in Case of the Death or Resignation of the President or any Professor, the Trustees thus convened may supply the Place until the next annual Meeting of the Board of Trustees and no longer; and the Meeting at which the Seat of the said University shall be fixed, shall be advertised in the Gazette of this State at least six Months, and Notice in Manner aforesaid to each of the Trustees of the Object of the said Meeting.

Special meeting.

Its power.

Appointment &amp; duty of a Treasurer, &amp;c.

IV. *AND be it further enacted by the Authority aforesaid*, That the Trustees shall elect and commissionate some Person to be Treasurer for the said University during the Term of two Years; which Treasurer shall enter into Bond with sufficient Securities to the Governor for the Time being, in the Sum of five thousand Pounds, conditioned for the faithful Discharge of his Office, and the Trust reposed in him; and that all Monies and Chattels belonging to the said Corporation that shall be in his Hands at the Expiration of his Office, shall then be immediately paid and delivered into the Hands of the succeeding Treasurer: And every Treasurer shall receive all Monies, Donations, Gifts, Bequests and Charities whatsoever, that may belong or accrue to the said University during his Office, and at the Expiration thereof shall account with the Trustees for the same, and the same pay and deliver over to the succeeding Treasurer; and on his Neglect or Refusal to pay and deliver as aforesaid, the same Method of Recovery may be had against him, as is or may be provided for the Recovery of Monies from Sheriffs or other Persons chargeable with public Monies: And the Treasurer of the University shall cause annually to be published in the State Gazette, for the Satisfaction of the Subscribers and Benefactors, a List of all Monies and other Things by him received for the said University, either by Subscription, Legacy, Donation or otherwise, under the Penalty of one hundred Pounds, to be recovered at the Suit of the Attorney-General, in the Name of the Governor for the Time being, in any Court of Record having Cognizance thereof; and the Monies arising from such Penalties shall be appropriated to the Use of the said University.

Money to be paid to the state Treasurer, who is to pay 6 per cent. interest for it.

V. *BE it further enacted by the Authority aforesaid*, That all Monies received by the Treasurer of the said University, shall be annually paid by him to the Treasurer of the State, who is hereby authorized and ordered to give a Receipt to the said Treasurer of the University in Behalf of the said Trustees, for all such Sums  
by



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by him received ; and the said Treasurer shall pay annually unto the Treasurer of the said Univerfity, fix *per Cent.* Interest on all fuch Sums received by him in the Manner aforefaid ; which Amount of Interest paid by the State Treasurer as aforefaid, fhall be allowed to him in the Settlement of his Accounts : And the faid Trustees fhall on no Event or Pretence whatfoever, appropriate or make Ufe of the Principal of the Monies by them received on Subfcription, but fuch Principal fhall be and remain as a permanent Fund for the Ufe and Support of the faid Univerfity forever.

VI. *AND be it further enacted by the Authority aforefaid,* That on the Death, Refufal to act, Refignation or Removal out of the State, of any of the Trustees for the Time being, it fhall be lawful for the remaining Trustees, or any fifteen of them, and they are hereby authorized and required to elect and appoint one or more Trustees in the Place of fuch Trustee or Trustees dead, refufing to act, refigned or removed ; which Trustee or Trustees fo appointed, fhall be vefted with the fame Powers, Trust and Authorities, as the Trustees are by Virtue of this Act. *Provided nevertbelefs,* That the Trustee or Trustees fo appointed, fhall refide in the Superior Court Diftrict where the Perfon or Perfons refide in whole Room he or they fhall be fo elected.

Vacancy of Trustees how fupplied &amp;c.

VII. *AND be it further enacted by the Authority aforefaid,* That when the Trustees fhall deem the Funds of the faid Univerfity adequate to the Purchase of a neceffary Quantity of Land and erecting the proper Buildings, they fhall direct a Meeting of the faid Trustees for the Purpose of fixing on and purchasing a healthy and convenient Situation, which fhall not be fittuate within five Miles of the permanent Seat of Government, or any of the Places of holding the Courts of Law or Equity ; which Meeting fhall be advertifed at leaft fix Months in fome Gazette in this State, and at fuch Superior Courts as may happen within that Time.

Directions as to fixing on the place for the Univerfity.

VIII. *BE it further enacted by the Authority aforefaid,* That the Trustees fhall have the Power of appointing a Prefident of the Univerfity, and fuch Professors and Tutors as to them fhall appear neceffary and proper, whom they may remove for Mifbehaviour, Inability or Neglect of Duty ; and they fhall have the Power to make all fuch Laws and Regulations for the Government of the Univerfity and Prefervation of Order and good Morals therein, as are ufually made in fuch Seminaries, and as to them may appear neceffary ; provided the fame are not contrary to the unalienable Liberty of a Citizen, or to the Laws of the State. And the Faculty of the Univerfity, *that is to fay,* the Prefident and Professors, by and with the Consent of the Trustees, fhall have the Power of conferring all fuch Degrees or Marks of literary Difinction, as are ufually conferred in Colleges or Univerfities.

Power of the Trustees to appoint a Prefident, Professors, &amp;c.

And to make regulations, &amp;c.

To confer degrees.

IX. *AND be it further enacted by the Authority aforefaid,* That every Perfon who within the Term of five Years fhall fubfcribe ten Pounds towards this Univerfity, to be paid within five Years, at five equal annual Payments, fhall be entitled to have one Student educated at the Univerfity, free from any Expence of Tuition.

Benefit granted to fubscribers.

X. *AND be it further enacted,* That the public Hall of the Library and four of the Colleges fhall be called feverally by the Names of one or another of the fix Perfons who fhall within four Years contribute the largeft Sums towards the Funds of this Univerfity, the higheft Subfcriber or Donor having Choice in the Order of their refpective Donations. And a Book fhall be kept in the Library of the Univerfity, in which fhall be fairly entered the Names and Places of Residence of every Benefactor to this Seminary, in order that Pofterity may be informed to whom they are indebted for the Measure of Learning and good Morals that may prevail in the State.

Honour to be conferred on the fix largeft fubscribers.

Names of fubscribers to be preferved.

## C H A P. XXI.

*An Act for raising a Fund for erecting the Buildings and for the Support of the Univerfity of North-Carolina.*

**W**HEREAS the General Affembly by their Act, entitled, *An Act to eftablifh a Univerfity in this State,* paffed on the eleventh Day of December Inftant,



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stant, have declared that a University shall be established and erected in this State, which shall be called and known by the Name of *The University of North-Carolina*: And whereas adequate Funds will be found to be the Means which will most effectually insure to the State the Advantages to be hoped and expected from such an Institution:

Funds appropriated for erecting buildings for the University, &c.

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That a Gift of all Monies due and owing to the Public of North-Carolina, either for Arrearages under the former or present Government, up to the first Day of January, one thousand seven hundred and eighty-three, inclusive, (Monies or Certificates due for confiscated Property purchased excepted) shall be and is hereby declared to be fully and absolutely made, for the Purpose of erecting the necessary Buildings, employing Professors and Tutors, and carrying into complete Effect the Act before recited: And the Treasurer is hereby directed and required to commence Suits, and to prosecute all Persons owing as above mentioned, and the Monies recovered in consequence thereof to pay into the Hands of the Trustees named in said Act, or their Successors, to be applied to the Purposes aforesaid. Provided, That Nothing herein contained shall be construed to prevent the Treasurer or Comptroller from settling with and collecting from the Executors of Robert Lanier, deceased, late Treasurer of Salisbury District, such Sums in Cash or Certificates as may on a final Settlement of his Accounts be found to be due to the Public; nor shall it extend to prevent their collecting from the Sheriffs of that District, their Arrearages of Taxes which became due under the present Government, and which ought to have been paid into the Office of the said Lanier, as Treasurer aforesaid; provided they make such Collection within the Space of two Years, after which Time the Arrearages of that District also shall be considered as being included in this Gift.*

Further funds provided.

II. *AND be it enacted, That all the Property that has heretofore or shall hereafter escheat to the State, shall be and hereby is vested in the said Trustees, for the Use and Benefit of the said University.*

University lands, &c. exempt from taxes.

III. *AND be it further enacted by the Authority aforesaid, That the Lands and other Property belonging to the University aforesaid, shall be, and the same is hereby exempt from all Kind of public Taxation.*

#### C H A P. XXII.

*An Act to alter the Time of electing the Members of the General Assembly in this State.*

**W**HEREAS it has been made appear to this General Assembly, that in large Counties it is sometimes impossible for the Sheriff and Inspectors to get the Tickets counted out until *Sunday Morning*, which often occasions the breach of the *Sabbath Day*: For Remedy whereof,

Time of holding the annual election.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the annual Election for the Purpose of electing Members of the General Assembly, shall be held in each and every Year on the second Thursday and Friday of August: Provided, That where there are two or more Elections in any County, such Elections shall be held in the same Week that the other Elections are, and one Day earlier in the Week than what they have heretofore been by Law: The Sheriff and Returning Officers in each County in this State shall conduct themselves accordingly; any Law, Usage, or Custom to the contrary notwithstanding.*

#### C H A P. XXIII.

*An Act to amend an Act, entitled, An Act concerning proving of Wills and granting Letters of Administration, and to prevent Frauds in the Management of Intestates Estates.*

**W**HEREAS by the Act, entitled, *An Act concerning proving of Wills and granting Letters of Administration, and to prevent Frauds in the Management of Intestates*



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*Intestates Estates*, the Method of Proceeding hath not been defined with sufficient Precision, whereby great Irregularities have crept into Practice, and Complaints have been made of precipitate and injurious Decisions: For Remedy whereof,

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That all Wills shall be proved and Administrations granted in the Court of the County where the Testator or Intestate had his usual Residence at the Time of his Death, or in Case he or she had fixed Places of Residence in more than one County, in either or any of the said Counties; and in Case of a written Will, with the Witnesses thereto, the same shall be proved by at least one of the subscribing Witnesses, if living, but if contested, shall be proved by all the living Witnesses, if to be found, and by such other Persons as may be produced to support such Will; and where the Validity of any last Will or Testament, whether written or nuncupative, shall be contested, the same shall be invariably tried by a Jury, on an Issue made up under the Direction of the Court for that Purpose; any Usage or Law to the contrary notwithstanding.

Place and manner of proving wills, &c.

Validity of a will to be tried by a jury.

II. *AND* whereas Creditors have been greatly delayed in recovering their just Debts, and Executors and Administrators put to great Difficulty in the Settlement of Estates: *Be it enacted by the Authority aforesaid*, That from and after the passing of this Act, no Executor or Administrator shall hereafter take, hold, or retain in his Hands, more of the Deceased's Estate than amounts to his necessary Charges and Disbursements, and such Debts as he shall legally pay within two Years after Administration granted; but that all such Estates so remaining, shall immediately after the Expiration of two Years, be divided, delivered and paid over to such Person or Persons to whom the same may be due by Law or the Will of the Deceased, such Person or Persons, or some other for them, giving Bond with two or more able Sureties, that if any Debt or Debts truly owing by the Deceased shall be afterwards sued for and recovered, or otherwise duly made appear, that then and in every such Case, he or they shall respectively refund and pay each his or her rateable Part of that Debt or Debts, out of the Part or Share so as aforesaid allotted to him or her; and such Bond so taken shall be made payable to the Chairman of the County Court for the Time being, and his Successors; which said Bond shall be and enure to the sole Use and Advantage of the Creditors, and such Creditor or Creditors shall and may have a *Scire Facias* in Manner herein after directed, against the Obligors in the said Bond, as if the said Bond had been drawn and delivered to such Creditor or Creditors.

Executors, &c. to deliver the residue of the deceased's estate after 2 years to the legatees or representatives, they giving bond, &c. to refund, if necessary.

The bond to be for the use of the creditors, who may have a *scire facias* against the obligors.

