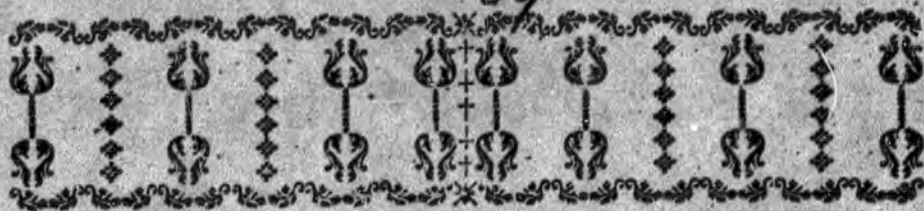




A. D. 1778.



ACTS  
OF  
ASSEMBLY  
OF THE STATE OF  
NORTH CAROLINA.

At a GENERAL ASSEMBLY, began and held at *Newbern* on the Fourteenth Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Seventy Eight, and in the Second Year of our Independence: Being the First Session of this Assembly.

RICHARD CASWELL, Esq; Governor.

CHAP. I.

*An Act for raising Men, to complete the continental Battalions belonging to this State.*

I. **W**HEREAS it is absolutely necessary that the continental Battalions belonging to this State be completed, and it is found impracticable to obtain that End in the common Mode of recruiting;

Preamble.

It is hereby Enacted by the Authority of the same, That Two Thousand Six Hundred and Forty Eight Men shall be raised and detached from the Militia of this State towards completing the same, in the following Proportion and Manner, viz. From the County of *Craven* Eighty Six, *Carteret* Thirty, *Beaufort* Twenty Six, *Fayette* Thirty Four, *Hyde* Twenty Eight, *Dobbs* One Hundred and Three, *Pitt* Thirty Five, *New Hanover* Thirty Two, *Onslow* Forty Seven, *Bladen* Sixty Three, *Duplin* Sixty Two, *Cumberland* Seventy Three, *Brunswick* Thirteen, *Rowan* One Hundred and Seventy Four, *Mecklenburg* One Hundred, *Tryon* Eighty Three, *Anson* Seventy Eight, *Surry* Eighty Eight, *Guilford* One Hundred and Fifty Six, *Burke* Sixty Two, *Washington* Sixty Two, *Wilkes* Thirty Five, *Orange* One Hundred, *Granville* Seventy, *Wake* Sixty, *Chatham* Sixty Six, *Caswell* Seventy Seven, *Halifax* Eighty Six, *Northampton* Sixty Two, *Edgemont* Sixty Three, *Bute* One Hundred and Five, *Martin* Thirty Seven, *Nash* Fifty Six, *Chowan* Thirty Three, *Perquimans* Thirty Three, *Pasquotank* Forty Five, *Carrutuck* Fifty, *Bertie* Seventy Six, *Tyrrell* Thirty Four, *Hertford* Sixty Two, and *Cambden* Forty One. And the Colonel or commanding Officer in each County is hereby directed to order the Field Officers and Captains to his Regiment belonging to meet at the Court-House on or before the Twenty Fifth Day of *May* next, and the Field Officers and Captains shall then and there apportion the Men to be raised in the County to the several Companies, in Proportion to the Number of Militia, including Officers of every Rank, his Excellency the Governor only excepted, in each Company respectively, after deducting for such Militia Men only as shall have heretofore actually enlisted good and able bodied Men as regular Soldiers, or caused such to be enlisted, to serve in the continental Army agreeable to the Act passed in *May* One Thousand Seven Hundred and Seventy Seven, for encouraging the recruiting Service, which said Inlistments they shall prove by their own Oath, and the Testimony of an indifferent Person, to be obtained without Fraud or Collusion in due Time, and without the Procurement or Assistance of any continental Officer or Soldier. And the commanding Officer in each and every County shall, within Five Days after such Meeting, order a General Muster at the Place or Places by Law appointed, and he is hereby authorized to offer a Bounty of One Hundred Dollars to every able bodied Man who shall voluntarily enter into the Service, and if a sufficient Number of Volunteers

Men how to be raised.

A. D. 1778. do not turn out, then the several Companies shall immediately proceed to determine by Ballot who shall go out of each Company, to make up its particular Quota; and the Persons so voted in shall go themselves, or provide able bodied Men to serve in their Stead, and shall be intitled to a Bounty of Fifty Dollars each.

Made on any Company's refusing to ballot.

III. AND be it further Enacted, by the Authority aforesaid, That if any Company shall refuse to appear and ballot agreeable to this Act, that in that Case the Field Officers shall point out the Men who shall serve. Provided, That it shall not be lawful to vote for any Person who shall produce Certificates of having actually enlisted regular Soldiers, by themselves, or some others for them, to serve in the continental Army, agreeable to the Act passed in May One Thousand Seven Hundred and Seventy Seven, for encouraging the recruiting Service, if such Certificates were granted and obtained fairly and without Fraud, and the Men whose Names are therein mentioned were actually enlisted by or on Account of the Persons claiming such Exemptions, the Proof thereof made agreeable to the Directions of this Act.

Allowance to the Men

IV. AND be it further Enacted, by the Authority aforesaid, That each and every Person who shall voluntarily enter or be voted into the Service as aforesaid, shall be intitled to have and receive from the commanding Officer of the County a Pair of Shoes and Stockings, two Shirts, a Hunting Shirt, Waistcoat with Sleeves, a Pair of Breeches and Trowsers, a Hat and a Blanket, and Five Yards of Tent Cloth; and every Six Men shall be intitled to have and receive from the said commanding Officer One Axe, and a Pot or Camp Kettle.

Cloaths how to be procured

V. AND in order to procure the Cloathing aforesaid mentioned, Be it Enacted by the Authority aforesaid, That every Company shall furnish and provide One Pair of Shoes and Stockings, Two Shirts, a Hunting Shirt, a Waistcoat with Sleeves, a Pair of Breeches and Trowsers, a Hat and a Blanket, Five Yards of Tent Cloth for each and every Man, and One Axe, and a Pot or Camp Kettle, for every six Men raised out of such Company respectively; and the said Articles shall be valued on Oath by Three Freeholders or Householders, who shall grant Certificates of Valuation to the Persons furnishing the same, which Certificates, with Receipts engorced from the commanding Officer of the County for Delivery thereof, shall be received by the Taxgatherers in Part of Public Taxes: And if any Company shall fail to furnish its Quota of Cloathing, Tent Cloth, Camp Kettles, and Axes, or any Part thereof, the commanding Officer of the County shall have Power to cause so much of the Property of any Person or Persons belonging to such Company, refusing to furnish his or their Quota of the aforesaid Articles, to be seized and sold, as will procure the Cloathing and other Articles wanted, and shall grant Certificates of the Amount, which shall also be received by the Taxgatherers in Part of Public Taxes.

How furnished with Arms.

VI. AND be it further Enacted, by the Authority aforesaid, That the Brigadier Generals of each District shall take into their Possession, and distribute to the Troops so raised, such Guns as belong to the Public, and are good and sufficient; and in case there should not be Arms for every Man, then, and in that Case, the Colonel or commanding Officer of each County shall purchase Guns for the Men marching from the same, and shall give Certificates to those from whom the Guns are bought; which Certificates, countersigned by the Clerks of the respective Counties, shall be paid by the Treasurer of either District, and allowed in the Settlement of their Accounts with the Public.

Where to rendezvous, how to march, and Continuance in Service.

VII. AND be it Enacted, by the Authority aforesaid, That the Men who shall be raised in Manner aforesaid in the Districts of Halifax, Edenton, Newbern, and Wilmington, shall march to Halifax, and from thence to Petersburg in Virginia, and those who shall be raised in the Districts of Hillsborough and Salisbury, shall rendezvous at Petersburg in Pittsylvania, with all possible Expedition, under the Command of such continental Officer or Officers as the commanding Officer in the continental Service in this State shall appoint for that Purpose; and if there be none such appointed in any County, then the commanding Officer of the Militia in such County shall appoint a Person to conduct the Men thereto belonging either to Halifax, or to Petersburg in Virginia, as the Case may require, there to be delivered to the continental Officer appointed to receive them, and such Person shall be allowed Captain's Pay and Rations during the Time of his Employment; and the Men who shall be raised in Manner aforesaid, shall serve in the continental Battalions of this State for the Space of Nine Months from the Time that they shall arrive at either of the Places aforesaid, unless sooner discharged, and shall be subject to the same Rules and Discipline, and have the same Pay and Rations, as the continental Troops, from the Day of their being voted in or enlisted.

Pen. for not appearing after voted in, and Pen. for concealing Deserters.

