

A. D. 1778



ACTS
OF
ASSEMBLY
OF THE STATE OF
NORTH CAROLINA.

STATE of NORTH CAROLINA.
At a GENERAL ASSEMBLY, begun and held at Hillsborough on the the 8th Day of August, in the Year of our Lord 1778, and in the Third Year of the Independence of the said State: Being the Second Session of this Assembly.

RICHARD CASWELL, Esq; Governour.

CHAP. I.

An Act for emitting Eight Hundred and Fifty Thousand Pounds in Bills of Credit, for discharging the Debts incurred by this State in raising Men to reinforce the Battalions belonging to this State in the Continental Army, for calling in all former Emissions, and other Purposes.

I. WHEREAS this State has incurred Debts by raising Men to reinforce the Battalions thereto belonging in the Army of the United States, upon the particular Requisition of Congress, for the payment of which Debts the Public Faith stands pledged, and the Time for receiving the Taxes into the Treasury is too remote, and the Quantity thereof not yet ascertained; and whereas many evil disposed Persons have counterfeited great Part of the Bills of Credit now current in this State; in such a Manner as to be with great Difficulty distinguishable, and there is therefore great Danger of Injury to Individuals, and of Depreciation to the current Medium. And whereas also, the Disaffected in this State have endeavoured to depreciate the Bills of Credit emitted by the Authority of the Continental Congress, and the Congresses held in this State previous to our Constitution, by forming Comparisons much to the Prejudice of the said Bills of Credit, with the Bills of Credit emitted by Authority of the British Government: wherefore it is expedient to emit a Sum of Money in Bills of Credit, sufficient to discharge the said Debts, and call in all the Bills of Credit of former Emissions.

Preamble,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That Eight Hundred and Fifty Thousand Pounds be emitted on the Faith and Credit of this State, in Bills of the following Denominations, that is to say, Two Thousand Five Hundred of One Hundred Dollars, Five Thousand Bills of Fifty Dollars, Three Thousand One Hundred and Twenty Five of Forty Dollars, Ten Thousand of Twenty Five Dollars, Twelve Thousand Five Hundred of Twenty Dollars, Fifty Thousand of Ten Dollars, Fifty Thousand of Five Dollars, Twelve Thousand Five Hundred of Four Dollars, Twenty Five Thousand of Two Dollars, Fifty Thousand of One Dollar, One Hundred Thousand of Half a Dollar, One Hundred Thousand of One Fourth of a Dollar, One Hundred Thousand of One Eighth of a Dollar, and Two Hundred Thousand of One Sixteenth of a Dollar; that the same be printed in a printing Press, and that Henry Rhodes, Henry Horn, Jan. Nathan Bryan, Jeremiah Frazier, James Saunders and George Alexander, be Commissioners to superintend and number the same; that James Kenan, John Lillington, James Williams, Thomas Satterwhite, Jesse Cobb, Benjamin Exum, William Sharp, James Kerr, Orsonates Davis, Benjamin Hawkins, Thomas Harvy and Jeph Jones, be Commissioners to receive the same when printed and numbered, to sign the same, and pay it into the Hands of the public Treasurers.

Sum emitted,

III. AND be it further Enacted by the Authority aforesaid, That the general Form of the Bills hereby emitted shall be as follows; to wit, " State of North Carolina. This Bill entitles the Bearer to receive Spanish milled Dollars, or the Value thereof in Gold or Silver, agreeable to an

Form of the Bills.

A. D. 1778. "Act of Assembly passed at Hillsborough the Eighth Day of August, 1778." And such Bill shall be impressed and printed both in the Face and Reverse thereof, on the Edges as well as the Body thereof, with divers Letters, Marks, Devices, and Words which may be difficult of Imitation, and which in the Opinion of the said Superintendants of the Press, may most effectually secure the same from Attempts to counterfeit.