III. *AND be it further enacted by the Authority aforesaid*, That the Bonds so taken by Executors or Administrators from Legatees, or Persons entitled to a distributive Share of the Estate on an Intestate, shall by such Executor or Administrator be brought into Court at the next succeeding Court after such Bonds are so taken, and a Record shall be made thereof, and the Bonds then lodged in the Office of the said Court with the Records of the Court: And in all Suits where the Executors or Administrators of any deceased Person shall plead fully administered, no Assets or not sufficient Assets to satisfy the Plaintiffs Demand, and such Plea shall be found in Favour of the Defendant, the Plaintiff may proceed to ascertain his Demand and sign Judgment, and on Motion a Writ or Writs of *Scire Facias* shall and may issue, summoning such Persons who have entered into Bond as aforesaid, to shew Cause why Execution should not issue against them for the Amount of such Judgment; and if there shall be Judgment against the Defendant or Defendants to the *Scire Facias*, or any of them, Execution shall and may issue thereon against the proper Goods and Chattels, Lands and Tenements of such Defendant or Defendants.

Bond to be recorded, & lodged among the records of the County Court.

Proceedings upon a verdict that an executor, &c. hath fully administered, &c. or to the contrary.

IV. *AND be it further enacted by the Authority aforesaid*, That the Creditors of any Person or Persons deceased, if he or they reside within this State shall within two Years, and if they reside without the Limits of this State shall within three Years, from the Qualification of the Executors or Administrators, exhibit and make Demand of their respective Accounts, Debts and Claims of every Kind whatever to such Executors or Administrators; and if any Creditor or Creditors shall hereafter fail to demand and bring Suit for the Recovery of his, her or their

Limitation of time for bringing suits against executors or administrators.



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Exception as to infants, &amp;c.

And as to persons delaying at the request of the executor, &amp;c.

Executors, &amp;c. to advertise.

Repealing clause.

Debt as above specified, within the aforesaid Time limited, he, she or they shall forever be debarred from the Recovery of his, her or their Debt in any Court of Law or Equity, or before any Justice of the Peace, within this State. *Provided*, That Nothing in this Act shall extend to debar Infants, Persons *non Compos* or *Femes Covert*, to bring their several Actions after the Expiration of the Term above mentioned, provided such Actions be brought within one Year after the coming to lawful Age, sound Mind or Discoveriture of such Persons. *Provided also*, That if any Creditor who after making Demand of his Debt or Claim, shall delay to bring Suit at the special Request of the Executors or Administrators, that then and in that Case the said Debt or Demand shall not be barred during the Time of the Indulgence.

V. A N D in order that all Creditors may be duly apprised of the Death of any Person indebted to them: *Be it enacted*, That every Executor or Administrator shall within two Months after being qualified as Executor or Administrator, advertise at the Court-House of the County where the Deceased usually dwelt at the Time of his Death, and other public Places in said County, and at the District Court-House at the next District Superior Court of Law and Equity held for the District in which such County may be, for all Persons to bring their Accounts and Demands of every Kind and Denomination to the said Executor or Administrator agreeable to the Directions of this Act.

VI. *AND be it further enacted*, That all Laws and Parts of Laws that come within the Purview and Meaning of this Act are hereby declared void and of no Effect.

## C H A P. XXIV.

See act Nov. 1787, c. 17.

*An Act to amend and enlarge an Act, passed at Tarborough, in the Year One Thousand Seven Hundred and Eighty-seven, entitled, An Act authorizing and empowering the County Court of Pleas and Quarter-Sessions to divide and appropriate the real Estate of Intestates.*

**W** H E R E A S the before mentioned Act has provided an easy, equitable and speedy Mode for dividing the real Estates of Intestates; and whereas it would tend greatly to the Ease and Convenience of all Tenants in common to be included within the Provisions of said Act: Therefore,

Manner in which estates held in common may be divided.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That it shall and may be lawful, where real Estates now are or hereafter may be held by two or more Persons as Tenants in common, they shall and may have the same Liberty and Privilege of having their said Estates divided, as is provided by the said Act for dividing the Estates of Intestates; and the Divisions when made shall be good and effectual in Law to bind the Parties, their Heirs and Assigns.

C H A P. 25. *An Act to establish the Title of certain Lands therein mentioned.* P R I V.

26. *An Act to enable Thomas Callender, acting Executor of the last Will of Parker Quince, late of New-Hanover County, deceased, and the other Persons therein named, to make Sale of certain Lands and Tenements, Part of the residuary Estate of the said Parker Quince.* P R I V.

27. *An Act to incorporate a Society of Persons by the Name of Centre Benevolent Society.* P R I V.

28. *An Act to alter the Names of Nancy, John and Keziah Lytle, Children of Sarah Nichols, formerly Sarah Lytle, of the Town of Hillsborough.* P R I V.



## C H A P. XXIX.

*An Act directing the Sale of the Salt Licks and Springs, with the adjoining Land within the District of Mero.*

**W** H E R E A S by an Act of the General Assembly, passed at *Hillsborough*, in the Year one thousand seven hundred and eighty-two, entitled, *An Act for the Relief of the Officers and Soldiers, and for other Purposes*, all the Salt Licks or Springs, together with six hundred and forty Acres of the adjoining Lands, being within the Reserve of the Lands for the Military Claims of this State, are expressly reserved for the common Use and Benefit of the Inhabitants of that Country: And whereas the selling of the said Salt Licks and Springs would have a direct Tendency to promote the manufacturing of Salt in that Country, to the great Advantage and Benefit of the Inhabitants thereof:

**I. B E** it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That *Robert Erwing, Joel Rice, David Wilson, Edward Douglass and Robert Nelson*, be and are hereby appointed Commissioners for selling the Salt Licks or Springs, together with the Lands thereto belonging within the District of *Mero*; each of the Commissioners thus appointed shall, before they enter on the Duties to them prescribed by this Act, take in open Court the following Oath, in the Court of the County wherein they may respectively reside, *viz.*

**I** A. B. do swear, that I will to the best of my Knowledge and Abilities discharge the Duties of a Commissioner for the Sale of the Salt Licks and Springs within the District of *Mero*, agreeable to Act of Assembly in that Case made and provided.

SO HELP ME GOD.

They shall also enter into Bond with sufficient Security unto the Chairman of their respective Courts, and his Successors in Office, in the penal Sum of two thousand Pounds, for the faithful Discharge of the Duties enjoined them by this Act, and the Court shall determine on the Sufficiency of such Security; and any Commissioner by this Act appointed, acting as such, without previously taking the Oath and entering into Bond as by this Act directed, shall forfeit and pay the Sum of one hundred Pounds, to be recovered by any Person suing for the same, in any Court of Record within this State having Cognizance thereof, one Half to the Use of the District of *Mero*, and the other Half to the Person suing for and recovering the same. And the said County Courts shall be and are hereby empowered, to make said Commissioners such Compensation for their Services as to them shall seem just, to be paid out of the Price of the said Licks or Springs.

**II. A N D** whereas several of the said Salt Licks or Springs are entirely unfit for the Purpose of manufacturing Salt: *Be it therefore enacted*, That the Courts of Pleas and Quarter-Sessions for the Counties of *Davidson, Sumner and Tennessee*, shall at *April* Term of their respective Courts for the Year one thousand seven hundred and ninety, make out a List to be signed by the Chairman of each respective Court and the Clerk thereof, of all the Salt Licks or Springs within their respective Counties, which said Court shall deem fit for the Purpose of manufacturing Salt, including all such Salt Licks and Springs as were set apart by Commissioners heretofore appointed for that Purpose as public Property, *viz. Heaton's Lick, Denton's Lick, the French Lick, Neely's Lick, Kasper's Lick, Maddison's Lick, Drake's Lick, Stoner's Lick, and Bledsoe's Lick*; which List shall be entered on the Record of said Courts, and Copies thereof delivered to the Commissioners by this Act appointed; and all other Salt Licks or Springs, with the adjoining Lands, not deemed by the Court fit for the manufacturing of Salt, be and they are hereby declared vacant Land, and liable to be located and entered in the same Manner as all other vacant Land in the said District of *Mero*. *Provided always*, That if any former Entry, or the Lines of any former Entry, shall interfere with or take in any Part of the said unfit Licks or Springs, or the Land adjoining them, the said Entries are hereby declared good and valid in Law; any Law, Usage or Custom to the contrary notwithstanding.

III. A N D



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Surveys to be made, &c. agreeable to the above Acts.

III. *AND be it further enacted*, That the said Commissioners, or a Majority of them, shall cause to be surveyed, where such Surveys have not already been made, all the said Salt Licks or Springs, with six hundred and forty Acres of the adjoining Lands, agreeable to the List made out by the several Courts, by the Surveyors of the several Counties wherein the said Salt Licks or Springs may be situate; which Surveys shall be made agreeable to an Act of the General Assembly directing the Mode the military Claims are to be laid off, and the Surveyors shall deliver to the Commissioners by this Act appointed two fair Plats of each Survey, describing the several Courses and Distances thereof; for which Services the said Surveyors shall be allowed the same Fees as other Surveyors within this State.

Manner of selling, &c.

IV. *AND be it further enacted*, That the Commissioners by this Act appointed, or a Majority of them, shall advertise in the most public Manner for at least three Months, the Day and Terms of Sale of each of the said Salt Licks or Springs; which Sale shall be made at the Court-House of the County where such Salt Lick or Springs may be situate; and the said Commissioners shall have the Power to postpone the Sale of all or any of the said Licks or Springs to any Day or Time, provided that all Sales be completed within twelve Months from the passing of this Act, unless some of the Surveys be rendered impracticable by the Hostilities of the *Indians*; and each Salt Lick or Spring, together with the adjoining Lands, shall be sold separately at public Vendue, to the highest Bidder, at two Years Credit: *Provided nevertheless*, That it shall be the Duty of the Commissioners to reserve two of the said reserved Salt Licks, with the adjoining Lands, for the Use of the Academy of *Davidson* County, and execute a Deed to the Trustees thereof for the same; the Purchaser or Purchasers entering into Bond with two sufficient Securities unto the Commissioners, for the Use and Benefit of the District of *Mero*, for the Payment of the Purchase Money; which Money when collected by the said Commissioners, shall be paid into the Hands of the County Treasurer where such Sales shall have been made, to be appropriated to the common Use and Benefit of the District of *Mero*, as may by Law hereafter be directed; and the said Commissioners shall transmit to the Secretary of State two Plats of each Survey, with the Name of the Purchaser and the Price by him given for such Salt Licks or Spring: And the Secretary of State is hereby directed to make out to such Purchaser or Purchasers, a Grant in the Name of the State, for each Salt Lick or Spring thus sold, to be signed by the Governor for the Time being, in the same Manner as all other Grants from the State. *Provided always*, That such Purchaser or Purchasers shall not so inclose the said Licks or Springs, as to prevent Stock from having the Benefit thereof.

Exception of certain licks, &c. from sale.

Proviso.

Provision made for lessees of the salt licks, &c.

V. *AND* whereas the Commissioners appointed by Act of Assembly to encourage the making of Salt in the County of *Davidson*, have leased out by Virtue of the said Act, the three Salt Licks known by the Name of the *French* Lick, *Neely's* Lick and *Kasper's* Lick, with the Lands thereunto belonging, for the Term specified in the said Act, Lessees having covenanted and agreed to and with the said Commissioners, to manufacture annually a certain Quantity of Salt at each of the aforesaid Salt Licks; which Salt when made, was to be sold by the said Lessees for their Use and Benefit: And whereas the passing of this Act would be highly injurious to the Lessees aforesaid, unless some Provision be made for them, having due Regard to the above recited Lease: *Be it therefore enacted by the Authority aforesaid*, That the said Lessees, their Heirs or Assigns, be and are hereby exonerated from manufacturing one Half of the Quantity of Salt they were to make annually in Consideration of the Lease aforesaid; and the Quantity they may fall short in manufacturing in any Year, they shall make up the succeeding Year. *Provided always*, That the said Lessees shall make up the whole Quantity of Salt prescribed by this Act, before the Expiration of the Lease aforesaid.

Repealing clause.

VI. *AND be it further enacted*, That all Acts of Assembly, and every Part or Parcel thereof, that may come within the Purview of this Act, are hereby repealed and made null and void, to all Intents and Purposes as if the same had never been made.