VIII. AND be it Enacted, by the Authority aforesaid, That in case any Person so voted in, or voluntarily entering as a Soldier agreeable to the Directions of this Act, shall fail to appear in due Time at the Place of general Rendezvous, or shall desert his Duty during the Time specified in this Act, such Person shall from thenceforward be held and deemed a continental Soldier during the present War, and shall be liable to be taken as such; and every Person who shall voluntarily enlist, or be voted into the Service, in Consequence of this Act, and shall well and faithfully serve as a Soldier, agreeable to the true Intent and Meaning of this Act, shall be free and exempt from serving again as a Soldier for the Space of Three Years next after the Time of his procuring a Certificate of his having served as aforesaid. And if any Person shall harbour or conceal any of the Men who shall voluntarily enter or be voted into the Service as aforesaid, such Person, on Conviction thereof before any Justice of Peace in the County wherein the Offence shall be committed, shall be deemed a continental Soldier, and shall be turned over by the said Justice to a continental Officer, or committed to Gaol for that Purpose, and shall serve for Three Years, or during the War.

Captains to return Lists of their Companies.

IX. AND be it Enacted, by the Authority aforesaid, That the Captains of each and every Company shall return descriptive Lists of the Men raised in such Company, specifying the Name, Size, Age, Complexion and Occupation, of the Men so raised, and also the Name and Number of the Company from whence they were taken: And the said commanding Officer shall make two fair Copies of such descriptive Lists, one of which he shall deliver to the continental or other Officer appointed to take Charge of the Men, and he shall take a Receipt for the Delivery of the Men on the other.

X. AND

X. *AND be it further Enacted*, That the Quakers, Dunkers, Moravians, and Menonists, shall furnish Men in Proportion to their respective Numbers in each County, and in Default thereof, the commanding Officer of each and every County is hereby impowered to hire Men instead of the Men to be by them furnished, and by Warrant under his Hand, directed to the Sheriff of the County, to levy the Sum given for such Man or Men on the Goods and Chattels, Lands and Tenements, of any Person belonging to such Sect, as shall refuse or fail to find a Man or Men agreeable to this Act.

A. D. 1778.  
Quakers, &c.  
to furnish Men

XI. *AND be it Enacted, by the Authority aforesaid*, That the Men raised in the County of *Rowan*, and those raised in the County of *Guilford*, shall have the Liberty of electing Two Captains for each County, and the Men raised in *New Hanover* County and *Brunswick* shall elect One Captain jointly; and in such Counties as raise more than Fifty Men, the Men so raised shall and may elect a Captain in every County, and in the Counties which raise a smaller Number than Fifty, the Men shall and may elect One Lieutenant for every County; and the Persons so elected, shall be commissioned accordingly by the Governor, and shall march and continue with their respective Companies, with the Rank of Militia, and the Pay and Rations of regular Captains and Lieutenants, during the Time of their continuing in Service.

Officers to be elected.

XII. *AND be it Enacted, by the Authority aforesaid*, That *James Roper* and *William Sheppard* be appointed Contractors for the District of *Salisbury*, *Thomas Hart* for the District of *Hillsborough*, to contract for and purchase Provisions, and issue them to the Men raised in the said Districts until their Arrival at *Petersburg* in *Virginia*; and that *William Brunet* be appointed for the District of *Edenton*, *Hardy Bryan* for the District of *Newbern*, *Thomas Anis* for the District of *Wilmington*, and *William Anis* for the District of *Halifax*, for the like Purposes, until the Men raised in the said Districts respectively shall arrive at *Halifax*, and then that *William Anis* be appointed to take Charge of all those who rendezvous at *Halifax*, and conduct them as far as *Petersburg*: And the said Contractors, and every of them, shall grant Certificates to the Owners for the Provisions by them respectively furnished, and shall have full Power to seize Provisions of every Kind from any Persons who shall or may have more Provisions than may be necessary for their own Use or Family Consumption, if the Owners shall refuse to sell the same, and shall grant Certificates as aforesaid; and the said Certificates shall be redeemed at the next Session of Assembly: And the said Contractors shall keep regular Accounts of their Disbursements or Purchases, and of all Certificates by them granted, that the Assembly may not be defrauded by Claimants, and may more easily settle with the said Contractors, who shall be allowed One Hundred and Twenty Dollars per Month for their Trouble, over and above all Sums of Money by them expended for the Purposes aforesaid.

Contractors appointed.

XIII. *AND be it Enacted, by the Authority aforesaid*, That the Colonel or commanding Officer of the Militia in each County be, and he is hereby impowered and required, to furnish the necessary Waggon and Carts for marching the Troops raised in such County, agreeable to the Militia Law.

Commanding Officers to furnish Waggon.

XIV. *AND be it further Enacted, by the Authority aforesaid*, That the Owners of said Waggon shall be allowed Forty Shillings per Day, and Forage and Shoes for their Horses, and every Cart the Sum of Twenty Shillings per Day, with Forage and Shoes for their Horses; and the said Waggon and Carts, with their Teams, before marching, shall be appraised by Three Freeholders, that in case of Loss or Death, the Owner may be paid for the same.

Troops to be paid.

XV. *AND be it Enacted, by the Authority aforesaid*, That the continental Deputy Paymaster General be, and he is hereby directed to pay the Troops aforesaid; and that his Excellency the Governor be, and he is hereby impowered to grant Warrants on the Treasury to the said Paymaster for the necessary Sums, taking Security for due Application of the same.

C H A P. II.

*An Act for Restraint of Vagrants, and preventing Desertion.*

I. **W**HEREAS Desertion, and the Evils arising from vagrant ill disposed People, are become too frequent;

Preamble.

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 able bodied Men who shall be found loitering and neglecting to labour for reasonable Wages, not having Property sufficient to maintain themselves, and all Persons who shall run from their Wives and Children, without leaving suitable Means for their Subsistence, and all other idle, vagrant or disorderly Persons, rambling abroad, without betaking themselves to some lawful Employment or honest Labour, or going about begging, shall be deemed Rogues and Vagabonds; and if any such shall be found in any County or Place wandering or gaming, and getting their Living by that and other fraudulent Practices, begging or misordering himself or themselves, it shall be lawful for any Justice of the Peace of that County, and he is hereby required, by Warrant under his Hand, to cause such Person or Persons to be brought before him, and to examine and inform himself, as well by the Oath and Examination of the Person or Persons apprehended, as of any other Person, of the Condition and Circumstances of the Person or Persons so apprehended, and if it shall appear to him that he or they come under the Description of Vagabonds within this Act, then the said Justice shall and may cause such Person or Persons to be delivered to some continental Officer immediately, or committed to Gaol, with Directions to the Sheriff or Gaoler for delivering him or them as aforesaid as soon as may conveniently be done.

Persons deemed Vagrants.

How apprehended and disposed of.

III. *AND be it Enacted, by the Authority aforesaid*, That the continental Officer to whom any Vagabond shall be delivered in Manner aforesaid, shall enroll the Name of such Vagabond in some Company of the continental Army, and such Vagabond shall then be considered as a Soldier in the continental Army, and be under the same Regulations, Rules and Restrictions, and subject to the same Penalties

His Name enrolled in some Company.

*A. D. 1778.* for Desertion or other Crimes, as other Soldiers in the continental Army: And if such Vagabond shall have left a Wife or Children unprovided with Means of Subsistence, they shall receive from the Treasury of this State the Bounty allotted for Soldiers joining voluntarily into the continental Army, to be paid by the Treasurer of the District wherein such Persons shall live, a Certificate being first produced to such Treasurer, from under the Hands of Two Justices, to shew that such Vagabond has actually been delivered over to some continental Officer, and that the Wife or Children claiming such Bounty are left unprovided with Means of Subsistence.

His Wife and Children provided for.  
Pen. for harbouring Deserters.

IV. *AND be it further Enacted, by the Authority aforesaid,* That if any Person shall harbour, conceal or abet, any Soldier deserting from the continental Army, the Person so harbouring, concealing or abetting such Soldier, being found guilty thereof, and being an able bodied Man, shall be liable to serve in the continental Army for Three Years, or during the War; and it shall and may be lawful for Two Justices of the Peace in each and every County in this State, by Warrant under their Hands, to cause any Person, being able bodied as aforesaid, and suspected of harbouring, concealing or abetting, any continental Soldier, to be apprehended and brought before them, and to examine Witnesses on Oath relative thereto: And if it shall appear to the said Justices that the Person so apprehended is guilty in Manner aforesaid, they shall cause him to be delivered over immediately, or shall commit him to Gaol, to be delivered over as soon as may be to a continental Officer, who shall enroll his Name in some Company in the continental Army; and such Offender shall then be considered as a continental Soldier, and be under the same Regulations, Rules and Restrictions, and subject to the same Penalties for Desertion or other Crimes, as other Soldiers in the continental Army.