Value of the Money. IV. *AND be it also Enacted by the Authority aforesaid,* That every Dollar of the Emission aforesaid, shall be held and deemed equal to Eight Shillings proclamation Money, and shall pass current at the same, and be a lawful Tender in all Payments and Contracts within this State, any Law, Custom or Usage, to the contrary notwithstanding.

Superintendants deliver it to the Signers. V. *AND be it also Enacted by the Authority aforesaid,* That the Superintendants shall, to each Set of Signers, deliver a Sum, not exceeding Ten Thousand Pounds at One Time, taking a Receipt for the Numbers from the lowest to the highest inclusive, and shall deliver no more to the same Set of Signers until a Receipt shall be produced from some One of the public Treasurers for the same Number duly signed.

To take an Oath. VI. *AND be it also Enacted by the Authority aforesaid,* That every Commissioner appointed by this Act to superintend and number, and to sign and pay the said Bills of Credit to the public Treasurers, shall take an Oath well and truly to execute the Duties and discharge the Trusts by this Act required; and each and every Commissioner shall enter into Bond to the Governor, with sufficient Security, to be by him approved, in the Sum of Twenty Thousand Pounds for the due Performance of the Duties and Trusts by this Act required.

Their Allowance. VII. *AND be it further Enacted by the Authority aforesaid,* That each and every Commissioner for superintending and numbering the said Bills of Credit, shall have and receive Three Hundred Pounds, and the Commissioners for signing and paying the same to the public Treasurers, shall have and receive Four Dollars for every Thousand Bills which they shall respectively sign, over and above the Expense of Paper and Printing. And that none of the Bills, by this Act to be emitted, shall be signed by more than Two of the Commissioners, and all Bills of the Denomination of Two Dollars and under, shall be signed by One of the Commissioners only.

To purchase Paper, &c. VIII. *AND be it also Enacted by the Authority aforesaid,* That the Commissioners for superintending and numbering the said Bills of Credit, shall be empowered to purchase Paper and Materials, and to employ a Printer to print the said Bills, and may draw on the public Treasurers, or either of them, for the Monies necessary for the same, and their Draughts shall be admitted as Vouchers in the Settlements of the said Treasurers public Accounts.

Treasurers to attend. IX. *AND be it further Enacted by the Authority aforesaid,* That the Treasurers shall attend at the Superior Courts in their respective Districts to receive the Money to be redeemed by the new Emission, and for this Service, and for receiving the new Emission from the Commissioners and paying it out again, shall have and receive Five Hundred Pounds each, over and above the Salary by Law established: And the said Treasurers, respectively, shall enter into Bond, with sufficient Security, to be approved of by his Excellency the Governor, in the Sum of Four Hundred and Twenty Five Thousand Pounds for the faithful Discharge of the Duties by this Act required.

Com. when to meet. X. *AND be it further Enacted by the Authority aforesaid,* That the Commissioners herein before appointed for superintending the Press and signing the Money, shall meet at *Kingston* on the Tenth Day of September next, to consult and agree on Measures for procuring Paper, and carrying this Act into Execution; and that the said Commissioners shall begin to print and sign the said Bills of Credit, to be by this Act emitted, on or before the First Day of October next.

Money exchanged. XI. *AND be it also Enacted by the Authority aforesaid,* That the public Treasurers, or either of them, shall receive all Bills of Credit emitted by Authority of the Governor, Council and Assembly, of North Carolina, previous to the Establishment of our present Constitution, which shall be brought to them, or either of them, before the First Day of February, in the Year One Thousand Seven Hundred and Seventy Nine, and all the Bills of Credit emitted by Authority of the Congresses of North Carolina, which shall be brought to them, or either of them, before the First Day of May, in the same Year, and shall deliver in Exchange for all such Monies to the Persons producing the same, Money of the Emission directed by this Act, to the Amount of the Sums by each respectively produced; and that from and after the said First Day of February, no Bill or Bills of Credit, emitted by Authority of the Governor, Council and Assembly of North Carolina, shall be current within this State, nor be held redeemable, or at any Time chargeable to, or upon the public Credit thereof, and that from and after the said First Day of May, no Bill or Bills of Credit emitted by Authority of the Congresses of North Carolina, shall be current within this State, or be held redeemable; any Resolution, Law, Custom or Usage to the contrary notwithstanding.