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- C H A P. 30. *An Act for erecting a Town on the Lands of Fergus Sloan, in Iredell County, and to amend an Act for the Division of Rowan County.* P R I V.
31. *An Act for laying off a Town on the Lands of John Marriner, in Tyrrel County.* P R I V.
32. *An Act to empower certain Persons therein named to receive, sue for and recover all such Bequests, Donations, Benefactions and other Things, as have heretofore been bequeathed, given or made by any Person or Persons whatsoever, for the Use of the Congregation or Society of the Episcopal Communion of Newbern.* P R I V.
33. *An Act to invest an indefeasible Right of Inheritance in Charles, Alley and Prudence Oggs, the surviving natural Children of John Oggs, of the County of Pasquotank, of such Property as was bequeathed to them and their deceased Brother Jesse Oggs.* P R I V.

## C H A P. XXXIV.

*An Act to repeal Part of the Twentieth Clause of an Act, passed at Hillsborough, in the Year One Thousand Seven Hundred and Eighty-four, entitled, An Act to prevent the Exportation of unmerchable Commodities.*

**W** H E R E A S it hath been made appear to this General Assembly that the said Clause, so far as it respects the Inspection of Flax-Seed, is attended with an unnecessary Expence to the Shipper thereof: For Remedy whereof,

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the said Clause or Act, so far as it respects the Inspection of Flax-Seed, is repealed and made void. Clause of an act repealed.

- C H A P. 35. *An Act to emancipate certain Negroes therein mentioned.* P R I V.

## C H A P. XXXVI.

*An Act to add Part of Bladen County to Cumberland.*

**W** H E R E A S it hath been represented and made appear to this General Assembly, that the upper Part of Bladen County is contiguous to the County Court of Cumberland and Superior Court of Fayetteville District, and very remote from the Court-House of the said County of Bladen and the District Court thereof, to the great Injury and Inconvenience of the Inhabitants of the upper Part of the said County of Bladen: For Remedy whereof,

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all that Part of Bladen County, lying to the North-West of a Line beginning directly opposite to the Mouth of Willis's Creek, on the North-East Side of Cape-Fear River, thence a direct Course to John Pharis's, on South River, so as to include said Pharis's in Cumberland County, thence the same Direction until it strikes the Sampson Line, then beginning at the said first Station opposite to said Willis's Creek, and running South seventy-five West to Robeson County Line, be and is hereby annexed to the County of Cumberland, and from and after the passing of this Act shall be and remain a Part thereof. Part of Bladen added to Cumberland.

II. [Unnecessary to be inserted.]

III. *A N D* be it further enacted, That all Suits and other Matters of Controversy now depending in the County Court of Bladen, shall be prosecuted to a final End and Determination, as fully and in the same Manner as if this Act had never been passed. Suits now depending.

- C H A P. 37. *An Act to vest in Jeremiah and Robert Field an indefeasible Right to such Property as was granted to them by their Father William Field, in the Year One Thousand Seven Hundred and Seventy-six.* P R I V.



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C H A P. 38. *An Act to pardon John Bradley, of the Town of Wilmington.* PRIV.

## C H A P. XXXIX.

*An Act to amend an Act, entitled, An Act directing the Mode of Proceeding against the real Estate of deceased Debtors, where the personal Estate is insufficient for the Payment of the Debts.*

**W**HEREAS no Mode of proceeding is directed by the said Act for the Administrator to recover against the Heirs, any Debts that may be due and owing to him from the Intestate, when the personal Estate is insufficient to discharge such Debt :

Administrators, when creditors of intestates, may sue the heir and recover against the real estate.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That in all Cases where Administration shall be granted to any Person on Account of his being a Creditor of the Intestate, and there shall not be personal Assets sufficient to satisfy the Debts or Demand of such Administrator, it shall and may be lawful for such Administrator to prefer a Petition against the Heir or Heirs of such Intestate, for the Recovery of such Debt or Demand, to the Court of the County wherein such Administration was granted, or to the Court of Equity of the said District in which said County may be, in the Manner and under the Regulations prescribed by an Act, entitled, *An Act for the better Care of Orphans, and Security and Management of their Estates,* passed in the Year one thousand seven hundred and sixty-two, therein specially setting forth the Nature of said Debt or Demand, and the Amount thereof, and praying that the Heir or Heirs of such Intestates may be made Defendant or Defendants thereto; and such Petition being filed in the Clerk's Office, the same Proceedings shall be had thereon, and the Defendant or Defendants shall be bound and subject to the same Rules as in Case of Petition under said Act, and if a Decree shall be made against such Heir or Heirs, or any of them, Execution shall and may issue against the real Estate of the deceased Debtors in the Possession of such Heir against whom a Decree shall be given as aforesaid.

Manner of proceeding.

Devisees of lands void, as to creditors, &c.

II. **W**HEREAS it is not just that by the Practice or Contrivance of any Debtors, their Creditors should be defrauded of their just Debts : And whereas it is reasonable that the Devisee or Devisees of such Debtors should be liable to Suit for the Debts of the Testator, in like Manner as Heirs at Law for the Debts of their Ancestor : Wherefore, *Be it enacted by the Authority aforesaid,* That all Devises of Lands, Tenements and Hereditaments, or of any Rent, Profit, Term or Charge out of the same, shall be deemed and taken only as against such Creditor or Creditors, his, her, and their Heirs, Successors, Executors, Administrators and Assigns, and every of them, as null and void ; and every such Creditor shall and may have and maintain his, her or their Action or Actions against such Devisee or Devisees, in all Case and in like Manner as such Action or Actions might or could be brought or maintained against the Heir or Heirs at Law of such deceased Debtor, jointly with the Heir or Heirs at Law, or severally by Virtue of this Act.

Action to be maintained against a devisee.

If an heir at law or devisee aliens before action land descended or devised, to be liable for the value.

III. *AND be it further enacted by the Authority aforesaid,* That in all Cases where any Heir at Law shall be liable to pay the Debt of his or her Ancestor, in Regard of any Lands, Tenements or Hereditaments, descending to him or her, or where any Devisee shall be liable to pay the Debt of a Testator in Regard of any Lands devised to him or her, and shall sell, alien or make over the same before Action brought or Process sued out against him or her, that such Heir at Law or Devisees shall be answerable for such Debt or Debts to the Value of the said Land so by him or her sold, aliened or made over ; in which Cases all Creditors shall be preferred as in Action against Executors or Administrators, and Execution shall be taken out upon any Judgment or Decree obtained against such Heir or Devisee to the Value of the said Lands, as if the same were his or her own proper Debt, saving that the Lands, Tenements and Hereditaments *bona fide* aliened before the Action brought, shall not be liable to such Execution.

Creditors to be preferred as in actions against executors, &c.

IV. *PROVIDED* always, and be it further enacted by the Authority aforesaid, That



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That when any such Heir or Devisee shall be a Minor, and have a Guardian, the leading Procefs shall be served on such Guardian; and where the Minor shall have no Guardian, then and in that Case the Court shall appoint a Guardian to defend the Suit for said Minor. Provido in case of a minor.

V. *AND be it further enacted*, That when any Guardian shall have Notice of any Debt or Demand against the Estate of his or her Ward, he or she may apply to the County Court wherein such Guardianship was granted, for an Order to sell so much of the personal or real Estate of such Ward as may be sufficient to discharge such Debt or Demand; and such Order of the Court shall particularly specify what Property may be so sold, and such Property shall be sold on the same Credit and under the same Regulations as Property sold by Executors or Administrators, is or may be by Law; and the Proceeds of such Sales shall be considered as Assets in the Hands of the Guardian for the Benefit of the Creditors, in like Manner as Assets in the Hands of an Administrator or Executor, after *Fieri Facias* as by the Act directed; and the same Proceedings may be had against such Guardian with respect to the Assets aforesaid, as might be had or taken against an Executor or Administrator in similar Cases. *Provided nevertheless*, That no Execution shall be levied on the Goods or Chattels, Lands or Tenements, of any Minor in the Hands of his Guardian, until twelve Months after Judgment obtained on the *Fieri Facias* aforesaid; nor shall Execution issue liable as aforesaid, at any Time but on Motion in open Court. Proceedings in case of a debt due from the estate of a minor.

VI. *AND be it further enacted*, That so much of the said recited Act as requires that the Pleas of Executors or Administrators shall be on Oath, is hereby repealed and made void. Part of an act repealed.

## C H A P. XL.

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

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That for the Year one thousand seven hundred and ninety, a Tax of one Shilling on every hundred Acres of Land within this State, and a Tax of three Shillings on each hundred Pounds Value of Town Property with their Improvements, and a Tax of three Shillings on every Poll in this State, shall be levied and paid in State Currency. *Provided*, That all the Lands West of the *Apalachian* Mountains shall pay a Tax of eight Pence on every hundred Acres of Land. Taxes for 1790.

II. *AND be it further enacted by the Authority aforesaid*, That the above mentioned Taxes shall be collected, paid and accounted for as directed by an Act, entitled, *An Act for ascertaining what Property in this State shall be deemed taxable Property, the Method of assessing the same, and collecting the public Taxes*, and also an Act, entitled, *An Act for the more regular collecting, Payment of and accounting for the public Taxes*. How to be collected, &c. See p. 429, 456, 475, 515 & 582.

III. *AND be it further enacted by the Authority aforesaid*, That the Sinking Tax directed to be collected by an Act passed in 1785, for emitting one hundred thousand Pounds Paper Currency, shall be collected in Money, and accounted for in the same Manner as other Taxes. Sinkind fund how to be collected, &c.

## C H A P. XLI.

*An Act for the more easy Redemption of Mortgages.*

**W**H E R E A S Mortgagees frequently bring Actions of Ejectment for the Recovery of Lands and Estates to them mortgaged, and bring Actions on Bonds given by Mortgagors to pay the Money secured by such Mortgages, and for performing the Covenants therein contained, and likewise commence Suit in the Courts of Equity to foreclose their Mortgagors from redeeming their Estates, and the Courts of Law where such Ejectments are brought have not Power to compel such Mortgagees to accept the principal Monies and Interest due



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due on such Mortgages and Costs, or to stay such Mortgagees from proceeding to Judgment and Execution in such Actions, but such Mortgagors must have Recourse to a Court of Equity for that Purpose :

How mortgagors may discharge mortgages, &c. in case of action brought.

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, where any Action shall be brought on any Bond for the Payment of the Money secured by such Mortgage, or Performance of the Covenants therein contained, or where any Action of Ejectment shall be brought in any of the Superior Courts of Law or Courts of Pleas and Quarter-Sessions in this State, by any Mortgagee or Mortgagees, his, her or their Heirs, Executors, Administrators or Assigns, for the Recovery of the Possession of any mortgaged Lands, Tenements or Hereditaments, and no Suit shall be then depending in any of the Courts of Equity in this State, or touching the foreclosing or redeeming of such mortgaged Lands, Tenements or Hereditaments, and who shall appear and become Defendant or Defendants in such Action, shall at any Time pending such Action pay unto such Mortgagee or Mortgagees, or in Case of his, her or their Refusal, shall bring into Court where such Action shall be depending all the principal Monies and Interest due on such Mortgage, and also all such Costs as have been expended in any Suit or Suits at Law or Equity upon such Mortgage, such Money for Principal, Interests and Costs to be ascertained and computed by the Court where such Action is or shall be depending, or by the proper Officer by such Court to be appointed for that Purpose, the Monies so paid to such Mortgagee or Mortgagees, or brought into such Court, shall be deemed and taken to be in full Satisfaction and Discharge of such Mortgage; and the Court shall and may discharge every such Mortgagor or Defendant of and from the same accordingly, and shall and may by Rule or Rules of the same Court, compel such Mortgagee or Mortgagees, at the Cost and Charges of such Mortgagor or Mortgagors, to assign, surrender or reconvey such mortgaged Lands, Tenements and Hereditaments, and such Estate and Interest as such Mortgagee or Mortgagees have or hath therein; and deliver up all Deeds, Evidences and Writings in his, her or their Custody, relating to the Title of such mortgaged Lands, Tenements and Hereditaments, unto such Mortgagor or Mortgagors who shall have paid or brought such Monies into the Court, his, her or their Heirs, Executors or Administrators, or to such other Person or Persons as he, she or they shall for that Purpose nominate or appoint.

Courts power to compel an assignment, &c. or a reconveyance, &c.

Exceptions.