Pen. on Persons not able bodied.

V. *AND be it Enacted, by the Authority aforesaid,* That if any Person, not being sufficiently able bodied to serve as a Soldier, shall offend in Manner aforesaid, he or she so offending shall forfeit and pay the Sum of Fifty pounds, and shall be liable to imprisonment for Three Months; and it shall and may be lawful for any Two Justices to proceed against the Person so offending as herein before directed, and upon Conviction to cause the Penalty aforesaid to be levied on the Estate of such Person, and also to commit him or her to Gaol, for any Time not exceeding Three Months; and the Money so levied shall be paid to, and accounted for by the Sheriff, in the same Manner as Public Taxes.

Reward for apprehending Deserters.

VI. *AND be it further Enacted, by the Authority aforesaid,* That if any Person shall apprehend any Deserter from the continental Army, and deliver him to some continental Officer, or to the Gaoler of the County or District wherein he shall be apprehended, such Person, on producing a Certificate of the Delivery as aforesaid, shall be intitled to a Claim of Twenty Dollars, and One Shilling for every Mile, according to the Distance from the Place of apprehending to the Place of Delivery of such Deserter.

Proceedings with Persons travelling without a Pass.

VII. *AND whereas* Persons inimical to the United States are frequently coming into, or travelling through or about this State, and spreading false and discouraging News; *be it Enacted by the Authority aforesaid,* That from and after the First Day of May next, it shall and may be lawful for any of the Justices or Field Officers of the Militia, and every of them, and they are hereby required, in their respective Counties, to stop and examine every Person who shall come into, or be found travelling in this State; and if such Person, being a Resident of this State, shall not produce a Pass from some Justice of Peace in the County from whence he came, certifying his Business, and also a Certificate that he has taken the Oath of Allegiance to this State, it shall and may be lawful for such Justice or Field Officer to order such Person to return to the County from whence he came, and to commit him to Gaol if necessary, until he shall give Bond and Security to comply with the Order, and such Bond shall be taken in the Name of the Governor for the Time being: And if any Person, not a Resident of this State, shall come into, or be found travelling through the same, and shall not on Examination produce a Pass from some Justice of Peace in the State from whence he last came, and also a Certificate from some Justice of Peace in the State from whence he first came, of his having taken the Oath of Allegiance thereto, it shall and may be lawful for any of the Justices or Field Officers, and every of them, in their respective Counties, to order such Person to return to the State to which he belongs, and to exercise the same Powers and Authorities for enforcing such Order, as before provided against Persons resident in this State.

### C H A P. III.

*An Act to amend an Act, intituled, 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.*

Preamble.

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.

Surveyors Fees to be paid to himself.

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

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.

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 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.

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 *Hogson River*, at the Mouth of *Cloud's Creek*, being the second Creek below the *Warriors 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 *McNamee's Creek*, on the South Bank of *Nottobuckie River*, about Ten Miles (be the same more or less) below the Mouth of *Great Limestone*; and from the Mouth of *Camp Creek* 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 *Nottobuckie 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.

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.

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 contended and disputed Claims, without regarding the cardinal Points; any Law, Usage or Custom, to the contrary notwithstanding.

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.

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.

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.

I. WHEREAS 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. BE 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*, *Mooresburg*, *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

A. D. 1778.

Disputed Claims of Persons in the Army suspended.

No Lands to be entered within the Indian Boundaries.

Entry Takers when to account.

Dividing Lines how run.

Houses of Worship secured to their Use.

Repeal Clause.

Preamble.

Superior Courts when held.

A. D. 1778. District of Halifax, in the Town of Halifax, for the Counties of Halifax, Northampton, Edgecomb, 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, Tyrrell, 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.

Court Days.

III. *AND be it Enacted by the Authority aforesaid*, That the several County Courts of Pleas and Quarter Sessions for the County of Wake shall be customly held on the following Days, *to wit*, on the first Mondays in March, June, September, and December, in each Year.

Repeal Clause.

IV. *AND 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, intituled, *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.*

Preamble.

I. **W**HEREAS Doubts may arise, upon the Revolution in Government, whether any and what Laws continue in Force here: For Prevention of which,

Statutes, &c. enforced.

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 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.

Acts revived.

III. *AND be it Enacted, by the Authority aforesaid*, That one Act of the General Assembly, made under the late Government, intituled, *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, intituled, *An Act to prevent Card Playing, and other deceitful Gaming*, passed at Newbern in the Month of December, in the Year One Thousand Hundred and Seventy; also one Act, intituled, *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, intituled, 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, intituled, 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, intituled, An Act for amending an Act, intituled, 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; &c. 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.*

Preamble.

I. **W**HEREAS it may be necessary, for the Safety of this State, that the General Assembly be convened at other Times or Places than those to which the same may be adjourned, and that the Governor, or Commander in Chief for the Time being, should be authorized, in Case any future Assembly should fail to meet at the Time appointed for that Purpose, to adjourn the said Assembly from Day to Day, until there shall be a sufficient Number of the Members to proceed on Business, agreeable to the Constitution; and whereas in Case the General Assembly fail to meet in the Month of April next, it may be doubtful whether the Authority of the Governor and Council will continue longer than one Year from the Time of their Appointments, unless the same is provided for by Law; and whereas

whereas the present increased Price of Provisions, and of every other Necessary, renders it improper to ascertain the Salaries of the Governor, the Secretary, the Delegates in Congress, the Treasurers, and Members of the Council of State, otherwise than by a temporary Provision from Year to Year:

II. *BE it therefore Enacted by the General Assembly of the State of North Carolina, and by the Authority of the same,* That there shall be paid to his Excellency the Governor the annual Sum of Twenty-Two Hundred Pounds, in Lieu of all Fees for his Services as Governor of this State; that each of the Members of the Council of State be allowed for each Day they shall be on Duty as Councillors of this State, Forty Eight Shillings; that each of the Delegates in Congress shall be allowed the Sum of Sixteen Hundred Pounds *per Annum*; that each of the Public Treasurers be allowed the annual Sum of Eight Hundred Pounds, for their Services as Treasurers (which Allowances to the aforesaid Officers shall commence from the Time of their Appointments in this Session of General Assembly respectively) and that the Secretary be allowed the annual sum of Five Hundred Pounds, to commence from the Date hereof, for his Public Services as Secretary of this state, exclusive of the Fees granted him by an Act of Assembly, intituled, *An Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties in this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned*: And that James Davis, the Public Printer of this state, be allowed the annual sum of Twelve Hundred Pounds, for his Services as Public Printer, to commence from the Beginning of this present Session of Assembly, and the said Printer shall comply with the Rules and Regulations laid down in an Act, intituled, *An Act for appointing a Printer to the Province*, passed in December, One Thousand Seven Hundred and Sixty Six, which said Act is hereby declared to be in full Force, so far as it respects the Printer; provided that the Laws and Journals for Washington County may be left with the Clerk of Wilkes County.

III. *AND be it also Enacted by the Authority aforesaid,* That in Case any future Assembly should fail to meet on the Time appointed, or to which the same stands adjourned, it shall and may be lawful for the Governor, or Commander in Chief for the Time being, with the Advice of the Council of State, to prorogue the said Assembly from Day to Day, until there shall appear a sufficient Number of Members to proceed on Business, agreeable to the Constitution: And the Governor, or Commander in Chief for the Time being, is hereby authorized to call a Meeting of the General Assembly to the Place to which the same stands adjourned at any Time, in Case it should be deemed absolutely necessary by the Council of state.

IV. *AND be it Enacted by the Authority aforesaid,* That in Case the General Assembly should fail to meet in the Month of April, in the Year One Thousand Seven Hundred and Seventy Nine, it shall and may be lawful for the Governor, or Commander in Chief, and the Members of the Council of State, and they are hereby authorized and empowered, to hold and exercise the Power and Authorities veiled in a Governor and Council by the Constitution and Laws of this State, until the Meeting of the First General Assembly which may happen after the last Day of April, in the Year One Thousand Seven Hundred and Seventy Nine, as aforesaid, and no longer.

V. *AND be it Enacted by the Authority aforesaid,* That this Act shall continue and be in Force for and during the Space of Twelve Months, and from thence to the End of the next General Assembly, and no longer.

A. D. 1778.

Officers Salaries.

Governor's Power to prorogue and call the Assembly.

Governor to hold his Office in case of no Assembly.

Continuance of the Act.

C H A P. VII.

*An Act to establish Rules to be observed in solemnizing the Rites of Matrimony.*

I. **WHEREAS** it is absolutely necessary that Rules should be observed concerning celebrating the Rites of Matrimony;

Preamble.

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.