Penalty for counterfeiting XII. *AND be it also Enacted by the Authority aforesaid,* That whosoever shall by Printing, Writing, Engraving, or by any other Ways or Means, counterfeit, or attempt to counterfeit any of the said Bills of Credit by this Act directed to be emitted, or any Part, Word, Letter, Name, Emblem or Device, of the same, or shall make or construct any Die, Press, Type or other Instrument, or shall have in Possession any Die, Press, Type or other Instrument, for imitating or counterfeiting any of the said Bills, or any Part, Word, Letter, Name, Emblem or Device thereof, except by Authority of Law, or in Cases where such may be seized in Order to bring suspected Persons to Justice, or shall alter or deface any of the said Bills with Intention to change the Value or Denomination thereof, or shall knowingly pass or utter any counterfeit Likeness of any of the said Bills, being thereof lawfully convicted, by Confession or Verdict, or on Arraignment or Trial, shall stand mute, or challenge peremptorily more than Thirty Five Jurymen, every such Person shall receive Judgment of Death, without Benefit of Clergy, and shall suffer as in Case of Felony.

Proof necessary. XIII. *AND be it also Enacted by the Authority aforesaid,* That where it shall appear by due Proof, to the Satisfaction of a Jury, that any Person has printed, written, stamped, or by any Ways or Means, made

made any Bill or Bills in the Likeness of any of the Bills of Credit by this Act emitted, or any Part of the same, although such Bill or Bills cannot be produced in Evidence, it shall be held and deemed sufficient Testimony to convict such Person of counterfeiting under this Act; any Law, Custom or Usage, to the contrary notwithstanding.

A. D. 1778.

XIV. AND be it also Enacted by the Authority aforesaid, That Six Hundred and Thirty Thousand Pounds of the Bills by this Act emitted shall be appropriated solely to the Redemption of the Bills of Credit by this Act directed to be redeemed, and it shall not be lawful to appropriate any Part of the said Sum to any other Use or Purpose whatever.

Sum appropriated.

XV. AND be it also Enacted by the Authority aforesaid, That if any Commissioner appointed by this Act to sign the said Bills of Credit, or to superintend and number the same, shall die, refuse to act, resign, remove, or become disabled or disqualified, it shall be lawful for the Governor to appoint One in his Stead, and such Commissioner shall give Bond and be subject to the same Rules and Restrictions as Commissioners appointed by this Act.

Com. kept up.

XVI. AND be it further Enacted, That in Case the Treasury should not be supplied in due Time to exchange the circulating Currency of this State by this Act called in, it shall be lawful, and the Treasurers and others by this Act appointed for exchanging the same, are hereby required to receive all such Sums and grant Certificates therefor, to be redeemed as soon as the Money by this Act directed to be emitted shall come into the public Treasury.

Certificates may be granted.

XVII. AND be it further Enacted by the Authority aforesaid, That previous to the Superintendants entering upon the Business of printing the Bills of Credit by this Act directed to be emitted, they shall take an Oath to breake and destroy the Types in such Manner as to prevent any Frauds or Impositions.

Types destroyed.

XVIII. AND be it Enacted by the Authority aforesaid, That the public Treasurers of this State, or either of them, shall, and they are hereby directed to attend at the Place where the aforesaid Money shall be struck to receive the same from the Signers.

Treasurers to attend.

C H H P. II.

An Act to make Provision for the Recovery of Debts due to the United States, or any of them.

I. WHEREAS it is expedient that Provision be made for compelling all such Individuals as have received Money on Account of the United States, or any of them, to account and pay all Balances due.