II. *PROVIDED* always, That this Act, or any Thing herein contained, shall not extend to any Case where the Person or Persons against whom the Redemption is or shall be prayed shall, by Writing under his, her or their Hands, or the Hand of his, her or their Attorney, Agent or Solicitor, to be delivered before the Money shall be brought into such Court at Law to the Attorney or Solicitor for the other Side, insist either that the Party praying a Redemption has not a Right to redeem, or that the Premises are chargeable with other or different principal Sums than what appear on the Face of the Mortgage, or shall be admitted on the other Side; nor to any Case where the Right of Redemption to the mortgaged Lands and Premises in Question in any Case or Suit, shall be controverted or questioned by or between different Defendants in the same Cause or Suit; nor shall be any Prejudice to any subsequent Mortgagee or Mortgagees or subsequent Incumbrancer; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Denial of right to redeem.

Premises chargeable with other sums.

Right of redemption controverted

Subsequent mortgages, &c. not to be prejudiced.

CHAP. 42. *An Act to establish the Lines of a certain Tract of Land granted unto Charles Gerrard.* PRIV.

C H A P. XLIII.

*An Act to annex Part of Burke County to the County of Wilkes.*

**W** H E R E A S it is represented to this General Assembly that a Part of Burke County, known by the Name of *Little-River Settlement*, is of much greater



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greater Distance from the Court-House in said County than from the Court-House in *Wilkes*, the Inhabitants are under unnecessary Inconveniences : For Remedy whereof,

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That after the passing of this Act, all that Part of *Burke* County that lies North of the following Line, be and the same is hereby annexed to the County of *Wilkes*; and that the said County Line be established as follows, to wit, Beginning on *Iredell* County Line at the *Whetstone* Hill on the *Spring* Road, and running up said Road to the lower *Little-River*, thence up said River to *Holmes's* Creek, thence up said Creek to *Lambert's* Fork, thence up said Fork to the Head thereof, then a North Course to the Top of the *Brushy* Mountain, being *Wilkes* Line.

II. [Altogether private.]

CHAP. 44. An Act to authorize James Billingsby to execute a Decd or Deeds of Conveyance, agreeable to a Power of Attorney and the last Will and Testament of William Rea, late of Guilford County, deceased. PRIV.

## C H A P. XLV.

An Act to repeal Part of an Act, passed at Newbern, entitled, An Act to divide the District of *Morgan*.

WHEREAS the Number of Jurors in the District of *Morgan* appointed to attend the Superior Courts, are more than necessary, and the Appointment not so equitable and convenient as it might be :

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the County of *Wilkes* shall send eight Jurors, the County of *Rutherford* eight, the County of *Lincoln* eight, and the County of *Burke* sixteen; which shall be the Number and Appointment of the different Counties aforesaid.

II. *B E* it further enacted by the Authority aforesaid, That from and after the passing of this Act, so much of the before recited Act as relates to the Appointment of Jurors for the District aforesaid, shall be and is hereby repealed and made void.

CHAP. 46. An Act to establish a public Inspection of Tobacco in Clarkville, in the County of Tennessee. PRIV.

## C H A P. XLVII.

An Act to erect a public Provision Store on the Frontier of the County of *Hawkins*, for the Accommodation of the *Cumberland* Guard.

WHEREAS it appears highly necessary that a public Provision Store should be erected for the Accommodation of said Guard, when called upon to escort and conduct Families and other Emigrants through the Wilderness to the *Cumberland* Settlements :

I. *B E* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act it shall and may be lawful to erect a public Provision Store at the House of *John Adair*, in the County of *Hawkins*, in order to receive Corn, Flour, Beef, Pork, &c. for the sole Use of the *Cumberland* Guard when in actual Service.

II. *A N D* be it enacted by the Authority aforesaid, That *John Adair* be appointed Commissioner to purchase Provisions for the Use of the above Troops, who shall enter into Bond with approved Security, payable to the Justices of the County Court of *Hawkins*, for the faithful and just Execution of the Trust in him reposed.

III. *A N D* be it further enacted, That it shall and may be lawful for such Commissioner to give Certificates for Provisions purchased for the above Purpose; His certificates payable for taxes, which



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which Certificates shall be received by the different Sheriffs in the District of *Washington*, in Part Payment of the public Tax in the Counties in said District; which Certificates shall also be received in the same Manner by the public Treasurer of this State from the Sheriffs in said District; any Law to the contrary notwithstanding.

- C H A P. 48. *An Act to amend and enlarge an Act passed at Hillsborough, in April, One Thousand Seven Hundred and Eighty-four, entitled, An Act to enable Mary Dowd to sue for and recover to her own Use, and the Use of her Children by her Husband Conner Dowd, all Debts due and owing to the said Conner, and all other Things in Action which the said Conner Dowd might lawfully sue for and recover, were he a Citizen of this State and entitled to the Benefits of its Laws. P R I V.*
49. *An Act to confirm unto Benjamin Williams an indefeasible Title to a certain Piece of Land in Brunswick County; and for making conformable to the Plan the Courses of a Tract of Land, containing Five Thousand Acres, in Hawkins County, situate on the North Side of Clinch River and on both Sides of Emery River, granted to James Glasgow; and the Courses of a Tract of Land in Jones County, lying on Crooked Run, containing Six Hundred and Forty Acres, granted to Abraham Buffet. P R I V.*
50. *An Act to enable William Beaty, Administrator of the Estate of James White, late of Bladen County, deceased, to sell the Lands and Tenements herein mentioned. P R I V.*
51. *An Act to vest certain Lands therein mentioned in the Monthly Meeting of the People called Quakers, of New-Garden, in Guilford County. P R I V.*
52. *An Act for erecting and establishing a Town at Hawkins Court-House. P R I V.*
53. *An Act for cutting a Canal from Juniper Bay to Mattamuskeet Lake, in Hyde County. P R I V.*
54. *An Act for establishing two Places for holding General Musters in the Counties of Wilkes, Burke and Rutherford, and the Place of holding Courts Martial; and for altering the Manner of holding Elections of Members to represent said Counties in the General Assembly. P R I V.*
55. *An Act to empower the County Court of Pitt to lay a Tax annually for the Purpose of building a Court-House, Prison and Stocks, and for keeping the same in Repair. P R I V.*

## C H A P. LVI.

*An Act to amend an Act, entitled, An Act for directing the Method of appointing Jurors in all Causes, civil and criminal, passed at Halifax, in the Year One Thousand Seven Hundred and Seventy-nine.*

See page 386.

Jurors for certain counties in Newbern district.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Number of Freeholders to be hereafter nominated by the County Courts of *Craven*, *Carteret*, *Dobbs* and *Jones*, to serve as Jurors at the Superior Courts of Law and Equity for the District of *Newbern*, shall be proportioned as follows, to wit, *Craven* nine, *Carteret* three, *Dobbs* six, and *Jones* four; a List of which Jurors so nominated shall be delivered by the Clerk to the Sheriff, who shall and is hereby required to summon the Persons nominated to serve as Jurors at the District Court aforesaid, and shall be under the same Rules, Regulations and Restrictions, as are directed by the before recited Act.

II. AND



II. *AND* be it further enacted by the Authority aforesaid, That all Acts and Parts of Acts, so far as relate to the appointing of Jurors in the Counties above mentioned to serve at the District Court aforesaid, be and the same are hereby repealed and made null and void.

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Repealing clause.

## C H A P. LVII.

*An Act directing the Manner of issuing Process in sundry Cases arising in the Courts of Law and Courts of Equity, to direct the Manner of proceeding on assigned or indorsed Bills, Bonds and Notes under Seal, to direct how joint Obligations shall survive; and to repeal an Act for calling forth the Militia to assist in executing civil Process, and to prevent Abatements and Discontinuances in certain Cases.*

**W**HEREAS the present Mode of issuing Writs and other Process for the Appearance to the Superior Courts, where there are two or more Defendants who reside in different Counties, is frequently productive of great Delay and Expence: To prevent which in future,

I. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful in all Cases where there are two or more Defendants, for the Plaintiff, in any Suit in the Superior Courts of Law or Courts of Equity, to issue Writs or *Subpœnas* as the Case may be, directed to the Sheriff or Coroner of each of the Counties where the Defendants are most likely to be found, noting on each Process that they are issued in the same Suit, and when the same are returned they shall be docketed in the same Manner as if only one had issued. And in Case any Defendant or Defendants should not be served with such Process, the same Proceedings shall be had as in Cases of other similar Process which has not been executed.

Manner of issuing writs, &c. where there are 2 defendants in any Superior Court or Court of Equity.

II. *AND* be it further enacted, That when two or more Persons are joined in one Action in any of the County Courts of Pleas and Quarter-Sessions in this State, and one of them shall be personally served with a Process in the County from whence the Writ issued, and the other or others shall reside in some other County or Counties in this State, then and in that Case it shall and may be lawful for Process to issue to the County or Counties where the other Defendant or Defendants reside, returnable to the Court of the County from whence the same issued, any Law to the contrary notwithstanding.

In any County Court.

III. *AND* whereas by an Act of the General Assembly, passed at *Fayetteville*, in the Year one thousand seven hundred and eighty-six, entitled, *An Act to make the Securities therein named negociable*, Indorsees and Assignees of Bills, Bonds and Notes with Seal, are directed to bring Actions on the Case on the same; which is inconsistent with the Nature of such Securities, and frequently proves injurious to Indorsees and Assignees of such Bills, Bonds and Notes: For Remedy whereof, *Be it enacted*, That from and after the passing of this Act, the Indorsee or Assignee of any Bill, Bond or Note under Seal, may have and maintain an Action of Debt on the same, in his or her own Name as Indorsee or Assignee, provided the original Obligee could have maintained an Action of Debt on the same Bill, Bond or Note with Seal; any Law, Custom or Usage to the contrary notwithstanding.

Indorsee of a sealed bill, &c. may bring an action of debt in his own name.

IV. *AND* whereas an Act of the General Assembly, passed at *Newbern*, in the Year one thousand seven hundred and eighty-four, entitled, *An Act for the more ready and effectual Execution of Process issuing from the several Courts of Law and Equity, in Cases where the Sheriff or Coroner may be resisted, and the Power of the County should be found insufficient for the Purpose therefore*, is found to be no longer necessary: *Be it enacted*, That the before recited Act, and every Part thereof, be and the same is hereby repealed and made void, to all Intents and Purposes as if the same had never been made or enacted.

Act repealed.

V. *AND* whereas it is a Rule of common Law, that in Case of the Death of a joint Obligor, the Debt can never survive against his Heirs, Executors or Administrators, which Rule frequently is injurious and oppressive to the surviving Obligor or Obligors: To remedy which, *Be it enacted*, That from and after the passing

Debt shall survive against heirs &c. of a deceased obligor, as well as the survivors.



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Suits to be prosecuted on joint obligations hereafter entered into as if joint and several.

Defendant to be held to bail in the Court of Equity, upon oath before the Clerk and Master.

No abatement of suit where a term intervenes between the death of a party & the qualification of the executor or administrator.

passing of this Act, in Case of the Death of one or more joint Obligor or Obligors, the joint Debt or Contract shall and may survive against the Heirs, Executors and Administrators of the deceased Obligor or Obligors, as well as against the Survivor or Survivors; and when all the Obligors shall die, the Debt or Contract shall survive against the Heirs, Executors and Administrators of all the said joint Obligors; and in all Cases of joint Obligations or Assumptions of Copartners or others, entered into after the passing of this Act, Suits may be brought and prosecuted on the same, in the same Manner as if such Obligations or Assumptions were joint and several; any Law, Custom or Usage to the contrary notwithstanding.

VI. *AND* whereas by the Law now in Force in this State, Defendants to Suits in Equity cannot be held to Bail without a special Order from one of the Judges for that Purpose; which Order can seldom be obtained, except in Term Time, without great Delay and Trouble: Therefore, *Be it further enacted*, That in all Cases where the Plaintiff or Complainant in Equity, shall specially state his Debt or Damages, and make Oath or Affirmation to the same, before the Clerk and Master in Equity, it shall and may be lawful for the said Clerk and Master in Equity, to require the Defendant or Defendants to be held to Bail, in the same Manner as if the same had been by Order of one of the Judges of the Superior Courts of Law and Courts of Equity.