Matrimony how solemnized.

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.

Licence granted.

IV. *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

Banns to be published.

A. D. 1778.

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 Rites and Privileges in solemnizing the Rites of Matrimony in their own Church, any Thing in this Act contained to the contrary notwithstanding.

Pen. for marrying unlawfully.

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.

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.*

Preamble.

I. **W**HEREAS the Acts of Assembly heretofore in Use, for laying out and repairing the Roads within this State, have been found insufficient to answer the End thereby intended, occasioned principally by the Fines being too small that are imposed on Delinquents; For Remedy whereof,

Pen. on Overseers neglecting their 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 all Overseers of the Roads who are or shall be hereafter appointed, shall continue in Office, and do his Duty as is hereby directed, for and during the Space of One Year, under the Penal Sum of Ten Pounds Currency of this State; to be recovered by Action of Debt in the County Court where the Delinquent resides, one Half to the Use of him who shall sue for the same, the other towards repairing the Roads and Bridges within the said County. *Provided*, That no Overseer shall be obliged to serve more than One Year in Three successive Years.

Pen for refusing to work on Roads.

III. *AND* be it further Enacted, That all Persons refusing, when summoned by the Overseers, to attend and do their Duty, shall forfeit and pay the Sum of Ten Shillings current Money per Day, for every Day he or they shall so neglect or refuse to attend; to be recovered by Warrant from a Justice of the Peace, towards maintaining and keeping in Repair the Road they should have laboured on. *Provided also*, 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 summoned Three Days before the Day appointed for working.

Act enforced.

IV. *AND* be it further Enacted, by the Authority aforesaid, That an Act, intituled, *An Act to empower the Inferior Courts of the several Counties in this State to order the laying out of Public Roads, and establishing and settling Ferries, &c.* passed at Wilmington in the Year One Thousand Seven Hundred and Sixty Four, and every Clause and Article of it, except such Parts as are otherwise provided for by this Act, be and continue in full force.

C H A P. IX.

*An Act for procuring a Great Seal for this State.*

Preamble.

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;

Great Seal 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 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.

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.*

Preamble.

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*

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.

A. D. 1778.  
Citations to 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 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.

Pen. for refusing to appear.

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.

Officer to lay an Account of Fines before the Court Martial.

C H A P. XI.

*An Act to amend an Act, intituled, 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.*

I. *WHEREAS* the Allowances made for piloting Vessels over Occacock Bar, and through the Swash, to Newbern and Edenton, as directed in an Act of Assembly, intituled, *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,* is found to be insufficient for the Services to be performed, and for the Dangers attending the same; and whereas very great Damage hath arisen to this State, by Persons who are not authorized by Law taking Charge of Vessels as Pilots, and by Ignorance, or with Design, causing such Vessel to be wrecked and destroyed: Therefore, to prevent such Abuses for the future,

Preamble.

II. *BE it Enacted by the General Assembly of the State of North Carolina, and by the Authority thereof,* That from and after the First Day of June next, it shall not be lawful for any Person resident in, and having heretofore acted as a Pilot at Occacock Bar, to take Charge of or attempt to pilot any foreign Vessel over Occacock Bar, or into any Port or Inlet in this State, unless such Person shall previously have obtained a Branch or Licence from the Commissioners of the Navigation, agreeable to the Directions of the before recited Act of Assembly: And in Case any Person shall offend herein, and any Damage should happen to the Vessel, or to any Part of the Cargo on Board, after such Person shall so take Charge of, or pretend to act as a Pilot on Board the same, and before such Vessel shall be safely moored in some Harbour within this State, the Persons so offending shall suffer Six Months Imprisonment, without Bail or Mainprize, and shall also forfeit and pay to the Party injured, or to the Informer, as the Court may order, the Sum of One Thousand Pounds lawful Money of this State, with Costs of Suit; to be recovered by Bill, Plaint, or Information, in any Court of Record in this State having Cognizance thereof; and such Person shall also be liable to such other Pains and Penalties as the Law directs.

Pen. on Pilots acting with foreign Vessels without a Branch.

III. *AND be it further Enacted, by the Authority aforesaid,* That no Inhabitant of this State shall act as a Pilot, or take Charge of, or attempt to conduct any Vessel over Occacock Bar, or into any of the Inlets in this State, for Fee or Reward, unless such Person shall have obtained from the Commissioners of Navigation a Branch or Licence for that Purpose, under the Penalty of Five Hundred Pounds current Money of this State, to be recovered and applied in the Manner by this Act hereby heretofore directed. *Provided nevertheless,* That it shall and may be lawful for any Person to aid and assist in saving any Vessel which may be in Distress, and also to take and receive after the Danger is over, any Reward which the Owner or Master of such Vessel shall then voluntarily give such Person, as a Compensation for his Service, and no more.

For attempting to conduct Vessels into any Inlet, without a Branch.

IV. *AND in order to encourage such good Men as are capable and willing to act as Pilots under the Direction of the Commissioners, and agreeable to the before recited Act of Assembly, intituled, 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; Be it Enacted by the Authority aforesaid;* That from and after passing this Act, it shall and may be lawful for the Pilots who shall obtain Branches agreeable to the Directions of the last mentioned Act of Assembly, to take and receive for piloting in over Occacock Bar to Beavers Island Road, or any other Road or Harbour where Vessels usually anchor at, for every Vessel drawing Nine Feet or under, Twenty Shillings per Foot; and from Nine to Eleven Feet, Twenty Five Shillings per Foot; and from Eleven Feet and upwards, Thirty Shillings per Foot; and for the piloting such Vessels outward bound over the Bar, the one Half of the aforesaid Rates, Respect being had to the Draught of Water such Vessel shall draw: And the Pilotage from

Rates of Pilotage.

A. D. 1778.

from the lower Road to *Newbern* shall be Twelve Shillings per Foot, and from *Newbern* to the lower Road the same; and the Pilotage from the lower Road to *Edenton* shall be Twenty Shillings per Foot, and from *Edenton* to the lower Road the same, exclusive of the Pilotage granted by an Act of Assembly, passed in the Year One Thousand Seven Hundred and Seventy Seven, intituled, *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. XII.

*An Act to prohibit the Exportation of Beef, Pork, Bacon, and Indian Corn.*

Preamble.

I. WHEREAS the Scarcity of Provisions in this State renders it necessary to lay an Embargo on the Exportation of Beef, Pork, Bacon, and Indian Corn;

Provisions embargoed.

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, no Beef, Pork, Bacon, or Indian Corn, shall be exported out of this State, by Land or by Water, by any Person whatever, except only such as shall be sent thereout for the Support of the continental Army, or of any Troops sent out of this State, by the Agents, Contractors or Commissaries, acting under Appointments from this State, or the United States, or any of them, and except also such Quantity as may be necessary for the Crew of any Vessel going out upon a Voyage or Cruize, and such as may be purchased by the Agents of the United States, or any of them, as Sea Stores for any Vessels sailing on a Voyage or Cruize in the Service of the said United States, or any of them: And any Person who shall export, or endeavour to export, any Beef, Pork, Bacon, or Corn, contrary to this Act, by Water, shall forfeit the Provisions so endeavoured or attempted to be exported, and the Vessel wherein the same shall be found; and the several Naval Officers in their respective Ports, and the Justices of Peace in the Counties contiguous to Navigation, are hereby authorized and expressly required to seize the same in the Name of this State, and upon Recovery had, such Provisions and Cargo shall be sold, and the Money arising from the Sale applied, one Half to the Use of the State, the other Half to the Use of the Person suing for the same: And any Person who shall export, or attempt to export, any Beef, Pork, Bacon, or Corn, by Land, contrary to this Act, shall upon Conviction forfeit and pay double the Value of such Provision; to be recovered by, and to the sole Use of any Person who shall sue for the same, in any Court having Cognizance thereof.

May be seized, if attempted to be carried out.

III. AND be it further Enacted, by the Authority of the same, That if any Justice of Peace, from his own Knowledge, or the Information of others, shall have just Cause to suspect that any Pork, Beef, Bacon, or Corn, is about to be carried out of this State contrary to this Act, he may issue his Warrant for seizing the same; and if the Owner shall not give Security within Twenty Days after such Seizure, that he will not carry or send the same out of this State, such Justice may either retain such Provisions for Public Use, or cause the same to be sold at Public Vendue, for the Benefit, and at the Expence of the Owner: And this Act shall be in Force until the next Session of General Assembly, and no longer.

## C H A P. XIII.

*An Act more effectually to punish the Persons concerned in, any of the several Species of counterfeiting in this State.*

Preamble.