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 it shall and may by lawful to commence and prosecute any Action or Actions, Suit or Suits, for any Debt, Duty or Demand, in the Name of the United States, or any of them, in any Court of Law or Equity, or before any Judge or Justice within this State, where the Value of such Debt, Duty or Demand, may be cognizable; and every such Action or Suit shall be subject to such Rules and Regulations, as Actions and Suits of like Nature, commenced or prosecuted by any Citizen of this State. Provided, That Costs shall be recoverable against the Agent, Factor or Attorney, who shall commence the Action or Suit, when Judgment shall be given against the United States, or any of them.

Actions in the Name of the State prosecuted.

III. And be it also Enacted, by the Authority aforesaid, That in any Action or Suit, in the Name of the United States, where it shall be made appear to the Court that a Declaration has been served on the Defendant or Defendants, with Notice to prepare for Trial at the next ensuing Term, at least Five Days before the said Term, Issue shall be joined, and the Action or Suit shall be tried the First Term, except in Cases where the Court shall grant longer Time.

Issue joined.

C H A P. III.

An Act to amend an Act, passed in the last Session of this present Assembly, intituled, An Act to alter the Terms for holding the several Superior Courts of Law, and for better arranging the County Courts within this State.

I. WHEREAS by the said Act, no Provision is made for transferring the several Causes on the Dockets of the several Superior Courts, and the County Courts in the said Act mentioned, or for making Process returnable to the Terms as they formerly stood, returnable to the Terms as established by the said Act, whereby a Discontinuation of all Suits and Process in the said Courts must happen, unless prevented by this Assembly, to the great Damage of Suitors in the said Courts, and to the Delay of Justice.

Preamble.

II. BE it therefore Enacted, by the General Assembly of North Carolina, and it is hereby Enacted by the Authority of the same, That every Suit, Indictment, Recognizance and Process, which was depending in the said several Superior Courts, and in the County Courts in the said Act mentioned, before the Time of passing the same, and which hath not been abated, determined or discontinued, in due Course of Law, be, and is hereby declared to be transferred to the several Superior Courts, and the County Court aforesaid, as established by the said Act, and the Judges and Justices, in the said Courts respectively, shall have Jurisdiction, and take Cognizance thereof, in the same Manner as if the Terms had not been altered. And all Process, Recognizances, and other Proceedings, returnable to any certain Day or Days, in the Terms of the said several Superior Courts, and County Court, as they stood before the passing of the Act aforesaid, shall be returned to the same Days of the Terms as established by the said Act.

Cause transferred.

A. D. 1778.

CHAP. IV.

An Act to repeal Part of an Act, intituled, An Act allowing Salaries to the Governor, Secretary, Delegates, Treasurers, Members of the Council of State, and other Purposes.

Preamble.

I. WHEREAS it has been found expedient to encrease the Number of the the Delegates from this State in the Continental Congress, and to vary the Duties enjoined them, whereby the Salaries undergo a material Alteration, and Provision has been made accordingly.

Act repealed.

II. BE it therefore Enacted, by the General Assembly of the State of North Carolina, and by the Authority of the same, That an Act, intituled, An Act allowing Salaries to the Governor, Secretary, Delegates, Treasurers, Members of the Council of State, and other Purposes, so far as it relates to the Salaries of Delegates and their Appointments in Office be, and it is hereby repealed and made void.

CHAP. V.

An Act to prevent Trading with the Cherokee Indians, without Licence first had and obtained; and also to prevent Trespasses upon the Indian hunting Grounds.

Preamble.

I. WHEREAS divers avaricious and ill disposed Persons, have by Frauds in Traffick, or by Trespassing upon the hunting Grounds of the Cherokee Indians, and divers other Abuses, excited their Jealousies and Suspicions, which if not seasonably quieted, and such Abuses in Future prevented, may involve this, and other of the United States, in a bloody and expensive Indian War.

Penalty for trading with the Indians.