VII. *AND be it further enacted*, That where a Term of the Superior Court of Law or the Court of Equity, or a Session of the Court of Pleas and Quarter-Sessions, shall intervene between the Death of any Plaintiff or Defendant and Qualification of the Executors or Administrator of such deceased Plaintiff or Defendant, the Intervention of such Term or Session shall not work any Abatement or Discontinuance of such Suit; any Law or Usage to the contrary notwithstanding.

## C H A P. LVIII.

*An Act to erect a Light-House on Ocacock Island.*

**W**HEREAS the erecting a Light-House on *Ocacock* Island would tend greatly to the Safety of Vessels bound over *Ocacock* Bar, and very much encourage Foreigners as well as Citizens of the United States to trade with this State:

Commissioners for erecting a light-house:

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same*, That *Nathaniel Allen, James Gorham, Abner Neale, John Wallace, David Wallace, Adam Gaskins and John Stewart*, be and they are hereby appointed Commissioners for erecting a Light-House on *Ocacock* Island, of such Dimensions and Materials as they shall deem the most proper; a Majority of whom shall be a Quorum.

Constituted a body politic.

II. *AND be it further enacted by the Authority aforesaid*, That the said Commissioners shall be and they are hereby constituted a Body corporate and politic, with full Power and Authority to sue and be sued, plead and impleaded, and to do and perform every Act that may be requisite and necessary for carrying the above Purpose into Effect, by the Name and Style of the Commissioners for erecting a Light-House on *Ocacock* Island; and in Case of the Death, Resignation, Removal or Inability of any of the aforesaid Commissioners, a Majority of them may and they are hereby empowered to elect and appoint others in his or their Room and Stead.

To supply vacancies.

To appoint a Treasurer. His duty, &c.

III. *AND be it further enacted by the Authority aforesaid*, That the said Commissioners shall at their first Meeting appoint a Treasurer, whose Duty it shall be to enter in a Book belonging to the said Commissioners, and keep a fair Account therein of all the Monies received and paid for the Purpose aforesaid; who shall previous to entering into Office, give Bond with approved Security, payable to the Governor and his Successors, in the Sum of one thousand Pounds, conditioned that he shall faithfully account for all Monies which he may receive for the Purpose aforesaid.

To fix on and purchase the ground.

IV. *AND be it further enacted by the Authority aforesaid*, That the said Commissioners are hereby directed and empowered to fix on the most proper Spot of  
Ground



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Ground upon the Island of *Ocacock*, for erecting the Light-House aforesaid; and to purchase or obtain by Deed of Gift the same from the Proprietor or Proprietors thereof, if he or they will consent thereto; which Spot of Ground shall not exceed one Acre.

V. *AND* be it further enacted, That a Duty of three Pence *per* Ton shall be paid to the Collectors of the Ports of *Currituck*, *Roanoke*, *Bath*, *Beaufort*, on all Vessels of twenty Tons and upwards belonging to this or any of the United States, and a Duty of six Pence *per* Ton upon all foreign Vessels which shall come over *Ocacock* Bar, upon their Entry with the Collectors of any of the Ports aforesaid, under the same Penalties as are by Law established for securing the Imposts upon Goods imported. Duty upon vessels

VI. *AND* be it further enacted, That the Collectors of the aforesaid Ports respectively, shall make out an Account upon Oath of the Duties that they shall have received every six Months after the passing of this Act, and pay the Duties so received agreeable to the Account rendered (deducting therefrom two and a Half *per Cent.* in Compensation for their Service) into the Hands of the Treasurer of the Commissioners aforesaid, under the Penalty of one hundred Pounds for each Neglect; which Sum so received shall be applied by the Commissioners aforesaid towards defraying the Expences of the said Light-House; a Copy of which Accounts the Collector shall annually transmit to the Comptroller. Collectors to account therefor.

VII. *AND* be it further enacted, That the said Commissioners be and they are hereby required to transmit annually to the Comptroller, an Account on Oath of all the Monies received and paid by them for the Purpose aforesaid; and if any Time hereafter a Surplus shall arise from the Duties hereby imposed, over and above what will be sufficient to erect, repair and support the Light-House aforesaid, such Surplus shall be subject to the Appropriation of the General Assembly. Commissioners to account yearly, &c.

## C H A P. LIX.

*An Act to amend an Act, passed at Newbern, in November, One Thousand Seven Hundred and Eighty-four, entitled, An Act to explain, amend and supply the Deficiencies of an Act passed at Hillsborough, entitled, An Act to regulate the Descent of real Estates, to do away Entails, to make Provision for Widows, and to prevent Frauds in the Execution of last Wills and Testaments; and for directing how Deeds of Gift and Bills of Sales of Slaves shall be executed, authenticated and perpetuated.*

**W**HEREAS in the seventh Section of the above recited Act it is required that all Bills of Sale for Negroes, and Deeds of Gift of any Estate of whatever Nature, shall within nine Months after the making thereof be proved in due Form and recorded; and all Bills of Sale and Deeds of Gift not authenticated and perpetuated in Manner by the said Act directed, shall be void, and of no Force whatever: And whereas it appears to this General Assembly, that by unavoidable Accidents many Counties in this State did not receive the Laws in Time for a Number of the good Citizens of this State to avail themselves of the Benefit of the said Act, whereby many are likely to sustain great Damage: For Remedy of which,

I. *BE* it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all Bills of Sale taken and Deeds of Gift made, and not already recorded in Manner required by the before mentioned Act, shall have a further Time of twelve Months allowed for Probate and Registration; and shall when thus authenticated and perpetuated, be held and deemed as valid in Law, to all Intents and Purposes, as if they had been proved and registered within the Time required by the aforesaid recited Act; any Law, Usage or Custom to the contrary notwithstanding. Further time allowed for probate &c. of bills of sale, &c.

II. *AND* be it further enacted by the Authority aforesaid, That hereafter all Bills of Sale of Negroes, and Deeds of Gifts of any Estate of whatever Nature, shall within twelve Months after the making thereof be proved in due Form and recorded; also all Bills of Sale and Deeds of Gift, not authenticated in Manner Hereafter to be proved, &c. within 12 months.



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by this Act directed, shall be void and of no Force whatsoever ; any Law to the contrary notwithstanding.

## C H A P. LX.

*An Act directing the Mode of raising a Fund in the several Ports of this State for the Support of sick Seamen, and the Manner of appropriating the same.*

**W**HEREAS Sailors and Mariners who come by Water into this State, frequently suffer for the Want of proper Means in Sickness, and the Funds raised by the Parish Taxes, and the Wardens of the Poor, are in many Cases insufficient :

Fund for support of sick seamen.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That all Captains of Vessels, on their Arrival into any of the Ports of Entry in which the said Towns are situated in this State, shall give an exact Account upon Oath to the Collector of the Customs of the Number of Mariners which he may have on Board his Vessel, with their Names and Stations on Board ; and before the Collector for any of the Ports aforesaid shall admit the Captain or other Person to make Entry of any Vessel, the said Captain or other Person for him shall pay the Sum of one Shilling for himself, and the Sum of one Shilling for each of his Mates, and the Sum of one Shilling for each of the Crew (Apprentices not receiving Pay excepted) ; which Money the said Collector is hereby ordered to collect and pay to the Commissioners of the Town and Parish wherein such Entry hath been made, under the Penalty of twenty-five Pounds for each and every Offence, to be recovered at the Instance of the Commissioners aforesaid in any Court of Record ; and the said Collector is hereby ordered to keep an exact Account and Register of the said Entries and Hospital Money so paid him, for which he shall be allowed two and a Half *per Cent.* for his Trouble ; and he shall settle the same with the Commissioners of said Town whenever demanded by them ; which Money so received shall be called Hospital Money, and shall be appropriated by the Commissioners aforesaid at their Discretion, to the Use of Sailors and Mariners in Times of Sickness only. *Provided,* That no Crew coming into any of the said Ports with the Small-Pox, or other contagious Disorder, shall be entitled thereto.

II. *AND be it further enacted by the Authority aforesaid,* That when Vessels shall arrive from long Voyages, the Captain shall pay as aforesaid, and for the Use aforesaid, the Sum of one Shilling *per Month*, and the Sum of eight Pence for each of his Mates *per Month*, and the Sum of four Pence *per Month* for each of his Crew, excepting Apprentices above mentioned not receiving Pay, for each Month it may have been since he left the Port of his Departure. *Provided,* That if any Master, Mate or Seaman aforesaid, shall shew a Receipt for Hospital Money paid by him in any Port of the United States, one Month previous to the Entry of the Vessel in any of the said Ports, he shall be exempted from the Payment of the said Hospital Money.

III. [*Altogether private.*]

## C H A P. LXI.

*An Act to encourage the Manufacture of Pot-Ash.*

**W**HEREAS it is the Duty of the Legislature, by all convenient Means to promote Industry and useful Manufactures, whereby public and private Debts may be discharged, and the Quantity of circulating Specie in the State may be increased ; and as no Attention has hitherto been given to making Pot-Ash in this State, by which the Value of many thousand Pounds might be saved every Year, that is now lost by Inattention :

Bounty on pot-ash.

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That a Bounty of twenty Pounds shall be paid to any Person, in each and every District in this State, who before the last Day of March, one thousand seven hundred and ninety-one, shall make  
the



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the largest Quantity of Pot-Ash, provided the Quantity thus made is not less than one thousand Pounds Weight; which Bounty shall be paid by the Treasurer of this State to the Claimant, after he shall have produced a Certificate from some Naval-Officer in this State, that such Quantity of Pot-Ash of his proper Manufacture has been shipped for Exportation by him or his Assigns, and after he shall have made Oath that all the Pot-Ash for which he claims such Bounty is or was his Property, and was made by himself or for his Account at a Work or Works belonging to himself in the District wherein he usually resides; which Bounty shall be paid by the Treasurer at the Expiration of six Months after the Time above mentioned, and not sooner, in order that the several Claimants in each District may have Time to present their Claims.

II. *AND* be it further enacted, That a Bounty of twelve Pounds shall be paid to the Person in each District who shall make the second largest Quantity of Pot-Ash, provided such Quantity is not less than six hundred Pounds Weight; the Claim to be made and the Bounty discharged in the same Manner as the other Claims and Bounties.

## C H A P. LXII.

*An Act directing the Collectors of Imposts and other Duties to collect the same for the Use of this State, until the Congress of the United States shall make Provision for that Purpose; and to repeal an Act passed at Hillsborough, in April, One Thousand Seven Hundred and Eighty-four.*

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all Collectors in the several Ports in this State, and all other Persons whose Duty it has been to collect Tonnage Duties, or any other Imposts or Duties on Goods imported into this State, shall be and they are hereby authorized and required to continue to demand and receive the same as by Law directed, for the Use of the State, until such Time as the Congress of the United States shall have made the necessary Laws, and Officers shall be appointed, to collect Duties for the Benefit of the United States of America. Collection, &c. of tonnage and impost duty, until provided for by Congress.

II. *AND* be it enacted by the Authority aforesaid, That the Act passed at Hillsborough in April, one thousand seven hundred and eighty-four, for imposing a Duty or Tax in Aid of the public Revenue upon the different Articles therein mentioned, sold at Auction or public Vendue, and for regulating Auctioneers or Vendue-Masters, be and the same is hereby repealed and made void, to all Intents and Purposes, as if the same had never been made. Repealing clause.

C H A P. 63. *An Act for the Relief of such Persons who may be wounded by the Indians within the District of Mero, and for other Purposes. P R I V.*

64. *An Act directing Returns to be made of the taxable Property in the Middle District of Anson County, for the Year 1788. P R I V.*

## C H A P. LXV.

*An Act to repeal Part of an Act, entitled, An Act for appointing an Agent, and holding a Treaty with the Cherokee Indians, and for other Purposes.*

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That so much of the before recited Act as relates to the Appointment of an Indian Agent, his Duty and Pay, be and the same is hereby repealed and made void. Part of an act repealed.



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## C H A P. LXVI.

See p. 567 & 643. *An Act to amend the several Acts of the General Assembly for establishing a Court of Law and Equity in the County of Davidson, and erecting the District of Mero, and to make Provision for the Judge of Mero District.*

**W**HEREAS the Judge of the Superior Court of Law and Court of Equity for the District of Mero, hath doubted whether his Powers are sufficient to make a final Decree in Equity: To prevent which in future,

Powers of the Judge of Mero district.