I. WHEREAS the Law to prevent forging or counterfeiting the Lottery Tickets of the United States and for other Purposes therein mentioned, has by Experience been found insufficient to answer the laudable Purposes therein mentioned: For Remedy whereof,

Pen. for counterfeiting Bills, &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 from and after the passing of this Act, if any Person shall forge, counterfeit or alter, or cause to be forged, counterfeited or altered, any of the Public Bills of Credit emitted by the Congress of the said United States, or any of the Bills of Credit emitted by any Congress, Convention, or Assembly of this State, or any of the Bills of Credit emitted and made current by any Congress, Convention or Assembly, of any one of the said United States, or any of the Lottery Tickets of the United States, or any Certificates from the Loan Office of this State, or of the United State, or any of them, or shall forge, counterfeit or alter, any Part of the said Bills of Credit, Lottery Tickets, or Loan Office Certificates, or any of them, or shall pass, or offer to pass, any such forged, counterfeited or altered, Bills of Credit, Lottery Tickets of the United States, or Tickets from the Loan Office of this State, or of the United States, or any of them, knowing the same to be so forged, counterfeited or altered, the Person so offending, and being convicted thereof, or standing mute, or peremptorily challenging more than Thirty Five Jurors, shall be adjudged guilty of Felony, and shall forfeit his or their Lands and Tenements, Goods and Chattles, to the Use of the State, and shall suffer Death as a Felon, without the Benefit of Clergy.

C H A P. XIV.

A. D. 1778.

*An Act for ascertaining Sheriffs and Constables Fees in this State.*

- Preamble.**
- I. **W**HEREAS the Fees heretofore allowed by Law to Sheriffs and Constables are found inadequate to their Services: For Remedy whereof,
- Sheriffs Fees.**
- 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 from and after the passing of this Act, it shall and may be lawful for the several Sheriffs within this State to have and receive the following Fees, to wit, For every Arrest, Eight Shillings. For taking Bail Bond, One Shilling and Six Pence. For serving a Copy of a Declaration, Two Shillings. For whipping any Person, Four Shillings. For serving a Subpoena, for each Person named in such Subpoena, Four Shillings. For pilloring any Person, Eight Shillings. An Attachment as for an Arrest, and if further Trouble by moving Goods, to be taxed by the Court. Executing a Warrant of Distress, or an Execution against the Body or Goods, if not above Ten Pounds, for each Pound One Shilling and Six Pence, if above Ten Pounds, for each Pound above, One Shilling. Summoning, impanelling, and attending on every Jury in every Cause, Eight Shillings. When a special *Venire* shall issue by Order of Court, Two Shillings. Putting any Person in the Stocks and releasing, Four Shillings. For every Commitment or *Mittimus*, Four Shillings. A Releasement, Four Shillings. Serving a Writ of Possession of Land, Eight Shillings. Waiting on any Person on a *Habeas Corpus*, per Day, Four Shillings. Calling every Action each Court, One Shilling. Summoning the Jury on a common *Venire*, in every Cause, One Shilling. Imprisonment for Felons or Debtors, or any other Person, for each Prisoner per Day, for finding one Pound of wholesome Bread, one Pound of wholesome roasted or boiled Fleth, and not less than two Quarts of fresh Water, and every other necessary Attendance, and keeping the Prison clean, Three Shillings. If the Prisoner finds himself Victuals and Drink, then the Sheriff shall take but Eight Pence.
- Constables Fees.**
- III. **A**ND be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for every Constable within this State to ask and receive the following Fees, to wit, For every Warrant executed, Four Shillings. For every Subpoena, One Shilling and Six Pence. For every Execution executed, Four Shillings; and so at the same Rate for every Person where there shall be more than one mentioned in each Warrant, Subpoena, or Execution. For every Attachment, Four Shillings. For summoning a Jury of Inquest, for every Juror, One Shilling. For summoning Evidences on the Trial of Warrants, for every Person summoned, One Shilling and Six Pence. For attending at any Superior or County Court, if summoned by the Sheriff, per Day, Eight Shillings, to be paid out of the County Tax where such Courts shall be held.

C H A P. XV.

*An Act for repairing Fort Johnston, near the Entrance of Cape Fear River.*

- Preamble.**
- I. **W**HEREAS the repairing Fort Johnston, near the Entrance of Cape Fear River, so as to render the same a safe Harbour against the Enemy for all Ships and Vessels trading to America, would tend greatly to encourage Foreigners, as well as the Subjects of these States, to adventure their Property at Sea;
- Commissioners appointed.**
- 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 Col. William Dry, Richard Quince, Sen. Henry Toomer, and Robert Ellis, be, and they are hereby appointed Commissioners for repairing the said Fort, and that they cause the same to be repaired, and put in a State of Defence, with the greatest Dispatch in their Power.
- Sum granted for the Fort.**
- III. **A**ND for defraying the Expence of such Reparations, and furnishing the said Fort with a few Cannon, and other necessary Implements of War; Be it further Enacted by the Authority aforesaid, That a Sum, not exceeding Five Thousand Pounds, shall be paid out of the Public Treasury of this State into the Hands of said Commissioners, who shall give Security to account for the same on Oath to the next General Assembly to be held for this State.
- How garrisoned.**
- IV. **A**ND be it further Enacted by the Authority aforesaid, That the said Fort shall be garrisoned by One Captain, Two Lieutenants, Two Serjeants, One Drummer, One Fifer, and Thirty Five Privates, who shall be intitled to the same Pay, Rations and Emoluments, as Troops in the continental Service.

C H A P. XVI.

*An Act for quieting and securing the Tuscarora Indians, and others claiming under the Tuicaroras, in the Possession of their Lands.*

- Indian Lands secured to them.**
- I. **B**E it Enacted by the General Assembly, and it is hereby Enacted by the Authority of the same, That Whitmill Tuffick, 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

A. D. 1778.

No Purchases to be made of the Indians, nor their Lands cultivated.

Purchases from the Indians treated.

Purchases fairly made & em- ed not vacant.

Method of Trial for un- fair Purchases.

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 for ever be clear and exempt from every Kind of Poll Tax.

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 the same; to be recovered by Action of Debt, Bill, 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.

III. AND 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 intitled to claim under the Demise aforesaid, 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.

IV. AND 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.

V. AND whereas it is suggested by the said Tuscarora Indians that unfair Dealing has been used in obtaining one or more of the Demises aforesaid, 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, 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 Pannel, 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.

VI. AND

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 inquire 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 inquire 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.

A. D. 1778.  
Commissioners  
for Indian Affairs.

Reversion of  
Indian 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. Provide, 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 Hundred and Seventy Six*, whenever the General Assembly shall declare the said Lands to be vacant.

### C H A P. XVII.

#### *An Act for fortifying Cape Lookout Bay.*

I. WHEREAS the fortifying *Cape Lookout Bay*, so as to render the same a safe Harbour against the Enemy for all Ships and other Vessels trading to *America*, and especially to this State, would tend greatly to encourage Foreigners, as well as the subjects of these States, to adventure their Property at sea; and as from the natural Strength and Advantage of the surrounding Grounds of the said Bay and Harbour, the same may be made at a small Expence sufficiently strong to answer the great and important Ends aforesaid:

Preamble.

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 *Christopher Neale, John Easton, and William Thompson*, be, and they are hereby appointed Commissioners for erecting a Battery and Fortification at the said Bay and Harbour of *Cape Lookout*, and that they cause the same to be erected and put in a State of Defence with the greatest Dispatch in their Power, receiving at the same Time all such Aid and Assistance as *Captain Cottinseau*, Commander of the *French Frigate Ferdinand*, now lying in the Bay of *Cape Lookout* aforesaid, shall offer and freely contribute.

Commissioners  
appointed.

III. AND for defraying the Expence of building said Fortification, and furnishing the same with necessary Cannon, and other Arms and Implements of War; Be it further Enacted by the Authority aforesaid, That a Sum, not exceeding Five Thousand Pounds, shall be paid out of the Public Treasury of this State into the Hands of said Commissioners, who shall give Security to account for the same on Oath to the next General Assembly to be held for this State.

Money appro-  
priated for the  
Fort.

IV. AND be it further Enacted, by the Authority aforesaid, That the said Fortification shall be garrisoned by One Captain, Two Lieutenants, Two Sergeants, One Drummer, and Fifty Privates, who shall be intitled to the same Pay, Rations and Emoluments, as Troops in the continental Service are.

Garrison.