II. BE it therefore Enacted, by the Assembly of this State, and by the Authority of the same, That no Person or Inhabitant of this State, shall Trade, Traffick or Barter, with the Cherokee Indians within the Indian Country, unless he shall first obtain a Licence for so doing from the Judges of the Superior Courts; and if any Person shall Trade, Traffick or Barter, contrary to the true Spirit and Intention of this Act, such Person or Persons so offending, shall, upon Conviction thereof, duly had and obtained in the Superior Court of the District nearest the Place where such Offence shall have been committed, forfeit and pay the Sum of Five Hundred Pounds current Money of this State, One Half thereof to the Use of the Informer, the other to the Governor of this State, to be applied to defray the contingent Charges of Government, to be recovered by Action of Debt, Bill, Plaint or Indictment, wherein no Essoign, Excuse or Plea in Abatement shall be admitted to the Jurisdiction of the said Court, nor shall Process be discontinued for or by Reason of any Ommissions or Errors not substantially material; and in Case such Offender or Offenders shall not within Twenty Four Hours after Conviction, pay into the Hands of the Sheriff of the County in which such District Court shall be held, the said Sum of Five Hundred Pounds, and all Costs arising upon such Prosecution, he shall stand in the Pillory Two Hours, and receive Thirty Nine Lashes upon his bare Back, and shall stand committed to the Goal of the District until such Sums shall be compleatly discharged and paid.

For trespassing on their Grounds.

III. And be it further Enacted, by the Authority aforesaid, That if any Person shall hereafter be guilty of Trespassing upon the Indian hunting Grounds, knowing them to be such, he shall suffer the same Penalties, Fines and Forfeitures, to be prosecuted, sued for and recovered, and inflicted, as are by this Act heretofore directed, with Respect to Persons trafficking with the Cherokee Indians, and under the same Rules, Regulations, Latitude and Restrictions, prescribed to be had against the Offenders specified in this Act heretofore, and all Fines and Forfeitures shall be applied in Manner as before directed.

ALLEN JONES, S. S.
THOMAS BENBURY, S. C.

An Act to prevent Hunting with a Gun by Fire Light, in the Night.

I. WHEREAS many Persons under Pretence of Hunting for Deer in the Night, by Fire Light, kill Horses and Cattle, to the Prejudice of the Owners thereof.

II. BE it therefore Enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That if any Person or Persons shall be discovered Hunting in the Woods with a Gun, in the Night Time by Fire Light, such Person or Persons so offending, shall upon due Conviction thereof, by the Proof of One credible Witness, before any Justice of the Peace in the County where the Offence was committed, be compelled to go into the Service of the United States, and there serve as a Continental Soldier, for the Space of Three Years, subject to the same Rules, Regulations and Restrictions, as are prescribed by the Continental Congress, for the Government of the Army; and shall be turned over to the Army in the same Manner as is directed by an Act passed this Session, for the Encouragement of the Recruiting Service.

III. PROVIDED nevertheless, That in Case the said Offender shall immediately procure One able-Bodied and effective Man, to serve in the Continental Army, for the aforesaid Term of Three Years, then the said convicted Person shall be excused, and stand acquitted of the Judgment passed upon him.

IV. AND be it further Enacted, by the Authority aforesaid, That if any Slave or Slaves shall be discovered Hunting in the Manner herein before mentioned, such Slave or Slaves shall, upon due Conviction thereof, before any Justice of the Peace for the County in which the Offence was committed, by the Oath of a credible Witness, be sentenced to receive Thirty Nine Lashes on his bare Back; and the Gun or Guns found in the Possession of any Slave so Hunting in the Night as aforesaid, shall be forfeited to, and become the Property of the Person or Persons that shall discover and prosecute any Slave or Slaves in Manner as aforesaid: And the Owner of the Slave so convicted, shall be fined in the Sum of Five Pounds, to be recovered by Warrant before any Justice of the Peace for the County in which the Offence was committed; to be applied towards defraying the contingent Charges of the said County.

V. AND be it further Enacted, by the Authority aforesaid, That this Act shall be and continue for the Term of Five Months, and from thence to the End of the next Session of Assembly, and no longer.