I. *BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That the Judge of the Superior Court of Law and Court of Equity for the District of Mero, shall in Matters and Things cognizable in the said Court, have as full and ample Powers, to all Intents and Purposes, as any two Judges have or ought to have in the Superior Courts of Law and Courts of Equity in any other Part of the State: *Provided nevertheless,* The said Powers shall not extend to granting Licences to Attornies.

Salary of the Judge.

II. *AND* whereas the Salary at present allowed to the Judge of Mero District, is very inadequate to the Fatigue and Trouble of attending to his Duty, and will not be a sufficient Compensation to induce a Person of Learning and Integrity to continue in that Office: Therefore, *Be it enacted,* That the Judge of the Superior Court of Law and Court of Equity for the District of Mero, shall have and receive the Sum of one hundred Pounds for each and every Court he shall hereafter attend, instead of the Salary heretofore established by Law.

Collectors to pay the same.

III. *BE it further enacted,* That the Collectors of the District of Mero shall pay the Judge the said Sum out of their Funds.

## C H A P. LXVII.

*An Act to repeal the sixty-fifth Section of an Act, passed at Newbern, in the Year One Thousand Seven Hundred and Seventy-seven, entitled, An Act for establishing Courts of Law, and for regulating the Proceedings therein.*

**W**HEREAS Doubts have arisen whether the sixty-fifth Section of the Act above recited be in Force, or whether the same be repealed by subsequent Acts, so that the Clerks of the several County Courts are in Doubts how to act with Respect to the Duties enjoined them by the said Clause: And whereas the same has been found by Experience to be of no real Utility, and to impose unnecessary Expence on the Estates of deceased Persons:

Section of a law repealed.

I. *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same,* That the said sixty-fifth Section of the said Act, entitled, *An Act for establishing Courts of Law, and regulating the Proceedings therein,* shall be and the same is hereby repealed and made void.

**C H A P. 68.** *An Act to empower the Wardens of the Poor for the Counties of Franklin, Orange and Surry, to build a House or Houses for the Reception of the Poor; and for amending Wilmington Town Law. PRIV.*

## C H A P. LXIX.

*An Act allowing a longer Time for surveying Lands entered in the Office kept by John Armstrong, Military Warrants and Pre-Emption Rights.*

Further time allowed for surveying lands.

I. **B**E it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That a further Time of three Years shall be allowed for surveying all Lands entered in the Office of the said John Armstrong, all Military Warrants issued by the Secretary of the State, and all Pre-Emption Rights in the District of Mero; any Law, Usage or Custom to the contrary.



A. D. 1789.

CHAP. 70. An Act to revive and continue in Force, so far as respects the Counties of Johnston, Bladen, Robeson and Guilford, an Act passed in the Year One Thousand Seven Hundred and Eighty-seven, entitled, An Act to empower the several County Courts therein mentioned to lay a Tax, not exceeding three Years, for the Purpose of erecting or repairing the Court-House, Prison and Stocks when necessary, and for defraying the contingent Charges of the County. P R I V.

## C H A P. LXXI.

An Act to prescribe the Mode of paying the Militia Officers and Soldiers for their Services on an Expedition carried on against the Chicamoga Indians, by Brigadier-General Joseph Martin, in the Year One Thousand Seven Hundred and Eighty-eight.

WHEREAS the Militia of Washington District were called out on actual Service by Order and under Command of Brigadier-General Joseph Martin, against the Chicamoga Indians, who at that Time were plundering and killing the Inhabitants of said District:

I. BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Commanding Officer of the said Expedition shall, any Time after passing of this Act, exhibit into the Comptroller's Office of this State, attested Pay-Rolls on Oath for the Service of the said Militia, stating therein the true Number and Names of the Officers and Soldiers in each Company, proportioning the Officers to the Number of Soldiers so called out; also a Roll with the Names of the Field and Staff Officers who served on the said Expedition; reporting in each Roll the exact Time of Service of the said Militia respectively; on the exhibiting whereof, the Comptroller is hereby directed and required to examine the same, and pursuant thereto make out and issue according to Law unto and in the Name of each Officer and Soldier respectively, who were ordered out as aforesaid, Certificates of such Service; which Certificates shall be received by the several Sheriffs of the said District, and by the Treasurer of this State from the said Sheriffs, in Payment of the public Money Tax that is or may become due within the said District of Washington, and no other, until all such Certificates be paid. *Provided*, That those who have no such Certificates shall pay their Taxes as otherwise provided by Law.

Pay-rolls to be exhibited, and certificates to be given, &c.

II. AND for the Intent and Purpose that the above specified Certificates shall and may be received for Taxes as above mentioned, due or which may become due in the District of Washington: *Be it enacted by the Authority aforesaid*, That the Collectors of public Money Tax in the said District in their respective Counties, are hereby required to delay the Collection of the Taxes due in said District for the Term of three Months after passing of this Act.

Collection of tax delayed.

III. AND be it further enacted by the Authority aforesaid, That so much of an Act passed at Fayetteville, in the Year one thousand seven hundred and eighty-eight, as relates to raising Men for the Purpose of fixing a Garrison on the North Side of Tennessee River, be and the same is hereby repealed and made void; and the Men raised by Virtue thereof, shall be and they are hereby discharged from Service.

Part of an act repealed.

IV. AND be it enacted by the Authority aforesaid, That the Comptroller shall liquidate and adjust, on exhibiting the same to him, the Commissary's Accounts of the said Expedition, and issue Certificates for the same; which shall be received and paid as above mentioned, such Accounts being supported by proper Vouchers and the Oath of the said Commissary.

Comptroller to liquidate Commissary's accounts, &c.

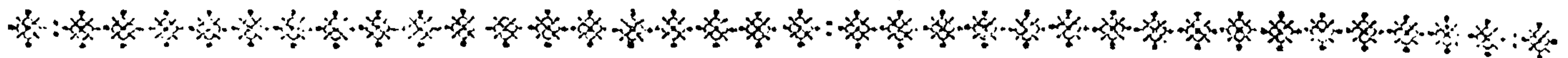
Read three Times and ratified in General Assembly, }  
the 22d Day of December, 1789. }

CHARLES JOHNSON, S. S.  
STEPHEN CABARRUS, S. C.





## A P P E N D I X.



## L A W S

O F

## N O R T H - C A R O L I N A .

ALEXANDER  
MARTIN, Esq.  
Governor.

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.

## C H A P. 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:

State laid off into  
five divisions.

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 into 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, Edgcomb, Northampton, Nash, Martin, Dobbs, Wayne, Jones and Craven, shall form the Roanoke division—The counties of Chowan, Perquimans, Camden, Currituck, Hertford, Bertie, Gates, Pasquotank, Tyrrel, 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.

Each to elect one  
Representative.

Time and place  
of holding elec-  
tions.

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.

Time and place  
of meeting of the  
Sheriffs, &c. to  
compare the polls

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 Tarborough 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.

Treasurer to set-  
tle the claims of  
Sheriffs, &c.

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 ferriages.

Repealing clause.

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.



## C H A P. II.

*An Act to cede and vest in the United States of America, the Lands therein mentioned, for the Purpose of building Light-Houses.*

**W**HEREAS 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 on Oacock island, to be chosen out of 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 Cape-Fear, for ten acres of land situated on the Cape-Island, for the purpose of erecting thereon a light-house, under the condition 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, the 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. Certain lands vested in the United States.

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. Governor to execute a deed.

## C H A P. III.

*An Act to amend an Act, entitled, An Act for establishing Courts of Law, and regulating the Proceedings therein, and another Act, entitled, An Act for giving an Equity Jurisdiction to the Superior Courts.*

**W**HEREAS it hath become necessary to a due and regular administration of justice, that the terms of the superior courts of law and the 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 convenient 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, Newbern and Wilmington, shall constitute one other riding, and be distinguished and known by the name of the eastern riding: And the said several superior 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 Morgan, 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 Newbern, at the town of Newbern, 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 depending 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, any thing herein contained to the contrary notwithstanding. Superior courts, &c. divided into two ridings.

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, exercise and enjoy the same powers, authorities, rights, privileges and pre-eminences, as are used, exercised and enjoyed by the present Judges of said courts, under the said act, entitled, "An act Additional Judge to be appointed His powers, &c.



A. D. 1790.

Attendance of  
the Judges at said  
courts, &c.Judges to distri-  
bute the business  
of the next term.Clerk to advertise  
the same, &c.Allowance of ju-  
rors.Allowance of the  
Judges.Clerk to certify  
their failure of  
attendance, &c.Solicitor-Gener-  
al to be appoint-  
ed.His powers, &c.  
Solicitor and At-  
torney-General,  
each to attend a  
riding.Indictments for  
assaults, &c. to  
originate in the  
county courts.Proceedings not  
to abate for want  
of form.Except in case of  
demurrer, &c.

Repealing clause.

act for establishing courts of law and regulating the proceedings therein," or any other act or law whatsoever of this state. And the Judges of 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 successively, 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 act 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 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 courts of pleas and quarter-sessions only.

IX. *And be it further enacted*, That no summons, writ, 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 the 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 any thing 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.

CHAP. 4. *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.* P R I V.

5. *An Act to keep open Rockfish Creek, in Cumberland County, from its Mouth to the Forks thereof.* P R I V.



A. D. 1790.

## C H A P. 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.

Officers of the United States not eligible to a seat in the General Assembly.

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, judiciary, or otherwise, under the authority of this state.

Citizens not to hold an office under the United States and this state at same time.

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.

Senators and Representatives of this state in Congress included; &c.

## C H A P. 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 the 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 Tyrrel, 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 times respectively all matters and things in the respective county courts in this state herein mentioned, shall stand adjourned from the courts which will be next after the first day of March next.

Times of holding courts in sundry counties.

## C H A P. 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 expences 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 expences, 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 those of

Rates of pilotage for Cape-Fear bar & new inlet.



A. D. 1790.

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.

For Cape-Fear 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; 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.

Where vessels are lightened, &amp;c. pilotage to be reckoned on the greatest draught of water.

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.

Pilot-boat to be provided, &amp; duty of pilots.

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 undecked boats, upon due proof being made thereof before the Commissioners, shall be removed from being a branch pilot.

Bar pilots to provide themselves with spy-glasses.

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



A. D. 1790.

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.

Section of an act repealed.

## C H A P. IX.

*An Act to alter the Mode of swearing Petit Jurors in the Courts of Law in this State.*

WHEREAS the present method practised 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 destroys 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 pannel, 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 pannel, talismen shall take a similar oath or affirmation to try such causes as shall come before them during the day. *Provided always*, Any thing 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 by-standers by law qualified to serve on any jury within this 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 practised.

Manner of swearing or affirming petit juries.

## C H A P. 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 legislatures 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 prisoners committed under the authority of the United States, until they shall be discharged by the due course 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 accordingly. And all and every keeper or keepers of any jail in this state, refusing or neglecting to take possession of any prisoner or prisoners delivered to him or them by the authority aforesaid, shall be subject to the same pains and penalties, as for neglect or refusal to commit any prisoner or prisoners delivered them under the authority of this state.

Jailors to receive and keep prisoners of the United States.

II. *Provided always*, The allowance for the maintenance of any prisoner or prisoners committed to any of the prisons of this state under the authority of the United States, shall be equivalent to the allowance made for prisoners committed under the authority of this state.

Maintenance of prisoners.

## C H A P. 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 person 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

Persons marrying in the lifetime of former husband or wife deemed guilty of felony, &amp;c.



A. D. 1790.

Not to extend to persons divorced by law, &amp;c.

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-marriage 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.

## C H A P. XII.

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

**W**HEREAS the present mode of punishment for horse-stealing is not attended with the salutary effects intended by the legislature:

Punishment for horse stealing.

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.

Repealing clause.

Exception.

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 thousand 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.

## C H A P. 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.*

Agents of this state to transmit to Treasurer lists of military claimants, muster-rolls and lists of all settlements made with the continental line, &amp;c.

I. **B**E 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.

Treasurer to issue certificates in lieu of those granted at Warrenton in 1786, &amp;c.

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.

Proviso.

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, 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 or muster-rolls sent him, nor even then, until he is convinced 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



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Certificates, &amp;c. to be granted to soldiers who never settled their claims, &amp;c.