### C H A P. XVIII.

#### *An Act for appointing Commissioners to build a Bridge across Cotentney, and for other Purposes therein mentioned.*

I. WHEREAS an Act, intituled, *An Act to invest the Property of a Bridge across Cotentney Creek* in *John Peacock, his Heirs and Assigns, for the Space of Twenty Five Years*, passed in the Year One Thousand Seven Hundred and Fifty One, is ceased; and whereas the Assigns of the said *Peacock*, the Year before the Expiration of the said Twenty Five Years, rebuilt the said Bridge, for the Purpose of receiving Toll from Travellers and others passing over the said Bridge, after the Expiration of the said Term, and hath accordingly received from the Public very considerable Sums of Money for the Soldiery and Public Waggons passing over the said Bridge, as appears from the different Allowances from the Council of Safety and General Assembly for that Purpose, and still continue to receive the same from Individuals, so that the Money received for Toll since the Expiration of the Time hath abundantly more than reimbursed every Expence attending the building the said Bridge; and whereas the Creek whereat the said Bridge stands hath for many Years past been fordable Six Months

Preamble.

*A. D. 1778.* Months in the Year, and in order to accumulate the Toll thereof, since the Expiration of the Time large Trees have been fell on each Side of the said Bridge, to prevent fording the Creek as usual, to the great Injury of the Public:

Pen: for taking Toll.

II. *BE it therefore Enacted by the General Assembly of the State of North Carolina, and by the Authority of the same,* That if the Assigns of the said *Peaceck* shall hereafter demand or receive, any Toll from any Person or Persons for crossing or passing over the said Bridge, or for any Waggon, Cart, Horse, Cattle, Hops or Sheep, knowingly passing over the said Bridge, such Person so offending shall forfeit and pay the Sum of Five Pounds for every Toll so received; to be recovered before any Justice of the Peace by any Person who shall prosecute for the same.

Bridge to be built.

III. *AND* whereas it is necessary that a Bridge should be built across the said Creek, for the Benefit of Travellers and others, and the Inhabitants adjacent thereto being desirous of building the same at their own Expence, provided it be free from all Toll; *Be it therefore Enacted,* That *William Spaight and Thomas Edmondson, Esqrs.* be, and they are hereby appointed Commissioners for erecting and building a Bridge over the said Creek, at the Place where the said Bridge now stands; and that they be empowered to take Subscriptions from the Inhabitants who shall be willing to subscribe towards building the same, and to enforce the Payment thereof.

Any Timber may be used.

IV. *AND* for the better erecting and finishing the said Bridge, *Be it Enacted by the Authority aforesaid,* That it shall and may be lawful for the Commissioners, or the Person or Persons who shall undertake to build the said Bridge, to make Use of such Timber on the Lands of any Person whatsoever as may be most convenient and necessary for the said Bridge, without Impeachment of Waste therefor.

Bridge may be purchased.

V. *AND* whereas the Bridge built by the Assigns of the aforesaid *Peaceck* will be useful to the Publick until a new Bridge can be erected; *Be it therefore Enacted,* That the Commissioners hereinbefore named shall have full Power and Authority to treat with the present Owners of the said Bridge, and to purchase the same at such reasonable Price as may be agreed on, and to apply so much of the Money to be subscribed as aforesaid to the Purpose of discharging such Contract as they may make for the Purchase of the said Bridge; any thing herein contained to the contrary notwithstanding.

## C H A P. XIX.

### *An Act to prevent the Stopping the Fish in the Yadkin River.*

Preamble.

I. **W**HEREAS divers Persons Inhabitants near the said River have heretofore made a Practice of stopping the same, by building Wares, Dams, or Hedges, with Design to catch Fish, whereby great Injury is done to the good People resident above such Wares, Dams, or Hedges aforesaid: For Remedy whereof,

River not to be stopped.

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 Ratification of this Act, it shall not be lawful for any Person or Persons whatsoever to build or erect, or cause to be built or erected, or keep up any that is already erected, any Ware, Dam, or Hedge in the said River, so as to extend more than two Thirds across the same; but that all Stoppages shall be so made in the said River as to leave one third Part open and free for the Passage of Fish.

Pen. for offending.

III. *AND be it further Enacted; by the Authority aforesaid,* That any Person or Persons who shall offend against this Act, shall forfeit and pay, for every such Offence, the Sum of Twenty Pounds; to be recovered by Action of Debt by any Person who shall sue for the same, to his, her, or their own proper Use.

## C H A P. XX.

### *An Act for securing Lots in the Town of Tarborough, in Edgcomb County.*

Preamble.

I. **W**HEREAS by an Act of Assembly, passed in the Year One Thousand Seven Hundred and Sixty, intituled, *An Act for establishing a Town on the Lands of Joseph Howell, on Tar River,* it is provided that the Grantee of every Lot in the said Town shall within Three Years after obtaining a Conveyance for the same, erect and finish thereon a House of the Dimensions therein specified, and in Failure thereof, every Lot whereon such House shall not be so erected, shall be re-vested in the Directors of the said Town by the said Act appointed; and whereas the Time limited in the said Act has been found too short to complete the Buildings on the said Lots;

Time for saving Lots.

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 Grantee of any Lot or Lots in the said Town that has not been improved agreeable to the said Act, is hereby declared to be the proper Owner, and shall still retain his or her former Title in and to such Lot or Lots, in Fee Simple, any Thing in the aforesaid Act contained to the contrary notwithstanding; provided such Grantee shall within Five Years next after the passing this Act erect and finish a House on such Lot of the Dimensions in the said Act specified, or other Improvements made thereon, which shall be deemed by the Commissioners of the said Town equal thereto.

Directors appointed.

III. *AND* whereas the former Directors and Trustees for the said Town have wholly declined acting, *Be it therefore Enacted by the Authority aforesaid,* That *Robert Bignal, Edward Hall, and Henry Irwin Toole, Esquires, Mr. James Hill, and Mr. William Renn,* are hereby constituted and appointed Directors or Commissioners for the said Town, and are hereby invested with as full Powers and Authorities, to all Intents and Purposes, as the former Directors and Trustees were. IV. *AND*

IV. AND as there were more Lots in the said Town reserved for Public Uses than is necessary for that Purpose, *Be it therefore Enacted by the Authority aforesaid*, That the said Commissioners for the said Town, or a Majority of them, are hereby authorized, required and impowered, within Eight Months after the passing of this Act, to sell and dispose of at public Sale all such Lots, excepting Two for the Use of the Court-House and Prison, for the most they can get for the same, and make Deeds of Sale for the said Lots to the Purchasers, their Heirs and Assigns, and to dispose of the Money so arising from such Sale in paying the Costs of laying out and erecting the said Town, and such other necessary Uses for the Benefit of the said Town as they, or a Majority of them, shall think proper.

A. D. 1778.  
Lots to be sold.

## C H A P. XXI.

*An Act for building a Court-House in the Town of Hillsborough, for the District of Hillsborough.*

I. **W**HEREAS the Court-House in the Town of *Hillsborough*, in the County of *Orange*, is greatly decayed, and in so ruinous a Condition, that Courts cannot with any Degree of Convenience be held therein;

Preamble.

II. *BE it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted Authority of the same*, That *John Williams (of Granville)*, *Theophilus Hunter*, *Ambrose Ramsay*, *William Courtney*, *Nathaniel Rochester*, and *James Sawyers*, Esquires, be, and they are hereby appointed Commissioners, and they, or a Majority of them, shall and may, and they are hereby required, within Twelve Months after the passing of this Act, to agree and contract with Workmen for building and erecting a new Court-House in the Town of *Hillsborough*, on the Lot of Ground whereon the Court-House now stands.

Commissioners for building a Court House.

III. *AND be it further Enacted, by the Authority aforesaid*, That Eight Pence per Hundred Pounds be levied on the taxable Property in the County of *Orange*, and Eight Pence on all taxable Persons in said County who are not possessed of Property of One Hundred Pounds Value, and Four Pence per Hundred Pounds be levied on all the taxable Property in the Counties of *Granville*, *Wake*, *Chatham*, and *Caswell*, and Four Pence on all the taxable Persons in the Four last mentioned Counties, who are not possessed of Property of One Hundred Pounds Value, for Three Years, that is to say, the Year One Thousand Seven Hundred and Seventy Nine, One Thousand Seven Hundred and Eighty, and One Thousand Seven Hundred and Eighty One, to be collected in the same Manner, and at the same Time, as the Taxes directed to be collected by *An Act for levying a Tax by Assessment, and other Purposes*, which Tax so collected shall be paid by the Collector of each County to the Commissioner for their respective County, on or before the First Day of *February* in each Year aforesaid; and the said Commissioners, or a Majority of them, are hereby impowered to apply the Money arising by Virtue of this Act to the Purposes herein intended.

Tax laid.

IV. *AND be it further Enacted by the Authority aforesaid*, That each Collector, before entering upon the Execution of his Office, shall enter into Bond, with approved Security, to the Commissioner of his respective County, for the faithful collecting and paying of the Tax aforesaid.

Collector to give Bond.