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 authority aforesaid*, That all war soldiers, and others serving less time, but more than twelve months, all twelve months 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 satisfaction 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 is does 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. Compensation to be made to the Treasurer.

VI. *And be it further enacted by the authority aforesaid*, That all certificates 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 notwithstanding. Certain certificates if not presented within a limited time to be considered false, &c.

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 present Assembly, and the publication of it shall be continued for the space of three months. This act to be published in the State Gazette.

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. Certain re-issued certificates to be received for taxes

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 soldiers, &c. shall continue and be in force until the rise of the next session of the General Assembly, and no longer. Continuance of a part of this act.

## C H A P. 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. **B**E 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, "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," 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. Act repealed.

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. Part of an act repealed. Rates of entries of lands in the land-offices.

## C H A P. 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.*

**W**HEREAS 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:



A. D. 1790.

Errors in patents  
how to be rectifi-  
ed, &c.

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 returns 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 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.

Errors in regis-  
tration how to be  
corrected, &c.

II. And whereas there are mistakes often made by the Registers of the different counties within this state, in registering grants or mesne conveyances: *Be it enacted by the authority aforesaid,* That any person who discovers 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 hearing 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 notified 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 judgment 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.

Clerks fees.

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.

County court  
may order lands  
to be surveyed,  
&c.

V. *And be it further enacted,* That the county courts when they think necessary shall order the Surveyor and five freeholders who are not interested, 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.

## C H A P. XVI.

*An Act for raising a Revenue for the Payment of the Civil List and contingent Charges of Government, for the Year One Thousand Seven Hundred and Ninety-one, and to repeal Part of an Act passed at Newbern, One Thousand Seven Hundred and Eighty-four, entitled, An Act for raising a public Revenue for the Support of Government, and to repeal an Act, entitled, An Act to suppress excessive Gaming.*

Taxes for 1791.

I. **B**E 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 hundred acres of land within this state, and a tax of two shillings on every hundred 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 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."

Former tax on  
carriages & stud  
horses repealed, &  
new tax laid.

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 become payable by them, to the great injury of the state, and detriment

of



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.

A. D. 1790.

Pen. on county clerks & Justices neglecting to take bonds from Sheriffs and others accountable for the public taxes.

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."

Manner of settlement for the taxes of 1789 and 1790.

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.

Sinking tax not to be collected for 1790 and 1791.

## C H A P. 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 their Grants, Deeds, Mesne Conveyances, and other Instruments of Writing not being proved or registered within the Time heretofore appointed by Law.*

**W**HEREAS the before recited act will expire at the end of this session much to the injury of numbers 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.

Former act continued.

## C H A P. XVIII.

*An Act to repeal Part of the Second and Fifth Sections of an Act of the General Assembly, passed at Newbern, 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. **B**E 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 licence, 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.

Part of an act repealed.

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.

## C H A P. XIX.

*An Act for altering the Time of the annual Meeting of the General Assembly of this State.*

**W**HEREAS 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*



A. D. 1790.

Time of meeting of the General Assembly.

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.

Repealing clause

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.

## C H A P. XX.

*An Act to authorise 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 Newbern, 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:

Constables may serve warrants, &amp;c. on bays, &amp;c.

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.

## C H A P. 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-six.*

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 authorise them so to do: For remedy whereof,

An act revived, &amp;c.

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.

## C H A P. 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,

Commissioners, &amp;c. to levy tax for support of sick seamen.

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 and 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.

## C H A P. 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



A. D. 1790.

Courts in Frank-  
lin and Iredell  
when to be held.

essions for 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, any thing in any law to the contrary notwithstanding.

## C H A P. 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 Ferrics, and to appoint where Bridges shall be built, and to clear inland Navigation.*

I. **B**E 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.

Majority of Jus-  
tices necessary to  
lay taxes, &c.

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.

May order the  
clearing out in-  
land rivers, &c.

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.

And appoint  
public landings.

## C H A P. XXV.

*An Act to repeal all Acts, Clauses and Parts of Acts of the General Assembly of this State, as relate to classing Tobacco.*

**W**HEREAS 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.

Repealing clause.

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.

When to take  
effect.

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

Condemned to-  
bacco may be re-  
moved, &c.

## C H A P. 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.*

**W**HEREAS 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 for ever 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, Hardy Murfree in the town of Murfreesborough, John Hamilton in the town of Edenton, Zedekiah 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

Books to be open-  
ed for taking sub-  
scriptions, &c.When, and how  
long to be open-  
ed.



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Meeting of sub-  
scribers, and pro-  
ceedings thereon.

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.

To be incorpo-  
rated, to choose a  
President, &c.

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.

Powers granted  
to President, &c.

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 behalf of the said company, to cut the said canal, and to erect such locks and perform such other works 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 tolls, 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,



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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 the 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.

Subscription money how to be paid, &c.

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 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.

Succession of President, &c. how kept up.

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.

President, &c. to take an oath.

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 a 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.

Shares necessary to constitute a general meeting, &c. proceedings thereon.

VIII. *And be it further enacted*, That for and in consideration of the expences 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*,

Canals, &c. vested in the proprietors, and to be exempt from taxes, &c.

Rates of toll.

<i>Parts of a dollar.</i>		<i>Parts of a dollar.</i>	
Every pipe or hoghead of wine containing more than 65 gallons, — —	32 72d.	Every cask between 65 and 35 gallons, one half of a pipe or hoghead, every barrel one fourth part; and every smaller cask or keg in proportion according to the quantity and quality of their contents.	
Every hoghead of rum or other spirits, — —	24 72		
Every hoghead of tobacco, — —	18 72		
Every hoghead of molasses, — —	18 72		
Every butt or hoghead of malt liquor, — —	18 72	Every dozen of bottled wine, —	5-283th
		Every	



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	Parts of a dollar.		Parts of a dollar.
Every dozen of bottled malt liquor,	4-288 th	Every cord of fire-wood,	12 72d.
Every bushel of wheat, peas, beans, rice or flax-seed,	3-288	Every hundred cubic feet of plank or scantling,	40 72
Every bushel of Indian corn or other grain, or salt,	2-288	Every hundred cubic feet of all other timber,	30-72
Every barrel of pork,	6-72d.	Every hundred pounds of brown or clayed sugar,	3 72
Every barrel of beef,	4 72	All other produce, goods, wares or merchandize, one fourth per cent.	
Every barrel of fish or flour,	3 72	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 barrel of tar, pitch, turpentine or rosin,	2-72	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 cask of linseed oil, or spirits of turpentine, the same as molasses.		Every man, (except foot travellers, who shall pass toll free) horse, ox in draft and wheel passing the cause-ways (except the loads they carry yield so much, or except waggons or carts returning whose load has paid the toll,)	6-72
Every ton of hemp, flax, pot ash or bar-iron,	36-72	Every head of black cattle,	3-72
Every ton of pig iron or castings,	12-72	Every hog,	1-72
Every ton of copper, lead or other ore, other than iron ore,	30-72	Every sheep,	2 285th
Every ton of stone, or iron ore, other than the ballast of the vessel,	6 72	Every hundred pounds of indigo,	12 72d
Every hundred bushels of lime or shells,	20 72		
Every chaldron of coals,	8 72		
Every thousand bricks or tiles,	30 72		
Every hundred of pipe-staves,	6 72		
Every hundred of hoghead staves, or pipe or hoghead heading,	4 72		
Every hundred barrel staves or barrel heading,	3-72		
Every thousand shingles from 18 to 24 inches,	3 72		
Every thousand of three feet shingles,	6 72		
Every thousand clapboards or pails,	9 72		

All produce, goods, wares or merchandize 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 whate'er 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 expences 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.

Manner of obtaining payment.

Toll may be lessened, &c.

Canal, &c. to be deemed public high-ways, &c.

IX. *And be it enacted*, That the said canal and works to be erected thereon in virtue of this act, and the causeways, when compleated, 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 payment 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 the 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 states 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.

Manner of obtaining lands necessary for the canal, &c.

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 shall 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 favour 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



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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 farther 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 farther 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 damages 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 or 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 authorized 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.

Land for buildings how to be obtained.

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 authorized 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.

Waters of the lake in Dismal Swamp, vested in the proprietors, &amp;c.

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 expences of making the canals capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water-works aforesaid.

Regulations respecting water-works, &amp;c.

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 these 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 causeways with good bridges of the breadth of the causeways, at the expence of the person cutting them, and also 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 expence of their proprietors.

Cross ditches, &amp;c., to drain sunken lands, how to be opened, &amp;c.

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 the Directors, and registered in the company's books, before the devisee or devisees shall be entitled to draw any part of the profits from the said tolls: *Provided,* That no transfer whatsoever 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, conveyed, 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 proprietor, 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 benefit any trust shall be created, the common remedy may be pursued.

Transfers of shares how to be made, &amp;c.



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Contributions  
may be recover-  
ed, &c.

XVI. And whereas it hath been represented that sundry persons are willing and desirous, on account of the public advantage, and also the improvement 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 compleated 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 conditions, and on the said works being compleated 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 aforesaid, 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.

Capital may be  
increas'd, &c.

XVII. *And be it enacted*, That if the said capital and the 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 empowered 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 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.

Conditions on  
which the tolls  
are granted.

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.

Time limited for  
beginning and  
compleating the  
canals, &c.

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 compleat the navigation and works as aforesaid within ten years after the said company shall be formed, then shall all interest of the said company, and all preference in their favour as to the navigation and tolls of the said canals and causeways, be forfeited and cease.

Compact between  
the Commission-  
ers of North-Ca-  
rolina and Virgi-  
nia.

And whereas at a meeting of Commissioners appointed by the state of Virginia, and 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 M'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*.



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*Fourthly.* The state of North-Carolina agrees that the waters of Roanoke-river, Meherrin, Nottaway, Chowan, Albemarle Sound as low as the mouth of 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 canal 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 canals, 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 interest 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 government and 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. Compact ratified, &c.

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.

CHAP. 27. *An Act for building a court-house in the town of Hillsborough, for the district of Hillsborough.* PRIV.

28. *An Act to authorise 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.* PRIV.
29. *An Act to regulate and fix the prices for inspecting and coopering tobacco at Fayetteville.* PRIV.
30. *An Act to establish a town at the place fixed upon for the court-house in the county of Stokes.* PRIV.
31. *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.* PRIV.
32. *An Act to make Cross-Creek navigable.* PRIV.
33. *An Act for the inspection of Tobacco on Dan river, on the land of Thomas Harrison in Caswell county.* PRIV.
34. *An Act for vesting the property of certain negroes in the heirs of Mark Newby.* PRIV.
35. *An Act to establish the titles of several tracts of lands in Simon, David, William, Jonathan and Polly Turner.* PRIV.
36. *An Act for the relief of Thomas Ridge.* PRIV.
37. *An Act to alter the names of certain persons therein mentioned.* PRIV.
38. *An Act directing the Entry-taker of Rutherford county to deliver certain warrants therein mentioned to the Surveyor of said county.* PRIV.
39. *An Act to authorise the Commissioners of the town of Edenton, to grant Doctor Samuel Dickinson a certain water-lot in the said town.* PRIV.
40. *An Act to amend an act, passed at Fayetteville, in the year one thousand seven hundred and eighty-eight, entitled, An act to authorise and enable John Colson to return to this state and exercise the privileges therein mentioned.* PRIV.
41. *An Act for making conformable to the plan, the second courses of a tract of land lying in Jones county, formerly Craven, granted by 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.* PRIV.

CHAP.