V. *AND be it further Enacted, by the Authority aforesaid*, That the Commissioner shall enter into Bond, with approved Security, to the Chairman of their respective County Courts for the Time being, for the faithful applying and accounting for all such Sum or Sums of Money which they may receive in and by Virtue of this Act.

Commissioners to give Bond.

VI. *AND be it further Enacted by the Authority aforesaid*, That in Case the Money arising by this Act should be more than sufficient to compleat the Building aforesaid, then the Surplus shall be refunded to the County Courts of the different Counties, in Proportion to their several Quotas.

Surplus appropriated.

## C H A P. XXII.

*An Act to amend an Act, intituled, 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. **W**HEREAS the Commissioners for the County of *Wilkes* in the above Act were not impowered to build the Court-House, Prison and Stocks, in any Part of the County where they might think most convenient and proper: For Remedy whereof,

Preamble.

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 *George Morris*, *John Parks*, *George Gordon*, *John Witherspoon*, *John Boston*, *Francis Heartgrave*, and *Rowland Judd*, be, and they are hereby appointed Commissioners for said County of *Wilkes*; and they, or a Majority of them, are hereby invested with full Power and Authority, to agree and contract with Workmen to build a Court-House, Prison and Stocks, in any Part of the County where they may think the most proper and convenient.

Commissioners appointed.

CHAP.

A. D. 1778.

## C H A P. XXIII.

*An Act to amend an Act, intituled, An Act for establishing a Town in Mecklenburg County, passed in the Year One Thousand Seven Hundred and Sixty Eight.*

Preamble.

I. **W**HEREAS the Commissioners for said Town, which is called by the Name of *Charlotte*, were only impowered by the recited Act to lay out One Hundred Acres into a Town, and such Lots so laid out being all sold, and most of them well improved by good Buildings, and being well situated for inland Trade, and the Situation being pleasant and healthy, has induced our Legislature to establish an Academy in said Town, by the Name of *Liberty Hall*; and many Persons being induced thereby to settle in the said Town; for the more convenient Education of their Children, it therefore becomes necessary to enlarge the said Town, and there still remains in the Hands of said Commissioners Two Hundred and Sixty Acres belonging to said Town: Therefore,

Lots to be laid out.

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 passing of this Act, it shall and may be lawful for the Commissioners of said Town to lay out Eighty Lots more, to be laid out as the Commissioners, or a Majority of them, shall think most convenient, and in the same Manner, and under the Direction of the Act above recited.

Monies to be paid Trustees.

III. **A**ND be it further Enacted by the Authority aforesaid, That said Commissioners shall for ever hereafter account with and pay into the Hands of the Trustees of said *Liberty Hall*, all the Monies that shall arise from the Sale and Rents of said Lots, once in every Year, to be applied to the Use of *Liberty Hall*, in said Town.

Pen. for Neglect.

IV. **A**ND be it further Enacted, by the Authority aforesaid, That in Case said Commissioners, or any of them, should refuse to account for and pay all Money as by this Act directed, he or they so offending shall forfeit and pay the Sum of Five Hundred Pounds, to be recovered by Action of Debt; in any Court having Cognizance thereof, the one Half to be applied to the Use of *Liberty Hall*, and the other Half to the Person suing for the same; any Law, Usage or Custom, to the contrary notwithstanding.

## C H A P. XXIV.

*An Act to impower the Justices of Duplin County to take into their Possession the Records of said County, now in the Possession of James Sampson.*

Preamble.

I. **W**HEREAS it is represented by the Justices of *Duplin County*, that *James Sampson*, heretofore Clerk of the same County, upon the Appointment of *William Dickson* to that Office, refused to deliver up to the said Court the Records and other Papers belonging to the County; that among the said Records are many Wills, Inventories, and Settlements of Estates, which contain the only Evidence of the Property of great Numbers of Persons, particularly of Orphans; and that on the Dockets are many Suits yet undetermined, and many Judgments which remain unsatisfied, to the great Injury of the Inhabitants of the said County, and others: In order therefore that the Records may be restored to the proper Office, that the injured may be redressed, and the obstinate and wilful brought to a Sense of their Duty, and a proper Respect for the Laws;

Justices to take the Records.

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 the Justices of the said County be appointed, and they, or any Three or more of them, are hereby authorized and impowered to demand and receive of and from the said *James Sampson*, and of and from every other Person or Persons who are or may be in Possession of the same, the Records and other Papers of the said County; and upon Refusal or Neglect to deliver the same, then the said Justices, or any Three or more of them, shall and may issue their Warrant, directed to the Sheriff and other Officers of the same County, commanding him the said Sheriff or other Officers to take with him such Force as he may think necessary, and to apprehend the said *James Sampson*, and such other Person or Persons as may have the said Records, or any of them, in Possession, and him or them commit to the common Gaol of the said County until the Records shall be produced and delivered up; and also impowering the Sheriff, and other Officers of the said County, to make diligent Search in all suspected Places within the same County for the said Records and Papers, and for that Purpose to break open Doors and Locks where they are suspected to be concealed.

Fees to be paid.

III. **A**ND be it further Enacted, by the Authority aforesaid, That all Fees and Sums of Money which may hereafter be paid into the Court of *Duplin County*, upon any Suit depending, or Judgment not satisfied, on the Docket, detained by the said *James Sampson*, as well such Fees and Monies which are due to the said *James Sampson* as to others, shall be paid by the Clerk of the Court for the Time being to the Person or Persons to whom the same shall appear to be due.

## C H A P. XXV.

*An Act for building a Court-House in Elizabeth Town, in the County of Bladen.*

Preamble.

I. **W**HEREAS the Commissioners heretofore by an Act of Assembly appointed for building a Court-House, and other Public Buildings, in *Elizabeth Town*, in the County of *Bladen*, have failed to discharge the Trust reposed in them;

II. **B**E

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 William Salter, Abraham Burns, and James Clardy, be, and are hereby appointed Commissioners for the Purpose aforesaid, and that they, or a Majority of them, are hereby authorized and empowered to agree and contract with Workmen for building a Court-House for the Use of the said County, on a Lot in Elizabeth Town laid off for that Purpose: And if any of the Commissioners appointed by this Act should die, remove out of the County, or refuse to act, the remaining Commissioners shall appoint another Commissioner or Commissioners, in the Room and Stead of such Commissioner or Commissioners so dying, removing, or refusing to act; and the Commissioners so appointed, shall have the same Powers as the Commissioners appointed by this Act.*

A. D. 1778  
Commissioners appointed.

III. *AND be it further Enacted, by the Authority aforesaid, That the said Commissioners herein named, or a Majority of them, shall have full Power and Authority to demand, sue for, recover and receive, of and from the late Sheriffs and Commissioners of said County, or any other Person in whose Hands the same may be, all and every Sum or Sums which have been laid as a Tax or Taxes on the Inhabitants for the Purpose aforesaid, and other Public Buildings, for which the Sheriff, or other Persons, or any of them, are liable; and in case of Failure or Neglect in paying the said Money to the Commissioners herein named, by the said Sheriff or other Persons, or any of them, he or they so failing or neglecting, shall be liable to the same Penalties, and the same Mode of Recovery may be had against him or them, as by Law should or might have been had against Sheriffs who neglect or refuse to account for and pay Public Taxes.*

To receive all Taxes formerly laid.

IV. *AND whereas the Tax heretofore laid for the Purpose aforesaid will be insufficient to answer the Purpose intended thereby, It is therefore further Enacted, That the Court of said County are empowered to levy by Assessment a Sum, not exceeding Three Hundred Pounds, on all taxable Property therein; to be assessed, collected, and accounted for, in the same Manner as Public Taxes.*

Tax laid.

C H A P. XXVI.

*An Act for regulating Campbelton, and erecting Public Buildings.*

I. *WHEREAS from the great Increase of the Trade of the Village of Cross Creek, within the Liberties of Campbelton, the Measures formerly by Law established for the Regulation of said Town are not found conducive in its present Situation to the Convenience of its Inhabitants: In order to prevent an easy and beneficial Intercourse with the back Settlement of this State, and to expedite the Distribution of Public Justice in the Courts of the County of Cumberland;*

Preamble.

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 this Session of Assembly, the Village of Cross Creek, and Town of Campbelton, shall be united into one Town, under the Name of Campbelton, and shall hereafter have, hold, possess and enjoy, all Rights, Powers, Privileges and Immunities, which the Village of Cross Creek, and Town of Campbelton, separately, or both collectively, do now, or may at any Time hereafter, have, hold, possess and enjoy.*

Campbelton erected.