A. D. 1790.

- CHAP. 42. *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. PRIV.*
43. *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. PRIV.*
44. *An Act to confirm unto Thomas Pool Williams, of Currituck county, an indefeasible title to two acres of land at Bellville, in Currituck county. PRIV.*
45. *An Act to vest the property of certain lots of land situated in the town of Tarborough, in Edmund Hall and his heirs. PRIV.*
46. *An Act to repeal the fifth and sixth sections of an act, passed at Hillsborough, 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. PRIV.*
47. *An Act to establish two places in the county of Caswell for the purpose of holding two general musters therein. PRIV.*
48. *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. PRIV.*
49. *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. PRIV.*
50. *An Act to establish an inspection of tobacco at the ferry of Thomas Eaton on Roanoke. PRIV.*
51. *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 expences thereof, passed at Fayetteville, in the year one thousand seven hundred and eighty-eight. PRIV.*
52. *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. PRIV.*
53. *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. PRIV.*
54. *An Act directing the time and places of holding the annual elections in the county of Hyde. PRIV.*
55. *An Act to authorize William McClellan, of the county of Rockingham, to extend a mill-dam across Mayo river. PRIV.*
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58. *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. PRIV.*
59. *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. PRIV.*
60. *An Act to empower James Craige, guardian of the orphans of David Craige, of Rowan county, deceased, to sell and dispose of part of the real estate of the said David Craige, for the payment of a debt due by him to the public. PRIV.*

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

Wm. LENOIR, S. S.  
S. CABARRUS, S. C.





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- iii. Penalty on offenders against the act, p. 441, c. 29. p. 345, c. 25, f. 4.

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- ii. No person to drive cattle, &c. to range on other people's lands, except neighbours whose lands are very near, without leave, p. 26, 27, 51.  
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- iii. Of stealing cattle or hogs, or altering marks or brands :  
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2. Penalty for seeing any such offence and not discovering it, p. 73, f. 30  
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3. Persons killing cattle, &c. in the woods to shew head, ears, hide, &c. to a magistrate or two freeholders, p. 73, f. 50
- iv. If strange cattle go into any cowpen, what is the owner of the cowpens duty, p. 74, f. 9. *See* p. 51, f. 60
- v. Act to be read in court twice a year, p. 74, f. 80
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- ii. Articles impressed or otherwise entered in the public service, to be valued in specie, and if lost by unavoidable accident, to be paid for as other articles, *ibid.*  
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- Costs.*
- i. In all actions the party losing shall be entitled to full costs, unless where otherwise directed by statute, p. 318, f. 90.  
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  - ii. Upon failure of a criminal prosecution of an inferior nature, the court may order the prosecutor to pay costs if it shall ap-



pear to have been a frivolous or malicious prosecution,  
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iii. How to proceed against persons convicted of a crime who are  
 unable to pay fees, p. 613, c. 11.  
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 For making or constructing, &c. or having in possession any die, type, &c. for imitating or counterfeiting any of the above, &c. except by authority of law, p. 389, c. 8, f. 2.  
 For altering or defacing any of them, *ibid.*  
 For passing or attempting to pass any counterfeit likenesses of any of them with an intention to defraud, p. 390, f. 3, c. 8.
2. For counterfeiting any of the bills of credit emitted by virtue of the act of April, 1783, c. 1, or any part, &c.  
 For making or constructing any die, &c. for emitting or counterfeiting any of them, &c. except by authority, &c. p. 448, f. 8. p. 389, c. 8.  
 For altering or defacing any of them, with an intention to change the value, &c.  
 For knowingly passing or uttering any counterfeit likenesses, &c.  
 Death without clergy knowingly to pass or utter any counterfeits of the above a second time, p. 493, f. 2.
3. For counterfeiting any of the Comptroller's, Auditors, Commissioners, Colonels, or other certificates issued by public authority, or any part, &c. with an intention to defraud, p. 493, f. 3.  
 For altering or defacing any such, with an intention to change the value, &c. *ibid.*  
 For knowingly passing or presenting as a voucher any counterfeit likenesses of such certificate, *ibid.* See p. 411, f. 5.  
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- ii. Particular directions by the act of Oct, 1777, c. 8. p. 389.
  1. That any person apprehended for any of the crimes in the act mentioned, on sufficient proof before a Justice of the Peace, may be committed, &c. as in cases of felony, p. 390, f. 5.
  2. As to the trial for any of the crimes in that act mentioned: There shall be no peremptory challenge, p. 390, f. 6.  
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- iv. Notes of the bank of North-America:
  - Felony without clergy to create, alter or counterfeit any of them, p. 433, f. 3, of c. 15.
  - Or for any officer of the bank to embezzle any of its property, &c. *ibid.*  
 See p. 117, 158, 194, 199, 389, 390, 398, 410.

**Counties.**

Formerly called Precincts. Name altered, p. 57, c. 3.  
 The ancient precincts, the origin of which does not appear in this book, seem to have been as follow, *viz.*  
*Beaufort, Carteret, Chowan, Craven,* } See p. 40, f. 6.  
*Currituck, Hyde, Perquimans, Pasquotank,* }  
 Bertie was afterwards constituted a precinct, p. 38, c. 5.  
 The following are the names of counties, either erected as such, or where alterations of the boundaries have been made:  
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 Beaufort, p. 74, c. 9. p. 113, c. 5. p. 181, c. 9.  
 Bertie, — p. 38, c. 5. p. 174, c. 9.  
 Bladen, p. 56, c. 8. p. 174, c. 9. p. 215, c. 14. p. 216, c. 18.  
 Brunswick, p. 215, c. 14. p. 349, c. 38. p. 350, c. 42.  
 Burke, p. 290, c. 19. p. 442, c. 45. p. 512, c. 78. p. 601, c. 43.  
 Bute, p. 215, c. 14. p. 237, c. 25.  
 (Since divided into the two counties of Warren and Franklin.)  
 Camden, p. 290, c. 18. p. 513, c. 80.  
 Carteret, p. 248, c. 16. p. 396, c. 39. p. 635, c. 14.  
 Caswell, — p. 290, c. 17.  
 Chatham, — — p. 250, c. 27.  
 Craven, p. 181, c. 9. p. 598, c. 30.  
 Cumberland, p. 164, c. 8. p. 176, f. 5, of c. 9. p. 216, c. 18.  
 Currituck, p. 105, c. 8. p. 513, c. 80.  
 Davidson, — p. 473, c. 52.  
 Dobbs, p. 184, c. 12. p. 216, c. 17. p. 635, c. 12.

Duplin, p. 137, c. 1. p. 174, c. 9. p. 230, c. 27. p. 347, c. 33.  
 Edgcomb, p. 71, c. 7. p. 74, c. 9. p. 113, c. 5. p. 174, c. 9.  
 Franklin, p. 375, c. 28. p. 512, c. 79.  
 Gates, — p. 373, c. 19. p. 600, c. 39.  
 Granville, p. 108, c. 3. p. 174, c. 9. p. 373, c. 20.  
 Greene, — — p. 605, c. 65.  
 Guilford, — — p. 473, c. 51.  
 Halifax, — — p. 249, c. 24.  
 Hawkins, p. 184, c. 13. p. 375, c. 28.  
 Hertford, — — p. 599, c. 34.  
 Hyde, p. 49, c. 3. p. 105, c. 8. p. 219, c. 14.  
 Johnston, p. 107, c. 2. p. 174, c. 9. p. 113, c. 5. p. 546, c. 45.  
 — p. 201, c. 11.  
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 Lredell, — — p. 645, c. 35.  
 Lincoln, — — p. 374, c. 23. p. 512, c. 78.  
 Martin, — — p. 274, c. 32. p. 512, c. 79.  
 Mecklenberg, p. 210, c. 12. p. 255, c. 39. p. 271, c. 12.  
 Montgomery, — — p. 374, c. 21.  
 Moore, — — p. 512, c. 76. p. 545, c. 44.  
 Nash, — — p. 346, c. 30.  
 New Hanover, p. 53, c. 10. p. 55, c. 8. p. 176, c. 10, f. 5.  
 — p. 230, c. 27. p. 646, c. 40.  
 Northampton, p. 97, c. 1. p. 174, c. 9. p. 219, c. 14. p. 227, c. 25.  
 Onslow, — — p. 56, c. 8. p. 174, c. 9.  
 Orange, p. 150, c. 6. p. 154, c. 8. p. 176, f. 5, of c. 10.  
 — p. 177, c. 22. p. 201, c. 11.  
 Pitt, p. 195, c. 3. p. 215, c. 17. p. 375, c. 28, f. 7, 8.  
 — p. 512, c. 79. p. 565, c. 36. p. 508, c. 30.  
 Randolph, — — p. 37, c. 22.  
 Richmond, — — p. 393, c. 16.  
 Robeson, — — p. 100, c. 40.  
 Rockingham, — — p. 562, c. 23.  
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 Sampson, — — p. 512, c. 75.  
 Sullivan, — — p. 395, c. 29, f. 3. p. 642, c. 29.  
 Sumner, — — p. 598, c. 32.  
 Surry, p. 257, c. 42. p. 265, c. 6. See Errata.  
 Tennessee, — — p. 641, c. 28.  
 Tryon, p. 241, c. 10. p. 255, c. 39. p. 271, c. 12.  
 (since divided into the two counties of Lincoln and Rutherford.)  
 Tyrrel, p. 50, c. 4. p. 74, c. 9. p. 113, c. 5. p. 174, c. 9.  
 — p. 546, c. 45.  
 Wake, — — p. 249, c. 22. p. 600, c. 39.  
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**County Courts.**

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8. Their duty in furnishing county Wardens with copies of inventories of taxable property, p. 328, f. 12.

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    - r. If the judgment of the county court is reversed, p. 307, f. 47.
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  - 2. Writ of error not to be dismissed for want of form, if there be sufficient substance, p. 315, f. 88.
- iv. Execution :
  - May issue without any *procedendo*, p. 307, f. 47.

E R R A T A

*Page.*  
 58. There should have been a reference from c. 10, to p. 507, c. 33.  
 271, l. 5, 9th line, for *winesses*, read *witnesses*.  
 278, f. 5, 5th line, for *value one*, read *value of one*.  
 f. 1, 11th line, for *That Governor*, read *That the Governor*.  
 338, f. 5, 2d line, for *out this state*, read *out of this state*.  
 12th line, for *herewith*, read *therewith*.  
 342, c. 21, f. 3, 8th line, for *at*, read *as*.  
 353, there should have been a reference from c. 4, to p. 361, c. 3.  
 352, 9th line from the head, for *or*, read *and*.  
 366, 5th line from the head, for *bond*, read *bond and security*.  
 411, f. 3, 9th line, for *and exact*, read *an exact*.  
 420, note to the 4th section, for *rendered*, read *recorded*.  
 428, f. 12, for *Commissioner*, read *Commissioners*.  
 462, f. 2, 10th line, for *Gover*, read *Governor*.

*Page.*  
 499, c. 27, f. 2, 2d line, for *Comanmissioners*, read *Commissioners*.  
 531, c. 12, last line of the title, for *be insufficient*, read *be found insufficient*.  
 533, f. 3, 3d line, for *lay*, read *laying*.  
 555, c. 11, 2d line of the preamble, for *the several*, read *several*.  
 556, c. 13, 11th line of the title, for *the Commissioners*, read *Commissioners*.  
 558, f. 4, 6th line, for *Edward*, read *Edmund*.  
 559, c. 16, 2d line of the title, for *with*, read *within*.  
 564, c. 27, note to the 1st section, for *salary*, read *duty*.  
 585, f. 5, 10th line, for *in the same court*, read *by*.  
 619, f. 1, 4th line, for *granted*, read *granted or issued*.  
 647, 4th line from the bottom, for *Anno Dom. 1707*, read *Anno Dom. 1788*.

The following clauses should have been inserted in the several pages and chapters prefixed to them, *viz.*

*Page 266, ch. vi.*

VII. *AND* be it further enacted by the authority aforesaid, That so much of a former act of Assembly, entitled, *An act for dividing the northern part of Rowan county, and erecting a new county and parish, by the name of Surry county, and St. Jude's parish*, as comes within the purview of this act, is from henceforth repealed and made void.

*Page 670, ch. xv.*

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

IV. *AND* whereas the court of pleas and quarter-sessions for the county of *Stokes*, is appointed to be on the same day with that of *Guilford*, which will be injurious to suitors and others: For remedy whereof, *Be it enacted*, That the county court of pleas and quarter-sessions for the county of *Stokes*, shall constantly be held on the first *Mondays* in *March, January, September* and *December*, and the first court in said county shall be held on the first *Monday* in *March* next.

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

*Page 712, ch. xxix.*

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, prizing, finding nails and coopering each hogshhead of transfer tobacco, so as to make the same the weight of a crop hogshhead and fit for exportation, and no more, exclusive of the hogshhead in which the same is reprized.





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