III. *AND be it further Enacted by the Authority aforesaid, That Peter Mallett, Robert Cochran, Lewis Barge, David Sutherland, James Patterson, George Fischer, and Robert Rowan, be, and they are hereby appointed Commissioners to lay out and regulate the said Town, and to make such Streets, Ways and Allies, as to them shall seem most suitable for Persons passing to and from different Parts of the said Town, and convenient for Waggon and other Carriages driving in the said Town, and Liberties thereof.*

Commissioners appointed.

IV. *AND be it further Enacted, by the Authority aforesaid, That the said Commissioners, after having laid out the said Town in Manner as they are heretofore empowered, shall view and value on Oath all Houses, Tenements and Improvements, which shall interfere, or be in the Way of the Streets laid out as aforesaid, and may remove, or cause the same to be removed; and the Damage which shall from thence accrue to the Owners of such Houses, Tenements or Improvements, shall be paid to the Owners thereof by a Tax, to be imposed on the Inhabitants of the said Town in Manner herein after directed.*

To remove Houses in the Way of Streets

V. *AND whereas there are several Lots which were laid out in the original Plan of Cross Creek which have not yet been purchased of the original Proprietors, and others which have been purchased, but not improved, or the Improvements hitherto made of inconsiderable Value; and as it may be for the Advantage of the said Town that the Streets should be run through such Lots, or Lands adjoining such Lots: Be it therefore Enacted by the Authority aforesaid, That the said Commissioners, or the Majority of them, shall cause a Valuation to be made of all the Lots or Lands through which it may be most proper to run the said Streets, or of so much of them as may be thereby injured, and the Proprietors thereof shall be accordingly by a Tax, to be imposed by the said Commissioners upon the Inhabitants and Owners of Houses or Lots in the said Town, not exceeding the Sum of Five Shillings in each Year, for every Hundred Pounds such Inhabitant or Owner of Houses or Lots shall be assessed for their Property in that Part of the Town called Cross Creek, and Five Shillings on all taxable Persons, Inhabitants of the said Town, who are not possessed of Property of One Hundred Pounds value; to be levied, collected, and accounted for, in the same Manner as the Taxes directed to be collected for levying a Tax by Equal Assessment, and other Purposes; which said Tax so collected shall be paid into the Hands of the Commissioners, or a Majority of them, and by them shall be applied to the Purpose before mentioned.*

Lots to be valued.

VI. *AND be it further Enacted by the Authority aforesaid, That the said Valuation shall be by Six Freeholders, Two of whom shall be of the said Commissioners, the other Three shall be nominated by the Person or Persons of the Lot or Land which is the Subject of Valuation. Provided always, That the*

Valuation how made.

*A. D. 1778.* Persons so nominated by the Proprietors shall be Freeholders and Inhabitants of the Town, or within Four Miles thereof.

Inhabitants to work on the Streets.

VIII. *AND be it further Enacted by the Authority aforesaid,* That the Inhabitants of said Town shall be exempt from working upon the Public Roads, but shall work upon the Streets of said Town, under the Direction of the Commissioners, Two Days in every Month, if so much shall be required, and no more; and such Persons shall be compellable to work, as would have been obliged to have worked on the Public Roads, had this Law never have been made, and shall be subject to the same Penalties, and to be recovered in the same Manner, in case of Failure.

Court-House, &c. to be built

IX. *AND whereas a Court-House, Gaol, Pillory and Stocks, are much wanting in the County of Cumberland, and as the upper Part of the Town of Campbellton, formerly called Cross Creek, will be the most proper Situation for them; Be it therefore Enacted by the Authority aforesaid,* That a Court House, Gaol, Pillory and Stocks, shall be built in that Part of the Town formerly called Cross Creek, and that from and after the passing of this Act, Peter Mallett, Robert Cochran, David Smith, Walter Murray, and John Matthews, shall and are hereby appointed and constituted Commissioners, to design, contract for, and cause to be built and finished, a sufficient Court-House, Gaol, Pillory and Stocks, of such Dimensions and Materials as to them, or the Majority of them, shall seem convenient, sufficient and proper, and to receive as Donations from well disposed Persons to purchase such Lot or Lots as shall to them, or the Majority of them, seem best suited for erecting the said Buildings upon, and to take such Deeds and Conveyances in Law or Equity, as shall be sufficient to invest a Fee Simple in the said Trustees for the Purposes aforesaid; and such Estate so invested in them, shall be held and deemed for the Use of said County, for erecting said Public Buildings upon, and no other Purpose whatsoever.

Tax laid.

X. *AND be it further Enacted by the Authority aforesaid,* That Six Pence per Hundred Pounds be levied on the taxable Property in the County of Cumberland, and Six Pence on all the taxable Persons in said County who are not possessed of One Hundred Pounds Value, for Three Years, that is to say, the Year One Thousand Seven Hundred and Seventy Eight, the Year One Thousand Seven Hundred and Seventy Nine, and the Year One Thousand Seven Hundred and Eighty; to be levied, collected, and accounted for, in the same Manner, and at the same Times, as the Taxes directed to be collected by an Act for levying a Tax by general Assessment, and other Purposes; which Tax so collected shall be paid to the Commissioners, or the Majority of them, and by them shall be applied to defray the Expence of building said Court-House, Gaol, Pillory and Stocks.

Commissioners to give Bond.

XI. *AND be it further Enacted, by the Authority aforesaid,* That the Collector and Treasurer of said County for the Time being shall, before he or they collect or receive any Part of the Tax herein laid, enter into Bond, with Two sufficient Securities, for the faithful Collection and Payment of the aforesaid Tax.

Surplus appropriated.

XII. *AND be it further Enacted by the Authority aforesaid,* That in case the Money arising by this Act should be more than sufficient to complete the Buildings aforesaid, then the Surplus shall be refunded to the Court of said County.

Trustees immediately to proceed.

XIII. *AND be it further Enacted, by the Authority aforesaid,* That the Trustees in this Act named shall proceed immediately to the discharge of the Trust by this Act reposed in them, and that cause the said Buildings to be finished within Twelve Months at furthest; and upon the said Buildings being finished and paid for, they shall render upon Oath an Account of all Monies by them received upon Account of this Act, and the Sums paid by them on Account of the said Buildings, before the Court of Cumberland County for their Approbation; and whatever shall then remain in their Hands of the said Monies, shall be applied to lessening the County Tax.

Court to be held.

XIV. *AND be it further Enacted, by the Authority aforesaid,* That from and after the passing of this Act, it shall and may be lawful for the Justices of Cumberland County to hold Court in any convenient House in the said Town of Campbellton, until the aforesaid Buildings are finished; any Law, Custom or Usage, to the contrary, notwithstanding.

Court House Lot to be sold.

XV. *AND be it further Enacted, by the Authority aforesaid,* That the Trustees in this Act named, or the Majority of them, be, and are hereby empowered to expose to Sale, first giving Twenty Days Notice, the Lot whereon the Court-House now stands, and also the Lot whereon the Gaol formerly stood, and the Money arising by such Sale to be applied towards building the Court-House.

Trustees to give Titles to Lots.

XVI. *AND whereas the Owners of Lots in that Part of the Town of Campbellton laid out by Act of Assembly in the Year One Thousand Seven Hundred and Sixty Two, have never yet got Titles for the said Lots, owing to the Neglect of the Commissioners formerly appointed for that Purpose; Be it therefore Enacted by the Authority aforesaid,* That the Trustees in this Act named, or the Majority of them, are hereby empowered to grant, give and acknowledge, to the Person or Persons owning the same, and his Heirs and Assigns, for ever, in Fee Simple, *Provided always,* That if any Lot or Lots shall be granted by the said Commissioners to any Person or Persons whatsoever, who shall not within Five Years build a good, substantial, habitable framed House, not of less Dimensions than Twenty Feet in length, and sixteen Feet wide, exclusive of Sheds, or make such Preparation for building as the Commissioners, or the Majority of them, shall on View think reasonable, such Grant or Conveyance shall be void, and it is hereby declared void and of none Effect, as if the same had never been made; and the Commissioners may grant and convey such Lot or Lots, which shall not be built on within the Time, and in the Manner herein before directed, to any other Person or Persons applying for the same, and paying Three Pounds for the Use of the original Proprietor.

No Hogs to run at large.

XVII. *AND be it further Enacted by the Authority aforesaid,* That no Hog or Hogs be permitted to run at large in the said Town, but that such Hog or Hogs found running at large at the Expiration of Three Months after the passing of this Act, may be destroyed by any Person who will undertake to do the same, and not be subject to any Prosecution at Law whatever, any Law or Custom to the contrary notwithstanding.

Read Three Times, and ratified in General Assembly, the Second Day of May, Anno Domini 1778.

SIGNED by

WHITMILL HILL S.  
THOMAS BENBOW S. C.